

By Senator Sebesta

16-1714-03

See HB 1229

1 A bill to be entitled
2 An act relating to motor vehicles; amending s.
3 316.6105, F.S.; revising procedures for
4 disposition of a citation for operation of a
5 motor vehicle in unsafe condition or without
6 required equipment; providing for an
7 enforcement officer of the Florida Highway
8 Patrol to verify correction and execute the
9 affidavit-of-compliance form; authorizing the
10 Department of Highway Safety and Motor Vehicles
11 to designate areas within current facilities
12 for inspection and collection of a fee under
13 specified procedures; providing an effective
14 date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Section 316.6105, Florida Statutes, is
19 amended to read:

20 316.6105 Violations involving operation of motor
21 vehicle in unsafe condition or without required equipment;
22 procedure for disposition.--

23 (1) In the event that a law enforcement officer issues
24 a traffic citation for a violation of s. 316.2935 or for the
25 operation of a motor vehicle which is in an unsafe condition
26 or which is not properly equipped as required pursuant to s.
27 316.610, the law enforcement officer shall also issue an
28 affidavit-of-compliance form.

29 (2) The person to whom the citation has been issued
30 may mitigate the civil penalty by making the necessary repair
31 and presenting the vehicle to any local police department or

1 sheriff's department or an enforcement officer of the Florida
2 Highway Patrol in this state for inspection within 30 days
3 after the issuance of the citation. The Department of Highway
4 Safety and Motor Vehicles may designate areas within current
5 facilities for inspection and collection of the fee under the
6 procedures provided in subsection (3).

7 (3) The police or sheriff's department shall make
8 available a person or persons to confirm that the defect has
9 been corrected. If the correction has been made, such employee
10 or enforcement officer of the Florida Highway Patrol shall
11 execute the affidavit-of-compliance form in a manner
12 established by the Department of Highway Safety and Motor
13 Vehicles and return it to the person who received the
14 citation. The person who received the citation shall, upon
15 receipt of the executed affidavit of compliance, pay the
16 appropriate fine to the law enforcement agency pursuant to s.
17 318.18(2)(c) thereby completing the affidavit of compliance.
18 The affidavit of compliance shall not be construed by the
19 courts as a warranty of the mechanical condition of the motor
20 vehicle. Neither the person who confirms that a defect has
21 been corrected nor the department by which he or she is
22 employed shall be liable in damages for any defect, failure,
23 or improper functioning of any item of equipment on such motor
24 vehicle.

25 Section 2. This act shall take effect July 1, 2003.
26
27
28
29
30
31