

By the Council for Ready Infrastructure and  
Representatives Wiles and Harrington

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"; creating s. 319.41, F.S.;  
5           providing for a searchable database of title  
6           history; providing effective dates.

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

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10           Section 1. Paragraph (n) of subsection (1) of section  
11 319.30, Florida Statutes, is reenacted, and subsection (3) of  
12 said section is amended, to read:

13           319.30 Definitions; dismantling, destruction, change  
14 of identity of motor vehicle or mobile home; salvage.--

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

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

18           (3)(a)1. As used in this section, a motor vehicle or  
19 mobile home is a "total loss":

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

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

3 2. A motor vehicle or mobile home shall not be  
4 considered a "total loss" if the insurance company and owner  
5 of a motor vehicle or mobile home agree to repair, rather than  
6 to replace, the motor vehicle or mobile home. However, if the  
7 actual cost to repair the motor vehicle or mobile home to the  
8 insurance company exceeds 100 percent of the cost of replacing  
9 the wrecked or damaged motor vehicle or mobile home with one  
10 of like kind and quality, the owner shall forward to the  
11 department, within 72 hours after the agreement, a request to  
12 brand the certificate of title with the words "Total Loss  
13 Vehicle." Such a brand shall become a part of the vehicle's  
14 title history.

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

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

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

30 319.41 Title history database.--The department shall  
31 make available on the Internet a database of title

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

6 Section 3. Except as otherwise provided herein, this  
7 act shall take effect July 1, 2002.

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