

1 A bill to be entitled
2 An act relating to civil actions; amending s.
3 324.021, F.S.; providing a limitation on the
4 liability for bodily injury, property, and
5 economic damages for certain lessors and owners
6 of motor vehicles; providing for applicability;
7 amending s. 95.031; providing a statute of
8 repose of 18 years; providing for severability;
9 providing an effective date.

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

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13 Section 1. Paragraph (b) of subsection (9) of section
14 324.021, Florida Statutes, is amended, and paragraph (c) is
15 added to that subsection, to read:

16 324.021 Definitions; minimum insurance required.--The
17 following words and phrases when used in this chapter shall,
18 for the purpose of this chapter, have the meanings
19 respectively ascribed to them in this section, except in those
20 instances where the context clearly indicates a different
21 meaning:

22 (9) OWNER; OWNER/LESSOR.--

23 (b) Owner/lessor.--Notwithstanding any other provision
24 of the Florida Statutes or existing case law:7

25 1. The lessor, under an agreement to lease a motor
26 vehicle for 1 year or longer which requires the lessee to
27 obtain insurance acceptable to the lessor which contains
28 limits not less than \$100,000/\$300,000 bodily injury liability
29 and \$50,000 property damage liability or not less than
30 \$500,000 combined property damage liability and bodily injury
31 liability, shall not be deemed the owner of said motor vehicle

1 for the purpose of determining financial responsibility for
2 the operation of said motor vehicle or for the acts of the
3 operator in connection therewith; further, this subparagraph
4 ~~paragraph~~ shall be applicable so long as the insurance meeting
5 these requirements is in effect. The insurance meeting such
6 requirements may be obtained by the lessor or lessee,
7 provided, if such insurance is obtained by the lessor, the
8 combined coverage for bodily injury liability and property
9 damage liability shall contain limits of not less than \$1
10 million and may be provided by a lessor's blanket policy.

11 2. The lessor, under an agreement to rent or lease a
12 motor vehicle for a period of less than 1 year, shall be
13 deemed the owner of the motor vehicle for the purpose of
14 determining liability for the operation of the vehicle or the
15 acts of the operator in connection therewith only up to
16 \$100,000 per person and up to \$300,000 per incident for bodily
17 injury and up to \$50,000 for property damage. If the lessee or
18 the operator of the motor vehicle is uninsured or has any
19 insurance with limits less than \$500,000 combined property
20 damage and bodily injury liability, the lessor shall be liable
21 for up to an additional \$500,000 in economic damages only
22 arising out of the use of the motor vehicle. The additional
23 specified liability of the lessor for economic damages shall
24 be reduced by amounts actually recovered from the lessee, from
25 the operator, and from any insurance or self insurance
26 covering the lessee or operator. Nothing in this subparagraph
27 shall be construed to affect the liability of the lessor for
28 its own negligence.

29 3. The owner who is a natural person and loans a motor
30 vehicle to any permissive user shall be liable for the
31 operation of the vehicle or the acts of the operator in

1 connection therewith only up to \$100,000 per person and up to
2 \$300,000 per incident for bodily injury and up to \$50,000 for
3 property damage. If the permissive user of the motor vehicle
4 is uninsured or has any insurance with limits less than
5 \$500,000 combined property damage and bodily injury liability,
6 the owner shall be liable for up to an additional \$500,000 in
7 economic damages only arising out of the use of the motor
8 vehicle. The additional specified liability of the owner for
9 economic damages shall be reduced by amounts actually
10 recovered from the permissive user and from any insurance or
11 self-insurance covering the permissive user. Nothing in this
12 subparagraph shall be construed to affect the liability of the
13 owner for his or her own negligence.

14 (c) Application.--The limits on liability in
15 subparagraphs (b)2. and 3. do not apply to an owner of motor
16 vehicles that are used for commercial activity in the owner's
17 ordinary course of business, other than a rental company that
18 rents or leases motor vehicles. For purposes of this
19 paragraph, the term "rental company" includes only an entity
20 that is engaged in the business of renting or leasing motor
21 vehicles to the general public and that rents or leases a
22 majority of its motor vehicles to persons with no direct or
23 indirect affiliation with the rental company. The term also
24 includes a motor vehicle dealer that provides temporary
25 replacement vehicles to its customers for up to 10 days.
26 Furthermore, the limits on liability in subparagraphs (b)2.
27 and 3. do not apply to a motor vehicle that has a gross
28 vehicle weight of greater than 26,000 pounds or any vehicle
29 designed to transport 16 or more passengers including the
30 driver. Furthermore, the limits on liability in subparagraphs
31 (b)2. and 3. do not apply to a motor vehicle that is used in

1 the transportation of materials found to be hazardous for the
2 purposes of the Hazardous Materials Transportation Act, as
3 amended (49 U.S.C. ss. 1801 et seq.), and that is required
4 pursuant to such act to carry placards warning others of the
5 hazardous cargo.

6 Section 2. Subsection (2) of section 95.031, Florida
7 Statutes, is amended to read:

8 95.031 Computation of time.--Except as provided in
9 subsection (2) and in s. 95.051 and elsewhere in these
10 statutes, the time within which an action shall be begun under
11 any statute of limitations runs from the time the cause of
12 action accrues.

13 (2)(a) An action ~~Actions~~ for ~~products liability and~~
14 fraud under s. 95.11(3) must be begun within the period
15 prescribed in this chapter, with the period running from the
16 time the facts giving rise to the cause of action were
17 discovered or should have been discovered with the exercise of
18 due diligence, instead of running from any date prescribed
19 elsewhere in s. 95.11(3), but in any event an action for fraud
20 under s. 95.11(3) must be begun within 12 years after the date
21 of the commission of the alleged fraud, regardless of the date
22 the fraud was or should have been discovered.

23 (b) An action for products liability under s. 95.11(3)
24 must be begun within the period prescribed in this chapter,
25 with the period running from the date that the facts giving
26 rise to the cause of action were discovered, or should have
27 been discovered with the exercise of due diligence, rather
28 than running from any other date prescribed elsewhere in s.
29 95.11(3), but in no event may an action for products liability
30 under s. 95.11(3) be commenced unless the complaint is served
31 and filed within 18 years after the date of delivery of the

1 product to its first purchaser or lessee who was not engaged
2 in the business of selling or leasing the product or of using
3 the product as a component in the manufacture of another
4 product, regardless of the date that the defect in the product
5 was or should have been discovered. However, the 18-year
6 limitation on filing an action for products liability does not
7 apply if the manufacturer knew of a defect in the product and
8 concealed or attempted to conceal this defect. In addition,
9 the 18-year limitation does not apply if the claimant was
10 exposed to or used a product capable of causing a latent
11 disease and an injury caused by such exposure or use did not
12 manifest itself until after the 18-year period. The provisions
13 of this paragraph shall not apply to any aircraft which, at
14 the time of the accident, was engaged in scheduled
15 passenger-carrying operations.

16 Section 3. Any action for products liability which
17 would not have been barred under section 95.031(2), Florida
18 Statutes, prior to the amendments to that section made by this
19 act may be commenced before July 1, 2003, and, if it is not
20 commenced by that date and is barred by the amendments to
21 section 95.031(2), Florida Statutes, made by this act, it
22 shall be barred.

23 Section 4. If any provision of this act or the
24 application thereof to any person or circumstance is held
25 invalid, the invalidity does not affect other provisions or
26 applications of the act which can be given effect without the
27 invalid provision or application, and to this end the
28 provisions of this act are declared severable.

29 Section 5. This act shall take effect July 1, 1999.
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