

By the Committee on Banking and Insurance; and Senator Geller

311-1321-04

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 commercial liability
2 insurance policy with limits of at least \$1 million per
3 accident and \$1 million annual aggregate. Evidence of such
4 insurance policy must be available at all reasonable hours for
5 inspection by any law enforcement officer.

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

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

21 Section 2. This act shall take effect October 1, 2004.

22
23 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
24 COMMITTEE SUBSTITUTE FOR
25 Senate Bill 420

26 Requires any persons engaged in retrofitting, rebuilding, or
27 modifying commercial trucks, truck-tractors, or heavy trucks
28 into dump trucks to have evidence of a commercial liability
insurance policy with minimum limits of \$1 million per
accident and \$1 million aggregate.