

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Avila offered the following:

2

3 **Amendment (with title amendment)**

4 Remove lines 399-520 and insert:

5 319.141 ~~Pilot~~ Rebuilt motor vehicle inspection program.—

6 (1) As used in this section, the term:

7 (a) "Facility" means a rebuilt motor vehicle inspection  
8 facility authorized and operating under this section.

9 (b) "Rebuilt inspection services" means an examination of  
10 a rebuilt vehicle and a properly endorsed certificate of title,  
11 salvage certificate of title, or manufacturer's statement of  
12 origin and an application for a rebuilt certificate of title, a  
13 rebuilder's affidavit, a photograph of the junk or salvage

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14 vehicle taken before repairs began, if available, a photograph  
15 of the interior driver and passenger sides of the vehicle if  
16 airbags were previously deployed and replaced, receipts or  
17 invoices for all major component parts, as defined in s. 319.30,  
18 and repairs which were changed, and proof that notice of  
19 rebuilding of the vehicle has been reported to the National  
20 Motor Vehicle Title Information System.

21 (2) By October 1, 2019 ~~July 1, 2015,~~ the department shall  
22 implement ~~oversee~~ a ~~pilot~~ program in Miami-Dade County ~~to~~  
23 ~~evaluate alternatives~~ for rebuilt inspection services offered by  
24 existing private sector participants ~~operators,~~ ~~including the~~  
25 ~~continued use of private facilities,~~ ~~the cost impact to~~  
26 ~~consumers,~~ ~~and the potential savings to the department.~~

27 (3) Upon selection by the department, each participant  
28 shall enter into ~~The department shall establish~~ a memorandum of  
29 understanding with the department that allows such participant  
30 ~~private parties participating in the pilot program~~ to conduct  
31 rebuilt motor vehicle inspections and specifies requirements for  
32 oversight, bonding and insurance, procedures, and forms and  
33 requires the electronic transmission of documents. The  
34 department may examine all records pertaining to any inspection  
35 or related service performed under the rebuilt motor vehicle  
36 inspection program.

37 (4) Before a participant ~~an applicant~~ is authorized to  
38 perform such rebuilt inspection services ~~approved,~~ the

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39 department shall ensure that the participant ~~applicant~~ meets  
40 basic criteria designed to protect the public. At a minimum, the  
41 participant ~~applicant~~ shall meet all of the following  
42 requirements:

43 (a) Have and maintain a surety bond or irrevocable letter  
44 of credit in the amount of \$100,000 executed in favor of the  
45 department. Such surety bond or letter of credit shall be issued  
46 by entities licensed to do business in this state ~~by the~~  
47 ~~applicant.~~

48 (b) Secure and maintain a facility at a permanent fixed  
49 structure, as evidenced by proof of ownership or written lease  
50 at an address recognized by the United States Postal Service  
51 where the only services provided on such property are rebuilt  
52 inspection services. The facility must have permanent signage  
53 which advertises that only private rebuilt inspection services  
54 are provided at that location, posted business hours, a  
55 designated office area and customer waiting area, a rebuilt  
56 inspection area separate and visually obstructed from any area  
57 accessible to the customer, surveillance cameras with recording  
58 capabilities for the rebuilt inspection areas, and sufficient  
59 onsite customer parking. The location must be large enough to  
60 accommodate all of the vehicles being inspected and have a  
61 covered area to accommodate at least two vehicles during  
62 inclement weather. The participant ~~operator of a facility~~ shall  
63 annually attest that he or she does not have a direct or

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64 indirect interest in any motor vehicle that a facility has  
65 inspected or proposes to inspect; he or she is not employed by  
66 or does not have an ownership interest in or other financial  
67 arrangement with the owner, operator, manager, or employee of a  
68 motor vehicle repair shop as defined in s. 559.903, a motor  
69 vehicle dealer as defined in s. 320.27(1)(c), a towing company,  
70 a vehicle storage company, a vehicle auction, an insurance  
71 company, a salvage yard, a metal retailer, or a metal rebuilder,  
72 from which he or she receives remuneration, directly or  
73 indirectly, for the referral of customers for rebuilt inspection  
74 services; there have been no changes to the ownership structure  
75 of the approved facility; and the only services being provided  
76 by such participant at the facility are rebuilt inspection  
77 services. Only a participant selected and approved by the  
78 department may charge or receive a fee for providing or  
79 facilitating such services.

80 (c) Have and maintain garage liability with a minimum of  
81 \$100,000 single-limit liability coverage including bodily injury  
82 and property damage protection and any other insurance required  
83 by the department.

84 (d) Have completed criminal background checks of the  
85 owners, partners, and corporate officers and the inspectors  
86 employed by the facility that demonstrate that such persons have  
87 not have been convicted of a felony, pled guilty to a felony,  
88 pled nolo contendere to a felony, or been incarcerated for a

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89 felony in the previous 10 years.

90 (e) Meet any additional criteria the department determines  
91 necessary to conduct proper inspections.

92 (5) A participant may not conduct an inspection of a  
93 vehicle in complete rebuilt condition without prior approval by  
94 the department. A person or entity other than the department or  
95 a participant authorized by the department may not conduct  
96 rebuilt inspection services.

97 (6)-(5) A participant in the program shall access vehicle  
98 and title information and enter inspection results through an  
99 electronic filing system authorized by the department and shall  
100 maintain records of each rebuilt vehicle inspection processed at  
101 such facility for at least 5 years.

102 (7) A vehicle owner who fails an initial rebuilt  
103 inspection may only have that vehicle reinspected by the  
104 department or the facility that conducted the original  
105 inspection.

106 (8)-(6) The department shall conduct an onsite facility  
107 inspection at least once per quarter and shall immediately  
108 terminate any participant operator from the program who fails to  
109 meet the minimum eligibility requirements specified in  
110 subsection (4). Before a change in ownership of a rebuilt  
111 inspection facility, the current operator must give the  
112 department 45 days' written notice of the intended sale or  
113 transfer. The prospective owner must meet the eligibility

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114 requirements of this section and execute a new memorandum of  
115 understanding with the department before operating the facility.

116 (9) The department may adopt rules pursuant to ss.  
117 120.536(1) and 120.54 to implement and enforce this section.

118 (10) On or before July 1, 2021, the department shall  
119 submit a written report to the President of the Senate and the  
120 Speaker of the House of Representatives evaluating the  
121 effectiveness of the program and whether to expand the program  
122 to other counties.

123 ~~(7) This section is repealed on July 1, 2018, unless saved~~  
124 ~~from repeal through reenactment by the Legislature.~~

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128 **T I T L E A M E N D M E N T**

129 Remove lines 25-31 and insert:  
130 the rebuilt motor vehicle inspection program; revising  
131 participant duties and responsibilities; revising  
132 location and insurance requirements; authorizing the  
133 Department of Highway Safety and Motor Vehicles to  
134 adopt rules; requiring a report to the Legislature;  
135 amending s. 334.175, F.S.; requiring the

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