

By Senator Diaz

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1 A bill to be entitled
2 An act relating to the rebuilt motor vehicle
3 inspection program; reviving, reenacting, and amending
4 s. 319.141, F.S.; revising the definition of the term
5 "rebuilt inspection services"; requiring the
6 Department of Highway Safety and Motor Vehicles to
7 oversee a pilot program in Miami-Dade County for
8 rebuilt inspection services offered by private sector
9 participants; requiring, by a specified date, the
10 department to expand the pilot program to include
11 Broward County and Hillsborough County; authorizing
12 the department to solicit and receive proposals and
13 select up to two qualified participants per county to
14 provide rebuilt inspection services; requiring
15 participants, upon selection, to enter into a certain
16 memorandum of understanding with the department;
17 requiring that the department ensure that the
18 participant meets basic criteria designed to protect
19 the public before a participant is allowed to furnish
20 the rebuilt inspection services; requiring the
21 participant to meet specified requirements; providing
22 that only a participant selected and approved by the
23 department to provide rebuilt inspection services may
24 charge or receive a fee for providing or facilitating
25 the provision of such services; providing that any
26 applicant that fails an initial rebuilt inspection may
27 have that vehicle reinspected only by the department
28 or the facility that conducted the original
29 inspection; requiring that the department conduct an

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30 onsite facility inspection at least once per quarter
31 and immediately terminate a participant under certain
32 circumstances; requiring that a current operator of a
33 rebuilt inspection facility give the department
34 certain written notice of a transfer; providing
35 requirements for the transferee; requiring the
36 department to submit a certain written report to the
37 Legislature by a specified date; repealing an obsolete
38 provision; providing an effective date.

39
40 Be It Enacted by the Legislature of the State of Florida:

41
42 Section 1. Notwithstanding the repeal of section 319.141,
43 Florida Statutes, which occurred on July 1, 2018, that section
44 is revived, reenacted, and amended to read:

45 319.141 ~~Pilot~~ Rebuilt motor vehicle inspection pilot
46 program.—

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

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

50 (b) "Rebuilt inspection services" means an examination of a
51 rebuilt vehicle and a properly endorsed certificate of title,
52 salvage certificate of title, or manufacturer's statement of
53 origin and an application for a rebuilt certificate of title;; a
54 builder's affidavit;; a photograph of the junk or salvage
55 vehicle taken before repairs began; if available, a photograph
56 of the interior driver and passenger side of the vehicle if
57 airbags were previously deployed and replaced; receipts or
58 invoices for all major component parts, as defined in s. 319.30,

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59 which were changed and repairs ~~which were changed;~~ and proof
60 that notice of rebuilding of the vehicle has been reported to
61 the National Motor Vehicle Title Information System.

62 (2) ~~By July 1, 2015,~~ The department shall oversee a pilot
63 program in Miami-Dade County ~~to evaluate alternatives~~ for
64 rebuilt inspection services offered by ~~existing~~ private sector
65 participants. By July 1, 2020, the department shall expand the
66 pilot program to include Broward County and Hillsborough County.
67 The department may solicit and receive proposals and select up
68 to two qualified participants per county to provide rebuilt
69 inspection services operators, ~~including the continued use of~~
70 ~~private facilities, the cost impact to consumers, and the~~
71 ~~potential savings to the department.~~

72 (3) Upon selection, the participants must enter into the
73 ~~department shall establish~~ a memorandum of understanding with
74 the department which ~~that~~ allows such participants ~~private~~
75 ~~parties participating in the pilot program~~ to conduct rebuilt
76 motor vehicle inspections and specifies requirements for
77 oversight, bonding and insurance, procedures, and forms and
78 requires the electronic transmission of documents.

79 (4) Before a participant ~~an applicant~~ is allowed to furnish
80 the rebuilt inspection services approved, the department shall
81 ensure that the participant ~~applicant~~ meets basic criteria
82 designed to protect the public. At a minimum, the participant
83 ~~applicant~~ shall meet all of the following requirements:

84 (a) Have and maintain a surety bond or irrevocable letter
85 of credit in the amount of \$100,000 executed by the applicant.

86 (b) Secure and maintain a facility at a permanent and fixed
87 structure which has ~~at~~ an address that is identified by a tax

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88 folio number and recognized by the United States Postal Service
89 where the only services provided on such property are rebuilt
90 inspection services. The participant ~~operator of a facility~~
91 shall annually attest that:

92 1. He or she is not employed by or does not have an
93 ownership interest in or other financial arrangement with the
94 owner, operator, manager, or employee of a motor vehicle repair
95 shop as defined in s. 559.903, a motor vehicle dealer as defined
96 in s. 320.27(1)(c), a towing company, a vehicle storage company,
97 a vehicle auction, an insurance company, a salvage yard, a metal
98 retailer, or a metal rebuilder, from which the participant ~~he or~~
99 ~~she~~ receives remuneration, directly or indirectly, for the
100 referral of customers for rebuilt inspection services;

101 2. There have been no changes to the ownership structure of
102 the approved facility; and

103 3. The only services being provided by such participant at
104 the facility are rebuilt inspection services.

105 (c) Have and maintain garage liability and other insurance
106 required by the department.

107 (d) Have completed criminal background checks of the
108 owners, partners, and corporate officers and the inspectors
109 employed by the facility.

110 (e) Have a designated office and customer waiting area that
111 is separate from the vehicle inspection area. The vehicle
112 inspection area must be capable of accommodating all vehicle
113 types and must have cameras allowing the department to view and
114 monitor each inspection.

115 (f) The participant may not conduct an inspection of a
116 vehicle in complete rebuilt condition without prior approval by

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117 the department.

118 (g)~~(e)~~ Meet any additional criteria the department
119 determines necessary to conduct proper inspections.

120 (5) Only a participant selected and approved by the
121 department to provide rebuilt inspection services may charge or
122 receive a fee for providing or facilitating the provision of
123 such services.

124 (6)~~(5)~~ A participant ~~in the program~~ shall access vehicle
125 and title information and enter inspection results through an
126 electronic filing system authorized by the department and shall
127 maintain records of each rebuilt vehicle inspection processed at
128 such facility for at least 5 years.

129 (7) Any applicant that fails an initial rebuilt inspection
130 may have that vehicle reinspected only by the department or the
131 facility that conducted the original inspection.

132 (8)~~(6)~~ The department shall conduct an onsite facility
133 inspection at least once per quarter and shall immediately
134 terminate any participant operator from the program who fails to
135 meet the minimum eligibility requirements specified in
136 subsection (4). Before a change in ownership or transfer of a
137 rebuilt inspection facility, the current operator must give the
138 department 45 days' written notice of the intended sale or
139 transfer. The prospective owner or transferee must meet the
140 eligibility requirements of this section and execute a new
141 memorandum of understanding with the department before operating
142 the facility.

143 (9) On or before July 1, 2021, the department shall submit
144 a written report to the Speaker of the House of Representatives
145 and President of the Senate evaluating the effectiveness of the

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146 program and whether to expand the program on a statewide basis.

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

149 Section 2. This act shall take effect July 1, 2019.