

Bill No. SB 1742

Barcode 672104

CHAMBER ACTION

Senate

House

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The Committee on Transportation (Sebesta) recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 6, between lines 7 and 8,

insert:

Section 5. Paragraph (b) of subsection (1), paragraphs (b), (c), (d), (f), and (i) of subsection (2), and subsection (3) of section 316.302, Florida Statutes, are amended to read:

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

(1)(a) 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, 385, and 390-397.

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and

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1 regulations contained in 49 C.F.R. parts 382, 385, and  
2 390-397, with the exception of 49 C.F.R. s. 390.5 as it  
3 relates to the definition of bus, as such rules and  
4 regulations existed on October 1, 2005 ~~2004~~.

5 (2)

6 (b) Except as provided in 49 C.F.R. s. 395.1 (k), a  
7 person who operates a commercial motor vehicle solely in  
8 intrastate commerce not transporting any hazardous material in  
9 amounts that require placarding pursuant to 49 C.F.R. part 172  
10 may not drive:

11 1. More than 12 hours following 10 consecutive hours  
12 off duty; or

13 2. For any period after the end of the 16th hour after  
14 coming on duty following 10 consecutive hours off duty is  
15 exempt from 49 C.F.R. s. 395.3(a) and (b) and may, after 8  
16 hours' rest, and following the required initial motor vehicle  
17 inspection, be permitted to drive any part of the first 15  
18 on-duty hours in any 24-hour period, but may not be permitted  
19 to operate a commercial motor vehicle after that until the  
20 requirement of another 8 hours' rest has been fulfilled.

21  
22 The provisions of this paragraph do not apply to drivers of  
23 utility service vehicles as defined in 49 C.F.R. s. 395.2  
24 public utility vehicles or authorized emergency vehicles  
25 during periods of severe weather or other emergencies.

26 (c) Except as provided in 49 C.F.R. s. 395.1(k), a  
27 person who operates a commercial motor vehicle solely in  
28 intrastate commerce not transporting any hazardous material in  
29 amounts that require placarding pursuant to 49 C.F.R. part 172  
30 may not drive after having been on duty more than 70 hours in  
31 any period of 7 consecutive days or more than 80 hours in any

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1 period of 8 consecutive days if the motor carrier operates  
2 every day of the week. Twenty-four ~~be on duty more than 72~~  
3 ~~hours in any period of 7 consecutive days, but carriers~~  
4 ~~operating every day in a week may permit drivers to remain on~~  
5 ~~duty for a total of not more than 84 hours in any period of 8~~  
6 ~~consecutive days; however, 24~~ consecutive hours off duty shall  
7 constitute the end of any such period of 7 or 8 consecutive  
8 days. This weekly limit does not apply to a person who  
9 operates a commercial motor vehicle solely within this state  
10 while transporting, during harvest periods, any unprocessed  
11 agricultural products or unprocessed food or fiber that ~~is~~ ~~are~~  
12 subject to seasonal harvesting from place of harvest to the  
13 first place of processing or storage or from place of harvest  
14 directly to market or while transporting livestock, livestock  
15 feed, or farm supplies directly related to growing or  
16 harvesting agricultural products. Upon request of the  
17 Department of Transportation, motor carriers shall furnish  
18 time records or other written verification to that department  
19 so that the Department of Transportation can determine  
20 compliance with this subsection. These time records must be  
21 furnished to the Department of Transportation within 10 days  
22 after receipt of that department's request. Falsification of  
23 such information is subject to a civil penalty not to exceed  
24 \$100. The provisions of this paragraph do not apply to drivers  
25 of ~~public~~ utility service vehicles as defined in 49 C.F.R. s.  
26 395.2 ~~or authorized emergency vehicles during periods of~~  
27 ~~severe weather or other emergencies.~~

28 (d) A person who operates a commercial motor vehicle  
29 solely in intrastate commerce not transporting any hazardous  
30 material in amounts that require placarding pursuant to 49  
31 C.F.R. part 172 within a 150 ~~200~~ air-mile radius of the

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1 location where the vehicle is based need not comply with 49  
2 C.F.R. s. 395.8, except that time records shall be maintained  
3 as prescribed in 49 C.F.R. s. 395.1(e)(5).

4 (f) A person who operates a commercial motor vehicle  
5 having a declared gross vehicle weight of less than 26,001  
6 ~~26,000~~ pounds solely in intrastate commerce and who is not  
7 transporting hazardous materials in amounts that require  
8 placarding pursuant to 49 C.F.R. part 172, or who is  
9 transporting petroleum products as defined in s. 376.301, is  
10 exempt from subsection (1). However, such person must comply  
11 with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss.  
12 396.3(a)(1) and 396.9.

13 (i) A person ~~who was a regularly employed driver of a~~  
14 ~~commercial motor vehicle on July 4, 1987, and whose driving~~  
15 record shows no traffic convictions, pursuant to s. 322.61,  
16 during the 2-year period immediately preceding the application  
17 for the commercial driver's license, ~~and~~ who is otherwise  
18 qualified as a driver under 49 C.F.R. part 391, and who  
19 operates a commercial vehicle in intrastate commerce only,  
20 shall be exempt from the requirements of 49 C.F.R. part 391,  
21 subpart E, s. 391.41(b)(10). However, such operators are still  
22 subject to the requirements of ss. 322.12 and 322.121. As  
23 proof of eligibility, such driver shall have in his or her  
24 possession a physical examination form dated within the past  
25 24 months.

26 (3) A person who has not attained ~~under the age of 18~~  
27 years of age may not operate a commercial motor vehicle,  
28 except that a person who has not attained ~~under the age of 18~~  
29 years of age may operate a commercial motor vehicle which has  
30 a gross vehicle weight of less than 26,001 ~~26,000~~ pounds while  
31 transporting agricultural products, including horticultural or

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1 forestry products, from farm or harvest place to storage or  
2 market.

3 Section 6. Subsection (10) of section 316.515, Florida  
4 Statutes, is amended to read:

5 (10) AUTOMOBILE TOWAWAY AND DRIVEAWAY OPERATIONS.--An  
6 automobile towaway or driveaway operation transporting new or  
7 used trucks may use what is known to the trade as "saddle  
8 mounts," if the overall length does not exceed 97 75 feet and  
9 no more than three saddle mounts are towed. Such combinations  
10 may include one full mount. Saddle mount combinations must  
11 also comply with the applicable safety regulations in 49  
12 C.F.R. s. 393.71.

13  
14 (Redesignate subsequent sections.)

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

18 And the title is amended as follows:

19 On page 1, line 20, after the first semicolon

20

21 insert:

22 amending s. 316.302, F.S.; updating reference  
23 to federal commercial motor vehicle  
24 regulations; revising hours-of-service  
25 requirements for certain intrastate motor  
26 carriers; revising conditions for an exemption  
27 from commercial driver license requirements;  
28 revising weight requirements for application of  
29 certain exceptions to specified federal  
30 regulations and to operation of certain  
31 commercial motor vehicles by persons of a

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1 certain age; amending s. 316.515, F.S.;

2 revising length and mount requirements for

3 automobile towaway and driveaway operations;

4 authorizing saddle mount combinations to

5 include one full mount;

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