

ENROLLED

HB 0019

2005 Legislature

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A bill to be entitled

An act relating to motor vehicle driving privilege requirements; amending s. 320.055, F.S.; providing for a 6-month vehicle registration for persons reinstating a driver's license that has been suspended for driving under the influence; requiring the Department of Highway Safety and Motor Vehicles to issue 6-month vehicle registration certificates and validation stickers; specifying the amount of taxes and charges which must be paid; amending s. 324.131, F.S.; requiring persons whose license or registration has been suspended or revoked due to a violation of driving under the influence to maintain, for 3 years, certain noncancelable liability coverage; authorizing the Department of Highway Safety and Motor Vehicles to adopt a form for proof of such coverage; amending s. 627.7275, F.S.; requiring insurers to make bodily injury, death, and property damage liability coverage that is noncancelable for a certain period available to certain applicants seeking coverage for reinstatement of driving privileges revoked or suspended for driving under the influence; authorizing insurers to cancel certain motor vehicle insurance policies under certain circumstances; providing that insurers are not required to offer insurance policies under certain circumstances; providing an effective date.

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

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29 Section 1. Subsection (1) of section 320.055, Florida
 30 Statutes, is amended to read:

31 320.055 Registration periods; renewal periods.--The
 32 following registration periods and renewal periods are
 33 established:

34 (1) (a) For a motor vehicle subject to registration under
 35 s. 320.08(1), (2), (3), (5)(b), (c), (d), or (f), (6)(a), (7),
 36 (8), (9), or (10) and owned by a natural person, the
 37 registration period begins the first day of the birth month of
 38 the owner and ends the last day of the month immediately
 39 preceding the owner's birth month in the succeeding year. If
 40 such vehicle is registered in the name of more than one person,
 41 the birth month of the person whose name first appears on the
 42 registration shall be used to determine the registration period.
 43 For a vehicle subject to this registration period, the renewal
 44 period is the 30-day period ending at midnight on the vehicle
 45 owner's date of birth.

46 (b) Notwithstanding the requirements of paragraph (a), the
 47 owner of a motor vehicle subject to paragraph (a) who has had
 48 his or her driver's license suspended pursuant to a violation of
 49 s. 316.193 or pursuant to s. 322.26(2) for driving under the
 50 influence must obtain a 6-month registration as a condition of
 51 reinstating the license, subject to renewal during the 3-year
 52 period that financial responsibility requirements apply. The
 53 registration period begins the first day of the birth month of
 54 the owner and ends the last day of the fifth month immediately
 55 following the owner's birth month. For such vehicles, the
 56 department shall issue a vehicle registration certificate that
 57 is valid for 6 months and shall issue a validation sticker that

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58 displays an expiration date of 6 months after the date of
 59 issuance. The license tax required by s. 320.08 and all other
 60 applicable license taxes shall be one-half of the amount
 61 otherwise required, except the service charge required by s.
 62 320.04 shall be paid in full for each 6-month registration.

63 Section 2. Section 324.131, Florida Statutes, is amended
 64 to read:

65 324.131 Period of suspension.--Such license, registration
 66 and nonresident's operating privilege shall remain so suspended
 67 and shall not be renewed, nor shall any such license or
 68 registration be thereafter issued in the name of such person,
 69 including any such person not previously licensed, unless and
 70 until every such judgment is stayed, satisfied in full or to the
 71 extent of the limits stated in s. 324.021(7) and until the said
 72 person gives proof of financial responsibility as provided in s.
 73 324.031, such proof to be maintained for 3 years. In addition,
 74 if the person's license or registration has been suspended or
 75 revoked due to a violation of s. 316.193 or pursuant to s.
 76 322.26(2), that person shall maintain noncancelable liability
 77 coverage for each motor vehicle registered in his or her name,
 78 as described in s. 627.7275(2), and must present proof that
 79 coverage is in force on a form adopted by the Department of
 80 Highway Safety and Motor Vehicles, such proof to be maintained
 81 for 3 years.

82 Section 3. Section 627.7275, Florida Statutes, is amended
 83 to read:

84 627.7275 Motor vehicle ~~property damage~~ liability.--
 85 (1) ~~A No~~ motor vehicle insurance policy providing personal
 86 injury protection as set forth in s. 627.736 may not ~~shall~~ be

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87 delivered or issued for delivery in this state with respect to
 88 any specifically insured or identified motor vehicle registered
 89 or principally garaged in this state unless the policy also
 90 provides coverage for property damage liability in the amount of
 91 at least \$10,000 because of damage to, or destruction of,
 92 property of others in any one accident arising out of the use of
 93 the motor vehicle or unless the policy provides coverage in the
 94 amount of at least \$30,000 for combined property damage
 95 liability and bodily injury liability in any one accident
 96 arising out of the use of the motor vehicle. The policy, as to
 97 coverage of property damage liability, must ~~shall~~ meet the
 98 applicable requirements of s. 324.151, subject to the usual
 99 policy exclusions that ~~such as~~ have been approved in policy
 100 forms by the office.

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

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

111 2. Coverage under policies as described in subsection (1),
 112 which also provides liability coverage for bodily injury, death,
 113 and property damage arising out of the ownership, maintenance,
 114 or use of the motor vehicle in an amount not less than the
 115 limits described in s. 324.021(7) and conforms to the

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116 requirements of s. 324.151, to any applicant for private
 117 passenger motor vehicle insurance coverage who is seeking the
 118 coverage in order to reinstate the applicant's driving
 119 privileges in this state after such privileges were revoked or
 120 suspended under s. 316.193 or s. 322.26(2) for driving under the
 121 influence.

122 (b) The policies described in paragraph (a) ~~policy~~ shall
 123 be issued for a period of at least 6 months and as to the
 124 minimum coverages required under this section shall not be
 125 cancelable by the insured for any reason or by the insurer after
 126 a period not to exceed 30 days during which the insurer must
 127 complete underwriting of the policy. After the insurer has
 128 completed underwriting the policy within the 30-day period, the
 129 insurer shall notify the Department of Highway Safety and Motor
 130 Vehicles that the policy is in full force and effect and the
 131 policy shall not be cancelable for the remainder of the policy
 132 period. A premium shall be collected and coverage shall be in
 133 effect for the 30-day period during which the insurer is
 134 completing the underwriting of the policy whether or not the
 135 person's driver license, motor vehicle tag, and motor vehicle
 136 registration are in effect. Once the noncancelable provisions of
 137 the policy become effective, the coverage or risk shall not be
 138 changed during the policy period and the premium shall be
 139 nonrefundable. If, during the pendency of the 2-year proof of
 140 insurance period required under s. 627.733(7) or during the 3-
 141 year proof of financial responsibility required under s.
 142 324.131, whichever is applicable, the insured obtains additional
 143 coverage or coverage for an additional risk or changes
 144 territories, the insured must obtain a new 6-month noncancelable

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145 | policy in accordance with the provisions of this section.

146 | However, if the insured must obtain a new 6-month policy and
 147 | obtains the policy from the same insurer, the policyholder shall
 148 | receive credit on the new policy for any premium paid on the
 149 | previously issued policy.

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

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

157 | (e) Nothing in this subsection requires an insurer to
 158 | offer a policy of insurance to an applicant if such offer would
 159 | be inconsistent with the insurer's underwriting guidelines and
 160 | procedures.

161 | Section 4. This act shall take effect October 1, 2005.