

HOUSE MESSAGE SUMMARY

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BILL: CS/CS/SB 522, 2nd Eng.
SPONSOR: Transportation Committee, Criminal Justice Committee and Senator Sebesta
SUBJECT: Highway Safety and Motor Vehicles
PREPARED BY: Senate Committee on Transportation
DATE: March 19, 2002

I. Amendments Contained in Message:

House Amendment 1 - 272373 (body with title)

II. Summary of Amendments Contained in Message:

House Amendment 1 represents a strike-everything amendment. The following section-by-section analysis summarizes the contents of this amendment.

Section 316.006, F.S., is amended to provide that if a county commission elects to abandon a road and convey the county's interest in such road to a subdivision, the county's traffic enforcement jurisdiction ceases, unless otherwise agreed to by the county.

Section 316.00825, F.S., is created establishing a standardized process by which a county commission can consider, and in its discretion agree to, a request from a subdivision for a return of roads it originally owned but deeded to the county. Counties would have an option to abandon such roads and simultaneously convey the county's interest in such roads, rights-of-way, drainage systems, lighting, and other appurtenant facilities, to a qualifying homeowners' association. A homeowners' association taking over ownership and control of such roads shall have traffic control jurisdiction over the roads unless an agreement stating otherwise has been entered into with the county.

Section 316.061, F.S., is amended to authorize employees and agents of law enforcement, the DOT, or an expressway authority to remove crashed vehicles and their debris from the roadway when a crash involves only vehicle or property damage. This amendment also limits the liability of persons who move such a vehicle or debris.

Section 316.520, F.S., is amended to clarify that the penalty for allowing a vehicle load to escape onto the highway is a nonmoving violation.

Section 318.1451, F.S., is amended to repeal provisions prohibiting governmental agencies from providing any information regarding driver improvement schools or course providers, and directing all inquiries to the telephone directory. Authorizes DHSMV or court to issue a reference guide which contains the names and telephone numbers for approved course providers.

Section 318.18(3)(b), F.S., is republished.

Section 319.001, F.S., is amended to revise the definitions of certain motor vehicle and motorcycle parts to provide greater specificity regarding the disposition of salvage and rebuilt motor vehicles.

Section 319.14, F.S., is amended to authorize DHSMV to affix a decal to rebuilt vehicles to identify the vehicle as being rebuilt from parts, and to provide that removal of the decal with the intent to conceal the rebuilt status of the vehicle is a third degree felony.

Section 319.22, F.S., is amended provide that it is illegal to transfer the title of a motor vehicle unless the purchaser's name appears on the title. A person who knowingly and willfully violates this provision with intent to commit fraud is guilty of a first degree misdemeanor, punishable by a term of imprisonment of up to 1 year, and a fine of up to \$1,000.

Section 319.30, F.S., is amended to revise the definition of "major component parts" to provide greater specificity regarding the disposition of salvage and rebuilt motor vehicles. Anyone who willfully and knowingly directs a person to sign an affidavit that falsely asserts that a vehicle title has been surrendered to DHSMV commits a third degree felony, punishable by a term of imprisonment of up to 5 years, and a fine of up to \$5,000. Clarifies requirements relating to "total loss" vehicles. Provides for the issuance of state-assigned vehicle identification number plate in certain circumstances.

Section 319.32, F.S., is amended to provide that motor vehicle titling fees and charges collected by county tax collectors must be transferred to DHSMV within five days from the close of the business day in which the county officer received the funds. Applicable funds must be transferred electronically to DHSMV.

Section 319.33, F.S., is amended to provide it is unlawful to remove a vehicle identification number (VIN) plate that has been assigned by the state.

Section 320.03, F.S., is amended to provide that motor vehicle registration fees and charges collected by county tax collectors must be transferred to DHSMV within five days from the close of the business day in which the tax collector received the funds. Applicable funds must be transferred electronically to DHSMV.

Section 320.27, F.S., is amended to provide for the suspension or revocation of a motor vehicle dealer license for a single violation of prohibited criminal or fraudulent activities. A pattern of wrong doing must be documented before administrative action can be taken against a motor vehicle dealer for lesser violations.

Section 322.095, F.S., is amended to repeal a provision prohibiting governmental entities from providing information on traffic law and substance abuse schools or providers; authorizing DHSMV to approve and regulate such courses that use technology as the delivery method.

Section 328.73, F.S., is amended to provide that vessel registration fees and charges collected by county tax collectors must be transferred to DHSMV within five days from the close of the business day in which the county officer received the funds. Applicable funds must be transferred electronically to DHSMV.

Section 713.78, F.S., is amended to limit the number of reassignments allowable under a certificate of destruction to two before dismantling or destruction of the vehicle shall be required; authorizes law enforcement officers and employees of DHSMV to inspect records of those in the business of towing, storing, or transporting vehicles to ensure compliance; provides penalties for failure to produce required records when required in a reasonable manner and at a reasonable place.

Section 316.251, F.S., is amended to correct a cross-reference which will change as a result of the bill.

Section 501.976, F.S., is amended to correct a cross-reference which will change as a result of the bill.

Section 681.103, F.S., is amended to provide that RV manufacturers must provide written notice to consumers of the claims process available under s. 681.1096, F.S.

Section 681.1096, F.S., is amended to extend the operation of the RV Mediation and Arbitration Program through September 2006.

Section 681.1097, F.S., is amended to authorize the Attorney General to delegate responsibility for screening of claims to program administrator.