

CHAPTER 2019-92

Committee Substitute for House Bill No. 1057

An act relating to motor vehicles; amending s. 316.235, F.S.; authorizing a motor vehicle to be equipped with certain lamps or devices under certain circumstances; amending s. 316.2397, F.S.; authorizing certain vehicles to display red and white lights; amending s. 316.2398, F.S.; authorizing certain vehicles to display red and white warning signals under certain circumstances; providing requirements and penalties; amending s. 316.224, F.S.; conforming a cross-reference; amending s. 319.30, F.S.; authorizing an insurance company to provide an independent entity with a certain release statement authorizing it to release a vehicle to the lienholder; authorizing a certain notice sent by certified mail that a motor vehicle is available for pickup to be sent by another commercially available delivery service that provides proof of delivery; requiring the notice to state that the owner has a specified period during which to pick up the vehicle; authorizing an independent entity to apply for a certificate of destruction or a certificate of title if the vehicle is not claimed within a specified time after the delivery or attempted delivery of the notice; specifying requirements for an independent entity if the Department of Highway Safety and Motor Vehicles' records do not contain the owner's address; requiring an independent entity to maintain specified records for a minimum period; requiring an independent entity to provide proof of all lien satisfactions or proof of a release of all liens on a motor vehicle upon applying for a certificate of destruction or salvage certificate of title; requiring an independent entity to provide an affidavit with specified statements if such entity is unable to obtain a lien satisfaction or a release of all liens on the motor vehicle; providing that notice to lienholders and attempts to obtain a release from lienholders may be by certain written request; amending s. 320.03, F.S.; allowing authorized insurers, licensed salvage motor vehicle dealers, and licensed motor vehicle auctions to be authorized electronic filing system agents for processing certain transactions or certificates for derelict or salvage motor vehicles; deleting obsolete provisions; authorizing the department to adopt rules; amending s. 322.01, F.S.; revising the definition of the term "authorized emergency vehicle"; providing effective dates.

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

Section 1. Subsections (3) through (6) of section 316.235, Florida Statutes, are renumbered as subsections (4) through (7), respectively, and a new subsection (3) is added to that section to read:

316.235 Additional lighting equipment.—

(3) Any motor vehicle may be equipped with one or more lamps or devices underneath the motor vehicle as long as such lamps or devices do not emit light in violation of s. 316.2397(1) or (7) or s. 316.238.

Section 2. Subsections (1) and (3) and paragraph (c) of subsection (7) of section 316.2397, Florida Statutes, are amended to read:

316.2397 Certain lights prohibited; exceptions.—

(1) A ~~No~~ person may not shall drive or move or cause to be moved any vehicle or equipment upon any highway within this state with any lamp or device thereon showing or displaying a red, ~~red and white~~, or blue light visible from directly in front thereof except for certain vehicles hereinafter provided in this section.

(3) Vehicles of the fire department and fire patrol, including vehicles of volunteer firefighters as permitted under s. 316.2398, may show or display red or red and white lights. Vehicles of medical staff physicians or technicians of medical facilities licensed by the state as authorized under s. 316.2398, ambulances as authorized under this chapter, and buses and taxicabs as authorized under s. 316.2399 may show or display red lights. Vehicles of the fire department, fire patrol, police vehicles, and such ambulances and emergency vehicles of municipal and county departments, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Transportation, the Department of Agriculture and Consumer Services, and the Department of Corrections as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any county may operate emergency lights and sirens in an emergency. Wreckers, mosquito control fog and spray vehicles, and emergency vehicles of governmental departments or public service corporations may show or display amber lights when in actual operation or when a hazard exists provided they are not used going to and from the scene of operation or hazard without specific authorization of a law enforcement officer or law enforcement agency. Wreckers must use amber rotating or flashing lights while performing recoveries and loading on the roadside day or night, and may use such lights while towing a vehicle on wheel lifts, slings, or under reach if the operator of the wrecker deems such lights necessary. A flatbed, car carrier, or rollback may not use amber rotating or flashing lights when hauling a vehicle on the bed unless it creates a hazard to other motorists because of protruding objects. Further, escort vehicles may show or display amber lights when in the actual process of escorting overdimensioned equipment, material, or buildings as authorized by law. Vehicles owned or leased by private security agencies may show or display green and amber lights, with either color being no greater than 50 percent of the lights displayed, while the security personnel are engaged in security duties on private or public property.

(7) Flashing lights are prohibited on vehicles except:

(c) For the lamps authorized under subsections (1), (2), (3), (4), and (9), s. 316.2065, or s. 316.235(6) ~~s. 316.235(5)~~ which may flash.

Section 3. Section 316.2398, Florida Statutes, is amended to read:

316.2398 Display or use of red or red and white warning signals; motor vehicles of volunteer firefighters or medical staff.—

(1) A privately owned vehicle belonging to an active firefighter member of a regularly organized volunteer firefighting company or association, while en route to the fire station for the purpose of proceeding to the scene of a fire or other emergency or while en route to the scene of a fire or other emergency in the line of duty as an active firefighter member of a regularly organized firefighting company or association, may display or use red or red and white warning signals. ~~or~~ A privately owned vehicle belonging to a medical staff physician or technician of a medical facility licensed by the state, while responding to an emergency in the line of duty, may display or use red warning signals. Warning signals must be visible from the front and from the rear of such vehicle, subject to the following restrictions and conditions:

(a) No more than two red or red and white warning signals may be displayed.

(b) No inscription of any kind may appear across the face of the lens of the red or red and white warning signal.

(c) In order for an active volunteer firefighter to display such red or red and white warning signals on his or her vehicle, the volunteer firefighter must first secure a written permit from the chief executive officers of the firefighting organization to use the red or red and white warning signals, and this permit must be carried by the volunteer firefighter at all times while the red or red and white warning signals are displayed.

(2) ~~A~~ ~~It is unlawful for~~ any person who is not an active firefighter member of a regularly organized volunteer firefighting company or association or a physician or technician of the medical staff of a medical facility licensed by the state may not ~~to~~ display on any motor vehicle owned by him or her, at any time, any red or red and white warning signals as described in subsection (1).

(3) ~~It is unlawful for~~ An active volunteer firefighter may not ~~to~~ operate any red or red and white warning signals as authorized in subsection (1), except while en route to the fire station for the purpose of proceeding to the scene of a fire or other emergency, or while at or en route to the scene of a fire or other emergency, in the line of duty.

(4) ~~It is unlawful for~~ A physician or technician of the medical staff of a medical facility may not ~~to~~ operate any red warning signals as authorized in subsection (1), except when responding to an emergency in the line of duty.

(5) A violation of this section is a nonmoving violation, punishable as provided in chapter 318. In addition, ~~a~~ any volunteer firefighter who violates this section shall be dismissed from membership in the firefighting organization by the chief executive officers thereof.

Section 4. Subsection (3) of section 316.224, Florida Statutes, is amended to read:

316.224 Color of clearance lamps, identification lamps, side marker lamps, backup lamps, reflectors, and deceleration lights.—

(3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber, or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a backup lamp shall be white or amber. Deceleration lights as authorized by s. 316.235(6) ~~s. 316.235(5)~~ shall display an amber color.

Section 5. Effective July 1, 2019, subsection (9) of section 319.30, Florida Statutes, is amended to read:

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

(9)(a) An insurance company may notify an independent entity that obtains possession of a damaged or dismantled motor vehicle to release the vehicle to the owner. The insurance company shall provide the independent entity a release statement on a form prescribed by the department authorizing the independent entity to release the vehicle to the owner or lienholder. The form must shall, at a minimum, contain the following:

1. The policy and claim number.
2. The name and address of the insured.
3. The vehicle identification number.
4. The signature of an authorized representative of the insurance company.

(b) The independent entity in possession of a motor vehicle must send a notice to the owner that the vehicle is available for pickup ~~pick up~~ when it receives a release statement from the insurance company. The notice shall be sent by certified mail or by another commercially available delivery service that provides proof of delivery to the owner at the owner's address contained ~~reflected~~ in the department's records. The notice must state ~~inform the owner~~ that the owner has 30 days after delivery ~~receipt~~ of the notice to the owner at the owner's address to pick up the vehicle from the independent entity. If the motor vehicle is not claimed within 30 days after the delivery or attempted delivery of ~~the owner receives~~ the notice, the independent entity may apply for a certificate of destruction or a certificate of title.

(c) If the department's records do not contain the owner's address, the independent entity must do all of the following:

1. Send a notice that meets the requirements of paragraph (b) to the owner's address that is provided by the insurance company in the release statement.

2. Identify the latest titling jurisdiction of the vehicle through use of the National Motor Vehicle Title Information System or an equivalent commercially available system and attempt to obtain the owner's address from that jurisdiction. If the jurisdiction returns an address that is different from the owner's address provided by the insurance company, the independent entity must send a notice that meets the requirements of paragraph (b) to both addresses.

(d) The independent entity shall maintain for a minimum of 3 years the records related to the 30-day notice sent to the owner, the results of searches of the National Motor Vehicle Title Information System or an equivalent commercially available system, and the notification to the National Motor Vehicle Title Information System made pursuant to paragraph (e).

(e)(e) The independent entity shall make the required notification to the National Motor Vehicle Title Information System before releasing any damaged or dismantled motor vehicle to the owner or before applying for a certificate of destruction or salvage certificate of title.

(f)(d) Upon applying for a certificate of destruction or salvage certificate of title, the independent entity shall provide a copy of the release statement from the insurance company to the independent entity, proof of providing the 30-day notice to the owner, proof of notification to the National Motor Vehicle Title Information System, proof of all lien satisfactions or proof of a release of all liens on the motor vehicle, and applicable fees. If the independent entity is unable to obtain a lien satisfaction or a release of all liens on the motor vehicle, the independent entity must provide an affidavit stating that notice was sent to all lienholders that the motor vehicle is available for pickup, 30 days have passed since the notice was delivered or attempted to be delivered pursuant to this section, attempts have been made to obtain a release from all lienholders, and all such attempts have been to no avail. The notice to lienholders and attempts to obtain a release from lienholders may be by written request delivered in person or by certified mail or another commercially available delivery service that provides proof of delivery to the lienholder at the lienholder's address as provided on the certificate of title and to the address designated with the Department of State pursuant to s. 655.0201(2) if such address is different.

(g)(e) The independent entity may not charge an owner of the vehicle storage fees or apply for a title under s. 713.585 or s. 713.78.

Section 6. Subsection (10) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(10)(a) Jurisdiction over the electronic filing system for use by authorized electronic filing system agents to:

1. Electronically title or register motor vehicles, vessels, mobile homes, or off-highway vehicles;

2. For derelict or salvage motor vehicles, process title transactions, derelict motor vehicle certificates, or certificates of destruction, pursuant to s. 319.30(2), (3), (7), or (8);

3. Issue or transfer registration license plates or decals;

4. Electronically transfer fees due for the title and registration process; and

5. Perform inquiries for title, registration, and lienholder verification and certification of service providers,

is expressly preempted to the state, and the department shall have regulatory authority over the system. The electronic filing system shall be available for use statewide and applied uniformly throughout the state.

(b) The following entities that meet all established requirements may be authorized electronic filing system agents and may not be precluded from participating in the electronic filing system in any county:

1. An entity that, in the normal course of its business, sells products that must be titled or registered and, provides title and registration services on behalf of its consumers; or

2. An authorized insurer as defined in s. 624.09(1), a licensed salvage motor vehicle dealer as defined in s. 320.27(1)(c)5., or a licensed motor vehicle auction as defined in s. 320.27(1)(c)4. For these entities, authorization for use of the electronic filing system under this subparagraph is limited exclusively to processing, in the normal course of business pursuant to s. 319.30(2), (3), (7), or (8), title transactions, derelict motor vehicle certificates, or certificates of destruction for derelict or salvage motor vehicles physically located in the state and meets all established requirements may be an authorized electronic filing system agent and shall not be precluded from participating in the electronic filing system in any county.

~~(c) Upon request from a qualified entity, the tax collector shall appoint the entity as an authorized electronic filing system agent for that county. The department shall adopt rules in accordance with chapter 120 to replace the December 10, 2009, program standards and to administer the provisions of this section, including, but not limited to, establishing participation requirements, certification of service providers, electronic filing system requirements, and enforcement authority for noncompliance. The December 10, 2009, program standards, excluding any standards which conflict with this subsection, shall remain in effect until the rules are adopted.~~

(d) An authorized electronic filing system agent may charge a fee to the customer for use of the electronic filing system.

(e) The department may adopt rules to administer this subsection, including, but not limited to, rules establishing participation requirements, certification of service providers, electronic filing system requirements, disclosures, and enforcement authority for noncompliance.

Section 7. Subsection (4) of section 322.01, Florida Statutes, is amended to read:

322.01 Definitions.—As used in this chapter:

(4) “Authorized emergency vehicle” means a vehicle that is equipped with extraordinary audible and visual warning devices, that is authorized by s. 316.2397 to display red, red and white, or blue lights, and that is on call to respond to emergencies. The term includes, but is not limited to, ambulances, law enforcement vehicles, fire trucks, and other rescue vehicles. The term does not include wreckers, utility trucks, or other vehicles that are used only incidentally for emergency purposes.

Section 8. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect October 1, 2019.

Approved by the Governor June 7, 2019.

Filed in Office Secretary of State June 7, 2019.