

By Senator Ostalkiewicz

12-1443-98

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A bill to be entitled  
An act relating to highway safety; amending s.  
318.18, F.S.; rescinding the fine for speeds  
exceeding the limit by 1-5 m.p.h. and replacing  
the fine with a warning; amending s. 627.733,  
F.S.; deleting a provision for revoking the  
driver's license of an owner or registrant of a  
motor vehicle who does not provide required  
security for that vehicle; providing an  
effective date.

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

Section 1. Paragraph (b) of subsection (3) of section  
318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.--The penalties  
required for a noncriminal disposition pursuant to s. 318.14  
are as follows:

(3)

(b) For moving violations involving unlawful speed,  
the fines are as follows:

| For speed exceeding the limit by:    | Fine:          |
|--------------------------------------|----------------|
| <u>1-5 m.p.h.</u> .....              | <u>Warning</u> |
| <u>6-9</u> <del>1-9</del> m.p.h..... | \$ 25          |
| 10-14 m.p.h.....                     | \$100          |
| 15-19 m.p.h.....                     | \$125          |
| 20-29 m.p.h.....                     | \$150          |
| 30 m.p.h. and above.....             | \$250          |

1           Section 2. Subsections (6) and (7) of section 627.733,  
2 Florida Statutes, are amended to read:

3           627.733 Required security.--

4           (6) The Department of Highway Safety and Motor  
5 Vehicles shall suspend, after due notice and an opportunity to  
6 be heard, the registration ~~and driver's license~~ of any owner  
7 or registrant of a motor vehicle with respect to which  
8 security is required under this section and s. 324.022:

9           (a) Upon its records showing that the owner or  
10 registrant of such motor vehicle did not have in full force  
11 and effect when required security complying with the terms of  
12 this section; or

13           (b) Upon notification by the insurer to the Department  
14 of Highway Safety and Motor Vehicles, in a form approved by  
15 the department, of cancellation or termination of the required  
16 security.

17           (7)(a) Any operator or owner whose ~~driver's license or~~  
18 registration has been suspended pursuant to this section or s.  
19 316.646 may effect its reinstatement upon compliance with the  
20 requirements of this section and upon payment to the  
21 Department of Highway Safety and Motor Vehicles of a  
22 nonrefundable reinstatement fee of \$150 for the first  
23 reinstatement. Such reinstatement fee shall be \$250 for the  
24 second reinstatement and \$500 for each subsequent  
25 reinstatement during the 3 years following the first  
26 reinstatement. Any person reinstating her or his insurance  
27 under this subsection must also secure noncancelable coverage  
28 as described in s. 627.7275(2) and present to the appropriate  
29 person proof that the coverage is in force on a form  
30 promulgated by the Department of Highway Safety and Motor  
31 Vehicles, such proof to be maintained for 2 years. If the

1 person does not have a second reinstatement within 3 years  
2 after her or his initial reinstatement, the reinstatement fee  
3 shall be \$150 for the first reinstatement after that 3-year  
4 period. ~~In the event that a person's license and registration~~  
5 ~~are suspended pursuant to this section or s. 316.646, only one~~  
6 ~~reinstatement fee shall be paid to reinstate the license and~~  
7 ~~the registration.~~ All fees shall be collected by the  
8 Department of Highway Safety and Motor Vehicles at the time of  
9 reinstatement. The Department of Highway Safety and Motor  
10 Vehicles shall issue proper receipts for such fees and shall  
11 promptly deposit those fees in the Highway Safety Operating  
12 Trust Fund. One-third of the fee collected under this  
13 subsection shall be distributed from the Highway Safety  
14 Operating Trust Fund to the local government entity or state  
15 agency which employed the law enforcement officer or the  
16 recovery agent who seizes a license plate pursuant to s.  
17 324.201 or to s. 324.202. Such funds may be used by the local  
18 government entity or state agency for any authorized purpose.

19 (b) One-third of the fee collected for the seizure of  
20 a license plate by a recovery agent shall be paid to the  
21 recovery agent, and the balance shall remain in the Highway  
22 Safety Operating Trust Fund and be distributed pursuant to s.  
23 321.245.

24 Section 3. This act shall take effect July 1, 1998.

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SENATE SUMMARY

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Provides for issuing a warning, rather than imposing a  
fine, for speeding 1-5 miles per hour over the speed  
limit. Deletes a provision allowing a driver's license to  
be revoked if the owner or registrant of a motor vehicle  
fails to provide the security required under ss. 627.733  
and 324.022, F.S.