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LEGISLATIVE ACTION

Senate

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House

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Floor: 1b/RE/2R

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03/10/2016 11:14 PM

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Senator Abruzzo moved the following:

1 **Senate Amendment to Amendment (588642) (with title**
2 **amendment)**

3
4 Between lines 822 and 823
5 insert:

6 Section 11. Paragraph (b) of subsection (3) of section
7 319.30, Florida Statutes, is amended, and paragraph (c) is added
8 to that subsection, to read:

9 319.30 Definitions; dismantling, destruction, change of
10 identity of motor vehicle or mobile home; salvage.—

11 (3)



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

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

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

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

39 c. Has provided an affidavit on letterhead signed by the
40 insurance company or its authorized agent stating the attempts



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

50 2. If the owner or lienholder is notified of the request
51 for title in person, the insurance company must provide an
52 affidavit attesting to the in-person request for a certificate
53 of title.

54 3. The request to the owner or lienholder for the
55 certificate of title must include a complete description of the
56 motor vehicle or mobile home and the statement that a total loss
57 claim has been paid on the motor vehicle or mobile home.

58 (c) When applying for a salvage certificate of title or
59 certificate of destruction, the owner or insurance company must
60 provide the department with an estimate of the costs of
61 repairing the physical and mechanical damage suffered by the
62 vehicle for which a salvage certificate of title or certificate
63 of destruction is sought. If the estimated costs of repairing
64 the physical and mechanical damage to the mobile home are equal
65 to 80 percent or more of the current retail cost of the mobile
66 home, as established in any official used mobile home guide, the
67 department shall declare the mobile home unrebuildable and print
68 a certificate of destruction, which authorizes the dismantling
69 or destruction of the mobile home. For a late model vehicle with



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70 a current retail cost of at least \$7,500 just prior to
71 sustaining the damage that resulted in the total loss, as
72 established in any official used car guide or valuation service,
73 if the owner or insurance company determines that the estimated
74 costs of repairing the physical and mechanical damage to the
75 vehicle are equal to 90 percent or more of the current retail
76 cost of the vehicle, as established in any official used motor
77 vehicle guide or valuation service, the department shall declare
78 the vehicle unrebuildable and print a certificate of
79 destruction, which authorizes the dismantling or destruction of
80 the motor vehicle. However, if the damaged motor vehicle is
81 equipped with custom-lowered floors for wheelchair access or a
82 wheelchair lift, the insurance company may, upon determining
83 that the vehicle is repairable to a condition that is safe for
84 operation on public roads, submit the certificate of title to
85 the department for reissuance as a salvage rebuildable title and
86 the addition of a title brand of "insurance-declared total
87 loss." The certificate of destruction shall be reassignable a
88 maximum of two times before dismantling or destruction of the
89 vehicle is required, and shall accompany the motor vehicle or
90 mobile home for which it is issued, when such motor vehicle or
91 mobile home is sold for such purposes, in lieu of a certificate
92 of title. The department may not issue a certificate of title
93 for that vehicle. This subsection is not applicable if a mobile
94 home is worth less than \$1,500 retail just prior to sustaining
95 the damage that resulted in the total loss in any official used
96 mobile home guide or when a stolen motor vehicle or mobile home
97 is recovered in substantially intact condition and is readily
98 resalable without extensive repairs to or replacement of the



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99 frame or engine. If a motor vehicle has a current retail cost of
100 less than \$7,500 just prior to sustaining the damage that
101 resulted in the total loss, as established in any official used
102 motor vehicle guide or valuation service, or if the vehicle is
103 not a late model vehicle, the owner or insurance company that
104 pays money as compensation for the total loss of the motor
105 vehicle shall obtain a certificate of destruction, if the motor
106 vehicle is damaged, wrecked, or burned to the extent that the
107 only residual value of the motor vehicle is as a source of parts
108 or scrap metal, or if the motor vehicle comes into this state
109 under a title or other ownership document that indicates that
110 the motor vehicle is not repairable, is junked, or is for parts
111 or dismantling only. A person who knowingly violates this
112 paragraph or falsifies documentation to avoid the requirements
113 of this paragraph commits a misdemeanor of the first degree,
114 punishable as provided in s. 775.082 or s. 775.083.

115
116 ===== T I T L E A M E N D M E N T =====

117 And the title is amended as follows:

118 Delete line 2927

119 and insert:

120 operation of autonomous vehicles; amending s. 319.30,
121 F.S.; authorizing insurance companies to receive a
122 salvage certificate of title or certificate of
123 destruction from the Department of Highway Safety and
124 Motor Vehicles after a specified number of days after
125 payment of a claim as of a specified date, subject to
126 certain requirements; requiring insurance companies
127 seeking such title or certificate of destruction to



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follow a specified procedure; providing requirements
for the request; amending s. 320.525,