

By the Committee on Transportation and Representative
Villalobos

1 A bill to be entitled
2 An act relating to highway safety; amending s.
3 316.520, F.S.; providing for criminal penalties
4 for failure to secure loads on vehicles under
5 certain circumstances; amending s. 318.18,
6 F.S.; providing a minimum penalty for
7 violations of s. 316.520, F.S.; amending s.
8 318.19, F.S.; providing a mandatory hearing for
9 violations of s. 316.520, F.S.; amending s.
10 318.21, F.S.; providing that the fines
11 collected for a violation of s. 316.520, F.S.,
12 shall be used to educate the public about the
13 hazards of driving with unsecured loads;
14 providing an effective date.

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16 WHEREAS, because of the many incidents of debris found
17 on our roadways, and the possibility and likelihood of more
18 crashes and injuries caused by such debris, and

19 WHEREAS, many construction vehicles, landscape
20 vehicles, and vehicles used by the general public are driven
21 or moved with unsecured loads, and

22 WHEREAS, the safety of the motoring public depends upon
23 load securement in order to provide a safe driving environment
24 by removing the risks inherent in transporting unsecured loads
25 upon the public roads, streets, and highways of Florida, NOW,
26 THEREFORE,

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

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30 Section 1. Section 316.520, Florida Statutes, is
31 amended to read:

1 316.520 Loads on vehicles.--
2 (1) A vehicle may not be driven or moved on any
3 highway unless the vehicle is so constructed or loaded as to
4 prevent any of its load from dropping, shifting, leaking
5 hazardous material, blowing, or otherwise escaping therefrom,
6 except that sand may be dropped only for the purpose of
7 securing traction or water or other substance may be sprinkled
8 on a roadway in cleaning or maintaining the roadway.
9 (2) It is the duty of every owner and driver, joint
10 and severally, of any vehicle hauling, upon any public road or
11 highway open to the public, dirt, sand, lime rock, gravel,
12 silica, or other similar aggregate or trash, garbage, any
13 inanimate object or objects, or any similar material that
14 could fall or blow from such vehicle, to prevent such
15 materials from falling, blowing, or in any way escaping from
16 such vehicle. Covering and securing the load with a
17 close-fitting tarpaulin or other appropriate cover or a
18 load-securing device meeting the requirements of 49 C.F.R.
19 393.100 is required.
20 (3)(a) A violation of subsections (1) and (2)~~this~~
21 ~~section~~ is a noncriminal traffic infraction, punishable as a
22 nonmoving violation as provided in chapter 318. A violation of
23 paragraph (b) is a moving violation as provided in chapter
24 318.
25 (b) Any person who violates the provisions of this
26 section which offense results in bodily injury or death to an
27 individual or damage to another motor vehicle or other damage
28 in excess of \$1,000 and which offense occurs as a result of
29 failing to comply with subsections (1) and (2) of this section
30 commits a criminal traffic offense and shall, upon conviction,
31 be punished by imprisonment in the county jail for a period

1 not to exceed 1 year, or by fine not to exceed \$1,000, or by
2 both such fine and imprisonment.

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

6 (a) The owner of the vehicle fails to provide the
7 required tarpaulin or other appropriate load-securement
8 device;

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

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

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14 In those circumstances, the owner of the vehicle is the
15 responsible party. The court shall determine whether the
16 driver or owner is responsible for the violation.

17 (5) This section is not intended to create a private
18 cause of action and any conviction, assessment of a fine, or
19 other penalty is inadmissible for any purpose in any civil
20 proceeding. Any person who attempts to bring a civil action or
21 attempts to admit into evidence any conviction, imposition of
22 a fine or other penalty, or any other finding under this
23 section is required to pay all attorney's fees and costs
24 incurred by any opposing party in defending or opposing this
25 action.

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

28 318.18 Amount of civil penalties.--The penalties
29 required for a noncriminal disposition pursuant to s. 318.14
30 are as follows:

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

7 Section 3. Section 318.19, Florida Statutes, is
8 amended to read:

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

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

16 (2) Any infraction which results in a crash that
17 causes "serious bodily injury" of another as defined in s.
18 316.1933(1); or

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

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

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

23 318.21 Disposition of civil penalties by county
24 courts.--All civil penalties received by a county court
25 pursuant to the provisions of this chapter shall be
26 distributed and paid monthly as follows:

27 (13) The proceeds of each fine collected for a
28 violation of s. 316.520 shall be paid to the Highway Safety
29 Operating Trust Fund and must be used to educate the public
30 about the hazards of driving with unsecured loads.

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1 Section 5. This act shall take effect upon becoming a
2 law.
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