



HB 1229

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A bill to be entitled
 An act relating to motor vehicles; amending s. 316.6105,
 F.S.; revising procedures for disposition of a citation
 for operation of a motor vehicle in unsafe condition or
 without required equipment; providing for an enforcement
 officer of the Florida Highway Patrol to verify correction
 and execute the affidavit-of-compliance form; authorizing
 the Department of Highway Safety and Motor Vehicles to
 designate areas within current facilities for inspection
 and collection of a fee under specified procedures;
 providing an effective date.

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

Section 1. Section 316.6105, Florida Statutes, is amended
 to read:

316.6105 Violations involving operation of motor vehicle
 in unsafe condition or without required equipment; procedure for
 disposition.--

(1) In the event that a law enforcement officer issues a
 traffic citation for a violation of s. 316.2935 or for the
 operation of a motor vehicle which is in an unsafe condition or
 which is not properly equipped as required pursuant to s.
 316.610, the law enforcement officer shall also issue an
 affidavit-of-compliance form.

(2) The person to whom the citation has been issued may
 mitigate the civil penalty by making the necessary repair and
 presenting the vehicle to any local police department or
 sheriff's department or an enforcement officer of the Florida
 Highway Patrol in this state for inspection within 30 days after



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31 the issuance of the citation. The Department of Highway Safety
32 and Motor Vehicles may designate areas within current facilities
33 for inspection and collection of the fee under the procedures
34 provided in subsection (3).

35 (3) The police or sheriff's department shall make
36 available a person or persons to confirm that the defect has
37 been corrected. If the correction has been made, such employee
38 or enforcement officer of the Florida Highway Patrol shall
39 execute the affidavit-of-compliance form in a manner established
40 by the Department of Highway Safety and Motor Vehicles and
41 return it to the person who received the citation. The person
42 who received the citation shall, upon receipt of the executed
43 affidavit of compliance, pay the appropriate fine to the law
44 enforcement agency pursuant to s. 318.18(2)(c) thereby
45 completing the affidavit of compliance. The affidavit of
46 compliance shall not be construed by the courts as a warranty of
47 the mechanical condition of the motor vehicle. Neither the
48 person who confirms that a defect has been corrected nor the
49 department by which he or she is employed shall be liable in
50 damages for any defect, failure, or improper functioning of any
51 item of equipment on such motor vehicle.

52 Section 2. This act shall take effect July 1, 2003.