

By the Committee on Transportation and Senator Grant

306-2211-00

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A bill to be entitled  
An act relating to the Florida Safety Belt Law;  
amending s. 316.614, F.S.; providing  
restrictions on authority to search a motor  
vehicle, its contents, the driver, or a  
passenger based on a safety belt violation;  
deleting a provision that requires enforcement  
of the act only as a secondary action;  
requiring motor vehicle insurers to reduce  
rates for certain motor vehicle insurance  
coverages; providing an effective date.

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

Section 1. Subsection (8) of section 316.614, Florida  
Statutes, is amended to read:

316.614 Safety belt usage.--

(8) Any person who violates the provisions of this  
section commits a nonmoving violation, punishable as provided  
in chapter 318. A law enforcement officer may not search or  
inspect a motor vehicle, its contents, the driver, or a  
passenger solely because of a violation of this section.

~~However, except for violations of s. 316.613, enforcement of  
this section by state or local law enforcement agencies must  
be accomplished only as a secondary action when a driver of a  
motor vehicle has been detained for a suspected violation of  
another section of this chapter, chapter 320, or chapter 322.~~

Section 2. (1) Notwithstanding anything in section  
627.062, Florida Statutes, or the Florida Insurance Code to  
the contrary, the Department of Insurance shall not approve a  
rate to be charged in a motor vehicle insurance policy that is

1 issued or renewed on or after the effective date of this act  
2 unless that rate includes a reduction based upon the projected  
3 savings to the insurer as a result of the "primary  
4 enforcement" of Florida's seat-belt law implemented by section  
5 (1) of this act. The amount of the reduction shall be  
6 separately stated in the rate filing made by the insurer with  
7 the department and the reduction shall be documented and  
8 supported by actuarial data and analysis. A rate which  
9 includes a reduction of less than 10 percent for personal  
10 injury protection, medical payments, uninsured motorist, and  
11 bodily injury liability coverages shall be presumed to be an  
12 excessive or unfairly discriminatory rate, unless the insurer  
13 demonstrates by appropriate actuarial data as part of the rate  
14 filing process in section 627.062, Florida Statutes, that a  
15 lower reduction is warranted.

16 (2) This section shall take effect upon becoming law  
17 and shall apply only to motor vehicle insurance policies  
18 issued or renewed on or after the effective date of this act.

19 Section 3. This act shall take effect July 1, 2000.

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21 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
22 COMMITTEE SUBSTITUTE FOR  
23 SB 316

24 The CS provides the Department of Insurance is not to approve  
25 a rate to be charged in a motor vehicle policy issued or  
26 renewed on or after the effective date of this CS unless that  
27 rate includes a reduction based on the projected savings to  
28 the insurer as a result of the primary enforcement of  
29 Florida's safety belt law. The CS provides a reduction of  
30 less than 10 percent for specified coverages is to be presumed  
31 to be an excessive or unfairly discriminatory rate, unless the  
insurer demonstrates by appropriate actuarial data that a  
lower reduction is warranted.