

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0319/P1dn

PEN:wlj:km

February 28, 2000

Senator Wirch:

Please read this amendment closely to ensure that it meets your needs.

This amendment prohibits notices under s. 345.28 (5m) (a) 4. for rented or leased vehicles if the owner complies with the requirements under s. 345.28 (5m) (a) and the citation is at least one year old. See the treatment of s. 345.28 (5m) (a) 4. (intro.), a. and b.

This amendment prohibits authorities from assessing TVRP costs to the owner of a rented or leased vehicle. See the treatment of s. 345.28 (4) (d). I think this charge accounts for much of the forfeiture inflation you are concerned about.

The draft changes "50% of the applicable forfeiture" language to read "50% of the forfeiture originally imposed under s. 345.28 (2) (a)" throughout s. 345.28 when referring to owners of leased and rented vehicles.

This amendment continues to apply s. 345.28 (5m) to owners of rented and leased vehicles.

This amendment eliminates the four-year extension of the statute of limitations provided under s. 345.28 (4) (g) for rented or leased vehicles if the owner identifies the renter or lessee to the authority, as required under s. 345.28 (5m) (a) 3. OK? This seems consistent with the treatment of s. 345.28 (5m) (a) 4., which prohibits notices for rented vehicles if the owner identifies the renter or lessee to the authority and the citation is at least one year old.

This amendment does not include the treatment by 1999 Senate Bill 360 of s. 345.28 (5m) (b), which prohibited the authority from taking any action against the renter or lessee (who committed the violation) unless all of the conditions under s. 345.28 (5m) (a) 1., 2. and 3. are met.

Similarly, this amendment does not include the treatment by 1999 Senate Bill 360 of the alternative traffic violation and registration pilot program under s. 345.285.

The entire act applies prospectively and will not apply to tickets issued before the amendment takes effect.

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