

1 A bill to be entitled

2 An act relating to motor vehicle, mobile home, and vessel
3 registration; amending ss. 316.605, 318.14, and 318.18,
4 F.S., relating to vehicle licensing, noncriminal traffic
5 infractions, and civil penalties; conforming cross-
6 references; amending s. 320.01, F.S.; redefining the term
7 "registration period"; defining the term "extended
8 registration period"; amending s. 320.055, F.S.;
9 establishing an extended registration period and renewal
10 period for certain motor vehicles and mobile homes;
11 amending s. 320.06, F.S.; extending the time period and
12 increasing the fee for replacement of registration license
13 plates; extending period of validity of license plates and
14 validation stickers to provide for extended registration
15 period; amending s. 320.07, F.S.; authorizing the biennial
16 renewal of certain motor vehicle registration upon payment
17 of cumulative sum of license taxes, service charges,
18 surcharges, and other fees; amending s. 320.071, F.S.;
19 clarifying that the registration period for a motor
20 vehicle or mobile home may not exceed a specified number
21 of months; amending s. 322.121, F.S., relating to
22 reexamination of drivers; conforming a cross-reference;
23 amending s. 328.72, F.S.; providing for an extended
24 registration period for certain vessel owners; providing
25 an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
28

29 Section 1. Subsection (2) of section 316.605, Florida
30 Statutes, is amended to read:

31 316.605 Licensing of vehicles.--

32 (2) Any commercial motor vehicle, as defined in s.
33 316.003(66), operating over the highways of this state with an
34 expired registration, with no registration from this or any
35 other jurisdiction, or with no registration under the applicable
36 provisions of chapter 320 shall be in violation of s. 320.07(4)
37 ~~s. 320.07(3)~~ and shall subject the owner or operator of such
38 vehicle to the penalty provided. In addition, a commercial
39 motor vehicle found in violation of this section may be detained
40 by any law enforcement officer until the owner or operator
41 produces evidence that the vehicle has been properly registered
42 and that any applicable delinquent penalties have been paid.

43 Section 2. Subsections (1), (4), and (9) of section
44 318.14, Florida Statutes, are amended to read:

45 318.14 Noncriminal traffic infractions; exception;
46 procedures.--

47 (1) Except as provided in ss. 318.17 and 320.07(4)(c)
48 ~~320.07(3)(e)~~, any person cited for a violation of chapter 316,
49 s. 320.0605, s. 320.07(4)(a) ~~s. 320.07(3)(a)~~ or (b), s. 322.065,
50 s. 322.15(1), s. 322.16(2) or (3), s. 322.161(5), s. 322.19, or
51 s. 1006.66(3) is charged with a noncriminal infraction and must
52 be cited for such an infraction and cited to appear before an
53 official. If another person dies as a result of the noncriminal
54 infraction, the person cited may be required to perform 120
55 community service hours under s. 316.027(4), in addition to any
56 other penalties.

57 | (4) Except as provided in subsection (12), any person
58 | charged with a noncriminal infraction under this section who
59 | does not elect to appear shall pay the civil penalty and
60 | delinquent fee, if applicable, either by mail or in person,
61 | within 30 days after the date of issuance of the citation. If
62 | the person cited follows the above procedure, he or she shall be
63 | deemed to have admitted the infraction and to have waived his or
64 | her right to a hearing on the issue of commission of the
65 | infraction. Such admission shall not be used as evidence in any
66 | other proceedings. Any person who is cited for a violation of s.
67 | 320.0605 or s. 322.15(1), or subject to a penalty under s.
68 | 320.07(4)(a) ~~s. 320.07(3)(a)~~ or (b) or s. 322.065, and who makes
69 | an election under this subsection shall submit proof of
70 | compliance with the applicable section to the clerk of the
71 | court. For the purposes of this subsection, proof of compliance
72 | consists of a valid driver's license or a valid registration
73 | certificate.

74 | (9) Any person who is cited for an infraction under this
75 | section other than a violation of s. 320.0605, s. 320.07(4)(a)
76 | ~~s. 320.07(3)(a)~~ or (b), s. 322.065, s. 322.15(1), s. 322.61, or
77 | s. 322.62 may, in lieu of a court appearance, elect to attend in
78 | the location of his or her choice within this state a basic
79 | driver improvement course approved by the Department of Highway
80 | Safety and Motor Vehicles. In such a case, adjudication must be
81 | withheld; points, as provided by s. 322.27, may not be assessed;
82 | and the civil penalty that is imposed by s. 318.18(3) must be
83 | reduced by 18 percent; however, a person may not make an
84 | election under this subsection if the person has made an

85 | election under this subsection in the preceding 12 months. A
 86 | person may make no more than five elections under this
 87 | subsection. The requirement for community service under s.
 88 | 318.18(8) is not waived by a plea of nolo contendere or by the
 89 | withholding of adjudication of guilt by a court.

90 | Section 3. Paragraph (b) of subsection (2) of section
 91 | 318.18, Florida Statutes, is amended to read:

92 | 318.18 Amount of civil penalties.--The penalties required
 93 | for a noncriminal disposition pursuant to s. 318.14 are as
 94 | follows:

95 | (2) Thirty dollars for all nonmoving traffic violations
 96 | and:

97 | (b) For all violations of ss. 320.0605, 320.07(1),
 98 | 322.065, and 322.15(1). Any person who is cited for a violation
 99 | of s. 320.07(1) shall be charged a delinquent fee pursuant to s.
 100 | 320.07(5) ~~s. 320.07(4)~~.

101 | 1. If a person who is cited for a violation of s. 320.0605
 102 | or s. 320.07 can show proof of having a valid registration at
 103 | the time of arrest, the clerk of the court may dismiss the case
 104 | and may assess a dismissal fee of up to \$7.50. A person who
 105 | finds it impossible or impractical to obtain a valid
 106 | registration certificate must submit an affidavit detailing the
 107 | reasons for the impossibility or impracticality. The reasons may
 108 | include, but are not limited to, the fact that the vehicle was
 109 | sold, stolen, or destroyed; that the state in which the vehicle
 110 | is registered does not issue a certificate of registration; or
 111 | that the vehicle is owned by another person.

112 2. If a person who is cited for a violation of s. 322.03,
 113 s. 322.065, or s. 322.15 can show a driver's license issued to
 114 him or her and valid at the time of arrest, the clerk of the
 115 court may dismiss the case and may assess a dismissal fee of up
 116 to \$7.50.

117 3. If a person who is cited for a violation of s. 316.646
 118 can show proof of security as required by s. 627.733, issued to
 119 the person and valid at the time of arrest, the clerk of the
 120 court may dismiss the case and may assess a dismissal fee of up
 121 to \$7.50. A person who finds it impossible or impractical to
 122 obtain proof of security must submit an affidavit detailing the
 123 reasons for the impracticality. The reasons may include, but are
 124 not limited to, the fact that the vehicle has since been sold,
 125 stolen, or destroyed; that the owner or registrant of the
 126 vehicle is not required by s. 627.733 to maintain personal
 127 injury protection insurance; or that the vehicle is owned by
 128 another person.

129 Section 4. Subsection (19) of section 320.01, Florida
 130 Statutes, is amended, and subsection (45) is added to that
 131 section, to read:

132 320.01 Definitions, general.--As used in the Florida
 133 Statutes, except as otherwise provided, the term:

134 (19) "Registration period" means a period of 12 months or
 135 24 months during which a motor vehicle or mobile home
 136 registration is valid.

137 (45) "Extended registration period" means a period of 24
 138 months during which a motor vehicle or mobile home registration
 139 is valid.

140 Section 5. Present subsections (2), (3), (4), (5), (6),
141 and (7) of section 320.055, Florida Statutes, are redesignated
142 as subsections (3), (4), (5), (6), (7), and (8), respectively,
143 and a new subsection (2) is added to that section, to read:

144 320.055 Registration periods; renewal periods.--The
145 following registration periods and renewal periods are
146 established:

147 (2) Any motor vehicle or mobile home that is subject to
148 registration under s. 320.08(1), (2), (3), (4)(a) or (b), (6),
149 (7), (8), (9), (10), or (11) is eligible for an extended
150 registration period as defined in s. 320.01(45).

151 Section 6. Paragraphs (b) and (c) of subsection (1) of
152 section 320.06, Florida Statutes, are amended to read:

153 320.06 Registration certificates, license plates, and
154 validation stickers generally.--

155 (1)

156 (b) Registration license plates bearing a graphic symbol
157 and the alphanumeric system of identification shall be issued
158 for a 6-year ~~5-year~~ period. At the end of that 6-year ~~said 5-~~
159 ~~year~~ period, upon renewal, the plate shall be replaced. The fee
160 for such replacement is \$12 ~~shall be \$10~~, \$2 of which shall be
161 paid each year before the plate is replaced, to be credited
162 towards the next \$12 ~~\$10~~ replacement fee. The fees shall be
163 deposited into the Highway Safety Operating Trust Fund. A credit
164 or refund may ~~shall~~ not be given for any prior years' payments
165 of such prorated replacement fee if ~~when~~ the plate is replaced
166 or surrendered before the end of the 6-year ~~5-year~~ period. With
167 each license plate, there shall be issued a validation sticker

168 showing the owner's birth month, license plate number, and the
169 year of expiration or the appropriate renewal period if the
170 owner is not a natural person. The validation sticker shall ~~is~~
171 ~~to~~ be placed on the upper right corner of the license plate.
172 Such license plate and validation sticker shall be issued based
173 on the applicant's appropriate renewal period. The registration
174 period is ~~shall be~~ a period of 12 months, the extended
175 registration period is a period of 24 months, and all
176 expirations shall occur based on the applicant's appropriate
177 registration period. A vehicle with an apportioned registration
178 shall be issued an annual license plate and a cab card that
179 denote the declared gross vehicle weight for each apportioned
180 jurisdiction in which the vehicle is authorized to operate.

181 (c) Registration license plates equipped with validation
182 stickers subject to the registration period are ~~shall be~~ valid
183 for not more than 12 months and ~~shall~~ expire at midnight on the
184 last day of the registration period. A registration license
185 plate equipped with a validation sticker subject to the extended
186 registration period is valid for not more than 24 months and
187 expires at midnight on the last day of the extended registration
188 period. For each registration period after the one in which the
189 metal registration license plate is issued, and until the
190 license plate is required to be replaced, a validation sticker
191 showing the month and year of expiration shall be issued upon
192 payment of the proper license tax amount and fees and is ~~shall~~
193 ~~be~~ valid for not more than 12 months. For each extended
194 registration period occurring after the one in which the metal
195 registration license plate is issued and until the license plate

196 is required to be replaced, a validation sticker showing the
 197 year of expiration shall be issued upon payment of the proper
 198 license tax amount and fees and is valid for not more than 24
 199 months. When license plates equipped with validation stickers
 200 are issued in any month other than the owner's birth month or
 201 the designated registration period for any other motor vehicle,
 202 the effective date shall reflect the birth month or month and
 203 the year of renewal. However, when a license plate or validation
 204 sticker is issued for a period of less than 12 months, the
 205 applicant shall pay the appropriate amount of license tax and
 206 the applicable fee under ~~the provisions of~~ s. 320.14 in addition
 207 to all other fees. Validation stickers issued for vehicles taxed
 208 under ~~the provisions of~~ s. 320.08(6)(a), for any company that
 209 ~~which~~ owns 250 vehicles or more, or for semitrailers taxed under
 210 the provisions of s. 320.08(5)(a), for any company that ~~which~~
 211 owns 50 vehicles or more, may be placed on any vehicle in the
 212 fleet so long as the vehicle receiving the validation sticker
 213 has the same owner's name and address as the vehicle to which
 214 the validation sticker was originally assigned.

215 Section 7. Section 320.07, Florida Statutes, is amended to
 216 read:

217 320.07 Expiration of registration; ~~annual~~ renewal
 218 required; penalties.--

219 (1) The registration of a motor vehicle or mobile home
 220 expires ~~shall expire~~ at midnight on the last day of the
 221 registration or extended registration period. A vehicle may
 222 ~~shall~~ not be operated on the roads of this state after

223 expiration of the renewal period unless the registration has
 224 been renewed according to law.

225 (2) Registration shall be renewed annually during the
 226 applicable renewal period, upon payment of the applicable
 227 license tax amount required by s. 320.08, service charges
 228 required by s. 320.04, and any additional fees required by law.
 229 However, any person owning a motor vehicle registered under s.
 230 320.08(4), (6)(b), or (13) may register semiannually as provided
 231 in s. 320.0705.

232 (3) Any person who owns a motor vehicle registered under
 233 s. 320.08(1), (2), (3), (4)(a) or (b), (6), (7), (8), (9), (10),
 234 or (11) may renew the vehicle registration biennially during the
 235 applicable renewal period upon payment of the cumulative sum of
 236 all applicable license tax amounts required by s. 320.08 and
 237 service charges or surcharges required by ss. 320.03, 320.04,
 238 320.0801, 320.08015, 320.0802, 320.0804, and 320.08046, and any
 239 additional fees required by law for an annual registration must
 240 be doubled.

241 ~~(4)(3)~~ The operation of any motor vehicle without having
 242 attached thereto a registration license plate and validation
 243 stickers, or the use of any mobile home without having attached
 244 thereto a mobile home sticker, for the current registration
 245 period shall subject the owner thereof, if he or she is present,
 246 or, if the owner is not present, the operator thereof to the
 247 following penalty provisions:

248 (a) Any person whose motor vehicle or mobile home
 249 registration has been expired for a period of 6 months or less

250 commits a noncriminal traffic infraction, punishable as a
 251 nonmoving violation as provided in chapter 318.

252 (b) Any person whose motor vehicle or mobile home
 253 registration has been expired for more than 6 months, ~~shall~~ upon
 254 a first offense, is ~~be~~ subject to the penalty provided in s.
 255 318.14.

256 (c) Any person whose motor vehicle or mobile home
 257 registration has been expired for more than 6 months, ~~shall~~ upon
 258 a second or subsequent offense, commits ~~be guilty of~~ a
 259 misdemeanor of the second degree, punishable as provided in s.
 260 775.082 or s. 775.083.

261 (d) However, an ~~no~~ operator may not ~~shall~~ be charged with
 262 a violation of this subsection if the operator can show,
 263 pursuant to a valid lease agreement, that the vehicle had been
 264 leased for a period of 30 days or less at the time of the
 265 offense.

266 (e) Any servicemember, as defined in s. 250.01, whose
 267 mobile home registration has expired while he or she has been
 268 serving on active duty or state active duty may ~~shall~~ not be
 269 charged with a violation of this subsection if, at the time of
 270 the offense, the servicemember was serving on active duty or
 271 state active duty 35 miles or more from the mobile home. The
 272 servicemember must present to the department either a copy of
 273 the official military orders or a written verification signed by
 274 the servicemember's commanding officer to receive a waiver of
 275 ~~waive~~ charges.

276 (5) ~~(4)~~ (a) In addition to a penalty provided in subsection
 277 (4) ~~(3)~~, a delinquent fee based on the following schedule of

278 license taxes shall be imposed on any applicant who fails to
 279 renew a registration prior to the end of the month in which
 280 renewal registration is due. The delinquent fee shall be applied
 281 beginning on the 11th calendar day of the month succeeding the
 282 renewal period. The delinquent fee does ~~shall~~ not apply to those
 283 vehicles that ~~which~~ have not been required to be registered
 284 during the preceding registration period or as provided in s.
 285 320.18(2). The delinquent fee shall be imposed as follows:

- 286 1. License tax of \$5 but not more than \$25: \$5 flat.
- 287 2. License tax over \$25 but not more than \$50: \$10 flat.
- 288 3. License tax over \$50 but not more than \$100: \$15 flat.
- 289 4. License tax over \$100 but not more than \$400: \$50 flat.
- 290 5. License tax over \$400 but not more than \$600: \$100
- 291 flat.
- 292 6. License tax over \$600 and up: \$250 flat.

293 (b) A person who has been assessed a penalty pursuant to
 294 s. 316.545(2) (b) for failure to have a valid vehicle
 295 registration certificate is not subject to the delinquent fee
 296 authorized by this subsection if such person obtains a valid
 297 registration certificate within 10 working days after such
 298 penalty was assessed. The official receipt authorized by s.
 299 316.545(6) constitutes proof of payment of the penalty
 300 authorized in s. 316.545(2) (b).

301 ~~(6)(5)~~ Any servicemember, as defined in s. 250.01, whose
 302 motor vehicle or mobile home registration has expired while he
 303 or she was serving on active duty or state active duty, shall be
 304 permitted ~~able~~ to renew his or her registration upon return from
 305 active duty or state active duty without penalty, if the

306 servicemember served on active duty or state active duty 35
 307 miles or more from the servicemember's home of record prior to
 308 entering active duty or state active duty. The servicemember
 309 must provide to the department either a copy of the official
 310 military orders or a written verification signed by the
 311 servicemember's commanding officer to receive a waiver of waive
 312 delinquent fees.

313 (7)~~(6)~~ Delinquent fees imposed under this section may
 314 ~~shall~~ not be apportionable under the International Registration
 315 Plan.

316 Section 8. Paragraph (a) of subsection (1) of section
 317 320.071, Florida Statutes, is amended to read:

318 320.071 Advance registration renewal; procedures.--

319 (1) (a) The owner of any motor vehicle or mobile home
 320 currently registered in this state may file an application for
 321 renewal of registration with the department, or its authorized
 322 agent in the county wherein the owner resides, any time during
 323 the 3 months preceding the date of expiration of the
 324 registration period. The registration period may not exceed 27
 325 months.

326 Section 9. Subsection (3) of section 322.121, Florida
 327 Statutes, is amended to read:

328 322.121 Periodic reexamination of all drivers.--

329 (3) For each licensee whose driving record does not show
 330 any revocations, disqualifications, or suspensions for the
 331 preceding 7 years or any convictions for the preceding 3 years
 332 except for convictions of the following nonmoving violations:

333 (a) Failure to exhibit a vehicle registration certificate,
 334 rental agreement, or cab card pursuant to s. 320.0605;

335 (b) Failure to renew a motor vehicle or mobile home
 336 registration that has been expired for 4 months or less pursuant
 337 to s. 320.07(4)(a) ~~s. 320.07(3)(a)~~;

338 (c) Operating a motor vehicle with an expired license that
 339 has been expired for 4 months or less pursuant to s. 322.065;

340 (d) Failure to carry or exhibit a license pursuant to s.
 341 322.15(1); or

342 (e) Failure to notify the department of a change of
 343 address or name within 10 days pursuant to s. 322.19,

344

345 the department shall cause such licensee's license to be
 346 prominently marked with the notation "Safe Driver."

347 Section 10. Subsection (12) of section 328.72, Florida
 348 Statutes, is amended to read:

349 328.72 Classification; registration; fees and charges;
 350 surcharge; disposition of fees; fines; marine turtle stickers.--

351 (12) REGISTRATION.--

352 (a) "Registration period" is a period of 12 months during
 353 which a vessel registration is valid.

354 (b) Any vessel owner who is subject to registration under
 355 subparagraph (c)1. is eligible for an extended registration
 356 period that begins the first day of the birth month of the owner
 357 and ends the last day of the month immediately preceding the
 358 owner's birth month 24 months after the beginning of the
 359 registration period. If the vessel is registered in the name of
 360 more than one person, the birth month of the person whose name

361 first appears on the registration shall be used to determine the
362 extended registration period. For a vessel subject to this
363 extended registration period, the renewal period is the 30-day
364 period ending at midnight on the vessel owner's date of birth.
365 ~~"Renewal period" is a period of 30 days during which renewal of~~
366 ~~a vessel registration is required, except as otherwise provided~~
367 ~~by law.~~

368 (c) The following registration periods and renewal periods
369 are established:

370 1. For vessels owned by individuals, the registration
371 period begins the first day of the birth month of the owner and
372 ends the last day of the month immediately preceding the owner's
373 birth month in the succeeding year. If the vessel is registered
374 in the name of more than one person, the birth month of the
375 person whose name first appears on the registration shall be
376 used to determine the registration period. For a vessel subject
377 to this registration period, the renewal period is the 30-day
378 period ending at midnight on the vessel owner's date of birth.

379 2. For vessels owned by companies, corporations,
380 governmental entities, and registrations issued to dealers and
381 manufacturers, the registration period begins July 1 and ends
382 June 30. The renewal period is the 30-day period beginning June
383 1.

384 Section 11. This act shall take effect January 1, 2006.