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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/13/2017	.	
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The Committee on Banking and Insurance (Steube) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1963 - 2030

and insert:

before the event giving rise to the claim. In addition, pursuant to s. 627.747, the insurer may include provisions in its policy excluding liability coverage for an individual identified by name on the declarations page as an "excluded driver" while such individual is operating a vehicle designated as an insured vehicle on the policy ~~or motor vehicles within the United States~~



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11 ~~or the Dominion of Canada, subject to limits, exclusive of~~
12 ~~interest and costs with respect to each such motor vehicle as is~~
13 ~~provided for under s. 324.021(7).~~ Insurers may make available,
14 with respect to property damage liability coverage, a deductible
15 amount not to exceed \$500. In the event of a property damage
16 loss covered by a policy containing a property damage deductible
17 provision, the insurer shall pay to the third-party claimant the
18 amount of any property damage liability settlement or judgment,
19 subject to policy limits, as if no deductible existed.

20 (b) A motor vehicle liability insurance policy issued to a
21 person who does not own a motor vehicle registered in this state
22 and who is not already insured under a policy described in
23 paragraph (a) must ~~An operator's motor vehicle liability policy~~
24 ~~of insurance shall~~ insure the person or persons named therein
25 against loss from the liability imposed ~~upon him or her~~ by law
26 for damages arising out of the use ~~by the person~~ of any motor
27 vehicle not owned by him or her, unless the vehicle was
28 furnished for the named insured's regular use and was used by
29 the named insured for more than 30 consecutive days before the
30 event giving rise to the claim ~~with the same territorial limits~~
31 ~~and subject to the same limits of liability as referred to above~~
32 ~~with respect to an owner's policy of liability insurance.~~

33 (c) All such motor vehicle liability policies must ~~shall~~
34 state the name and address of the named insured, the coverage
35 afforded by the policy, the premium charged therefor, the policy
36 period, and the limits of liability, ~~and~~ must ~~shall~~ contain an
37 agreement or be endorsed that insurance is provided in
38 accordance with the coverage defined in this chapter ~~as respects~~
39 ~~bodily injury and death or property damage or both~~ and is



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40 subject to all provisions of this chapter. The policies must
41 insure all persons covered under the liability coverage against
42 loss from the liability imposed by law for any litigation costs
43 or attorney fees in any civil action defended by the insurer
44 which arises out of the ownership, maintenance, or use of a
45 motor vehicle for which there is liability coverage under the
46 policy. The ~~said~~ policies must ~~shall~~ also contain a provision
47 that the satisfaction by an insured of a judgment for such
48 injury or damage may ~~shall~~ not be a condition precedent to the
49 right or duty of the insurance carrier to make payment on
50 account of such injury or damage, and must ~~shall~~ also contain a
51 provision that bankruptcy or insolvency of the insured or of the
52 insured's estate may ~~shall~~ not relieve the insurance carrier of
53 any of its obligations under the ~~said~~ policy. However, the
54 policies may contain provisions excluding liability coverage for
55 a vehicle being used outside the United States or outside Canada
56 at the time of the accident.

57 (2) ~~The provisions of~~ This section is ~~shall~~ not be
58 applicable to any automobile liability policy unless and until
59 it is furnished as proof of financial responsibility for the
60 future pursuant to s. 324.031, and then only from and after the
61 date said policy is so furnished.

62 (3) As used in this section, the term:

63 (a) "Newly acquired vehicle" means a vehicle owned by a
64 named insured or resident relative of the named insured which
65 was acquired within 30 days before an accident.

66 (b) "Resident relative" means a person related to a named
67 insured by any degree by blood, marriage, or adoption, including
68 a ward or foster child, who usually makes his or her home in the



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69 same family unit as the named insured, whether or not he or she
70 temporarily lives elsewhere.

71 (c) "Temporary substitute vehicle" means any motor vehicle
72 as defined in s. 320.01(1) not owned by the named insured which
73 is temporarily used with the permission of the owner as a
74 substitute for the owned motor vehicle designated on the policy,
75 when the owned vehicle is withdrawn from normal use because of
76 breakdown, repair, servicing, loss, or destruction.

77 Section 15. Section 627.747, Florida Statutes, is created
78 to read:

79 627.747 Named driver exclusion.-

80 (1) A private passenger motor vehicle policy may exclude an
81 individual identified by name on the declarations page as an
82 "excluded driver" from coverage while such individual is
83 operating a vehicle designated as an insured vehicle on the
84 policy; however, the policy may exclude such identified
85 individual only as provided in this section. The coverages from
86 which the identified individual may be excluded are:

87 (a) Coverages, other than uninsured motorist coverage, the
88 named insured is not required by law to purchase;

89 (b) Uninsured motorist coverage for any damages sustained
90 by the identified individual; and

91 (c) Bodily injury liability coverage and property damage
92 liability coverage as required under chapter 324, but only as
93 permitted by s. 324.151(1) (a).

94 (2) Notwithstanding any other law to the contrary, a
95 private passenger motor vehicle policy may not exclude coverage
96 when:

97 (a) The identified individual is injured while not



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98 operating a motor vehicle, as defined in s. 324.021(1);

99 (b) The exclusion is unfairly discriminatory as determined
100 by the office under the insurance code; or

101 (c) The exclusion is inconsistent with the underwriting
102 guidelines filed by the insurer pursuant to s. 627.0651(13)(a).

103

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

105 And the title is amended as follows:

106 Delete line 144

107 and insert:

108 terms; creating s. 627.747, F.S.; authorizing private
109 passenger motor vehicle policies to exclude named
110 individuals from specified coverages while such
111 individuals are operating vehicles insured on the
112 policies; prohibiting such policies from excluding
113 coverage under certain circumstances; amending s.
114 324.161, F.S.; revising