



181638

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
01/19/2012	.	
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The Committee on Transportation (Latvala) recommended the following:

1           **Senate Substitute for Amendment (310678) (with title**  
2 **amendment)**

3  
4           Between lines 2260 and 2261  
5 insert:

6           Section 57. Paragraph (b) of subsection (9) of section  
7 324.021, Florida Statutes, is amended to read:

8           324.021 Definitions; minimum insurance required.—The  
9 following words and phrases when used in this chapter shall, for  
10 the purpose of this chapter, have the meanings respectively  
11 ascribed to them in this section, except in those instances  
12 where the context clearly indicates a different meaning:



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13 (9) OWNER; OWNER/LESSOR.—

14 (b) *Owner/lessor.*—Notwithstanding any other provision of  
15 the Florida Statutes or existing case law:

16 1. An owner of a motor vehicle who rents or leases the  
17 motor vehicle to a person is not liable for harm to persons or  
18 property which results or arises out of the use, operation, or  
19 possession of the motor vehicle during the period of the rental  
20 or lease, or any extension thereof, if the owner/lessor is  
21 engaged in the trade or business of renting or leasing motor  
22 vehicles and there is no negligence or criminal wrongdoing on  
23 the part of the owner/lessor, so long as the rental or lease  
24 agreement is in writing.

25 2. Notwithstanding subparagraph 1., an owner/lessor is  
26 subject to the following financial responsibilities:

27 ~~a.1.~~ The lessor, under an agreement to lease a motor  
28 vehicle for 1 year or longer, must maintain or ensure that the  
29 lessee maintains which requires the lessee to obtain insurance  
30 as required by ss. 324.022 and 627.733. If the lessor obtains  
31 such insurance, it may be provided through a lessor's blanket  
32 policy. acceptable to the lessor which contains limits not less  
33 than \$100,000/\$300,000 bodily injury liability and \$50,000  
34 property damage liability or not less than \$500,000 combined  
35 property damage liability and bodily injury liability, shall not  
36 be deemed the owner of said motor vehicle for the purpose of  
37 determining financial responsibility for the operation of said  
38 motor vehicle or for the acts of the operator in connection  
39 therewith; further, this subparagraph shall be applicable so  
40 long as the insurance meeting these requirements is in effect.  
41 The insurance meeting such requirements may be obtained by the



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42 ~~lessor or lessee, provided, if such insurance is obtained by the~~  
43 ~~lessor, the combined coverage for bodily injury liability and~~  
44 ~~property damage liability shall contain limits of not less than~~  
45 ~~\$1 million and may be provided by a lessor's blanket policy.~~

46 b.2. The lessor, under an agreement to rent or lease a  
47 motor vehicle for a period of less than 1 year, must obtain  
48 insurance as required by ss. 324.022 and 627.733. If the lessor  
49 obtains such insurance, it may be provided through a lessor's  
50 blanket policy. ~~shall be deemed the owner of the motor vehicle~~  
51 ~~for the purpose of determining liability for the operation of~~  
52 ~~the vehicle or the acts of the operator in connection therewith~~  
53 ~~only up to \$100,000 per person and up to \$300,000 per incident~~  
54 ~~for bodily injury and up to \$50,000 for property damage. If the~~  
55 ~~lessee or the operator of the motor vehicle is uninsured or has~~  
56 ~~any insurance with limits less than \$500,000 combined property~~  
57 ~~damage and bodily injury liability, the lessor shall be liable~~  
58 ~~for up to an additional \$500,000 in economic damages only~~  
59 ~~arising out of the use of the motor vehicle. The additional~~  
60 ~~specified liability of the lessor for economic damages shall be~~  
61 ~~reduced by amounts actually recovered from the lessee, from the~~  
62 ~~operator, and from any insurance or self-insurance covering the~~  
63 ~~lessee or operator. Nothing in this subparagraph shall be~~  
64 ~~construed to affect the liability of the lessor for its own~~  
65 ~~negligence.~~

66 3. The owner who is a natural person and loans a motor  
67 vehicle to any permissive user shall be liable for the operation  
68 of the vehicle or the acts of the operator in connection  
69 therewith only up to \$100,000 per person and up to \$300,000 per  
70 incident for bodily injury and up to \$50,000 for property



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71 damage. If the permissive user of the motor vehicle is uninsured  
72 or has any insurance with limits less than \$500,000 combined  
73 property damage and bodily injury liability, the owner shall be  
74 liable for up to an additional \$500,000 in economic damages only  
75 arising out of the use of the motor vehicle. The additional  
76 specified liability of the owner for economic damages shall be  
77 reduced by amounts actually recovered from the permissive user  
78 and from any insurance or self-insurance covering the permissive  
79 user. Nothing in this subparagraph shall be construed to affect  
80 the liability of the owner for his or her own negligence.

81  
82 ===== T I T L E A M E N D M E N T =====

83 And the title is amended as follows:

84 Delete line 311

85 and insert:

86 motor vehicle; amending s. 324.021, F.S.; revising the  
87 definition of the term "owner/lessor" for purposes of  
88 liability; providing that an owner of a motor vehicle  
89 who rents or leases the vehicle is not liable for harm  
90 to persons or property under certain circumstances;  
91 revising the financial responsibilities of an  
92 owner/lessor of a motor vehicle; amending s. 324.072,  
93 F.S.; prohibiting