

CS/CS/CS/HB 631 — Motor Vehicles

by Economic Development and Community Affairs Policy Council; Transportation and Economic Development Appropriations Committee; Roads, Bridges, and Ports Policy Committee; and Rep. Burgin, and others ((CS/CS/SB 1182 by Transportation and Economic Development Appropriations Committee; Community Affairs Committee; and Senator Crist (includes CS/CS/SB 792 by Criminal and Civil Justice Appropriations Committee; Criminal Justice Committee; and Senators Baker and Storms; SB 2226 by Senators Baker and Bullard))

The bill amends s. 316.1951, F.S., to revise provisions relating to parking vehicles on public property for the purpose of displaying the vehicles for sale, hire, or rental (a process known as “curbstoning”). The bill authorizes local governments to adopt ordinances allowing code enforcement officers to issue citations for curbstoning, and allowing law enforcement officers and code enforcement officers to have certain “curbstoned” vehicles towed immediately. The bill provides a mandatory fine of \$100 for violations of these provisions and requires a release form prescribed by the Department of Highway Safety and Motor Vehicles (DHSMV) to be completed before the motor vehicle can be returned.

The bill modifies motor vehicle dealer requirements relating to the sale of motor vehicles by:

- Removing notarization requirements by requiring a perjury statement to appear on certain forms;
- Providing that motor vehicle dealers selling vehicles to persons that reside in other states need not apply for a title certificate;
- Directing the DHSMV to place the name of the owner of a motor vehicle on the list of persons who may not be issued a license plate, revalidation sticker, or replacement plate if the name of the owner appears on a list submitted to DHSMV by a licensed motor vehicle dealer for failure to pay for a previous registration of the vehicle;
- Removing “pilot program” language regarding privatized dealer training education;
- Authorizing motor vehicle dealers to keep certain required records in electronic form if desired; and
- Authorizing DHSMV to suspend, deny, or revoke the license of any licensee based on issues related to non-payment of required fees to DHSMV or a dealer training school.

The bill increases the width and weight requirements in the definition of recreational off-highway vehicles in chs. 261 and 317, F.S. In addition, the bill exempts persons purchasing auto insurance from the requirement of paying two months premium to a premium finance company when payment is made by electronic funds transfer.

The bill limits the number of times a habitual offender may elect school in lieu of a court appearance to five times in a lifetime, and the bill provides an exemption from a requirement to attend a driver improvement course for drivers if adjudication is withheld under certain violations by the court.

The bill also amends s. 319.30, F.S., regarding derelict vehicles and mobile homes, to clarify the process owners, transporters, salvage motor vehicle dealers, and secondary metals recyclers must follow prior to destroying or dismantling derelict vehicles and mobile homes. The bill:

- clarifies the definition of “derelict vehicle” by specifying that the 10 model years old is based on the model year of the vehicle being year one;
- redefines derelict motor vehicle certificate to clarify that once a certificate is issued, the vehicle can only be dismantled or converted to scrap metal;
- adds lienholder notification by the DHSMV if a lien exists on the derelict vehicle with less than 3 years with the ability of the department to cancel the lien if the lienholder does not notify DHSMV within 10 days;
- extends the buyer hold period until the procedure is complete;
- clarifies an application is required to obtain the certificate;
- allows for and defines “seller” in cases where the owner is not able to make application;
- references proper endorsement requirements for titles; and
- requires additional personal identification criteria for transactions involving derelict vehicles and mobile homes.

If approved by the Governor, these provisions take effect July 1, 2010.

Vote: Senate 38-0; House 119-0