

By the Committee on Transportation and Representatives  
 Flanagan, Thrasher, Bainter, Melvin, Burroughs, Dockery, Lynn,  
 Turnbull and Bitner

1                                   A bill to be entitled  
 2           An act relating to limits on liability for  
 3           motor vehicles; creating s. 768.092, F.S.;  
 4           limiting liability for certain damages arising  
 5           from motor vehicle accidents; requiring renters  
 6           with foreign driver licenses to purchase  
 7           certain liability insurance from the motor  
 8           vehicle rental business; amending s. 627.7263,  
 9           F.S.; modifying language required in rental and  
 10          lease agreements regarding insurance coverage;  
 11          providing for a required notice; providing for  
 12          severability; providing an effective date.

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

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 16           Section 1. Section 768.092, Florida Statutes, is  
 17 created to read:

18           768.092 Limits on liability for motor vehicles.--

19           (1) As used in this section, the term:

20           (a) "Motor vehicle" means all vehicles defined in s.  
 21 320.01.

22           (b) "Motor vehicle owner" means any person,  
 23 corporation, or other entity which owns or leases a motor  
 24 vehicle and lends, leases, or rents such motor vehicle to  
 25 another.

26           (c) "Collateral sources" shall have the same meaning  
 27 as that term is defined in s. 768.76(2)(a)2., 3., and 4.

28           (d) "Secondary" means coming after and not in addition  
 29 to any valid and collectible liability insurance, personal  
 30 injury protection insurance, or other insurance coverages  
 31 otherwise available.

1           (2) Notwithstanding any other provision of law, a  
2 motor vehicle owner:

3           (a) Shall not be liable for noneconomic damages  
4 arising from an accident involving said motor vehicle to any  
5 person for the actions of a person renting or operating the  
6 motor vehicle without a showing of negligence or intentional  
7 misconduct on the part of the motor vehicle owner or, if such  
8 owner is a business, its employees.

9           (b) Shall be liable for economic damages arising from  
10 an accident involving said motor vehicle to any person for the  
11 actions of a person renting or operating the motor vehicle  
12 only up to \$100,000 per person and up to \$300,000 per accident  
13 for bodily injury and up to \$50,000 for property damage  
14 without a showing of negligence or intentional misconduct on  
15 the part of the motor vehicle owner or, if such owner is a  
16 business, its employees.

17  
18 All damages payable under this section by a motor vehicle  
19 owner shall be secondary, and shall be reduced by the total of  
20 all amounts which have been paid for the benefit of the  
21 claimant, or which are otherwise available to the claimant,  
22 from all collateral sources. Nothing in this subsection shall  
23 affect the rights and responsibilities of a motor vehicle  
24 lessee under s. 627.7263.

25           (3) Nothing in this section shall affect the liability  
26 of long term lessors under s. 324.021(9)(b).

27           (4) Notwithstanding any provision to the contrary in  
28 s. 626.321, a motor vehicle rental business shall require that  
29 renters with drivers' licenses issued by foreign countries  
30 shall purchase motor vehicle liability insurance coverage from  
31 the motor vehicle rental business in the amount of \$200,000

1 per person, up to \$500,000 per accident for bodily injury, and  
2 \$50,000 for property damage. Any such coverage shall be  
3 deducted from the limits of liability established for motor  
4 vehicle owners for any claims under this section.

5 Section 2. Subsection (2) of section 627.7263, Florida  
6 Statutes, is amended to read:

7 627.7263 Rental and leasing driver's insurance to be  
8 primary; exception.--

9 (Substantial rewording of subsection (2). See  
10 s. 627.7263(2), F.S., for present text.)

11 (2) If the lessee's coverage is to be primary, the  
12 rental or lease agreement must contain the following language,  
13 in at least 10-point type:

14 "The valid and collectible liability  
15 insurance and personal injury protection  
16 insurance of any authorized rental driver or  
17 leasing driver is primary for the limits of  
18 liability and personal injury protection  
19 coverage required by ss. 324.021(7) and  
20 627.736, Florida Statutes.

21 In no event will the (name) motor vehicle  
22 rental business be obligated to defend or  
23 indemnify you if you cause an accident.

24 Further, if you or any driver of the  
25 rental vehicle cause an accident which damages  
26 property or injures others resulting in damages  
27 in an amount in excess of your own insurance  
28 coverage limits, you may be held liable to the  
29 (name) motor vehicle rental business for any  
30 sums it is caused to expend for damages, costs,  
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1           and attorney's fees as a result of your having  
2           caused an accident."

3           Section 3. If any provision of this act or the  
4 application thereof to any person or circumstance is held  
5 invalid, the invalidity shall not affect other provisions or  
6 applications of the act which can be given effect without the  
7 invalid provision of this act are declared severable.

8           Section 4. This act shall take effect upon becoming a  
9 law.

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