



975552

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/25/2017	.	
	.	
	.	
	.	

---

The Committee on Rules (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 74 - 122

and insert:

(a) That is of the same make and model manufactured, imported, or distributed by the licensee;

(b) That is subject to a safety recall notice issued by the licensee or an authorized governmental agency, including a safety recall notice issued before July 1, 2017, regardless of whether the vehicle is identified by its vehicle identification number;



975552

12 (c) That is held by the motor vehicle dealer in the  
13 dealer's inventory at the time the recall notice is issued or  
14 that is taken by the motor vehicle dealer into the dealer's  
15 inventory after the recall notice as a result of a retail  
16 consumer trade-in or a lease return to the dealer inventory in  
17 accordance with an applicable lease contract;

18 (d) That cannot be repaired due to the unavailability,  
19 within 30 days after issuance of the recall notice, of a remedy  
20 or parts necessary for the motor vehicle dealer to make the  
21 recall repair; and

22 (e) For which the licensee has not issued a written  
23 statement to the motor vehicle dealer indicating that the used  
24 motor vehicle may be sold or delivered to a retail customer  
25 before completion of the recall repair. The purpose of such  
26 written statement is to provide notice to the motor vehicle  
27 dealer that the vehicle may be sold or delivered based solely on  
28 the specific safety recall notice and is not intended to address  
29 any other aspect of the vehicle unrelated to the safety recall  
30 notice.

31 (2) The licensee shall pay the required compensation within  
32 30 days after the motor vehicle dealer's application for  
33 payment. Applications for payment must be submitted monthly, as  
34 necessary, through the licensee's existing warranty application  
35 system or another system or process established by the licensee  
36 which is not unduly burdensome or which does not require  
37 information unnecessary for the payment.

38 (3) Compensation under this section must be the greater of:

39 (a) Payment at a rate of at least 1.5 percent per month of  
40 the motor vehicle value, as determined by the average Black Book



41 value of the corresponding model year vehicle of average  
42 condition, of each eligible used motor vehicle in the motor  
43 vehicle dealer's inventory for each month that the dealer does  
44 not receive a remedy and parts to complete the required recall  
45 repair. Such payment must be prorated for any period less than 1  
46 month based on the number of days during the month each eligible  
47 used motor vehicle is in the motor vehicle dealer's inventory.  
48 Payment shall be calculated from the date the recall was issued,  
49 the date the vehicle was acquired, or July 1, 2017, whichever is  
50 latest.

51 (b) Payment under a national program applicable to all  
52 motor vehicle dealers holding a franchise agreement with the  
53 licensee for the motor vehicle dealer's costs associated with  
54 holding the eligible used motor vehicles.

55 (4) For purposes of this section, a licensee does not  
56 include a motorcycle manufacturer, distributor, or importer.

57 Section 3. For the purpose of incorporating section  
58 320.6407, Florida Statutes, as created by this act, in  
59 references thereto, section 320.6992, Florida Statutes, is  
60 reenacted to read:

61  
62 ===== T I T L E A M E N D M E N T =====

63 And the title is amended as follows:

64 Delete lines 13 - 28

65 and insert:

66 applicability; specifying the purpose of a certain  
67 written statement; requiring the manufacturer, factory  
68 branch, distributor, or importer to pay the  
69 compensation within a specified timeframe after the



975552

70 motor vehicle dealer's application for payment;  
71 requiring such applications to be submitted monthly,  
72 as necessary, through the manufacturer's, factory  
73 branch's, distributor's, or importer's warranty  
74 application system or certain other system or process;  
75 providing for calculation of the amount of  
76 compensation; providing applicability; reenacting s.  
77 320.6992, F.S., relating to applicability of specified  
78 provisions to systems of distribution of motor  
79 vehicles in this state, to incorporate s. 320.6407,  
80 F.S., as created by the act, in references thereto;  
81 providing an effective date.