

HOUSE AMENDMENT

Bill No. CS/CS/CS/HB 1399 (2012)

Amendment No.

CHAMBER ACTION

Senate

House

1 Representative Brandes offered the following:

2

3 **Amendment (with title amendment)**

4 Between lines 4568 and 4569, insert:

5 Section 95. Paragraph (d) of subsection (1) of section  
6 316.0083, Florida Statutes, is amended to read:

7 316.0083 Mark Wandall Traffic Safety Program;  
8 administration; report.—

9 (1)

10 (d)1. The owner of the motor vehicle involved in the  
11 violation is responsible and liable for paying the uniform  
12 traffic citation issued for a violation of s. 316.074(1) or s.  
13 316.075(1)(c)1. when the driver failed to stop at a traffic  
14 signal, unless the owner can establish that:

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15       a. The motor vehicle passed through the intersection in  
16 order to yield right-of-way to an emergency vehicle or as part  
17 of a funeral procession;

18       b. The motor vehicle passed through the intersection at  
19 the direction of a law enforcement officer;

20       c. The motor vehicle was, at the time of the violation, in  
21 the care, custody, or control of another person; or

22       d. A uniform traffic citation was issued by a law  
23 enforcement officer to the driver of the motor vehicle for the  
24 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.; or

25       e. The motor vehicle's owner was deceased on or before the  
26 date that the uniformed traffic citation was issued as  
27 established by an affidavit submitted by the representative of  
28 the motor vehicle owner's estate or other designated person or  
29 family member.

30       2. In order to establish such facts, the owner of the  
31 motor vehicle shall, within 30 days after the date of issuance  
32 of the traffic citation, furnish to the appropriate governmental  
33 entity an affidavit setting forth detailed information  
34 supporting an exemption as provided in this paragraph.

35       a. An affidavit supporting an exemption under sub-  
36 subparagraph 1.c. must include the name, address, date of birth,  
37 and, if known, the driver's license number of the person who  
38 leased, rented, or otherwise had care, custody, or control of  
39 the motor vehicle at the time of the alleged violation. If the  
40 vehicle was stolen at the time of the alleged offense, the  
41 affidavit must include the police report indicating that the  
42 vehicle was stolen.

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43        b. If a traffic citation for a violation of s. 316.074(1)  
44 or s. 316.075(1)(c)1. was issued at the location of the  
45 violation by a law enforcement officer, the affidavit must  
46 include the serial number of the uniform traffic citation.

47        c. If the motor vehicle's owner to whom a traffic citation  
48 has been issued is deceased, the affidavit must include a  
49 certified copy of the owner's death certificate showing that the  
50 date of death occurred on or before the issuance of the uniform  
51 traffic citation and one of the following:

52        (I) A bill of sale or other document showing that the  
53 deceased owner's motor vehicle was sold after his or her death  
54 but on or before the date of the alleged violation.

55        (II) Documentary proof that the registered license plate  
56 belonging to the deceased owner's vehicle was returned to the  
57 department or any branch office or authorized agent of the  
58 department on or before the date of the alleged violation.

59        (III) A copy of a police report showing the deceased  
60 owner's registered license plate or motor vehicle was stolen  
61 after the owner's death but on or before the date of the alleged  
62 violation.

63  
64 Upon receipt of the affidavit and documentation required under  
65 this sub subparagraph, the governmental entity must dismiss the  
66 citation and provide proof of such dismissal to the person that  
67 submitted the affidavit.

68        3. Upon receipt of an affidavit, the person designated as  
69 having care, custody, and control of the motor vehicle at the  
70 time of the violation may be issued a traffic citation for a  
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71 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver  
72 failed to stop at a traffic signal. The affidavit is admissible  
73 in a proceeding pursuant to this section for the purpose of  
74 providing proof that the person identified in the affidavit was  
75 in actual care, custody, or control of the motor vehicle. The  
76 owner of a leased vehicle for which a traffic citation is issued  
77 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the  
78 driver failed to stop at a traffic signal is not responsible for  
79 paying the traffic citation and is not required to submit an  
80 affidavit as specified in this subsection if the motor vehicle  
81 involved in the violation is registered in the name of the  
82 lessee of such motor vehicle.

83       4. The submission of a false affidavit is a misdemeanor of  
84 the second degree, punishable as provided in s. 775.082 or s.  
85 775.083.

86

87 -----  
**T I T L E A M E N D M E N T**

88 Remove line 506 and insert:

89 made by the act; amending s. 316.0083, F.S., providing  
90 an additional defense for certain red-light traffic  
91 infractions; providing for the dismissal of a uniform  
92 traffic citation for a red-light violation when the  
93 motor vehicle owner is deceased and an affidavit with  
94 specified supporting documents is filed with the  
95 issuing agency; providing effective dates.

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