

By Senator Smith

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1 A bill to be entitled
2 An act relating to motor vehicle title transfer;
3 amending s. 319.22, F.S.; revising provisions for
4 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
7 of Highway Safety and Motor Vehicles; requiring an
8 owner or coowner who has made a sale or transfer of a
9 motor vehicle to notify the Department of Highway
10 Safety and Motor Vehicles; providing requirements for
11 such notification; providing applicability; requiring
12 the department to provide certain information to the
13 motor vehicle owner or coowner when issuing a
14 certificate of title; providing an effective date.

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

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

20 319.22 Transfer of title.—

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

29 1. ~~(a)~~ When such owner or coowner has made proper

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30 endorsement and delivery of the certificate of title as provided
31 by this chapter. Proper endorsement shall be:

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

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

48
49 The department shall adopt suitable language to appear upon the
50 certificate of title to effectuate the manner in which the
51 interest in or title to the motor vehicle or mobile home is
52 held.

53 2.(b) When such owner or coowner has delivered to the
54 department, or placed in the United States mail, addressed to
55 the department, either the certificate of title properly
56 endorsed or a notice in the form prescribed by the department.
57 In addition to the information required by the department under
58 this subparagraph, the notice must also contain the information

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59 required under paragraph (b) when the title being transferred is
60 to a motor vehicle.

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

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

83 Section 2. This act shall take effect July 1, 2009.