

# LEGISLATIVE ACTION

Senate House

Comm: RCS 04/14/2009

The Committee on Transportation (Baker) recommended the following:

# Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (86) is added to section 316.003, Florida Statutes, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(86) TRI-VEHICLE.—An enclosed three-wheeled passenger

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vehicle that is designed to operate with three wheels in contact with the ground; has a minimum unladen weight of 900 pounds; has a single, completely enclosed occupant compartment; is produced by its manufacturer in a minimum quantity of 300 in any calendar year; and is equipped with:

- (a) Seats certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 207, "Seating systems," as described in 49 C.F.R. s. 571.207.
  - (b) A steering wheel used to maneuver the vehicle.
- (c) A propulsion unit located forward or aft of the enclosed occupant compartment.
- (d) A seat belt for each vehicle occupant which is certified to meet the requirements of Federal Motor Vehicle Safety Standard No. 209, "Seat belt assemblies," as described in 49 C.F.R. s. 571.209.
- (e) A windshield and appropriate windshield wiper and washer system certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 205, "Glazing materials," as described in 49 C.F.R. s. 571.205 and Federal Motor Vehicle Safety Standard No. 104, "Windshield wiping and washing systems," as described in 49 C.F.R. s. 571.104.
- (f) A vehicle structure certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 216, "Rollover crush resistance," as described in 49 C.F.R. s. 571.216.
- Section 2. Paragraph (b) of subsection (1) of section 316.0741, Florida Statutes, is amended to read:
  - 316.0741 High-occupancy-vehicle lanes.

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- (1) As used in this section, the term:
- (b) "Hybrid vehicle" means a motor vehicle:
- 1. That draws propulsion energy from onboard sources of stored energy which are both an internal combustion or heat engine using combustible fuel and a rechargeable energy-storage system; and
- 2. That, in the case of a passenger automobile or light truck, has received a certificate of conformity under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the equivalent qualifying California standards for a low-emission vehicle.
- 3. That, in the case of a tri-vehicle, is an inherently low-emission vehicle (ILEV) in accordance with paragraph (4).

Section 3. Section 320.06, Florida Statutes, is amended to read:

- 320.06 Registration certificates, license plates, and validation stickers generally .-
- (1)(a) Upon the receipt of an initial application for registration and payment of the appropriate license tax and other fees required by law, the department shall assign to the motor vehicle a registration license number consisting of letters and numerals or numerals and issue to the owner or lessee a certificate of registration and one registration license plate, unless two plates are required for display by s. 320.0706, for each vehicle so registered.
- (b) Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year 6-year period. At the end of that 10-year 6-year period, upon renewal, the plate shall be replaced. The

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department shall stagger the implementation of the 10-year 6year license plate replacement cycle. The fee for such replacement is \$20 \$12, \$2 of which shall be paid each year before the plate is replaced, to be credited towards the next \$20 <del>\$12</del> replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund shall not be given for any prior years' payments of such prorated replacement fee if the plate is replaced or surrendered before the end of the 10-year 6-year period, except that a credit may be given when a registrant is required by the department to replace a license plate under s. 320.08056(8)(a). With each license plate, there shall be issued a validation sticker showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. Such license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is a period of 12 months, the extended registration period is a period of 24 months, and all expirations shall occur based on the applicant's appropriate registration period. A vehicle with an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate.

(c) Registration license plates equipped with validation stickers subject to the registration period are valid for not more than 12 months and expire at midnight on the last day of the registration period. A registration license plate equipped

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with a validation sticker subject to the extended registration period is valid for not more than 24 months and expires at midnight on the last day of the extended registration period. For each registration period after the one in which the metal registration license plate is issued, and until the license plate is required to be replaced, a validation sticker showing the month and year of expiration shall be issued upon payment of the proper license tax amount and fees and is valid for not more than 12 months. For each extended registration period occurring after the one in which the metal registration license plate is issued and until the license plate is required to be replaced, a validation sticker showing the year of expiration shall be issued upon payment of the proper license tax amount and fees and is valid for not more than 24 months. When license plates equipped with validation stickers are issued in any month other than the owner's birth month or the designated registration period for any other motor vehicle, the effective date shall reflect the birth month or month and the year of renewal. However, when a license plate or validation sticker is issued for a period of less than 12 months, the applicant shall pay the appropriate amount of license tax and the applicable fee under s. 320.14 in addition to all other fees. Validation stickers issued for vehicles taxed under s. 320.08(6)(a), for any company that owns 250 vehicles or more, or for semitrailers taxed under the provisions of s. 320.08(5)(a), for any company that owns 50vehicles or more, may be placed on any vehicle in the fleet so long as the vehicle receiving the validation sticker has the same owner's name and address as the vehicle to which the validation sticker was originally assigned.

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- (2) The department shall provide the several tax collectors and license plate agents with the necessary number of validation stickers.
- (3) (a) Registration license plates shall be of metal specially treated with a retroreflective material, as specified by the department. The registration license plate is designed to increase nighttime visibility and legibility and shall be at least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the department to accommodate motorcycles, mopeds, or similar smaller vehicles. Validation stickers shall be treated with a retroreflective material, shall be of such size as specified by the department, and shall adhere to the license plate. The registration license plate shall be imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the registration license plate number. The license plate shall also be imprinted with the word "Florida" at the top and the name of the county in which it is sold, the state motto, or the words "Sunshine State" at the bottom. Apportioned license plates shall have the word "Apportioned" at the bottom and license plates issued for vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) shall have the word "Restricted" at the bottom. License plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Dealer" at the bottom. Manufacturer license plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Manufacturer" at the bottom. License plates issued for vehicles taxed under s. 320.08(5)(d) or (e) must be

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imprinted with the word "Wrecker" at the bottom. Any county may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold in that county. The state motto or the words "Sunshine State" shall be printed in lieu thereof. A license plate issued for a vehicle taxed under s. 320.08(6) may not be assigned a registration license number, or be issued with any other distinctive character or designation, that distinguishes the motor vehicle as a for-hire motor vehicle.

- (b) An additional fee of 50 cents shall be collected and deposited into the Highway Safety Operating Trust Fund on each motor vehicle registration or motor vehicle renewal registration issued in this state so in order that material costs are paid for all license plates and validation stickers be fully treated with retroreflective material.
- (4) The corporation organized under chapter 946 may manufacture license plates, validation stickers, and decals, as well as temporary tags, disabled hang tags, vessel decals, and fuel use decals, for the Department of Highway Safety and Motor Vehicles as provided in this chapter and chapter 327. The Department of Highway Safety and Motor Vehicles is not required to obtain competitive bids in order to contract with the corporation.

Section 4. Section 320.08, Florida Statutes, is amended to read:

320.08 License taxes. - Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), tri-vehicles, and mobile homes, as

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defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

- (1) MOTORCYCLES AND MOPEDS.-
- (a) Any motorcycle: \$10 flat.
- (b) Any moped: \$5 flat.
- (c) Upon registration of any motorcycle, motor-driven cycle, or moped there shall be paid in addition to the license taxes specified in this subsection a nonrefundable motorcycle safety education fee in the amount of \$2.50. The proceeds of such additional fee shall be deposited in the Highway Safety Operating Trust Fund to fund a motorcycle driver improvement program implemented pursuant to s. 322.025, the Florida Motorcycle Safety Education Program established in s. 322.0255, or the general operations of the department.
  - (d) An ancient or antique motorcycle: \$10 flat.
  - (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.-
- (a) An ancient or antique automobile, as defined in s. 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.
  - (b) Net weight of less than 2,500 pounds: \$14.50 flat.
- (c) Net weight of 2,500 pounds or more, but less than 3,500 pounds: \$22.50 flat.
  - (d) Net weight of 3,500 pounds or more: \$32.50 flat.
  - (3) TRUCKS.-
  - (a) Net weight of less than 2,000 pounds: \$14.50 flat.
- (b) Net weight of 2,000 pounds or more, but not more than 3,000 pounds: \$22.50 flat.
  - (c) Net weight more than 3,000 pounds, but not more than 5,000 pounds: \$32.50 flat.

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- (d) A truck defined as a "goat," or any other vehicle when used in the field by a farmer or in the woods for the purpose of harvesting a crop, including naval stores, during such harvesting operations, and which is not principally operated upon the roads of the state: \$7.50 flat. A "goat" is a motor vehicle designed, constructed, and used principally for the transportation of citrus fruit within citrus groves or for the transportation of crops on farms, and which can also be used for the hauling of associated equipment or supplies, including required sanitary equipment, and the towing of farm trailers.
- (e) An ancient or antique truck, as defined in s. 320.086: \$7.50 flat.
- (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS VEHICLE WEIGHT.-
- (a) Gross vehicle weight of 5,001 pounds or more, but less than 6,000 pounds: \$45 flat.
- (b) Gross vehicle weight of 6,000 pounds or more, but less than 8,000 pounds: \$65 flat.
- (c) Gross vehicle weight of 8,000 pounds or more, but less than 10,000 pounds: \$76 flat.
- (d) Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: \$87 flat.
- (e) Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: \$131 flat.
- (f) Gross vehicle weight of 20,000 pounds or more, but less than 26,001 pounds: \$186 flat.
- (g) Gross vehicle weight of 26,001 pounds or more, but less than 35,000: \$240 flat.
  - (h) Gross vehicle weight of 35,000 pounds or more, but less



than 44,000 pounds: \$300 flat.

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- (i) Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: \$572 flat.
- (j) Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: \$678 flat.
- (k) Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: \$800 flat.
- (1) Gross vehicle weight of 72,000 pounds or more: \$979 flat.
- (m) Notwithstanding the declared gross vehicle weight, a truck tractor used within a 150-mile radius of its home address shall be eligible for a license plate for a fee of \$240 flat if:
- 1. The truck tractor is used exclusively for hauling forestry products; or
- 2. The truck tractor is used primarily for the hauling of forestry products, and is also used for the hauling of associated forestry harvesting equipment used by the owner of the truck tractor.
- (n) A truck tractor or heavy truck, not operated as a forhire vehicle, which is engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within a 150-mile radius of its home address, shall be eligible for a restricted license plate for a fee of \$65 flat, if such vehicle's declared gross vehicle weight is less than 44,000 pounds; or \$240 flat, if such vehicle's declared gross vehicle weight is 44,000 pounds or more and such vehicle only transports:
- 1. From the point of production to the point of primary manufacture;

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- 2. From the point of production to the point of assembling the same; or
- 3. From the point of production to a shipping point of either a rail, water, or motor transportation company.

Such not-for-hire truck tractors and heavy trucks used exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products may be incidentally used to haul farm implements and fertilizers when delivered direct to the growers. The department may require any such documentation deemed necessary to determine eligibility prior to issuance of this license plate. For the purpose of this paragraph, "not-for-hire" means the owner of the motor vehicle must also be the owner of the raw, unprocessed, and nonmanufactured agricultural or horticultural product, or the user of the farm implements and fertilizer being delivered.

- (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.-
- (a) 1. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: \$10 flat per registration year or any part thereof.
- 2. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: \$50 flat per permanent registration.
- (b) A motor vehicle equipped with machinery and designed for the exclusive purpose of well drilling, excavation, construction, spraying, or similar activity, and which is not designed or used to transport loads other than the machinery described above over public roads: \$32.50 flat.
  - (c) A school bus used exclusively to transport pupils to

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and from school or school or church activities or functions within their own county: \$30 flat.

- (d) A wrecker, as defined in s. 320.01(40), which is used to tow a vessel as defined in s. 327.02(39), a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. 320.01(38), or a replacement motor vehicle as defined in s. 320.01(39): \$30 flat.
- (e) A wrecker, as defined in s. 320.01(40), which is used to tow any motor vehicle, regardless of whether or not such motor vehicle is a disabled motor vehicle as defined in s. 320.01(38), a replacement motor vehicle as defined in s. 320.01(39), a vessel as defined in s. 327.02(39), or any other cargo, as follows:
- 1. Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: \$87 flat.
- 2. Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: \$131 flat.
- 3. Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: \$186 flat.
- 4. Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: \$240 flat.
- 5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: \$300 flat.
- 6. Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: \$572 flat.
- 7. Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: \$678 flat.
- 8. Gross vehicle weight of 62,000 pounds or more, but less 329 330 than 72,000 pounds: \$800 flat.



331 9. Gross vehicle weight of 72,000 pounds or more: \$979 332 flat. 333 (f) A hearse or ambulance: \$30 flat. 334 (6) MOTOR VEHICLES FOR HIRE.-335 (a) Under nine passengers: \$12.50 flat plus \$1 per cwt. 336 (b) Nine passengers and over: \$12.50 flat plus \$1.50 per 337 cwt. 338 (7) TRAILERS FOR PRIVATE USE.-339 (a) Any trailer weighing 500 pounds or less: \$5 flat per 340 year or any part thereof. 341 (b) Net weight over 500 pounds: \$2.50 flat plus 75 cents 342 per cwt. (8) TRAILERS FOR HIRE.-343 344 (a) Net weight under 2,000 pounds: \$2.50 flat plus \$1 per 345 cwt. 346 (b) Net weight 2,000 pounds or more: \$10 flat plus \$1 per 347 cwt. 348 (9) RECREATIONAL VEHICLE-TYPE UNITS.-349 (a) A travel trailer or fifth-wheel trailer, as defined by 350 s. 320.01(1)(b), that does not exceed 35 feet in length: \$20 351 flat. 352 (b) A camping trailer, as defined by s. 320.01(1)(b)2.: \$10 353 flat. 354 (c) A motor home, as defined by s. 320.01(1)(b)4.: 355 1. Net weight of less than 4,500 pounds: \$20 flat. 356 2. Net weight of 4,500 pounds or more: \$35 flat. 357 (d) A truck camper as defined by s. 320.01(1)(b)3.: 358 1. Net weight of less than 4,500 pounds: \$20 flat.

2. Net weight of 4,500 pounds or more: \$35 flat.

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- 360 (e) A private motor coach as defined by s. 320.01(1)(b)5.:
  - 1. Net weight of less than 4,500 pounds: \$20 flat.
  - 2. Net weight of 4,500 pounds or more: \$35 flat.
  - (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS; 35 FEET TO 40 FEET.-
  - (a) Park trailers.—Any park trailer, as defined in s. 320.01(1)(b)7.: \$25 flat.
  - (b) A travel trailer or fifth-wheel trailer, as defined in s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.
    - (11) MOBILE HOMES.—
  - (a) A mobile home not exceeding 35 feet in length: \$20 flat.
  - (b) A mobile home over 35 feet in length, but not exceeding 40 feet: \$25 flat.
  - (c) A mobile home over 40 feet in length, but not exceeding 45 feet: \$30 flat.
  - (d) A mobile home over 45 feet in length, but not exceeding 50 feet: \$35 flat.
  - (e) A mobile home over 50 feet in length, but not exceeding 55 feet: \$40 flat.
  - (f) A mobile home over 55 feet in length, but not exceeding 60 feet: \$45 flat.
  - (g) A mobile home over 60 feet in length, but not exceeding 65 feet: \$50 flat.
    - (h) A mobile home over 65 feet in length: \$80 flat.
- 385 (12) DEALER AND MANUFACTURER LICENSE PLATES. - A franchised 386 motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer 387 388 license plate: \$12.50 flat.

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- (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or official license plate: \$3 flat.
- (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor vehicle for hire operated wholly within a city or within 25 miles thereof: \$12.50 flat plus \$1.50 per cwt.
- (15) TRANSPORTER.—Any transporter license plate issued to a transporter pursuant to s. 320.133: \$75 flat.

Section 5. Subsection (26) of section 322.01, Florida Statutes, is amended, and subsection (46) is added to that section, to read:

- 322.01 Definitions.—As used in this chapter:
- (26) "Motorcycle" means a motor vehicle powered by a motor with a displacement of more than 50 cubic centimeters, having a seat or saddle for the use of the rider, and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, or moped, or tri-vehicle.
- (46) "Tri-vehicle" means an enclosed three-wheeled passenger vehicle that is designed to operate with three wheels in contact with the ground; has a minimum unladen weight of 900 pounds; has a single, completely enclosed occupant compartment; is produced by its manufacturer in a minimum quantity of 300 in any calendar year; and is equipped with:
- (a) Seats certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 207, "Seating systems," as described in 49 C.F.R. s. 571.207.
  - (b) A steering wheel used to maneuver the vehicle.
- (c) A propulsion unit located forward or aft of the enclosed occupant compartment.
  - (d) A seat belt for each vehicle occupant which is



certified to meet the requirements of Federal Motor Vehicle Safety Standard No. 209, "Seat belt assemblies," as described in 49 C.F.R. s. 571.209.

- (e) A windshield and appropriate windshield wiper and washer system certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 205, "Glazing materials," as described in 49 C.F.R. s. 571.205 and Federal Motor Vehicle Safety Standard No. 104, "Windshield wiping and washing systems," as described in 49 C.F.R. s. 571.104.
- (f) A vehicle structure certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 216, "Rollover crush resistance," as described in 49 C.F.R. s. 571.216.

Section 6. This act shall take effect July 1, 2009.

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> ========== T I T L E A M E N D M E N T ============ And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to motor vehicles; amending s. 316.003, F.S.; defining the term "tri-vehicle"; amending s. 316.0741, F.S.; expanding the definition of "hybrid vehicle" to include certain tri-vehicles; amending s. 320.06, F.S.; extending the periods of issuance and replacement for certain registration license plates; increasing the cost of such replacement; deleting a provision requiring that

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registration license plates be specially treated with retroreflective material; deleting a provision requiring that validation stickers be treated with such material and be of a specified size; providing for an additional fee on each registration or renewal registration for the purpose of paying costs of materials for license plates and validation stickers; deleting provisions relating to the manufacture of certain materials by a specified corporation; amending s. 320.08, F.S.; including tri-vehicles among the types of vehicles upon which annual license taxes are levied; amending s. 322.01, F.S.; defining the term "tri-vehicle"; excluding tri-vehicles from the definition of "motorcycle"; providing an effective date.