

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: CS/CS/SB 234

INTRODUCER: Judiciary Committee; Infrastructure and Security Committee; and Senator Baxley

SUBJECT: Registration and Titling of Vehicles and Vessels

DATE: March 13, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	<u>Fav/CS</u>
2.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 234 authorizes the owners of heavy trucks that weigh between 5,001 and 7,999 pounds to renew their registrations during their birth months rather than exclusively in December, as currently required by law. This change will benefit tax collectors by reducing the workload on their staffs in December and reduce the amount of time customers spend waiting in lines due to the high volume of people renewing their registrations in December.

The bill also expands the documentation that is acceptable for a surviving spouse or owner to rely upon when applying to transfer title to a motor vehicle or vessel from a deceased person. By adding an electronic file of death records maintained by the Department of Health, applicants are no longer required to personally produce a death certificate to complete the transfer.

The effective date of the bill is July 1, 2019, with later implementing dates of September 1, 2020, for the revised registration periods.

**II. Present Situation:**

**Registration of Heavy Trucks**

According to the Department of Highway Safety and Motor Vehicles (DHSMV), as of August, 2018, approximately 21.5 million vehicles, vessels, and mobile homes were registered in the state. At the beginning of this year, 766,000 “heavy trucks” were registered in the weight range

of 5,001 to 7,999 pounds. Some examples of those trucks are the Chevrolet Silverado 1499 and 2500 HD, Ford F-250 and F-350, Nissan Titan, Ram 1500, 2500, and 3500, and the Dodge Sierra 2500 HD and 3500 HD. Individual heavy truck owners account for 88.6 per cent of total registrations, approximately 678,676 vehicles, while business owners comprise 11.4 per cent, or approximately 87,324 vehicles.<sup>1,2</sup>

The registration renewal fee for heavy trucks weighing 5,001 to 5,999 pounds is \$60.75<sup>3</sup> and the registration fee for heavy trucks weighing 6,000 to 7,999 pounds is \$87.75.<sup>4</sup> Section 320.0705(1), F.S., permits certain heavy trucks to renew their registrations semi-annually, if the amount of the license tax due exceeds \$100 and the registration fee is not required to be apportioned. Because the registration fee for heavy trucks weighing between 5,001 and 7,999 pounds does not meet the \$100 threshold, owners are not permitted to register them semi-annually.

Motor vehicle registrations, including heavy trucks, may be renewed at a DHSMV service center, a tax collector's office, or via the DHSMV's Virtual Office website. Registrants, whether individuals or businesses, are allowed to renew their registrations either annually or biennially.<sup>5</sup> The majority of vehicle registrations are renewed during the primary registrant's birth month.<sup>6</sup>

Since 1983, however, all heavy truck owners have been required to renew their registrations in December. According to DHSMV, approximately 84 per cent of the heavy truck renewals take place in person in the Tax Collector offices while 16 per cent occur through the Department's Virtual Office website.<sup>7</sup> As a result, December is a high traffic volume month for both the tax collectors' staff and a crowded time for someone seeking to renew a registration in person. Moreover, under the current scheme, if someone owns a vehicle and a heavy truck, he or she is required to renew the vehicle during the birth month and return again in December, to renew the heavy truck, requiring two trips.

The owner of any motor vehicle registered in Florida may renew his or her registration any time during the three months before the expiration of the registration period.<sup>8</sup>

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<sup>1</sup> Florida Department of Highway Safety and Motor Vehicles, *Agency Analysis of 2019 Senate Bill 234*, 2 (Dec. 12, 2018) <http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=27499>.

<sup>2</sup> A heavy truck is defined in s. 320.01(10), F.S., as any motor vehicle with a net vehicle weight of more than 5,000 pounds, which is registered on the basis of gross vehicle weight in accordance with s. 320.08(4), and which is designed or used for the carriage of goods or designed or equipped with a connecting device for the purpose of drawing a trailer that is attached or coupled thereto by means of such connecting device and includes any such motor vehicle to which has been added a cabinet box, a platform, a rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers.

<sup>3</sup> Section 320.08(4)(a), F.S.

<sup>4</sup> Section 320.08(4)(b), F.S.

<sup>5</sup> Sections 320.055(1) and 320.07(1)(b), F.S.

<sup>6</sup> *Supra* note 1.

<sup>7</sup> *Id.*

<sup>8</sup> Section 320.071, F.S.

## **Transfer of Registration and Title from a Deceased Person**

The current method of transferring title from a deceased person can be a cumbersome process that could be made easier if an electronic file of death records, and not exclusively a death certificate, were authorized.

### ***Vehicles***

In order for a surviving spouse to receive title to a motor vehicle that was owned by the deceased spouse, he or she must present an application and an original or certified copy of a death certificate.<sup>9</sup> If the name of the surviving spouse is not on the death certificate, the surviving spouse must also provide a marriage certificate and proof of identity.<sup>10</sup>

If a surviving spouse does not know or neglects to bring an original copy of the deceased spouse's death certificate to the tax collector's office or DHSMV, the transfer cannot take place. Instead, the surviving spouse must retrieve the death certificate and make another trip back to the tax collector's office or DHSMV to produce the document.

### ***Vessels***

The new owner or surviving co-owner of a vessel who wants to transfer the title from a deceased title owner must submit an application along with the original certificate of title and the decedent's probated last will and testament or letters of administration appointing the personal representative. In lieu of a probated will and letters of administration, a copy of the decedent's death certificate, a copy of the decedent's last will and testament, and an affidavit by the decedent's surviving spouse or heirs affirming rights of ownership may be accepted by DHSMV.<sup>11</sup>

If the new owner or surviving owner does not bring the decedent's probated last will and testament or letters of administration, the individual must bring a copy of the decedent's death certificate. If the individual does not have a copy of the death certificate, he or she will not be able to transfer the title and will have to make a return visit to the tax collector's office or DHSMV in order to produce the document.

Currently, tax collectors are unable to print death certificates within their offices. After consulting with the Department of Health (DOH), DHSMV and the tax collectors have identified certain death records maintained by DOH and available electronically to tax collectors that would enable tax collectors to verify, in lieu of a death certificate, the status of the deceased vehicle or vessel owner.

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<sup>9</sup> Department of Highway Safety and Motor Vehicles, *Application for Surviving Spouse Transfer of Florida Certificate of Title for a Motor Vehicle* (July 2017), <https://www.flhsmv.gov/pdf/forms/82152.pdf>; s. 320.0609(7), F.S.

<sup>10</sup> Department of Highway Safety and Motor Vehicles, *Getting a Hassle Free Title Frequently Asked Questions*, <https://www.flhsmv.gov/title-faq/> (last visited Mar. 6, 2019).

<sup>11</sup> Section 328.01(3)(c), F.S.

### III. Effect of Proposed Changes:

#### Registration of Heavy Trucks

The bill amends s. 320.055, F.S., effective September 1, 2020, changing the date of heavy truck renewals for trucks weighing 5,001 to 7,999 pounds and registered to *natural persons*, from December to the 30-day period ending at midnight on the registrant's birth date. *Businesses* registering heavy trucks weighing 5,001 to 7,999 pounds would continue to register their vehicles in December. Similarly, all owners of heavy trucks weighing 8,000 pounds or more would continue to register their vehicles in December.

The bill provides that, in order to implement the change in renewal dates, DHSMV must give customers the option to renew their registrations on their dates of birth in 2021 or 2022. Customers whose dates of birth occur in the months of January through June may choose to renew for 1 to 18 months, and customers whose dates of birth occur in the months of July through December may choose to renew for 7 to 24 months.

#### Transfer of Registration and Title from a Deceased Person

The bill amends ss. 320.0609 and 328.01, F.S., dealing with the transfer of title for motor vehicles and vessels, respectively. DHSMV is authorized to verify the needed information through the electronic file of death records maintained by the Department of Health in lieu of a death certificate. DHSMV currently receives these files once each week from DOH. This will make it easier for the applicant to complete the title transfer because the records will already be present and accessible in the tax collectors' offices.

Technical and conforming changes are made to ss. 320.07 and 320.0705, F.S., to incorporate changes made in the bill.

The effective date of the bill is July 1, 2019, with later implementing dates of September 1, 2020, for the revised registration periods.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Beginning September 1, 2020, heavy truck registrants will have the option to renew their registrations on their birth dates in 2021 or 2022. Customers whose birth dates occur in the months of January through June may choose to renew for 1 to 18 months, and customers whose birth dates occur in the months of July through December may choose to renew for 7 to 24 months.

C. Government Sector Impact:

The Revenue Estimating Conference (REC) met on January 18, 2019, and considered a provision prorating registration renewals for specified motor vehicles. In calculating the fiscal impact, the REC assumed customers would elect to maximize the duration of the renewal period, effectively paying more for a longer renewal period. The REC calculated there will be a positive, non-recurring impact of \$1.6 million in revenue (\$416,439 to the General Revenue Fund and approximately \$1.2 million to the State Transportation Trust Fund) for Fiscal Year 2020-2021.

DHSMV estimates that programming and implementation will require 459 hours. These hours could likely have a fiscal impact to DHSMV of \$25,305 in FTE and contracted resources. However, all expenses will be absorbed within existing resources.

DHSMV and the tax collectors may incur expenses related to public awareness and education efforts relating to the changes in heavy truck registration renewal dates. However, all expenses will be either offset by reducing the number of additional in-person customer trips to tax collector offices in December or absorbed within existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 320.055, 320.0609, 320.07, 320.0705, and 328.01.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Judiciary on March 11, 2019:**

Language was removed that:

- Required DHSMV to develop a methodology for prorating motor vehicle registration renewal fees; and
- Limited proration to the renewal of an unexpired registration or a registration that had been expired for no more than 30 days.

Language was added to clarify that, when someone attempts to transfer title and a death certificate is not presented, DHSMV or its agent may verify the necessary information through the electronic file of death records maintained by the Department of Health.

**CS by Infrastructure and Security on February 19, 2019:**

- Effective September 1, 2020, requires the HSMV to develop a methodology to prorate motor vehicle registration renewal fees. The methodology must give customers the option to renew their registrations on their dates of birth in 2021 or 2022.
- Provides for the utilization of an electronic file of death record maintained by the DOH in lieu of a death certificate for a motor vehicle registration or vessel title transfer.

- B. **Amendments:**

None.