

By Senator Crist

12-00215-09

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1                   A bill to be entitled  
2           An act relating to contract carriers; amending s.  
3           316.302, F.S.; applying specific requirements to  
4           contract carriers employed by railroad companies;  
5           providing requirements for drug and alcohol testing  
6           and rest periods; requiring that contract carriers  
7           keep logs and maintain certain insurance coverage;  
8           requiring the Department of Transportation to adopt  
9           rules regulating such contract carriers; requiring the  
10          department to inform contract carriers and railroad  
11          companies of applicable requirements and statutes;  
12          providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

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

20           316.302 Commercial motor vehicles; safety regulations;  
21          transporters and shippers of hazardous materials; enforcement.-

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

24           (a) Each driver for such contract carriers must hold a  
25          commercial driver's license.

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

29           (c) Drivers employed by such contract carriers may not

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30 perform duties in excess of 14 hours per shift, with a total  
31 driving time of 12 hours, and shall have a minimum of 10 hours  
32 of rest between shifts.

33 (d) Such contract carriers shall keep logs, signed by the  
34 drivers and the employer on a weekly basis, showing hours of  
35 service and recording time on duty, driving time, and total time  
36 worked per shift. The logs shall be kept by the contract  
37 carriers for a minimum of 3 years.

38 (e) Such contract carriers shall maintain a minimum  
39 liability insurance coverage of \$1.5 million per vehicle and  
40 equivalent uninsured and underinsured motorist coverage.

41 (f) The Department of Transportation may adopt rules to  
42 administer this subsection.

43 (g) The Department of Transportation shall inform contract  
44 carriers transporting railroad employees in this state of  
45 applicable requirements and statutes.

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

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59 corrected. However, if continuous operation would not present an  
60 unduly hazardous operating condition, the officer may give  
61 written notice requiring correction of the condition within 14  
62 days.

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

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

75 Section 2. This act shall take effect July 1, 2009.