

Bill No. CS for SB 530

Barcode 132602

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Wise moved the following amendment:

Senate Amendment (with title amendment)

On page 3, between lines 25 and 26,

insert:

Section 3. Section 316.1576, Florida Statutes, is
created to read:

316.1576 Insufficient clearance at a railroad-highway
grade crossing.--

(1) A person may not drive any vehicle through a
railroad-highway grade crossing that does not have sufficient
space to drive completely through the crossing without
stopping.

(2) A person may not drive any vehicle through a
railroad-highway grade crossing that does not have sufficient
undercarriage clearance to drive completely through the
crossing without stopping.

(3) A violation of this section is a noncriminal
traffic infraction, punishable as a moving violation as
provided in chapter 318.

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1 Section 4. Section 316.1577, Florida Statutes, is
2 created to read:

3 316.1577 Employer responsibility for railroad grade
4 crossing violations.--

5 (1) An employer may not knowingly allow, require,
6 permit, or authorize a driver to operate a commercial motor
7 vehicle in violation of a federal, state, or local law or
8 regulation pertaining to railroad-highway grade crossings.

9 (2) A person who violates this section is subject to a
10 civil penalty of not more than \$10,000.

11 Section 5. Paragraph (b) of subsection (1) of section
12 316.302, Florida Statutes, is amended to read:

13 316.302 Commercial motor vehicles; safety regulations;
14 transporters and shippers of hazardous materials;
15 enforcement.--

16 (1)

17 (b) Except as otherwise provided in this section, all
18 owners or drivers of commercial motor vehicles that are
19 engaged in intrastate commerce are subject to the rules and
20 regulations contained in 49 C.F.R. parts 382, 385, and
21 390-397, with the exception of 49 C.F.R. s. 390.5 as it
22 relates to the definition of bus, as such rules and
23 regulations existed on October 1, 2004 ~~2002~~.

24 Section 6. Subsection (9) and paragraph (a) of
25 subsection (10) of section 318.14, Florida Statutes, are
26 amended to read:

27 318.14 Noncriminal traffic infractions; exception;
28 procedures.--

29 (9) Any person who does not hold a commercial driver's
30 license and who is cited for an infraction under this section
31 other than a violation of s. 320.0605, s. 320.07(3)(a) or (b),

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1 s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu
2 of a court appearance, elect to attend in the location of his
3 or her choice within this state a basic driver improvement
4 course approved by the Department of Highway Safety and Motor
5 Vehicles. In such a case, adjudication must be withheld;
6 points, as provided by s. 322.27, may not be assessed; and the
7 civil penalty that is imposed by s. 318.18(3) must be reduced
8 by 18 percent; however, a person may not make an election
9 under this subsection if the person has made an election under
10 this subsection in the preceding 12 months. A person may make
11 no more than five elections under this subsection. The
12 requirement for community service under s. 318.18(8) is not
13 waived by a plea of nolo contendere or by the withholding of
14 adjudication of guilt by a court.

15 (10)(a) Any person who does not hold a commercial
16 driver's license and who is cited for an offense listed under
17 this subsection may, in lieu of payment of fine or court
18 appearance, elect to enter a plea of nolo contendere and
19 provide proof of compliance to the clerk of the court or
20 authorized operator of a traffic violations bureau. In such
21 case, adjudication shall be withheld; however, no election
22 shall be made under this subsection if such person has made an
23 election under this subsection in the 12 months preceding
24 election hereunder. ~~A~~ ~~NO~~ person may not make more than three
25 elections under this subsection. This subsection applies to
26 the following offenses:

27 1. Operating a motor vehicle without a valid driver's
28 license in violation of the provisions of s. 322.03, s.
29 322.065, or s. 322.15(1), or operating a motor vehicle with a
30 license which has been suspended for failure to appear,
31 failure to pay civil penalty, or failure to attend a driver

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1 improvement course pursuant to s. 322.291.

2 2. Operating a motor vehicle without a valid
3 registration in violation of s. 320.0605, s. 320.07, or s.
4 320.131.

5 3. Operating a motor vehicle in violation of s.
6 316.646.

7 Section 7. Subsections (8), (10), and (29) of section
8 322.01, Florida Statutes, are amended to read:

9 322.01 Definitions.--As used in this chapter:

10 (8) "Commercial motor vehicle" means any motor vehicle
11 or motor vehicle combination used on the streets or highways,
12 which:

13 (a) Has a gross vehicle weight rating of 26,001 pounds
14 or more;

15 ~~(b) Has a declared weight of 26,001 pounds or more;~~

16 ~~(c) Has an actual weight of 26,001 pounds or more;~~

17 (b)(d) Is designed to transport more than 15 persons,
18 including the driver; or

19 (c)(e) Is transporting hazardous materials and is
20 required to be placarded in accordance with Title 49 C.F.R.
21 part 172, subpart F.

22 (10)(a) "Conviction" means a conviction of an offense
23 relating to the operation of motor vehicles on highways which
24 is a violation of this chapter or any other such law of this
25 state or any other state, including an admission or
26 determination of a noncriminal traffic infraction pursuant to
27 s. 318.14, or a judicial disposition of an offense committed
28 under any federal law substantially conforming to the
29 aforesaid state statutory provisions.

30 (b) Notwithstanding any other provisions of this
31 chapter, the definition of the term "conviction" provided in

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1 49 C.F.R. s. 383.5 applies to offenses committed in a
2 commercial motor vehicle.

3 (29) "Out-of-service order" means a prohibition issued
4 by an authorized official of a local government, the state, or
5 the federal government which ~~that~~ precludes a person from
6 driving a commercial motor vehicle for a period of 72 hours or
7 less.

8 Section 8. Subsection (1) and paragraph (b) of
9 subsection (4) of section 322.12, Florida Statutes, are
10 amended to read:

11 322.12 Examination of applicants.--

12 (1) It is the intent of the Legislature that every
13 applicant for an original driver's license in this state be
14 required to pass an examination pursuant to this section.
15 However, the department may waive the knowledge, endorsement,
16 and skills tests for an applicant who is otherwise qualified
17 and who surrenders a valid driver's license from another state
18 or a province of Canada, or a valid driver's license issued by
19 the United States Armed Forces, if the driver applies for a
20 Florida license of an equal or lesser classification. Any
21 applicant who fails to pass the initial knowledge test will
22 incur a \$5 fee for each subsequent test, to be deposited into
23 the Highway Safety Operating Trust Fund. Any applicant who
24 fails to pass the initial skills test will incur a \$10 fee for
25 each subsequent test, to be deposited into the Highway Safety
26 Operating Trust Fund. A person who seeks to retain a
27 hazardous-materials endorsement, pursuant to s. 322.57(1)(e)
28 ~~s. 322.57(1)(d)~~, must pass the hazardous-materials test, upon
29 surrendering his or her commercial driver's license, if the
30 person has not taken and passed the hazardous-materials test
31 within 2 years preceding his or her application for a

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1 commercial driver's license in this state.

2 (4) The examination for an applicant for a commercial
3 driver's license shall include a test of the applicant's
4 eyesight given by a driver's license examiner designated by
5 the department or by a licensed ophthalmologist, optometrist,
6 or physician and a test of the applicant's hearing given by a
7 driver's license examiner or a licensed physician. The
8 examination shall also include a test of the applicant's
9 ability to read and understand highway signs regulating,
10 warning, and directing traffic; his or her knowledge of the
11 traffic laws of this state pertaining to the class of motor
12 vehicle which he or she is applying to be licensed to operate,
13 including laws regulating driving under the influence of
14 alcohol or controlled substances, driving with an unlawful
15 blood-alcohol level, and driving while intoxicated; his or her
16 knowledge of the effects of alcohol and controlled substances
17 and the dangers of driving a motor vehicle after having
18 consumed alcohol or controlled substances; and his or her
19 knowledge of any special skills, requirements, or precautions
20 necessary for the safe operation of the class of vehicle which
21 he or she is applying to be licensed to operate. In addition,
22 the examination shall include an actual demonstration of the
23 applicant's ability to exercise ordinary and reasonable
24 control in the safe operation of a motor vehicle or
25 combination of vehicles of the type covered by the license
26 classification which the applicant is seeking, including an
27 examination of the applicant's ability to perform an
28 inspection of his or her vehicle.

29 (b) A person who seeks to retain a hazardous-materials
30 endorsement must, upon renewal, pass the test for such
31 endorsement as specified in s. 322.57(1)(e) ~~s. 322.57(1)(d)~~,

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1 if the person has not taken and passed the hazardous-materials
2 test within 2 years preceding his or her application for a
3 commercial driver's license in this state.

4 Section 9. Subsection (8) of section 322.121, Florida
5 Statutes, is amended to read:

6 322.121 Periodic reexamination of all drivers.--

7 (8) In addition to any other examination authorized by
8 this section, an applicant for a renewal of an endorsement
9 issued under s. 322.57(1)(a), (b), (c), (d), ~~or~~ (e), or (f)
10 may be required to complete successfully an examination of his
11 or her knowledge regarding state and federal rules,
12 regulations, and laws, governing the type of vehicle which he
13 or she is seeking an endorsement to operate.

14 Section 10. Paragraph (e) is added to subsection (2)
15 of section 322.18, Florida Statutes, to read:

16 322.18 Original applications, licenses, and renewals;
17 expiration of licenses; delinquent licenses.--

18 (2) Each applicant who is entitled to the issuance of
19 a driver's license, as provided in this section, shall be
20 issued a driver's license, as follows:

21 (e) Notwithstanding any other provision of this
22 chapter, an applicant applying for an original or renewal
23 issuance of a commercial driver's license as defined in s.
24 322.01(7) with a hazardous-materials endorsement, pursuant to
25 s. 322.57(1)(e), shall be issued a driver's license that
26 expires at midnight on the licensee's birthday that next
27 occurs 4 years after the month of expiration of the license
28 being issued or renewed.

29 Section 11. Paragraph (f) is added to subsection (1)
30 of section 322.21, Florida Statutes, to read:

31 322.21 License fees; procedure for handling and

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1 collecting fees.--

2 (1) Except as otherwise provided herein, the fee for:

3 (f) A hazardous-materials endorsement, as required by
4 s. 322.57(1)(d), shall be set by the department by rule and
5 shall reflect the cost of the required criminal history check,
6 including the cost of the state and federal fingerprint check
7 and the cost to the department for providing and issuing the
8 license. The fee may not exceed \$100. This fee shall be
9 deposited into the Highway Safety Operating Trust Fund.

10 Section 12. Present subsection (7) of section 322.212,
11 Florida Statutes, is redesignated as subsection (8), and a new
12 subsection (7) is added to that section, to read:

13 322.212 Unauthorized possession of, and other unlawful
14 acts in relation to, driver's license or identification
15 card.--

16 (7) In addition to any other penalties provided by
17 this section, any person who provides false information when
18 applying for a commercial driver's license is disqualified
19 from operating a commercial motor vehicle for 60 days.

20 (8)(7) The provisions of this section are in addition
21 and supplemental to all other provisions of this chapter and
22 of the laws of this state relating to driver's licenses and
23 identification cards.

24 Section 13. Paragraph (b) of subsection (2) of section
25 322.53, Florida Statutes, is amended to read:

26 322.53 License required; exemptions.--

27 (2) The following persons are exempt from the
28 requirement to obtain a commercial driver's license:

29 (b) Military personnel driving ~~military~~ vehicles
30 operated for military purposes.

31 Section 14. Paragraphs (a), (b), and (c) of subsection

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1 (2) of section 322.54, Florida Statutes, are amended to read:

2 322.54 Classification.--

3 (2) The department shall issue, pursuant to the
4 requirements of this chapter, drivers' licenses in accordance
5 with the following classifications:

6 (a) Any person who drives a motor vehicle combination
7 having a gross vehicle weight rating, ~~a declared weight, or an~~
8 ~~actual weight, whichever is greatest,~~ of 26,001 pounds or more
9 must possess a valid Class A driver's license, provided the
10 gross vehicle weight rating, ~~declared weight, or actual~~
11 ~~weight, whichever is greatest,~~ of the vehicle being towed is
12 more than 10,000 pounds. Any person who possesses a valid
13 Class A driver's license may, subject to the appropriate
14 restrictions and endorsements, drive any class of motor
15 vehicle within this state.

16 (b) Any person, except a person who possesses a valid
17 Class A driver's license, who drives a motor vehicle having a
18 gross vehicle weight rating, ~~a declared weight, or an actual~~
19 ~~weight, whichever is greatest,~~ of 26,001 pounds or more must
20 possess a valid Class B driver's license. Any person, except
21 a person who possesses a valid Class A driver's license, who
22 drives such vehicle towing a vehicle having a gross vehicle
23 weight rating, ~~a declared weight, or an actual weight,~~
24 ~~whichever is greatest,~~ of 10,000 pounds or less must possess a
25 valid Class B driver's license. Any person who possesses a
26 valid Class B driver's license may, subject to the appropriate
27 restrictions and endorsements, drive any class of motor
28 vehicle, other than the type of motor vehicle for which a
29 Class A driver's license is required, within this state.

30 (c) ~~Any person, except a person who possesses a valid~~
31 ~~Class A or a valid Class B driver's license, who drives a~~

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1 ~~motor vehicle combination having a gross vehicle weight~~
2 ~~rating, a declared weight, or an actual weight, whichever is~~
3 ~~greatest, of 26,001 pounds or more must possess a valid Class~~
4 ~~C driver's license. Any person, except a person who possesses~~
5 ~~a valid Class A or a valid Class B driver's license, who~~
6 drives a motor vehicle ~~combination~~ having a gross vehicle
7 weight rating, ~~a declared weight, or an actual weight,~~
8 ~~whichever is greatest,~~ of less than 26,001 pounds and who is
9 required to obtain an endorsement pursuant to ~~paragraph~~
10 ~~(1)(a), paragraph (1)(b) or, paragraph (1)(c), paragraph~~
11 ~~(1)(d), or paragraph (1)(e) of s. 322.57, must possess a valid~~
12 Class C driver's license ~~that is clearly restricted to the~~
13 ~~operation of a motor vehicle or motor vehicle combination of~~
14 ~~less than 26,001 pounds. Any person who possesses a valid~~
15 Class C driver's license may, subject to the appropriate
16 restrictions and endorsements, drive any class of motor
17 vehicle, other than the type of motor vehicle for which a
18 Class A or a Class B driver's license is required, within this
19 state.

20 Section 15. Subsections (1) and (2) of section 322.57,
21 Florida Statutes, are amended to read:

22 322.57 Tests of knowledge concerning specified
23 vehicles; endorsement; nonresidents; violations.--

24 (1) In addition to fulfilling any other driver's
25 licensing requirements of this chapter, a person who:

26 (a) Drives a double or triple trailer must
27 successfully complete a test of his or her knowledge
28 concerning the safe operation of such vehicles.

29 (b) Drives a passenger vehicle must successfully
30 complete a test of his or her knowledge concerning the safe
31 operation of such vehicles and a test of his or her driving

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1 skill in such a vehicle.

2 (c) Drives a school bus must successfully complete a
3 test of his or her knowledge concerning the safe operation of
4 such vehicle and a test of his or her driving skill in such a
5 vehicle. This subsection shall be implemented in accordance
6 with Title 49 C.F.R. s. 383.123.

7 ~~(d)(c)~~ Drives a tank vehicle must successfully
8 complete a test of his or her knowledge concerning the safe
9 operation of such vehicles.

10 ~~(e)(d)~~ Drives a vehicle that transports hazardous
11 materials and that is required to be placarded in accordance
12 with Title 49 C.F.R. part 172, subpart F, must successfully
13 complete a test of his or her knowledge concerning the safe
14 operation of such vehicles. Knowledge tests for
15 hazardous-materials endorsements may not be administered
16 orally for individuals applying for an initial
17 hazardous-materials endorsement after June 30, 1994.

18 ~~(f)(e)~~ Operates a tank vehicle transporting hazardous
19 materials must successfully complete the tests required in
20 paragraphs~~(d)(c)~~ and~~(e)(d)~~ so that the department may
21 issue a single endorsement permitting him or her to operate
22 such tank vehicle.

23 ~~(g)(f)~~ Drives a motorcycle must successfully complete
24 a test of his or her knowledge concerning the safe operation
25 of such vehicles and a test of his or her driving skills on
26 such vehicle. A person who successfully completes such tests
27 shall be issued an endorsement if he or she is licensed to
28 drive another type of motor vehicle. A person who
29 successfully completes such tests and who is not licensed to
30 drive another type of motor vehicle shall be issued a Class E
31 driver's license that is clearly restricted to motorcycle use

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1 only.

2 (2) Before driving or operating any vehicle listed in
3 subsection (1), a person must obtain an endorsement on his or
4 her driver's license. An endorsement under paragraph (a),
5 paragraph (b), paragraph (c), paragraph (d), ~~or~~ paragraph (e),
6 or paragraph (f) of subsection (1) shall be issued only to
7 persons who possess a valid Class A, valid Class B, or valid
8 Class C driver's license. A person who drives a motor vehicle
9 or motor vehicle combination that requires an endorsement
10 under this subsection and who drives a motor vehicle or motor
11 vehicle combination having a gross vehicle weight rating, a
12 declared weight, or an actual weight, whichever is greatest,
13 of less than 26,000 pounds shall be issued a Class C driver's
14 license that is clearly restricted to the operation of a motor
15 vehicle or motor vehicle combination of less than 26,000
16 pounds.

17 Section 16. Subsections (1), (2), (3), (8), and (10)
18 of section 322.61, Florida Statutes, are amended to read:

19 322.61 Disqualification from operating a commercial
20 motor vehicle.--

21 (1)(a) A person who, for offenses occurring within a
22 3-year period, is convicted of two of the ~~following~~ serious
23 traffic violations specified in paragraph (c) or any
24 combination of such offenses ~~thereof~~, arising in separate
25 incidents committed in a commercial motor vehicle shall, in
26 addition to any other applicable penalties, be disqualified
27 from operating a commercial motor vehicle for a period of 60
28 days:

29 (b) A person who, for offenses occurring within a
30 3-year period, is convicted of two of the serious traffic
31 violations specified in paragraph (c) or any combination of

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1 such offenses, arising in separate incidents committed in a
 2 noncommercial motor vehicle shall, in addition to any other
 3 applicable penalties, be disqualified from operating a
 4 commercial motor vehicle for a period of 60 days if such
 5 convictions result in the suspension, revocation, or
 6 cancellation of the licenseholder's driving privilege.

7 (c)(a) The serious violations specified in paragraphs
 8 (a) and (b) are:

9 1. A violation of any state or local law relating to
 10 motor vehicle traffic control, other than a parking violation,
 11 a weight violation, or a vehicle equipment violation, arising
 12 in connection with a crash resulting in death or personal
 13 injury to any person;

14 2.(b) Reckless driving, as defined in s. 316.192;

15 3.(c) Careless driving, as defined in s. 316.1925;

16 4.(d) Fleeing or attempting to elude a law enforcement
 17 officer, as defined in s. 316.1935;

18 5.(e) Unlawful speed of 15 miles per hour or more
 19 above the posted speed limit;

20 6.(f) Driving a commercial motor vehicle, owned by
 21 such person, which is not properly insured;

22 7.(g) Improper lane change, as defined in s. 316.085;

23 or

24 8.(h) Following too closely, as defined in s.
 25 316.0895.

26 9. Driving a commercial vehicle without obtaining a
 27 valid commercial driver's license;

28 10. Driving a commercial vehicle without possessing a
 29 valid commercial driver's license; or

30 11. Driving a commercial vehicle without the proper
 31 class of commercial driver's license or without the proper

1 endorsements.

2 (2) Any person who, for offenses occurring within a
3 3-year period, is convicted of three of the serious traffic
4 violations specified in subsection (1) or any combination
5 thereof, arising in separate incidents committed in a
6 commercial motor vehicle shall, in addition to any other
7 applicable penalties, including but not limited to the penalty
8 provided in subsection (1), be disqualified from operating a
9 commercial motor vehicle for a period of 120 days. A person
10 who, for offenses occurring within a 3-year period, is
11 convicted of three of the serious traffic violations specified
12 in subsection (1) or any combination of such offenses, arising
13 in separate incidents committed in a noncommercial motor
14 vehicle shall, in addition to any other applicable penalties,
15 including, but not limited to, the penalty in subsection (1),
16 is disqualified from operating a commercial motor vehicle for
17 a period of 120 days if such convictions result in the
18 suspension, revocation, or cancellation of the licenseholder's
19 driving privilege.

20 (3) Except as provided in subsection (4), any person
21 who is convicted of one of the following offenses shall, in
22 addition to any other applicable penalties, be disqualified
23 from operating a commercial motor vehicle for a period of 1
24 year:

25 (a) Driving a commercial motor vehicle while he or she
26 is under the influence of alcohol or a controlled substance;

27 (b) Driving a commercial motor vehicle while the
28 alcohol concentration of his or her blood, breath, or urine is
29 .04 percent or higher;

30 (c) Leaving the scene of a crash involving a
31 commercial motor vehicle driven by such person;

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1 (d) Using a commercial motor vehicle in the commission
2 of a felony;

3 (e) Driving a commercial motor vehicle while in
4 possession of a controlled substance; ~~or~~

5 (f) Refusing to submit to a test to determine his or
6 her alcohol concentration while driving a commercial motor
7 vehicle;:-

8 (g) Driving a commercial vehicle while the
9 licenseholder's commercial driver's license is suspended,
10 revoked, or cancelled or while the licenseholder is
11 disqualified from driving a commercial vehicle; or

12 (h) Causing a fatality through the negligent operation
13 of a commercial motor vehicle.

14 (8) A driver who is convicted of or otherwise found to
15 have committed a violation of an out-of-service order while
16 driving a commercial motor vehicle is disqualified as follows:

17 (a) Not less than 90 days nor more than 1 year if the
18 driver is convicted of or otherwise found to have committed a
19 first violation of an out-of-service order.

20 (b) Not less than 1 year nor more than 5 years if, for
21 offenses occurring during any 10-year period, the driver is
22 convicted of or otherwise found to have committed two
23 violations of out-of-service orders in separate incidents.

24 (c) Not less than 3 years nor more than 5 years if,
25 for offenses occurring during any 10-year period, the driver
26 is convicted of or otherwise found to have committed three or
27 more violations of out-of-service orders in separate
28 incidents.

29 (d) Not less than 180 days nor more than 2 years if
30 the driver is convicted of or otherwise found to have
31 committed a first violation of an out-of-service order while

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1 transporting hazardous materials required to be placarded
 2 under the Hazardous Materials Transportation Act, 49 U.S.C.
 3 ss. 5101 et seq., or while operating motor vehicles designed
 4 to transport more than 15 passengers, including the driver. A
 5 driver is disqualified for a period of not less than 3 years
 6 nor more than 5 years if, for offenses occurring during any
 7 10-year period, the driver is convicted of or otherwise found
 8 to have committed any subsequent violations of out-of-service
 9 orders, in separate incidents, while transporting hazardous
 10 materials required to be placarded under the Hazardous
 11 Materials Transportation Act 49 U.S.C. ss. 5101 et seq., or
 12 while operating motor vehicles designed to transport more than
 13 15 passengers, including the driver.

14 (10)(a) A driver must be disqualified for not less
 15 than 60 days if the driver is convicted of or otherwise found
 16 to have committed a first violation of a railroad-highway
 17 grade crossing violation.

18 (b) A driver must be disqualified for not less than
 19 120 days if, for offenses occurring during any 3-year period,
 20 the driver is convicted of or otherwise found to have
 21 committed a second railroad-highway grade crossing violation
 22 in separate incidents.

23 (c) A driver must be disqualified for not less than 1
 24 year if, for offenses occurring during any 3-year period, the
 25 driver is convicted of or otherwise found to have committed a
 26 third or subsequent railroad-highway grade crossing violation
 27 in separate incidents.

28 Section 17. Subsection (1) of section 322.64, Florida
 29 Statutes, is amended to read:

30 322.64 Holder of commercial driver's license; driving
 31 with unlawful blood-alcohol level; refusal to submit to

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1 breath, urine, or blood test.--

2 (1)(a) A law enforcement officer or correctional
 3 officer shall, on behalf of the department, disqualify from
 4 operating any commercial motor vehicle a person who while
 5 operating or in actual physical control of a commercial motor
 6 vehicle is arrested for a violation of s. 316.193, relating to
 7 unlawful blood-alcohol level or breath-alcohol level, or a
 8 person who has refused to submit to a breath, urine, or blood
 9 test authorized by s. 322.63 arising out of the operation or
 10 actual physical control of a commercial motor vehicle. Upon
 11 disqualification of the person, the officer shall take the
 12 person's driver's license and, if the person is otherwise
 13 eligible for the driving privilege, issue the person a 10-day
 14 temporary permit for operation of noncommercial vehicles only
 15 ~~if the person is otherwise eligible for the driving privilege~~
 16 and shall issue the person a notice of disqualification. If
 17 the person has been given a blood, breath, or urine test, the
 18 results of which are not available to the officer at the time
 19 of the arrest, the agency employing the officer shall transmit
 20 such results to the department within 5 days after receipt of
 21 the results. If the department then determines that the
 22 person was arrested for a violation of s. 316.193 and that the
 23 person had a blood-alcohol level or breath-alcohol level of
 24 0.08 or higher, the department shall disqualify the person
 25 from operating a commercial motor vehicle pursuant to
 26 subsection (3).

27 (b) The disqualification under paragraph (a) shall be
 28 pursuant to, and the notice of disqualification shall inform
 29 the driver of, the following:

30 1.a. The driver refused to submit to a lawful breath,
 31 blood, or urine test and he or she is disqualified from

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1 operating a commercial motor vehicle for a period of 1 year,
2 for a first refusal, or permanently, if he or she has
3 previously been disqualified as a result of a refusal to
4 submit to such a test; or

5 b. The driver violated s. 316.193 by driving with an
6 unlawful blood-alcohol level and he or she is disqualified
7 from operating a commercial motor vehicle for a period of 6
8 months for a first offense or for a period of 1 year if he or
9 she has previously been disqualified, or his or her driving
10 privilege has been previously suspended, for a violation of s.
11 316.193.

12 2. The disqualification period for operation of
13 commercial vehicles shall commence on the date of arrest or
14 issuance of notice of disqualification, whichever is later.

15 3. The driver may request a formal or informal review
16 of the disqualification by the department within 10 days after
17 the date of arrest or issuance of notice of disqualification,
18 whichever is later.

19 4. The temporary permit issued at the time of arrest
20 or disqualification will expire at midnight of the 10th day
21 following the date of disqualification.

22 5. The driver may submit to the department any
23 materials relevant to the arrest.

24
25 (Redesignate subsequent sections.)

26
27

28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 On page 1, lines 2-18, delete those lines

31

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1 and insert:

2 An act relating to motor vehicles; amending s.
3 322.271, F.S.; correcting a cross-reference;
4 creating s. 322.2715, F.S.; directing the
5 Department of Highway Safety and Motor Vehicles
6 to require the placement of a
7 department-approved ignition interlock device
8 on specified vehicles operated by any person
9 convicted of committing certain
10 driving-under-the-influence offenses; providing
11 an exception; specifying the duration of each
12 installation period based upon the number of
13 DUI convictions; directing the department to
14 require installation of the ignition interlock
15 if the court fails to order the mandatory
16 placement of the device or fails to order
17 placement for the applicable period; providing
18 an exception; creating s. 316.1576, F.S.;
19 providing that a person may not drive through a
20 railroad-highway grade crossing under certain
21 circumstances; providing a penalty; creating s.
22 316.1577, F.S.; prohibiting an employer from
23 authorizing a driver to violate any law
24 pertaining to railroad-highway grade crossings;
25 providing a penalty; amending s. 316.302, F.S.;
26 providing that certain owners or drivers of
27 commercial motor vehicles are subject to
28 certain federal regulations that existed on a
29 specified date; amending s. 318.14, F.S.;
30 prohibiting a person who holds a commercial
31 driver's license from electing to attend a

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1 driver improvement course or pleading nolo
2 contendere after being cited for certain
3 driving infractions; amending s. 322.01, F.S.;
4 redefining the terms "commercial motor vehicle"
5 "conviction" and "out-of-service order";
6 amending ss. 322.12 and 322.121, F.S.;
7 conforming cross-reference; amending s. 322.18,
8 F.S.; providing the expiration date of a
9 commercial driver's license for a person
10 applying for an original or renewal issuance of
11 such license; amending s. 322.21, F.S.;
12 providing a fee for a hazardous-materials
13 endorsement; requiring such fee to be deposited
14 into the Highway Safety Operating Trust Fund;
15 amending s. 322.212, F.S.; providing that a
16 person who provides false information when
17 applying for a commercial driver's license is
18 disqualified from operating a commercial motor
19 vehicle for a specified time; amending s.
20 322.53, F.S.; exempting military personnel who
21 operate vehicles for military purposes from the
22 requirement to obtain a commercial driver's
23 license; amending s. 322.54, F.S.; revising the
24 classifications for a driver's license;
25 amending s. 322.57, F.S.; providing additional
26 requirements for a person who drives a school
27 bus; amending s. 322.61, F.S.; revising
28 provisions governing disqualification from
29 operating a commercial motor vehicle;
30 clarifying and adding to the violations leading
31 to disqualification; providing for penalties in

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1 addition to disqualification; amending s.
2 322.64, F.S.; revising provisions governing
3 disqualification of a commercial driver
4 arrested for unlawful alcohol levels or refusal
5 to submit to a test to measure alcohol levels;
6 providing an effective date.

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