

CHAMBER ACTION

1 The Commerce Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to motor vehicle insurance; creating s.
7 627.7289, F.S.; authorizing certain insurance policies to
8 provide coverage for towing and storage costs relating to
9 recovery of stolen vehicles; requiring notice by the
10 insurer if such coverage is not included; specifying a
11 form; specifying absence of liability by insurers or
12 policyholders for towing and storage costs in excess of
13 certain amounts; specifying absence of liability by
14 insurers or registered owners for certain storage costs if
15 a wrecker fails to provide certain notice; providing an
16 effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 627.7289, Florida Statutes, is created
21 to read:

22 627.7289 Comprehensive coverage; towing and storage
23 charges for recovered stolen vehicles.--

24 (1) Any insurer issuing insurance policies in this state
 25 covering motor vehicles may include in the comprehensive
 26 coverage provisions of such policies coverage for the costs of
 27 towing and storage in connection with the recovery of stolen
 28 motor vehicles covered under such policies.

29 (2) If the comprehensive coverage provision of such a
 30 policy does not include such coverage, the policy declaration
 31 page must contain the following disclosure in 12-point bold
 32 type:

33 YOUR POLICY DOES NOT INCLUDE COVERAGE FOR THE COSTS OF
 34 TOWING AND STORAGE IN CONNECTION WITH THE RECOVERY OF
 35 STOLEN MOTOR VEHICLES.

36 (3) Notwithstanding any other provision of law, when
 37 coverage is provided under subsection (1), an insurer or
 38 policyholder shall not be liable for any towing and storage
 39 costs charged in connection with the recovery of a stolen motor
 40 vehicle in excess of those rates charged to a law enforcement
 41 agency as determined under s. 321.051(2).

42 (4) Notwithstanding any other provision of law, if the
 43 owner or operator of a wrecker as defined in s. 713.78(1) fails
 44 to provide notice as required under s. 713.78(4) to the
 45 registered owner and insurance company insuring the recovered
 46 vehicle, the registered owner and insurance company shall not be
 47 liable for any storage costs for any time elapsed prior to
 48 receipt of the required notice.

49 Section 2. This act shall take effect January 1, 2006.