

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, or who entered a
6 plea of guilty or nolo contendere to, regardless of
7 adjudication of guilt, a DUI offense or who had a license
8 or driving privilege revoked or suspended under a
9 specified provision; providing an exemption if specified
10 conditions are met; amending ss. 316.646 and 320.02, F.S.;
11 conforming provisions; amending s. 627.733, F.S.;
12 providing additional cross-references concerning motor
13 vehicle security following motor vehicle license or
14 registration suspension; providing an effective date.

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

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

20 324.023 Financial responsibility for bodily injury or
21 death.--In addition to any other financial responsibility
22 required by law, every owner or operator of a motor vehicle that
23 is required to be registered in this state, or that is located
24 within this state, and who, regardless of adjudication of guilt,
25 has been found guilty of or entered a plea of guilty or nolo
26 contendere to a charge of driving under the influence under s.
27 316.193 after October 1, 2007, shall, by one of the methods
28 established in s. 324.031(1), (2), or (3), establish and

29 maintain the ability to respond in damages for liability on
 30 account of accidents arising out of the use of a motor vehicle
 31 in the amount of \$100,000 because of bodily injury to, or death
 32 of, one person in any one crash and, subject to such limits for
 33 one person, in the amount of \$300,000 because of bodily injury
 34 to, or death of, two or more persons in any one crash and in the
 35 amount of \$50,000 because of property damage in any one crash.
 36 If the owner or operator chooses to establish and maintain such
 37 ability by posting a bond or furnishing a certificate of deposit
 38 pursuant to s. 324.031(2) or (3), such bond or certificate of
 39 deposit must be in an amount not less than \$350,000. Such higher
 40 limits must be carried for a minimum period of 3 years. If the
 41 owner or operator has not been convicted of driving under the
 42 influence or a felony traffic offense for a period of 3 years
 43 from the date of reinstatement of driving privileges for a
 44 violation of s. 316.193, the owner or operator shall be exempt
 45 from this section.

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

48 316.646 Security required; proof of security and display
 49 thereof; dismissal of cases.--

50 (1) Any person required by s. 324.023 to maintain
 51 liability security for bodily injury or death or any person
 52 required by s. 627.733 to maintain personal injury protection
 53 security on a motor vehicle shall have in his or her immediate
 54 possession at all times while operating such motor vehicle
 55 proper proof of maintenance of the required security ~~required by~~
 56 s. ~~627.733~~. Such proof shall be either a uniform proof-of-

57 insurance card in a form prescribed by the department, a valid
 58 insurance policy, an insurance policy binder, a certificate of
 59 insurance, or such other proof as may be prescribed by the
 60 department.

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

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

73 320.02 Registration required; application for
 74 registration; forms.--

75 (5) (a) Proof that personal injury protection benefits have
 76 been purchased when required under s. 627.733, that property
 77 damage liability coverage has been purchased as required under
 78 s. 324.022, that bodily injury or death coverage has been
 79 purchased if required under s. 324.023, and that combined bodily
 80 liability insurance and property damage liability insurance have
 81 been purchased when required under s. 627.7415 shall be provided
 82 in the manner prescribed by law by the applicant at the time of
 83 application for registration of any motor vehicle owned as
 84 defined in s. 627.732. The issuing agent shall refuse to issue

85 registration if such proof of purchase is not provided. Insurers
 86 shall furnish uniform proof-of-purchase cards in a form
 87 prescribed by the department and shall include the name of the
 88 insured's insurance company, the coverage identification number,
 89 the make, year, and vehicle identification number of the vehicle
 90 insured. The card shall contain a statement notifying the
 91 applicant of the penalty specified in s. 316.646(4). The card or
 92 insurance policy, insurance policy binder, or certificate of
 93 insurance or a photocopy of any of these; an affidavit
 94 containing the name of the insured's insurance company, the
 95 insured's policy number, and the make and year of the vehicle
 96 insured; or such other proof as may be prescribed by the
 97 department shall constitute sufficient proof of purchase. If an
 98 affidavit is provided as proof, it shall be in substantially the
 99 following form:

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

108
 109 Such affidavit shall include the following warning:

110
 111 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE
 112 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA

113 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS
 114 SUBJECT TO PROSECUTION.

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

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

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

139 627.733 Required security.--

140 (7) Any operator or owner whose driver's license or
141 registration has been suspended pursuant to this section or s.
142 316.646 may effect its reinstatement upon compliance with the
143 requirements of this section and upon payment to the Department
144 of Highway Safety and Motor Vehicles of a nonrefundable
145 reinstatement fee of \$150 for the first reinstatement. Such
146 reinstatement fee shall be \$250 for the second reinstatement and
147 \$500 for each subsequent reinstatement during the 3 years
148 following the first reinstatement. Any person reinstating her or
149 his insurance under this subsection must also secure
150 noncancelable coverage as described in ss. 324.021(8), 324.023,
151 and ~~s.~~ 627.7275(2) and present to the appropriate person proof
152 that the coverage is in force on a form promulgated by the
153 Department of Highway Safety and Motor Vehicles, such proof to
154 be maintained for 2 years. If the person does not have a second
155 reinstatement within 3 years after her or his initial
156 reinstatement, the reinstatement fee shall be \$150 for the first
157 reinstatement after that 3-year period. In the event that a
158 person's license and registration are suspended pursuant to this
159 section or s. 316.646, only one reinstatement fee shall be paid
160 to reinstate the license and the registration. All fees shall be
161 collected by the Department of Highway Safety and Motor Vehicles
162 at the time of reinstatement. The Department of Highway Safety
163 and Motor Vehicles shall issue proper receipts for such fees and
164 shall promptly deposit those fees in the Highway Safety
165 Operating Trust Fund. One-third of the fee collected under this
166 subsection shall be distributed from the Highway Safety
167 Operating Trust Fund to the local government entity or state

CS/CS/HB 359

2007

168 | agency which employed the law enforcement officer who seizes a
169 | license plate pursuant to s. 324.201. Such funds may be used by
170 | the local government entity or state agency for any authorized
171 | purpose.

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