

198-326AX-02 Bill No. CS for CS for SB 1270, 2nd Eng.
Amendment No. ____ (for drafter's use only)

Senate CHAMBER ACTION House

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ORIGINAL STAMP BELOW

Representative(s) Fuller offered the following:

Amendment (with title amendment)

On page 28, lines 4 through 6,
remove from the bill: all of said lines
and insert in lieu thereof:

(9) Except as otherwise provided in this section, any person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 16. Subsection (2), paragraph (b) of subsection (3), and subsections (6) and (7) of section 319.30, Florida Statutes, 1998 Supplement, are amended to read:

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

(2)(a) Each person mentioned as owner in the last issued certificate of title, when such motor vehicle or mobile home is dismantled, destroyed, or changed in such manner that it is not the motor vehicle or mobile home described in the certificate of title, shall surrender his or her certificate

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1 of title to the department, and thereupon the department
2 shall, with the consent of any lienholders noted thereon,
3 enter a cancellation upon its records. Upon cancellation of a
4 certificate of title in the manner prescribed by this section,
5 the department may cancel and destroy all certificates in that
6 chain of title. Any person who willfully and deliberately
7 violates this paragraph commits a misdemeanor of the second
8 degree, punishable as provided in s. 775.082 or s. 775.083.

9 (b) When a motor vehicle is sold, transported, or
10 delivered to a salvage motor vehicle dealer, it shall be
11 accompanied by:

12 1. A properly endorsed certificate of title, salvage
13 certificate of title, or vehicle certificate of destruction
14 issued by the department; or

15 2. If the certificate of title has been surrendered to
16 the department, a notarized affidavit signed by the owner
17 stating that the title has been returned to the State of
18 Florida pursuant to paragraph (a), the date on which such
19 return was made, the year, make, and vehicle identification
20 number of the motor vehicle, and the name, address, and
21 personal identification card number of the owner. Any person
22 who willfully and deliberately violates this subparagraph by
23 falsifying a required affidavit commits a felony of the third
24 degree, punishable as provided in s. 775.082, s. 775.083, or
25 s. 775.084.

26 (3)

27 (b) The owner of any motor vehicle or mobile home
28 which is considered to be salvage shall, within 72 hours after
29 the motor vehicle or mobile home becomes salvage, forward the
30 title to the motor vehicle or mobile home to the department
31 for processing. However, an insurance company which pays money

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1 as compensation for total loss of a motor vehicle or mobile
2 home shall obtain the certificate of title for the motor
3 vehicle or mobile home and, within 72 hours after receiving
4 such certificate of title, shall forward such title to the
5 department for processing. The owner or insurance company, as
6 the case may be, may not dispose of a vehicle or mobile home
7 that is a total loss before it has obtained a salvage
8 certificate of title from the department. When applying for a
9 salvage certificate of title, the owner or insurance company
10 must provide the department with an estimate of the costs of
11 repairing the physical and mechanical damage suffered by the
12 vehicle for which a salvage certificate of title is sought.
13 If the estimated costs of repairing the physical and
14 mechanical damage to the vehicle is equal to 80 percent or
15 more of the current retail cost of the vehicle, as established
16 in any official used car or used mobile home guide, the
17 department shall declare the vehicle unrebuildable and print
18 notice on the salvage certificate of title that the vehicle is
19 unrebuildable; and, thereafter, the department shall refuse
20 issuance of any certificate of title for that vehicle. Nothing
21 in this subsection shall be applicable when a vehicle is worth
22 less than \$1,500 retail in undamaged condition in any official
23 used motor vehicle guide or used mobile home guide or when a
24 stolen motor vehicle or mobile home is recovered in
25 substantially intact condition and is readily resalable
26 without extensive repairs to or replacement of the frame or
27 engine. Any person who willfully and deliberately violates
28 this paragraph or falsifies any document to avoid the
29 requirements of this paragraph commits a misdemeanor of the
30 first degree, punishable as provided in s. 775.082 or s.
31 775.083.

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1 (6) In the event of a purchase by a salvage motor
2 vehicle dealer of materials or major component parts for any
3 reason, the purchaser shall:

4 (a) For each item of materials or major component
5 parts purchased, the salvage motor vehicle dealer shall record
6 the date of purchase, name and address of the seller, and the
7 personal identification card number of the person delivering
8 such items, as well as the vehicle identification number, if
9 available.

10 (b) With respect to each item of materials or major
11 component parts purchased, obtain such documentation as may be
12 required by subsection (2).

13
14 Any person who violates this subsection commits a misdemeanor
15 of the first degree, punishable as provided in s. 775.082 or
16 s. 775.083.

17 (7) In the event of a purchase by a secondary metals
18 recycler, that has been issued a certificate of registration
19 number, of:

20 (a) Materials, prepared materials, or parts from any
21 seller for purposes other than the processing of such
22 materials, prepared materials, or parts, the purchaser shall
23 obtain such documentation as may be required by this section,
24 and shall record the seller's name and address, date of
25 purchase, and the personal identification card number of the
26 person delivering such items.

27 (b) Parts or prepared materials from any seller for
28 purposes of the processing of such parts or prepared
29 materials, the purchaser shall record the seller's name and
30 address and date of purchase; and, in the event of a purchase
31 transaction consisting primarily of parts or prepared

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1 materials, the personal identification card number of the
2 person delivering such items.

3 (c) Materials from another secondary metals recycler
4 for purposes of the processing of such materials, the
5 purchaser shall record the seller's name, address, and date of
6 purchase.

7 (d) Motor vehicles, mobile homes, or derelicts from
8 other than a secondary metals recycler for purposes of the
9 processing of such motor vehicles, mobile homes, or derelicts,
10 the purchaser shall record the seller's name, address, date of
11 purchase, and the personal identification card number of the
12 person delivering such items, and shall obtain the following
13 documentation from the seller with respect to each item
14 purchased:

15 1. A valid certificate of title issued in the name of
16 the seller or properly endorsed over to the seller;

17 2. A valid certificate of destruction issued in the
18 name of the seller or properly endorsed over to the seller; or

19 3. If a valid certificate of title or a valid
20 certificate of destruction is not available, an affidavit
21 signed by the seller stating that the seller returned the
22 certificate of title to the State of Florida pursuant to
23 subsection (2) and the date on which such return was made, and
24 setting forth the vehicle identification number of such motor
25 vehicle, mobile home, or derelict.

26 (e) Major parts from other than a secondary metals
27 recycler for purposes of the processing of such major parts,
28 the purchaser shall record the seller's name, address, date of
29 purchase, and the personal identification card number of the
30 person delivering such items, as well as the vehicle
31 identification number, if available, of each major part

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1 purchased.

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3 Any person who violates this subsection commits a felony of
4 the third degree, punishable as provided in s. 775.082, s.
5 775.083, or s. 775.084.

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8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 On page 2, line 15,

11

12 after the semicolon insert:

13 providing penalties for certain violations with
14 respect to the change of identity of a motor
15 vehicle or mobile home;

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