

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 1363 and 1364 and insert:

5 Section 9 Section 627.7441, Florida Statutes, is created to
6 read:

7 627.7441 Motorcycles; medical payments coverage.--

8 (1) (a) Beginning January 1, 2007, every owner or
9 registrant of a motorcycle as defined in s. 316.003, required to
10 be registered and licensed in this state, who is at least age 16
11 but younger than age 21, shall maintain security by:

12 1. Maintaining a policy of insurance from an authorized
13 insurer providing:

14 a. Property damage coverage as required by s. 324.022; and

15 b. Medical payments coverage providing a medical payments
16 benefit of \$10,000 as set forth in this section; or

208689

4/26/2006 8:04:00 PM

Amendment No. (for drafter's use only)

17 2. Furnishing proof of financial responsibility pursuant
18 to s. 324.031(2), (3), or (4) and approved by the Department of
19 Highway Safety and Motor Vehicles as affording security
20 equivalent to that afforded by a policy of insurance as provided
21 in subparagraph 1.

22 (b) With respect to a policy of insurance, the named
23 insured may elect a deductible to apply to the named insured
24 alone or to the named insured and dependent relatives residing
25 in the same household but may not elect a deductible or modified
26 coverage to apply to any other person covered under the policy.

27 (2) An owner of a motorcycle with respect to which
28 security is required by this section who fails to have such
29 security in effect at the time of an accident is personally
30 liable for the payment of benefits under this section. With
31 respect to such benefits, such an owner has all of the rights
32 and obligations of an insurer.

33 (3) Each insurer authorized to write motor vehicle
34 insurance in this state shall make motorcycle coverage that
35 meets the security requirements of this section available
36 through normal marketing channels. Insurers may not require that
37 additional or collateral coverage be purchased in addition to
38 the required security. An insurer writing motor vehicle
39 liability coverage in this state that fails to comply with this
40 availability requirement as a general business practice is
41 deemed to have violated part IX of chapter 626, and such
42 violation shall constitute an unfair method of competition or an
43 unfair or deceptive act or practice involving the business of
44 insurance. Any insurer committing such violation is subject to

208689

4/26/2006 8:04:00 PM

Amendment No. (for drafter's use only)

45 the penalties provided in that part and other penalties provided
46 elsewhere in the insurance code.

47 (4) Any policy of insurance represented or sold as
48 providing the security required under this section is deemed to
49 provide insurance for the payment of the required benefits.

50 (5) Upon the issuance of a new policy of insurance or the
51 renewal of an existing policy of insurance, an insurer shall
52 offer to each applicant or policyholder deductibles meeting the
53 requirements of this section in amounts of \$250, \$500, and
54 \$1,000. The deductible amount must be applied to 100 percent of
55 the expenses and losses described in this section. After the
56 deductible is met, each insured is eligible to receive up to
57 \$10,000 in total benefits as provided by the policy. Each
58 election made by the named insured under this subsection shall
59 result in an appropriate reduction of premium associated with
60 that election.

61 (6) (a) For the purposes of this section, the term "medical
62 payments coverage" means coverage of the usual and customary
63 charge for reasonable and necessary expenses incurred within 3
64 years after the date of an accident involving the covered
65 motorcycle for medical and funeral services because of bodily
66 injury sustained by an injured person or death caused by an
67 accident arising out of the ownership, maintenance, or use of
68 the motorcycle or a trailer, sidecar, or other device attached
69 to the motorcycle.

70 (b) Subject to paragraph (c), covered persons include the
71 operator or any other person occupying the motorcycle or a
72 sidecar or trailer attached to the motorcycle.

208689

4/26/2006 8:04:00 PM

Amendment No. (for drafter's use only)

73 (c) Covered persons also include any person at least age
74 16 but younger than age 21 and, if coverage is available from
75 the insurer and if purchased by the owner or registrant of the
76 motorcycle, may include all persons over age 20.

77 (7) The Florida Automobile Joint Underwriting Association
78 shall make the coverage required under this section available to
79 any motorcycle owner or registrant who is in good faith entitled
80 to, but unable to, procure the security from an authorized
81 insurer.

82 (8) The commission may adopt rules pursuant to ss.
83 120.536(1) and 120.54 necessary to implement this section.

84

85

86 ===== T I T L E A M E N D M E N T =====

87 Remove line 1475 and insert:

88 interpleader creating s. 627.7441, F.S.; requiring certain
89 motorcycle owners and registrants to maintain specified
90 security; requiring medical payments and property damage
91 coverage; authorizing alternative types of security;
92 authorizing deductibles and applicability of the
93 deductibles; making an owner or registrant personally
94 responsible for failure to maintain the required security;
95 amending s. 316.068, F.S.; specifying

96