HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 176 by Representative Jefferson

1 AMENDMENT NO. 1

On page 1, line 2, after "To" and before "enact" insert "amend and reenact Civil Code Article
525 and to"

4 AMENDMENT NO. 2

On page 1, line 2, after "Article 520" and before the comma "," delete "and to repeal Civil
Code Article 525"

7 AMENDMENT NO. 3

8 On page 1, line 4, after "Civil Code;" and before "and" insert "to provide for registered 9 movables;"

10 AMENDMENT NO. 4

On page 1, line 7, after "Section 1." and before "Civil" insert "Civil Code Article 525 is
hereby amended and reenacted and"

13 AMENDMENT NO. 5

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- 14 On page 2, delete line 42 in its entirety and insert the following:
- 15 "* * *
- 16 Art. 525. Registered movables.

The provisions of this Chapter do not apply to movables that are Movables required by law to be registered in public records are subject to the provisions of this Chapter.

Revision Comments - 2023

21 This provision fills a gap in the law. Former Article 525 declared: "The provisions of this Chapter do not apply to movables that are required by law to be 22 23 registered in public records." However, neither the former article nor any other 24 provision stated in the affirmative what law governed transfers of registered movables in lieu of this Chapter. Although sellers of motor vehicles are required to 25 26 comply with the Vehicle Certificate of Title Law, R.S. 32:701 et seq., the Vehicle 27 Certificate of Title Law does not contain provisions addressing the transfer of ownership of motor vehicles. Louisiana courts have held consistently that the 28 29 Vehicle Certificate of Title Law does not require transfer of the certificate of title to 30 a vehicle in order for the sale to be a valid one and that the sale of a vehicle is not affected by non-compliance with the Vehicle Certificate of Title Law. Transportation 31 32 Equipment Co. v. Dabdoub, 69 So. 2d 640 (La. Ct. App. 1954); Flatte v. Nichols, 96 33 So. 2d 477 (La. 1957); Shanks v. Callahan, 232 So. 2d 306 (La. App. 1 Cir. 1969); Tarver v. Tarver, 242 So. 2 374 (La. App. 2 Cir. 1970); Robinson v. Jackson, 255 So. 34 2d 846 (La. App. 2 Cir. 1971); Theriac v. McKeever, 405 So. 2d 354 (La. App. 2 Cir. 35 1981); Wright v. Barnes, 541 So. 2d 977 (La. App. 2 Cir. 1989); Maloney v. State 36 37 Farm Ins. Co., 583 So. 2d 12 (La. App. 4 Cir. 1991); Biggs v. Prewitt, 669 So. 2d 441 (La. App. 1 Cir. 1995); Lambert v. Ray Brandt Dodge, Inc., 31 So. 3d 1108 (La. 38 39 App. 5 Cir. 2010). Nevertheless, failure to comply with the Vehicle Certificate of

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1 Title Law is not without consequence. For example	, the purchaser's failure to obtain
2 a certificate of title to the vehicle in accordance wit	h the Vehicle Certificate of Title
3 Law prevents the purchaser from acquiring a "ma	urketable title." R.S. 32:706. In
4 addition, a person's knowing failure to comply w	ith disclosure provisions of the
5 Vehicle Certificate of Title Law may expose that	person to criminal and/or civil
6 liability. See, e.g., R.S. 32:706.1. Notwithstandi	ng those and other obligations
7 imposed by the Vehicle Certificate of Title Law upo	on parties involved in the transfer
8 of vehicles, the provisions of this Chapter govern t	he transfer of ownership of such
9 vehicles."	