

February 10, 2011

To: All Florida County Courts
All Law Enforcement Agencies
All States Attorneys

FROM: Maureen Johnson, Chief
Motorist Services- Bureau of Records

SUBJECT: Operating a Motor Vehicle with No Proof of Insurance,
Section 316.646(1-3), Violation Code 280

Effective September 1, 2010, section 316.646(3), Florida Statutes, requires the Department to automatically suspend the registration and driving privilege of a Florida driver convicted for operating a motor vehicle with no proof of insurance. This citation applies if the driver is the **owner or the co-owner of the vehicle.**

Section 316.646(2), Florida Statutes states “If, upon a comparison of the vehicle registration certificate or other evidence of registration or ownership with the operator’s driver’s license or other evidence of personal identity, it appears to a law enforcement officer or other person authorized to issue traffic citations that the operator is also the owner or registrant of the vehicle, upon demand of the law enforcement officer or other person authorized to issue traffic citations the operator shall display proper proof of maintenance of security as specified by subsection (1).”

Currently, when a driver is cited for failure to maintain proof of insurance, the driver may elect to enter a plea of nolo contendere and present proper proof of insurance to the clerk of court. In such case, adjudication shall be withheld by the clerk in accordance with section 318.14(10) (a), Florida Statutes. However, if the driver pays the fine, a conviction is added to the driver record.

With this law change, we now have the authority to suspend a customer’s driving privilege and registration upon receipt of a conviction of this violation. This process will identify potentially uninsured drivers and enable the Department to enforce mandatory Personal Injury Protection/Property Damage Liability (PIP/PDL) insurance requirements to protect the driving public.

Effective February 11, 2011, we are implementing programming changes so that any convictions or “paid civil penalty” for no proof of insurance will produce a driver license suspension order which will be mailed to the customer. This suspension will be effective 5 days from the date of the notice. To reinstate, the customer must show proof of insurance for the date of the offense to the Department or present proof of a non cancellable SR-22 for PIP/PDL insurance, which will need to be maintained for a 2-year period from the suspension date, and pay either a \$150, \$250 or \$500 fee if SR-22 is purchased after the suspension date.

If you have any questions concerning this, please contact Amy Crowson at 850-617-2589 or email CourtAssist@flhsmv.gov. Please visit our web site at www.flhsmv.gov/courts for more information from our Department.