

Motor Vehicle Procedure Manual

Title and Lien

Uninsured Motor Vehicles or Mobile Homes Declared Total Loss, Motor Vehicles Junked by Owners and Derelict Motor Vehicles

Table of Contents

| | |
|---|----|
| Legal Authority | 1 |
| Description And Use | 5 |
| Documentation Required and Special Instructions | 6 |
| Miscellaneous Information | 16 |
| Revision(s) to this Procedure:..... | 17 |
| EXHIBIT A | 18 |
| EXHIBIT B | 21 |
| EXHIBIT C | 22 |
| EXHIBIT D | 24 |

Legal Authority

[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.

[Section 319.30\(1\)\(c\) Florida Statutes](#), defines “Certificate of title” as a record that serves as evidence of ownership of a vehicle, whether such record is a paper certificate authorized by the department or by a motor vehicle department authorized to issue titles in another state or a certificate consisting of information stored in electronic form in the department’s database.

[Section 319.30\(1\)\(e\)1 and 319.30\(1\)\(e\)2, Florida Statutes](#), defines “Derelict Motor Vehicle” as any motor vehicle or mobile home, which is valued under \$1,000, 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 licensed salvage motor vehicle dealer or registered secondary metals recycler for dismantling its component parts or conversion to scrap metal; 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.

[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.

[Section 319.30\(1\)\(o\) Florida Statutes](#), defines "National Motor Vehicle Title Information System" as 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.

[Section 319.30\(1\)\(u\) Florida Statutes](#), defines “Salvage certificate of title” as a salvage certificate of title issued by the department or by another motor vehicle department authorized to issue titles in another state

[Section 319.30\(1\)\(x\), 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.

[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.

[Section 319.30\(2\)\(b\)1, Florida Statutes](#), provides that when a motor vehicle, recreational vehicle or mobile home is sold, transported, delivered to or received by a salvage motor vehicle dealer, the purchaser shall make the required notification to the National Motor Vehicle Title Information System.

[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 make the required notification of the derelict motor vehicle to the National Motor Vehicle Title Information System and record the date of purchase and the seller's name, address and valid Florida driver license or identification card number, or a valid driver license or identification card number issued by another state.

[Section 319.30\(2\)\(c\)2 and Section 319.30\(7\)\(a\)\(4\)b, Florida Statutes](#), provides that if a valid certificate of title, salvage certificate of title, certificate of destruction or derelict motor vehicle certificate is not available, 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 license or identification card, or a valid driver 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 license or identification card is affixed to application and sent to the department. The licensed salvage motor vehicle dealer or registered secondary metals recycler shall make the required notification of the derelict motor vehicle to the National Motor Vehicle Title Information System and 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 within 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. 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.

Although Florida law requires a salvage dealer and recycler to make notification to the National Motor Vehicle Title Information System, NEITHER the dealer or recycler IS REQUIRED to submit proof of this notification with their documentation. The 24 hours starts with the last date on the Derelict Motor Vehicle Application (82137) Section 3. Should this date exceed a 24-hour period, with the exception of holidays and executive orders, the application must be rejected, and the secondary metals recycler would have to provide a court order.

[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. See Procedure TL-36, Exhibit C, page 2, for further clarification.

[Section 319.30\(3\)\(b\) and \(c\), 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/self-insured. However, application for salvage title is not required for any mobile home that is worth less than \$1,500 retail in an undamaged condition, as listed in the official used mobile home guide or when the estimated costs of repairing the mobile home is LESS than 80% of the current retail cost of the mobile home. See Procedure TL-36, Exhibit C, page 2, for further clarification.

[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

[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 motor vehicle issuance system.

[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.

Description And Use

This procedure provides information and instructions to assist tax collector employees, license plate agents and Florida Highway Safety and Motor Vehicles (FLHSMV) with implementing requirements for uninsured motor vehicles or mobile homes that are declared total loss junked or derelict.

As of July 01, 2023, FLHSMV has updated the Form HSMV 82040 Application for Certificate of Title With/Without Registration. HSMV 82040 has been updated into three separate forms:

- HSMV 82040 MV – Application for Certificate of Motor Vehicle Title - [HSMV 82040 MV](#)

HSMV 82040 MV should be used when processing applications for certificate of title for the following vehicle types:

- | | |
|--------------------|-------------------------|
| ○ AU – Auto | ○ TO – Tools |
| ○ BS – Bus | ○ TR – Truck |
| ○ MC – Motorcycle | ○ TT – Travel Trailers |
| ○ OH – Off-Highway | ○ VT – Vehicle Trailers |

- HSMV 82040 VS – Application for Certificate of Vessel Title – [HSMV 82040 VS](#)

HSMV 82040 VS should be used when processing applications for certificate of title for the following vehicle type: VS – Vessel

- HSMV 82040 MH – Application for Certificate of Mobile Home – [HSMV 82040 MH](#)

HSMV 82040 MH should be used when processing applications for certificate of title for the following vehicle type: MH – Mobile Home

Effective July 01, 2023, all certificate of Florida titles issued for Vessels will be required to be processed using Form HSMV 82040 VS – Application for Certificate of Vessel Title. The signed Form HSMV 82041 will no longer be accepted in lieu of Form HSMV 82040 VS.

FLHSMV anticipates accepting the current HSMV 82040 – Application for Certificate of Title With/Without Registration for Motor Vehicles and Mobile Homes until December 31, 2023.

Effective January 01, 2024, all certificate of Florida titles issued for Motor Vehicles and Mobile Homes will be required to be processed using Forms HSMV 82040 MV – Application for Certificate of Motor Vehicle Title and HSMV 82040 MH – Application for Certificate of Mobile Home Title.

Documentation Required and Special Instructions

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.

A certificate of destruction is required to be obtained for uninsured mobile homes if the cost of repairing or rebuilding the mobile home is 80 percent or more of the cost to the owner of replacing the mobile home with one of like kind and quality. However, mobile homes worth less than \$1,500.00 retail in an undamaged condition are exempt from the salvage law.

See Procedure [TL-36](#), Exhibit C, page 2, for further clarification of uninsured motor vehicles and mobile homes.

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.

Even though not required by law, 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.

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:

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.

1. If the motor vehicle or mobile home is titled in Florida and the certificate of title is available, the following is required:
 - 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.

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](#)

- 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 [Procedure TL-05](#).

When the duplicate certificate of title is received, follow instructions in section II.A.1. of this procedure.

- 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:

- a. The Manufacturer's Certificate of Origin or the out-of-state proof of ownership.
- b. [Form HSMV 82363](#), accurately completed by the owner, including the odometer declaration section, if applicable.
- 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 82363](#) may be used in lieu of the above listed 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; 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.

- d. Lien satisfaction(s), for any outstanding 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.

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](#)

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.

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:
 - 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.
 - b. Lien satisfaction(s), for any liens, as shown on the motor vehicle records of this or any other state, if applicable.
 - c. No title fee is required.

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.

2. When the motor vehicle or mobile home is titled in Florida and the certificate of title is not available:

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 [Procedure TL-05](#). When the duplicate certificate of title is received, follow instructions under section II.B.1., of this procedure.
3. When 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 owner/insurance company should keep a photocopy of the reassigned title for their records.

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:

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.

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.

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.

2. Lien satisfaction(s) for any liens as shown on the motor vehicle records of this or any other state, if applicable.
3. No title fee is required.

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.

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.

- D. When a derelict motor vehicle or mobile home valued under \$1000 or any trailer (which is required to be titled) valued under \$5,000 and at least 10 model years old (count model year as year one) 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 is required:
1. When the derelict motor vehicle, mobile home or trailer 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 or trailer:
 - 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 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. The 24 hours starts with the last date on the Derelict Motor Vehicle Application (82137) Section 3. Should this date exceed a 24-hour period, with the exception of holidays and executive orders, the application must be rejected, and the secondary metals recycler would have to provide a court order.
- b. Lien satisfaction(s):

(1) When the lien is 3 years old or more, the following applies:

- The motor vehicle issuance system will systematically delete the lien when the derelict certificate is processed.
- The Derelict Vehicle Certificate will print the destruction date, which will be three full business days (not including weekends or holidays) from the date of the transaction. The salvage dealer or metals recycler must hold the vehicle until that date.
- A field, Authorized Destruction Date, has been added to Title Inquiry and Title History Inquiry displaying the earliest day that the metals recycler or salvage dealer who obtained a Derelict Vehicle Certificate is authorized to destroy the vehicle.

(2) When the lien is less than three years old, the following applies:

When the derelict certificate is processed, the motor vehicle issuance system will systematically place a vehicle stop (“DV” for Derelict Vehicle) against the vehicle for 10 calendar days. See Exhibit B. The derelict certificate will still print, although it will display the destruction date as “PENDING.”

The department will send a letter (via regular mail and email when available) to notify the lienholder of the application and issuance of the Derelict Vehicle Certificate. See Exhibit C. The department will also notify

the salvage dealer or metals recycler (via email) that it may not destroy the vehicle until the MV Check screen displays an authorized destruction date. See Exhibit D.

- a. If the department receives no response from the lienholder within 10 calendar days, the stop will be removed and the Motor Vehicle (MV) Check screen on the department's website will be updated with an authorized destruction date. The dealer/recycler may go to the website to verify the official destruction date. They must print a copy of the MV Check screen (which verifies the destruction information) and maintain this information for their records along with the Derelict Vehicle Certificate.
- b. If the department receives a response from the lienholder within 10 calendar days satisfying the lien or declaring they have no interest in the vehicle, the lien will be removed and the MV Check screen will be updated with an authorized destruction date.
- c. If the department receives a letter of protest from the lienholder within 10 calendar days:
A vehicle stop ("DA" for Derelict Vehicle Administrative) will be manually placed against the vehicle for 30 calendar days. See Exhibit B.

If the lienholder doesn't satisfy the lien or take possession of the vehicle within the 30 days, the MV Check screen will be updated with an authorized destruction date.

The dealer/recycler may verify the official destruction date at the following link: <https://services.flhsmv.gov/MVCheckWeb/>

They should print a copy of the MV Check screen (which verifies the destruction information) and maintain this information for their records along with the Derelict Vehicle Certificate.

- d. Derelict title fees.
2. When the derelict motor vehicle, mobile home or trailer is NOT titled in Florida, the previous state is known/not known, and the title is NOT available, the following is required, including submission of any documentation 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, or trailer:
 - When the motor vehicle issuance system shows a NMVTIS record from another state, the county must contact the Field Support Center to

request verification from that state via law enforcement teletype to check for lien information.

- When the motor vehicle issuance system does NOT show a NMVTIS record, the county must contact the Field Support Center to request a nationwide teletype via law enforcement to check for lien information.

a. Form HSMV 82137, 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.

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

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

- b. Form HSMV 82042, completed by the purchaser(s) with the VIN verified by one of the four officials shown on the lower portion of the form. Verification is not required on 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.

c. Lien satisfaction(s),

(1) When the lien (out of state) is less than 3 years old, the following applies:

a. When a Teletype Record is Found:

- If the teletype verification specifies lienholder information, the Department will send a notification letter to any out-of-state

lienholder and record an administrative stop for 30 days. If the Department receives no response from the out-of-state lienholder after 30 days, the Department will remove the stop, so the derelict certificate can be processed.

- If the teletype verification does not specify lienholder information, continue with the derelict process in the motor vehicle issuance system.

The Derelict Vehicle Certificate will print the destruction date, which will be three full business days (not including weekends or holidays) from the date of the transaction. The salvage dealer or metals recycler must hold the vehicle until that date.

- b. When a Teletype Record is NOT Found:

Continue with the derelict process in the motor vehicle issuance system.

The Derelict Vehicle Certificate will print the destruction date, which will be three full business days (not including weekends or holidays) from the date of the transaction. The salvage dealer or metals recycler must hold the vehicle until that date.

- (3) When the lien (out of state) is 3 years old or more, the following applies:

Continue with the derelict process in the motor vehicle issuance system.

The Derelict Vehicle Certificate will print the destruction date, which will be three full business days (not including weekends or holidays) from the date of the transaction. The salvage dealer or metals recycler must hold the vehicle until that date.

- d. Derelict title fees.

- (1) Additional Information for Salvage Dealers/Recyclers:

- a. When an out of state title IS available and the motor vehicle, mobile home or trailer does qualify as a derelict vehicle/trailer, the reassigned out of state certificate of title should be submitted back to the titling/issuing state to be junked. The salvage dealer/recycler must 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 keep a physical receipt for their records.

- b. When an out of state title IS available and a motor vehicle, mobile home or trailer does NOT qualify as a derelict vehicle/trailer, the reassigned out of state certificate of title must be submitted back to the titling/issuing state to be junked. The salvage dealer/recycler must 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 keep a physical receipt for their records.
- c. 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 applications on file in chronological order at their offices for a period of three years from the date of purchase.
- d. 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 [Procedure TL-11](#), Transfer of Florida Certificate of Title.
- e. 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.

Secondary metals recyclers that receive a motor vehicle with a clear title MUST comply with section II, C, of this procedure.
- f. The licensed salvage motor vehicle dealer or registered secondary metals recycler will be issued a derelict certificate on plain white paper with one reassignment. A Derelict Certificate may only be reassigned once by a licensed salvage motor vehicle dealer to another licensed salvage motor vehicle dealer or a registered secondary metals recycler.
- g. 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, may be used to apply for a duplicate.
- E. The tax collector's office or license plate agency may declare a mobile home title record (without the title) as "Junk" (to have it removed from the delinquent personal property tax roll), if one of the following apply:
 - 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.

After processing the transaction, the following must be submitted to the department in the Transaction Summary Report:

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.

Miscellaneous Information

A. 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.

B. 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.

C. 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. Duplicate title fees would apply.

D. When a salvage yard or a secondary metals recycler applies for a derelict certificate of title in error, in order for the derelict certificate of title to be cancelled and the previous record reinstated, the salvage yard or metals recycler must submit the original derelict certificate (or an affidavit stating that it has been lost or stolen), an affidavit stating the error that was made, and a letter of VIN verification on law enforcement letterhead or [form HSMV 82042](#) completed by law enforcement and mail to the following address:

Florida Department of Highway Safety and Motor Vehicles

Direct Mail and Issuance Section, Room A330, MS 72

2900 Apalachee Parkway

Tallahassee Florida 32399

- E. A lien may NOT be recorded on a derelict certificate. If the derelict certificate was issued in error, see III, E, of this procedure for further instructions.
- F. 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.

- G. Although Florida law requires a salvage dealer and recycler to make notification to the National Motor Vehicle Title Information System, NEITHER the dealer or recycler IS REQUIRED to submit proof of this notification with their documentation.
- H. 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.
- I. A list of Frequently Asked Questions is shown as Exhibit A.
- J. Exhibit B displays a printout of a sample DV Stop (Derelict Vehicle 10-day) and a DA Stop (Derelict Vehicle Administrative 30-day).
- K. Exhibit C displays a sample letter of notification to lienholder of application and issuance of Derelict Vehicle Certificate.
- L. Exhibit D displays a sample letter of notification to the salvage dealer or metals recycler about destroying the vehicle.

Revision(s) to this Procedure:

06/26/23 Added instructions for the new Form HSMV 82040s

3/13/19 Statutory review. Added links to statutes and forms. Added Historical Revisions section. Deleted number 8, outdated question and answer on Exhibit A. Added “The 24 hours starts with the last date on the Derelict Motor Vehicle Application (82137) Section 3. Should this date exceed a 24-hour period, with the exception of holidays and executive orders, the application must be rejected, and the secondary metals recycler would have to provide a court order” under Note section on page 3 and on page 9 under D1(a)(3). Updated address to Direct Mail and Issuance, Room A330, MS 72 2900 Apalachee Parkway Tallahassee Florida 32399

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 the motor vehicle issuance system 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.

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 II, D, 2, of this procedure.

(Derelict Questions)

9. Q. Does the owner shown on form HSMV 82137 have to match what is shown on the Division of Motorist Services (DMS) 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.

10. 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.

11. 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.

12. Q. If a derelict certificate has been issued in the motor vehicle issuance system and the physical Florida title is later received for the vehicle with a notice of lien, can a lien add be processed?
- A. NO. However, if the prior derelict certificate was issued in error, see III, E, of this procedure for further instructions about how to cancel a derelict certificate. Once the prior derelict certificate has been cancelled (and the previous title record has been reinstated), the lien add may be processed.

EXHIBIT B**SAMPLE****Derelict Vehicle Stop (DV) and Derelict Vehicle Administrative Stop (DA)**

| | | | |
|-------------------------------------|------------------------|------------------|----------------|
| TITLE NUMBER IDEN NUM | | FL/OS/DOC NUMBER | VEHICLE NUMBER |
| [REDACTED] >> | | | [REDACTED] |
| REPORT AGENCY REPORTING AGENCY DESC | | | |
| ACOFF >> ASSISTANT CHIEF'S OF | | | |
| | | | |
| ISSUE TYPE | () EXT | ISSUE DATE | STOP NUMBER |
| DA >> | DERELICT VEHICLE ADMIN | 07/26/2011 | 206360308 |
| CLEAR TYPE | CLEAR TYPE DESC. | CLEAR DATE | |
| S >> | SATISFIED | 08/25/2011 | |
| COMMENTS | | | |
| FR CASE NUM | LIEN DATE | | |
| | | | |
| LIENHOLDER OR SUSPENDED FR CUSTOMER | | | |
| FEID/SSN/DL# | | CUST. NAME | |
| ... | | | |

| | | | |
|-------------------------------------|------------------|------------------|----------------|
| TITLE NUMBER IDEN NUM | | FL/OS/DOC NUMBER | VEHICLE NUMBER |
| [REDACTED] >> | | | [REDACTED] |
| REPORT AGENCY REPORTING AGENCY DESC | | | |
| ACOFF >> ASSISTANT CHIEF'S OF | | | |
| | | | |
| ISSUE TYPE | () EXT | ISSUE DATE | STOP NUMBER |
| DV >> | DERELICT VEHICLE | 07/19/2011 | 206350222 |
| CLEAR TYPE | CLEAR TYPE DESC. | CLEAR DATE | |
| S >> | SATISFIED | 07/29/2011 | |
| COMMENTS | | | |
| FR CASE NUM | LIEN DATE | | |
| | | | |
| LIENHOLDER OR SUSPENDED FR CUSTOMER | | | |
| FEID/SSN/DL# | | CUST. NAME | |
| ... | | | |

EXHIBIT C

Notification to lienholder of application and issuance of Derelict Vehicle Certificate

(Sent to lienholder via regular mail and email when available)



February 19, 2019

Loan Max Title Loans
1805 N. Ashley Street
Valdosta, Ga. 31602-3024

Dear Lienholder:

The Department of Highway Safety and Motor Vehicles issued a derelict motor vehicle certificate for a vehicle on which you are listed as the lienholder. The motor vehicle number 234567890 123451 is owned by Willie Wonka.

You are hereby notified that the dealer or recycler will be authorized to destroy the vehicle if there is no response from the lienholder.

As the lienholder, you must file a written statement to the Department, on or before, March 21, 2019, if you wish to prevent the motor vehicle from being destroyed. To expedite the process, we suggest you email your written statement to derelict@flhsmv.gov or fax your written statement to (850) 617-3946. Upon receipt of your written statement, we will place an administrative hold on the record for 30 days.

During this 30-day period, the lienholder must satisfy the lien or contact the dealer/recycler and/or owner, obtain the vehicle, and apply for the title or a repossession certificate. The derelict motor vehicle certificate was issued to:

Glendale Towing & Salvage
6666 Old Towing Way
Tallahassee, FL 32301
(850)555-5555

If after this 30-day period there is no transfer of title or issuance of a repossession certificate, the licensed dealer or metal recycler will be authorized to destroy the vehicle.

A derelict motor vehicle is any motor vehicle or mobile home which is valued under \$1,000, is at least 10 model years old, and is in such condition that its highest primary value is for sale, transport, or delivery to a licensed salvage motor vehicle dealer ("dealer") or registered secondary metals recycler ("recycler") for dismantling its component parts or conversion to scrap metal. Trailers are also covered by the above; however, they must have a value of less than \$5,000.

The derelict motor vehicle certificate allows the dealer or the recycler to dismantle or convert the motor vehicle to scrap metal. Previously, the dealer or recycler had to satisfy the lien before the department issued a derelict motor vehicle certificate. However, new laws section 319.30, Florida Statutes authorize the dealer or recycler to destroy derelict motor vehicles with active liens of less than three years upon receipt of the derelict motor vehicle certificate and after holding the vehicle for 10 days, during which time the lienholder is properly notified that the lien will be removed unless there is a response from the lienholder.

If you have any questions, please contact our Customer Service Center at (850) 617-2000.

Email: derelict@flhsmv.gov

MOTOR VEHICLE STOP SECTION
2900 Apalachee Parkway
MS98
Tallahassee, FL 32399-0500

EXHIBIT D

Notification to licensed salvage dealer or secondary metals recycler regarding destruction of vehicle
(Sent via email to a licensed salvage dealer or secondary metals recycler)

Date 02/19/2019

IMPORTANT NOTICE ABOUT DESTROYING VEHICLE

On 02/19/2019 you received a derelict motor vehicle certificate for VIN 234567890 123451. This vehicle has a lien less than 3 years old and the lienholder has been notified that you have received a derelict motor vehicle certificate as required by s.319.30, Florida Statutes. THE CERTIFICATE ISSUED TO YOU DOES NOT HAVE AN AUTHORIZED DESTRUCTION DATE AND YOU MAY NOT DESTROY THE VEHICLE UNTIL ONE IS ASSIGNED.

Once the vehicle is eligible for destruction, this date will be posted on the Department's Motor Vehicle Check. If the authorized destruction date is shown as "PENDING," an administrative hold placed on the record is still in effect and YOU MAY NOT DESTROY THE VEHICLE. When the administrative hold is removed, this site will show an "AUTHORIZED DESTRUCTION DATE". You MUST print a copy of this screen and include it with the derelict motor vehicle certificate PRIOR to destroying the motor vehicle. These two documents must be kept together as proof of authorization to destroy the vehicle.

Please contact the Department at (850) 617-2000 if you need further assistance.

Our Mission: Providing Highway Safety and Security through Excellence in Service, Education and Enforcement.