

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Willhite offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 1284 and 1285, insert:

5 Section 35. Effective upon becoming a law, section
6 324.252, Florida Statutes, is created to read:

7 324.252 Motor vehicle insurance online verification
8 system.-

9 (1) The department shall establish an online verification
10 system for motor vehicle insurance, with the goal of identifying
11 uninsured motorists and aiding the department in enforcing the
12 financial responsibility laws. The online verification system is
13 subject to the following:

696017

Approved For Filing: 2/28/2018 3:23:23 PM

Amendment No.

14 (a) The verification system shall be accessible through
15 the Internet by authorized personnel of the department, the
16 courts, law enforcement personnel, any other entities authorized
17 by the department, and insurers authorized by the Office of
18 Insurance Regulation to offer motor vehicle insurance.

19 (b) The verification system shall provide for real-time
20 access to insurers' records by personnel authorized by the
21 department.

22 (c) The department shall conduct a pilot program to test
23 the system before statewide use.

24 (d) The verification system must be installed and
25 operational by July 1, 2021. The department shall conduct a
26 pilot program lasting at least 9 months to test the system
27 before statewide use. The system may not be used in any
28 enforcement action until the pilot program is completed.

29 (e) The verification system shall be available 24 hours a
30 day, except as provided in paragraph (f), to verify the
31 insurance status of any vehicle registered in this state through
32 the vehicle's identification number, policy number or other
33 identifying characteristic or marker as specified by the
34 advisory council.

35 (f) Insurer systems are permitted reasonable downtime
36 outages for maintenance and other work, upon advance notice to
37 the department. Insurers are not subject to administrative
38 penalties or disciplinary actions under such circumstances or

696017

Approved For Filing: 2/28/2018 3:23:23 PM

Amendment No.

39 when systems are not available because of outages that are
40 unplanned by the insurer and reasonably outside its control.

41 (g) The department may contract with a private vendor to
42 assist in establishing and maintaining the verification system.

43 (h) The verification system shall include appropriate
44 provisions, consistent with industry standards, as specified by
45 the advisory council, to secure its data against unauthorized
46 access and to maintain a record of all information requests. A
47 historical record of the system data must be retained by
48 insurers for 5 years after the policy termination date.

49 (i) A law enforcement officer, during a traffic stop or
50 crash investigation, shall access information from the online
51 verification system to establish compliance with this chapter
52 and to verify the current validity of the policy described on
53 any insurance identification card produced by the operator of a
54 motor vehicle during the traffic stop or crash investigation.

55 (j) The verification system must include a disaster
56 recovery plan designed to ensure service continuity in the event
57 of a disaster.

58 (k) The verification system must include information that
59 enables the department to make inquiries of evidence of
60 insurance by using multiple data elements for greater matching
61 accuracy, specifically: insurer National Association of
62 Insurance Commissioners (NAIC) company code, Vehicle

696017

Approved For Filing: 2/28/2018 3:23:23 PM

Amendment No.

63 Identification Number, policy number or other data elements as
64 specified by the advisory council.

65 (1) An insurance company authorized to issue motor vehicle
66 insurance policies in this state must comply with the
67 verification requirements of motor vehicle insurance for every
68 motor vehicle insured by that company in this state as required
69 by department rule.

70 (m) This section does not apply to vehicles insured under
71 commercial motor vehicle coverage. For purposes of this
72 paragraph, the term "commercial motor vehicle coverage" means
73 any coverage provided to an insured under a commercial coverage
74 form and rated from a commercial manual approved by the Office
75 of Insurance Regulation. However, insurers of such vehicles may
76 participate on a voluntary basis.

77 (2) (a) The department shall establish an advisory council
78 to:

79 1. Facilitate the implementation of the online insurance
80 verification system, including to recommend data and cyber
81 security processes and protocols.

82 2. Assist in the development of a detailed guide for
83 insurers providing for the data fields and other information
84 necessary for compliance along with other necessary regulations.

85 3. Coordinate and conduct a testing phase as prescribed by
86 the advisory council.

696017

Approved For Filing: 2/28/2018 3:23:23 PM

Amendment No.

87 4. Identify necessary changes during the testing phase, as
88 prescribed by the advisory council.

89 5. Issue recommendations based on periodic reviews of the
90 online insurance verification system by the advisory council.
91 The advisory council shall issue a report to the department, the
92 President of the Senate, and the Speaker of the House of
93 Representatives 1 year after the online insurance verification
94 system is implemented to evaluate the system's effectiveness in
95 identifying uninsured motorists, and annually thereafter on or
96 before January 1 of each year. The advisory council may also
97 issue recommendations for system enhancements in such report.

98 (b) The advisory council shall consist of nine voting
99 members as follows:

100 1. Three representatives of the Department of Highway
101 Safety and Motor Vehicles selected by the director;

102 2. One representative of the Office of Insurance
103 Regulation selected by the Commissioner of Insurance;

104 3. Three insurance industry representatives selected by
105 the Commissioner of Insurance;

106 4. One representative from the Department of Financial
107 Services selected by the Chief Financial Officer of the
108 Insurance Industry Committee on Motor Vehicle Administration;
109 and

110 5. One representative of the Agency for State Technology
111 selected by the executive director of the agency.

696017

Approved For Filing: 2/28/2018 3:23:23 PM

Amendment No.

112 (c) The council shall be chaired by the executive director
113 of the department.

114 (d) The advisory council shall convene by August 1, 2018.

115 (3) Insurers must cooperate with the department in
116 establishing and maintaining the insurance verification system
117 and must provide access to motor vehicle insurance policy status
118 information.

119 (4) An insurer is immune from civil liability for good
120 faith efforts to comply with the provisions of this act. An
121 online verification request or response may not be used as the
122 basis of a civil action against an insurer.

123 (5) The department shall cooperate with the advisory
124 council and insurers in developing and operating the online
125 verification system.

126 (6) The department may adopt rules to implement this
127 section.

128 Section 36. Effective upon becoming a law paragraph (f) is
129 added to subsection (5) of section 320.02, Florida Statutes, to
130 read:

131 320.02 Registration required; application for
132 registration; forms.—

133 (5)

134 (f) Upon implementation of the online verification system
135 in s. 324.252, the online verification shall replace the
136 procedures in this subsection and the department and its

696017

Approved For Filing: 2/28/2018 3:23:23 PM

Amendment No.

137 authorized agents shall use the verification system unless such
138 system is not online or the required information is not
139 available. In such a case, the department and its authorized
140 agent may accept proof of purchase as provided in this
141 subsection to verify the purchase of the required insurance
142 before processing any application for motor vehicle
143 registration.

144 Section 37. Effective upon becoming a law, paragraphs (c)
145 and (d) of subsection (1) and subsection (4) are added to
146 section 324.0221, Florida Statutes, to read:

147 324.0221 Reports by insurers to the department; suspension
148 of driver license and vehicle registrations; reinstatement.—

149 (1)

150 (c) The department may verify information directly from an
151 insurance company's database, as provided in s. 324.252. This
152 paragraph does not relieve an insurance company from the
153 reporting requirement of this section.

154 (d) An insurer must transmit weekly, in a format
155 prescribed by the department, the insurer's records of all
156 active insurance policies, commonly known as the "book of
157 business," to enable the department to identify uninsured
158 vehicles.

159 (4) The department may implement a method of insurance
160 verification, by rule.

696017

Approved For Filing: 2/28/2018 3:23:23 PM

Amendment No.

161 Section 38. Effective upon becoming a law, subsection (6)
162 is added to section 316.646, Florida Statutes, to read:

163 316.646 Security required; proof of security and display
164 thereof.—

165 (6) A law enforcement officer, during a traffic stop or
166 crash investigation, may access information from the motor
167 vehicle insurance online verification system to establish
168 compliance with this chapter and chapter 324 and to verify the
169 current validity of the policy described on any insurance
170 identification card produced by the operator of a motor vehicle
171 during the traffic stop or crash investigation.

172
173

174 -----

T I T L E A M E N D M E N T

175 Remove line 183 and insert:
176 requirements; creating s. 324.252, F.S.; requiring the
177 Department of Highway Safety and Motor Vehicles to
178 establish a system for the online verification of
179 motor vehicle insurance; providing system
180 requirements; requiring insurers to cooperate with the
181 department in establishing and maintaining the system;
182 requiring the department to convene an advisory
183 council; providing duties and requiring reports as
184 specified intervals; providing immunity from civil
185

696017

Approved For Filing: 2/28/2018 3:23:23 PM

Amendment No.

186 liability under specified circumstances; providing
187 applicability; authorizing the department to adopt
188 rules; amending s. 320.02, F.S.; providing
189 requirements relating to the registration of motor
190 vehicles to conform to changes made by the act;
191 amending s. 324.0221, F.S.; authorizing the department
192 to verify certain information; requiring insurers to
193 transmit certain information to the department;
194 authorizing the department to implement a method of
195 insurance verification; amending s. 316.646, F.S.;
196 authorizing law enforcement officers to access
197 insurance information at traffic stops and crash
198 investigations for certain purposes; providing
199 effective dates.

696017

Approved For Filing: 2/28/2018 3:23:23 PM