

By Senator Perry

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

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

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

(15) (a) "For-hire vehicle" means any motor vehicle, when used for transporting persons or goods for compensation; let or rented to another for consideration; offered for rent or hire as a means of transportation for compensation; advertised in a newspaper or electronically, or generally held out as being for rent or hire; used in connection with a travel bureau; or offered or used to provide transportation for persons solicited through personal contact or advertised on a "share-expense" basis. The term includes a private motor vehicle that participates in a private motor vehicle rental program and is rented or offered for rent to another for consideration. When goods or passengers are transported for compensation in a motor vehicle outside a municipal corporation of this state, or when goods are transported in a motor vehicle not owned by the person owning the goods, such transportation is "for hire." The carriage of goods and other personal property in a motor vehicle by a corporation or association for its stockholders, shareholders, and members, cooperative or otherwise, is transportation "for hire."

(46) "Private motor vehicle" means a motor vehicle owned by an individual and insured under a personal automobile liability

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59 insurance policy that lists a single individual, or individuals
60 residing in the same household, as the named insured. This term
61 does not include a motor vehicle with fewer than four wheels.

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

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

68 320.0605 Certificate of registration; possession required;
69 exception.—

70 (1) (a) The registration certificate or an official copy
71 thereof, a true copy or an electronic copy of rental or lease
72 documentation issued for a motor vehicle or issued for a
73 replacement vehicle in the same registration period, a temporary
74 receipt printed upon self-initiated electronic renewal of a
75 registration via the Internet, or a cab card issued for a
76 vehicle registered under the International Registration Plan
77 shall, at all times while the vehicle is being used or operated
78 on the roads of this state, be in the possession of the operator
79 thereof or be carried in the vehicle for which issued and shall
80 be exhibited upon demand of any authorized law enforcement
81 officer or any agent of the department, except for a vehicle
82 registered under s. 320.0657. The provisions of this section do
83 not apply during the first 30 days after purchase of a
84 replacement vehicle. A violation of this section is a
85 noncriminal traffic infraction, punishable as a nonmoving
86 violation as provided in chapter 318.

87 (b)1. The act of presenting to a law enforcement officer or

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88 agent of the department an electronic device displaying an
 89 electronic copy of rental or lease documentation does not
 90 constitute consent for the officer or agent to access any
 91 information on the device other than the displayed rental or
 92 lease documentation.

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

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

98 (a) ~~Date of rental~~ and time of ~~exit from rental facility~~;

99 (b) ~~Rental station identification~~;

100 ~~(c)~~ Rental agreement number;

101 ~~(c)~~(d) Rental vehicle identification number;

102 ~~(d)~~(e) Rental vehicle license plate number and state of
 103 registration;

104 ~~(e)~~(f) Vehicle's make, model, and color;

105 ~~(f)~~(g) Vehicle's mileage; and

106 ~~(g)~~(h) Authorized renter's name.

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

109 322.38 Renting motor vehicle to another.—

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

116 (2) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to

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117 another until he or she has inspected the driver license of the
118 person to whom the vehicle is to be rented, ~~and has compared and~~
119 ~~verified that the driver license is unexpired signature thereon~~
120 ~~with the signature of such person written in his or her~~
121 ~~presence.~~

122 (3) Every person renting a motor vehicle to another shall
123 keep a record of the registration number of the motor vehicle so
124 rented, the name and address of the person to whom the vehicle
125 is rented, the number of the license of said latter person, and
126 the ~~date and place when and where the said~~ license was issued.
127 Such record shall be open to inspection by any police officer,
128 or officer or employee of the department.

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

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