Florida Senate - 2007

By Senator Fasano

11-101-07

1	A bill to be entitled
2	An act relating to motor vehicle repair shops;
3	amending s. 559.904, F.S.; requiring applicants
4	for registration to furnish proof of certain
5	liability insurance; providing that failure to
6	maintain such insurance is grounds for denial,
7	revocation, or refusal to renew a registration;
8	amending s. 559.921, F.S.; providing that a
9	violation of the requirement to maintain
10	liability insurance is a criminal violation;
11	providing administrative fines and criminal
12	penalties; providing an effective date.
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14	Be It Enacted by the Legislature of the State of Florida:
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16	Section 1. This act may be cited as the "Abelardo 'Al'
17	<u>Castillo Act."</u>
18	Section 2. Subsection (10) of section 559.904, Florida
19	Statutes, is amended, and subsection (12) is added to that
20	section, to read:
21	559.904 Motor vehicle repair shop registration;
22	application; exemption
23	(10) The department may deny, revoke, or refuse to
24	renew the registration of a motor vehicle repair shop based
25	upon a determination that the motor vehicle repair shop, or
26	any of its directors, officers, owners, or general partners:
27	(a) Have failed to meet the requirements for
28	registration as provided in this part;
29	(b) Have not satisfied a civil fine, administrative
30	fine, or other penalty arising out of any administrative or
31	enforcement action brought by any governmental agency based
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upon conduct involving fraud, dishonest dealing, or any 1 2 violation of this part; 3 (c) Have had against them any civil, criminal, or 4 administrative adjudication in any jurisdiction, based upon conduct involving fraud, dishonest dealing, or any violation 5 6 of this part; or 7 (d) Have had a judgment entered against them in any 8 action brought by the department or the state attorney pursuant to ss. 501.201-501.213 or this part; or. 9 10 (e) Have not maintained in force the insurance required under subsection (12). 11 12 (12) Each applicant for an initial or renewal 13 registration under this section shall provide the department with evidence of current and valid liability insurance in an 14 amount not less than \$300,000 on repairs performed by the 15 motor vehicle repair shop. The department shall require that 16 17 an applicant present a certificate of insurance issued by an insurance company or carrier authorized to transact business 18 in this state before an initial or renewal registration 19 certificate may be issued to the applicant. 20 21 Section 3. Paragraph (b) of subsection (4) of section 22 559.921, Florida Statutes, is amended, and subsection (9) is 23 added to that section, to read: 559.921 Remedies.--2.4 (4) 25 (b) Upon a finding as set forth in paragraph (a), the 26 27 department may enter an order doing one or more of the 2.8 following: 29 1. Issuing a notice of noncompliance pursuant to s. 120.695. 30 31

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1 2. Imposing an administrative fine not to exceed 2 \$1,000 per violation for each act which constitutes a violation of this part or a rule or order. 3 3. Imposing an administrative fine not to exceed 4 \$5,000 per violation for failure to maintain the liability 5 insurance required under s. 559.904(12). 6 7 4.3. Directing that the motor vehicle repair shop 8 cease and desist specified activities. 9 5.4. Refusing to register or revoking or suspending a 10 registration. 6.5. Placing the registrant on probation for a period 11 12 of time, subject to such conditions as the department may specify. 13 (9) A person who engages in motor vehicle repair and 14 does not maintain current and valid liability insurance as 15 required under s. 559.904(12) commits a misdemeanor of the 16 17 second degree, punishable as provided in s. 775.082 or s. 18 775.083. Section 4. This act shall take effect July 1, 2007. 19 20 21 22 SENATE SUMMARY 23 Requires motor vehicle repair shops to maintain liability insurance in the amount of \$300,000 as a condition of registration. Provides that failure to maintain such 2.4 insurance is grounds for denying, revoking, or refusing 25 to renew a shop's registration. Provides administrative fines and criminal penalties for failing to maintain the 26 required insurance. 27 28 29 30 31

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