

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. 320.01, F.S.;  
10          defining the term "agricultural products";  
11          amending s. 320.055, F.S.; providing for  
12          staggered fleet registration; amending s.  
13          320.0657, F.S.; defining the term "fleet";  
14          providing registration fees; providing  
15          penalties for late or improper registration;  
16          repealing s. 320.065, F.S., which requires  
17          permanent registration for certain agricultural  
18          vehicles; providing an effective date.

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

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

24           316.091 Limited access facilities; interstate  
25 highways; use restricted.--

26           (5) A person may drive a commercial motor vehicle  
27 having a gross vehicle weight of 26,001 pounds or more or 3  
28 axles or more, or a combination of vehicles weighing 26,001  
29 pounds or more, upon any limited access facility with six or  
30 more lanes only in the two right through lanes, except when  
31 exiting the facility. However, in congested urban areas the

1 Department of Transportation may allow commercial motor  
2 vehicles to operate in additional lanes when necessary for the  
3 safe flow of traffic.

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

6 316.302 Commercial motor vehicles; safety regulations;  
7 transporters and shippers of hazardous materials;  
8 enforcement.--

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

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

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

26 (5) The Department of Transportation may adopt and  
27 revise rules to assure the safe operation of commercial motor  
28 vehicles. The Department of Transportation may enter into  
29 cooperative agreements as provided in 49 C.F.R. part 388.  
30 Department of Transportation personnel may conduct motor  
31 carrier and shipper terminal audits only for the purpose of

1 determining compliance with 49 C.F.R. parts 40,171, 172, 173,  
2 177, 178, 180, 382, 383, 385, 387,391, 393, 396,and 390-397,  
3 subsection (2),397; ~~49 C.F.R. s. 395.1(e)(5)~~and s.  
4 627.7415.

5 Section 3. Subsection (42) is added to section 320.01,  
6 Florida Statutes, to read:

7 320.01 Definitions, general.--As used in the Florida  
8 Statutes, except as otherwise provided, the term:

9 (42) "Agricultural products" means any food product;  
10 any agricultural, horticultural, or livestock product; any raw  
11 material used in plant food formulation; or any plant food  
12 used to produce food and fiber.

13 Section 4. Subsection (8) is added to section 320.055,  
14 Florida Statutes, to read:

15 320.055 Registration periods; renewal periods.--The  
16 following registration periods and renewal periods are  
17 established:

18 (8) For those vehicles subject to registration under  
19 s. 320.0657, the department shall implement a system that  
20 distributes the registration renewal process throughout the  
21 year.

22 Section 5. Section 320.0657, Florida Statutes, is  
23 amended to read:

24 320.0657 Permanent registration; fleet license  
25 plates.--

26 (1) For purposes of this section, the term "fleet"  
27 means nonapportioned motor vehicles owned or leased by a  
28 company and used for business purposes. Vehicle numbers  
29 comprising a "fleet" shall be established by the Department of  
30 Highway Safety and Motor Vehicles. Vehicles registered as  
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1 short-term rental vehicles are excluded from the provisions of  
2 this section.

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

15 (2)(a) The owner or lessee of a fleet of motor  
16 vehicles shall, upon application in the manner and at the  
17 time prescribed and upon approval by the department and  
18 payment of the license tax prescribed under s. 320.08(2), (3),  
19 (4), (5)(a) and (b), (6)(a), (7), and (8), be issued permanent  
20 fleet license plates. All vehicles with a fleet license plate  
21 shall have the company's name or logo and unit number  
22 displayed so that they are readily identifiable. The  
23 provisions of s. 320.0605 do not apply to vehicles registered  
24 in accordance with this section, and no annual validation  
25 sticker is required.

26 (b) The plates, which shall be of a distinctive color,  
27 shall have the word "Fleet" appearing at the bottom and the  
28 word "Florida" appearing at the top. The plates shall conform  
29 in all respects to the provisions of this chapter, except as  
30 specified herein.

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

18           ~~(c) In addition to the license tax prescribed by s.~~  
19 ~~320.08(2), (3), (4), (5)(a)1. and (b), and (7), an annual fee~~  
20 ~~of \$6 shall be charged for each vehicle registered hereunder.~~  
21 ~~Of this \$6 fee, \$2.50 shall be retained as a service charge by~~  
22 ~~the tax collector, if the registration occurs at such office,~~  
23 ~~or by the department, if the registration occurs at offices of~~  
24 ~~the department. Receipts from the \$6 fee not retained by tax~~  
25 ~~collectors shall be deposited into the Highway Safety~~  
26 ~~Operating Trust Fund. Payment of registration license tax and~~  
27 ~~fees shall be made annually and be evidenced only by the~~  
28 ~~issuance of a single receipt by the department. Half-year~~  
29 ~~registrations shall not be available for vehicles registered~~  
30 ~~in accordance with the provisions of this section. The~~  
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1 ~~provision of s. 320.06(1)(b) shall not apply to the fleet~~  
2 ~~renewal process.~~

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

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

27 (4) If a recipient of fleet license plates fails to  
28 properly and timely renew or initially register vehicles in  
29 its fleet, the department may impose a delinquency penalty of  
30 \$50 or 10 percent of the delinquent taxes due, whichever is  
31 greater, if the failure is for not more than 30 days, with an

1 additional 10 percent penalty for each additional 30 days, or  
2 fraction thereof, during the time the failure continues, not  
3 to exceed a total penalty of 100 percent in the aggregate.  
4 However, the penalty may not be less than \$50.

5 (5) All recipients of fleet license plates authorized  
6 by this section must provide the department with an annual  
7 vehicle reconciliation and must annually surrender all  
8 unassigned license plates. Failure to comply may result in  
9 finest of up to \$1,000 for each occurrence or in suspension or  
10 termination from the fleet program.

11 Section 6. Section 320.065, Florida Statutes, is  
12 repealed.

13 Section 7. This act shall take effect July 1, 1998.  
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