

By Senator Rouson

19-00517-18

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1                   A bill to be entitled  
2           An act relating to motor vehicle registration  
3           applications; amending s. 320.02, F.S.; requiring the  
4           application for motor vehicle registration to include  
5           language to indicate an applicant is hearing impaired;  
6           requiring such information to be included in certain  
7           databases; amending s. 320.27, F.S.; conforming a  
8           cross-reference; providing an effective date.

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10   Be It Enacted by the Legislature of the State of Florida:

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12           Section 1. Subsections (14) through (19) of section 320.02,  
13   Florida Statutes, are renumbered as subsections (15) through  
14   (20), respectively, and a new subsection (14) is added to that  
15   section, to read:

16           320.02 Registration required; application for registration;  
17   forms.—

18           (14) The application form for motor vehicle registration  
19   must include language allowing an applicant who is hearing  
20   impaired to voluntarily indicate that he or she is hearing  
21   impaired. If the applicant indicates on the application that he  
22   or she is hearing impaired, such information must be included in  
23   the Florida Crime Information Center system and the Driver and  
24   Vehicle Information Database.

25           Section 2. Paragraph (b) of subsection (9) of section  
26   320.27, Florida Statutes, is amended to read:

27           320.27 Motor vehicle dealers.—

28           (9) DENIAL, SUSPENSION, OR REVOCATION.—

29           (b) The department may deny, suspend, or revoke any license

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30 issued hereunder or under the provisions of s. 320.77 or s.  
31 320.771 upon proof that a licensee has committed, with  
32 sufficient frequency so as to establish a pattern of wrongdoing  
33 on the part of a licensee, violations of one or more of the  
34 following activities:

35 1. Representation that a demonstrator is a new motor  
36 vehicle, or the attempt to sell or the sale of a demonstrator as  
37 a new motor vehicle without written notice to the purchaser that  
38 the vehicle is a demonstrator. For the purposes of this section,  
39 a "demonstrator," a "new motor vehicle," and a "used motor  
40 vehicle" shall be defined as under s. 320.60.

41 2. Unjustifiable refusal to comply with a licensee's  
42 responsibility under the terms of the new motor vehicle warranty  
43 issued by its respective manufacturer, distributor, or importer.  
44 However, if such refusal is at the direction of the  
45 manufacturer, distributor, or importer, such refusal shall not  
46 be a ground under this section.

47 3. Misrepresentation or false, deceptive, or misleading  
48 statements with regard to the sale or financing of motor  
49 vehicles which any motor vehicle dealer has, or causes to have,  
50 advertised, printed, displayed, published, distributed,  
51 broadcast, televised, or made in any manner with regard to the  
52 sale or financing of motor vehicles.

53 4. Failure by any motor vehicle dealer to provide a  
54 customer or purchaser with an odometer disclosure statement and  
55 a copy of any bona fide written, executed sales contract or  
56 agreement of purchase connected with the purchase of the motor  
57 vehicle purchased by the customer or purchaser.

58 5. Failure of any motor vehicle dealer to comply with the

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59 terms of any bona fide written, executed agreement, pursuant to  
60 the sale of a motor vehicle.

61 6. Failure to apply for transfer of a title as prescribed  
62 in s. 319.23(6).

63 7. Use of the dealer license identification number by any  
64 person other than the licensed dealer or his or her designee.

65 8. Failure to continually meet the requirements of the  
66 licensure law.

67 9. Representation to a customer or any advertisement to the  
68 public representing or suggesting that a motor vehicle is a new  
69 motor vehicle if such vehicle lawfully cannot be titled in the  
70 name of the customer or other member of the public by the seller  
71 using a manufacturer's statement of origin as permitted in s.  
72 319.23(1).

73 10. Requirement by any motor vehicle dealer that a customer  
74 or purchaser accept equipment on his or her motor vehicle which  
75 was not ordered by the customer or purchaser.

76 11. Requirement by any motor vehicle dealer that any  
77 customer or purchaser finance a motor vehicle with a specific  
78 financial institution or company.

79 12. Requirement by any motor vehicle dealer that the  
80 purchaser of a motor vehicle contract with the dealer for  
81 physical damage insurance.

82 13. Perpetration of a fraud upon any person as a result of  
83 dealing in motor vehicles, including, without limitation, the  
84 misrepresentation to any person by the licensee of the  
85 licensee's relationship to any manufacturer, importer, or  
86 distributor.

87 14. Violation of any of the provisions of s. 319.35 by any

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88 motor vehicle dealer.

89 15. Sale by a motor vehicle dealer of a vehicle offered in  
90 trade by a customer prior to consummation of the sale, exchange,  
91 or transfer of a newly acquired vehicle to the customer, unless  
92 the customer provides written authorization for the sale of the  
93 trade-in vehicle prior to delivery of the newly acquired  
94 vehicle.

95 16. Willful failure to comply with any administrative rule  
96 adopted by the department or the provisions of s. 320.131(8).

97 17. Violation of chapter 319, this chapter, or ss. 559.901-  
98 559.9221, which has to do with dealing in or repairing motor  
99 vehicles or mobile homes. Additionally, in the case of used  
100 motor vehicles, the willful violation of the federal law and  
101 rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the  
102 consumer sales window form.

103 18. Failure to maintain evidence of notification to the  
104 owner or coowner of a vehicle regarding registration or titling  
105 fees owed as required in s. 320.02(17) ~~320.02(16)~~.

106 19. Failure to register a mobile home salesperson with the  
107 department as required by this section.

108 Section 3. This act shall take effect July 1, 2018.