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LEGISLATIVE ACTION

Senate

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House

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Floor: 1f/RE/2R

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05/01/2019 02:29 PM

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Senator Brandes moved the following:

1 **Senate Amendment to Amendment (869784) (with title**
2 **amendment)**

3
4 Between lines 335 and 336
5 insert:

6 Section 6. Section 320.0605, Florida Statutes, is amended
7 to read:

8 320.0605 Certificate of registration; possession required;
9 exception.—

10 (1) (a) The registration certificate or an official copy
11 thereof, a true copy or an electronic copy of rental or lease



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12 documentation issued for a motor vehicle or issued for a
13 replacement vehicle in the same registration period, a temporary
14 receipt printed upon self-initiated electronic renewal of a
15 registration via the Internet, or a cab card issued for a
16 vehicle registered under the International Registration Plan
17 shall, at all times while the vehicle is being used or operated
18 on the roads of this state, be in the possession of the operator
19 thereof or be carried in the vehicle for which issued and shall
20 be exhibited upon demand of any authorized law enforcement
21 officer or any agent of the department, except for a vehicle
22 registered under s. 320.0657. ~~The provisions of~~ This section
23 does ~~de~~ not apply during the first 30 days after purchase of a
24 replacement vehicle. A violation of this section is a
25 noncriminal traffic infraction, punishable as a nonmoving
26 violation as provided in chapter 318.

27 (b)1. The act of presenting to a law enforcement officer or
28 agent of the department an electronic device displaying an
29 electronic copy of rental or lease documentation does not
30 constitute consent for the officer or agent to access any
31 information on the device other than the displayed rental or
32 lease documentation.

33 2. The person who presents the device to the officer or
34 agent assumes the liability for any resulting damage to the
35 device.

36 (2) Rental or lease documentation that is sufficient to
37 satisfy the requirement in subsection (1) includes the
38 following:

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



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- 41 (b)~~(e)~~ Rental agreement number;
- 42 (c)~~(d)~~ Rental vehicle identification number;
- 43 (d)~~(e)~~ Rental vehicle license plate number and state of
- 44 registration;
- 45 (e)~~(f)~~ Vehicle's make, model, and color;
- 46 (f)~~(g)~~ Vehicle's mileage; and
- 47 (g)~~(h)~~ Authorized renter's name.

48 Section 7. Section 322.38, Florida Statutes, is amended to
49 read:

50 322.38 Renting motor vehicle to another.—

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

57 (2) A ~~No~~ person may not ~~shall~~ rent a motor vehicle to
58 another until he or she has inspected the driver license of the
59 person to whom the vehicle is to be rented, ~~and~~ has compared and
60 verified that the driver license is unexpired ~~signature thereon~~
61 ~~with the signature of such person written in his or her~~
62 ~~presence.~~

63 (3) Every person renting a motor vehicle to another shall
64 keep a record of the registration number of the motor vehicle so
65 rented, the name and address of the person to whom the vehicle
66 is rented, the number of the license of said latter person, and
67 the ~~date and place when and~~ where the ~~said~~ license was issued.
68 Such record shall be open to inspection by any police officer,
69 or officer or employee of the department.



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70 (4) If a rental car company rents a motor vehicle to a
71 person through digital, electronic, or other means which allows
72 the renter to obtain possession of the motor vehicle without
73 direct contact with an agent or employee of the rental car
74 company, or if the renter does not execute a rental contract at
75 the time he or she takes possession of the vehicle, the rental
76 car company is deemed to have met all obligations of subsections
77 (1) and (2) when the rental car company, at the time the renter
78 enrolls in a membership program, master agreement, or other
79 means of establishing use of the rental car company's services,
80 or any time thereafter, requires the renter to verify that he or
81 she is duly licensed and that the license is unexpired.

82
83 ===== T I T L E A M E N D M E N T =====

84 And the title is amended as follows:

85 Delete line 1587

86 and insert:

87 within a certain timeframe; amending s. 320.0605,
88 F.S.; authorizing an electronic copy, instead of a
89 true copy, of rental or lease documentation issued for
90 a motor vehicle or issued for a replacement vehicle in
91 the same registration period to be in the possession
92 of the operator or carried in the vehicle and
93 exhibited upon demand of any authorized law
94 enforcement officer or agent of the department;
95 providing that the act of presenting to a law
96 enforcement officer or agent of the department an
97 electronic device displaying an electronic copy of
98 rental or lease documentation does not constitute



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99 consent for the officer or agent to access any
100 information on the device other than the displayed
101 rental or lease documentation; providing assumption of
102 liability; revising requirements for certain rental or
103 lease documentation; amending s. 322.38, F.S.;
104 prohibiting a person from renting a motor vehicle to
105 another until he or she has verified that the driver
106 license is unexpired; revising record requirements for
107 persons renting a motor vehicle to another; providing
108 that, under certain circumstances, a rental car
109 company is deemed to have met specified obligations
110 when the rental car company, at the time the renter
111 enrolls in a membership program, master agreement, or
112 other means of establishing use of the rental car
113 company's services, or any time thereafter, requires
114 the renter to verify that he or she is duly licensed
115 and that the license is unexpired; amending s.
116 334.175, F.S.;