

THE FLORIDA SENATE
2019 SUMMARY OF LEGISLATION PASSED
Committee on Banking and Insurance

CS/CS/CS/HB 431 — Liens Against Motor Vehicles and Vessels

by Judiciary Committee; Transportation and Infrastructure Subcommittee; Civil Justice Subcommittee; and Rep. Fischer (CS/CS/SB 772 by Judiciary Committee; Banking and Insurance Committee; and Senators Stargel and Baxley)

The bill changes the notification requirements and process for performance liens and sale by automotive repair shops and towing-storage operators. The bill expands those who must receive such notices beyond the customer and requires additional information be provided.

The bill requires the notice of lien for automotive repairs include the name and address of the lienor and an itemized statement of the amount claimed to be owed to the lienor. The bill prohibits selling a vehicle to satisfy a lien for repair work earlier than 60 days after the completion of the repair work. The notice of sale notice must contain information identifying the registration number, name, and physical address of the motor vehicle repair shop claiming the lien and must be sent by certified mail with the last eight digits of the vehicle identification number of the motor vehicle being sold clearly printed in the delivery address box. The bill requires the lienor to make the vehicle to be sold available for inspection at any time before the proposed or scheduled date of the sale. The bill allows any person of record claiming a lien against a motor vehicle to obtain the vehicle's release from a lien claimed by a motor vehicle repair shop for repair work performed under ch. 713, F.S.; currently the statute only refers to the customer of the repair shop obtaining release. The release is obtained by filing cash or a surety bond with the clerk of court where the disputed transaction occurred.

The bill requires the notice of lien for recovering, towing, or storing a vehicle or vessel be sent within 7 business days after the date of storage of the vehicle or vessel. The notice of lien must contain the name, physical address, telephone number and entity name of the lienor, the name of the person that authorized the lienor to take possession of the vehicle or vessel, and the address where the vehicle or vessel is located. If the lienor fails to provide such notice, the lienor may not charge for more than 7 days of storage. The notice of lien must be sent at least 30 days before a sale to satisfy the lien. Notice of sale to satisfy a lien for recovering, towing, or storing a vehicle must be sent by certified mail with the last eight digits of the vehicle identification number of the motor vehicle or hull identification number of the vessel on the outside of the envelope. The notice of sale must also contain such information regarding the lienor and the vehicle identification number of the motor vehicle or hull identification number of the vessel.

The bill requires a third-party service, approved by the Department of Highway Safety and Motor Vehicles, must be used, when available, in processing and mailing all such required notices.

The bill limits the fees and costs a motor vehicle repair shop or towing-storing operator may charge to release a vehicle from a claim of lien, generally to no more than \$250.

The bill requires the lienor provide specific documentation as part of an application to the Department of Highway Safety and Motor Vehicles for transfer of title.

If approved by the Governor, these provisions take effect January 1, 2020.

Vote: Senate 38-0; House 113-0