

Amendment No. 001 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Transportation offered the following:

**Amendment (with directory language and title amendments)**

On page 6, between lines 26 and 27,

insert: (8) For the purpose of enforcing this section, any agent law enforcement officer of the Department of Transportation ~~described in s. 316.545(9), any member of the Florida Highway Patrol, or any person employed by a sheriff's office or municipal police department who is authorized to enforce the traffic laws of this state pursuant to s. 316.640 may enforce the provisions of this section. Any officer of the Department of Transportation described in s. 316.545(9), any member of the Florida Highway Patrol, or any law enforcement officer employed by a sheriff's office or municipal police department authorized to enforce the traffic laws of this state pursuant to s. 316.640, who has reason to believe that a vehicle or driver is operating in an unsafe condition, may require the driver to stop and submit to an inspection of the vehicle or the driver's records. Any person~~

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1 ~~who fails to comply with an officer's request to submit to an~~  
2 ~~inspection under this subsection is guilty of a violation of~~  
3 ~~s. 843.02, if the driver resists the officer without violence~~  
4 ~~or a violation of s. 843.01 if the driver resists the officer~~  
5 ~~with violence~~ or its agent, or any other law enforcement  
6 officer specified in s. 316.640 who holds a current safety  
7 inspector certification from the Commercial Vehicle Safety  
8 Alliance, may require the driver of any commercial vehicle  
9 operated on the highways of this state to stop and submit to  
10 an inspection of the vehicle or the driver's records. If the  
11 vehicle or driver is found to be operating in an unsafe  
12 condition, or if any required part or equipment is not present  
13 or is not in proper repair or adjustment, and the continued  
14 operation would ~~probably~~ present an unduly hazardous operating  
15 condition, the officer may require the vehicle and/or driver  
16 be removed from service pursuant to the North American Uniform  
17 Out-of-Service Criteria, until corrected. However, if  
18 continuous operation would not present an unduly hazardous  
19 operating condition, the officer may give written notice to  
20 requiring proper repair and adjustment of the vehicle  
21 correction of the condition within 14 days.

22 (a) Any member of the Florida Highway Patrol, or any  
23 law enforcement officer employed by a sheriff's office or  
24 municipal police department authorized to enforce the traffic  
25 laws of this state pursuant to s. 316.640, who has reason to  
26 believe that a vehicle or driver is operating in an unsafe  
27 condition, may as provided in subsection (10), enforce the  
28 provisions of this section.

29 (b) Any person who fails to comply with an officer's  
30 request to submit to an inspection under this subsection is  
31 guilty of a violation of s. 843.02 if the driver resists the

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1 officer without violence or a violation of s. 843.01 if the  
2 driver resists the officer with violence.

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5 == D I R E C T O R Y L A N G U A G E A M E N D M E N T ==  
6 And the directory language is amended as follows:

7 On page 6, lines 14-15,  
8 remove: all of said lines,

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10 and insert in lieu thereof: Section 3. Paragraph (b) of  
11 subsection (1), and subsection (8), of section 316.302,  
12 Florida Statutes, are amended to read:

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15 ===== T I T L E A M E N D M E N T =====  
16 And the title is amended as follows:

17 On page 1, line 18, after the semicolon,

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19 insert:

20 authorizing the department's Motor Carrier  
21 Compliance officers, and other specified law  
22 enforcement officers holding a safety inspector  
23 certification from the Commercial Vehicle  
24 Safety Alliance, to stop commercial motor  
25 vehicles for the purpose of vehicle and driver  
26 records inspection; requiring that unsafe  
27 vehicles or drivers be removed from service,  
28 under certain conditions;

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