

1 A bill to be entitled
 2 An act relating to used motor vehicle sales; creating s.
 3 501.98, F.S.; providing definitions; requiring a seller of
 4 a used motor vehicle to provide the buyer with a motor
 5 vehicle history report meeting specified requirements;
 6 providing remedies; providing an effective date.

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

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 10 Section 1. Section 501.98, Florida Statutes, is created to
 11 read:

12 501.98 Used vehicle history disclosure.--

13 (1) For purposes of this section, the term:

14 (a) "Motor vehicle" has the same meaning provided in s.
 15 320.01.

16 (b) "Motor vehicle history report" means a report that is
 17 an account of the vehicle's history, including the following:

18 1. Accidents.

19 2. Major repairs.

20 3. Title.

21 4. Registration.

22 (c) "Seller" has the same meaning provided in s. 672.103.

23 (d) "Used motor vehicle" has the same meaning provided in
 24 s. 319.001.

25 (2) The seller of a used motor vehicle shall, at or prior
 26 to the time of sale, provide the buyer with a written motor
 27 vehicle history report. The report shall be, to the best of the
 28 seller's knowledge, accurate and shall be complete to the extent

29 that information is personally known to the seller or available
30 to the seller from commercial or governmental sources. The
31 seller may comply with this section by providing the buyer with
32 a motor vehicle history report meeting the requirements of this
33 section prepared by another entity.

34 (3) (a) If the seller fails to comply with subsection (2),
35 the buyer is entitled to void the transaction within 10 days
36 following the day of the sale and return the vehicle for a full
37 refund. The full refund shall be provided within 5 days of the
38 return of the vehicle.

39 (b) If the seller fails to provide a full refund following
40 the return of the vehicle as provided in paragraph (a), the
41 buyer may institute litigation and the prevailing party shall be
42 entitled to recovery of reasonable attorney fees and costs in
43 addition to any other damages.

44 Section 2. This act shall take effect October 1, 2007.