



216732

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2009	.	
	.	
	.	
	.	

The Committee on Community Affairs (Gardiner) recommended the following:

Senate Amendment (with title amendment)

Between lines 331 and 332
insert:

Section 7. Subsection (7) and paragraphs (b) and (c) of subsection (9) of section 324.021, Florida Statutes, are amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances



216732

12 where the context clearly indicates a different meaning:

13 (7) PROOF OF FINANCIAL RESPONSIBILITY.—That proof of
14 ability to respond in damages for liability on account of
15 crashes arising out of the use of a motor vehicle:

16 (a) In the amount of \$10,000 because of bodily injury to,
17 or death of, one person in any one crash;

18 (b) Subject to such limits for one person, in the amount of
19 \$20,000 because of bodily injury to, or death of, two or more
20 persons in any one crash;

21 (c) In the amount of \$10,000 because of injury to, or
22 destruction of, property of others in any one crash; and

23 (d) With respect to commercial motor vehicles and nonpublic
24 sector buses, in the amounts specified in ss. 627.7415 and
25 627.742, respectively; and

26 (e) With respect to leased or rented motor vehicles, in the
27 amounts specified in subsection (9) (b).

28 (9) OWNER; OWNER/LESSOR.—

29 (b) *Owner/lessor.*—Notwithstanding any other provision of
30 the Florida Statutes or existing case law:

31 1. The lessor, under an agreement to lease a motor vehicle
32 for 1 year or longer which requires the lessee to obtain
33 insurance acceptable to the lessor which contains limits not
34 less than \$100,000/\$300,000 bodily injury liability and \$50,000
35 property damage liability or not less than \$500,000 combined
36 property damage liability and bodily injury liability, shall not
37 be further financially responsible ~~deemed the owner of said~~
38 ~~motor vehicle for the purpose of determining financial~~
39 ~~responsibility~~ for the operation of said motor vehicle or for
40 the acts of the operator in connection therewith; further, this



216732

41 subparagraph shall be applicable so long as the insurance
42 meeting these requirements is in effect. The insurance meeting
43 such requirements may be obtained by the lessor or lessee,
44 provided, if such insurance is obtained by the lessor, the
45 combined coverage for bodily injury liability and property
46 damage liability shall contain limits of not less than \$1
47 million and may be provided by a lessor's blanket policy.

48 2. The lessor, under an agreement to rent or lease a motor
49 vehicle for a period of less than 1 year, shall be financially
50 responsible ~~deemed the owner of the motor vehicle for the~~
51 ~~purpose of determining liability~~ for the operation of the
52 vehicle or the acts of the operator in connection therewith only
53 up to \$100,000 per person and up to \$300,000 per incident for
54 bodily injury and up to \$50,000 for property damage. If the
55 lessee or the operator of the motor vehicle is uninsured or has
56 any insurance with limits less than \$500,000 combined property
57 damage and bodily injury liability, the lessor shall be
58 financially responsible ~~liable~~ for up to an additional \$500,000
59 in economic damages only arising out of the use of the motor
60 vehicle. The additional specified financial responsibility
61 ~~liability~~ of the lessor for economic damages shall be reduced by
62 amounts actually recovered from the lessee, from the operator,
63 and from any insurance or self-insurance covering the lessee or
64 operator. Nothing in this subparagraph shall be construed to
65 affect the liability of the lessor for its own negligence.

66 3. The lessor shall be liable for failure to meet the
67 financial responsibility and liability insurance requirements of
68 subparagraphs (b)1. and 2. hereunder, up to the amounts of those
69 requirements.



216732

70 4. The owner who is a natural person and loans a motor
71 vehicle to any permissive user shall be liable for the operation
72 of the vehicle or the acts of the operator in connection
73 therewith only up to \$100,000 per person and up to \$300,000 per
74 incident for bodily injury and up to \$50,000 for property
75 damage. If the permissive user of the motor vehicle is uninsured
76 or has any insurance with limits less than \$500,000 combined
77 property damage and bodily injury liability, the owner shall be
78 liable for up to an additional \$500,000 in economic damages only
79 arising out of the use of the motor vehicle. The additional
80 specified liability of the owner for economic damages shall be
81 reduced by amounts actually recovered from the permissive user
82 and from any insurance or self-insurance covering the permissive
83 user. Nothing in this subparagraph shall be construed to affect
84 the liability of the owner for his or her own negligence.

85 (c) *Application.*—

86 1. The limits on financial responsibility and liability in
87 subparagraphs (b)2. and ~~4.3~~ do not apply to an owner of motor
88 vehicles that are used for commercial activity in the owner's
89 ordinary course of business, other than a rental company that
90 rents or leases motor vehicles. For purposes of this paragraph,
91 the term "rental company" includes only an entity that is
92 engaged in the business of renting or leasing motor vehicles to
93 the general public and that rents or leases a majority of its
94 motor vehicles to persons with no direct or indirect affiliation
95 with the rental company. The term also includes a motor vehicle
96 dealer that provides temporary replacement vehicles to its
97 customers for up to 10 days. The term "rental company" also
98 includes:



216732

99 a. A related rental or leasing company that is a subsidiary
100 of the same parent company as that of the renting or leasing
101 company that rented or leased the vehicle.

102 b. The holder of a motor vehicle title or an equity
103 interest in a motor vehicle title if the title or equity
104 interest is held pursuant to or to facilitate an asset-backed
105 securitization of a fleet of motor vehicles used solely in the
106 business of renting or leasing motor vehicles to the general
107 public and under the dominion and control of a rental company,
108 as described in this subparagraph, in the operation of such
109 rental company's business.

110 2. Furthermore, with respect to commercial motor vehicles
111 as defined in s. 627.732, the limits on financial responsibility
112 and liability in subparagraphs (b)2. and ~~3.~~4. do not apply if,
113 at the time of the incident, the commercial motor vehicle is
114 being used in the transportation of materials found to be
115 hazardous for the purposes of the Hazardous Materials
116 Transportation Authorization Act of 1994, as amended, 49 U.S.C.
117 ss. 5101 et seq., and that is required pursuant to such act to
118 carry placards warning others of the hazardous cargo, unless at
119 the time of lease or rental either:

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

124 b. The lessee or other operator of the commercial motor
125 vehicle has in effect insurance with limits of at least
126 \$5,000,000 combined property damage and bodily injury liability.

127 Section 8. The amendments to section 324.021, F.S., made by



216732

128 this act are intended to clarify that Florida law as it existed
129 at the time of the enactment of 49 U.S.C. s. 30106(b) (2005)
130 imposed financial responsibility and imposed liability on
131 business entities engaged in the trade of business of renting or
132 leasing motor vehicles for failure to meet financial
133 responsibility and liability insurance requirements, as those
134 terms are used in 49 U.S.C. s. 30106(b) (2005).

135

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

137 And the title is amended as follows:

138 Delete line 31

139 and insert:

140 for an agreement; amending s.324.021, F.S.; clarifying
141 imposition of financial liability and liability on entities
142 renting or leasing motor vehicles; amending s. 337.0261, F.S.;