

CHAMBER ACTION

1 The Civil Justice Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to financial responsibility for operation
7 of motor vehicles; amending s. 324.021, F.S.; clarifying
8 the definition of "rental company" for purposes of an
9 exclusion from an exemption from application of certain
10 limits of liability provisions to include certain holders
11 of a motor vehicle title or an equity interest in a motor
12 vehicle title under certain circumstances; providing an
13 effective date.

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

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17 Section 1. Paragraph (c) of subsection (9) of section
18 324.021, Florida Statutes, is amended to read:

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

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

25 (c) Application.--

26 1. The limits on liability in subparagraphs (b)2. and 3.
 27 do not apply to an owner of motor vehicles that are used for
 28 commercial activity in the owner's ordinary course of business,
 29 other than a rental company that rents or leases motor vehicles.
 30 For purposes of this paragraph, the term "rental company"
 31 includes only an entity that is engaged in the business of
 32 renting or leasing motor vehicles to the general public and that
 33 rents or leases a majority of its motor vehicles to persons with
 34 no direct or indirect affiliation with the rental company. The
 35 term also includes a motor vehicle dealer that provides
 36 temporary replacement vehicles to its customers for up to 10
 37 days. The term also includes the holder of a motor vehicle title
 38 or an equity interest in a motor vehicle title if the title or
 39 equity interest is held pursuant to an asset-backed
 40 securitization of a fleet of motor vehicles used solely in the
 41 business of renting or leasing motor vehicles to the general
 42 public and under the dominion and control of a rental company,
 43 as described in this subparagraph, in the operation of such
 44 rental company's business.

45 2. Furthermore, with respect to commercial motor vehicles
 46 as defined in s. 627.732, the limits on liability in
 47 subparagraphs (b)2. and 3. do not apply if, at the time of the
 48 incident, the commercial motor vehicle is being used in the
 49 transportation of materials found to be hazardous for the
 50 purposes of the Hazardous Materials Transportation Authorization
 51 Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is

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52 | required pursuant to such act to carry placards warning others
53 | of the hazardous cargo, unless at the time of lease or rental
54 | either:

55 | a. The lessee indicates in writing that the vehicle will
56 | not be used to transport materials found to be hazardous for the
57 | purposes of the Hazardous Materials Transportation Authorization
58 | Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

59 | b. The lessee or other operator of the commercial motor
60 | vehicle has in effect insurance with limits of at least
61 | \$5,000,000 combined property damage and bodily injury liability.

62 | Section 2. This act shall take effect July 1, 2005.