

Amendment No. 001 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Transportation offered the following:

**Amendment (with title amendment)**

Remove everything after the enacting clause

and insert:

Section 1. 319.30, Florida statutes is amended to read:

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

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

(a) "Certificate of destruction" means the certificate issued pursuant to s. 713.78(11).

(b) "Certificate of registration number" means the certificate of registration number issued by the Department of Revenue of the State of Florida pursuant to s. 538.25.

(c) "Derelict" means any material which is or may have been a motor vehicle or mobile home, with or without all component parts, which is inoperable and which material is in such condition that its highest or primary value is either in its sale or transfer as scrap metal or for its component

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1 parts, or a combination of the two.

2 (d) "Junk" means any material which is or may have  
3 been a motor vehicle or mobile home, with or without all  
4 component parts, which is inoperable and which material is in  
5 such condition that its highest or primary value is either in  
6 its sale or transfer as scrap metal or for its component  
7 parts, or a combination of the two, except when sold or  
8 delivered to or when purchased, possessed, or received by a  
9 secondary metals recycler or salvage motor vehicle dealer.

10 (e) "Major component parts" means the front-end  
11 assembly (fenders, hood, grill, and bumper); cowl assembly;  
12 rear body section (both quarter panels, decklid, bumper, and  
13 floor pan); door assemblies; engine; frame; or transmission.

14 (f) "Major part" means the front-end assembly  
15 (fenders, hood, grill, and bumper); cowl assembly; or rear  
16 body section (both quarter panels, decklid, bumper, and floor  
17 pan).

18 (g) "Materials" means motor vehicles, derelicts, and  
19 major parts that are not prepared materials.

20 (h) "Mobile home" means mobile home as defined in s.  
21 320.01(2).

22 (i) "Motor vehicle" means motor vehicle as defined in  
23 s. 320.01(1).

24 (j) "Parts" means parts of motor vehicles or  
25 combinations thereof that do not constitute materials or  
26 prepared materials.

27 (k) "Personal identification card" means personal  
28 identification card as defined in s. 538.18(5).

29 (l) "Prepared materials" means motor vehicles, mobile  
30 homes, derelicts, major parts, or parts that have been  
31 processed by mechanically flattening or crushing, or otherwise

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1 processed such that they are not the motor vehicle or mobile  
2 home described in the certificate of title, or their only  
3 value is as scrap metal.

4 (m) "Processing" means the business of performing the  
5 manufacturing process by which ferrous metals or nonferrous  
6 metals are converted into raw material products consisting of  
7 prepared grades and having an existing or potential economic  
8 value, or the purchase of materials, prepared materials, or  
9 parts therefor.

10 (n) "Salvage" means a motor vehicle or mobile home  
11 which is a total loss as defined in paragraph (3)(a).

12 (o) "Salvage motor vehicle dealer" means salvage motor  
13 vehicle dealer as defined in s. 320.27(1)(c)5.

14 (p) "Secondary metals recycler" means secondary metals  
15 recycler as defined in s. 538.18(8).

16 (2)(a) Each person mentioned as owner in the last  
17 issued certificate of title, when such motor vehicle or mobile  
18 home is dismantled, destroyed, or changed in such manner that  
19 it is not the motor vehicle or mobile home described in the  
20 certificate of title, shall surrender his or her certificate  
21 of title to the department, and thereupon the department  
22 shall, with the consent of any lienholders noted thereon,  
23 enter a cancellation upon its records. Upon cancellation of a  
24 certificate of title in the manner prescribed by this section,  
25 the department may cancel and destroy all certificates in that  
26 chain of title. Any person who willfully and deliberately  
27 violates this paragraph commits a misdemeanor of the second  
28 degree, punishable as provided in s. 775.082 or s. 775.083.

29 (b) When a motor vehicle is sold, transported, or  
30 delivered to a salvage motor vehicle dealer, it shall be  
31 accompanied by:

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1           1. A properly endorsed certificate of title, salvage  
2 certificate of title, or vehicle certificate of destruction  
3 issued by the department; or

4           2. If the certificate of title has been surrendered to  
5 the department, a notarized affidavit signed by the owner  
6 stating that the title has been returned to the State of  
7 Florida pursuant to paragraph (a), the date on which such  
8 return was made, the year, make, and vehicle identification  
9 number of the motor vehicle, and the name, address, and  
10 personal identification card number of the owner. Any person  
11 who willfully and deliberately violates this subparagraph by  
12 falsifying a required affidavit commits a felony of the third  
13 degree, punishable as provided in s. 775.082, s. 775.083, or  
14 s. 775.084.

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

17           1. When an insurance company pays the vehicle owner to  
18 replace the wrecked or damaged vehicle with one of like kind  
19 and quality or when an insurance company pays the owner upon  
20 the theft of the motor vehicle or mobile home; ~~a motor~~  
21 ~~vehicle or mobile home shall not be considered a "total loss"~~  
22 ~~if the insurance company and the owner agree to repair, rather~~  
23 ~~than to replace, the motor vehicle or mobile home; or~~

24           2. When a ~~an uninsured~~ motor vehicle or mobile home is  
25 wrecked or damaged and the cost, at the time of loss, of  
26 repairing or rebuilding the vehicle is 80 percent or more of  
27 the cost to the owner of replacing the wrecked or damaged  
28 motor vehicle or mobile home with one of like kind and  
29 quality.

30           3. A motor vehicle or mobile home shall not be  
31 considered a "total loss" if the insurance company and owner

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1 of a motor vehicle or mobile home agree to repair, rather than  
2 to replace, the motor vehicle or mobile home. The owner shall  
3 forward to the department, within 72 hours after the  
4 agreement, a request to brand the certificate of title with  
5 the words "Total Loss Vehicle." Such a brand shall become a  
6 part of the vehicle's title history.

7 (b) The owner of any motor vehicle or mobile home  
8 which is considered to be salvage shall, including persons who  
9 are self-insured, within 72 hours after the motor vehicle or  
10 mobile home becomes salvage, forward the title to the motor  
11 vehicle or mobile home to the department for processing.  
12 However, an insurance company which pays money as compensation  
13 for total loss of a motor vehicle or mobile home shall obtain  
14 the certificate of title for the motor vehicle or mobile home  
15 and, within 72 hours after receiving such certificate of  
16 title, shall forward such title to the department for  
17 processing. The owner or insurance company, as the case may  
18 be, may not dispose of a vehicle or mobile home that is a  
19 total loss before it has obtained a salvage certificate of  
20 title or certificate of destruction from the department. When  
21 applying for a salvage certificate of title or certificate of  
22 destruction, the owner or insurance company must provide the  
23 department with an estimate of the costs of repairing the  
24 physical and mechanical damage suffered by the vehicle for  
25 which a salvage certificate of title or certificate of  
26 destruction is sought. If the estimated costs of repairing the  
27 physical and mechanical damage to the vehicle are equal to 80  
28 percent or more of the current retail cost of the vehicle, as  
29 established in any official used car or used mobile home  
30 guide, the department shall declare the vehicle unrebuildable  
31 and print a certificate of destruction, which authorizes the

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1 dismantling or destruction of the motor vehicle or mobile home  
2 described therein. This certificate of destruction shall be  
3 reassignable a maximum of two times before dismantling or  
4 destruction of the vehicle shall be required, and shall  
5 accompany the motor vehicle or mobile home for which it is  
6 issued, when such motor vehicle or mobile home is sold for  
7 such purposes, in lieu of a certificate of title, and,  
8 thereafter, the department shall refuse issuance of any  
9 certificate of title for that vehicle. ~~Nothing in this~~  
10 ~~subsection shall be applicable when a vehicle is worth less~~  
11 ~~than \$1,500 retail in undamaged condition in any official~~  
12 ~~motor vehicle guide or used mobile home guide or when a stolen~~  
13 ~~motor vehicle or mobile home~~ This subsection shall apply only  
14 to vehicles in the current model year or newer or the  
15 preceding nine model years. Nothing in this subsection shall  
16 apply when a stolen motor vehicle or mobile home is recovered  
17 in substantially intact condition and is readily resalable  
18 without extensive repairs to or replacement of the frame or  
19 engine. Any person who willfully and deliberately violates  
20 this paragraph or falsifies any document to avoid the  
21 requirements of this paragraph commits a misdemeanor of the  
22 first degree, punishable as provided in s. 775.082 or s.  
23 775.083.

24 (4) It is unlawful for any person to have in his or  
25 her possession any motor vehicle or mobile home when the  
26 manufacturer's identification number plate or serial plate has  
27 been removed therefrom. However, nothing in this subsection  
28 shall be applicable when a vehicle defined in this section as  
29 a derelict or salvage was purchased or acquired from a foreign  
30 state requiring such vehicle's identification number plate to  
31 be surrendered to such state, provided the person shall have

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1 an affidavit from the seller describing the vehicle by  
2 manufacturer's serial number and the state to which such  
3 vehicle's identification number plate was surrendered.

4 (5)(a) It is unlawful for any person to knowingly  
5 possess, sell, or exchange, offer to sell or exchange, or give  
6 away any certificate of title or manufacturer's identification  
7 number plate or serial plate of any motor vehicle, mobile  
8 home, or derelict that has been sold as salvage contrary to  
9 the provisions of this section, and it is unlawful for any  
10 person to authorize, direct, aid in, or consent to the  
11 possession, sale, or exchange or to offer to sell, exchange,  
12 or give away such certificate of title or manufacturer's  
13 identification number plate or serial plate.

14 (b) It is unlawful for any person to knowingly  
15 possess, sell, or exchange, offer to sell or exchange, or give  
16 away any manufacturer's identification number plate or serial  
17 plate of any motor vehicle or mobile home that has been  
18 removed from the motor vehicle or mobile home for which it was  
19 manufactured, and it is unlawful for any person to authorize,  
20 direct, aid in, or consent to the possession, sale, or  
21 exchange or to offer to sell, exchange, or give away such  
22 manufacturer's identification number plate or serial plate.

23 (c) This chapter does not apply to anyone who removes,  
24 possesses, or replaces a manufacturer's identification number  
25 plate, in the course of performing repairs on a vehicle, that  
26 require such removal or replacement. If the repair requires  
27 replacement of a vehicle part that contains the manufacturer's  
28 identification number plate, the manufacturer's identification  
29 number plate that is assigned to the vehicle being repaired  
30 will be installed on the replacement part. The manufacturer's  
31 identification number plate that was removed from this

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1 replacement part will be installed on the part that was  
2 removed from the vehicle being repaired.

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

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

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

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

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

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

29 (b) Parts or prepared materials from any seller for  
30 purposes of the processing of such parts or prepared  
31 materials, the purchaser shall record the seller's name and



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1 address and date of purchase; and, in the event of a purchase  
2 transaction consisting primarily of parts or prepared  
3 materials, the personal identification card number of the  
4 person delivering such items.

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

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

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

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

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

28 (e) Major parts from other than a secondary metals  
29 recycler for purposes of the processing of such major parts,  
30 the purchaser shall record the seller's name, address, date of  
31 purchase, and the personal identification card number of the

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1 person delivering such items, as well as the vehicle  
2 identification number, if available, of each major part  
3 purchased.

4  
5 Any person who violates this subsection commits a felony of  
6 the third degree, punishable as provided in s. 775.082, s.  
7 775.083, or s. 775.084.

8 (8)(a) Secondary metals recyclers and salvage motor  
9 vehicle dealers shall return to the department on a monthly  
10 basis all certificates of title required by this section to be  
11 obtained.

12 (b) Secondary metals recyclers and salvage motor  
13 vehicle dealers shall keep all certificates of destruction,  
14 seller's affidavits, and all other information required by  
15 this section to be recorded or obtained, on file in the  
16 offices of such secondary metals recyclers or salvage motor  
17 vehicle dealers for a period of 3 years from the date of  
18 purchase of the items reflected in such certificates of  
19 destruction or seller's affidavits. These records shall be  
20 maintained in chronological order.

21 (c) For the purpose of enforcement of this section,  
22 the department or its agents and employees have the same right  
23 of inspection as law enforcement officers as provided in s.  
24 812.055.

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

29 Section 2. Effective July 1, 2003, S. 319.41, Florida  
30 Statutes, is created to read:

31 319.41 Title History Database.--

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1           The department shall make available on the internet a  
2 database of title transactions searchable by vehicle  
3 identification number. In the internet database, the  
4 department shall only provide access to information relating  
5 to the year, make, model and mileage of the vehicle, along  
6 with date of sales and any brands or outstanding liens on the  
7 title.

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

9

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

12 And the title is amended as follows:

13           On page 1, between lines 2-4, ,  
14 remove: all of said lines

15

16 and insert:

17           An act relating to Vehicle Title Certificates,  
18           Amending S. 319.F.S.; Redefining the term  
19           "Total Loss;" providing for a searchable  
20           database of Title History; Providing an  
21           effective date.

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