

## CHAPTER 2024-218

### Committee Substitute for Senate Bill No. 1350

An act relating to salvage; amending s. 319.30, F.S.; revising and defining terms; revising provisions relating to obtaining a salvage certificate of title or certificate of destruction; exempting the Department of Highway Safety and Motor Vehicles from liability to certain persons as a result of the issuance of such certificates; providing requirements for an independent entity's release of a damaged or dismantled vessel to the owner; authorizing the independent entity to apply for certain certificates for an unclaimed vessel; providing requirements for such application; specifying provisions to which the independent entity is subject; prohibiting the independent entity from charging vessel storage fees; reenacting ss. 319.14(1)(b) and 319.141(1)(b), F.S., relating to the sale of motor vehicles registered or used as specified vehicles and the definition of the term "rebuilt inspection services" as used in the rebuilt motor vehicle inspection program, respectively, to incorporate the amendment made to s. 319.30, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraphs (g) and (j) of subsection (1), paragraph (b) of subsection (3), and subsection (9) of section 319.30, Florida Statutes, are amended, and paragraph (y) is added to subsection (1) of that section, to read:

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

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

(g) "Independent entity" means a business or entity that may temporarily store damaged or dismantled motor vehicles or vessels pursuant to an agreement with an insurance company and that is engaged in the sale or resale of damaged or dismantled motor vehicles or vessels. The term does not include a wrecker operator, a towing company, or a repair facility.

(j) "Major component parts" means:

1. Except as provided in subparagraph 3., for motor vehicles other than motorcycles, any fender, hood, bumper, cowl assembly, rear quarter panel, trunk lid, door, decklid, floor pan, engine, frame, transmission, catalytic converter, or airbag.

2. Except as provided in subparagraph 3., 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 electric, hybrid, or plug-in hybrid motor vehicles or trucks, in addition to the parts listed in subparagraphs 1. and 2., respectively, any electric traction motor, electronic transmission, charge port, DC power converter, onboard charger, power electronics controller, thermal system, traction battery pack, or airbag.

4. 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.

5.4. For mobile homes, the frame.

(y) “Vessel” has the same meaning as in s. 713.78(1)(b).

(3)

(b) The owner, including persons who are self-insured, of a motor vehicle or mobile home ~~that 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, and except as provided in this paragraph for a motor vehicle or mobile home retained by the owner in connection with a total loss claim settlement, an insurance company that 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, forward such title by the United States Postal Service, by another commercial delivery service, or by electronic means, when such means are made available by the department, to the department for processing. However, if the owner retains possession of a motor vehicle or mobile home in connection with a total loss claim settlement for such motor vehicle or mobile home, the owner must, within 72 hours after the motor vehicle or mobile home becomes salvage, or the insurance company must, within 72 hours after receiving the certificate of title for such motor vehicle or mobile home, forward the certificate of title to the motor vehicle or mobile home to the department for processing, and the department must issue a salvage certificate of title or certificate of destruction directly to the motor vehicle or mobile home owner rather than to the insurance company or its agent. The owner or insurance company, as applicable, may not dispose of a motor vehicle or mobile home that is a total loss before it obtains a salvage certificate of title or certificate of destruction from the department. ~~Effective January 1, 2020:~~

1. Thirty days after payment of a claim for compensation pursuant to this paragraph, the insurance company may receive a salvage certificate of title or certificate of destruction from the department if the insurance company is unable to obtain a properly assigned paper certificate of title from the owner or lienholder of the motor vehicle or mobile home or a properly completed assignment of an electronic certificate of title from the

~~owner of~~, if the motor vehicle or mobile home does not carry an electronic lien on the title and the insurance company:

a. Has obtained the release of all liens on the motor vehicle or mobile home, or has paid the amount due to the lienholder and has obtained proof that the lienholder accepts payment as satisfying the amount due to the lienholder;

b. Has attested on a form provided by the department that payment of the total loss claim has been distributed; and

c. Has attested on a form provided by the department and signed by the insurance company or its authorized agent stating the attempts that have been made to obtain the paper certificate of title or a properly completed assignment of an electronic certificate of title from the owner or lienholder and further stating that all attempts are to no avail. The form must include a request that the salvage certificate of title or certificate of destruction be issued in the insurance company's name due to payment of a total loss claim to the owner or lienholder. The attempts to contact the owner or lienholder may be by written request delivered in person or by first-class mail with a certificate of mailing to the owner's last known address or lienholder's last known address, respectively.

2. If the owner or lienholder is notified of the request for title or assignment of title in person, the insurance company must provide an affidavit attesting to the in-person request for a certificate of title or assignment of title.

3. The request to the owner or lienholder for the certificate of title or to the owner for the assignment of title must include a complete description of the motor vehicle or mobile home and the statement that a total loss claim has been paid on the motor vehicle or mobile home.

4. The department is not liable and may not be held liable to an owner, a lienholder, or any other person as a result of the issuance of a salvage certificate of title or a certificate of destruction pursuant to subparagraph 1.

(9)(a) An insurance company may notify an independent entity that obtains possession of a damaged or dismantled motor vehicle or vessel to release the vehicle or vessel 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 or vessel to the owner or lienholder. The form must, 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 or vessel hull identification number.

4. The signature of an authorized representative of the insurance company.

(b) The independent entity in possession of a motor vehicle or vessel must send a notice to the owner that the motor vehicle or vessel is available for pickup when it receives a release statement from the insurance company. The notice must 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 in the department's records. The notice must state that the owner has 30 days after delivery of the notice to the owner at the owner's address to pick up the motor vehicle or vessel from the independent entity. If the motor vehicle or vessel is not claimed within 30 days after the delivery or attempted delivery of the notice, the independent entity may apply for a certificate of destruction, a salvage certificate of title, or a certificate of title for a motor vehicle or a certificate of title as defined in s. 328.0015 for a vessel. For a vessel that is hull damaged as defined in s. 328.0015, the application must indicate "Hull Damaged."

(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. For a motor vehicle, 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 at least a minimum of 3 years the records related to the 30-day notice sent to the owner. For motor vehicles, the independent entity shall also maintain for at least 3 years 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) 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. The independent entity is not required to notify the National Motor Vehicle Title Information System before releasing any damaged or dismantled vessel to the owner or before applying for a certificate of title as defined in s. 328.0015.

(f) Upon applying for a certificate of destruction, ~~or~~ salvage certificate of title, ~~or certificate of title for a motor vehicle or for a certificate of title as described in paragraph (b) for a vessel~~, 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 if required, proof of all lien satisfactions or proof of a release of all liens on the motor vehicle or vessel, and applicable fees. If the independent entity is unable to obtain a lien satisfaction or a release of all liens on the motor vehicle or vessel, the independent entity must provide an affidavit stating that notice was sent to all lienholders that the motor vehicle or vessel 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 for a motor vehicle or on the certificate of title as defined in s. 328.0015 for a vessel and to the address designated with the Department of State pursuant to s. 655.0201(2) if such address is different.

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

Section 2. For the purpose of incorporating the amendment made by this act to section 319.30, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 319.14, Florida Statutes, is reenacted to read:

319.14 Sale of motor vehicles registered or used as taxicabs, police vehicles, lease vehicles, rebuilt vehicles, nonconforming vehicles, custom vehicles, or street rod vehicles; conversion of low-speed vehicles.—

(1)

(b) A person may not 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, flood vehicle, custom vehicle, or street rod 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, flood vehicle, custom vehicle, or street rod 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), 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. For the purpose of incorporating the amendment made by this act to section 319.30, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 319.141, Florida Statutes, is reenacted to read:

319.141 Rebuilt motor vehicle inspection program.—

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

(b) “Rebuilt inspection services” means an examination of a rebuilt vehicle and a properly endorsed certificate of title, salvage certificate of title, or manufacturer’s statement of origin and an application for a rebuilt certificate of title, a rebuilder’s affidavit, a photograph of the junk or salvage vehicle taken before repairs began, if available, a photograph of the interior driver and passenger sides of the vehicle if airbags were previously deployed and replaced, receipts or invoices for all major component parts, as defined in s. 319.30, and repairs which were changed, and proof that notice of rebuilding of the vehicle has been reported to the National Motor Vehicle Title Information System.

Section 4. This act shall take effect July 1, 2024.

Approved by the Governor May 31, 2024.

Filed in Office Secretary of State May 31, 2024.