

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Transportation & Modals
2 Subcommittee

3 Representative Tramont offered the following:

4
5 **Amendment**

6 Remove lines 78-201 and insert:

7 If the owner, however, retains possession of a motor vehicle or
8 mobile home in connection with a total loss claim settlement for
9 such motor vehicle or mobile home, the owner must, within 72
10 hours after the motor vehicle or mobile home becomes salvage, or
11 the insurance company must, within 72 hours after receiving the
12 certificate of title for such motor vehicle or mobile home,
13 forward the certificate of title to the motor vehicle or mobile
14 home to the department for processing, and the department must
15 issue a salvage certificate of title or certificate of
16 destruction from the department directly to the vehicle owner

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17 and not to the insurance company or its agent. The owner or
18 insurance company, as applicable, may not dispose of a motor
19 vehicle or mobile home that is a total loss before it obtains a
20 salvage certificate of title or certificate of destruction from
21 the department. ~~Effective January 1, 2020:~~

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

31 a. Has obtained the release of all liens on the motor
32 vehicle or mobile home, or has paid the amount due to the
33 lienholder and has obtained proof that the lienholder accepts
34 payment as satisfying the amount due to the lienholder;

35 b. Has attested on a form provided by the department that
36 payment of the total loss claim has been distributed; and

37 c. Has attested on a form provided by the department and
38 signed by the insurance company or its authorized agent stating
39 the attempts that have been made to obtain the paper certificate
40 of title or a properly completed assignment of an electronic
41 certificate of title from the owner or lienholder and further

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

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

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

59 4. The department is not liable and may not be held liable
60 to an owner, a lienholder, or any other person as a result of
61 the issuance of a salvage certificate of title or a certificate
62 of destruction pursuant to subparagraph 1.

63 (9)(a) An insurance company may notify an independent
64 entity that obtains possession of a damaged or dismantled motor
65 vehicle or vessel to release the vehicle or vessel to the owner.
66 The insurance company shall provide the independent entity a

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67 release statement on a form prescribed by the department
68 authorizing the independent entity to release the vehicle or
69 vessel to the owner or lienholder. The form must, at a minimum,
70 contain the following:

- 71 1. The policy and claim number.
- 72 2. The name and address of the insured.
- 73 3. The vehicle identification number or vessel hull
74 identification number.
- 75 4. The signature of an authorized representative of the
76 insurance company.

77 (b) The independent entity in possession of a motor
78 vehicle or vessel must send a notice to the owner that the
79 vehicle or vessel is available for pickup when it receives a
80 release statement from the insurance company. The notice shall
81 be sent by certified mail or by another commercially available
82 delivery service that provides proof of delivery to the owner at
83 the owner's address contained in the department's records. The
84 notice must state that the owner has 30 days after delivery of
85 the notice to the owner at the owner's address to pick up the
86 vehicle or vessel from the independent entity. If the motor
87 vehicle or vessel is not claimed within 30 days after the
88 delivery or attempted delivery of the notice, the independent
89 entity may apply for a certificate of destruction, a salvage
90 certificate of title, or a certificate of title for a motor
91 vehicle or for a certificate of title as defined in s.

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92 328.0015(1) for a vessel. For a vessel that is hull damaged as
93 defined in s. 328.0015(1), the application shall indicate "Hull
94 Damaged."

95 (c) If the department's records do not contain the owner's
96 address, the independent entity must do all of the following:

97 1. Send a notice that meets the requirements of paragraph
98 (b) to the owner's address that is provided by the insurance
99 company in the release statement.

100 2. For a motor vehicle, identify the latest titling
101 jurisdiction of the vehicle through use of the National Motor
102 Vehicle Title Information System or an equivalent commercially
103 available system and attempt to obtain the owner's address from
104 that jurisdiction. If the jurisdiction returns an address that
105 is different from the owner's address provided by the insurance
106 company, the independent entity must send a notice that meets
107 the requirements of paragraph (b) to both addresses.

108 (d) The independent entity shall maintain for at least a
109 ~~minimum of~~ 3 years the records related to the 30-day notice sent
110 to the owner. For motor vehicles, the independent entity shall
111 also maintain for at least 3 years the results of searches of
112 the National Motor Vehicle Title Information System or an
113 equivalent commercially available system, and the notification
114 to the National Motor Vehicle Title Information System made
115 pursuant to paragraph (e).

116 (e) The independent entity shall make the required

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117 notification to the National Motor Vehicle Title Information
118 System before releasing any damaged or dismantled motor vehicle
119 to the owner or before applying for a certificate of destruction
120 or salvage certificate of title. The independent entity is not
121 required to notify the National Motor Vehicle Title Information
122 System before releasing any damaged or dismantled vessel to the
123 owner or before applying for a certificate of title as defined
124 in s. 328.0015(1).

125 (f) Upon applying for a certificate of destruction or
126 salvage certificate of title for a motor vehicle or for a
127 certificate of title or a certificate of title which indicates
128 "Hull Damaged" as described in paragraph (b) for a vessel, the
129 independent entity shall provide a