

# 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 6, 2000 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vickers	Meyer	TR	Favorable/CS
2.			CJ	
3.				
4.				
5.				

**I. Summary:**

This CS 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 creates yet unnumbered sections of the Florida Statutes.

**II. Present Situation:**

Section 715.05, F.S., provides that 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 contact DHSMV within 24 hours giving 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, DHSMV is to notify the applicable law enforcement agency within 72 hours.

The person in charge of the towing service, garage, repair shop, or automotive service must obtain the specified information from the applicable law enforcement agency within 5 days from the date of storage and shall, by certified mail, return receipt requested, notify within 7 days of storage the owner and all lienholders of the vehicles' location and of the fact 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 to notify the police or sheriff within 30 minutes of completion of the tow, providing specified information regarding vehicle. There is not a statutory requirement for similar notification to the local law enforcement agency for tows from public property where law enforcement itself initiates the tow.

Section 493.6118(1)(a)5, F.S., requires repossessors to notify the police or sheriff of a recovery within 2 hours of the recovery of the vehicle.

Section 812.062, F.S., requires the law enforcement agency that recovers a stolen motor vehicle to notify the agency which initialized the stolen report within 72 hours of recovery.

Section 715.05, F.S., provides for the reporting of unclaimed vehicles. Effective July 1, 2000, DHSMV is to include the name of the insurance company insuring the vehicle as part of the notification process for unclaimed vehicles.

**III. Effect of Proposed Changes:**

This CS provides 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.

This 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.

This CS amends s. 715.05, F.S., to delete the requirement that effective July 1, 2000, 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 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.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.