

By the Committee on Transportation; and Senator Hays

596-02048-12

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1 A bill to be entitled
2 An act relating to low-speed vehicles; amending s.
3 319.14, F.S.; authorizing the conversion of a vehicle
4 titled or branded and registered as a low-speed
5 vehicle to a golf cart; providing procedures;
6 providing for a fee; providing an effective date.

7

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

9

10 Section 1. Section 319.14, Florida Statutes, is amended to
11 read:

12 319.14 Sale of motor vehicles registered or used as
13 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
14 and nonconforming vehicles; conversion of low-speed vehicles.-

15 (1) (a) No person shall knowingly offer for sale, sell, or
16 exchange any vehicle that has been licensed, registered, or used
17 as a taxicab, police vehicle, or short-term-lease vehicle, or a
18 vehicle that has been repurchased by a manufacturer pursuant to
19 a settlement, determination, or decision under chapter 681,
20 until the department has stamped in a conspicuous place on the
21 certificate of title of the vehicle, or its duplicate, words
22 stating the nature of the previous use of the vehicle or the
23 title has been stamped "Manufacturer's Buy Back" to reflect that
24 the vehicle is a nonconforming vehicle. If the certificate of
25 title or duplicate was not so stamped upon initial issuance
26 thereof or if, subsequent to initial issuance of the title, the
27 use of the vehicle is changed to a use requiring the notation
28 provided for in this section, the owner or lienholder of the
29 vehicle shall surrender the certificate of title or duplicate to

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30 the department prior to offering the vehicle for sale, and the
31 department shall stamp the certificate or duplicate as required
32 herein. When a vehicle has been repurchased by a manufacturer
33 pursuant to a settlement, determination, or decision under
34 chapter 681, the title shall be stamped "Manufacturer's Buy
35 Back" to reflect that the vehicle is a nonconforming vehicle.

36 (b) No person shall knowingly offer for sale, sell, or
37 exchange a rebuilt vehicle until the department has stamped in a
38 conspicuous place on the certificate of title for the vehicle
39 words stating that the vehicle has been rebuilt or assembled
40 from parts, or is a kit car, glider kit, replica, or flood
41 vehicle unless proper application for a certificate of title for
42 a vehicle that is rebuilt or assembled from parts, or is a kit
43 car, glider kit, replica, or flood vehicle has been made to the
44 department in accordance with this chapter and the department
45 has conducted the physical examination of the vehicle to assure
46 the identity of the vehicle and all major component parts, as
47 defined in s. 319.30(1), which have been repaired or replaced.
48 Thereafter, the department shall affix a decal to the vehicle,
49 in the manner prescribed by the department, showing the vehicle
50 to be rebuilt.

51 (c) As used in this section:

52 1. "Police vehicle" means a motor vehicle owned or leased
53 by the state or a county or municipality and used in law
54 enforcement.

55 2.a. "Short-term-lease vehicle" means a motor vehicle
56 leased without a driver and under a written agreement to one or
57 more persons from time to time for a period of less than 12
58 months.

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59 b. "Long-term-lease vehicle" means a motor vehicle leased
60 without a driver and under a written agreement to one person for
61 a period of 12 months or longer.

62 c. "Lease vehicle" includes both short-term-lease vehicles
63 and long-term-lease vehicles.

64 3. "Rebuilt vehicle" means a motor vehicle or mobile home
65 built from salvage or junk, as defined in s. 319.30(1).

66 4. "Assembled from parts" means a motor vehicle or mobile
67 home assembled from parts or combined from parts of motor
68 vehicles or mobile homes, new or used. "Assembled from parts"
69 does not mean a motor vehicle defined as a "rebuilt vehicle" in
70 subparagraph 3., which has been declared a total loss pursuant
71 to s. 319.30.

72 5. "Kit car" means a motor vehicle assembled with a kit
73 supplied by a manufacturer to rebuild a wrecked or outdated
74 motor vehicle with a new body kit.

75 6. "Glider kit" means a vehicle assembled with a kit
76 supplied by a manufacturer to rebuild a wrecked or outdated
77 truck or truck tractor.

78 7. "Replica" means a complete new motor vehicle
79 manufactured to look like an old vehicle.

80 8. "Flood vehicle" means a motor vehicle or mobile home
81 that has been declared to be a total loss pursuant to s.
82 319.30(3)(a) resulting from damage caused by water.

83 9. "Nonconforming vehicle" means a motor vehicle which has
84 been purchased by a manufacturer pursuant to a settlement,
85 determination, or decision under chapter 681.

86 10. "Settlement" means an agreement entered into between a
87 manufacturer and a consumer that occurs after a dispute is

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88 submitted to a program, or an informal dispute settlement
89 procedure established by a manufacturer or is approved for
90 arbitration before the New Motor Vehicle Arbitration Board as
91 defined in s. 681.102.

92 (2) No person shall knowingly sell, exchange, or transfer a
93 vehicle referred to in subsection (1) without, prior to
94 consummating the sale, exchange, or transfer, disclosing in
95 writing to the purchaser, customer, or transferee the fact that
96 the vehicle has previously been titled, registered, or used as a
97 taxicab, police vehicle, or short-term-lease vehicle or is a
98 vehicle that is rebuilt or assembled from parts, or is a kit
99 car, glider kit, replica, or flood vehicle, or is a
100 nonconforming vehicle, as the case may be.

101 (3) Any person who, with intent to offer for sale or
102 exchange any vehicle referred to in subsection (1), knowingly or
103 intentionally advertises, publishes, disseminates, circulates,
104 or places before the public in any communications medium,
105 whether directly or indirectly, any offer to sell or exchange
106 the vehicle shall clearly and precisely state in each such offer
107 that the vehicle has previously been titled, registered, or used
108 as a taxicab, police vehicle, or short-term-lease vehicle or
109 that the vehicle or mobile home is a vehicle that is rebuilt or
110 assembled from parts, or is a kit car, glider kit, replica, or
111 flood vehicle, or a nonconforming vehicle, as the case may be.
112 Any person who violates this subsection commits a misdemeanor of
113 the second degree, punishable as provided in s. 775.082 or s.
114 775.083.

115 (4) When a certificate of title, including a foreign
116 certificate, is branded to reflect a condition or prior use of

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117 the titled vehicle, the brand must be noted on the registration
118 certificate of the vehicle and such brand shall be carried
119 forward on all subsequent certificates of title and registration
120 certificates issued for the life of the vehicle.

121 (5) Any person who knowingly sells, exchanges, or offers to
122 sell or exchange a motor vehicle or mobile home contrary to the
123 provisions of this section or any officer, agent, or employee of
124 a person who knowingly authorizes, directs, aids in, or consents
125 to the sale, exchange, or offer to sell or exchange a motor
126 vehicle or mobile home contrary to the provisions of this
127 section commits a misdemeanor of the second degree, punishable
128 as provided in s. 775.082 or s. 775.083.

129 (6) Any person who removes a rebuilt decal from a rebuilt
130 vehicle with the intent to conceal the rebuilt status of the
131 vehicle commits a felony of the third degree, punishable as
132 provided in s. 775.082, s. 775.083, or s. 775.084.

133 (7) This section applies to a mobile home, travel trailer,
134 camping trailer, truck camper, or fifth-wheel recreation trailer
135 only when such mobile home or vehicle is a rebuilt vehicle or is
136 assembled from parts.

137 (8) No person shall be liable or accountable in any civil
138 action arising out of a violation of this section if the
139 designation of the previous use or condition of the motor
140 vehicle is not noted on the certificate of title and
141 registration certificate of the vehicle which was received by,
142 or delivered to, such person, unless such person has actively
143 concealed the prior use or condition of the vehicle from the
144 purchaser.

145 (9) Subsections (1), (2), and (3) do not apply to the

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146 transfer of ownership of a motor vehicle after the motor vehicle
147 has ceased to be used as a lease vehicle and the ownership has
148 been transferred to an owner for private use or to the transfer
149 of ownership of a nonconforming vehicle with 36,000 or more
150 miles on its odometer, or 34 months whichever is later and the
151 ownership has been transferred to an owner for private use. Such
152 owner, as shown on the title certificate, may request the
153 department to issue a corrected certificate of title that does
154 not contain the statement of the previous use of the vehicle as
155 a lease vehicle or condition as a nonconforming vehicle.

156 (10) (a) A vehicle titled or branded and registered as a
157 low-speed vehicle may be converted to a golf cart pursuant to
158 the following:

159 1. The owner of the converted vehicle must contact the
160 regional office of the department to verify the conversion,
161 surrender the registration license plate and the current
162 certificate of title, and pay the appropriate fee established
163 under paragraph (b).

164 2. Upon verification of the conversion, the department
165 shall note in the vehicle record that the low-speed vehicle has
166 been converted to a golf cart and cancel the certificate of
167 title and registration of the vehicle.

168 (b) The department shall establish a fee of \$40 to cover
169 the cost of verification and associated administrative costs for
170 carrying out its responsibilities under this subsection.

171 Section 2. This act shall take effect July 1, 2012.