$\mathbf{B}\mathbf{y}$  the Committee on Banking and Insurance; and Senators Fasano and Crist

597-2084-05

1	A bill to be entitled
2	An act relating to motor vehicle repair shops;
3	amending s. 559.904, F.S.; requiring applicants
4	for registration to furnish proof of certain
5	liability insurance; providing that failure to
6	maintain such insurance is grounds for denial,
7	revocation, or refusal to renew a registration;
8	amending s. 559.921, F.S.; providing that a
9	violation of the requirement to maintain
10	liability insurance is a criminal violation;
11	providing for administrative fines and criminal
12	penalties; providing an effective date.
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14	Be It Enacted by the Legislature of the State of Florida:
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16	Section 1. Subsection (10) of section 559.904, Florida
17	Statutes, is amended, and subsection (13) is added to that
18	section, to read:
19	559.904 Motor vehicle repair shop registration;
20	application; exemption
21	(10) The department may deny, revoke, or refuse to
22	renew the registration of a motor vehicle repair shop based
23	upon a determination that the motor vehicle repair shop, or
24	any of its directors, officers, owners, or general partners:
25	(a) Have failed to meet the requirements for
26	registration as provided in this part;
27	(b) Have not satisfied a civil fine, administrative
28	fine, or other penalty arising out of any administrative or
29	enforcement action brought by any governmental agency based
30	upon conduct involving fraud, dishonest dealing, or any
31	violation of this part;

(c) Have had against them any civil, criminal, or 2 administrative adjudication in any jurisdiction, based upon conduct involving fraud, dishonest dealing, or any violation 3 of this part; or 4 (d) Have had a judgment entered against them in any 5 action brought by the department or the state attorney 7 pursuant to ss. 501.201-501.213 or this part; or-8 (e) Have failed to maintain in force the insurance required under subsection (13). 9 10 (13) Each applicant for an initial or renewal registration under this section shall provide the department 11 12 with evidence of current and valid liability insurance in an 13 amount not less than \$300,000 on repairs performed by the motor vehicle repair shop. The department shall require that 14 an applicant present a certificate of insurance issued by an 15 insurance company or carrier authorized to transact business 16 in this state before an initial or renewal registration 18 certificate may be issued to the applicant. Section 2. Paragraph (b) of subsection (4) of section 19 559.921, Florida Statutes, is amended, and subsection (9) is 20 21 added to that section, to read: 559.921 Remedies.--22 23 (4)(b) Upon a finding as set forth in paragraph (a), the 2.4 department may enter an order doing one or more of the 2.5 following: 26 27 1. Issuing a notice of noncompliance pursuant to s. 2.8 120.695. Imposing an administrative fine not to exceed 29 30 \$1,000 per violation for each act which constitutes a violation of this part or a rule or order.

1	3. Imposing an administrative fine not to exceed
2	\$5,000 per violation for failure to maintain the liability
3	insurance required under s. 559.904(13).
4	4.3. Directing that the motor vehicle repair shop
5	cease and desist specified activities.
6	<u>5.4.</u> Refusing to register or revoking or suspending a
7	registration.
8	6.5. Placing the registrant on probation for a period
9	of time, subject to such conditions as the department may
10	specify.
11	(9) A person who engages in motor vehicle repair and
12	fails to maintain current and valid liability insurance as
13	required under s. 559.904(13) commits a misdemeanor of the
14	second degree, punishable as provided in s. 775.082 or s.
15	<u>775.083.</u>
16	Section 3. This act shall take effect July 1, 2005.
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18	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
19	Senate Bill 864
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21	The committee substitute provides the following changes:
22	o Reduces the required amount of liability insurance from \$1 million to \$300,000 that motor vehicle repair shops
23	must maintain.
24	o Imposes an administrative fine not to exceed \$5,000 per violation for failure to maintain the required liability
25	insurance.
26	o Provides that a person who engages in motor vehicle repair and fails to maintain the required liability
27	insurance commits a misdemeanor of the second degree.
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