

## CHAPTER 97-58

### Committee Substitute for Senate Bill No. 1238

An act relating to motor vehicle license plates; amending s. 316.515, F.S.; changing exemptions from maximum width, height, and length requirements for wreckers; amending s. 316.550, F.S.; providing special-use permits for wreckers; amending s. 320.01, F.S.; providing definitions; amending s. 320.06, F.S.; requiring the word “wrecker” to be printed on certain license plates; amending s. 320.08, F.S.; revising license tax requirements for wreckers; creating s. 320.0821, F.S.; providing requirements for wrecker license plates; amending s. 206.877, F.S., to conform a cross-reference; providing an effective date.

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

Section 1. Subsection (8) of section 316.515, Florida Statutes, is amended to read:

316.515 Maximum width, height, length.—

(8) WRECKERS.—The limitations imposed by this section do not apply to a combination of motor vehicles consisting of a wrecker licensed in accordance with s. 320.08(5)(d) or (e) and a disabled motor vehicle, trailer, semitrailer, or tractor-trailer combination, or a replacement motor vehicle, which is under tow by the wrecker to a nearby authorized repair service, if the size and weight of the towed vehicle is consistent with statutory requirements and the requirements of this subsection.

(a) The limitations imposed by this section do not apply to a combination of motor vehicles consisting of a wrecker licensed under the International Registration Plan and a disabled motor vehicle, trailer, semitrailer, tractor-trailer combination, or a replacement motor vehicle, which is under tow by the wrecker, if the size and weight of the towed vehicle is consistent with statutory requirements and the requirements of this subsection.

(b) However, a wrecker may not tow a disabled or if any nonconforming vehicle being towed is otherwise operating under a current special use permit or permits where the combined weight of the wrecker and the towed nonconforming vehicle exceeds the permitted weight of the towed vehicle's permit.

(c) Where the combined weight of the wrecker and the towed vehicle exceeds the maximum weight limits as established by s. 316.535, the wrecker must be operating under a current wrecker special use permit or permits as provided in s. 316.550(4) or in accordance with paragraph (b).

(d) The limitations imposed by this section do not apply to a combination of motor vehicles consisting of a wrecker licensed in accordance with s. 320.08(5)(d) or (e) and a nondisabled tractor-trailer combination that is

under tow by the wrecker, if the tractor-trailer combination is being towed by the wrecker in an emergency situation as directed by a law enforcement officer. No wrecker shall tow a nondisabled tractor-trailer combination except in an emergency situation as directed by a law enforcement officer, or as provided in s. 715.07.

Section 2. Subsections (4), (5), (6), (7), (8), and (9) of section 316.550, Florida Statutes, are amended to read:

316.550 Operations not in conformity with law; special permits.—

(4)(a) The Department of Transportation may issue a wrecker special blanket permit to authorize a wrecker as defined in s. 320.01(40) to tow a disabled vehicle as defined in s. 320.01(38) where the combination of the wrecker and the disabled vehicle being towed exceeds the maximum weight limits as established by s. 316.535.

(b) The Department of Transportation must supply the permitted wrecker with a map showing the routes on which the wrecker may safely tow disabled vehicles for all special permit classifications for which the wrecker applies.

(5)(4) The Department of Transportation or such local authority is authorized to promulgate rules and regulations concerning the issuance of such permits and to charge a fee for the issuance thereof, which rules, regulations, and fees shall have the force and effect of law. The minimum fee for issuing any such permit shall be \$5. The Department of Transportation may issue blanket permits for not more than 36 months. The department may charge an annualized fee for blanket permits not to exceed \$500.

(6)(5) Every special permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit. No person shall violate any of the terms or conditions of such special permit.

(7)(6) The Department of Transportation may impose fines for the operation of a vehicle in violation of this section, as provided in subsection (9) (8).

(8)(7) The Department of Transportation may not refuse to issue a permit under this section to any person solely on the basis that such person allegedly violated this chapter or the rules promulgated hereunder until a final order is entered with regard to such violation pursuant to chapter 120.

(9)(8) Whenever any motor vehicle, or the combination of a wrecker as defined in s. 320.01(40) and a towed motor vehicle, exceeds any weight or dimensional criteria or special operational or safety stipulation contained in a special permit issued under the provisions of this section, the penalty assessed to the owner or operator shall be as follows:

(a) For violation of weight criteria contained in a special permit, the penalty per pound or portion thereof exceeding the permitted weight shall be as provided in s. 316.545.

(b) For each violation of dimensional criteria in a special permit, the penalty shall be as provided in s. 316.516 and penalties for multiple violations of dimensional criteria shall be cumulative except that the total penalty for the vehicle shall not exceed \$1,000.

(c) For each violation of an operational or safety stipulation in a special permit, the penalty shall be an amount not to exceed \$1,000 per violation and penalties for multiple violations of operational or safety stipulations shall be cumulative except that the total penalty for the vehicle shall not exceed \$1,000.

(d) For violation of any special condition that has been prescribed in the rules of the Department of Transportation and declared on the permit, the vehicle shall be determined to be out of conformance with the permit and the permit shall be declared null and void for the vehicle, and weight and dimensional limits for the vehicle shall be as established in s. 316.515, s. 316.535, or s. 316.540, whichever is applicable, and:

1. For weight violations, a penalty as provided in s. 316.545 shall be assessed for those weights which exceed the limits thus established for the vehicle; and

2. For dimensional, operational, or safety violations, a penalty as established in paragraph (c) or s. 316.516 ~~or s. 316.550(8)(c)~~, whichever is applicable, shall be assessed for each nonconforming dimensional, operational, or safety violation and the penalties for multiple violations shall be cumulative for the vehicle.

~~(10)~~<sup>(9)</sup> All penalties imposed by violations of this section shall be assessed, collected, and deposited in accordance with the provisions of s. 316.545~~(6)~~.

Section 3. Subsections (38), (39), (40), and (41) are added to section 320.01, Florida Statutes, 1996 Supplement, to read:

320.01 Definitions, general.—As used in the Florida Statutes, except as otherwise provided, the term:

(38) “Disabled motor vehicle” means any motor vehicle as defined in subsection (1) which is not operable under its own motive power, excluding a nondisabled trailer or semitrailer, or any motor vehicle that is unsafe for operation upon the highways of this state.

(39) “Replacement motor vehicle” means any motor vehicle as defined in subsection (1) under tow by a wrecker to the location of a disabled motor vehicle for the purpose of replacing the disabled motor vehicle, thereby permitting the transfer of the disabled motor vehicle’s operator, passengers, and load to an operable motor vehicle.

(40) “Wrecker” means any motor vehicle that is used to tow, carry, or otherwise transport motor vehicles and that is equipped for that purpose with a boom, winch, car carrier, or other similar equipment.

(41) “Tow” means to pull or draw any motor vehicle with a power unit by means of a direct attachment, drawbar, or other connection or to carry a motor vehicle on a power unit designed to transport such vehicle from one location to another.

Section 4. Paragraph (a) of subsection (3) of section 320.06, Florida Statutes, 1996 Supplement, is amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(3)(a) Registration license plates shall be of metal specially treated with a retroreflective material, as specified by the department. The registration license plate is designed to increase nighttime visibility and legibility and shall be at least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the department to accommodate motorcycles, mopeds, or similar smaller vehicles. Validation stickers shall be treated with a retroreflective material, shall be of such size as specified by the department, and shall adhere to the license plate. The registration license plate shall be imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the registration license plate number. The license plate shall also be imprinted with the word “Florida” at the top and the name of the county in which it is sold at the bottom, except that apportioned license plates shall have the word “Apportioned” at the bottom and license plates issued for vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or, (c), ~~or (d)~~, (12), or (14) shall have the word “Restricted” at the bottom. License plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word “Florida” at the top and the word “Dealer” at the bottom, except that gross-vehicle-weight vehicles owned by a licensed motor vehicle dealer may be issued a license plate with the word “Restricted.” License plates issued for vehicles taxed under s. 320.08(5)(d) or (e) must be imprinted with the word “Wrecker” at the bottom. Any county may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold in that county. The words “Sunshine State” shall be printed in lieu thereof. In those counties where the county commission has not removed the county name from the license plate the tax collector may, in addition to issuing license plates with the county name printed on the license plate, also issue license plates with the words “Sunshine State” printed on the license plate subject to the approval of the department and a legislative appropriation for the additional license plates. A license plate issued for a vehicle taxed under s. 320.08(6) may not be assigned a registration license number, or be issued with any other distinctive character or designation, that distinguishes the motor vehicle as a for-hire motor vehicle.

Section 5. Paragraph (d) of subsection (5) of section 320.08, Florida Statutes, 1996 Supplement, is amended, present paragraph (e) is redesignated as paragraph (f), and a new paragraph (e) is added to said subsection, to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor

vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), and mobile homes, as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

(d) A wrecker, as defined in s. 320.01(40), which is used to tow a disabled motor vehicle as defined in s. 320.01(38) or a replacement motor vehicle as defined in s. 320.01(39): A motor vehicle operated solely as a wrecker, owned and operated by a garage in connection with its regular business: \$30 flat.

(e) A wrecker, as defined in s. 320.01(40), which is used to tow any motor vehicle, regardless of whether or not such motor vehicle is a disabled motor vehicle as defined in s. 320.01(38) or a replacement motor vehicle as defined in s. 320.01(39), as follows:

1. Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: \$87 flat.

2. Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: \$131 flat.

3. Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: \$186 flat.

4. Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: \$240 flat.

5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: \$300 flat.

6. Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: \$572 flat.

7. Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: \$678 flat.

8. Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: \$800 flat.

9. Gross vehicle weight of 72,000 pounds or more: \$979 flat.

(f)(e) A hearse or ambulance: \$30 flat.

Section 6. Section 320.0821, Florida Statutes, is created to read:

320.0821 Wrecker license plates.—

(1) The department shall issue a wrecker license plate to the owner of any motor vehicle that is used to tow, carry, or otherwise transport motor vehicles and that is equipped for that purpose with a boom, winch, carrier, or other similar equipment, except a motor vehicle registered under the

International Registration Plan, upon application and payment of the appropriate license tax and fees in accordance with s. 320.08(5)(d) or (e).

(2) A license plate issued under this section shall have the word "Wrecker" imprinted on the bottom of the plate in place of the county name.

(3) Any license plate issued under s. 320.08(5)(e) shall be in a distinctive color approved by the department.

(4) For any license plate issued under this section to any wrecker, when the combined gross vehicle weight of the wrecker and any towed vehicle or vehicles is 55,000 pounds or more, at the time of registration or renewal of registration, every owner or person in charge of such wrecker shall present proof of filing or proof of payment, as applicable, of the federal heavy vehicle use tax in accordance with s. 320.02(7).

Section 7. Paragraph (a) of subsection (1) of section 206.877, Florida Statutes, is amended to read:

206.877 Motor vehicles fueled by liquefied petroleum gas or compressed natural gas; payment of annual decal fees in lieu of tax.—

(1) The tax imposed by s. 206.87 does not apply to motor vehicles licensed in this state pursuant to chapter 320 which are powered by alternative fuels and for which valid decals have been acquired as provided in this section.

(a) The owners or operators of such vehicles shall, in lieu of the excise tax imposed by this part, pay an annual decal fee on each such motor vehicle in accordance with the following rate schedule:

| Class | Vehicle License Category   | State Fee:<br>Fee for each<br>tenth of a<br>cent of tax<br>imposed by<br>s. 206.87(1)<br>(a) and (d) | Fee for each cent<br>of tax imposed<br>by s. 206.87(1)<br>(b) and (c) |
|-------|--|--|---|
| A     | Vehicles licensed pursuant to s. 320.08(1), (2), (3)(a)-(c), (e), (6)(a), and (9)(c)1.         | \$1.10   | \$11  |
| B     | Vehicles licensed pursuant to s. 320.08(5)(b)- <del>(f)</del> (e), (6)(b), (9)(c)2., and (14). | \$1.50   | \$15  |
| C     | Vehicles licensed pursuant to s. 320.08(4).  | \$2.10   | \$21  |

Section 8. This act shall take effect October 1, 1997.

Became a law without the Governor's approval May 14, 1997.

Filed in Office Secretary of State May 12, 1997.