



905658

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/18/2018	.	
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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, ~~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, ~~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.