

## RÉSUMÉ DIGEST

ACT 357 (HB 539)

2023 Regular Session

Mack

Existing law defines "auto title company" as any person, firm, association, or corporation which is engaged in the transfer and recordation of sales, leases, or mortgages of vehicles. Prior law specified that the term "auto title company" included any person, or entity licensed pursuant to existing law. Further specifies that an auto title company does not mean an insurance company transferring titles to wrecked vehicles or other enumerated parties unless it or he is doing business as an auto title company.

New law modifies the term "auto title company" to also include a local governmental subdivision, a political subdivision, or a state agency. Changes prior law from applying to persons or entities who have been licensed to those who entered into a contract.

Existing law requires each public license tag agent, other than a municipal governing authority, execute a surety bond with a qualified La. surety company in a sum of \$100,000 if the public tag agent has only one office in this state and in a sum of \$125,000 if the public tag agent has more than one office in this state.

New law clarifies that the exception in existing law is also applicable to a local governmental subdivision, a political subdivision, or a state agency.

Existing law requires that the commissioner promulgate rules and regulations to adopt and levy fines for failure to remit taxes and fees collected from applicants for title transfers, operating as a public tag agent without a contract for each location, with an expired contract, or without a surety bond on file with the office of motor vehicles (OMV). Further specifies that OMV is empowered to issue an order to any person engaged in any activity, conduct, or practice constituting a violation of provisions governing public tag agents.

New law specifies that any violation of a contract between the department and the public license agent, cannot exceed the sum of \$500.

Existing law provides requirements for suspension, revocation, cancellation, or restrictions, and reinstatement of public tag agents.

New law adds fines to existing law.

Existing law establishes that any person whose contract has been suspended, canceled, or revoked during the effective term of the contract may request an administrative hearing to review the actions of the OMV. Specifies that a request for administrative review will stay the action of the OMV.

New law authorizes an administrative appeal for any public tag agent that has been assessed a fine pursuant to rules promulgated by the department.

Effective August 1, 2023.

(Amends R.S. 32:702(4) and R.S. 47:532.1(A)(3)(a) and 532.2(A)(intro. para.) and (B); Adds R.S. 47:532.1(A)(3)(c))