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# Dealer Connection

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## 2004 Legislative Updates

Laurel Swim Whitney

As of July 1, 2004, the following laws went into effect:

### Records retention

**Section 319.23(11) All titles, manufacturers' statements of origin, applications, and supporting documents submitted with the application, including, but not limited to, odometer statements, vehicle identification number verifications, bills of sale, indicias of ownership, dealer reassignments, photographs, and any personal identification, affidavits, or documents required by or submitted to the department, shall be retained by the department for not less than 10 years.**

Previously, the Division of Motor Vehicles retained title records indefinitely. **The new law limits the retention period to 10 years.** Please keep this in mind in case you need to place a records request for a vehicle.

### Retiring mobile home titles

**Section 319.261(2) The title to the mobile home may be retired by the department if the owner of the real property records the following documents in the official records of the clerk of court in the county in which the real property is located:**

**(a) The original title to the mobile home shall include a description of the mobile home, including model year, make, width, length, and vehicle identification number, and a statement by any recorded lienholder on the title that the security interest in the home has been released, or that such security interest will be released upon**

*Please see updates on page 3*

## We Care About Our Dealers

Toni Wolff

Since Diane Nelson took office in 2001 and established her Vision Statement, "World-class service, anytime, any place", improvements in the quality and quantity of our services have been a major priority in her administration. We are continually monitoring the quality of customer service delivered in all our offices to determine that all our customers are receiving world-class service.

We value our relationship with the motor vehicle dealers in Pinellas County and would like to know how you value our customer service. We would appreciate your time and efforts to complete and return the enclosed Customer Service Survey. This Survey is geared towards your specific transactions processed in our offices. Your answers will help us to determine the quality of customer service being delivered and what is necessary to take it to a higher level.

***Thank you for your participation.*** ☺

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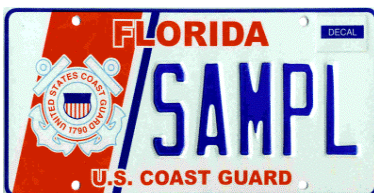
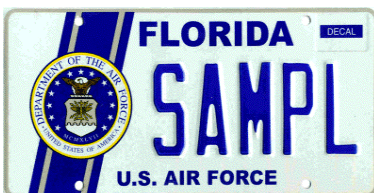
## More Specialty Plates

Laurel Swim Whitney

Just when you thought there were more than enough specialty plates, your local Tax Collector's Office has five more to choose from. Here they are:



Proceeds from Salutes Firefighters go to Florida Firefighter Charities, Inc., to be distributed according to its articles of incorporation. \$22 plus plate fee.



The Army, Navy, Air Force and Coast Guard plates cost an additional \$17.00, with the proceeds going to the Florida State Homes for Veterans Trust Fund. And don't forget, we have a Marine Corps plate, too! ☺

## Some More Reminders from our Dealer Supervisors

- ❖ If the tag you are transferring is up for renewal, indicate whether or not to extend the registration when you enter the plate number in section 2 on form 82040. And don't forget to enter the description of the trade-in or disposed-of vehicle in section 11 on form 82040.
- ❖ Also, please make sure the 82040 is legible. If we can't read it we may have to return it.
- ❖ Please don't include extra documents that aren't needed for title transfers; i.e., copies of driver licenses and tags, "notification of transfer" forms, purchase orders, all three copies of form 82994, etc.
- ❖ And finally, when in doubt, don't forget to check your DMV Procedure Manual or visit [www.taxcollect.com](http://www.taxcollect.com).

We appreciate your continued cooperation. ☺

## Vehicles in Others' Names Acceptable as Trade-ins

Laurel Swim Whitney

Over the years, there has been some conflicting information as to whether a dealer can accept a trade-in that is not in the name of the person who is actually purchasing a vehicle. Tax Collector Diane Nelson recently wrote to the Department of Highway Safety and Motor Vehicles about a son using his father's car as a trade-in. Michael Alderman, Assistant General Counsel, provided the following responses:

1. Does the child need to take possession or ownership prior to using (the vehicle) as a trade-in towards the vehicle they are purchasing? **No.**
2. Does it make a difference if it is a parent/child relationship or could it be another family member, friend, etc., who "gifts" a car to someone for use as a trade-in? **No.**
3. Does the dealer who accepts this vehicle as a trade-in need to maintain specific paperwork for their files to support this type of transaction, such as a gift affidavit, etc.? **The dealer should maintain the usual paperwork required by Rule 15C-7.002, Florida Administrative Code.** ☺

**retirement of the title as set forth in this section.**

Previous law did not specify that a title was required in order to retire the mobile home, which allowed homeowners to retire them using a manufacturer's certificate of origin. **A mobile home must now be titled and registered prior to being retired.**

Exempt organizations

**Section 328.72**, Florida Statutes, was amended to add **Safe Harbor Haven, Inc.** as an exempt organization. **Vessels owned and operated Safe Harbor Haven, Inc. are exempt from the vessel registration fee** and pay only the service fee.

Specialty Plates

As mentioned in the June *Dealer Connection*, **twelve more specialty plates were introduced this year.** They were subsequently approved by the Governor, and DMV is working on them as of this publication. Look for *Save our Seas, Aquaculture, Family First, Sportsmen's National Land Trust, Live the Dream, Florida Food Banks, Discover Florida's Oceans, Family Values, Parents Make a Difference, Support Soccer, Kids Deserve Justice, and Animal Friends* plates in the near future.

On a related note, **320.08056, F.S.**, was amended to **increase the annual use fee for the Florida Educational specialty license plate from \$15.00 to \$20.00.**

Driver Privacy

On October 1, 2004, the following law goes into effect:

Section 119.07, was amended to change the exemption requirements of public records for personal information contained in a motor vehicle record. Specifically, it removed the requirement that the exemption be conditioned on a request by the person who is the subject of the record. Instead, **all registration, title and driver license records are exempt from private information disclosure.**

As dealers, you have a legitimate business purpose for obtaining motor vehicle information and your exemption from this law will continue as usual. ☺

# Sunshine State Tag Agency Offers Services in Pinellas

David Gigliotti

Pinellas County Tax Collector Diane Nelson has partnered with Sunshine State Tag Agency to provide tag and title services. Sunshine is a full service agency specialized in servicing the needs of auctions, dealers, rental and leasing companies, insurance, financial institutions and other companies around the state. Sunshine can process all types of transactions, including renewals, title transfers, fast titles, etc. with a quick turnaround.

Recently we have expanded our services to offer companies the option of participating in the Electronic Filing System offered by the State. This service gives companies more choices, further enhancing the services available through the Tax Collector by reducing traffic in their offices. You can contact Sunshine directly at 941-739-8841x430 for further information on our services. ☺

## Did You Know . . .?

The latest addition to the Department of Highway Safety and Motor Vehicles **online status check** is the ability for drivers to supply insurance information when there is a FR 7 suspension on their driver licenses.

Visit <http://www.hsmv.state.fl.us/html/dlnew.html> and click on Online Insurance Update. If there is an insurance suspension, you will find a fill-in-the-blank form to update your insurance information online. ☺



## Did You Know . . . ?

The Federal Trade Commission produces *A Dealer's Guide to the Used Car Rule*, which defines the Used Car Rule's requirements for the motor vehicle industry. For information, visit [www.ftc.gov](http://www.ftc.gov), or call toll-free 1-877-FTC-HELP (1-877-382-4357); TTY 1-866-653.4261. 📞



## UPCOMING CALENDAR OF EVENTS

September 6	Closed for Labor Day
October 13	Auto Dealer Class
November 11	Closed for Veterans Day
November 25 & 26	Closed for Thanksgiving

## Clarification on Powers of Attorney for Lessees

It looks like there may be some lingering confusion about the PA requirement for lessees. To elaborate, some dealers have submitted certified copies of PA's where, while the document itself is a photocopy, the name and/or vehicle information is written in original ink.

We require either an original power of attorney or a certified copy. As long as the dealer turns in a PHOTOCOPY of a power of attorney that has been certified to be a true and exact copy of the original, it is acceptable. If we see that the document has been altered or added to, it is not a true and exact copy of the original, and we cannot accept it.

Please refer to TL-09, Odometer Disclosures and Declaration Requirements for further information on required documentation. You may also want to review the Governor's Reference Manual for Notaries, available online at:

<http://www.myflorida.com/myflorida/government/governorinitiatives/notary/reference.html>. 📞



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