

By Senator Klein

30-1474-04

See HB

1                                   A bill to be entitled  
2           An act relating to cargo chassis; defining  
3           "ocean marine terminal" and "intermodal  
4           chassis" or "chassis"; requiring the  
5           inspection, tagging, quarantine, and repair of  
6           cargo chassis that fail to pass described  
7           roadability inspections; providing for  
8           inspection of chassis in lieu of inspections  
9           required for motor carriers or motor vehicles;  
10          providing for application; prohibiting ocean  
11          marine terminal operators to tender to or  
12          interchange with a motor carrier an intermodal  
13          chassis that fails to pass inspection;  
14          requiring certification that the chassis has  
15          passed inspection; providing penalties for  
16          violation; providing that the inspection  
17          requirement is in addition to specified annual  
18          inspection; requiring routine chassis  
19          inspections prior to placement of container on  
20          the chassis and prior to release for operation;  
21          requiring daily records of the inspections;  
22          providing for form and content of such records;  
23          prohibiting retaliation against an inspector;  
24          providing procedure and remedies for violation;  
25          requiring specified identification and  
26          separation of chassis that pass and fail the  
27          inspection; providing for tags to specify  
28          whether a chassis has passed or failed the  
29          inspection; authorizing a driver to request  
30          reinspection of chassis under certain  
31          circumstances; providing procedures; providing

1 for compensation of the driver under specified  
2 circumstances; prohibiting retaliation against  
3 the driver; providing procedures and remedies  
4 for violation; requiring records of  
5 reinspection requests; providing for content of  
6 such records; authorizing driver to contact law  
7 enforcement agency in lieu of making such  
8 reinspection request; providing for maintenance  
9 and availability of records; requiring the  
10 Department of Transportation to conduct onsite  
11 reviews to determine compliance; providing  
12 procedures in the event of noncompliance;  
13 providing procedures in the event of inspection  
14 results indicating imminent danger to the  
15 public; authorizing officers of the Florida  
16 Highway Patrol and other law enforcement  
17 officers to enter premises and perform  
18 inspections; providing for citation of  
19 violations; providing penalties for such  
20 citations; providing for defect in and  
21 voidability of certain contracts; authorizing  
22 the Department of Transportation to adopt  
23 rules; providing for applicability of the act  
24 to safe driving laws; providing an effective  
25 date.

26  
27 Be It Enacted by the Legislature of the State of Florida:

28  
29 Section 1. Definitions.--As used in this act, the  
30 following definitions shall apply:  
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1           (1) "Ocean marine terminal" means any terminal,  
2 whether public or private, located at a port facility that  
3 engages in the loading and unloading of the cargo of  
4 oceangoing vessels.

5           (2) "Intermodal chassis" or "chassis" means a trailer  
6 designed to carry intermodal freight containers.

7           Section 2. Applicability.--

8           (1) Any ocean marine terminal that receives and  
9 dispatches intermodal chassis shall implement and carry out  
10 the intermodal chassis roadability inspection program, as  
11 described in this act, in lieu of any inspection required by  
12 law for motor carriers or motor vehicles.

13           (2) No ocean marine terminal operator shall tender to  
14 or interchange with a motor carrier an intermodal chassis that  
15 fails to pass the inspection required by this act and that  
16 fails to meet the requirements set forth in Federal Motor  
17 Carrier Safety Regulations, 49 C.F.R. s. 396. Any ocean marine  
18 terminal operator tendering to or interchanging with a motor  
19 carrier such equipment shall provide certification that the  
20 chassis has passed the inspection set forth in this act. Any  
21 ocean marine terminal operator who violates this section shall  
22 be fined up to \$500 per occurrence.

23           (3) Nothing in this act shall supersede the inspection  
24 requirement and standard under 49 C.F.R. s. 396 that requires  
25 ocean marine terminal operators to conduct annual inspections  
26 of chassis. This act imposes an additional requirement that  
27 ocean marine terminal operators inspect chassis on a routine  
28 basis.

29           Section 3. Intermodal chassis roadability inspection  
30 program.--

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1           (1) Ocean marine terminal operators shall inspect all  
2 chassis pursuant to this section before a container is placed  
3 on the chassis and before the chassis is released for  
4 operation. The inspection shall include, but not be limited  
5 to, brake adjustment; an inspection of brake system components  
6 and leaks, suspension systems, tires and wheels, vehicle  
7 connecting devices, and lights and electrical systems; and a  
8 visual inspection of the chassis to determine whether it has  
9 been tampered with.

10           (2) Each inspection shall be recorded on a daily  
11 roadability inspection report that shall include, but not be  
12 limited to, all of the following:

13           (a) Positive identification of the intermodal chassis,  
14 including company identification number and vehicle license  
15 plate number.

16           (b) The date and nature of each inspection.

17           (c) The signature, under penalty or perjury, of the  
18 ocean marine terminal operator or an authorized representative  
19 attesting to the fact that the inspection has been performed  
20 and that the chassis is roadworthy.

21           (3) Individuals performing inspections pursuant to  
22 this section shall be qualified, at a minimum, as set forth in  
23 49 C.F.R. s. 396.19. Evidence of each inspector's  
24 qualification shall be retained by the ocean marine terminal  
25 for the period of time during which the inspector is  
26 performing such inspections. No inspector shall be threatened,  
27 coerced, or otherwise retaliated against by an ocean marine  
28 terminal operator for refusing to pass a chassis that fails an  
29 inspection or for designating a chassis for repair. In the  
30 event that an inspector is so threatened, the inspector shall  
31 be protected by and afforded all rights and remedies provided

1 by law. Any violation of this section shall be subject to the  
2 procedures, remedies, and relief provided by law.

3 (4) As part of the inspection, the inspector shall  
4 affix a tamper-proof green tag on a chassis that has passed  
5 inspection and a red tag on a chassis that has failed  
6 inspection. The tag shall contain the name of the inspector  
7 and the date and time the inspection was completed and shall  
8 be placed on the driver's side of the chassis next to the  
9 chassis' identification plate. A red tag must specify the  
10 defects that warranted the failed inspection and that require  
11 repair. The tag shall be provided by the ocean marine terminal  
12 operator and shall meet specifications determined by the  
13 Department of Transportation.

14 (5) Chassis shall be segregated according to their tag  
15 designation under subsection (4). Green-tagged chassis shall  
16 be kept in an area designated for interchange with motor  
17 carriers. Red-tagged chassis shall be transported to an onsite  
18 facility where repairs and any required maintenance may be  
19 performed. Defects identified during any inspection of any  
20 intermodal chassis shall be repaired and the repairs shall be  
21 recorded on the intermodal chassis maintenance file before the  
22 chassis is released from the control of the ocean marine  
23 terminal. No chassis subject to this act shall be released to  
24 a motor carrier or operated on a public road until all defects  
25 listed during the inspection have been corrected, the chassis  
26 passes inspection, and the ocean marine terminal operator's  
27 authorized representative attests to that fact and affixes a  
28 green tag on the chassis.

29 (6)(a) Any driver who believes that a chassis is in an  
30 unsafe operating condition may request that the chassis be  
31 reinspected by the entity responsible for the inspection and

1 maintenance of the chassis pursuant to this act. In the event  
2 that such a request is made, the driver:  
3 1. Shall not be made responsible for delivery of the  
4 chassis to the repair facility.  
5 2. Shall receive a green-tagged chassis without delay.  
6 (b) In the event a driver is forced to wait for 1 or  
7 more hours to receive a green-tagged chassis, the ocean marine  
8 terminal operator shall compensate the driver at a rate of  
9 \$100 per hour.  
10 (c) Such a request, any corrective action taken, or  
11 the reason corrective action was not taken shall be recorded  
12 in the intermodal chassis maintenance file.  
13 (d) Alternatively, the driver may contact a law  
14 enforcement agency with regard to the physical condition of  
15 the chassis.  
16 (7) No driver shall be threatened, coerced, or  
17 otherwise retaliated against by an ocean marine terminal  
18 operator for requesting that the intermodal chassis be  
19 reinspected or repaired or for contacting a law enforcement  
20 agency with regard to the physical condition of a chassis. In  
21 the event that a commercial driver is so threatened, coerced,  
22 or otherwise retaliated against, the driver shall be protected  
23 by and afforded all rights and remedies provided by law. Any  
24 person who violates this section shall be subject to the  
25 penalties provided for by law.  
26 Section 4. Maintenance and inspection of records.--  
27 (1) Records of each inspection conducted pursuant to  
28 this act shall be:  
29 (a) Maintained for 90 days at the ocean marine  
30 terminal where each chassis is inspected.  
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1           (b) Made available upon request by any authorized  
2 employee of the Department of Transportation or law  
3 enforcement officer of the Florida Highway Patrol.

4           (c) Made available during normal business hours to any  
5 motor carrier or driver or the authorized representative  
6 thereof who has been engaged to transport an intermodal  
7 container on a chassis inspected pursuant to this act from the  
8 ocean marine terminal.

9           (2) Records of maintenance or repairs performed  
10 pursuant to the inspections required under this act shall be:

11           (a) Maintained for 2 years at the ocean marine  
12 terminal.

13           (b) Made available upon request of the Department of  
14 Transportation.

15           (3) Requests for reinspection made pursuant to section  
16 3 shall be recorded in the intermodal chassis maintenance file  
17 and shall be maintained and made available pursuant to  
18 paragraph (1)(c).

19           (4) All records required under this act may be  
20 maintained in a computer system if printouts of those records  
21 may be provided upon request.

22           Section 5. Compliance with intermodal chassis  
23 roadability inspection program.--

24           (1) The Department of Transportation shall conduct  
25 random, but at least biannual, onsite reviews of ocean marine  
26 terminals to determine whether the terminals are complying  
27 with the requirements of this act, including, but not limited  
28 to, inspection, tagging, quarantine and repair, and  
29 recordkeeping requirements. Following an inspection in which  
30 it is determined that an ocean marine terminal operator has  
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1 failed to comply with any of the requirements of this act, the  
2 department shall:

3 (a) Direct the ocean marine terminal to comply  
4 immediately with the requirements of this act.

5 (b) Fine the ocean marine terminal \$100 for every day,  
6 after the day of inspection, that the terminal fails to comply  
7 with the requirements of this act.

8 (c) After 10 days of noncompliance, immediately pursue  
9 administrative or other action deemed necessary against the  
10 terminal's motor carrier property permit and forward a  
11 recommendation to the Federal Motor Carrier Safety  
12 Administration for administrative or other action deemed  
13 necessary against the carrier's interstate operating  
14 authority.

15 (d) After 20 days of noncompliance, revoke the ocean  
16 marine terminal's property permit.

17 (2) If any inspection results in an unsatisfactory  
18 rating due to conditions presenting an imminent danger to the  
19 public safety, the Department of Transportation shall take  
20 actions pursuant to paragraph (1)(c) or paragraph (1)(d).

21 (3) Any officer of the Florida Highway Patrol or other  
22 law enforcement officer, while in the performance of the  
23 duties of office, is authorized to enter upon and perform  
24 inspections of green-tagged chassis at any ocean marine  
25 terminal which chassis are intended to be tendered to or  
26 interchanged with a motor carrier for use on a highway. In the  
27 event the officer determines that any green-tagged chassis is  
28 unroadworthy, the ocean marine terminal operator shall be  
29 fined \$500 per occurrence.

30 (4) Any citation issued for a violation of this act  
31 related to the defective condition of an intermodal chassis



1 shall be issued to the ocean marine terminal operator  
2 responsible for the inspection and maintenance of the chassis,  
3 provided that the chassis is not owned by the driver and that  
4 the defective condition of the chassis was not caused by the  
5 failure of the motor carrier or its driver to operate the  
6 commercial vehicle in a safe manner.

7 Section 6. Defect of contract; applicability of the  
8 act.--Any provision in a contract between an owner or lessee  
9 of an intermodal chassis and a driver that contains a  
10 hold-harmless or indemnity clause concerning defects in the  
11 physical condition of the intermodal chassis shall be void as  
12 against public policy. This section shall not apply to damage  
13 to the intermodal chassis caused by the neglect or willful  
14 failure of the motor carrier or its driver to operate the  
15 commercial vehicle in a safe manner.

16 Section 7. Rulemaking.--The Department of  
17 Transportation has authority to adopt rules pursuant to  
18 sections 120.536(1) and 120.54, Florida Statutes, to  
19 effectuate the purposes of this act.

20 Section 8. Commercial driver; duty.--Nothing in this  
21 act relieves a commercial driver or commercial motor carrier  
22 of any duty imposed by state or federal law related to the  
23 safe operation of a commercial motor vehicle.

24 Section 9. This act shall take effect upon becoming a  
25 law.