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LEGISLATIVE ACTION

Senate

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House

Floor: 1/AD/2R

03/04/2016 05:41 PM

Senator Brandes moved the following:

Senate Amendment (with title amendment)

Between lines 468 and 469

insert:

Section 7. Paragraph (b) of subsection (3) of section 319.30, Florida Statutes, is amended, and paragraph (c) is added to that subsection, to read:

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

(3)

(b) The owner, including persons who are self-insured, of a



836088

12 motor vehicle or mobile home that is considered to be salvage
13 shall, within 72 hours after the motor vehicle or mobile home
14 becomes salvage, forward the title to the motor vehicle or
15 mobile home to the department for processing. However, an
16 insurance company that pays money as compensation for the total
17 loss of a motor vehicle or mobile home shall obtain the
18 certificate of title for the motor vehicle or mobile home, make
19 the required notification to the National Motor Vehicle Title
20 Information System, and, within 72 hours after receiving such
21 certificate of title, forward such title to the department for
22 processing. The owner or insurance company, as applicable, may
23 not dispose of a vehicle or mobile home that is a total loss
24 before it obtains a salvage certificate of title or certificate
25 of destruction from the department. Effective July 1, 2023:

26 1. Thirty days after payment of a claim for compensation
27 pursuant to this paragraph, the insurance company may receive a
28 salvage certificate of title or certificate of destruction from
29 the department if it is unable to obtain a properly assigned
30 certificate of title from the owner or lienholder of the motor
31 vehicle or mobile home, if the motor vehicle or mobile home does
32 not carry an electronic lien on the title and the insurance
33 company:

34 a. Has obtained the release of all liens on the motor
35 vehicle or mobile home;

36 b. Has provided proof of payment of the total loss claim;
37 and

38 c. Has provided an affidavit on letterhead signed by an
39 authorized agent of the insurance company stating the attempts
40 which have been made to obtain the title from the owner or



836088

41 lienholder and further stating that all attempts are to no
42 avail. The affidavit must include a request that the salvage
43 certificate of title or certificate of destruction be issued in
44 the insurance company's name due to payment of a total loss
45 claim to the owner or lienholder. The attempts to contact the
46 owner may be by written request delivered in person, by e-mail,
47 or by first-class mail with a certificate of mailing to the
48 owner's or lienholder's last known address.

49 2. If the owner or lienholder is notified of the request
50 for title at its last known e-mail address and the insurance
51 company does not receive a response, return receipt, or delivery
52 confirmation from that e-mail address, the insurance company
53 shall send the request for title by first-class mail with a
54 certificate of mailing to the owner's or lienholder's last known
55 address.

56 3. If the owner or lienholder is notified of the request
57 for title in person, the insurance company must provide an
58 affidavit attesting to the in-person request for a certificate
59 of title.

60 4. The request to the owner or lienholder for the
61 certificate of title must include a complete description of the
62 motor vehicle or mobile home and the statement that a total loss
63 claim has been paid on the motor vehicle or mobile home.

64 (c) When applying for a salvage certificate of title or
65 certificate of destruction, the owner or insurance company must
66 provide the department with an estimate of the costs of
67 repairing the physical and mechanical damage suffered by the
68 vehicle for which a salvage certificate of title or certificate
69 of destruction is sought. If the estimated costs of repairing



836088

70 the physical and mechanical damage to the mobile home are equal
71 to 80 percent or more of the current retail cost of the mobile
72 home, as established in any official used mobile home guide, the
73 department shall declare the mobile home unrebuildable and print
74 a certificate of destruction, which authorizes the dismantling
75 or destruction of the mobile home. For a late model vehicle with
76 a current retail cost of at least \$7,500 just prior to
77 sustaining the damage that resulted in the total loss, as
78 established in any official used car guide or valuation service,
79 if the owner or insurance company determines that the estimated
80 costs of repairing the physical and mechanical damage to the
81 vehicle are equal to 90 percent or more of the current retail
82 cost of the vehicle, as established in any official used motor
83 vehicle guide or valuation service, the department shall declare
84 the vehicle unrebuildable and print a certificate of
85 destruction, which authorizes the dismantling or destruction of
86 the motor vehicle. However, if the damaged motor vehicle is
87 equipped with custom-lowered floors for wheelchair access or a
88 wheelchair lift, the insurance company may, upon determining
89 that the vehicle is repairable to a condition that is safe for
90 operation on public roads, submit the certificate of title to
91 the department for reissuance as a salvage rebuildable title and
92 the addition of a title brand of "insurance-declared total
93 loss." The certificate of destruction shall be reassignable a
94 maximum of two times before dismantling or destruction of the
95 vehicle is required, and shall accompany the motor vehicle or
96 mobile home for which it is issued, when such motor vehicle or
97 mobile home is sold for such purposes, in lieu of a certificate
98 of title. The department may not issue a certificate of title



836088

99 for that vehicle. This subsection is not applicable if a mobile
100 home is worth less than \$1,500 retail just prior to sustaining
101 the damage that resulted in the total loss in any official used
102 mobile home guide or when a stolen motor vehicle or mobile home
103 is recovered in substantially intact condition and is readily
104 resalable without extensive repairs to or replacement of the
105 frame or engine. If a motor vehicle has a current retail cost of
106 less than \$7,500 just prior to sustaining the damage that
107 resulted in the total loss, as established in any official used
108 motor vehicle guide or valuation service, or if the vehicle is
109 not a late model vehicle, the owner or insurance company that
110 pays money as compensation for the total loss of the motor
111 vehicle shall obtain a certificate of destruction, if the motor
112 vehicle is damaged, wrecked, or burned to the extent that the
113 only residual value of the motor vehicle is as a source of parts
114 or scrap metal, or if the motor vehicle comes into this state
115 under a title or other ownership document that indicates that
116 the motor vehicle is not repairable, is junked, or is for parts
117 or dismantling only. A person who knowingly violates this
118 paragraph or falsifies documentation to avoid the requirements
119 of this paragraph commits a misdemeanor of the first degree,
120 punishable as provided in s. 775.082 or s. 775.083.

121
122 ===== T I T L E A M E N D M E N T =====

123 And the title is amended as follows:

124 Between lines 40 and 41

125 insert:

126 319.30, F.S.; authorizing insurance companies to
127 receive a salvage certificate of title or certificate



836088

128 of destruction from the department after a specified
129 number of days after payment of a claim as of a
130 specified date, subject to certain requirements;
131 requiring insurance companies seeking such title or
132 certificate of destruction to follow a specified
133 procedure; providing requirements for the request;
134 amending s.