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LEGISLATIVE ACTION

Senate

House

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Floor: WD

03/09/2012 06:40 PM

Senator Hays moved the following:

Senate Amendment (with title amendment)

Between lines 41 and 42

insert:

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

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

(1) (a) No person shall knowingly offer for sale, sell, or exchange any vehicle that has been licensed, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle, or a vehicle that has been repurchased by a manufacturer pursuant to



568574

14 a settlement, determination, or decision under chapter 681,
15 until the department has stamped in a conspicuous place on the
16 certificate of title of the vehicle, or its duplicate, words
17 stating the nature of the previous use of the vehicle or the
18 title has been stamped "Manufacturer's Buy Back" to reflect that
19 the vehicle is a nonconforming vehicle. If the certificate of
20 title or duplicate was not so stamped upon initial issuance
21 thereof or if, subsequent to initial issuance of the title, the
22 use of the vehicle is changed to a use requiring the notation
23 provided for in this section, the owner or lienholder of the
24 vehicle shall surrender the certificate of title or duplicate to
25 the department prior to offering the vehicle for sale, and the
26 department shall stamp the certificate or duplicate as required
27 herein. When a vehicle has been repurchased by a manufacturer
28 pursuant to a settlement, determination, or decision under
29 chapter 681, the title shall be stamped "Manufacturer's Buy
30 Back" to reflect that the vehicle is a nonconforming vehicle.

31 (b) No person shall knowingly offer for sale, sell, or
32 exchange a rebuilt vehicle until the department has stamped in a
33 conspicuous place on the certificate of title for the vehicle
34 words stating that the vehicle has been rebuilt or assembled
35 from parts, or is a kit car, glider kit, replica, or flood
36 vehicle unless proper application for a certificate of title for
37 a vehicle that is rebuilt or assembled from parts, or is a kit
38 car, glider kit, replica, or flood vehicle has been made to the
39 department in accordance with this chapter and the department
40 has conducted the physical examination of the vehicle to assure
41 the identity of the vehicle and all major component parts, as
42 defined in s. 319.30(1), which have been repaired or replaced.



568574

43 Thereafter, the department shall affix a decal to the vehicle,
44 in the manner prescribed by the department, showing the vehicle
45 to be rebuilt.

46 (c) As used in this section:

47 1. "Police vehicle" means a motor vehicle owned or leased
48 by the state or a county or municipality and used in law
49 enforcement.

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

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

57 c. "Lease vehicle" includes both short-term-lease vehicles
58 and long-term-lease vehicles.

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

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

67 5. "Kit car" means a motor vehicle assembled with a kit
68 supplied by a manufacturer to rebuild a wrecked or outdated
69 motor vehicle with a new body kit.

70 6. "Glider kit" means a vehicle assembled with a kit
71 supplied by a manufacturer to rebuild a wrecked or outdated



568574

72 truck or truck tractor.

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

75 8. "Flood vehicle" means a motor vehicle or mobile home
76 that has been declared to be a total loss pursuant to s.
77 319.30(3)(a) resulting from damage caused by water.

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

81 10. "Settlement" means an agreement entered into between a
82 manufacturer and a consumer that occurs after a dispute is
83 submitted to a program, or an informal dispute settlement
84 procedure established by a manufacturer or is approved for
85 arbitration before the New Motor Vehicle Arbitration Board as
86 defined in s. 681.102.

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

96 (3) Any person who, with intent to offer for sale or
97 exchange any vehicle referred to in subsection (1), knowingly or
98 intentionally advertises, publishes, disseminates, circulates,
99 or places before the public in any communications medium,
100 whether directly or indirectly, any offer to sell or exchange



568574

101 the vehicle shall clearly and precisely state in each such offer
102 that the vehicle has previously been titled, registered, or used
103 as a taxicab, police vehicle, or short-term-lease vehicle or
104 that the vehicle or mobile home is a vehicle that is rebuilt or
105 assembled from parts, or is a kit car, glider kit, replica, or
106 flood vehicle, or a nonconforming vehicle, as the case may be.
107 Any person who violates this subsection commits a misdemeanor of
108 the second degree, punishable as provided in s. 775.082 or s.
109 775.083.

110 (4) When a certificate of title, including a foreign
111 certificate, is branded to reflect a condition or prior use of
112 the titled vehicle, the brand must be noted on the registration
113 certificate of the vehicle and such brand shall be carried
114 forward on all subsequent certificates of title and registration
115 certificates issued for the life of the vehicle.

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

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

128 (7) This section applies to a mobile home, travel trailer,
129 camping trailer, truck camper, or fifth-wheel recreation trailer



568574

130 only when such mobile home or vehicle is a rebuilt vehicle or is
131 assembled from parts.

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

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

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

154 1. The owner of the converted vehicle must contact the
155 regional office of the department to verify the conversion,
156 surrender the registration license plate and the current
157 certificate of title, and pay the appropriate fee established
158 under paragraph (b).



568574

159 2. Upon verification of the conversion, the department
160 shall note in the vehicle record that the low-speed vehicle has
161 been converted to a golf cart and cancel the certificate of
162 title and registration of the vehicle.

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

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

168 320.01 Definitions, general.—As used in the Florida
169 Statutes, except as otherwise provided, the term:

170 (42) "Low-speed vehicle" means any four-wheeled ~~electric~~
171 vehicle whose top speed is greater than 20 miles per hour but
172 not greater than 25 miles per hour, including, without
173 limitation, neighborhood electric vehicles. Low-speed vehicles
174 must comply with the safety standards in 49 C.F.R. s. 571.500
175 and s. 316.2122.

176
177 ===== T I T L E A M E N D M E N T =====

178 And the title is amended as follows:

179 Delete line 3

180 and insert:

181 programs; amending s. 319.14, F.S.; authorizing the
182 conversion of a golf cart titled or branded and
183 registered as a low-speed vehicle to a golf cart;
184 providing procedures; providing for a fee; amending s.
185 320.01, F.S.; redefining the term "low-speed vehicle";
186 amending s. 341.301, F.S.; revising the