

Florida

Department of Highway Safety and Motor Vehicles

Division of Motorist Services

PROCEDURE	SUBJECT:
TL-09	ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS
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 FOR OBTAINING PROPER ODOMETER DISCLOSURES FOR ALL CERTIFICATE OF TITLE APPLICATIONS IN ACCORDANCE WITH FEDERAL AND STATE REGULATIONS.</p>	
<p>I. PROVISIONS OF LAW:</p> <p>Section 319.21(2), Florida Statutes, provides that motor vehicle dealers may, in lieu of taking title in their name, reassign existing certificates of title as provided for in section 319.225, Florida Statutes.</p> <p>Section 319.225(1), Florida Statutes, provides that certificates of title shall contain warning statements about federal and state law regarding odometer disclosures.</p> <p>Section 319.225(2), Florida Statutes, provides that certificates of title shall contain forms for the transfer of certificates of title and forms for odometer disclosure statements that conform to federal rule.</p> <p>Section 319.225(3), Florida Statutes, states: "Each certificate of title issued by the department must contain on its reverse side as many forms as space allows for reassignment of title by a licensed dealer as permitted by s. 319.21(3), which form or forms shall contain an odometer disclosure statement in the form required by 49 C.F.R. s. 580.5. When all dealer reassignment forms provided on the back of the title certificate have been filled in, a dealer may reassign the title certificate by using a separate dealer reassignment form issued by the department in compliance with 49 C.F.R. ss. 580.4 and 580.5, which form shall contain an original that shall be submitted to the department by the dealer and a copy that shall be retained by the dealer in his or her records for 5 years. The provisions of this subsection shall also apply to vehicles not previously titled in this state and vehicles whose title certificates do not contain the forms required by this section."</p> <p>Section 319.225(4), Florida Statutes, provides that upon transfer or reassignment of a certificate of title, the transferor shall complete the odometer disclosure statement and the transferee shall acknowledge the disclosure by signing and printing their names in the spaces provided. The subsection provides an exemption for motor vehicles, which are 10 years old or older, motor vehicles with a gross vehicle weight rating of more than 16,000 pounds and motor vehicles which are not self-propelled.</p>	
<i>Revision(s) to this Procedure: Added a scenario on page 17, letter H.</i>	
EFFECTIVE DATE	REVISION DATE
Immediately	05/04/15

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE #	SUBJECT:
TL-09	<p style="text-align:center">ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS</p> <p>Section 319.225(5), Florida Statutes, prohibits a person from signing a disclosure statement as both transferor and transferee, unless done in compliance with subsection 319.225(6), Florida Statutes.</p> <p>NOTE: However, in the case of sole ownership of a dealership/company, there is no one else available to sign. Therefore, the disclosure would have to be made by the same person.</p> <p>Sections 319.225(6)(a) and (b), Florida Statutes, provide that if the certificate of title is physically held by a lienholder or has been lost or destroyed, a transferor may give a power of attorney to his or her transferee for purposes of odometer disclosure and provide for the content and use of such powers of attorney. The department shall not require the signature of the transferor to be notarized on the form; however, in lieu of notarization, the form shall include an affidavit with the following wording: Under penalty of perjury, I declare that I have read the forgoing document and that the facts stated in it are true.</p> <p>Section 319.225(7), Florida Statutes, provides that if a title is held electronically and the transferee agrees to maintain the title electronically, the transferor and transferee shall complete a secure reassignment document that discloses the odometer reading and is signed by both the transferor and transferee at the tax collector office or license plate agency. It further states the department must provide space on the certificate of title for separate dealer disclosure statements and for motor vehicle auctions to make notations.</p> <p>Section 319.225(8), Florida Statutes, requires that auctions make certain notations on certificates of title and on separate dealer odometer disclosure statements.</p> <p>Section 319.23(3), Florida Statutes, requires that an application for a certificate of title to a motor vehicle previously titled in another state be accompanied by a sworn affidavit by the owner that the odometer reading on the motor vehicle is identical to that in the affidavit.</p> <p>II. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:</p> <p>A. Federal regulations regarding odometer disclosure require that disclosures be made on all transfers of ownership on documents by a secure printing process or by other secure means. Federal rule specifies that transferors (sellers) are to make odometer disclosures by signing and printing their name and transferees (buyers) are to acknowledge disclosures by signing and printing their name. The rule specifies that odometer disclosure statements are to contain the following information:</p> <ol style="list-style-type: none">1. The current odometer reading.2. The date the odometer was read.
PAGE #	TL-09-02

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE #	SUBJECT:
TL-09	ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS

3. The transferor's certification that the mileage is:
 - (a) Actual
 - or,
 - (b) In excess of the mechanical limits of the odometer
 - or,
 - (c) Not actual and should not be relied on.

NOTE: Please ensure that ONE of the above three odometer statements (II, A, 3, a-c) is properly recorded. Any alteration to these statements and/or the use of "true mileage unknown (TMU)" or "exceeds true mileage (ETM)" are in violation of state and federal laws and must be rejected.

An odometer reading of 100,000 miles or more may not necessarily be incorrect if the vehicle has a six-digit odometer. A six-digit odometer does not require the box "In Excess Of Its Mechanical Limits" to be checked.

4. The transferor's name and current address.
5. The transferee's name and current address.
6. The signature and printed name of the transferor and the transferee.

NOTE: Do NOT reject the documentation if the "printed name" is not hand written (Example: typed, stamped, etc.). However, the documentation must be rejected if the "printed name" is left blank.

7. The motor vehicle description to include make, model, year, body type, and vehicle identification number.

The box, "Odometer Reading is Not Actual Mileage, Warning Odometer Discrepancy" should be checked if the mileage is incorrect or if there is definite knowledge that the odometer reading is not the actual mileage. The actual mileage appearing on an odometer only exceeds its mechanical limits if the odometer is in working order and has rolled over maximum reading capability.

ODOMETER READING CAPABILITY

<u>TYPE</u>	<u>MAXIMUM READING</u>
Five Digits	99,999.9
Six Digits	999,999.9

NOTE: Do not write in the tenths block.

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE # TL-09	SUBJECT: ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS
<p>NOTE: When a business (who sells salvage vehicles) is NOT able (due to no keys, no battery, burned vehicle, etc.) to obtain an odometer reading for an inoperable vehicle, the person making the odometer declaration on the required documentation should enter "9s" in all of the odometer spaces along with "Not Actual Miles." Since it is unlikely a motor vehicle would have such a reading, this would indicate there was a problem obtaining the reading. An affidavit must be submitted with the required documentation stating why the odometer reading could not be obtained.</p> <p>B. Transactions Requiring Odometer Disclosure or Declaration and Exemption:</p> <ol style="list-style-type: none">1. State law regarding odometer disclosure provides that the reading shall be recorded at the time of any title activity. Federal odometer disclosure statements or odometer declarations are required on the following transactions:<ol style="list-style-type: none">a. New car original.b. Used car original.c. Transfer.d. Duplicate.e. Original salvage certificate of title.f. Duplicate with transfer.g. Title reinstatement. <p>NOTE: NON-EXEMPT VEHICLES - If no reading is shown in the odometer disclosure/declaration area on the title and/or the application for title, the paperwork must be rejected. Refer to TL-09, II, J, 1, for the additional documentation required.</p> <ol style="list-style-type: none">2. The following motor vehicles are EXEMPT from all odometer disclosure statements or odometer declarations:<ol style="list-style-type: none">a. Any motor vehicle that is 10 calendar years old or older as of January 1 of the current year.	
PAGE #	TL-09-04

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE #	SUBJECT:
TL-09	<p style="text-align:center">ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS</p> <p>NOTE: <u>EXEMPT VEHICLES</u> - A vehicle should not be automatically exempted if an odometer reading is available. If current mileage, date read and odometer status (actual, exceeds or not actual) are shown in the odometer disclosure/declaration area on the title ("Transfer of Title By Seller" section) and/or the application for title, this information should be entered when processing the application, unless the previous motor vehicle record was shown as exempt. If there is an odometer error on the title and accompanying paperwork, and the customer requests that the vehicle be marked as exempt, rather than obtaining corrected odometer disclosures/affidavits, this request should be noted in the "Comment Desc." field and the transaction processed as exempt. If the customer chooses to place the wording "exempt" for the odometer reading in lieu of the mileage, date read and odometer status, or leaves the odometer reading blank, do not reject their paperwork, since the odometer reading is not required on an exempt vehicle.</p> <p style="padding-left: 40px;">b. Any motor vehicle that has a gross vehicle weight rating (GVWR) of more than 16,000 pounds.</p> <p>NOTE: GVWR means the value specified by the MANUFACTURER as the loaded (maximum permissible) weight of a single vehicle.</p> <p style="padding-left: 40px;">c. Any motor vehicle that is not self-propelled.</p> <p style="padding-left: 40px;">d. Any new motor vehicle, covered by an MCO, transferred between dealers (dealer swaps).</p> <p>NOTE: Some exceptions to this exemption that would require an odometer declaration, not a disclosure, are:</p> <ul style="list-style-type: none">• When an MCO is assigned to a dealership and the dealership chooses to take title in its name.• When a dealership transfers a new motor vehicle to another dealership and that dealership chooses to take title in its name. <p style="padding-left: 40px;">e. Low speed electric vehicles.</p> <p style="padding-left: 40px;">f. Off-Highway vehicles.</p> <p>NOTE: When a motor vehicle is exempt and the exemption is reflected on the motor vehicle database, the reading will not subsequently reflect actual mileage. If a power of attorney is needed for a motor vehicle that is exempt from odometer disclosure, use form HSMV 82053, Power of Attorney. The form HSMV 82995, Motor Vehicle Power of Attorney/Odometer Disclosure, should not be used.</p> <p>C. Conforming and Nonconforming Certificates of Title:</p> <ol style="list-style-type: none">1. All certificates of title with a title revision date of 1/90 issued by the state of Florida conform to federal law and rules. The Division of Motorist Services began using these titles on April 29, 1990. They conform by having the full odometer disclosure statement elements outlined in Section II, A, of this procedure and are referred to as "conforming" certificates of title.2. All certificates of title issued by the state of Florida with a revision date prior to 1/90 are considered to be "nonconforming" certificates of title.
PAGE#	TL-09-05

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE #	SUBJECT:
TL-09	<p style="text-align:center">ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS</p> <p>D. Separate Odometer Disclosure Statement and Acknowledgment (HSMV 82993): Form HSMV 82993, Separate Odometer Disclosure Statement and Acknowledgment, in conjunction with Code of Federal Regulations, 49 C.F.R, ss. 580.04 and 580.13, was designed to be used when a person buys, sells, trades, or gives a motor vehicle, not exempt from the odometer law, to an individual or company. Two original forms HSMV 82993, Separate Odometer Disclosure Statement and Acknowledgment, must be completed and exchanged between the transferor (seller) and transferee (purchaser).</p> <p>NOTE: This form may also be used by a dealership in the same capacity as any separate odometer disclosure statement as required by federal law. The dealership would be required by federal law to retain a copy of this executed document in their files for five years.</p> <p>E. Motor Vehicle Dealer Title Reassignment Supplement (HSMV 82994):</p> <ol style="list-style-type: none">1. Form HSMV 82994, Motor Vehicle Dealer Title Reassignment Supplement, is a secure form which is filed as follows:<ol style="list-style-type: none">a. The ORIGINAL form is required to be attached to the certificate of title or the manufacturer's certificate of Origin (MCO) being surrendered with the application for title.b. The COPY of the form is for the dealer's record and must be retained by the dealer for a period of five years. <p>NOTE: If the dealer sells the vehicle to an out of state resident or an out of state dealer (and the form is applicable to the transaction), they must photocopy the completed original of the form and mail directly to Division of Motorist Services (DMS) within 5 business days after the <u>title and form are delivered by the dealer to its purchaser.</u></p> <p>It is used to reassign a certificate of title and make odometer disclosures between licensed dealers or between dealers and their retail buyers.</p> <ol style="list-style-type: none">2. Form 82994, Motor Vehicle Title Reassignment Supplement, can only be used by a licensed motor vehicle dealer to reassign a certificate of title or other form of proof of ownership issued by another state or foreign country, to another dealer or retail purchaser.3. Form HSMV 82994, Motor Vehicle Title Reassignment Supplement, must be used by dealers:<ol style="list-style-type: none">a. With conforming Florida Certificates of Title to make additional dealer reassignments and odometer disclosures when <u>all</u> reassignment and odometer disclosure spaces on the reverse side of the certificate of title have been used.b. With nonconforming Florida Certificates of Title to make reassignments and odometer disclosures.
PAGE #	TL-09-06

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE # TL-09	SUBJECT: ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS
<p style="margin-left: 40px;">c. With a conforming MCO, when the MCO is not available at the time of sale.</p> <p style="margin-left: 40px;">d. With all out-of-state nonconforming certificates of title to make dealer reassignments and odometer disclosures.</p> <p>NOTE: When a motor vehicle is traded or assigned to a dealer and a conforming certificate of title is provided as proof of ownership, all dealer reassignments on the conforming Florida Certificate of Title must be completed before a form HSMV 82994 can be used. Florida law and federal regulations do not permit a dealer to jump off the original certificate of title, even in situations when the certificate of title is with a floor planner. If a dealer jumps from the conforming certificate of title to the form HSMV 82994 and all reassignments on the actual certificate of title have not been completed, the application for certificate of title must be rejected.</p> <p>Dealers involved in the transaction chain must complete the Florida Certificate of Title reassignments with all required information, including addresses. However, auctions are only required to show their name and license number, located on its reverse side. When all reassignments are completed, the subsequent dealers may then complete the form HSMV 82994 up through an assignment to a retail customer.</p> <p>If a Florida dealer jumps from the conforming certificate of title to the form HSMV 82994 and a subsequent dealer jumps back to the conforming certificate of title, in the same chain, the Florida dealer that jumped off the conforming certificate of title must first apply for a certificate of title in their name.</p> <p>EXCEPTION: The department does not have the authority to regulate out-of-state dealers involving non-compliance of this requirement. Therefore, in situations where this occurs involving an out-of-state dealer, do not reject the customer's paperwork.</p> <p>Once the title is issued in the Florida dealership's name, that dealership must reassign the title to the next Florida dealer in sequence and continue with the dealer reassignments on the title to each subsequent Florida dealer. After all dealer reassignments have been used on the certificate of title, form HSMV 82994, Motor Vehicle Title Reassignment Supplement or form HSMV 82091, Reassignment Supplement To A Certificate Of Title, must be used to continue the chain of any additional reassignments. Form HSMV 82091, Reassignment Supplement To A Certificate Of Title may only be used on non-conforming certificates of title.</p> <p>NOTE: Florida dealer to Florida dealer reassignments must be completed on conforming out-of-state certificates of title, even if that state's title reassignment specifies "Reassignment By (example: Oklahoma) Dealer," in lieu of using form HSMV 82994, Motor Vehicle Title Reassignment Supplement. This requirement is pursuant to section 319.225(3), Florida Statutes. However, if the reassignment by a licensed dealer is on a non-conforming certificate of title, the form HSMV 82994 must be completed and submitted with the application for a certificate of title.</p>	
PAGE #	TL-09-07

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE #	SUBJECT:
TL-09	<p style="text-align:center">ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS</p> <p>NOTE: If certain alterations/discrepancies (see list below) are made on the form HSMV 82994, a letterhead affidavit from the dealership/business explaining the error(s) would be acceptable.</p> <ul style="list-style-type: none">• Incorrect make, model, or body description.• Incorrect address for the seller, purchaser or dealership/business. <p>F. Form HSMV 82995, Motor Vehicle Power of Attorney/Odometer Disclosure:</p> <ol style="list-style-type: none">1. Form HSMV 82995, Motor Vehicle Power of Attorney/Odometer Disclosure, is a secure form which is filed as follows:<ol style="list-style-type: none">a. The ORIGINAL form must be attached to the certificate of title when it is obtained and is to remain with the title until the application for title is made for the purchaser. The full name of the appointed Power of Attorney is required on form HSMV 82995.b. The COPY of the form is for the dealer's record and must be retained by the dealer for a period of five years. <p>NOTE: If the dealer sells the vehicle to an out of state resident or an out of state dealer (and the form is applicable to the transaction), the dealer must photocopy the completed original of the form and mail directly to DMS within 5 business days after the certificate of title and dealer reassignment form are delivered by the dealer to its purchaser.</p> <ol style="list-style-type: none">2. Federal and state law prohibits an individual who has been appointed as an attorney-in-fact from acting as both transferor (seller) and transferee (buyer) for purposes of completing odometer disclosure statements in conjunction with the transfer of ownership of a motor vehicle, unless a secure power of attorney form is used. <p>EXCEPTION: In the case of sole ownership of a dealership/company, the disclosure would be made by the same person. Therefore, the secure power of attorney would not be needed.</p> <ol style="list-style-type: none">3. This secure power of attorney form is only to be used when an individual appointed as the attorney-in-fact is acting as both transferor and transferee for purposes of completing the odometer disclosure statement in conjunction with the transfer of ownership of a motor vehicle. This form may be used when:<ol style="list-style-type: none">a. The certificate of title is physically being held by the lienholder, and is not available for endorsement by the transferor (seller) for the purpose of transferring ownership of the motor vehicle and odometer disclosure.
PAGE #	TL-09-08

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE #	SUBJECT:
TL-09	<p style="text-align:center">ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS</p> <p>NOTE: When a title transaction is processed electronically (ELT), a physical title does not print until the lienholder requests a paper title, therefore, if a certificate of title is submitted for transfer using a secure power of attorney and the previous title transaction was electronic (ELT), the secure power of attorney would be acceptable.</p> <p style="padding-left: 40px;">b. The certificate of title is lost, and is therefore not available for endorsement by the transferor (seller) for the purpose of transferring ownership of the motor vehicle and odometer disclosure.</p> <p>NOTE: There are instances when a company is shown as owner and lienholder on the front of the title. An authorized agent of the company will sign on the face of the certificate of title and then send the title to another department for the lien to be satisfied. This may take a few days to a few weeks. This may look like the title was not available at the time of sale; however, it was available and is being endorsed by an authorized agent of the company (the owner). This situation would not require a secure power of attorney.</p> <p>NOTE: Form HSMV 82995, Motor Vehicle Power of Attorney/Odometer Disclosure, does not authorize the attorney-in-fact to assign or designate an alternate agent to act as the attorney-in-fact. The full name of the appointee is required on form HSMV 82995.</p> <p>NOTE: If certain alterations/discrepancies (see list below) are made on the form HSMV 82995, a letterhead affidavit from the dealership/business explaining the error(s) would be acceptable.</p> <ul style="list-style-type: none">• Incorrect make, model, or body description.• Incorrect address for the seller, purchaser or dealership/business.• Incorrect date in section C. <p>G. Persons authorized to use form 82995, Motor Vehicle Power of Attorney/Odometer Disclosure, when certificate of title is lost or being held by the lienholder:</p> <p>NOTE: Only the <u>ORIGINAL</u> form HSMV 82995, Motor Vehicle Power of Attorney/Odometer Disclosure, will be accepted.</p> <p>1. Transferors (sellers) must complete "Part A" of the form HSMV 82995 when transferring their ownership interest in a motor vehicle to a transferee (dealership/business) and the certificate of title is not available for odometer disclosure. The transferee (dealership/business) will use this secure power of attorney to make the required odometer disclosure on behalf of the transferor, when the title is received.</p>
PAGE #	TL-09-09

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE #	SUBJECT:
TL-09	<p style="text-align:center">ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS</p> <p>2. Transferee (dealership/business) who is obtaining ownership of the motor vehicle described on this form from the transferor (seller). The transferee (dealership/business) will use this secure power of attorney to make the required odometer disclosure on behalf of the transferor (seller), once the title is received. The transferor AND transferee must complete "Part A" of the form. When the odometer information is transferred to the certificate of title, "Part C" must be completed by the dealership/business. The person for the dealership/business transferring the odometer information to the certificate of title must be the same person signing in Part C.</p> <p>NOTE: The transferor (seller) should appoint "dealership/business" as their attorney-in-fact in Part A and not an individuals' name with the dealership/business. This would allow any agent with the dealership to sign in Part A and Part C of the form. The agent signing in Part A and Part C would not have to be the same person.</p> <p>3. A new purchaser(s) who is obtaining ownership of the motor vehicle from the dealership/business, prior to the title being received by the dealership/business. The dealership/business will use this secure power of attorney to make the required odometer disclosure on behalf of the new purchaser, once the title is received. The new purchaser and the dealership/business must complete part B of the form. When the odometer information is transferred to the certificate of title, "Part C" must be completed by the dealership. The date in "Part C" should not be prior to the title issue date or prior to the date of the lien satisfaction on the title, otherwise, a letterhead affidavit of explanation would be required from the dealership.</p> <p>NOTE: Parts B and C of this form MAY NOT be used without using Part A. Conditions for use of Part A, as previously stated, must be met before Parts B and C may be used. Any HSMV 82995, Motor Vehicle Power of Attorney/Odometer Disclosure, submitted without Part A completed, voids the document.</p> <p>H. Non-Secure Power Of Attorney (Limited):</p> <p>1. Form HSMV 82053, Power of Attorney:</p> <p>a. This form may be used by an individual appointed as attorney-in-fact when completing an odometer disclosure statement as transferor (seller) only or transferee (purchaser) only. It is also recommended to use this form for any motor vehicle that is exempt from state and federal odometer disclosure requirements.</p>
PAGE #	TL-09-10

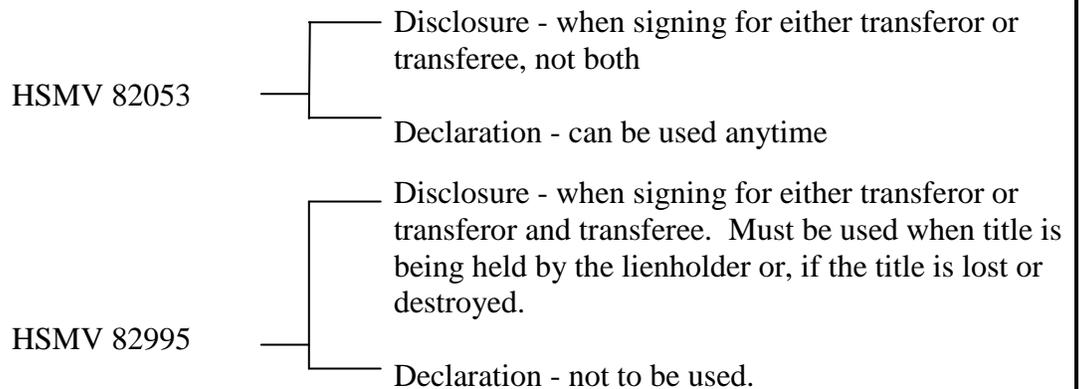
STATE OF FLORIDA
Division of Motorist Services

PROCEDURE # TL-09	SUBJECT: ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS
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- b. The seller (transferor) or buyer (transferee) cannot lawfully use form HSMV 82053, Power of Attorney, to appoint a licensed Florida motor vehicle dealer, an insurance company, an employee of a licensed Florida motor vehicle dealer or insurance company as attorney-in-fact to execute a conforming certificate of title.

The individual appointed must be an independent third party who is not associated with the dealership or insurance company in any capacity. The transferor (seller) cannot lawfully appoint an insurance company, a dealer, or any employee of such dealer, as attorney-in-fact using a non-secure power of attorney to sign a copy of an odometer disclosure statement for the purpose of completing odometer disclosure for both the transferor (seller) and transferee (buyer). A licensed motor vehicle dealer or an insurance company, including all employees, is considered one legal entity. Appointments defined above are permitted with the use of the secure power of attorney, form HSMV 82995, Motor Vehicle Power of Attorney/Odometer Disclosure. (see Section G, 1.)

NOTE: Original or a certified copy of form HSMV 82053, Power of Attorney, must accompany title documents submitted with application for Florida Certificate of Title showing the full name of the appointee.



NOTE: If the transaction is between individuals, the seller cannot appoint the buyer, nor the buyer appoint the seller power of attorney to sign an odometer disclosure.

- I. Form HSMV 82996, Motor Vehicle Dealer/Auto Auction or Customer Odometer Affidavit:

This form may be used by a customer (may be an individual or company), auction, or dealer (as supporting documentation) to verify that a specific motor vehicle has either a five (5) or six (6) digit odometer.

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE #	SUBJECT:
TL-09	<p style="text-align:center">ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS</p> <p>Example: A title reassignment shows the odometer reading for the motor vehicle as 124,000 Actual Miles. However, because the vehicle has only a five (5) digit odometer, the reading is not correct. Therefore, the reading should be 24,000 Exceeds Mechanical limits. The form HSMV 82996, Motor Vehicle Dealer/Auto Auction or Customer Odometer Affidavit, would help to correct this issue.</p> <p>J. Odometer Disclosure and Declaration Review Process:</p> <p>Certificate of title applications and other related documents containing odometer disclosure or declaration forms or spaces which are filed with the department, tax collector or license plate agent shall be reviewed and examined for omissions, alterations and discrepancies.</p> <p>For purposes of reviewing and examining odometer disclosures and declarations on certificate of title application documentation, the following definitions and procedures should be used:</p> <ol style="list-style-type: none">1. Omission:<p>An omission is defined as omitting all or part of a required odometer reading on any odometer disclosure document where such information is required on the form, e.g., the date of reading, status certification, the signature, the printed name and address.</p><p>When there is an omission of odometer data on a conforming Florida or out-of-state certificate of title, the application must be rejected for correction of the omission.</p><p>The applicant must correct the omission by submitting an original (or a copy) of an accurately completed form HSMV 82993, Separate Odometer Disclosure Statement and Acknowledgment, or, If a dealer is involved, an accurately completed form HSMV 82994, Motor Vehicle Title Reassignment Supplement (if applicable), a copy of an accurately completed odometer disclosure statement or a copy of an accurately completed form HSMV 82993, Separate Odometer Disclosure Statement and Acknowledgment.</p>2. Alterations:<p>An alteration is defined as a strike over, erasure, ink-over, white-out or any other method of change made to an odometer disclosure statement required to be filed as part of a certificate of title application. See <u>Discrepancies</u> for corrective action to allow the application to be processed.</p>
PAGE #	TL-09-12

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE #	SUBJECT:
TL-09	<p style="text-align:center">ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS</p> <p>3. Discrepancies:</p> <p>a. A discrepancy is defined as:</p> <ol style="list-style-type: none">1) An odometer reading which appears on a certificate of title or other documents submitted with application for a certificate of title which is lower than the previously recorded mileage (either on the face of the certificate of title or the motor vehicle data base);<p style="text-align:center">or,</p>2) An odometer date which appears on a certificate of title or other documents submitted with the application for a certificate of title which proceeds (<u>is before</u>) a previously recorded date (either on the face of the certificate of title or the motor vehicle database). <p>NOTE: The following may also be considered as discrepancies:</p> <ul style="list-style-type: none">• A title reassignment shows the odometer reading for the motor vehicle as 124,000 Actual Miles. However, because the vehicle has only a five (5) digit odometer, the reading is not correct. Therefore, the reading should be 24,000 Exceeds Mechanical limits.• A title reassignment shows the odometer reading for the motor vehicle as 124,000 Exceeds Mechanical Limits. However, because the vehicle has a six (6) digit odometer, the reading is not correct. Therefore, the reading should be 124,000 Actual Miles.• The reading changes from a 5 digit to a six digit (or vice versa) in the paperwork. <p>A completed form HSMV 82996, Motor Vehicle Dealer/Auto Auction or Customer Odometer Affidavit, would help to correct these issues, as it verifies that a specific motor vehicle has either a five (5) or six (6) digit odometer.</p> <p>b. Whenever there is an alteration or discrepancy in the odometer disclosure on any documentation submitted with the application for a certificate of title, the application must be accompanied by the following, to correct the alteration or discrepancy:</p> <ol style="list-style-type: none">1) An original (or a copy) of an accurately completed form HSMV 82993, Separate Odometer Statement and Acknowledgment. or If a dealer is involved, an accurately completed form HSMV 82994, Motor Vehicle Title Reassignment Supplement (if applicable), a copy of an accurately completed odometer disclosure statement or a copy of an accurately completed form HSMV 82993, Separate Odometer Disclosure Statement and Acknowledgment.
PAGE #	TL-09-13

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE # TL-09	SUBJECT: ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS
<p style="text-align:center">2) A notarized or perjury clause affidavit signed by the transferor (individual/non-dealer or dealer) explaining the reason for the alteration or discrepancy. If the affidavit is from a dealer, it should be on the dealership's letterhead stationery.</p> <p style="text-align:center">c. Applications submitted with alterations or discrepancies are subject to review by the Odometer Fraud Unit of the Department.</p> <p>NOTE: Any odometer brand from an out-of-state certificate of title shall be carried forward onto the Florida Certificate of Title. If an out-of-state certificate of title is submitted branded "Uncertified," the Florida Certificate of Title will be issued showing the odometer reading and status indicated on the form HSMV 82040, Application for Certificate of Title with/without Vehicle Registration. If the reading on form HSMV 82040 is lower than that on the out-of-state certificate of title, it is considered a discrepancy and is subject to review by the Odometer Fraud Unit of the Department.</p> <p>K. Correction Of An Odometer Reading Stated On Florida Certificate Of Title:</p> <p>1. When the certificate of title was issued correctly according to the documents submitted to the department, submit the following to the local tax collector's office.</p> <p>a. An original (or a copy) of an accurately completed form HSMV 82993, Separate Odometer Disclosure Statement and Acknowledgment, for casual sales. If a dealer is involved, an accurately completed form HSMV 82994, Motor Vehicle Title Reassignment Supplement, a copy of an accurately completed odometer disclosure statement or a copy of an accurately completed form HSMV 82993, Separate Odometer Disclosure Statement and Acknowledgment.</p> <p>b. A notarized or perjury clause affidavit from the transferor stating the correct odometer reading at time of sale, the date of the reading and an explanation of the error. If the affidavit is from a dealer, it should be on the dealership's letterhead stationery.</p> <p>c. The actual Florida Certificate of Title that needs correction.</p> <p>d. Microfilm or photocopy of the previously submitted form HSMV 82042, Vehicle Identification Number and Odometer Verification, or other documents showing the odometer reading at the time of the transaction.</p> <p>e. Title fees, if applicable.</p>	
PAGE #	TL-09-14

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE # TL-09	SUBJECT: ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS
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NOTE: Dealers are allowed to reassign the certificate of title to other dealers with the affidavits attached. When the motor vehicle is actually sold, all paperwork should be submitted to the license plate agency for processing.

CORRECTIONS (Omissions, Alterations, and Discrepancies)

Dealer to Dealer
Or
Dealer to Retail Buyer

_____ HSMV 82994, copy of an accurately completed odometer disclosure statement or a copy of an accurately completed form HSMV 82993

AND

_____ Letterhead affidavit signed by the dealer, explaining the error (required for alteration or discrepancy).

Individual to
Individual/Non-Dealer

_____ An original or a copy of an accurately completed form HSMV 82993

AND

_____ Affidavit signed by transferor explaining the error (required for alteration or discrepancy).

2. When the certificate of title was issued showing an incorrect odometer reading because of a Division of Motorist Services (including tax collector offices) error, submit the following to the local tax collector's office:
 - a. The actual Florida Certificate of Title that needs correction.
 - b. A notarized or perjury clause affidavit from the registered owner stating the odometer reading needs to be corrected.

NOTE: The license plate agency must obtain microfilm or imaged documents to verify the error. Title fees are not required for correction of errors, if the error was made by an agent of the department. However, fees must be charged if it is clear that the error was not made by any agent of the department.

L. Kilometer Odometers:

1. Replacing a Kilometer Odometer With A Mileage Odometer:

There are instances when a motor vehicle's odometer is measured in kilometers. This usually occurs in motor vehicles that are titled or registered in another country. If an owner of a motor vehicle wishes to replace the odometer that reads in kilometers with an odometer that reads in mileage, the following documents must be submitted:

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE #	SUBJECT:
TL-09	<p style="text-align:center">ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS</p> <ol style="list-style-type: none">a. The certificate of title.b. A letterhead affidavit from an authorized agent of the garage or repair shop licensed to replace kilometer odometer with mileage odometer. The affidavit must state that the kilometer odometer was replaced with a mileage odometer and that the mileage reflects the accurate conversion of kilometers to mileage.c. Title fees. <p>2. Converting a Kilometer Odometer to a Mileage Odometer: Some motor vehicles are equipped with a switch that allows the owner to read the odometer in kilometers or mileage. If the owner of a motor vehicle wishes to convert the odometer reading from kilometers to mileage, the following documents must be submitted:</p> <ol style="list-style-type: none">a. The certificate of title.b. An affidavit from the person who converted the kilometer odometer to a mileage odometer. The affidavit must state that the kilometer odometer was converted to a mileage odometer and that the mileage odometer reflects the accurate conversion of kilometers to mileage.c. Title fees. <p>NOTE: A certificate of title may be issued showing either a mileage or kilometer reading; however, once the unit of measurement for the odometer reading is chosen it must remain as such. The reading should not be converted back and forth from kilometers to mileage or mileage to kilometers.</p> <p>NOTE: The measurement used to convert kilometers to mileage is: Kilometers X .6214 The measurement used to convert mileage to kilometers is: Mileage X 1.609</p> <p>III. MISCELLANEOUS INFORMATION:</p> <p>A. Computer generated, laser printed or facsimile (stamped) signatures of the owner or co-owner are acceptable on applications for title, affidavits, etc., however, they are not acceptable when an odometer disclosure is required. The Code of Federal Regulations, 49 CFR s. 580.5(c), requires that a transferor of a motor vehicle provide an odometer disclosure statement which must be "signed by the transferor, including the printed name." Similarly, 49 CFR s. 580.5(f), requires that the transferee must "sign the disclosure statement and print their name." In accordance with these provisions, buyers and sellers must actually sign and print their names when completing odometer disclosure statements.</p> <p>EXCEPTION: Any Manufacturer's Certificate of Origin (new vehicle) submitted with electronic signatures in the odometer disclosure area, is acceptable.</p> <p>NOTE: Do NOT reject the documentation if the "printed name" is not hand written (Example: typed, stamped, etc.). However, the documentation must be rejected if the "printed name" is left blank.</p>
PAGE #	TL-09-16

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE #	SUBJECT:
TL-09	<p style="text-align:center">ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS</p> <p>B. 1. A current odometer reading is required on a duplicate or lost in transit application when applied for by the owner:</p> <ul style="list-style-type: none">• If the vehicle is less than 10 calendar years old and the mileage, date read and odometer status are missing, the application must be rejected.• If the vehicle is 10 calendar years or older, it is exempt from all odometer requirements. However, the vehicle should not be automatically exempted if an odometer reading is available. If current mileage, date read and odometer status (actual, exceeds or not actual) are shown in the odometer disclosure area on the duplicate application, this information should be entered when processing the application, unless the previous motor vehicle record was shown as exempt. If the customer chooses to place the wording "exempt" (exempt vehicle only) for the odometer reading in lieu of the mileage, date read and odometer status, do not reject their paperwork. <p>2. If a lienholder or lessor is applying for the duplicate or lost in transit, it is understood that the odometer reading may not be available. Therefore, if the mileage, date read and odometer status are not shown on the application, the odometer reading and date shown on the DMS database should be brought forward. If the DMS database does not show a date read, the last title issue date shall be used.</p> <p><u>C.</u> When an application for a "Lien Add" transaction is submitted to a county tax collector's office for a motor vehicle without an odometer reading, the odometer reading and date read on face of the Florida Certificate of Title must be brought forward.</p> <p><u>D.</u> Form HSMV 82995, Motor Vehicle Power of Attorney/Odometer Disclosure, can be used by individuals and is not limited to dealers or insurance companies. This form should never be signed by the transferee (buyer) without the form being completed in full.</p> <p><u>E.</u> If a motor vehicle odometer is broken, the seller must disclose this information to the purchaser and the certificate of title must be issued reflecting the odometer status as "NOT ACTUAL."</p> <p><u>F.</u> If a motor vehicle odometer is replaced, the certificate of title must reflect the odometer status as "NOT ACTUAL."</p> <p><u>G.</u> When a Florida Certificate of Title has been issued showing the odometer status as "EXEMPT," it can be <u>corrected</u> to show the "actual mileage" reading as long as a reading was placed on the certificate of title at the time of each sale and the chain of odometer readings was not broken.</p> <p><u>H.</u> <u>Scenario: A Florida Certificate of Title has been issued showing the odometer status as "EXEMPT." However, the new purchaser wants their title issued with a current reading. Is this acceptable?</u> <u>Answer: Yes. As long as the title is being issued with the odometer status as "NOT ACTUAL MILEAGE."</u></p> <p><u>I.</u> Low speed electric vehicles are exempt from the odometer disclosure laws. However, full size electric vehicles require an odometer disclosure.</p>
PAGE #	TL-09-17

STATE OF FLORIDA
Division of Motorist Services

PROCEDURE #	SUBJECT:
TL-09	<p style="text-align:center">ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS</p> <p><u>J.</u> Form HSMV 82091, Reassignment Supplement to a Certificate of Title, can only be used for motor vehicles that are exempt from the federal and state odometer disclosure laws.</p> <p><u>K.</u> If a vehicle is 10 calendar years or older, it is exempt from all odometer requirements. However, a vehicle should not be automatically exempted if an odometer reading is available. If current mileage, date read, and odometer status (actual, exceeds or not actual) are shown in the odometer disclosure/declaration area on the title ("Transfer of Title By Seller" section) and/or the application for title, this information should be entered when processing the application, unless the previous motor vehicle record was shown as exempt. If there is an odometer error on the title and accompanying paperwork and the customer requests that the vehicle be marked as exempt, rather than obtaining corrected odometer disclosures/affidavits, this request should be noted in the "Comment Desc." field and the transaction processed as exempt. If the customer chooses to place the wording "exempt" for the odometer reading in lieu of the mileage, date read, and odometer status, or leaves the odometer reading blank, do not reject their paperwork since the odometer reading is not required on an exempt vehicle.</p> <p><u>L.</u> Scenario: Vehicle is traded in to a dealership. The title is with the lienholder due to a recorded lien on the title. A form HSMV 82995 is completed by the customer and the dealership at the time of sale, showing the current odometer reading. When the title is received, the clerk transfers the odometer information to the title; however, he/she enters an incorrect reading, which does not match the reading on the HSMV 82995. What is needed to correct this error? Answer: The title, form HSMV 82995 showing the correct information, and a letterhead affidavit from the dealership explaining the error.</p> <p><u>M.</u> Scenario: Vehicle is traded in to a dealership. Customer has a title signed over to him, which was never transferred in his name. He submits the title to the dealership and completes a form HSMV 82995 at the dealership. Can the dealership use the form HSMV 82995 to transfer the information to the title when it is received? Answer: No. The form HSMV 82995 would not be acceptable in this situation. This situation does not meet the criteria of "title not available for endorsement," as the title should be in the customer's name prior to trading it in.</p> <p><u>N.</u> Motorcycles With No Odometer (Rebuilt/reconstructed):</p> <ol style="list-style-type: none">1. If a non-exempt (less than 10 years old) motorcycle does not have an odometer, show 999,999 "Not Actual Mileage" for the odometer reading.2. If an exempt (10 years or older) motorcycle does not have an odometer, show "exempt" for the odometer reading. <p><u>O.</u> When an application is received and the current record indicates 999,999 Not Actual, and the record needs to be corrected to indicate actual mileage, the following must be submitted:</p> <ol style="list-style-type: none">1. An affidavit from seller stating why the odometer reading showed 999,999 not actual.2. An affidavit from the purchaser stating what action was taken to show current odometer reading.3. Form HSMV 82993 or 82994 to show current reading.
PAGE #	TL-09-18

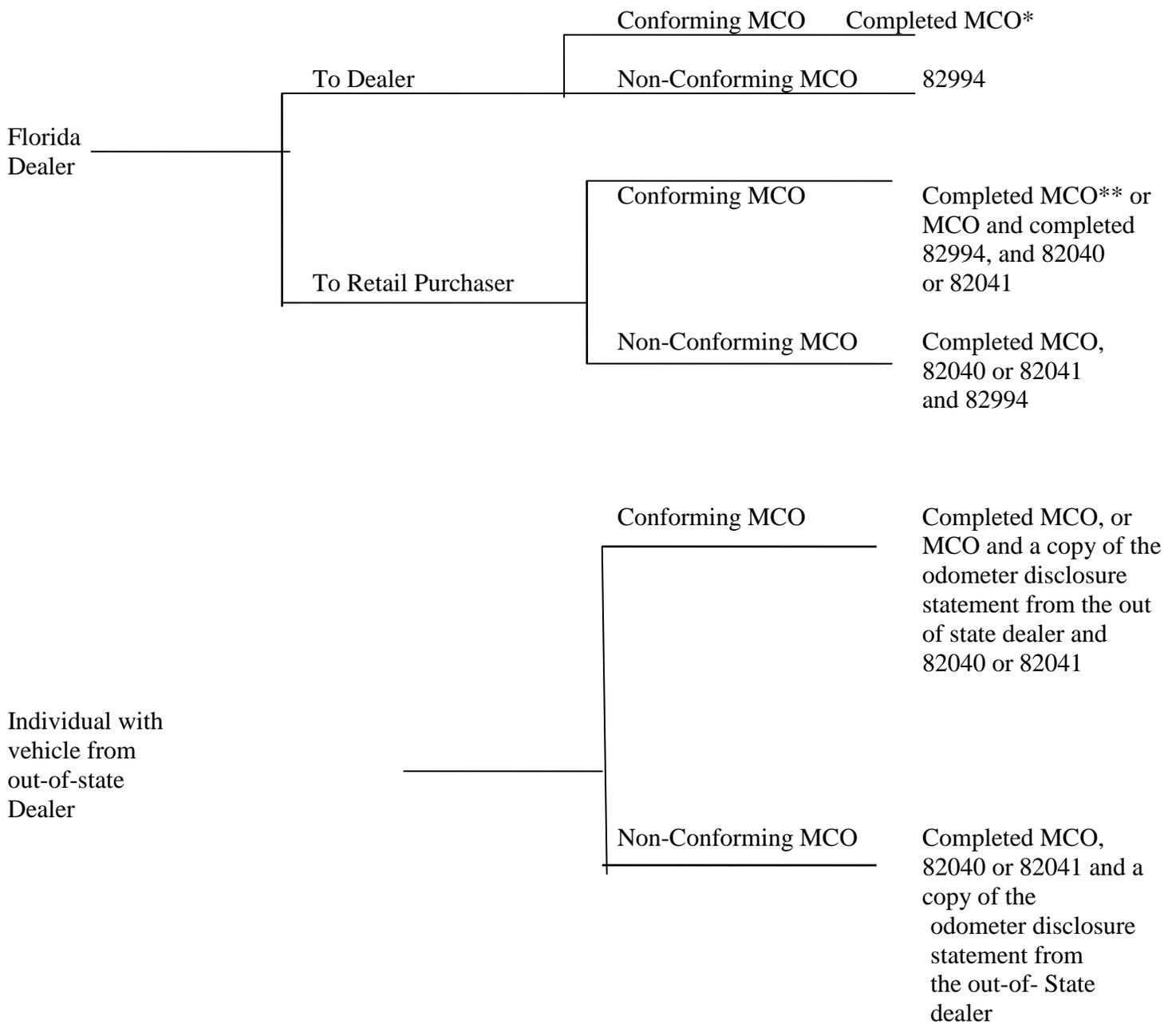
STATE OF FLORIDA
Division of Motorist Services

PROCEDURE #	SUBJECT:
TL-09	ODOMETER DISCLOSURE AND DECLARATION REQUIREMENTS
PAGE #	TL-09-19

- P.** Any entity selling mopeds OR selling motorcycles with a motor displacement of 50 CC's or less is NOT required to obtain a dealer's license. Therefore, since the entity is not a licensed dealer, it would be exempt from the requirements of having the customer complete an odometer disclosure statement at the time of sale. However, the odometer disclosure on the MCO must be completed. It is also suggested that a form HSMV 82993 be completed by both the seller and the buyer.
- Q.** If an out-of-state title has been issued showing an incorrect odometer reading on the face of the title, the error must be corrected in that state prior to being submitted to Florida.
- R.** If an out-of-state title (for an exempt vehicle) has been issued showing no odometer reading on the face of the title, the Florida title must be issued as exempt. However, the customer has the option to return the title back to the previous state for correction.
- S.** If an out-of-state title (for a non-exempt vehicle) has been issued showing no odometer reading or status on the face of the title, the error must be corrected in that state prior to being submitted to Florida.
- T.** If a customer has moved to Florida from out of state and applies for a Florida title, using the out of state title (non-exempt vehicle) previously issued in their name, they must provide a current odometer reading on the form HSMV 82040 or HSMV 82042, in lieu of using the old reading shown on the out of state title.
- U.** Flowcharts are attached to this procedure as Exhibits A, B, and C.
- V.** A "Definitions" page is attached as Exhibit D.
- W.** "Frequently Asked Questions With Answers" is attached as Exhibit E.
- X.** See Forms Appendix for a sample of the HSMV forms referred to in this procedure.

EXHIBIT A

NEW MOTOR VEHICLES



* For dealer to dealer reassignments, 82091 or 82994 may be used to supplement MCO when reassignment space is not available on MCO.

** For dealer to retail purchaser reassignment, 82994 may be used to supplement MCO when reassignment space is not available on MCO or the MCO is not available.

EXHIBIT B

**USED MOTOR VEHICLES
FLORIDA TITLE**

Florida Title	Florida Dealer to Dealer	Conforming	Reassignment section of certificate of title completed
		Non-Conforming	Reassignment section completed and a copy of the odometer disclosure statement or 82993 or 82994
	Florida Dealer to Retail Purchaser	Conforming	Reassignment section of title completed and 82040 or 82041
		Non-Conforming	Reassignment section completed and a copy of the odometer disclosure statement or 82993 or 82994 and 82040, 82041 or "Application for Title by Purchaser" section, completed on the Florida title
	Individual Casual Sale	Conforming	"Transfer of Title by Seller" section on title completed and 82040 or 82041
		Non-Conforming	"Transfer of Title by Seller" section on title completed, and 82040 or 82041 (82993 exchanged between parties)
	Insurance Company	Conforming	"Transfer of Title by Seller" section on title completed and 82363
		Non-Conforming	"Transfer of Title by Seller" section on title completed, and 82363 (82993 exchanged between parties)
	Salvage	Self Insured	82363

EXHIBIT C

**USED MOTOR VEHICLES
OUT-OF-STATE TITLE**

Out-of-State Title	Florida Dealer to Dealer	Conforming	Reassignment section of title completed	
		Non-Conforming	82994 completed	
	Florida Dealer to Retail Purchaser	Conforming	Reassignment section of title completed and 82040	
		Non-Conforming	82040 or 82041, 82042 and 82994	
	Individual from Out-of-State Dealer		82040 or 82041, 82042 and a copy of the odometer disclosure statement from the out-of- state dealer	
	Individual, No Transfer		82040 or 82041 and 82042	
	Individual Casual Sale		82040 or 82041, 82042 and 82993 exchanged between parties	
	Salvage Title	Insurance Company	Conforming	82040 or 82041, 82042 and 82363
			Non-Conforming	82040 or 82041, 82042, 82363 and 82993 exchanged between parties
		Self-Insured		82040 or 82041, 82042 and 82363

EXHIBIT D

DEFINITIONS

ALTERATION:	A strike over, erasure, ink over, white out or any other method of change to an odometer disclosure statement or odometer declaration.
CONFORMING:	A document containing an odometer disclosure statement as required by federal law.
DECLARATION:	An odometer verification statement signed by the owner of the motor vehicle.
DISCLOSURE:	An odometer verification statement requiring the transferor to state the odometer information and the transferee to acknowledge the statement.
DISCREPANCY:	Any error involving a current or prior odometer reading.
NON-CONFORMING:	A document that does not contain all the elements of a federal odometer disclosure statement.
OMISSION:	Any part of a required statement that has been left out.
TRANSFEE:	Buyer.
TRANSFEROR:	Seller.
UNCERTIFIED:	Some states brand the title "Uncertified" because a sale did not take place and an odometer disclosure did not have to be made. Some examples are: vehicle coming into their state with no ownership change, repossession, and when following deceased instructions.

EXHIBIT E

FREQUENTLY ASKED QUESTIONS WITH ANSWERS

Question #1

What is the difference between an odometer disclosure and odometer declaration?

Answer:

Odometer Disclosure: An odometer verification statement requiring the transferor to state the odometer information and the transferee to acknowledge the statement.

Example: An odometer disclosure is on the conforming MCO, conforming title, form HSMV 82994, and form HSMV 82995.

Odometer Declaration: An odometer verification statement signed by the owner of the motor vehicle.

Example: An odometer declaration is on the form HSMV 82040 and form HSMV 82041.

Question #2

When is a motor vehicle transaction exempt from odometer disclosure requirements?

Answer:

1. Any motor vehicle that is ten calendar years or older as of January 1 of the current year.
2. Any motor vehicle that is not self propelled.
3. Any motor vehicle that has a gross vehicle weight rating (GVWR) of more than 16,000 pounds.
4. Any new motor vehicle, covered by an MCO, transferred between dealers (dealer swaps).

Question #3

When may a form HSMV 82995, Motor Vehicle Power of Attorney/Odometer Disclosure, be used for a non-exempt motor vehicle transaction?

Answer:

Federal and state law prohibits an individual who has been appointed as attorney in fact from acting as both transferor (seller) and transferee (buyer) for the purpose of completing odometer disclosure statements in conjunction with the transfer of ownership of a motor vehicle unless a secure power of attorney form is used.

The department adopted form HSMV 82995 (secure power of attorney) to be used only when an individual appointed as the attorney in fact is acting as both transferor (seller) and transferee (buyer) for the purposes of completing the odometer disclosure in conjunction with the transfer of a motor vehicle in specified situations. They are:

1. When the certificate of title is physically held by the lienholder and is not available for endorsement by the seller for the purpose of transferring ownership of the motor vehicle and odometer disclosure.
2. When the certificate of title has been lost or destroyed and is not available for endorsement by the seller for the purpose of transferring ownership of the motor vehicle and odometer disclosure.

Question #4

When may a form HSMV 82053, Power of Attorney for a Motor Vehicle, Mobile Home or Vessel be used for a non-exempt motor vehicle transaction?

Answer:

The form may be used by an individual appointed as attorney in fact when completing an odometer disclosure statement as transferor (seller) only or transferee (buyer) only.

Question #5

May the seller or buyer use the form HSMV 82053 to appoint a licensed motor vehicle dealer or his employees as attorney in fact for a non-exempt motor vehicle transaction?

Answer:

No. The seller or buyer cannot lawfully use the form HSMV 82053 to appoint a licensed motor vehicle dealer or his employee as attorney in fact to execute an odometer disclosure in their behalf. The individual appointed must be an independent third party who is not associated with the dealership in any capacity. A licensed motor vehicle dealer, including his employees, is considered one legal entity.

Scenario: John Smith owns five different franchises, each with separate dealer licenses. The title work for all five franchises is completed in one location. When a "third party" is needed to sign as power of attorney, John Smith Honda would let the title clerk for John Smith Toyota sign as power of attorney. The title clerk for John Smith Toyota does not work for John Smith Honda.

Question #6

Because John Smith is the owner of all five franchises, does this mean the title clerk from John Smith's franchises cannot sign as a third party on a form HSMV 82053 in this manner?

Answer:

The title clerk can not sign as the third party because they work for John Smith who owns all five franchises.

Scenario: John Smith only has one dealer license with DBA's (doing business as) and the third party works for, and is paid by, one of the DBA companies under the same dealer's license.

Question #7

Could the title clerk sign as a legitimate "third party"?

Answer:

No. The individual appointed as an independent third party must not be associated with the dealership in any capacity.

Question #8

When a dealer sells a vehicle to a lease company, can the lessee sign for the lease company without a power of attorney?

Answer:

No. If the lessee is signing for the lease company, a general power of attorney or a form prescribed by the department must be submitted showing the name of the lessee and clearly specifying the lessee's authority.

Scenario: A dealer sells a vehicle to a lease company and the conforming MCO is not available at the time of sale.

Question #9

Can a person from the dealership sign the form HSMV 82994 as seller and another person from the dealership sign as purchaser for the lease company using a general power of attorney or form HSMV 82053?

Answer:

No. The individual appointed as an independent third party must not be associated with the dealership in any capacity.

EXHIBIT E (page 3, cont.)

Question #10

Can a leasing company give the lessee a general power of attorney to sign the odometer disclosure statement and the dealer a general power of attorney to sign the odometer declaration?

Answer:

Yes. The general power of attorney must show the name of the appointee and clearly specify the appointee's authority.

Question #11

Is it reasonable for a Tax Collector's office to accept the same third party name continuously as the appointee on form HSMV 82053 from the same dealership?

Answer:

Yes. If the third party is not associated with the dealership. No. If the third party is associated with the dealership in any way. If you are suspicious about a transaction, notify your local Division of Motorist Services Regional office. They will contact the dealership to verify the information in question.

Question #12

When a dealership is named as power of attorney in Part A on the form HSMV 82995, does the person signing for the dealership in Part A also have to sign in Part C?

Answer:

No. Since the dealership was named and not an individual with the dealership, the person signing for the dealership in Part C may be different than the person who signed for the dealership in Part A.

The person in Part C would be the individual to transfer the information to the actual certificate of title after it is received.

Question #13

If a customer is the sole owner of a dealership/company and is selling the vehicle to himself/herself, what is the procedure he/she would follow for the odometer disclosure?

Answer:

Federal and state law cites that no person may sign a disclosure statement as the buyer and seller in the same transaction. However, in the case of sole ownership of a dealership/company, there is no one else available to sign. Therefore, the disclosure would have to be made by the same person.

Question #14

Can a vehicle 10 years or older with no odometer reading or status on the out of state title be issued a Florida title with the reading shown on the odometer declaration or disclosure or must it be issued as exempt?

Answer:

The odometer reading must be shown as exempt, as there would be no unbroken chain of odometer readings.

EXHIBIT E (page 4, cont.)

Question #15

Which odometer reading should be shown when you have more than one reading?

Scenario: Title comes in from New York (non-exempt); the seller and buyer complete the odometer disclosure on the title showing the mileage as 54,000 actual miles. The buyer goes into the tax collector's office or license plate agency and has a form HSMV 82042 completed, verifying the VIN and showing the mileage as 55,000 actual miles.

Answer:

The most current odometer reading should always be entered when processing the transaction.

Question #16

When applicable, can a form HSMV 82993 be used by a dealer in lieu of an odometer disclosure statement which is required by federal law?

Answer:

Yes. The form HSMV 82993 has all of the elements required in an odometer disclosure statement.

Question #17

When a vehicle is titled in two names joined by "OR" and one owner wants to drop the co-owner and the vehicle is less than 10 years old (non-exempt), can the same person sign as seller and purchaser?

Answer:

Yes, the same person can sign as buyer and seller because they are disclosing the odometer information to themselves.