

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

1 Representative(s) Ross offered the following:

2
3 **Amendment to Amendment (194097) (with title amendment)**

4 Between lines 4 and 5 insert:

5 Section 1. Subsections (1) and (3) of section 316.646,
6 Florida Statutes, are amended to read:

7 316.646 Security required; proof of security and display
8 thereof; dismissal of cases.--

9 (1) Any person required by s. 627.733 to maintain personal
10 injury protection security on a motor vehicle or required to
11 have motorcycle insurance coverage as required by s. 627.7441
12 shall have in his or her immediate possession at all times while
13 operating such motor vehicle or motorcycle proper proof of
14 maintenance of the security required by s. 627.733 or s.
15 627.7441, as applicable. Such proof shall be either a uniform
16 proof-of-insurance card in a form prescribed by the department,
17 a valid insurance policy, an insurance policy binder, a

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18 certificate of insurance, or such other proof as may be
19 prescribed by the department.

20 (3) Any person who violates this section is guilty of a
21 nonmoving traffic infraction subject to the penalty provided in
22 chapter 318 and shall be required to furnish proof of security
23 as provided in this section. If any person charged with a
24 violation of this section fails to furnish proof, at or before
25 the scheduled court appearance date, that security was in effect
26 at the time of the violation, the court may immediately suspend
27 the registration and driver's license of such person. Such
28 license and registration may ~~only~~ be reinstated only as provided
29 in s. 627.733, except that licenses and registrations that have
30 been suspended for failure to provide proof of insurance as
31 required by s. 627.7441 may be reinstated only as provided in s.
32 627.7441.

33 Section 2. Paragraphs (a) and (d) of subsection (5) of
34 section 320.02, Florida Statutes, are amended to read:

35 320.02 Registration required; application for
36 registration; forms.--

37 (5)(a) Proof that personal injury protection benefits have
38 been purchased when required under s. 627.733, that property
39 damage liability coverage has been purchased as required under
40 s. 324.022, and that combined bodily liability insurance and
41 property damage liability insurance have been purchased when
42 required under s. 627.7415 shall be provided in the manner
43 prescribed by law by the applicant at the time of application
44 for registration of any motor vehicle owned as defined in s.
45 627.732. Proof that insurance coverage has been purchased as
46 required by s. 627.7441 shall be provided in the manner

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47 prescribed by law by the applicant at the time of application
48 for registration for a motorcycle as defined in s. 316.003. The
49 issuing agent shall refuse to issue registration if such proof
50 of purchase is not provided. Insurers shall furnish uniform
51 proof-of-purchase cards in a form prescribed by the department
52 and shall include the name of the insured's insurance company,
53 the coverage identification number, the make, year, and vehicle
54 identification number of the vehicle insured. The card shall
55 contain a statement notifying the applicant of the penalty
56 specified in s. 316.646(4). The card or insurance policy,
57 insurance policy binder, or certificate of insurance or a
58 photocopy of any of these; an affidavit containing the name of
59 the insured's insurance company, the insured's policy number,
60 and the make and year of the vehicle insured; or such other
61 proof as may be prescribed by the department shall constitute
62 sufficient proof of purchase. If an affidavit is provided as
63 proof, it shall be in substantially the following form:

64
65 Under penalty of perjury, I (Name of insured) do hereby
66 certify that I have (Personal Injury Protection, Property
67 Damage Liability, and, when required, Bodily Injury Liability)
68 Insurance currently in effect with (Name of insurance company)
69 under (policy number) covering (make, year, and vehicle
70 identification number of vehicle) . (Signature of Insured)

71
72 Such affidavit shall include the following warning:

73
74 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
75 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
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76 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
77 SUBJECT TO PROSECUTION.

78
79 When an application is made through a licensed motor vehicle
80 dealer as required in s. 319.23, the original or a photostatic
81 copy of such card, insurance policy, insurance policy binder, or
82 certificate of insurance or the original affidavit from the
83 insured shall be forwarded by the dealer to the tax collector of
84 the county or the department ~~of Highway Safety and Motor~~
85 ~~Vehicles~~ for processing. By executing the aforesaid affidavit,
86 no licensed motor vehicle dealer will be liable in damages for
87 any inadequacy, insufficiency, or falsification of any statement
88 contained therein. A card shall also indicate the existence of
89 any bodily injury liability insurance voluntarily purchased.

90 (d) The verifying of proof of personal injury protection
91 insurance, proof of combined bodily liability insurance and
92 property damage liability insurance, or proof of financial
93 responsibility insurance and the issuance or failure to issue
94 the motor vehicle registration under the provisions of this
95 chapter may not be construed in any court as a warranty of the
96 reliability or accuracy of the evidence of such proof. Neither
97 the department nor any tax collector is liable in damages for
98 any inadequacy, insufficiency, falsification, or unauthorized
99 modification of any item of the proof of personal injury
100 protection insurance, proof of combined bodily liability
101 insurance and property damage liability insurance, or proof of
102 financial responsibility insurance or motorcycle insurance
103 required by s. 627.7441 either prior to, during, or subsequent
104 to the verification of the proof. The issuance of a motor

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105 | vehicle registration does not constitute prima facie evidence or
106 | a presumption of insurance coverage.

107 |

108 | ===== T I T L E A M E N D M E N T =====

109 | Remove lines 1426 and insert:

110 | An act relating to motor vehicle insurance; amending
111 | s. 316.646, F.S.; revising provisions relating to
112 | security required and proof of security and display
113 | thereof; amending s. 320.02, F.S.; revising provisions
114 | relating to proof of insurance coverage; amending s.

115 |