

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Ross offered the following:

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

4 Remove line(s) 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

572145

4/26/2006 5:22:51 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

572145

4/26/2006 5:22:51 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.

572145

4/26/2006 5:22:51 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

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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