

RÉSUMÉ DIGEST

ACT 206 (SB 112)

2021 Regular Session

Henry

Prior law provided relative to the Louisiana Towing and Storage Act.

Prior law required certain persons to be notified when a vehicle is stored pursuant to the Louisiana Towing and Storage Act.

Prior law provided that when a vehicle is stored by the owner of a towing, storage, or parking facility, the owner of the facility shall send notice by certificate of mailing to the owner of the vehicle at the owner's last known address and to the holder of any lien on the vehicle.

New law retains prior law.

Prior law required that, after 45 days from the original or adjusted date of storage, a final notice be sent to inform the owner and holder of any lien on the stored vehicle that unless all outstanding charges are paid and the vehicle is claimed or arrangements are made for continued storage, the owner of the storage or parking facility may apply for a permit to sell or a permit to dismantle the vehicle from the Department of Public Safety and Corrections (department). Prior law required the storage or parking facility owner to submit certain evidence, including the original certificate of mailing for the first and final notices, to the department prior to the issuance of a permit to sell or a permit to dismantle.

New law requires that, for a vehicle five years old or newer, the final notice be sent by certified mail, electronic return receipt, and requires the storage or parking facility owner to submit the return receipts for the first and final notices to the department prior to the issuance of a permit to sell or a permit to dismantle. New law further provides that, for a vehicle over five years old, the final notice be sent by mail with a certificate of mailing to the owner of a stored vehicle and holder of a lien on the stored vehicle. New law requires the provisions of new law only apply to a vehicle that was a non-consensual tow or non-consensual storage, and requires any notice relating to a consensual tow or consensual storage be sent by certificate of mailing.

Prior law provided for the procedure for the disposal of junk vehicles and certain vehicles considered abandoned by a parish or municipality.

Prior law required certain criteria be met, including notice sent to the vehicle owner prior to the disposal of junk vehicles and vehicles considered abandoned by a parish or municipality.

Prior law required the owner-operator to maintain certain records, including proof of mailing required notice. Required the owner-operator who possesses a vehicle meet certain criteria to submit an application for crushing or dismantling of the vehicle at the expiration of thirty days.

Prior law required the owner-operator have the vehicle physically inspected by a trained and certified Peace Officer Standards and Training certified law enforcement officer.

New law removes the provisions of prior law.

New law requires notice be mailed by certified mail, electronic return receipt, and that the returned receipt be maintained by the owner-operator as provided by prior law.

Prior law required a towing or storage company assess a gate fee of not more than \$45. Authorizes a towing or storage company to charge a fee of not more than \$45 for the retrieval of contents from a stored or towed vehicle at a time other than during normal business hours.

New law modifies prior law by requiring the assessed fees be a fixed fee determined by the Public Service Commission. Requires the administrative and mailing fees for filing the Official Report of Stored Vehicles for in-state and out-of-state notifications be determined by the Public Service Commission.

Effective upon signature of the governor (June 11, 2021).

(Amends R.S. 32:1720(A) and (B)(4) and (8), 1728(A) and (D)(1) through (3), 1728.2(D) and (G), 1728.3(A), (B), (C), (D)(1) (intro para), (D)(2), (F)(1)(intro para), (F)(1)(f) and (g), and (G), and 1734(A), (B), and (D); adds R.S. 32:1734(F))