

By Senator Garcia

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1 A bill to be entitled
2 An act relating to rebuilt motor vehicles; amending s.
3 319.14, F.S.; conforming provisions; creating s.
4 319.143, F.S.; requiring the Department of
5 Transportation to implement a rebuilt motor vehicle
6 inspection program and contract with private vendors
7 to establish and operate inspection facilities in
8 certain counties; providing definitions; providing
9 criteria for the selection of vendors and providing
10 criteria for facilities; providing guidelines for
11 performing vehicle inspections; requiring specific
12 operating hours for facilities; providing licensing
13 and insurance requirements for vehicles driven to
14 facilities; providing for the inspection of facilities
15 by certain authorities; requiring the maintenance of
16 records; providing for inspection fees; providing that
17 an inspection does not constitute a safety inspection
18 or warranty; providing a limitation of liability for
19 the department and others; prohibiting certain
20 fraudulent acts; providing penalties; providing that
21 certain brands must be noted on a vehicle registration
22 certificate; prohibiting certain persons from
23 operating a facility; providing an effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

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27 Section 1. Paragraph (b) of subsection (1) of section
28 319.14, Florida Statutes, is amended to read:

29 319.14 Sale of motor vehicles registered or used as

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30 taxicabs, police vehicles, lease vehicles, rebuilt vehicles,
31 nonconforming vehicles, custom vehicles, or street rod
32 vehicles.—

33 (1)

34 (b) A person may not knowingly offer for sale, sell, or
35 exchange a rebuilt vehicle until the department or an authorized
36 rebuilt motor vehicle inspection facility has stamped in a
37 conspicuous place on the certificate of title for the vehicle
38 words stating that the vehicle has been rebuilt or assembled
39 from parts, or is a kit car, glider kit, replica, flood vehicle,
40 custom vehicle, or street rod vehicle unless proper application
41 for a certificate of title for a vehicle that is rebuilt or
42 assembled from parts, or is a kit car, glider kit, replica,
43 flood vehicle, custom vehicle, or street rod vehicle has been
44 made to the department in accordance with this chapter and the
45 department or an authorized rebuilt motor vehicle inspection
46 facility has conducted the physical examination of the vehicle
47 to assure the identity of the vehicle and all major component
48 parts, as defined in s. 319.30(1), which have been repaired or
49 replaced. Thereafter, the department or the authorized rebuilt
50 motor vehicle inspection facility shall affix a decal to the
51 vehicle, in the manner prescribed by the department, showing the
52 vehicle to be rebuilt.

53 Section 2. Section 319.143, Florida Statutes, is created to
54 read:

55 319.143 Rebuilt motor vehicle inspection program.—The
56 department shall implement and administer a program to authorize
57 private facilities to inspect rebuilt motor vehicles before the
58 vehicles may be titled in this state.

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59 (1) As used in this section, the term:

60 (a) "Facility" means a rebuilt motor vehicle inspection
61 facility, authorized and operating under this section.

62 (b) "Rebuilt vehicle" has the same meaning as in s.
63 319.14(1)(c).

64 (2) The department shall authorize a rebuilt motor vehicle
65 inspection facility in each county in which 500 or more
66 inspections of rebuilt vehicles are conducted annually. One
67 additional facility shall be authorized for each 1,000
68 inspections conducted annually in a county. The department shall
69 select and contract with private vendors to establish and
70 operate rebuilt motor vehicle inspection facilities in such
71 counties. In counties in which fewer than 500 inspections are
72 conducted annually, inspections shall be conducted at a regional
73 office of the department.

74 (3) The department shall establish criteria for the
75 selection of vendors to operate facilities and shall contract
76 with qualified private vendors to operate the facilities. The
77 department shall consider the following criteria when selecting
78 a vendor:

79 (a) The experience of the applicant in the same or a
80 related business.

81 (b) The financial status and stability of the applicant.

82 (c) The past performance of the applicant in other
83 contracts with the department.

84 (e) Verification that the applicant is a citizen of the
85 United States and a resident of this state, and that the
86 applicant does not have a criminal record.

87 (4) A facility must meet the following criteria:

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88 (a) Be in a convenient, accessible, and secure location.

89 (b) Have a secure vehicle inspection area.

90 (c) Have a permanent vehicle lift that meets current
91 industry safety standards.

92 (d) Have secure vehicle staging and holding areas for
93 vehicles awaiting inspection or being held for additional
94 inspections.

95 (e) Have adequate office space with Internet and telephone
96 access.

97 (f) Have a permanently installed safe to securely store
98 inspection decals and other documents.

99 (g) Maintain a surety bond or irrevocable letter of credit,
100 in the amount of \$50,000 or more.

101 (h) Maintain garage liability and other insurance required
102 by the department.

103 (i) Display a current county occupational license.

104 (j) Be registered with the National Motor Vehicle Title
105 Information System.

106 (k) Maintain on file complete criminal background checks
107 for all owners, officers, directors, and employees and
108 documentation of training required under subsection (5).

109 (5) Inspectors of rebuilt motor vehicle working at a
110 facility shall complete 24 hours of training, approved by the
111 department, which must include instruction in inspecting motor
112 vehicles and vehicle title inspection, or must hold law
113 enforcement officer certification and have comparable training.
114 Inspectors must complete 8 hours of continuing education
115 training annually, which shall be approved by the department.

116 (6) The department shall provide facilities with access to

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117 the Florida Real-Time Vehicle Information System.

118 (7) The purpose of a rebuilt motor vehicle inspection is to
119 determine whether the vehicle, or a replaced major component
120 part, is stolen or has altered identification numbers; all
121 damaged or missing major component parts have been repaired or
122 replaced; the title documents are valid and properly completed;
123 and the rebuilt status has been reported to the National Motor
124 Vehicle Title Information System. In conducting a rebuilt motor
125 vehicle inspection an inspector shall:

126 (a) Examine the certificate of title or salvage certificate
127 of title to ensure that it is valid and has been properly
128 assigned to the rebuilder.

129 (b) Compare the photographs taken of the vehicle before
130 rebuilding began with the receipts or invoices and the
131 rebuilder's statement to ensure that all claimed work is
132 documented. The rebuilder's statement must be signed by the
133 rebuilder, notarized, and must include:

134 1. A description of the motor vehicle including year, make,
135 model, color, and vehicle identification number.

136 2. The name, address, and driver license number of the
137 rebuilder.

138 3. A description of all repairs completed on the vehicle.

139 4. A list of all replaced or repaired major component
140 parts, including identification or serial numbers.

141 5. The name and identification number of the inspector.

142 (c) Obtain proof that the rebuilder has submitted the
143 required information to the National Motor Vehicle Title
144 Information System. The facility may submit such proof on behalf
145 of a rebuilder who is not in the business of rebuilding or

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146 selling rebuilt motor vehicles and may charge a fee, set by the
147 department, for the service.

148 (d) Inspect the vehicle, including major component parts,
149 to verify that the vehicle identification numbers are not
150 altered and that the photographs, receipts, invoices, builder's
151 statement, and other required documents verify that all replaced
152 or repaired major component parts are documented.

153 (e) After being satisfied that the vehicle meets the
154 inspection standards, affix a rebuilt decal to the vehicle,
155 enter the results of the inspection into the Florida Real Time
156 Vehicle Information System, and submit to the department copies
157 or images of the certificate of title or salvage certificate of
158 title, application, rebuilder's statement, photographs,
159 receipts, invoices, and other supporting documents.

160 (f) Stamp the original documents as inspected and return
161 them to the rebuilder. If a vehicle fails the inspection, the
162 inspector shall retain all documents provided by the rebuilder,
163 provide a written denial detailing the reasons for the denial,
164 and advise the rebuilder that he or she has 30 days to correct
165 the deficiencies and have the vehicle reinspected.

166 (8) An inspection facility shall be open from 8 a.m. to 5
167 p.m., Monday through Friday, but may provide extended hours or
168 Saturday service.

169 (9) A vehicle that is being driven to an inspection
170 facility must have an assigned license plate attached and proof
171 of coverage under an automobile insurance policy or must have a
172 dealer or transporter license plate attached and proof of
173 coverage under the rebuilder's garage liability insurance
174 policy. An inspection facility, upon receipt of proof of

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175 automobile insurance or garage liability insurance covering the
176 vehicle, may issue a 10-day temporary license plate and
177 registration for use in delivering the vehicle.

178 (10) A facility may charge an inspection fee, not to exceed
179 \$120, to inspect a vehicle and may charge a reinspection fee,
180 not to exceed \$60, for any reinspection conducted within 30 days
181 after a failed inspection. An inspection after 30 days shall be
182 treated as a new inspection.

183 (11) If an inspector finds that a title or supporting
184 document is false, fraudulent, altered, or deficient; that a
185 major component part is stolen or has altered identification
186 numbers; or that there is a violation of s. 319.30 or s. 319.33,
187 the facility shall hold the vehicle and all documents and shall
188 notify a law enforcement agency or the department.

189 (12) A facility is subject to inspection by a law
190 enforcement officer or department employee for violations of s.
191 812.055 or this section.

192 (13) A facility shall maintain copies, which may include
193 electronic copies, of inspection records for 5 years.

194 (14) A rebuilt inspection and issuance of a rebuilt
195 certificate of title does not constitute a safety inspection or
196 a warranty of fitness of the mechanical condition of the motor
197 vehicle. The department, a facility, or an employee of either is
198 not liable for damages resulting from any defect, failure, or
199 improper functioning of a rebuilt motor vehicle that has been
200 inspected by a facility.

201 (15) The department shall maintain records on and
202 investigate complaints regarding a facility.

203 (16) The department shall adopt rules and provide forms

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204 required by this section.

205 (17) It is a felony of the third degree, punishable as
206 provided in s. 775.082, s. 775.083, or s. 775.084, to:

207 (a) Sell, exchange, or transfer a rebuilt motor vehicle
208 that has not passed an inspection pursuant to this section.

209 (b) Submit fraudulent documents with an application for an
210 inspection.

211 (c) Change or remove an existing salvage brand or to enter
212 a rebuilt brand, false owner's name or address, or other false
213 or fraudulent information on a vehicle record in the Florida
214 Real Time Vehicle Information System.

215 (18) It is a misdemeanor of the second degree, punishable
216 as provided in s. 775.082 or s. 775.083, to falsely operate or
217 represent oneself or a business as an authorized rebuilt motor
218 vehicle inspection facility.

219 (19) If a brand that reflects a condition or prior use of a
220 titled vehicle appears in the National Motor Vehicle Title
221 Information System, the brand shall be noted on the registration
222 certificate of the vehicle and the brand shall be transferred to
223 a subsequent certificate of title and registration certificates
224 issued for the vehicle.

225 (20) A motor vehicle dealer, salvage motor vehicle dealer,
226 insurance company, auction, metal recycler, repair shop, or
227 towing and storage company may not operate a facility.

228 Section 3. This act shall take effect July 1, 2013.