

1 A bill to be entitled

2 An act relating to certificates of title; amending s.  
3 319.23, F.S.; requiring the Department of Highway  
4 Safety and Motor Vehicles to stamp certain information  
5 on a certificate of title for a rebuilt motor vehicle  
6 or mobile home; amending s. 319.30, F.S.; defining the  
7 term "late model vehicle"; revising requirements for  
8 the department to declare certain mobile homes and  
9 motor vehicles unbuildable and to issue a  
10 certificate of destruction; requiring the department  
11 to issue certificates of destruction for motor  
12 vehicles that are worth less than a specified amount  
13 and are above a certain age under certain  
14 circumstances; requiring the department to provide a  
15 report to the Governor and Legislature regarding  
16 certificates of title for rebuilt motor vehicles;  
17 providing an effective date.

18  
19 Be It Enacted by the Legislature of the State of Florida:

20  
21 Section 1. Subsection (2) of section 319.23, Florida  
22 Statutes, is amended to read:

23 319.23 Application for, and issuance of, certificate of  
24 title.—

25 (2) The applicant for a certificate of title shall  
26 indicate on the application if the motor vehicle is to be used

27 as a taxicab, police vehicle, or lease vehicle or if the motor  
 28 vehicle or mobile home is a rebuilt vehicle, as those terms are  
 29 defined in s. 319.14. Upon issuance of a certificate of title  
 30 for such vehicle, the department shall stamp, in a conspicuous  
 31 place on the title, words stating the nature of the proposed use  
 32 of the vehicle or stating that the vehicle has been rebuilt and  
 33 may have previously been declared a total loss vehicle due to  
 34 damage. This subsection applies to a mobile home, travel  
 35 trailer, camping trailer, truck camper, or fifth-wheel  
 36 recreation trailer only when the mobile home or vehicle is a  
 37 rebuilt vehicle as defined in s. 319.14.

38 Section 2. Paragraphs (o) through (w) of subsection (1) of  
 39 section 319.30, Florida Statutes, are redesignated as paragraphs  
 40 (p) through (x), respectively, a new paragraph (o) is added to  
 41 that subsection, and paragraph (b) of subsection (3) of that  
 42 section is amended, to read:

43 319.30 Definitions; dismantling, destruction, change of  
 44 identity of motor vehicle or mobile home; salvage.—

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

46 (o) "Late model vehicle" means a motor vehicle that has a  
 47 manufacturer's model year of 7 years or newer.

48 (3)

49 (b) The owner, including persons who are self-insured, of  
 50 a any motor vehicle or mobile home that ~~which~~ is considered to  
 51 be salvage shall, within 72 hours after the motor vehicle or  
 52 mobile home becomes salvage, forward the title to the motor

53 vehicle or mobile home to the department for processing.  
54 However, an insurance company that ~~which~~ pays money as  
55 compensation for the total loss of a motor vehicle or mobile  
56 home shall obtain the certificate of title for the motor vehicle  
57 or mobile home, make the required notification to the National  
58 Motor Vehicle Title Information System, and, within 72 hours  
59 after receiving such certificate of title, ~~shall~~ forward such  
60 title to the department for processing. The owner or insurance  
61 company, as applicable ~~the case may be~~, may not dispose of a  
62 vehicle or mobile home that is a total loss before it obtains  
63 ~~has obtained~~ a salvage certificate of title or certificate of  
64 destruction from the department. When applying for a salvage  
65 certificate of title or certificate of destruction, the owner or  
66 insurance company must provide the department with an estimate  
67 of the costs of repairing the physical and mechanical damage  
68 suffered by the vehicle for which a salvage certificate of title  
69 or certificate of destruction is sought. If the estimated costs  
70 of repairing the physical and mechanical damage to the mobile  
71 home ~~vehicle~~ are equal to 80 percent or more of the current  
72 retail cost of the mobile home ~~vehicle~~, as established in any  
73 official ~~used car or~~ used mobile home guide, the department  
74 shall declare the mobile home ~~vehicle~~ unrebuildable and print a  
75 certificate of destruction, which authorizes the dismantling or  
76 destruction of the ~~motor vehicle or~~ mobile home ~~described~~  
77 therein. For a late model vehicle with a current retail cost of  
78 at least \$7,500 just prior to sustaining the damage that

79 resulted in the total loss, as established in any official used  
 80 car guide or valuation service that meets generally accepted  
 81 industry standards, if the owner or insurance company determines  
 82 that the estimated costs of repairing the physical and  
 83 mechanical damage to the vehicle are equal to 90 percent or more  
 84 of the current retail cost of the vehicle, as established in any  
 85 official used motor vehicle guide or valuation service that  
 86 meets generally accepted industry standards, the department  
 87 shall declare the vehicle unrebuildable and print a certificate  
 88 of destruction, which authorizes the dismantling or destruction  
 89 of the motor vehicle. However, if the damaged motor vehicle is  
 90 equipped with custom-lowered floors for wheelchair access or a  
 91 wheelchair lift, the insurance company may, upon determining  
 92 that the vehicle is repairable to a condition that is safe for  
 93 operation on public roads, submit the certificate of title to  
 94 the department for reissuance as a salvage rebuildable title and  
 95 the addition of a title brand of "insurance-declared total  
 96 loss." The certificate of destruction shall be reassignable a  
 97 maximum of two times before dismantling or destruction of the  
 98 vehicle is ~~shall be~~ required, and shall accompany the motor  
 99 vehicle or mobile home for which it is issued, when such motor  
 100 vehicle or mobile home is sold for such purposes, in lieu of a  
 101 certificate of title. ~~, and, thereafter,~~ The department may not  
 102 issue a ~~shall refuse issuance of any~~ certificate of title for  
 103 that vehicle. ~~Nothing in~~ This subsection is not ~~shall be~~  
 104 applicable if ~~when~~ a mobile home ~~vehicle~~ is worth less than

105 \$1,500 retail just prior to sustaining the damage that resulted  
106 in the total loss ~~in undamaged condition~~ in any official ~~used~~  
107 ~~motor vehicle guide or~~ used mobile home guide or when a stolen  
108 motor vehicle or mobile home is recovered in substantially  
109 intact condition and is readily resalable without extensive  
110 repairs to or replacement of the frame or engine. If a motor  
111 vehicle has a current retail cost of less than \$7,500 just prior  
112 to sustaining the damage that resulted in the total loss, as  
113 established in any official used motor vehicle guide or  
114 valuation service that meets generally accepted industry  
115 standards, or if the vehicle is not a late model vehicle, the  
116 owner or insurance company that pays money as compensation for  
117 the total loss of the motor vehicle shall obtain a certificate  
118 of destruction, if the motor vehicle is damaged, wrecked, or  
119 burned to the extent that the only residual value of the motor  
120 vehicle is as a source of parts or scrap metal, or if the motor  
121 vehicle comes into this state under a title or other ownership  
122 document that indicates that the motor vehicle is not  
123 repairable, is junked, or is for parts or dismantling only. A  
124 ~~Any~~ person who knowingly violates this paragraph or falsifies  
125 documentation ~~any document~~ to avoid the requirements of this  
126 paragraph commits a misdemeanor of the first degree, punishable  
127 as provided in s. 775.082 or s. 775.083.

128 Section 3. On or before October 31, 2015, the Department  
129 of Highway Safety and Motor Vehicles shall provide a summary  
130 report to the Governor, the President of the Senate, and the

131 Speaker of the House of Representatives regarding certificates  
132 of title for rebuilt vehicles. The summary report shall include  
133 the department's legislative recommendations to address any  
134 needed improvements to and correct any problems with the process  
135 used to issue certificates of title for rebuilt motor vehicles,  
136 recommendations as to the need for, and appropriate process for,  
137 inspecting the roadworthiness of rebuilt motor vehicles based on  
138 relevant data, and data on crashes caused by vehicle defects  
139 involving rebuilt motor vehicles.

140 Section 4. This act shall take effect July 1, 2014.