

By the Committees on Budget Subcommittee on Transportation,
Tourism, and Economic Development Appropriations; and
Transportation; and Senator Hays

606-04270-12

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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; amending s. 320.01, F.S.;
7 redefining the term "low-speed vehicle"; providing an
8 effective date.

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

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

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

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

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

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

53 (c) As used in this section:

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

57 2.a. "Short-term-lease vehicle" means a motor vehicle
58 leased without a driver and under a written agreement to one or

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59 more persons from time to time for a period of less than 12
60 months.

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

64 c. "Lease vehicle" includes both short-term-lease vehicles
65 and long-term-lease vehicles.

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

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

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

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

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

82 8. "Flood vehicle" means a motor vehicle or mobile home
83 that has been declared to be a total loss pursuant to s.
84 319.30(3)(a) resulting from damage caused by water.

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

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88 10. "Settlement" means an agreement entered into between a
89 manufacturer and a consumer that occurs after a dispute is
90 submitted to a program, or an informal dispute settlement
91 procedure established by a manufacturer or is approved for
92 arbitration before the New Motor Vehicle Arbitration Board as
93 defined in s. 681.102.

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

103 (3) Any person who, with intent to offer for sale or
104 exchange any vehicle referred to in subsection (1), knowingly or
105 intentionally advertises, publishes, disseminates, circulates,
106 or places before the public in any communications medium,
107 whether directly or indirectly, any offer to sell or exchange
108 the vehicle shall clearly and precisely state in each such offer
109 that the vehicle has previously been titled, registered, or used
110 as a taxicab, police vehicle, or short-term-lease vehicle or
111 that the vehicle or mobile home is a vehicle that is rebuilt or
112 assembled from parts, or is a kit car, glider kit, replica, or
113 flood vehicle, or a nonconforming vehicle, as the case may be.
114 Any person who violates this subsection commits a misdemeanor of
115 the second degree, punishable as provided in s. 775.082 or s.
116 775.083.

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117 (4) When a certificate of title, including a foreign
118 certificate, is branded to reflect a condition or prior use of
119 the titled vehicle, the brand must be noted on the registration
120 certificate of the vehicle and such brand shall be carried
121 forward on all subsequent certificates of title and registration
122 certificates issued for the life of the vehicle.

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

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

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

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

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146 purchaser.

147 (9) Subsections (1), (2), and (3) do not apply to the
148 transfer of ownership of a motor vehicle after the motor vehicle
149 has ceased to be used as a lease vehicle and the ownership has
150 been transferred to an owner for private use or to the transfer
151 of ownership of a nonconforming vehicle with 36,000 or more
152 miles on its odometer, or 34 months whichever is later and the
153 ownership has been transferred to an owner for private use. Such
154 owner, as shown on the title certificate, may request the
155 department to issue a corrected certificate of title that does
156 not contain the statement of the previous use of the vehicle as
157 a lease vehicle or condition as a nonconforming vehicle.

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

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

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

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

173 Section 2. Subsection (42) of section 320.01, Florida
174 Statutes, is amended to read:

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175 320.01 Definitions, general.—As used in the Florida
176 Statutes, except as otherwise provided, the term:

177 (42) “Low-speed vehicle” means any four-wheeled ~~electric~~
178 vehicle whose top speed is greater than 20 miles per hour but
179 not greater than 25 miles per hour, including, without
180 limitation, neighborhood electric vehicles. Low-speed vehicles
181 must comply with the safety standards in 49 C.F.R. s. 571.500
182 and s. 316.2122.

183 Section 3. This act shall take effect July 1, 2012.