

	LEGISLATIVE ACTION	
Senate		House
Comm: RCS		
01/10/2018		
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The Committee on Banking and Insurance (Lee) recommended the following:

## Senate Amendment to Amendment (543534) (with title amendment)

Delete lines 14 - 520 and insert:

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(1) Any person required by s. 324.022 to maintain <u>liability</u> security for property damage, liability security, required by s. 324.023 to maintain liability security for bodily injury, or death, or required by s. 627.733 to maintain personal injury protection security on a motor vehicle shall have in his or her

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immediate possession at all times while operating such motor vehicle proper proof of maintenance of the required security required under s. 324.021(7).

- (a) Such proof must shall be in a uniform paper or electronic format, as prescribed by the department, a valid insurance policy, an insurance policy binder, a certificate of insurance, or such other proof as may be prescribed by the department.
- (b) 1. The act of presenting to a law enforcement officer an electronic device displaying proof of insurance in an electronic format does not constitute consent for the officer to access any information on the device other than the displayed proof of insurance.
- 2. The person who presents the device to the officer assumes the liability for any resulting damage to the device.
- Section 4. Paragraph (b) of subsection (2) of section 318.18, Florida Statutes, is amended to read:
- 318.18 Amount of penalties. The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:
- (2) Thirty dollars for all nonmoving traffic violations and:
- (b) For all violations of ss. 320.0605, 320.07(1), 322.065, and 322.15(1). A Any person who is cited for a violation of s. 320.07(1) shall be charged a delinquent fee pursuant to s. 320.07(4).
- 1. If a person who is cited for a violation of s. 320.0605 or s. 320.07 can show proof of having a valid registration at the time of arrest, the clerk of the court may dismiss the case

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and may assess a dismissal fee of up to \$10. A person who finds it impossible or impractical to obtain a valid registration certificate must submit an affidavit detailing the reasons for the impossibility or impracticality. The reasons may include, but are not limited to, the fact that the vehicle was sold, stolen, or destroyed; that the state in which the vehicle is registered does not issue a certificate of registration; or that the vehicle is owned by another person.

- 2. If a person who is cited for a violation of s. 322.03, s. 322.065, or s. 322.15 can show a driver license issued to him or her and valid at the time of arrest, the clerk of the court may dismiss the case and may assess a dismissal fee of up to \$10.
- 3. If a person who is cited for a violation of s. 316.646 can show proof of security as required by s. 324.021(7) s. 627.733, issued to the person and valid at the time of arrest, the clerk of the court may dismiss the case and may assess a dismissal fee of up to \$10. A person who finds it impossible or impractical to obtain proof of security must submit an affidavit detailing the reasons for the impracticality. The reasons may include, but are not limited to, the fact that the vehicle has since been sold, stolen, or destroyed; that the owner or registrant of the vehicle is not required by s. 627.733 to maintain personal injury protection insurance; or that the vehicle is owned by another person.

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

320.02 Registration required; application for registration; forms.-

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(5) (a) Proof that bodily injury liability coverage and property damage liability coverage personal injury protection benefits have been purchased if required under s. 324.022, s. 324.032, or s. 627.742, that medical payments coverage has been purchased if required under s. 627.7265 s. 627.733, that property damage liability coverage has been purchased as required under s. 324.022, that bodily injury liability or death coverage has been purchased if required under s. 324.023, and that combined bodily liability insurance and property damage liability insurance have been purchased if required under s. 627.7415 must shall be provided in the manner prescribed by law by the applicant at the time of application for registration of any motor vehicle that is subject to such requirements. The issuing agent may not shall refuse to issue registration if such proof of purchase is not provided. Insurers shall furnish uniform proof-of-purchase cards in a paper or electronic format in a form prescribed by the department and include the name of the insured's insurance company, the coverage identification number, and the make, year, and vehicle identification number of the vehicle insured. The card must contain a statement notifying the applicant of the penalty specified under s. 316.646(4). The card or insurance policy, insurance policy binder, or certificate of insurance or a photocopy of any of these; an affidavit containing the name of the insured's insurance company, the insured's policy number, and the make and year of the vehicle insured; or such other proof as may be prescribed by the department constitutes shall constitute sufficient proof of purchase. If an affidavit is provided as proof, it must be in substantially the following form:



98 Under penalty of perjury, I ... (Name of insured) ... do hereby 99 100 certify that I have ... (bodily injury liability and Personal 101 Injury Protection, property damage liability coverage, and 102 medical payments coverage, and, if required, Bodily Injury 103 Liability)... Insurance currently in effect with ... (Name of 104 insurance company)... under ... (policy number)... covering 105 ... (make, year, and vehicle identification number of 106 vehicle) .... (Signature of Insured) ... 107 108 Such affidavit must include the following warning: 109 110 WARNING: GIVING FALSE INFORMATION IN ORDER TO OBTAIN A VEHICLE 111 REGISTRATION CERTIFICATE IS A CRIMINAL OFFENSE UNDER FLORIDA 112 LAW. ANYONE GIVING FALSE INFORMATION ON THIS AFFIDAVIT IS 113 SUBJECT TO PROSECUTION. 114 115 If an application is made through a licensed motor vehicle dealer as required under s. 319.23, the original or a photocopy 116 117 photostatic copy of such card, insurance policy, insurance 118 policy binder, or certificate of insurance or the original 119 affidavit from the insured must <del>shall</del> be forwarded by the dealer 120 to the tax collector of the county or the Department of Highway 121 Safety and Motor Vehicles for processing. By executing the 122 aforesaid affidavit, a no licensed motor vehicle dealer is not 123 will be liable in damages for any inadequacy, insufficiency, or 124 falsification of any statement contained therein. A card must 125 also indicate the existence of any bodily injury liability 126 insurance voluntarily purchased.

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(d) The verifying of proof of personal injury protection insurance, proof of property damage liability insurance, proof of combined bodily liability insurance and property damage liability insurance, or proof of financial responsibility insurance and the issuance or failure to issue the motor vehicle registration under the provisions of this chapter may not be construed in any court as a warranty of the reliability or accuracy of the evidence of such proof, or that the provisions of any insurance policy furnished as proof of financial responsibility comply with state law. Neither The department or nor any tax collector is not liable in damages for any inadequacy, insufficiency, falsification, or unauthorized modification of any item of the proof of personal injury protection insurance, proof of property damage liability insurance, proof of combined bodily liability insurance and property damage liability insurance, or proof of financial responsibility before insurance prior to, during, or subsequent to the verification of the proof. The issuance of a motor vehicle registration does not constitute prima facie evidence or a presumption of insurance coverage.

Section 6. Paragraph (b) of subsection (1) of section 320.0609, Florida Statutes, is amended to read:

320.0609 Transfer and exchange of registration license plates; transfer fee.-

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(b) The transfer of a license plate from a vehicle disposed of to a newly acquired vehicle does not constitute a new registration. The application for transfer shall be accepted without requiring proof of personal injury protection or



liability insurance.

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Section 7. Paragraph (g) is added to subsection (1) of section 320.27, Florida Statutes, and subsection (3) of that section is amended, to read:

320.27 Motor vehicle dealers.

- (1) DEFINITIONS.—The following words, terms, and phrases when used in this section have the meanings respectively ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- (g) "Garage liability insurance" means combined singlelimit liability coverage, including property damage and bodily injury liability coverage, in the amount of:
- 1. Beginning January 1, 2019, and continuing through December 31, 2020, at least \$50,000.
- 2. Beginning January 1, 2021, and continuing through December 31, 2022, at least \$60,000.
- 3. Beginning January 1, 2023 and thereafter, at least \$70,000.
- (3) APPLICATION AND FEE.-The application for the license application must shall be in such form as may be prescribed by the department and is shall be subject to such rules with respect thereto as may be so prescribed by the department it. Such application must shall be verified by oath or affirmation and must shall contain a full statement of the name and birth date of the person or persons applying for the license therefor; the name of the firm or copartnership, with the names and places of residence of all members thereof, if such applicant is a firm or copartnership; the names and places of residence of the principal officers, if the applicant is a body corporate or

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other artificial body; the name of the state under whose laws the corporation is organized; the present and former place or places of residence of the applicant; and the prior business in which the applicant has been engaged and its the location thereof. The Such application must shall describe the exact location of the place of business and must <del>shall</del> state whether the place of business is owned by the applicant and when acquired, or, if leased, a true copy of the lease must shall be attached to the application. The applicant shall certify that the location provides an adequately equipped office and is not a residence; that the location affords sufficient unoccupied space upon and within which adequately to store all motor vehicles offered and displayed for sale; and that the location is a suitable place where the applicant can in good faith carry on such business and keep and maintain books, records, and files necessary to conduct such business, which must shall be available at all reasonable hours to inspection by the department or any of its inspectors or other employees. The applicant shall certify that the business of a motor vehicle dealer is the principal business that will which shall be conducted at that location. The application must shall contain a statement that the applicant is either franchised by a manufacturer of motor vehicles, in which case the name of each motor vehicle that the applicant is franchised to sell must shall be included, or an independent (nonfranchised) motor vehicle dealer. The application must shall contain other relevant information as may be required by the department. The applicant must furnish, including evidence, in a form approved by the department, that the applicant is insured under a garage

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liability insurance policy or a general liability insurance policy coupled with a business automobile policy having the garage liability insurance coverage required by this subsection, which shall include, at a minimum, \$25,000 combined single-limit liability coverage including bodily injury and property damage protection and \$10,000 personal injury protection. However, a salvage motor vehicle dealer as defined in subparagraph (1)(c)5. is exempt from the requirements for garage liability insurance and medical payments coverage insurance and personal injury protection insurance on those vehicles that cannot be legally operated on roads, highways, or streets in this state. Franchise dealers must submit a garage liability insurance policy, and all other dealers must submit a garage liability insurance policy or a general liability insurance policy coupled with a business automobile policy. Such policy must shall be for the license period, and evidence of a new or continued policy must shall be delivered to the department at the beginning of each license period. Upon making an initial application, the applicant shall pay to the department a fee of \$300 in addition to any other fees required by law. Applicants may choose to extend the licensure period for 1 additional year for a total of 2 years. An initial applicant shall pay to the department a fee of \$300 for the first year and \$75 for the second year, in addition to any other fees required by law. An applicant for renewal shall pay to the department \$75 for a 1-year renewal or \$150 for a 2year renewal, in addition to any other fees required by law. Upon making an application for a change of location, the applicant person shall pay a fee of \$50 in addition to any other fees now required by law. The department shall, in the case of

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every application for initial licensure, verify whether certain facts set forth in the application are true. Each applicant, general partner in the case of a partnership, or corporate officer and director in the case of a corporate applicant shall, must file a set of fingerprints with the department for the purpose of determining any prior criminal record or any outstanding warrants. The department shall submit the fingerprints to the Department of Law Enforcement for state processing and forwarding to the Federal Bureau of Investigation for federal processing. The actual cost of state and federal processing must shall be borne by the applicant and is in addition to the fee for licensure. The department may issue a license to an applicant pending the results of the fingerprint investigation, which license is fully revocable if the department subsequently determines that any facts set forth in the application are not true or correctly represented.

Section 8. Paragraph (j) of subsection (3) of section 320.771, Florida Statutes, is amended to read:

- 320.771 License required of recreational vehicle dealers.-
- (3) APPLICATION.—The application for such license shall be in the form prescribed by the department and subject to such rules as may be prescribed by it. The application shall be verified by oath or affirmation and shall contain:
- (j) A statement that the applicant is insured under a garage liability insurance policy in accordance with s. 320.27(1)(q), which shall include, at a minimum, \$25,000 combined single-limit liability coverage, including bodily injury and property damage protection, and \$10,000 personal injury protection, if the applicant is to be licensed as a



dealer in, or intends to sell, recreational vehicles.

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The department shall, if it deems necessary, cause an investigation to be made to ascertain if the facts set forth in the application are true and shall not issue a license to the applicant until it is satisfied that the facts set forth in the application are true.

Section 9. Subsections (1) and (2) of section 322.251, Florida Statutes, are amended to read:

322.251 Notice of cancellation, suspension, revocation, or disqualification of license .-

- (1) All orders of cancellation, suspension, revocation, or disqualification issued under the provisions of this chapter, chapter 318, or chapter 324 must, or ss. 627.732-627.734 shall be given either by personal delivery thereof to the licensee whose license is being canceled, suspended, revoked, or disqualified or by deposit in the United States mail in an envelope, first class, postage prepaid, addressed to the licensee at his or her last known mailing address furnished to the department. Such mailing by the department constitutes notification, and any failure by the person to receive the mailed order will not affect or stay the effective date or term of the cancellation, suspension, revocation, or disqualification of the licensee's driving privilege.
- (2) The giving of notice and an order of cancellation, suspension, revocation, or disqualification by mail is complete upon expiration of 20 days after deposit in the United States mail for all notices except those issued under chapter 324 or ss. 627.732-627.734, which are complete 15 days after deposit in

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the United States mail. Proof of the giving of notice and an order of cancellation, suspension, revocation, or disqualification in either manner must shall be made by entry in the records of the department that such notice was given. The entry is admissible in the courts of this state and constitutes sufficient proof that such notice was given.

Section 10. Paragraph (a) of subsection (8) of section 322.34, Florida Statutes, is amended to read:

322.34 Driving while license suspended, revoked, canceled, or disqualified.-

- (8) (a) Upon the arrest of a person for the offense of driving while the person's driver license or driving privilege is suspended or revoked, the arresting officer shall determine:
- 1. Whether the person's driver license is suspended or revoked.
- 2. Whether the person's driver license has remained suspended or revoked since a conviction for the offense of driving with a suspended or revoked license.
- 3. Whether the suspension or revocation was made under s. 316.646 or s. 627.733, relating to failure to maintain required security, or under s. 322.264, relating to habitual traffic offenders.
- 4. Whether the driver is the registered owner or coowner of the vehicle.
- 325 Section 11. Section 324.011, Florida Statutes, is amended 326 to read:
  - 324.011 Legislative intent and purpose of chapter.—It is the Legislature's intent of this chapter to ensure that the privilege of owning or operating a motor vehicle in this state

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be exercised recognize the existing privilege to own or operate a motor vehicle on the public streets and highways of this state when such vehicles are used with due consideration for others' safety others and their property, and to promote safety, and to provide financial security requirements for such owners and or operators whose responsibility it is to recompense others for injury to person or property caused by the operation of a motor vehicle. Therefore, this chapter requires that every owner or operator of a motor vehicle required to be registered in this state establish, maintain, and it is required herein that the operator of a motor vehicle involved in a crash or convicted of certain traffic offenses meeting the operative provisions of s. 324.051(2) shall respond for such damages and show proof of financial ability to respond for damages arising out of the ownership, maintenance, or use of a motor vehicle in future accidents as a requisite to owning or operating a motor vehicle in this state his or her future exercise of such privileges.

Section 12. Subsections (1) and (7) and paragraph (c) of subsection (9) of section 324.021, Florida Statutes, are amended, and subsection (12) is added to that section, to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) MOTOR VEHICLE.—Every self-propelled vehicle that is designed and required to be licensed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, except traction engines, road rollers, farm tractors,

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power shovels, and well drillers, and every vehicle that is propelled by electric power obtained from overhead wires but not operated upon rails, but not including any personal delivery device as defined in s. 316.003, bicycle, or moped. However, the term "motor vehicle" does not include a motor vehicle as defined in s. 627.732(3) when the owner of such vehicle has complied with the requirements of ss. 627.730-627.7405, inclusive, unless the provisions of s. 324.051 apply; and, in such case, the applicable proof of insurance provisions of s. 320.02 apply.

- (7) PROOF OF FINANCIAL RESPONSIBILITY.—That Proof of ability to respond in damages for liability on account of crashes arising out of the ownership, maintenance, or use of a motor vehicle:
- (a) With respect to a motor vehicle that is not a commercial motor vehicle, nonpublic sector bus, or for-hire passenger transportation vehicle:
- 1. Beginning January 1, 2019, and continuing through December 31, 2020, in the amount of:
- a. Twenty thousand dollars for \$10,000 because of bodily injury to, or the death of, one person in any one crash and, +
- (b) subject to such limits for one person, in the amount of \$40,000 for \$20,000 because of bodily injury to, or the death of, two or more persons in any one crash; and
- b. Ten thousand dollars for damage to, or destruction of, property of others in any one crash.
- 2. Beginning January 1, 2021, and continuing through December 31, 2022, in the amount of:
- a. Twenty-five thousand dollars for bodily injury to, or the death of, one person in any one crash and, subject to such



limits for one person, in the amount of \$50,000 for bodily 388 389 injury to, or the death of, two or more persons in any one 390 crash; and 391 b. Ten thousand dollars for damage to, or destruction of, 392 property of others in any one crash. 393 3. Beginning January 1, 2023, and continuing thereafter, in 394 the amount of: 395 a. Thirty thousand dollars for bodily injury to, or the death of, one person in any one crash and, subject to such 396 397 limits for one person, in the amount of \$60,000 for bodily 398 injury to, or the death of, two or more persons in any one 399 crash; and 400 b. (c) Ten thousand dollars for damage In the amount of 401 \$10,000 because of injury to, or destruction of, property of 402 others in any one crash.; and 403 (b) (d) With respect to commercial motor vehicles and 404 nonpublic sector buses, in the amounts specified in s. 627.7415 ss. 627.7415 and 627.742, respectively. 405 406 (c) With respect to nonpublic sector buses, in the amounts 407 specified in s. 627.742. 408 (d) With respect to for-hire passenger transportation 409 vehicles, in the amounts specified in s. 324.032. 410 (9) OWNER; OWNER/LESSOR.-411 (c) Application. 412 1. The limits on liability in subparagraphs (b) 2. and 3. do 413 not apply to an owner of motor vehicles that are used for 414 commercial activity in the owner's ordinary course of business, 415 other than a rental company that rents or leases motor vehicles.

For purposes of this paragraph, the term "rental company"

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includes only an entity that is engaged in the business of renting or leasing motor vehicles to the general public and that rents or leases a majority of its motor vehicles to persons with no direct or indirect affiliation with the rental company. The term also includes a motor vehicle dealer that provides temporary replacement vehicles to its customers for up to 10 days. The term "rental company" also includes:

- a. A related rental or leasing company that is a subsidiary of the same parent company as that of the renting or leasing company that rented or leased the vehicle.
- b. The holder of a motor vehicle title or an equity interest in a motor vehicle title if the title or equity interest is held pursuant to or to facilitate an asset-backed securitization of a fleet of motor vehicles used solely in the business of renting or leasing motor vehicles to the general public and under the dominion and control of a rental company, as described in this subparagraph, in the operation of such rental company's business.
- 2. Furthermore, with respect to commercial motor vehicles as defined in s. 207.002 or s. 320.01  $\frac{1}{8.627.732}$ , the limits on liability in subparagraphs (b) 2. and 3. do not apply if, at the time of the incident, the commercial motor vehicle is being used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Authorization Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq., and that is required pursuant to such act to carry placards warning others of the hazardous cargo, unless at the time of lease or rental either:
  - a. The lessee indicates in writing that the vehicle will

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not be used to transport materials found to be hazardous for the purposes of the Hazardous Materials Transportation Authorization Act of 1994, as amended, 49 U.S.C. ss. 5101 et seq.; or

- b. The lessee or other operator of the commercial motor vehicle has in effect insurance with limits of at least \$5 million \$5,000,000 combined property damage and bodily injury liability.
- (12) FOR-HIRE PASSENGER TRANSPORTATION VEHICLE.—Every "forhire vehicle" as defined in s. 320.01(15) which is offered or used to provide transportation for persons, including taxicabs, limousines, and jitneys.

Section 13. Section 324.022, Florida Statutes, is amended to read:

- 324.022 Financial responsibility requirements for property damage.-
- (1)(a) Every owner or operator of a motor vehicle required to be registered in this state shall establish and continuously maintain the ability to respond in damages for liability on account of accidents arising out of the use of the motor vehicle in the amount of:
- 1. Beginning January 1, 2019, and continuing through December 31, 2020:
- a. Twenty thousand dollars for bodily injury to, or the death of, one person in any one crash and, subject to such limits for one person, in the amount of \$40,000 for bodily injury to, or the death of, two or more persons in any one crash; and
- b. Ten thousand dollars for damage to, or destruction of, property of others in any one crash.

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- 2. Beginning January 1, 2021, and continuing through December 31, 2022:
- a. Twenty-five thousand dollars for bodily injury to, or the death of, one person in any one crash and, subject to such limits for one person, in the amount of \$50,000 for bodily injury to, or the death of, two or more persons in any one crash; and
- b. Ten thousand dollars for damage to, or destruction of, property of others in any one crash.
  - 3. Beginning January 1, 2023, and continuing thereafter:
- a. Thirty thousand dollars for bodily injury to, or the death of, one person in any one crash and, subject to such limits for one person, in the amount of \$60,000 for bodily injury to, or the death of, two or more persons in any one crash; and
- b. Ten thousand dollars for \$10,000 because of damage to, or destruction of, property of others in any one crash.
- (b) The requirements of paragraph (a) this section may be met by one of the methods established in s. 324.031; by selfinsuring as authorized by s. 768.28(16); or by maintaining medical payments coverage under s. 627.7265 and a motor vehicle liability insurance policy that an insurance policy providing coverage for property damage liability in the amount of at least \$10,000 because of damage to, or destruction of, property of others in any one accident arising out of the use of the motor vehicle. The requirements of this section may also be met by having a policy which provides combined property damage liability and bodily injury liability coverage for any one crash arising out of the ownership, maintenance, or use of a motor



504	vehicle which conforms to the requirements of s. 324.151 in the		
505	amount of:		
506	1. At least \$50,000 for every owner or operator subject to		
507	the financial responsibility required in subparagraph (1)(a)1.		
508	2. At least \$60,000 for every owner or operator subject to		
509	the financial responsibility required in subparagraph (1)(a)2.		
510	3. At least \$70,000 for every owner or operator subject to		
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512	======== T I T L E A M E N D M E N T =========		
513	And the title is amended as follows:		
514	Delete line 2801		
515	and insert:		
516	for motor vehicle owners or operators; revising		