

By the Committee on Transportation and Senator Hargrett

306-1686-98

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; authorizing audits of
8 intrastate motor carriers for drivers' hours of
9 service compliance; amending s. 316.545, F.S.;
10 prescribing the penalty for operating an
11 overweight or improperly registered commercial
12 vehicle; amending s. 320.01, F.S.; defining the
13 term "agricultural products"; amending s.
14 320.055, F.S.; providing for staggered fleet
15 registration; amending s. 320.0657, F.S.;
16 defining the term "fleet"; providing
17 registration fees; providing penalties for late
18 or improper registration; repealing s. 320.065,
19 F.S., which requires permanent registration for
20 certain agricultural vehicles; providing an
21 effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsection (5) is added to section 316.091,
26 Florida Statutes, to read:

27 316.091 Limited access facilities; interstate
28 highways; use restricted.--

29 (5) A person may drive a commercial motor vehicle
30 having a gross vehicle weight of 26,001 pounds or more or 3
31 axles or more, or a combination of vehicles weighing 26,001

1 pounds or more, upon any limited access facility with six or
2 more lanes only in the two right through lanes, except when
3 exiting the facility. However, in congested urban areas the
4 Department of Transportation may allow commercial motor
5 vehicles to operate in additional lanes when necessary for the
6 safe flow of traffic.

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

9 316.302 Commercial motor vehicles; safety regulations;
10 transporters and shippers of hazardous materials;
11 enforcement.--

12 (1)(a) All owners and drivers of commercial motor
13 vehicles that are operated on the public highways of this
14 state while engaged in interstate commerce are subject to the
15 rules and regulations contained in 49 C.F.R. parts 40,382,
16 383,385, 387,and 390-397.

17 (b) Except as otherwise provided in this section, all
18 owners or drivers of commercial motor vehicles that are
19 engaged in intrastate commerce are subject to the rules and
20 regulations contained in 49 C.F.R. parts 40,382, 383,385,
21 387,and 390-397, with the exception of 49 C.F.R. s. 390.5 as
22 it relates to the definition of bus, as such rules and
23 regulations existed on March 1, 1998 ~~1997~~.

24 (c) Except as provided in s. 316.215(5), and except as
25 provided in s. 316.228 for rear overhang lighting and flagging
26 requirements for intrastate operations, the requirements of
27 this section supersede all other safety requirements of this
28 chapter for commercial motor vehicles.

29 (5) The Department of Transportation may adopt and
30 revise rules to assure the safe operation of commercial motor
31 vehicles. The Department of Transportation may enter into

1 cooperative agreements as provided in 49 C.F.R. part 388.
2 Department of Transportation personnel may conduct motor
3 carrier and shipper terminal audits only for the purpose of
4 determining compliance with 49 C.F.R. parts 40,171, 172, 173,
5 177, 178, 180, 382, 383, 385, 387,391, 393, 396,and 390-397,
6 subsection (2),397; ~~49 C.F.R. s. 395.1(e)(5);~~and s.
7 627.7415.

8 Section 3. Paragraph (b) of subsection (2) of section
9 316.545, Florida Statutes, is amended to read:

10 316.545 Weight and load unlawful; special fuel and
11 motor fuel tax enforcement; inspection; penalty; review.--

12 (2)

13 (b) The officer shall inspect the license plate or
14 registration certificate of the commercial vehicle, as defined
15 in s. 316.003(66), to determine if its gross weight is in
16 compliance with the declared gross vehicle weight. If its
17 gross weight exceeds the declared weight, the penalty shall be
18 5 cents per pound on the difference between such weights. In
19 those cases when the commercial vehicle, as defined in s.
20 316.003(66), is being operated over the highways of the state
21 with an expired registration or with no registration from this
22 or any other jurisdiction or is not registered under the
23 applicable provisions of chapter 320, the penalty herein shall
24 apply on the basis of 5 cents per pound on that scaled weight
25 which exceeds 35,000 pounds on laden truck tractor-semitrailer
26 combinations or tandem trailer truck combinations, 10,000
27 pounds on laden straight trucks or straight truck-trailer
28 combinations, or 10,000 pounds on any unladen commercial motor
29 vehicle. The penalty imposed under this paragraph may not
30 exceed \$1,000.In the case of special mobile equipment as
31 defined in s. 316.003(48), which qualifies for the license tax

1 provided for in s. 320.08(5)(b), being operated on the
2 highways of the state with an expired registration or
3 otherwise not properly registered under the applicable
4 provisions of chapter 320, a penalty of \$75 shall apply in
5 addition to any other penalty which may apply in accordance
6 with this chapter. A vehicle found in violation of this
7 section may be detained until the owner or operator produces
8 evidence that the vehicle has been properly registered. Any
9 costs incurred by the retention of the vehicle shall be the
10 sole responsibility of the owner. A person who has been
11 assessed a penalty pursuant to this paragraph for failure to
12 have a valid vehicle registration certificate pursuant to the
13 provisions of chapter 320 is not subject to the delinquent fee
14 authorized in s. 320.07 if such person obtains a valid
15 registration certificate within 10 working days after such
16 penalty was assessed.

17 Section 4. Subsection (42) is added to section 320.01,
18 Florida Statutes, to read:

19 320.01 Definitions, general.--As used in the Florida
20 Statutes, except as otherwise provided, the term:

21 (42) "Agricultural products" means any food product;
22 any agricultural, horticultural, or livestock product; any raw
23 material used in plant food formulation; or any plant food
24 used to produce food and fiber.

25 Section 5. Subsection (8) is added to section 320.055,
26 Florida Statutes, to read:

27 320.055 Registration periods; renewal periods.--The
28 following registration periods and renewal periods are
29 established:

30 (8) For those vehicles subject to registration under
31 s. 320.0657, the department shall implement a system that

1 distributes the registration renewal process throughout the
2 year.

3 Section 6. Section 320.0657, Florida Statutes, is
4 amended to read:

5 320.0657 Permanent registration; fleet license
6 plates.--

7 (1) For purposes of this section, the term "fleet"
8 means nonapportioned motor vehicles owned or leased by a
9 company and used for business purposes. Vehicle numbers
10 comprising a "fleet" shall be established by the Department of
11 Highway Safety and Motor Vehicles. Vehicles registered as
12 short-term rental vehicles are excluded from the provisions of
13 this section.

14 ~~(1)(a) The owner or lessee of 250 or more~~
15 ~~nonapportioned commercial motor vehicles licensed under s.~~
16 ~~320.08(2), (3), (4), (5)(a)1. and (b), and (7), who has posted~~
17 ~~a bond as prescribed by department rules, may apply via~~
18 ~~magnetically encoded computer tape reel or cartridge which is~~
19 ~~machine readable by the installed computer system at the~~
20 ~~department for permanent license plates. All vehicles with a~~
21 ~~fleet license plate shall have the company's name or logo and~~
22 ~~unit number displayed so that they are readily identifiable.~~
23 ~~The provisions of s. 320.0605 shall not apply to vehicles~~
24 ~~registered in accordance with this section, and no annual~~
25 ~~validation sticker is required.~~

26 (2)(a) The owner or lessee of a fleet of motor
27 vehicles shall, upon application in the manner and at the
28 time prescribed and upon approval by the department and
29 payment of the license tax prescribed under s. 320.08(2), (3),
30 (4), (5)(a) and (b), (6)(a), (7), and (8), be issued permanent
31 fleet license plates. All vehicles with a fleet license plate

1 shall have the company's name or logo and unit number
2 displayed so that they are readily identifiable. The
3 provisions of s. 320.0605 do not apply to vehicles registered
4 in accordance with this section, and no annual validation
5 sticker is required.

6 (b) The plates, which shall be of a distinctive color,
7 shall have the word "Fleet" appearing at the bottom and the
8 word "Florida" appearing at the top. The plates shall conform
9 in all respects to the provisions of this chapter, except as
10 specified herein.

11 (c) In addition to the license tax prescribed by s.
12 320.08(2), (3), (4), (5)(a) and (b), (6)(a), (7), and (8), an
13 annual fleet management fee of \$2 shall be charged. A one-time
14 license plate manufacturing fee of \$1.50 shall be charged for
15 plates issued for the established number of vehicles in the
16 fleet. If the size of the fleet is increased, a
17 \$20-per-vehicle issuance fee will be charged to include the
18 license plate manufacturing fee. If the license plate
19 manufacturing cost increases, the department shall increase
20 the license-plate manufacturing fee to recoup its cost. Fees
21 collected shall be deposited into the Highway Safety Operating
22 Trust Fund. Payment of registration license tax and fees shall
23 be made annually and be evidenced only by the issuance of a
24 single receipt by the department. The provisions of s.
25 320.0605 do not apply to vehicles registered in accordance
26 with this section, and no annual validation sticker is
27 required.

28 ~~(c) In addition to the license tax prescribed by s.~~
29 ~~320.08(2), (3), (4), (5)(a)1. and (b), and (7), an annual fee~~
30 ~~of \$6 shall be charged for each vehicle registered hereunder.~~
31 ~~Of this \$6 fee, \$2.50 shall be retained as a service charge by~~

1 ~~the tax collector, if the registration occurs at such office,~~
2 ~~or by the department, if the registration occurs at offices of~~
3 ~~the department. Receipts from the \$6 fee not retained by tax~~
4 ~~collectors shall be deposited into the Highway Safety~~
5 ~~Operating Trust Fund. Payment of registration license tax and~~
6 ~~fees shall be made annually and be evidenced only by the~~
7 ~~issuance of a single receipt by the department. Half-year~~
8 ~~registrations shall not be available for vehicles registered~~
9 ~~in accordance with the provisions of this section. The~~
10 ~~provision of s. 320.06(1)(b) shall not apply to the fleet~~
11 ~~renewal process.~~

12 ~~(2) All recipients of permanent license plates~~
13 ~~authorized by this section shall submit an annual audit as~~
14 ~~prescribed by rule of the department. Such audit shall include~~
15 ~~a percentage of the vehicles registered by each owner or~~
16 ~~lessee, not to exceed 10 percent. The department shall~~
17 ~~randomly select the vehicles to be audited and shall forward a~~
18 ~~listing of said vehicles only to the office of the auditor~~
19 ~~performing the audit. Every attempt shall be made to provide~~
20 ~~for groupings of vehicles based in the same location; however,~~
21 ~~the location shall change from year to year. The audit shall~~
22 ~~be prepared by a certified public accountant licensed under~~
23 ~~chapter 473, at the recipient's expense, and shall be~~
24 ~~performed to standards prescribed by the department. Such~~
25 ~~audits shall be delivered to the department on or before~~
26 ~~February 15 of each calendar year. Any fees or taxes which the~~
27 ~~audit determines are due the department shall be submitted to~~
28 ~~the department along with such audit. In addition, any company~~
29 ~~found to be habitually abusing the privileges afforded by~~
30 ~~permanent licensure shall forfeit the bond required in~~
31 ~~subsection (1), and may be required by the department to~~

1 ~~relinquish all permanent license plates, and not be eligible~~
2 ~~to continue to participate in the program.~~

3 (3) The department is authorized to adopt such rules
4 as necessary to comply with this section.

5 (4) If a recipient of fleet license plates fails to
6 properly and timely renew or initially register vehicles in
7 its fleet, the department may impose a delinquency penalty of
8 \$50 or 10 percent of the delinquent taxes due, whichever is
9 greater, if the failure is for not more than 30 days, with an
10 additional 10 percent penalty for each additional 30 days, or
11 fraction thereof, during the time the failure continues, not
12 to exceed a total penalty of 100 percent in the aggregate.
13 However, the penalty may not be less than \$50.

14 (5) All recipients of fleet license plates authorized
15 by this section must provide the department with an annual
16 vehicle reconciliation and must annually surrender all
17 unassigned license plates. Failure to comply may result in
18 finances of up to \$1,000 for each occurrence or in suspension or
19 termination from the fleet program.

20 Section 7. Section 320.065, Florida Statutes, is
21 repealed.

22 Section 8. This act shall take effect July 1, 1998.

23
24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
25 COMMITTEE SUBSTITUTE FOR
26 SB 844

27 The CS provides for the registration of fleet vehicles. The
28 Department of Highway Safety and Motor Vehicles will set the
29 number of vehicles which comprise a fleet. The CS provides
fees for such registration and penalties for late
registration.

30 The CS also authorizes a terminal audit of motor carriers for
31 compliance with the drivers hours of service law.