

1 A bill to be entitled
 2 An act relating to motor vehicle title transfer; amending
 3 s. 319.22, F.S.; revising provisions for limitation of
 4 liability for the operation of a motor vehicle that has
 5 been sold or transferred; providing requirements for
 6 notice of transfer to the Department of Highway Safety and
 7 Motor Vehicles; requiring an owner or coowner who has made
 8 a sale or transfer of a motor vehicle to notify the
 9 Department of Highway Safety and Motor Vehicles; providing
 10 requirements for such notification; providing
 11 applicability; requiring the department to provide certain
 12 information to the motor vehicle owner or coowner when
 13 issuing a certificate of title; amending s. 319.33, F.S.;
 14 providing alternate disposition procedures for certain
 15 motor vehicles and mobile homes abandoned on private
 16 property; providing an effective date.

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 18 Be It Enacted by the Legislature of the State of Florida:
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20 Section 1. Subsection (2) of section 319.22, Florida
 21 Statutes, is amended to read:

22 319.22 Transfer of title.--

23 (2) (a) An owner or coowner who has made a bona fide sale
 24 or transfer of a motor vehicle or mobile home and has delivered
 25 possession thereof to a purchaser shall not, by reason of any of
 26 the provisions of this chapter, be deemed the owner or coowner
 27 of such vehicle or mobile home so as to be subject to civil
 28 liability for the operation of such vehicle or mobile home

29 thereafter by another when such owner or coowner has fulfilled
30 either of the following requirements:

31 1.~~(a)~~ When such owner or coowner has made proper
32 endorsement and delivery of the certificate of title as provided
33 by this chapter. Proper endorsement shall be:

34 a.~~1.~~ When a motor vehicle or mobile home is registered in
35 the names of two or more persons as coowners in the alternative
36 by the use of the word "or," such vehicle shall be held in joint
37 tenancy. Each coowner shall be deemed to have granted to the
38 other coowner the absolute right to dispose of the title and
39 interest in the vehicle or mobile home, and the signature of any
40 coowner shall constitute proper endorsement. Upon the death of a
41 coowner, the interest of the decedent shall pass to the survivor
42 as though title or interest in the vehicle or mobile home was
43 held in joint tenancy. This provision shall apply even if the
44 coowners are husband and wife.

45 b.~~2.~~ When a vehicle or mobile home is registered in the
46 names of two or more persons as coowners in the conjunctive by
47 the use of the word "and," the signature of each coowner or his
48 or her personal representative shall be required to transfer
49 title to the vehicle or mobile home.

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51 The department shall adopt suitable language to appear upon the
52 certificate of title to effectuate the manner in which the
53 interest in or title to the motor vehicle or mobile home is
54 held.

55 2.~~(b)~~ When such owner or coowner has delivered to the
56 department, or placed in the United States mail, addressed to

57 the department, either the certificate of title properly
58 endorsed or a notice in the form prescribed by the department.
59 In addition to the information required by the department under
60 this subparagraph, the notice must also contain the information
61 required under paragraph (b) when the title being transferred is
62 to a motor vehicle.

63 (b) An owner or coowner who has made a bona fide sale or
64 transfer of a motor vehicle and has delivered possession thereof
65 to a purchaser shall notify the department within 30 days after
66 the sale or transfer in the form prescribed by the department.
67 Notice by such owner or coowner under this paragraph shall
68 satisfy the notice requirement under subparagraph (a)2. for
69 limitation of liability under paragraph (a). The notification
70 shall include the vehicle identification number and the buyer's
71 full first name, middle initial, last name, and personal or
72 business identification, which may include, but need not be
73 limited to, a driver's license number, Florida identification
74 card number, or federal employer identification number, and any
75 information required by the department. This paragraph shall not
76 apply to any transfer or sale to or by a licensed motor vehicle
77 dealer or to an insurer who has taken possession or is taking
78 possession of the vehicle or the title thereto pursuant to a
79 policy of insurance.

80 (c) The department shall inform the motor vehicle owner or
81 coowner of the requirements of this subsection with the issuance
82 of each certificate of title to a motor vehicle. The information
83 may be printed on the certificate of title or on a separate form
84 that is included with the certificate.

85 Section 2. Paragraph (a) of subsection (7) of section
 86 319.33, Florida Statutes, is amended to read:

87 319.33 Offenses involving vehicle identification numbers,
 88 applications, certificates, papers; penalty.--

89 (7)(a)1. If all identifying numbers of a motor vehicle or
 90 mobile home do not exist or have been destroyed, removed,
 91 covered, altered, or defaced, or if the real identity of the
 92 motor vehicle or mobile home cannot be determined, the motor
 93 vehicle or mobile home shall constitute contraband and shall be
 94 subject to forfeiture by a seizing law enforcement agency,
 95 pursuant to applicable provisions of ss. 932.701-932.704. Such
 96 motor vehicle shall not be operated on the streets and highways
 97 of the state unless, by written order of a court of competent
 98 jurisdiction, the department is directed to assign to the
 99 vehicle a replacement vehicle identification number which shall
 100 thereafter be used for identification purposes. If the motor
 101 vehicle is confiscated from a licensed motor vehicle dealer as
 102 defined in s. 320.27, the dealer's license shall be revoked.

103 2. If such motor vehicle or mobile home is found abandoned
 104 on private property and there is no discernable manner by which
 105 an owner, potential owner, or anyone having any interest in the
 106 motor vehicle or mobile home can be ascertained by a law
 107 enforcement agency and the owner of the private property
 108 disclaims any ownership interest in the motor vehicle or mobile
 109 home whatsoever, the law enforcement agency may follow the
 110 procedures for abandoned property contained in s. 705.103 in
 111 lieu of the forfeiture provisions of ss. 932.701-932.704.

112 Section 3. This act shall take effect July 1, 2009.