

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 1072

INTRODUCER: Transportation Committee and Senator Evers

SUBJECT: Registration of Agriculture Transport Vehicles

DATE: March 12, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Eichin	TR	Fav/CS
2.			ATD	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1072 defines the term “melon hauling vehicle” and establishes an annual license tax for the operation of such vehicle.

The bill exempts a driver of a melon hauling vehicle from having to possess a commercial driver license.

II. Present Situation:

Agricultural Vehicle License Taxes

Annual license taxes for the operation of motor vehicles registered in Florida are provided in s. 320.08, Florida Statutes. The owner of a truck with a net weight of less than 5,000 pounds is taxed based on the weight ranging from a \$14.50 flat tax to \$32.50. A “heavy truck” weighs over 5,000 pounds, and is taxed based on gross vehicle weight, which ranges from a \$60.75 flat tax to \$1,322.

A reduced flat tax is available for the operation of certain heavy trucks used as agricultural vehicles. Specifically, a truck tractor or heavy truck, not operated as a for-hire vehicle, engaged exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products within 150-miles of its home address, is eligible for a restricted license plate for a fee of¹:

- \$87.75 flat, if such vehicle's declared gross weight is less than 44,000 pounds; or
- \$324, flat, if such vehicle's gross weight is 44,000 pounds or more and such vehicle only transports from:
 - Point of production to point of primary manufacturer;
 - Point of production to the point of assembling the same;
 - Point of production to a shipping point by rail, water, or motor transportation company.

Similarly, a reduced flat tax is available for the operation of a "goat," which is a motor vehicle designed, constructed, and used principally for the transportation of crops on farms,² and other vehicles used in the field by a farmer, or in the woods for the purpose of harvesting crop, and which *is not operated* on the roads of the state has an annual license tax of \$7.50.³

Commercial Driver Licenses (CDL)

A driver must have a CDL to operate⁴:

- A single vehicle with a gross vehicle weight rating (GVWR)⁵ of over 26,000 pounds;
- A combination vehicle with a gross combination weight rating of over 26,000 pounds, if the trailer(s) has a gross vehicle weight rating of over 10,000 pounds;
- A vehicle designed to transport 16 or more passengers (including the driver); and
- A vehicle of any size transporting placardable amounts of hazardous materials.

Each state must have minimum standards for the licensing of commercial drivers. To apply for a CDL in Florida, a driver must have an operator's license, pass the vision requirements, and be at least 18 years of age.⁶ An applicant for a CDL is required to pass both skills and knowledge testing related to driving a commercial motor vehicle, and is held to higher standards concerning traffic laws when operating any type of motor vehicle on public roads.⁷

¹ Section 320.08(4)(n), F.S.

² Section 320.08(3)(d), F.S.

³ *Id.*

⁴ Department of Highway Safety and Motor Vehicles, *About Driver Licenses and ID Cards*, <http://www.flhsmv.gov/ddl/dlclass.html> (last visited Mar. 10, 2015).

⁵ The gross vehicle weight rating (GVWR), or gross vehicle mass (GVM) is the maximum operating weight/mass of a vehicle as specified by the manufacturer including the vehicle's chassis, body, engine, engine fluids, fuel, accessories, driver, passengers and cargo but excluding that of any trailers.

⁶ DHSMV website, *How do I obtain my Commercial Driver License (CDL)?* <http://www.flhsmv.gov/ddl/cdl.html> (last visited Mar. 10, 2015). Must be 21 years of age or older for interstate operation.

⁷ Federal Motor Carrier Safety Administration, *Commercial Driver's License Program*, <http://www.fmcsa.dot.gov/registration/commercial-drivers-license> (last visited Mar. 10, 2015).

Section 322.53, F.S., provides an exemption from the requirement to obtain a CDL for:

- Drivers of authorized emergency vehicles;
- Military personnel driving vehicles operated for military purposes;
- Farmers transporting agricultural products, farm supplies, or farm machinery to or from their farms and within 150 miles of their farm, if the vehicle is not used in the operations of a common or contract motor carrier;
- Drivers of recreational vehicles⁸;
- Drivers who operate straight trucks⁹ and who are transporting exclusively their own tangible personal property, which is not for sale; and
- Employees of a publicly owned transit system who are limited to moving vehicles for maintenance or parking purposes exclusively within the restricted-access confines of a transit system's property.

III. Effect of Proposed Changes:

The bill defines “melon hauling vehicle” to mean a vehicle that has been modified from its original use so that the transport of melons from a farm or harvest place to the first point of processing, storage, or directly to market is the vehicle’s primary purpose.

The bill provides that a modified agricultural vehicle has a \$7.50 flat annual license tax.

The bill also exempts drivers of such vehicles from the requirement to obtain a CDL. However, such drivers must comply with the federal regulations concerning controlled substances and alcohol testing,¹⁰ driving of commercial vehicles,¹¹ parts and accessories necessary for safe operation,¹² and inspection of motor vehicles and intermodal equipment in operation.¹³

The bill takes effect July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

⁸ As defined in s. 320.01(1)(b), F.S., The basic entities are: travel trailers, camping trailers, truck campers, motor homes, private motor coach, van conversion, park trailer, and fifth-wheel trailer.

⁹ Section 316.003(70), F.S., defines “straight truck” as “any truck on which the cargo unit and the motive power unit are located on the same frame so as to form a single, rigid unit.”

¹⁰ Pursuant to 49 C.F.R. part 382.

¹¹ Pursuant to 49 C.F.R. part 392

¹² Pursuant to 49 C.F.R. part 393 and s. 396.3(a)(1).

¹³ Pursuant to 49 C.F.R. s. 396.9.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will have a positive fiscal impact for owners of modified agricultural vehicles due to the decreased annual license tax, and exemption from the CDL requirement.

C. Government Sector Impact:

The bill may have a negative fiscal impact due to the decreased annual license tax and the CDL exemption.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Federal regulations allow an exemption from CDL requirements for operators of a farm vehicle which is¹⁴:

- Controlled and operated by a farmer, including operation by employees or family members;
- Used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm;
- Not used in the operations of a common or contract motor carrier; *and*
- Used within 150 miles of the farmer's farm.

The bill, as presently drafted, would allow an exemption from CDL requirements for drivers who do not meet all of these requirements, thereby taking Florida out of compliance with federal regulations and potentially subjecting the State to federal financial penalties.

Also, the bill is vague with regards to the type and size of vehicle that, when modified, would be subject to the provisions of this bill.

The GVWR of a standard Bluebird Vision school bus is 33,000 pounds or less.¹⁵ The estimated weight of a converted school bus carrying a load of watermelons is approximately 47,500 pounds, which raises questions with regards to safe operation of such vehicles by persons lacking

¹⁴ 49 C.F.R. s. 383.3(d)

¹⁵ Blue-bird Vision, <http://www.blue-bird.com/uploadedFiles/Downloads/SB-VISBROCHURE-0713.pdf> at p. 16 (last visited Mar. 10, 2015).

the CDL credential. Additionally, other tandem axle vehicles weighing more than 44,000 pounds generally require a special permit to be operated on public roads due to weight restrictions on bridges and potential damage to roadways.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.08 and 322.53

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 12, 2015:

The CS makes the following changes to the bill:

- Removes the term “modified agricultural vehicle”;
- Defines “melon hauling vehicle”; and
- Requires that drivers of melon hauling vehicles still maintain compliance with certain federal regulations.

- B. **Amendments:**

None.