

1                   A bill to be entitled  
2           An act relating to vehicles for rent or lease;  
3           amending s. 320.01, F.S.; revising the definition of  
4           the term "for-hire vehicle"; defining the terms  
5           "private motor vehicle" and "private motor vehicle  
6           rental program"; amending s. 320.0605, F.S.;  
7           authorizing an electronic copy of certain rental or  
8           lease documentation to be in the possession of the  
9           vehicle operator or carried in the vehicle and to be  
10          exhibited upon demand of any authorized law  
11          enforcement officer or any agent of the Department of  
12          Highway Safety and Motor Vehicles; providing that the  
13          act of presenting a certain electronic device to the  
14          officer or agent does not constitute consent for the  
15          officer or agent to access any information on the  
16          device other than the displayed rental or lease  
17          documentation; providing for assumption of liability  
18          for any resulting damage to the device; revising  
19          requirements for rental or lease documentation;  
20          amending s. 322.38, F.S.; prohibiting a person from  
21          renting a motor vehicle to another person unless he or  
22          she has verified that the renter's driver license is  
23          unexpired; requiring that a person renting a motor  
24          vehicle to another person keep a record of the place  
25          where the renter's license was issued; providing that,

26 | under certain circumstances, specified requirements  
 27 | are met when a renter is required at certain times to  
 28 | verify that he or she is duly licensed and that the  
 29 | license is unexpired; providing an effective date.

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

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33 | Section 1. Paragraph (a) of subsection (15) of section  
 34 | 320.01, Florida Statutes, is amended, and subsections (46) and  
 35 | (47) are added to that section, to read:

36 | 320.01 Definitions, general.—As used in the Florida  
 37 | Statutes, except as otherwise provided, the term:

38 | (15) (a) "For-hire vehicle" means any motor vehicle, when  
 39 | used for transporting persons or goods for compensation; let or  
 40 | rented to another for consideration; offered for rent or hire as  
 41 | a means of transportation for compensation; advertised in a  
 42 | newspaper or electronically, or generally held out as being for  
 43 | rent or hire; used in connection with a travel bureau; or  
 44 | offered or used to provide transportation for persons solicited  
 45 | through personal contact or advertised on a "share-expense"  
 46 | basis. The term includes a private motor vehicle that  
 47 | participates in a private motor vehicle rental program and is  
 48 | rented or offered for rent to another for consideration. When  
 49 | goods or passengers are transported for compensation in a motor  
 50 | vehicle outside a municipal corporation of this state, or when

51 goods are transported in a motor vehicle not owned by the person  
52 owning the goods, such transportation is "for hire." The  
53 carriage of goods and other personal property in a motor vehicle  
54 by a corporation or association for its stockholders,  
55 shareholders, and members, cooperative or otherwise, is  
56 transportation "for hire."

57 (46) "Private motor vehicle" means a motor vehicle owned  
58 by an individual and insured under a personal automobile  
59 liability insurance policy that lists a single individual, or  
60 individuals residing in the same household, as the named  
61 insured. This term does not include a motor vehicle with fewer  
62 than four wheels.

63 (47) "Private motor vehicle rental program" is the means,  
64 digital or otherwise, by which a private motor vehicle is  
65 offered for rent by a person or entity who does not own the  
66 private motor vehicle.

67 Section 2. Section 320.0605, Florida Statutes, is amended  
68 to read:

69 320.0605 Certificate of registration; possession required;  
70 exception.—

71 (1) (a) The registration certificate or an official copy  
72 thereof, a true copy or an electronic copy of rental or lease  
73 documentation issued for a motor vehicle or issued for a  
74 replacement vehicle in the same registration period, a temporary  
75 receipt printed upon self-initiated electronic renewal of a

76 registration via the Internet, or a cab card issued for a  
77 vehicle registered under the International Registration Plan  
78 shall, at all times while the vehicle is being used or operated  
79 on the roads of this state, be in the possession of the operator  
80 thereof or be carried in the vehicle for which issued and shall  
81 be exhibited upon demand of any authorized law enforcement  
82 officer or any agent of the department, except for a vehicle  
83 registered under s. 320.0657. The provisions of this section do  
84 not apply during the first 30 days after purchase of a  
85 replacement vehicle. A violation of this section is a  
86 noncriminal traffic infraction, punishable as a nonmoving  
87 violation as provided in chapter 318.

88 (b)1. The act of presenting to a law enforcement officer  
89 or agent of the department an electronic device displaying an  
90 electronic copy of rental or lease documentation does not  
91 constitute consent for the officer or agent to access any  
92 information on the device other than the displayed rental or  
93 lease documentation.

94 2. The person who presents the device to the officer or  
95 agent assumes liability for any resulting damage to the device.

96 (2) Rental or lease documentation that is sufficient to  
97 satisfy the requirement in subsection (1) includes the  
98 following:

- 99 (a) ~~Date of rental and time of exit from rental facility;~~  
100 (b) ~~Rental station identification;~~

- 101        ~~(e)~~ Rental agreement number;
- 102        (c)~~(d)~~ Rental vehicle identification number;
- 103        (d)~~(e)~~ Rental vehicle license plate number and state of
- 104 registration;
- 105        (e)~~(f)~~ Vehicle's make, model, and color;
- 106        (f)~~(g)~~ Vehicle's mileage; and
- 107        (g)~~(h)~~ Authorized renter's name.

108        Section 3. Section 322.38, Florida Statutes, is amended to  
 109 read:

110        322.38 Renting motor vehicle to another.—

111        (1) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to any  
 112 other person unless the other ~~latter~~ person is ~~then~~ duly  
 113 licensed, or, if a nonresident, ~~he or she shall be licensed~~  
 114 under the laws of the state or country of his or her residence,  
 115 except a nonresident whose home state or country does not  
 116 require that an operator be licensed.

117        (2) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to  
 118 another until he or she has inspected the driver license of the  
 119 person to whom the vehicle is to be rented, and has ~~compared and~~  
 120 verified that the driver license is unexpired ~~signature thereon~~  
 121 ~~with the signature of such person written in his or her~~  
 122 presence.

123        (3) Every person renting a motor vehicle to another shall  
 124 keep a record of the registration number of the motor vehicle so  
 125 rented, the name and address of the person to whom the vehicle

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126 is rented, the number of the license of said latter person, and  
127 the ~~date and place when and where the said license was issued.~~  
128 Such record shall be open to inspection by any police officer,  
129 or officer or employee of the department.

130 (4) If a motor vehicle is rented to a person through  
131 digital, electronic, or other means that allow the renter to  
132 obtain possession of the motor vehicle without direct contact  
133 with an owner or agent or employee of an entity owning the  
134 vehicle, or if the renter does not execute a rental contract at  
135 the time he or she takes possession of the vehicle, it must be  
136 deemed that the requirements of subsections (1) and (2) are met  
137 when, at the time the renter enrolls in a membership program,  
138 master agreement, or other means of establishing use of the  
139 rental car company or private motor vehicle program services, or  
140 any time thereafter, the renter is required to verify that he or  
141 she is duly licensed and that the license is unexpired.

142 Section 4. This act shall take effect July 1, 2019.