

By the Committee on Transportation; and Senator Sebesta

306-2029-02

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A bill to be entitled
An act relating to wrecker services; amending
s. 321.6051, F.S.; providing that a law
enforcement officer may dispatch an authorized
wrecker, or a wrecker out of rotation under
certain circumstances; amending s. 713.78,
F.S., providing limited liability for certain
persons and entities when removing a vehicle
that poses an imminent public hazard; providing
an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (4) of section 321.051, Florida
Statutes, is amended and subsection (5) is added to that
section to read:

321.051 Florida Highway Patrol wrecker operator
system; penalties for operation outside of system.--

(4) This section does not prohibit, or in any way
prevent, the owner or operator of a vehicle involved in a
crash or otherwise disabled from contacting any wrecker
operator for the provision of towing services, whether the
wrecker operator is an authorized wrecker operator or not.
However, if a law enforcement officer determines that the
disabled vehicle or vehicle cargo is a public safety hazard,
the officer may, in the interest of public safety, dispatch an
authorized wrecker operator if the officer believes that such
authorized wrecker operator would arrive at the scene before
the wrecker operator requested by the owner or operator of the
disabled vehicle or vehicle cargo.

1 (5) A law enforcement officer may dispatch an
2 authorized wrecker operator out of rotation to the scene of a
3 wrecked or disabled vehicle if the authorized wrecker operator
4 next on rotation is not equipped to provide the required
5 wrecker service and the out-of-rotation authorized wrecker is
6 available with the required equipment. However, this
7 subsection does not prohibit or prevent the owner or operator
8 of a vehicle involved in a crash or otherwise disabled from
9 contacting any wrecker operator who is properly equipped to
10 provide the required wrecker service, whether the wrecker
11 operator is an authorized wrecker operator or not, unless the
12 law enforcement officer determines that the wrecked or
13 disabled vehicle is a public safety hazard and the officer
14 believes that the authorized wrecker operator would arrive at
15 the scene before the wrecker operator requested by the owner
16 operator.

17 Section 2. Present paragraph (b) of subsection (7) of
18 section 713.78, Florida Statutes, is redesignated as paragraph
19 (c) and a new paragraph (b) is added to that subsection to
20 read:

21 713.78 Liens for recovering, towing, or storing
22 vehicles and vessels.--

23 (7)

24 (b) Employees or authorized agents of the Department
25 of Transportation or any authorized or unauthorized wrecker
26 operator, as defined in s. 321.051, may remove a vehicle or
27 vehicle cargo from a public road without consent of the owner
28 or operator of the vehicle or vehicle cargo upon request of a
29 law enforcement officer as defined in s. 112.531 or a
30 firefighter as defined in s. 112.81. The employee or
31 authorized agent of the Department of Transportation, the

1 wrecker operator, the wrecker operator's firm, including its
2 officers and employees, the law enforcement officer, and the
3 firefighters and emergency medical services providers are not
4 liable for any property damages or claims of damage for such
5 removal if the vehicle or vehicle cargo is removed because it
6 presents an imminent public-safety hazard.

7 Section 3. This act shall take effect upon becoming a
8 law.

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 Senate Bill 1990

13 The CS authorizes a law enforcement officer to dispatch an
14 authorized wrecker operator to the scene of a wrecked or
15 disabled vehicle (even though the owner of the wrecked or
16 disabled vehicle has requested another wrecker) when the law
17 enforcement officer determines there is a public safety
hazard, and when the law enforcement officer believes the
authorized wrecker operator would arrive at the scene before
the wrecker requested by the owner of the wrecked or disabled
vehicle.

18 Section 321.051(5), F.S., is created to provide a law
19 enforcement officer may dispatch an authorized wrecker
20 operator out of rotation to the scene of a wrecked or disabled
21 vehicle if the authorized wrecker next on rotation is not
22 equipped to provide the required wrecker service. However,
23 the owner or operator of the disabled vehicle may contact any
24 wrecker who is properly equipped to provide the required
25 wrecker services, unless the law enforcement officer
26 determines the disabled vehicle is a public safety hazard and
27 the authorized wrecker would arrive at the scene before the
28 wrecker requested by the owner of the disabled vehicle.
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