

By Senator King

8-280A-02

1 A bill to be entitled
2 An act relating to vehicle title certificates;
3 amending s. 319.30, F.S.; redefining the term
4 "total loss"; providing an effective date.

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

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8 Section 1. Paragraph (q) is added to subsection (1) of
9 section 319.30, Florida Statutes, and subsection (3) of that
10 section is amended to read:

11 319.30 Definitions; dismantling, destruction, change
12 of identity of motor vehicle or mobile home; salvage.--

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

14 (q) "Total loss" means:

15 1. A motor vehicle or mobile home that has been
16 damaged, destroyed, wrecked, or submerged in water, to the
17 extent that the total estimated or actual cost of parts and
18 labor to rebuild or reconstruct the vehicle or mobile home to
19 its pre-accident condition and for legal operation on the
20 roads or highways exceeds 75 percent of the retail value prior
21 to such damage, as set forth in a current edition of any
22 nationally recognized compilation, including automated
23 databases, of retail values. The value of repair parts for
24 purposes of this subparagraph is to be determined by using the
25 current published retail cost of the original equipment
26 manufacturer parts or the actual retail cost of the repair
27 parts to be used in the repair. The labor cost of repairs for
28 purposes of this subparagraph is to be computed by using the
29 hourly labor rate and time at locations that are reasonable
30 and customary in the automobile repair industry in the
31 community where the repairs are performed; or

1 2. A motor vehicle or mobile home without regard to
2 whether it meets the preceding 75-percent threshold with
3 respect to which an insurance company or self-insurer acquires
4 ownership pursuant to a damage or theft settlement or the
5 owner designates as a total loss by applying for a salvage
6 certificate of title or certificate of destruction.

7 ~~(3)(a) As used in this section, a motor vehicle or~~
8 ~~mobile home is a "total loss":~~

9 ~~1. When an insurance company pays the vehicle owner to~~
10 ~~replace the wrecked or damaged vehicle with one of like kind~~
11 ~~and quality or when an insurance company pays the owner upon~~
12 ~~the theft of the motor vehicle or mobile home; a motor vehicle~~
13 ~~or mobile home shall not be considered a "total loss" if the~~
14 ~~insurance company and the owner agree to repair, rather than~~
15 ~~to replace, the motor vehicle or mobile home; or~~

16 ~~2. When an uninsured motor vehicle or mobile home is~~
17 ~~wrecked or damaged and the cost, at the time of loss, of~~
18 ~~repairing or rebuilding the vehicle is 80 percent or more of~~
19 ~~the cost to the owner of replacing the wrecked or damaged~~
20 ~~motor vehicle or mobile home with one of like kind and~~
21 ~~quality.~~

22 ~~(b)~~ The owner of any motor vehicle or mobile home
23 which is considered to be salvage shall, within 72 hours after
24 the motor vehicle or mobile home becomes salvage, forward the
25 title to the motor vehicle or mobile home to the department
26 for processing. However, an insurance company which pays money
27 as compensation for total loss of a motor vehicle or mobile
28 home shall obtain the certificate of title for the motor
29 vehicle or mobile home and, within 72 hours after receiving
30 such certificate of title, shall forward such title to the
31 department for processing. The owner or insurance company, as

1 the case may be, may not dispose of a vehicle or mobile home
2 that is a total loss before it has obtained a salvage
3 certificate of title or certificate of destruction from the
4 department. When applying for a salvage certificate of title
5 or certificate of destruction, the owner or insurance company
6 must provide the department with an estimate of the costs of
7 repairing the physical and mechanical damage suffered by the
8 vehicle for which a salvage certificate of title or
9 certificate of destruction is sought. If the estimated costs
10 of repairing the physical and mechanical damage to the vehicle
11 are equal to 80 percent or more of the current retail cost of
12 the vehicle, as established in any official used car or used
13 mobile home guide, the department shall declare the vehicle
14 unbuildable and print a certificate of destruction, which
15 authorizes the dismantling or destruction of the motor vehicle
16 or mobile home described therein. This certificate of
17 destruction shall be reassignable a maximum of two times
18 before dismantling or destruction of the vehicle shall be
19 required, and shall accompany the motor vehicle or mobile home
20 for which it is issued, when such motor vehicle or mobile home
21 is sold for such purposes, in lieu of a certificate of title,
22 and, thereafter, the department shall refuse issuance of any
23 certificate of title for that vehicle. Nothing in this
24 subsection shall be applicable when a vehicle is worth less
25 than \$1,500 retail in undamaged condition in any official used
26 motor vehicle guide or used mobile home guide or when a stolen
27 motor vehicle or mobile home is recovered in substantially
28 intact condition and is readily resalable without extensive
29 repairs to or replacement of the frame or engine. Any person
30 who willfully and deliberately violates this paragraph or
31 falsifies any document to avoid the requirements of this

1 paragraph commits a misdemeanor of the first degree,
2 punishable as provided in s. 775.082 or s. 775.083.

3 Section 2. This act shall take effect July 1, 2002.

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SENATE SUMMARY

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Redefines the term "total loss" for purposes of the law
governing title certificates.

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