

CHAMBER ACTION

1 The Transportation Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to motor vehicle passenger safety;
7 amending s. 316.003, F.S.; providing definitions;
8 repealing s. 316.620, F.S., relating to transportation of
9 migrant farm workers; creating s. 316.622, F.S.; requiring
10 owners and operators of farm labor vehicles to conform
11 such vehicles to certain standards; requiring seat belts
12 at each passenger position in certain vehicles; requiring
13 certain operators to display prescribed stickers on their
14 vehicles; requiring a certain sign to be displayed in such
15 vehicles; providing for consideration in civil proceedings
16 of failure to use or require use of installed seat belts;
17 requiring the Department of Highway Safety and Motor
18 Vehicles to provide copies of certain accident reports to
19 the Department of Business and Professional Regulation;
20 providing a penalty; amending s. 318.18, F.S.; providing
21 penalties for violation of specified farm labor vehicle
22 requirements; amending ss. 320.38, 322.031, and 450.181,
23 F.S.; conforming provisions; amending s. 450.28, F.S.;

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24 | revising a definition; amending s. 450.33, F.S.;

25 | conforming a cross-reference; requiring the Department of

26 | Business and Professional Regulation to issue a vehicle

27 | authorization sticker denoting the authorization of a

28 | vehicle to transport certain farm workers; requiring the

29 | display of the sticker; amending s. 1006.22, F.S.;

30 | revising provisions for the transportation of students in

31 | a vehicle other than a school bus; providing for use of

32 | such vehicle for mid-day trips to certain agriculture-

33 | related sites and events; revising criteria for such

34 | vehicles and their use; requiring district school boards

35 | and charter schools to adopt a policy that addresses

36 | procedures and liability for trips using vehicles other

37 | than school buses; providing an effective date.

38 |

39 | Be It Enacted by the Legislature of the State of Florida:

40 |

41 | Section 1. Subsections (61) and (62) of section 316.003,

42 | Florida Statutes, are amended to read:

43 | 316.003 Definitions.--The following words and phrases,

44 | when used in this chapter, shall have the meanings respectively

45 | ascribed to them in this section, except where the context

46 | otherwise requires:

47 | (61) MIGRANT OR SEASONAL FARM WORKER.--Any person employed

48 | in hand labor operations in the planting, cultivation, or

49 | harvesting of agricultural crops ~~who is not indigenous to, or~~

50 | ~~domiciled in, the locale where so employed.~~

51 (62) FARM LABOR VEHICLE.--Any vehicle designed, used, or
52 maintained for the transportation of nine or more migrant or
53 seasonal farm workers, in addition to the driver, to or from a
54 place of employment or employment-related activities. The term
55 does not include:

56 (a) Any vehicle carrying only members of the immediate
57 family of the owner or driver.

58 (b) Any vehicle being operated by a common carrier of
59 passengers.

60 (c) Any carpool as defined in s. 450.28(3). ~~MIGRANT FARM~~
61 ~~WORKER CARRIER.-- Any person who transports, or who contracts or~~
62 ~~arranges for the transportation of, nine or more migrant farm~~
63 ~~workers to or from their employment by motor vehicle other than~~
64 ~~a passenger automobile or station wagon, except a migrant farm~~
65 ~~worker transporting himself or herself or the migrant farm~~
66 ~~worker's immediate family.~~

67 Section 2. Section 316.620, Florida Statutes, is repealed.

68 Section 3. Section 316.622, Florida Statutes, is created
69 to read:

70 316.622 Farm labor vehicles.--

71 (1) Each owner or operator of a farm labor vehicle that is
72 operated on the public highways of this state shall ensure that
73 such vehicle conforms to vehicle safety standards prescribed by
74 the Secretary of Labor under s. 401(b) of the Migrant and
75 Seasonal Agricultural Worker Protection Act, 29 U.S.C. s.
76 1841(b), and other applicable federal and state safety
77 standards.

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78 (2) On or after January 1, 2008, a farm labor vehicle
79 having a gross vehicle weight rating of 10,000 pounds or less
80 must be equipped at each passenger position with a seat belt
81 assembly that meets the requirements established under Federal
82 Motor Vehicle Safety Standard No. 208, 49 C.F.R. s. 571.208.

83 (3) A farm labor contractor may not transport migrant or
84 seasonal farm workers in a farm labor vehicle unless the display
85 sticker described in s. 450.33 is clearly displayed on the
86 vehicle.

87 (4) The owner or operator of a farm labor vehicle must
88 prominently display in the vehicle standardized notification
89 instructions requiring passengers to fasten their seat belts.
90 The Department of Highway Safety and Motor Vehicles shall create
91 standard notification instructions.

92 (5) Failure of any migrant or seasonal farm worker to use
93 a seat belt provided by the owner of a farm labor vehicle under
94 the provisions of this section shall not constitute negligence
95 per se, and such failure shall not be used as prima facie
96 evidence of negligence or considered in mitigation of damages;
97 however, such failure may be considered as evidence of
98 comparative negligence in any civil action.

99 (6) Failure of any owner or operator of a farm labor
100 vehicle to require that all passengers be restrained by a seat
101 belt when the vehicle is in motion may not be considered as
102 evidence of negligence in any civil action, provided that such
103 vehicle is otherwise in compliance with this section.

104 (7) Beginning the first quarter of the 2006-2007 fiscal
105 year, and each quarter thereafter, the department shall provide

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106 | to the Department of Business and Professional Regulation a copy
107 | of each accident report involving a farm labor vehicle.

108 | (8) A violation of this section is a noncriminal traffic
109 | infraction, punishable as provided in s. 318.18(16).

110 | Section 4. Subsection (16) is added to section 318.18,
111 | Florida Statutes, to read:

112 | 318.18 Amount of civil penalties.--The penalties required
113 | for a noncriminal disposition pursuant to s. 318.14 are as
114 | follows:

115 | (16) (a) Two hundred dollars for a violation of s.
116 | 316.622(1) or (2), operating a farm labor vehicle which fails to
117 | conform to vehicle safety standards or lack of seat belt
118 | assemblies at each passenger position.

119 | (b) One hundred dollars for a violation of s. 316.622(3)
120 | or (4), failing to display a sticker authorizing the vehicle to
121 | transport migrant or seasonal farm workers or failing to display
122 | standardized notification instructions requiring passengers to
123 | fasten their seat belts.

124 | Section 5. Section 320.38, Florida Statutes, is amended to
125 | read:

126 | 320.38 When nonresident exemption not allowed.--The
127 | provisions of s. 320.37 authorizing the operation of motor
128 | vehicles over the roads of this state by nonresidents of this
129 | state when such vehicles are duly registered or licensed under
130 | the laws of some other state or foreign country do not apply to
131 | any nonresident who accepts employment or engages in any trade,
132 | profession, or occupation in this state, except a nonresident
133 | migrant or seasonal farm worker as defined in s. 316.003(61). In

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134 every case in which a nonresident, except a nonresident migrant
 135 or seasonal farm worker as defined in s. 316.003(61), accepts
 136 employment or engages in any trade, profession, or occupation in
 137 this state or enters his or her children to be educated in the
 138 public schools of this state, such nonresident shall, within 10
 139 days after the commencement of such employment or education,
 140 register his or her motor vehicles in this state if such motor
 141 vehicles are proposed to be operated on the roads of this state.
 142 Any person who is enrolled as a student in a college or
 143 university and who is a nonresident but who is in this state for
 144 a period of up to 6 months engaged in a work-study program for
 145 which academic credits are earned from a college whose credits
 146 or degrees are accepted for credit by at least three accredited
 147 institutions of higher learning, as defined in s. 1005.02, is
 148 not required to have a Florida registration for the duration of
 149 the work-study program if the person's vehicle is properly
 150 registered in another jurisdiction. Any nonresident who is
 151 enrolled as a full-time student in such institution of higher
 152 learning is also exempt for the duration of such enrollment.

153 Section 6. Subsection (1) of section 322.031, Florida
 154 Statutes, is amended to read:

155 322.031 Nonresident; when license required.--

156 (1) In every case in which a nonresident, except a
 157 nonresident migrant or seasonal farm worker as defined in s.
 158 316.003(61), accepts employment or engages in any trade,
 159 profession, or occupation in this state or enters his or her
 160 children to be educated in the public schools of this state,
 161 such nonresident shall, within 30 days after the commencement of

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162 such employment or education, be required to obtain a Florida
 163 driver's license if such nonresident operates a motor vehicle on
 164 the highways of this state. The spouse or dependent child of
 165 such nonresident shall also be required to obtain a Florida
 166 driver's license within that 30-day period prior to operating a
 167 motor vehicle on the highways of this state.

168 Section 7. Subsection (3) of section 450.181, Florida
 169 Statutes, is amended to read:

170 450.181 Definitions.--As used in part II, unless the
 171 context clearly requires a different meaning:

172 (3) The term "migrant laborer" has the same meaning as
 173 migrant or seasonal farm workers as defined in s. 316.003(61).

174 Section 8. Subsection (3) of section 450.28, Florida
 175 Statutes, is amended to read:

176 450.28 Definitions.--

177 (3) "Carpool" means an arrangement made by the workers
 178 using one worker's own vehicle ~~reached by and between farm~~
 179 ~~workers~~ for transportation to and from work and for which the
 180 driver or owner of the vehicle is not paid by any third person
 181 other than the members of the carpool.

182 Section 9. Subsection (9) of section 450.33, Florida
 183 Statutes, is amended, and subsection (12) is added to that
 184 section, to read:

185 450.33 Duties of farm labor contractor.--Every farm labor
 186 contractor must:

187 (9) Produce evidence to the department that each vehicle
 188 he or she uses for the transportation of employees complies with
 189 the requirements and specifications established in chapter 316,

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190 s. 316.622 ~~316.620~~, or Pub. L. No. 93-518 as amended by Pub. L.
191 No. 97-470 meeting Department of Transportation requirements or,
192 in lieu thereof, bears a valid inspection sticker showing that
193 the vehicle has passed the inspection in the state in which the
194 vehicle is registered.

195 (12) Clearly display on each vehicle used to transport
196 migrant or seasonal farm workers a display sticker issued by the
197 department which states that the vehicle is authorized by the
198 department to transport migrant or seasonal farm workers and the
199 expiration date of the authorization.

200 Section 10. Subsection (1) of section 1006.22, Florida
201 Statutes, is amended to read:

202 1006.22 Safety and health of students being
203 transported.--Maximum regard for safety and adequate protection
204 of health are primary requirements that must be observed by
205 district school boards in routing buses, appointing drivers, and
206 providing and operating equipment, in accordance with all
207 requirements of law and rules of the State Board of Education in
208 providing transportation pursuant to s. 1006.21:

209 (1) (a) District school boards shall use school buses, as
210 defined in s. 1006.25, for all regular transportation. Regular
211 transportation or regular use means transportation of students
212 to and from school or school-related activities that are part of
213 a scheduled series or sequence of events to the same location.
214 "Students" means, for the purposes of this section, students
215 enrolled in the public schools in prekindergarten disability
216 programs and in kindergarten through grade 12. District school

217 boards may regularly use motor vehicles other than school buses
218 only under the following conditions:

219 1.(a) When the transportation is for physically
220 handicapped or isolated students and the district school board
221 has elected to provide for the transportation of the student
222 through written or oral contracts or agreements.

223 2.(b) When the transportation is a part of a comprehensive
224 contract for a specialized educational program between a
225 district school board and a service provider who provides
226 instruction, transportation, and other services.

227 3.(e) When the transportation is provided through a public
228 transit system.

229 4.(d) When the transportation is for mid-day trips to and
230 from school sites and agricultural education sites or for trips
231 to and from agricultural education-related events and
232 competitions. ~~When the transportation of students is necessary~~
233 ~~or practical in a motor vehicle owned or operated by a district~~
234 ~~school board other than a school bus, such transportation must~~
235 ~~be provided in designated seating positions in a passenger car~~
236 ~~not to exceed 8 students or in a multipurpose passenger vehicle~~
237 ~~designed to transport 10 or fewer persons which meets all~~
238 ~~applicable federal motor vehicle safety standards. Multipurpose~~
239 ~~passenger vehicles classified as utility vehicles with a~~
240 ~~wheelbase of 110 inches or less which are required by federal~~
241 ~~motor vehicle standards to display a rollover warning label may~~
242 ~~not be used.~~

243 (b) When the transportation of students is provided, as
244 authorized in this subsection, in a vehicle, other than a school

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245 bus, that is owned, operated, rented, contracted, or leased by a
246 school district or charter school, the following provisions
247 shall apply:

248 1. The vehicle must be a passenger car, multipurpose
249 passenger vehicle, or truck, as defined in Title 49 C.F.R. part
250 571, designed to transport fewer than 10 students. Students must
251 be transported in designated seating positions and must use the
252 occupant protection system provided by the manufacturer unless
253 the student's physical condition prohibits such use.

254 2. Authorized vehicles may not be driven by students on
255 public rights-of-way. An authorized vehicle may be driven by a
256 student on school or private property without other students in
257 the vehicle as part of the student's educational curriculum.

258 3. Drivers of authorized vehicles transporting students
259 must maintain a valid driver's license and must comply with the
260 requirements of the district's locally adopted safe driver plan,
261 including review of driving records for disqualifying
262 violations.

263 4. The district school board or charter school must adopt
264 a policy that addresses procedures and liability for trips under
265 this paragraph, including a provision that school buses are to
266 be used whenever practical and specifying consequences for
267 violation of the policy.

268
269 ~~When students are transported in motor vehicles, the occupant~~
270 ~~crash protection system provided by the vehicle manufacturer~~
271 ~~must be used unless the student's physical condition prohibits~~
272 ~~such use.~~

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273 | Section 11. This act shall take effect July 1, 2006. |