

By Senator Diaz-Balart

37-130-00

See HB

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 a portion of the
11 fines collected for a violation of s. 316.520,
12 F.S., shall be used to educate the public about
13 the 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 blowing, or otherwise escaping therefrom, except that sand may
6 be dropped only for the purpose of securing traction or water
7 or other substance may be sprinkled on a roadway in cleaning
8 or maintaining the roadway.

9 (2) It is the duty of every owner and driver,
10 individually and severally, of any vehicle hauling, upon any
11 public road or highway open to the public, dirt, sand, lime
12 rock, gravel, silica, or other similar aggregate or trash,
13 garbage, any inanimate object or objects, or any similar
14 material that could fall or blow from such vehicle, to prevent
15 such materials from falling, blowing, or in any way escaping
16 from such vehicle. Covering and securing the load with a
17 close-fitting tarpaulin or other appropriate cover is
18 required.

19 (3)(a) Except as provided in paragraph (b), a
20 violation of this section is a noncriminal traffic infraction,
21 punishable as a nonmoving violation as provided in chapter
22 318.

23 (b) Any person who violates the provisions of this
24 section which offense results in personal injury to an
25 individual or damage to another motor vehicle or other damage
26 in excess of \$500 and which offense occurs as a result of
27 failing to comply with subsections (1) and (2) of this section
28 commits a criminal traffic offense and shall, upon conviction,
29 be punished by imprisonment in the county jail for a period
30 not to exceed 1 year, or by fine not to exceed \$1,000, or by
31 both such fine and imprisonment.

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

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

6 (12) One hundred dollars for a violation of s.
7 316.520(1) or (2). If, at a hearing, the alleged offender is
8 found to have committed this offense, the court shall impose a
9 minimum civil penalty of \$100; for each subsequent offense
10 within a period of 5 years, the department shall suspend the
11 driver's license of the person for not less than 180 days and
12 not more than 1 year.

13 Section 3. Section 318.19, Florida Statutes, is
14 amended to read:

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

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

22 (2) Any infraction which results in a crash that
23 causes "serious bodily injury" of another as defined in s.
24 316.1933(1); or

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

26 (4) Any infraction of s. 316.520(1) or (2).

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

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

3 (13) Twenty-five dollars of each fine collected for a
4 violation of s. 315.520 shall be paid to the Highway Safety
5 Operating Trust Fund and must be used to educate the public
6 about the hazards of driving with unsecured loads.

7 Section 5. This act shall take effect upon becoming a
8 law.

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11 LEGISLATIVE SUMMARY

12 Provides that any person who violates s. 316.520, F.S.,
13 relating to loads on motor vehicles, which offense results in
14 personal injury to an individual or damage to another motor
15 vehicle or other damage in excess of \$500 and which offense
16 occurs as a result of failure to comply with the requirements
17 of the section commits a criminal traffic offense, punishable
18 by a term of imprisonment not to exceed 1 year or by a fine
19 not to exceed \$1,000 or by both such fine and imprisonment.
20 (See bill for details.)

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