

By Senator Hargrett

21-802-98

1                                   A bill to be entitled  
2           An act relating to commercial motor vehicles;  
3           amending s. 316.091, F.S.; providing that on  
4           specified highways certain commercial vehicles  
5           may drive only in certain lanes; amending s.  
6           316.302, F.S.; adopting federal motor carrier  
7           safety regulations; amending s. 316.545, F.S.;  
8           prescribing the penalty for operating an  
9           overweight or improperly registered commercial  
10          vehicle; providing an effective date.

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12 Be It Enacted by the Legislature of the State of Florida:

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14           Section 1. Subsection (5) is added to section 316.091,  
15 Florida Statutes, to read:

16           316.091 Limited access facilities; interstate  
17 highways; use restricted.--

18           (5) A person may drive a commercial motor vehicle  
19 having a gross vehicle weight of 26,001 pounds or more or 3  
20 axles or more, or a combination of vehicles weighing 26,001  
21 pounds or more, upon any limited access facility with six or  
22 more lanes only in the two right through lanes, except when  
23 exiting the facility. However, in congested urban areas the  
24 Department of Transportation may allow commercial motor  
25 vehicles to operate in additional lanes when necessary for the  
26 safe flow of traffic.

27           Section 2. Subsections (1) and (5) of section 316.302,  
28 Florida Statutes, are amended to read:

29           316.302 Commercial motor vehicles; safety regulations;  
30 transporters and shippers of hazardous materials;  
31 enforcement.--

1           (1)(a) All owners and drivers of commercial motor  
2 vehicles that are operated on the public highways of this  
3 state while engaged in interstate commerce are subject to the  
4 rules and regulations contained in 49 C.F.R. parts 40,382,  
5 383,385, 387,and 390-397.

6           (b) Except as otherwise provided in this section, all  
7 owners or drivers of commercial motor vehicles that are  
8 engaged in intrastate commerce are subject to the rules and  
9 regulations contained in 49 C.F.R. parts 40,382, 383,385,  
10 387,and 390-397, with the exception of 49 C.F.R. s. 390.5 as  
11 it relates to the definition of bus, as such rules and  
12 regulations existed on March 1, 1998 ~~1997~~.

13           (c) Except as provided in s. 316.215(5), and except as  
14 provided in s. 316.228 for rear overhang lighting and flagging  
15 requirements for intrastate operations, the requirements of  
16 this section supersede all other safety requirements of this  
17 chapter for commercial motor vehicles.

18           (5) The Department of Transportation may adopt and  
19 revise rules to assure the safe operation of commercial motor  
20 vehicles. The Department of Transportation may enter into  
21 cooperative agreements as provided in 49 C.F.R. part 388.  
22 Department of Transportation personnel may conduct motor  
23 carrier and shipper terminal audits only for the purpose of  
24 determining compliance with 49 C.F.R. parts 40,171, 172, 173,  
25 177, 178, 180, 382, 383, 385, 387,~~391, 393, 396,~~and 390-397  
26 ~~397; 49 C.F.R. s. 395.1(e)(5)~~and s. 627.7415.

27           Section 3. Paragraph (b) of subsection (2) of section  
28 316.545, Florida Statutes, is amended to read:

29           316.545 Weight and load unlawful; special fuel and  
30 motor fuel tax enforcement; inspection; penalty; review.--

31           (2)

1           (b) The officer shall inspect the license plate or  
2 registration certificate of the commercial vehicle, as defined  
3 in s. 316.003(66), to determine if its gross weight is in  
4 compliance with the declared gross vehicle weight. If its  
5 gross weight exceeds the declared weight, the penalty shall be  
6 5 cents per pound on the difference between such weights. In  
7 those cases when the commercial vehicle, as defined in s.  
8 316.003(66), is being operated over the highways of the state  
9 with an expired registration or with no registration from this  
10 or any other jurisdiction or is not registered under the  
11 applicable provisions of chapter 320, the penalty herein shall  
12 apply on the basis of 5 cents per pound on that scaled weight  
13 which exceeds 35,000 pounds on laden truck tractor-semitrailer  
14 combinations or tandem trailer truck combinations, 10,000  
15 pounds on laden straight trucks or straight truck-trailer  
16 combinations, or 10,000 pounds on any unladen commercial motor  
17 vehicle. The penalty imposed under this paragraph may not  
18 exceed \$1,000.In the case of special mobile equipment as  
19 defined in s. 316.003(48), which qualifies for the license tax  
20 provided for in s. 320.08(5)(b), being operated on the  
21 highways of the state with an expired registration or  
22 otherwise not properly registered under the applicable  
23 provisions of chapter 320, a penalty of \$75 shall apply in  
24 addition to any other penalty which may apply in accordance  
25 with this chapter. A vehicle found in violation of this  
26 section may be detained until the owner or operator produces  
27 evidence that the vehicle has been properly registered. Any  
28 costs incurred by the retention of the vehicle shall be the  
29 sole responsibility of the owner. A person who has been  
30 assessed a penalty pursuant to this paragraph for failure to  
31 have a valid vehicle registration certificate pursuant to the

1 provisions of chapter 320 is not subject to the delinquent fee  
2 authorized in s. 320.07 if such person obtains a valid  
3 registration certificate within 10 working days after such  
4 penalty was assessed.

5 Section 4. This act shall take effect July 1, 1998.

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SENATE SUMMARY

9 Provides that on limited access highways having six or  
10 more lanes, certain commercial motor vehicles may drive  
11 only in the two right through lanes, except as specified.  
12 Adopts federal motor carrier safety regulations.  
13 Prescribes the penalty for operating an overweight or  
14 improperly registered commercial vehicle.

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