

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Infrastructure and Security

CS/HB 1057 — Motor Vehicles

by Transportation and Infrastructure Subcommittee; and Rep. McClure and others (CS/CS/SB 974 by Appropriations Committee; Infrastructure and Security Committee; and Senator Perry)

The bill authorizes the use of red and white lights on vehicles operated by the fire department, fire patrol, and volunteer firefighters, and revises the definition of an “authorized emergency vehicle”, to include a vehicle with red and white lights. It also authorizes vehicles to be equipped with lamps or devices underneath the vehicle.

The bill amends laws related to the business of storing and selling or reselling damaged or dismantled vehicles. The bill requires that when an insurance company notifies an independent entity in possession of a vehicle to release it, the insurance company must provide the independent entity a release statement authorizing release of the vehicle to the owner or to the lienholder.

The bill allows the independent entity’s notice to the owner to be provided by a commercial delivery service that provides proof of delivery, in addition to certified mail. When the Department of Highway Safety and Motor Vehicles (DHSMV) does not have the owner’s address on record, the bill allows the notice to be sent to the vehicle owner’s address on file with the insurance company and on file with the vehicle’s most recent titling jurisdiction.

The bill allows an independent entity in possession of a vehicle to apply for a certificate of destruction or a certificate of title if a vehicle is not claimed within 30 days after the attempted delivery of notice to the owner.

When applying for a certificate of destruction or salvage certificate of title, the bill requires the independent entity in possession of a vehicle to:

- Provide proof of all lien satisfactions or proof of a release on all liens on a vehicle;
- Provide an affidavit indicating a notice had been sent to all lienholders and 30 days has passed since the notice was delivered or delivery was attempted, in the event a lien satisfaction or a release of all liens on a vehicle cannot be obtained;
- Provide proof of notice delivery to the lienholder at the address on the certificate of title and, if the address is different than the one on file with the Department of State for the lienholder’s registered agent, provide proof of notice delivery to that address.

The bill allows a licensed salvage vehicle dealer or vehicle auction or insurance company that processes title transactions, derelict motor vehicle certificates, and certificates of destruction for derelict and salvaged vehicles to act as an electronic filing system agent of the DHSMV, if the entity does so in the normal course of business.

If approved by the Governor, these provisions take effect October 1, 2019, with an earlier effective date of July 1, 2019, for the provisions related to insurance company notifications,

independent entity notifications, proof of lien satisfactions, and applications for a certificate of destruction or a certificate of title.

Vote: Senate 38-1; House 113-1