



688684

LEGISLATIVE ACTION

Senate

House

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Floor: WD

04/26/2013 08:32 AM

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Senator Brandes moved the following:

**Senate Amendment (with title amendment)**

Delete lines 3615 - 3688

and insert:

Section 53. Subsections (2) and (3) of section 323.002, Florida Statutes, are amended to read:

323.002 County and municipal wrecker operator systems; penalties for operation outside of system.-

(2) In any county or municipality that operates a wrecker operator system:

(a) It is unlawful for an unauthorized wrecker operator or its employees or agents to monitor police radio for communications between patrol field units and the dispatcher in



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14 order to determine the location of a wrecked or disabled vehicle  
15 for the purpose of driving by the scene of such vehicle in a  
16 manner described in paragraph (b) or paragraph (c). Any person  
17 who violates this paragraph commits ~~is guilty of~~ a noncriminal  
18 violation, punishable as provided in s. 775.083, and the  
19 person's wrecker, tow truck, or other motor vehicle that was  
20 used during the offense may be immediately removed and impounded  
21 pursuant to subsection (3).

22 (b) It is unlawful for an unauthorized wrecker operator to  
23 drive by the scene of a wrecked or disabled vehicle before the  
24 arrival of an authorized wrecker operator, initiate contact with  
25 the owner or operator of such vehicle by soliciting or offering  
26 towing services, and tow such vehicle. Any person who violates  
27 this paragraph commits ~~is guilty of~~ a misdemeanor of the second  
28 degree, punishable as provided in s. 775.082 or s. 775.083, and  
29 the person's wrecker, tow truck, or other motor vehicle that was  
30 used during the offense may be immediately removed and impounded  
31 pursuant to subsection (3).

32 (c) When an unauthorized wrecker operator drives by the  
33 scene of a wrecked or disabled vehicle and the owner or operator  
34 initiates contact by signaling the wrecker operator to stop and  
35 provide towing services, the unauthorized wrecker operator must  
36 disclose in writing to the owner or operator of the vehicle his  
37 or her full name and driver license number, that he or she is  
38 not the authorized wrecker operator who has been designated as  
39 part of the wrecker operator system, that the motor vehicle is  
40 not being towed for the owner's or operator's insurance company  
41 or lienholder, whether he or she has in effect an insurance  
42 policy providing at least \$300,000 of liability insurance and at



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43 least \$50,000 of on-hook cargo insurance, and the maximum ~~must~~  
44 ~~disclose, in writing, a fee schedule that includes what charges~~  
45 for towing and storage which will apply before the vehicle is  
46 connected to ~~or disconnected from~~ the towing apparatus. The  
47 unauthorized wrecker operator must also provide a copy of the  
48 disclosure to the owner or operator in the presence of a law  
49 enforcement officer if such officer is at the scene of a motor  
50 vehicle accident, ~~the fee charged per mile to and from the~~  
51 storage facility, ~~the fee charged per 24 hours of storage, and,~~  
52 prominently displayed, ~~the consumer hotline for the Department~~  
53 of Agriculture and Consumer Services. Any person who violates  
54 this paragraph commits ~~is guilty of~~ a misdemeanor of the second  
55 degree, punishable as provided in s. 775.082 or s. 775.083, and  
56 the person's wrecker, tow truck, or other motor vehicle that was  
57 used during the offense may be immediately removed and impounded  
58 pursuant to subsection (3).

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

62 And the title is amended as follows:

63 Delete lines 259 - 260

64 and insert:

65 323.002, F.S.; providing that an unauthorized