LEGISLATIVE ACTION

Senate Comm: WD
01/19/2012

The Committee on Transportation (Latvala) recommended the following:

Senate Amendment (with title amendment)

Between lines 2260 and 2261 insert:

Section 57. Paragraph (b) of subsection (9) of section 324.021, Florida Statutes, is amended to read:
324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(9) OWNER; OWNER/LESSOR.—
(b) Owner/lessee.—Notwithstanding any other provision of the Florida Statutes or existing case law:

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

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

a. The lessor, under an agreement to lease a motor vehicle for 1 year or longer, must obtain or ensure that the lessee obtains insurance which requires the lessee to obtain insurance that acceptable to the lessor which contains limits not less than $100,000/$300,000 bodily injury liability and $50,000 property damage liability or not less than $500,000 combined property damage liability and bodily injury liability, shall not be deemed the owner of said motor vehicle for the purpose of determining financial responsibility for the operation of said motor vehicle or for the acts of the operator in connection therewith; further, this subparagraph shall be applicable so long as the insurance meeting these requirements is in effect. The insurance meeting such requirements may be obtained by the lessor or lessee, provided, if such insurance is obtained by the lessor, the combined coverage for bodily injury liability and property damage liability shall contain limits of not less than
b.2. The lessor, under an agreement to rent or lease a motor vehicle for a period of less than 1 year, must obtain insurance that contains limits not less than shall be deemed the owner of the motor vehicle for the purpose of determining liability for the operation of the vehicle or the acts of the operator in connection therewith only up to $100,000 per person and up to $300,000 per incident for bodily injury and up to $50,000 for property damage. If the lessee or the operator of the motor vehicle is uninsured or has any insurance with limits less than $500,000 combined property damage and bodily injury liability, the lessor shall be liable for up to an additional $500,000 in economic damages only arising out of the use of the motor vehicle. The additional specified liability of the lessor for economic damages shall be reduced by amounts actually recovered from the lessee, from the operator, and from any insurance or self-insurance covering the lessee or operator.

Nothing in this subparagraph shall be construed to affect the liability of the lessor for its own negligence.

3. The owner who is a natural person and loans a motor vehicle to any permissive user shall be liable for the operation of the vehicle or the acts of the operator in connection therewith only up to $100,000 per person and up to $300,000 per incident for bodily injury and up to $50,000 for property damage. If the permissive user of the motor vehicle is uninsured or has any insurance with limits less than $500,000 combined property damage and bodily injury liability, the owner shall be liable for up to an additional $500,000 in economic damages only arising out of the use of the motor vehicle. The additional
specified liability of the owner for economic damages shall be reduced by amounts actually recovered from the permissive user and from any insurance or self-insurance covering the permissive user. Nothing in this subparagraph shall be construed to affect the liability of the owner for his or her own negligence.

And the title is amended as follows:

Delete line 311

and insert:

motor vehicle; amending s. 324.021, F.S.; revising the definition of the term “owner/lessor” for purposes of liability; providing that an owner of a motor vehicle who rents or leases the vehicle is not liable for harm to persons or property under certain circumstances; providing the financial responsibilities of an owner/lessor of a motor vehicle; amending s. 324.072, F.S.; prohibiting