

By the Committee on Transportation; and Senators Geller and Wasserman Schultz

306-2049-03

1                                   A bill to be entitled  
2           An act relating to commercial motor vehicles;  
3           creating s. 316.570, F.S.; providing  
4           definitions; requiring a minimum amount of  
5           insurance coverage for persons engaged in  
6           retrofitting, rebuilding, or modifying  
7           commercial trucks, truck tractors, or heavy  
8           trucks into dump trucks; providing safety  
9           standards; providing penalties; providing an  
10          effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14           Section 1. Section 316.570, Florida Statutes, is  
15 created to read:

16           316.570 Rebuilt, modified, or retrofitted dump  
17 trucks.--

18           (1) As used in this section, the term:

19           (a) "Dump truck" means any motor vehicle with a net  
20 weight of more than 5,000 pounds which is registered on the  
21 basis of gross vehicle weight in accordance with s. 320.08(4)  
22 and is properly equipped with a container used for  
23 transporting and dumping various materials, resources, or  
24 items.

25           (b) "Person" means any form of corporation, limited  
26 liability company, partnership, association, cooperative,  
27 joint venture, business trust, sole proprietorship, or  
28 self-employed person who conducts business in this state.

29           (2) Any person engaged in retrofitting, rebuilding, or  
30 modifying commercial trucks, truck tractors, or heavy trucks,  
31 as defined in s. 320.01, into dump trucks must have evidence

1 that he or she is insured under a garage liability insurance  
2 policy that includes, at a minimum, \$1 million combined  
3 single-limit liability coverage, including bodily injury and  
4 property damage protection, and \$500,000 personal injury  
5 protection. Evidence of such insurance policy must be  
6 available at all reasonable hours for inspection by any law  
7 enforcement officer.

8 (3) Any person engaged in retrofitting, rebuilding, or  
9 modifying commercial trucks, truck tractors, or heavy trucks,  
10 as defined in s. 320.01, into dump trucks must ensure that  
11 such retrofitted, rebuilt, or modified dump trucks comply with  
12 all federal safety standards provided in 49 C.F.R. s. 393.

13 (4) Any person who violates subsection (2) or  
14 subsection (3) commits a misdemeanor of the second degree,  
15 punishable as provided in s. 775.082 or s. 775.083. Any person  
16 who violates subsection (2) or subsection (3) a second time  
17 commits a misdemeanor of the first degree, punishable as  
18 provided in s. 775.082 or s. 775.083. Any person who violates  
19 subsection (2) or subsection (3) a third or subsequent time  
20 commits a felony of the third degree, punishable as provided  
21 in s. 775.082, s. 775.083, or s. 775.084.

22 Section 2. This act shall take effect October 1, 2003.

23  
24 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
25 COMMITTEE SUBSTITUTE FOR  
26 Senate Bill's 164 and 714

27 The CS provides any person engaged in the retrofitting,  
28 rebuilding or modifying of commercial trucks, truck tractors  
29 or heavy trucks into dump trucks who does not have the proper  
30 insurance, or who has retrofitted, rebuilt, or modified such a  
31 truck into a dump truck which does not meet federal safety  
standards commits a misdemeanor of the second degree. Any  
person violating these provisions 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.