

By the Committee on Judiciary; and Senators Crist, Lynn and Bullard

590-08215-08

20082492c1

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 the  
5 Department of Transportation to adopt rules regulating  
6 such contract carriers; requiring the department to inform  
7 contract carriers and railroad companies of applicable  
8 requirements and statutes; providing an effective date.  
9

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

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

16 316.302 Commercial motor vehicles; safety regulations;  
17 transporters and shippers of hazardous materials; enforcement.--

18 (8) This section applies only to contract carriers  
19 transporting railroad employees within this state.

20 (a) Each driver for such contract carrier must hold a  
21 commercial driver's license.

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

25 (c) Such contract carrier operators must not perform duties  
26 in excess of 14 hours per shift, with a total driving time of 12  
27 hours, and shall have a minimum of 10 hours of rest between  
28 shifts.

29 (d) Such contract carriers shall keep logs, signed by both

590-08215-08

20082492c1

30 the employee and the employer on a weekly basis, of hours of  
31 service recording time on duty, driving time, and total time  
32 worked per shift. The logs shall be kept by the contract carrier  
33 for a minimum of 3 years.

34 (e) Such contract carrier companies shall maintain a  
35 minimum liability insurance coverage of \$1.5 million per vehicle  
36 and equivalent uninsured and underinsured motorist coverage.

37 (f) The Department of Transportation may adopt rules for  
38 the implementation and administration of this subsection.

39 (g) The Department of Transportation shall inform contract  
40 carriers transporting railroad employees in this state of  
41 applicable requirements and statutes.

42 (9) ~~(8)~~ For the purpose of enforcing this section, any law  
43 enforcement officer of the Department of Transportation or duly  
44 appointed agent who holds a current safety inspector  
45 certification from the Commercial Vehicle Safety Alliance may  
46 require the driver of any commercial vehicle operated on the  
47 highways of this state to stop and submit to an inspection of the  
48 vehicle or the driver's records. If the vehicle or driver is  
49 found to be operating in an unsafe condition, or if any required  
50 part or equipment is not present or is not in proper repair or  
51 adjustment, and the continued operation would present an unduly  
52 hazardous operating condition, the officer may require the  
53 vehicle or the driver to be removed from service pursuant to the  
54 North American Uniform Out-of-Service Criteria, until corrected.  
55 However, if continuous operation would not present an unduly  
56 hazardous operating condition, the officer may give written  
57 notice requiring correction of the condition within 14 days.

58 (a) Any member of the Florida Highway Patrol or any law

590-08215-08

20082492c1

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

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

70 Section 2. This act shall take effect July 1, 2008.