

Amendment No. 01s (for drafter's use only)

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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11 The Committee on Judiciary offered the following:

12

13 **Amendment**

14 Remove from the bill: Everything after the enacting clause

15

16 and insert in lieu thereof:

17 Section 1. Section 316.520, Florida Statutes, is
18 amended to read:

19 316.520 Loads on vehicles.--

20 (1) A vehicle may not be driven or moved on any
21 highway unless the vehicle is so constructed or loaded as to
22 prevent any of its load from dropping, shifting, leaking
23 hazardous material, blowing, or otherwise escaping therefrom,
24 except that sand may be dropped only for the purpose of
25 securing traction or water or other substance may be sprinkled
26 on a roadway in cleaning or maintaining the roadway.

27 (2) It is the duty of every owner and driver, jointly
28 and severally, of any vehicle hauling, upon any public road or
29 highway open to the public, dirt, sand, lime rock, gravel,
30 silica, or other similar aggregate or trash, garbage, any
31 inanimate object or objects, or any similar material that

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1 could fall or blow from such vehicle, to prevent such
2 materials from falling, blowing, or in any way escaping from
3 such vehicle. Covering and securing the load with a
4 close-fitting tarpaulin or other appropriate cover or a
5 load-securing device meeting the requirements of 49 C.F.R.
6 393.100 is required, and shall constitute compliance with this
7 section.

8 (3)(a) A violation of subsections (1) and (2)~~this~~
9 ~~section~~ is a noncriminal traffic infraction, punishable as a
10 nonmoving violation as provided in chapter 318. A violation of
11 paragraph (b) is a moving violation as provided in chapter
12 318.

13 (b) Any person who knowingly or with reckless
14 disregard violates the provisions of this section which
15 offense results in bodily injury or death to an individual and
16 which offense occurs as a result of failing to comply with
17 subsections (1) and (2) of this section is guilty of a
18 misdemeanor of the first degree, punishable as provided in s.
19 775.082 or s. 775.083.

20 (4) This section does not apply to the driver of a
21 commercial motor vehicle, as defined in s. 316.003(66), under
22 the following circumstances:

23 (a) The owner of the vehicle fails to provide the
24 required tarpaulin or other appropriate load-securement
25 device;

26 (b) The vehicle is improperly loaded through no fault
27 of the driver; or

28 (c) The driver is prevented by the owner from properly
29 securing the load on the vehicle.

30 Section 2. Subsection (12) is added to section 318.18,
31 Florida Statutes, to read:

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1 318.18 Amount of civil penalties.--The penalties
2 required for a noncriminal disposition pursuant to s. 318.14
3 are as follows:

4 (12) One hundred dollars for a violation of s.
5 316.520(1) or (2). If, at a hearing, the alleged offender is
6 found to have committed this offense, the court shall impose a
7 minimum civil penalty of \$100; for each subsequent offense
8 within a period of 5 years, the department may suspend the
9 driver's license of the person for not more than 1 year.

10 Section 3. Section 318.19, Florida Statutes, is
11 amended to read:

12 318.19 Infractions requiring a mandatory hearing.--Any
13 person cited for the infractions listed in this section shall
14 not have the provisions of s. 318.14(2), (4), and (9)
15 available to him or her but must appear before the designated
16 official at the time and location of the scheduled hearing:

17 (1) Any infraction which results in a crash that
18 causes the death of another; or

19 (2) Any infraction which results in a crash that
20 causes "serious bodily injury" of another as defined in s.
21 316.1933(1); or

22 (3) Any infraction of s. 316.172(1)(b); ~~or~~

23 (4) Any infraction of s. 316.520(3)(b).

24 Section 4. Subsection (13) is added to section 318.21,
25 Florida Statutes, to read:

26 318.21 Disposition of civil penalties by county
27 courts.--All civil penalties received by a county court
28 pursuant to the provisions of this chapter shall be
29 distributed and paid monthly as follows:

30 (13) The proceeds of each fine collected for a
31 violation of s. 316.520 shall be paid to the Highway Safety

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1 Operating Trust Fund and must be used to educate the public
2 about the hazards of driving with unsecured loads.
3 Section 5. This act shall take effect upon becoming a
4 law.
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