Bill No. CS for SB 710 Amendment No. CHAMBER ACTION Senate House 1 2 3 4 5 6 7 8 9 10 11 Senator Silver moved the following amendment: 12 13 Senate Amendment (with title amendment) On page 9, line 11, through page 10, line 20, delete 14 those lines 15 16 17 and insert: 18 (d) In addition to the penalty imposed under paragraph 19 (a), paragraph (b), or paragraph (c), the court shall also 20 order the impoundment or immobilization of a vehicle owned, leased, or rented by the vehicle that was driven by, or in the 21 22 actual physical control of, the offender, unless the court 23 finds that the family of the owner of the vehicle has no other 24 public or private means of transportation. The period of 25 impoundment or immobilization is 10 days, or, for the second 26 conviction within 3 years, 30 days, or, for the third 27 conviction within 5 years, 90 days and may not be concurrent with probation or imprisonment. If the vehicle is leased or 28 29 rented, the period of impoundment or immobilization may not 30 extend beyond the expiration of the lease or rental agreement. 31 Within 7 business days after the date that the court issues 1 2:08 PM 04/22/98 s0710c1c-38k9n

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the order of impoundment or immobilization, the clerk of the 1 2 court shall send notice by certified mail, return receipt requested, to the registered owner of the vehicle if the 3 4 registered owner is a person other than the offender and to 5 each person of record claiming a lien against the immobilized 6 or impounded vehicle. All costs and fees for the impoundment 7 or immobilization, including the cost of notification, must be paid by the offender owner of the vehicle or, if the vehicle 8 9 is leased or rented, by the person leasing or renting the 10 vehicle. The person who owns a vehicle that is impounded or 11 immobilized under this paragraph, or a person who has a lien 12 of record against such a vehicle, may, within 10 days after 13 the date that person has knowledge of the location of the 14 vehicle, file a complaint in the county in which the owner 15 resides to determine whether the vehicle was wrongfully taken or withheld from the owner or lienholder. Upon the filing of a 16 17 complaint, the owner or lienholder may have the vehicle released by posting with the court a bond or other adequate 18 security equal to the amount of the costs and fees for 19 impoundment or immobilization, including towing or storage, to 20 21 ensure the payment of such costs and fees if the owner or lienholder does not prevail. When the bond is posted and the 22 fee is paid as set forth in s. 28.24, the clerk of the court 23 24 shall issue a certificate releasing the vehicle. At the time 25 of release, after reasonable inspection, the owner or lienholder must give a receipt to the towing or storage 26 27 company indicating any loss or damage to the vehicle or to the 28 contents of the vehicle. 29 30

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====== T I T L E A M E N D M E N T ========== And the title is amended as follows: On page 1, lines 16-20, delete those lines and insert: s. 316.193, F.S.; providing that the vehicle to be impounded or immobilized need not be the vehicle involved in the D.U.I., but must be a vehicle owned, leased, or rented by the offender; providing that the D.U.I. offender will bear all costs and fees of impoundment or immobilization of the vehicle, including cost of notification; amending s. 321.051, F.S.; revising

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