

STORAGE NAME: h1551.cjcl

DATE: April 9, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CIVIL JUSTICE & CLAIMS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1551

RELATING TO: Motor Vehicle Liability Insurance

SPONSOR(S): Representative Crow

STATUTE(S) AFFECTED: Section 324.072, Florida Statutes

COMPANION BILL(S): SB 1712

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

(1) Civil Justice & Claims YEAS 8 NAYS 0

(2)

(3)

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(5)

I. SUMMARY:

HB 1551 provides for increased insurance coverage following a conviction for driving under the influence in violation of section 316.193, Florida Statutes. Persons convicted of DUI would be required to carry \$100,000/\$200,000, in bodily injury coverage.

Proof of the increased financial responsibility is required prior to renewal of any suspended or revoked license and registration under sections 324.26 and 324.27, Florida Statutes. Penalties for violation of the provisions of this bill include revocation of license and registration, and conviction of a first degree misdemeanor.

HB 1551 would have a fiscal impact on persons convicted of DUI.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Sections 324.021(7)(a) and 324.021(7)(b), Florida Statutes, require financial responsibility for liability on account of motor vehicle accidents in the amount of \$10,000/20,000 per accident.

Persons convicted of driving under the influence in violation of section 316.193, Florida Statutes, are subject to multiple penalties including suspension and/or revocation of license and registration.

Sections 322.26 and 322.27, Florida Statutes, require the Department of Highway Safety and Motor Vehicles to revoke the license of any person convicted of certain offenses including manslaughter, driving under the influence of alcohol or illegal drugs, any felony in the commission of which a motor vehicle is used, hit and run resulting in death or personal injury to another, and other violations relating to the operation of motor vehicles.

Section 324.072, Florida Statutes, requires proof of financial responsibility prior to reinstatement of license and registration.

B. EFFECT OF PROPOSED CHANGES:

HB 1551 would amend section 324.072, Florida Statutes, to increase the minimum limits of bodily insurance coverage under sections 324.021(7)(a) and 324.021(7)(b), Florida Statutes, from \$10,000/\$20,000 to \$100,000/\$200,000 for persons convicted of driving under the influence in violation of section 316.193, Florida Statutes. Persons subject to the provisions of the bill may not operate a motor vehicle without proof of increased financial responsibility.

The bill further provides that a person who violates the provisions of this bill commits a first degree felony.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No

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- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The bill would require departmental review of the proof of financial responsibility to re-licensure.

- (3) any entitlement to a government service or benefit?

No

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

- (2) what is the cost of such responsibility at the new level/agency?

N/A

- (3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No

- b. Does the bill require or authorize an increase in any fees?

No

- c. Does the bill reduce total taxes, both rates and revenues?

No

- d. Does the bill reduce total fees, both rates and revenues?

No

- e. Does the bill authorize any fee or tax increase by any local government?

No

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. SECTION-BY-SECTION RESEARCH:

This section need be completed only in the discretion of the Committee.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Persons convicted of DUI would incur higher insurance costs.

2. Direct Private Sector Benefits:

Persons injured in motor vehicle accidents would have access to increased insurance coverage.

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

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B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

The Committee on Civil Justice and Claims adopted two amendments to HB 1551.

Amendment No. 1 provides that any person whose driving privileges have been revoked or suspended for driving under the influence in violation of s. 316.193, and who has obtained a temporary driving permit for business or employment purposes shall not be permitted to operate a motor vehicle unless such vehicle is equipped with an ignition interlock device as approved by the court.

Amendment No. 2 precludes the recovery of noneconomic damages by any person injured while operating a motor vehicle in violation of s. 316.193 (DUI), or s. 316.1936 (open alcohol containers). The amendment also precludes the recovery of noneconomic damages by an injured person who owns a motor vehicle involved in an accident which is not insured as required by Chapter 324.

VII. SIGNATURES:

COMMITTEE ON CIVIL JUSTICE & CLAIMS:

Prepared by:

Legislative Research Director:

Richard Hixson

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