

1 A bill to be entitled
2 An act relating to motor vehicles; amending ss. 261.03 and
3 317.0003, F.S.; redefining the term "ROV" for purposes of
4 provisions relating to off-highway vehicles to include
5 vehicles of increased width and weight; amending s.
6 316.1951, F.S.; removing a requirement that the Department
7 of Highway Safety and Motor Vehicles adopt a uniform
8 written notice to be used to enforce provisions that
9 prohibit parking a motor vehicle on certain property for
10 the purpose of displaying the motor vehicle as being for
11 sale, hire, or rental; removing a requirement that each
12 law enforcement agency provide its own notice for such
13 enforcement; authorizing a code enforcement officer from
14 any local government agency to enforce such provisions;
15 providing for immediate removal of a motor vehicle in
16 violation of specified provisions; providing for
17 assessment of a fine in addition to towing and storage
18 fees; requiring a release form prescribed by the
19 department to be completed before release of the motor
20 vehicle; amending s. 318.18, F.S.; specifying a fine for a
21 vehicle that is displayed for sale, hire, or rental in
22 violation of such provisions; providing for disposition of
23 fines collected; amending s. 319.225, F.S.; prohibiting
24 the department from requiring the signature of the
25 transferor to be notarized on certain motor vehicle title
26 transfer forms relating to mileage of the vehicle;
27 requiring the forms to include an affidavit declaring
28 facts in the document to be true; amending s. 319.23,

29 F.S.; providing that, under certain circumstances, a motor
 30 vehicle dealer is not required to apply for a certificate
 31 of title for a motor vehicle sold to a general purchaser
 32 who resides outside the state; amending s. 320.02, F.S.;
 33 directing the department to place the name of the owner of
 34 a motor vehicle on the list of persons who may not be
 35 issued a license plate or revalidation sticker if that
 36 person is on a list submitted to the department by a
 37 licensed dealer; amending s. 320.27, F.S.; clarifying an
 38 exemption from certain dealer prelicensing requirements;
 39 removing a requirement for evaluation of privatized
 40 applicant training methods; authorizing dealer records to
 41 be kept in either paper or electronic form; providing
 42 procedures for transfer of documents to electronic form;
 43 authorizing the department to deny, suspend, or revoke a
 44 dealer's license for certain actions relating to payments
 45 made to the department; authorizing a dealer training
 46 school to cancel the training certificate issued to a
 47 student for certain actions relating to payments made to
 48 the school; providing an effective date.

49
 50 Be It Enacted by the Legislature of the State of Florida:

51
 52 Section 1. Subsection (9) of section 261.03, Florida
 53 Statutes, is amended to read:

54 261.03 Definitions.—As used in this chapter, the term:

55 (9) "ROV" means any motorized recreational off-highway
 56 vehicle 64 ~~60~~ inches or less in width, having a dry weight of

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57 | 2,000 ~~1,500~~ pounds or less, designed to travel on four or more
 58 | nonhighway tires, having nonstraddle seating and a steering
 59 | wheel, and manufactured for recreational use by one or more
 60 | persons. The term "ROV" does not include a golf cart as defined
 61 | in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
 62 | defined in s. 320.01(42).

63 | Section 2. Subsection (9) of section 317.0003, Florida
 64 | Statutes, is amended to read:

65 | 317.0003 Definitions.—As used in this chapter, the term:

66 | (9) "ROV" means any motorized recreational off-highway
 67 | vehicle 64 ~~60~~ inches or less in width, having a dry weight of
 68 | 2,000 ~~1,500~~ pounds or less, designed to travel on four or more
 69 | nonhighway tires, having nonstraddle seating and a steering
 70 | wheel, and manufactured for recreational use by one or more
 71 | persons. The term "ROV" does not include a golf cart as defined
 72 | in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
 73 | defined in s. 320.01(42).

74 | Section 3. Section 316.1951, Florida Statutes, is amended
 75 | to read:

76 | 316.1951 Parking for certain purposes prohibited; sale of
 77 | motor vehicles; prohibited acts.—

78 | (1) It is unlawful for any person to park a motor vehicle,
 79 | as defined in s. 320.01, upon a public street or highway, ~~upon~~ a
 80 | public parking lot, or other public property, or upon private
 81 | property where the public has the right to travel by motor
 82 | vehicle, for the principal purpose and intent of displaying the
 83 | motor vehicle thereon for sale, hire, or rental unless the sale,
 84 | hire, or rental of the motor vehicle is specifically authorized

85 on such property by municipal or county regulation and the
 86 person is in compliance with all municipal or county licensing
 87 regulations.

88 (2) The provisions of subsection (1) do not prohibit a
 89 person from parking his or her own motor vehicle or his or her
 90 other personal property on any private real property which the
 91 person owns or leases or on private real property which the
 92 person does not own or lease, but for which he or she obtains
 93 the permission of the owner, or on the public street immediately
 94 adjacent thereto, for the principal purpose and intent of sale,
 95 hire, or rental.

96 (3) Subsection (1) does not prohibit a licensed motor
 97 vehicle dealer from displaying for sale or offering for sale
 98 motor vehicles at locations other than the dealer's licensed
 99 location if the dealer has been issued a supplemental license
 100 for off-premises sales, as provided in s. 320.27(5), and has
 101 complied with the requirements in subsection (1). A vehicle
 102 displayed for sale by a licensed dealer at any location other
 103 than the dealer's licensed location is subject to immediate
 104 removal without warning.

105 ~~(4) The Department of Highway Safety and Motor Vehicles~~
 106 ~~shall adopt by rule a uniform written notice to be used to~~
 107 ~~enforce this section. Each law enforcement agency in this state~~
 108 ~~shall provide, at each agency's expense, the notice forms~~
 109 ~~necessary to enforce this section.~~

110 (4)(5) A law enforcement officer, compliance officer, code
 111 enforcement officer from any local government agency, or
 112 supervisor of the department may cause to be immediately removed

113 at the owner's expense any motor vehicle found in violation of
 114 subsection (1), subsection (5), subsection (6), subsection (7),
 115 or subsection (8), and the owner shall be assessed a penalty as
 116 provided in s. 318.18(21) by the government agency or authority
 117 that orders immediate removal of the motor vehicle. A motor
 118 vehicle removed under this section shall not be released from an
 119 impound or towing and storage facility before a release form
 120 prescribed by the department has been completed verifying that
 121 the fine has been paid to the government agency or authority
 122 that ordered immediate removal of the motor vehicle. However,
 123 the owner may pay towing and storage charges to the towing and
 124 storage facility before payment of the fine or before the
 125 release form has been completed ~~which has been parked in one~~
 126 ~~location for more than 24 hours after a written notice has been~~
 127 ~~issued. Every written notice issued pursuant to this section~~
 128 ~~shall be affixed in a conspicuous place upon a vehicle by a law~~
 129 ~~enforcement officer, compliance officer, or supervisor of the~~
 130 ~~department. Any vehicle found in violation of subsection (1)~~
 131 ~~within 30 days after a previous violation and written notice is~~
 132 ~~subject to immediate removal without an additional waiting~~
 133 ~~period.~~

134 (5)(6) It is unlawful to offer a vehicle for sale if the
 135 vehicle identification number has been destroyed, removed,
 136 covered, altered, or defaced, as described in s. 319.33(1)(d). A
 137 vehicle found in violation of this subsection is subject to
 138 immediate removal without warning.

139 (6)(7) It is unlawful to knowingly attach to any motor
 140 vehicle a registration that was not assigned or lawfully

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141 transferred to the vehicle pursuant to s. 320.261. A vehicle
 142 found in violation of this subsection is subject to immediate
 143 removal without warning.

144 (7)~~(8)~~ It is unlawful to display or offer for sale a
 145 vehicle that does not have a valid registration as provided in
 146 s. 320.02. A vehicle found in violation of this subsection is
 147 subject to immediate removal without warning. This subsection
 148 does not apply to vehicles and recreational vehicles being
 149 offered for sale through motor vehicle auctions as defined in s.
 150 320.27(1)(c)4.

151 (8)~~(9)~~ A vehicle is subject to immediate removal without
 152 warning if it bears a telephone number that has been displayed
 153 on three or more vehicles offered for sale within a 12-month
 154 period.

155 (9)~~(10)~~ Any other provision of law to the contrary
 156 notwithstanding, a violation of subsection (1), subsection (5),
 157 subsection (6), subsection (7), or subsection (8) shall subject
 158 the owner of such motor vehicle to towing fees reasonably
 159 necessitated by removal and storage of the motor vehicle and a
 160 fine as required by s. 318.18.

161 (10)~~(11)~~ This section does not prohibit the governing body
 162 of a municipality or county, with respect to streets, highways,
 163 or other property under its jurisdiction, from regulating the
 164 parking of motor vehicles for any purpose.

165 (11)~~(12)~~ A violation of this section is a noncriminal
 166 traffic infraction, punishable as a nonmoving violation as
 167 provided in chapter 318, unless otherwise mandated by general
 168 law.

169 Section 4. Subsection (21) is added to section 318.18,
 170 Florida Statutes, to read:

171 318.18 Amount of penalties.—The penalties required for a
 172 noncriminal disposition pursuant to s. 318.14 or a criminal
 173 offense listed in s. 318.17 are as follows:

174 (21) One hundred dollars for a violation of s. 316.1951
 175 for a vehicle that is unlawfully displayed for sale, hire, or
 176 rental. Notwithstanding any other law to the contrary, fines
 177 collected under this subsection shall be retained by the
 178 governing authority that authorized towing of the vehicle. Fines
 179 collected by the department shall be deposited into the Highway
 180 Safety Operating Trust Fund.

181 Section 5. Paragraphs (a) and (b) of subsection (6) of
 182 section 319.225, Florida Statutes, are amended to read:

183 319.225 Transfer and reassignment forms; odometer
 184 disclosure statements.—

185 (6) (a) If the certificate of title is physically held by a
 186 lienholder, the transferor may give a power of attorney to his
 187 or her transferee for the purpose of odometer disclosure. The
 188 power of attorney must be on a form issued or authorized by the
 189 department, which form must be in compliance with 49 C.F.R. ss.
 190 580.4 and 580.13. The department shall not require the signature
 191 of the transferor to be notarized on the form; however, in lieu
 192 of notarization, the form shall include an affidavit with the
 193 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
 194 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
 195 ARE TRUE. The transferee shall sign the power of attorney form,
 196 print his or her name, and return a copy of the power of

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197 attorney form to the transferor. Upon receipt of a title
198 certificate, the transferee shall complete the space for mileage
199 disclosure on the title certificate exactly as the mileage was
200 disclosed by the transferor on the power of attorney form. If
201 the transferee is a licensed motor vehicle dealer who is
202 transferring the vehicle to a retail purchaser, the dealer shall
203 make application on behalf of the retail purchaser as provided
204 in s. 319.23(6) and shall submit the original power of attorney
205 form to the department with the application for title and the
206 transferor's title certificate; otherwise, a dealer may reassign
207 the title certificate by using the dealer reassignment form in
208 the manner prescribed in subsection (3), and, at the time of
209 physical transfer of the vehicle, the original power of attorney
210 shall be delivered to the person designated as the transferee of
211 the dealer on the dealer reassignment form. A copy of the
212 executed power of attorney shall be submitted to the department
213 with a copy of the executed dealer reassignment form within 5
214 business days after the certificate of title and dealer
215 reassignment form are delivered by the dealer to its transferee.

216 (b) If the certificate of title is lost or otherwise
217 unavailable, the transferor may give a power of attorney to his
218 or her transferee for the purpose of odometer disclosure. The
219 power of attorney must be on a form issued or authorized by the
220 department, which form must be in compliance with 49 C.F.R. ss.
221 580.4 and 580.13. The department shall not require the signature
222 of the transferor to be notarized on the form; however, in lieu
223 of notarization, the form shall include an affidavit with the
224 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I

225 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
 226 ARE TRUE. The transferee shall sign the power of attorney form,
 227 print his or her name, and return a copy of the power of
 228 attorney form to the transferor. Upon receipt of the title
 229 certificate or a duplicate title certificate, the transferee
 230 shall complete the space for mileage disclosure on the title
 231 certificate exactly as the mileage was disclosed by the
 232 transferor on the power of attorney form. If the transferee is a
 233 licensed motor vehicle dealer who is transferring the vehicle to
 234 a retail purchaser, the dealer shall make application on behalf
 235 of the retail purchaser as provided in s. 319.23(6) and shall
 236 submit the original power of attorney form to the department
 237 with the application for title and the transferor's title
 238 certificate or duplicate title certificate; otherwise, a dealer
 239 may reassign the title certificate by using the dealer
 240 reassignment form in the manner prescribed in subsection (3),
 241 and, at the time of physical transfer of the vehicle, the
 242 original power of attorney shall be delivered to the person
 243 designated as the transferee of the dealer on the dealer
 244 reassignment form. A copy of the executed power of attorney
 245 shall be submitted to the department with a copy of the executed
 246 dealer reassignment form within 5 business days after the
 247 duplicate certificate of title and dealer reassignment form are
 248 delivered by the dealer to its transferee.

249 Section 6. Subsection (6) of section 319.23, Florida
 250 Statutes, is amended to read:

251 319.23 Application for, and issuance of, certificate of
 252 title.—

253 (6) (a) In the case of the sale of a motor vehicle or
 254 mobile home by a licensed dealer to a general purchaser, the
 255 certificate of title must be obtained in the name of the
 256 purchaser by the dealer upon application signed by the
 257 purchaser, and in each other case such certificate must be
 258 obtained by the purchaser. In each case of transfer of a motor
 259 vehicle or mobile home, the application for a certificate of
 260 title, a ~~or~~ corrected certificate, or an assignment or
 261 reassignment, must be filed within 30 days after ~~from~~ the
 262 delivery of the motor vehicle or mobile home to the purchaser.
 263 An applicant must pay a fee of \$20, in addition to all other
 264 fees and penalties required by law, for failing to file such
 265 application within the specified time. In the case of the sale
 266 of a motor vehicle by a licensed motor vehicle dealer to a
 267 general purchaser who resides in another state or country, the
 268 dealer is not required to apply for a certificate of title for
 269 the motor vehicle; however, the dealer must transfer ownership
 270 and reassign the certificate of title or manufacturer's
 271 certificate of origin to the purchaser, and the purchaser must
 272 sign an affidavit, as approved by the department, that the
 273 purchaser will title and register the motor vehicle in another
 274 state or country.

275 (b) If a licensed dealer acquires a motor vehicle or
 276 mobile home as a trade-in, the dealer must file with the
 277 department, within 30 days, a notice of sale signed by the
 278 seller. The department shall update its database for that title
 279 record to indicate "sold." A licensed dealer need not apply for
 280 a certificate of title for any motor vehicle or mobile home in

281 stock acquired for stock purposes except as provided in s.
 282 319.225.

283 Section 7. Subsection (16) of section 320.02, Florida
 284 Statutes, is amended to read:

285 320.02 Registration required; application for
 286 registration; forms.-

287 (16) The department is authorized to withhold registration
 288 or re-registration of a motor vehicle if the name of the owner
 289 or of a coowner appears on a list submitted to the department by
 290 a licensed motor vehicle dealer for a previous registration of
 291 that vehicle. The department shall place the name of the
 292 registered owner of that vehicle on the list of those persons
 293 who may not be issued a license plate, revalidation sticker, or
 294 replacement plate for the vehicle purchased from the licensed
 295 motor vehicle dealer. The motor vehicle dealer must maintain
 296 signed evidence that the owner or coowner acknowledged the
 297 dealer's authority to submit the list to the department if he or
 298 she failed to pay and must note the amount for which the owner
 299 or coowner would be responsible for the vehicle registration.
 300 The dealer must maintain the necessary documentation required in
 301 this subsection or face penalties as provided in s. 320.27. This
 302 subsection does not affect the issuance of a title to a motor
 303 vehicle.

304 (a) The motor vehicle owner or coowner may dispute the
 305 claim that money is owed to a dealer for registration fees by
 306 submitting a form to the department if the motor vehicle owner
 307 or coowner has documentary proof that the registration fees have
 308 been paid to the dealer for the disputed amount. Without clear

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309 evidence of the amounts owed for the vehicle registration and
310 repayment, the department will assume initial payments are
311 applied to government-assessed fees first.

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

316 Section 8. Subsections (4) and (6) and paragraph (a) of
317 subsection (9) of section 320.27, Florida Statutes, are amended
318 to read:

319 320.27 Motor vehicle dealers.—

320 (4) LICENSE CERTIFICATE.—

321 (a) A license certificate shall be issued by the
322 department in accordance with such application when the
323 application is regular in form and in compliance with the
324 provisions of this section. The license certificate may be in
325 the form of a document or a computerized card as determined by
326 the department. The actual cost of each original, additional, or
327 replacement computerized card shall be borne by the licensee and
328 is in addition to the fee for licensure. Such license, when so
329 issued, entitles the licensee to carry on and conduct the
330 business of a motor vehicle dealer. Each license issued to a
331 franchise motor vehicle dealer expires annually on December 31
332 unless revoked or suspended prior to that date. Each license
333 issued to an independent or wholesale dealer or auction expires
334 annually on April 30 unless revoked or suspended prior to that
335 date. Not less than 60 days prior to the license expiration
336 date, the department shall deliver or mail to each licensee the

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337 necessary renewal forms. Each independent dealer shall certify
338 that the dealer (owner, partner, officer, or director of the
339 licensee, or a full-time employee of the licensee that holds a
340 responsible management-level position) has completed 8 hours of
341 continuing education prior to filing the renewal forms with the
342 department. Such certification shall be filed once every 2 years
343 ~~commencing with the 2006 renewal period.~~ The continuing
344 education shall include at least 2 hours of legal or legislative
345 issues, 1 hour of department issues, and 5 hours of relevant
346 motor vehicle industry topics. Continuing education shall be
347 provided by dealer schools licensed under paragraph (b) either
348 in a classroom setting or by correspondence. Such schools shall
349 provide certificates of completion to the department and the
350 customer which shall be filed with the license renewal form, and
351 such schools may charge a fee for providing continuing
352 education. Any licensee who does not file his or her application
353 and fees and any other requisite documents, as required by law,
354 with the department at least 30 days prior to the license
355 expiration date shall cease to engage in business as a motor
356 vehicle dealer on the license expiration date. A renewal filed
357 with the department within 45 days after the expiration date
358 shall be accompanied by a delinquent fee of \$100. Thereafter, a
359 new application is required, accompanied by the initial license
360 fee. A license certificate duly issued by the department may be
361 modified by endorsement to show a change in the name of the
362 licensee, provided, as shown by affidavit of the licensee, the
363 majority ownership interest of the licensee has not changed or
364 the name of the person appearing as franchisee on the sales and

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365 service agreement has not changed. Modification of a license
366 certificate to show any name change as herein provided shall not
367 require initial licensure or reissuance of dealer tags; however,
368 any dealer obtaining a name change shall transact all business
369 in and be properly identified by that name. All documents
370 relative to licensure shall reflect the new name. In the case of
371 a franchise dealer, the name change shall be approved by the
372 manufacturer, distributor, or importer. A licensee applying for
373 a name change endorsement shall pay a fee of \$25 which fee shall
374 apply to the change in the name of a main location and all
375 additional locations licensed under the provisions of subsection
376 (5). Each initial license application received by the department
377 shall be accompanied by verification that, within the preceding
378 6 months, the applicant, or one or more of his or her designated
379 employees, has attended a training and information seminar
380 conducted by a licensed motor vehicle dealer training school.
381 Any applicant for a new franchised motor vehicle dealer license
382 who has held a valid franchised motor vehicle dealer license
383 continuously for the past 2 years and who remains in good
384 standing with the department is exempt from the prelicensing
385 training requirement. Such seminar shall include, but is not
386 limited to, statutory dealer requirements, which requirements
387 include required bookkeeping and recordkeeping procedures,
388 requirements for the collection of sales and use taxes, and such
389 other information that in the opinion of the department will
390 promote good business practices. No seminar may exceed 8 hours
391 in length.

392 (b) Each initial license application received by the

393 department for licensure under subparagraph (1)(c)2. shall ~~must~~
 394 be accompanied by verification that, within the preceding 6
 395 months, the applicant (owner, partner, officer, or director of
 396 the applicant, or a full-time employee of the applicant that
 397 holds a responsible management-level position) has successfully
 398 completed training conducted by a licensed motor vehicle dealer
 399 training school. Such training must include training in titling
 400 and registration of motor vehicles, laws relating to unfair and
 401 deceptive trade practices, laws relating to financing with
 402 regard to buy-here, pay-here operations, and such other
 403 information that in the opinion of the department will promote
 404 good business practices. Successful completion of this training
 405 shall be determined by examination administered at the end of
 406 the course and attendance of no less than 90 percent of the
 407 total hours required by such school. Any applicant who had held
 408 a valid motor vehicle dealer's license continuously within the
 409 past 2 years and who remains in good standing with the
 410 department is exempt from the prelicensing requirements of this
 411 section ~~paragraph~~. The department shall have the authority to
 412 adopt any rule necessary for establishing the training
 413 curriculum; length of training, which shall not exceed 8 hours
 414 for required department topics and shall not exceed an
 415 additional 24 hours for topics related to other regulatory
 416 agencies' instructor qualifications; and any other requirements
 417 under this section. The curriculum for other subjects shall be
 418 approved by any and all other regulatory agencies having
 419 jurisdiction over specific subject matters; however, the overall
 420 administration of the licensing of these dealer schools and

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421 their instructors shall remain with the department. Such schools
422 are authorized to charge a fee. ~~This privatized method for~~
423 ~~training applicants for dealer licensing pursuant to~~
424 ~~subparagraph (1)(c)2. is a pilot program that shall be evaluated~~
425 ~~by the department after it has been in operation for a period of~~
426 ~~2 years.~~

427 (6) RECORDS TO BE KEPT BY LICENSEE.—Every licensee shall
428 keep a book or record in either paper or electronic ~~such~~ form as
429 ~~shall be~~ prescribed or approved by the department for a period
430 of 5 years, in which the licensee shall keep a record of the
431 purchase, sale, or exchange, or receipt for the purpose of sale,
432 of any motor vehicle, the date upon which any temporary tag was
433 issued, the date of title transfer, and a description of such
434 motor vehicle together with the name and address of the seller,
435 the purchaser, and the alleged owner or other person from whom
436 such motor vehicle was purchased or received or to whom it was
437 sold or delivered, as the case may be. Such description shall
438 include the identification or engine number, maker's number, if
439 any, chassis number, if any, and such other numbers or
440 identification marks as may be thereon and shall also include a
441 statement that a number has been obliterated, defaced, or
442 changed, if such is the fact. When a licensee chooses to
443 maintain electronic records, the original paper documents may be
444 destroyed after the licensee successfully transfers title and
445 registration to the purchaser as required by chapter 319 for any
446 purchaser who titles and registers the motor vehicle in this
447 state. In the case of a sale to a purchaser who will title and
448 register the motor vehicle in another state or country, the

449 licensee may destroy the original paper documents after
 450 successfully delivering a lawfully reassigned title or
 451 manufacturer's certificate or statement of origin to the
 452 purchaser and after producing electronic images of all documents
 453 related to the sale.

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

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

459 1. Committed ~~Commission of~~ fraud or willful
 460 misrepresentation in application for or in obtaining a license.

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

462 3. Failed ~~Failure~~ to honor a bank draft or check given to
 463 a motor vehicle dealer for the purchase of a motor vehicle by
 464 another motor vehicle dealer within 10 days after notification
 465 that the bank draft or check has been dishonored. If the
 466 transaction is disputed, the maker of the bank draft or check
 467 shall post a bond in accordance with the provisions of s.
 468 559.917, and no proceeding for revocation or suspension shall be
 469 commenced until the dispute is resolved.

470 4.a. Failed to provide payment within 10 business days to
 471 the department for a check payable to the department that was
 472 dishonored due to insufficient funds in the amount due plus any
 473 statutorily authorized fee for uttering a worthless check. The
 474 department shall notify an applicant or licensee when the
 475 applicant or licensee makes payment to the department by a check
 476 that is subsequently dishonored by the bank due to insufficient

477 funds. The applicant or licensee shall, within 10 business days
478 after receiving the notice, provide payment to the department in
479 the form of cash in the amount due plus any statutorily
480 authorized fee. If the applicant or licensee fails to make such
481 payment within 10 business days, the department may deny,
482 suspend, or revoke the applicant's or licensee's motor vehicle
483 dealer license.

484 b. Stopped payment on a check payable to the department,
485 issued a check payable to the department from an account that
486 has been closed, or charged back a credit card transaction to
487 the department. If an applicant or licensee commits any such
488 act, the department may deny, suspend, or revoke the applicant's
489 or licensee's motor vehicle dealer license.

490 5.a. Failed to provide payment in the amount of tuition
491 due plus any statutorily authorized fee within 10 business days
492 to a licensed motor vehicle dealer training school for a check
493 payable to the school that was dishonored due to insufficient
494 funds in the amount of tuition due plus any statutorily
495 authorized fee for uttering a worthless check. A licensed motor
496 vehicle dealer training school shall notify a student when the
497 student makes payment to the school by a check that is
498 subsequently dishonored by the bank due to insufficient funds.
499 The student shall, within 10 business days after receiving the
500 notice, provide payment to the school in a manner designated by
501 the school in the amount of tuition due plus any statutorily
502 authorized fee. If the student fails to make such payment within
503 10 business days, the motor vehicle dealer training school may
504 cancel the training certificate issued to the student and notify

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505 the department of the cancellation of the training certificate.
506 b. Stopped payment on a check payable to a licensed motor
507 vehicle dealer training school, issued a check payable to a
508 licensed motor vehicle dealer training school from an account
509 that has been closed, or charged back a credit card transaction
510 to a licensed motor vehicle dealer training school. If a student
511 commits any such act, the motor vehicle dealer training school
512 may cancel the training certificate issued to the student and
513 notify the department of the cancellation of the training
514 certificate.
515 Section 9. This act shall take effect July 1, 2010.