

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

1 Committee/Subcommittee hearing bill: Transportation & Economic
 2 Development Appropriations Subcommittee
 3 Representative Raburn offered the following:

Amendment (with title amendment)

Remove lines 563-585 and insert:

Section 8. Paragraph (b) of subsection (3) and subsection
 (5) of section 316.3025, Florida Statutes, are amended,
 subsections (6) and (7) are renumbered as subsections (7) and
 (8), respectively, and a new subsection (6) is added to that
 section, to read:

316.3025 Penalties.—

(3)

(b) A civil penalty of \$100 may be assessed for:

1. Each violation of the North American Uniform Driver
 Out-of-Service Criteria;
2. A violation of s. 316.302(2)(b) or (c);
3. A violation of 49 C.F.R. s. 392.60; ~~or~~
4. A violation of the North American Standard Vehicle Out-
 of-Service Criteria resulting from an inspection of a commercial

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21 motor vehicle involved in a crash; or

22 5. A violation of 49 C.F.R. s. 391.41.

23 (5) Whenever any person or motor carrier as defined in
24 chapter 320 violates the provisions of this section and becomes
25 indebted to the state because of such violation and refuses to
26 pay the appropriate penalty, in addition to the provisions of s.
27 316.3026, such penalty becomes a lien upon the property
28 including the motor vehicles of such person or motor carrier and
29 may be seized and foreclosed by the state in a civil action in
30 any court of this state. It shall be presumed that the owner of
31 the motor vehicle is liable for the sum, and the vehicle may be
32 detained or impounded until the penalty is paid.

33 (6) (a) A driver who violates 49 C.F.R. s. 392.80, which
34 prohibits texting while operating a commercial motor vehicle, or
35 49 C.F.R. s. 392.82, which prohibits using a handheld mobile
36 telephone while operating a commercial motor vehicle, shall be
37 assessed a civil penalty and commercial driver license
38 disqualification as follows:

39 1. First violation: \$500.

40 2. Second violation: \$1,000 and a 60-day commercial driver
41 license disqualification pursuant to 49 C.F.R. part 383.

42 3. Third and subsequent violations: \$2,750 and a 120-day
43 commercial driver license disqualification pursuant to 49 C.F.R.
44 part 383.

45 (b) A company requiring or allowing a driver to violate 49
46 C.F.R. s. 392.80, which prohibits texting while operating a
47 commercial motor vehicle, or 49 C.F.R. s. 392.82, which
48 prohibits using a handheld mobile telephone while operating a

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49 commercial motor vehicle, shall, in addition to any other
50 penalty assessed, be assessed the following civil penalty. The
51 driver shall not be charged for the first violation under this
52 paragraph by the company.

- 53 1. First violation: \$2,750.
54 2. Second violation: \$5,000.
55 3. Third and subsequent violations: \$11,000.

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T I T L E A M E N D M E N T

Remove line 33 and insert:

refusal to pay penalty; providing penalties for violation of
specified federal regulations relating to commercial drivers and
use of mobile telephones and texting while driving a commercial
motor vehicle; amending s. 316.545, F.S.;