

By the Committee on Transportation and Representative
Stabins

1 A bill to be entitled
2 An act relating to motor vehicle license
3 plates; amending s. 316.515, F.S.; changing
4 exemptions from maximum width, height, and
5 length requirements for wreckers; amending s.
6 316.550, F.S.; providing special use permits
7 for wreckers; amending s. 320.01, F.S.;
8 providing definitions; amending s. 320.06,
9 F.S.; requiring the word "wrecker" to be
10 printed on certain license plates; amending s.
11 320.08, F.S.; revising license tax requirements
12 for wreckers; creating s. 320.0821, F.S.;
13 providing requirements for wrecker license
14 plates; amending s. 206.877, F.S., to conform a
15 cross reference; providing an effective date.
16

17 Be It Enacted by the Legislature of the State of Florida:
18

19 Section 1. Subsection (8) of section 316.515, Florida
20 Statutes, is amended to read:

21 316.515 Maximum width, height, length.--

22 (8) WRECKERS.--The limitations imposed by this section
23 do not apply to a combination of motor vehicles consisting of
24 a wrecker licensed in accordance with s. 320.08(5)(d) or (e)
25 and a disabled motor vehicle, trailer, semitrailer, ~~or~~
26 tractor-trailer combination, or a replacement motor vehicle,
27 which is under tow by the wrecker to a nearby authorized
28 ~~repair service~~, if the size and weight of the towed vehicle is
29 consistent with statutory requirements and the requirements of
30 this subsection.
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1 (a) The limitations imposed by this section do not
2 apply to a combination of motor vehicles consisting of a
3 wrecker licensed under the International Registration Plan,
4 and a disabled motor vehicle, trailer, semitrailer,
5 tractor-trailer combination, or a replacement motor vehicle,
6 which is under tow by the wrecker, if the size and weight of
7 the towed vehicle is consistent with statutory requirements
8 and the requirements of this subsection.

9 (b) However, a wrecker may not tow a disabled ~~or if~~
10 ~~any nonconforming vehicle being towed is otherwise~~ operating
11 under a current special use permit or permits where the
12 combined weight of the wrecker and the towed nonconforming
13 vehicle exceeds the permitted weight of the towed vehicle's
14 permit.

15 (c) Where the combined weight of the wrecker and the
16 towed vehicle exceeds the maximum weight limits as established
17 by s. 316.535, the wrecker must be operating under a current
18 wrecker special use permit or permits as provided in s.
19 316.550(4) or in accordance with (b).

20 (d) The limitations imposed by this section do not
21 apply to a combination of motor vehicles consisting of a
22 wrecker licensed in accordance with s. 320.08(5)(d) or (e) and
23 a nondisabled tractor-trailer combination that is under tow by
24 the wrecker, if the tractor-trailer combination is being towed
25 by the wrecker in an emergency situation as directed by a law
26 enforcement officer. No wrecker shall tow a nondisabled
27 tractor-trailer combination except in an emergency situation
28 as directed by a law enforcement officer, or as provided in s.
29 715.07.

30 Section 2. Subsections (4), (5), (6), (7), (8), and
31 (9) of section 316.550, Florida Statutes, are amended to read:

1 316.550 Operations not in conformity with law; special
2 permits.--

3 (4)(a) The Department of Transportation may issue a
4 wrecker special blanket permit to authorize a wrecker as
5 defined in s. 320.01(40) to tow a disabled motor vehicle as
6 defined in s. 320.01(38) where the combination of the wrecker
7 and the disabled vehicle being towed exceeds the maximum
8 weight limits as established by s. 316.535.

9 (b) The Department of Transportation must supply the
10 permitted wrecker with a map showing which routes the wrecker
11 may safely tow disabled vehicles for all special permit
12 classifications for which the wrecker applies.

13 ~~(5)(4)~~ The Department of Transportation or such local
14 authority is authorized to promulgate rules and regulations
15 concerning the issuance of such permits and to charge a fee
16 for the issuance thereof, which rules, regulations, and fees
17 shall have the force and effect of law. The minimum fee for
18 issuing any such permit shall be \$5. The Department of
19 Transportation may issue blanket permits for not more than 36
20 months. The department may charge an annualized fee for
21 blanket permits not to exceed \$500.

22 ~~(6)(5)~~ Every special permit shall be carried in the
23 vehicle or combination of vehicles to which it refers and
24 shall be open to inspection by any police officer or
25 authorized agent of any authority granting such permit. No
26 person shall violate any of the terms or conditions of such
27 special permit.

28 ~~(7)(6)~~ The Department of Transportation may impose
29 fines for the operation of a vehicle in violation of this
30 section, as provided in subsection (8).

31

1 ~~(8)(7)~~ The Department of Transportation may not refuse
2 to issue a permit under this section to any person solely on
3 the basis that such person allegedly violated this chapter or
4 the rules promulgated hereunder until a final order is entered
5 with regard to such violation pursuant to chapter 120.

6 (9)(8) Whenever any motor vehicle, or the combination
7 of a wrecker as defined in s. 320.01(40) and a towed motor
8 vehicle exceeds any weight or dimensional criteria or special
9 operational or safety stipulation contained in a special
10 permit issued under the provisions of this section, the
11 penalty assessed to the owner or operator shall be as follows:

12 (a) For violation of weight criteria contained in a
13 special permit, the penalty per pound or portion thereof
14 exceeding the permitted weight shall be as provided in s.
15 316.545.

16 (b) For each violation of dimensional criteria in a
17 special permit, the penalty shall be as provided in s. 316.516
18 and penalties for multiple violations of dimensional criteria
19 shall be cumulative except that the total penalty for the
20 vehicle shall not exceed \$1,000.

21 (c) For each violation of an operational or safety
22 stipulation in a special permit, the penalty shall be an
23 amount not to exceed \$1,000 per violation and penalties for
24 multiple violations of operational or safety stipulations
25 shall be cumulative except that the total penalty for the
26 vehicle shall not exceed \$1,000.

27 (d) For violation of any special condition that has
28 been prescribed in the rules of the Department of
29 Transportation and declared on the permit, the vehicle shall
30 be determined to be out of conformance with the permit and the
31 permit shall be declared null and void for the vehicle, and

1 weight and dimensional limits for the vehicle shall be as
2 established in s. 316.515, s. 316.535, or s. 316.540,
3 whichever is applicable, and:

4 1. For weight violations, a penalty as provided in s.
5 316.545 shall be assessed for those weights which exceed the
6 limits thus established for the vehicle; and

7 2. For dimensional, operational, or safety violations,
8 a penalty as established in s. 316.516 or s. 316.550(8)(c),
9 whichever is applicable, shall be assessed for each
10 nonconforming dimensional, operational, or safety violation
11 and the penalties for multiple violations shall be cumulative
12 for the vehicle.

13 ~~(10)(9)~~ All penalties imposed by violations of this
14 section shall be assessed, collected, and deposited in
15 accordance with the provisions of s. 316.545(6).

16 Section 3. Subsections (38), (39), (40), and (41) are
17 added to section 320.01, Florida Statutes, 1996 Supplement, to
18 read:

19 320.01 Definitions, general.--As used in the Florida
20 Statutes, except as otherwise provided, the term:

21 (38) "Disabled motor vehicle" means any motor vehicle
22 as defined in subsection (1) which is not operable under its
23 own motive power, excluding a nondisabled trailer or
24 semitrailer, or any motor vehicle that is unsafe for operation
25 upon the highways of this state.

26 (39) "Replacement motor vehicle" means any motor
27 vehicle as defined in subsection (1) under tow by a wrecker to
28 the location of a disabled motor vehicle for the purpose of
29 replacing the disabled motor vehicle, thereby permitting the
30 transfer of the disabled motor vehicle's operator, passengers,
31 and load to an operable motor vehicle.

1 (40) "Wrecker" means any motor vehicle that is used to
2 tow, carry, or otherwise transport motor vehicles and that is
3 equipped for that purpose with a boom, winch, car carrier, or
4 other similar equipment.

5 (41) "Tow" means to pull or draw any motor vehicle
6 with a power unit by means of a direct attachment, drawbar, or
7 other connection or to carry a motor vehicle on a power unit
8 designed to transport such vehicle from one location to
9 another.

10 Section 4. Paragraph (a) of subsection (3) of section
11 320.06, Florida Statutes, 1996 Supplement, is amended to read:
12 320.06 Registration certificates, license plates, and
13 validation stickers generally.--

14 (3)(a) Registration license plates shall be of metal
15 specially treated with a retroreflective material, as
16 specified by the department. The registration license plate is
17 designed to increase nighttime visibility and legibility and
18 shall be at least 6 inches wide and not less than 12 inches in
19 length, unless a plate with reduced dimensions is deemed
20 necessary by the department to accommodate motorcycles,
21 mopeds, or similar smaller vehicles. Validation stickers shall
22 be treated with a retroreflective material, shall be of such
23 size as specified by the department, and shall adhere to the
24 license plate. The registration license plate shall be
25 imprinted with a combination of bold letters and numerals or
26 numerals, not to exceed seven digits, to identify the
27 registration license plate number. The license plate shall
28 also be imprinted with the word "Florida" at the top and the
29 name of the county in which it is sold at the bottom, except
30 that apportioned license plates shall have the word
31 "Apportioned" at the bottom and license plates issued for

1 vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b)
2 ~~or (c), or (d),~~(12), or (14) shall have the word
3 "Restricted" at the bottom. License plates issued for vehicles
4 taxed under s. 320.08(12) must be imprinted with the word
5 "Florida" at the top and the word "Dealer" at the bottom,
6 except that gross-vehicle-weight vehicles owned by a licensed
7 motor vehicle dealer may be issued a license plate with the
8 word "Restricted." License plates issued for vehicles taxed
9 under s. 320.08(5)(d) or (e) must be imprinted with the word
10 "Wrecker" at the bottom. Any county may, upon majority vote of
11 the county commission, elect to have the county name removed
12 from the license plates sold in that county. The words
13 "Sunshine State" shall be printed in lieu thereof. In those
14 counties where the county commission has not removed the
15 county name from the license plate the tax collector may, in
16 addition to issuing license plates with the county name
17 printed on the license plate, also issue license plates with
18 the words "Sunshine State" printed on the license plate
19 subject to the approval of the department and a legislative
20 appropriation for the additional license plates. A license
21 plate issued for a vehicle taxed under s. 320.08(6) may not be
22 assigned a registration license number, or be issued with any
23 other distinctive character or designation, that distinguishes
24 the motor vehicle as a for-hire motor vehicle.

25 Section 5. Paragraph (d) of subsection (5) of section
26 320.08, Florida Statutes, 1996 Supplement, is amended, present
27 paragraph (e) is redesignated as paragraph (f), and a new
28 paragraph (e) is added to said subsection, to read:

29 320.08 License taxes.--Except as otherwise provided
30 herein, there are hereby levied and imposed annual license
31 taxes for the operation of motor vehicles, mopeds, motorized

1 bicycles as defined in s. 316.003(2), and mobile homes, as
2 defined in s. 320.01, which shall be paid to and collected by
3 the department or its agent upon the registration or renewal
4 of registration of the following:

5 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE
6 WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.--

7 (d) A wrecker, as defined in s. 320.01(40), which is
8 used to tow a disabled motor vehicle as defined in s.
9 320.01(38) or a replacement motor vehicle as defined in s.
10 320.01(39)~~A motor vehicle operated solely as a wrecker, owned~~
11 ~~and operated by a garage in connection with its regular~~
12 ~~business: \$30 flat.~~

13 (e) A wrecker, as defined in s. 320.01(40), which is
14 used to tow any motor vehicle, regardless of whether or not
15 such motor vehicle is a disabled motor vehicle as defined in
16 s. 320.01(38) or a replacement motor vehicle as defined in s.
17 320.01(39), as follows:

18 1. Gross vehicle weight of 10,000 pounds or more, but
19 less than 15,000 pounds: \$87 flat.

20 2. Gross vehicle weight of 15,000 pounds or more, but
21 less than 20,000 pounds: \$131 flat.

22 3. Gross vehicle weight of 20,000 pounds or more, but
23 less than 26,000 pounds: \$186 flat.

24 4. Gross vehicle weight of 26,000 pounds or more, but
25 less than 35,000 pounds: \$240 flat.

26 5. Gross vehicle weight of 35,000 pounds or more, but
27 less than 44,000 pounds: \$300 flat.

28 6. Gross vehicle weight of 44,000 pounds or more, but
29 less than 55,000 pounds: \$572 flat.

30 7. Gross vehicle weight of 55,000 pounds or more, but
31 less than 62,000 pounds: \$678 flat.

1 8. Gross vehicle weight of 62,000 pounds or more, but
2 less than 72,000 pounds: \$800 flat.

3 9. Gross vehicle weight of 72,000 pounds or more:
4 \$979 flat.

5 (f)~~(e)~~ A hearse or ambulance: \$30 flat.

6 Section 6. Section 320.0821, Florida Statutes, is
7 created to read:

8 320.0821 Wrecker license plates.--

9 (1) The department shall issue a wrecker license plate
10 to the owner of any motor vehicle that is used to tow, carry,
11 or otherwise transport motor vehicles and that is equipped for
12 that purpose with a boom, winch, carrier, or other similar
13 equipment, except a motor vehicle registered under the
14 International Registration Plan, upon application and payment
15 of the appropriate license tax and fees in accordance with s.
16 320.08(5)(d) or (e).

17 (2) A license plate issued under this section shall
18 have the word "Wrecker" imprinted on the bottom of the plate
19 in place of the county name.

20 (3) Any license plate issued under s. 320.08(5)(e)
21 shall be in a distinctive color approved by the department.

22 (4) For any license plate issued under this section to
23 any wrecker, when the combined gross vehicle weight of the
24 wrecker and any towed vehicle or vehicles is 55,000 pounds or
25 more, at the time of registration or renewal of registration,
26 every owner or person in charge of such wrecker shall present
27 proof of filing or proof of payment, as applicable, of the
28 federal heavy vehicle use tax in accordance with s. 320.02(7).

29 Section 7. Paragraph (a) of subsection (1) of section
30 206.877, Florida Statutes, is amended to read:

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1 206.877 Motor vehicles fueled by liquefied petroleum
2 gas or compressed natural gas; payment of annual decal fees in
3 lieu of tax.--

4 (1) The tax imposed by s. 206.87 does not apply to
5 motor vehicles licensed in this state pursuant to chapter 320
6 which are powered by alternative fuels and for which valid
7 decals have been acquired as provided in this section.

8 (a) The owners or operators of such vehicles shall, in
9 lieu of the excise tax imposed by this part, pay an annual
10 decal fee on each such motor vehicle in accordance with the
11 following rate schedule:

		<u>State Fee:</u>		
		<u>Fee for each</u>		
		<u>tenth of a</u>		
		<u>cent of tax</u>	<u>Fee for each cent</u>	
		<u>imposed by</u>	<u>of tax imposed</u>	
		<u>s. 206.87(1)</u>	<u>by s. 206.87(1)</u>	
<u>Class</u>	<u>Vehicle License Category</u>	<u>(a) and (d)</u>	<u>(b) and (c)</u>	
21	A	Vehicles licensed	\$1.10	\$11
22		pursuant to s.		
23		320.08(1), (2),		
24		(3)(a)-(c), (e), (6)(a),		
25		and (9)(c)1.		
26	B	Vehicles licensed	\$1.50	\$15
27		pursuant to s.		
28		320.08(5)(b)- (f) (e) ,		
29		(6)(b), (9)(c)2., and		
30		(14).		
31				

1	C	Vehicles licensed	\$2.10	\$21
2		pursuant to s.		
3		320.08(4).		
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5		Section 8. This act shall take effect October 1, 1997.		
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