



New Legislation

Laurel Whitney

The 2010 Florida Legislative session made several changes to the laws affecting the Division of Motor Vehicles. Although many have not been signed into law as of this writing, you can expect to be seeing more about these items in the near future. Changes go into effect July 1 unless otherwise indicated.

House Bill 971 defines a “tri-vehicle” as an enclosed three-wheeled passenger vehicle that is designed to operate with three wheels in contact with the ground; has a minimum unladen weight of 900 lbs; has a single, completely enclosed, occupant compartment; is produced in a minimum quantity of 300 in any calendar year; is capable of a speed greater than 60 miles per hour on level ground; and is equipped with seats that are certified by the vehicle manufacturer to meet Federal Motor Vehicle Safety Standard requirements. A tri-vehicle must also have a steering wheel used to maneuver the vehicle and a propulsion unit located

continued on page 3

DMV Updates

Laurel Whitney

TL-02, Power of Attorney, was recently updated to include statutory language and elaborate on the use of powers of attorney. 117.107(12) F.S., was added to the procedure, and states, “a notary public may not notarize a signature on a document if the notary public has a financial interest in or is a party to the underlying transaction”.

TL-03, Certified or Plain Copies of Supporting Documents, and TL-10, Original Certificate of Title, have added language regarding the translation of documents written in foreign languages:

Florida Administrative Code (FAC) 15C-1.013 Translation of Foreign Documents, provides that motor vehicle documents or papers submitted to the department for registering and/or titling a motor vehicle, mobile home, or vessel, including proof of ownership documents, in a language other than English, must be accompanied by a written translation into the English language. The translation must be signed by the translator and before a notary public. The translation shall be certified by the translator as being a true and accurate translation.

There is also a brand new procedure written for tools, TL-66.

TL-37, Application for Rebuilts, now specifies that if a dealer rebuilds a vehicle which has a salvage rebuildable title, the dealer must apply for a rebuilt title in its name prior to selling it. Further, the documentation submitted to the DMV Compliance Examiner should be placed in a 5x7 or 8x10 inch envelope. TL-43, Application for Assembled from

continued on page 2

INSIDE THIS ISSUE

- 1 Legislative changes
- 1 DMV updates
- 2 DMV dealer licensing update
- 4 Friendly reminder
- 4 License plates

Dealer Connection is a quarterly publication of the Pinellas County Tax Collector, 315 Court Street, Clearwater, FL 33756.

Committed to citizen-centered government

Parts, also includes the new envelope requirement.

TL-33, Lien Satisfactions, elaborates on titles fee charges for the issuance of paper titles. Specifically, if the lienholder requests the title when satisfying an electronic lien, the title will be printed and the applicable fee collected. If the lienholder does not request the title when satisfying an electronic lien, the title will remain electronic until the registered owner requests to have it printed. The registered owner's address (in or out of state) has no bearing on whether a title is printed or held electronically. Additionally, the applicable fee for printing and mailing the title applies to residents with out of state "mail to" addresses.

RS-26, Dealer and Manufacturer License Plates, now includes the following:

Department of Revenue Rule 12A-1.077(8)(b), provides that each motor vehicle dealer or manufacturer shall pay an annual use tax for each dealer or manufacturer license plate purchased. Such tax shall be for the year for which the dealer or manufacturer license plate was purchased or renewed.

Finally, DMV issued a memo May 17, 2010, regarding GMAC. Effective July 19, GMAC will change its name to Ally, and GMAC automotive dealers will use Ally Financial Services as their lienholder. Although the name will change, DMV advises that the company will continue to securitize its lease assets using VAULT and may still conduct business under the GMAC name. Therefore, we will accept the following names:

| | |
|-------------------------|----------------|
| GMAC | Ally Financial |
| GMAC Inc. | Ally Bank |
| GMACFS | Ally Capital |
| GMAC Financial Services | |

The complete procedures can be accessed at <http://www3.flhsmv.gov/dmv/Proc/>.

DMV Dealer Update

Gary W. Konopka, Region VI Administrator

As I write this towards the end of May of 2010, we are finishing up renewal activities for some 1800 independent, salvage, and wholesale motor vehicle dealers and vehicle auction licenses that we are responsible for and I thank the dealers involved for their

cooperation. We have noted that many dealers again waited until the last minute to complete the eight hours of continuing education which is required once every two years.

While reviewing the submitted dealer license renewals, we also noted many dealers had undergone corporate officer changes and failed to notify us. Any time a dealer who is incorporated or an LLC makes a change, any change, to its corporation or LLC via www.sunbiz.org, that change must also be communicated to the Region HQs. The dealer accomplishes this by submitting a modification application to their assigned Compliance Officer.

Effective July 1, 2010, all license plate transfers initiated by all dealers must be done electronically. As I write this, we are being told that this will be accomplished via your Electronic Temporary Registration (ETR) vendor and more details will be provided by Tallahassee and the ETR vendors.

We know there are several 2010 Legislature actions pending that will have an impact on us and our dealers. However, none have been signed into law as I write this. Once they are, we will endeavor to make you aware of their final version and any necessary implementation guidance. Some things of note in the legislation pending approval (I emphasize: these have not yet been signed into law by the Governor but are contained in HB 631):

Catalytic converter is being added as a major component part of a motor vehicle.

Local community Code Enforcement/Compliance officials will be allowed to enforce curbstoning laws.

Owners of vehicles found in violation of curbstoning laws can be fined \$100.

Dealers will be allowed to store their records electronically. If a dealer chooses to do this, the original paper documents may be destroyed after the dealer successfully transfers title and registration to the purchaser.

All mobile home and recreational vehicle dealer licenses expire on September 30, 2010. We can actually start renewing these dealers as early as August 2, 2010. The renewal form, HSMV Form 86720, is available from our office as well as online at <http://www.flhsmv.gov/dmv/forms/BFO/86720.pdf>.

forward or aft of the enclosed occupant compartment. Further, these vehicles must have seat belts for each vehicle occupant, a windshield and appropriate windshield wiper and washer system, and a vehicle structure, all of which must be certified to meet Federal Motor Vehicle Safety Standards. Registration fees will be based on empty weight, the same as for automobiles.

The bill also amends the definition of ROV's, or off-highway vehicles, increasing the allowable width to 64" and the weight to 2000 lbs.

Motorcycle tag placement has been amended again as follows:

The license tag of a motorcycle or moped may be affixed and displayed parallel to the ground in a manner that the numbers and letters read from left to right. Alternatively, a license tag for a motorcycle or moped may be affixed and displayed perpendicularly to the ground in a manner that the numbers and letters read from top to bottom, if the registered owner of the motorcycle or moped maintains a prepaid toll account in good standing and a transponder associated with the prepaid toll account is affixed to the motorcycle or moped.

There are also six voluntary contributions that will be added to registrations:

- **Florida Network of Children's Advocacy Centers**
- **League Against Cancer/La Liga Contra el Cancer** – effective 09/01/2010
- **ARC of Florida** – effective 10/01/2010
- **Blind Babies and Blind Youth Services** – effective 10/01/2010
- **Prevent Child Sexual Abuse** – effective 10/01/2010
- **Ronald McDonald House** – effective 10/01/2010

New specialty license plates have also been approved this year.

- **Children First** specialty plates will fund public schools in this state, including teacher salaries.
- The **Hispanic Achievers** specialty plate proceeds shall be distributed to National Hispanic Corporate

Achievers, Inc., to fund grants to nonprofit organizations to operate programs and provide scholarships for Hispanic and minority Floridians and organizations throughout Florida.



- The **Endless Summer** plates' proceeds will be used by the Surfing's Evolution and Preservation Corporation for the preservation of the sport of surfing. This law, if passed, goes into effect October 1.



- The **St. Johns River Alliance** tag will fund outreach and research programs of the St. Johns River Alliance and goes into effect October 1.



- Proceeds from the **Catch Me, Release Me** plate will go to the Guy Harvey Ocean Foundation for marine science research. It takes effect October 1.
- The **Florida Biodiversity Program** specialty tag will fund research, education and the study of biodiversity in Florida, and takes effect October 1.
- The **Florida Horse Park** license plate proceeds

continued on page 4

will go to the Florida Agricultural Center and the Florida Horse Park, and takes effect October 1.



- The **Fraternal Order of Police** specialty license plate will be available to lodge members in good standing and their family.

All new plates are \$27.00 plus applicable registration fees.

SB 1182/HB 631 changes the requirements for powers of attorney forms as follows:

If the certificate of title is physically held by a lienholder, the transferor may give a power of attorney to his or her transferee for the purpose of odometer disclosure. The power of attorney must be on a form issued or authorized by the department, which form must be in compliance with 49 C.F.R. ss. The department shall not require the signature of the transferor to be notarized on the form; however, in lieu of notarization, the form shall include an affidavit with the following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE.

The bill also expands on the provision for the Department to withhold the registrations of owners or co owners who fail to pay dealers for their registrations.

As previously stated, **many of these changes have not become law at this time.** The Division of Motor Vehicles and your local Tax Collector's Office will keep you apprised as changes occur. ☹

Starting Jan 1, 2010: New Driver License & ID Card Requirements

Learn what to bring and save a second trip!
www.GatherGoGet.com
 (850) 617-3995

FLORIDA card more than a license

Gather your documents. Go to a driver license office. Get your new card.

FLORIDA

Customer License Plates

Christine Long

When you are inquiring with your customers to see if they have a Florida license plate to transfer, we suggest that you ask the customer such questions as

- (1) Have you ever had a vehicle registered in Florida before?
- (2) If so, will you be transferring the plate or credit from the plate if you don't physically have the plate?
- (3) Did you surrender any license plates to the Tax Collector's office?

Many of your customers don't know they have a license plate or credit to transfer and think it is normal process to pay the \$225.00 initial registration fee. If you take this small step you could save your customer hundreds of dollars.

Also, please remember that if the customer is transferring a license plate and it needs to be replaced, form HSMV 83146 needs to be completed.

If your customer has any questions or concerns they can contact the Pinellas County Tax Collector's Office at 727-464-7777 to inquire if they have a license plate and/or credit plate to transfer. ☹

We have been getting quite a few calls from customers lately who have purchased cars from dealers who issue temporary tags and process title-only transactions. The customers are then told to come to a tag office for a plate. Of course, once at an office we tell them to go back to the dealer. Per Supervisor Allen Shaffer of BFO, the only time a title only is allowable is when there is no temporary tag issued. Issuing a temp tag obligates the dealer to obtain a plate for the customer. Further, title only transactions require the customer sign an affidavit that the vehicle will not be operated on the public highways of Florida. ☹

Upcoming Calendar of Events

| | |
|-------------|--|
| July 5 | Closed for 4 th of July holiday |
| August 25 | Mobile Home Dealer Forms Seminar |
| August 26 | Towing & Storage Lien Seminar |
| September 6 | Closed for Labor Day |