

By the Committee on Transportation; and Senator Hutson

596-02370-16

20161046c1

1 A bill to be entitled
2 An act relating to farm vehicles; amending s. 316.003,
3 F.S.; defining the term "covered farm vehicle" for
4 purposes of the Florida Uniform Traffic Control Law;
5 amending s. 316.302, F.S.; providing exemptions for
6 covered farm vehicles and the operators of such
7 vehicles from specified federal regulations relating
8 to controlled substances and alcohol use and testing,
9 commercial driver licenses, physical qualifications
10 and examinations, hours of service of drivers, and
11 inspection, repair, and maintenance when operating
12 under certain conditions, notwithstanding specified
13 statutory provisions; providing applicability;
14 conforming a cross-reference; amending s. 322.53,
15 F.S.; exempting the driver of a covered farm vehicle
16 from commercial driver license requirements; amending
17 ss. 316.3025 and 316.3026, F.S.; conforming cross-
18 references; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Subsection (94) is added to section 316.003,
23 Florida Statutes, to read:

24 316.003 Definitions.—The following words and phrases, when
25 used in this chapter, shall have the meanings respectively
26 ascribed to them in this section, except where the context
27 otherwise requires:

28 (94) COVERED FARM VEHICLE.—A straight truck, or an
29 articulated vehicle, which is all of the following:

30 (a) Registered in a state with a license plate, or any
31 other designation issued by that state, which allows law
32 enforcement officers to identify it as a farm vehicle.

596-02370-16

20161046c1

33 (b) Operated by the owner or operator of a farm or ranch or
34 by an employee or a family member of an owner or operator of a
35 farm or ranch in accordance with s. 316.302(3).

36 (c) Used to transport agricultural commodities, livestock,
37 machinery, or supplies to or from a farm or ranch.

38 (d) Not used in for-hire motor carrier operations; however,
39 for-hire motor carrier operations do not include the operation
40 of a vehicle meeting the requirements of paragraphs (a)-(c) by a
41 tenant pursuant to a crop-share farm lease agreement to
42 transport the landlord's portion of the crops under that
43 agreement.

44 Section 2. Present subsections (3) through (12) of section
45 316.302, Florida Statutes, are renumbered as subsections (4)
46 through (13), respectively, a new subsection (3) is added to
47 that section, and paragraph (a) of present subsection (8) is
48 amended, to read:

49 316.302 Commercial motor vehicles; safety regulations;
50 transporters and shippers of hazardous materials; enforcement.-

51 (3) Notwithstanding any contrary provision in subsections
52 (1) and (2), a covered farm vehicle, as defined in s. 316.003,
53 and the operator of such vehicle are exempt from the
54 requirements relating to controlled substances and alcohol use
55 and testing in 49 C.F.R. part 382; commercial driver licenses in
56 49 C.F.R. part 383; physical qualifications and examinations in
57 49 C.F.R. part 391, subpart E; hours of service of drivers in 49
58 C.F.R. part 395; and inspection, repair, and maintenance in 49
59 C.F.R. part 396, when operating:

60 (a) Anywhere in this state if the covered farm vehicle has
61 a gross vehicle weight or gross vehicle weight rating, whichever

596-02370-16

20161046c1

62 is greater, of 26,001 pounds or less.

63 (b) Anywhere in the state of registration, or across state
64 lines within 150 air miles of the farm or ranch with respect to
65 which the vehicle is being operated, if the covered farm vehicle
66 has a gross vehicle weight or gross vehicle weight rating,
67 whichever is greater, of more than 26,001 pounds.

68
69 The provisions in this subsection do not apply to a vehicle
70 transporting hazardous materials in amounts that require
71 placarding pursuant to 49 C.F.R. part 172.

72 (9)~~(8)~~ For the purpose of enforcing this section, any law
73 enforcement officer of the Department of Highway Safety and
74 Motor Vehicles or duly appointed agent who holds a current
75 safety inspector certification from the Commercial Vehicle
76 Safety Alliance may require the driver of any commercial vehicle
77 operated on the highways of this state to stop and submit to an
78 inspection of the vehicle or the driver's records. If the
79 vehicle or driver is found to be operating in an unsafe
80 condition, or if any required part or equipment is not present
81 or is not in proper repair or adjustment, and the continued
82 operation would present an unduly hazardous operating condition,
83 the officer may require the vehicle or the driver to be removed
84 from service pursuant to the North American Standard Out-of-
85 Service Criteria, until corrected. However, if continuous
86 operation would not present an unduly hazardous operating
87 condition, the officer may give written notice requiring
88 correction of the condition within 14 days.

89 (a) Any member of the Florida Highway Patrol or any law
90 enforcement officer employed by a sheriff's office or municipal

596-02370-16

20161046c1

91 police department authorized to enforce the traffic laws of this
92 state pursuant to s. 316.640 who has reason to believe that a
93 vehicle or driver is operating in an unsafe condition may, as
94 provided in subsection (11) ~~(10)~~, enforce the provisions of this
95 section.

96 Section 3. Paragraph (c) of subsection (2) of section
97 322.53, Florida Statutes, is amended to read:

98 322.53 License required; exemptions.—

99 (2) The following persons are exempt from the requirement
100 to obtain a commercial driver license:

101 (c)1. Farmers transporting agricultural products, farm
102 supplies, or farm machinery to or from their farms and within
103 150 miles of their farms, if the vehicle operated under this
104 exemption is not used in the operations of a common or contract
105 motor carrier.

106 2. Drivers of covered farm vehicles, as defined in s.
107 316.003, if the vehicles are operated in accordance with s.
108 316.302(3).

109 Section 4. Paragraph (e) of subsection (3) of section
110 316.3025, Florida Statutes, is amended to read:

111 316.3025 Penalties.—

112 (3)

113 (e) A civil penalty not to exceed \$5,000 in the aggregate
114 may be assessed for violations found in the conduct of
115 compliance reviews pursuant to s. 316.302(6) ~~s. 316.302(5)~~. A
116 civil penalty not to exceed \$25,000 in the aggregate may be
117 assessed for violations found in a followup compliance review
118 conducted within a 24-month period. A civil penalty not to
119 exceed \$25,000 in the aggregate may be assessed and the motor

596-02370-16

20161046c1

120 carrier may be enjoined pursuant to s. 316.3026 if violations
121 are found after a second followup compliance review within 12
122 months after the first followup compliance review. Motor
123 carriers found to be operating without insurance required by s.
124 627.7415 may be enjoined as provided in s. 316.3026.

125 Section 5. Subsection (1) of section 316.3026, Florida
126 Statutes, is amended to read:

127 316.3026 Unlawful operation of motor carriers.—

128 (1) The Office of Commercial Vehicle Enforcement may issue
129 out-of-service orders to motor carriers, as defined in s.
130 320.01, who, after proper notice, have failed to pay any penalty
131 or fine assessed by the department, or its agent, against any
132 owner or motor carrier for violations of state law, refused to
133 submit to a compliance review and provide records pursuant to s.
134 316.302(6) ~~s. 316.302(5)~~ or s. 316.70, or violated safety
135 regulations pursuant to s. 316.302 or insurance requirements in
136 s. 627.7415. Such out-of-service orders have the effect of
137 prohibiting the operations of any motor vehicles owned, leased,
138 or otherwise operated by the motor carrier upon the roadways of
139 this state, until the violations have been corrected or
140 penalties have been paid. Out-of-service orders must be approved
141 by the director of the Division of the Florida Highway Patrol or
142 his or her designee. An administrative hearing pursuant to s.
143 120.569 shall be afforded to motor carriers subject to such
144 orders.

145 Section 6. This act shall take effect July 1, 2016.