

# Florida

## Department of Highway Safety and Motor Vehicles

### *Division of Motor Vehicles*

<b>PROCEDURE</b>  TL-26	<b>SUBJECT:</b> TRANSFER OF CERTIFICATE OF TITLE UPON SALE FOR TOWING AND STORAGE LIEN OR APPLICATION FOR CERTIFICATE OF DESTRUCTION BY TOWING OR TRANSPORT COMPANY	
<b>DESCRIPTION AND USE:</b> 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 ESTABLISHING REQUIREMENTS FOR TRANSFER OF CERTIFICATE OF TITLE UPON SALE FOR TOWING AND STORAGE LIEN OR IN MAKING APPLICATION FOR CERTIFICATE OF DESTRUCTION.		
<p><b>I. PROVISIONS OF LAW:</b></p> <p>Section 713.78, Florida Statutes, provides for the sale of motor vehicles and vessels for unpaid towing and storage charges when removal of the motor vehicle or vessel is authorized by the motor vehicle or vessel owner, the owner or lessor of the property or a person authorized by the owner or lessor of the property on which such motor vehicle or vessel is wrongfully parked, or a law enforcement agency. A person regularly engaged in the business of transporting motor vehicles or vessels by wrecker, tow truck or car carrier, or the owner or operator of the storage space may sell such motor vehicle or vessel at a public sale if the motor vehicle or vessel remains unclaimed or for which the charges for recovery, towing and storage services remains unpaid, after 35 days if the motor vehicle or vessel is more than 3 years of age or after 50 days if the motor vehicle or vessel is 3 years of age or less. The 35 or 50 days does not include the date of the towing or the date of sale. Notice by certified mail must be sent within seven business days after the date of storage of the motor vehicle or vessel to the registered owner and to all persons of record claiming a lien against the motor vehicle or vessel.</p> <p><b>NOTE:</b> The calendar year must be used when determining the age of the motor vehicle.</p> <p><u>Example:</u> Motor vehicles 3 years of age or less would include the last three years</p> <p style="padding-left: 40px;">Motor vehicles more than 3 years of age would include the 4<sup>th</sup> prior year and older.</p> <p>Section 713.78(1)(a), Florida Statutes, defines “vehicle” to mean any mobile item whether motorized or not, which is mounted on wheels. This would include off-highway vehicles.</p> <p>Section 713.78(1)(b), Florida Statutes, defines “vessel” to mean every description of watercraft, barge, and air boat used or capable of being used as a means of transportation on water, other than a seaplane or a “documented vessel” as defined in section 327.02(8).</p>		
<b>Revision(s) to this Procedure:</b> <i>Updated mailing address for Law Enforcement Blocks, see page 23.</i>		
<b>EFFECTIVE DATE</b>  Immediately	<b>REVISION DATE</b>  11/28/17	<b>PAGE #</b>  TL-26-01

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<p>Section 713.78(1)(d), Florida Statutes, defines "National Motor Vehicle Title Information System" to mean the federally authorized electronic National Motor Vehicle Title Information System.</p> <p>Section 713.78(1)(e), Florida Statutes, defines "Equivalent commercially available system" to mean a service that charges a fee to provide vehicle information and that at a minimum maintains records from those states participating in data sharing with the National Motor Vehicle Title Information System. (See section V, AA, of this procedure for a list of authorized data providers.)</p> <p>Section 713.78(4)(b), Florida Statutes, provides that when any law enforcement agency authorizes the removal of a motor vehicle or vessel or when any towing service notifies the law enforcement agency of possession of a motor vehicle or vessel pursuant to section 715.07(2)(a) 2, the law enforcement agency of the jurisdiction where the motor vehicle or vessel is stored shall contact the Department of Highway Safety and Motor Vehicles or the appropriate agency of the state of registration, if known, within 24 hours through electronic communications giving the full description of the motor vehicle or vessel. Upon receipt of the description, the department shall search its files to determine the owner's name, the name of the insurance company insuring the vehicle and whether any person filed a lien upon the motor vehicle or vessel as provided in section 319.27(2) and (3) and notify the law enforcement agency within 72 hours. The person in charge of the towing service shall obtain such information from the applicable law enforcement agency within 5 days from the date of storage and shall give notice. The department may release the insurance company information to the requestor notwithstanding the provisions of section 627.736.</p> <p>Section 713.78(4)(d), Florida Statutes, provides the meaning of "good faith effort."</p> <p>Section 713.78(10), Florida Statutes, specifies who may retrieve the owner's personal property not affixed to the vehicle or vessel, which includes their license plate.</p> <p>Section 713.78(11)(a), Florida Statutes, provides that any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels who comes into possession of a vehicle or vessel pursuant to subsection (2) and who has complied with the provisions of subsections (3) and (6), when such vehicle or vessel is to be sold for purposes of being dismantled, destroyed, or changed in such manner that it is not the motor vehicle or vessel described in the certificate of title, shall report the vehicle to the National Motor Vehicle Title Information System and apply to the Department of Highway Safety and Motor Vehicles county tax collector for a certificate of destruction (CD). <b>The application for CD must include proof of reporting to NMVTIS.</b> See section V, BB, of this procedure for a list of approved authorized data consolidators (for reporting).</p> <p>Section 713.785, Florida Statutes, provides for the sale of a mobile home by a mobile home transport company for unpaid recovery, towing and storage charges.</p> <p>Section 713.785(1)(a), Florida Statutes, defines "mobile home transport company" as a person regularly engaged in the business of transporting mobile homes.</p> <p>Section 50.011, Florida Statutes, provides that a newspaper which is printed and published periodically once a week (or more often) is considered to be in general circulation.</p> <p>Section 50.031, Florida Statutes, provides that a newspaper of "general circulation" is a newspaper (business) that (at the time of publication) has been in existence for at least one (1) year.</p>	
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II. GENERAL INFORMATION:

- A. If a motor vehicle, mobile home or vessel is NOT sold at the public sale, the towing or transport company must apply for a certificate of title or certificate of destruction in the name of the towing or transport company. A certificate of destruction is required when a towing or transport company intends to sell a motor vehicle, mobile home or vessel for purposes of having it dismantled, destroyed or changed in such a manner that it is not the motor vehicle, mobile home or vessel described in the certificate of title.
- B. If the application for certificate of title or certificate of destruction is not made within 30 days of the date of the public sale, a penalty fee is due.
- C. For information on adding, discharging or disputing a "Wrecker Operator's Lien," refer to DMV Procedure RS-50. This procedure would apply to any law enforcement tow from public property. A code enforcement or private tow would NOT be applicable.
- D. Any time law enforcement authorizes a tow from private property, it is considered a "private tow." A person's property or a business address (Wal-Mart, Sears, etc.) is considered private property. A vehicle/vessel sitting beside the highway is public. A certificate of destruction may be issued for a private or a public tow, however, if the vehicle was towed from private property, a wrecker operator's lien may not be placed against the owner.
- E. If a visible VIN cannot be located for the vehicle, contact a DMV Regional Office or a law enforcement agency that deals in auto theft. They should be able to locate the confidential VIN number for the vehicle to identify the current owner. A replacement VIN decal must be affixed to the motor vehicle before it can be sold. However, if the motor vehicle will be issued a certificate of destruction, a replacement decal is NOT required. Also see, page 26, X, of this procedure.

III. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:

- A. After the provisions of section 713.78, Florida Statutes, (for a motor vehicle or vessel) or 713.785, Florida Statutes, (for a mobile home) have been met, the following documentation should be submitted to the tax collector's office or license plate agency to apply for a Florida Certificate of Title or a Certificate of Destruction:
  - 1. A copy of the Notice of Claim of Lien, (Exhibit B), which was mailed certified to the owner (when the registered owner is different than the titled owner, both must be notified), lienholder (a lien satisfaction for the lien is acceptable, from the lienholder, in lieu of a certified letter to the lienholder) and the insurance company (insuring the vehicle), at the mailing address(es) shown on the motor vehicle records of this or any other state in which the vehicle is identified through a records check of the National Motor Vehicle Title Information System or an equivalent commercially available system as being titled or registered, within seven business days, EXCLUDING Saturdays, Sundays, and all legal holidays observed by the postal service, after the date of the tow. The seven business days do not include the date of the tow. If the owner and lienholder are the same on the DMV database (including the same address), only one notice must be sent. **When the mailing and residential addresses are different, you are only required to send notice to the mailing address on file. However, you may want to mail to both addresses to prevent future issues.**

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**NOTE:** If motor vehicle records indicate co-owners, whether joined by “and” or “or” and both owners have a different address, each owner must be notified at the appropriate mailing address.

If motor vehicle records indicate a lienholder has more than one address, notification must be sent to both addresses.

**NOTICE TO THE INSURANCE COMPANY WOULD NOT BE REQUIRED WHEN:**

- A vessel or mobile home has been towed.
- The owner requested the tow company to tow and store their motor vehicle.
- A tow was ordered by code enforcement from a house or from a business in violation of the zoning.
- The insurance information is not on file with the department or another titling state’s law will not allow that state to give out the information (see Exhibit F for a list of the states that disclose insurance information).

**NOTE:** If the DMV database shows the insurance information has been CANCELLED and the date of tow was AFTER the cancellation date, the insurance company would NOT have to be notified.

**NOTE:** IF THE NOTICE IS NOT MAILED WITHIN THE FIRST SEVEN BUSINESS DAYS AFTER THE DATE OF TOW, STORAGE FEES CANNOT BE CHARGED.

2. **One** of the following must be submitted showing the certified mail was sent within the seven business days from the date of tow:
- A copy of the certified mail postal paid receipt showing when the letter was submitted to the post office for mailing.
  - Proof of the certified mailing to the owner, lienholder, and insurance company, when applicable, from the postal service. This proof may be an electronic record from the postal service, which verifies proof of the certified mail along with the address and the date of mailing.
  - A certified copy of the form 3877 (Firm Mailing Book For Accountable Mail). The form must list the name of the addressee, their complete address and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service, to verify that the listed information is accurate.

**NOTE:** A copy of the electronic version of the form 3877 is also acceptable. The electronic version will have an electronic signature of a postal service employee and show a postmark date.

**NOTE:** Tax Collector personnel are responsible for opening the returned unclaimed certified envelope and submitting it and all contents with the application. Please place your initials and the date you opened the letter on the outside envelope. Letters marked “Forwarding Order Expired” are acceptable, unless a forwarding address is shown. If a forwarding address is shown, the Notice of Claim of Lien must be immediately mailed certified to the forwarding address.

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The notice must state the following:

- a. That the motor vehicle, mobile home or vessel is in the possession of the towing or transport company;
- b. That a lien is claimed;
- c. That charges have accumulated (and will continue to accumulate) and the total amount owed for towing and storage (should be itemized showing the total number of days stored, from the date of the tow until the date of the notice, charges per day and towing fees);

**NOTE:** Most administrative fees are less than \$100. The administrative fees must not exceed the amount set forth in the city, county or municipality ordinance, contract or set rotation rate for recovery, towing, storage and administrative fees, if one exists.

- d. That the lien is subject to enforcement on a motor vehicle or vessel, in accordance with section 713.78, Florida Statutes, or on a mobile home in accordance with 713.785, Florida Statutes;
- e. That the owner(s), lienholder and insurance company (insuring the motor vehicle), if any, has the right to a hearing;
- f. That any motor vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing or storage services remain unpaid, may be sold free of all prior liens after 35 days if the motor vehicle or vessel is more than 3 years of age or after 50 days if the motor vehicle or vessel is 3 years of age or less.

If the mobile home which remains unclaimed or for which charges remain unpaid, may be sold free of all prior liens after 35 days following the eviction proceeding that resulted in the issuance of the writ of possession, provided that any lienholder entitled to notice pursuant to section 723.084 has received such notice and has failed to act pursuant to section 723.084 to pay storage charges, take possession of the home or take legal action to foreclose its interest prior to issuance of the writ of possession.

- g. The year, make and identification number of the motor vehicle, mobile home or vessel;
- h. Date of the Notice of Claim of Lien;
- i. The date of tow;
- j. The tow or transport company's (or their agent's) complete name, address and telephone number;
- k. The signature of an authorized agent for the towing or transport company.

**NOTE:** Do not reject the application if the notice was not signed by an agent for the towing or transport company.

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1. Name of person or entity that authorized the tow for the motor vehicle or vessel (if applicable). The following is a list of the persons or entities allowed by law to authorize the tow:

**NOTE:** This information may be shown on the trip sheet or tow ticket in lieu of being listed on the Notice of Claim of Lien.

1. The owner(s) of the motor vehicle or vessel. This may also include the owner's insurance company, members of the owner's immediate family or any other person that the owner has authorized to operate the motor vehicle or vessel.
2. Any law enforcement agency.
3. The landlord or a person authorized by the landlord, when such motor vehicle or vessel remained on the premises after the tenancy terminated and the removal is done in compliance with s. 715.104, Florida Statutes.
4. The owner(s) or lessor(s) of the property or the person authorized by the owner(s) or lessor(s) of the property on which the motor vehicle or vessel was wrongfully parked and a statement that the removal was conducted in compliance with section 715.07, Florida Statutes.

**OR,**

Name of the person or entity that authorized the tow for the mobile home (if applicable). The following is a list of the persons or entities allowed by law to authorize the tow:

**NOTE:** This information may be shown on the trip sheet or tow ticket in lieu of being listed on the Notice of Claim of Lien.

- a. The owner(s) of the mobile home.
- b. Any law enforcement agency.
- c. A mobile home park owner who has a current Writ of Possession for a mobile home lot.

**NOTE:** When a motor vehicle or vessel has been abandoned on private property, the property owner should call a towing company to remove the motor vehicle or vessel. The motor vehicle or vessel is to be towed to the storage facility of the towing company. If the registered owner(s), lienholder or insurance company (insuring the motor vehicle), after having been notified by the towing company, does not claim the motor vehicle or vessel and pay towing and storage charges, the motor vehicle or vessel may be sold at public sale by the towing company to satisfy the towing and storage charges. If the motor vehicle or vessel is sold at public sale, any amount over the amount of the lien must be deposited with the Clerk of the Court.

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**NOTE:** When the towing or transport company has to request ownership and lienholder information from an out-of-state motor vehicle division, they must do so by certified mail, within the seven day period as outlined in section 713.78 (4)(c), Florida Statutes, (for a motor vehicle or vessel) or 713.785(3)(a), Florida Statutes, (for a mobile home). When the information is received from the out-of-state motor vehicle division, the towing or transport company must then send the notification to the owner(s), lienholder and insurance company immediately.

**NOTICE TO THE INSURANCE COMPANY WOULD NOT BE REQUIRED WHEN:**

- A vessel or mobile home has been towed.
- The owner requested the tow company to tow and store their motor vehicle.
- A tow was ordered by code enforcement from a house or from a business in violation of the zoning.
- The insurance information is not on file with the department or another titling state's law will not allow that state to give out the information (see EXHIBIT F for a list of the states that disclose insurance information.)

If the out-of-state motor vehicle division does not respond to the towing or transport company's request for information prior to the scheduled date of sale (after the 35 or 50 days from the date of storage), the towing or transport company may still continue with their public sale. The towing or transport company must submit an affidavit stating the out-of-state motor vehicle division did not respond to their request for information prior to the sale, along with the other required documentation in order for the tax collector's office or license plate agency to process their paperwork. If the towing or transport company is applying for title in their name, they may specify this fact in the "Non-Use and Other Certifications" area on the form HSMV 82040, in lieu of the affidavit. The department will accept one of the following documents addressed to the out-of-state motor vehicle division as proof that they tried to comply with provisions outlined in section 713.78, Florida Statutes, (for a motor vehicle or vessel) or 713.785, Florida Statutes, (for a mobile home).

- A copy of the certified mail postal paid receipt showing when the letter was submitted to the post office for mailing.
- Proof of the certified mailing to the owner, lienholder, and insurance company, when applicable, from the postal service. This proof may be an electronic record from the postal service, which verifies proof of the certified mail along with the address and the date of mailing.
- A certified copy of the form 3877 (Firm Mailing Book for Accountable Mail). The form must list the name of the addressee, their complete address and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service, to verify that the listed information is accurate.

**NOTE:** A copy of the electronic version of the form 3877 is also acceptable. The electronic version will have an electronic signature of a postal service employee and show a postmark date.

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3. When a Florida record is NOT found for the vehicle, the towing company IS required to perform a good faith effort check in an attempt to locate the owner, lienholder and insurance information, prior to sending a good faith letter to law enforcement. The good faith effort check list is attached as Exhibit K, of this procedure.

If the NMVTIS record check discloses a state of title, the towing company must contact that state to obtain the owner(s), lienholder and insurance information. A copy of the proof verifying the record check of the National Motor Vehicle Title Information System must be submitted with the other required documentation.

- ✓ Refer to section V, AA, of this procedure for a list of approved NMVTIS data providers.
- ✓ This required NMVTIS check is not applicable to any vehicle which is not motor driven (such as mobile homes, etc.).
- ✓ See Exhibit K of this procedure for a list of the good faith effort checks.

**NOTE:** Once the good faith effort has been completed (i.e., NO NMVTIS record, etc.) and all attempts to locate the owner(s), lienholder and insurance company prove unsuccessful, the towing or transport company shall, immediately following the seven business days, excluding Saturdays and Sundays, from the date of the initial tow or storage, notify a local law enforcement agency that the towing or transport company has been unable to locate the owner(s), lienholder or insurance company, a physical search of the motor vehicle, mobile home or vessel disclosed no ownership information, and a “good faith effort” to locate the owner(s), lienholder or insurance company has been made, including records checks of the Department of Highway Safety and Motor Vehicles and the National Motor Vehicle Title Information System or an equivalent commercially available system database.

The good faith letter/notice (see Exhibit G) must be signed by the person verifying that the good faith effort has been performed. Do not reject the applicant’s application if this letter/notice is mailed or delivered to the local law enforcement agency within the first seven business days after the tow, rather than immediately following the seven business days.

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Proof of notification (see Exhibit G) to the local law enforcement agency must be submitted with the certificate of title application along with the following documents:

- A copy of the proof verifying a record check of the National Motor Vehicle Title Information System or an equivalent commercially available system was performed and a state of title was not identified. A copy of the letter;

**AND**

- A copy of the certified mail postal paid receipt showing when the letter was submitted to the post office for mailing.

**OR**

- Proof of the certified mailing to the owner, lienholder, and insurance company, when applicable, from the postal service. This proof may be an electronic record from the postal service, which verifies proof of the certified mail along with the address and the date of mailing.

**OR**

- A certified copy of the form 3877 (Firm Mailing Book For Accountable Mail). The form must list the name of the addressee, their complete address and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service, to verify that the listed information is accurate.

**NOTE:** A copy of the electronic version of the form 3877 is also acceptable. The electronic version will have an electronic signature of a postal service employee and show a postmark date.

**OR**

- A copy of the letter with an acknowledgment of hand delivery, signed by an official of the law enforcement agency.

**NOTE:** If the law enforcement agency does not respond to the towing or transport company's request for information, prior to the scheduled date of sale (after the 35 or 50 days from the date of storage), the towing or transport company may still continue with their public sale. The towing or transport company must submit an affidavit stating the law enforcement agency did not respond to their request for information prior to the sale, along with the other required documentation in order for the tax collector's office or license plate agency to process their paperwork. If the towing or transport company is applying for title in their name, they may specify this fact in the "Non-Use and Other Certifications" area on the form HSMV 82040, in lieu of the affidavit.

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<p>4. A copy of the Notice of Sale (may be included in the Notice of Claim of Lien, Exhibit B), which was mailed certified to the owner(s), lienholder and insurance company, (insuring the motor vehicle), at the address shown on the motor vehicle records of this or any other state in which the vehicle is identified through a records check of the National Motor Vehicle Title Information System or an equivalent commercially available system as being titled or registered,</p> <p>The following must be submitted showing the notice was mailed no less than 15 calendar days prior to the date of sale:</p> <p><b>NOTE:</b> When the Notice of Sale is sent separate from the Notice of Claim of Lien, the 15 calendar days do not include the date the notice is mailed or the date of sale.</p> <ul style="list-style-type: none"><li>• A copy of the certified mail postal paid receipt showing when the letter was submitted to the post office for mailing.</li><li>• Proof of the certified mailing to the owner, lienholder, and insurance company, when applicable, from the postal service. This proof may be an electronic record from the postal service, which verifies proof of the certified mail along with the address and the date of mailing.</li><li>• A certified copy of the form 3877 (Firm Mailing Book For Accountable Mail). The form must list the name of the addressee, their complete address and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service, to verify that the listed information is accurate.</li></ul> <p><b>NOTE:</b> A copy of the electronic version of the form 3877 is also acceptable. The electronic version will have an electronic signature of a postal service employee and show a postmark date.</p> <p style="text-align:center"><b>NOTICE TO THE INSURANCE COMPANY WOULD NOT BE REQUIRED WHEN:</b></p> <ul style="list-style-type: none"><li>• A vessel or mobile home has been towed.</li><li>• The owner requested the tow company to tow and store their motor vehicle.</li><li>• A tow was ordered by code enforcement from a house or from a business in violation of the zoning.</li><li>• The insurance information is not on file with the department or another titling state's law will not allow that state to give out the information (see Exhibit F for a list of the states that disclose insurance information).</li></ul> <p><b>NOTE: If the DMV database shows the insurance information has been CANCELLED and the date of tow was AFTER the cancellation date, the insurance company would NOT have to be notified.</b></p> <p>The notice must include the following:</p> <ol style="list-style-type: none"><li>a. the date, time and location of sale;</li><li>b. the location of the motor vehicle, mobile home or vessel;</li><li>c. a complete description of the motor vehicle, mobile home or vessel including the year, make and identification number;</li></ol>	
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- d. the date of towing:
- e. the tow or transport company's (or their agent's) complete name, address and telephone number;
- f. the accumulated charges owed for towing and storage (must be itemized showing the total number of days stored, charges per day and towing fees);
- g. the signature or printed name of an authorized agent for the towing or transport company.

**NOTE:** The Notice of Sale may be included in the Notice of Claim of Lien.

- 5. A copy of the newspaper advertisement showing the name of the newspaper and the date the advertisement was published. The advertisement must include the exact year, make and identification number of the motor vehicle, mobile home or vessel and the date, time, and location of the sale.

**NOTE:** The date, time and location of the sale and the description of the motor vehicle, mobile home or vessel listed in the newspaper advertisement and the Notice of Sale must be the same.

The advertisement must be published at least 10 calendar days prior to the date of sale, in a newspaper of general circulation in the county in which the sale is to be held. The 10 calendar days do not include the date of the advertisement or the date of the sale.

**NOTE:** Publication must specify the name of the county in which the newspaper was circulated.

**NOTE:** Any newspaper company that has been in the publishing business for one (1) year and prints their newspaper at least once a week, qualifies as a newspaper of general circulation.

- 6. When a towing company is applying for a Certificate of Destruction in lieu of a certificate of Title, they must:

Submit a copy of the proof of REPORTING the vehicle to the National Motor Vehicle Title Information System (NMVTIS). Refer to section V, AA, of this procedure for a list of approved NMVTIS data consolidators.

**NOTE:** Reporting to NMVTIS does not apply to any vehicle which is not motor driven (such as mobile homes, etc.).

- 7. **FORMS (FLORIDA RECORD):**

If the motor vehicle, mobile home or vessel was previously titled in Florida, the following form(s), accurately completed, are required:

Form HSMV 82040, Application for Certificate of Title with/without Registration, HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration or form HSMV 82012, Application for Towing and Storage Certificate of Destruction.

**NOTE:** Item 7 (law enforcement check) on form HSMV 82012 (Rev. 03/06 or later) is not required to be completed when there is a current Florida title record.

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<p>8. FORMS (NO FLORIDA RECORD):</p> <p>If the motor vehicle, mobile home or vessel was previously titled in another state, the following forms, accurately completed, are required:</p> <p>a. Form HSMV 82040, Application for Certificate of Title with/without Registration, HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration or form HSMV 82012, Application for Towing and Storage Certificate of Destruction.</p> <p><b>NOTE:</b> If applying for a Certificate of Destruction, section # 7 (law enforcement check) on form HSMV 82012 (Rev. 03/06 or later) IS required to be completed when there is not a current Florida title record. This section serves as a VIN verification area (for a motor vehicle) and a stolen status area (for a motor vehicle/vessel/mobile home), which is required pursuant to sections 319.23(3)(a)2, 713.78(11)(a) and 713.785(7)(a), Florida Statutes. The lower portion of the form HSMV 82042 may be used for verification of the VIN (for a motor vehicle only) in lieu of this section; however, it must be completed by a Florida law enforcement officer ONLY.</p> <p>b. A form HSMV 82042, Vehicle Identification Number and Odometer Verification Affidavit, accurately completed by the applicant(s) with the VIN verified by one of the four officials shown on the lower portion of the form.</p> <p><b>NOTE:</b> If applying for a Certificate of Destruction (for a motor vehicle) and using the lower portion of this form in lieu of section #7 on the form HSMV 82012, it must be completed by a Florida law enforcement officer ONLY.</p> <p>Form HSMV 82040, Application for Certificate of Title with/without Registration, or HSMV 82012, Application for Towing and Storage Certificate of Destruction (section 7, Rev. 03/06 or later), may be used in lieu of the above listed form.</p> <p>or,</p> <p>An affidavit from the seller(s) and the purchaser(s) verifying that the identification number shown on the affidavit is identical to the identification number shown on the motor vehicle.</p> <p>Verification of the identification number is NOT required on any vessel; mobile home; any trailer or semi-trailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.</p> <p>c. Verification of ownership, lien status and insurance information from the motor vehicle division of the state of previous registration. Verification may be one of the following:</p> <p>(1) A computer generated printout from an out-of-state motor vehicle division or an authorized provider.</p> <p>(2) A letter on original letterhead stationery from an out-of-state motor vehicle division.</p> <p>(3) A photocopy of the current out-of-state certificate of title.</p>	
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**NOTE:** When the towing or transport company has to request owner(s), lienholder and insurance information from an out-of-state motor vehicle division, they must do so by certified mail, within the seven day period as outlined in sections 713.78 (4)(c), Florida Statutes, (for a motor vehicle or vessel) or 713.785(3)(a), Florida Statutes, (for a mobile home). When the information is received from the out-of-state motor vehicle division, the towing or transport company must then send the notification to the owner(s), lienholder and insurance company immediately.

**NOTICE TO THE INSURANCE COMPANY WOULD NOT BE REQUIRED WHEN:**

- A vessel or mobile home has been towed.
- The owner requested the tow company to tow and store their motor vehicle.
- A tow was ordered by code enforcement from a house or from a business in violation of the zoning.
- The insurance company is not on file with the department or another titling state's law will not allow that state to give out the information (see Exhibit F for a list of the states that disclose insurance information).

If the out-of-state motor vehicle division does not respond to the towing or transport company's request for information, prior to the scheduled date of sale (after the 35 or 50 days from the date of storage), the towing or transport company may still continue with their public sale. The towing or transport company must submit an affidavit stating the out-of-state motor vehicle division did not respond to their request for information prior to the sale, along with the other required documentation in order for the tax collector's office or license plate agency to process their paperwork. If the towing or transport company is applying for title in their name, they may specify this fact in the "Non-Use and Other Certifications" area on the form HSMV 82040, in lieu of the affidavit. The department will accept the certified mail receipt addressed to the out-of-state motor vehicle division as proof that they tried to comply with provisions outlined in sections 713.78, Florida Statutes, (for a motor vehicle or vessel) or 713.785, Florida Statutes, (for a mobile home).

or,

- (4) A copy of the dated teletype printout or a statement which shows the owner(s), lienholder, insurance information and the name of the law enforcement agency who provided the verification information.

**NOTE:** The teletype or statement must be dated to verify the information was received within the seven day period. The towing or transport company must then send the notification to the owner(s), lienholder and insurance company immediately.

- d. When the state in which the motor vehicle, mobile home or vessel was previously registered is UNKNOWN, and the tow was authorized by law enforcement, a copy of the police report authorizing the tow must be submitted. The department will accept a copy of the impound storage receipt in lieu of the police report, if the license plate information block is completed. Any owner(s), lienholder, or insurance company shown on the police report or impound storage receipt must be notified by the towing or transport company.

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**NOTE:** If the tow ticket or trip sheet indicates a license plate number, the state in which the license plate was issued must be notified to obtain owner(s), lienholder, and insurance information. A “good faith” effort should not be performed if the license plate number is provided on the tow ticket or trip sheet.

When the state in which the motor vehicle or vessel was previously registered is UNKNOWN, and it is a private tow, submit a copy of the trip sheet or tow ticket completed by the tow truck operator on the day of tow. Any owner(s), lienholder or insurance company shown on the trip sheet or tow ticket must be notified by the towing company.

A “good faith effort” as defined in section 713.78(4)(d), Florida Statutes, (for a motor vehicle or vessel) or 713.785(5)(3), Florida Statutes, (for a mobile home) **MUST** be made to determine the state in which the motor vehicle is registered.

9. “DATE OF TOW” as shown on the Notice of Claim of Lien is required to be entered in FRVIS when issuing a certificate of destruction.

10. **BILL OF SALE:** (If Applicable):

The original bill of sale from the towing or transport company to the purchaser showing a complete description of the motor vehicle, mobile home or vessel, if the motor vehicle, mobile home or vessel is sold. If the motor vehicle, mobile home or vessel is not sold at the public sale, the towing or transport company **MUST** apply for a certificate of title or certificate of destruction in their name.

**NOTE:** If the application for certificate of title or certificate of destruction is not made within 30 days of the date of the public sale; a penalty is due.

11. **SALES TAX:**

Florida sales tax or specify the sales tax exemption information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration. If the towing or transport company is applying for a certificate of title, specify on form 82040 or 82041 the following: “OBTAINED PER FLORIDA STATUTES, SECTION 713.78 or 713.785, FOR TOWING AND STORAGE CHARGES ONLY.” If the towing or transport company is applying for a certificate of destruction, the form HSMV 82012, Application for Towing and Storage Certificate of Destruction, contains the appropriate wording for the exemption of sales tax.

12. **LICENSE PLATE:**

The Florida license plate number transferred to or purchased for the motor vehicle, or a non-use affidavit. The mobile home decal number purchased for or the RP decal transferred to or purchased for the mobile home. A non-use affidavit is not acceptable for mobile homes.

**or,**

**FLORIDA REGISTRATION NUMBER:**

The Florida registration number transferred to or purchased for the vessel, or a non-use affidavit.

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13. FEES:

Certificate of Title or Certificate of Destruction fees ONLY.

**NOTE:** Duplicate fees would NOT be applicable to any application being processed pursuant to section 713.78, Florida Statutes.

IV. CERTIFICATE OF DESTRUCTION INSTRUCTIONS:

A. After following the requirements identified above in Section III, of this procedure, and an application has been submitted for a Certificate of Destruction, the county tax collector's office or license plate agency will issue a Certificate of Destruction at the time of transaction validation. A Certificate of Destruction cannot be issued for a motor vehicle, mobile home or vessel under the following circumstances, until these issues are resolved and the DMV database is changed or updated:

1. Any Cancelled or Voided Florida record.
2. FCIC Stolen Stop.
3. Administrative Stop.
1. Correspondence Letter Issued.
5. Pending Certificate of Title.

B. When a Certificate of Destruction has been issued, the department's records will be updated to reflect it. When the towing or transport company sells the motor vehicle, mobile home or vessel for parts or scrap, each subsequent owner must be recorded on the Certificate of Destruction. The owner who finally dismantles or crushes the motor vehicle, mobile home or vessel must retain the original (page one) Certificate of Destruction for three years. The copy of the Certificate of Destruction must be kept for three years by the towing or transport company, after being completed for transfer to a purchaser.

C. Once the Certificate of Destruction is issued, no certificate of title will be issued by the department. If the Certificate of Destruction is lost, a form HSMV 82012, Application for Towing and Storage Certificate of Destruction, may be used to apply for a duplicate.

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<p>D. If an application for Certificate of Destruction is submitted for a motor vehicle, mobile home or vessel that has an administrative stop, correspondence letter or a pending certificate of title, it cannot be processed until the application has been reviewed by the department and the database changed. This review will be conducted on a case by case basis. Tax collector's and license plate agents may call their Help Desk Representative concerning Certificate of Destruction applications that involve one of these issues. In some cases, if the paperwork is in order, an administrative stop may be removed by the tax collector's office or license plate agency and the Certificate of Destruction issued. In other cases, the information must be forwarded to the department for resolution.</p> <p>If the DMV database shows a stolen stop, the towing or transport company must be advised so they can coordinate the removal of the stop with the law enforcement agency that placed it.</p> <p>E. If a towing or transport company has complied with the procedure for towing and storage and submits an application for a Certificate of Destruction on a motor vehicle, mobile home or vessel where a Certificate of Destruction has already been issued, the application should be accepted and processed.</p> <p>V. MISCELLANEOUS INFORMATION:</p> <p>A. All liens will be removed from the certificate of title issued under sections 713.78, Florida Statutes, (for a motor vehicle or vessel) or 713.785, Florida Statutes, (for a mobile home) unless otherwise provided by court order.</p> <p>B. When a licensed Florida motor vehicle dealer or an individual purchases a motor vehicle, mobile home or vessel from a towing or transport company through operation of law, a certificate of title must be issued in the dealer's or individual's name before the motor vehicle, mobile home or vessel can be sold to another person.</p> <p>C. All license plate agencies or tax collector offices are authorized to disclose insurance information to any towing company requesting this information for any insured motor vehicle which has been towed in compliance with section 713.78, Florida Statutes.</p> <p>D. If the notification is not mailed within the first seven business days after the date of tow, storage fees cannot be charged. The application must be rejected requesting the notice of sale to be resent 15 calendar days prior to the date of sale and to be re-advertised in the newspaper 10 calendar days prior to the date of sale, excluding the storage fees.</p> <p><b>NOTE:</b> Proof of notification to local law enforcement, immediately following the seven business days, stating the "good faith effort" has been made, would also satisfy the notification requirements.</p> <p>E. Towing and storage charges may apply to off-highway vehicles (OHV) that are towed pursuant to section 713.78, Florida Statutes. See DMS Procedure TL-44 for clarification of off-highway vehicles.</p>	
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<p>F. If any of the documents required by section 713.78, Florida Statutes, (for a motor vehicle or vessel) or 713.785, Florida Statutes, (for a mobile home) are incomplete or incorrect, the application must be rejected. This may mean the Notice of Claim of Lien, newspaper advertisement, notification to law enforcement and Notice of Sale must be reprocessed, re-advertised and resubmitted. The need for reprocessing, re-advertising and re-filing will depend on where in the process the error(s) or omission(s) exists. For example:</p> <ol style="list-style-type: none"><li>1. Notice of Sale: If the Notice of Sale was incorrect, it must be reprocessed at least 15 calendar days before the date of the sale. The newspaper advertisement must also be republished. The Notice of Sale must include:  The date, time and location of the sale, the location of the motor vehicle, mobile home, or vessel, a complete description of the motor vehicle, mobile home or vessel, including the year, make and identification number, the tow or transport company's complete name, address and telephone number, and the signature or printed name of an authorized agent for the towing or transport company. Storage charges would still be allowed (even though the notice of sale has to be resent), as long as the towing or transport company submits the original certified letter which proves the original notice was sent within the first seven business days.</li></ol> <p><b>NOTE:</b> When the Notice of Sale is sent separate from the Notice of Claim of Lien, the 15 calendar days do not include the date the notice is mailed or the date of sale.</p> <ol style="list-style-type: none"><li>2. Newspaper Advertisement: If any information in the newspaper advertisement is incorrect, it must be republished one time at least 10 calendar days before the date of sale. The Notice of Sale must be re-mailed, by certified mail, no less than 15 calendar days prior to the date of sale unless the newspaper advertisement can be corrected and republished prior to the 10 calendar day period and would not affect the date of sale as stated in the original Notice of Sale. Storage charges would still be allowed (even though the advertisement had to be republished), as long as the towing or transport company submits the original certified letter which proves the original notice was sent within the first seven business days.</li></ol> <p style="padding-left: 40px;"><b>NOTE:</b> The 10 calendar days do not include the date of the advertisement or the date of the sale.</p> <p>G. If the certificate of title is issued with an incorrect motor vehicle, mobile home or vessel identification number and is returned for correction, a correspondence letter will be written stating the certificate of title is cancelled and the previous record (if applicable) is being reinstated on the DMV database. Since the notifications and all other documentation had an incorrect VIN or HIN, the correction letter will also state that the owner and lienholder of record must be notified and the newspaper advertisement republished. A letter on law enforcement letterhead stationery stating the confidential identification number of the motor vehicle, mobile home or vessel must be submitted.</p>	
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<p>H. If an application for a certificate of title is submitted following the sale of a motor vehicle to satisfy a towing and storage lien and the department's database now shows that a rebuildable salvage certificate of title has been issued, (or is pending to an insurance company), the following step is necessary: A letter will be written by the department advising the individual or insurance company that they have 15 business days to show cause why the certificate of title should not be issued to the towing company or to the person who purchased the motor vehicle at the public sale.</p> <p>If the insurance company fails to show cause why the certificate of title should not be issued to the towing company or the person who purchased the motor vehicle at the public sale, the applicant for the certificate of title must follow the requirements for a rebuilt vehicle as contained in section 319.14(1)(b), Florida Statutes, and DMV Procedure TL-37. A certificate of title branded "Rebuilt" will be issued as long as all requirements, under TL-26 &amp; TL-37 have been met.</p> <p><b>NOTE:</b> A show cause letter would not be necessary if the towing company has already sent a certified letter to the individual or insurance company (at least 15 calendar days prior to the date of sale) as shown on the current DMV database record. This letter would be in addition to the certified letter that was sent within the first seven business days to the owner of record at that time. The towing company must submit one of the following, along with the other required documentation. The paperwork should be accepted and processed by the tax collector's office or license plate agency.</p> <ul style="list-style-type: none"><li>• A copy of the certified mail postal paid receipt showing when the letter was submitted to the post office for mailing.</li><li>• Proof of the certified mailing to the owner, lienholder, and insurance company, when applicable, from the postal service. This proof may be an electronic record from the postal service, which verifies proof of the certified mail along with the address and the date of mailing.</li><li>• A certified copy of the form 3877 (Firm Mailing Book For Accountable Mail). The form must list the name of the addressee, their complete address and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service, to verify that the listed information is accurate.</li></ul> <p><b>NOTE:</b> A copy of the electronic version of the form 3877 is also acceptable. The electronic version will have an electronic signature of a postal service employee and show a postmark date.</p> <p><b>NOTE:</b> A form HSMV 82363, Application for Salvage Title/Certificate of Destruction, may be completed by the towing company or the person who purchased the motor vehicle at the public sale, showing "Salvage by Owner. The estimation of fees in sections 5 or 6 would not be applicable, however, the "rebuildable" or "rebuildable flood" block in one of these sections must be checked in lieu of rebuilding the motor vehicle at this time. A Salvage Rebuildable Certificate of Title will be issued, if the form HSMV 82363 is completed and all requirements under TL-26 have been met.</p> <p><b>NOTE:</b> The department does not issue a branded certificate of title for a vessel.</p>	
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- I. If an application for a certificate of title is submitted to the department and a salvage unbuildable certificate of title (issued prior to 10/01/00) has been issued, the application must be rejected. The department is prohibited from issuing another certificate of title for a motor vehicle branded Salvage "Unbuildable." However, if a towing company has complied with the procedure for towing and storage and submits an application for a Certificate of Destruction on a motor vehicle where a salvage unbuildable certificate of title (issued prior to 10/01/00) has been issued, the application should be accepted and processed.
- J. If an application for a certificate of title is submitted following the sale of a motor vehicle, mobile home or vessel to satisfy a towing and storage lien and a certificate of title has been issued or is pending to another individual or company, a 15 day show cause letter must be written to that individual or company advising them that they have 15 business days to show cause as to why a certificate of title should not be issued to the customer making application for title under the towing and storage law. If the individual or company fails to show cause why the certificate of title should not be issued to the towing or transport company or the person who purchased the motor vehicle, mobile home or vessel at the public sale, a certificate of title will be issued.

**NOTE:** A show cause letter would not be necessary if the towing or transport company has already sent a certified letter to the individual or company (at least 15 calendar days prior to the date of sale) as shown on the current DMV database record. This letter would be in addition to the certified letter that was sent within the first seven business days to the owner of record at that time. The towing or transport company must submit one of the following, along with their other required documentation. The paperwork should be accepted and processed by the tax collector's office.

- A copy of the certified mail postal paid receipt showing when the letter was submitted to the post office for mailing.
- Proof of the certified mailing to the owner, lienholder and insurance company, when applicable, from the postal service. This proof may be an electronic record from the postal service, which verifies proof of the certified mail along with the address and the date of mailing.
- A certified copy of the form 3877 (Firm Mailing Book For Accountable Mail). The form must list the name of the addressee, their complete address and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service, to verify that the listed information is accurate.

**NOTE:** A copy of the electronic version of the form 3877 is also acceptable. The electronic version will have an electronic signature of a postal service employee and show a postmark date.

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- K. Form HSMV 82012 (Rev. 03/06 or later), Application for Towing and Storage Certificate of Destruction (section #7), also serves as a vehicle identification number (VIN) verification form (for a motor vehicle) and a stolen status form (for a motor vehicle/vessel/mobile home), when there is not a current Florida title record. The law enforcement officer makes an inquiry with the (NCIC) National Crime Information Center and (FCIC) Florida Crime Information Center, to insure the motor vehicle, vessel or mobile home has not been reported stolen, pursuant to sections 713.78(11)(a) and 713.785(7)(a), Florida Statutes, prior to signing the form HSMV 82012.
  
- L. When an application for a certificate of title or certificate of destruction is made on a motor vehicle, mobile home or vessel that has a stolen stop (FCIC) on the DMV database all paperwork must be returned to the towing or transport company. The towing or transport company must contact the law enforcement agency that reported the motor vehicle, mobile home or vessel stolen. The law enforcement agency will determine if the motor vehicle, mobile home or vessel should be seized or the stolen stop removed. If the stop is removed the application for the certificate of title or certificate of destruction may be resubmitted to the county tax collector's office for processing.
  
- M. The license plate attached to the motor vehicle at the time of the tow is the property of the registered owner and should be given to them along with their personal belongings. Section 713.78, Florida Statutes, does not give the towing company authority to keep the license plate. The registered owner may authorize another person to retrieve their personal property from the motor vehicle, mobile home or vessel by giving the person a notarized/perjury clause affidavit stating that fact.
  
- N. When an application for a certificate of destruction is submitted to the tax collector's office for a motor vehicle, mobile home or vessel that has an administrative stop, copies of the complete application should be faxed to the Field Support Center, requesting the stop to be removed.

Attn: Field Support Center  
Fax Number: 850-617-5136

After the copies of the application for a certificate of destruction have been reviewed, and found to be in order, the department will: (a) remove the administrative stop, or (b) a letter will be written to the person having an interest in the motor vehicle, mobile home or vessel stating they have 15 business days from the date of the letter to show cause as to why a certificate of destruction should not be issued to the towing or transport company. The application will be processed after the stop has been removed.

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- O. When the towing or transport company makes application for a certificate of title or certificate of destruction and the owner or lienholder's address changes or the ownership of the motor vehicle, mobile home or vessel changes from the time the towing or transport company sends the Notice of Claim of Lien to the registered owner(s), or lienholder and the application is submitted to the tax collector's office or license plate agency, copies of the complete application should be mailed or faxed to the division (Refer to V, N, for the division's address and fax number).

After the copies of the application have been reviewed, and found to be in order, a 15 day show cause letter will be written to the new owner and lienholder (if any) of record, stating they have 15 business days to show cause as to why a certificate of title or certificate of destruction should not be issued to the towing or transport company.

**NOTE:** A show cause letter would not be necessary if the towing or transport company has already sent a certified letter to the owner(s) or lienholder as shown on the current DMV database record at least 15 calendar days prior to the date of sale. This letter would be in addition to the certified letter that was sent within the first seven business days to the owner and lienholder of record at that time. The towing or transport company must submit one of the following, along with the other required documentation. The paperwork should be accepted and processed by the tax collector's office or license plate agency.

- A copy of the certified mail postal paid receipt showing when the letter was submitted to the post office for mailing.
- Proof of the certified mailing to the owner, lienholder and insurance company, when applicable, from the postal service. This proof may be an electronic record from the postal service, which verifies proof of the certified mail along with the address and the date of mailing.
- A certified copy of the form 3877 (Firm Mailing Book For Accountable Mail). The form must list the name of the addressee, their complete address and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service, to verify that the listed information is accurate.

**NOTE:** A copy of the electronic version of the form 3877 is also acceptable. The electronic version will have an electronic signature of a postal service employee and show a postmark date.

- P. If an application for a certificate of title is submitted following the sale of a motor vehicle to satisfy a towing and storage lien and the information from the third party provider does not show insurance information, however, the license plate agency has insurance information on file, a 15 day show cause letter must be written to that insurance company, advising them that they have 15 business days to show cause as to why a certificate of title should not be issued to the customer making application for title under the towing and storage law. If the insurance company on file fails to show cause why the certificate of title should not be issued to the towing company, or to the person who purchased the motor vehicle at the public sale, a certificate of title will be issued.

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**NOTE:** A show cause letter would not be necessary if the tax collector's office or license plate agency gives the towing company the insurance information and the towing company sends a certified letter to the insurance company at least 15 calendar days prior to the date of sale. The towing company must submit one of the following, along with the other required documentation. The paperwork should be accepted and processed by the tax collector's office.

- A copy of the certified mail postal paid receipt showing when the letter was submitted to the post office for mailing.
- Proof of the certified mailing to the owner, lienholder and insurance company, when applicable, from the postal service. This proof may be an electronic record from the postal service, which verifies proof of the certified mail along with the address and the date of mailing.
- A certified copy of the form 3877 (Firm Mailing Book For Accountable Mail). The form must list the name of the addressee, their complete address and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service, to verify that the listed information is accurate.

**NOTE:** A copy of the electronic version of the form 3877 is also acceptable. The electronic version will have an electronic signature of a postal service employee and show a postmark date.

- Q. When the towing company makes application for a certificate of title or certificate of destruction and an out of state NMVTIS record is found by the tax collector's office or license plate agency, copies of the complete application should be mailed or faxed to the division (Refer to V, N, for the division's address and fax number).

**NOTE:** When a towing company initially requests owner(s), lienholder and insurance information from a tax collector's office or license plate agency, the agency should always do a NMVTIS check of the record in addition to a regular inquiry on the vehicle. If there is no Florida record, but there is an out of state NMVTIS record, this information should be given to the towing company at that time. They should then contact that state of record for owner and lienholder information. This would prevent the department from having to send a show cause letter at a later date.

After the copies of the application have been reviewed and found to be in order, a 15 day show cause letter will be written to the owner and lienholder (if applicable) stating they have 15 business days to show cause as to why a certificate of title or certificate of destruction should not be issued to the applicant or towing company.

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**NOTE:** The towing company may be given the information to contact the state of record to obtain ownership information, if they choose. A show cause letter would not be necessary if the towing company has already sent a certified letter to the applicable state and the owner(s) or lienholder as shown on the out of state verification. This letter would be in addition to the certified letter that was sent within the first seven business days to the owner(s) and lienholder of record at that time (if applicable). The towing company must submit one of the following, along with the other required documentation. The paperwork should be accepted and processed by the tax collector's office or license plate agency.

- A copy of the certified mail postal paid receipt showing when the letter was submitted to the post office for mailing.
- Proof of the certified mailing to the owner, lienholder and insurance company, when applicable, from the postal service. This proof may be an electronic record from the postal service, which verifies proof of the certified mail along with the address and the date of mailing.
- A certified copy of the form 3877 (Firm Mailing Book For Accountable Mail). The form must list the name of the addressee, their complete address and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service, to verify that the listed information is accurate.

**NOTE:** A copy of the electronic version of the form 3877 is also acceptable. The electronic version will have an electronic signature of a postal service employee and show a postmark date.

R. When an application for a certificate of title is submitted to the tax collector's office or license plate agency for a motor vehicle or vessel which shows "Junked" on the DMV database, after the date the motor vehicle or vessel was towed, the title clerk must mail or fax copies of the complete application to the division, requesting "Junked" be removed. Refer to V, N, for the divisions address and fax number. After the copies of the application for a certificate of title have been reviewed, and found to be in order, the department will remove the "Junked" notation.

**NOTE:** However, if the motor vehicle or vessel record is noted "Junked" prior to the date of tow, a certificate of destruction must be issued in lieu of a certificate of title.

S. When the DMV database shows a "Law Enforcement Block" for a motor vehicle, mobile home or vessel which has been towed, the tow or transport company must submit a completed copy of the Notice of Claim of Lien and Notice of Sale, which would exclude the owner's address, by certified mail, to:

**Division of Motor Vehicles**  
**ATTN: Law Enforcement Block**  
**2900Apalachee Parkway, MS #57-B239**  
**Tallahassee, Fl. 32399**

**STATE OF FLORIDA**  
*Florida Motorist Services*

PROCEDURE #  TL-26	SUBJECT: TRANSFER OF CERTIFICATE OF TITLE UPON SALE FOR TOWING AND STORAGE LIEN OR APPLICATION FOR CERTIFICATE OF DESTRUCTION BY TOWING OR TRANSPORT COMPANY
<p>The department would then forward the Notice of Claim of Lien and Notice of Sale to the owner(s). If the owner(s) does not respond or make arrangements with the tow or transport company to retrieve the motor vehicle, mobile home or vessel prior to the date of the sale, the motor vehicle, mobile home or vessel may be sold pursuant to section 713.78, Florida Statutes, (for a motor vehicle or vessel) or 713.785, Florida Statutes, (for a mobile home). The towing company must submit one of the following, which was sent to the department, within the first seven business days, along with a copy of the Notice of Claim of Lien and Notice of Sale and the other required documentation.</p> <ul style="list-style-type: none"><li>• A copy of the certified mail postal paid receipt showing when the letter was submitted to the post office for mailing.</li><li>• Proof of the certified mailing to the owner, lienholder and insurance company, when applicable, from the postal service. This proof may be an electronic record from the postal service, which verifies proof of the certified mail along with the address and the date of mailing.</li><li>• A certified copy of the form 3877 (Firm Mailing Book For Accountable Mail). The form must list the name of the addressee, their complete address and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service, to verify that the listed information is accurate.</li></ul> <p><b>NOTE:</b> A copy of the electronic version of the form 3877 is also acceptable. The electronic version will have an electronic signature of a postal service employee and show a postmark date.</p> <p>If one of the above is not dated within the seven business days, storage fees may not be charged.</p> <p>T. When the DMV database shows a “Privacy Act” Block for a motor vehicle, mobile home or vessel which has been towed in compliance with section 713.78, Florida Statutes, (for a motor vehicle or vessel) or 713.785, Florida Statutes, (for a mobile home) the towing or transport company would be authorized to receive the information from any tax collector’s office or license plate agency.</p> <p>U. If an owner of a motor vehicle, mobile home or vessel signs their title over to a towing or transport company (for towing and storage charges) and the towing or transport company wishes to apply for a certificate of destruction, the following would be required to identify the process as a towing and storage transaction in lieu of a regular transfer:</p> <ol style="list-style-type: none"><li>1. The Florida or out of state certificate of title properly completed for transfer to the towing or transport company (“towing &amp; storage” should be shown in the “selling price” section).</li><li>2. A copy of the trip sheet or tow ticket.</li><li>3. A form HSMV 82012 (Rev. 03/06 or later), accurately completed by the towing or transport company. If the motor vehicle, mobile home or vessel has an out of state title, section 7 of the form HSMV 82012 must also be completed.</li><li>4. Certificate of Destruction fees.</li></ol>	
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*Florida Motorist Services*

<b>PROCEDURE #</b>  TL-26	<b>SUBJECT:</b> TRANSFER OF CERTIFICATE OF TITLE UPON SALE FOR TOWING AND STORAGE LIEN OR APPLICATION FOR CERTIFICATE OF DESTRUCTION BY TOWING OR TRANSPORT COMPANY
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**NOTE:** This process would permanently relinquish the towing or transport company's ability to place a wrecker operator's lien against the owner(s) of the motor vehicle, mobile home or vessel.

V. If an owner of a motor vehicle, mobile home or vessel signs their title over to a towing or transport company (for towing and storage charges) and the towing or transport company wishes to apply for a regular certificate of title, the following would be required in order for the towing or transport company to prove their exemption from sales tax:

1. The Florida or out of state certificate of title properly completed for transfer to the towing or transport company ("towing & storage" should be shown in the "selling price" section).

**NOTE:** If the title is an out of state title, submit a form HSMV 82042, Vehicle Identification Number and Odometer Verification Affidavit, accurately completed by the towing company with the vehicle identification number verified by one of the four officials shown on the lower portion of the form. Form HSMV 82040, Application for Certificate of Title with/without Registration, may be used in lieu of the HSMV 82042.

2. A copy of the Notice of Claim of Lien, which was mailed certified to the owner along with one of the following:

- A copy of the certified mail postal paid receipt showing when the letter was submitted to the post office for mailing.
- Proof of the certified mailing to the owner, lienholder and insurance company, when applicable, from the postal service. This proof may be an electronic record from the postal service, which verifies proof of the certified mail along with the address and the date of mailing.
- A certified copy of the form 3877 (Firm Mailing Book For Accountable Mail). The form must list the name of the addressee, their complete address and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service, to verify that the listed information is accurate.

**NOTE:** A copy of the electronic version of the form 3877 is also acceptable. The electronic version will have an electronic signature of a postal service employee and show a postmark date.

3. Form HSMV 82040, Application for Certificate of Title with/without Registration, or HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the towing or transport company.

**NOTE:** Specify on form HSMV 82040 or 82041 the following: "Obtained per Florida Statutes, section 713.78 or 713.785, for towing and storage charges only."

4. Title fees.

W. All "show cause" letters (if applicable) are written by the department.

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X. If a motor vehicle, mobile home or vessel has been towed and the identification number is unidentifiable, the confidential VIN or HIN must be physically located and identified by a law enforcement officer. Sometimes it may be several weeks before the law enforcement agency has the opportunity to identify the motor vehicle, mobile home or vessel. Therefore, in order to comply with the seven day time frame, the towing or transport company should send a certified letter to the law enforcement agency requesting a check of the motor vehicle, mobile home or vessel. This is proof that the towing or transport company attempted to retrieve the information within the first seven business days after the date of tow. A copy of the letter along with one of the following must be submitted with all other required documents. If one of the following does not indicate notification was within the first seven business day, storage fees cannot be collected.

- A copy of the certified mail postal paid receipt showing when the letter was submitted to the post office for mailing.
- Proof of the certified mailing to the owner, lienholder and insurance company, when applicable, from the postal service. This proof may be an electronic record from the postal service, which verifies proof of the certified mail along with the address and the date of mailing.
- A certified copy of the form 3877 (Firm Mailing Book For Accountable Mail). The form must list the name of the addressee, their complete address and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service, to verify that the listed information is accurate.

**NOTE:** A copy of the electronic version of the form 3877 is also acceptable. The electronic version will have an electronic signature of a postal service employee and show a postmark date.

Y. When an application for a certificate of title is submitted to the tax collector's office or license plate agency for a motor vehicle which shows "salvage theft" on the DMV database, the towing company must obtain an affidavit from the law enforcement officer who authorized the tow. The affidavit must state that the vehicle appeared to be substantially intact when it was towed. The affidavit will allow the clerk to remove the salvage theft status when processing the application for title.

Z. For information on adding, discharging or disputing a "Wrecker Operator's Lien," refer to DMV Procedure RS-50.

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<p>AA. A list of the various approved NMVTIS Data providers (inquiry) are located on the website of The National Motor Vehicle Title Information System (NMVTIS) at:</p> <p style="text-align:center"><a href="http://www.vehiclehistory.gov/nmvtis_vehiclehistory.html">http://www.vehiclehistory.gov/nmvtis_vehiclehistory.html</a></p> <p>BB. A list of the various approved NMVTIS Data consolidators (reporting) are located on the website of The National Motor Vehicle Title Information System (NMVTIS) at:</p> <p style="text-align:center"><a href="http://www.vehiclehistory.gov/nmvtis_vehiclehistory.html">http://www.vehiclehistory.gov/nmvtis_vehiclehistory.html</a></p> <p>CC. A documentation checklist for certificate of destruction (when owner(s) is transferring title to the towing or transport company for towing and storage charges) is included in this procedure as Exhibit A.</p> <p>DD. A copy of a “Notice of Claim of Lien and Proposed Sale of Motor Vehicle” (suggested form) is attached as Exhibit B.</p> <p>EE. A documentation check list covering towing and storage is included in this procedure as Exhibit C.</p> <p>FF. A documentation check list covering certificate of destruction is included in this procedure as Exhibit D.</p> <p>GG. A timeline is attached to this procedure as Exhibit E.</p> <p>HH. The “States That Disclose Insurance Information” list is attached to this procedure as Exhibit F.</p> <p>II. A “Good Faith Notice” is attached to this procedure as Exhibit G.</p> <p>JJ. A documentation check list for Certificate of Title (when owner(s) is transferring title to the towing or transport company for towing and storage charges) is included in this procedure as Exhibit H.</p> <p>KK. An “Example of Proof of Inquiry Through an Authorized Data Provider” is attached as Exhibit I.</p> <p>LL. An “Example of Proof of Reporting to NMVTIS Through an Authorized Data Consolidator” is attached as Exhibit J.</p> <p><b><u>MM. A Good Faith Effort Check List is attached to this procedure as Exhibit K.</u></b></p>	
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**NN.** The towing and storage procedure does not apply to documented vessels registered with the U.S. Coast Guard, unless the towing company has first obtained a "Release From Documentation." The contact telephone number for the U. S. Coast Guard is 800-799-8362.

**OO.** When law enforcement authorizes a tow from private property, this is considered a "private tow" and it would not be eligible for a Wrecker Operator's Lien. Private property may be, but is not limited to an individual's property, an apartment complex or any public shopping center. If the motor vehicle is abandoned on the side of the road it would be considered a "public tow."

**VI. SPECIAL NOTE:**

A. When processing an application for towing and storage, make sure the form HSMV 82040, Application for Certificate of Title with/without Registration, or HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, is accurately completed.

**NOTE:** All titles default to electronic unless the customer explicitly chooses to have the title printed.

B. The following forms included in this procedure are suggested forms. They are not prescribed HSMV forms; however, the information contained in the forms is required. A copy of these forms may be given to any towing company or transport company to use at their request. These forms are:

1. "Notice of Claim of Lien" (Exhibit B).
2. "Notice of Sale" (may be combined with Notice of Claim of Lien, Exhibit B).

C. When a certificate of destruction has been issued in error, the certificate must be mailed to the following address, along with an affidavit of explanation, in order for it to be cancelled and the previous record reinstated:

Division of Motor Vehicles  
ATTN: Title and Registration Issuance  
2900 Apalachee Parkway, MS #72  
Tallahassee, Fl. 32399

**EXHIBIT A**

**CHECK LIST FOR CERTIFICATE OF DESTRUCTION (WHEN OWNER IS TRANSFERRING  
TITLE TO THE TOWING OR TRANSPORT COMPANY FOR  
TOWING & STORAGE CHARGES)**

**FORMS**

**FLORIDA TITLE**

**OUT-OF-STATE TITLE**

\_\_\_\_\_ Florida Title

\_\_\_\_\_ Out of State Title

\_\_\_\_\_ HSMV 82012

\_\_\_\_\_ HSMV 82012 (including section 7)

\_\_\_\_\_ A copy of the trip sheet or tow ticket.

\_\_\_\_\_ Submit a copy of the proof of REPORTING the vehicle to the National Motor Vehicle Title Information System (NMVTIS). Refer to section V, BB, of this procedure for a list of approved NMVTIS data consolidators.

**NOTE:** Reporting to NMVTIS does not apply to any vehicle which is not motor driven (such as mobile homes, etc.).

\_\_\_\_\_ Certificate of Destruction Fees.

**NOTE: This process would permanently relinquish the towing or transport company's ability to place a wrecker operator's lien against the owner of the motor vehicle, mobile home or vessel.**

**EXHIBIT B  
TOWING AND STORAGE  
NOTICE OF CLAIM OF LIEN AND PROPOSED SALE OF A MOTOR VEHICLE, MOBILE HOME OR VESSEL**

DATE \_\_\_\_\_

TO: **REGISTERED OWNER**

**LIENHOLDER**

NAME \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

**NAMES AND ADDRESSES OF ANY OTHER PERSONS, INCLUDING ANY OTHER LIENHOLDERS OR INSURANCE COMPANY, CLAIMING AN INTEREST IN THE MOTOR VEHICLE, MOBILE HOME OR VESSEL.**

NAME \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

**LIENOR (TOWING AND STORAGE COMPANY)**

**DESCRIPTION OF MOTOR VEHICLE, MOBILE HOME OR VESSEL**

NAME \_\_\_\_\_

YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ VIN/HIN \_\_\_\_\_

ADDRESS \_\_\_\_\_

**LOCATION OF MOTOR VEHICLE, MOBILE HOME OR VESSEL**

CITY, STATE, ZIP \_\_\_\_\_

TELEPHONE \_\_\_\_\_

EACH OF YOU ARE HEREBY NOTIFIED THAT THE ABOVE DESCRIBED MOTOR VEHICLE, MOBILE HOME OR VESSEL WAS TOWED AT THE REQUEST OF \_\_\_\_\_ ON \_\_\_\_\_ AND THE ABOVE NAMED TOWING OR TRANSPORT COMPANY IS IN \_\_\_\_\_ (PERSON WHO AUTHORIZED TOW) (DATE) POSSESSION OF AND CLAIMS A LIEN ON THE ABOVE DESCRIBED MOTOR VEHICLE, MOBILE HOME OR VESSEL FOR RECOVERY, TOWING, AND STORAGE CHARGES ACCUMULATED IN THE AMOUNT OF: (TOTAL)\$ \_\_\_\_\_.

ITEMIZED CHARGES: (TOWING CHARGES) \$ \_\_\_\_\_, (TOTAL STORAGE CHARGES) \$ \_\_\_\_\_, FOR \_\_\_\_\_ DAYS, AT \$ \_\_\_\_\_ PER DAY, (RECOVERY CHARGES, IF APPLICABLE) \$ \_\_\_\_\_, AND (ADMINISTRATIVE FEES) \_\_\_\_\_. THE STORAGE CHARGES WILL CONTINUE TO ACCUMULATE AT THE RATE OF \$ \_\_\_\_\_ PER DAY.

THE LIEN CLAIMED BY THE ABOVE NAMED TOWING OR TRANSPORT COMPANY IS SUBJECT TO ENFORCEMENT PURSUANT TO S. 713.78 OR 713.785, F.S., AND UNLESS SAID MOTOR VEHICLE, MOBILE HOME OR VESSEL IS REDEEMED FROM SAID TOWING OR TRANSPORT COMPANY BY PAYMENT AS ALLOWED BY LAW, THE ABOVE DESCRIBED MOTOR VEHICLE, MOBILE HOME OR VESSEL MAY BE SOLD TO SATISFY THE LIEN. IF THE MOTOR VEHICLE, MOBILE HOME OR VESSEL IS NOT REDEEMED AND THAT MOTOR VEHICLE, MOBILE HOME OR VESSEL REMAINS UNCLAIMED, OR FOR WHICH THE CHARGES FOR RECOVERY, TOWING, OR STORAGE SERVICES REMAIN UNPAID, MAY BE SOLD FREE OF ALL PRIOR LIENS AFTER 35 DAYS IF THE VEHICLE OR VESSEL IS MORE THAN 3 YEARS OF AGE AND AFTER 50 DAYS IF THE VEHICLE OR VESSEL IS 3 YEARS OF AGE OR LESS. THE MOBILE HOME MAY BE SOLD AFTER 35 DAYS. THE OWNER, LIENHOLDER, OR INSURANCE COMPANY, IF ANY, HAS THE RIGHT TO A HEARING AS SET FORTH IN SUBSECTION (5). THE ABOVE DESIGNATED TOWING OR TRANSPORT COMPANY PROPOSES TO SELL THE MOTOR VEHICLE, MOBILE HOME OR VESSEL AS FOLLOWS:

PUBLIC SALE TO BE HELD AT \_\_\_\_\_ COMMENCING AT \_\_\_\_\_ AM/PM ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

**STATEMENT OF OWNERS RIGHTS**

NOTICE THAT THE OWNER, LIENHOLDER OR INSURANCE COMPANY WITHIN 10 DAYS AFTER THE TIME THEY HAVE KNOWLEDGE OF THE LOCATION OF THE MOTOR VEHICLE, MOBILE HOME OR VESSEL, MAY FILE A COMPLAINT IN THE COUNTY COURT IN WHICH THE MOTOR VEHICLE, MOBILE HOME OR VESSEL IS STORED TO DETERMINE IF THEIR PROPERTY WAS WRONGFULLY TAKEN OR WITHHELD FROM THEM.

NOTICE THAT UPON FILING A COMPLAINT, AN OWNER, LIENHOLDER, OR INSURANCE COMPANY MAY HAVE THEIR MOTOR VEHICLE, MOBILE HOME OR VESSEL RELEASED UPON POSTING WITH THE COURT A CASH OR SURETY BOND OR OTHER ADEQUATE SECURITY EQUAL TO THE AMOUNT OF THE CHARGES FOR TOWING AND STORAGE TO ENSURE THE PAYMENT OF SUCH CHARGES IN THE EVENT THEY DO NOT PREVAIL.

NOTICE THAT ANY PROCEEDS FROM THE SALE OF THE MOTOR VEHICLE, MOBILE HOME OR VESSEL REMAINING AFTER PAYMENT OF THE AMOUNT CLAIMED TO BE DUE AND OWING TO THE TOWING OR TRANSPORT COMPANY WILL BE DEPOSITED WITH THE CLERK OF THE CIRCUIT COURT FOR DISPOSITION UPON COURT ORDER PURSUANT TO SUBSECTION (5) OF S. 713.78, F.S., (FOR A MOTOR VEHICLE OR VESSEL) OR 713.785, F.S., (FOR A MOBILE HOME).

**NOTE: THE 35 OR 50 DAY TIME FRAME THAT THE MOTOR VEHICLE, MOBILE HOME OR VESSEL MUST BE HELD SHOULD NOT INCLUDE THE DAY OF TOWING AND STORAGE, OR THE DATE OF THE SALE. WHEN A SEPARATE NOTICE IS SENT 15 DAYS PRIOR TO THE SALE DATE, THE DATE THE NOTICE WAS MAILED OR THE DATE OF SALE SHOULD NOT BE INCLUDED IN THE 15 DAYS. THE NEWSPAPER AD MUST BE PLACED 10 DAYS PRIOR TO THE SCHEDULED DATE OF SALE, BUT THE 10 DAYS SHOULD NOT INCLUDE THE DATE THE NOTICE WAS PLACED IN THE NEWSPAPER OR THE DATE OF THE SALE.**

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

TOWING COMPANY OR TRANSPORT COMPANY \_\_\_\_\_  
(SIGNATURE OF AUTHORIZED AGENT)

**EXHIBIT C**  
**TOWING AND STORAGE CHECK LIST FOR CERTIFICATE OF TITLE**

**FLORIDA RECORD**

\_\_\_\_\_ HSMV 82040 or 82041

**OUT-OF-STATE RECORD**

\_\_\_\_\_ HSMV 82040 or 82041

\_\_\_\_\_ HSMV 82042, or the VIN verification section on form HSMV 82040

\_\_\_\_\_ Verification as to title/lien status or affidavit stating previous state "UNKNOWN" and a good faith effort has been made.

\_\_\_\_\_ Copy of the Notice of Claim of Lien along with one of the following indicating notification within seven business days:

- A copy of the certified mail postal paid receipt showing when the letter was submitted to the post office for mailing.
- Proof of the certified mailing to the owner, lienholder and insurance company, when applicable, from the postal service. This proof may be an electronic record from the postal service, which verifies proof of the certified mail along with the address and the date of mailing.
- A certified copy of the form 3877 (Firm Mailing Book For Accountable Mail). The form must list the name of the addressee, their complete address and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service, to verify that the listed information is accurate.

**NOTE:** A copy of the electronic version of the form 3877 is also acceptable. The electronic version will have an electronic signature of a postal service employee and show a postmark date.

\_\_\_\_\_ Copy of the Notice of Sale along with one of the bulleted items above indicating notified no less than 15 days prior to the date of sale:

**NOTE:** The Notice of Sale may be included in the Notice of Claim of Lien.

\_\_\_\_\_ Good faith effort (including NMVTIS check by data provider) by towing company. If no record:

\_\_\_\_\_ Proof of notification (if applicable), to law enforcement stating that a "Good Faith Effort" has been made and the tow or transport company has been unable to locate the owner or lienholder along with the following:

\_\_\_\_\_ A copy of the letter, signed by an official of the law enforcement agency, along with one of the bulleted items above,

**OR,**

\_\_\_\_\_ A copy of the letter with an acknowledgment of hand delivery, signed by an official of the law enforcement agency.

**AND,**

\_\_\_\_\_ A copy of the proof verifying a record check of the National Motor Vehicle Title Information System or an equivalent commercially available system was performed. Refer to section V, AA, of this procedure for a list of approved NMVTIS data providers.

**NOTE:** This required NMVTIS check is not applicable to any vehicle which is not motor driven (such as mobile homes, etc.).

**EXHIBIT C (page 2, cont.)**

**TOWING AND STORAGE CHECK LIST FOR CERTIFICATE OF TITLE**

- \_\_\_\_\_ Copy of newspaper advertisement (must be published at least 10 calendar days prior to the date of sale. The 10 calendar days do not include the date of the advertisement or the date of the sale.
  
- \_\_\_\_\_ Copy of police report, impound storage receipt, or a copy of the trip sheet or tow ticket (for private tow), if previous state where motor vehicle or vessel was registered is "UNKNOWN.
  
- \_\_\_\_\_ Bill of sale, if the motor vehicle, mobile home or vessel was sold.
  
- \_\_\_\_\_ Florida sales tax or specify sales tax exemption information on form HSMV 82040 or form HSMV 82041. If the towing or transport company is applying for title, specify on form HSMV 82040 or form HSMV 82041, "OBTAINED PER FLORIDA STATUTES, SECTION 713.78 or 713.785, FOR TOWING AND STORAGE CHARGES ONLY."
  
- \_\_\_\_\_ License plate number for a motor vehicle or FL registration number purchased for a vessel or non-use affidavit. (Not required for the towing or transport company, if they are applying for title in their name.)
  
- \_\_\_\_\_ Title fees.

**EXHIBIT D**  
**TOWING AND STORAGE CHECK LIST FOR CERTIFICATE OF DESTRUCTION**

**FLORIDA RECORD**

\_\_\_\_\_ HSMV 82012

**OUT-OF-STATE RECORD**

\_\_\_\_\_ HSMV 82012

\_\_\_\_\_ HSMV 82042, or form HSMV 82012  
(section 7)

\_\_\_\_\_ Verification of title/lien status or affidavit  
stating previous state "UNKNOWN" and a  
good faith effort has been made.

\_\_\_\_\_ Copy of the Notice of Claim of Lien along with one of the following indicating notification within seven business days:

- A copy of the certified mail postal paid receipt showing when the letter was submitted to the post office for mailing.
- Proof of the certified mailing to the owner, lienholder and insurance company, when applicable, from the postal service. This proof may be an electronic record from the postal service, which verifies proof of the certified mail along with the address and the date of mailing.
- A certified copy of the form 3877 (Firm Mailing Book For Accountable Mail). The form must list the name of the addressee, their complete address and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service, to verify that the listed information is accurate.

**NOTE:** A copy of the electronic version of the form 3877 is also acceptable. The electronic version will have an electronic signature of a postal service employee and show a postmark date.

\_\_\_\_\_ Copy of the Notice of Sale along with one of the bulleted items above indicating notified no less than 15 days prior to the date of sale:

**NOTE:** The Notice of Sale may be included in the Notice of Claim of Lien.

\_\_\_\_\_ Good faith effort (including NMVTIS check by data provider) by towing company. If no record:

\_\_\_\_\_ Proof of notification (if applicable), to law enforcement stating that a "Good Faith Effort" has been made and the tow or transport company has been unable to locate the owner or lienholder along with the following:

\_\_\_\_\_ A copy of the letter, signed by an official of the law enforcement agency, along with one of the bulleted items above,

**OR,**

\_\_\_\_\_ A copy of the letter with an acknowledgment of hand delivery, signed by an official of the law enforcement agency.

**AND,**

\_\_\_\_\_ A copy of the proof verifying a record check of the National Motor Vehicle Title Information System or an equivalent commercially available system was performed. Refer to section V, AA, of this procedure for a list of approved NMVTIS data providers.

**NOTE: This required NMVTIS check is not applicable to any vehicle which is not motor driven (such as mobile homes, etc.).**

**EXHIBIT D (page 2, cont.)**

**TOWING AND STORAGE CHECK LIST FOR CERTIFICATE OF DESTRUCTION**

\_\_\_\_\_ Copy of newspaper advertisement (must be published at least 10 calendar days prior to the date of sale).  
The 10 calendar days do not include the date of the advertisement or the date of the sale.

\_\_\_\_\_ Copy of police report, impound storage receipt, or a copy of the trip sheet or tow ticket (for private tow), if  
previous state where motor vehicle or vessel was registered is "UNKNOWN."

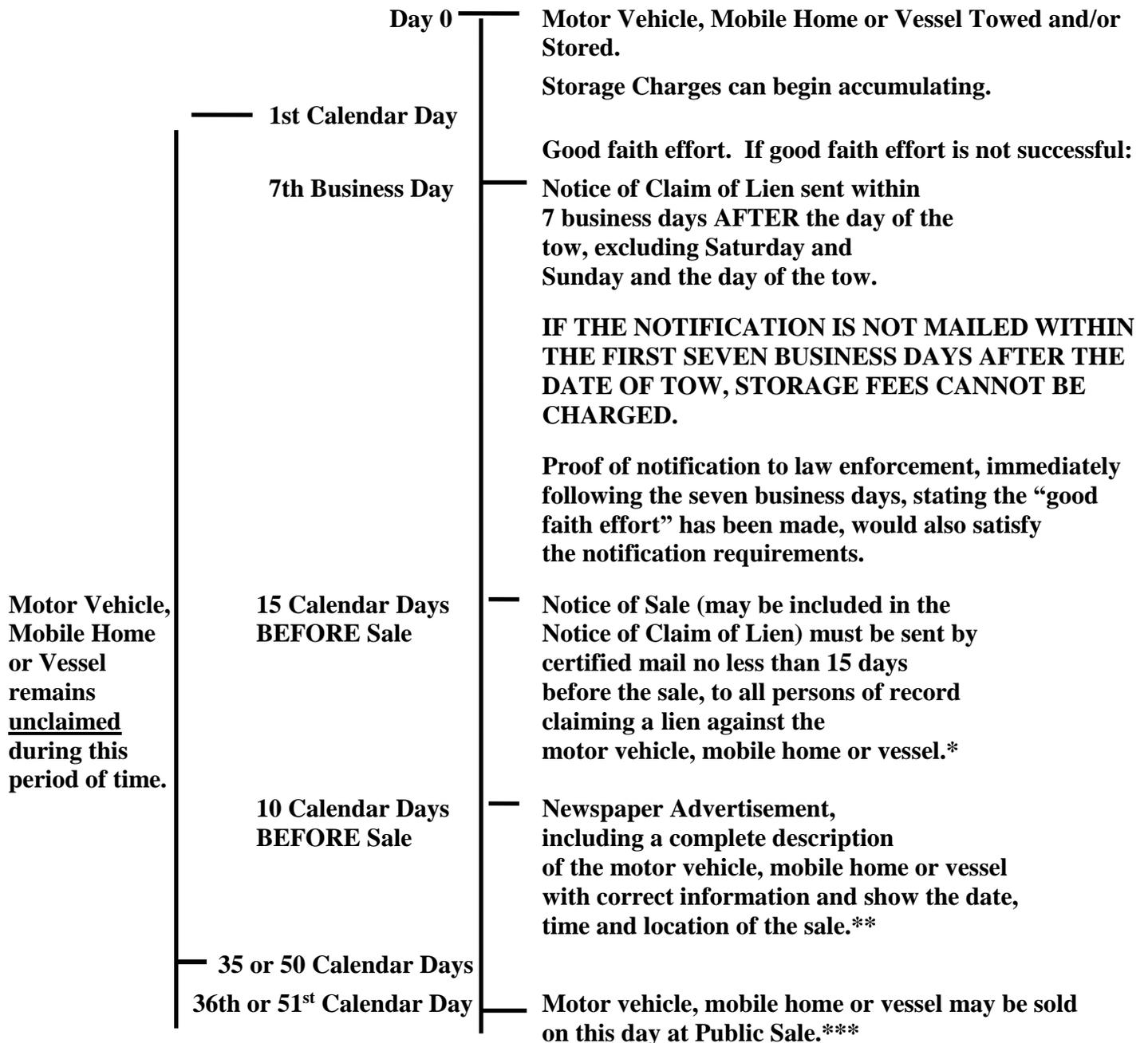
\_\_\_\_\_ Submit a copy of the proof of REPORTING the vehicle to the National Motor Vehicle Title Information  
System (NMVTIS). Refer to section V, BB, of this procedure for a list of approved NMVTIS data  
consolidators.

**NOTE: Reporting to NMVTIS does not apply to any vehicle which is not motor driven (such as  
mobile homes, etc.).**

\_\_\_\_\_ Certificate of Destruction fee.

**EXHIBIT E**

**TOWING & STORAGE TIMELINE**



\* The notice must include the time and location of the sale, the location of the motor vehicle, mobile home or vessel, the motor vehicle, mobile home or vessel description, the tow or transport company’s complete name, address and telephone number, and the signature/printed name of an authorized agent for the towing or transport company (may be included in the Notice of Claim of Lien).

\*\* The 10 days must not include the date of the advertisement or the date of the sale.

\*\*\* May be sold after 35 days if the motor vehicle or vessel is more than 3 years of age or after 50 days if the motor vehicle or vessel is 3 years of age or less. A mobile home may be sold after 35 days.

This time line assumes the motor vehicle, mobile home or vessel is sold on the 36th or 51<sup>st</sup> day. The motor vehicle, mobile home or vessel may be sold at a later date. The Notice of Sale and the newspaper advertisement time frames must be adhered to.

**EXHIBIT F**

**STATES THAT DISCLOSE INSURANCE INFORMATION**

STATE	TELEPHONE # AND WEBSITE	HOW TO REQUEST INSURANCE INFORMATION		INSURANCE INFORMATION
		General Public	Law Enforcement	
Arizona	602/255-0072 800/284-7748 <a href="http://www.dot.state.az.us">www.dot.state.az.us</a>		NCIC and Written Request	<b>Available for Law Enforcement only</b>
Colorado	303/205-5608 <a href="http://www.mv.state.co.us/titlereg.html">www.mv.state.co.us/titlereg.html</a>		NCIC and written request	<b>Available for Law Enforcement only</b>
Connecticut	860/263-5710 <a href="http://dmvct.org">http://dmvct.org</a>		NCIC and fax request	<b>Available for Law Enforcement only</b>
Florida	<a href="http://www.flhsmv.gov">www.flhsmv.gov</a>	Third party provider	NCIC, fax and written request	<b>Available for Law Enforcement or Towing Companies only</b>
Georgia	404/362-6500 <a href="http://www2.state.ga.us">www2.state.ga.us</a>		NCIC	<b>Available for Law Enforcement only</b>
Idaho	208/334-8735 208/334-8736 <a href="http://www.accessidaho.org">www.accessidaho.org</a>		NCIC or written request	<b>Available for Law Enforcement only</b>
Kansas	785/296-3621 <a href="http://www.ink.org/public/kdor/dmv">www.ink.org/public/kdor/dmv</a>		NCIC and written request	<b>Available for Law Enforcement only</b>

**NOTE: This Exhibit identifies the states that disclose insurance information for motor vehicles currently titled in their state. The list specifies who may obtain the information and how. Therefore, if a motor vehicle is titled in one of the states shown on this list, verification of insurance information IS required. If a motor vehicle is titled in a state NOT shown on this list, verification of insurance information IS NOT required.**

**EXHIBIT F (continued)**  
**STATES THAT DISCLOSE INSURANCE INFORMATION**

STATE	TELEPHONE # AND WEBSITE	HOW TO REQUEST INSURANCE INFORMATION		INSURANCE INFORMATION
		General Public	Law Enforcement	
Louisiana	877/368-5463 (toll free) <a href="http://www.dps.state.la.us">www.dps.state.la.us</a>		NCIC and written request	<b>Available for Law Enforcement only</b>
Maryland	410/787-2978 <a href="http://www.mva.state.md.us">www.mva.state.md.us</a>		NCIC and written request	<b>Available to Law Enforcement only.</b>
Massachusetts	617/351-4500 <a href="http://www.state.ma.us">www.state.ma.us</a>		NCIC and written request	<b>Available to Law Enforcement only.</b>
Minnesota	651/296-6911 <a href="http://www.dps.state.mn.us">www.dps.state.mn.us</a>		NCIC and written request	<b>Available to Law Enforcement only.</b>
New Mexico	888/683-4636 <a href="http://www.state.nm.us">www.state.nm.us</a>		NCIC and written request	<b>Available to Law Enforcement by written request</b>
North Carolina	919/715-7000 <a href="http://www.dmv.dot.state.nc.us">www.dmv.dot.state.nc.us</a>		NCIC and written request	<b>Available to Law Enforcement through NCIC or written request on their letterhead</b>
Pennsylvania	717/391-6190 <a href="http://www.dmv.state.pa.us">www.dmv.state.pa.us</a>		NCIC, fax and written request.	<b>Available to Law Enforcement only.</b>

**EXHIBIT G**

**GOOD FAITH NOTICE**

(This Notice must be sent by certified mail or must be hand delivered.)

DATE \_\_\_\_\_

**TO: LOCAL LAW ENFORCEMENT AGENCY**

AGENCY'S NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

**FROM: LIENOR (TOWING OR TRANSPORT COMPANY)**

NAME OF LIENOR \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_

TELEPHONE # (if applicable) \_\_\_\_\_

FAX# (if applicable) \_\_\_\_\_

DESCRIPTION OF MOTOR VEHICLE, MOBILE HOME OR VESSEL

YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ VIN/HIN \_\_\_\_\_

**THE ABOVE NAMED LIENOR CLAIMS A LIEN PURSUANT TO SECTION 713.78, FLORIDA STATUTES, (FOR A MOTOR VEHICLE OR VESSEL) OR 713.785, FLORIDA STATUTES, (FOR A MOBILE HOME) ON THE ABOVE DESCRIBED MOTOR VEHICLE, MOBILE HOME OR VESSEL FOR TOWING AND STORAGE CHARGES.**

**A "GOOD FAITH EFFORT" HAS BEEN MADE BY THE LIENOR TO INCLUDE: A PHYSICAL SEARCH OF THE VEHICLE OR VESSEL, A CHECK OF THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES DATABASE AND OF THE NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM (NMVTIS). THE LIENOR HAS BEEN UNABLE TO LOCATE ANY OWNER, LIENHOLDER AND INSURANCE COMPANY INFORMATION FOR THE MOTOR VEHICLE, MOBILE HOME OR VESSEL.**

**IF ANY INFORMATION IS LOCATED FOR THE OWNER, LIENHOLDER AND INSURANCE COMPANY BY THE LAW ENFORCEMENT AGENCY, PLEASE FORWARD THAT INFORMATION TO THE ABOVE LISTED LIENOR.**

**Under penalties of perjury, I declare that I have read the foregoing (document) and that the facts stated in it are true and correct.**

\_\_\_\_\_  
(Signature of Lienor)

NOTE: This is a suggested form. It is not a prescribed form; however it does contain all the information required.

**EXHIBIT H**

**CHECK LIST FOR CERTIFICATE OF TITLE (WHEN OWNER IS TRANSFERRING TITLE TO THE TOWING OR TRANSPORT COMPANY FOR TOWING & STORAGE CHARGES)**

**FORMS**

**FLORIDA TITLE**

**OUT-OF-STATE TITLE**

\_\_\_\_\_ **Florida Title**

\_\_\_\_\_ **Out of State Title**

\_\_\_\_\_ **HSMV 82040 or HSMV 82041**

\_\_\_\_\_ **HSMV 82042, or the VIN verification section on form HSMV 82040**

\_\_\_\_\_ **Copy of the Notice of Claim of Lien along with one of the following:**

- A copy of the certified mail postal paid receipt showing when the letter was submitted to the post office for mailing.
- Proof of the certified mailing to the owner, lienholder and insurance company, when applicable, from the postal service. This proof may be an electronic record from the postal service, which verifies proof of the certified mail along with the address and the date of mailing.
- A certified copy of the form 3877 (Firm Mailing Book For Accountable Mail). The form must list the name of the addressee, their complete address and the article number for the certified mail. The postmark and date of receipt must be stamped on the form by the postal service, to verify that the listed information is accurate.

**NOTE: A copy of the electronic version of the form 3877 is also acceptable. The electronic version will have an electronic signature of a postal service employee and show a postmark date.**

\_\_\_\_\_ **Title Fees.**

**NOTE: Specify on form 82040 or 82041 the following: "OBTAINED PER FLORIDA STATUTES, SECTION 713.78 OR 713.785, FOR TOWING AND STORAGE CHARGES ONLY."**

**EXHIBIT I**

**EXAMPLE OF PROOF OF INQUIRY  
THROUGH AN AUTHORIZED DATA PROVIDER**



**National Vehicle History / Title Pointer**

Retrieved On: Fri August 02, 2013 02:53:06 PM EDT

Reference ID: 85256

**Vehicle Information**

**VIN:** 1FAFP46V4XF214100      **Year:** 1999      **Make:** Ford      **Model:** Mustang

**Vehicle Brands**

No brand information found in NMVTIS

**Title Information**

**Title:** North Carolina 09/14/2010 UNKNOWN  
**Title History** North Carolina 06/16/2010 UNKNOWN  
**Title History** North Carolina 06/18/2009 UNKNOWN  
**Title History** Pennsylvania 10/24/2008 000095018 Miles  
**Title History** New Jersey 09/30/2008 000020410 Miles  
**Title History** New Jersey 07/30/2001 000020410 Miles  
**Title History** Pennsylvania 04/14/2000 000005226 Miles  
**Title History** Maryland 07/26/1999 000000004 Miles



Shows state of title.  
The term "unknown"  
refers to the odometer.

**Junk/Salvage/Insurance Reporting**

No Junk/Salvage Reports

No Insurance Reports

View the NMVTIS disclaimer at 

**Lien / Theft Data**

Retrieved On: Fri August 02, 2013 02:53:09 PM EDT

**Vehicle Information**

**VIN:** 1FAFP46V4XF214100      **Year:** 1999      **Make:** Ford      **Model:** Mustang

**Theft Information**

No theft information found

**Liens**

No lien information found

# EXHIBIT J

## EXAMPLE OF PROOF OF REPORTING TO NMVTIS THROUGH AN AUTHORIZED DATA CONSOLIDATOR



Reference ID

VIN 1F4GP44R2VB276571

RECORD ID 33d74f07-c38b-41ac-8581-2fafe1a4f9fd

BATCH ID 6d5dcb43-690d-4643-86a0-5fe31ffbecc8

TRANSACTION CHARGE \$0.35

STATUS REPORTED



Shows the vehicle reported

USER tbrien

UPLOAD 07/08/2013 14:14:11 RECORD SENT TO [REDACTED]

The record associated with this vehicle (VIN 1F4GP44R2VB276571) has been reported to [REDACTED].

### RECORD DETAIL

#### Vehicle Reported By

Reporting Entity

ABC Towing

123 Main Street

Anytown, FL 344900000

NMVTIS ID

R000000

Reporting Entity Phone

850-432-1234

#### Vehicle Information

Make

VIN

Make

Year

Model

Style

1F4GP44R2VB276571

#### Salvage Information

Vehicle Disposition

CRUSH

Reason for Disposition

FL

Dismantler Location

Dismantler License No.

Dismantler Stock No.

State of Title

Title No.

11262908

Vehicle Intended For Export

Vehicle Obtained Date

No

07-06-2013

Vehicle Obtained

From Doe, John

Vehicle Transferred To

ABC

07/08/2013



Record 1 of 1

## EXHIBIT K

### “GOOD FAITH EFFORT” CHECK LIST

A "good faith effort" means the following checks have been performed by the towing company to establish prior state of registration and for title:

- Check of the Department of Highway Safety and Motor Vehicles database for the owner and any lienholder.
- Check of the electronic National Motor Vehicle Title Information System or an equivalent commercially available system to determine the state of registration when there is not a current registration record for the vehicle on file with the Department of Highway Safety and Motor Vehicles.
- Check of vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.
- Check of law enforcement report for tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.
- Check of trip sheet or tow ticket of tow truck operator to see if a tag was on vehicle or vessel at beginning of tow, if private tow.
- If there is no address of the owner on the impound report, check of law enforcement report to see if an out-of- state address is indicated from driver license information.
- Check of vehicle or vessel for inspection sticker or other stickers and decals that may indicate a state of possible registration.
- Check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.
- Check of vehicle for vehicle identification number.
- Check of vessel for vessel registration number.
- Check of vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.