

By Senator Hargrett

21-814-98

1                                   A bill to be entitled  
2           An act relating to motor vehicle repair liens;  
3           amending s. 713.585, F.S.; requiring that a  
4           notice of claim of lien for performing labor on  
5           a motor vehicle include an itemized invoice;  
6           providing for rejection of an application for  
7           transfer of title if such an invoice is not  
8           filed with the application and there has been  
9           an attempt to improperly charge storage  
10          charges; providing an effective date.

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

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14           Section 1. Subsections (1), (9), and (13) of section  
15 713.585, Florida Statutes, are amended to read:

16           713.585 Enforcement of lien by sale of motor  
17 vehicle.--A person claiming a lien under s. 713.58 for  
18 performing labor or services on a motor vehicle may enforce  
19 such lien by sale of the vehicle in accordance with the  
20 following procedures:

21           (1) The lienor must give notice, by certified mail,  
22 return receipt requested, within 15 business days, excluding  
23 Saturday and Sunday, from the beginning date of the assessment  
24 of storage charges on said motor vehicle, to the registered  
25 owner of the vehicle, to the customer as indicated on the  
26 order for repair, and to all other persons claiming an  
27 interest in or lien thereon, as disclosed by the records of  
28 the Department of Highway Safety and Motor Vehicles or of a  
29 corresponding agency of any other state in which the vehicle  
30 appears registered. Such notice must contain:

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1 (a) A description of the vehicle (year, make, vehicle  
2 identification number) and its location.

3 (b) The name and address of the owner of the vehicle,  
4 the customer as indicated on the order for repair, and any  
5 person claiming an interest in or lien thereon.

6 (c) The name, address, and telephone number of the  
7 lienor.

8 (d) Notice that the lienor claims a lien on the  
9 vehicle for labor and services performed and storage charges,  
10 if any, and the cash sum which, if paid to the lienor, would  
11 be sufficient to redeem the vehicle from the lien claimed by  
12 the lienor. Such notice must include an itemized invoice that  
13 details both the amount charged for repairs and the amount  
14 charged for storage.

15 (e) Notice that the lien claimed by the lienor is  
16 subject to enforcement pursuant to this section and that the  
17 vehicle may be sold to satisfy the lien.

18 (f) If known, the date, time, and location of any  
19 proposed or scheduled sale of the vehicle. No vehicle may be  
20 sold earlier than 60 days after completion of the repair work.

21 (g) Notice that the owner of the vehicle or any person  
22 claiming an interest in or lien thereon has a right to a  
23 hearing at any time prior to the scheduled date of sale by  
24 filing a demand for hearing with the clerk of the circuit  
25 court in the county in which the vehicle is held and mailing  
26 copies of the demand for hearing to all other owners and  
27 lienors as reflected on the notice.

28 (h) Notice that the owner of the vehicle has a right  
29 to recover possession of the vehicle without instituting  
30 judicial proceedings by posting bond in accordance with the  
31 provisions of s. 559.917.

1 (i) Notice that any proceeds from the sale of the  
2 vehicle remaining after payment of the amount claimed to be  
3 due and owing to the lienor will be deposited with the clerk  
4 of the circuit court for disposition upon court order pursuant  
5 to subsection (8).

6 (9) A copy of the certificate of compliance and the  
7 report of sale, certified by the clerk of the court, shall  
8 constitute satisfactory proof for application to the  
9 Department of Highway Safety and Motor Vehicles for transfer  
10 of title, together with any other proof required by any rules  
11 and regulations of the department. However, the department  
12 shall reject the application if the lienor fails to submit an  
13 itemized invoice detailing both the amount charged for repairs  
14 and the amount charged for storage and if the department  
15 determines that the lienor attempted to charge for storage  
16 contrary to the provisions of this section.

17 (13) A failure to make good faith efforts as defined  
18 in subsection (2) precludes the imposition of any storage  
19 charges against the vehicle. If a lienor fails to provide  
20 notice to any person claiming a lien on a vehicle under  
21 subsection (1) within 15 business days after the assessment of  
22 storage charges have begun, ~~then~~ the lienor is precluded from  
23 charging for more than 15 days of storage, but failure to  
24 provide timely notice does not affect charges made for  
25 repairs, adjustments, or modifications to the vehicle or the  
26 priority of liens on the vehicle, except as provided in  
27 subsection (9).

28 Section 2. This act shall take effect upon becoming a  
29 law.

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SENATE SUMMARY

Provides that a notice of claim of lien for performing labor on a motor vehicle must include an itemized invoice of the charges for storage and repair. An application for title must be rejected if the invoice is not filed with the application, and if there has been an attempt to improperly charge storage charges.