A bill to be entitled
An act relating to motor vehicle dealers; providing legislative findings; amending s. 324.021, F.S.; revising the definition of the term "rental company" to exclude certain motor vehicle dealers, for the purpose of determining minimum insurance coverage requirements; providing that specified motor vehicle dealers and their affiliates are immune to causes of action and not vicariously or directly liable for harm to persons or property under certain circumstances; providing that specified motor vehicle dealers and their affiliates are not adjudged liable in civil proceedings or guilty in criminal proceedings under certain circumstances; providing exceptions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The Legislature finds that, absent negligence or criminal conduct by a motor vehicle dealer, or its leasing or rental affiliates, subjecting motor vehicle dealers and their leasing and rental affiliates to vicarious liability under the dangerous instrumentality doctrine when a temporary replacement vehicle is provided to a consumer violates the federal Graves Amendment and is both unfair and economically disadvantageous in
that it causes dealers and their affiliates to suffer higher
insurance costs, which are then passed on to consumers.
Additionally, application of the vicarious liability doctrine in
such cases often serves to relieve the actual tortfeasor from
liability.

Section 2. Paragraph (c) of subsection (9) of section
324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The
following words and phrases when used in this chapter shall, for
the purpose of this chapter, have the meanings respectively
ascribed to them in this section, except in those instances
where the context clearly indicates a different meaning:

(9) OWNER; OWNER/LESSOR.—

(c) Application.—

1. The limits on liability in subparagraphs (b)2. and 3.
do not apply to an owner of motor vehicles that are used for
commercial activity in the owner's ordinary course of business,
other than a rental company that rents or leases motor vehicles.
For purposes of this paragraph, the term "rental company"
includes only an entity that is engaged in the business of
renting or leasing motor vehicles to the general public and that
rents or leases a majority of its motor vehicles to persons with
no direct or indirect affiliation with the rental company. The
term also includes a motor vehicle dealer that provides
temporary replacement vehicles to its customers for up to 10
The term "rental company" also includes:

a. A related rental or leasing company that is a subsidiary of the same parent company as that of the renting or leasing company that rented or leased the vehicle.

b. The holder of a motor vehicle title or an equity interest in a motor vehicle title if the title or equity interest is held pursuant to or to facilitate an asset-backed securitization of a fleet of motor vehicles used solely in the business of renting or leasing motor vehicles to the general public and under the dominion and control of a rental company, as described in this subparagraph, in the operation of such rental company's business.

2. Furthermore, with respect to commercial motor vehicles as defined in s. 627.732, the limits on liability in subparagraphs (b)2. and 3. do not apply if, at the time of the incident, the commercial motor vehicle is being used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Authorization Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is required pursuant to such act to carry placards warning others of the hazardous cargo, unless at the time of lease or rental either:

a. The lessee indicates in writing that the vehicle will not be used to transport materials found to be hazardous for the purposes of the Hazardous Materials Transportation Authorization Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is required pursuant to such act to carry placards warning others of the hazardous cargo, unless at the time of lease or rental either:
Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

b. The lessee or other operator of the commercial motor vehicle has in effect insurance with limits of at least $5,000,000 combined property damage and bodily injury liability.

3. A motor vehicle dealer, or a motor vehicle dealer's leasing or rental affiliate, that provides a temporary replacement vehicle at no charge or at a reasonable daily charge to a service customer whose vehicle is being held for repair, service, or adjustment by the motor vehicle dealer is immune from any cause of action and is not liable, vicariously or directly, under general law by reason of being the owner of the temporary replacement vehicle, for harm to persons or property that arises out of the use, or operation, of the temporary replacement vehicle by any person during the period the temporary replacement vehicle has been entrusted to the motor vehicle dealer's service customer if there is no negligence or criminal wrongdoing on the part of the motor vehicle owner, or its leasing or rental affiliate. For purposes of this section, and notwithstanding any other provision of general law or existing case law, a motor vehicle dealer, or a motor vehicle dealer's leasing or rental affiliate, that gives possession, control, or use of a temporary replacement vehicle to a motor vehicle dealer's service customer may not be adjudged liable in a civil proceeding, or guilty in a criminal proceeding, absent negligence or criminal wrongdoing on the part of the motor vehicle owner, or its leasing or rental affiliate.
vehicle dealer, or the motor vehicle dealer's leasing or rental affiliate, if the motor vehicle dealer or the motor vehicle dealer's leasing or rental affiliate obtains from the person receiving the temporary replacement vehicle a copy of the person's driver license and insurance information reflecting at least the minimum motor vehicle insurance coverage required in the state. Any subsequent determination that the driver license or insurance information provided to the motor vehicle dealer, or the motor vehicle dealer's leasing or rental affiliate, was in any way false, fraudulent, misleading, nonexistent, canceled, not in effect, or invalid does not alter or diminish the protections provided by this section, unless the motor vehicle dealer, or the motor vehicle dealer's leasing or rental affiliate, had actual knowledge thereof at the time possession of the temporary replacement vehicle was provided. For purposes of this subparagraph, the term "service customer" does not include an employee, an agent, or a principal of a motor vehicle dealer or a motor vehicle dealer's leasing or rental affiliate unless such person has been provided a temporary replacement vehicle while such person's vehicle is being held for repair, service, or adjustment by the motor vehicle dealer.

Section 3. This act shall take effect July 1, 2020.