

By Senator Stargel

22-00843-19

2019862\_\_

1                   A bill to be entitled  
2           An act relating to insurance coverage for vehicle  
3           leases; creating s. 627.749, F.S.; defining terms;  
4           providing that a lessor of special mobile equipment is  
5           not liable for acts of the lessee or the lessee's  
6           agent or employee in connection with the rental or  
7           lease if the lease agreement requires specified  
8           insurance coverages; providing construction; providing  
9           an exception; providing an effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Section 627.749, Florida Statutes, is created to  
14 read:

15           627.749 Limitation of liability for rental or lease of  
16 special mobile equipment.—

17           (1) As used in this section, the term:

18           (a) "Lease agreement" means a written agreement for the  
19 rental or lease of special mobile equipment, regardless of  
20 whether the lease is for a fixed term or with an option to  
21 purchase.

22           (b) "Lessee" means a person who rents or leases special  
23 mobile equipment from a lessor pursuant to a lease agreement.

24           (c) "Lessor" means a person who offers or arranges for the  
25 rental or lease of special mobile equipment by a lessee pursuant  
26 to a lease agreement.

27           (d) "Special mobile equipment" has the same meaning as  
28 provided in s. 316.003.

29           (2) Notwithstanding any other law, a lessor, under a lease

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30 agreement for the rental or lease of special mobile equipment  
31 which requires the lessee to maintain insurance coverage with  
32 limits of at least \$100,000/\$300,000 for bodily injury liability  
33 and \$50,000 for property damage liability, or at least \$500,000  
34 for combined property damage liability and bodily injury  
35 liability, is not liable for acts of the lessee or the lessee's  
36 agent or employee in connection with the rental or lease,  
37 including any bodily injury, death, or property damage resulting  
38 from operation, maintenance, or use of the special mobile  
39 equipment. The failure of the lessee to obtain or maintain  
40 insurance coverage required by the lease agreement does not  
41 impose liability on the lessor. However, the lessor may be  
42 liable if the bodily injury, death, or property damage:

43 (a) Occurred while the lessor's employee or contractor was  
44 operating, maintaining, or using the special mobile equipment.

45 (b) Resulted from the lessor's gross negligence or criminal  
46 wrongdoing.

47 Section 2. This act shall take effect July 1, 2019.