

By Senator Constantine

22-1451-07

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

A bill to be entitled

An act relating to motor vehicles; amending s. 316.1951, F.S.; revising provisions relating to parking vehicles on public property for the purpose of displaying the vehicles for sale, hire, or rental; providing exceptions; prohibiting certain acts in the sale of motor vehicles; providing an effective date.

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

Section 1. Section 316.1951, Florida Statutes, is amended to read:

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

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

(2) The provisions of subsection (1) do not prohibit a person from parking his or her own motor vehicle or his or her other personal property on any private real property which the

1 person owns or leases or on private real property which the
2 person does not own or lease, but for which he or she obtains
3 the permission of the owner, or on the public street
4 immediately adjacent thereto, for the principal purpose and
5 intent of sale, hire, or rental.

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

15 ~~(4)(3)~~ The Department of Highway Safety and Motor
16 Vehicles shall adopt by rule a uniform written notice to be
17 used to enforce this section. Each law enforcement agency in
18 this state shall provide, at each agency's expense, the notice
19 forms necessary to enforce this section.

20 ~~(5)(4)~~ A law enforcement officer, compliance officer
21 ~~examiner, license inspector~~, or supervisor of the department
22 may cause to be removed at the owner's expense any motor
23 vehicle found ~~upon a public street, public parking lot, other~~
24 ~~public property, or private property, where the public has the~~
25 ~~right to travel by motor vehicle, which is~~ in violation of
26 subsection (1), which has been parked in one location for more
27 than 24 hours after a written notice has been issued. Every
28 written notice issued pursuant to this section shall be
29 affixed in a conspicuous place upon a vehicle by a law
30 enforcement officer, compliance officer ~~examiner, license~~
31 ~~inspector~~, or supervisor of the department. Any vehicle found

1 in violation of subsection (1) within 30 ~~10~~ days after a
2 previous violation and written notice ~~is shall be~~ subject to
3 immediate removal without an additional waiting period.

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

9 (7) It is unlawful to knowingly attach to any motor
10 vehicle a registration that was not assigned or lawfully
11 transferred to the vehicle pursuant to s. 320.261. A vehicle
12 found in violation of this subsection is subject to immediate
13 removal without warning.

14 (8) It is unlawful to display or offer for sale a
15 vehicle that does not have a valid registration as provided in
16 s. 320.02. A vehicle found in violation of this subsection is
17 subject to immediate removal without warning.

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

22 ~~(10)(5)~~ Any other provision of law to the contrary
23 notwithstanding, a violation of subsection (1) shall subject
24 the owner of such motor vehicle to towing fees reasonably
25 necessitated by removal and storage of the motor vehicle.

26 ~~(11)(6)~~ This section does not prohibit the governing
27 body of a municipality or county, with respect to streets,
28 highways, or other property under its jurisdiction, from
29 regulating the parking of motor vehicles for any purpose.

30 ~~(12)(7)~~ A violation of this section is a noncriminal
31 traffic infraction, punishable as a nonmoving violation as

1 provided in chapter 318, unless otherwise mandated by general
2 law.

3 Section 2. This act shall take effect July 1, 2007.

4 *****
5 *****

6 SENATE SUMMARY

7 Revises provisions relating to parking vehicles on public
8 property for the purpose of displaying the vehicle for
9 sale, hire, or rental. Provides exceptions. Prohibits
10 certain acts in the sale of motor vehicles.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31