

Florida

Department of Highway Safety and Motor Vehicles

Division of Motorist Services

PROCEDURE TL-34	SUBJECT: MANUFACTURER'S BUY BACK (LEMON LAW)
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DESCRIPTION AND USE:

THIS PROCEDURE PROVIDES INFORMATION AND INSTRUCTIONS TO ASSIST TAX COLLECTOR EMPLOYEES, LICENSE PLATE AGENCY EMPLOYEES, AND THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES IN PROCESSING AN APPLICATION FOR A CERTIFICATE OF TITLE TO A MOTOR VEHICLE BOUGHT BACK BY A MANUFACTURER PURSUANT TO THE FLORIDA LEMON LAW.

I. PROVISION OF LAW:

Chapter 681, Florida Statutes, provides for consumer protection for those who purchase defective motor vehicles.

Section 319.14(1)(a), Florida Statutes, provides that no person shall knowingly offer for sale, sell, or exchange any vehicle which has been repurchased by a manufacturer pursuant to a settlement, determination, or decision under Chapter 681, until the department has stamped in a conspicuous place on the certificate of title of the vehicle, or its duplicate, words stating the nature of the previous use of the vehicle or the title has been stamped "Manufacturers Buy Back" to reflect that the vehicle is a nonconforming vehicle.

II. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:

When a consumer files a claim under Florida's Lemon Law with a manufacturer-sponsored informal dispute resolution procedure (e.g. BBB/AUTOLINE, Ford Dispute Settlement Board, Chrysler Customer Arbitration Board, etc.), the Florida New Motor Vehicle Arbitration Board administered by the Office of the Attorney General or the Recreational Vehicle Pilot Mediation/Arbitration Program, or a court and a manufacturer repurchases the vehicle, either as a result of a settlement or a decision, the title must be branded "Manufacturer Buy Back."

NOTE: If the manufacturer submits an affidavit that the vehicle was repurchased as a result of a settlement reached before a claim was filed with a manufacturer-sponsored informal dispute resolution procedure, the Florida New Motor Vehicle Arbitration Board, the Recreational Vehicle Pilot Mediation/Arbitration Program or a court, then, the title is not issued with the brand "Manufacturer Buy Back."

Revision to this Procedure: Added clarification and a Note to page 2.

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STATE OF FLORIDA
Division of Motorist Services

PROCEDURE #	SUBJECT:
TL-34	MANUFACTURER'S BUY BACK (LEMON LAW)

The following documentation must be submitted:

1. The certificate of title in the owner's name, completed for transfer over to the **manufacturer** in the "Transfer of Title by Seller" section.
2. Form HSMV 82040, Application for Certificate of Title with/without Vehicle Registration or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed in the manufacturer's name.
3. A certified copy of the "Resale Disclosure of Nonconformity."
4. The "OTHER" space in the "Sales Tax Exemption Certification" section of form HSMV 82040, Application for Certificate of Title with/without Vehicle Registration, must be completed with the following wording: "OBTAINED PURSUANT TO CHAPTER 681, FLORIDA STATUTES," or the same wording completed on form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.

NOTE: If the above statutory language is not included, the application will be rejected.

5. The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit.
6. Title fee.

When the new certificate of title is issued to the manufacturer, it will reflect the brand "Manuf Buy Bk."

If the certificate of title was branded "**Manuf Buy Bk**" by Florida and is being transferred to a new buyer, the brand may be removed if the vehicle has 36,000 miles or more on its odometer or 34 months, whichever is later. The 34 month period should be calculated using the date the original certificate of title was issued.

NOTE: Florida cannot remove "Manuf Buy Bk" previously branded by another state.

To remove the brand "Manuf Buy Bk," the applicant must submit the certificate of title, an affidavit requesting the removal of the brand, the current odometer reading and the proper title fee. **The Manuf Buy Back brand cannot be removed from NMVTIS even if Florida is the state that originally branded it.**

III. MISCELLANEOUS INFORMATION:

- A. The \$2 Lemon Law fee is collected from the consumer by a Florida motor vehicle dealer or by a person engaged in the business of leasing motor vehicles. This fee is assessed at the completion of the sale of a new motor vehicle or upon entering into a lease agreement for a new motor vehicle. All fees are deposited into the Motor Vehicle Warranty Trust Fund. Refer to DMS Procedure TL-10 for additional information concerning the lemon law.
- B. A sample of the Attorney General's "Resale Disclosure of Nonconformity" is attached as Exhibit A. Some alternatives to this form created by manufacturers have been approved by the office of the Attorney General.

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EXHIBIT A

Attorney General of Florida

Resale Disclosure of Nonconformity

Please refer to instructions on reverse side.

PART I: To be Completed Upon Acceptance of the Returned Vehicle

Vehicle Make: _____ Model: _____ Year: _____

Vehicle Identification Number: _____

Odometer Reading: _____ Previous Title No.: _____ State: _____

This is a used vehicle. The original owner returned this vehicle to the manufacturer because it contained one or more nonconformities which were not repaired after a reasonable number of attempts. This vehicle was repurchased by the manufacturer on _____ as a result of: _____ (Date)

_____ A settlement reached or a decision rendered by the _____ (Informal Dispute Settlement Program)

_____ A settlement reached or a decision rendered by the Fla. New Motor Vehicle Arbitration Board. Case # _____

_____ A court decision made pursuant to an action brought under Chapter 681, F.S. (The Florida Lemon Law)

_____ An arbitration, administrative, or judicial determination made pursuant to the _____ Lemon Law (State)

This vehicle was alleged or determined to have the following nonconformities: _____

Manufacturer Representative:

Name and Title (please print) _____ Signature _____ Date _____

PART II: To be Completed Upon Transfer by the Manufacturer

Transferee:

Name and Title (please print) _____ Signature _____ Date _____

Address of Transferee (please print): _____

At the time of each transfer of such returned motor vehicle, the transferor shall ensure that the transferee receives this form and that this form remains with the vehicle.

PART III: To be Completed Upon Sale or Lease to the Ultimate Consumer

Seller or Lessor:

Name and Title (please print) _____ Signature _____ Date _____

Address of Seller or Lessor (please print): _____

The signature of the Seller or Lessor constitutes agreement that disclosure of the information on this form will be made to the consumer prior to the sale or lease of this vehicle in the state where such transaction occurs. From the date of delivery of this motor vehicle to the first consumer to whom it is sold or leased after its return to the manufacturer pursuant to Part I hereof, the manufacturer warrants to correct the nonconformities listed at Part I above for a term of 12 months or 12,000 miles, whichever occurs first.

I read, or had read to me, the terms of this disclosure before I purchased or leased this vehicle.

Consumer Signature _____ Date _____

Consumer Name and Address (please print): _____

WHITE: Manufacturer to Attorney General

PINK: Seller/lessor to Attorney General

YELLOW: Consumer copy