

1 A bill to be entitled
2 An act relating to commercial motor vehicles; amending
3 s. 316.302, F.S.; revising regulations to which owners
4 and drivers of commercial motor vehicles are subject;
5 delaying the requirement for electronic logging
6 devices and support documents for certain intrastate
7 motor carriers; deleting a limitation on a civil
8 penalty for falsification of certain time records;
9 deleting a requirement that a motor carrier maintain
10 certain documentation of driving times; providing an
11 exemption from specified provisions for a person who
12 operates a commercial motor vehicle with a certain
13 gross vehicle weight, gross vehicle weight rating, and
14 gross combined weight rating; deleting the exemption
15 from such provisions for a person transporting
16 petroleum products; amending s. 320.01, F.S.; revising
17 the definition of the term "apportionable vehicle";
18 amending s. 320.06, F.S.; providing for future repeal
19 of issuance of a certain annual license plate and cab
20 card to a vehicle that has an apportioned
21 registration; revising information required to appear
22 on the cab card; providing requirements for license
23 plates, cab cards, and validation stickers for
24 vehicles registered in accordance with the
25 International Registration Plan; authorizing a damaged

26 or worn license plate to be replaced at no charge
 27 under certain circumstances; amending s. 320.0607,
 28 F.S.; providing an exemption from a certain fee for
 29 vehicles registered under the International
 30 Registration Plan; amending s. 812.014, F.S.;

31 providing a criminal penalty for an offender
 32 committing grand theft who uses a device to interfere
 33 with a global positioning or similar system; providing
 34 an effective date.

35

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

37

38 Section 1. Subsection (1) and paragraphs (a), (c), (d),
 39 and (f) of subsection (2) of section 316.302, Florida Statutes,
 40 are amended to read:

41 316.302 Commercial motor vehicles; safety regulations;
 42 transporters and shippers of hazardous materials; enforcement.-

43 (1) Except as otherwise provided in subsection (3):

44 (a) All owners and drivers of commercial motor vehicles
 45 that are operated on the public highways of this state while
 46 engaged in interstate commerce are subject to the rules and
 47 regulations contained in 49 C.F.R. parts 382, 385, and 390-397.

48 (b) Except as otherwise provided in this section, all
 49 owners or drivers of commercial motor vehicles that are engaged
 50 in intrastate commerce are subject to the rules and regulations

51 contained in 49 C.F.R. parts 382, 383, 385, and 390-397, ~~with~~
52 ~~the exception of 49 C.F.R. s. 390.5 as it relates to the~~
53 ~~definition of bus,~~ as such rules and regulations existed on
54 December 31, 2017 ~~2012~~.

55 (c) The emergency exceptions provided by 49 C.F.R. s.
56 392.82 also apply to communications by utility drivers and
57 utility contractor drivers during a Level 1 activation of the
58 State Emergency Operations Center, as provided in the Florida
59 Comprehensive Emergency Management plan, or during a state of
60 emergency declared by executive order or proclamation of the
61 Governor.

62 (d) Except as provided in ~~s. 316.215(5), and except as~~
63 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging
64 requirements for intrastate operations, the requirements of this
65 section supersede all other safety requirements of this chapter
66 for commercial motor vehicles.

67 (e) For motor carriers engaged in intrastate commerce who
68 are not carrying hazardous materials in amounts that require
69 placards, the requirement for electronic logging devices and
70 hours of service support documents shall take effect December
71 31, 2019.

72 (2) (a) A person who operates a commercial motor vehicle
73 solely in intrastate commerce not transporting any hazardous
74 material in amounts that require placarding pursuant to 49
75 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b) (1)

76 | and 395.3 ~~395.3(a) and (b)~~.

77 | (c) Except as provided in 49 C.F.R. s. 395.1, a person who
78 | operates a commercial motor vehicle solely in intrastate
79 | commerce not transporting any hazardous material in amounts that
80 | require placarding pursuant to 49 C.F.R. part 172 may not drive
81 | after having been on duty more than 70 hours in any period of 7
82 | consecutive days or more than 80 hours in any period of 8
83 | consecutive days if the motor carrier operates every day of the
84 | week. Thirty-four consecutive hours off duty shall constitute
85 | the end of any such period of 7 or 8 consecutive days. This
86 | weekly limit does not apply to a person who operates a
87 | commercial motor vehicle solely within this state while
88 | transporting, during harvest periods, any unprocessed
89 | agricultural products or unprocessed food or fiber that is
90 | subject to seasonal harvesting from place of harvest to the
91 | first place of processing or storage or from place of harvest
92 | directly to market or while transporting livestock, livestock
93 | feed, or farm supplies directly related to growing or harvesting
94 | agricultural products. Upon request of the Department of Highway
95 | Safety and Motor Vehicles, motor carriers shall furnish time
96 | records or other written verification to that department so that
97 | the Department of Highway Safety and Motor Vehicles can
98 | determine compliance with this subsection. These time records
99 | must be furnished to the Department of Highway Safety and Motor
100 | Vehicles within 2 days after receipt of that department's

101 request. Falsification of such information is subject to a civil
102 penalty ~~not to exceed \$100. The provisions of~~ This paragraph
103 does ~~de~~ not apply to operators of farm labor vehicles operated
104 during a state of emergency declared by the Governor or operated
105 pursuant to s. 570.07(21)~~,~~ and does ~~de~~ not apply to drivers of
106 utility service vehicles as defined in 49 C.F.R. s. 395.2.

107 (d) A person who operates a commercial motor vehicle
108 solely in intrastate commerce not transporting any hazardous
109 material in amounts that require placarding pursuant to 49
110 C.F.R. part 172 within a 150 air-mile radius of the location
111 where the vehicle is based need not comply with 49 C.F.R. s.
112 395.8~~,~~ if the requirements of 49 C.F.R. s. 395.1(e)(1)(ii),
113 (iii)(A) and (C), ~~395.1(e)(1)(iii)~~ and (v) are met. ~~If a driver~~
114 ~~is not released from duty within 12 hours after the driver~~
115 ~~arrives for duty, the motor carrier must maintain documentation~~
116 ~~of the driver's driving times throughout the duty period.~~

117 (f) A person who operates a commercial motor vehicle
118 having a ~~declared~~ gross vehicle weight, gross vehicle weight
119 rating, and gross combined weight rating of less than 26,001
120 pounds solely in intrastate commerce and who is not transporting
121 hazardous materials in amounts that require placarding pursuant
122 to 49 C.F.R. part 172~~,~~ ~~or who is transporting petroleum products~~
123 ~~as defined in s. 376.301,~~ is exempt from subsection (1).
124 However, such person must comply with 49 C.F.R. parts 382, 392,
125 and 393~~,~~ and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

126 Section 2. Subsection (24) of section 320.01, Florida
 127 Statutes, is amended to read:

128 320.01 Definitions, general.—As used in the Florida
 129 Statutes, except as otherwise provided, the term:

130 (24) "Apportionable vehicle" means any vehicle, except
 131 recreational vehicles, vehicles displaying restricted plates,
 132 city pickup and delivery vehicles, ~~buses used in transportation~~
 133 ~~of chartered parties,~~ and government-owned vehicles, which is
 134 used or intended for use in two or more member jurisdictions
 135 that allocate or proportionally register vehicles and which is
 136 used for the transportation of persons for hire or is designed,
 137 used, or maintained primarily for the transportation of property
 138 and:

139 (a) Is a power unit having a gross vehicle weight in
 140 excess of 26,000 pounds;

141 (b) Is a power unit having three or more axles, regardless
 142 of weight; or

143 (c) Is used in combination, when the weight of such
 144 combination exceeds 26,000 pounds gross vehicle weight.

145
 146 Vehicles, or combinations thereof, having a gross vehicle weight
 147 of 26,000 pounds or less and two-axle vehicles may be
 148 proportionally registered.

149 Section 3. Paragraph (b) of subsection (1) of section
 150 320.06, Florida Statutes, is amended to read:

151 320.06 Registration certificates, license plates, and
152 validation stickers generally.—

153 (1)

154 (b)1. Registration license plates bearing a graphic symbol
155 and the alphanumeric system of identification shall be issued
156 for a 10-year period. At the end of the 10-year period, upon
157 renewal, the plate shall be replaced. The department shall
158 extend the scheduled license plate replacement date from a 6-
159 year period to a 10-year period. The fee for such replacement is
160 \$28, \$2.80 of which shall be paid each year before the plate is
161 replaced, to be credited toward the next \$28 replacement fee.
162 The fees shall be deposited into the Highway Safety Operating
163 Trust Fund. A credit or refund may not be given for any prior
164 years' payments of the prorated replacement fee if the plate is
165 replaced or surrendered before the end of the 10-year period,
166 except that a credit may be given if a registrant is required by
167 the department to replace a license plate under s.

168 320.08056(8)(a). With each license plate, a validation sticker
169 shall be issued showing the owner's birth month, license plate
170 number, and the year of expiration or the appropriate renewal
171 period if the owner is not a natural person. The validation
172 sticker shall be placed on the upper right corner of the license
173 plate. The license plate and validation sticker shall be issued
174 based on the applicant's appropriate renewal period. The
175 registration period is 12 months, the extended registration

176 | period is 24 months, and all expirations occur based on the
177 | applicant's appropriate registration period.

178 | 2. Before October 1, 2019, a vehicle that has an
179 | apportioned registration shall be issued an annual license plate
180 | and a cab card denoting ~~that denote~~ the declared gross vehicle
181 | weight ~~for each apportioned jurisdiction in which the vehicle is~~
182 | ~~authorized to operate.~~

183 | 3. Beginning October 1, 2019, a vehicle registered in
184 | accordance with the International Registration Plan shall be
185 | issued a license plate for a 5-year period, an annual cab card
186 | denoting the declared gross vehicle weight, and an annual
187 | validation sticker showing the month and year of expiration. The
188 | validation sticker shall be placed in the center of the license
189 | plate. The license plate and validation sticker shall be issued
190 | based on the applicant's appropriate renewal period. The fee for
191 | the initial validation sticker and any renewed validation
192 | sticker is \$28. This fee shall be deposited into the Highway
193 | Safety Operating Trust Fund. A damaged or worn license plate may
194 | be replaced at no charge by applying to the department and
195 | surrendering the current license plate.

196 | 4.2- In order to retain the efficient administration of
197 | the taxes and fees imposed by this chapter, the 80-cent fee
198 | increase in the replacement fee imposed by chapter 2009-71, Laws
199 | of Florida, is negated as provided in s. 320.0804.

200 Section 4. Subsection (5) of section 320.0607, Florida
 201 Statutes, is amended to read:

202 320.0607 Replacement license plates, validation decal, or
 203 mobile home sticker.—

204 (5) Upon the issuance of an original license plate, the
 205 applicant shall pay a fee of \$28 to be deposited in the Highway
 206 Safety Operating Trust Fund. Beginning October 1, 2019, this
 207 subsection does not apply to a vehicle registered under the
 208 International Registration Plan.

209 Section 5. Paragraph (a) of subsection (2) of section
 210 812.014, Florida Statutes, is amended to read:

211 812.014 Theft.—

212 (2)(a)1. If the property stolen is valued at \$100,000 or
 213 more or is a semitrailer that was deployed by a law enforcement
 214 officer; or

215 2. If the property stolen is cargo valued at \$50,000 or
 216 more that has entered the stream of interstate or intrastate
 217 commerce from the shipper's loading platform to the consignee's
 218 receiving dock; or

219 3. If the offender commits any grand theft and:

220 a. In the course of committing the offense the offender
 221 uses a motor vehicle as an instrumentality, other than merely as
 222 a getaway vehicle, to assist in committing the offense and
 223 thereby damages the real property of another; ~~or~~

224 b. In the course of committing the offense the offender

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225 | causes damage to the real or personal property of another in
226 | excess of \$1,000; or

227 | c. In the course of committing the offense the offender
228 | uses any type of device to defeat, block, disable, jam, or
229 | interfere with a global positioning system or similar system
230 | designed to identify the location of the cargo or the vehicle or
231 | trailer carrying the cargo,

232 |

233 | the offender commits grand theft in the first degree, punishable
234 | as a felony of the first degree, as provided in s. 775.082, s.
235 | 775.083, or s. 775.084.

236 | Section 6. This act shall take effect October 1, 2018.