

Bill No. CS/HB 3345

Amendment No.

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Silver moved the following amendment:

Senate Amendment (with title amendment)

On page 9, line 23, through
page 11, line 2, delete those lines

and insert:

(d) In addition to the penalty imposed under paragraph (a), paragraph (b), or paragraph (c), the court shall also order the impoundment or immobilization of a vehicle owned, leased, or rented by ~~the vehicle that was driven by, or in the actual physical control of,~~ the offender, unless the court finds that the family of the owner of the vehicle has no other public or private means of transportation. The period of impoundment or immobilization is 10 days, or, for the second conviction within 3 years, 30 days, or, for the third conviction within 5 years, 90 days and may not be concurrent with probation or imprisonment. If the vehicle is leased or rented, the period of impoundment or immobilization may not extend beyond the expiration of the lease or rental agreement. Within 7 business days after the date that the court issues

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1 the order of impoundment or immobilization, the clerk of the
2 court shall send notice by certified mail, return receipt
3 requested, to ~~the registered owner of the vehicle if the~~
4 ~~registered owner is a person other than~~ the offender and to
5 each person of record claiming a lien against the immobilized
6 or impounded vehicle. All costs and fees for the impoundment
7 or immobilization, including the cost of notification, must be
8 paid by the offender ~~owner of the vehicle or, if the vehicle~~
9 ~~is leased or rented, by the person leasing or renting the~~
10 ~~vehicle~~. The person who owns a vehicle that is impounded or
11 immobilized under this paragraph, or a person who has a lien
12 of record against such a vehicle, may, within 10 days after
13 the date that person has knowledge of the location of the
14 vehicle, file a complaint in the county in which the owner
15 resides to determine whether the vehicle was wrongfully taken
16 or withheld from the owner or lienholder. Upon the filing of a
17 complaint, the owner or lienholder may have the vehicle
18 released by posting with the court a bond or other adequate
19 security equal to the amount of the costs and fees for
20 impoundment or immobilization, including towing or storage, to
21 ensure the payment of such costs and fees if the owner or
22 lienholder does not prevail. When the bond is posted and the
23 fee is paid as set forth in s. 28.24, the clerk of the court
24 shall issue a certificate releasing the vehicle. At the time
25 of release, after reasonable inspection, the owner or
26 lienholder must give a receipt to the towing or storage
27 company indicating any loss or damage to the vehicle or to the
28 contents of the vehicle.
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, lines 16-20, delete those lines

4

5 and insert:

6 s. 316.193, F.S.; providing that the vehicle to
7 be impounded or immobilized need not be the
8 vehicle involved in the D.U.I., but must be a
9 vehicle owned, leased, or rented by the
10 offender; providing that the D.U.I. offender
11 will bear all costs and fees of impoundment or
12 immobilization of the vehicle, including cost
13 of notification; amending s. 321.051, F.S.;
14 revising

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