

MAINE STATE LEGISLATURE

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L.D. 1104

STATE OF MAINE
SENATE
109TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. S-104)

COMMITTEE AMENDMENT "A " to S.P. 356, L.D. 1104, Bill,
"AN ACT to Authorize the Secretary of State to Issue a Duplicate
Certificate of Title for a Motor Vehicle if the Original Certificate
is Unavailable."

Amend the Bill by striking out everything after the enacting
clause and inserting in its place the following:

'Sec. 1. 29 MRSA §2364-A is enacted to read:

§2364-A. Missing ownership documents or assignments

1. Filing for certificate of title. The new owner of a
vehicle who is unable to obtain the certificate of origin,
certificate of title or assignment of these documents showing sale
to him, may file with the Secretary of State an application for
certificate of title in his name. The new owner of the vehicle shall
provide the required filing fee and evidence that he is the true
owner of the vehicle. The new owner shall also provide:

A. Evidence or notarized statements that there are no
prior outstanding liens against the vehicle ; and

B. Evidence that he has been unsuccessful in his attempt
to have the manufacturer's certificate of origin, certificate
of title or other documents transferred or assigned to him
because the prior owner cannot be located, has ignored the
request or refuses to transfer or assign the documents to
him.

2. Review of application and evidence. The Secretary of State shall review the application, examine the evidence and investigate the ownership of the vehicle. As part of his investigation into the new owner's title claim, the Secretary of State, among other activities, shall:

A. Request the prior owner or holder of the certificate of origin, certificate of title or other documents to remit these documents to the Secretary of State or make the necessary assignments; or

B. Notify the prior owner, at his last known address, of his intent to issue a title certificate to the new owner.

3. Issuance of a certificate of title to new owner. The Secretary of State shall issue a certificate of title to the new owner if the prior owner or holder of the documents as described in this section remits these documents to the Secretary of State and properly assigns the documents to the new owner.

A. In the event that the prior owner or holder of the manufacturer's certificate of origin, certificate of title or other documents fails to provide the documents or make the necessary assignments in accordance with the request of the Secretary of State, the Secretary of State may issue a certificate of title to the new owner provided that:

(1) The prior owner or holder of the documents does not contest within 15 days of receiving notice, the intent of the Secretary of State to issue a title certificate to the new owner; and

(2) There is satisfactory proof of ownership based upon the evidence submitted and the results of the investigation of the Secretary of State.

4. Statement on certificate of title. The title certificate issued in accordance with subsection 3, paragraph A, shall include a statement clearly visible to the holder thereof to read: "This certificate may be subject to the rights of a prior owner." The title certificate shall be sent to the first lienholder listed on the certificate or, if none, to the new owner.

5. Certificate of title. If the Secretary of State fails to receive any notice of interest of a prior owner within 6 months from the issuance of the certificate of title, the holder of this certificate may be issued a certificate in ordinary form to replace the one issued as described in subsection 4.

Sec. 2. 29 MRSA §2376, as amended by PL 1977, c. 294, §11, is amended by adding after the first paragraph a new paragraph to read:

The Secretary of State may issue a new certificate of title as provided in section 2364-A.'

Statement of Fact

The purpose of this amendment is to provide a certificate of title to owners of vehicles who are unable to obtain a manufacturer's certificate of origin, a certificate of title or assignments of these documents showing sale to him. This procedure protects the new owner and prior owners.

The amendment requires the Secretary of State to investigate

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the ownership of the vehicle, to notify the previous owner of his intent to issue a certificate of title to the new owner and to request the prior owner, if possible, to remit the necessary documents or assignments to him. If the Secretary of State is satisfied with the proof of ownership of the new owner, he may issue a title certificate to the new owner stating that the previous owner may have rights to the vehicle. If the prior owner fails to contest the issuance of the title certificate within 6 months of the date on which it was issued, the new owner may be issued a certificate of title in ordinary form.

Reported by the Committee on Transportation.

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April 11, 1979

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