

A bill to be entitled

An act relating to license plates; amending s. 320.02, F.S.; revising provisions for the Department of Highway Safety and Motor Vehicles to withhold the renewal of registration or replacement registration of a motor vehicle; revising the conditions under which a revalidation sticker or replacement license plate may be issued; amending s. 320.1316, F.S.; prohibiting the department from issuing a license plate, revalidation sticker, or replacement license plate for a vehicle or vessel identified in a notice from a lienor; revising procedures for dispute of a notice to surrender a vehicle or vessel; authorizing civil actions and the award of attorney fees and costs; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (17) of section 320.02, Florida Statutes, is amended to read:

320.02 Registration required; application for registration; forms.—

(17) If an ~~any~~ applicant's name appears on a list of persons who may not be issued a license plate, revalidation sticker, or replacement license plate after a written notice to surrender a vehicle was submitted to the department by a lienor

27 as provided in s. 320.1316, the department shall ~~may~~ withhold  
 28 renewal of registration or replacement registration of the ~~any~~  
 29 motor vehicle identified in ~~owned by the applicant at the time~~  
 30 the notice ~~was~~ submitted by the lienor. The lienor must maintain  
 31 proof that written notice to surrender the vehicle was sent to  
 32 each registered owner pursuant to s. 320.1316(1). A revalidation  
 33 sticker or replacement license plate may not be issued for the  
 34 identified vehicle until the ~~that~~ person's name no longer  
 35 appears on the list, or until ~~or until~~ the person presents documentation  
 36 from the lienor that the vehicle has been surrendered to the  
 37 lienor, or a court orders the person's name removed from the  
 38 list as provided in s. 320.1316. The department may ~~shall~~ not  
 39 withhold an initial registration in connection with an  
 40 applicant's purchase or lease of a motor vehicle solely because  
 41 the applicant's name is on the list created by s. 320.1316.

42 Section 2. Section 320.1316, Florida Statutes, is amended  
 43 to read:

44 320.1316 Failure to surrender vehicle or vessel.—

45 (1) Upon receipt from a lienor who claims a lien on a  
 46 vehicle pursuant to s. 319.27 by the Department of Highway  
 47 Safety and Motor Vehicles of written notice to surrender a  
 48 vehicle or vessel that has been disposed of, concealed, removed,  
 49 or destroyed by the lienee, the department shall place the name  
 50 of the registered owner of that vehicle on the list of those  
 51 persons who may not be issued a license plate, revalidation  
 52 sticker, or replacement license plate ~~for any motor vehicle~~

53 ~~under s. 320.03(8) owned by the lience at the time the notice~~  
54 ~~was given by the lienor.~~ Pursuant to s. 320.03(8), the  
55 department may not issue a license plate or revalidation sticker  
56 for the vehicle or vessel owned by the lience which is  
57 identified in the claim by the lienor. If the vehicle is owned  
58 jointly ~~by more than one person,~~ the name of each registered  
59 owner shall be placed on the list.

60 (2) The notice to surrender the vehicle shall be signed  
61 under oath by the lienor and submitted on forms developed by the  
62 department, which must include:

63 (a) The name, address, and telephone number of the lienor.

64 (b) The name of the registered owner of the vehicle and  
65 the address to which the lienor provided notice to surrender the  
66 vehicle to the registered owner.

67 (c) A general description of the vehicle, including its  
68 color, make, model, body style, and year.

69 (d) The vehicle identification number, registration  
70 license plate number, if known, or other identification number,  
71 as applicable.

72 (3) The registered owner of the vehicle may dispute a  
73 notice to surrender the vehicle or his or her inclusion on the  
74 list of those persons who may not be issued a license plate,  
75 revalidation sticker, or replacement license plate under s.  
76 320.03(8) by bringing a civil action in the county in which he  
77 or she resides by notifying the department of the dispute in  
78 ~~writing on forms provided by the department and presenting proof~~

79 ~~that the vehicle was sold to a motor vehicle dealer licensed~~  
80 ~~under s. 320.27, a mobile home dealer licensed under s. 320.77,~~  
81 ~~or a recreational vehicle dealer licensed under s. 320.771.~~

82 (4) In an action brought pursuant to subsection (3), the  
83 petitioner is entitled to the summary procedure specified in s.  
84 51.011, and the court shall advance the cause on its calendar if  
85 requested by the petitioner.

86 (5) At a hearing challenging the refusal to issue a  
87 license plate, revalidation sticker, or replacement license  
88 plate under s. 320.03(8), the court shall first determine  
89 whether the lienor has a recorded lien on the vehicle or vessel  
90 and whether the lienor properly made a demand for the surrender  
91 of the vehicle or vessel in accordance with this section. If the  
92 court determines that the lien was recorded and that such a  
93 demand was properly made, the court shall determine whether good  
94 cause exists for the lienee's failure to surrender the vehicle  
95 or vessel. As used in this section, the term "good cause" is  
96 limited to proof that:

97 (a) The vehicle that was the subject of the demand for  
98 surrender was traded in to a licensed motor vehicle dealer  
99 before the date of the surrender demand;

100 (b) The lien giving rise to the inclusion on the list has  
101 been paid in full or otherwise satisfied;

102 (c) There is ongoing litigation relating to the validity  
103 or enforceability of the lien;

104        (d) The petitioner was in compliance with all of his or  
 105 her contractual obligations with the lienholder at the time of  
 106 the demand for surrender;

107        (e) The vehicle or vessel was reported to law enforcement  
 108 as stolen by the registered owner of the vehicle or vessel  
 109 before the demand for surrender; or

110        (f) The petitioner no longer has possession of the vehicle  
 111 or vessel, and the loss of possession occurred pursuant to  
 112 operation of law. If the petitioner's loss of possession did not  
 113 occur pursuant to operation of law, the fact that a third party  
 114 has physical possession of the vehicle or vessel does not  
 115 constitute good cause for the failure to surrender the vehicle  
 116 or vessel.

117        (6) If the petitioner establishes good cause for his or  
 118 her failure to surrender the vehicle or vessel, the court shall  
 119 enter an order removing the petitioner's name from the list of  
 120 those persons who may not be issued a license plate,  
 121 revalidation sticker, or replacement license plate under s.  
 122 320.03(8) and shall award the petitioner reasonable attorney  
 123 fees and costs actually incurred for the proceeding.

124        (7) If the court finds that the demand for surrender was  
 125 properly made by the lienor and the petitioner fails to  
 126 establish good cause for the failure to surrender the vehicle or  
 127 vessel, the court shall award the lienor reasonable attorney  
 128 fees and costs actually incurred for the proceeding.

129        Section 3. This act shall take effect October 1, 2014.