

26 identity of motor vehicle, vessel, or mobile home; salvage.—

27 (1) As used in this section, the term:

28 (g) "Independent entity" means a business or entity that
29 may temporarily store damaged or dismantled motor vehicles or
30 vessels pursuant to an agreement with an insurance company and
31 is engaged in the sale or resale of damaged or dismantled motor
32 vehicles or vessels. The term does not include a wrecker
33 operator, a towing company, or a repair facility.

34 (j) "Major component parts" means:

35 1. For motor vehicles other than motorcycles and electric,
36 hybrid, or plug-in hybrid motor vehicles, any fender, hood,
37 bumper, cowl assembly, rear quarter panel, trunk lid, door,
38 decklid, floor pan, engine, frame, transmission, catalytic
39 converter, or airbag.

40 2. For trucks other than electric, hybrid, or plug-in
41 hybrid motor vehicles, in addition to those parts listed in
42 subparagraph 1., any truck bed, including dump, wrecker, crane,
43 mixer, cargo box, or any bed which mounts to a truck frame.

44 3. For motorcycles, the body assembly, frame, fenders, gas
45 tanks, engine, cylinder block, heads, engine case, crank case,
46 transmission, drive train, front fork assembly, and wheels.

47 4. For mobile homes, the frame.

48 5. For electric, hybrid, or plug-in hybrid motor vehicles,
49 in addition to those parts listed in subparagraph 1., any
50 electric traction motor, electronic transmission, charge port,

51 DC power converter, onboard charger, power electronics
52 controller, thermal system, or traction battery pack.

53 6. For electric, hybrid, or plug-in hybrid trucks, in
54 addition to those parts listed in subparagraph 1., any truck
55 bed, including dump, wrecker, crane, mixer, cargo box, or any
56 bed that mounts to a truck frame, electric traction motor,
57 electronic transmission, charge port, DC power converter,
58 onboard charger, power electronics controller, thermal system,
59 or traction battery pack.

60 (y) "Vessel" has the same meaning as in s. 713.78(1)(b).

61 (3)

62 (b) The owner, including persons who are self-insured, of
63 a motor vehicle or mobile home that is considered to be salvage
64 shall, within 72 hours after the motor vehicle or mobile home
65 becomes salvage, forward the title to the motor vehicle or
66 mobile home to the department for processing. However, except as
67 provided in this paragraph with respect to a motor vehicle or
68 mobile home retained by the owner in connection with a total
69 loss claim settlement, an insurance company that pays money as
70 compensation for the total loss of a motor vehicle or mobile
71 home shall obtain the certificate of title for the motor vehicle
72 or mobile home, make the required notification to the National
73 Motor Vehicle Title Information System, and, within 72 hours
74 after receiving such certificate of title, forward such title by
75 the United States Postal Service, by another commercial delivery

76 | service, or by electronic means, when such means are made
 77 | available by the department, to the department for processing.
 78 | If the owner, however, retains possession of a motor vehicle or
 79 | mobile home in connection with a total loss claim settlement for
 80 | such motor vehicle or mobile home, the owner must, within 72
 81 | hours after the motor vehicle or mobile home becomes salvage, or
 82 | the insurance company must, within 72 hours after receiving the
 83 | certificate of title for such motor vehicle or mobile home,
 84 | forward the certificate of title to the motor vehicle or mobile
 85 | home to the department for processing, and the department must
 86 | issue a salvage certificate of title or certificate of
 87 | destruction from the department directly to the owner and not to
 88 | the insurance company or its agent. The owner or insurance
 89 | company, as applicable, may not dispose of a motor vehicle or
 90 | mobile home that is a total loss before it obtains a salvage
 91 | certificate of title or certificate of destruction from the
 92 | department. ~~Effective January 1, 2020:~~
 93 | 1. Thirty days after payment of a claim for compensation
 94 | pursuant to this paragraph, the insurance company may receive a
 95 | salvage certificate of title or certificate of destruction from
 96 | the department if the insurance company is unable to obtain a
 97 | properly assigned paper certificate of title from the owner or
 98 | lienholder of the motor vehicle or mobile home or a properly
 99 | completed assignment of an electronic certificate of title from
 100 | the owner of, ~~if the motor vehicle or mobile home does not carry~~

- 101 ~~an electronic lien on the title~~ and the insurance company:
- 102 a. Has obtained the release of all liens on the motor
- 103 vehicle or mobile home, or has paid the amount due to the
- 104 lienholder and has obtained proof that the lienholder accepts
- 105 payment as satisfying the amount due to the lienholder;
- 106 b. Has attested on a form provided by the department that
- 107 payment of the total loss claim has been distributed; and
- 108 c. Has attested on a form provided by the department and
- 109 signed by the insurance company or its authorized agent stating
- 110 the attempts that have been made to obtain the paper certificate
- 111 of title or a properly completed assignment of an electronic
- 112 certificate of title from the owner or lienholder and further
- 113 stating that all attempts are to no avail. The form must include
- 114 a request that the salvage certificate of title or certificate
- 115 of destruction be issued in the insurance company's name due to
- 116 payment of a total loss claim to the owner or lienholder. The
- 117 attempts to contact the owner or lienholder may be by written
- 118 request delivered in person or by first-class mail with a
- 119 certificate of mailing to the owner's last known address or
- 120 lienholder's last known address, respectively.
- 121 2. If the owner or lienholder is notified of the request
- 122 for title or assignment of title in person, the insurance
- 123 company must provide an affidavit attesting to the in-person
- 124 request for a certificate of title or assignment of title.
- 125 3. The request to the owner or lienholder for the

126 certificate of title or to the owner for the assignment of title
 127 must include a complete description of the motor vehicle or
 128 mobile home and the statement that a total loss claim has been
 129 paid on the motor vehicle or mobile home.

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

134 (9)(a) An insurance company may notify an independent
 135 entity that obtains possession of a damaged or dismantled motor
 136 vehicle or vessel to release the vehicle or vessel to the owner.
 137 The insurance company shall provide the independent entity a
 138 release statement on a form prescribed by the department
 139 authorizing the independent entity to release the vehicle or
 140 vessel to the owner or lienholder. The form must, at a minimum,
 141 contain the following:

- 142 1. The policy and claim number.
- 143 2. The name and address of the insured.
- 144 3. The vehicle identification number or vessel hull
 145 identification number.
- 146 4. The signature of an authorized representative of the
 147 insurance company.

148 (b) The independent entity in possession of a motor
 149 vehicle or vessel must send a notice to the owner that the
 150 vehicle or vessel is available for pickup when it receives a

151 release statement from the insurance company. The notice shall
152 be sent by certified mail or by another commercially available
153 delivery service that provides proof of delivery to the owner at
154 the owner's address contained in the department's records. The
155 notice must state that the owner has 30 days after delivery of
156 the notice to the owner at the owner's address to pick up the
157 vehicle or vessel from the independent entity. If the motor
158 vehicle or vessel is not claimed within 30 days after the
159 delivery or attempted delivery of the notice, the independent
160 entity may apply for a certificate of destruction, a salvage
161 certificate of title, or a certificate of title for a motor
162 vehicle or for a certificate of title as defined in s.
163 328.0015(1) for a vessel. For a vessel that is hull damaged as
164 defined in s. 328.0015(1), the application shall indicate "Hull
165 Damaged."

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

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

171 2. For a motor vehicle, identify the latest titling
172 jurisdiction of the vehicle through use of the National Motor
173 Vehicle Title Information System or an equivalent commercially
174 available system and attempt to obtain the owner's address from
175 that jurisdiction. If the jurisdiction returns an address that

176 is different from the owner's address provided by the insurance
177 company, the independent entity must send a notice that meets
178 the requirements of paragraph (b) to both addresses.

179 (d) The independent entity shall maintain for at least a
180 ~~minimum of~~ 3 years the records related to the 30-day notice sent
181 to the owner. For motor vehicles, the independent entity shall
182 also maintain for at least 3 years the results of searches of
183 the National Motor Vehicle Title Information System or an
184 equivalent commercially available system, and the notification
185 to the National Motor Vehicle Title Information System made
186 pursuant to paragraph (e).

187 (e) The independent entity shall make the required
188 notification to the National Motor Vehicle Title Information
189 System before releasing any damaged or dismantled motor vehicle
190 to the owner or before applying for a certificate of destruction
191 or salvage certificate of title. The independent entity is not
192 required to notify the National Motor Vehicle Title Information
193 System before releasing any damaged or dismantled vessel to the
194 owner or before applying for a certificate of title as defined
195 in s. 328.0015(1).

196 (f) Upon applying for a certificate of destruction or
197 salvage certificate of title for a motor vehicle, or for a
198 certificate of title or a certificate of title which indicates
199 "Hull Damaged" as described in paragraph (b) for a vessel, the
200 independent entity shall provide a copy of the release statement

201 from the insurance company to the independent entity, proof of
202 providing the 30-day notice to the owner, proof of notification
203 to the National Motor Vehicle Title Information System if
204 required, proof of all lien satisfactions or proof of a release
205 of all liens on the motor vehicle or vessel, and applicable
206 fees. If the independent entity is unable to obtain a lien
207 satisfaction or a release of all liens on the motor vehicle or
208 vessel, the independent entity must provide an affidavit stating
209 that notice was sent to all lienholders that the motor vehicle
210 or vessel is available for pickup, 30 days have passed since the
211 notice was delivered or attempted to be delivered pursuant to
212 this section, attempts have been made to obtain a release from
213 all lienholders, and all such attempts have been to no avail.
214 The notice to lienholders and attempts to obtain a release from
215 lienholders may be by written request delivered in person or by
216 certified mail or another commercially available delivery
217 service that provides proof of delivery to the lienholder at the
218 lienholder's address as provided on the certificate of title for
219 a motor vehicle or on the certificate of title as defined in s.
220 328.0015(1) for a vessel and to the address designated with the
221 Department of State pursuant to s. 655.0201(2) if such address
222 is different.

223 (g) The independent entity may not charge an owner of the
224 vehicle or vessel storage fees or apply for a title under s.
225 713.585 or s. 713.78.

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2024

226 | Section 2. This act shall take effect July 1, 2024. |