

Committee Substitute for
Committee Substitute for Senate Bill No. 1076

An act relating to the dismantling and destruction of motor vehicles and mobile homes; amending s. 319.30, F.S.; revising definitions; defining “certificate of title,” “derelict motor vehicle,” “derelict motor vehicle certificate,” “recreational vehicle,” and “salvage certificate of title”; revising provisions requiring that certain documents accompany a motor vehicle or mobile home sold, transported, or delivered to a salvage motor vehicle dealer or a secondary metals recycler; providing requirements for the transfer of a derelict motor vehicle to a salvage motor vehicle dealer or a secondary metals recycler; requiring the purchaser to record and maintain certain information; providing for the use of a derelict motor vehicle certificate if the certificate of title, salvage certificate of title, or certificate of destruction is not available; restricting reassignment of a derelict motor vehicle certificate; providing penalties; revising provisions for reporting to the Department of Highway Safety and Motor Vehicles and cancellation of title records; providing for an electronic notification system to be established by the department; providing for the placement of a hold on a motor vehicle or mobile home in the possession of a salvage motor vehicle dealer or secondary metals recycler by an agent or employee of the department or a law enforcement officer who has reason to believe that the motor vehicle or mobile home was stolen or is fraudulently titled; authorizing the department to adopt rules and charge described fees; amending s. 319.14, F.S.; correcting a cross-reference; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 319.30, Florida Statutes, is amended to read:

319.30 Definitions; dismantling, destruction, change of identity of motor vehicle or mobile home; salvage.—

(1) As used in this section, the term:

(a) “Certificate of destruction” means the certificate issued pursuant to s. 713.78(11) or s. 713.785(7)(a).

(b) “Certificate of registration number” means the certificate of registration number issued by the Department of Revenue of the State of Florida pursuant to s. 538.25.

(c) “Certificate of title” means a record that serves as evidence of ownership of a vehicle, whether such record is a paper certificate authorized by the department or a certificate consisting of information stored in electronic form in the department’s database.

(d)(e) “Derelict” means any material which is or may have been a motor vehicle or mobile home, which is not a major part or major component part

with or without all component parts, which is inoperable, and which material is in such condition that its highest or primary value is either in its sale or transfer as scrap metal or for its component parts, or a combination of the two.

(e) “Derelict motor vehicle” means any motor vehicle as defined in s. 320.01(1) or mobile home as defined in s. 320.01(2), with or without all parts, major parts, or major component parts, which is valued under \$1,000, is at least 10 model years old, and is in such condition that its highest or primary value is for sale, transport, or delivery to a licensed salvage motor vehicle dealer or registered secondary metals recycler for dismantling its component parts or conversion to scrap metal.

(f) “Derelict motor vehicle certificate” means a certificate completed by the derelict motor vehicle owner, the owner’s authorized transporter when different from the owner, and the licensed salvage motor vehicle dealer or the registered secondary metals recycler and submitted to the department for cancellation of the title record of the derelict motor vehicle. A derelict motor vehicle certificate may be reassigned only one time if the derelict motor vehicle certificate was completed by a licensed salvage motor vehicle dealer and the derelict motor vehicle was sold to a secondary metals recycler.

(g)(d) “Junk” means any material which is or may have been a motor vehicle or mobile home, with or without all component parts, which is inoperable and which material is in such condition that its highest or primary value is either in its sale or transfer as scrap metal or for its component parts, or a combination of the two, except when sold or delivered to or when purchased, possessed, or received by a secondary metals recycler or salvage motor vehicle dealer.

(h)(e) “Major component parts” means:

1. For motor vehicles other than motorcycles, the front-end assembly (fenders, hood, grill, and bumper), cowl assembly, rear body section (both quarter panels, trunk lid, door, decklid, and bumper), floor pan, door assemblies, engine, frame, transmission, and airbag.

2. For trucks, in addition to those parts listed in subparagraph 1., any truck bed, including dump, wrecker, crane, mixer, cargo box, or any bed which mounts to a truck frame.

3. For motorcycles, the body assembly, frame, fenders, gas tanks, engine, cylinder block, heads, engine case, crank case, transmission, drive train, front fork assembly, and wheels.

4. For mobile homes, the frame.

(i)(f) “Major part” means the front-end assembly, cowl assembly, or rear body section.

(j)(g) “Materials” means motor vehicles, derelicts, and major parts that are not prepared materials.

~~(k)(h)~~ “Mobile home” means mobile home as defined in s. 320.01(2).

~~(l)(i)~~ “Motor vehicle” means motor vehicle as defined in s. 320.01(1).

~~(m)(j)~~ “Parts” means parts of motor vehicles or combinations thereof that do not constitute materials or prepared materials.

~~(n)(k)~~ “Personal identification card” means personal identification card as defined in s. 538.18(5).

~~(o)(l)~~ “Prepared materials” means motor vehicles, mobile homes, derelect ~~motor vehicles derelects~~, major parts, or parts that have been processed by mechanically flattening or crushing, or otherwise processed such that they are not the motor vehicle or mobile home described in the certificate of title, or their only value is as scrap metal.

~~(p)(m)~~ “Processing” means the business of performing the manufacturing process by which ferrous metals or nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value, or the purchase of materials, prepared materials, or parts therefor.

~~(q)~~ “Recreational vehicle” means a motor vehicle as defined in s. 320.01(1).

~~(r)(n)~~ “Salvage” means a motor vehicle or mobile home which is a total loss as defined in paragraph (3)(a).

~~(s)~~ “Salvage certificate of title” means a salvage certificate of title issued by the department or by another motor vehicle department authorized to issue titles in another state.

~~(t)(o)~~ “Salvage motor vehicle dealer” means salvage motor vehicle dealer as defined in s. 320.27(1)(c)5.

~~(u)(p)~~ “Secondary metals recycler” means secondary metals recycler as defined in s. 538.18(8).

(2)(a) Each person mentioned as owner in the last issued certificate of title, when such motor vehicle or mobile home is dismantled, destroyed, or changed in such manner that it is not the motor vehicle or mobile home described in the certificate of title, shall surrender his or her certificate of title to the department, and thereupon the department shall, with the consent of any lienholders noted thereon, enter a cancellation upon its records. Upon cancellation of a certificate of title in the manner prescribed by this section, the department may cancel and destroy all certificates in that chain of title. Any person who willfully and deliberately violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b)1. When a motor vehicle, recreational vehicle, or mobile home is sold, transported, or delivered to a salvage motor vehicle dealer, it shall be accompanied by:

a. A valid certificate of title issued in the name of the seller or properly endorsed over to the seller;

b. A valid salvage certificate of title issued in the name of the seller or properly endorsed over to the seller; or

c. A valid certificate of destruction issued in the name of the seller or properly endorsed over to the seller.

~~1.—A properly endorsed certificate of title, salvage certificate of title, or vehicle certificate of destruction issued by the department; or~~

~~2. If the certificate of title has been surrendered to the department, a notarized affidavit signed by the owner stating that the title has been returned to the State of Florida pursuant to paragraph (a), the date on which such return was made, the year, make, and vehicle identification number of the motor vehicle, and the name, address, and personal identification card number of the owner. Any person who willfully and deliberately violates this paragraph subparagraph by selling, transporting, delivering, purchasing, or receiving a motor vehicle, recreational vehicle, or mobile home without obtaining a properly endorsed certificate of title, salvage certificate of title, or certificate of destruction from the owner falsifying a required affidavit commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(c)1. When a derelict motor vehicle is sold, transported, or delivered to a licensed salvage motor vehicle dealer, the purchaser shall record the date of purchase and the name, address, and personal identification card number of the person selling the derelict motor vehicle, and it shall be accompanied by:~~

a. A valid certificate of title issued in the name of the seller or properly endorsed over to the seller;

b. A valid salvage certificate of title issued in the name of the seller or properly endorsed over to the seller; or

c. A valid certificate of destruction issued in the name of the seller or properly endorsed over to the seller.

2. If the certificate of title, salvage certificate of title, or certificate of destruction is not available, a derelict motor vehicle certificate shall be completed by the owner of the motor vehicle or mobile home, the owner's authorized transporter, and the licensed salvage motor vehicle dealer at the time of sale, transport, or delivery to the licensed salvage motor vehicle dealer. The derelict motor vehicle certificate shall be used by the owner, the owner's authorized transporter, and the licensed salvage motor vehicle dealer. The licensed salvage motor vehicle dealer shall secure the motor vehicle or mobile home for 3 full business days, excluding weekends and holidays, before destroying or dismantling the derelict motor vehicle and shall follow all reporting procedures established by the department, including electronic notification to the department or delivery of the original derelict motor vehicle certificate to an agent of the department within 24 hours after receiving the derelict motor vehicle.

3. Any person who willfully and deliberately violates this paragraph by selling, transporting, delivering, purchasing, or receiving a derelict motor vehicle without obtaining a certificate of title, salvage certificate of title, certificate of destruction, or derelict motor vehicle certificate; enters false or fictitious information on a derelict motor vehicle certificate; does not complete the derelict motor vehicle certificate as required or does not make the required notification to the department; or destroys or dismantles a derelict motor vehicle without waiting the required 3 full business days ~~Anyone who willfully and knowingly induces a person to sign an affidavit that falsely asserts that the vehicle title has been surrendered to the department commits a felony of the third degree, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084.~~

(3)(a)1. As used in this section, a motor vehicle or mobile home is a “total loss”:

a. When an insurance company pays the vehicle owner to replace the wrecked or damaged vehicle with one of like kind and quality or when an insurance company pays the owner upon the theft of the motor vehicle or mobile home; or

b. When an uninsured motor vehicle or mobile home is wrecked or damaged and the cost, at the time of loss, of repairing or rebuilding the vehicle is 80 percent or more of the cost to the owner of replacing the wrecked or damaged motor vehicle or mobile home with one of like kind and quality.

2. A motor vehicle or mobile home shall not be considered a “total loss” if the insurance company and owner of a motor vehicle or mobile home agree to repair, rather than to replace, the motor vehicle or mobile home. However, if the actual cost to repair the motor vehicle or mobile home to the insurance company exceeds 100 percent of the cost of replacing the wrecked or damaged motor vehicle or mobile home with one of like kind and quality, the owner shall forward to the department, within 72 hours after the agreement, a request to brand the certificate of title with the words “Total Loss Vehicle.” Such a brand shall become a part of the vehicle’s title history.

(b) The owner, including persons who are self-insured, of any motor vehicle or mobile home which is considered to be salvage shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company which pays money as compensation for total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home and, within 72 hours after receiving such certificate of title, shall forward such title to the department for processing. The owner or insurance company, as the case may be, may not dispose of a vehicle or mobile home that is a total loss before it has obtained a salvage certificate of title or certificate of destruction from the department. When applying for a salvage certificate of title or certificate of destruction, the owner or insurance company must provide the department with an estimate of the costs of repairing the physical and mechanical damage suffered by the vehicle for which a salvage certificate of title or certificate of destruction is sought. If the estimated costs of repairing the physical and mechanical

damage to the vehicle are equal to 80 percent or more of the current retail cost of the vehicle, as established in any official used car or used mobile home guide, the department shall declare the vehicle unrebuildable and print a certificate of destruction, which authorizes the dismantling or destruction of the motor vehicle or mobile home described therein. However, if the damaged motor vehicle is equipped with custom-lowered floors for wheelchair access or a wheelchair lift, the insurance company may, upon determining that the vehicle is repairable to a condition that is safe for operation on public roads, submit the certificate of title to the department for reissuance as a salvage rebuildable title and the addition of a title brand of "insurance-declared total loss." ~~The This~~ certificate of destruction shall be reassignable a maximum of two times before dismantling or destruction of the vehicle shall be required, and shall accompany the motor vehicle or mobile home for which it is issued, when such motor vehicle or mobile home is sold for such purposes, in lieu of a certificate of title, and, thereafter, the department shall refuse issuance of any certificate of title for that vehicle. Nothing in this subsection shall be applicable when a vehicle is worth less than \$1,500 retail in undamaged condition in any official used motor vehicle guide or used mobile home guide or when a stolen motor vehicle or mobile home is recovered in substantially intact condition and is readily resalable without extensive repairs to or replacement of the frame or engine. Any person who willfully and deliberately violates this paragraph or falsifies any document to avoid the requirements of this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) It is unlawful for any person to have in his or her possession any motor vehicle or mobile home when the manufacturer's or state-assigned identification number plate or serial plate has been removed therefrom.

(a) Nothing in this subsection shall be applicable when a vehicle defined in this section as a derelict or salvage was purchased or acquired from a foreign state requiring such vehicle's identification number plate to be surrendered to such state, provided the person shall have an affidavit from the seller describing the vehicle by manufacturer's serial number and the state to which such vehicle's identification number plate was surrendered.

(b) Nothing in this subsection shall be applicable if a certificate of destruction has been obtained for the vehicle.

(5)(a) It is unlawful for any person to knowingly possess, sell, or exchange, offer to sell or exchange, or give away any certificate of title or manufacturer's or state-assigned identification number plate or serial plate of any motor vehicle, mobile home, or derelict that has been sold as salvage contrary to the provisions of this section, and it is unlawful for any person to authorize, direct, aid in, or consent to the possession, sale, or exchange or to offer to sell, exchange, or give away such certificate of title or manufacturer's or state-assigned identification number plate or serial plate.

(b) It is unlawful for any person to knowingly possess, sell, or exchange, offer to sell or exchange, or give away any manufacturer's or state-assigned identification number plate or serial plate of any motor vehicle or mobile

home that has been removed from the motor vehicle or mobile home for which it was manufactured, and it is unlawful for any person to authorize, direct, aid in, or consent to the possession, sale, or exchange or to offer to sell, exchange, or give away such manufacturer's or state-assigned identification number plate or serial plate.

(c) This chapter does not apply to anyone who removes, possesses, or replaces a manufacturer's or state-assigned identification number plate, in the course of performing repairs on a vehicle, that require such removal or replacement. If the repair requires replacement of a vehicle part that contains the manufacturer's or state-assigned identification number plate, the manufacturer's or state-assigned identification number plate that is assigned to the vehicle being repaired will be installed on the replacement part. The manufacturer's or state-assigned identification number plate that was removed from this replacement part will be installed on the part that was removed from the vehicle being repaired.

(6)(a) In the event of a purchase by a salvage motor vehicle dealer of materials or major component parts for any reason, the purchaser shall:

1.(a) For each item of materials or major component parts purchased, the salvage motor vehicle dealer shall record the date of purchase and the name, and address of the seller, and the personal identification card number of the person selling ~~delivering~~ such items, as well as the vehicle identification number, if available.

2.(b) With respect to each item of materials or major component parts purchased, obtain such documentation as may be required by subsection (2).

(b) Any person who violates this subsection commits a felony of the third degree ~~misdemeanor of the first degree~~, punishable as provided in s. 775.082, ~~or s. 775.083, or s. 775.084.~~

(7)(a) In the event of a purchase by a secondary metals recycler, that has been issued a certificate of registration number, of:

1.(a) Materials, prepared materials, or parts from any seller for purposes other than the processing of such materials, prepared materials, or parts, the purchaser shall obtain such documentation as may be required by this section, and shall record the seller's name and address, date of purchase, and the personal identification card number of the person delivering such items.

2.(b) Parts or prepared materials from any seller for purposes of the processing of such parts or prepared materials, the purchaser shall record the seller's name and address and date of purchase; and, in the event of a purchase transaction consisting primarily of parts or prepared materials, the personal identification card number of the person delivering such items.

3.(c) Materials from another secondary metals recycler for purposes of the processing of such materials, the purchaser shall record the seller's name and, address, and date of purchase.

4.a.(d) Motor vehicles, recreational vehicles, mobile homes, or derelict motor vehicles derelicts from other than a secondary metals recycler for purposes of the processing of such motor vehicles, recreational vehicles, mobile homes, or derelict motor vehicles derelicts, the purchaser shall record the date of purchase and the seller's name, address, date of purchase, and the personal identification card number of the person selling delivering such items, and shall obtain the following documentation from the seller with respect to each item purchased:

(I)1. A valid certificate of title issued in the name of the seller or properly endorsed over to the seller;

(II)2. A valid certificate of destruction issued in the name of the seller or properly endorsed over to the seller; or

(III)3. A valid derelict motor vehicle certificate completed by a licensed salvage motor vehicle dealer and properly reassigned to the secondary metals recycler.

b. If a valid certificate of title, salvage certificate of title, or a valid certificate of destruction, or derelict motor vehicle certificate is not available and the motor vehicle or mobile home is a derelict motor vehicle, a derelict motor vehicle certificate shall be completed by the owner of the motor vehicle or mobile home, the owner's authorized transporter, and the registered secondary metals recycler at the time of sale, transport, or delivery to the registered secondary metals recycler. The derelict motor vehicle certificate shall be used by the owner, the owner's authorized transporter, and the registered secondary metals recycler. The registered secondary metals recycler shall secure the derelict motor vehicle for 3 full business days, excluding weekends and holidays, before destroying or dismantling the derelict motor vehicle and shall follow all reporting procedures established by the department, including electronic notification to the department or delivery of the original derelict motor vehicle certificate to an agent of the department within 24 hours after receiving the derelict motor vehicle an affidavit signed by the seller stating that the seller returned the certificate of title to the State of Florida pursuant to subsection (2) and the date on which such return was made, and setting forth the vehicle identification number of such motor vehicle, mobile home, or derelict.

c. Any person who willfully and deliberately violates this subparagraph by selling, transporting, delivering, purchasing, or receiving a motor vehicle, recreational motor vehicle, mobile home, or derelict motor vehicle without obtaining a certificate of title, salvage certificate of title, certificate of destruction, or derelict motor vehicle certificate; enters false or fictitious information on a derelict motor vehicle certificate; does not complete the derelict motor vehicle certificate as required or does not make the required notification to the department; or destroys or dismantles a derelict motor vehicle without waiting the required 3 full business days commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

5.(e) Major parts from other than a secondary metals recycler for purposes of the processing of such major parts, the purchaser shall record the seller's name, address, date of purchase, and the personal identification card

number of the person delivering such items, as well as the vehicle identification number, if available, of each major part purchased.

(b) Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8)(a) Secondary metals recyclers and salvage motor vehicle dealers shall return to the department on a monthly basis all certificates of title and salvage certificates of title that are required by this section to be obtained. Secondary metals recyclers and salvage motor vehicle dealers may elect to notify the department electronically through procedures established by the department when they receive each motor vehicle or mobile home, salvage motor vehicle or mobile home, or derelict motor vehicle with a certificate of title or salvage certificate of title through procedures established by the department. The department may adopt rules and establish fees as it deems necessary or proper for the administration of the electronic notification service.

(b) Secondary metals recyclers and salvage motor vehicle dealers shall keep originals, or a copy in the event the original was returned to the department, of all certificates of title, salvage certificates of title, certificates of destruction, derelict motor vehicle certificates all certificates of destruction, seller's affidavits, and all other information required by this section to be recorded or obtained, on file in the offices of such secondary metals recyclers or salvage motor vehicle dealers for a period of 3 years after from the date of purchase of the items reflected in such certificates of title, salvage certificates of title, certificates of destruction, or derelict motor vehicle certificates seller's affidavits. These records shall be maintained in chronological order.

(c) For the purpose of enforcement of this section, the department or its agents and employees have the same right of inspection as law enforcement officers as provided in s. 812.055.

(d) Whenever the department, its agent or employee, or any law enforcement officer has reason to believe that a stolen or fraudulently titled motor vehicle, mobile home, recreational vehicle, salvage motor vehicle, or derelict motor vehicle is in the possession of a salvage motor vehicle dealer or secondary metals recycler, the department, its agent or employee, or the law enforcement officer may issue a hold notice, not to exceed 5 business days, excluding weekends and holidays, to the salvage motor vehicle dealer or registered secondary metals recycler.

(e) Whenever a salvage motor vehicle dealer or registered secondary metals recycler is notified by the department, its agent or employee, or any law enforcement officer to hold a motor vehicle, mobile home, recreational vehicle, salvage motor vehicle, or derelict motor vehicle that is believed to be stolen or fraudulently titled, the salvage motor vehicle dealer or registered secondary metals recycler shall hold the motor vehicle, mobile home, recreational vehicle, salvage motor vehicle, or derelict motor vehicle and may not dismantle or destroy the motor vehicle, mobile home, recreational vehicle, salvage motor vehicle, or derelict motor vehicle until it is recovered by a law enforcement officer, the hold is released by the department or the

law enforcement officer placing the hold, or the 5 working days have passed since being notified of the hold.

(f) The department is authorized to adopt rules pursuant to ss. 120.536(1) and 120.54 establishing policies and procedures to administer and enforce this section.

(g) The department shall charge a fee of \$3 for each derelict motor vehicle certificate delivered to the department or one of its agents for processing and shall mark the title record canceled. A service charge may be collected under s. 320.04.

(9) Except as otherwise provided in this section, any person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Paragraph (b) of subsection (1) of section 319.14, Florida Statutes, is amended to read:

319.14 Sale of motor vehicles registered or used as taxicabs, police vehicles, lease vehicles, or rebuilt vehicles and nonconforming vehicles.—

(1)

(b) No person shall knowingly offer for sale, sell, or exchange a rebuilt vehicle until the department has stamped in a conspicuous place on the certificate of title for the vehicle words stating that the vehicle has been rebuilt or assembled from parts, or is a kit car, glider kit, replica, or flood vehicle unless proper application for a certificate of title for a vehicle that is rebuilt or assembled from parts, or is a kit car, glider kit, replica, or flood vehicle has been made to the department in accordance with this chapter and the department has conducted the physical examination of the vehicle to assure the identity of the vehicle and all major component parts, as defined in s. 319.30(1)(e), which have been repaired or replaced. Thereafter, the department shall affix a decal to the vehicle, in the manner prescribed by the department, showing the vehicle to be rebuilt.

Section 3. This act shall take effect October 1, 2008.

Approved by the Governor June 17, 2008.

Filed in Office Secretary of State June 17, 2008.