COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 355 (2019)

Amendment No.

	COMMITTEE/SUBCOMMI	TTEE ACTION
	ADOPTED	(Y/N)
	ADOPTED AS AMENDED	(Y/N)
	ADOPTED W/O OBJECTION	(Y/N)
	FAILED TO ADOPT	(Y/N)
	WITHDRAWN	(Y/N)
	OTHER	
1	Committee/Subcommittee	hearing bill: Judiciary Committee
2	Representative Leek off	ered the following:
3		
4	Amendment (with ti	tle amendment)
5	Remove lines 35-75	and insert:
6	members of the public a	t large are welcomed as invitees.
7	(e) "Special mobi	le equipment" has the same meaning as in
8	<u>s. 316.003.</u>	
9	(2) Whether an in	strumentality is a dangerous
10	instrumentality for pur	poses of imposing vicarious liability
11	upon the owner shall be	e decided by the court as a matter of law.
12	To determine whether an	instrumentality is a dangerous

13 instrumentality, the court shall consider the following factors,

14 and no single factor shall be dispositive:

15

(a) Whether the instrumentality is a motor vehicle.

251659 - h0355-line 35.docx

Published On: 3/20/2019 6:10:52 PM

Page 1 of 3

COMMITTEE/SUBCOMMITTEE AMENDMENT

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Amendment No.

16	(b) Whether the instrumentality is frequently operated
17	within or upon public property.
18	(c) Whether the injury, death, or damage caused in the
19	particular case occurred within or upon public property.
20	(d) Whether the instrumentality poses extraordinary
21	dangers not posed by instrumentalities not otherwise determined
22	to be dangerous instrumentalities.
23	(e) To what extent the Legislature has regulated the
24	instrumentality.
25	(f) Whether the instrumentality poses a significant risk
26	of death or destruction when used improperly.
27	(3) Notwithstanding subsection (2), the lessor of any
28	special mobile equipment that causes injury, death, or damage
29	while leased under a written lease agreement with documented
30	proof of insurance coverage that contains limits of not less
31	than \$100,000 per person and up to \$300,000 per incident for
32	bodily injury liability and up to \$50,000 for property damage
33	liability or not less than \$500,000 for combined property damage
34	liability and bodily injury liability is not liable for acts of
35	the lessee or the lessee's agent or employee in connection with
36	the rental or lease, including any bodily injury, death, or
37	damage resulting from the operation, maintenance, or use of the
38	special mobile equipment by the lessee or the lessee's agent or
39	employee. The failure of the lessee to obtain or maintain

251659 - h0355-line 35.docx

Published On: 3/20/2019 6:10:52 PM

Page 2 of 3

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C	insurance coverage required by the lease agreement does not
-	impose liability on the lessor.
2	
3	
4	TITLE AMENDMENT
5	Remove lines 9-10 and insert:
6	dangerous instrumentality;
2	251659 - h0355-line 35.docx
	Published On: 3/20/2019 6:10:52 PM
	Page 3 of 3