

CHAMBER ACTION

1 The Committee on Insurance recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to motor vehicle liability insurance;
7 amending s. 320.055, F.S.; providing for a 6-month vehicle
8 registration for persons reinstating a driver's license
9 that has been suspended for driving under the influence;
10 requiring the Department of Highway Safety and Motor
11 Vehicles to issue 6-month vehicle registration
12 certificates and validation stickers; specifying the
13 amount of taxes and charges which must be paid; amending
14 s. 324.131, F.S.; requiring persons whose license or
15 registration has been suspended or revoked due to a
16 violation of driving under the influence to maintain, for
17 3 years, noncancelable liability coverage as described in
18 s. 627.7275(2), F.S.; authorizing the Department of
19 Highway Safety and Motor Vehicles to adopt a form for
20 proof of such coverage; amending s. 627.7275, F.S.;
21 requiring insurers to make available bodily injury, death,
22 and property damage liability coverage, to certain
23 applicants seeking coverage for reinstatement of driving

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24 | privileges revoked or suspended for driving under the
 25 | influence, that is noncancelable for a certain period;
 26 | authorizing insurers to cancel certain motor vehicle
 27 | insurance policies under certain circumstances; providing
 28 | that insurers are not required to offer insurance policies
 29 | under certain circumstances; providing an effective date.

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

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33 | Section 1. Subsection (1) of section 320.055, Florida
 34 | Statutes, is amended to read:

35 | 320.055 Registration periods; renewal periods.--The
 36 | following registration periods and renewal periods are
 37 | established:

38 | (1)(a) For a motor vehicle subject to registration under
 39 | s. 320.08(1), (2), (3), (5)(b), (c), (d), or (f), (6)(a), (7),
 40 | (8), (9), or (10) and owned by a natural person, the
 41 | registration period begins the first day of the birth month of
 42 | the owner and ends the last day of the month immediately
 43 | preceding the owner's birth month in the succeeding year. If
 44 | such vehicle is registered in the name of more than one person,
 45 | the birth month of the person whose name first appears on the
 46 | registration shall be used to determine the registration period.
 47 | For a vehicle subject to this registration period, the renewal
 48 | period is the 30-day period ending at midnight on the vehicle
 49 | owner's date of birth.

50 | (b) Notwithstanding the requirements of paragraph (a), the
 51 | owner of a motor vehicle subject to paragraph (a) who has had

52 | his or her driver's license suspended pursuant to a violation of
 53 | s. 316.193 or pursuant to s. 322.26(2) for driving under the
 54 | influence must obtain a 6-month registration as a condition of
 55 | reinstating the license, subject to renewal during the 3-year
 56 | period that financial responsibility requirements apply. The
 57 | registration period begins the first day of the birth month of
 58 | the owner and ends the last day of the fifth month immediately
 59 | following the owner's birth month. For such vehicles, the
 60 | department shall issue a vehicle registration certificate that
 61 | is valid for 6 months and shall issue a validation sticker that
 62 | displays an expiration date of 6 months after the date of
 63 | issuance. The license tax required by s. 320.08 and all other
 64 | applicable license taxes shall be one-half of the amount
 65 | otherwise required, except the service charge required by s.
 66 | 320.04 shall be paid in full for each 6-month registration.

67 | Section 2. Section 324.131, Florida Statutes, is amended
 68 | to read:

69 | 324.131 Period of suspension.--Such license, registration
 70 | and nonresident's operating privilege shall remain so suspended
 71 | and shall not be renewed, nor shall any such license or
 72 | registration be thereafter issued in the name of such person,
 73 | including any such person not previously licensed, unless and
 74 | until every such judgment is stayed, satisfied in full or to the
 75 | extent of the limits stated in s. 324.021(7) and until the said
 76 | person gives proof of financial responsibility as provided in s.
 77 | 324.031, such proof to be maintained for 3 years. In addition,
 78 | if the person's license or registration has been suspended or
 79 | revoked due to a violation of s. 316.193 or pursuant to s.

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80 322.26(2), that person shall maintain noncancelable liability
 81 coverage for each motor vehicle registered in his or her name,
 82 as described in s. 627.7275(2), and must present proof that
 83 coverage is in force on a form adopted by the Department of
 84 Highway Safety and Motor Vehicles, such proof to be maintained
 85 for 3 years.

86 Section 3. Section 627.7275, Florida Statutes, is amended
 87 to read:

88 627.7275 Motor vehicle ~~property damage~~ liability.--

89 (1) A ~~No~~ motor vehicle insurance policy providing personal
 90 injury protection as set forth in s. 627.736 may not ~~shall~~ be
 91 delivered or issued for delivery in this state with respect to
 92 any specifically insured or identified motor vehicle registered
 93 or principally garaged in this state unless the policy also
 94 provides coverage for property damage liability in the amount of
 95 at least \$10,000 because of damage to, or destruction of,
 96 property of others in any one accident arising out of the use of
 97 the motor vehicle or unless the policy provides coverage in the
 98 amount of at least \$30,000 for combined property damage
 99 liability and bodily injury liability in any one accident
 100 arising out of the use of the motor vehicle. The policy, as to
 101 coverage of property damage liability, must ~~shall~~ meet the
 102 applicable requirements of s. 324.151, subject to the usual
 103 policy exclusions that ~~such~~ as have been approved in policy
 104 forms by the office.

105 (2)(a) Insurers writing motor vehicle insurance in this
 106 state shall make available, subject to the insurers' usual
 107 underwriting restrictions:7

108 1. Coverage under policies as described in subsection (1)
 109 ~~of this section~~ to any applicant for private passenger motor
 110 vehicle insurance coverage who is seeking the coverage in order
 111 to reinstate the applicant's driving privileges in this state
 112 when the driving privileges were revoked or suspended pursuant
 113 to s. 316.646 or s. 627.733 due to the failure of the applicant
 114 to maintain required security.

115 2. Coverage under policies as described in subsection (1),
 116 which also provides liability coverage for bodily injury, death,
 117 and property damage arising out of the ownership, maintenance,
 118 or use of the motor vehicle in an amount not less than the
 119 limits described in s. 324.021(7) and conforms to the
 120 requirements of s. 324.151, to any applicant for private
 121 passenger motor vehicle insurance coverage who is seeking the
 122 coverage in order to reinstate the applicant's driving
 123 privileges in this state after such privileges were revoked or
 124 suspended under s. 316.193 or s. 322.26(2) for driving under the
 125 influence.

126 (b) The policies described in paragraph (a) ~~policy~~ shall
 127 be issued for a period of at least 6 months and as to the
 128 minimum coverages required under this section shall not be
 129 cancelable by the insured for any reason or by the insurer after
 130 a period not to exceed 30 days during which the insurer must
 131 complete underwriting of the policy. After the insurer has
 132 completed underwriting the policy within the 30-day period, the
 133 insurer shall notify the Department of Highway Safety and Motor
 134 Vehicles that the policy is in full force and effect and the
 135 policy shall not be cancelable for the remainder of the policy

136 | period. A premium shall be collected and coverage shall be in
 137 | effect for the 30-day period during which the insurer is
 138 | completing the underwriting of the policy whether or not the
 139 | person's driver license, motor vehicle tag, and motor vehicle
 140 | registration are in effect. Once the noncancelable provisions of
 141 | the policy become effective, the coverage or risk shall not be
 142 | changed during the policy period and the premium shall be
 143 | nonrefundable. If, during the pendency of the 2-year proof of
 144 | insurance period required under s. 627.733(7) or during the 3-
 145 | year proof of financial responsibility required under s.
 146 | 324.131, whichever is applicable, the insured obtains additional
 147 | coverage or coverage for an additional risk or changes
 148 | territories, the insured must obtain a new 6-month noncancelable
 149 | policy in accordance with the provisions of this section.
 150 | However, if the insured must obtain a new 6-month policy and
 151 | obtains the policy from the same insurer, the policyholder shall
 152 | receive credit on the new policy for any premium paid on the
 153 | previously issued policy.

154 | (c)(b) ~~The provisions of This subsection controls shall~~
 155 | ~~control~~ to the extent of any conflict with any other section.

156 | (d) An insurer issuing a policy subject to this section
 157 | may cancel the policy if, during the policy term, the named
 158 | insured or any other operator, who resides in the same household
 159 | or customarily operates an automobile insured under the policy,
 160 | has his or her driver's license suspended or revoked.

161 | (e) Nothing in this subsection requires an insurer to
 162 | offer a policy of insurance to an applicant if such offer would

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163 | be inconsistent with the insurer's underwriting guidelines and
164 | procedures.

165 | Section 4. This act shall take effect October 1, 2004.