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LEGISLATIVE ACTION

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| Senate | . | House |
| Comm: RCS | . | |
| 03/18/2010 | . | |
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The Committee on Criminal Justice (Thrasher) recommended the following:

Senate Amendment

Delete lines 87 - 226
and insert:

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

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

b. A valid salvage certificate of title issued in the name of the seller or properly endorsed, as required in s. 319.22,



474640

13 over to the seller; or

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

16 2. Any person who knowingly and intentionally ~~willfully and~~
17 ~~deliberately~~ violates this paragraph by selling, transporting,
18 delivering, purchasing, or receiving a motor vehicle,
19 recreational vehicle, or mobile home without obtaining a
20 properly endorsed certificate of title, salvage certificate of
21 title, or certificate of destruction from the owner commits a
22 felony of the third degree, punishable as provided in s.
23 775.082, s. 775.083, or s. 775.084.

24 (c)1. When a derelict motor vehicle is sold, transported,
25 or delivered to a licensed salvage motor vehicle dealer, the
26 purchaser shall record the date of purchase and the name,
27 address, and personal identification card number of the person
28 selling the derelict motor vehicle, and it shall be accompanied
29 by:

30 a. A valid certificate of title issued in the name of the
31 seller or properly endorsed, as required in s. 319.22, over to
32 the seller;

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

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

38 2. If the certificate of title, salvage certificate of
39 title, or certificate of destruction is not available, a
40 derelict motor vehicle certificate application shall be
41 completed by the seller or owner of the motor vehicle or mobile



474640

42 home, the seller's or owner's authorized transporter, and the
43 licensed salvage motor vehicle dealer at the time of sale,
44 transport, or delivery to the licensed salvage motor vehicle
45 dealer. The derelict motor vehicle certificate application shall
46 be used by the seller or owner, the seller's or owner's
47 authorized transporter, and the licensed salvage motor vehicle
48 dealer to obtain a derelict motor vehicle certificate from the
49 department. The identifying number on the personal
50 identification card of the seller or owner must be recorded on
51 the derelict motor vehicle certificate application. The derelict
52 motor vehicle certificate application must be accompanied by a
53 copy of the seller's or owner's personal identification card
54 when the personal identification card is something other than a
55 Florida driver's license or Florida identification card. If the
56 seller is not the owner of record of the vehicle being sold, the
57 dealer shall, at the time of sale, ensure that a smudge-free
58 right thumbprint, or other digit if the seller has no right
59 thumb, of the seller is imprinted upon the derelict motor
60 vehicle certificate application form, and that a photograph
61 clearly depicting the seller's face is affixed to the
62 application and transmitted to the department. The licensed
63 salvage motor vehicle dealer shall secure the motor vehicle or
64 mobile home for 3 full business days, excluding weekends and
65 holidays, before destroying or dismantling the derelict motor
66 vehicle and shall follow all reporting procedures established by
67 the department, including electronic notification to the
68 department or delivery of the original derelict motor vehicle
69 certificate application to an agent of the department within 24
70 hours after receiving the derelict motor vehicle.



474640

71 3. Any person who willfully and deliberately violates this
72 paragraph by selling, transporting, delivering, purchasing, or
73 receiving a derelict motor vehicle without obtaining a
74 certificate of title, salvage certificate of title, certificate
75 of destruction, or derelict motor vehicle certificate
76 application; enters false or fictitious information on a
77 derelict motor vehicle certificate application; does not
78 complete the derelict motor vehicle certificate application as
79 required; does not obtain a copy of the seller's or owner's
80 personal identification card when required; ~~or~~ does not make the
81 required notification to the department; or destroys or
82 dismantles a derelict motor vehicle without waiting the required
83 3 full business days commits a felony of the third degree,
84 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

85 (7) (a) In the event of a purchase by a secondary metals
86 recycler, that has been issued a certificate of registration
87 number, of:

88 1. Materials, prepared materials, or parts from any seller
89 for purposes other than the processing of such materials,
90 prepared materials, or parts, the purchaser shall obtain such
91 documentation as may be required by this section and shall
92 record the seller's name and address, date of purchase, and the
93 personal identification card number of the person delivering
94 such items.

95 2. Parts or prepared materials from any seller for purposes
96 of the processing of such parts or prepared materials, the
97 purchaser shall record the seller's name and address and date of
98 purchase and, in the event of a purchase transaction consisting
99 primarily of parts or prepared materials, the personal



474640

100 identification card number of the person delivering such items.

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

104 4.a. Motor vehicles, recreational vehicles, mobile homes,
105 or derelict motor vehicles from other than a secondary metals
106 recycler for purposes of the processing of such motor vehicles,
107 recreational vehicles, mobile homes, or derelict motor vehicles,
108 the purchaser shall record the date of purchase and the name,
109 address, and personal identification card number of the person
110 selling such items and shall obtain the following documentation
111 from the seller with respect to each item purchased:

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

115 (II) A valid salvage certificate of title issued in the
116 name of the seller or properly endorsed, as required in s.
117 319.22, over to the seller;

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

120 (IV) ~~(III)~~ A valid derelict motor vehicle certificate
121 obtained from the department ~~completed~~ by a licensed salvage
122 motor vehicle dealer and properly reassigned to the secondary
123 metals recycler.

124 b. If a valid certificate of title, salvage certificate of
125 title, certificate of destruction, or derelict motor vehicle
126 certificate is not available and the motor vehicle or mobile
127 home is a derelict motor vehicle, a derelict motor vehicle
128 certificate application shall be completed by the seller or



474640

129 owner of the motor vehicle or mobile home, the seller's or
130 owner's authorized transporter, and the registered secondary
131 metals recycler at the time of sale, transport, or delivery to
132 the registered secondary metals recycler. The derelict motor
133 vehicle certificate application shall be used by the seller or
134 owner, the seller's or owner's authorized transporter, and the
135 registered secondary metals recycler to obtain a derelict motor
136 vehicle certificate from the department. The identifying number
137 on the personal identification card of the seller or owner must
138 be recorded on the derelict motor vehicle certificate
139 application. The derelict motor vehicle certificate application
140 must be accompanied by a copy of the seller's or owner's
141 personal identification card when the personal identification
142 card is something other than a Florida driver's license or
143 Florida identification card. If the seller is not the owner of
144 record of the vehicle being sold, the recycler shall, at the
145 time of sale, ensure that a smudge-free right thumbprint of the
146 seller is imprinted upon the derelict motor vehicle certificate
147 application form, and that a photograph clearly depicting the
148 seller's face is affixed to the application and transmitted to
149 the department. The registered secondary metals recycler shall
150 secure the derelict motor vehicle for 3 full business days,
151 excluding weekends and holidays, before destroying or
152 dismantling the derelict motor vehicle and shall follow all
153 reporting procedures established by the department, including
154 electronic notification to the department or delivery of the
155 original derelict motor vehicle certificate application to an
156 agent of the department within 24 hours after receiving the
157 derelict motor vehicle.



474640

158 c. Any person who knowingly and intentionally ~~willfully and~~
159 ~~deliberately~~ violates this