

Bill No. SB 846

Barcode 830420

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Dockery) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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 or operator of a motor vehicle that is required to be registered in this state, or that is located within this state, and who has been found guilty of a charge of DUI pursuant to s. 316.193 after October 1, 2007, 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 injury to, or death of, one person in any one crash and, subject to such limits for one person, in the amount of

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1 \$300,000 because of bodily injury to, or death of, two or more
 2 persons in any one crash and in the amount of \$50,000 because
 3 of property damage in any one crash. If the owner or operator
 4 chooses to establish and maintain such ability by posting a
 5 bond or furnishing a certificate of deposit pursuant to s.
 6 324.031(2) or (3), such bond or certificate of deposit must be
 7 in an amount not less than \$350,000.

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

10 316.646 Security required; proof of security and
 11 display thereof; dismissal of cases.--

12 (1) Any person required by s. 324.023 to maintain
 13 liability security for bodily injury or death or any person
 14 required by s. 627.733 to maintain personal injury protection
 15 security on a motor vehicle shall have in his or her immediate
 16 possession at all times while operating such motor vehicle
 17 proper proof of maintenance of the required security ~~required~~
 18 by s. 627.733. Such proof shall be either a uniform
 19 proof-of-insurance card in a form prescribed by the
 20 department, a valid insurance policy, an insurance policy
 21 binder, a certificate of insurance, or such other proof as may
 22 be prescribed by the department.

23 (3) Any person who violates this section commits is
 24 guilty of a nonmoving traffic infraction subject to the
 25 penalty provided in chapter 318 and shall be required to
 26 furnish proof of security as provided in this section. If any
 27 person charged with a violation of this section fails to
 28 furnish proof, at or before the scheduled court appearance
 29 date, that security was in effect at the time of the
 30 violation, the court may immediately suspend the registration
 31 and driver's license of such person. Such license and

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1 registration may only be reinstated as provided in s. 627.733.

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

4 320.02 Registration required; application for
5 registration; forms.--

6 (5)(a) Proof that personal injury protection benefits
7 have been purchased when required under s. 627.733, that
8 property damage liability coverage has been purchased as
9 required under s. 324.022, that bodily injury or death
10 coverage has been purchased if required under s. 324.023, and
11 that combined bodily liability insurance and property damage
12 liability insurance have been purchased when required under s.
13 627.7415 shall be provided in the manner prescribed by law by
14 the applicant at the time of application for registration of
15 any motor vehicle owned as defined in s. 627.732. The issuing
16 agent shall refuse to issue registration if such proof of
17 purchase is not provided. Insurers shall furnish uniform
18 proof-of-purchase cards in a form prescribed by the department
19 and shall include the name of the insured's insurance company,
20 the coverage identification number, the make, year, and
21 vehicle identification number of the vehicle insured. The card
22 shall contain a statement notifying the applicant of the
23 penalty specified in s. 316.646(4). The card or insurance
24 policy, insurance policy binder, or certificate of insurance
25 or a photocopy of any of these; an affidavit containing the
26 name of the insured's insurance company, the insured's policy
27 number, and the make and year of the vehicle insured; or such
28 other proof as may be prescribed by the department shall
29 constitute sufficient proof of purchase. If an affidavit is
30 provided as proof, it shall be in substantially the following
31 form:

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

Such affidavit shall include the following warning:

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

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

(b) When an operator who owns a motor vehicle is subject to the financial responsibility requirements of chapter 324, including ss. ~~s.~~ 324.022 and 324.023, such

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1 operator shall provide proof of compliance with such financial
2 responsibility requirements at the time of registration of any
3 such motor vehicle by one of the methods constituting
4 sufficient proof of purchase under paragraph (a). The issuing
5 agent shall refuse to register a motor vehicle if such proof
6 of purchase is not provided or if one of the other methods of
7 proving financial responsibility as set forth in s. 324.031 is
8 not met.

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

11 627.733 Required security.--

12 (7) Any operator or owner whose driver's license or
13 registration has been suspended pursuant to this section or s.
14 316.646 may effect its reinstatement upon compliance with the
15 requirements of this section and upon payment to the
16 Department of Highway Safety and Motor Vehicles of a
17 nonrefundable reinstatement fee of \$150 for the first
18 reinstatement. Such reinstatement fee shall be \$250 for the
19 second reinstatement and \$500 for each subsequent
20 reinstatement during the 3 years following the first
21 reinstatement. Any person reinstating her or his insurance
22 under this subsection must also secure noncancelable coverage
23 as described in ss. 324.021(8) and ~~s.~~ 627.7275(2) and present
24 to the appropriate person proof that the coverage is in force
25 on a form promulgated by the Department of Highway Safety and
26 Motor Vehicles, such proof to be maintained for 2 years. If
27 the person does not have a second reinstatement within 3 years
28 after her or his initial reinstatement, the reinstatement fee
29 shall be \$150 for the first reinstatement after that 3-year
30 period. In the event that a person's license and registration
31 are suspended pursuant to this section or s. 316.646, only one

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1 reinstatement fee shall be paid to reinstate the license and
 2 the registration. All fees shall be collected by the
 3 Department of Highway Safety and Motor Vehicles at the time of
 4 reinstatement. The Department of Highway Safety and Motor
 5 Vehicles shall issue proper receipts for such fees and shall
 6 promptly deposit those fees in the Highway Safety Operating
 7 Trust Fund. One-third of the fee collected under this
 8 subsection shall be distributed from the Highway Safety
 9 Operating Trust Fund to the local government entity or state
 10 agency which employed the law enforcement officer who seizes a
 11 license plate pursuant to s. 324.201. Such funds may be used
 12 by the local government entity or state agency for any
 13 authorized purpose.

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

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 17
 18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 Delete everything before the enacting clause

21
 22 and insert:

23 A bill to be entitled
 24 An act relating to motor vehicle financial
 25 responsibility; creating s. 324.023, F.S.;
 26 requiring proof of increased financial
 27 responsibility for bodily injury or death
 28 caused by owners or operators found guilty of a
 29 DUI offense or who had a license or driving
 30 privilege revoked or suspended under a
 31 specified provision; amending ss. 316.646 and

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1 320.02, F.S.; conforming provisions; amending
2 s. 627.733, F.S.; providing an additional
3 cross-reference concerning motor vehicle
4 security following motor vehicle license or
5 registration suspension; providing an effective
6 date.

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