

Florida

Department of Highway Safety and Motor Vehicles

Division of Motorist Services

PROCEDURE	SUBJECT:
TL-06	MANDATORY USE DESIGNATIONS AND BRANDS ON FLORIDA CERTIFICATES OF TITLE
DESCRIPTION AND USE:	
<p>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 UNDERSTANDING REQUIREMENTS FOR MANDATORY USE DESIGNATIONS AND BRANDS ON CERTIFICATES OF TITLE.</p>	
<p>I. PROVISIONS OF LAW:</p> <p>Section 319.14, Florida Statutes, provides for the sale of motor vehicles registered or used as taxicabs, police vehicles, lease vehicles, rebuilt vehicles, nonconforming vehicles, custom vehicles, or street rod vehicles.</p> <p>Section 319.14 (1)(a), Florida Statutes, provides that a person may not knowingly offer for sale, sell, or exchange any motor vehicle that has been licensed, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle or a vehicle that 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 motor vehicle, or its duplicate, words stating the nature of the previous use of the motor vehicle or the title has been stamped "Manufacturer's Buy Back" to reflect that the vehicle is a non-conforming vehicle. If the certificate of title or duplicate was not so stamped upon initial issuance of the certificate of title, the use of the motor vehicle is changed to a use requiring the notation provided for in this section, the owner or lienholder of the motor vehicle shall surrender the certificate of title or duplicate to the department prior to offering the motor vehicle for sale, and the department shall stamp the certificate or duplicate as required herein. When a vehicle has been repurchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681, the title shall be stamped "Manufacturer's Buy Back" to reflect that the vehicle is a non-conforming vehicle.</p> <p>Section 319.14 (1)(b), Florida Statutes, provides that a person may not knowingly offer for sale, sell or exchange a rebuilt motor vehicle until the department has stamped in a conspicuous place on the certificate of title for the motor vehicle words stating that the motor vehicle has been rebuilt, assembled from parts, or is a kit car, glider kit, replica, flood vehicle, custom vehicle, or street rod vehicle unless proper application for a certificate of title for a vehicle that is rebuilt, assembled from parts, or is a kit car, glider kit, replica, flood vehicle, custom vehicle, or street rod vehicle has been made to the department in accordance with this chapter and the department has conducted the physical examination of the vehicle to assure the identity of the vehicle and all major component parts, as defined in s. 319.30(1)(e), which have been repaired or replaced. Thereafter, the department shall affix a decal to the vehicle, in the manner prescribed by the department, showing the vehicle to be rebuilt.</p>	
<i>Revision(s) to this Procedure: Added and revised language in statutes on pages 3 & 4.</i>	
EFFECTIVE DATE	REVISION DATE
07/01/2014	06/24/14

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Section 319.14 (1)(c), Florida Statutes, provides the following definitions:

1. "Police vehicle" means a motor vehicle owned or leased by the state or a county or municipality and used in law enforcement.
2. a. "Short-term-lease vehicle" means a motor vehicle leased without a driver and under a written agreement to one or more persons from time to time for a period of less than 12 months.

NOTE: The title clerk must choose "lease" when processing the title transaction in FRVIS. He/she must also choose whether the registrant will be the same as or different than the owner (according to the customer's documentation).

- b. "Long-term-lease vehicle" means a motor vehicle leased without a driver and under a written agreement to one person for a period of 12 months or longer.

NOTE: The title clerk must choose "long term lease" when processing the title transaction in FRVIS. The registrant CANNOT be the same as the owner.

- c. "Lease vehicle" includes both short-term-lease vehicles and long-term-lease vehicles (a & b above).
3. "Rebuilt vehicle" means a motor vehicle or mobile home built from salvage or junk, as defined in section 319.30(1), Florida Statutes.
4. "Assembled from parts" means a motor vehicle or mobile home assembled from parts or combined from parts of motor vehicles or mobile homes, new or used. "Assembled from parts" does not mean a motor vehicle defined as a "rebuilt vehicle" in subparagraph 3, which has been declared a total loss pursuant to section 319.30, Florida Statutes.
5. "Kit car" means a motor vehicle assembled with a kit supplied by a manufacturer to rebuild a wrecked or outdated motor vehicle with a new body kit.
6. "Glider kit" means a vehicle assembled with a kit supplied by a manufacturer to rebuild a wrecked or outdated truck or truck tractor.
7. "Replica" means a complete new motor vehicle manufactured to look like an old vehicle.
8. "Flood vehicle" means a motor vehicle or mobile home that has been declared a total loss pursuant to section 319.30(3) (a), Florida Statutes, resulting from damage caused by water.
NOTE: This definition is referring to a water damaged vehicle that an insurance company has paid a total loss on, and the insurance company is required to get a salvage "rebuildable flood" title in their name.
9. "Non-conforming vehicle" means a motor vehicle which has been purchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681, Florida Statutes.
10. "Settlement" means an agreement entered into between a manufacturer and a consumer that occurs after a dispute is submitted to a program, or an informal dispute settlement procedure established by a manufacturer or is approved for arbitration before the New Motor Vehicle Arbitration Board as defined in section 681.102, Florida Statutes.

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11. “Custom vehicle” means a motor vehicle that:
- a. Is 25 years of age or older and of a model year after 1948 or was manufactured to resemble a vehicle that is 25 years of age or older and of a model year after 1948; and
 - b. Has been altered from the manufacturer’s original design or has a body constructed from nonoriginal materials.

The model year and year of manufacturer that the body of a custom vehicle resembles is the model year and year of manufacture listed on the certificate of title, regardless of when the vehicle was actually manufactured.

12. “Street rod” means a motor vehicle that:
- a. Is of a model year of 1948 or older or was manufactured after 1948 to resemble a vehicle of a model year of 1948 or older; and
 - b. Has been altered from the manufacturer’s original design or has a body constructed from non-original materials.

The model year and year of manufacturer that the body of a street rod resembles is the model year and year of manufacture listed on the certificate of title, regardless of when the vehicle was actually manufactured.

Section 319.23(2), Florida Statutes, provides that the applicant for a certificate of title shall indicate on the application if the motor vehicle is to be used as a taxicab, police vehicle, or lease vehicle or if the motor vehicle or mobile home is a rebuilt vehicle, as those terms are defined in s. 319.14. Upon issuance of a certificate of title for such vehicle, the department shall stamp, in a conspicuous place on the title, words stating the nature of the proposed use of the vehicle or stating that the vehicle has been rebuilt and may have previously been declared a total loss vehicle due to damage. This subsection applies to a mobile home, travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer only when the mobile home or vehicle is a rebuilt vehicle as defined in s. 319.14.

Section 319.14 (4), Florida Statutes, reads: If a certificate of title, including a foreign certificate, is branded to reflect a condition or prior use of the title vehicle, the brand must be noted on the registration certificate of the vehicle and such brand shall be carried forward on all subsequent certificates of title and registration certificates issued for the life of the vehicle.

Section 319.14 (9) subsections (1), (2) and (3) of section 319.14, Florida Statutes, do not apply to the transfer of ownership of a motor vehicle after the motor vehicle has ceased to be used as a lease vehicle and the ownership has been transferred to an owner for private use or to the transfer of ownership of a non-conforming vehicle with 36,000 or more miles on its odometer, or 34 months whichever is later and the ownership has been transferred to an owner for private use. Such owner, as shown on the certificate of title, may request the department to issue a corrected certificate of title that does not contain the statement of the previous use of the motor vehicle as a lease vehicle or condition as a non-conforming vehicle.

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Section 319.30(1)(i), Florida Statutes, defines “late model vehicle” as a motor vehicle that has a manufacturer’s model year of 7 years or newer.

Section 319.30(3)(a)(2), Florida Statutes, states, A motor vehicle or mobile home shall not be considered a “total loss” if the insurance company and owner of a motor vehicle or mobile home agree to repair, rather than to replace, the motor vehicle or mobile home. However, if the actual cost to repair the motor vehicle or mobile home to the insurance company exceeds 100 percent of the cost of replacing the wrecked or damaged motor vehicle or mobile home with one of like kind and quality, the owner shall forward to the department, within 72 hours after the agreement, a request to brand the certificate of title with the words “Total Loss Vehicle.”

Section 319.30(3) (b), Florida Statutes, provides that if the estimated costs of repairing the physical and mechanical damage to the **mobile home** are equal to 80 percent or more of the current retail cost of the **mobile home**, as established in any official **used mobile home guide**, the department shall declare the **mobile home** unrebuildable and print a certificate of destruction, which authorizes the dismantling or destruction of the **mobile home**. **This does not apply to mobile homes worth less than \$1500 retail just prior to sustaining the damage that resulted in the total loss.**

For a late model vehicle with a retail value of at least \$7,500, as established in any official used car guide or valuation service, and the estimated costs to repair the physical and mechanical damage to the vehicle are equal to 90 percent or more of the current retail value, the department shall declare the vehicle unrebuildable and print a certificate of destruction, which authorizes the dismantling or destruction of the motor vehicle.

However, if the damaged motor vehicle (van) is equipped with custom-lowered floors for wheelchair access or a wheelchair lift, the insurance company may, upon determining that the vehicle is repairable to a condition that is safe for operation on public roads, submit the certificate of title to the department for reissuance as a salvage rebuildable title and the addition of a title brand of “insurance declared total loss.”

If a total loss vehicle has a current retail value of less than \$7,500, as established in any official used motor vehicle guide or valuation service, or the vehicle is not a late model vehicle, and the vehicle is damaged, wrecked, or burned to the extent that the only residual value of the motor vehicle is a source of parts or scrap metal or if the vehicle comes into the state under a title or other ownership document that indicates the vehicle is not repairable, is junked or is for parts or dismantling only, the owner or insurance company shall obtain a certificate of destruction.

Section 320.01(42), Florida Statutes, defines “Low-speed vehicle” as any four-wheeled vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including, but not limited to, neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122.

When certificates of title previously branded “Water Damage” are re-issued, they will show the brand “Flood Damaged.” “Assembled Kit” brand will convert to “Kit.”

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II. DOCUMENTATION AND SPECIAL INSTRUCTIONS:

- A. Any time a motor vehicle is branded on a certificate of title as, Assembled from Parts (ASPT), Flood Damaged, Glider, Kit, Low Speed Vehicle, Police, Rebuilt, Replica, Taxi, custom vehicle, street rod, and “Total Loss” or “Insurance Declared Total Loss,” all subsequent certificates of title shall carry that brand forward for the life of the motor vehicle.
- B. When a motor vehicle is a long term lease (12 months or more), the use code of “Long-Term Lease” must be used. “Private” will print on the face of the certificate of title and the reduced title fees will be charged.
- C. When a motor vehicle is a short term lease (less than 12 months), the use code of “Short-Term Lease” must be used. “Lease” will print on the face of the certificate of title and the reduced title fees will be charged.
- D. Any time a motor vehicle is used and branded as a “Lease” vehicle, it shall carry that brand forward on all subsequent certificates of title and registrations if it continues to be used for lease purposes. When the motor vehicle ceases to be used for lease purposes, the owner can have the designation of “Lease” removed from the certificate of title regardless of the year it was originally placed, by submitting the certificate of title and an affidavit requesting the removal of the word “Lease” from the certificate of title.
- E. If the vehicle has ceased to be used for lease purposes and the applicant wishes to remove “Lease” from the title at the time of transfer, they should complete HSMV Form 82040 and check the “Private Use” box. HSMV Form 82041 is also acceptable, if the applicant signs the form and the designation of “Private” is shown in the usage block.

NOTE: The “Lease” brand may not be removed from the title at the time of transfer when a motor vehicle dealer is making application for title in their name.

- F. If a motor vehicle is branded in error, or has not been used as the brand indicates, the certificate of title can be corrected by submitting:
 - 1. An affidavit, from the current owner, stating the circumstance of the error and that the motor vehicle has never been used as branded. The affidavit should state what the usage should be.
 - 2. The certificate of title.

NOTE: Title fees are not required for correction of an error if an agent of the department made the error. Fees must be charged if it is clear that an agent of the department did not make the error.

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- G. When a vehicle has been repurchased by a manufacturer pursuant to a settlement or decision under Chapter 681, Florida Statutes (Lemon Law), the department will brand the words “Manuf Buy Bk” on the face of the title.

This does not apply to the transfer of ownership of a non-conforming vehicle with 36,000 or more miles on its odometer, or 34 months whichever is later and the ownership has been transferred to an owner for private use. The owner, as shown on the certificate of title, may request the department to issue a corrected certificate of title that does not contain the statement of the previous condition of the vehicle as a non-conforming vehicle.

If a manufacturer has repurchased a vehicle pursuant to a settlement or decision, a certificate of title must be issued in the name of the manufacturer. See DMS Procedure TL-34, Manufacturer’s Buy Back (Lemon Law) for detailed instructions.

- H. A taxicab is a public passenger vehicle, usually fitted with a taximeter.

III. MISCELLANEOUS INFORMATION:

- A. The brand “Flood Damaged” will be carried forward on the Florida certificate of title when the out-of-state proof of ownership has been branded “Water Damage” or “Flood Damage.” An applicant must submit the unbranded Florida certificate of title or the out-of-state ownership and comply with DMS Procedure TL-37, Section II, A, 2-8 to have the Florida certificate of title branded in the following instances:

- If “Water Damage” is physically stamped on the out-of-state proof of ownership.
- If “Flood Damage” is physically stamped on the out-of-state proof of ownership.
- If the Florida certificate of title does not reflect “Flood Damage,” however the dealer or applicant submits an affidavit stating they know that the motor vehicle or mobile home has sustained water damage.
- If the out-of-state proof of ownership does not reflect “Flood Damage,” however the dealer or applicant submits an affidavit stating they know that the motor vehicle or mobile home has sustained water damage.

- B. See Forms Appendix for a sample of the HSMV forms referred to in this procedure.