

By Senator Crist

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1 A bill to be entitled

2 An act relating to contract carriers; amending s. 316.302,
3 F.S.; applying specified rules and regulations to contract
4 carriers employed by railroad companies; requiring
5 contract carrier drivers to hold a commercial driver's
6 license; requiring contract carriers to perform alcohol
7 and drug testing on drivers; limiting duties of contract
8 carrier operators; requiring contract carriers to record
9 certain information and keep certain logs for a certain
10 time; requiring commercial for-hire carrier companies to
11 maintain certain liability insurance; requiring the
12 Department of Transportation to adopt rules regulating
13 such contract carriers; requiring the department to inform
14 contract carriers and railroad companies of applicable
15 requirements and statutes; providing an effective date.

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

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19 Section 1. Subsections (8) through (11) of section 316.302,
20 Florida Statutes, are renumbered as subsections (9) through (12),
21 respectively, present subsection (8) is amended, and a new
22 subsection (8) is added to that section, to read:

23 316.302 Commercial motor vehicles; safety regulations;
24 transporters and shippers of hazardous materials; enforcement.--

25 (8) This section also applies to all contract carriers
26 operating in this state and regularly employed by any railroad
27 company. In addition:

28 (a) Each contract carrier driver must hold a commercial
29 driver's license.

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30 (b) Such contract carriers shall perform alcohol and drug
31 testing on drivers before employment, on suspicion of drug or
32 alcohol use, and randomly at least once every 365 days.

33 (c) Contract carrier operators must not perform duties in
34 excess of 14 hours per shift, with a total driving time of 12
35 hours, and shall have a minimum of 10 hours rest between shifts.

36 (d) Contract carriers shall keep logs, signed by both the
37 employee and the employer on a weekly basis, of hours of service
38 recording time on duty, driving time, and total time worked per
39 shift. The logs shall be kept by the contract carrier for a
40 minimum of 3 years.

41 (e) Commercial for-hire carrier companies shall maintain a
42 minimum liability insurance coverage of \$1.5 million per vehicle
43 and equivalent uninsured and underinsured motorist coverage.

44 (9)(8) For the purpose of enforcing this section, any law
45 enforcement officer of the Department of Transportation or duly
46 appointed agent who holds a current safety inspector
47 certification from the Commercial Vehicle Safety Alliance may
48 require the driver of any commercial vehicle operated on the
49 highways of this state to stop and submit to an inspection of the
50 vehicle or the driver's records. If the vehicle or driver is
51 found to be operating in an unsafe condition, or if any required
52 part or equipment is not present or is not in proper repair or
53 adjustment, and the continued operation would present an unduly
54 hazardous operating condition, the officer may require the
55 vehicle or the driver to be removed from service pursuant to the
56 North American Uniform Out-of-Service Criteria, until corrected.
57 However, if continuous operation would not present an unduly

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58 hazardous operating condition, the officer may give written
59 notice requiring correction of the condition within 14 days.

60 (a) Any member of the Florida Highway Patrol or any law
61 enforcement officer employed by a sheriff's office or municipal
62 police department authorized to enforce the traffic laws of this
63 state pursuant to s. 316.640 who has reason to believe that a
64 vehicle or driver is operating in an unsafe condition may, as
65 provided in subsection (11) ~~(10)~~, enforce the provisions of this
66 section.

67 (b) Any person who fails to comply with an officer's
68 request to submit to an inspection under this subsection commits
69 a violation of s. 843.02 if the person resists the officer
70 without violence or a violation of s. 843.01 if the person
71 resists the officer with violence.

72 Section 2. (1) The Department of Transportation shall
73 adopt rules regulating contract carriers employed by railroad
74 companies operating in this state.

75 (2) Rules adopted under this section must, at a minimum:

76 (a) Require each contract carrier driver to hold a
77 commercial driver's license.

78 (b) Require employers of the drivers to perform alcohol and
79 drug testing on drivers before employment, on suspicion of drug
80 or alcohol use, and randomly at least once every 365 days.

81 (c) Incorporate all statutory requirements for carriers,
82 including, at a minimum, the requirements of section 316.302,
83 Florida Statutes, and rules adopted under that section.

84 (d) Provide that contract carrier operators must not
85 perform duties in excess of 14 hours per shift, with a total

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86 driving time of 12 hours, and must have a minimum of 10 hours of
87 rest between shifts.

88 (e) Require contract carriers to keep logs, signed by both
89 the employee and the employer on a weekly basis, of hours of
90 service recording time on duty, driving time, and total time
91 worked per shift, and require the logs be kept by the contract
92 carrier for a minimum of 3 years.

93 (f) Require commercial for-hire carrier companies to
94 maintain a minimum liability insurance coverage of \$1.5 million
95 per vehicle and equivalent uninsured and underinsured motorist
96 coverage.

97 (3) The Department of Transportation shall inform contract
98 carriers and railroad companies in this state of the applicable
99 requirements and statutes.

100 Section 3. This act shall take effect July 1, 2008.