

By Senator Sebesta

20-1451-99

1 A bill to be entitled
 2 An act relating to the Department of Highway
 3 Safety and Motor Vehicles; amending s. 324.201,
 4 F.S.; deleting the requirement that recovery
 5 agents notify law enforcement of a license
 6 plate seizure; amending s. 324.202, F.S.;
 7 expanding into additional counties a pilot
 8 project that authorizes a recovery agent or
 9 recovery agency to seize the license plate of a
 10 motor vehicle following suspension of the
 11 vehicle's registration or suspension of the
 12 driver's license of the owner or operator of
 13 the vehicle for failing to maintain personal
 14 injury protection; requiring that the
 15 department provide procedures for paying fees;
 16 amending s. 627.733, F.S.; deleting payment of
 17 a fee to recovery agents; providing an
 18 effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. Subsection (5) of section 324.201, Florida
 23 Statutes, is amended to read:

24 324.201 Return of license or registration to
 25 department.--

26 (5) When a recovery agent or recovery agency obtains a
 27 seized license plate in accordance with this chapter, the
 28 license plate shall be delivered to a driver license office on
 29 the next business day ~~local law enforcement agencies must be~~
 30 ~~notified of the recovery within 6 hours after seizure. The~~
 31 ~~recovery agent or recovery agency shall deliver the license~~

1 ~~plate to the local law enforcement authorities and obtain a~~
2 ~~receipt upon delivery of the license plate for claim record~~
3 ~~purposes with the department pursuant to the procedure~~
4 ~~prescribed in this section.~~

5 Section 2. Section 324.202, Florida Statutes, is
6 amended to read:

7 324.202 Seizure of motor vehicle license plates by
8 recovery agents.--

9 (1) Upon the implementation of the vehicle information
10 system overall reorganization to the Oracle database of driver
11 licenses, the Department of Highway Safety and Motor Vehicles
12 shall implement a statewide program pilot project in Broward
13 County, Dade County, and Hillsborough County to determine the
14 effectiveness of using recovery agents for the seizure of
15 license plates. Until such statewide implementation occurs,
16 the existing pilot project with Broward, Dade, and
17 Hillsborough Counties shall continue in effect pursuant to
18 chapter 95-202, Laws of Florida.~~On October 1, 1996, the~~
19 ~~department shall provide a report to the President of the~~
20 ~~Senate, the Speaker of the House of Representatives, the chair~~
21 ~~of the Senate Commerce Committee, the chair of the House~~
22 ~~Insurance Committee, and the Majority and Minority Leaders of~~
23 ~~the Senate and the House of Representatives, on the results of~~
24 ~~the pilot project.~~A licensed recovery agent or agents and
25 recovery agency, agencies as described in s. 493.6101(20) and
26 (21) may seize the license plate plates of a motor vehicle if
27 the vehicle's registration or the driver's license of the
28 owner or operator of the vehicle has vehicles whose
29 registrations have been suspended pursuant to s. 316.646 or s.
30 627.733, in such counties upon compliance with this section
31

1 and rules of the Department of Highway Safety and Motor
2 Vehicles.

3 (2) The Department of Highway Safety and Motor
4 Vehicles shall:

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

14 (b) Provide a method for the payment of a the fee of
15 \$25 in s. 627.733(7) to the recovery agent or recovery agency
16 seizing an eligible the license plate pursuant to this
17 section. ~~The requirements with respect to payment must~~
18 ~~provide that when the owner or operator whose driver's license~~
19 ~~has been suspended under s. 316.646 or s. 627.733 pays the~~
20 ~~reinstatement fee to the Department of Highway Safety and~~
21 ~~Motor Vehicles, the department shall pay the recovery agent.~~

22 Section 3. Subsection (7) of section 627.733, Florida
23 Statutes, 1998 Supplement, is amended to read:

24 627.733 Required security.--

25 (7)~~(a)~~ Any operator or owner whose driver's license or
26 registration has been suspended pursuant to this section or s.
27 316.646 may effect its reinstatement upon compliance with the
28 requirements of this section and upon payment to the
29 Department of Highway Safety and Motor Vehicles of a
30 nonrefundable reinstatement fee of \$150 for the first
31 reinstatement. Such reinstatement fee shall be \$250 for the

1 second reinstatement and \$500 for each subsequent
2 reinstatement during the 3 years following the first
3 reinstatement. Any person reinstating her or his insurance
4 under this subsection must also secure noncancelable coverage
5 as described in s. 627.7275(2) and present to the appropriate
6 person proof that the coverage is in force on a form
7 promulgated by the Department of Highway Safety and Motor
8 Vehicles, such proof to be maintained for 2 years. If the
9 person does not have a second reinstatement within 3 years
10 after her or his initial reinstatement, the reinstatement fee
11 shall be \$150 for the first reinstatement after that 3-year
12 period. In the event that a person's license and registration
13 are suspended pursuant to this section or s. 316.646, only one
14 reinstatement fee shall be paid to reinstate the license and
15 the registration. All fees shall be collected by the
16 Department of Highway Safety and Motor Vehicles at the time of
17 reinstatement. The Department of Highway Safety and Motor
18 Vehicles shall issue proper receipts for such fees and shall
19 promptly deposit those fees in the Highway Safety Operating
20 Trust Fund. One-third of the fee collected under this
21 subsection shall be distributed from the Highway Safety
22 Operating Trust Fund to the local government entity or state
23 agency which employed the law enforcement officer or the
24 recovery agent who seizes a license plate pursuant to s.
25 324.201 or to s. 324.202. Such funds may be used by the local
26 government entity or state agency for any authorized purpose.
27 ~~(b) One-third of the fee collected for the seizure of~~
28 ~~a license plate by a recovery agent shall be paid to the~~
29 ~~recovery agent, and the balance shall remain in the Highway~~
30 ~~Safety Operating Trust Fund and be distributed pursuant to s.~~
31 ~~321.245.~~

1 Section 4. Effective July 1, 2000, subsection (7) of
2 section 627.733, Florida Statutes, 1998 Supplement, as amended
3 by section 14 of chapter 98-223, Laws of Florida, is amended
4 to read:

5 627.733 Required Security.--

6 (7)~~(a)~~ Any operator or owner whose registration has
7 been suspended pursuant to this section or s. 316.646 may
8 effect its reinstatement upon compliance with the requirements
9 of this section and upon payment to the Department of Highway
10 Safety and Motor Vehicles of a nonrefundable reinstatement fee
11 of \$150 for the first reinstatement. Such reinstatement fee
12 shall be \$250 for the second reinstatement and \$500 for each
13 subsequent reinstatement during the 3 years following the
14 first reinstatement. Any person reinstating her or his
15 insurance under this subsection must also secure noncancelable
16 coverage as described in s. 627.7275(2) and present to the
17 appropriate person proof that the coverage is in force on a
18 form promulgated by the Department of Highway Safety and Motor
19 Vehicles, such proof to be maintained for 2 years. If the
20 person does not have a second reinstatement within 3 years
21 after her or his initial reinstatement, the reinstatement fee
22 shall be \$150 for the first reinstatement after that 3-year
23 period. All fees shall be collected by the Department of
24 Highway Safety and Motor Vehicles at the time of
25 reinstatement. The Department of Highway Safety and Motor
26 Vehicles shall issue proper receipts for such fees and shall
27 promptly deposit those fees in the Highway Safety Operating
28 Trust Fund. One-third of the fee collected under this
29 subsection shall be distributed from the Highway Safety
30 Operating Trust Fund to the local government entity or state
31 agency which employed the law enforcement officer or the

1 recovery agent who seizes a license plate pursuant to s.
2 324.201 or to s. 324.202. Such funds may be used by the local
3 government entity or state agency for any authorized purpose.

4 ~~(b) One-third of the fee collected for the seizure of~~
5 ~~a license plate by a recovery agent shall be paid to the~~
6 ~~recovery agent, and the balance shall remain in the Highway~~
7 ~~Safety Operating Trust Fund and be distributed pursuant to s.~~
8 ~~321.245.~~

9 Section 5. This act shall take effect July 1, 1999.

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11 SENATE SUMMARY

12 Requires a recovery agent to deliver a seized license
13 plate to a driver license office rather than a local law
14 enforcement authority. Requires the Department of Highway
15 Safety and Motor Vehicles to expand a pilot project that
16 authorizes a recovery agent to seize a license plate when
17 the owner's vehicle registration or driver's license has
18 been suspended for failure to provide personal injury
19 protection. Requires the department to pay a fee to the
20 recovery agent. Deletes the sharing of a fee.