

By Representative Cosgrove

1 A bill to be entitled
2 An act relating to uninsured motor vehicles;
3 amending s. 324.202, F.S.; revising provisions
4 relating to seizure of license plates of
5 certain vehicles by recovery agents; providing
6 for statewide operation of the program;
7 deleting obsolete provisions; requiring the
8 Department of Highway Safety and Motor Vehicles
9 to provide access to current data; creating a
10 revolving fund for advance payment of certain
11 fees; providing limited immunity from liability
12 for recovery agents who rely on current
13 information; providing an effective date.

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

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17 Section 1. Section 324.202, Florida Statutes, is
18 amended to read:

19 324.202 Seizure of motor vehicle license plates by
20 recovery agents.--

21 (1) The Department of Highway Safety and Motor
22 Vehicles shall implement a program ~~project~~ in Broward
23 County, ~~Dade County, and Hillsborough County to determine the~~
24 ~~effectiveness of~~ using recovery agents for the seizure of
25 license plates. ~~On October 1, 1996, the department shall~~
26 ~~provide a report to the President of the Senate, the Speaker~~
27 ~~of the House of Representatives, the chair of the Senate~~
28 ~~Commerce Committee, the chair of the House Insurance~~
29 ~~Committee, and the Majority and Minority Leaders of the Senate~~
30 ~~and the House of Representatives, on the results of the pilot~~
31 ~~project.~~ Licensed recovery agents and recovery agencies as

1 described in s. 493.6101(20) and (21) may seize license plates
2 of motor vehicles whose registrations have been suspended
3 pursuant to s. 316.646 or s. 627.733 in such counties upon
4 compliance with this section and rules of the Department of
5 Highway Safety and Motor Vehicles.

6 (2) The Department of Highway Safety and Motor
7 Vehicles shall:

8 (a) Provide a procedure for the payment of fees to
9 recovery agents or recovery agencies who seize license plates
10 pursuant to this section. This procedure shall include the
11 development and distribution of forms and monthly renewal
12 notices, including the name and most current address available
13 to the department of persons not in compliance with s. 316.646
14 or s. 627.733, which shall be used by the seizing recovery
15 agent or recovery agency to transmit the seized license plate
16 to the local law enforcement agency pursuant to s. 324.201.

17 (b) Provide a method for the payment of the fee in s.
18 627.733(7) to the recovery agent or recovery agency seizing
19 the license plate pursuant to this section. The requirements
20 with respect to payment must provide that when the owner or
21 operator whose driver's license has been suspended under s.
22 316.646 or s. 627.733 pays the reinstatement fee to the
23 Department of Highway Safety and Motor Vehicles, the
24 department shall pay the recovery agent.

25 (c) Provide a means by which a recovery agent may
26 obtain a list, current as of 5:00 p.m. of each business day,
27 showing all license plates subject to seizure under this
28 section, and shall provide secure access to such list by
29 on-demand fax, Internet access, and other means designed to
30 enable a recovery agent to obtain current information.

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1 (d) Establish a revolving fund for advance payment of
2 fees under paragraph (b). A recovery agent shall be allowed
3 to draw from the fund, immediately after seizing a license
4 plate, an amount equal to 50 percent of the amount the
5 recovery agent would have received under paragraph (b) for
6 seizing the license plate, in lieu of receiving the full
7 amount under paragraph (b). Upon reinstatement of the
8 registration, the full amount that the recovery agent would
9 have been entitled to under paragraph (b) shall be deposited
10 in the revolving fund.

11 (3) A recovery agent who seizes a license plate as
12 provided in this section and who relies on a current list of
13 license plates as provided in paragraph (c) is immune from
14 civil liability for any act or omission taken in the
15 performance of such duties and responsibilities, provided the
16 recovery agent was in full compliance with this section and
17 any rules adopted under this section.

18 Section 2. This act shall take effect October 1, 1997.

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HOUSE SUMMARY

Changes from a pilot project in Broward, Dade, and Hillsborough Counties to statewide application the use of recovery agents to seize license plates of motor vehicles whose registrations have been suspended. Provides for a list of seizable license plates and access to the list, for a revolving fund for fees payable to recovery agents, and for limited immunity from civil liability for recovery agents. See bill for details.