

Florida

Department of Highway Safety and Motor Vehicles

Division of Motor Vehicles

PROCEDURE TL-35	SUBJECT: UNINSURED MOTOR VEHICLES OR MOBILE HOMES DECLARED TOTAL LOSS, MOTOR VEHICLES JUNKED BY OWNERS AND DERELICT MOTOR VEHICLES.		
DESCRIPTION AND USE: THIS PROCEDURE PROVIDES INFORMATION AND INSTRUCTIONS TO ASSIST TAX COLLECTOR EMPLOYEES, LICENSE PLATE AGENCY EMPLOYEES, AND THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES WITH IMPLEMENTING REQUIREMENTS FOR UNINSURED MOTOR VEHICLES OR MOBILE HOMES THAT ARE DECLARED TOTAL LOSS JUNKED OR DERELICT.			
<p>I. PROVISIONS OF LAW:</p> <p><u>Section 319.241, Florida Statutes, provides that the department may remove the lien from a derelict motor vehicle record if it does not receive a written protest from the lienholder 10 days after receiving an application for and notifying the lienholder of a derelict motor vehicle certificate.</u></p> <p>Section 319.30(1)(e)<u>(1) and 319.30(1)(e)(2)</u>, Florida Statutes, defines “Derelict Motor Vehicle” <u>as any</u> motor vehicle or mobile home, which is valued under \$1,000, is at least 10 model years old, <u>beginning with the model year of the vehicle as year one</u>, and is in such condition that its highest or primary value is for sale, transport, or delivery to a licensed salvage motor vehicle dealer or registered secondary metals recycler for dismantling its component parts or conversion to scrap metal; <u>or any trailer as defined in s. 320.01(1), with or without all parts, major parts, or major component parts, which is valued under \$5,000, is at least 10 model years old, beginning with the model year of the vehicle as year one, and is in such condition that its highest or primary value is for sale, transport, or delivery to a license salvage motor vehicle dealer or registered secondary metals recycler for conversion to scrap metal.</u></p> <p><u>Section 319.30(1)(f), Florida Statutes, defines “Derelict Motor Vehicle Certificate” as a certificate issued by the department which serves as evidence that a derelict motor vehicle will be dismantled or converted to scrap metal. This certificate may be obtained by completing a derelict motor vehicle certificate application authorized by the department.</u></p> <p><u>Section 319.30(1)(u), Florida Statutes, defines “Seller” as the owner of record or a person who has physical possession and responsibility for a derelict motor vehicle and attests that possession of the vehicle was obtained through lawful means along with all ownership rights. A seller does not include a towing company, repair shop, or landlord unless the towing company, repair shop, or landlord has obtained title, salvage title, or a certificate of destruction in the name of the towing company, repair shop, or landlord.</u></p>			
<p><i>Revision(s) to this Procedure: Added statutes on pages 1-3. Updated derelict information on pages 7-11. Added miscellaneous information on page 12 (# 4 & 5). Updated derelict information in Exhibit A (# 10 & 11).</i></p>			
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<p>Section 319.30(2)(a), Florida Statutes, requires each person mentioned as owner in the last issued certificate of title to surrender the certificate of title to the department when the motor vehicle or mobile home is dismantled, destroyed or changed in such a manner that it is no longer the motor vehicle or mobile home described in the certificate of title.</p> <p><u>Section 319.30(2)(c)(1), Florida Statutes, provides that when a derelict motor vehicle is sold, transported, or delivered to a licensed salvage motor vehicle dealer, the purchaser shall record the date of purchase and the seller's name, address, and valid Florida driver's license or identification card number, or a valid driver's license or identification card number issued by another state.</u></p> <p><u>Section 319.30(2)(c)(2) and Section 319.30(7)(a)(4)(b), Florida Statutes, provides that the derelict motor vehicle certificate application shall be completed and used by the seller or owner of the motor vehicle or mobile home, the seller's or owner's authorized transporter, and the licensed salvage motor vehicle dealer, or registered secondary metals recycler to obtain a derelict motor vehicle certificate from the department. The application must be accompanied by a legible copy of the seller's or owner's valid Florida driver's license or identification card, or a valid driver's license or identification card issued by another state. If the seller is not the owner of record of the vehicle being sold, the dealer shall, at the time of sale, ensure that a smudge-free right thumbprint, or other digit if the seller has no right thumb, of the seller is imprinted on the application and that a legible copy of the seller's driver's license or identification card is affixed to application and sent to the department.</u></p> <p><u>The licensed salvage motor vehicle dealer or registered secondary metals recycler shall secure the motor vehicle for 3 full business days, excluding weekends and holidays, if there is no active lien or a lien of 3 years or more on the department's records before destroying or dismantling the derelict motor vehicle and shall follow department procedures including electronic notification or delivery of original derelict certificate application to the department within 24 hours after receiving the derelict motor vehicle. If there is an active lien of less than 3 years, the licensed salvage motor vehicle dealer or registered secondary metals recycler shall secure the derelict vehicle for 10 days. The department will notify the lienholder that a derelict motor vehicle certificate was issued and of the department's intent to remove the lien. If the department does not receive a written protest from the lienholder 10 days (calendar) after receiving the derelict motor vehicle certificate, the department may remove the lien. If the department, as well as the licensed salvage motor vehicle dealer or registered secondary metals recycler, receives a written statement from the lienholder within the 10-day period that the lien is outstanding, the department will not remove the lien. Instead, the department shall place a 30-day administrative stop on the record to allow the lienholder to apply for title or a repossession certificate. The licensed salvage motor vehicle dealer or registered secondary metals recycler must secure the derelict vehicle until the department removes the administrative stop or the lienholder submits a lien satisfaction or takes possession of the vehicle.</u></p>	
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<p>Section 319.30(3)(a)1, b, Florida Statutes, provides a statutory definition for a total loss on an uninsured motor vehicle or mobile home. An uninsured motor vehicle or mobile home that is wrecked or damaged is defined as a total loss when the cost, at the time of loss, of repairing or rebuilding the motor vehicle is 80 percent or more of the cost of replacing the wrecked or damaged motor vehicle with one of like kind and quality. This includes all motor vehicles and mobile homes regardless of the year of make.</p> <p>Section 319.30(3)(b), Florida Statutes, requires the owner of an uninsured or self-insured motor vehicle or mobile home that is wrecked or damaged and defined as a total loss to forward the certificate of title to the department for processing within 72 hours after the motor vehicle or mobile home becomes salvage. Application for salvage title or certificate of destruction must be made by the owner. However, application for salvage title is not required for any vehicle that is worth less than \$1,500 retail in an undamaged condition, as listed in the official used car guide. The vehicle identification number plate must remain on the motor vehicle.</p> <p>The department shall, with the consent of any lienholders noted thereon, enter a wording of "Cancelled (Junked)" upon its records. When a certificate of title is cancelled (junked) on our records, the department will destroy all certificates in that title chain.</p> <p><u>Section 319.30(8)(f), Florida Statutes, provides that any person who is engaged in the recovering, towing, or storing vehicles pursuant to s. 713.78, and who is claiming a lien for performing labor or services on a motor vehicle or mobile home pursuant to s. 713.58, or is claiming that a motor vehicle or mobile home has remained on any premises after tenancy has terminated pursuant to s. 715.104, is not authorized to use a derelict motor vehicle certificate application for the purpose of transporting, selling, disposing, or delivering a motor vehicle to a salvage motor vehicle dealer or secondary metals recycler without obtaining the title or certificate of destruction required under s. 713.58, s. 713.78, or s. 715.104.</u></p> <p><u>Section 319.30(8)(g), Florida Statutes, provides that the department shall accept all properly endorsed and completed derelict motor vehicle certificate applications and shall issue a derelict motor vehicle certificate having an effective date that authorizes when a derelict motor vehicle is eligible for dismantling or destruction. The electronic information obtained from the derelict motor vehicle certificate application shall be stored electronically and shall be made available to authorized persons after issuance of the derelict motor vehicle certificate in the FRVIS.</u></p> <p><u>Section 319.30(8)(j), Florida Statutes, provides that the licensed salvage motor vehicle dealer or registered secondary metals recycler shall make all payments for the purchase of any derelict motor vehicle that is sold by a seller who is not the owner of record on file with the department by check or money order made payable to the seller and may not make payment to the authorized transporter.</u></p>	
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<p>II. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:</p> <p>The owner(s) of an uninsured motor vehicle or mobile home, declared a total loss as a result of being wrecked or damaged, may not dispose of the motor vehicle or mobile home for parts or scrap until a salvage rebuildable certificate of title, rebuildable flood certificate of title or certificate of destruction has been obtained in the owner's name.</p> <p>A certificate of destruction is required to be obtained for uninsured motor vehicles or mobile homes if the cost of repairing or rebuilding the vehicle is 80 percent or more of the cost to the owner of replacing the vehicle with one of like kind and quality; however, vehicles worth less than \$1,500.00 retail in an undamaged condition are exempt from the salvage law, and no salvage certificate of title will be issued for these vehicles.</p> <p>Once a certificate of destruction is issued, the certificate may only be used to sell a motor vehicle or mobile home for parts or scrap.</p> <p>NOTE: However, if requested, a salvage rebuildable or salvage rebuildable flood certificate of title for an uninsured motor vehicle or mobile home may be issued if the cost of repairing or rebuilding the vehicle is less than 80 percent.</p> <p>A. The following documentation must be submitted to the tax collector's office or license plate agency when applying for a salvage certificate of title or certificate of destruction:</p> <p>NOTE: If an individual/company other than the titled owner is submitting a request for a certificate of destruction for the owner (on a mobile home), proof that the mobile home has been/will be destroyed should be requested. This may be an affidavit from the owner stating that fact or proof of a county permit for the destruction of the mobile home.</p> <ol style="list-style-type: none">1. If the motor vehicle or mobile home is titled in Florida and the certificate of title is available, the following is required:<ol style="list-style-type: none">a. The Florida Certificate of Title in the owner's name.b. Form HSMV 82363, Application for Salvage Title/Certificate of Destruction, accurately completed by the owner in "Salvage by Owner" section, including the odometer declaration section, if applicable.c. Lien satisfaction(s), for any liens, as shown on the motor vehicle records of this or any other state, if applicable.d. Title fees. <p>NOTE: A salvage (rebuildable or rebuildable flood) certificate of title or certificate of destruction will be issued in the owner's name, as indicated on the form HSMV 82363, Application for Salvage Title/Certificate of Destruction.</p>	
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<p>2. When the motor vehicle or mobile home is titled in Florida and the certificate of title is not available, a duplicate certificate of title must be obtained in the owner's name. See DMV Procedure TL-05.</p> <p>When the duplicate certificate of title is received, follow instructions in section II, A, 1, of this procedure.</p> <p>3. When a motor vehicle or mobile home is declared a total loss and the vehicle is not titled in Florida, the following must be submitted:</p> <p>a. The Manufacturer's Certificate of Origin or the out-of-state proof of ownership.</p> <p>b. Form HSMV 82363, Application for Salvage Title/Certificate of Destruction, accurately completed by the owner, including the odometer declaration section, if applicable.</p> <p>c. Form HSMV 82042, Vehicle Identification Number and Odometer Verification, accurately completed by the retail purchaser(s) with the motor vehicle identification number verified by one of the four officials shown on the lower portion of the form.</p> <p>Form HSMV 82363, Application for Salvage Title/Certificate of Destruction, 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 vehicle identification number shown on the affidavit is identical to the vehicle identification number shown on the motor vehicle.</p> <p>Verification is not required on any new motor vehicle sold by a Florida or out-of-state licensed motor vehicle dealer; any mobile home; any trailer or semitrailer 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>d. Lien satisfaction(s), for any outstanding liens, as shown on the motor vehicle records of this or any other state, if applicable.</p> <p>e. Florida sales tax or specify sales tax exemption information on 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.</p> <p>f. Title fees.</p> <p>NOTE: A salvage (rebuildable or rebuildable flood) certificate of title or certificate of destruction will be issued in the owner's name, as indicated on the form HSMV 82363, Application for Salvage Title/Certificate of Destruction.</p>	
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<p>B. When a motor vehicle or mobile home is declared “Junk” by the owner/insurance company because it has been dismantled, destroyed, or changed in such a manner that it is not the same motor vehicle, the certificate of title must be surrendered to the tax collector’s office or license plate agency for processing.</p> <p>1. If the motor vehicle or mobile home is titled in Florida and the certificate of title is available, submit the following documentation to the tax collector's office or license plate agency:</p> <p>a. The Florida Certificate of Title with the notation “JUNKED” and the signature(s) of the owner(s)/insurance company must be shown on the face of the certificate of title.</p> <p>b. Lien satisfaction(s), for any liens, as shown on the motor vehicle records of this or any other state, if applicable.</p> <p>c. No title fee is required.</p> <p>NOTE: A “cancelled (Junked)” transaction now generates a form HSMV 82041. The form HSMV 82041, along with the title (which has the word “Junked” stamped or handwritten across the face) should be placed with the rest of the day's work in the Transaction Summary Report.</p> <p>2. When the motor vehicle or mobile home is titled in Florida and the certificate of title is not available:</p> <p style="padding-left: 40px;">A form HSMV 82101, Application for Duplicate or Lost in Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate, accurately completed by the owner. See DMV Procedure TL-05. When the duplicate certificate of title is received, follow instructions under section II, B, 1, of this procedure.</p> <p>3. When the motor vehicle or mobile home is titled out of state and the out of state title is available:</p> <p style="padding-left: 40px;">The certificate of title should be submitted back to the titling/issuing state to be junked. The owner/insurance company should keep a photocopy of the reassigned title for their records.</p> <p>C. When a motor vehicle or mobile home is sold, transported, or delivered to a licensed salvage motor vehicle dealer or secondary metals recycler and the certificate of title, salvage certificate of title, or certificate of destruction is available, the certificate of title, salvage certificate of title, or certificate of destruction must be provided to the licensed salvage motor vehicle dealer or secondary metals recycler. The licensed salvage motor vehicle dealer or secondary metals recycler must return to the department on a monthly basis, all certificates of title required by this section to be obtained. Submit the following to the tax collector's office or license plate agency for processing:</p>	
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<p>1. The certificate of title or salvage certificate of title must be assigned in the “Transfer of Title by Seller” section by the owner(s)/insurance company transferring interest to the licensed salvage motor vehicle dealer or secondary metals recycler.</p> <p>NOTE: If the certificate of title or salvage certificate of title is properly endorsed over to the seller, the seller does not have to take title in his/her name prior to signing over to the licensed salvage motor vehicle dealer or secondary metals recycler. Example: If Owner 1 has signed the certificate of title or salvage certificate of title over to Owner 2, Owner 2 is not required to take title in his/her name prior to selling to a licensed salvage motor vehicle dealer or secondary metals recycler.</p> <p style="padding-left: 40px;">The certificate of title must have the notation “JUNKED” and the signature of the authorized agent of the licensed salvage motor vehicle dealer or secondary metals recycler written on the certificate of title.</p> <p>2. Lien satisfaction(s) for any liens as shown on the motor vehicle records of this or any other state, if applicable.</p> <p>3. No title fee is required.</p> <p>NOTE: A “cancelled (Junked)” transaction now generates a form HSMV 82041. The form HSMV 82041, along with the title (which has the word “Junked” stamped or handwritten across the face) should be placed with the rest of the day's work in the Transaction Summary Report.</p> <p>NOTE: When a certificate of title or salvage certificate of title has been turned in to the department to be junked and the motor vehicle or mobile home has not been recycled, the licensed salvage motor vehicle dealer must make a copy of the certificate of title or salvage certificate of title and maintain that along with a copy of the form HSMV 82041 in their files. When the motor vehicle or mobile home is transferred to the secondary metals recycler, a copy of these documents should be provided to the secondary metals recycler as proof of ownership.</p> <p>D. When a derelict motor vehicle or mobile home <u>valued under \$1000 or trailer (TL 2,000 lb. or more, does not include semi-trailer) valued under \$5,000 and</u> at least 10 model years old (<u>count model year as year one</u>) is sold, transported, or delivered to a licensed salvage motor vehicle dealer or secondary metals recycler, and the certificate of title, salvage certificate of title, or certificate of destruction is NOT available, the following must be provided to the tax collector’s office or license plate agency for processing:</p> <p>1. When the motor vehicle, mobile home, <u>or trailer (TL)</u> is titled in Florida, the following is required to be submitted to the tax collector or license plate agency by the licensed salvage motor vehicle dealer or secondary metals recycler within 24 hours of receiving the motor vehicle, mobile home, <u>or trailer</u>:</p>	
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a. Form HSMV 82137, Application for **an Original/Duplicate** Derelict Motor Vehicle Certificate and Request to Cancel Title, accurately completed **as follows:**

(1) Section 1 by the **seller or** owner of the motor vehicle or mobile home.

NOTE: A legible copy of the owner/seller's driver license or identification card from Florida or another state MUST be submitted.

If the seller is not the owner of record, the salvage dealer or metals recycler must obtain a smudge-free right thumbprint (or other digit if the seller has no right thumb) on form HSMV 82137.

(2) Section 2 must be accurately completed by the transporter who is hired to transport the motor vehicle, mobile home, **or trailer** to the licensed salvage motor vehicle dealer or secondary metals recycler, if applicable. However, if the owner or the salvage motor vehicle dealer or secondary metals recycler transports the motor vehicle, mobile home **or trailer** in lieu of a transporter, section 2 may be left blank.

(3) Section 3 must be accurately completed by the licensed salvage motor vehicle dealer or secondary metals recycler.

b. A lien satisfaction(s) for any lien(s), as shown on the motor vehicle records of this or any other state, **is NOT required if the lien is 3 years old or more. However, if the lien is less than three years old, a lien satisfaction IS required.**

c. Derelict title fees.

2. When the motor vehicle, mobile home **or trailer** is not titled in Florida and the previous state is known/not known, the following is required to be submitted to the tax collector or license plate agency by the licensed salvage motor vehicle dealer or secondary metals recycler within 24 hours of receiving the motor vehicle or mobile home:

NOTE: If the motor vehicle or mobile home is titled out of state and the out of state title is available, the certificate of title should be submitted back to the titling/issuing state to be junked. The salvage dealer/recycler should keep a photocopy of the reassigned title for their records. They may also want to send it by certified mail as proof of compliance and to have a physical receipt for their records.

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- a. Form HSMV 82137, Application for **an Original/Duplicate** Derelict Motor Vehicle Certificate and Request to Cancel Title, accurately completed **as follows:**
- (1) Section 1 by the **seller or** owner of the motor vehicle or mobile home. **A legible copy of the owner/seller's driver's license or identification card number from Florida or another state must be submitted.**

NOTE: A legible copy of the owner/seller's driver license or identification card from Florida or another state MUST be submitted.

If the seller is not the owner of record, the salvage dealer or metals recycler must obtain a smudge-free right thumbprint (or other digit if the seller has no right thumb) on form HSMV 82137.

- (2) Section 2 must be accurately completed by the transporter who is hired to transport the motor vehicle, mobile home, **or trailer** to the licensed salvage motor vehicle dealer or secondary metals recycler, if applicable. However, if the owner or the salvage motor vehicle dealer or secondary metals recycler transports the motor vehicle, mobile home **or trailer** in lieu of a transporter, section 2 may be left blank.
- (3) Section 3 must be accurately completed by the licensed salvage motor vehicle dealer or secondary metals recycler.

NOTE: When the Derelict Certificate is processed in FRVIS, the name of the salvage motor vehicle dealer or secondary metals recycler should be entered as the owner since the vehicle was previously from another state.

- b.** Form HSMV 82042, Vehicle Identification Number and Odometer Verification, accurately completed by the retail purchaser(s) with the motor vehicle identification number verified by one of the four officials shown on the lower portion of the form.

or,

An affidavit from the seller(s) and the purchaser(s) verifying that the vehicle identification number shown on the affidavit is identical to the vehicle identification number shown on the motor vehicle.

Verification is not required on any new motor vehicle sold by a Florida or out-of-state licensed motor vehicle dealer; any mobile home, trailer or semitrailer with a net weight of less than 2,000 pounds, or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

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<p style="text-align: center;"><u>c.</u> A lien satisfaction(s) for any lien(s), as shown on the motor vehicle records of this or any other state, <u>is NOT required if the lien is 3 years old or more. However, if the lien is less than three years old, a lien satisfaction IS required.</u></p> <p style="text-align: center;"><u>d.</u> Derelict title fees.</p> <p>NOTE: Licensed salvage motor vehicle dealers or secondary metals recyclers shall keep all originals or copies in the event the original was returned to the department, of all certificates of titles, salvage certificates of title, certificates of destruction, and derelict certificate <u>applications</u> on file in chronological order at their offices for a period of three years from the date of purchase.</p> <p>NOTE: Salvage dealers that receive a vehicle with a clear title and wish to sell the vehicle (in lieu of junking the vehicle) must follow instructions in DMV Procedure TL-11, Transfer of Florida Certificate of Title.</p> <p>Licensed salvage motor vehicle dealers that receive a motor vehicle with a clear title and wish to junk, dismantle or crush the motor vehicle, must comply with section II, C, of this procedure.</p> <p>Secondary metals recyclers that receive a motor vehicle with a clear title MUST comply with section II, C, of this procedure.</p> <p>NOTE: The licensed salvage motor vehicle dealer or registered secondary metals recycler will be issued a <u>derelict certificate</u> on plain white paper with one reassignment. A <u>Derelict Certificate</u> may only be reassigned once by a licensed salvage motor vehicle dealer to <u>another licensed salvage motor vehicle dealer or</u> a registered secondary metals recycler.</p> <p>E. Since the Derelict Certificate is given to licensed salvage motor vehicle dealers or secondary metals recycler, no other certificate of title will be issued by the department. If the Derelict Certificate is lost, form HSMV 82137, Application for <u>an Original/Duplicate</u> Derelict Motor Vehicle Certificate and Request to Cancel Title, may be used to apply for a duplicate.</p>	
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	<p>F. The tax collector's office or license plate agency may declare a mobile home title record (without the title) as "Junk" (in order to have it removed from the delinquent personal property tax roll), if one of the following apply:</p> <ul style="list-style-type: none"> • The mobile home no longer exists or cannot be located. • The mobile home has been destroyed or changed in such a manner that it is no longer the mobile home described on the title record. <p>After processing the transaction, the following must be submitted to the department in the Transaction Summary Report:</p> <ol style="list-style-type: none"> 1. The generated form HSMV 82041. 2. A statement on letterhead from the agency or property appraiser's office listing what steps were taken to justify the cancellation of the title record. 3. Lien satisfaction(s), for any liens, as shown on the motor vehicle records of this or any other state, if applicable. 4. No title fee is required. <p>III. MISCELLANEOUS INFORMATION:</p> <ol style="list-style-type: none"> 1. When the Florida Certificate of Title is issued in the name of an insurance company and is completed in the "Transfer of the Title by Seller" section of the certificate of title to a parts dealer or salvage company, it should be handled as a junk by owner. 2. When "For-Hire," "Taxicab" or "Police Car" is shown on the Florida Certificate of Title that is received with the salvage title application, this must be shown on the salvage title application. 3. If the certificate of title was submitted and junked in error, submit an affidavit signed by the registered owner stating that fact along with form HSMV 82101, Application for Duplicate or Lost in Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate. <u>Duplicate title fees would apply.</u> 4. <u>Anyone who recovers, tows, or stores vehicles and who claims a lien for performing labor or services on a motor vehicle or mobile home, or claims that a motor vehicle or mobile home has remained on any premises after tenancy has terminated, must obtain the title or certificate of destruction as required by law in order to transport, sell, dispose of, or deliver a motor vehicle to a salvage motor vehicle dealer or secondary metals recycler; a derelict motor vehicle certificate application is not acceptable.</u> 5. <u>If the seller of a derelict motor vehicle is not the owner of record on file with the department, the licensed salvage motor vehicle dealer or registered secondary metals recycler must pay for the purchase of the derelict motor vehicle by check or money order made payable to the seller not the authorized transporter.</u> 6. See Forms Appendix for a sample of the HSMV forms referred to in this procedure. 7. A list of Frequently Asked Questions is shown as Exhibit A. 	
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Exhibit A

Frequently Asked Questions

- 1. Q. If a motor vehicle has been sold from individual to individual or individual to dealer and the title shows the transfer of ownership, is the purchaser required to take title in their name prior to selling the motor vehicle to a licensed salvage motor vehicle dealer or secondary metals recycler?**
- A. No, section 319.30 (2)(b), Florida Statutes allows for a valid certificate of title, salvage certificate of title or certificate of destruction issued in the name of the seller or properly endorsed over to the seller be submitted to the licensed salvage motor vehicle dealer or secondary metals recycler.**
- 2. Q. Do all persons/businesses buying, selling or dealing in salvage vehicles have to be licensed?**
- A. Yes. A salvage motor vehicle dealer is any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts.**
- 3. Q. What does a licensed salvage motor vehicle dealer or secondary metals recycler use for proof of ownership when the certificate of title or salvage certificate of title has been turned in to the department?**
- A. Proof of ownership will be the form HSMV 82041 issued from FRVIS when the certificate of title or salvage certificate of title has been cancelled. Licensed salvage motor vehicle dealers or secondary metals recyclers shall keep all originals or copies in the event the original was returned to the department, of all certificates of titles, salvage certificates of title, certificates of destruction and derelict motor vehicle certificates on file in chronological order at their offices for a period of three years from the date of purchase.**
- 4. Q. When a certificate of title is signed by a power of attorney for the owner, is the POA required to be submitted?**
- A. Yes. An original or certified copy of the power-of-attorney (form HSMV 82053, general or durable) must be viewed by the clerk at the time of the transaction. However, a copy of the viewed original or certified copy of the power of attorney may be submitted in lieu of the original.**
- 5. Q. If the titled owners are joined by “and”, are both owners required to sign the certificate of title?**
- A. Yes.**
- 6. Q. What process is used when the customer (salvage dealer/recycler) submits an out of state title to be junked?**
- A. The customer must submit the title back to the titling/issuing state to be junked. They should keep a photocopy of the reassigned title for their records. They may also want to send it by certified mail as proof of compliance and to have a physical receipt for their records.**

Exhibit A cont.

- 7. Q. When a certificate of title is submitted to the licensed salvage dealer and the transfer of title by seller section is not complete, can a bill of sale be accepted?**
- A. No, the certificate of title must be completed when available.**
- 8. Q. What process is used when the customer (salvage dealer/recycler) wants to junk a vehicle (titled in another state) and does not have the out of state title?**
- A. The department does not junk out of state title records, however, if the vehicle qualifies as a derelict vehicle, refer to III, D, 2, of this procedure.**
- 9. Q. If a licensed salvage motor vehicle dealer or secondary metals recycler has received a motor vehicle or mobile home prior to October 1, 2008, would an affidavit be acceptable proof of ownership in lieu of an accurately endorsed certificate of title, salvage certificate of title, or certificate of destruction?**
- A. Yes, an affidavit along with lien satisfactions, if applicable.**

(Derelict Questions)

- 10. Q. Does the owner shown on form HSMV 82137 have to match what is shown on the DMV database?**
- A. No. The form may be signed by the owner of record or a person who has physical possession and responsibility for the derelict motor vehicle.**
- 11. Q. When a customer has been left a vehicle in a will and does not have a certificate of title endorsed over to them, can a licensed salvage motor vehicle dealer comply with the derelict certificate laws?**
- A. Yes, if the vehicle in question qualifies as a derelict motor vehicle. The seller (person who has physical possession and responsibility for the derelict motor vehicle) must complete section one on the form HSMV 82137.**
- 12. Q. If a derelict motor vehicle has been purchased by a licensed salvage motor vehicle dealer or secondary metals recycler and it has been burnt or the vehicle identification number is missing, how can a Derelict Motor Vehicle Certificate be obtained?**
- A. A letter on letterhead stationery verifying the confidential VIN must be submitted by any law enforcement officer trained on auto theft, along with form HSMV 82137 accurately completed by the owner.**