

**By** the Committees on Transportation; and Banking and Insurance;  
and Senator Bradley

596-03738-14

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1 A bill to be entitled

2 An act relating to certificates of destruction for  
3 motor vehicles; amending s. 319.23, F.S.; requiring  
4 the Department of Highway Safety and Motor Vehicles to  
5 visually inspect a motor vehicle that an applicant for  
6 a certificate of title has indicated is a rebuilt  
7 motor vehicle; requiring the department to issue an  
8 affidavit of compliance if the vehicle is not properly  
9 equipped; requiring an applicant to have the repaired  
10 vehicle inspected by a law enforcement agency in order  
11 to receive a certificate of title; requiring the  
12 department to provide a report regarding certificates  
13 of title for rebuilt motor vehicles; amending s.  
14 319.30, F.S.; defining a term; revising requirements  
15 for the department to declare certain mobile homes and  
16 motor vehicles unrebildable and to issue a  
17 certificate of destruction; requiring an owner of, or  
18 an insurance company for, a motor vehicle that is  
19 worth less than a specified amount or is above a  
20 certain age to obtain a certificate of destruction  
21 under certain circumstances; providing a criminal  
22 penalty; amending s. 860.146, F.S.; defining terms and  
23 redefining the term "fake airbag"; prohibiting the  
24 import, manufacture, offering for sale, or  
25 reinstallation of fake airbags; providing a criminal  
26 penalty; providing an effective date.

27  
28 Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Subsection (2) of section 319.23, Florida  
31 Statutes, is amended to read:

32 319.23 Application for, and issuance of, certificate of  
33 title.—

34 (2) The applicant for a certificate of title shall indicate  
35 on the application if the motor vehicle is to be used as a  
36 taxicab, police vehicle, or lease vehicle or if the motor  
37 vehicle or mobile home is a rebuilt vehicle, as those terms are  
38 defined in s. 319.14. If the applicant indicates on the  
39 application for a certificate of title that the motor vehicle is  
40 a rebuilt vehicle, the department shall visually inspect the  
41 vehicle. If, upon inspection, the department has reasonable  
42 cause to believe that the vehicle is not equipped as required by  
43 law, the department shall issue an affidavit of compliance and  
44 the applicant must then make necessary repairs and present the  
45 vehicle to a law enforcement agency for confirmation that any  
46 defect has been corrected pursuant to s. 316.6105, before a  
47 certificate of title may be issued for such vehicle. Upon  
48 issuance of a certificate of title for such vehicle, the  
49 department shall stamp, in a conspicuous place on the title,  
50 words stating the nature of the proposed use of the vehicle or  
51 stating that the vehicle has been rebuilt and may have  
52 previously been declared a total loss vehicle due to damage.  
53 This subsection applies to a mobile home, travel trailer,  
54 camping trailer, truck camper, or fifth-wheel recreation trailer  
55 only when the mobile home or vehicle is a rebuilt vehicle as  
56 defined in s. 319.14.

57 Section 2. On or before December 31, 2015, the Department  
58 of Highway Safety and Motor Vehicles shall provide a summary

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59 report to the Governor, the President of the Senate, and the  
60 Speaker of the House of Representatives regarding certificates  
61 of title for rebuilt vehicles, along with the department's  
62 recommendations for any legislation necessary to address and  
63 correct any needed improvements to the process used to issue  
64 certificates of title for rebuilt motor vehicles. The summary  
65 report must include, but is not limited to, a review of the  
66 affidavits of compliance issued and submitted that evidence  
67 corrections made to rebuilt salvage motor vehicles, and data on  
68 crashes caused by vehicle defects involving rebuilt motor  
69 vehicles.

70 Section 3. Present paragraphs (i) through (w) of subsection  
71 (1) of section 319.30, Florida Statutes, are redesignated as  
72 paragraphs (j) through (x), respectively, a new paragraph (i) is  
73 added to that subsection, and paragraph (b) of subsection (3) of  
74 that section is amended, to read:

75 319.30 Definitions; dismantling, destruction, change of  
76 identity of motor vehicle or mobile home; salvage.—

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

78 (i) "Late model vehicle" means a motor vehicle that has a  
79 manufacturer's model year of 7 years or newer.

80 (3)

81 (b) The owner, including persons who are self-insured, of a  
82 ~~any~~ motor vehicle or mobile home ~~that which~~ is considered to be  
83 salvage shall, within 72 hours after the motor vehicle or mobile  
84 home becomes salvage, forward the title to the motor vehicle or  
85 mobile home to the department for processing. However, an  
86 insurance company ~~that which~~ pays money as compensation for the  
87 total loss of a motor vehicle or mobile home shall obtain the

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88 certificate of title for the motor vehicle or mobile home, make  
89 the required notification to the National Motor Vehicle Title  
90 Information System, and, within 72 hours after receiving such  
91 certificate of title, ~~shall~~ forward such title to the department  
92 for processing. The owner or insurance company, as applicable  
93 ~~the case may be~~, may not dispose of a vehicle or mobile home  
94 that is a total loss before it obtains ~~has obtained~~ a salvage  
95 certificate of title or certificate of destruction from the  
96 department. When applying for a salvage certificate of title or  
97 certificate of destruction, the owner or insurance company must  
98 provide the department with an estimate of the costs of  
99 repairing the physical and mechanical damage suffered by the  
100 vehicle for which a salvage certificate of title or certificate  
101 of destruction is sought. If the estimated costs of repairing  
102 the physical and mechanical damage to the mobile home ~~vehicle~~  
103 are equal to 80 percent or more of the current retail cost of  
104 the mobile home ~~vehicle~~, as established in any official ~~used car~~  
105 ~~or~~ used mobile home guide, the department shall declare the  
106 mobile home ~~vehicle~~ unrebuildable and print a certificate of  
107 destruction, which authorizes the dismantling or destruction of  
108 the ~~motor vehicle or~~ mobile home ~~described therein~~. For a late  
109 model vehicle with a current retail cost of at least \$7,500 just  
110 prior to sustaining the damage that resulted in the total loss,  
111 as established in any official used car guide or valuation  
112 service, if the owner or insurance company determines that the  
113 estimated costs of repairing the physical and mechanical damage  
114 to the vehicle are equal to 90 percent or more of the current  
115 retail cost of the vehicle, as established in any official used  
116 motor vehicle guide or valuation service, the department shall

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117 declare the vehicle unrebuildable and print a certificate of  
118 destruction, which authorizes the dismantling or destruction of  
119 the motor vehicle. However, if the damaged motor vehicle is  
120 equipped with custom-lowered floors for wheelchair access or a  
121 wheelchair lift, the insurance company may, upon determining  
122 that the vehicle is repairable to a condition that is safe for  
123 operation on public roads, submit the certificate of title to  
124 the department for reissuance as a salvage rebuildable title and  
125 the addition of a title brand of "insurance-declared total  
126 loss." The certificate of destruction shall be reassignable a  
127 maximum of two times before dismantling or destruction of the  
128 vehicle is ~~shall be~~ required, and shall accompany the motor  
129 vehicle or mobile home for which it is issued, when such motor  
130 vehicle or mobile home is sold for such purposes, in lieu of a  
131 certificate of title. ~~, and, thereafter,~~ The department may not  
132 issue a ~~shall refuse issuance of any~~ certificate of title for  
133 that vehicle. ~~Nothing in~~ This subsection is not ~~shall be~~  
134 applicable if ~~when~~ a mobile home ~~vehicle~~ is worth less than  
135 \$1,500 retail just prior to sustaining the damage that resulted  
136 in the total loss ~~in undamaged condition~~ in any official ~~used~~  
137 ~~motor vehicle guide~~ ~~or~~ used mobile home guide or when a stolen  
138 motor vehicle or mobile home is recovered in substantially  
139 intact condition and is readily resalable without extensive  
140 repairs to or replacement of the frame or engine. If a motor  
141 vehicle has a current retail cost of less than \$7,500 just prior  
142 to sustaining the damage that resulted in the total loss, as  
143 established in any official used motor vehicle guide or  
144 valuation service, or if the vehicle is not a late model  
145 vehicle, the owner or insurance company that pays money as

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146 compensation for the total loss of the motor vehicle shall  
147 obtain a certificate of destruction, if the motor vehicle is  
148 damaged, wrecked, or burned to the extent that the only residual  
149 value of the motor vehicle is as a source of parts or scrap  
150 metal, or if the motor vehicle comes into this state under a  
151 title or other ownership document that indicates that the motor  
152 vehicle is not repairable, is junked, or is for parts or  
153 dismantling only. A ~~Any~~ person who knowingly violates this  
154 paragraph or falsifies documentation ~~any document~~ to avoid the  
155 requirements of this paragraph commits a misdemeanor of the  
156 first degree, punishable as provided in s. 775.082 or s.  
157 775.083.

158 Section 4. Section 860.146, Florida Statutes, is amended to  
159 read:

160 860.146 Fake airbags; junk-filled airbag compartment.—

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

162 (a) "Airbag" means a motor vehicle inflatable occupant  
163 restraint system, including all component parts, such as the  
164 cover, sensors, controllers, inflators, and wiring, that is  
165 designed in accordance with federal safety regulations for a  
166 given make, model, and year of a vehicle.

167 (b) "Counterfeit airbag" means an airbag displaying a mark  
168 identical or similar to the genuine mark of a motor vehicle  
169 manufacturer without authorization from said manufacturer.

170 (c) "Fake airbag" means any item other than an airbag that  
171 was designed in accordance with federal safety regulations for a  
172 given make, model, and year of motor vehicle as part of a motor  
173 vehicle inflatable restraint system including counterfeit or  
174 nonfunctioning airbags.

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175 (d) ~~(b)~~ "Junk-filled airbag compartment" means an airbag  
176 compartment that is filled with any substance that does not  
177 function in the same manner or to the same extent as an airbag  
178 to protect vehicle occupants in a vehicle crash. The term does  
179 not include a compartment from which an airbag has deployed if  
180 there is no concealment of the deployment.

181 (e) "Nonfunctional airbag" means a replacement airbag that:

182 1. Was previously deployed or damaged;

183 2. Has an electric fault that is detected by the vehicle  
184 airbag diagnostic system after the installation procedure is  
185 completed; or

186 3. Includes any part or object, including, but not limited  
187 to, a counterfeit or repaired airbag cover, installed in a motor  
188 vehicle to mislead the owner or operator of such motor vehicle  
189 into believing that a functional airbag has been installed.

190 (2) It is unlawful for any person ~~anyone~~ to knowingly  
191 import, manufacture, purchase, sell, offer for sale, or install,  
192 or reinstall on a ~~any~~ vehicle a ~~any~~ fake airbag or junk-filled  
193 airbag compartment. Any person who violates this subsection  
194 commits a felony of the second degree, punishable as provided in  
195 s. 775.082, s. 775.083, or s. 775.084.

196 Section 5. This act shall take effect July 1, 2014.