

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 Rules

BILL: CS/CS/SB 1638

INTRODUCER: Rules Committee, Infrastructure and Security Committee and Senator Lee

SUBJECT: Commercial Motor Vehicles

DATE: April 24, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Proctor</u>	<u>Miller</u>	<u>IS</u>	Fav/CS
2.	<u>McKay</u>	<u>McKay</u>	<u>CM</u>	Favorable
3.	<u>Proctor</u>	<u>Phelps</u>	<u>RC</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1638 revises numerous provisions relating to commercial motor vehicles (CMV). The bill:

- Updates various CMV regulations to address compatibility concerns with federal regulations;
- Removes exceptions regarding the visibility of headlamps and turn signals by waste collection vehicles under specified circumstances;
- Provides an effective date for certain requirements relating to the use of electronic logging devices and hours of service support documents;
- Removes language requiring intrastate CMVs that are not carrying hazardous materials to comply with certain federal regulations providing maximum drive time requirements;
- Removes a duplicative \$100 fine for falsifying hours of service records;
- Amends a provision to correct a federal regulations reference that allows a short-haul driver, not transporting hazardous materials requiring a placard, to be exempt from maintaining records of duty status;
- Conforms to federal regulation by adding the terms “gross vehicle weight rating” and “gross combined vehicle weight rating” for determining which vehicles, not transporting hazardous materials, meet the 26,001 pound threshold requirement for select intrastate commerce exemptions;
- Removes an exemption from federal regulations regarding transporting petroleum products due to the inclusion of flammable liquids that could require a hazardous material placard;
- Requires charter buses operating interstate to register as apportionable vehicles;

- Authorizes the transport of general freight on a return trip by an automobile transporter, as long as the vehicle still complies with Interstate System weight restrictions;
- Prohibits the state from imposing a length limitation of less than 80 feet and extends the front bumper overhang allowance on a stinger-steered automobile transporter from the current three feet to the federal allowance of four feet;
- Creates a definition for “towaway trailer transporter combinations” that is consistent with provisions contained in the Fixing America’s Surface Transportation (FAST) Act; and
- For an unlawful weight and load calculation, allows the fine to be calculated by reducing the actual gross vehicle weight by the certified weight difference between the electric battery system and fueling system and a comparable diesel tank and fueling system

The bill may have an indeterminate impact to the CMV industry associated with changes to the CMV regulations. In addition, failure to adopt statutory changes to comply with federal regulations may jeopardize federal funding for the state’s motor carrier safety program.

The effect date of the bill is October 1, 2019.

II. Present Situation:

Federal Motor Carrier Safety Administration Compatibility

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA), within the United States Department of Transportation, is to prevent commercial motor vehicle-related fatalities and injuries.¹ In 2007, the FMCSA presented to Florida a Motor Carrier Safety Assistance Program (MSCAP) review, which concluded that Florida Statutes have multiple compatibility concerns with federal CMV safety regulations.²

Section 316.003(13), F.S. defines “commercial motor vehicle” as any self-propelled or towed vehicle used on public highways in commerce to transport passengers or cargo, if such vehicle:

- Has a gross vehicle weight rating of 10,000 pounds or more;
- Is designed to transport more than 15 passengers, including the driver; or
- Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act³, as amended.

Section 316.302(1)(a), F.S., provides that all owners and drivers of CMVs operating on the state’s public highways while engaged in interstate commerce are subject to the following parts of 49 C.F.R.:

- 382 Controlled Substance and Alcohol Use Testing;
- 385 Safety Fitness Procedures;
- 390 Federal Motor Carrier Safety Regulations; General;
- 391 Qualifications of Drivers and Longer Combination Vehicle Driver Instructors;
- 392 Driving of Commercial Motor Vehicles;

¹ Federal Motor Carrier Safety Administration, available at: <https://www.fmcsa.dot.gov/mission/about-us> (last visited April 5, 2019).

² 2007 Florida State MSCAP Review (Copy on file with Senate Committee on Infrastructure and Security).

³ 49 U.S.C. ss. 1801 *et seq.*

- 393 Parts and Accessories Necessary for Safe Operation;
- 395 Hours of Service for Drivers;
- 396 Inspection, Repair, and Maintenance; and
- 397 Transportation of Hazardous Materials; Driving and Parking Rules.

Section 316.302(1)(b), F.S., provides that, with certain exceptions, all owners or drivers of CMVs engaged in intrastate commerce are subject to the following parts of 49 C.F.R. except as it relates to the definition of bus, as those rules and regulations existed on December 31, 2012:

- 382 Controlled Substance and Alcohol Use Testing;
- 383 Commercial Driver's License Standards; Requirements and Testing;
- 385 Safety Fitness Procedures;
- 390 Federal Motor Carrier Safety Regulations; General;
- 391 Qualifications of Drivers and Longer Combination Vehicle Driver Instructors;
- 392 Driving of Commercial Motor Vehicles;
- 393 Parts and Accessories Necessary for Safe Operation;
- 395 Hours of Service for Drivers;
- 396 Inspection, Repair, and Maintenance; and
- 397 Transportation of Hazardous Materials; Driving and Parking Rules.

Federal regulations define "bus" as "any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs."⁴ In its 2007 review, the FMCSA found that Florida's exemption for taxicabs was not compatible with federal regulations, which include taxicabs in the definition of "bus."⁵

The FMCSA also found that the statutory provision exempting trucks transporting solid waste and recyclable materials with specified mechanisms operating at speeds of less than 20 miles per hour from certain lighting provisions is incompatible with federal regulations,⁶ which do not contain a similar exemption, and that federal regulations expressly prohibit lamps and reflectors from being obscured.⁷

Federal regulations provide that with some exceptions, CMV drivers are required to be at least 21 years of age.⁸ Federal regulations also provide maximum drive time requirements for property carrying vehicles.⁹ Section 316.302(2)(a), F.S., provides that a person operating a CMV solely in intrastate commerce and not transporting any hazardous material in amounts that require placarding¹⁰ is not required to comply with the above-referenced federal regulations.

⁴ 49 C.F.R. s. 390.5T.

⁵ 2007 Florida State MSCAP Review, at p. 2.

⁶ 49 C.F.R. 393 Subpart B.

⁷ 2007 Florida State MSCAP Review, at p. 4.

⁸ 49 C.F.R. s. 391.11(b)(1).

⁹ 49 C.F.R. s. 395.3(a) and (b).

¹⁰ Placarding is required pursuant to 49 C.F.R. part 172. In this analysis, everywhere there is a discussion regarding the transportation of hazardous materials, it is assumed to be in amounts that require placarding.

Federal regulations provide hours of service rules for CMV drivers.¹¹ Florida law also provides that, except as provided in federal regulations, a person operating a CMV solely in intrastate commerce and not transporting any hazardous material may not drive:

- More than 12 hours following 10 consecutive hours off duty; or
- For any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty.¹²

These provisions do not apply to drivers of utility service vehicles.¹³

Section 316.302(2)(c), F.S., specifies that, except as provided in the federal hours of service rules¹⁴, a person operating a CMV solely in intrastate commerce not transporting any hazardous material may not drive after having been on duty more than 70 hours in any period of seven consecutive days, or more than 80 hours in any period of eight consecutive days if the motor carrier operates every day of the week. Upon request of the Department of Highway Safety and Motor Vehicles (HSMV), motor carriers are required to furnish time records or other written verification so that the HSMV can determine compliance with the hours of service requirements. Falsification of time records is subject to a civil penalty not to exceed \$100.

Section 316.302(2)(d), F.S., provides that a person operating a CMV solely in intrastate commerce not transporting any hazardous material within a 150 air-mile radius is not required to comply with federal provisions regarding a driver's record of duty status¹⁵ if the requirements of certain federal rules regarding short-haul operations¹⁶ are met. If a driver is not released from duty within 12 hours after the driver arrives for duty, the motor carrier must maintain documentation of the driver's driving times throughout the duty period.

Section 316.302(2)(f), F.S., provides that a person who is operating a CMV having a declared gross vehicle weight of less than 26,001 pounds operating solely in intrastate commerce and who is not transporting hazardous materials or who is transporting petroleum products¹⁷ is exempt from s. 316.302(1), F.S. However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a)(1) and 396.9.

¹¹ 49 C.F.R. s. 395.

¹² Section 316.302(2)(b), F.S.

¹³ 49 C.F.R. s. 395.2, defines "utility service vehicle" as any commercial motor vehicle:

(1) Used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services, including the furnishing of electric, gas, water, sanitary sewer, telephone, and television cable or community antenna service;

(2) While engaged in any activity necessarily related to the ultimate delivery of such public utility services to consumers, including travel or movement to, from, upon, or between activity sites (including occasional travel or movement outside the service area necessitated by any utility emergency as determined by the utility provider); and

(3) Except for any occasional emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the vehicle is owned, leased, or rented by the utility.

¹⁴ 49 C.F.R. s. 395.1.

¹⁵ 49 C.F.R. 395.8.

¹⁶ 49 C.F.R. s. 395.1(e)(1)(iii) and (v) are various rules relating to short-haul operations.

¹⁷ Section 376.301(33), F.S., defines "petroleum product" as "any liquid fuel commodity made from petroleum, including, but not limited to, all forms of fuel known or sold as diesel fuel, kerosene, all forms of fuel known or sold as gasoline, and fuels containing a mixture of gasoline and other products, excluding liquefied petroleum gas and American Society for Testing and Materials grades no. 5 and no. 6 residual oils, bunker C residual oils, intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher, asphalt oils, and petrochemical feedstocks."

In its 2007 findings, the FMCSA determined that s. 316.302(2)(f), F.S., is not compatible with federal regulations since it exempts vehicles transporting petroleum products and the state definition of petroleum products includes liquids that could require placarding, while federal regulations do not allow drivers of vehicles requiring placarding to be exempt from applicable requirements.¹⁸

Length and Load Requirements for Automobile Transporters and Towaway Trailers

On December 4, 2015, the FAST Act was signed into law.¹⁹ The FAST Act revises the definition of the term “automobile transporter” to allow for the transport of general freight on a return trip (“backhaul”), so long as the vehicle still complies with Interstate System weight restrictions. The FAST Act also prohibits states from imposing a length limitation of less than 80 feet and adjusts allowable front and rear overhangs on certain automobile transporters.²⁰

The FAST Act provides that a state may not prohibit a towaway trailer transporter combination of less than 82 feet from traveling on the National Network. A “towaway trailer transporter combination” is a combination of vehicles consisting of a trailer transporter towing unit and two trailers or semitrailers with the total weight of the property and combination not exceeding 26,000 pounds.²¹

Florida law defines a “stinger-steered automobile or boat transporter” as “an automobile or boat transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.” An automobile or boat transporter semitrailer may not exceed 50 feet in length, exclusive of the load; however, the load may extend up to an additional six feet beyond the rear of the trailer. The 50-foot length limitation does not apply to non-stinger-steered automobile or boat transporters that are 65 feet or less in overall length, exclusive of the load carried thereon, or to stinger-steered automobile or boat transporters that are 75 feet or less in overall length, exclusive of the load carried thereon.²²

Section 316.515(3), F.S., provides that the load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, may not extend more than three feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a bumper.

Motor Vehicle Weights and Overweight Penalties

The rate of damage to roads and bridges generally increases as vehicle weight increases, resulting in higher maintenance and replacement costs and potentially creating unsafe conditions. Maximum legal vehicle weights are established for all public roads and bridges and allow compliant vehicles to travel most public highways of the state without causing excessive road damage or bridge failures. However, some roads and bridges have lower weight limits due to their age, condition, or design, and these facilities have posted weight limits; *i.e.*, their lower

¹⁸ 2007 Florida State MSCAP Review, at p. 3.

¹⁹ 49 U.S.C. § 31111.

²⁰ 49 U.S.C. § 31111(a)(1) and (b)(1)(G).

²¹ 49 U.S.C. § 31111(a)(6)-(7) and (b)(1)(H).

²² Section 316.515(3), F.S.

weight limits are identified through signage at the facility. Vehicles exceeding the maximum weight limits on a facility, including posted facilities, are presumed to have damaged the highways of the state and are subject to fines.²³

Gross vehicle weight is the total weight of a vehicle (or combination of vehicles) and any cargo carried by the vehicle.²⁴ Federal and state laws generally provide that gross vehicle weight may not exceed 80,000 pounds for both the interstate and non-interstate highway system,²⁵ or the maximum allowed by the Federal Bridge Formula.²⁶ In Florida, the maximum weight limit is 22,000 pounds on a single axle, and 44,000 pounds on a tandem axle.²⁷ These limits do not apply to those vehicles and loads that cannot be easily dismantled or divided (*i.e.*, “non-divisible”), or to other vehicles exceeding the maximum weight limits, if a special permit has been issued in accordance with applicable state laws.²⁸

However, the vehicle’s number of axles and the distance between the axles in part controls a vehicle’s maximum allowable weight. Thus, a vehicle’s maximum allowable gross weight may be reduced because the concentration of weight on a particular axle may reach unacceptable limits. For example, pavement and bridge stress is greater for a 30-foot truck with two axles and a gross vehicle weight of 50,000 pounds than a 54-foot tractor-trailer combination of the same weight because the tractor-trailer distributes the load over a greater area. Therefore, the 30-foot truck will have a lower maximum allowable weight.

For weight violations, including violations of weight criteria contained in a special permit, the penalty is as established in s. 316.545(3)(a), F.S., *i.e.*, \$10 for 200 pounds or less and 5 cents per pound for each pound over 200 pounds. Unlawful axle weights are penalized at \$10 for the first 600 pounds, if the gross weight of the vehicle (or vehicle combination) does not exceed the maximum allowable gross weight.²⁹

For each violation of the operational or safety restrictions established in a special permit, *e.g.*, using a restricted bridge, the penalty may be as high as \$1,000. However, the cumulative total for multiple violations may not exceed \$1,000.³⁰

These penalties are deposited into the State Transportation Trust Fund and used for roadway maintenance and repair.³¹

²³ See ss. 316.545 and 316.555, F.S.

²⁴ Section 316.003(28), F.S.

²⁵ See 23 U.S.C. 127 (2015) and s. 316.535, F.S.

²⁶ This formula is used to determine the maximum allowable weight that any set of axles on a motor vehicle may carry on the Interstate Highway System. For further detail, see the Federal Highway Administration website: http://ops.fhwa.dot.gov/freight/sw/brdgc/calc_page.htm (last visited April 23, 2019).

²⁷ See the Florida Highway Patrol *Commercial Motor Vehicle Manual*, July 2016, at p. 8, available at: <https://www.flhsmv.gov/fhp/CVE/2015truckingmanual.pdf> (last visited April 23, 2019).

²⁸ 23 U.S.C. 127(a) (2015) and s. 316.550, F.S.

²⁹ Section 316.545(3)(a), F.S.

³⁰ 316.550(10)(c), F.S.

³¹ Section 316.545(6), F.S.

Cargo Capacity of Vehicles Fueled by Electricity Compared to Gasoline or Diesel-Fueled Vehicles

According to the U.S. Department of Energy, electricity can be used to power plug-in electric vehicles (PEVs), including all-electric vehicles and plug-in hybrid electric vehicles. These vehicles can draw electricity directly from the grid and other off-board electrical power sources and store it in batteries. In contrast, hybrid electric vehicles are fueled with liquid fuels, like gasoline, but use batteries to recapture energy otherwise lost during braking (ultimately boosting fuel economy). Using electricity to power vehicles can have significant energy security and emissions benefits.³² Electric vehicles are reported to be similar to gasoline or diesel-fueled vehicles with respect to power, acceleration, and cruising speed; and the use of PEV's provides additional advantages, such as its domestic availability, its relative low cost, and significant emissions benefits.³³ However, these advantages may be offset by displacement of cargo capacity, due to the heavier weight of electrical battery systems relative to gasoline or diesel systems.

FAST Act Natural Gas Vehicle Weight Allowance

The FAST Act, which authorized Federal surface transportation programs for fiscal years 2016-2020, contained a number of incentives for natural gas. In apparent recognition of the potential displacement of cargo capacity due to the heavier weight of Natural Gas Vehicles, the FAST Act authorized a vehicle, if operated by an engine fueled primarily by natural gas, to exceed any (single axle, tandem axle and bridge formula) weight limit (up to a maximum gross vehicle weight of 82,000 pounds) by an amount that is equal to the difference between:

- The weight of the vehicle attributable to the natural gas tank and fueling system carried by that vehicle, and
- The weight of a comparable diesel tank and fueling system.³⁴

The Federal Highway Administration (FHWA) has advised states to review state statutes, regulations, and procedures, as well as load rating and posting calculations and enforcement practices, for necessary updating.³⁵ Further, the FHWA noted that while the federally increased weight allowance does not preempt a state from enforcing *state* weight limits on all highways, it does “prevent[] the FHWA from imposing funding sanctions if a state authorizes the additional weight limit on its Interstate system.”³⁶

Florida law has long adhered to the general maximum weight limits contained in the Federal law,³⁷ and the Department of Transportation issues special permits for vehicles transporting non-divisible loads and for other vehicles exceeding maximum weight limits.³⁸ Florida law currently

³² See the U.S. Department of Energy Alternative Fuels Data Center website available at: <https://afdc.energy.gov/fuels/electricity.html> (last visited April 23, 2019).

³³ *Id.* at: https://afdc.energy.gov/fuels/electricity_benefits.html (last visited April 23, 2019).

³⁴ P.L. 114-94, s. 1410 (2015). See also the Federal Highway Administration Memorandum dated February 24, 2016, *Information: Fixing America's Surface Transportation Act (FAST Act) Truck Size and Weight Provisions* available at https://ops.fhwa.dot.gov/freight/pol_plng_finance/policy/fastact/tswprovisions/#questions (last visited April 23, 2019).

³⁵ *Id.*, Questions and Answers 16.

³⁶ *Id.*, Questions and Answers 14.

³⁷ See s. 316.535, F.S.

³⁸ See s. 316.550, F.S.

grants a 550-pound weight allowance for idle reduction technology³⁹ consistent with federal law, but does not authorize additional weight for electric battery systems.

III. Effect of Proposed Changes:

Federal Motor Carrier Safety Administration Compatibility

The bill amends various provisions of ss. 316.302(1) and (2), F.S., addressing issues related to Florida's CMV regulations and their incompatibility with federal regulation.

The bill amends s. 316.302(1)(a), F.S., to provide that all owners and drivers of commercial motor vehicle that are operated on the public highways of Florida while engaged in interstate commerce are subject to parts 383 and 386 of 49 C.F.R.

The bill amends s. 316.302(1)(b), F.S., removing the exception for the federal definition of a bus and updating the date of adoption to December 31, 2018, which updates the state law referencing the applicable federal rules applicable to intrastate CMVs.

The bill amends s. 316.302(1)(d), F.S., removing exceptions regarding headlamps and turn signals by waste collection vehicles under specified circumstances.

The bill creates s. 316.302(1)(e), F.S., providing that the requirement for electronic logging devices and hours of service support documents⁴⁰ do not go into effect for motor carriers engaged in intrastate commerce, and not carrying hazardous materials in amounts requiring placarding, until December 31, 2019.

The bill amends s. 316.302(2)(a), F.S., no longer requiring intrastate CMVs that are not carrying hazardous materials to comply with certain federal regulations providing maximum drive time requirements. Therefore, these vehicles will not be required to comply with 49 C.F.R. 395.3, documenting the maximum driving time for operators of property carrying vehicles. These drivers continue to be subject to the maximum driving times required by state law.

The bill amends s. 316.302(2)(c), F.S., by removing the \$100 fine for falsifying hours of service records, because it is duplicative of the fine provided in the CMV penalties statute.⁴¹

The bill amends s. 316.302(2)(d), F.S., to update and correct a reference to federal regulations, 49 C.F.R. 395.1(e)(1)(ii) and (iii)(A) and (C) and (v), that allow a short-haul driver, not transporting hazardous materials requiring a placard, to be exempt from maintaining documentation of the driver's driving times. In order to be exempt, a driver must return to the work reporting location and be released from work within 12 consecutive hours and have either 10 or 8 hours off.

³⁹ Section 316.545(3)(b), F.S.

⁴⁰ Electronic Logging Devices and Hours of Service Supporting Documents, 80 Fed. Reg. 78291 (Dec. 16, 2015), <https://www.federalregister.gov/documents/2015/12/16/2015-31336/electronic-logging-devices-and-hours-of-servicesupporting-documents> (last visited April 5, 2019).

⁴¹ Section 316.3025(3)(b)1., F.S.

The bill amends s. 316.302(2)(f), F.S., to remove specific exemptions from federal regulations for drivers transporting petroleum products due to the inclusion of flammable liquids that could require a hazardous material placard. The paragraph is also amended to refer to the federal criteria for the exemption: CMVs having a *gross vehicle weight*, *gross vehicle weight rating*, and *gross combined weight rating* of less than 26,001 pounds, instead of a declared gross vehicle weight.

The bill deletes s. 316.302(2)(j), F.S., removing the requirement that a qualified driver who operates a CMV in intrastate commerce only, and who does not transport hazardous materials in amounts that require placarding, be exempt from the diabetes requirement for medical examination of 49 C.F.R. part 391, subpart E, ss. 391.41(b)(3) and 391.41(c).

Length and Load Requirements for Automobile Transporters and Towaway Trailers

The bill amends s. 316.515, F.S., to provide for the transport of general freight on a return trip by an automobile transporter, as long as the vehicle still complies with Interstate System weight restrictions. It prohibits the state from imposing a length limitation of less than 80 feet and extends the front bumper overhang allowance on a stinger-steered automobile transporter from the current three feet to the federal allowance of four feet. The transport still has to comply with existing weight limitations. Finally, the bill creates a definition for “towaway trailer transporter combinations” that is consistent with provisions contained in the FAST Act.

Motor Vehicle Weights and Overweight Penalties

The bill amends s. 316.545(3), F.S., to provide for a specified reduction in the actual gross weight of a vehicle fueled by electric batteries, when calculating the penalty for exceeding maximum weight limits, so long as the actual gross weight of the vehicle does not exceed 82,000 pounds, exclusive of the existing 550-pound weight allowance for idle reduction technology.

If a vehicle fueled by electric batteries is found to be overweight, then the penalty will be calculated by reducing the actual gross vehicle weight by the certified difference in weight between the electric battery system and fueling system carried by that vehicle, and a comparable diesel tank and fueling system, before applying the currently applicable penalty. If the actual gross weight of a vehicle fueled by electric batteries exceeds 80,000 pounds plus the certified weight difference, a penalty of \$.05 per pound of excess weight could be assessed.

If a vehicle fueled by electric batteries is also equipped with idle reduction technology, the penalty will be calculated by reducing the actual gross vehicle weight by the certified difference in weight between the electric battery system and fueling system carried by that vehicle and a comparable diesel tank and fueling system, and by an additional 550 pounds. If the actual gross weight of a vehicle fueled by electric batteries with idle reduction technology exceeds 80,550 pounds plus the certified weight difference, a penalty of \$.05 per pound of excess weight could be assessed.

The bill contains a proof requirement; *i.e.*, the vehicle operator must present a written certification that identifies the weight of the electric battery system and fueling system, and the difference in weight of a comparable diesel tank and fueling system, upon request of a weight

inspector or a law enforcement officer. The certification must originate from the vehicle manufacturer or the installer of the electric battery system and fueling system.

The bill excludes vehicles described in s. 316.535(6), F.S., from qualifying for the reduced calculation. These vehicles, typically called straight trucks, include dump trucks, concrete mixing trucks, trucks engaged in waste collection and disposal, and fuel oil and gasoline trucks designed and constructed for special type work. The cargo unit and the power unit on these trucks sit on the same frame,⁴² meaning that the concentration of weight is greater than, for example, a combination vehicle with an axle configuration that distributes the weight over a greater area. These vehicles continue to be limited to a gross weight of 70,000 pounds.⁴³

The effective date of the bill is October 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There is a potential impact to the CMV industry associated with changes to the CMV regulations contained in the bill; however, the impact is indeterminate at this time.

⁴² See s. 316.003(80), F.S.

⁴³ Section 316.535(6), F.S.

The CMV industry may realize an insignificant positive fiscal impact resulting from the additional weight allowance for a vehicle fueled by electric batteries due to potentially fewer overweight citations.

C. Government Sector Impact:

According to the FMCSA, failure to adopt regulations to comply with federal compatibility requirements by February 16, 2019, may jeopardize federal funding for the state's motor carrier safety program for federal fiscal year 2019.⁴⁴ Federal funding for the state's motor carrier safety program for Fiscal Year 2018-2019 totaled \$12,778,315, and when matched with state funds in the amount of \$2,254,997, totaled \$15,033,312.⁴⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 316.302, 316.515 and 316.545 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Rules on April 23, 2019:

- Authorizes the transport of general freight on a return trip by an automobile transporter, as long as the vehicle still complies with Interstate System weight restrictions;
- Prohibits the state from imposing a length limitation of less than 80 feet and extends the front bumper overhang allowance on a stinger-steered automobile transporter from the current three feet to the federal allowance of four feet;
- Creates a definition for “towaway trailer transporter combinations” that is consistent with provisions contained in the FAST Act; and
- For an unlawful weight and load calculation, allows the fine to be calculated by reducing the actual gross vehicle weight by the certified weight difference between the electric battery system and fueling system and a comparable diesel tank and fueling system.

⁴⁴ William A. Quade, Associate Administrator for Enforcement (Federal Motor Carrier Safety Administration), letter to Colonel Gene Spaulding, Director (Florida Highway Patrol), August 10, 2018 TS (on file with the Committee on Infrastructure and Security).

⁴⁵ Email from Kevin Jacobs, Deputy Legislative Affairs Director, Department of Highway Safety and Motor Vehicles, MCSAP funds, (February 7, 2019).

CS by Infrastructure and Security on April 2, 2019:

- The CS makes a technical change to conform to federal requirements, using the word “and” instead of “or” in order to use gross vehicle weight, gross vehicle weight rating, and gross combined weight rating to determine eligibility for an exemption of certain federal requirements.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
