

HB 403

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1 A bill to be entitled
2 An act relating to derelict motor vehicles and mobile
3 homes; amending s. 319.30, F.S.; defining the term
4 "seller" and revising the definitions of the terms
5 "certificate of title," "derelict motor vehicle," and
6 "derelict motor vehicle certificate"; revising
7 requirements for disposition of a motor vehicle,
8 recreational vehicle, or mobile home that is sold,
9 transported, or delivered to a salvage motor vehicle
10 dealer or a secondary metals recycler; requiring
11 certificates of title to conform to specified provisions;
12 providing for the dealer or recycler to apply to the
13 Department of Highway Safety and Motor Vehicles for a
14 derelict motor vehicle certificate if the certificate of
15 title, salvage certificate of title, or certificate of
16 destruction is not available; requiring the derelict motor
17 vehicle certificate application to be completed by the
18 seller or owner of the motor vehicle or mobile home, the
19 seller's or owner's authorized transporter, and the dealer
20 or recycler; requiring certain identification information
21 be included with the application; revising the types of
22 documentation that a secondary metals recycler must
23 obtain; permitting recyclers to obtain salvage
24 certificates of title from sellers or owners as a valid
25 method of documentation; providing that a person engaged
26 in the business of recovering, towing, or storing vehicles
27 may not claim certain liens, claim that certain vehicles
28 have remained on any premises after tenancy has

29 | terminated, or use the derelict motor vehicle certificate
 30 | application to transport, sell, or dispose of a motor
 31 | vehicle at a salvage motor vehicle dealer or metal
 32 | recycler without otherwise obtaining title to the vehicle
 33 | or a certificate of destruction; providing penalties;
 34 | providing an effective date.

35 |
 36 | Be It Enacted by the Legislature of the State of Florida:

37 |
 38 | Section 1. Paragraphs (c), (e), and (f) of subsection (1),
 39 | paragraphs (b) and (c) of subsection (2), and subsection (7) of
 40 | section 319.30, Florida Statutes, are amended, paragraph (v) is
 41 | added to subsection (1), paragraphs (f) and (g) of subsection
 42 | (8) are redesignated as paragraphs (g) and (h), respectively,
 43 | and a new paragraph (f) is added to that subsection, to read:

44 | 319.30 Definitions; dismantling, destruction, change of
 45 | identity of motor vehicle or mobile home; salvage.—

46 | (1) As used in this section, the term:

47 | (c) "Certificate of title" means a record that serves as
 48 | evidence of ownership of a vehicle, whether such record is a
 49 | paper certificate authorized by the department or by a motor
 50 | vehicle department authorized to issue titles in another state
 51 | or a certificate consisting of information stored in electronic
 52 | form in the department's database.

53 | (e) "Derelict motor vehicle" means any motor vehicle as
 54 | defined in s. 320.01(1) or mobile home as defined in s.
 55 | 320.01(2), with or without all parts, major parts, or major
 56 | component parts, which is valued under \$1,000, is at least 10

57 | model years old, beginning with the model year of the vehicle as
 58 | year one, and is in such condition that its highest or primary
 59 | value is for sale, transport, or delivery to a licensed salvage
 60 | motor vehicle dealer or registered secondary metals recycler for
 61 | dismantling its component parts or conversion to scrap metal.

62 | (f) "Derelict motor vehicle certificate" means a
 63 | certificate issued by the department which serves as evidence
 64 | that a derelict motor vehicle will be dismantled or converted to
 65 | scrap metal. The certificate is obtained by completing a
 66 | derelict motor vehicle certificate application authorized by the
 67 | department ~~completed by the derelict motor vehicle owner, the~~
 68 | ~~owner's authorized transporter when different from the owner,~~
 69 | ~~and the licensed salvage motor vehicle dealer or the registered~~
 70 | ~~secondary metals recycler and submitted to the department for~~
 71 | ~~cancellation of the title record of the derelict motor vehicle.~~
 72 | A derelict motor vehicle certificate may be reassigned only one
 73 | time if the derelict motor vehicle certificate was completed by
 74 | a licensed salvage motor vehicle dealer and the derelict motor
 75 | vehicle was sold to a secondary metals recycler.

76 | (v) "Seller" means the owner of record or a person who has
 77 | physical possession and responsibility for a derelict motor
 78 | vehicle and attests that possession of the vehicle and all
 79 | ownership rights were obtained through lawful means. A seller
 80 | does not include a towing company, repair shop, or landlord
 81 | unless the towing company, repair shop, or landlord has obtained
 82 | title, salvage title, or a certificate of destruction in the
 83 | name of the towing company, repair shop, or landlord.

84 | (2)

85 (b)1. When a motor vehicle, recreational vehicle, or
 86 mobile home is sold, transported, or delivered to a salvage
 87 motor vehicle dealer, it shall be accompanied by:

88 a. A valid certificate of title issued in the name of the
 89 seller or properly endorsed, as required in s. 319.22, over to
 90 the seller;

91 b. A valid salvage certificate of title issued in the name
 92 of the seller or properly endorsed, as required in s. 319.22,
 93 over to the seller; or

94 c. A valid certificate of destruction issued in the name
 95 of the seller or properly endorsed over to the seller.

96 2. Any person who willfully and deliberately violates this
 97 paragraph by selling, transporting, delivering, purchasing, or
 98 receiving a motor vehicle, recreational vehicle, or mobile home
 99 without obtaining a properly endorsed certificate of title,
 100 salvage certificate of title, or certificate of destruction from
 101 the owner commits a felony of the third degree, punishable as
 102 provided in s. 775.082, s. 775.083, or s. 775.084.

103 (c)1. When a derelict motor vehicle is sold, transported,
 104 or delivered to a licensed salvage motor vehicle dealer, the
 105 purchaser shall record the date of purchase and the name,
 106 address, and personal identification card number of the person
 107 selling the derelict motor vehicle, and it shall be accompanied
 108 by:

109 a. A valid certificate of title issued in the name of the
 110 seller or properly endorsed, as required in s. 319.22, over to
 111 the seller;

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112 b. A valid salvage certificate of title issued in the name
113 of the seller or properly endorsed, as required in s. 319.22,
114 over to the seller; or

115 c. A valid certificate of destruction issued in the name
116 of the seller or properly endorsed over to the seller.

117 2. If the certificate of title, salvage certificate of
118 title, or certificate of destruction is not available, a
119 derelict motor vehicle certificate application shall be
120 completed by the seller or owner of the motor vehicle or mobile
121 home, the seller's or owner's authorized transporter, and the
122 licensed salvage motor vehicle dealer at the time of sale,
123 transport, or delivery to the licensed salvage motor vehicle
124 dealer. The derelict motor vehicle certificate application shall
125 be used by the seller or owner, the seller's or owner's
126 authorized transporter, and the licensed salvage motor vehicle
127 dealer to obtain a derelict motor vehicle certificate from the
128 department. The identifying number on the personal
129 identification card of the seller or owner must be recorded on
130 the derelict motor vehicle certificate application. The derelict
131 motor vehicle certificate application must be accompanied by a
132 copy of the seller's or owner's personal identification card
133 when the personal identification card is something other than a
134 Florida driver's license or Florida identification card. The
135 licensed salvage motor vehicle dealer shall secure the motor
136 vehicle or mobile home for 3 full business days, excluding
137 weekends and holidays, before destroying or dismantling the
138 derelict motor vehicle and shall follow all reporting procedures
139 established by the department, including electronic notification

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140 to the department or delivery of the original derelict motor
141 vehicle certificate application to an agent of the department
142 within 24 hours after receiving the derelict motor vehicle.

143 3. Any person who willfully and deliberately violates this
144 paragraph by selling, transporting, delivering, purchasing, or
145 receiving a derelict motor vehicle without obtaining a
146 certificate of title, salvage certificate of title, certificate
147 of destruction, or derelict motor vehicle certificate
148 application; enters false or fictitious information on a
149 derelict motor vehicle certificate application; does not
150 complete the derelict motor vehicle certificate application as
151 required; does not obtain a copy of the seller's or owner's
152 personal identification card when required; ~~or~~ does not make the
153 required notification to the department; or destroys or
154 dismantles a derelict motor vehicle without waiting the required
155 3 full business days commits a felony of the third degree,
156 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

157 (7) (a) In the event of a purchase by a secondary metals
158 recycler, that has been issued a certificate of registration
159 number, of:

160 1. Materials, prepared materials, or parts from any seller
161 for purposes other than the processing of such materials,
162 prepared materials, or parts, the purchaser shall obtain such
163 documentation as may be required by this section and shall
164 record the seller's name and address, date of purchase, and the
165 personal identification card number of the person delivering
166 such items.

167 2. Parts or prepared materials from any seller for
 168 purposes of the processing of such parts or prepared materials,
 169 the purchaser shall record the seller's name and address and
 170 date of purchase and, in the event of a purchase transaction
 171 consisting primarily of parts or prepared materials, the
 172 personal identification card number of the person delivering
 173 such items.

174 3. Materials from another secondary metals recycler for
 175 purposes of the processing of such materials, the purchaser
 176 shall record the seller's name and address and date of purchase.

177 4.a. Motor vehicles, recreational vehicles, mobile homes,
 178 or derelict motor vehicles from other than a secondary metals
 179 recycler for purposes of the processing of such motor vehicles,
 180 recreational vehicles, mobile homes, or derelict motor vehicles,
 181 the purchaser shall record the date of purchase and the name,
 182 address, and personal identification card number of the person
 183 selling such items and shall obtain the following documentation
 184 from the seller with respect to each item purchased:

185 (I) A valid certificate of title issued in the name of the
 186 seller or properly endorsed, as required in s. 319.22, over to
 187 the seller;

188 (II) A valid salvage certificate of title issued in the
 189 name of the seller or properly endorsed, as required in s.
 190 319.22, over to the seller;

191 (III) ~~(II)~~ A valid certificate of destruction issued in the
 192 name of the seller or properly endorsed over to the seller; or

193 (IV) ~~(III)~~ A valid derelict motor vehicle certificate
 194 obtained from the department ~~completed~~ by a licensed salvage

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195 motor vehicle dealer and properly reassigned to the secondary
196 metals recycler.

197 b. If a valid certificate of title, salvage certificate of
198 title, certificate of destruction, or derelict motor vehicle
199 certificate is not available and the motor vehicle or mobile
200 home is a derelict motor vehicle, a derelict motor vehicle
201 certificate application shall be completed by the seller or
202 owner of the motor vehicle or mobile home, the seller's or
203 owner's authorized transporter, and the registered secondary
204 metals recycler at the time of sale, transport, or delivery to
205 the registered secondary metals recycler. The derelict motor
206 vehicle certificate application shall be used by the seller or
207 owner, the seller's or owner's authorized transporter, and the
208 registered secondary metals recycler to obtain a derelict motor
209 vehicle certificate from the department. The identifying number
210 on the personal identification card of the seller or owner must
211 be recorded on the derelict motor vehicle certificate
212 application. The derelict motor vehicle certificate application
213 must be accompanied by a copy of the seller's or owner's
214 personal identification card when the personal identification
215 card is something other than a Florida driver's license or
216 Florida identification card. The registered secondary metals
217 recycler shall secure the derelict motor vehicle for 3 full
218 business days, excluding weekends and holidays, before
219 destroying or dismantling the derelict motor vehicle and shall
220 follow all reporting procedures established by the department,
221 including electronic notification to the department or delivery
222 of the original derelict motor vehicle certificate application

223 to an agent of the department within 24 hours after receiving
 224 the derelict motor vehicle.

225 c. Any person who willfully and deliberately violates this
 226 subparagraph by selling, transporting, delivering, purchasing,
 227 or receiving a motor vehicle, recreational motor vehicle, mobile
 228 home, or derelict motor vehicle without obtaining a certificate
 229 of title, salvage certificate of title, certificate of
 230 destruction, ~~or~~ derelict motor vehicle certificate, or derelict
 231 motor vehicle certificate application; enters false or
 232 fictitious information on a derelict motor vehicle certificate
 233 application; does not complete the derelict motor vehicle
 234 certificate application as required; does not obtain a copy of
 235 the seller's or owner's personal identification card when
 236 required; ~~or~~ does not make the required notification to the
 237 department; or destroys or dismantles a derelict motor vehicle
 238 without waiting the required 3 full business days commits a
 239 felony of the third degree, punishable as provided in s.
 240 775.082, s. 775.083, or s. 775.084.

241 5. Major parts from other than a secondary metals recycler
 242 for purposes of the processing of such major parts, the
 243 purchaser shall record the seller's name, address, date of
 244 purchase, and the personal identification card number of the
 245 person delivering such items, as well as the vehicle
 246 identification number, if available, of each major part
 247 purchased.

248 (b) Any person who violates this subsection commits a
 249 felony of the third degree, punishable as provided in s.
 250 775.082, s. 775.083, or s. 775.084.

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251 (8)
252 (f) This section does not authorize any person that is
253 engaged in the business of recovering, towing, or storing
254 vehicles pursuant to s. 713.78 to claim a lien for performing
255 labor or services on a motor vehicle or mobile home pursuant to
256 s. 713.58, to claim that a motor vehicle or mobile home has
257 remained on any premises after tenancy has terminated pursuant
258 to s. 715.104, or to use a derelict motor vehicle certificate
259 application for the purpose of transporting, selling, or
260 disposing of a motor vehicle at a salvage motor vehicle dealer
261 or metal recycler without obtaining the title or certificate of
262 destruction required under s. 713.58, s. 713.78, or s. 715.104.
263 Any person who transports, sells, or disposes of any motor
264 vehicle or mobile home that was recovered, towed, or stored
265 pursuant to s. 713.78, who claims a lien for performing labor or
266 services on a motor vehicle or mobile home pursuant to s.
267 713.58, or who claims that a motor vehicle or mobile home has
268 remained on any premises after tenancy has terminated pursuant
269 to s. 715.104 with respect to a derelict motor vehicle
270 certificate application commits a felony of the third degree,
271 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

272 Section 2. This act shall take effect July 1, 2010.