

Moved by Nonini

Seconded by Hagedorn

IN THE SENATE
SENATE AMENDMENT TO SENATE AMENDMENT TO H.B. NO. 15

AMENDMENT TO THE AMENDMENT

1
2 On page 1 of the printed amendment, delete lines 2 through 20.

3 On page 1 of the printed bill, delete lines 17 through 42; and on page 2,
4 delete lines 1 through 19 and insert:

5 "SECTION 1. That Chapter 5, Title 49, Idaho Code, be, and the same is
6 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
7 ignated as Section 49-523A, Idaho Code, and to read as follows:

8 49-523A. TITLE STOP WHEN OWNERSHIP OF VEHICLE DISPUTED. (1) Whenever a
9 party claims an interest in a vehicle subject to a title, the party may re-
10 quest a title stop be placed upon the title record of the vehicle.

11 (2) The request for title stop shall be provided to the department, to-
12 gether with documentation supporting the request and the fee required pur-
13 suant to the provisions of section 49-202(2)(i), Idaho Code.

14 (3) A verbal request to the department for a title stop may be placed
15 on the title record for up to five (5) business days upon advising the re-
16 questor of the requirements and giving the requestor time to send the written
17 request. Failure to send the written request shall terminate the request at
18 the end of the five (5) business days.

19 (4) Upon receipt of the request for title stop, the department may place
20 a stop on the title record of the subject vehicle if it appears from the doc-
21 umentation provided that there exists a reasonable dispute as to the owner-
22 ship of the vehicle.

23 (5) Notwithstanding the placement of a stop or the filing of a stop re-
24 quest, the department shall process an application for title accompanied by
25 a properly completed affidavit of repossession, or to record a lien or encum-
26 brance, unless the requestor of the stop has provided the department with a
27 court order restraining the issuance of title. In all other applications for
28 title, the department shall place or maintain a stop and shall notify the ti-
29 tle applicant that a stop is in place.

30 (6) Once the title stop is placed by the department, the requesting
31 party shall provide evidence of a judicial filing relating to the subject ve-
32 hicle within thirty (30) days of the title stop becoming effective. Failure
33 to provide such evidence shall result in the department's cancellation of
34 the title stop.

35 (a) Upon receipt of a written request for a title stop and the re-
36 quired fee, the department shall send notice of the title stop to the
37 titled owners and any other party with recorded interest or lienholder
38 recorded on the title records of the department.

39 (b) Upon receipt by the department of satisfactory evidence of a judi-
40 cial filing, the title stop shall remain in place until a final order

1 of the judicial proceeding is received, the requesting party has in-
 2 structed the department to remove the stop, the requesting party has
 3 failed to respond to notice under paragraph (c) of this subsection or
 4 for one (1) year, unless renewed by the requestor, whichever comes
 5 first.

6 (c) Except as provided in subsection (5) of this section, if a person
 7 files evidence with the department that the person has acquired title to
 8 the vehicle for which a title stop has been placed, then the department
 9 shall send notice to the original requesting party providing ten (10)
 10 business days from the date notice was mailed to object to the release
 11 of the title stop. If the department does not receive timely response
 12 from the requesting party or if the requesting party instructs the de-
 13 partment to remove the stop, then the title stop shall be immediately
 14 released.

15 (7) During the pendency of the title stop, no title applications for the
 16 vehicle to which the stop pertains shall be processed by the department ex-
 17 cept as otherwise provided in this section.

18 (8) Title stops requested by a governmental agency shall be exempt from
 19 the provisions of subsection (6) of this section. Such title stop shall be
 20 valid for two (2) years, unless renewed by the governmental agency request-
 21 ing the stop. Governmental agencies shall be exempt from the fee required in
 22 section 49-202(2) (i), Idaho Code.

23 (9) The provisions of this section shall be effective for any title stop
 24 received on and after July 1, 2015."

25 CORRECTION TO TITLE

26 On page 1, delete lines 2 through 15, and insert:

27 "RELATING TO MOTOR VEHICLES; AMENDING CHAPTER 5, TITLE 49, IDAHO CODE, BY THE
 28 ADDITION OF A NEW SECTION 49-523A, IDAHO CODE, TO PROVIDE FOR TITLE STOP
 29 REQUESTS WHEN OWNERSHIP OF A VEHICLE IS DISPUTED, TO PROVIDE A PROCE-
 30 DURE, TO PROVIDE FOR A FEE, TO PROVIDE FOR VERBAL REQUESTS, TO AUTHORIZE
 31 THE IDAHO TRANSPORTATION DEPARTMENT TO PLACE A STOP ON THE TITLE RECORD
 32 OF A VEHICLE UNDER CERTAIN CONDITIONS, TO PROVIDE THAT THE DEPARTMENT
 33 SHALL PROCESS AN APPLICATION FOR A TITLE OR RECORD A LIEN OR ENCUMBRANCE
 34 EXCEPT UNDER CERTAIN CIRCUMSTANCES, TO REQUIRE THE REQUESTING PARTY TO
 35 PROVIDE CERTAIN EVIDENCE ONCE THE TITLE STOP IS PLACED BY THE DEPART-
 36 MENT, TO PROVIDE FOR CANCELLATION OF A TITLE STOP IN THE EVENT EVIDENCE
 37 IS NOT PROVIDED, TO PROVIDE FOR NOTICE, TO PROVIDE FOR THE DURATION
 38 OF THE TITLE STOP, TO PROVIDE THAT A PERSON MAY FILE EVIDENCE THAT THE
 39 PERSON HAS ACQUIRED TITLE TO A VEHICLE FOR WHICH A TITLE STOP HAS BEEN
 40 PLACED, TO PROVIDE FOR NOTICE, TO PROVIDE FOR THE RELEASE OF A TITLE STOP
 41 UNDER CERTAIN CONDITIONS, TO PROVIDE THAT NO TITLE APPLICATIONS FOR
 42 THE VEHICLE SHALL BE PROCESSED DURING THE PENDENCY OF THE TITLE STOP,
 43 TO PROVIDE FOR TITLE STOPS REQUESTED BY GOVERNMENTAL AGENCIES AND TO
 44 PROVIDE FOR APPLICABILITY."