

By the Committee on Banking and Insurance; and Senator Bradley

597-02847-14

2014754c1

1                   A bill to be entitled  
2           An act relating to certificates of destruction;  
3           amending s. 319.30, F.S.; defining a term; revising  
4           requirements for the Department of Highway Safety and  
5           Motor Vehicles to declare certain mobile homes and  
6           motor vehicles unrebuildable and to issue a  
7           certificate of destruction; requiring the department  
8           to issue certificates of destruction for motor  
9           vehicles that are worth less than a specified amount  
10          and are above a certain age under certain  
11          circumstances; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Present paragraphs (o) through (w) of subsection  
16           (1) of section 319.30, Florida Statutes, are redesignated as  
17           paragraphs (p) through (x), respectively, a new paragraph (o) is  
18           added to that subsection, and paragraph (b) of subsection (3) of  
19           that section is amended, to read:

20           319.30 Definitions; dismantling, destruction, change of  
21           identity of motor vehicle or mobile home; salvage.—

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

23           (o) "Late model vehicle" means a motor vehicle that has a  
24           manufacturer's model year of 7 years or newer.

25           (3)

26           (b) The owner, including persons who are self-insured, of a  
27           ~~any~~ motor vehicle or mobile home that ~~which~~ is considered to be  
28           salvage shall, within 72 hours after the motor vehicle or mobile  
29           home becomes salvage, forward the title to the motor vehicle or

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30 mobile home to the department for processing. However, an  
31 insurance company that ~~which~~ pays money as compensation for the  
32 total loss of a motor vehicle or mobile home shall obtain the  
33 certificate of title for the motor vehicle or mobile home, make  
34 the required notification to the National Motor Vehicle Title  
35 Information System, and, within 72 hours after receiving such  
36 certificate of title, ~~shall~~ forward such title to the department  
37 for processing. The owner or insurance company, as applicable  
38 ~~the case may be~~, may not dispose of a vehicle or mobile home  
39 that is a total loss before it obtains ~~has obtained~~ a salvage  
40 certificate of title or certificate of destruction from the  
41 department. When applying for a salvage certificate of title or  
42 certificate of destruction, the owner or insurance company must  
43 provide the department with an estimate of the costs of  
44 repairing the physical and mechanical damage suffered by the  
45 vehicle for which a salvage certificate of title or certificate  
46 of destruction is sought. If the estimated costs of repairing  
47 the physical and mechanical damage to the mobile home ~~vehicle~~  
48 are equal to 80 percent or more of the current retail cost of  
49 the mobile home ~~vehicle~~, as established in any official ~~used car~~  
50 ~~or~~ used mobile home guide, the department shall declare the  
51 mobile home ~~vehicle~~ unrebuildable and print a certificate of  
52 destruction, which authorizes the dismantling or destruction of  
53 the ~~motor vehicle or~~ mobile home ~~described therein~~. For a late  
54 model vehicle with a current retail cost of at least \$7,500 just  
55 prior to sustaining the damage that resulted in the total loss,  
56 as established in any official used car guide, if the owner or  
57 insurance company determines that the estimated costs of  
58 repairing the physical and mechanical damage to the vehicle are

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59 equal to 90 percent or more of the current retail cost of the  
60 vehicle, as established in any official used motor vehicle  
61 guide, the department shall declare the vehicle unrebildable  
62 and print a certificate of destruction, which authorizes the  
63 dismantling or destruction of the motor vehicle. However, if the  
64 damaged motor vehicle is equipped with custom-lowered floors for  
65 wheelchair access or a wheelchair lift, the insurance company  
66 may, upon determining that the vehicle is repairable to a  
67 condition that is safe for operation on public roads, submit the  
68 certificate of title to the department for reissuance as a  
69 salvage rebildable title and the addition of a title brand of  
70 "insurance-declared total loss." The certificate of destruction  
71 shall be reassignable a maximum of two times before dismantling  
72 or destruction of the vehicle is ~~shall be~~ required, and shall  
73 accompany the motor vehicle or mobile home for which it is  
74 issued, when such motor vehicle or mobile home is sold for such  
75 purposes, in lieu of a certificate of title, ~~and, thereafter,~~  
76 The department may not issue a ~~shall refuse issuance of any~~  
77 certificate of title for that vehicle. ~~Nothing in~~ This  
78 subsection is not ~~shall be~~ applicable if ~~when~~ a mobile home  
79 ~~vehicle~~ is worth less than \$1,500 retail just prior to  
80 sustaining the damage that resulted in the total loss in  
81 ~~undamaged condition in any official used motor vehicle guide or~~  
82 ~~used mobile home guide or when a stolen motor vehicle or mobile~~  
83 ~~home is recovered in substantially intact condition and is~~  
84 readily resalable without extensive repairs to or replacement of  
85 the frame or engine. If a motor vehicle has a current retail  
86 cost of less than \$7,500 just prior to sustaining the damage  
87 that resulted in the total loss, as established in any official

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88 used motor vehicle guide, or if the vehicle is not a late model  
89 vehicle, the owner or insurance company that pays money as  
90 compensation for the total loss of the motor vehicle shall  
91 obtain a certificate of destruction, if the motor vehicle is  
92 damaged, wrecked, or burned to the extent that the only residual  
93 value of the motor vehicle is as a source of parts or scrap  
94 metal, or if the motor vehicle comes into this state under a  
95 title or other ownership document that indicates that the motor  
96 vehicle is not repairable, is junked, or is for parts or  
97 dismantling only. A ~~Any~~ person who knowingly violates this  
98 paragraph or falsifies documentation ~~any document~~ to avoid the  
99 requirements of this paragraph commits a misdemeanor of the  
100 first degree, punishable as provided in s. 775.082 or s.  
101 775.083.

102 Section 2. This act shall take effect July 1, 2014.