

By Representative Rodriguez-Chomat

1 A bill to be entitled
2 An act relating to motor vehicle bodily injury
3 liability insurance; amending s. 324.022, F.S.;
4 requiring financial responsibility for certain
5 bodily injury; amending s. 324.151, F.S., to
6 conform; amending s. 627.7275, F.S.; requiring
7 minimum bodily injury liability insurance
8 coverage; amending s. 627.7295, F.S.; revising
9 definitions to conform; amending s. 627.736,
10 F.S., to conform; providing an effective date.

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

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14 Section 1. Section 324.022, Florida Statutes, is
15 amended to read:

16 324.022 Financial responsibility for property damage
17 and bodily injury.--Every owner or operator of a motor
18 vehicle, which motor vehicle is subject to the requirements of
19 ss. 627.730-627.7405 and required to be registered in this
20 state, shall, by one of the methods established in s. 324.031
21 or by having a policy that complies with s. 627.7275,
22 establish and maintain the ability to respond in damages for
23 liability on account of accidents arising out of the use of
24 the motor vehicle in the amount of \$10,000 because of damage
25 to, or destruction of, property of others in any one accident
26 and in the amount of at least \$10,000 because of bodily injury
27 to, or death of, any persons operating or occupying any other
28 motor vehicle which is involved in any one accident with the
29 insured motor vehicle. The requirements of this section may
30 also be met by having a policy which provides coverage in the
31 amount of at least \$30,000 for combined property damage

1 liability and bodily injury liability for any one accident
2 arising out of the use of the motor vehicle. No insurer shall
3 have any duty to defend uncovered claims irrespective of their
4 joinder with covered claims.

5 Section 2. Paragraphs (a) and (b) of subsection (1) of
6 section 324.151, Florida Statutes, are amended to read:

7 324.151 Motor vehicle liability policies; required
8 provisions.--

9 (1) A motor vehicle liability policy to be proof of
10 financial responsibility under s. 324.031(1), shall be issued
11 to owners or operators under the following provisions:

12 (a) An owner's liability insurance policy shall
13 designate by explicit description or by appropriate reference
14 all motor vehicles with respect to which coverage is thereby
15 granted and shall insure the owner named therein and any other
16 person as operator using such motor vehicle or motor vehicles
17 with the express or implied permission of such owner against
18 loss from the liability imposed by law for damage or injury
19 arising out of the ownership, maintenance, or use of such
20 motor vehicle or motor vehicles within the United States or
21 the Dominion of Canada, subject to limits, exclusive of
22 interest and costs with respect to each such motor vehicle as
23 is provided for under s. 324.021(7). Insurers may make
24 available, with respect to property damage liability coverage,
25 a deductible amount not to exceed \$500. In the event of a
26 property damage loss covered by a policy containing a property
27 damage deductible provision, the insurer shall pay to the
28 third-party claimant the amount of any property damage
29 liability settlement or judgment, subject to policy limits, as
30 if no deductible existed.

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1 (b) An operator's motor vehicle liability policy of
2 insurance shall insure the person named therein against loss
3 from the liability imposed upon him or her by law for damages
4 or injury arising out of the use by the person of any motor
5 vehicle not owned by him or her, with the same territorial
6 limits and subject to the same limits of liability as referred
7 to above with respect to an owner's policy of liability
8 insurance.

9 Section 3. Subsection (1) of section 627.7275, Florida
10 Statutes, is amended to read:

11 627.7275 Motor vehicle property damage liability.--

12 (1) No motor vehicle insurance policy providing
13 personal injury protection as set forth in s. 627.736 shall be
14 delivered or issued for delivery in this state with respect to
15 any specifically insured or identified motor vehicle
16 registered or principally garaged in this state unless the
17 policy also provides coverage for property damage liability in
18 the amount of at least \$10,000 because of damage to, or
19 destruction of, property of others in any one accident arising
20 out of the use of the motor vehicle and also provides coverage
21 for bodily injury liability in the amount of at least \$10,000
22 because of bodily injury to, or death of, any persons
23 operating or occupying any other motor vehicle which is
24 involved in any one accident with the insured motor vehicle or
25 provides coverage in the amount of at least \$30,000 for
26 combined property damage liability and bodily injury liability
27 in any one accident arising out of the use of the motor
28 vehicle. The policy, as to coverage of property damage
29 liability and bodily injury liability, shall meet the
30 applicable requirements of s. 324.151, subject to the usual
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1 policy exclusions such as have been approved in policy forms
2 by the department.

3 Section 4. Subsections (1) and (5) of section
4 627.7295, Florida Statutes, are amended to read:

5 627.7295 Motor vehicle insurance contracts.--

6 (1) As used in this section, the term:

7 (a) "Policy" means a motor vehicle insurance policy
8 that provides personal injury protection, bodily injury
9 liability, and property damage liability coverage.

10 (b) "Binder" means a binder that provides motor
11 vehicle personal injury protection, bodily injury liability,
12 and property damage liability coverage.

13 (5) A licensed general lines agent may charge a
14 per-policy fee not to exceed \$10 to cover the administrative
15 costs of the agent associated with selling the motor vehicle
16 insurance policy if the policy covers only personal injury
17 protection coverage as provided by s. 627.736 and property
18 damage liability and bodily injury liability coverage as
19 provided by s. 627.7275 and if no other insurance is sold or
20 issued in conjunction with or collateral to the policy. The
21 per-policy fee must be a component of the insurer's rate
22 filing and may not be charged by an agent unless the fee is
23 included in the filing. The fee is not considered part of the
24 premium except for purposes of the department's review of
25 expense factors in a filing made pursuant to s. 627.062.

26 Section 5. Subsection (1) of section 627.736, Florida
27 Statutes, is amended to read:

28 627.736 Required personal injury protection benefits;
29 exclusions; priority.--

30 (1) REQUIRED BENEFITS.--Every insurance policy
31 complying with the security requirements of s. 627.733 shall

1 provide personal injury protection to the named insured,
2 relatives residing in the same household, persons operating
3 the insured motor vehicle, passengers in such motor vehicle,
4 and other persons struck by such motor vehicle and suffering
5 bodily injury while not an occupant of a self-propelled
6 vehicle, subject to the provisions of subsection (2) and
7 paragraph (4)(d), to a limit of \$10,000 for loss sustained by
8 any such person as a result of bodily injury, sickness,
9 disease, or death arising out of the ownership, maintenance,
10 or use of a motor vehicle as follows:

11 (a) Medical benefits.--Eighty percent of all
12 reasonable expenses for necessary medical, surgical, X-ray,
13 dental, and rehabilitative services, including prosthetic
14 devices, and necessary ambulance, hospital, and nursing
15 services. Such benefits shall also include necessary remedial
16 treatment and services recognized and permitted under the laws
17 of the state for an injured person who relies upon spiritual
18 means through prayer alone for healing, in accordance with his
19 or her religious beliefs.

20 (b) Disability benefits.--Sixty percent of any loss of
21 gross income and loss of earning capacity per individual from
22 inability to work proximately caused by the injury sustained
23 by the injured person, plus all expenses reasonably incurred
24 in obtaining from others ordinary and necessary services in
25 lieu of those that, but for the injury, the injured person
26 would have performed without income for the benefit of his or
27 her household. All disability benefits payable under this
28 provision shall be paid not less than every 2 weeks.

29 (c) Death benefits.--Death benefits of \$5,000 per
30 individual. The insurer may pay such benefits to the executor
31 or administrator of the deceased, to any of the deceased's

1 relatives by blood or legal adoption or connection by
2 marriage, or to any person appearing to the insurer to be
3 equitably entitled thereto.
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5 Only insurers writing motor vehicle liability insurance in
6 this state may provide the required benefits of this section,
7 and no such insurer shall require the purchase of any other
8 motor vehicle coverage other than the purchase of property
9 damage liability coverage and bodily injury liability coverage
10 as required by s. 627.7275 as a condition for providing such
11 required benefits. Insurers may not require that property
12 damage liability insurance in an amount greater than \$10,000
13 or bodily injury liability insurance in an amount greater than
14 \$10,000 be purchased in conjunction with personal injury
15 protection. Such insurers shall make benefits and required
16 property damage liability insurance coverage and bodily injury
17 liability insurance coverage available through normal
18 marketing channels. Any insurer writing motor vehicle
19 liability insurance in this state who fails to comply with
20 such availability requirement as a general business practice
21 shall be deemed to have violated part X of chapter 626, and
22 such violation shall constitute an unfair method of
23 competition or an unfair or deceptive act or practice
24 involving the business of insurance; and any such insurer
25 committing such violation shall be subject to the penalties
26 afforded in such part, as well as those which may be afforded
27 elsewhere in the insurance code.

28 Section 6. This act shall take effect October 1 of the
29 year in which enacted.
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HOUSE SUMMARY

Requires bodily injury liability insurance coverage of at least \$10,000 for persons operating or occupying motor vehicles involved in an accident with an insured motor vehicle. See bill for details.