

Amendment No. 1.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Highway & Waterway Safety
 2 Subcommittee

3 Representative Beshears offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (94) is added to section 316.003,
 8 Florida Statutes, to read:

9 316.003 Definitions.—The following words and phrases, when
 10 used in this chapter, shall have the meanings respectively
 11 ascribed to them in this section, except where the context
 12 otherwise requires:

13 (94) COVERED FARM VEHICLE.—A straight truck, or an
 14 articulated vehicle, which is all of the following:

15 (a) Registered in a state with a license plate, or any
 16 other designation issued by that state, which allows law
 17 enforcement officers to identify it as a farm vehicle.

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18 (b) Operated by the owner or operator of a farm or ranch
19 or by an employee or a family member of an owner or operator of
20 a farm or ranch in accordance with s. 316.302(3).

21 (c) Used to transport agricultural commodities, livestock,
22 machinery, or supplies to or from a farm or ranch.

23 (d) Not used in for-hire motor carrier operations;
24 however, for-hire motor carrier operations do not include the
25 operation of a vehicle meeting the requirements of paragraphs
26 (a)-(c) by a tenant pursuant to a crop-share farm lease
27 agreement to transport the landlord's portion of the crops under
28 that agreement.

29 Section 2. Present subsections (3) through (12) of section
30 316.302, Florida Statutes, are renumbered as subsections (4)
31 through (13), respectively, a new subsection (3) is added to
32 that section, and paragraph (a) of present subsection (8) is
33 amended, to read:

34 316.302 Commercial motor vehicles; safety regulations;
35 transporters and shippers of hazardous materials; enforcement.—

36 (3) Notwithstanding any contrary provision in subsections
37 (1) and (2), a covered farm vehicle, as defined in s. 316.003,
38 and the operator of such vehicle are exempt from the
39 requirements relating to controlled substances and alcohol use
40 and testing in 49 C.F.R. part 382; commercial driver licenses in
41 49 C.F.R. part 383; physical qualifications and examinations in
42 49 C.F.R. part 391, subpart E; hours of service of drivers in 49

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43 C.F.R. part 395; and inspection, repair, and maintenance in 49

44 C.F.R. part 396, when operating:

45 (a) Anywhere in this state if the covered farm vehicle has
46 a gross vehicle weight or gross vehicle weight rating, whichever
47 is greater, of 26,001 pounds or less.

48 (b) Anywhere in the state of registration, or across state
49 lines within 150 air miles of the farm or ranch with respect to
50 which the vehicle is being operated, if the covered farm vehicle
51 has a gross vehicle weight or gross vehicle weight rating,
52 whichever is greater, of more than 26,001 pounds.

53
54 The provisions in this subsection do not apply to a vehicle
55 transporting hazardous materials in amounts that require
56 placarding pursuant to 49 C.F.R. part 172.

57 (9) ~~(8)~~ For the purpose of enforcing this section, any law
58 enforcement officer of the Department of Highway Safety and
59 Motor Vehicles or duly appointed agent who holds a current
60 safety inspector certification from the Commercial Vehicle
61 Safety Alliance may require the driver of any commercial vehicle
62 operated on the highways of this state to stop and submit to an
63 inspection of the vehicle or the driver's records. If the
64 vehicle or driver is found to be operating in an unsafe
65 condition, or if any required part or equipment is not present
66 or is not in proper repair or adjustment, and the continued
67 operation would present an unduly hazardous operating condition,
68 the officer may require the vehicle or the driver to be removed

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69 from service pursuant to the North American Standard Out-of-
70 Service Criteria, until corrected. However, if continuous
71 operation would not present an unduly hazardous operating
72 condition, the officer may give written notice requiring
73 correction of the condition within 14 days.

74 (a) Any member of the Florida Highway Patrol or any law
75 enforcement officer employed by a sheriff's office or municipal
76 police department authorized to enforce the traffic laws of this
77 state pursuant to s. 316.640 who has reason to believe that a
78 vehicle or driver is operating in an unsafe condition may, as
79 provided in subsection (11) ~~(10)~~, enforce the provisions of this
80 section.

81 Section 3. Paragraph (c) of subsection (2) of section
82 322.53, Florida Statutes, is amended to read:

83 322.53 License required; exemptions.-

84 (2) The following persons are exempt from the requirement
85 to obtain a commercial driver license:

86 (c)1. Farmers transporting agricultural products, farm
87 supplies, or farm machinery to or from their farms and within
88 150 miles of their farms, if the vehicle operated under this
89 exemption is not used in the operations of a common or contract
90 motor carrier.

91 2. Drivers of covered farm vehicles, as defined in s.
92 316.003, if the vehicles are operated in accordance with s.
93 316.302(3).

94 Section 4. Paragraph (e) of subsection (3) of section

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95 316.3025, Florida Statutes, is amended to read:

96 316.3025 Penalties.—

97 (3)

98 (e) A civil penalty not to exceed \$5,000 in the aggregate
99 may be assessed for violations found in the conduct of
100 compliance reviews pursuant to s. 316.302(6) ~~s. 316.302(5)~~. A
101 civil penalty not to exceed \$25,000 in the aggregate may be
102 assessed for violations found in a followup compliance review
103 conducted within a 24-month period. A civil penalty not to
104 exceed \$25,000 in the aggregate may be assessed and the motor
105 carrier may be enjoined pursuant to s. 316.3026 if violations
106 are found after a second followup compliance review within 12
107 months after the first followup compliance review. Motor
108 carriers found to be operating without insurance required by s.
109 627.7415 may be enjoined as provided in s. 316.3026.

110 Section 5. Subsection (1) of section 316.3026, Florida
111 Statutes, is amended to read:

112 316.3026 Unlawful operation of motor carriers.—

113 (1) The Office of Commercial Vehicle Enforcement may issue
114 out-of-service orders to motor carriers, as defined in s.
115 320.01, who, after proper notice, have failed to pay any penalty
116 or fine assessed by the department, or its agent, against any
117 owner or motor carrier for violations of state law, refused to
118 submit to a compliance review and provide records pursuant to s.
119 316.302(6) ~~s. 316.302(5)~~ or s. 316.70, or violated safety
120 regulations pursuant to s. 316.302 or insurance requirements in

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121 s. 627.7415. Such out-of-service orders have the effect of
122 prohibiting the operations of any motor vehicles owned, leased,
123 or otherwise operated by the motor carrier upon the roadways of
124 this state, until the violations have been corrected or
125 penalties have been paid. Out-of-service orders must be approved
126 by the director of the Division of the Florida Highway Patrol or
127 his or her designee. An administrative hearing pursuant to s.
128 120.569 shall be afforded to motor carriers subject to such
129 orders.

130 Section 6. This act shall take effect July 1, 2016.

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134 **T I T L E A M E N D M E N T**

135 Remove everything before the enacting clause and insert:
136 An act relating to farm vehicles; amending s. 316.003, F.S.;
137 defining the term "covered farm vehicle" for purposes of the
138 Florida Uniform Traffic Control Law; amending s. 316.302, F.S.;
139 providing exemptions for covered farm vehicles and the operators
140 of such vehicles from specified federal regulations relating to
141 controlled substances and alcohol use and testing, commercial
142 driver licenses, physical qualifications and examinations, hours
143 of service of drivers, and inspection, repair, and maintenance
144 when operating under certain conditions, notwithstanding
145 specified statutory provisions; providing applicability;
146 conforming a cross-reference; amending s. 322.53, F.S.;

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Bill No. HB 411 (2016)

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147 | exempting the driver of a covered farm vehicle from commercial
148 | driver license requirements; amending ss. 316.3025 and 316.3026,
149 | F.S.; conforming cross-references; providing an effective date.