

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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|-----------------------|---------------|-------|
| ADOPTED | <u> </u> | (Y/N) |
| ADOPTED AS AMENDED | <u> </u> | (Y/N) |
| ADOPTED W/O OBJECTION | <u> </u> | (Y/N) |
| FAILED TO ADOPT | <u> </u> | (Y/N) |
| WITHDRAWN | <u> </u> | (Y/N) |
| OTHER | <u> </u> | |

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Maggard offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 768.0429, Florida Statutes, is created to read:

768.0429 Duty of care and admissibility of evidence in certain motor vehicle accidents.-

(1) In any civil action where a commercial motor vehicle is involved in an accident, there is no obligation or duty of care for an owner, lessor, or operator of the vehicle, or for a person renting the vehicle to another person, to retrofit the vehicle with component parts or equipment, or to have selected component parts or equipment to be included on the vehicle, if such parts or equipment were not required by the Federal Motor

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17 Vehicle Safety Standards under 49 C.F.R. part 571 applicable
18 when the vehicle was manufactured or sold. Evidence related to
19 such an alleged obligation or duty is inadmissible.

20 (2) For purposes of this section, the term "commercial
21 motor vehicle" means a motor vehicle with a gross vehicle weight
22 rating or gross vehicle weight of at least 6,000 pounds being
23 used in interstate or intrastate commerce to transport property
24 or passengers, deliver or transport goods or property, or
25 provide services.

26 (3) The provisions of this section do not apply if the
27 owner, lessor, person renting a vehicle to another person, or
28 operator of a commercial motor vehicle fails to comply with a
29 law or regulation issued after the vehicle was manufactured or
30 sold, requiring a mandatory recall or retrofit of the motor
31 vehicle.

32 Section 2. This act shall take effect July 1, 2023.

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35 **T I T L E A M E N D M E N T**

36 Remove everything before the enacting clause and insert:
37 An act relating to duty of care regarding commercial motor
38 vehicles; creating s. 768.0429, F.S.; providing that there is no
39 duty to retrofit a commercial motor vehicle with component parts
40 or equipment in certain circumstances; providing that certain
41 evidence is inadmissible in civil litigation; providing a

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42 | definition; providing for applicability; providing an effective
43 | date.