

Amendment No.

CHAMBER ACTION

Senate

House



1 Representative(s) Simmons offered the following:

2

3 **Substitute Amendment for Amendment (824249) (with title**
4 **amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsections (1) and (7) of section 324.021,
7 Florida Statutes, are amended to read:

8 324.021 Definitions; minimum insurance required.--The
9 following words and phrases when used in this chapter shall, for
10 the purpose of this chapter, have the meanings respectively
11 ascribed to them in this section, except in those instances
12 where the context clearly indicates a different meaning:

13 (1) MOTOR VEHICLE.--Every self-propelled vehicle which is
14 designed and required to be licensed for use upon a highway,
15 including trailers and semitrailers designed for use with such
16 vehicles, except traction engines, road rollers, farm tractors,
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17 power shovels, and well drillers, and every vehicle which is
18 propelled by electric power obtained from overhead wires but not
19 operated upon rails, but not including any bicycle or moped.
20 ~~However, the term "motor vehicle" shall not include any motor~~
21 ~~vehicle as defined in s. 627.732(3) when the owner of such~~
22 ~~vehicle has complied with the requirements of ss. 627.730-~~
23 ~~627.7405, inclusive, unless the provisions of s. 324.051 apply,~~
24 ~~and, in such case, the applicable proof of insurance provisions~~
25 ~~of s. 320.02 apply.~~

26 (7) PROOF OF FINANCIAL RESPONSIBILITY.--That proof of
27 ability to respond in damages for liability on account of
28 crashes arising out of the use of a motor vehicle:

29 (a) In the amount of \$25,000 ~~\$10,000~~ because of bodily
30 injury to, or death of, one person in any one crash;

31 (b) Subject to such limits for one person, in the amount
32 of \$50,000 ~~\$20,000~~ because of bodily injury to, or death of, two
33 or more persons in any one crash;

34 (c) In the amount of \$10,000 because of injury to, or
35 destruction of, property of others in any one crash; and

36 (d) With respect to commercial motor vehicles and
37 nonpublic sector buses, in the amounts specified in ss. 627.7415
38 and 627.742, respectively.

39 Section 2. Section 324.023, Florida Statutes, is created
40 to read:

41 324.023 Financial responsibility for bodily injury or
42 death.--Every owner of a motor vehicle that is required to be
43 registered in this state and every operator of any motor vehicle
44 located within this state shall establish and maintain, by one
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45 of the methods established in s. 324.031, the ability to respond
46 in damages for liability on account of accidents arising out of
47 the use of the motor vehicle in at least the amounts prescribed
48 in s. 324.021(7)(a) and (b). This section does not apply to any
49 motor vehicle that has been continuously and exclusively used
50 for a commercial purpose since being acquired by its current
51 owner. The requirement of this section shall be in addition to
52 any other financial responsibility required of the owner of a
53 motor vehicle.

54 Section 3. Section 324.031, Florida Statutes, is amended
55 to read:

56 324.031 Manner of proving financial responsibility.--The
57 owner or operator of a taxicab, limousine, jitney, or any other
58 for-hire passenger transportation vehicle may prove financial
59 responsibility by providing satisfactory evidence of holding a
60 motor vehicle liability policy as defined in s. 324.021(8) or s.
61 324.151, which policy is issued by an insurance carrier which is
62 a member of the Florida Insurance Guaranty Association. The
63 operator or owner of any other vehicle may prove his or her
64 financial responsibility by:

65 (1) Furnishing satisfactory evidence of holding a motor
66 vehicle liability policy as defined in ss. 324.021(8) and
67 324.151;

68 (2) Posting with the department a satisfactory bond of a
69 surety company authorized to do business in this state,
70 conditioned for payment of the amount specified in s.
71 324.021(7);

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72 (3) Furnishing a certificate of the department showing a
73 deposit of cash or securities in accordance with s. 324.161; or

74 (4) Furnishing a certificate of self-insurance issued by
75 the department in accordance with s. 324.171.

76
77 Any person, including any firm, partnership, association,
78 corporation, or other person, other than a natural person,
79 electing to use the method of proof specified in subsection (2)
80 or subsection (3) shall post a bond or deposit equal to the
81 number of vehicles owned times \$60,000 ~~\$30,000~~, to a maximum of
82 \$240,000 ~~\$120,000~~; in addition, any such person, other than a
83 natural person, shall maintain insurance providing coverage in
84 excess of limits of \$25,000/50,000/10,000 ~~\$10,000/20,000/10,000~~
85 or \$60,000 ~~\$30,000~~ combined single limits, and such excess
86 insurance shall provide minimum limits of
87 \$125,000/250,000/50,000 or \$300,000 combined single limits.
88 These increased limits shall not affect the requirements for
89 proving financial responsibility under s. 324.032(1).

90 Section 4. Section 324.161, Florida Statutes, is amended
91 to read:

92 324.161 Proof of financial responsibility; surety bond or
93 deposit.--The certificate of the department of a deposit may be
94 obtained by depositing with it \$60,000 ~~\$30,000~~ cash or
95 securities such as may be legally purchased by savings banks or
96 for trust funds, of a market value of \$60,000 ~~\$30,000~~ and which
97 deposit shall be held by the department to satisfy, in
98 accordance with the provisions of this chapter, any execution on
99 a judgment issued against such person making the deposit, for
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100 damages because of bodily injury to or death of any person or
101 for damages because of injury to or destruction of property
102 resulting from the use or operation of any motor vehicle
103 occurring after such deposit was made. Money or securities so
104 deposited shall not be subject to attachment or execution unless
105 such attachment or execution shall arise out of a suit for
106 damages as aforesaid.

107 Section 5. Paragraphs (a) and (b) of subsection (1) of
108 section 324.171, Florida Statutes, are amended to read:

109 324.171 Self-insurer.--

110 (1) Any person may qualify as a self-insurer by obtaining
111 a certificate of self-insurance from the department which may,
112 in its discretion and upon application of such a person, issue
113 said certificate of self-insurance when such person has
114 satisfied the requirements of this section to qualify as a self-
115 insurer under this section:

116 (a) A private individual with private passenger vehicles
117 shall possess unencumbered assets of at least \$100,000 that
118 could be subject to a judgment creditor's writ of execution and
119 a net unencumbered worth of at least \$100,000 ~~\$40,000~~.

120 (b) A person, including any firm, partnership,
121 association, corporation, or other person, other than a natural
122 person, shall:

123 1. Possess unencumbered assets of at least \$100,000 that
124 could be subject to a judgment creditor's writ of execution and
125 a net unencumbered worth of at least \$100,000 ~~\$40,000~~ for the
126 first motor vehicle and \$50,000 ~~\$20,000~~ for each additional
127 motor vehicle; or

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128 2. Maintain sufficient net worth, as determined annually
129 by the department, pursuant to rules promulgated by the
130 department, with the assistance of the Office of Insurance
131 Regulation of the Financial Services Commission, to be
132 financially responsible for potential losses. The rules shall
133 take into consideration excess insurance carried by the
134 applicant. The department's determination shall be based upon
135 reasonable actuarial principles considering the frequency,
136 severity, and loss development of claims incurred by casualty
137 insurers writing coverage on the type of motor vehicles for
138 which a certificate of self-insurance is desired.

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

141 316.646 Security required; proof of security and display
142 thereof; dismissal of cases.--

143 (1) Any person required by s. 324.023 to maintain
144 liability coverage for bodily injury or death or any person
145 required by s. 627.733 to maintain personal injury protection
146 security on a motor vehicle shall have in his or her immediate
147 possession at all times while operating such motor vehicle
148 proper proof of maintenance of the security required by ss.
149 324.023 and ~~s.~~ 627.733. Such proof shall be either a uniform
150 proof-of-insurance card in a form prescribed by the department,
151 a valid insurance policy, an insurance policy binder, a
152 certificate of insurance, or such other proof as may be
153 prescribed by the department.

154 (3) Any person who violates this section is guilty of a
155 nonmoving traffic infraction subject to the penalty provided in
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156 chapter 318 and shall be required to furnish proof of security
157 as provided in this section. If any person charged with a
158 violation of this section fails to furnish proof, at or before
159 the scheduled court appearance date, that security was in effect
160 at the time of the violation, the court may immediately suspend
161 the registration and driver's license of such person. Such
162 license and registration may only be reinstated as provided in
163 ss. 324.023 and ~~s.~~ 627.733.

164 Section 7. Subsection (7) of section 627.733, Florida
165 Statutes, is amended to read:

166 627.733 Required security.--

167 (7) Any operator or owner whose driver's license or
168 registration has been suspended pursuant to this section or s.
169 316.646 may effect its reinstatement upon compliance with the
170 requirements of this section and upon payment to the Department
171 of Highway Safety and Motor Vehicles of a nonrefundable
172 reinstatement fee of \$150 for the first reinstatement. Such
173 reinstatement fee shall be \$250 for the second reinstatement and
174 \$500 for each subsequent reinstatement during the 3 years
175 following the first reinstatement. Any person reinstating her or
176 his insurance under this subsection must also secure
177 noncancelable coverage as described in ss. 324.021(8) and ~~s.~~
178 627.7275(2) and present to the appropriate person proof that the
179 coverage is in force on a form promulgated by the Department of
180 Highway Safety and Motor Vehicles, such proof to be maintained
181 for 2 years. If the person does not have a second reinstatement
182 within 3 years after her or his initial reinstatement, the
183 reinstatement fee shall be \$150 for the first reinstatement

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184 after that 3-year period. In the event that a person's license
 185 and registration are suspended pursuant to this section or s.
 186 316.646, only one reinstatement fee shall be paid to reinstate
 187 the license and the registration. All fees shall be collected by
 188 the Department of Highway Safety and Motor Vehicles at the time
 189 of reinstatement. The Department of Highway Safety and Motor
 190 Vehicles shall issue proper receipts for such fees and shall
 191 promptly deposit those fees in the Highway Safety Operating
 192 Trust Fund. One-third of the fee collected under this subsection
 193 shall be distributed from the Highway Safety Operating Trust
 194 Fund to the local government entity or state agency which
 195 employed the law enforcement officer who seizes a license plate
 196 pursuant to s. 324.201. Such funds may be used by the local
 197 government entity or state agency for any authorized purpose.

198 Section 8. This act shall take effect October 1, 2007.

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

201 Remove the entire title and insert:

202 A bill to be entitled

203 An act relating to motor vehicle liability financial
 204 responsibility; amending s. 324.021, F.S.; revising the
 205 definition of the term "motor vehicle"; increasing
 206 financial responsibility limits with respect to bodily
 207 injury or death in a single accident; creating s. 324.023,
 208 F.S.; specifying an additional requirement for proof of
 209 financial responsibility for bodily injury or death;
 210 providing a hardship exception; amending s. 324.031, F.S.;

211 increasing limits for proof of financial responsibility

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(LATE FILED)

HOUSE AMENDMENT

Bill No. CS/CS/SB 1880

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212 | for for-hire transportation vehicle certificates of self-
213 | insurance; amending s. 324.161, F.S.; increasing the
214 | amount required for a surety bond or deposit for proof of
215 | financial responsibility; amending s. 324.171, F.S.;
216 | revising the required threshold limit for self-insurers;
217 | amending ss. 316.646 and 627.733, F.S., to conform;
218 | providing an effective date.

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