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CS/HB 135, Engrossed 1

2018 Legislature

1  
2 An act relating to motor vehicle registration  
3 applications; amending s. 320.02, F.S.; requiring the  
4 application for motor vehicle registration to include  
5 language indicating an applicant is deaf or hard of  
6 hearing; requiring such information to be included in  
7 certain databases; providing for distribution of a  
8 voluntary contribution to Preserve Vision Florida;  
9 amending s. 320.27, F.S.; conforming a cross-  
10 reference; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Subsections (14) through (19) of section  
15 320.02, Florida Statutes, are renumbered as subsections (15)  
16 through (20), respectively, paragraph (a) of present subsection  
17 (15) is amended, and a new subsection (14) is added to that  
18 section, to read:

19 320.02 Registration required; application for  
20 registration; forms.—

21 (14) The application form for motor vehicle registration  
22 must include language allowing an applicant who is deaf or hard  
23 of hearing to voluntarily indicate that he or she is deaf or  
24 hard of hearing. If the applicant indicates on the application  
25 that he or she is deaf or hard of hearing, such information

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26 | shall be included through the Driver and Vehicle Information  
 27 | Database and available through the Florida Crime Information  
 28 | Center system.

29 | (16)~~(15)~~ (a) The application form for motor vehicle  
 30 | registration must ~~shall~~ include language permitting the  
 31 | voluntary contribution of \$1 per applicant, to be quarterly  
 32 | distributed by the department to Preserve Vision ~~Prevent~~  
 33 | ~~Blindness~~ Florida, a not-for-profit organization, to prevent  
 34 | blindness and preserve the sight of the residents of this state.  
 35 | A statement providing an explanation of the purpose of the funds  
 36 | shall be included with the application form. Before ~~Prior to~~ the  
 37 | department distributes ~~distributing~~ the funds collected pursuant  
 38 | to this paragraph, Preserve Vision ~~Prevent-Blindness~~ Florida  
 39 | must submit a report to the department that identifies how such  
 40 | funds were used during the preceding year.

41 |  
 42 | For the purpose of applying the service charge provided in s.  
 43 | 215.20, contributions received under this subsection are not  
 44 | income of a revenue nature.

45 | Section 2. Paragraph (b) of subsection (9) of section  
 46 | 320.27, Florida Statutes, is amended to read:

47 | 320.27 Motor vehicle dealers.—

48 | (9) DENIAL, SUSPENSION, OR REVOCATION.—

49 | (b) The department may deny, suspend, or revoke any  
 50 | license issued hereunder or under the provisions of s. 320.77 or

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51 s. 320.771 upon proof that a licensee has committed, with  
52 sufficient frequency so as to establish a pattern of wrongdoing  
53 on the part of a licensee, violations of one or more of the  
54 following activities:

55 1. Representation that a demonstrator is a new motor  
56 vehicle, or the attempt to sell or the sale of a demonstrator as  
57 a new motor vehicle without written notice to the purchaser that  
58 the vehicle is a demonstrator. For the purposes of this section,  
59 a "demonstrator," a "new motor vehicle," and a "used motor  
60 vehicle" shall be defined as under s. 320.60.

61 2. Unjustifiable refusal to comply with a licensee's  
62 responsibility under the terms of the new motor vehicle warranty  
63 issued by its respective manufacturer, distributor, or importer.  
64 However, if such refusal is at the direction of the  
65 manufacturer, distributor, or importer, such refusal shall not  
66 be a ground under this section.

67 3. Misrepresentation or false, deceptive, or misleading  
68 statements with regard to the sale or financing of motor  
69 vehicles which any motor vehicle dealer has, or causes to have,  
70 advertised, printed, displayed, published, distributed,  
71 broadcast, televised, or made in any manner with regard to the  
72 sale or financing of motor vehicles.

73 4. Failure by any motor vehicle dealer to provide a  
74 customer or purchaser with an odometer disclosure statement and  
75 a copy of any bona fide written, executed sales contract or

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76 | agreement of purchase connected with the purchase of the motor  
77 | vehicle purchased by the customer or purchaser.

78 |         5. Failure of any motor vehicle dealer to comply with the  
79 | terms of any bona fide written, executed agreement, pursuant to  
80 | the sale of a motor vehicle.

81 |         6. Failure to apply for transfer of a title as prescribed  
82 | in s. 319.23(6).

83 |         7. Use of the dealer license identification number by any  
84 | person other than the licensed dealer or his or her designee.

85 |         8. Failure to continually meet the requirements of the  
86 | licensure law.

87 |         9. Representation to a customer or any advertisement to  
88 | the public representing or suggesting that a motor vehicle is a  
89 | new motor vehicle if such vehicle lawfully cannot be titled in  
90 | the name of the customer or other member of the public by the  
91 | seller using a manufacturer's statement of origin as permitted  
92 | in s. 319.23(1).

93 |         10. Requirement by any motor vehicle dealer that a  
94 | customer or purchaser accept equipment on his or her motor  
95 | vehicle which was not ordered by the customer or purchaser.

96 |         11. Requirement by any motor vehicle dealer that any  
97 | customer or purchaser finance a motor vehicle with a specific  
98 | financial institution or company.

99 |         12. Requirement by any motor vehicle dealer that the  
100 | purchaser of a motor vehicle contract with the dealer for

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101 physical damage insurance.

102 13. Perpetration of a fraud upon any person as a result of  
 103 dealing in motor vehicles, including, without limitation, the  
 104 misrepresentation to any person by the licensee of the  
 105 licensee's relationship to any manufacturer, importer, or  
 106 distributor.

107 14. Violation of any of the provisions of s. 319.35 by any  
 108 motor vehicle dealer.

109 15. Sale by a motor vehicle dealer of a vehicle offered in  
 110 trade by a customer prior to consummation of the sale, exchange,  
 111 or transfer of a newly acquired vehicle to the customer, unless  
 112 the customer provides written authorization for the sale of the  
 113 trade-in vehicle prior to delivery of the newly acquired  
 114 vehicle.

115 16. Willful failure to comply with any administrative rule  
 116 adopted by the department or the provisions of s. 320.131(8).

117 17. Violation of chapter 319, this chapter, or ss.  
 118 559.901-559.9221, which has to do with dealing in or repairing  
 119 motor vehicles or mobile homes. Additionally, in the case of  
 120 used motor vehicles, the willful violation of the federal law  
 121 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to  
 122 the consumer sales window form.

123 18. Failure to maintain evidence of notification to the  
 124 owner or coowner of a vehicle regarding registration or titling  
 125 fees owed as required in s. 320.02(17) ~~320.02(16)~~.

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126           19. Failure to register a mobile home salesperson with the  
127 department as required by this section.

128           Section 3. This act shall take effect October 1, 2018.