

1 A bill to be entitled

2 An act relating to motor vehicle financial responsibility;
3 creating s. 324.023, F.S.; requiring proof of increased
4 financial responsibility for bodily injury or death caused
5 by owners or operators found guilty of a DUI offense or
6 who had a license or driving privilege revoked or
7 suspended under a specified provision; providing an
8 exemption if specified conditions are met; amending ss.
9 316.646 and 320.02, F.S.; conforming provisions; amending
10 s. 627.733, F.S.; providing an additional cross-reference
11 concerning motor vehicle security following motor vehicle
12 license or registration suspension; providing an effective
13 date.

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

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

19 324.023 Financial responsibility for bodily injury or
20 death.--In addition to any other financial responsibility
21 required by law, every owner or operator of a motor vehicle that
22 is required to be registered in this state, or that is located
23 within this state, and who has been convicted of a charge of
24 driving under the influence under s. 316.193 after October 1,
25 2007, shall, by one of the methods established in s. 324.031(1),
26 (2), or (3), establish and maintain the ability to respond in
27 damages for liability on account of accidents arising out of the
28 use of a motor vehicle in the amount of \$100,000 because of

29 bodily injury to, or death of, one person in any one crash and,
 30 subject to such limits for one person, in the amount of \$300,000
 31 because of bodily injury to, or death of, two or more persons in
 32 any one crash and in the amount of \$50,000 because of property
 33 damage in any one crash. If the owner or operator chooses to
 34 establish and maintain such ability by posting a bond or
 35 furnishing a certificate of deposit pursuant to s. 324.031(2) or
 36 (3), such bond or certificate of deposit must be in an amount
 37 not less than \$350,000. Such higher limits must be carried for a
 38 minimum period of 3 years. If the owner or operator has not been
 39 convicted of driving under the influence or a felony traffic
 40 offense for a period of 3 years from the date of reinstatement
 41 of driving privileges for a violation of s. 316.193, the owner
 42 or operator shall be exempt from this section.

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

45 316.646 Security required; proof of security and display
 46 thereof; dismissal of cases.--

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

56 insurance, or such other proof as may be prescribed by the
57 department.

58 (3) Any person who violates this section commits ~~is guilty~~
59 ~~of~~ a nonmoving traffic infraction subject to the penalty
60 provided in chapter 318 and shall be required to furnish proof
61 of security as provided in this section. If any person charged
62 with a violation of this section fails to furnish proof, at or
63 before the scheduled court appearance date, that security was in
64 effect at the time of the violation, the court may immediately
65 suspend the registration and driver's license of such person.
66 Such license and registration may only be reinstated as provided
67 in s. 627.733.

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

70 320.02 Registration required; application for
71 registration; forms.--

72 (5) (a) Proof that personal injury protection benefits have
73 been purchased when required under s. 627.733, that property
74 damage liability coverage has been purchased as required under
75 s. 324.022, that bodily injury or death coverage has been
76 purchased if required under s. 324.023, and that combined bodily
77 liability insurance and property damage liability insurance have
78 been purchased when required under s. 627.7415 shall be provided
79 in the manner prescribed by law by the applicant at the time of
80 application for registration of any motor vehicle owned as
81 defined in s. 627.732. The issuing agent shall refuse to issue
82 registration if such proof of purchase is not provided. Insurers
83 shall furnish uniform proof-of-purchase cards in a form

84 prescribed by the department and shall include the name of the
 85 insured's insurance company, the coverage identification number,
 86 the make, year, and vehicle identification number of the vehicle
 87 insured. The card shall contain a statement notifying the
 88 applicant of the penalty specified in s. 316.646(4). The card or
 89 insurance policy, insurance policy binder, or certificate of
 90 insurance or a photocopy of any of these; an affidavit
 91 containing the name of the insured's insurance company, the
 92 insured's policy number, and the make and year of the vehicle
 93 insured; or such other proof as may be prescribed by the
 94 department shall constitute sufficient proof of purchase. If an
 95 affidavit is provided as proof, it shall be in substantially the
 96 following form:

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

105
 106 Such affidavit shall include the following warning:

107
 108 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
 109 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA
 110 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
 111 SUBJECT TO PROSECUTION.

112
113 When an application is made through a licensed motor vehicle
114 dealer as required in s. 319.23, the original or a photostatic
115 copy of such card, insurance policy, insurance policy binder, or
116 certificate of insurance or the original affidavit from the
117 insured shall be forwarded by the dealer to the tax collector of
118 the county or the Department of Highway Safety and Motor
119 Vehicles for processing. By executing the aforesaid affidavit,
120 no licensed motor vehicle dealer will be liable in damages for
121 any inadequacy, insufficiency, or falsification of any statement
122 contained therein. A card shall also indicate the existence of
123 any bodily injury liability insurance voluntarily purchased.

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

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

136 627.733 Required security.--

137 (7) Any operator or owner whose driver's license or
138 registration has been suspended pursuant to this section or s.
139 316.646 may effect its reinstatement upon compliance with the

140 requirements of this section and upon payment to the Department
141 of Highway Safety and Motor Vehicles of a nonrefundable
142 reinstatement fee of \$150 for the first reinstatement. Such
143 reinstatement fee shall be \$250 for the second reinstatement and
144 \$500 for each subsequent reinstatement during the 3 years
145 following the first reinstatement. Any person reinstating her or
146 his insurance under this subsection must also secure
147 noncancelable coverage as described in ss. 324.021(8) and s.
148 627.7275(2) and present to the appropriate person proof that the
149 coverage is in force on a form promulgated by the Department of
150 Highway Safety and Motor Vehicles, such proof to be maintained
151 for 2 years. If the person does not have a second reinstatement
152 within 3 years after her or his initial reinstatement, the
153 reinstatement fee shall be \$150 for the first reinstatement
154 after that 3-year period. In the event that a person's license
155 and registration are suspended pursuant to this section or s.
156 316.646, only one reinstatement fee shall be paid to reinstate
157 the license and the registration. All fees shall be collected by
158 the Department of Highway Safety and Motor Vehicles at the time
159 of reinstatement. The Department of Highway Safety and Motor
160 Vehicles shall issue proper receipts for such fees and shall
161 promptly deposit those fees in the Highway Safety Operating
162 Trust Fund. One-third of the fee collected under this subsection
163 shall be distributed from the Highway Safety Operating Trust
164 Fund to the local government entity or state agency which
165 employed the law enforcement officer who seizes a license plate
166 pursuant to s. 324.201. Such funds may be used by the local
167 government entity or state agency for any authorized purpose.

CS/HB 359

2007

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