

SELLING YOUR CAR PRIVATELY

In today's economy, many in Palm Beach County are selling their vehicles, boats or trailers privately. While avoiding the "middle man," there are some pitfalls that must be avoided to assure your old car doesn't come back to haunt you and cost you.

Trap

Joe and Sandy Nelson decided to sell their old Chevy Van, so they placed an advertisement in their community paper. Tom, who worked in the Nelson's housing development, saw the advertisement and thought the van would be perfect for his job and growing family. He called the Nelsons and made arrangements to see the van that night.

The Nelsons were anxious to make a deal and offered to sell the van to Tom at a discounted price because he seemed like a nice guy. They even took Tom's personal check and signed over the title. Everybody seemed to get what they wanted.

About a year later, the Nelsons received a certified letter from a local towing company concerning their old van. The letter was a "Notice of Claim of Lien and Proposed Sale of Motor Vehicle or Vessel." It detailed charges for towing fees totaling over \$500! The notice referred to storage charges continuing to accumulate at the rate of \$25 per day if the van was not claimed and the fees paid. Failure to pay the charges would mean the van would be sold at public auction. If the sale of the vehicle didn't cover the fees due the towing company, the Nelsons would be held responsible and could be prevented from registering a vehicle or securing a revalidation sticker for their car tag.

The Nelsons called the towing company immediately and discovered that the van was never properly registered with the Florida Department of Motor Vehicles. Tom had apparently abandoned the van after it broke down, and the police department called the towing company to have it removed.

The Nelsons felt this entire series of events could have qualified as an episode of the Twilight Zone! Fortunately, they were able to negotiate the charges, and the towing company took the van to the salvage yard for scrap. What could the Nelson's have done to prevent this?

Tips

When you sell a car, truck, boat or other vehicle that requires a license plate in Florida, the following tips may save you trouble down the road:

- First, locate the title. If you can't find it, you must apply for a new one. Download the form, HSMV 82101 online at the Florida Department of Highway Safety and Motor Vehicles (FHSMV). Fill the form out and return it to the local tax collector's office. Although not required, consider meeting the buyer at the county tax collector's office to complete the sale.
- It is the seller's responsibility to maintain insurance on the car so the title can be transferred to the new owner. The buyer will also need insurance before the title can be transferred.
- Collect payment from the buyer in the form of cash, money order or cashier's check.
- Transfer the title by filling in the buyer's name, address and the vehicle's purchase price. Write the current odometer reading along with the date of sale. Print your name in the "Seller" section and the buyer's name in the "Purchasers" section of the title. Both the seller and purchaser will need to sign the title.
- Give the buyer a printed bill of sale. Include the date, description of the car and vehicle identification number. Write the buyer's name and street address along with your name and address. Record the odometer reading, show the purchase price, sign your name and write "paid in full."
- Be sure to fill out a "Notice of Sale" form at the county tax collector's office within 30 days of the sale. This lets the state know you no longer own the car and frees you from future liabilities to the car.
- Failure to take these recommended steps could lead to having a "Wrecker's Operator's lien" filed against you for unpaid towing and storage charges. The lien places your name on a list with the Florida Department of Motor Vehicles. You will be prevented from registering a vehicle or applying for a revalidation sticker until the towing company's lien is resolved.

Resources:

- Palm Beach County Tax Collector: <http://www.taxcollectorpbc.com>
- Florida Department of Highway Safety & Motor Vehicles: <http://www.flhsmv.gov>

For more information, call Palm Beach County Consumer Affairs at 561-712-6600 (Boca/Delray 888-852-7362 toll free)