

Amendment No. 1 (for drafter's use only)

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

Substitute Amendment for Amendment (293713) (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

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1 its sale or transfer as scrap metal or for its component
2 parts, or a combination of the two.

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

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

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

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

21 (h) "Mobile home" means mobile home as defined in s.
22 320.01(2).

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

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

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

30 (l) "Prepared materials" means motor vehicles, mobile
31 homes, derelicts, major parts, or parts that have been

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

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

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

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

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

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

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

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1 accompanied by:

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

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

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

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

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

31 3. A motor vehicle or mobile home shall not be

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1 considered a "total loss" if the insurance company and owner
2 of a motor vehicle or mobile home agree to repair, rather than
3 to replace, the motor vehicle or mobile home. However, if the
4 actual cost to repair the motor vehicle or mobile home to the
5 insurance company exceeds 100 percent of the cost of replacing
6 the wrecked or damaged motor vehicle or mobile home with one
7 of like kind and quality, the owner shall forward to the
8 department, within 72 hours after the agreement, a request to
9 brand the certificate of title with the words "Total Loss
10 Vehicle." Such a brand shall become a part of the vehicle's
11 title history.

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

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1 physical and mechanical damage to the vehicle are equal to 80
2 percent or more of the current retail cost of the vehicle, as
3 established in any official used car or used mobile home
4 guide, the department shall declare the vehicle unrebuildable
5 and print a certificate of destruction, which authorizes the
6 dismantling or destruction of the motor vehicle or mobile home
7 described therein. This certificate of destruction shall be
8 reassignable a maximum of two times before dismantling or
9 destruction of the vehicle shall be required, and shall
10 accompany the motor vehicle or mobile home for which it is
11 issued, when such motor vehicle or mobile home is sold for
12 such purposes, in lieu of a certificate of title, and,
13 thereafter, the department shall refuse issuance of any
14 certificate of title for that vehicle. Nothing in this
15 subsection shall be applicable when a vehicle is worth less
16 than \$1,500 retail in undamaged condition in any official
17 motor vehicle guide or used mobile home guide or when a stolen
18 motor vehicle or mobile home is recovered in substantially
19 intact condition and is readily resalable without extensive
20 repairs to or replacement of the frame or engine. Any person
21 who willfully and deliberately violates this paragraph or
22 falsifies any document to avoid the requirements of this
23 paragraph commits a misdemeanor of the first degree,
24 punishable as provided in s. 775.082 or s. 775.083.

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

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1 be surrendered to such state, provided the person shall have
2 an affidavit from the seller describing the vehicle by
3 manufacturer's serial number and the state to which such
4 vehicle's identification number plate was surrendered.

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

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

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

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1 identification number plate that was removed from this
2 replacement part will be installed on the part that was
3 removed from the vehicle being repaired.

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

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

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

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

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

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

30 (b) Parts or prepared materials from any seller for
31 purposes of the processing of such parts or prepared

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1 materials, the purchaser shall record the seller's name and
2 address and date of purchase; and, in the event of a purchase
3 transaction consisting primarily of parts or prepared
4 materials, the personal identification card number of the
5 person delivering such items.

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

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

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

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

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

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

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

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6 Any person who violates this subsection commits a felony of
7 the third degree, punishable as provided in s. 775.082, s.
8 775.083, or s. 775.084.

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

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

22 (c) For the purpose of enforcement of this section,
23 the department or its agents and employees have the same right
24 of inspection as law enforcement officers as provided in s.
25 812.055.

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

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

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1 319.41 Title History Database.--
2 The department shall make available on the internet a
3 database of title transactions searchable by vehicle
4 identification number. In the internet database, the
5 department shall only provide access to information relating
6 to the year, make, model and mileage of the vehicle, along
7 with date of sales and any brands or outstanding liens on the
8 title.

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

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

And the title is amended as follows:

On page 1, lines 2 through 4,
remove: all of said lines

and insert:

An act relating to vehicle title certificates;
amending s. 319.30, F.S.; redefining the term
"total loss"; creating s. 319.41, F.S.;
providing for a searchable database of title
history; providing an effective date