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LEGISLATIVE ACTION

Senate

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House

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Floor: 1a/RE/2R

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05/02/2013 01:38 AM

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Senator Brandes moved the following:

1 **Senate Amendment to Amendment (218538) (with title**
2 **amendment)**

3
4 Delete lines 111 - 397
5 and insert:

6 Section 3. Paragraph (b) of subsection (2) of section
7 316.066, Florida Statutes, is amended to read:

8 316.066 Written reports of crashes.—

9 (2)

10 (b) Crash reports held by an agency under paragraph (a) may
11 be made immediately available to the parties involved in the
12 crash, their legal representatives, their licensed insurance
13 agents, their insurers or insurers to which they have applied



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14 for coverage, persons under contract with such insurers to
15 provide claims or underwriting information, prosecutorial
16 authorities, law enforcement agencies, the Department of
17 Transportation, county traffic operations, victim services
18 programs, radio and television stations licensed by the Federal
19 Communications Commission, newspapers qualified to publish legal
20 notices under ss. 50.011 and 50.031, and free newspapers of
21 general circulation, published once a week or more often,
22 available and of interest to the public generally for the
23 dissemination of news. For the purposes of this section, the
24 following products or publications are not newspapers as
25 referred to in this section: those intended primarily for
26 members of a particular profession or occupational group; those
27 with the primary purpose of distributing advertising; and those
28 with the primary purpose of publishing names and other personal
29 identifying information concerning parties to motor vehicle
30 crashes.

31 Section 4. Subsections (3) and (4) of section 316.081,
32 Florida Statutes, are renumbered as subsections (4) and (5),
33 respectively, and a new subsection (3) is added to that section
34 to read:

35 316.081 Driving on right side of roadway; exceptions.-

36 (3) On a road, street, or highway having two or more lanes
37 allowing movement in the same direction, a driver may not
38 continue to operate a motor vehicle at any speed which is more
39 than 10 miles per hour slower than the posted speed limit in the
40 furthest left-hand lane if the driver knows or reasonably
41 should know that he or she is being overtaken in that lane from
42 the rear by a motor vehicle traveling at a higher rate of speed.



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43 This subsection does not apply to drivers operating a vehicle
44 that is overtaking another vehicle proceeding in the same
45 direction, or is preparing for a left turn at an intersection.

46 (4)~~(3)~~ Upon any roadway having four or more lanes for
47 moving traffic and providing for two-way movement of traffic, no
48 vehicle shall be driven to the left of the centerline of the
49 roadway, except when authorized by official traffic control
50 devices designating certain lanes to the left side of the center
51 of the roadway for use by traffic not otherwise permitted to use
52 such lanes, or except as permitted under paragraph (1)(b).
53 However, this subsection shall not be construed as prohibiting
54 the crossing of the centerline in making a left turn into or
55 from an alley, private road, or driveway.

56 (5)~~(4)~~ A violation of this section is a noncriminal traffic
57 infraction, punishable as a moving violation as provided in
58 chapter 318.

59 Section 6. Subsection (1) of section 316.1937, Florida
60 Statutes, is amended to read:

61 316.1937 Ignition interlock devices, requiring; unlawful
62 acts.—

63 (1) In addition to any other authorized penalties, the
64 court may require that any person who is convicted of driving
65 under the influence in violation of s. 316.193 shall not operate
66 a motor vehicle unless that vehicle is equipped with a
67 functioning ignition interlock device certified by the
68 department as provided in s. 316.1938, and installed in such a
69 manner that the vehicle will not start if the operator's blood
70 alcohol level is in excess of 0.025 ~~0.05~~ percent or as otherwise
71 specified by the court. The court may require the use of an



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72 approved ignition interlock device for a period of at least ~~not~~
73 ~~less than~~ 6 continuous months, if the person is permitted to
74 operate a motor vehicle, whether or not the privilege to operate
75 a motor vehicle is restricted, as determined by the court. The
76 court, however, shall order placement of an ignition interlock
77 device in those circumstances required by s. 316.193.

78 Section 7. Paragraph (b) of subsection (1), paragraph (a)
79 of subsection (4), and subsection (9) of section 316.302,
80 Florida Statutes, are amended to read:

81 316.302 Commercial motor vehicles; safety regulations;
82 transporters and shippers of hazardous materials; enforcement.-

83 (1)

84 (b) Except as otherwise provided in this section, all
85 owners or drivers of commercial motor vehicles that are engaged
86 in intrastate commerce are subject to the rules and regulations
87 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, with
88 the exception of 49 C.F.R. s. 390.5 as it relates to the
89 definition of bus, as such rules and regulations existed on
90 December 31, 2012 ~~October 1, 2011~~.

91 (4) (a) Except as provided in this subsection, all
92 commercial motor vehicles transporting any hazardous material on
93 any road, street, or highway open to the public, whether engaged
94 in interstate or intrastate commerce, and any person who offers
95 hazardous materials for such transportation, are subject to the
96 regulations contained in 49 C.F.R. part 107, subparts F and
97 ~~subpart~~ G, and 49 C.F.R. parts 171, 172, 173, 177, 178, and 180.
98 Effective July 1, 1997, the exceptions for intrastate motor
99 carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby
100 adopted.



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101 ~~(9) (a) This section is not applicable to the transporting~~
102 ~~of liquefied petroleum gas. The rules and regulations applicable~~
103 ~~to the transporting of liquefied petroleum gas on the highways,~~
104 ~~roads, or streets of this state shall be only those adopted by~~
105 ~~the Department of Agriculture and Consumer Services under~~
106 ~~chapter 527. However, transporters of liquefied petroleum gas~~
107 ~~must comply with the requirements of 49 C.F.R. parts 393 and~~
108 ~~396.9.~~

109 ~~(b)~~ This section does not apply to any nonpublic sector
110 bus.

111 Section 8. Paragraph (b) of subsection (3) and subsection
112 (5) of section 316.3025, Florida Statutes, is amended, present
113 subsection (6) of that section is renumbered as subsection (7),
114 and a new subsection (6) is added to that section, to read:

115 316.3025 Penalties.—

116 (3)

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

118 1. Each violation of the North American Uniform Driver Out-
119 of-Service Criteria;

120 2. A violation of s. 316.302(2) (b) or (c);

121 3. A violation of 49 C.F.R. s. 392.60; ~~or~~

122 4. A violation of the North American Standard Vehicle Out-
123 of-Service Criteria resulting from an inspection of a commercial
124 motor vehicle involved in a crash; or-

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

126 (5) Whenever any person or motor carrier as defined in
127 chapter 320 violates the provisions of this section and becomes
128 indebted to the state because of such violation and refuses to
129 pay the appropriate penalty, in addition to the provisions of s.



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130 316.3026, such penalty becomes a lien upon the property
131 including the motor vehicles of such person or motor carrier and
132 may be seized and foreclosed by the state in a civil action in
133 any court of this state. It shall be presumed that the owner of
134 the motor vehicle is liable for the sum, and the vehicle may be
135 detained or impounded until the penalty is paid.

136 (6) (a) A driver who violates 49 C.F.R. s. 392.80, which
137 prohibits texting while operating a commercial motor vehicle, or
138 49 C.F.R. s. 392.82, which prohibits using a handheld mobile
139 telephone while operating a commercial motor vehicle, may be
140 assessed a civil penalty and commercial driver license
141 disqualification as follows:

142 1. First violation: \$500.

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

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

148 (b) A company requiring or allowing a driver to violate 49
149 C.F.R. s. 392.80, which prohibits texting while operating a
150 commercial motor vehicle, or 49 C.F.R. s. 392.82, which
151 prohibits using a handheld mobile telephone while operating a
152 commercial motor vehicle, may, in addition to any other penalty
153 assessed, be assessed the following civil penalty. The driver
154 shall not be charged with an offense for the first violation
155 under this paragraph by the company.

156 1. First violation: \$2,750.

157 2. Second violation: \$5,000.

158 3. Third and subsequent violations: \$11,000.



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159 (c) The emergency exceptions provided by 49 C.F.R. s.
160 392.82 also apply to communications between utility drivers and
161 utility contractor drivers during a Level 1 activation of the
162 State Emergency Operations Center, as provided in the Florida
163 Comprehensive Emergency Management plan, or during a state of
164 emergency declared by executive order or proclamation of the
165 Governor.

166 Section 9. Paragraph (a) of subsection (3) and paragraph
167 (c) of subsection (5) of section 316.515, Florida Statutes, is
168 amended to read:

169 316.515 Maximum width, height, length.—

170 (3) LENGTH LIMITATION.—Except as otherwise provided in this
171 section, length limitations apply solely to a semitrailer or
172 trailer, and not to a truck tractor or to the overall length of
173 a combination of vehicles. No combination of commercial motor
174 vehicles coupled together and operating on the public roads may
175 consist of more than one truck tractor and two trailing units.
176 Unless otherwise specifically provided for in this section, a
177 combination of vehicles not qualifying as commercial motor
178 vehicles may consist of no more than two units coupled together;
179 such nonqualifying combination of vehicles may not exceed a
180 total length of 65 feet, inclusive of the load carried thereon,
181 but exclusive of safety and energy conservation devices approved
182 by the department for use on vehicles using public roads.
183 Notwithstanding any other provision of this section, a truck
184 tractor-semitrailer combination engaged in the transportation of
185 automobiles or boats may transport motor vehicles or boats on
186 part of the power unit; and, except as may otherwise be mandated
187 under federal law, an automobile or boat transporter semitrailer



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188 may not exceed 50 feet in length, exclusive of the load;
189 however, the load may extend up to an additional 6 feet beyond
190 the rear of the trailer. The 50-foot length limitation does not
191 apply to non-stinger-steered automobile or boat transporters
192 that are 65 feet or less in overall length, exclusive of the
193 load carried thereon, or to stinger-steered automobile or boat
194 transporters that are 75 feet or less in overall length,
195 exclusive of the load carried thereon. For purposes of this
196 subsection, a "stinger-steered automobile or boat transporter"
197 is an automobile or boat transporter configured as a semitrailer
198 combination wherein the fifth wheel is located on a drop frame
199 located behind and below the rearmost axle of the power unit.
200 Notwithstanding paragraphs (a) and (b), any straight truck or
201 truck tractor-semitrailer combination engaged in the
202 transportation of horticultural trees may allow the load to
203 extend up to an additional 10 feet beyond the rear of the
204 vehicle, provided said trees are resting against a retaining bar
205 mounted above the truck bed so that the root balls of the trees
206 rest on the floor and to the front of the truck bed and the tops
207 of the trees extend up over and to the rear of the truck bed,
208 and provided the overhanging portion of the load is covered with
209 protective fabric.

210 (a) *Straight trucks.*—A straight truck may not exceed a
211 length of 40 feet in extreme overall dimension, exclusive of
212 safety and energy conservation devices approved by the
213 department for use on vehicles using public roads. A straight
214 truck may attach a forklift to the rear of the cargo bed,
215 provided the overall combined length of the vehicle and the
216 forklift does not exceed 50 feet. A straight truck may tow no



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217 more than one trailer, and the overall length of the truck-
218 trailer combination may not exceed 68 feet, including the load
219 thereon. Notwithstanding any other provisions of this section, a
220 truck-trailer combination engaged in the transportation of
221 boats, or boat trailers whose design dictates a front-to-rear
222 stacking method may not exceed the length limitations of this
223 paragraph exclusive of the load; however, the load may extend up
224 to an additional 6 feet beyond the rear of the trailer.

225 (5) IMPLEMENTS OF HUSBANDRY AND FARM EQUIPMENT;
226 AGRICULTURAL TRAILERS; FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.—

227 (c) The width and height limitations of this section do not
228 apply to farming or agricultural equipment, whether self-
229 propelled, pulled, or hauled, when temporarily operated during
230 daylight hours upon a public road that is not a limited access
231 facility as defined in s. 334.03(12), and the width and height
232 limitations may be exceeded by such equipment without a permit.
233 To be eligible for this exemption, the equipment shall be
234 operated within a radius of 50 miles of the real property owned,
235 rented, managed, harvested, or leased by the equipment owner.
236 However, equipment being delivered by a dealer to a purchaser is
237 not subject to the 50-mile limitation. Farming or agricultural
238 equipment greater than 174 inches in width must have one warning
239 lamp mounted on each side of the equipment to denote the width
240 and must have a slow-moving vehicle sign. Warning lamps required
241 by this paragraph must be visible from the front and rear of the
242 vehicle and must be visible from a distance of at least 1,000
243 feet.

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

247 And the title is amended as follows:

248 Delete lines 4622 - 4658

249 and insert:

250 vehicle"; amending s. 316.066, F.S., authorizing the
251 Department of Transportation to immediately receive a
252 crash report; amending s. 316.081, F.S.; prohibiting a
253 driver from driving at less than the posted speed in
254 the furthestmost left-hand lane of road, street, or
255 highway having two or more lanes if being overtaken by
256 a motor vehicle ; providing exceptions; providing
257 penalties; amending s. 316.1937, F.S., revising
258 operational specifications for ignition interlock
259 devices; amending 316.302, F.S., revising provisions
260 for certain commercial motor vehicles and transporters
261 and shippers of hazardous materials; providing for
262 application of specified federal regulations; removing
263 a provision for application of specified provisions
264 and federal regulations to transporting liquefied
265 petroleum gas; amending s. 316.3025, F.S.; refusal to
266 pay penalty; providing penalties for violation of
267 specified federal regulations relating to commercial
268 drivers and the use of mobile telephones and texting
269 while driving a commercial motor vehicle; clarifying
270 an exception; amending s. 316.515, F.S., revising the
271 maximum allowable length of certain vehicle
272 combinations; expanding an exemption from width and
273 height limitations to farming and agricultural
274 equipment operated in a certain proximity to real



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property that is managed or harvested by the equipment
owner; amending