

By Representative Cosgrove

1                                   A bill to be entitled  
2           An act relating to civil causes of action;  
3           limiting the ability of persons engaging in  
4           specified unlawful acts to recover certain  
5           damages; providing findings and intent;  
6           providing severability; providing an effective  
7           date.

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

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11           Section 1. This act may be cited as "The Personal  
12 Responsibility Act."

13           Section 2. Findings and declaration of purpose.--

14           (1) The Legislature finds that insurance costs have  
15 skyrocketed for those Floridians who take responsibility for  
16 their actions. Uninsured motorists, drunk drivers, and  
17 criminals are lawbreakers who should not be rewarded for their  
18 irresponsibility and lawbreaking. Under current laws,  
19 uninsured motorists and drunk drivers are able to recover  
20 unreasonable damages from law-abiding persons as a result of  
21 drunk driving and other accidents, and criminals have been  
22 able to recover damages from law-abiding persons for injuries  
23 suffered during the commission of their crimes.

24           (2) The Legislature further finds that Floridians must  
25 change a system that rewards individuals who fail to take  
26 essential personal responsibility, to prevent them from  
27 seeking unreasonable damages or from suing law-abiding  
28 citizens.

29           (3) Therefore, the Legislature enacts this act to  
30 restore balance to our justice system by limiting the right to  
31 sue of criminals, drunk drivers, and uninsured motorists.

1           Section 3. Civil justice reform.--

2           (1) In any action for damages based on negligence  
3 arising out of the operation or use of a motor vehicle, a  
4 plaintiff shall not recover damages if the plaintiff's  
5 injuries were in any way proximately caused by the plaintiff's  
6 commission of any felony, or immediate flight therefrom, and  
7 the plaintiff has been convicted of that felony.

8           (2)(a) Except as provided in paragraph (c), in any  
9 action to recover damages arising out of the operation or use  
10 of a motor vehicle, a person shall not recover noneconomic  
11 losses to compensate for pain, suffering, inconvenience,  
12 physical impairment, disfigurement, or other nonpecuniary  
13 damages if any of the following applies:

14           1. The injured person was at the time of the accident  
15 operating the vehicle in violation of section 316.193 or  
16 section 316.1936, Florida Statutes, and was convicted of that  
17 offense.

18           2. The injured person was the owner of a vehicle  
19 involved in the accident and the vehicle was not insured as  
20 required by the financial responsibility laws of this state.

21           3. The injured person was the operator of a vehicle  
22 involved in the accident and the operator cannot establish his  
23 or her financial responsibility as required by the financial  
24 responsibility laws of this state.

25           (b) Except as provided in paragraph (c), an insurer is  
26 not liable, directly or indirectly, under a policy of  
27 liability or uninsured motorist insurance to indemnify a  
28 person injured as described in paragraph (a) for noneconomic  
29 losses.

30           (c) If a person described in subparagraph (a)2. was  
31 injured by a motorist who at the time of the accident was

1 operating his or her vehicle in violation of section 316.193  
2 or section 316.1936, Florida Statutes, and who was convicted  
3 of that offense, the injured person is not barred from  
4 recovering noneconomic losses to compensate for pain,  
5 suffering, inconvenience, physical impairment, disfigurement,  
6 or other nonpecuniary damages.

7       Section 4. If any provision of this act, or its  
8 application to any person or circumstance, is held to be  
9 invalid, the invalidity does not affect other provisions or  
10 applications of the act which can be given effect without the  
11 invalid provision or application, and to this end the  
12 provisions of this act are declared severable.

13       Section 5. This act shall take effect July 1, 1997.

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16                   SENATE SUMMARY

17       Creates the Personal Responsibility Act to limit suits  
18       when the prospective plaintiff was engaging in described  
19       unlawful acts at the time of the event that otherwise  
20       would have given rise to a cause of action.

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