

A bill to be entitled

An act relating to motor vehicle financial responsibility; creating s. 324.023, F.S.; requiring proof of increased financial responsibility for bodily injury or death caused by owners or operators found guilty of a DUI offense or who had a license or driving privilege revoked or suspended under a specified provision; amending ss. 316.646 and 320.02, F.S.; conforming provisions; amending s. 627.733, F.S.; providing an additional cross-reference concerning motor vehicle security following motor vehicle license or registration suspension; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 324.023, Florida Statutes, is created to read:

324.023 Financial responsibility for bodily injury or death.--In addition to any other financial responsibility required by law, every owner of a motor vehicle that is required to be registered in this state and every operator of any motor vehicle located within this state who has ever been found guilty of a charge of DUI pursuant to s. 316.193 or who has ever had a license or driving privilege revoked pursuant to s. 322.26 shall, by one of the methods established in s. 324.031(1), (2), or (3), establish and maintain the ability to respond in damages for liability on account of accidents arising out of the use of a motor vehicle in the amount of \$100,000 because of bodily

29 injury to, or death of, one person in any one crash and, subject
 30 to such limits for one person, in the amount of \$300,000 because
 31 of bodily injury to, or death of, two or more persons in any one
 32 crash and in the amount of \$50,000 because of property damage in
 33 any one crash. If the owner or operator chooses to establish and
 34 maintain such ability by posting a bond or furnishing a
 35 certificate of deposit pursuant to s. 324.031(2) or (3), such
 36 bond or certificate of deposit must be in an amount not less
 37 than \$350,000.

38 Section 2. Subsections (1) and (3) of section 316.646,
 39 Florida Statutes, are amended to read:

40 316.646 Security required; proof of security and display
 41 thereof; dismissal of cases.--

42 (1) Any person required by s. 324.023 to maintain
 43 liability security for bodily injury or death or any person
 44 required by s. 627.733 to maintain personal injury protection
 45 security on a motor vehicle shall have in his or her immediate
 46 possession at all times while operating such motor vehicle
 47 proper proof of maintenance of the required security ~~required by~~
 48 ~~s. 627.733~~. Such proof shall be either a uniform proof-of-
 49 insurance card in a form prescribed by the department, a valid
 50 insurance policy, an insurance policy binder, a certificate of
 51 insurance, or such other proof as may be prescribed by the
 52 department.

53 (3) Any person who violates this section commits ~~is guilty~~
 54 ~~of~~ a nonmoving traffic infraction subject to the penalty
 55 provided in chapter 318 and shall be required to furnish proof
 56 of security as provided in this section. If any person charged

HB 359

2007

57 | with a violation of this section fails to furnish proof, at or
58 | before the scheduled court appearance date, that security was in
59 | effect at the time of the violation, the court may immediately
60 | suspend the registration and driver's license of such person.
61 | Such license and registration may only be reinstated as provided
62 | in s. 627.733.

63 | Section 3. Paragraphs (a) and (b) of subsection (5) of
64 | section 320.02, Florida Statutes, are amended to read:

65 | 320.02 Registration required; application for
66 | registration; forms.--

67 | (5)(a) Proof that personal injury protection benefits have
68 | been purchased when required under s. 627.733, that property
69 | damage liability coverage has been purchased as required under
70 | s. 324.022, that bodily injury or death coverage has been
71 | purchased if required under s. 324.023, and that combined bodily
72 | liability insurance and property damage liability insurance have
73 | been purchased when required under s. 627.7415 shall be provided
74 | in the manner prescribed by law by the applicant at the time of
75 | application for registration of any motor vehicle owned as
76 | defined in s. 627.732. The issuing agent shall refuse to issue
77 | registration if such proof of purchase is not provided. Insurers
78 | shall furnish uniform proof-of-purchase cards in a form
79 | prescribed by the department and shall include the name of the
80 | insured's insurance company, the coverage identification number,
81 | the make, year, and vehicle identification number of the vehicle
82 | insured. The card shall contain a statement notifying the
83 | applicant of the penalty specified in s. 316.646(4). The card or
84 | insurance policy, insurance policy binder, or certificate of

85 insurance or a photocopy of any of these; an affidavit
 86 containing the name of the insured's insurance company, the
 87 insured's policy number, and the make and year of the vehicle
 88 insured; or such other proof as may be prescribed by the
 89 department shall constitute sufficient proof of purchase. If an
 90 affidavit is provided as proof, it shall be in substantially the
 91 following form:

92
 93 Under penalty of perjury, I (Name of insured) do hereby
 94 certify that I have (Personal Injury Protection, Property
 95 Damage Liability, and, when required, Bodily Injury Liability)
 96 Insurance currently in effect with (Name of insurance
 97 company) under (policy number) covering (make, year, and
 98 vehicle identification number of vehicle) . (Signature of
 99 Insured)

100
 101 Such affidavit shall include the following warning:

102
 103 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
 104 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
 105 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
 106 SUBJECT TO PROSECUTION.

107
 108 When an application is made through a licensed motor vehicle
 109 dealer as required in s. 319.23, the original or a photostatic
 110 copy of such card, insurance policy, insurance policy binder, or
 111 certificate of insurance or the original affidavit from the
 112 insured shall be forwarded by the dealer to the tax collector of

113 the county or the Department of Highway Safety and Motor
 114 Vehicles for processing. By executing the aforesaid affidavit,
 115 no licensed motor vehicle dealer will be liable in damages for
 116 any inadequacy, insufficiency, or falsification of any statement
 117 contained therein. A card shall also indicate the existence of
 118 any bodily injury liability insurance voluntarily purchased.

119 (b) When an operator who owns a motor vehicle is subject
 120 to the financial responsibility requirements of chapter 324,
 121 including ss. ~~s.~~ 324.022 and 324.023, such operator shall
 122 provide proof of compliance with such financial responsibility
 123 requirements at the time of registration of any such motor
 124 vehicle by one of the methods constituting sufficient proof of
 125 purchase under paragraph (a). The issuing agent shall refuse to
 126 register a motor vehicle if such proof of purchase is not
 127 provided or if one of the other methods of proving financial
 128 responsibility as set forth in s. 324.031 is not met.

129 Section 4. Subsection (7) of section 627.733, Florida
 130 Statutes, is amended to read:

131 627.733 Required security.--

132 (7) Any operator or owner whose driver's license or
 133 registration has been suspended pursuant to this section or s.
 134 316.646 may effect its reinstatement upon compliance with the
 135 requirements of this section and upon payment to the Department
 136 of Highway Safety and Motor Vehicles of a nonrefundable
 137 reinstatement fee of \$150 for the first reinstatement. Such
 138 reinstatement fee shall be \$250 for the second reinstatement and
 139 \$500 for each subsequent reinstatement during the 3 years
 140 following the first reinstatement. Any person reinstating her or

HB 359

2007

141 his insurance under this subsection must also secure
142 noncancelable coverage as described in ss. 324.021(8) and s.
143 627.7275(2) and present to the appropriate person proof that the
144 coverage is in force on a form promulgated by the Department of
145 Highway Safety and Motor Vehicles, such proof to be maintained
146 for 2 years. If the person does not have a second reinstatement
147 within 3 years after her or his initial reinstatement, the
148 reinstatement fee shall be \$150 for the first reinstatement
149 after that 3-year period. In the event that a person's license
150 and registration are suspended pursuant to this section or s.
151 316.646, only one reinstatement fee shall be paid to reinstate
152 the license and the registration. All fees shall be collected by
153 the Department of Highway Safety and Motor Vehicles at the time
154 of reinstatement. The Department of Highway Safety and Motor
155 Vehicles shall issue proper receipts for such fees and shall
156 promptly deposit those fees in the Highway Safety Operating
157 Trust Fund. One-third of the fee collected under this subsection
158 shall be distributed from the Highway Safety Operating Trust
159 Fund to the local government entity or state agency which
160 employed the law enforcement officer who seizes a license plate
161 pursuant to s. 324.201. Such funds may be used by the local
162 government entity or state agency for any authorized purpose.

163 Section 5. This act shall take effect upon becoming a law.