

CHAPTER 2014-181

Committee Substitute for Committee Substitute for Senate Bill No. 754

An act relating to certificates of title; amending s. 319.23, F.S.; revising the required statement that is stamped on a certificate of title upon issuance of the certificate; requiring the department to provide a report regarding certificates of title for rebuilt motor vehicles; amending s. 319.30, F.S.; defining a term; revising requirements for the department to declare certain mobile homes and motor vehicles unrebuildable and to issue a certificate of destruction; requiring an owner of, or an insurance company for, a motor vehicle that is worth less than a specified amount or is above a certain age to obtain a certificate of destruction under certain circumstances; providing a criminal penalty; amending s. 860.146, F.S.; defining terms and redefining the term “fake airbag”; prohibiting the import, manufacture, offering for sale, or reinstallation of fake airbags; providing a criminal penalty; providing an effective date.

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

Section 1. Subsection (2) of section 319.23, Florida Statutes, is amended to read:

319.23 Application for, and issuance of, certificate of title.—

(2) The applicant for a certificate of title shall indicate on the application if the motor vehicle is to be used as a taxicab, police vehicle, or lease vehicle or if the motor vehicle or mobile home is a rebuilt vehicle, as those terms are defined in s. 319.14. Upon issuance of a certificate of title for such vehicle, the department shall stamp, in a conspicuous place on the title, words stating the nature of the proposed use of the vehicle or stating that the vehicle has been rebuilt and may have previously been declared a total loss vehicle due to damage. This subsection applies to a mobile home, travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer only when the mobile home or vehicle is a rebuilt vehicle as defined in s. 319.14.

Section 2. On or before October 31, 2015, the Department of Highway Safety and Motor Vehicles shall provide a summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding certificates of title for rebuilt vehicles. The summary report shall include the department’s recommendations to the Legislature to address any needed improvements to, and correct any problems with, the process used to issue certificates of title for rebuilt motor vehicles; and recommendations as to the need, and appropriate process, for inspecting the roadworthiness of rebuilt motor vehicles based on relevant data and data on crashes caused by vehicle defects involving rebuilt motor vehicles.

Section 3. Present paragraphs (i) through (w) of subsection (1) of section 319.30, Florida Statutes, are redesignated as paragraphs (j) through (x), respectively, a new paragraph (i) is added to that subsection, and paragraph (b) of subsection (3) of that section 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:

(i) “Late model vehicle” means a motor vehicle that has a manufacturer’s model year of 7 years or newer.

(3)

(b) The owner, including persons who are self-insured, of a any motor vehicle or mobile home ~~that~~ 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 ~~that~~ which pays money as compensation for ~~the~~ total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home, make the required notification to the National Motor Vehicle Title Information System, 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 applicable the case may be, may not dispose of a vehicle or mobile home that is a total loss before it ~~obtains~~ 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 ~~mobile home vehicle~~ are equal to 80 percent or more of the current retail cost of the ~~mobile home vehicle~~, as established in any official used ~~car or~~ used mobile home guide, the department shall declare the ~~mobile home vehicle~~ unbuildable and print a certificate of destruction, which authorizes the dismantling or destruction of the ~~motor vehicle or mobile home described therein~~. For a late model vehicle with a current retail cost of at least \$7,500 just prior to sustaining the damage that resulted in the total loss, as established in any official used car guide or valuation service, if the owner or insurance company determines that the estimated costs of repairing the physical and mechanical damage to the vehicle are equal to 90 percent or more of the current retail cost of the vehicle, as established in any official used motor vehicle guide or valuation service, the department shall declare the vehicle unbuildable and print a certificate of destruction, which authorizes the dismantling or destruction of the motor vehicle. 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 certificate of destruction shall be reassignable a maximum of two times before dismantling or destruction of the vehicle ~~is~~ 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 ~~may not issue a~~ shall refuse issuance of any certificate of title for that vehicle. ~~Nothing in~~ This subsection is ~~not~~ shall be applicable ~~if when a mobile home vehicle is worth less than \$1,500 retail just prior to sustaining the damage that resulted in the total loss 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. If a motor vehicle has a current retail cost of less than \$7,500 just prior to sustaining the damage that resulted in the total loss, as established in any official used motor vehicle guide or valuation service, or if the vehicle is not a late model vehicle, the owner or insurance company that pays money as compensation for the total loss of the motor vehicle shall obtain a certificate of destruction, if the motor vehicle is damaged, wrecked, or burned to the extent that the only residual value of the motor vehicle is as a source of parts or scrap metal, or if the motor vehicle comes into this state under a title or other ownership document that indicates that the motor vehicle is not repairable, is junked, or is for parts or dismantling only. A~~ Any person who knowingly violates this paragraph or falsifies documentation ~~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.

Section 4. Section 860.146, Florida Statutes, is amended to read:

860.146 Fake airbags; junk-filled airbag compartment.—

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

(a) “Airbag” means a motor vehicle inflatable occupant restraint system, including all component parts, such as the cover, sensors, controllers, inflators, and wiring, that is designed in accordance with federal safety regulations for a given make, model, and year of a vehicle.

(b) “Counterfeit airbag” means an airbag displaying a mark identical or similar to the genuine mark of a motor vehicle manufacturer without authorization from said manufacturer.

(c) “Fake airbag” means any item other than an airbag that was designed in accordance with federal safety regulations for a given make, model, and year of motor vehicle as part of a motor vehicle inflatable restraint system including counterfeit or nonfunctioning airbags.

(d)(b) “Junk-filled airbag compartment” means an airbag compartment that is filled with any substance that does not function in the same manner or

to the same extent as an airbag to protect vehicle occupants in a vehicle crash. The term does not include a compartment from which an airbag has deployed if there is no concealment of the deployment.

(e) “Nonfunctional airbag” means a replacement airbag that:

1. Was previously deployed or damaged;

2. Has an electric fault that is detected by the vehicle airbag diagnostic system after the installation procedure is completed; or

3. Includes any part or object, including, but not limited to, a counterfeit or repaired airbag cover, installed in a motor vehicle to mislead the owner or operator of such motor vehicle into believing that a functional airbag has been installed.

(2) It is unlawful for any person ~~anyone~~ to knowingly import, manufacture, purchase, sell, offer for sale, or install, or reinstall on a ~~any~~ any fake airbag or junk-filled airbag compartment. Any person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 5. This act shall take effect July 1, 2014.

Approved by the Governor June 20, 2014.

Filed in Office Secretary of State June 20, 2014.