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1                                   A bill to be entitled  
 2           An act relating to driver financial responsibility;  
 3           amending ss. 320.02, 324.022, 627.7275, and 627.7415,  
 4           F.S.; requiring certain motor vehicle owners or operators  
 5           to maintain, by insurance or other means, financial  
 6           responsibility for on-scene wrecker service charges  
 7           requested by law enforcement officers under certain  
 8           circumstances; providing an effective date.

9  
 10   Be It Enacted by the Legislature of the State of Florida:

11  
 12           Section 1. Paragraph (a) of subsection (5) of section  
 13   320.02, Florida Statutes, as amended by section 2 of chapter  
 14   2007-324, Laws of Florida, is amended to read:

15           320.02 Registration required; application for  
 16   registration; forms.--

17           (5) (a) Proof that personal injury protection benefits have  
 18   been purchased when required under s. 627.733, that property  
 19   damage liability and on-scene wrecker services coverage has been  
 20   purchased as required under s. 324.022, that bodily injury or  
 21   death coverage has been purchased if required under s. 324.023,  
 22   and that combined bodily liability insurance and property damage  
 23   liability insurance have been purchased when required under s.  
 24   627.7415 shall be provided in the manner prescribed by law by  
 25   the applicant at the time of application for registration of any  
 26   motor vehicle that is subject to such requirements. The issuing  
 27   agent shall refuse to issue registration if such proof of  
 28   purchase is not provided. Insurers shall furnish uniform proof-

29 of-purchase cards in a form prescribed by the department and  
 30 shall include the name of the insured's insurance company, the  
 31 coverage identification number, and the make, year, and vehicle  
 32 identification number of the vehicle insured. The card shall  
 33 contain a statement notifying the applicant of the penalty  
 34 specified in s. 316.646(4). The card or insurance policy,  
 35 insurance policy binder, or certificate of insurance or a  
 36 photocopy of any of these; an affidavit containing the name of  
 37 the insured's insurance company, the insured's policy number,  
 38 and the make and year of the vehicle insured; or such other  
 39 proof as may be prescribed by the department shall constitute  
 40 sufficient proof of purchase. If an affidavit is provided as  
 41 proof, it shall be in substantially the following form:

42  
 43 Under penalty of perjury, I (Name of insured) do hereby  
 44 certify that I have (Personal Injury Protection, Property  
 45 Damage Liability and Wrecker Services, and, when required,  
 46 Bodily Injury Liability) Insurance currently in effect with  
 47 (Name of insurance company) under (policy number) covering  
 48 (make, year, and vehicle identification number of vehicle) .  
 49 (Signature of Insured)

50  
 51 Such affidavit shall include the following warning:

52  
 53 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE  
 54 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA  
 55 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS  
 56 SUBJECT TO PROSECUTION.

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57  
58 When an application is made through a licensed motor vehicle  
59 dealer as required in s. 319.23, the original or a photostatic  
60 copy of such card, insurance policy, insurance policy binder, or  
61 certificate of insurance or the original affidavit from the  
62 insured shall be forwarded by the dealer to the tax collector of  
63 the county or the Department of Highway Safety and Motor  
64 Vehicles for processing. By executing the aforesaid affidavit,  
65 no licensed motor vehicle dealer will be liable in damages for  
66 any inadequacy, insufficiency, or falsification of any statement  
67 contained therein. A card shall also indicate the existence of  
68 any bodily injury liability insurance voluntarily purchased.

69 Section 2. Subsection (1) of section 324.022, Florida  
70 Statutes, as amended by section 4 of chapter 2007-324, Laws of  
71 Florida, is amended to read:

72 324.022 Financial responsibility for property damage.--

73 (1) Every owner or operator of a motor vehicle required to  
74 be registered in this state shall establish and maintain the  
75 ability to respond in damages for liability on account of  
76 accidents arising out of the use of the motor vehicle in the  
77 amount of \$10,000 because of damage to, or destruction of,  
78 property of others in any one crash. The requirements of this  
79 section may be met by one of the methods established in s.  
80 324.031; by self-insuring as authorized by s. 768.28(16); or by  
81 maintaining an insurance policy providing coverage for property  
82 damage liability in the amount of at least \$10,000 and for  
83 charges for on-scene wrecker services requested by a law  
84 enforcement officer pursuant to s. 713.78, because of damage to,

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85 or destruction of, property of others in any one accident  
86 arising out of the use of the motor vehicle. The requirements of  
87 this section may also be met by having a policy which provides  
88 coverage in the amount of at least \$30,000 for combined property  
89 damage liability and bodily injury liability and coverage for  
90 charges for on-scene wrecker services requested by a law  
91 enforcement officer pursuant to s. 713.78, for any one crash  
92 arising out of the use of the motor vehicle. The policy, with  
93 respect to coverage for property damage liability, must meet the  
94 applicable requirements of s. 324.151, subject to the usual  
95 policy exclusions that have been approved in policy forms by the  
96 Office of Insurance Regulation. No insurer shall have any duty  
97 to defend uncovered claims irrespective of their joinder with  
98 covered claims.

99 Section 3. Subsection (1) of section 627.7275, Florida  
100 Statutes, as amended by section 6 of chapter 2007-324, Laws of  
101 Florida, is amended to read:

102 627.7275 Motor vehicle liability.--

103 (1) A motor vehicle insurance policy providing personal  
104 injury protection as set forth in s. 627.736 may not be  
105 delivered or issued for delivery in this state with respect to  
106 any specifically insured or identified motor vehicle registered  
107 or principally garaged in this state unless the policy also  
108 provides coverage for property damage liability and on-scene  
109 wrecker services as required by s. 324.022.

110 Section 4. Section 627.7415, Florida Statutes, is amended  
111 to read:

112           627.7415 Commercial motor vehicles; additional liability  
 113 insurance coverage.--Commercial motor vehicles, as defined in s.  
 114 207.002(2) or s. 320.01, operated upon the roads and highways of  
 115 this state shall be insured with the following minimum levels of  
 116 combined bodily liability insurance and property damage  
 117 liability insurance and coverage for charges for on-scene  
 118 wrecker services requested by a law enforcement officer pursuant  
 119 to s. 713.78, in addition to any other insurance requirements:

120           (1) Fifty thousand dollars per occurrence for a commercial  
 121 motor vehicle with a gross vehicle weight of 26,000 pounds or  
 122 more, but less than 35,000 pounds.

123           (2) One hundred thousand dollars per occurrence for a  
 124 commercial motor vehicle with a gross vehicle weight of 35,000  
 125 pounds or more, but less than 44,000 pounds.

126           (3) Three hundred thousand dollars per occurrence for a  
 127 commercial motor vehicle with a gross vehicle weight of 44,000  
 128 pounds or more.

129           (4) All commercial motor vehicles subject to regulations  
 130 of the United States Department of Transportation, Title 49  
 131 C.F.R. part 387, subpart A, and as may be hereinafter amended,  
 132 shall be insured in an amount equivalent to the minimum levels  
 133 of financial responsibility as set forth in such regulations.

134  
 135 A violation of this section is a noncriminal traffic infraction,  
 136 punishable as a nonmoving violation as provided in chapter 318.

137           Section 5. This act shall take effect July 1, 2008.