

**PROGRAM DIVISION
BULLETIN**

2003-04

January 27, 2003

COMMERCIAL AUTOMOBILE – FLORIDA STATUTE

Effective November 20, 2002 the Department of Highway Safety and Motor Vehicle of Florida passed a law requiring that the following wording be included on Certificates of Insurance when registering a "Commercial motor vehicle" as defined by section 320.01(26), Florida Statutes, as any vehicle which is not owned or operated by a government entity, which uses special fuel or motor fuel on the public highways, and which has a gross vehicle weight of 26,001 pounds or more, or has three or more axles regardless of weight, or is used in combination when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

The wording is: "As provided for in Section 320.02(5)(e), Florida Statutes, the listed insurance policy(s) may not be canceled on less than 30 days written notice by the insurer to the Department of Highway Safety and Motor Vehicles, such 30 days notice to commence from the date notice is received by the Department."

ATTACHED TO THE POLICY MUST BE THE APPROPRIATE FLORIDA CANCELLATION AND NONRENEWAL ENDORSEMENT CA 02 67 10 94. A copy is attached separately.

If there are any questions please contact your program manager.

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LEXINGTON INSURANCE COMPANY

PROGRAM DIVISION

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

FLORIDA CHANGES – CANCELLATION AND NONRENEWAL

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM
GARAGE COVERAGE FORM
MOTOR CARRIER COVERAGE FORM
TRUCKERS COVERAGE FORM
BUSINESS AUTO PHYSICAL DAMAGE COVERAGE FORM

With respect to the Coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

- A.** Paragraph **A.2.b.** of the Common Policy Conditions, **CANCELLATION**, is changed to read as follows:
- b.** 45 days before the effective date of cancellation if we cancel for any other reason. The notice of cancellation will state the reason(s) for the cancellation.
- B.** The following is added to paragraph **A.** of the Common Policy Conditions, **CANCELLATION**:
- 7.** If this policy provides Personal Injury Protection and Liability Coverage in accordance with Section 627.7275 of the Florida Insurance Law, and:
- a.** It is a new or renewal policy, it may not be cancelled by the first Named Insured during the first 60 days following the date of issuance or renewal, except for one of the following reasons:
 - (1)** The covered "auto" is completely destroyed such that it is no longer operable;
 - (2)** Ownership of the covered "auto" is transferred; or
 - (3)** The "named insured" has purchased another policy covering the motor vehicle insured under this policy.
- b.** It is a new policy, we may not cancel for nonpayment of premium during the first 60 days following the date of policy issuance unless a check used to pay us is dishonored for any reason.
- C.** The following Condition is added:
- NONRENEWAL**
- 1.** If we decide not to renew or continue this policy, we will mail you notice at least 45 days before the end of the policy period. If we offer to renew or continue and you do not accept, this policy will terminate at the end of the current policy period. Failure to pay the required renewal or continuation premium when due shall mean that you have not accepted our offer.
 - 2.** If we fail to mail proper notice of nonrenewal and you obtain other insurance, this policy will end on the effective date of that insurance.
 - 3.** Notice of Nonrenewal will state the reason(s) for the nonrenewal and the effective date of nonrenewal. The policy period will end on that date.