

Florida

Department of Highway Safety and Motor Vehicles

Division of Motorist Services

PROCEDURE	SUBJECT:	
TL-36	TOTAL LOSS SETTLEMENTS INVOLVING INSURANCE COMPANIES	
DESCRIPTION AND USE:		
<p>THIS PROCEDURE PROVIDES INFORMATION AND INSTRUCTIONS TO ASSIST TAX COLLECTOR EMPLOYEES, LICENSE PLATE AGENCY EMPLOYEES, AND THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES IN ESTABLISHING REQUIREMENTS FOR TOTAL LOSS SETTLEMENTS INVOLVING INSURANCE COMPANIES.</p>		
<p>I. PROVISIONS OF LAW:</p> <p>Section 319.30(1)(a), Florida Statutes, provides the meaning of the term "Certificate of Destruction" as the certificate issued pursuant to s. 713.78(11) or s. 713.785(7)(a).</p> <p>Section 319.30(1)(g), Florida Statutes, provides the meaning of the term "Independent Entity" as a business or entity that may temporarily store damaged or dismantled motor vehicles pursuant to an agreement with an insurance company and is engaged in the sale or resale of damaged or dismantled motor vehicles.</p> <p><u>319.30(1)(n) Florida Statutes, defines "National Motor Vehicle Title Information System" means the national mandated vehicle history database maintained by the United States Department of Justice to link the states' motor vehicle title records, including Florida's Department of Highway Safety and Motor Vehicles' title records, and ensure that states, law enforcement agencies, and consumers have access to vehicle titling, branding, and other information that enables them to verify the accuracy and legality of a motor vehicle title before purchase or title transfer of the vehicle occurs.</u></p> <p>Section 319.30(3)(a)1, Florida Statutes, provides that a motor vehicle or mobile home is a "total loss" when an insurance company pays the motor vehicle owner to replace the wrecked or damaged motor vehicle with one of like kind and quality or when an insurance company pays the owner upon the theft of the motor vehicle or motor home. This includes all motor vehicles and mobile homes regardless of the year or make.</p> <p>Section 319.30(3)(a)(2), Florida Statutes, states, "A motor vehicle or mobile home shall not be considered a "total loss" if the insurance company and owner of a motor vehicle or mobile home agree to repair, rather than to replace, the motor vehicle or mobile home. However, if the actual cost to repair the motor vehicle or mobile home to the insurance company exceeds 100 percent of the cost of replacing the wrecked or damaged motor vehicle or mobile home with one of like kind and quality, the owner shall forward to the department, within 72 hours after the agreement, a request to brand the certificate of title with the words "Total Loss Vehicle." Such a brand shall become part of the vehicle's title history (see III, H, of this procedure).</p>		
<p><i>Revision(s) to this Procedure: Added/updated statutes on pages 2& 3, notification requirements on page 19, and a link on page 22 (T).</i></p>		
EFFECTIVE DATE	REVISION DATE	PAGE #
07/01/13	06/20/13	TL-36-01

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Section 319.30(3)(b), Florida Statutes, requires an insurance company which pays money as compensation for total loss of a motor vehicle or mobile home to obtain the certificate of title for the motor vehicle or mobile home, **make the required notification to the National Motor Vehicle Title Information System, and,** within 72 hours after receiving such certificate of title forward it to the Department of Highway Safety and Motor Vehicles for processing. Application for a salvage certificate of title or certificate of destruction must be made by the insurance company. The vehicle identification number plate must remain on the vehicle. Vehicles worth less than \$1,500 retail in undamaged condition as listed in any official used car guide are exempt from the provisions of this law. However, if the damaged vehicle is equipped with custom-lowered floors for wheelchair access or a wheel chair lift, the insurance company may, upon determining that the vehicle is repairable to a condition that is safe for operation on public roads, submit the certificate of title to the department for reissuance as a salvage rebuildable title and the addition of a title brand of "insurance-declared total loss."

NOTE: Although Florida law requires insurance companies to make the required notification to NMVTIS for salvage motor vehicles, proof of that notification is not required to be submitted at the time of application for a salvage title or certificate of destruction. Proof of notification is still required from and MUST be submitted by an independent entity. See III, J of this procedure for instructions for independent entities.

Section 319.30(9)(a), Florida Statutes, provides that an insurance company may notify an independent entity that obtains possession of a damaged or dismantled motor vehicle to release the vehicle to the owner. The insurance company shall provide the independent entity a release statement on a form prescribed by the department authorizing the independent entity to release the vehicle to the owner. The form shall, at a minimum, contain the following:

1. The policy and claim number.
2. The name and address of the insured.
3. The vehicle identification number.
4. The signature of an authorized representative of the insurance company.

Section 319.30(9)(b), Florida Statutes, provides that the independent entity in possession of a motor vehicle must send a notice to the owner that the vehicle is available for pick up when it receives a release statement from the insurance company. The notice shall be sent by certified mail to the owner at the owner's address reflected in the department's records. The notice must inform the owner that the owner has 30 days after receipt of the notice to pick up the vehicle from the independent entity. If the motor vehicle is not claimed within 30 days after the owner receives the notice, the independent entity may apply for a certificate of destruction or a certificate of title.

Section 319.30(c), Florida Statutes, provides that the independent entity shall make the required notification to the National Motor Vehicle Title Information System before releasing any damaged or dismantled motor vehicle to the owner or before applying for a certificate of destruction or salvage certificate of title.

Section 319.30(9)(d), Florida Statutes, provides that upon applying for a certificate of destruction or certificate of title, the independent entity shall provide a copy of the release statement from the insurance company to the independent entity, proof of providing the 30-day notice to the owner, and applicable fees.

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Section 319.30(9)(e), Florida Statutes, provides that the independent entity may not charge an owner of the vehicle storage fees or apply for a title under s. 713.585 or s. 713.78.

II. GENERAL INFORMATION:

When the retail value of a motor vehicle or mobile home is \$1,500 or more based on any official used car or used mobile home guide and the insurance company pays to replace the motor vehicle or mobile home with one of like kind and quality, the insurance company may not dispose of the motor vehicle or mobile home until a certificate of destruction or salvage certificate of title (branded either Rebuildable or Rebuildable Flood) has been issued in their name.

However, the insurance company MAY request a certificate of destruction (if they deem necessary) even if the vehicle is worth less than \$1,500.

The insurance company also has the option to request an "insurance-declared total loss" (which will be a salvage rebuildable title) in lieu of a certificate of destruction if the damaged vehicle (van) is equipped with custom-lowered floors for wheelchair access or a wheelchair lift and the insurance company deems that the vehicle is repairable to a condition that is safe for operation on public roads (see III, I, of this procedure).

The application and supporting documentation must be submitted to a tax collector's office within seventy-two (72) hours after receiving the certificate of title from the owner.

III. E-SIGNATURE (ELECTRONIC) PROCESS FOR TOTAL LOSS SETTLEMENT VEHICLES (CERTIFICATE OF DESTRUCTION) **ONLY** AND WHEN THE TITLE IS LOST/NOT AVAILABLE:

If not using a form HSMV 82053, Power of Attorney, with an electronic signature, follow the appropriate instructions in section IV of this procedure.

- A. An insurance company authorized and licensed to do business in Florida will email form HSMV 82053 (Power of Attorney – non-secure) to the owner/insured.
- B. The owner/insured will electronically sign (e-sign) form HSMV 82053 and send it back to the insurance company, authorizing the insurance company to act on behalf of the owner/insured as the owner's/insured's attorney in fact.
- C. The insurance company will complete:
Form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate, in the applicable sections to apply for a certificate of title on behalf of the owner,

Form HSMV 82363, Application for Salvage Title/Certificate of Destruction,
and
Form HSMV 82052, Electronic Signature Agreement.
- D. The insurance company will take documents and lien satisfaction (when applicable) to a tax collector office.

The tax collector office will process a certificate of destruction.

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IV. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:

In order to apply for a Florida salvage certificate of title or a certificate of destruction, the following documentation must be submitted:

A. All Insured Motor Vehicles or Mobile Homes Declared a Total Loss as a Result of Being Wrecked or Damaged.

When the retail value of a motor vehicle or mobile home is \$1,500 or more and the insurance company pays to replace the motor vehicle or mobile home, an application for a Florida salvage certificate of title or a certificate of destruction must be made by the insurance company. Under the following circumstances, the documents listed should be submitted:

1. If the motor vehicle or mobile home is titled in Florida and the certificate of title is available for transfer to the insurance company:
 - a. The certificate of title must be assigned in the "Transfer of Title by Seller" section by the owner(s) transferring interest to the insurance company. The insurance company's name must appear as the purchaser.

All required odometer information must be entered in this section. See procedure TL-09. It is necessary that the selling price (settlement amount or purchase price) of the motor vehicle or mobile home be shown in the "Transfer of Title by Seller" section of the Florida certificate of title.
 - b. Form HSMV 82363, Application for Salvage Title/Certificate of Destruction, accurately completed by an authorized agent of the insurance company.
 - 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.

NOTE: A salvage (rebuildable or rebuildable flood) certificate of title or certificate of destruction will be issued in the name of the insurance company, as shown on the form HSMV 82363, Application for Salvage Title/Certificate of Destruction.

2. If the motor vehicle or mobile home is titled in Florida and the certificate of title is unavailable for transfer to the insurance company:

A form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate, accurately completed in the applicable section, by owner.
 - a. The verification portion of form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate, must be completed. Refer to the verification process as outlined in Procedure TL-05.

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TL-36	<p style="text-align:center">TOTAL LOSS SETTLEMENTS INVOLVING INSURANCE COMPANIES</p> <p>7. If the Florida certificate of title branded "REBUILDABLE" or "REBUILDABLE FLOOD" in the name of the insurance company has been transferred to an individual who is NOT rebuilding the motor vehicle:</p> <ul style="list-style-type: none">a. The Florida certificate of title completed for transfer to the purchaser.b. Form HSMV 82363, Application for Salvage Title/Certificate of Destruction, accurately completed by the applicant. Items 4a, 4b and 4c under the "Salvage Title Notation Information" section of the HSMV 82363 do not need to be completed.c. Florida sales tax or check the box in section 6 on the form HSMV 82363, Application for Salvage, which states the vehicle is exempt from Florida sales tax due to a settlement of an insurance claim.d. Title fees. <p>NOTE: The purchaser who rebuilds the motor vehicle must follow rebuilt instructions as provided in DMS procedure TL-37.</p> <p>B. All Insured Motor Vehicles or Mobile Homes Declared a Total Loss as a Result of Being an Unrecovered Theft.</p> <p>Salvage certificate of titles issued for motor vehicles or mobile homes in the name of an insurance company under the following circumstances will be branded "SALVAGE THEFT". This does not include motor vehicles and mobile homes worth less than \$1,500 retail value.</p> <p>1. If the motor vehicle or mobile home is titled in Florida and the certificate of title is available for transfer to the insurance company:</p> <ul style="list-style-type: none">a. The certificate of title must be assigned in the "Transfer of Title By Seller" section by the owner(s) transferring interest to the insurance company. The insurance company's name must appear as the purchaser.b. Form HSMV 82363, Application for Salvage Title/Certificate of Destruction, accurately completed by an authorized agent of the insurance company. <p>NOTE: The applicant must enter the last recorded odometer reading (previous) in all of the odometer spaces on the required documentation. An affidavit must be submitted with the required documentation stating that a current odometer reading cannot be obtained because the motor vehicle has been stolen.</p> <ul style="list-style-type: none">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.
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<p>5. For a new motor vehicle or mobile home that has never been titled and has been stolen from a retail purchaser who purchased the motor vehicle from a Florida or out-of-state dealer:</p> <ul style="list-style-type: none">a. The Manufacturer's Certificate of Origin (MCO) must be assigned by the dealer transferring interest to the retail purchaser(s).b. Form HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, completed by the purchaser(s). <p>NOTE: The applicant must enter the last recorded odometer reading (previous) in all of the odometer spaces on the required documentation. An affidavit must be submitted with the required documentation stating that a current odometer reading cannot be obtained because the motor vehicle has been stolen.</p> <ul style="list-style-type: none">c. A copy of the police theft report showing the owner of the motor vehicle or mobile home as the victim.d. Lien satisfaction(s), for any liens as shown on the motor vehicle records of this or any other state, if applicable.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.f. Title fees. <p>NOTE: When the certificate of title has been issued in the name of the retail purchaser, it must be completed for transfer to the insurance company. (Refer to section III, B, 1 of this procedure.)</p> <p>6. For a used motor vehicle or used mobile home that has never been titled in Florida, has been stolen from a retail purchaser who purchased the motor vehicle or mobile home from a Florida or out-of-state dealer, and a title is needed for transfer to the insurance company:</p> <ul style="list-style-type: none">a. The out-of-state certificate of title assigned by the owner(s) transferring interest to the Florida or out-of-state dealer. The dealer must reassign interest to the retail purchaser(s).b. Form HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the retail purchaser(s).	
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NOTE: The applicant must enter the last recorded odometer reading (previous) in all of the odometer spaces on the required documentation. An affidavit must be submitted with the required documentation stating that a current odometer reading cannot be obtained because the motor vehicle has been stolen.

- 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.

Form HSMV 82040, Application for Certificate of Title with/without Registration, may be used in lieu of the above listed form.

or

An affidavit from the Florida dealer 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; any trailer or semi-trailer with net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

NOTE: If the vehicle identification number was not verified prior to the vehicle being stolen, the customer will not be able to process the application until the vehicle has been recovered.

- d. A copy of the police theft report showing the owner of the motor vehicle or mobile home as the victim.
- 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.
- e. 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 a mobile home.
- g. Title fees.

NOTE: When certificate of title has been issued in the name of the retail purchaser, it must be completed for transfer to the insurance company. (Refer to section III, B, 1).

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<p>C. When the insurance company has the Florida certificate of title branded "Salvage Theft" and the motor vehicle or mobile home is recovered in substantially intact condition and is readily resalable without extensive repair to, or replacement of the frame or engine and the insurance company wants a certificate of title without a "salvage brand", the following documentation is required:</p> <ol style="list-style-type: none">1. The Florida Salvage certificate of title branded "SALVAGE THEFT" is available:<ol style="list-style-type: none">a. The Salvage certificate of title branded "SALVAGE THEFT".b. An affidavit on insurance company letterhead stationery stating the description of the motor vehicle or mobile home and stating that the motor vehicle or mobile home was recovered in substantially intact condition and is resalable without extensive repair to, or replacement of frame or engine.2. When the Salvage certificate of title branded "SALVAGE THEFT" is not available:<p style="margin-left: 40px;">Form HSMV 82101, Application for Duplicate or Lost in Transit Title Certificate, accurately completed by an authorized agent of the insurance company.</p> <p>NOTE: When the duplicate certificate of title, in the name of the insurance company is received, follow instructions in III, C, 1.</p> <p>D. When the insurance company has the Florida certificate of title branded "Salvage Theft" and the motor vehicle or mobile home is recovered in substantially intact condition and is readily resalable without extensive repair to, or replacement of, the frame or engine and the insurance company has sold the motor vehicle or mobile home to a retail purchaser:</p> <ol style="list-style-type: none">1. When the motor vehicle or mobile home is sold and the Salvage certificate of title branded "SALVAGE THEFT" is available:<ol style="list-style-type: none">a. The Salvage certificate of title must be signed in the "Transfer of Title By Seller" section by the insurance company transferring interest to the purchaser(s). The selling price and all required odometer information must be entered in labeled places.<p style="margin-left: 40px;">If the odometer reading shown in the "Transfer of Title by Seller" section of the Florida certificate of title is lower than the odometer reading shown on the Division of Motorist Services (DMS) database, the insurance company must submit a notarized affidavit which provides a description of the vehicle, explaining the "discrepancy/alteration" that is shown in the "Transfer of Title by Seller" section of the Florida title.</p>b. An affidavit on insurance company letterhead stationery describing the motor vehicle or mobile home and stating that the motor vehicle or mobile home was recovered in substantially intact condition.c. Lien satisfaction(s), for any liens, as shown on the motor vehicle records of this or any other state, if applicable.	
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TL-36	<p style="text-align:center">TOTAL LOSS SETTLEMENTS INVOLVING INSURANCE COMPANIES</p> <p>d. 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>e. 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 a mobile home.</p> <p>f. Title fees.</p> <p>2. If the Salvage certificate of title branded "SALVAGE THEFT" is not available: Form HSMV 82101, Application for Duplicate or Lost in Transit Title Certificate, accurately completed by an authorized agent of the insurance company.</p> <p>NOTE: When the duplicate Salvage certificate of title branded "SALVAGE THEFT" is received, follow instructions in III, D, 1.</p> <p>E. When the insurance company has the Florida certificate of title branded "Salvage Theft" and the motor vehicle or mobile home is recovered, but NOT in substantially intact condition, the insurance company must apply for a Salvage certificate of title (rebuildable or rebuildable flood) or a certificate of destruction.</p> <p>1. If the Florida Salvage certificate of title branded "SALVAGE THEFT" is available, the following items must be submitted:</p> <p>a. The Salvage certificate of title in the name of the insurance company.</p> <p>b. Form HSMV 82363, Application for Salvage Title/Certificate of Destruction, accurately completed by an authorized agent of the insurance company.</p> <p>c. Title fees.</p> <p>NOTE: A salvage (rebuildable or rebuildable flood) certificate of title or certificate of destruction will be issued in the name of the insurance company, as shown on the form HSMV 82363, Application for Salvage Title/Certificate of Destruction.</p> <p>2. If the Florida Salvage certificate of title branded "SALVAGE THEFT" is not available: Form HSMV 82101, Application for Duplicate or Lost in Transit Title Certificate, accurately completed by an authorized agent of the insurance company.</p> <p>NOTE: When the duplicate Salvage certificate of title branded "SALVAGE THEFT" is received, follow instructions in III, E, 1.</p>
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PROCEDURE #	SUBJECT:
TL-36	<p style="text-align:center">TOTAL LOSS SETTLEMENTS INVOLVING INSURANCE COMPANIES</p> <p>F. If a motor vehicle or mobile home that was declared a TOTAL LOSS prior to January 1, 1990, as a result of theft is recovered in substantially intact condition and is readily resalable without extensive repair to, or replacement of, the frame or engine and the department is holding the proof of ownership and form DHSMV-V-363A, Report of Total Loss Settlement, as previously required by Florida law, submit the following documentation to apply for a certificate of title in the name of the insurance company:</p> <ol style="list-style-type: none">1. When the department is holding a Florida certificate of title and form DHSMV-V-363A, Report of Total Loss Settlement, submit the following:<ol style="list-style-type: none">a. 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 an authorized agent of the insurance company. An indication that the vehicle was recovered in substantially intact condition must be made by the insurance company. This can be shown in the "OTHER" space provided on form HSMV 82040 in the "Non-Use and Other Certifications" section, or on a letterhead affidavit.b. Title fees.2. If the department is holding an out-of-state certificate of title or a Manufacturer's Certificate of Origin (MCO) and a form DHSMV-V-363A, Report of Total Loss Settlement, submit the following:<ol style="list-style-type: none">a. 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 an authorized agent of the insurance company. An indication that the vehicle was recovered in substantially intact condition must be made by the insurance company. This can be shown in the "OTHER" space provided on form HSMV 82040 in the "Non-Use and Other Certifications" section, or on a letterhead affidavit.b. Form HSMV 82042, Vehicle Identification Number and Odometer Verification, accurately completed by an authorized agent of the insurance company with the motor 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 above listed form. 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 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.c. Title fees.
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<p>NOTE: Documentation should be mailed by the insurance company directly to the:</p> <p style="padding-left: 40px;">Division of Motorist Services, Bureau of Issuance Oversight, Neil Kirkman Building, Tallahassee, FL 32399.</p> <p>NOTE: The certificate of title will be issued in the name of the insurance company and may then be transferred to the purchaser.</p> <p>G. When a stolen motor vehicle or mobile home is recovered in substantially intact condition and is readily resalable without extensive repair to, or replacement of, the frame or engine BEFORE the certificate of title has been received by the insurance company from the owner or the lienholder, the insurance company may apply for a certificate of title that has no brand.</p> <p>This is in lieu of a Salvage certificate of title branded "Theft". The appropriate certificate of title shall be applied for within 72 hours after receiving the certificate of title or proof of ownership from owner:</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 for transfer to the insurance company:<ol style="list-style-type: none">a. The certificate of title must be assigned in the "Transfer of Title by Seller" section by the owner(s) transferring interest to the insurance company. The insurance company's name must appear as the purchaser. All required odometer information must be entered in this section (see DMS Procedure TL-09).b. An affidavit on insurance company letterhead stationery describing the motor vehicle or mobile home and stating that the motor vehicle or mobile home was recovered in substantially intact condition and is readily resalable without extensive repair to, or replacement of, the frame or engine.c. Form HSMV 82040, Application for Certificate of Title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the insurance company.d. 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.e. A 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 a mobile home.f. Title fees.	
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PROCEDURE #	SUBJECT:
TL-36	<p style="text-align:center">TOTAL LOSS SETTLEMENTS INVOLVING INSURANCE COMPANIES</p> <p>2. If the motor vehicle or mobile home has never been titled in Florida and the out-of-state proof of ownership is available for transfer to the insurance company:</p> <ul style="list-style-type: none">a. The certificate of title must be accurately assigned in the transfer section of the out-of-state certificate of title by the owner(s) transferring interest to the insurance company. The insurance company's name must appear as the purchaser.b. An affidavit on insurance company letterhead stationery describing the motor vehicle or mobile home and stating that the motor vehicle or mobile home was recovered in substantially intact condition.c. Form HSMV 82040, Application for certificate of title with/without Registration, or 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the insurance company.d. Form HSMV 82042, Vehicle Identification Number and Odometer Verification, accurately completed by an authorized agent of the insurance company with the motor 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 above listed form. 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 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.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.f. 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 a mobile home.g. Title fees. <p>NOTE: Form HSMV 82363 is not required in the above listed scenarios.</p> <p>H. When the actual cost to repair the motor vehicle or mobile home to the insurance company exceeds 100 percent of the cost of replacing the wrecked or damaged motor vehicle or mobile home with one of like kind and quality and the owner is requesting to brand the certificate of title with the words "Total Loss:"</p>
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<p>NOTE: This process will "brand" the title as a "Total Loss" and will physically appear on the title as such. An inspection of the motor vehicle or mobile home is NOT required. The branded title is just a regular title with a "brand" which may be transferred to a purchaser when sold. This brand will alert the consumer that an insurance company has previously paid for repairs to the vehicle which exceeded 100 percent of the value of the vehicle.</p> <ol style="list-style-type: none">1. When the certificate of title is available:<ol style="list-style-type: none">a. The certificate of title.b. A notarized or perjury clause affidavit (from the owner) describing the motor vehicle or mobile home; requesting the brand of "Total Loss" to be placed on the certificate of title.c. Title fees.2. When the certificate of title is NOT available:<ol style="list-style-type: none">a. Form HSMV 82101, Application for Duplicate or Lost in Transit Title Certificate, accurately completed by the owner.b. A notarized or perjury clause affidavit (from the owner) describing the motor vehicle or mobile home; requesting the brand of "Total Loss" to be placed on the certificate of title.c. Title fees. <p>I. When the insurance company is requesting the brand "insurance-declared total loss" (which will be a salvage rebuildable title) in lieu of a certificate of destruction, (for a damaged vehicle that is equipped with custom-lowered floors for wheelchair access or a wheel chair lift) and the insurance company deems that the vehicle is repairable to a condition that is safe for operation on public roads:</p> <ol style="list-style-type: none">1. When the certificate of title is available:<ol style="list-style-type: none">a. The certificate of title completed for transfer from the owner to the insurance company.b. A form HSMV 82363 (Rev. 06/05 or later), Application For Salvage Title/Certificate of destruction, accurately completed by the insurance company. Item # 4, f, under the "Salvage Title/Certificate of Destruction Notation Information" section of the HSMV 82363 must be checked.c. Title fees.2. When the certificate of title is not available:<p style="margin-left: 40px;">Form HSMV 82101, Application for Duplicate or Lost in Transit Title Certificate, accurately completed by the owner.</p> <p>NOTE: When the duplicate certificate of title has been issued, it must be completed for transfer to the insurance company. (Refer to section III, I, 1, of this procedure.)</p>	
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TL-36	<p style="text-align:center">TOTAL LOSS SETTLEMENTS INVOLVING INSURANCE COMPANIES</p> <p>J. When an insurance company notifies an independent entity that it may release a vehicle in its possession to the vehicle's owner.</p> <p>An "Independent Entity" is a business that sells or resells damaged or disabled vehicles it temporarily stores pursuant to an agreement the entity has with an insurance company.</p> <p>NOTE: "Independent Entity" does not include a wrecker operator, towing company, or a repair facility.</p> <ol style="list-style-type: none">1. The insurance company provides the independent entity with an accurately completed form HSMV 82089, Insurance Company Motor Vehicle Release Statement to an independent entity. This form authorizes the independent entity to release the vehicle to its owner.2. After receiving a release statement, the independent entity must notify the owner that the vehicle is available for pick up as follows:<ol style="list-style-type: none">(a) Notification must be sent via certified mail, return receipt requested, to the owner at the address reflected in department records, and(b) Notification must inform the owner/insured that he/she has 30 days after receiving the notice (use date on return receipt requested/green card) to retrieve the vehicle from the independent entity. A suggested form "Notice of Vehicle Availability" is attached as Exhibit B.3. If the owner/insured does not claim the vehicle within 30 days of receipt of notification (use date on return receipt requested/green card to determine receipt of notification date), or if the certified notification letter is returned as unclaimed (use the postmark date the notice was sent), the independent entity may apply for a certificate of title or destruction by submitting the following:<ol style="list-style-type: none">(a) An accurately completed form HSMV 82040, Application For Certificate Of Title With/Without Registration, in the name of the independent entity, or, An accurately completed form HSMV 82363, Application For Salvage Title/Certificate of Destruction.(b) A copy of the completed form HSMV 82089, Insurance Company Motor Vehicle Release Statement.(c) Proof of certified mail, including the return receipt requested/green card or the returned unclaimed letter.(d) A copy of the notification letter, which the independent entity sent to the owner.(e) <u>A copy of the proof of reporting the vehicle to the National Motor Vehicle Title Information System (NMVTIS). See IV, T of this procedure for a list of approved NMVTIS data consolidators.</u> <p><u>NOTE: Reporting to NMVTIS does not apply to any vehicle which is not motor driven (such as mobile homes, etc.).</u></p> <ol style="list-style-type: none">(f) Lien satisfaction, if applicable.(g) Applicable fees. <p>NOTE: The independent entity may not charge a motor vehicle owner storage fees or apply for a title under labor or services or towing or storing statutes.</p>
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TL-36	TOTAL LOSS SETTLEMENTS INVOLVING INSURANCE COMPANIES
V. MISCELLANEOUS INFORMATION	
A. If a certificate of destruction (or unrebuildable title issued prior to 10/01/00) has been issued or is being issued for a motor vehicle missing the vehicle identification number plate, the insurance company is NOT required to get a replacement decal affixed to the motor vehicle before it can be sold.	
B. If a salvage certificate of title is branded "Unrebuildable" (issued prior to 10/01/00), the motor vehicle or mobile home should not be rebuilt and will not be titled in the state of Florida. If the unrebuildable motor vehicle is subsequently titled in another state and is returned to the state of Florida, the motor vehicle cannot be titled.	
C. If an unrebuildable salvage motor vehicle (issued prior to 10/01/00) is dismantled and used for parts, the certificate of title branded "Salvage Unrebuildable" should be sent to the Department as stated in TL-35, section II, B.	
D. If an out-of-state certificate of title is branded salvage as a result of a theft loss, the first Florida purchaser, whether a licensed motor vehicle dealer or an individual, must obtain an affidavit on letterhead stationery from the insurance company stating that the motor vehicle was recovered intact and road operable or comply with DMS Procedure TL-37 and obtain a rebuilt certificate of title.	
E. If a California Certificate of Title is received showing a brand of salvage, it has already been rebuilt in that state. Therefore, process the application for Florida certificate of title using the brand of rebuilt. An inspection is not required.	
However, if a California Salvage Certificate (in lieu of a title) is received with the notation of salvage, it has not been rebuilt in that state. Therefore, the customer must contact a Florida DMS regional office in order to follow the rebuilt process.	
F. If an out-of-state certificate of title branded salvage is submitted as a result of damage, the first Florida purchaser, whether a licensed Florida dealer or an individual, must submit an affidavit advising the department if the motor vehicle was rebuilt and road operable when they purchased it or they must comply with DMS Procedure TL-37 and obtain a rebuilt certificate of title.	
G. If a motor vehicle has been branded by the state of Florida as unrebuildable (issued prior to 10/01/00) due to an error in the application by an insurance company, the only circumstances under which the department will accept an application for a corrected salvage certificate of title or regular certificate of title are as follows:	
1. When an insurance company has paid to repair a motor vehicle rather than replace it with one of like kind and quality as originally declared. The insurance company must submit the salvage title and a letterhead affidavit explaining the circumstances and stating that the motor vehicle was actually repaired rather than replaced, in order for the salvage title to be cancelled and the previous record reinstated. The previous owner will need to apply for a duplicate certificate of title and pay all title fees.	
or,	
The insurance company must submit the salvage certificate of title, properly completed for transfer to the previous owner (insured), along with a letterhead affidavit stating the motor vehicle was actually repaired rather than replaced and was transferred to them in error. The previous owner must complete an application and pay title fees in order for a clear title to be issued in their name.	

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TL-36	<p style="text-align:center">TOTAL LOSS SETTLEMENTS INVOLVING INSURANCE COMPANIES</p> <p>2. When an insurance company has declared a motor vehicle a "total loss," and has paid to replace the motor vehicle and then makes an error on the salvage application that causes the repair to equal or exceed 80 percent of the motor vehicle's value, causing the motor vehicle to be branded as unrebuildable (issued prior to 10/01/00), the insurance company must submit an affidavit on their letterhead stating the circumstances along with a correct application.</p> <p>3. When an insurance company submits the wrong certificate of title with the Salvage application and the certificate of title has been issued, the insurance company must submit the salvage title and a letterhead affidavit stating the wrong title was transferred to them in error, in order for the certificate of title to be cancelled and the previous record reinstated. The previous owner will need to apply for a duplicate certificate of title and pay all title fees.</p> <p style="padding-left: 40px;">or,</p> <p style="padding-left: 40px;">The insurance company must submit the salvage certificate of title, properly completed for transfer to the previous owner, along with a letterhead affidavit stating the wrong title was transferred to them in error. The previous owner must complete an application and pay title fees in order for a clear title to be issued in their name.</p> <p>NOTE: The insurance company must resubmit their application with the correct certificate of title.</p> <p>H. A salvage rebuildable or rebuildable flood certificate of title can be reassigned from the insurance company to a dealer on the back of the salvage certificate of title and may be reassigned from dealer to dealer as many times as necessary. When the dealer sells the motor vehicle to a non-dealer, the dealer is responsible for submitting the applicant's application for the salvage rebuildable or rebuildable flood certificate of title to the tax collector's office within 30 days from the date of delivery. The form HSMV 82363 should be marked as salvage by owner. Section 4 (a, b & c) does not have to be completed, but the rebuildable block must be checked.</p> <p>NOTE: If a dealer rebuilds a rebuildable vehicle, they must apply for a rebuilt title in their name prior to selling it.</p> <p>I. If an insurance company transfers a salvage rebuildable or rebuildable flood certificate of title back to the previous owner or a non-dealer, the previous owner or non-dealer may apply for a salvage rebuildable, rebuildable flood, or a rebuilt certificate of title. If the previous owner or non-dealer applies for a salvage rebuildable or rebuildable flood certificate of title, the form HSMV 82363 should be marked as salvage by owner. Section 4 (a, b & c) does not have to be completed, but the rebuildable block must be checked.</p> <p>J. A salvage certificate of title will not be issued when a motor vehicle is worth less than \$1,500 retail in undamaged condition according to any official used car guide or used mobile home guide.</p> <p style="padding-left: 40px;">A regular certificate of title must be obtained in the insurance company's name when a motor vehicle is worth less than \$1,500 and the insurance company pays to replace the motor vehicle. See DMS Procedure TL-10 or TL-11.</p> <p>NOTE: However, the insurance company MAY request a certificate of destruction (if they deem necessary), even if the vehicle is worth less than \$1,500.</p>
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TL-36	<p style="text-align:center">TOTAL LOSS SETTLEMENTS INVOLVING INSURANCE COMPANIES</p> <p>K. A salvage certificate of title cannot be issued to an insurance company when the owner is paid to repair rather than replace a motor vehicle or mobile home.</p> <p>L. If the brand "Lease", "Taxicab" or "Police Car" is shown on a Florida certificate of title that is received with a salvage application, it must be shown on the salvage certificate of title application also.</p> <p>M. If the motor vehicle is worth less than \$1,500 and our database shows a stolen stop, the insurance company can apply for a regular certificate of title. The department will issue an override for the stolen stop if a copy of the police report accompanies the application.</p> <p>N. Form HSMV 82040, Application for certificate of title with/without Registration, does not need to accompany a salvage application when form HSMV 82363, Application for Salvage Title/Certificate of Destruction, is required.</p> <p>O. When a total loss is paid and the owner (seller) signs the certificate of title over to the insurance company, they should show the date they are signing the title over and not the actual date of the loss. The date the certificate of title is signed over to the insurance company would be used to determine the penalty date. The title is required to be transferred within 30 days. The 30-day period begins the day after the title is completed for transfer to the purchaser.</p> <p>P. 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:</p> <p style="text-align:center">Division of Motorist Services ATTN: <u>Title and Registration Issuance</u>, MS# 72 Neil Kirkman Building Tallahassee, Fl. 32399</p> <p>Q. If FEMA (Federal Emergency Management Administration) has bought a motor vehicle or mobile home because of a natural disaster, it does not have to take title in its name. The title should be reassigned by FEMA using the dealer's reassignment section.</p> <p>R. If the application being submitted is for a certificate of destruction and the proof of ownership is an out of state title, the vehicle identification number must be verified by a Florida law enforcement officer ONLY.</p> <p>S. A certificate of destruction is re-assignable a maximum of two times before dismantling or destruction of the vehicle or mobile home is required.</p> <p><u>T. A list of the various approved NMVTIS Data consolidators (for reporting purposes) are located on the website of The National Motor Vehicle Title Information System (NMVTIS) at:</u> http://www.vehiclehistory.gov/nmvtis_vehiclehistory.html</p> <p><u>U.</u> Frequently Asked Questions and Answers are attached to this procedure as Exhibit A.</p> <p><u>V.</u> A "Notice to Owner that Motor Vehicle is Available for Pick up" is attached as Exhibit B.</p> <p><u>W.</u> All numbered HSMV forms referred to in this procedure can be found in the DMS Procedure Manual Forms Appendix.</p>
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EXHIBIT A

FREQUENTLY ASKED QUESTIONS AND ANSWERS

1. Q. What are the exact procedures for total losses involving motor vehicles whose value fall below \$1500 and the owner decides to retain salvage? May the owner retain the motor vehicle without applying for a certificate of title in Insurers name?

A. Yes. If the owner and insurance company agree for the owner to retain possession and ownership of a motor vehicle or mobile home, when the value is less than \$1500, the certificate of title may be retained by the owner since section 319.30(3)(b), Florida Statutes, provides for nothing in this subsection to be applicable when a motor vehicle is worth less than \$1500 retail in undamaged condition. If the insurance company takes possession of the motor vehicle or mobile home, a regular certificate of title must be obtained in the name of the insurance company. The insurance company would then be able to sell the motor vehicle or mobile home to anyone, including the previous owner.
2. Q. What are the penalties if proper procedure is not followed?

A. Insurance companies are regulated by the Department of Insurance. Penalties for title fraud are covered in Florida Statute 319.33.
3. Q. A vehicle is involved in an accident and the insurance company and the owner agree to repair rather than replace the vehicle. After the vehicle has been repaired, the owner is dissatisfied and demands that the insurance company pay him to replace the vehicle. The insurance company agrees and pays the owner for the vehicle, and the owner assigns the certificate of title to the insurance company. Is the insurance company required to obtain a salvage certificate of title to the vehicle?

A. Yes.
4. Q. If a motor vehicle is totaled due to unavailable parts, must an insurer obtain a rebuildable certificate of title if the amount of damage is over 80% with available new parts, e.g. used parts would prevent the certificate of title from being branded "Unrebuildable" if they are readily available, new parts cause the total amount of damage to the motor vehicle to equal or exceed 80% damage?

A. When an insurance company pays a "total loss" settlement on a motor vehicle, they must apply for a Salvage certificate of title/certificate of destruction. If the estimate of the cost to repair the motor vehicle is 80% or more, a certificate of destruction will be issued. The Salvage certificate of title law does not address the use of new or used parts in computing the estimates of the cost of repair.

EXHIBIT A (page 2, cont.)

5. Q. Is there still a requirement that motor vehicles be declared a total loss if the repairs exceed 80% of the Actual Cash Value?
- A. If the owner and the insurance company agree to repair the motor vehicle rather than replace the motor vehicle regardless of whether the repairs are less than or more than 80% percent of the value of the motor vehicle in undamaged condition, the motor vehicle is exempt from the Salvage certificate of title law. However, if the actual cost to repair the motor vehicle or mobile home to the insurance company exceeds 100 percent of the cost of replacing the wrecked or damaged motor vehicle or mobile home with one of like kind and quality, the owner shall forward to the department, within 72 hours after the agreement, a request to brand the certificate of title with the words "Total Loss Vehicle." If the insurance company pays the owner replacement value for the motor vehicle, the insurance company must apply for a Salvage certificate of title/certificate of destruction. If the estimate of the cost to repair the motor vehicle is equal to or exceeds 80% of the value of the motor vehicle in undamaged condition, a certificate of destruction will be issued. If the estimate is less than 80%, the Salvage certificate of title will be branded "Rebuildable".
6. Q. What procedure must be followed if an owner wishes to retain salvage on a motor vehicle whose value exceeds \$1500?
1. What is required of the insurer that pays the Actual Cash Value?
- A. DMS Procedure TL-36 is the procedure to follow. The insurance company is required to apply for a Salvage certificate of title/certificate of destruction, if they pay replacement value for a motor vehicle. The estimate of the cost to repair the motor vehicle determines whether a certificate of title will be issued, branded "Rebuildable," or if a certificate of destruction will be issued.
2. What is required of the motor vehicle owner who retains the salvage?
- A. The motor vehicle owner is required to assign certificate of title to the insurance company making the total loss payoff. When the insurance company receives the certificate of title issued in their name, they must reassign it to the owner retaining the salvage.
7. Q. What does the State say the Total Loss Threshold is?
- A. The total loss threshold is: When a motor vehicle has a value of \$1500.00 or more and the insurance company pays the owner to replace the motor vehicle with one of like kind and quality, it is considered a total loss. It is not considered a total loss if the insurance company and the owner agree to repair the motor vehicle rather than replace it. However, if the actual cost to repair the motor vehicle or mobile home to the insurance company exceeds 100 percent of the cost of replacing the wrecked or damaged motor vehicle or mobile home with one of like kind and quality, the owner shall forward to the department, within 72 hours after the agreement, a request to brand the certificate of title with the words "Total Loss Vehicle." Also, when an uninsured motor vehicle is wrecked or damaged and the cost of repairing or rebuilding the motor vehicle is 80% or more of the replacement value of the motor vehicle, it is considered a total loss.

EXHIBIT A (page 3, cont.)

8. Q. What is the proper procedure related to VIN Plate Replacement?
- a. Interacting with local DMS and Police Agencies
 - b. Ramifications if compliance is not met
- A. It is against the law for a person or company to have a motor vehicle in their possession that is missing the manufacturer's identification number plate. If all numbers have been removed, destroyed, altered, or defaced, the motor vehicle is considered contraband and subject to forfeiture. If the visible VIN is missing the insurance company must have a replacement decal affixed to the motor vehicle before it can be sold. The DMS or police agencies dealing in auto theft must look for the confidential vin number on the motor vehicle and make an affidavit on letterhead stationery stating what the number is and that a replacement decal is needed. If it is a motor vehicle that will have a certificate of destruction issued on it, a replacement decal is NOT required.
9. Q. Are self insured groups excluded from state salvage titling procedures?
- A. Section 319.30(2), Florida Statutes, states that when an uninsured (self insured) motor vehicle is wrecked or damaged and the cost of repairing or rebuilding the motor vehicle is 80% or more of the cost to replace the motor vehicle with one of like kind and quality, it is a total loss therefore, they are required to apply for a certificate of destruction.

EXHIBIT B

NOTICE TO OWNER THAT MOTOR VEHICLE IS AVAILABLE FOR PICK UP

DATE: _____

This notice is to inform you as the owner of record for the vehicle described below that you have 30 days from receipt of this notice to pick up your vehicle from the business/entity shown on this notice. You may contact this business to make arrangements to claim your vehicle at no charge.

If the motor vehicle is not claimed within 30 days after you receive this notice, the business/entity has the authority to apply for either a Salvage Certificate of Title or a Certificate of Destruction in their name pursuant to s. 319.30(9)(b), Florida Statutes.

As mandated under Florida Statute 319.30(9)(c), before any damaged or dismantled vehicle is released to the owner or application for a Salvage Certificate of Title or Certificate of Destruction is made by the business/entity it will be reported to the National Motor Vehicle Title Information System.

Vehicle Description			
Year:	Make:	Title Number:	Vehicle Identification Number:

Registered Owner		
Name of Owner:		
Address:		
City:	State:	Zip:

Name Of the Insurance Company who Authorized the Release on form HSMV 82089:	Date of the Authorized Release:

Name Of the Independent Entity/Business Where the Vehicle Is Located		
Name:		
Address:	Phone Number:	
City:	State:	Zip:
Signature of Authorized Agent:	Printed Name of Authorized Agent:	

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