

ENROLLED
HB 393

2012 Legislature

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2 An act relating to recreational vehicle dealers;
3 amending s. 320.771, F.S.; authorizing such dealers to
4 obtain certificates of title for recreational
5 vehicles; providing limitations and requirements;
6 providing an effective date.

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

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10 Section 1. Paragraph (a) of subsection (1) of section
11 320.771, Florida Statutes, is amended to read:

12 320.771 License required of recreational vehicle dealers.—

13 (1) DEFINITIONS.—As used in this section:

14 (a)1. "Dealer" means any person engaged in the business of
15 buying, selling, or dealing in recreational vehicles or offering
16 or displaying recreational vehicles for sale. The term "dealer"
17 includes a recreational vehicle broker. Any person who buys,
18 sells, deals in, or offers or displays for sale, or who acts as
19 the agent for the sale of, one or more recreational vehicles in
20 any 12-month period shall be prima facie presumed to be a
21 dealer. The terms "selling" and "sale" include lease-purchase
22 transactions. The term "dealer" does not include banks, credit
23 unions, and finance companies that acquire recreational vehicles
24 as an incident to their regular business and does not include
25 mobile home rental and leasing companies that sell recreational
26 vehicles to dealers licensed under this section.

27 2. A licensed dealer may transact business in recreational
28 vehicles with a motor vehicle auction as defined in s.

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29 | 320.27(1)(c)4. Further, a licensed dealer may, at retail or
30 | wholesale, sell a motor vehicle, as described in s.
31 | 320.01(1)(a), acquired in exchange for the sale of a
32 | recreational vehicle, if such acquisition is incidental to the
33 | principal business of being a recreational vehicle dealer.
34 | However, a recreational vehicle dealer may not buy a motor
35 | vehicle for the purpose of resale unless licensed as a motor
36 | vehicle dealer pursuant to s. 320.27. A dealer may apply for a
37 | certificate of title to a recreational vehicle required to be
38 | registered under s. 320.08(9), using a manufacturer's statement
39 | of origin as permitted by s. 319.23(1), only if such dealer is
40 | authorized by a manufacturer/dealer agreement, as defined in s.
41 | 320.3202, on file with the department, to buy, sell, or deal in
42 | that particular line-make of recreational vehicle, and the
43 | dealer is authorized by such agreement to perform delivery and
44 | preparation obligations and warranty defect adjustments on that
45 | line-make.

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