1   A bill to be entitled

2   An act relating to contract carriers; amending s. 316.302,

3   F.S.; applying specific requirements to contract carriers

4   employed by railroad companies; providing requirements for

5   drug and alcohol testing and rest periods; requiring that

6   contract carriers keep logs and maintain certain insurance

7   coverage; requiring the Department of Transportation to

8   adopt rules regulating such contract carriers; requiring

9   the department to inform contract carriers and railroad

10   companies of applicable requirements and statutes;

11   providing an effective date.

12

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

14

15   Section 1. Subsections (8) through (11) of section

16 316.302, Florida Statutes, are renumbered as subsections (9)

17 through (12), respectively, present subsection (8) is amended,

18 and a new subsection (8) is added to that section, to read:

19   316.302 Commercial motor vehicles; safety regulations;

20 transporters and shippers of hazardous materials; enforcement.--

21   (8) This section applies only to contract carriers

22 transporting railroad employees within this state.

23   (a) Each driver for such contract carriers must hold a

24 commercial driver's license.

25   (b) Such contract carriers shall perform alcohol and drug

26 testing on drivers before employment, on suspicion of drug or

27 alcohol use, and randomly at least once every 365 days.

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

29 perform duties in excess of 14 hours per shift, with a total

30 driving time of 12 hours, and shall have a minimum of 10 hours

31 of rest between shifts.

32   (d) Such contract carriers shall keep logs, signed by the

33 drivers and the employer on a weekly basis, showing hours of

34 service and recording time on duty, driving time, and total time

35 worked per shift. The logs shall be kept by the contract

36 carriers for a minimum of 3 years.

37   (e) Such contract carriers shall maintain a minimum

38 liability insurance coverage of $1.5 million per vehicle and

39 equivalent uninsured and underinsured motorist coverage.

40   (f) The Department of Transportation may adopt rules to

41 administer this subsection.

42   (g) The Department of Transportation shall inform contract

43 carriers transporting railroad employees in this state of

44 applicable requirements and statutes.

45   (9)(8) For the purpose of enforcing this section, any law

46 enforcement officer of the Department of Transportation or duly

47 appointed agent who holds a current safety inspector

48 certification from the Commercial Vehicle Safety Alliance may

49 require the driver of any commercial vehicle operated on the

50 highways of this state to stop and submit to an inspection of

51 the vehicle or the driver's records. If the vehicle or driver is

52 found to be operating in an unsafe condition, or if any required

53 part or equipment is not present or is not in proper repair or

54 adjustment, and the continued operation would present an unduly

55 hazardous operating condition, the officer may require the

56 vehicle or the driver to be removed from service pursuant to the

57 North American Standard Out-of-Service Criteria, until

58 corrected. However, if continuous operation would not present an

59 unduly hazardous operating condition, the officer may give

60 written notice requiring correction of the condition within 14

61 days.

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

63 enforcement officer employed by a sheriff's office or municipal

64 police department authorized to enforce the traffic laws of this

65 state pursuant to s. 316.640 who has reason to believe that a

66 vehicle or driver is operating in an unsafe condition may, as

67 provided in subsection (11) (10), enforce the provisions of this

68 section.

69   (b) Any person who fails to comply with an officer's

70 request to submit to an inspection under this subsection commits

71 a violation of s. 843.02 if the person resists the officer

72 without violence or a violation of s. 843.01 if the person

73 resists the officer with violence.

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