

By Senator Justice

16-03012-08

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1 A bill to be entitled

2 An act relating to salvage motor vehicles; amending s.  
3 319.30, F.S.; providing criminal penalties for delivering  
4 to a salvage motor vehicle dealer a vehicle that has a  
5 false, fictitious, or altered title, salvage certificate  
6 of title, or certificate of destruction; deleting a  
7 provision allowing the substitution of an affidavit in  
8 place of a title or certificate of destruction; requiring  
9 secondary metals recyclers and salvage motor vehicle  
10 dealers to keep certain documentation; providing an  
11 effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Subsection (2), paragraph (d) of subsection (7),  
16 and paragraph (b) of subsection (8) of section 319.30, Florida  
17 Statutes, are amended to read:

18 319.30 Definitions; dismantling, destruction, change of  
19 identity of motor vehicle or mobile home; salvage.--

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

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30 willfully and deliberately violates this paragraph commits a  
31 misdemeanor of the second degree, punishable as provided in s.  
32 775.082 or s. 775.083.

33 (b) When a motor vehicle is sold, transported, or delivered  
34 to a salvage motor vehicle dealer, it shall be accompanied by:  
35 ~~1. a properly endorsed certificate of title, salvage~~  
36 ~~certificate of title, or vehicle certificate of destruction~~  
37 ~~issued by the department.~~ ~~;~~ ~~or~~

38 ~~2. If the certificate of title has been surrendered to the~~  
39 ~~department, a notarized affidavit signed by the owner stating~~  
40 ~~that the title has been returned to the State of Florida pursuant~~  
41 ~~to paragraph (a), the date on which such return was made, the~~  
42 ~~year, make, and vehicle identification number of the motor~~  
43 ~~vehicle, and the name, address, and personal identification card~~  
44 ~~number of the owner. Any person who willfully and deliberately~~  
45 ~~violates this subparagraph by selling, transporting, or~~  
46 ~~delivering to a salvage motor vehicle dealer a motor vehicle that~~  
47 ~~has a false, fictitious, or altered title, salvage certificate of~~  
48 ~~title, or certificate of destruction, or by falsifying a required~~  
49 ~~affidavit commits a felony of the third degree, punishable as~~  
50 ~~provided in s. 775.082, s. 775.083, or s. 775.084.~~

51 (c) Anyone who willfully and knowingly induces a person to  
52 sign an affidavit that falsely asserts that the vehicle title has  
53 been surrendered to the department commits a felony of the third  
54 degree, punishable as provided in s. 775.082 or s. 775.083.

55 (7) In the event of a purchase by a secondary metals  
56 recycler, that has been issued a certificate of registration  
57 number, of:

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58 (d) Motor vehicles, mobile homes, or derelicts from other  
59 than a secondary metals recycler for purposes of the processing  
60 of such motor vehicles, mobile homes, or derelicts, the purchaser  
61 shall record the seller's name, address, date of purchase, and  
62 the personal identification card number of the person delivering  
63 such items, and shall obtain the following documentation from the  
64 seller with respect to each item purchased:

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

67 2. A valid certificate of destruction issued in the name of  
68 the seller or properly endorsed over to the seller. ~~;~~ ~~or~~

69 ~~3. If a valid certificate of title or a valid certificate~~  
70 ~~of destruction is not available, an affidavit signed by the~~  
71 ~~seller stating that the seller returned the certificate of title~~  
72 ~~to the State of Florida pursuant to subsection (2) and the date~~  
73 ~~on which such return was made, and setting forth the vehicle~~  
74 ~~identification number of such motor vehicle, mobile home, or~~  
75 ~~derelict.~~

76  
77 Any person who violates this subsection commits a felony of the  
78 third degree, punishable as provided in s. 775.082, s. 775.083,  
79 or s. 775.084.

80 (8)

81 (b) Secondary metals recyclers and salvage motor vehicle  
82 dealers shall keep all original certificates of destruction,  
83 copies of the front and back of all certificates of titles,  
84 salvage certificates of titles surrendered to the department  
85 ~~seller's affidavits~~, and all other information required by this  
86 section to be recorded or obtained, on file in the offices of

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87 | such secondary metals recyclers or salvage motor vehicle dealers  
88 | for a period of 3 years following ~~from~~ the date of purchase of  
89 | the items reflected in such certificates of destruction,  
90 | certificates of title, or salvage certificates of title ~~or~~  
91 | ~~seller's affidavits~~. These records shall be maintained in  
92 | chronological order.

93 |       Section 2. This act shall take effect July 1, 2008.