

By the Committee on Criminal Justice; and Senators Baker and Storms

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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 an effective date.

36  
37 Be It Enacted by the Legislature of the State of Florida:

38  
39 Section 1. Paragraphs (c), (e), and (f) of subsection (1),  
40 paragraphs (b) and (c) of subsection (2), and subsection (7) of  
41 section 319.30, Florida Statutes, are amended, and paragraph (v)  
42 is added to subsection (1) of that section, 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 (c) "Certificate of title" means a record that serves as  
47 evidence of ownership of a vehicle, whether such record is a  
48 paper certificate authorized by the department or by a motor  
49 vehicle department authorized to issue titles in another state  
50 or a certificate consisting of information stored in electronic  
51 form in the department's database.

52 (e) "Derelict motor vehicle" means any motor vehicle as  
53 defined in s. 320.01(1) or mobile home as defined in s.  
54 320.01(2), with or without all parts, major parts, or major  
55 component parts, which is valued under \$1,000, is at least 10  
56 model years old, beginning with the model year of the vehicle as  
57 year one, and is in such condition that its highest or primary  
58 value is for sale, transport, or delivery to a licensed salvage

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59 motor vehicle dealer or registered secondary metals recycler for  
60 dismantling its component parts or conversion to scrap metal.

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

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

83 (2)

84 (b)1. When a motor vehicle, recreational vehicle, or mobile  
85 home is sold, transported, ~~or~~ delivered to, or received by a  
86 salvage motor vehicle dealer, it shall be accompanied by:

87 a. A valid certificate of title issued in the name of the

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88 seller or properly endorsed, as required in s. 319.22, over to  
89 the seller;

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

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

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

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

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

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

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

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117           2. If the certificate of title, salvage certificate of  
118 title, or certificate of destruction is not available, a  
119 derelict motor vehicle certificate application shall be  
120 completed by the seller or owner of the motor vehicle or mobile  
121 home, the seller's or owner's authorized transporter, and the  
122 licensed salvage motor vehicle dealer at the time of sale,  
123 transport, or delivery to the licensed salvage motor vehicle  
124 dealer. The derelict motor vehicle certificate application shall  
125 be used by the seller or owner, the seller's or owner's  
126 authorized transporter, and the licensed salvage motor vehicle  
127 dealer to obtain a derelict motor vehicle certificate from the  
128 department. The identifying number on the personal  
129 identification card of the seller or owner must be recorded on  
130 the derelict motor vehicle certificate application. The derelict  
131 motor vehicle certificate application must be accompanied by a  
132 copy of the seller's or owner's personal identification card  
133 when the personal identification card is something other than a  
134 Florida driver's license or Florida identification card. If the  
135 seller is not the owner of record of the vehicle being sold, the  
136 dealer shall, at the time of sale, ensure that a smudge-free  
137 right thumbprint, or other digit if the seller has no right  
138 thumb, of the seller is imprinted upon the derelict motor  
139 vehicle certificate application form, and that a photograph  
140 clearly depicting the seller's face is affixed to the  
141 application and transmitted to the department. The licensed  
142 salvage motor vehicle dealer shall secure the motor vehicle or  
143 mobile home for 3 full business days, excluding weekends and  
144 holidays, before destroying or dismantling the derelict motor  
145 vehicle and shall follow all reporting procedures established by

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146 the department, including electronic notification to the  
147 department or delivery of the original derelict motor vehicle  
148 certificate application to an agent of the department within 24  
149 hours after receiving the derelict motor vehicle.

150 3. Any person who willfully and deliberately violates this  
151 paragraph by selling, transporting, delivering, purchasing, or  
152 receiving a derelict motor vehicle without obtaining a  
153 certificate of title, salvage certificate of title, certificate  
154 of destruction, or derelict motor vehicle certificate  
155 application; enters false or fictitious information on a  
156 derelict motor vehicle certificate application; does not  
157 complete the derelict motor vehicle certificate application as  
158 required; does not obtain a copy of the seller's or owner's  
159 personal identification card when required; ~~or~~ does not make the  
160 required notification to the department; or destroys or  
161 dismantles a derelict motor vehicle without waiting the required  
162 3 full business days commits a felony of the third degree,  
163 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

164 (7) (a) In the event of a purchase by a secondary metals  
165 recycler, that has been issued a certificate of registration  
166 number, of:

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

174 2. Parts or prepared materials from any seller for purposes

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175 of the processing of such parts or prepared materials, the  
176 purchaser shall record the seller's name and address and date of  
177 purchase and, in the event of a purchase transaction consisting  
178 primarily of parts or prepared materials, the personal  
179 identification card number of the person delivering such items.

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

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

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

194 (II) A valid salvage certificate of title issued in the  
195 name of the seller or properly endorsed, as required in s.  
196 319.22, over to the seller;

197 (III) ~~(II)~~ A valid certificate of destruction issued in the  
198 name of the seller or properly endorsed over to the seller; or

199 (IV) ~~(III)~~ A valid derelict motor vehicle certificate  
200 obtained from the department ~~completed~~ by a licensed salvage  
201 motor vehicle dealer and properly reassigned to the secondary  
202 metals recycler.

203 b. If a valid certificate of title, salvage certificate of

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204 title, certificate of destruction, or derelict motor vehicle  
205 certificate is not available and the motor vehicle or mobile  
206 home is a derelict motor vehicle, a derelict motor vehicle  
207 certificate application shall be completed by the seller or  
208 owner of the motor vehicle or mobile home, the seller's or  
209 owner's authorized transporter, and the registered secondary  
210 metals recycler at the time of sale, transport, or delivery to  
211 the registered secondary metals recycler. The derelict motor  
212 vehicle certificate application shall be used by the seller or  
213 owner, the seller's or owner's authorized transporter, and the  
214 registered secondary metals recycler to obtain a derelict motor  
215 vehicle certificate from the department. The identifying number  
216 on the personal identification card of the seller or owner must  
217 be recorded on the derelict motor vehicle certificate  
218 application. The derelict motor vehicle certificate application  
219 must be accompanied by a copy of the seller's or owner's  
220 personal identification card when the personal identification  
221 card is something other than a Florida driver's license or  
222 Florida identification card. If the seller is not the owner of  
223 record of the vehicle being sold, the recycler shall, at the  
224 time of sale, ensure that a smudge-free right thumbprint of the  
225 seller is imprinted upon the derelict motor vehicle certificate  
226 application form, and that a photograph clearly depicting the  
227 seller's face is affixed to the application and transmitted to  
228 the department. The registered secondary metals recycler shall  
229 secure the derelict motor vehicle for 3 full business days,  
230 excluding weekends and holidays, before destroying or  
231 dismantling the derelict motor vehicle and shall follow all  
232 reporting procedures established by the department, including



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233 electronic notification to the department or delivery of the  
234 original derelict motor vehicle certificate application to an  
235 agent of the department within 24 hours after receiving the  
236 derelict motor vehicle.

237 c. Any person who knowingly and intentionally ~~willfully and~~  
238 ~~deliberately~~ violates this subparagraph by selling,  
239 transporting, delivering, purchasing, or receiving a motor  
240 vehicle, recreational motor vehicle, mobile home, or derelict  
241 motor vehicle without obtaining a certificate of title, salvage  
242 certificate of title, certificate of destruction, ~~or~~ derelict  
243 motor vehicle certificate, or derelict motor vehicle certificate  
244 application; enters false or fictitious information on a  
245 derelict motor vehicle certificate application; does not  
246 complete the derelict motor vehicle certificate application as  
247 required; does not obtain a copy of the seller's or owner's  
248 personal identification card when required; ~~or~~ does not make the  
249 required notification to the department; or destroys or  
250 dismantles a derelict motor vehicle without waiting the required  
251 3 full business days commits a felony of the third degree,  
252 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

253 5. Major parts from other than a secondary metals recycler  
254 for purposes of the processing of such major parts, the  
255 purchaser shall record the seller's name, address, date of  
256 purchase, and the personal identification card number of the  
257 person delivering such items, as well as the vehicle  
258 identification number, if available, of each major part  
259 purchased.

260 (b) Any person who violates this subsection commits a  
261 felony of the third degree, punishable as provided in s.

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262 775.082, s. 775.083, or s. 775.084.

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