

2014754er

1  
2 An act relating to certificates of title; amending s.  
3 319.23, F.S.; revising the required statement that is  
4 stamped on a certificate of title upon issuance of the  
5 certificate; requiring the department to provide a  
6 report regarding certificates of title for rebuilt  
7 motor vehicles; amending s. 319.30, F.S.; defining a  
8 term; revising requirements for the department to  
9 declare certain mobile homes and motor vehicles  
10 unbuildable and to issue a certificate of  
11 destruction; requiring an owner of, or an insurance  
12 company for, a motor vehicle that is worth less than a  
13 specified amount or is above a certain age to obtain a  
14 certificate of destruction under certain  
15 circumstances; providing a criminal penalty; amending  
16 s. 860.146, F.S.; defining terms and redefining the  
17 term "fake airbag"; prohibiting the import,  
18 manufacture, offering for sale, or reinstallation of  
19 fake airbags; providing a criminal penalty; providing  
20 an effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. Subsection (2) of section 319.23, Florida  
25 Statutes, is amended to read:

26 319.23 Application for, and issuance of, certificate of  
27 title.—

28 (2) The applicant for a certificate of title shall indicate  
29 on the application if the motor vehicle is to be used as a

2014754er

30 taxicab, police vehicle, or lease vehicle or if the motor  
31 vehicle or mobile home is a rebuilt vehicle, as those terms are  
32 defined in s. 319.14. Upon issuance of a certificate of title  
33 for such vehicle, the department shall stamp, in a conspicuous  
34 place on the title, words stating the nature of the proposed use  
35 of the vehicle or stating that the vehicle has been rebuilt and  
36 may have previously been declared a total loss vehicle due to  
37 damage. This subsection applies to a mobile home, travel  
38 trailer, camping trailer, truck camper, or fifth-wheel  
39 recreation trailer only when the mobile home or vehicle is a  
40 rebuilt vehicle as defined in s. 319.14.

41 Section 2. On or before October 31, 2015, the Department of  
42 Highway Safety and Motor Vehicles shall provide a summary report  
43 to the Governor, the President of the Senate, and the Speaker of  
44 the House of Representatives regarding certificates of title for  
45 rebuilt vehicles. The summary report shall include the  
46 department's recommendations to the Legislature to address any  
47 needed improvements to, and correct any problems with, the  
48 process used to issue certificates of title for rebuilt motor  
49 vehicles; and recommendations as to the need, and appropriate  
50 process, for inspecting the roadworthiness of rebuilt motor  
51 vehicles based on relevant data and data on crashes caused by  
52 vehicle defects involving rebuilt motor vehicles.

53 Section 3. Present paragraphs (i) through (w) of subsection  
54 (1) of section 319.30, Florida Statutes, are redesignated as  
55 paragraphs (j) through (x), respectively, a new paragraph (i) is  
56 added to that subsection, and paragraph (b) of subsection (3) of  
57 that section is amended, to read:

58 319.30 Definitions; dismantling, destruction, change of

2014754er

59 identity of motor vehicle or mobile home; salvage.—

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

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

63 (3)

64 (b) The owner, including persons who are self-insured, of a  
65 ~~any~~ motor vehicle or mobile home that ~~which~~ is considered to be  
66 salvage shall, within 72 hours after the motor vehicle or mobile  
67 home becomes salvage, forward the title to the motor vehicle or  
68 mobile home to the department for processing. However, an  
69 insurance company that ~~which~~ pays money as compensation for the  
70 total loss of a motor vehicle or mobile home shall obtain the  
71 certificate of title for the motor vehicle or mobile home, make  
72 the required notification to the National Motor Vehicle Title  
73 Information System, and, within 72 hours after receiving such  
74 certificate of title, ~~shall~~ forward such title to the department  
75 for processing. The owner or insurance company, as applicable  
76 ~~the case may be~~, may not dispose of a vehicle or mobile home  
77 that is a total loss before it obtains ~~has obtained~~ a salvage  
78 certificate of title or certificate of destruction from the  
79 department. When applying for a salvage certificate of title or  
80 certificate of destruction, the owner or insurance company must  
81 provide the department with an estimate of the costs of  
82 repairing the physical and mechanical damage suffered by the  
83 vehicle for which a salvage certificate of title or certificate  
84 of destruction is sought. If the estimated costs of repairing  
85 the physical and mechanical damage to the mobile home ~~vehicle~~  
86 are equal to 80 percent or more of the current retail cost of  
87 the mobile home ~~vehicle~~, as established in any official ~~used-car~~

2014754er

88 ~~or~~ used mobile home guide, the department shall declare the  
89 mobile home vehicle unbuildable and print a certificate of  
90 destruction, which authorizes the dismantling or destruction of  
91 ~~the motor vehicle or mobile home described therein.~~ For a late  
92 model vehicle with a current retail cost of at least \$7,500 just  
93 prior to sustaining the damage that resulted in the total loss,  
94 as established in any official used car guide or valuation  
95 service, if the owner or insurance company determines that the  
96 estimated costs of repairing the physical and mechanical damage  
97 to the vehicle are equal to 90 percent or more of the current  
98 retail cost of the vehicle, as established in any official used  
99 motor vehicle guide or valuation service, the department shall  
100 declare the vehicle unbuildable and print a certificate of  
101 destruction, which authorizes the dismantling or destruction of  
102 the motor vehicle. However, if the damaged motor vehicle is  
103 equipped with custom-lowered floors for wheelchair access or a  
104 wheelchair lift, the insurance company may, upon determining  
105 that the vehicle is repairable to a condition that is safe for  
106 operation on public roads, submit the certificate of title to  
107 the department for reissuance as a salvage rebuildable title and  
108 the addition of a title brand of "insurance-declared total  
109 loss." The certificate of destruction shall be reassignable a  
110 maximum of two times before dismantling or destruction of the  
111 vehicle is ~~shall be~~ required, and shall accompany the motor  
112 vehicle or mobile home for which it is issued, when such motor  
113 vehicle or mobile home is sold for such purposes, in lieu of a  
114 certificate of title. ~~, and, thereafter,~~ The department may not  
115 issue a ~~shall refuse issuance of any~~ certificate of title for  
116 that vehicle. ~~Nothing in~~ This subsection is not ~~shall be~~

2014754er

117 applicable ~~if when~~ a mobile home vehicle is worth less than  
118 \$1,500 retail just prior to sustaining the damage that resulted  
119 in the total loss in undamaged condition in any official ~~used~~  
120 ~~motor vehicle guide or~~ used mobile home guide or when a stolen  
121 motor vehicle or mobile home is recovered in substantially  
122 intact condition and is readily resalable without extensive  
123 repairs to or replacement of the frame or engine. If a motor  
124 vehicle has a current retail cost of less than \$7,500 just prior  
125 to sustaining the damage that resulted in the total loss, as  
126 established in any official used motor vehicle guide or  
127 valuation service, or if the vehicle is not a late model  
128 vehicle, the owner or insurance company that pays money as  
129 compensation for the total loss of the motor vehicle shall  
130 obtain a certificate of destruction, if the motor vehicle is  
131 damaged, wrecked, or burned to the extent that the only residual  
132 value of the motor vehicle is as a source of parts or scrap  
133 metal, or if the motor vehicle comes into this state under a  
134 title or other ownership document that indicates that the motor  
135 vehicle is not repairable, is junked, or is for parts or  
136 dismantling only. ~~Any~~ person who knowingly violates this  
137 paragraph or falsifies documentation ~~any document~~ to avoid the  
138 requirements of this paragraph commits a misdemeanor of the  
139 first degree, punishable as provided in s. 775.082 or s.  
140 775.083.

141 Section 4. Section 860.146, Florida Statutes, is amended to  
142 read:

143 860.146 Fake airbags; junk-filled airbag compartment.—

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

145 (a) "Airbag" means a motor vehicle inflatable occupant

2014754er

146 restraint system, including all component parts, such as the  
147 cover, sensors, controllers, inflators, and wiring, that is  
148 designed in accordance with federal safety regulations for a  
149 given make, model, and year of a vehicle.

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

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

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

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

165 1. Was previously deployed or damaged;

166 2. Has an electric fault that is detected by the vehicle  
167 airbag diagnostic system after the installation procedure is  
168 completed; or

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

173 (2) It is unlawful for any person ~~anyone~~ to knowingly  
174 import, manufacture, purchase, sell, offer for sale, ~~or~~ install,

2014754er

175 or reinstall on a ~~any~~ vehicle a ~~any~~ fake airbag or junk-filled  
176 airbag compartment. Any person who violates this subsection  
177 commits a felony of the second degree, punishable as provided in  
178 s. 775.082, s. 775.083, or s. 775.084.

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