

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

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

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 21 Section 1. Subsection (2) of section 319.22, Florida
 22 Statutes, is amended to read:

23 319.22 Transfer of title.--

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

29 liability for the operation of such vehicle or mobile home
30 thereafter by another when such owner or coowner has fulfilled
31 either of the following requirements:

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

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

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

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

56 ~~2.(b)~~ When such owner or coowner has delivered to the
57 department, or placed in the United States mail, addressed to
58 the department, either the certificate of title properly
59 endorsed or a notice in the form prescribed by the department.
60 In addition to the information required by the department under
61 this subparagraph, the notice must also contain the information
62 required under paragraph (b) when the title being transferred is
63 to a motor vehicle.

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

81 (c) The department shall inform the motor vehicle owner or
82 coowner of the requirements of this subsection with the issuance
83 of each certificate of title to a motor vehicle. The information

84 may be printed on the certificate of title or on a separate form
85 that is included with the certificate.

86 Section 2. Paragraph (a) of subsection (7) of section
87 319.33, Florida Statutes, is amended to read:

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

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

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

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112 lieu of the forfeiture provisions of ss. 932.701-932.704.
113 Notwithstanding the provisions of subparagraph 1., the
114 department may assign to such vehicle a replacement vehicle
115 identification number which shall thereafter be used for
116 identification purposes, and it shall not be necessary for such
117 assignment to be directed by court order.

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