

June 3, 2005

Ms. Glenda E. Hood
Secretary of State
Florida Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, FL 32399

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Senate Bill 52, enacted during the 37th session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 2005, and entitled:

An act relating to commercial motor vehicles . . .

Senate Bill 52 requires that any person who retrofits, rebuilds, or modifies a commercial truck into a dump truck must carry a commercial liability insurance policy providing a minimum of \$1 million in coverage per accident and \$1 million in coverage on an annual aggregate. The bill further mandates that the creation of dump trucks through retrofitting must comply with all federal safety standards, set forth in 49 C.F.R., Section 393.

I am vetoing the bill for the following reasons:

While the proponents of the bill suggest that numerous serious accidents and injuries may have occurred resulting from improperly converted dump trucks—related to failed welds or a failure to reinforce brakes, suspension, or steering to accommodate heavier loads—insufficient evidence was offered to support this claim. I acknowledge that it is difficult to show how many accidents are the result of defective modifications. Law enforcement officers lack the information and investigative capability to demonstrate or disprove such a causal factor. However, even the oft-cited NBC news report that found nine of a total of 10 reporter-investigated dump truck accidents involved modified trucks failed to establish a nexus between the accident and an improper modification.

Additionally, the special commercial liability policy required by the bill may not be affordable. According to both bill sponsors, such a policy would likely cost \$10,000 or more and present a significant fiscal challenge for small businesses.

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Finally, the bill places the burden of maintaining this insurance coverage on the company that modified the truck, rather than the owner of the vehicle. In addition to this unusual burden, the bill does not specify any set period of time for the manufacturer to maintain this additional liability insurance coverage, or how he will know when the trucks he has modified are no longer on the road. Therefore, there would be no way for the business owner who stops offering truck modification services to know how long to annually renew the required liability policy.

For these reasons, I am withholding my approval of Senate Bill 52, and do hereby veto the same.

Sincerely,

Jeb Bush