

1 A bill to be entitled
2 An act relating to motor vehicle transactions; amending s.
3 316.1951, F.S.; directing the Department of Highway Safety
4 and Motor Vehicles to adopt a uniform traffic citation to
5 be used to enforce provisions that prohibit parking a
6 motor vehicle on certain property for the purpose of
7 displaying the motor vehicle as being for sale, hire, or
8 rental; removing a requirement that each law enforcement
9 agency provide its own notice for such enforcement;
10 authorizing a code enforcement officer from any local
11 government agency to enforce such provisions; providing
12 that the owner of a vehicle parked in violation of such
13 provisions is subject to a fine in addition to towing and
14 storage fees; amending s. 318.18, F.S.; specifying a fine
15 for a vehicle that is displayed for sale, hire, or rental
16 in violation of such provisions; amending s. 319.225,
17 F.S.; prohibiting the department from requiring the
18 signature of the transferor to be notarized on certain
19 motor vehicle title transfer forms relating to mileage of
20 the vehicle; requiring the forms to include an affidavit
21 declaring facts in the document to be true; amending s.
22 319.23, F.S.; providing that, under certain circumstances,
23 a motor vehicle dealer is not required to apply for a
24 certificate of title for a motor vehicle sold to a general
25 purchaser who resides outside the state; amending s.
26 320.02, F.S.; directing the department to place the name
27 of the owner of a motor vehicle on the list of persons who
28 may not be issued a license plate or revalidation sticker

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29 | if that person is on a list submitted to the department by
 30 | a licensed dealer; amending s. 320.27, F.S.; clarifying an
 31 | exemption from certain dealer prelicensing requirements;
 32 | removing a requirement for evaluation of privatized
 33 | applicant training methods; limiting the issuance to a
 34 | licensed dealer of supplemental off-premises sale
 35 | licenses; authorizing dealer records to be kept in either
 36 | paper or electronic form; providing procedures for
 37 | transfer of documents to electronic form; authorizing the
 38 | department to deny, suspend, or revoke a dealer's license
 39 | for certain actions relating to payments made to the
 40 | department; authorizing a dealer training school to cancel
 41 | the training certificate issued to a student for certain
 42 | actions relating to payments made to the school; providing
 43 | an effective date.

44 |
 45 | Be It Enacted by the Legislature of the State of Florida:

46 |
 47 | Section 1. Section 316.1951, Florida Statutes, is amended
 48 | to read:

49 | 316.1951 Parking for certain purposes prohibited; sale of
 50 | motor vehicles; prohibited acts.—

51 | (1) It is unlawful for any person to park a motor vehicle,
 52 | as defined in s. 320.01, upon a public street or highway, ~~upon~~
 53 | public parking lot, or other public property, or upon private
 54 | property where the public has the right to travel by motor
 55 | vehicle, for the principal purpose and intent of displaying the
 56 | motor vehicle thereon for sale, hire, or rental unless the sale,

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57 | hire, or rental of the motor vehicle is specifically authorized
58 | on such property by municipal or county regulation and the
59 | person is in compliance with all municipal or county licensing
60 | regulations.

61 | (2) The provisions of subsection (1) do not prohibit a
62 | person from parking his or her own motor vehicle or his or her
63 | other personal property on any private real property which the
64 | person owns or leases or on private real property which the
65 | person does not own or lease, but for which he or she obtains
66 | the permission of the owner, or on the public street immediately
67 | adjacent thereto, for the principal purpose and intent of sale,
68 | hire, or rental.

69 | (3) Subsection (1) does not prohibit a licensed motor
70 | vehicle dealer from displaying for sale or offering for sale
71 | motor vehicles at locations other than the dealer's licensed
72 | location if the dealer has been issued a supplemental license
73 | for off-premises sales, as provided in s. 320.27(5), and has
74 | complied with the requirements in subsection (1). A vehicle
75 | displayed for sale by a licensed dealer at any location other
76 | than the dealer's licensed location is subject to immediate
77 | removal without warning.

78 | (4) The Department of Highway Safety and Motor Vehicles
79 | shall adopt by rule a uniform written traffic citation ~~notice~~ to
80 | be used to enforce this section. ~~Each law enforcement agency in~~
81 | ~~this state shall provide, at each agency's expense, the notice~~
82 | ~~forms necessary to enforce this section.~~

83 | (5) A law enforcement officer, compliance officer, code
84 | enforcement officer from any local government agency, or

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85 supervisor of the department may cause to be removed at the
86 owner's expense any motor vehicle found in violation of
87 subsection (1) that, ~~which~~ has been parked in one location for
88 more than 24 hours after a written traffic citation ~~notice~~ has
89 been issued. Every written traffic citation ~~notice~~ issued
90 pursuant to this section shall be affixed in a conspicuous place
91 upon a vehicle by a law enforcement officer, compliance officer,
92 code enforcement officer, or supervisor of the department. Any
93 vehicle found in violation of subsection (1) within 30 days
94 after a previous violation and written traffic citation ~~notice~~
95 is subject to immediate removal without an additional waiting
96 period.

97 (6) It is unlawful to offer a vehicle for sale if the
98 vehicle identification number has been destroyed, removed,
99 covered, altered, or defaced, as described in s. 319.33(1)(d). A
100 vehicle found in violation of this subsection is subject to
101 immediate removal without warning.

102 (7) It is unlawful to knowingly attach to any motor
103 vehicle a registration that was not assigned or lawfully
104 transferred to the vehicle pursuant to s. 320.261. A vehicle
105 found in violation of this subsection is subject to immediate
106 removal without warning.

107 (8) It is unlawful to display or offer for sale a vehicle
108 that does not have a valid registration as provided in s.
109 320.02. A vehicle found in violation of this subsection is
110 subject to immediate removal without warning. This subsection
111 does not apply to vehicles and recreational vehicles being
112 offered for sale through motor vehicle auctions as defined in s.

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113 320.27(1)(c)4.

114 (9) A vehicle is subject to immediate removal without
115 warning if it bears a telephone number that has been displayed
116 on three or more vehicles offered for sale within a 12-month
117 period.

118 (10) Any other provision of law to the contrary
119 notwithstanding, a violation of subsection (1) shall subject the
120 owner of such motor vehicle to towing fees reasonably
121 necessitated by removal and storage of the motor vehicle and a
122 fine as required by s. 318.18.

123 (11) This section does not prohibit the governing body of
124 a municipality or county, with respect to streets, highways, or
125 other property under its jurisdiction, from regulating the
126 parking of motor vehicles for any purpose.

127 (12) A violation of this section is a noncriminal traffic
128 infraction, punishable as a nonmoving violation as provided in
129 chapter 318, unless otherwise mandated by general law.

130 Section 2. Subsection (21) is added to section 318.18,
131 Florida Statutes, to read:

132 318.18 Amount of penalties.—The penalties required for a
133 noncriminal disposition pursuant to s. 318.14 or a criminal
134 offense listed in s. 318.17 are as follows:

135 (21) One hundred dollars for a violation of s. 316.1951
136 for a vehicle that is unlawfully displayed for sale, hire, or
137 rental.

138 Section 3. Paragraphs (a) and (b) of subsection (6) of
139 section 319.225, Florida Statutes, are amended to read:

140 319.225 Transfer and reassignment forms; odometer

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141 disclosure statements.-

142 (6) (a) If the certificate of title is physically held by a
143 lienholder, the transferor may give a power of attorney to his
144 or her transferee for the purpose of odometer disclosure. The
145 power of attorney must be on a form issued or authorized by the
146 department, which form must be in compliance with 49 C.F.R. ss.
147 580.4 and 580.13. The department shall not require the signature
148 of the transferor to be notarized on the form; however, in lieu
149 of notarization, the form shall include an affidavit with the
150 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
151 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
152 ARE TRUE. The transferee shall sign the power of attorney form,
153 print his or her name, and return a copy of the power of
154 attorney form to the transferor. Upon receipt of a title
155 certificate, the transferee shall complete the space for mileage
156 disclosure on the title certificate exactly as the mileage was
157 disclosed by the transferor on the power of attorney form. If
158 the transferee is a licensed motor vehicle dealer who is
159 transferring the vehicle to a retail purchaser, the dealer shall
160 make application on behalf of the retail purchaser as provided
161 in s. 319.23(6) and shall submit the original power of attorney
162 form to the department with the application for title and the
163 transferor's title certificate; otherwise, a dealer may reassign
164 the title certificate by using the dealer reassignment form in
165 the manner prescribed in subsection (3), and, at the time of
166 physical transfer of the vehicle, the original power of attorney
167 shall be delivered to the person designated as the transferee of
168 the dealer on the dealer reassignment form. A copy of the

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169 | executed power of attorney shall be submitted to the department
170 | with a copy of the executed dealer reassignment form within 5
171 | business days after the certificate of title and dealer
172 | reassignment form are delivered by the dealer to its transferee.

173 | (b) If the certificate of title is lost or otherwise
174 | unavailable, the transferor may give a power of attorney to his
175 | or her transferee for the purpose of odometer disclosure. The
176 | power of attorney must be on a form issued or authorized by the
177 | department, which form must be in compliance with 49 C.F.R. ss.
178 | 580.4 and 580.13. The department shall not require the signature
179 | of the transferor to be notarized on the form; however, in lieu
180 | of notarization, the form shall include an affidavit with the
181 | following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
182 | HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
183 | ARE TRUE. The transferee shall sign the power of attorney form,
184 | print his or her name, and return a copy of the power of
185 | attorney form to the transferor. Upon receipt of the title
186 | certificate or a duplicate title certificate, the transferee
187 | shall complete the space for mileage disclosure on the title
188 | certificate exactly as the mileage was disclosed by the
189 | transferor on the power of attorney form. If the transferee is a
190 | licensed motor vehicle dealer who is transferring the vehicle to
191 | a retail purchaser, the dealer shall make application on behalf
192 | of the retail purchaser as provided in s. 319.23(6) and shall
193 | submit the original power of attorney form to the department
194 | with the application for title and the transferor's title
195 | certificate or duplicate title certificate; otherwise, a dealer
196 | may reassign the title certificate by using the dealer

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197 reassignment form in the manner prescribed in subsection (3),
 198 and, at the time of physical transfer of the vehicle, the
 199 original power of attorney shall be delivered to the person
 200 designated as the transferee of the dealer on the dealer
 201 reassignment form. A copy of the executed power of attorney
 202 shall be submitted to the department with a copy of the executed
 203 dealer reassignment form within 5 business days after the
 204 duplicate certificate of title and dealer reassignment form are
 205 delivered by the dealer to its transferee.

206 Section 4. Subsection (6) of section 319.23, Florida
 207 Statutes, is amended to read:

208 319.23 Application for, and issuance of, certificate of
 209 title.-

210 (6) (a) In the case of the sale of a motor vehicle or
 211 mobile home by a licensed dealer to a general purchaser, the
 212 certificate of title must be obtained in the name of the
 213 purchaser by the dealer upon application signed by the
 214 purchaser, and in each other case such certificate must be
 215 obtained by the purchaser. In each case of transfer of a motor
 216 vehicle or mobile home, the application for a certificate of
 217 title, a ~~or~~ corrected certificate, or an assignment or
 218 reassignment, must be filed within 30 days after ~~from~~ the
 219 delivery of the motor vehicle or mobile home to the purchaser.
 220 An applicant must pay a fee of \$20, in addition to all other
 221 fees and penalties required by law, for failing to file such
 222 application within the specified time. In the case of the sale
 223 of a motor vehicle by a licensed motor vehicle dealer to a
 224 general purchaser who resides in another state or country, the

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225 dealer is not required to apply for a certificate of title for
 226 the motor vehicle; however, the dealer must transfer ownership
 227 and reassign the certificate of title or manufacturer's
 228 certificate of origin to the purchaser, and the purchaser must
 229 sign an affidavit, as approved by the department, that the
 230 purchaser will title and register the motor vehicle in another
 231 state or country.

232 (b) If a licensed dealer acquires a motor vehicle or
 233 mobile home as a trade-in, the dealer must file with the
 234 department, within 30 days, a notice of sale signed by the
 235 seller. The department shall update its database for that title
 236 record to indicate "sold." A licensed dealer need not apply for
 237 a certificate of title for any motor vehicle or mobile home in
 238 stock acquired for stock purposes except as provided in s.
 239 319.225.

240 Section 5. Subsection (16) of section 320.02, Florida
 241 Statutes, is amended to read:

242 320.02 Registration required; application for
 243 registration; forms.—

244 (16) The department is authorized to withhold registration
 245 or re-registration of a motor vehicle if the name of the owner
 246 or of a coowner appears on a list submitted to the department by
 247 a licensed motor vehicle dealer for a previous registration of
 248 that vehicle. The department shall place the name of the
 249 registered owner of that vehicle on the list of those persons
 250 who may not be issued a license plate, revalidation sticker, or
 251 replacement plate for the vehicle purchased from the licensed
 252 motor vehicle dealer. The motor vehicle dealer must maintain

253 signed evidence that the owner or coowner acknowledged the
 254 dealer's authority to submit the list to the department if he or
 255 she failed to pay and must note the amount for which the owner
 256 or coowner would be responsible for the vehicle registration.
 257 The dealer must maintain the necessary documentation required in
 258 this subsection or face penalties as provided in s. 320.27. This
 259 subsection does not affect the issuance of a title to a motor
 260 vehicle.

261 (a) The motor vehicle owner or coowner may dispute the
 262 claim that money is owed to a dealer for registration fees by
 263 submitting a form to the department if the motor vehicle owner
 264 or coowner has documentary proof that the registration fees have
 265 been paid to the dealer for the disputed amount. Without clear
 266 evidence of the amounts owed for the vehicle registration and
 267 repayment, the department will assume initial payments are
 268 applied to government-assessed fees first.

269 (b) If the registered owner's dispute complies with
 270 paragraph (a), the department shall immediately remove the motor
 271 vehicle owner or coowner's name from the list, thereby allowing
 272 the issuance of a license plate or revalidation sticker.

273 Section 6. Subsections (4), (5), and (6) and paragraph (a)
 274 of subsection (9) of section 320.27, Florida Statutes, are
 275 amended to read:

276 320.27 Motor vehicle dealers.—

277 (4) LICENSE CERTIFICATE.—

278 (a) A license certificate shall be issued by the
 279 department in accordance with such application when the
 280 application is regular in form and in compliance with the

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281 provisions of this section. The license certificate may be in
282 the form of a document or a computerized card as determined by
283 the department. The actual cost of each original, additional, or
284 replacement computerized card shall be borne by the licensee and
285 is in addition to the fee for licensure. Such license, when so
286 issued, entitles the licensee to carry on and conduct the
287 business of a motor vehicle dealer. Each license issued to a
288 franchise motor vehicle dealer expires annually on December 31
289 unless revoked or suspended prior to that date. Each license
290 issued to an independent or wholesale dealer or auction expires
291 annually on April 30 unless revoked or suspended prior to that
292 date. Not less than 60 days prior to the license expiration
293 date, the department shall deliver or mail to each licensee the
294 necessary renewal forms. Each independent dealer shall certify
295 that the dealer (owner, partner, officer, or director of the
296 licensee, or a full-time employee of the licensee that holds a
297 responsible management-level position) has completed 8 hours of
298 continuing education prior to filing the renewal forms with the
299 department. Such certification shall be filed once every 2 years
300 ~~commencing with the 2006 renewal period.~~ The continuing
301 education shall include at least 2 hours of legal or legislative
302 issues, 1 hour of department issues, and 5 hours of relevant
303 motor vehicle industry topics. Continuing education shall be
304 provided by dealer schools licensed under paragraph (b) either
305 in a classroom setting or by correspondence. Such schools shall
306 provide certificates of completion to the department and the
307 customer which shall be filed with the license renewal form, and
308 such schools may charge a fee for providing continuing

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309 education. Any licensee who does not file his or her application
310 and fees and any other requisite documents, as required by law,
311 with the department at least 30 days prior to the license
312 expiration date shall cease to engage in business as a motor
313 vehicle dealer on the license expiration date. A renewal filed
314 with the department within 45 days after the expiration date
315 shall be accompanied by a delinquent fee of \$100. Thereafter, a
316 new application is required, accompanied by the initial license
317 fee. A license certificate duly issued by the department may be
318 modified by endorsement to show a change in the name of the
319 licensee, provided, as shown by affidavit of the licensee, the
320 majority ownership interest of the licensee has not changed or
321 the name of the person appearing as franchisee on the sales and
322 service agreement has not changed. Modification of a license
323 certificate to show any name change as herein provided shall not
324 require initial licensure or reissuance of dealer tags; however,
325 any dealer obtaining a name change shall transact all business
326 in and be properly identified by that name. All documents
327 relative to licensure shall reflect the new name. In the case of
328 a franchise dealer, the name change shall be approved by the
329 manufacturer, distributor, or importer. A licensee applying for
330 a name change endorsement shall pay a fee of \$25 which fee shall
331 apply to the change in the name of a main location and all
332 additional locations licensed under the provisions of subsection
333 (5). Each initial license application received by the department
334 shall be accompanied by verification that, within the preceding
335 6 months, the applicant, or one or more of his or her designated
336 employees, has attended a training and information seminar

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337 | conducted by a licensed motor vehicle dealer training school.
338 | Any applicant for a new franchised motor vehicle dealer license
339 | who has held a valid franchised motor vehicle dealer license
340 | continuously for the past 2 years and who remains in good
341 | standing with the department is exempt from the prelicensing
342 | training requirement. Such seminar shall include, but is not
343 | limited to, statutory dealer requirements, which requirements
344 | include required bookkeeping and recordkeeping procedures,
345 | requirements for the collection of sales and use taxes, and such
346 | other information that in the opinion of the department will
347 | promote good business practices. No seminar may exceed 8 hours
348 | in length.

349 | (b) Each initial license application received by the
350 | department for licensure under subparagraph (1)(c)2. shall ~~must~~
351 | be accompanied by verification that, within the preceding 6
352 | months, the applicant (owner, partner, officer, or director of
353 | the applicant, or a full-time employee of the applicant that
354 | holds a responsible management-level position) has successfully
355 | completed training conducted by a licensed motor vehicle dealer
356 | training school. Such training must include training in titling
357 | and registration of motor vehicles, laws relating to unfair and
358 | deceptive trade practices, laws relating to financing with
359 | regard to buy-here, pay-here operations, and such other
360 | information that in the opinion of the department will promote
361 | good business practices. Successful completion of this training
362 | shall be determined by examination administered at the end of
363 | the course and attendance of no less than 90 percent of the
364 | total hours required by such school. Any applicant who had held

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365 a valid motor vehicle dealer's license continuously within the
 366 past 2 years and who remains in good standing with the
 367 department is exempt from the prelicensing requirements of this
 368 section ~~paragraph~~. The department shall have the authority to
 369 adopt any rule necessary for establishing the training
 370 curriculum; length of training, which shall not exceed 8 hours
 371 for required department topics and shall not exceed an
 372 additional 24 hours for topics related to other regulatory
 373 agencies' instructor qualifications; and any other requirements
 374 under this section. The curriculum for other subjects shall be
 375 approved by any and all other regulatory agencies having
 376 jurisdiction over specific subject matters; however, the overall
 377 administration of the licensing of these dealer schools and
 378 their instructors shall remain with the department. Such schools
 379 are authorized to charge a fee. ~~This privatized method for~~
 380 ~~training applicants for dealer licensing pursuant to~~
 381 ~~subparagraph (1)(c)2. is a pilot program that shall be evaluated~~
 382 ~~by the department after it has been in operation for a period of~~
 383 ~~2 years.~~

384 (5) SUPPLEMENTAL LICENSE.—Any person licensed hereunder
 385 shall obtain a supplemental license for each permanent
 386 additional place or places of business not contiguous to the
 387 premises for which the original license is issued, on a form to
 388 be furnished by the department, and upon payment of a fee of \$50
 389 for each such additional location. Upon making renewal
 390 applications for such supplemental licenses, such applicant
 391 shall pay \$50 for each additional location. A supplemental
 392 license authorizing off-premises sales shall be issued, at no

393 charge to the dealer, for a period not to exceed 10 consecutive
 394 calendar days at the authorized location; however, an off-
 395 premises sale supplemental license under this subsection shall
 396 not be issued more often than once in any calendar month. To
 397 obtain such a temporary supplemental license for off-premises
 398 sales, the applicant must be a licensed dealer; must notify the
 399 applicable local department office of the specific dates and
 400 location for which such license is requested, display a sign at
 401 the licensed location clearly identifying the dealer, and
 402 provide staff to work at the temporary location for the duration
 403 of the off-premises sale; must meet any local government
 404 permitting requirements; and must have permission of the
 405 property owner to sell at that location. In the case of an off-
 406 premises sale by a motor vehicle dealer licensed under
 407 subparagraph (1)(c)1. for the sale of new motor vehicles, the
 408 applicant must also include documentation notifying the
 409 applicable licensee licensed under s. 320.61 of the intent to
 410 engage in an off-premises sale 5 working days prior to the date
 411 of the off-premises sale. The licensee shall either approve or
 412 disapprove of the off-premises sale within 2 working days after
 413 receiving notice; otherwise, it will be deemed approved. This
 414 section does not apply to a nonselling motor vehicle show or
 415 public display of new motor vehicles.

416 (6) RECORDS TO BE KEPT BY LICENSEE.—Every licensee shall
 417 keep a book or record in either paper or electronic ~~such~~ form as
 418 ~~shall be~~ prescribed or approved by the department for a period
 419 of 5 years, in which the licensee shall keep a record of the
 420 purchase, sale, or exchange, or receipt for the purpose of sale,

421 of any motor vehicle, the date upon which any temporary tag was
 422 issued, the date of title transfer, and a description of such
 423 motor vehicle together with the name and address of the seller,
 424 the purchaser, and the alleged owner or other person from whom
 425 such motor vehicle was purchased or received or to whom it was
 426 sold or delivered, as the case may be. Such description shall
 427 include the identification or engine number, maker's number, if
 428 any, chassis number, if any, and such other numbers or
 429 identification marks as may be thereon and shall also include a
 430 statement that a number has been obliterated, defaced, or
 431 changed, if such is the fact. When a licensee chooses to
 432 maintain electronic records, the original paper documents may be
 433 destroyed after the licensee successfully transfers title and
 434 registration to the purchaser as required by chapter 319 for any
 435 purchaser who titles and registers the motor vehicle in this
 436 state. In the case of a sale to a purchaser who will title and
 437 register the motor vehicle in another state or country, the
 438 licensee may destroy the original paper documents after
 439 successfully delivering a lawfully reassigned title or
 440 manufacturer's certificate or statement of origin to the
 441 purchaser and after producing electronic images of all documents
 442 related to the sale.

443 (9) DENIAL, SUSPENSION, OR REVOCATION.—

444 (a) The department may deny, suspend, or revoke any
 445 license issued hereunder or under the provisions of s. 320.77 or
 446 s. 320.771~~7~~, upon proof that an applicant or a licensee has
 447 ~~committed any of the following activities:~~

- 448 1. Committed ~~Commission~~ of fraud or willful

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449 misrepresentation in application for or in obtaining a license.

450 2. Been convicted ~~Conviction~~ of a felony.

451 3. Failed ~~Failure~~ to honor a bank draft or check given to
 452 a motor vehicle dealer for the purchase of a motor vehicle by
 453 another motor vehicle dealer within 10 days after notification
 454 that the bank draft or check has been dishonored. If the
 455 transaction is disputed, the maker of the bank draft or check
 456 shall post a bond in accordance with the provisions of s.
 457 559.917, and no proceeding for revocation or suspension shall be
 458 commenced until the dispute is resolved.

459 4.a. Failed to provide payment within 10 business days to
 460 the department for a check payable to the department that was
 461 dishonored due to insufficient funds in the amount due plus any
 462 statutorily authorized fee for uttering a worthless check. The
 463 department shall notify an applicant or licensee when the
 464 applicant or licensee makes payment to the department by a check
 465 that is subsequently dishonored by the bank due to insufficient
 466 funds. The applicant or licensee shall, within 10 business days
 467 after receiving the notice, provide payment to the department in
 468 the form of cash in the amount due plus any statutorily
 469 authorized fee. If the applicant or licensee fails to make such
 470 payment within 10 business days, the department may deny,
 471 suspend, or revoke the applicant's or licensee's motor vehicle
 472 dealer license.

473 b. Stopped payment on a check payable to the department,
 474 issued a check payable to the department from an account that
 475 has been closed, or charged back a credit card transaction to
 476 the department. If an applicant or licensee commits any such

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477 act, the department may deny, suspend, or revoke the applicant's
478 or licensee's motor vehicle dealer license.

479 5.a. Failed to provide payment in the amount of tuition
480 due plus any statutorily authorized fee within 10 business days
481 to a licensed motor vehicle dealer training school for a check
482 payable to the school that was dishonored due to insufficient
483 funds in the amount of tuition due plus any statutorily
484 authorized fee for uttering a worthless check. A licensed motor
485 vehicle dealer training school shall notify a student when the
486 student makes payment to the school by a check that is
487 subsequently dishonored by the bank due to insufficient funds.
488 The student shall, within 10 business days after receiving the
489 notice, provide payment to the school in a manner designated by
490 the school in the amount of tuition due plus any statutorily
491 authorized fee. If the student fails to make such payment within
492 10 business days, the motor vehicle dealer training school may
493 cancel the training certificate issued to the student and notify
494 the department of the cancellation of the training certificate.

495 b. Stopped payment on a check payable to a licensed motor
496 vehicle dealer training school, issued a check payable to a
497 licensed motor vehicle dealer training school from an account
498 that has been closed, or charged back a credit card transaction
499 to a licensed motor vehicle dealer training school. If a student
500 commits any such act, the motor vehicle dealer training school
501 may cancel the training certificate issued to the student and
502 notify the department of the cancellation of the training
503 certificate.

504 Section 7. This act shall take effect July 1, 2010.