

Bill No. SB 40-C

Barcode 090174

CHAMBER ACTION

Senate

House

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Comm: FAV
10/04/2007 11:50 AM

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The Committee on Banking and Insurance (Posey) recommended the following amendment:

Senate Amendment (with title amendment)

On page 81, line 3, through
page 83, line 28, delete those lines

and insert:

Section 22. Application of the Florida Motor Vehicle No-Fault Law.--

(1) The requirements of ss. 627.730-627.7405, the Florida Motor Vehicle No-Fault Law, as revived, reenacted, and amended by this act, apply to all motor vehicle owners who are subject to such law on or after February 15, 2008, and to all motor vehicle insurance policies in effect on or after February 15, 2008. The Legislature finds that in order to protect the public health, safety, and welfare, it is necessary to require insurers to revise or endorse policies that are in effect on February 15, 2008, to add personal injury protection as required by subsection (2), and to provide a uniform date for motor vehicle owners to obtain or

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1 continue such security and for insurance policies to provide
 2 such coverage. In order to avoid revising in-force policies,
 3 enforcement would depend on policyholders electing to add such
 4 coverage, which would result in a much greater number of
 5 uninsured vehicles, an inability of accident victims to obtain
 6 medical care, a greater level of uncompensated medical care,
 7 higher costs to public and private health care systems, and
 8 greater numbers of persons being subject to penalties for
 9 noncompliance. Alternatively, in order to avoid amending
 10 in-force policies, the effective date would have to be delayed
 11 for at least 1 year, during which time no mandatory coverage
 12 requirements would apply for injuries sustained in a motor
 13 vehicle accident, which would cause even greater harm to the
 14 public health, safety, and welfare for the reasons mentioned.

15 (2) Effective February 15, 2008, each insurer that has
 16 issued coverage for a motor vehicle that is subject to the
 17 Florida Motor Vehicle No-Fault Law shall endorse or revise
 18 such policy to add personal injury protection coverage as
 19 required by such law and to make any other related coverage
 20 changes to optional medical payments or similar coverage. The
 21 insurer shall provide notice to the policyholder of the
 22 coverage and premium changes as otherwise required by law.
 23 Insurers shall make rate filings with the Office of Insurance
 24 Regulation as required by law to revise rates for all affected
 25 coverages, including bodily injury liability coverage and
 26 uninsured motorist coverage, which shall take effect February
 27 15, 2008. Revised rates shall be applied on a pro rata basis
 28 for the remainder of the policy term for policies in force on
 29 February 15, 2008.

30 (3) The Legislature recognizes that the Florida Motor
 31 Vehicle No-Fault Law was repealed on October 1, 2007, and that

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1 vehicle owners are not required to maintain personal injury
2 protection coverage on or after that date until February 15,
3 2008. Notwithstanding any other law, an insurer is not
4 required to report the issuance, cancellation, or nonrenewal
5 of personal injury protection coverage occurring between
6 October 1, 2007, and February 14, 2008, inclusive, to the
7 Department of Highway Safety and Motor Vehicles. Any law
8 requiring personal injury protection coverage or providing
9 sanctions for failure to maintain or demonstrate proof of such
10 coverage does not apply during this time period. However, this
11 subsection does not relieve a motor vehicle owner from
12 responsibility for maintaining property damage liability
13 coverage as required by law and does not relieve an insurer
14 from reporting the issuance, cancellation, or nonrenewal of
15 property damage liability coverage as required by law.

16 Section 23. This act shall take effect upon becoming a
17 law, except that sections 8 through 21 of this act shall take
18 effect February 15, 2008.

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21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 On page 4, line 15, through
24 page 5, line 5, delete those lines

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26 and insert:

27 protection; providing for application of the
28 Florida Motor Vehicle No-Fault Law, as revived,
29 reenacted, and amended; providing legislative
30 findings; requiring insurers to revise or
31 endorse motor vehicle insurance policies that

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1 are in force on a specified date; providing
2 requirements for notice and rate filings;
3 requiring that revised rates be applied on a
4 pro rata basis for the remainder of the term of
5 such policies; clarifying the nonapplication of
6 certain laws governing reports to the
7 Department of Highway Safety and Motor Vehicles
8 and requiring personal injury protection
9 coverage; specifying that the act does not
10 abrogate requirements for a vehicle owner to
11 maintain property damage liability coverage or
12 an insurer to report to the department the
13 issuance, cancellation, or nonrenewal of such
14 coverage; providing effective dates.

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