

By the Committees on Banking and Insurance; Transportation;
and Senator Jones

597-2597-07

1 A bill to be entitled
2 An act relating to motor vehicle financial
3 responsibility; creating s. 324.023, F.S.;
4 requiring proof of increased financial
5 responsibility for bodily injury or death
6 caused by owners or operators found guilty of a
7 DUI offense or who had a license or driving
8 privilege revoked or suspended under a
9 specified provision; amending ss. 316.646 and
10 320.02, F.S.; conforming provisions; amending
11 s. 627.733, F.S.; providing an additional
12 cross-reference concerning motor vehicle
13 security following motor vehicle license or
14 registration suspension; amending s. 627.7261,
15 F.S.; prohibiting an insurer from taking
16 certain actions solely because an insured or
17 specified person serves as a volunteer driver
18 for a nonprofit agency or charitable
19 organization; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 324.023, Florida Statutes, is
24 created to read:

25 324.023 Financial responsibility for bodily injury or
26 death.--In addition to any other financial responsibility
27 required by law, every owner or operator of a motor vehicle
28 that is required to be registered in this state, or that is
29 located within this state, and who, regardless of adjudication
30 of guilt, has been found guilty of or entered a plea of guilty
31 or nolo contendere to, a charge of DUI pursuant to s. 316.193

1 after October 1, 2007, shall, by one of the methods
2 established in s. 324.031(1), (2), or (3), establish and
3 maintain the ability to respond in damages for liability on
4 account of accidents arising out of the use of a motor vehicle
5 in the amount of \$100,000 because of bodily injury to, or
6 death of, one person in any one crash and, subject to such
7 limits for one person, in the amount of \$300,000 because of
8 bodily injury to, or death of, two or more persons in any one
9 crash and in the amount of \$50,000 because of property damage
10 in any one crash. If the owner or operator chooses to
11 establish and maintain such ability by posting a bond or
12 furnishing a certificate of deposit pursuant to s. 324.031(2)
13 or (3), such bond or certificate of deposit must be in an
14 amount not less than \$350,000.

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

17 316.646 Security required; proof of security and
18 display thereof; dismissal of cases.--

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

30 (3) Any person who violates this section commits is
31 guilty of a nonmoving traffic infraction subject to the

1 penalty provided in chapter 318 and shall be required to
2 furnish proof of security as provided in this section. If any
3 person charged with a violation of this section fails to
4 furnish proof, at or before the scheduled court appearance
5 date, that security was in effect at the time of the
6 violation, the court may immediately suspend the registration
7 and driver's license of such person. Such license and
8 registration may only be reinstated as provided in s. 627.733.

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

11 320.02 Registration required; application for
12 registration; forms.--

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

1 or a photocopy of any of these; an affidavit containing the
2 name of the insured's insurance company, the insured's policy
3 number, and the make and year of the vehicle insured; or such
4 other proof as may be prescribed by the department shall
5 constitute sufficient proof of purchase. If an affidavit is
6 provided as proof, it shall be in substantially the following
7 form:

8
9 Under penalty of perjury, I ...(Name of insured)... do hereby
10 certify that I have ...(Personal Injury Protection, Property
11 Damage Liability, and, when required, Bodily Injury
12 Liability)... Insurance currently in effect with ...(Name of
13 insurance company)... under ...(policy number)... covering
14 ...(make, year, and vehicle identification number of
15 vehicle).... ...(Signature of Insured)...

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17 Such affidavit shall include the following warning:

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

23
24 When an application is made through a licensed motor vehicle
25 dealer as required in s. 319.23, the original or a photostatic
26 copy of such card, insurance policy, insurance policy binder,
27 or certificate of insurance or the original affidavit from the
28 insured shall be forwarded by the dealer to the tax collector
29 of the county or the Department of Highway Safety and Motor
30 Vehicles for processing. By executing the aforesaid
31 affidavit, no licensed motor vehicle dealer will be liable in

1 damages for any inadequacy, insufficiency, or falsification of
2 any statement contained therein. A card shall also indicate
3 the existence of any bodily injury liability insurance
4 voluntarily purchased.

5 (b) When an operator who owns a motor vehicle is
6 subject to the financial responsibility requirements of
7 chapter 324, including ss. ~~s.~~ 324.022 and 324.023, such
8 operator shall provide proof of compliance with such financial
9 responsibility requirements at the time of registration of any
10 such motor vehicle by one of the methods constituting
11 sufficient proof of purchase under paragraph (a). The issuing
12 agent shall refuse to register a motor vehicle if such proof
13 of purchase is not provided or if one of the other methods of
14 proving financial responsibility as set forth in s. 324.031 is
15 not met.

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

18 627.733 Required security.--

19 (7) Any operator or owner whose driver's license or
20 registration has been suspended pursuant to this section or s.
21 316.646 may effect its reinstatement upon compliance with the
22 requirements of this section and upon payment to the
23 Department of Highway Safety and Motor Vehicles of a
24 nonrefundable reinstatement fee of \$150 for the first
25 reinstatement. Such reinstatement fee shall be \$250 for the
26 second reinstatement and \$500 for each subsequent
27 reinstatement during the 3 years following the first
28 reinstatement. Any person reinstating her or his insurance
29 under this subsection must also secure noncancelable coverage
30 as described in s. 324.023, if applicable, such proof to be
31 maintained for 3 years, and s. 627.7275(2), such proof to be

1 maintained for 2 years, and present to the appropriate person
2 proof that the coverage is in force on a form promulgated by
3 the Department of Highway Safety and Motor Vehicles, ~~such~~
4 ~~proof to be maintained for 2 years.~~ If the person does not
5 have a second reinstatement within 3 years after her or his
6 initial reinstatement, the reinstatement fee shall be \$150 for
7 the first reinstatement after that 3-year period. In the event
8 that a person's license and registration are suspended
9 pursuant to this section or s. 316.646, only one reinstatement
10 fee shall be paid to reinstate the license and the
11 registration. All fees shall be collected by the Department of
12 Highway Safety and Motor Vehicles at the time of
13 reinstatement. The Department of Highway Safety and Motor
14 Vehicles shall issue proper receipts for such fees and shall
15 promptly deposit those fees in the Highway Safety Operating
16 Trust Fund. One-third of the fee collected under this
17 subsection shall be distributed from the Highway Safety
18 Operating Trust Fund to the local government entity or state
19 agency which employed the law enforcement officer who seizes a
20 license plate pursuant to s. 324.201. Such funds may be used
21 by the local government entity or state agency for any
22 authorized purpose.

23 Section 5. Section 627.7261, Florida Statutes, is
24 amended to read:

25 627.7261 Refusal to issue policy.--

26 (1) An ~~No~~ insurer may not deny an application for
27 automobile liability insurance solely on the ground that
28 renewal of similar coverage has been denied by another insurer
29 or on the ground of an applicant's failure to disclose that
30 such denial has occurred.

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1 (2)(a) An insurer may not deny an application for
2 automobile liability insurance or impose a surcharge or
3 otherwise increase the premium rate for an automobile
4 liability policy solely on the basis that the applicant, a
5 named insured, a member of the insured's household, or a
6 person who customarily operates the insured's vehicle is a
7 volunteer driver.

8 (b) As used in this section, the term "volunteer
9 driver" means a person who provides services, including
10 transporting individuals or goods, without compensation in
11 excess of expenses to a private nonprofit agency as defined in
12 s. 273.01(3) or a charitable organization as defined in s.
13 737.501(2).

14 (c) This section does not prohibit an insurer from
15 refusing to renew, imposing a surcharge on, or otherwise
16 increasing the premium rate for an automobile liability
17 insurance policy based upon factors other than the volunteer
18 status of the persons named in this subsection.

19 Section 6. This act shall take effect upon becoming a
20 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 846

The committee substitute provides the following changes:

1. Clarifies and broadens the term "found guilty" of DUI to "regardless of adjudication of guilt, has been found guilty of, or entered a plea of, guilty or nolo contendere" to DUI.
2. Clarifies that persons present proof to the Department of Highway Safety and Motor Vehicles of securing the increased liability coverage required under the bill, which must be noncancelable for 3 years.
3. Prohibits insurers from denying an application for motor vehicle liability insurance, or imposing a surcharge or otherwise increasing the premium for a policy solely on the basis that the applicant, a named insured, a member of the insured's household, or a person who operates the insured's vehicle, is a "volunteer driver."
4. Provides that this provision does not prohibit an insurer from refusing to renew, imposing a surcharge on, or otherwise increasing premiums for a motor vehicle liability policy based on factors other than the volunteer status of the person.
5. Defines the term "volunteer driver."