

By Senator Posey

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1 A bill to be entitled
2 An act relating to commercial motor vehicles; amending s.
3 316.003, F.S.; exempting certain vehicles that
4 occasionally transport personal property to and from
5 closed-course motorsport facilities from the definition of
6 "commercial motor vehicle" for purposes of statutory
7 provisions relating to state uniform traffic control;
8 amending ss. 320.01 and 322.01, F.S.; exempting certain
9 vehicles that occasionally transport personal property to
10 and from closed-course motorsport facilities from the
11 definition of "commercial motor vehicle" for purposes of
12 statutory provisions governing motor vehicle licenses and
13 driver's licenses; providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Subsection (66) of section 316.003, Florida
18 Statutes, is amended to read:

19 316.003 Definitions.--The following words and phrases, when
20 used in this chapter, shall have the meanings respectively
21 ascribed to them in this section, except where the context
22 otherwise requires:

23 (66) COMMERCIAL MOTOR VEHICLE.--Any self-propelled or towed
24 vehicle used on the public highways in commerce to transport
25 passengers or cargo, if such vehicle:

26 (a) Has a gross vehicle weight rating of 10,000 pounds or
27 more;

28 (b) Is designed to transport more than 15 passengers,
29 including the driver; or

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30 (c) Is used in the transportation of materials found to be
31 hazardous for the purposes of the Hazardous Materials
32 Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.).

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34 A vehicle that occasionally transports personal property to and
35 from a closed-course motorsport facility, as defined in s.
36 549.09(1)(a), is not a commercial motor vehicle if it is not used
37 for profit and corporate sponsorship is not involved. As used in
38 this subsection, the term "corporate sponsorship" means a
39 payment, donation, gratuity, in-kind service, or other benefit
40 provided to or derived by a person in relation to the underlying
41 activity, other than the display of product or corporate names,
42 logos, or other graphic information on the property being
43 transported.

44 Section 2. Subsection (26) of section 320.01, Florida
45 Statutes, is amended to read:

46 320.01 Definitions, general.--As used in the Florida
47 Statutes, except as otherwise provided, the term:

48 (26) "Commercial motor vehicle" means any vehicle which is
49 not owned or operated by a governmental entity, which uses
50 special fuel or motor fuel on the public highways, and which has
51 a gross vehicle weight of 26,001 pounds or more, or has three or
52 more axles regardless of weight, or is used in combination when
53 the weight of such combination exceeds 26,001 pounds gross
54 vehicle weight. A vehicle that occasionally transports personal
55 property to and from a closed-course motorsport facility, as
56 defined in s. 549.09(1)(a), is not a commercial motor vehicle if
57 the use is not for profit and corporate sponsorship is not
58 involved. As used in this subsection, the term "corporate

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59 sponsorship" means a payment, donation, gratuity, in-kind
60 service, or other benefit provided to or derived by a person in
61 relation to the underlying activity, other than the display of
62 product or corporate names, logos, or other graphic information
63 on the property being transported.

64 Section 3. Subsection (8) of section 322.01, Florida
65 Statutes, is amended to read:

66 322.01 Definitions.--As used in this chapter:

67 (8) "Commercial motor vehicle" means any motor vehicle or
68 motor vehicle combination used on the streets or highways, which:

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

71 (b) Is designed to transport more than 15 persons,
72 including the driver; or

73 (c) Is transporting hazardous materials and is required to
74 be placarded in accordance with Title 49 C.F.R. part 172, subpart
75 F.

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77 A vehicle that occasionally transports personal property to and
78 from a closed-course motorsport facility, as defined in s.
79 549.09(1)(a), is not a commercial motor vehicle if the use is not
80 for profit and corporate sponsorship is not involved. As used in
81 this subsection, the term "corporate sponsorship" means a
82 payment, donation, gratuity, in-kind service, or other benefit
83 provided to or derived by a person in relation to the underlying
84 activity, other than the display of product or corporate names,
85 logos, or other graphic information on the property being
86 transported.

87 Section 4. This act shall take effect July 1, 2008.