

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/SB 2520

SPONSOR: Transportation Committee and Senator Silver

SUBJECT: Towed Vehicles

DATE: April 12, 2000

REVISED: 04/18/00 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Vickers</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<u>Fav/1 amendment</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

Committee Substitute for Senate Bill 2520 requires law enforcement agencies to enter vehicle identification information into the Florida Crime Information Center and National Crime Information Center (FCIC/NCIC) computer system within 24 hours of receipt of notification of the removal or repossession of a motor vehicle. The CS also directs law enforcement agencies to enter information concerning the theft or recovery of a motor vehicle, license plate, registration decal, or VIN plate into the FCIC/NCIC computer system.

This CS also deletes the requirement that the Department of Highway Safety and Motor Vehicles (DHSMV) provide the name of the applicable insurance company for notification purposes in instances of unclaimed motor vehicles.

This CS substantially amends section 715.05, Florida Statutes. This CS also creates as yet unnumbered sections of the Florida Statutes.

## II. Present Situation:

Section 493.6118(1)(u)5., F.S., provides as a ground for disciplinary action against a recovery agent that the agent failed to notify the police or sheriff's department of the jurisdiction in which the repossessed property is recovered within 2 hours after recovery.

Section 715.05, F.S., provides for the reporting of unclaimed vehicles. Whenever any law enforcement agency authorizes the removal of a vehicle or whenever any towing service, garage, repair shop, or automotive service notifies the law enforcement agency of possession of a vehicle pursuant to s. 715.07(2)(a)2., F.S., then the applicable law enforcement agency must, within 24 hours, electronically communicate to the DHSMV, or the appropriate agency of the state of registration, if known, the full description of the vehicle. After searching its files to determine the owner's name and whether any person has filed a lien upon the vehicle, the DHSMV is to notify the applicable law enforcement agency within 72 hours. Effective July 1, 2000, the DHSMV is to

include the name of the insurance company insuring the vehicle as part of the notification process for unclaimed vehicles.

The person in charge of the towing service, garage, repair shop, or automotive service, within 5 days from the date of storage, must obtain the information about the vehicle from the applicable law enforcement agency and, within 7 weekdays of storage, notify, by certified mail, return receipt requested, the owner and all lienholders of the vehicles' location and of the fact that it is unclaimed.

Section 715.07, F.S., addresses the removal of vehicles parked on private property. This section establishes procedures for the removal or towing of any vehicle from private property without the consent of the registered owner or legally authorized person. Section 715.07(2)(a)2, F.S., requires the towing company, within 30 minutes of completion of the towing or removal, to notify the municipal police department or, in an unincorporated area, the sheriff, of such towing or removal, the storage site, the time the vehicle was towed or removed, and specified information identifying the vehicle. There is not a statutory requirement for similar notification to the local law enforcement agency for towing or removal of vehicles from public property where law enforcement itself initiates the towing or removal.

Section 812.062, F.S., requires a law enforcement agency, within 72 hours after recovering a stolen vehicle, to notify, by teletype or other speedy means, the agency which initiated the stolen vehicle report of the recovery.

### **III. Effect of Proposed Changes:**

Committee Substitute for Senate Bill 2520 creates a new section that provides that any law enforcement agency that authorizes the removal of a motor vehicle, or receives notification of the removal or repossession of a motor vehicle, must, within 24 hours of removal of the vehicle or receipt of such notification, enter the relevant vehicle identification information into the FCIC/NCIC computer system.

The CS requires law enforcement agencies to make a diligent inquiry into the circumstances of a reported theft or recovery of a vehicle, license plate, registration decal or VIN plate. Whenever a law enforcement agency is notified of a theft or recovery, the law enforcement agency that has jurisdiction over the place where the item was removed or recovered must, within 24 hours of receipt of this notification, enter the information into the FCIC/NCIC computer system.

The CS amends s. 715.05, F.S., to delete the requirement that effective July 1, 2000, the DHSMV provide the name of the insurance company insuring the vehicle for notification purposes in cases of unclaimed motor vehicles.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

Inclusion of the specified information in the FCIC/NCIC computer system could provide a central depository for information on vehicles that have been towed, repossessed, or stolen. This could eliminate some of the uncertainty surrounding these vehicles and expedite the process of notifying the owner or operator of the location of the vehicle.

## C. Government Sector Impact:

The CS provides that within 24 hours of removal of the vehicle, or receipt of the required notification of the removal of a vehicle, local law enforcement agencies would be required to enter vehicle identification information into the FCIC/NCIC computer system. Similarly, the CS provides local law enforcement agencies would be required to enter certain information concerning the theft or recovery of a motor vehicle, license plate, registration decal, or VIN plate into the FCIC/NCIC computer system.

According to the Florida Department of Law Enforcement, more than 400 Florida law enforcement agencies currently have access to the FCIC/NCIC computer system. Many local law enforcement agencies currently enter information on towed and abandoned vehicles into the FCIC/NCIC computer system.

FDLE states that there will be no workload impact on the department as a result of the bill.

The Florida Sheriff's Association is continuing to review the bill, but has stated to staff that some sheriffs in larger, urban areas have indicated that there may be a workload impact on their agency. A representative from the Florida Police Chiefs Association indicated to staff

that he has not received any comments from any police departments regarding a workload impact associated with this legislation.

**VI. Technical Deficiencies:**

Staff is preparing an amendment for the sponsor to delete reference to the "NCIC." According to FDLE, the NCIC will accept information on stolen vehicles but not VIN numbers on towed vehicles. FCIC will accept this information.

**VII. Related Issues:**

None.

**VIII. Amendments:**

#1 by Criminal Justice:  
Deletes reference to NCIC. (WITH TITLE AMENDMENT)

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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