

Bill No. CS for CS for CS for SB 1928

Barcode 320144

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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4	04/30/2007 12:08 PM
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11 Senator Constantine moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 28, between lines 27 and 28,

15
16 insert:

17 Section 12. Section 316.1951, Florida Statutes, is
18 amended to read:

19 316.1951 Parking for certain purposes prohibited; sale
20 of motor vehicles; prohibited acts.--

21 (1) It is unlawful for any person to park a motor
22 vehicle, as defined in s. 320.01, ~~for a continuous period in~~
23 ~~excess of 24 hours, after written notice,~~ upon a public street
24 or highway, upon a public parking lot, or other public
25 property, or upon private property where the public has the
26 right to travel by motor vehicle, for the principal purpose
27 and intent of displaying the motor vehicle thereon for sale,
28 hire, or rental unless the sale, hire, or rental of the motor
29 vehicle is specifically authorized on such property by
30 municipal or county regulation ~~and the person is duly licensed~~
31 ~~as a motor vehicle dealer in accordance with s. 320.27, and~~

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1 the person is in compliance with all municipal or county
2 licensing regulations.

3 (2) The provisions of subsection (1) do not prohibit a
4 person from parking his or her own motor vehicle or his or her
5 other personal property on any private real property which the
6 person owns or leases or on private real property which the
7 person does not own or lease, but for which he or she obtains
8 the permission of the owner, or on the public street
9 immediately adjacent thereto, for the principal purpose and
10 intent of sale, hire, or rental.

11 (3) Subsection (1) does not prohibit a licensed motor
12 vehicle dealer from displaying for sale or offering for sale
13 motor vehicles at locations other than the dealer's licensed
14 location if the dealer has been issued a supplemental license
15 for off-premises sales, as provided in s. 320.27(5), and has
16 complied with the requirements in subsection (1). A vehicle
17 displayed for sale by a licensed dealer at any location other
18 than the dealer's licensed location is subject to immediate
19 removal without warning.

20 (4)(3) The Department of Highway Safety and Motor
21 Vehicles shall adopt by rule a uniform written notice to be
22 used to enforce this section. Each law enforcement agency in
23 this state shall provide, at each agency's expense, the notice
24 forms necessary to enforce this section.

25 (5)(4) A law enforcement officer, compliance officer
26 ~~examiner, license inspector~~, or supervisor of the department
27 may cause to be removed at the owner's expense any motor
28 vehicle found ~~upon a public street, public parking lot, other~~
29 ~~public property, or private property, where the public has the~~
30 ~~right to travel by motor vehicle, which is~~ in violation of
31 subsection (1), which has been parked in one location for more

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1 than 24 hours after a written notice has been issued. Every
 2 written notice issued pursuant to this section shall be
 3 affixed in a conspicuous place upon a vehicle by a law
 4 enforcement officer, compliance officer ~~examiner, license~~
 5 ~~inspector~~, or supervisor of the department. Any vehicle found
 6 in violation of subsection (1) within 30 ~~10~~ days after a
 7 previous violation and written notice is ~~shall be~~ subject to
 8 immediate removal without an additional waiting period.

9 (6) It is unlawful to offer a vehicle for sale if the
 10 vehicle identification number has been destroyed, removed,
 11 covered, altered, or defaced, as described in s. 319.33(1)(d).
 12 A vehicle found in violation of this subsection is subject to
 13 immediate removal without warning.

14 (7) It is unlawful to knowingly attach to any motor
 15 vehicle a registration that was not assigned or lawfully
 16 transferred to the vehicle pursuant to s. 320.261. A vehicle
 17 found in violation of this subsection is subject to immediate
 18 removal without warning.

19 (8) It is unlawful to display or offer for sale a
 20 vehicle that does not have a valid registration as provided in
 21 s. 320.02. A vehicle found in violation of this subsection is
 22 subject to immediate removal without warning. This subsection
 23 does not apply to vehicles and recreational vehicles being
 24 offered for sale through motor vehicle auctions as defined in
 25 s. 320.27(1)(c)4.

26 (9) A vehicle is subject to immediate removal without
 27 warning if it bears a telephone number that has been displayed
 28 on three or more vehicles offered for sale within a 12-month
 29 period.

30 (10)(5) Any other provision of law to the contrary
 31 notwithstanding, a violation of subsection (1) shall subject

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1 the owner of such motor vehicle to towing fees reasonably
2 necessitated by removal and storage of the motor vehicle.

3 ~~(11)(6)~~ This section does not prohibit the governing
4 body of a municipality or county, with respect to streets,
5 highways, or other property under its jurisdiction, from
6 regulating the parking of motor vehicles for any purpose.

7 ~~(12)(7)~~ A violation of this section is a noncriminal
8 traffic infraction, punishable as a nonmoving violation as
9 provided in chapter 318, unless otherwise mandated by general
10 law.

11
12 (Redesignate subsequent sections.)

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14

15 ===== T I T L E A M E N D M E N T =====

16 And the title is amended as follows:

17 On page 2, line 28, after the semicolon,
18
19 insert:

20 amending s. 316.1951, F.S.; revising provisions
21 relating to parking vehicles on public property
22 for the purpose of displaying the vehicles for
23 sale, hire, or rental; providing exceptions;
24 prohibiting certain acts in the sale of motor
25 vehicles;

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