

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB's 164 and 714

SPONSOR: Transportation Committee and Senators Geller and Wasserman Schultz

SUBJECT: Commercial Motor Vehicles

DATE: March 25, 2003

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McAuliffe</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/Combined CS</u>
2.	_____	_____	<u>CM</u>	_____
3.	_____	_____	<u>CJ</u>	_____
4.	_____	_____	<u>JU</u>	_____
5.	_____	_____	<u>ATD</u>	_____
6.	_____	_____	<u>AP</u>	_____
8.	_____	_____	<u>RC</u>	_____

## I. Summary:

The CS provides any person engaged in the retrofitting, rebuilding or modifying of commercial trucks, truck tractors or heavy trucks, as defined in s. 320.01, F.S., into dump trucks must have evidence such person is insured under a garage liability insurance policy, which must include, at a minimum, \$1,000,000 combined single-limit liability coverage including bodily injury and property damage protection, and \$500,000 personal injury protection. Evidence of such insurance policy must be available at all reasonable hours for inspection by any law enforcement officer.

The CS further provides any person engaged in the retrofitting, rebuilding or modifying of commercial trucks, truck tractors or heavy trucks into dump trucks must ensure all such retrofitted, rebuilt or modified dump trucks comply with all federal safety standards provided in 49 C.F.R. 393.

Any person violating these provisions commits a misdemeanor of the second degree. Any person violating these provision a second time commits a misdemeanor of the first degree, and any person violating these provisions a third or subsequent time commits a felony of the third degree.

This CS creates s. 316.570 of the Florida Statutes.

## II. Present Situation:

Title 49 Part 393, Code of Federal Regulations (49 C.F.R. part 393), provides federal safety and equipment requirements for commercial motor vehicles. Title 49, Part 393 C.F.R. regulates

lighting and reflective requirements, electrical systems, braking requirements, tires, coupling devices, mirrors, emergency equipment, load securement, front end structure, suspension systems, frames, steering wheel systems, and other equipment and safety requirements for commercial motor vehicles. The CFR further requires every employer and employee to comply and understand the requirements and specifications provided in the CFR, and no employer may operate a commercial motor vehicle, or cause or permit it to be operated, unless it is equipped in accordance with the requirements and specifications of the CFR.

Section 316.302, F.S., provides all owners and drivers of commercial motor vehicles that are operated on the public highways of this state while engaged in interstate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382 (drug and alcohol testing requirements), 385 (safety fitness procedures), and 390-397 (general safety and hazardous materials requirements).

Newly manufactured commercial motor vehicles are not inspected by any government agency prior to being sold. However, the manufacturer is responsible for ensuring the vehicle is in compliance with federal safety requirements. Likewise, when a vehicle is converted from a truck-tractor into a dump truck there is no inspection to ensure such vehicles comply with federal safety standards.

The point when defects would be detected in a commercial motor vehicle is when such vehicle is inspected by an officer from the OMCC. The OMCC is charged with enforcing federal and state commercial motor vehicle and driver safety regulations by performing vehicle inspections. The OMCC's safety enforcement responsibility also includes inspections of hazardous materials vehicles and passenger buses. These inspections are conducted both on the roadside and at OMCC weigh stations throughout the state. This allows the officers to detect possible vehicle defects and driver deficiencies that could lead to commercial motor vehicle traffic crashes.

### **III. Effect of Proposed Changes:**

This CS defines a dump truck as any motor vehicle with a net weight of more than 5,000 pounds, which is registered on the basis of gross vehicle weight in accordance with s. 320.08(4), F.S., and which is properly equipped with a container used for transporting and dumping various materials, resources or items. "Person" is defined by the CS as any form of corporation, limited liability company, partnership, association, cooperative, joint venture, business trust, sole proprietorship or self employed person that conducts business in this state.

The CS provides any person engaged in the retrofitting, rebuilding or modifying of commercial trucks, truck tractors or heavy trucks, as defined in s. 320.01, F.S., into dump trucks must have evidence such person is insured under a garage liability insurance policy, which must include, at a minimum, \$1,000,000 combined single-limit liability coverage including bodily injury and property damage protection, and \$500,000 personal injury protection. Evidence of such insurance policy must be available at all reasonable hours for inspection by any law enforcement officer.

The CS further provides any person engaged in the retrofitting, rebuilding or modifying of commercial trucks, truck tractors or heavy trucks into dump trucks must ensure all such

retrofitted, rebuilt or modified dump trucks comply with all federal safety standards provided in 49 C.F.R. 393.

Any person violating these provisions commits a misdemeanor of the second degree, punishable by up to six months in jail, and a fine not to exceed \$500. Any person violating these provisions a second time commits a misdemeanor of the first degree, punishable by up to one year in jail and a \$1,000 fine. Any person violating these provisions a third or subsequent time, commits a felony of the third degree, punishable by up to 5 years in jail, a fine of \$5,000, and enhanced penalties for habitual felony offenders.

This CS takes effect October 1, 2003.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Any persons engaged in the business of retrofitting, rebuilding or modifying commercial trucks, truck tractors or heavy trucks, as defined in s. 320.01, into dump trucks must have evidence such person is insured under a garage liability insurance policy, which must include, at a minimum, \$1,000,000 combined single-limit liability coverage including bodily injury and property damage protection, and \$500,000 personal injury protection. This will likely result in higher premiums for such businesses throughout the state.

C. Government Sector Impact:

Indeterminate.

#### **VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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