

HB 1517

2022

1 A bill to be entitled
2 An act relating to motor vehicles; amending s. 319.23,
3 F.S.; providing that motor vehicle dealers or mobile
4 home dealers should apply for, rather than are
5 required to obtain, certificates of title in the name
6 of purchasers; providing that certain applications
7 relating to transfers of motor vehicles or mobile
8 homes should, rather than must, be filed within a
9 certain timeframe; revising a condition under which
10 the timeframe begins; deleting an authorization for
11 certain penalties; amending s. 320.131, F.S.;
12 conforming a cross-reference; amending s. 320.27,
13 F.S.; revising grounds on which the Department of
14 Highway Safety and Motor Vehicles may deny, suspend,
15 or revoke a motor vehicle dealer license; providing an
16 effective date.

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18 Be It Enacted by the Legislature of the State of Florida:
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20 Section 1. Paragraph (a) of subsection (6) of section
21 319.23, Florida Statutes, is amended to read:

22 319.23 Application for, and issuance of, certificate of
23 title.—

24 (6) (a) In the case of the sale of a motor vehicle or
25 mobile home by a licensed dealer to a general purchaser, the

26 | certificate of title should ~~must~~ be applied for ~~obtained~~ in the
 27 | name of the purchaser by the dealer upon application signed by
 28 | the purchaser, and in each other case the certificate must be
 29 | obtained by the purchaser. In each case of transfer of a motor
 30 | vehicle or mobile home, the application for a certificate of
 31 | title, a corrected certificate, or an assignment or reassignment
 32 | should ~~must~~ be filed within 30 days after the delivery of the
 33 | motor vehicle and receipt from the lender of satisfaction of the
 34 | lien or after consummation of the sale of the mobile home to the
 35 | purchaser. An applicant must pay a fee of \$20, in addition to
 36 | all other fees ~~and penalties~~ required by law, for failing to
 37 | file such application within the specified time. In the case of
 38 | the sale of a motor vehicle by a licensed motor vehicle dealer
 39 | to a general purchaser who resides in another state or country,
 40 | the dealer is not required to apply for a certificate of title
 41 | for the motor vehicle; however, the dealer must transfer
 42 | ownership and reassign the certificate of title or
 43 | manufacturer's certificate of origin to the purchaser, and the
 44 | purchaser must sign an affidavit, as approved by the department,
 45 | that the purchaser will title and register the motor vehicle in
 46 | another state or country.

47 | Section 2. Subsection (8) of section 320.131, Florida
 48 | Statutes, is amended to read:

49 | 320.131 Temporary tags.—

50 | (8) The department shall administer an electronic system

51 for licensed motor vehicle dealers to use for issuing temporary
 52 tags. If a dealer fails to comply with the department's
 53 requirements for issuing temporary tags using the electronic
 54 system, the department may deny, suspend, or revoke a license
 55 under s. 320.27(9)(b)15. ~~s. 320.27(9)(b)16.~~ upon proof that the
 56 licensee has failed to comply with the department's
 57 requirements. The department may adopt rules to administer this
 58 section.

59 Section 3. Paragraph (b) of subsection (9) of section
 60 320.27, Florida Statutes, is amended to read:

61 320.27 Motor vehicle dealers.—

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

63 (b) The department may deny, suspend, or revoke any
 64 license issued hereunder or under ~~the provisions of~~ s. 320.77 or
 65 s. 320.771 upon proof that a licensee has committed, with
 66 sufficient frequency so as to establish a pattern of wrongdoing
 67 on the part of a licensee, violations of one or more of the
 68 following activities:

69 1. Representation that a demonstrator is a new motor
 70 vehicle, or the attempt to sell or the sale of a demonstrator as
 71 a new motor vehicle without written notice to the purchaser that
 72 the vehicle is a demonstrator. For the purposes of this section,
 73 a "demonstrator," a "new motor vehicle," and a "used motor
 74 vehicle" shall be defined as under s. 320.60.

75 2. Unjustifiable refusal to comply with a licensee's

76 responsibility under the terms of the new motor vehicle warranty
77 issued by its respective manufacturer, distributor, or importer.
78 However, if such refusal is at the direction of the
79 manufacturer, distributor, or importer, such refusal shall not
80 be a ground under this section.

81 3. Misrepresentation or false, deceptive, or misleading
82 statements with regard to the sale or financing of motor
83 vehicles which any motor vehicle dealer has, or causes to have,
84 advertised, printed, displayed, published, distributed,
85 broadcast, televised, or made in any manner with regard to the
86 sale or financing of motor vehicles.

87 4. Failure by any motor vehicle dealer to provide a
88 customer or purchaser with an odometer disclosure statement and
89 a copy of any bona fide written, executed sales contract or
90 agreement of purchase connected with the purchase of the motor
91 vehicle purchased by the customer or purchaser.

92 5. Failure of any motor vehicle dealer to comply with the
93 terms of any bona fide written, executed agreement, pursuant to
94 the sale of a motor vehicle.

95 ~~6. Failure to apply for transfer of a title as prescribed~~
96 ~~in s. 319.23(6).~~

97 ~~7.~~ Use of the dealer license identification number by any
98 person other than the licensed dealer or his or her designee.

99 ~~7.8.~~ Intentional failure to continually meet the
100 requirements of the licensure law.

101 ~~8.9.~~ Representation to a customer or any advertisement to
102 the public representing or suggesting that a motor vehicle is a
103 new motor vehicle if such vehicle lawfully cannot be titled in
104 the name of the customer or other member of the public by the
105 seller using a manufacturer's statement of origin as permitted
106 in s. 319.23(1).

107 ~~9.10.~~ Requirement by any motor vehicle dealer that a
108 customer or purchaser accept equipment on his or her motor
109 vehicle which was not ordered by the customer or purchaser.

110 ~~10.11.~~ Requirement by any motor vehicle dealer that any
111 customer or purchaser finance a motor vehicle with a specific
112 financial institution or company.

113 ~~11.12.~~ Requirement by any motor vehicle dealer that the
114 purchaser of a motor vehicle contract with the dealer for
115 physical damage insurance.

116 ~~12.13.~~ Perpetration of a fraud upon any person as a result
117 of dealing in motor vehicles, including, without limitation, the
118 misrepresentation to any person by the licensee of the
119 licensee's relationship to any manufacturer, importer, or
120 distributor.

121 ~~13.14.~~ Violation of any of the provisions of s. 319.35 by
122 any motor vehicle dealer.

123 ~~14.15.~~ Sale by a motor vehicle dealer of a vehicle offered
124 in trade by a customer prior to consummation of the sale,
125 exchange, or transfer of a newly acquired vehicle to the

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126 customer, unless the customer provides written authorization for
127 the sale of the trade-in vehicle prior to delivery of the newly
128 acquired vehicle.

129 ~~15.16.~~ Willful failure to comply with any administrative
130 rule adopted by the department or the provisions of s.
131 320.131(8).

132 ~~16.17.~~ Violation of chapter 319, this chapter, or ss.
133 559.901-559.9221, which has to do with dealing in or repairing
134 motor vehicles or mobile homes. Additionally, in the case of
135 used motor vehicles, the willful violation of the federal law
136 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
137 the consumer sales window form.

138 ~~17.18.~~ Failure to maintain evidence of notification to the
139 owner or co-owner of a vehicle regarding registration or titling
140 fees owed as required in s. 320.02(17).

141 ~~18.19.~~ Failure to register a mobile home salesperson with
142 the department as required by this section.

143 Section 4. This act shall take effect July 1, 2022.