

By Senator Baker

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1 A bill to be entitled
2 An act relating to derelict motor vehicles and mobile
3 homes; amending s. 319.30, F.S.; defining the term
4 "seller" and revising the definitions of the terms
5 "certificate of title," "derelict motor vehicle," and
6 "derelict motor vehicle certificate"; revising
7 requirements for disposition of a motor vehicle,
8 recreational vehicle, or mobile home that is sold,
9 transported, or delivered to a salvage motor vehicle
10 dealer or a secondary metals recycler; requiring
11 certificates of title to conform to specified
12 provisions; providing for the dealer or recycler to
13 apply to the Department of Highway Safety and Motor
14 Vehicles for a derelict motor vehicle certificate if
15 the certificate of title, salvage certificate of
16 title, or certificate of destruction is not available;
17 requiring the derelict motor vehicle certificate
18 application to be completed by the seller or owner of
19 the motor vehicle or mobile home, the seller's or
20 owner's authorized transporter, and the dealer or
21 recycler; requiring certain identification information
22 be included with the application; revising the types
23 of documentation that a secondary metals recycler must
24 obtain; permitting recyclers to obtain salvage
25 certificates of title from sellers or owners as a
26 valid method of documentation; providing that a person
27 engaged in the business of recovering, towing, or
28 storing vehicles may not claim certain liens, claim
29 that certain vehicles have remained on any premises

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30 after tenancy has terminated, or use the derelict
31 motor vehicle certificate application to transport,
32 sell, or dispose of a motor vehicle at a salvage motor
33 vehicle dealer or metal recycler without otherwise
34 obtaining title to the vehicle or a certificate of
35 destruction; providing penalties; providing an
36 effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

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40 Section 1. Paragraphs (c), (e), and (f) of subsection (1),
41 paragraphs (b) and (c) of subsection (2), and subsection (7) of
42 section 319.30, Florida Statutes, are amended, paragraph (v) is
43 added to subsection (1), paragraphs (f) and (g) of subsection
44 (8) are redesignated as paragraphs (g) and (h), respectively,
45 and a new paragraph (f) is added to that subsection, to read:

46 319.30 Definitions; dismantling, destruction, change of
47 identity of motor vehicle or mobile home; salvage.—

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

49 (c) "Certificate of title" means a record that serves as
50 evidence of ownership of a vehicle, whether such record is a
51 paper certificate authorized by the department or by a motor
52 vehicle department authorized to issue titles in another state
53 or a certificate consisting of information stored in electronic
54 form in the department's database.

55 (e) "Derelict motor vehicle" means any motor vehicle as
56 defined in s. 320.01(1) or mobile home as defined in s.
57 320.01(2), with or without all parts, major parts, or major
58 component parts, which is valued under \$1,000, is at least 10

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59 model years old, beginning with the model year of the vehicle as
60 year one, and is in such condition that its highest or primary
61 value is for sale, transport, or delivery to a licensed salvage
62 motor vehicle dealer or registered secondary metals recycler for
63 dismantling its component parts or conversion to scrap metal.

64 (f) "Derelict motor vehicle certificate" means a
65 certificate issued by the department which serves as evidence
66 that a derelict motor vehicle will be dismantled or converted to
67 scrap metal. The certificate is obtained by completing a
68 derelict motor vehicle certificate application authorized by the
69 department ~~completed by the derelict motor vehicle owner, the~~
70 ~~owner's authorized transporter when different from the owner,~~
71 ~~and the licensed salvage motor vehicle dealer or the registered~~
72 ~~secondary metals recycler and submitted to the department for~~
73 ~~cancellation of the title record of the derelict motor vehicle.~~
74 A derelict motor vehicle certificate may be reassigned only one
75 time if the derelict motor vehicle certificate was completed by
76 a licensed salvage motor vehicle dealer and the derelict motor
77 vehicle was sold to a secondary metals recycler.

78 (v) "Seller" means the owner of record or a person who has
79 physical possession and responsibility for a derelict motor
80 vehicle and attests that possession of the vehicle was obtained
81 through lawful means along with all ownership rights. A seller
82 does not include a towing company, repair shop, or landlord
83 unless the towing company, repair shop, or landlord has obtained
84 title, salvage title, or a certificate of destruction in the
85 name of the towing company, repair shop, or landlord.

86 (2)

87 (b)1. When a motor vehicle, recreational vehicle, or mobile

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88 home is sold, transported, or delivered to a salvage motor
89 vehicle dealer, it shall be accompanied by:

90 a. A valid certificate of title issued in the name of the
91 seller or properly endorsed, as required in s. 319.22, over to
92 the seller;

93 b. A valid salvage certificate of title issued in the name
94 of the seller or properly endorsed, as required in s. 319.22,
95 over to the seller; or

96 c. A valid certificate of destruction issued in the name of
97 the seller or properly endorsed over to the seller.

98 2. Any person who willfully and deliberately violates this
99 paragraph by selling, transporting, delivering, purchasing, or
100 receiving a motor vehicle, recreational vehicle, or mobile home
101 without obtaining a properly endorsed certificate of title,
102 salvage certificate of title, or certificate of destruction from
103 the owner commits a felony of the third degree, punishable as
104 provided in s. 775.082, s. 775.083, or s. 775.084.

105 (c)1. When a derelict motor vehicle is sold, transported,
106 or delivered to a licensed salvage motor vehicle dealer, the
107 purchaser shall record the date of purchase and the name,
108 address, and personal identification card number of the person
109 selling the derelict motor vehicle, and it shall be accompanied
110 by:

111 a. A valid certificate of title issued in the name of the
112 seller or properly endorsed, as required in s. 319.22, over to
113 the seller;

114 b. A valid salvage certificate of title issued in the name
115 of the seller or properly endorsed, as required in s. 319.22,
116 over to the seller; or

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117 c. A valid certificate of destruction issued in the name of
118 the seller or properly endorsed over to the seller.

119 2. If the certificate of title, salvage certificate of
120 title, or certificate of destruction is not available, a
121 derelict motor vehicle certificate application shall be
122 completed by the seller or owner of the motor vehicle or mobile
123 home, the seller's or owner's authorized transporter, and the
124 licensed salvage motor vehicle dealer at the time of sale,
125 transport, or delivery to the licensed salvage motor vehicle
126 dealer. The derelict motor vehicle certificate application shall
127 be used by the seller or owner, the seller's or owner's
128 authorized transporter, and the licensed salvage motor vehicle
129 dealer to obtain a derelict motor vehicle certificate from the
130 department. The identifying number on the personal
131 identification card of the seller or owner must be recorded on
132 the derelict motor vehicle certificate application. The derelict
133 motor vehicle certificate application must be accompanied by a
134 copy of the seller's or owner's personal identification card
135 when the personal identification card is something other than a
136 Florida driver's license or Florida identification card. The
137 licensed salvage motor vehicle dealer shall secure the motor
138 vehicle or mobile home for 3 full business days, excluding
139 weekends and holidays, before destroying or dismantling the
140 derelict motor vehicle and shall follow all reporting procedures
141 established by the department, including electronic notification
142 to the department or delivery of the original derelict motor
143 vehicle certificate application to an agent of the department
144 within 24 hours after receiving the derelict motor vehicle.

145 3. Any person who willfully and deliberately violates this

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146 paragraph by selling, transporting, delivering, purchasing, or
147 receiving a derelict motor vehicle without obtaining a
148 certificate of title, salvage certificate of title, certificate
149 of destruction, or derelict motor vehicle certificate
150 application; enters false or fictitious information on a
151 derelict motor vehicle certificate application; does not
152 complete the derelict motor vehicle certificate application as
153 required; does not obtain a copy of the seller's or owner's
154 personal identification card when required; ~~or~~ does not make the
155 required notification to the department; or destroys or
156 dismantles a derelict motor vehicle without waiting the required
157 3 full business days commits a felony of the third degree,
158 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

159 (7) (a) In the event of a purchase by a secondary metals
160 recycler, that has been issued a certificate of registration
161 number, of:

162 1. Materials, prepared materials, or parts from any seller
163 for purposes other than the processing of such materials,
164 prepared materials, or parts, the purchaser shall obtain such
165 documentation as may be required by this section and shall
166 record the seller's name and address, date of purchase, and the
167 personal identification card number of the person delivering
168 such items.

169 2. Parts or prepared materials from any seller for purposes
170 of the processing of such parts or prepared materials, the
171 purchaser shall record the seller's name and address and date of
172 purchase and, in the event of a purchase transaction consisting
173 primarily of parts or prepared materials, the personal
174 identification card number of the person delivering such items.

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175 3. Materials from another secondary metals recycler for
176 purposes of the processing of such materials, the purchaser
177 shall record the seller's name and address and date of purchase.

178 4.a. Motor vehicles, recreational vehicles, mobile homes,
179 or derelict motor vehicles from other than a secondary metals
180 recycler for purposes of the processing of such motor vehicles,
181 recreational vehicles, mobile homes, or derelict motor vehicles,
182 the purchaser shall record the date of purchase and the name,
183 address, and personal identification card number of the person
184 selling such items and shall obtain the following documentation
185 from the seller with respect to each item purchased:

186 (I) A valid certificate of title issued in the name of the
187 seller or properly endorsed, as required in s. 319.22, over to
188 the seller;

189 (II) A valid salvage certificate of title issued in the
190 name of the seller or properly endorsed, as required in s.
191 319.22, over to the seller;

192 (III)-(II) A valid certificate of destruction issued in the
193 name of the seller or properly endorsed over to the seller; or

194 (IV)-(III) A valid derelict motor vehicle certificate
195 obtained from the department ~~completed~~ by a licensed salvage
196 motor vehicle dealer and properly reassigned to the secondary
197 metals recycler.

198 b. If a valid certificate of title, salvage certificate of
199 title, certificate of destruction, or derelict motor vehicle
200 certificate is not available and the motor vehicle or mobile
201 home is a derelict motor vehicle, a derelict motor vehicle
202 certificate application shall be completed by the seller or
203 owner of the motor vehicle or mobile home, the seller's or

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204 owner's authorized transporter, and the registered secondary
205 metals recycler at the time of sale, transport, or delivery to
206 the registered secondary metals recycler. The derelict motor
207 vehicle certificate application shall be used by the seller or
208 owner, the seller's or owner's authorized transporter, and the
209 registered secondary metals recycler to obtain a derelict motor
210 vehicle certificate from the department. The identifying number
211 on the personal identification card of the seller or owner must
212 be recorded on the derelict motor vehicle certificate
213 application. The derelict motor vehicle certificate application
214 must be accompanied by a copy of the seller's or owner's
215 personal identification card when the personal identification
216 card is something other than a Florida driver's license or
217 Florida identification card. The registered secondary metals
218 recycler shall secure the derelict motor vehicle for 3 full
219 business days, excluding weekends and holidays, before
220 destroying or dismantling the derelict motor vehicle and shall
221 follow all reporting procedures established by the department,
222 including electronic notification to the department or delivery
223 of the original derelict motor vehicle certificate application
224 to an agent of the department within 24 hours after receiving
225 the derelict motor vehicle.

226 c. Any person who willfully and deliberately violates this
227 subparagraph by selling, transporting, delivering, purchasing,
228 or receiving a motor vehicle, recreational motor vehicle, mobile
229 home, or derelict motor vehicle without obtaining a certificate
230 of title, salvage certificate of title, certificate of
231 destruction, ~~or~~ derelict motor vehicle certificate, or derelict
232 motor vehicle certificate application; enters false or

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233 fictitious information on a derelict motor vehicle certificate
234 application; does not complete the derelict motor vehicle
235 certificate application as required; does not obtain a copy of
236 the seller's or owner's personal identification card when
237 required; ~~or~~ does not make the required notification to the
238 department; or destroys or dismantles a derelict motor vehicle
239 without waiting the required 3 full business days commits a
240 felony of the third degree, punishable as provided in s.
241 775.082, s. 775.083, or s. 775.084.

242 5. Major parts from other than a secondary metals recycler
243 for purposes of the processing of such major parts, the
244 purchaser shall record the seller's name, address, date of
245 purchase, and the personal identification card number of the
246 person delivering such items, as well as the vehicle
247 identification number, if available, of each major part
248 purchased.

249 (b) Any person who violates this subsection commits a
250 felony of the third degree, punishable as provided in s.
251 775.082, s. 775.083, or s. 775.084.

252 (8)

253 (f) This section does not authorize any person that is
254 engaged in the business of recovering, towing, or storing
255 vehicles pursuant to s. 713.78 to claim a lien for performing
256 labor or services on a motor vehicle or mobile home pursuant to
257 s. 713.58, to claim that a motor vehicle or mobile home has
258 remained on any premises after tenancy has terminated pursuant
259 to s. 715.104, or to use a derelict motor vehicle certificate
260 application for the purpose of transporting, selling, or
261 disposing of a motor vehicle at a salvage motor vehicle dealer

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262 or metal recycler without obtaining the title or certificate of
263 destruction required under s. 713.58, s. 713.78, or s. 715.104.
264 Any person who transports, sells, or disposes of any motor
265 vehicle or mobile home that was recovered, towed, or stored
266 pursuant to s. 713.78, who claims a lien for performing labor or
267 services on a motor vehicle or mobile home pursuant to s.
268 713.58, or who claims that a motor vehicle or mobile home has
269 remained on any premises after tenancy has terminated pursuant
270 to s. 715.104 with respect to a derelict motor vehicle
271 certificate application commits a felony of the third degree,
272 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

273 Section 2. This act shall take effect July 1, 2010.