

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1890

SPONSOR: Senator Diaz-Balart

SUBJECT: Motor Vehicles

DATE: April 8, 1999

REVISED: 04/21/99 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Caridi</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/4 amendments</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The bill would require the Department of Highway Safety and Motor Vehicles to search its files upon receipt of a description of an unclaimed or impounded vehicle, to determine the name of the insurance company insuring the vehicle and, within 72 hours, notify the applicable law enforcement agency.

This bill substantially amends section 715.05(1) of the Florida Statutes.

II. Present Situation:

The department, upon receiving a full description of an unclaimed or impounded vehicle, searches its files to notify within 72 hours the applicable law enforcement agency of the vehicle owner's name, and any filed liens on the vehicle as provided in s. 319.27(2) and (3), F.S. Notice of the unclaimed or impounded vehicle is also given to the owner and lienholder within 7 days from the date of storage, excluding Saturday and Sunday.

The department is not presently required to search its records to identify the insurance company insuring the vehicle. The department maintains an electronic database which includes reports of motor vehicle insurance information for original policies, renewals, cancellations, and non-renewals as authorized by s. 627.736 (9)(a), F.S. These records are used for enforcement and regulatory purposes and financial responsibility data.

The department is authorized to release the name of the insurance company and the policy number of the vehicle involved in an accident, upon receipt of a copy of the appropriate accident form and written request of a person involved in the same accident, to that person's attorney, or a representative of the person's motor vehicle insurer.

III. Effect of Proposed Changes:

Upon receipt of the full description of the unclaimed or impounded vehicle, the department is directed to also search its files to determine the name of the insurance company insuring the vehicle and, within 72 hours, notify the applicable law enforcement agency.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:**C. Government Sector Impact:**

The department has indicated the bill would have a minimal fiscal impact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Transportation:

Specifies information provided to the applicable law enforcement agency shall include the name and address of the insurer and the policy number.

#2 by Transportation:

Adds requirements of the insurer to notify the sender of the notice when it does not insure the vehicle for which information was requested or if there is no coverage for the storage charge. Insurers notified within 7 days and providing coverage for storage charges must complete the transaction subject to the terms of coverage. Owners, lienholders, or insurers who are notified timely shall arrange for the vehicle to be removed from storage. The amendment also adds a requirement for towing services, garages, repair shops, or automotive services, storage or parking places to accept corporate checks from insurers listed in the department's records as being the insurance company of record.

#3 by Transportation:

This amendment directs the Florida Highway Patrol to promulgate new rules to ensure the rates charged by senders of the notices reflect the costs associated with the notices.

#4 by Transportation:

Amends the enactment clause from July 1, 1999 to July 1, 2000.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
