

**LOUISIANA OFFICE OF FINANCIAL INSTITUTIONS
NON-DEPOSITORY DIVISION
2014 Legislation Summary**

OTHER BILLS THAT AFFECT NON-DEPOSITORY ENTITIES

HCR 3 amends the Office of Financial Institution's Rule that regulates Repossession Agencies and Apprentices to provide for a minimum number of hours an apprentice must be supervised by a licensed repossession agent

This is a House Concurrent Resolution that is effective when the rule changes are printed and incorporated into the Louisiana Administrative Code. The changes amend LAC 10:XV.1303(E)(3) and 1315(A)(4) to provide that an apprentice working to become a repossession agent may physically obtain possession of collateral for a secured party, without the direct supervision and presence of a licensed repossession agent, if the apprentice completes a minimum of 250 hours of qualifying experience under the direction and supervision of the sponsor and meets all of the following additional qualifications:

- (1) Is at least 18 years or older and a citizen of the United States or a resident alien holding proper documentation.
- (2) Is of good character and fitness.
- (3) Has not been convicted of a felony in the previous 10 years unless the conviction was expunged, set aside, or the individual received a first offense pardon.
- (4) Has received a designation as a certified recovery specialist from a recognized national certification program.

Act 516 (HB 539) amends the Additional Default Remedies Act that regulates Repossession Agencies to amend the time delay and methods of timely submission relative to a "Notice of Repossession" and payments of certain fees.

Deletes requirement for signature confirmation from the recipient if notice of repossession or payment is sent by mail and adds authorization to prove timeliness of mailing by an official receipt or Certificate from private delivery service.

The Act deletes the three-day filing period of present law and requires a secured party's "Notice of Repossession" to be delivered in person or sent by mail to the recorder of mortgages and to the appropriate official within three business days of taking possession of the collateral. The timeliness of a notice sent by mail is shown only by official U.S. postmark, receipt, or certificate of the U.S. Postal Service or private delivery service.

The Act also requires a secured party to pay \$75 to the recorder of mortgages and \$250 to the appropriate official for each "Notice of Repossession" filed in person or sent by mail within three business days of taking possession of the collateral. The timeliness of a payment sent by mail is shown only by official U.S. postmark, receipt, or certificate of the U.S. Postal Service or private delivery service.

The Act requires that if the sheriff is the appropriate official in Orleans Parish, no fee shall be paid to the sheriff; however, the "Notice of Repossession" shall still be filed with the sheriff to be delivered in person or sent by mail to the sheriff within three business days of taking possession of the collateral. The timeliness of a notice sent by mail is shown only by official U.S. postmark, receipt, or certificate of the U.S. Postal Service or private delivery service.