

HB 1029

2016

1 A bill to be entitled
2 An act relating to salvage motor vehicle transactions;
3 amending s. 319.30, F.S.; requiring motor vehicle
4 dealers and independent entities engaged in the sale
5 of salvage vehicles to obtain, record, maintain, and
6 report certain information; requiring the Department
7 of Highway Safety and Motor Vehicles to contract with
8 a third-party data consolidator to develop a database
9 for the submission of transaction information to the
10 National Motor Vehicle Title Information System;
11 requiring the department to adopt rules for certain
12 purposes; requiring purchasers to report certain
13 information to the department; providing penalties;
14 amending ss. 317.0017, 319.14, 319.33, and 921.0022,
15 F.S.; conforming cross-references; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (t) of subsection (1) of section
21 319.30, Florida Statutes, is amended, subsections (3) through
22 (10) are renumbered as subsections (6) through (13),
23 respectively, and new subsections (3), (4), and (5) are added to
24 that section, to read:

25 319.30 Definitions; dismantling, destruction, change of
26 identity of motor vehicle or mobile home; salvage.—

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

28 (t) "Salvage" means a motor vehicle or mobile home which
 29 is a total loss as defined in paragraph (6) (a) ~~(3) (a)~~.

30 (3) (a) Every motor vehicle dealer and independent entity
 31 engaged in the sale of a vehicle with a title that is branded as
 32 total loss, salvage, junk, or derelict or that carries a similar
 33 brand shall do all of the following:

34 1. Keep an electronic record of all sales of such vehicle
 35 and include in the record the make, model, year, vehicle
 36 identification number, and the names and addresses of the
 37 purchaser and seller of the motor vehicle.

38 2. Obtain from any purchaser of such vehicle a copy of a
 39 driver license, passport, or other government-issued
 40 identification. Every salvage motor vehicle dealer shall
 41 maintain a copy of this identification for a period of 3 years.

42 3. Obtain from any purchaser of such vehicle documented
 43 proof of any required license or other authorization to do
 44 business pursuant to this chapter or, for any person residing in
 45 a state, jurisdiction, or country that does not issue a motor
 46 vehicle salvage dealer, junk yard, scrap metal processing
 47 facility, used motor vehicle dealer, salvage dismantler, or
 48 automotive recycler license, a declaration under penalty of
 49 perjury that the purchaser is authorized to purchase salvage
 50 vehicles in that person's state, jurisdiction, or country. The
 51 declaration may be submitted by the authorized purchaser in
 52 electronic or written format. Every motor vehicle dealer and

53 independent entity shall maintain a copy of this documentation
54 for a period of 3 years.

55 (b) A secondary metals recycler as defined in s. 538.18 is
56 exempt from this subsection.

57 (4) (a) By October 1, 2016:

58 1. The department shall contract with an entity approved
59 as a third-party data consolidator to the National Motor Vehicle
60 Title Information System for the development of a statewide
61 database for the submission of the information collected
62 pursuant to this section. The statewide database shall be used
63 to maintain an accurate record of transactions conducted, and
64 the consolidator shall report such information to the National
65 Motor Vehicle Title Information System.

66 2. The department shall adopt rules to facilitate a unique
67 identifier for all purchasers of total loss, salvage, junk, or
68 derelict vehicles or other similarly branded vehicles to
69 facilitate tracking of such purchases and reporting to the
70 statewide database.

71 3. The statewide database must track all transactions of
72 vehicles with a title that is branded as total loss, salvage,
73 junk, or derelict or carries a similar brand and allow each
74 purchaser to conduct transactions as provided by s.
75 320.27(1)(c).

76 4. The department shall make the information received
77 under this section available to any state or local law
78 enforcement agency upon request.

79 (b) A secondary metals recycler as defined in s. 538.18 is
80 exempt from this subsection.

81 (5) (a) Any seller of a vehicle with a title that is
82 branded as total loss, salvage, junk, or derelict or carries a
83 similar brand shall report within 48 hours all transactions to
84 the statewide database developed by the department which involve
85 the acquisition, transfer of ownership, or disposal of a vehicle
86 that is a total loss, salvage, junk, or derelict or a vehicle
87 that carries a similar brand.

88 (b) Any purchaser of a vehicle with a title that is
89 branded as total loss, salvage, junk, or derelict or carries a
90 similar brand and who is not licensed under s. 320.27(1)(c)
91 shall report within 48 hours all transactions to the statewide
92 database developed by the department which involve the
93 acquisition, transfer of ownership, or disposal of a vehicle
94 that is a total loss, salvage, junk, or derelict or a vehicle
95 that carries a similar brand.

96 (c) Any motor vehicle dealer that purchases a vehicle with
97 a title that is branded as total loss, salvage, junk, or
98 derelict or carries a similar brand shall report on a monthly
99 basis to the statewide database developed by the department all
100 transactions which involve the acquisition, transfer of
101 ownership, or disposal of a vehicle that is a total loss,
102 salvage, junk, or derelict vehicle or a vehicle that carries a
103 similar brand.

104 (d) Any person who knowingly violates this subsection by

105 failing to report any transaction of a vehicle with a title that
 106 is branded as total loss, salvage, junk, or derelict or carries
 107 a similar brand to the statewide database commits a felony of
 108 the third degree, punishable as provided in s. 775.082, s.
 109 775.083, or s. 775.084.

110 (e) A secondary metals recycler as defined in s. 538.18 is
 111 exempt from this subsection.

112 Section 2. Paragraph (d) of subsection (1) of section
 113 317.0017, Florida Statutes, is amended to read:

114 317.0017 Offenses involving vehicle identification
 115 numbers, applications, certificates, papers; penalty.—

116 (1) A person may not:

117 (d) Possess, sell or offer for sale, conceal, or dispose
 118 of in this state an off-highway vehicle, or major component part
 119 thereof, on which any motor number or vehicle identification
 120 number affixed by the manufacturer or by a state agency has been
 121 destroyed, removed, covered, altered, or defaced, with knowledge
 122 of such destruction, removal, covering, alteration, or
 123 defacement, except as provided in s. 319.30(7) ~~319.30(4)~~.

124 Section 3. Paragraph (c) of subsection (1) of section
 125 319.14, Florida Statutes, is amended to read:

126 319.14 Sale of motor vehicles registered or used as
 127 taxicabs, police vehicles, lease vehicles, rebuilt vehicles,
 128 nonconforming vehicles, custom vehicles, or street rod vehicles;
 129 conversion of low-speed vehicles.—

130 (1)

- 131 (c) As used in this section, the term:
- 132 1. "Police vehicle" means a motor vehicle owned or leased
 133 by the state or a county or municipality and used in law
 134 enforcement.
- 135 2.a. "Short-term-lease vehicle" means a motor vehicle
 136 leased without a driver and under a written agreement to one or
 137 more persons from time to time for a period of less than 12
 138 months.
- 139 b. "Long-term-lease vehicle" means a motor vehicle leased
 140 without a driver and under a written agreement to one person for
 141 a period of 12 months or longer.
- 142 c. "Lease vehicle" includes both short-term-lease vehicles
 143 and long-term-lease vehicles.
- 144 3. "Rebuilt vehicle" means a motor vehicle or mobile home
 145 built from salvage or junk, as defined in s. 319.30(1).
- 146 4. "Assembled from parts" means a motor vehicle or mobile
 147 home assembled from parts or combined from parts of motor
 148 vehicles or mobile homes, new or used. "Assembled from parts"
 149 does not mean a motor vehicle defined as a "rebuilt vehicle" in
 150 subparagraph 3., which has been declared a total loss pursuant
 151 to s. 319.30.
- 152 5. "Kit car" means a motor vehicle assembled with a kit
 153 supplied by a manufacturer to rebuild a wrecked or outdated
 154 motor vehicle with a new body kit.
- 155 6. "Glider kit" means a vehicle assembled with a kit
 156 supplied by a manufacturer to rebuild a wrecked or outdated

157 truck or truck tractor.

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

160 8. "Flood vehicle" means a motor vehicle or mobile home
161 that has been declared to be a total loss pursuant to s.
162 319.30(6)(a) ~~319.30(3)(a)~~ resulting from damage caused by water.

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

166 10. "Settlement" means an agreement entered into between a
167 manufacturer and a consumer that occurs after a dispute is
168 submitted to a program, or an informal dispute settlement
169 procedure established by a manufacturer or is approved for
170 arbitration before the New Motor Vehicle Arbitration Board as
171 defined in s. 681.102.

172 11. "Custom vehicle" means a motor vehicle that:

173 a. Is 25 years of age or older and of a model year after
174 1948 or was manufactured to resemble a vehicle that is 25 years
175 of age or older and of a model year after 1948; and

176 b. Has been altered from the manufacturer's original
177 design or has a body constructed from nonoriginal materials.

178

179 The model year and year of manufacture that the body of a custom
180 vehicle resembles is the model year and year of manufacture
181 listed on the certificate of title, regardless of when the
182 vehicle was actually manufactured.

- 183 12. "Street rod" means a motor vehicle that:
- 184 a. Is of a model year of 1948 or older or was manufactured
- 185 after 1948 to resemble a vehicle of a model year of 1948 or
- 186 older; and
- 187 b. Has been altered from the manufacturer's original
- 188 design or has a body constructed from nonoriginal materials.

189

190 The model year and year of manufacture that the body of a street

191 rod resembles is the model year and year of manufacture listed

192 on the certificate of title, regardless of when the vehicle was

193 actually manufactured.

194 Section 4. Paragraph (d) of subsection (1) of section

195 319.33, Florida Statutes, is amended to read:

196 319.33 Offenses involving vehicle identification numbers,

197 applications, certificates, papers; penalty.—

198 (1) It is unlawful:

199 (d) To possess, sell or offer for sale, conceal, or

200 dispose of in this state a motor vehicle or mobile home, or

201 major component part thereof, on which any motor number or

202 vehicle identification number that has been affixed by the

203 manufacturer or by a state agency, such as the Department of

204 Highway Safety and Motor Vehicles, which regulates motor

205 vehicles has been destroyed, removed, covered, altered, or

206 defaced, with knowledge of such destruction, removal, covering,

207 alteration, or defacement, except as provided in s. 319.30(7)

208 ~~319.30(4)~~.

209 Section 5. Paragraphs (a) and (c) of subsection (3) of
 210 section 921.0022, Florida Statutes, are amended to read:

211 921.0022 Criminal Punishment Code; offense severity
 212 ranking chart.—

213 (3) OFFENSE SEVERITY RANKING CHART

214 (a) LEVEL 1

215

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
<u>319.30(8)</u>	3rd	Sell, exchange, give away certificate of title or
319.30(5)		

216

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identification number plate.

221

319.35(1)(a) 3rd Tamper, adjust, change, etc.,
an odometer.

222

320.26(1)(a) 3rd Counterfeit, manufacture, or
sell registration license
plates or validation stickers.

223

322.212 3rd Possession of forged, stolen,
(1)(a)-(c) counterfeit, or unlawfully
issued driver license;
possession of simulated
identification.

224

322.212(4) 3rd Supply or aid in supplying
unauthorized driver license or
identification card.

225

322.212(5)(a) 3rd False application for driver
license or identification card.

226

414.39(2) 3rd Unauthorized use, possession,
forgery, or alteration of food
assistance program, Medicaid
ID, value greater than \$200.

227
228
229
230
231
232
233

414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
562.27 (1)	3rd	Possess still or still apparatus.
713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.

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234	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
235	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
236	815.04(5)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
237	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
238	817.569(2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
239	826.01	3rd	Bigamy.
240	828.122(3)	3rd	Fighting or baiting animals.
	831.04(1)	3rd	Any erasure, alteration, etc.,

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of any replacement deed, map,
plat, or other document listed
in s. 92.28.

241

831.31(1)(a) 3rd Sell, deliver, or possess
counterfeit controlled
substances, all but s.
893.03(5) drugs.

242

832.041(1) 3rd Stopping payment with intent to
defraud \$150 or more.

243

832.05(2)(b) & 3rd Knowing, making, issuing
(4)(c) worthless checks \$150 or more
or obtaining property in return
for worthless check \$150 or
more.

244

838.15(2) 3rd Commercial bribe receiving.

245

838.16 3rd Commercial bribery.

246

843.18 3rd Fleeing by boat to elude a law
enforcement officer.

247

847.011(1)(a) 3rd Sell, distribute, etc.,

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obscene, lewd, etc., material
(2nd conviction).

248

849.01 3rd Keeping gambling house.

249

849.09(1) (a) - (d) 3rd Lottery; set up, promote, etc.,
or assist therein, conduct or
advertise drawing for prizes,
or dispose of property or money
by means of lottery.

250

849.23 3rd Gambling-related machines;
"common offender" as to
property rights.

251

849.25(2) 3rd Engaging in bookmaking.

252

860.08 3rd Interfere with a railroad
signal.

253

860.13(1) (a) 3rd Operate aircraft while under
the influence.

254

893.13(2) (a) 2. 3rd Purchase of cannabis.

255

893.13(6) (a) 3rd Possession of cannabis (more

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than 20 grams).

256

934.03(1)(a) 3rd Intercepts, or procures any other person to intercept, any wire or oral communication.

257

258 (c) LEVEL 3

259

Florida	Felony	
Statute	Degree	Description

260

119.10(2)(b) 3rd Unlawful use of confidential information from police reports.

261

316.066 3rd Unlawfully obtaining or using
(3)(b)-(d) confidential crash reports.

262

316.193(2)(b) 3rd Felony DUI, 3rd conviction.

263

316.1935(2) 3rd Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

264

319.30(7) 3rd Possession by junkyard of motor

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265	319.30(4)		vehicle with identification number plate removed.
266	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
267	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
268	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
269	327.35(2)(b)	3rd	Felony BUI.
270	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
271	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

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272	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
273	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
274	379.2431 (1) (e) 6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
275	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to

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report information.

276

440.1051 (3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

277

501.001 (2) (b) 2nd Tamper with a consumer product or the container using materially false/misleading information.

278

624.401 (4) (a) 3rd Transacting insurance without a certificate of authority.

279

624.401 (4) (b) 1. 3rd Transacting insurance without a certificate of authority; premium collected less than \$20,000.

280

626.902 (1) (a) & (b) 3rd Representing an unauthorized insurer.

281

697.08 3rd Equity skimming.

282

790.15 (3) 3rd Person directs another to

discharge firearm from a
vehicle.

283

806.10 (1) 3rd Maliciously injure, destroy, or
interfere with vehicles or
equipment used in firefighting.

284

806.10 (2) 3rd Interferes with or assaults
firefighter in performance of
duty.

285

810.09 (2) (c) 3rd Trespass on property other than
structure or conveyance armed
with firearm or dangerous
weapon.

286

812.014 (2) (c) 2. 3rd Grand theft; \$5,000 or more but
less than \$10,000.

287

812.0145 (2) (c) 3rd Theft from person 65 years of
age or older; \$300 or more but
less than \$10,000.

288

815.04 (5) (b) 2nd Computer offense devised to
defraud or obtain property.

289

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290	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
291	817.233	3rd	Burning to defraud insurer.
292	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
293	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
294	817.236	3rd	Filing a false motor vehicle insurance application.
295	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
296	817.413 (2)	3rd	Sale of used goods as new.
297	817.505 (4)	3rd	Patient brokering.

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298	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
299	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
300	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
301	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
302	843.19	3rd	Injure, disable, or kill police dog or horse.
303	860.15 (3)	3rd	Overcharging for repairs and parts.
304	870.01 (2)	3rd	Riot; inciting or encouraging.
	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver

cannabis (or other s.
 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., (2)(c)5.,
 (2)(c)6., (2)(c)7., (2)(c)8.,
 (2)(c)9., (3), or (4) drugs).

305

893.13(1)(d)2. 2nd Sell, manufacture, or deliver
 s. 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., (2)(c)5.,
 (2)(c)6., (2)(c)7., (2)(c)8.,
 (2)(c)9., (3), or (4) drugs
 within 1,000 feet of
 university.

306

893.13(1)(f)2. 2nd Sell, manufacture, or deliver
 s. 893.03(1)(c), (2)(c)1.,
 (2)(c)2., (2)(c)3., (2)(c)5.,
 (2)(c)6., (2)(c)7., (2)(c)8.,
 (2)(c)9., (3), or (4) drugs
 within 1,000 feet of public
 housing facility.

307

893.13(6)(a) 3rd Possession of any controlled
 substance other than felony
 possession of cannabis.

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309	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
310	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
311	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
312	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
312	893.13 (8) (a) 1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the

practitioner's practice.

313

893.13(8)(a)2. 3rd Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

314

893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

315

893.13(8)(a)4. 3rd Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

316

918.13(1)(a) 3rd Alter, destroy, or conceal investigation evidence.

317

944.47
 (1)(a)1. & 2. 3rd Introduce contraband to correctional facility.

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318

944.47(1)(c) 2nd Possess contraband while upon
the grounds of a correctional
institution.

319

985.721 3rd Escapes from a juvenile
facility (secure detention or
residential commitment
facility).

320

321 Section 6. This act shall take effect July 1, 2016.