

By Senator Torres

25-00514-24

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1 A bill to be entitled

2 An act relating to airbag systems; amending s. 320.27,
3 F.S.; requiring motor vehicle dealers selling a used
4 motor vehicle to disclose to the purchaser certain
5 information about the vehicle's airbag system;
6 conforming cross-references; amending s. 320.131,
7 F.S.; conforming a cross-reference; providing an
8 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. Present subsections (8) through (14) of section
13 320.27, Florida Statutes, are redesignated as subsections (9)
14 through (15), respectively, a new subsection (8) is added to
15 that section, and subsection (2) and present subsection (12) of
16 that section are amended, to read:

17 320.27 Motor vehicle dealers.—

18 (2) LICENSE REQUIRED.—No person shall engage in business
19 as, serve in the capacity of, or act as a motor vehicle dealer
20 in this state without first obtaining a license therefor in the
21 appropriate classification as provided in this section. With the
22 exception of transactions with motor vehicle auctions, no person
23 other than a licensed motor vehicle dealer may advertise for
24 sale any motor vehicle belonging to another party unless as a
25 direct result of a bona fide legal proceeding, court order,
26 settlement of an estate, or by operation of law. However, owners
27 of motor vehicles titled in their names may advertise and offer
28 vehicles for sale on their own behalf. It shall be unlawful for
29 a licensed motor vehicle dealer to allow any person other than a

25-00514-24

20241584__

30 bona fide employee to use the motor vehicle dealer license for
31 the purpose of acting in the capacity of or conducting motor
32 vehicle sales transactions as a motor vehicle dealer. Any person
33 selling or offering a motor vehicle for sale in violation of the
34 licensing requirements of this subsection, or who misrepresents
35 to any person its relationship with any manufacturer, importer,
36 or distributor, in addition to the penalties provided herein,
37 shall be deemed guilty of an unfair and deceptive trade practice
38 as defined in part II of chapter 501 and shall be subject to the
39 provisions of subsections (9) and (10)~~(8) and (9)~~.

40 (8) AIRBAG SYSTEM NOTICE.—A motor vehicle dealer selling a
41 used motor vehicle shall disclose to the purchaser whether the
42 vehicle's airbag system was ever replaced, removed,
43 dysfunctional, or otherwise not in compliance with Federal Motor
44 Vehicle Safety Standard No. 208, 49 C.F.R. s. 571.208.

45 (13)~~(12)~~ CIVIL FINES; PROCEDURE.—In addition to the
46 exercise of other powers provided in this section, the
47 department may levy and collect a civil fine, in an amount not
48 to exceed \$1,000 for each violation, against any licensee if it
49 finds that the licensee has violated any provision of this
50 section or has violated any other law of this state or the
51 federal law and administrative rule set forth in paragraph
52 (10) (a) ~~(9) (a)~~ related to dealing in motor vehicles. Any
53 licensee shall be entitled to a hearing pursuant to chapter 120
54 if the licensee contests the fine levied, or about to be levied,
55 upon him or her.

56 Section 2. Subsection (8) of section 320.131, Florida
57 Statutes, is amended to read:

58 320.131 Temporary tags.—

25-00514-24

20241584__

59 (8) The department shall administer an electronic system
60 for licensed motor vehicle dealers to use for issuing temporary
61 tags. If a dealer fails to comply with the department's
62 requirements for issuing temporary tags using the electronic
63 system, the department may deny, suspend, or revoke a license
64 under s. 320.27(10)(b)16. ~~s. 320.27(9)(b)16.~~ upon proof that the
65 licensee has failed to comply with the department's
66 requirements. The department may adopt rules to administer this
67 section.

68 Section 3. This act shall take effect July 1, 2024.