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LEGISLATIVE ACTION

Senate

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House

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The Committee on Transportation (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (1) and paragraphs (a), (c), (d), and  
(f) of subsection (2) of section 316.302, Florida Statutes, are  
amended to read:

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

(1) Except as otherwise provided in subsection (3):



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11 (a) All owners and drivers of commercial motor vehicles  
12 that are operated on the public highways of this state while  
13 engaged in interstate commerce are subject to the rules and  
14 regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

15 (b) Except as otherwise provided in this section, all  
16 owners or drivers of commercial motor vehicles that are engaged  
17 in intrastate commerce are subject to the rules and regulations  
18 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, ~~with~~  
19 ~~the exception of 49 C.F.R. s. 390.5 as it relates to the~~  
20 ~~definition of bus,~~ as such rules and regulations existed on  
21 December 31, 2017 ~~2012~~.

22 (c) The emergency exceptions provided by 49 C.F.R. s.  
23 392.82 also apply to communications by utility drivers and  
24 utility contractor drivers during a Level 1 activation of the  
25 State Emergency Operations Center, as provided in the Florida  
26 Comprehensive Emergency Management plan, or during a state of  
27 emergency declared by executive order or proclamation of the  
28 Governor.

29 (d) Except as provided in ~~s. 316.215(5)~~, and ~~except as~~  
30 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging  
31 requirements for intrastate operations, the requirements of this  
32 section supersede all other safety requirements of this chapter  
33 for commercial motor vehicles.

34 (e) For motor carriers engaged in intrastate commerce who  
35 are not carrying hazardous materials in amounts that require  
36 placards, the requirement for electronic logging devices and  
37 hours of service support documents shall take effect December  
38 31, 2019.

39 (2) (a) A person who operates a commercial motor vehicle



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40 solely in intrastate commerce not transporting any hazardous  
41 material in amounts that require placarding pursuant to 49  
42 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b)(1)  
43 and 395.3 ~~395.3(a) and (b)~~.

44 (c) Except as provided in 49 C.F.R. s. 395.1, a person who  
45 operates a commercial motor vehicle solely in intrastate  
46 commerce not transporting any hazardous material in amounts that  
47 require placarding pursuant to 49 C.F.R. part 172 may not drive  
48 after having been on duty more than 70 hours in any period of 7  
49 consecutive days or more than 80 hours in any period of 8  
50 consecutive days if the motor carrier operates every day of the  
51 week. Thirty-four consecutive hours off duty shall constitute  
52 the end of any such period of 7 or 8 consecutive days. This  
53 weekly limit does not apply to a person who operates a  
54 commercial motor vehicle solely within this state while  
55 transporting, during harvest periods, any unprocessed  
56 agricultural products or unprocessed food or fiber that is  
57 subject to seasonal harvesting from place of harvest to the  
58 first place of processing or storage or from place of harvest  
59 directly to market or while transporting livestock, livestock  
60 feed, or farm supplies directly related to growing or harvesting  
61 agricultural products. Upon request of the Department of Highway  
62 Safety and Motor Vehicles, motor carriers shall furnish time  
63 records or other written verification to that department so that  
64 the Department of Highway Safety and Motor Vehicles can  
65 determine compliance with this subsection. These time records  
66 must be furnished to the Department of Highway Safety and Motor  
67 Vehicles within 2 days after receipt of that department's  
68 request. Falsification of such information is subject to a civil



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69 penalty ~~not to exceed \$100. The provisions of~~ This paragraph  
70 does ~~de~~ not apply to operators of farm labor vehicles operated  
71 during a state of emergency declared by the Governor or operated  
72 pursuant to s. 570.07(21)~~,~~ and does ~~de~~ not apply to drivers of  
73 utility service vehicles as defined in 49 C.F.R. s. 395.2.

74 (d) A person who operates a commercial motor vehicle solely  
75 in intrastate commerce not transporting any hazardous material  
76 in amounts that require placarding pursuant to 49 C.F.R. part  
77 172 within a 150 air-mile radius of the location where the  
78 vehicle is based need not comply with 49 C.F.R. s. 395.8~~7~~ if the  
79 requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (iii)(A) and (C),  
80 ~~395.1(e)(1)(iii) and (v) are met. If a driver is not released~~  
81 ~~from duty within 12 hours after the driver arrives for duty, the~~  
82 ~~motor carrier must maintain documentation of the driver's~~  
83 ~~driving times throughout the duty period.~~

84 (f) A person who operates a commercial motor vehicle having  
85 a ~~declared~~ gross vehicle weight, gross vehicle weight rating,  
86 and gross combined weight rating of less than 26,001 pounds  
87 solely in intrastate commerce and who is not transporting  
88 hazardous materials in amounts that require placarding pursuant  
89 to 49 C.F.R. part 172~~,~~ ~~or who is transporting petroleum products~~  
90 ~~as defined in s. 376.301,~~ is exempt from subsection (1).  
91 However, such person must comply with 49 C.F.R. parts 382, 392,  
92 and 393~~7~~ and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

93 Section 2. Subsection (24) of section 320.01, Florida  
94 Statutes, is amended to read:

95 320.01 Definitions, general.—As used in the Florida  
96 Statutes, except as otherwise provided, the term:

97 (24) "Apportionable vehicle" means any vehicle, except



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98 recreational vehicles, vehicles displaying restricted plates,  
99 city pickup and delivery vehicles, ~~buses used in transportation~~  
100 ~~of chartered parties,~~ and government-owned vehicles, which is  
101 used or intended for use in two or more member jurisdictions  
102 that allocate or proportionally register vehicles and which is  
103 used for the transportation of persons for hire or is designed,  
104 used, or maintained primarily for the transportation of property  
105 and:

106 (a) Is a power unit having a gross vehicle weight in excess  
107 of 26,000 pounds;

108 (b) Is a power unit having three or more axles, regardless  
109 of weight; or

110 (c) Is used in combination, when the weight of such  
111 combination exceeds 26,000 pounds gross vehicle weight.

112  
113 Vehicles, or combinations thereof, having a gross vehicle weight  
114 of 26,000 pounds or less and two-axle vehicles may be  
115 proportionally registered.

116 Section 3. Paragraph (b) of subsection (1) of section  
117 320.06, Florida Statutes, is amended to read:

118 320.06 Registration certificates, license plates, and  
119 validation stickers generally.—

120 (1)

121 (b)1. Registration license plates bearing a graphic symbol  
122 and the alphanumeric system of identification shall be issued  
123 for a 10-year period. At the end of the 10-year period, upon  
124 renewal, the plate shall be replaced. The department shall  
125 extend the scheduled license plate replacement date from a 6-  
126 year period to a 10-year period. The fee for such replacement is



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127 \$28, \$2.80 of which shall be paid each year before the plate is  
128 replaced, to be credited toward the next \$28 replacement fee.  
129 The fees shall be deposited into the Highway Safety Operating  
130 Trust Fund. A credit or refund may not be given for any prior  
131 years' payments of the prorated replacement fee if the plate is  
132 replaced or surrendered before the end of the 10-year period,  
133 except that a credit may be given if a registrant is required by  
134 the department to replace a license plate under s.

135 320.08056(8)(a). With each license plate, a validation sticker  
136 shall be issued showing the owner's birth month, license plate  
137 number, and the year of expiration or the appropriate renewal  
138 period if the owner is not a natural person. The validation  
139 sticker shall be placed on the upper right corner of the license  
140 plate. The license plate and validation sticker shall be issued  
141 based on the applicant's appropriate renewal period. The  
142 registration period is 12 months, the extended registration  
143 period is 24 months, and all expirations occur based on the  
144 applicant's appropriate registration period.

145 2. Before October 1, 2019, a vehicle that has an  
146 apportioned registration shall be issued an annual license plate  
147 and a cab card denoting ~~that denote~~ the declared gross vehicle  
148 weight ~~for each apportioned jurisdiction in which the vehicle is~~  
149 ~~authorized to operate.~~

150 3. Beginning October 1, 2019, a vehicle registered in  
151 accordance with the International Registration Plan shall be  
152 issued a license plate for a 5-year period, an annual cab card  
153 denoting the declared gross vehicle weight, and an annual  
154 validation sticker showing the month and year of expiration. The  
155 validation sticker shall be placed in the center of the license



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156 plate. The license plate and validation sticker shall be issued  
157 based on the applicant's appropriate renewal period. The fee for  
158 the initial validation sticker and any renewed validation  
159 sticker is \$28. This fee shall be deposited into the Highway  
160 Safety Operating Trust Fund. A damaged or worn license plate may  
161 be replaced at no charge by applying to the department and  
162 surrendering the current license plate.

163 4.2. In order to retain the efficient administration of the  
164 taxes and fees imposed by this chapter, the 80-cent fee increase  
165 in the replacement fee imposed by chapter 2009-71, Laws of  
166 Florida, is negated as provided in s. 320.0804.

167 Section 4. Subsection (5) of section 320.0607, Florida  
168 Statutes, is amended to read:

169 320.0607 Replacement license plates, validation decal, or  
170 mobile home sticker.—

171 (5) Upon the issuance of an original license plate, the  
172 applicant shall pay a fee of \$28 to be deposited in the Highway  
173 Safety Operating Trust Fund. Beginning October 1, 2019, this  
174 subsection does not apply to a vehicle registered under the  
175 International Registration Plan.

176 Section 5. Paragraph (a) of subsection (2) of section  
177 812.014, Florida Statutes, is amended to read:

178 812.014 Theft.—

179 (2) (a) 1. If the property stolen is valued at \$100,000 or  
180 more or is a semitrailer that was deployed by a law enforcement  
181 officer; or

182 2. If the property stolen is cargo valued at \$50,000 or  
183 more that has entered the stream of interstate or intrastate  
184 commerce from the shipper's loading platform to the consignee's



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185 receiving dock; or

186 3. If the offender commits any grand theft and:

187 a. In the course of committing the offense the offender  
188 uses a motor vehicle as an instrumentality, other than merely as  
189 a getaway vehicle, to assist in committing the offense and  
190 thereby damages the real property of another; ~~or~~

191 b. In the course of committing the offense the offender  
192 causes damage to the real or personal property of another in  
193 excess of \$1,000; or

194 c. In the course of committing the offense the offender  
195 uses any type of device to defeat, block, disable, jam, or  
196 interfere with a global positioning system or similar system  
197 designed to identify the location of the cargo or the vehicle or  
198 trailer carrying the cargo,

199  
200 the offender commits grand theft in the first degree, punishable  
201 as a felony of the first degree, as provided in s. 775.082, s.  
202 775.083, or s. 775.084.

203 Section 6. This act shall take effect October 1, 2018.

204  
205 ===== T I T L E A M E N D M E N T =====

206 And the title is amended as follows:

207 Delete everything before the enacting clause  
208 and insert:

209 A bill to be entitled  
210 An act relating to commercial motor vehicles; amending  
211 s. 316.302, F.S.; revising regulations to which owners  
212 and drivers of commercial motor vehicles are subject;  
213 delaying the requirement for electronic logging





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214 devices and support documents for certain intrastate  
215 motor carriers; deleting a limitation on a civil  
216 penalty for falsification of certain time records;  
217 deleting a requirement that a motor carrier maintain  
218 certain documentation of driving times; providing an  
219 exemption from specified provisions for a person who  
220 operates a commercial motor vehicle with a certain  
221 gross vehicle weight, gross vehicle weight rating, and  
222 gross combined weight rating; deleting the exemption  
223 from such provisions for a person transporting  
224 petroleum products; amending s. 320.01, F.S.; revising  
225 the definition of the term "apportionable vehicle";  
226 amending s. 320.06, F.S.; requiring a vehicle that has  
227 an apportioned registration to be issued, before a  
228 specified date, an annual license plate and a cab card  
229 denoting the declared gross vehicle weight; providing  
230 requirements, beginning on a specified date, for  
231 license plates, cab cards, and validation stickers for  
232 vehicles registered in accordance with the  
233 International Registration Plan; providing a specified  
234 fee for initial and renewed validation stickers;  
235 requiring the fee to be deposited into the Highway  
236 Safety Operating Trust Fund; authorizing a damaged or  
237 worn license plate to be replaced at no charge under  
238 certain circumstances; amending s. 320.0607, F.S.;  
239 providing an exemption, beginning on a specified date,  
240 from a certain fee for vehicles registered under the  
241 International Registration Plan; amending s. 812.014,  
242 F.S.; providing a criminal penalty for an offender



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243        committing grand theft who uses a device to interfere  
244        with a global positioning or similar system; providing  
245        an effective date.