



113476

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/10/2008	.	
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1 The Committee on Transportation and Economic Development
2 Appropriations (Webster) recommended the following **amendment**:

3
4 **Senate Amendment (with title amendment)**

5 Delete line(s) 709-819
6 and insert:

7
8 (6) The state Department of Transportation shall perform
9 the duties that are assigned to the Field Administrator, Federal
10 Motor Carrier Safety Administration ~~Regional Federal Highway~~
11 ~~Administrator~~ under the federal rules, and an agent of that
12 department, as described in s. 316.545(9), may enforce those
13 rules.

14 (8) For the purpose of enforcing this section, any law
15 enforcement officer of the Department of Transportation or duly
16 appointed agent who holds a current safety inspector
17 certification from the Commercial Vehicle Safety Alliance may



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18 | require the driver of any commercial vehicle operated on the
19 | highways of this state to stop and submit to an inspection of the
20 | vehicle or the driver's records. If the vehicle or driver is
21 | found to be operating in an unsafe condition, or if any required
22 | part or equipment is not present or is not in proper repair or
23 | adjustment, and the continued operation would present an unduly
24 | hazardous operating condition, the officer may require the
25 | vehicle or the driver to be removed from service pursuant to the
26 | North American Standard ~~Uniform~~ Out-of-Service Criteria, until
27 | corrected. However, if continuous operation would not present an
28 | unduly hazardous operating condition, the officer may give
29 | written notice requiring correction of the condition within 14
30 | days.

31 | (a) Any member of the Florida Highway Patrol or any law
32 | enforcement officer employed by a sheriff's office or municipal
33 | police department authorized to enforce the traffic laws of this
34 | state pursuant to s. 316.640 who has reason to believe that a
35 | vehicle or driver is operating in an unsafe condition may, as
36 | provided in subsection (10), enforce the provisions of this
37 | section.

38 | (b) Any person who fails to comply with an officer's
39 | request to submit to an inspection under this subsection commits
40 | a violation of s. 843.02 if the person resists the officer
41 | without violence or a violation of s. 843.01 if the person
42 | resists the officer with violence.

43 | Section 10. Section 316.3045, Florida Statutes, is amended
44 | to read:

45 | 316.3045 Operation of radios or other mechanical
46 | soundmaking devices or instruments in vehicles; exemptions.--



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47 (1) It is unlawful for any person operating or occupying a
48 motor vehicle on a street or highway to operate or amplify the
49 sound produced by a radio, tape player, or other mechanical
50 soundmaking device or instrument from within the motor vehicle so
51 that the sound is:

52 (a) Plainly audible at a distance of 25 feet or more from
53 the motor vehicle; or

54 (b) Louder than necessary for the convenient hearing by
55 persons inside the vehicle in areas adjoining churches, schools,
56 or hospitals.

57 (2) The provisions of this section do ~~shall~~ not apply to
58 any law enforcement motor vehicle equipped with any communication
59 device necessary in the performance of law enforcement duties or
60 to any emergency vehicle equipped with any communication device
61 necessary in the performance of any emergency procedures.

62 (3) The provisions of this section do not apply to motor
63 vehicles used for business or political purposes, which in the
64 normal course of conducting such business use soundmaking
65 devices. The provisions of this subsection shall not be deemed to
66 prevent local authorities, with respect to streets and highways
67 under their jurisdiction and within the reasonable exercise of
68 the police power, from regulating the time and manner in which
69 such business may be operated.

70 (4) The provisions of this section do not apply to the
71 noise made by a horn or other warning device required or
72 permitted by s. 316.271. The Department of Highway Safety and
73 Motor Vehicles shall adopt ~~promulgate~~ rules defining "plainly
74 audible" and establish standards regarding how sound should be
75 measured by law enforcement personnel who enforce the provisions
76 of this section.



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77 (5) A violation of this section is a noncriminal traffic
78 infraction, punishable as a nonmoving violation as provided in
79 chapter 318.

80 (6) In addition to any fine administered under subsection
81 (5), a person convicted of a violation of this section shall also
82 pay upon the 10th or subsequent conviction, a fine of not less
83 than \$250 but not more than \$500.

84 Section 11. Subsection (2) of section 316.613, Florida
85 Statutes, is amended to read:

86 316.613 Child restraint requirements.--

87 (2) As used in this section, the term "motor vehicle" means
88 a motor vehicle as defined in s. 316.003 which ~~that~~ is operated
89 on the roadways, streets, and highways of the state. The term
90 does not include:

91 (a) A school bus as defined in s. 316.003(45).

92 (b) A bus used for the transportation of persons for
93 compensation, other than a bus regularly used to transport
94 children to or from school, as defined in s. 316.615(1)(b), or in
95 conjunction with school activities.

96 (c) A farm tractor or implement of husbandry.

97 (d) A truck having a gross vehicle weight rating of more
98 than 26,000 ~~of net weight of more than 5,000~~ pounds.

99 (e) A motorcycle, moped, or bicycle.

100

101

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

103 And the title is amended as follows:

104 Delete line(s) 81-87

105 and insert:



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106 | providing enhanced penalties upon multiple convictions for
107 | violating prohibitions against the use of excessively loud
108 | soundmaking equipment in a motor vehicle; amending s.
109 | 316.613, F.S.; redefining the term "motor vehicle" to
110 | exclude certain trucks from the requirement to use a child
111 | restraint; amending s. 316.645,