

By Senator Lee

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1 A bill to be entitled
2 An act relating to commercial motor vehicles; amending
3 s. 316.302, F.S.; revising regulations applicable to
4 owners and drivers of commercial motor vehicles;
5 exempting persons who operate a commercial motor
6 vehicle solely in intrastate commerce which does not
7 transport hazardous materials in amounts that require
8 placarding from certain requirements related to
9 electronic logging devices and hours of service
10 supporting documents until a specified date; deleting
11 a limitation on a civil penalty for falsification of
12 certain time records; deleting a requirement that a
13 motor carrier maintain certain documentation of
14 driving times; extending an exemption from specified
15 commercial motor vehicle requirements for a commercial
16 vehicle having a certain gross vehicle weight rating
17 or gross combined weight rating, under certain
18 circumstances; deleting such exemption for a person
19 transporting petroleum products; deleting an exemption
20 from specified regulations relating to diabetes for
21 certain drivers of commercial motor vehicles;
22 providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsection (1) and paragraphs (a), (c), (d),
27 (f), and (j) of subsection (2) of section 316.302, Florida
28 Statutes, are amended to read:

29 316.302 Commercial motor vehicles; safety regulations;

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30 transporters and shippers of hazardous materials; enforcement.-

31 (1) (a) All owners and drivers of commercial motor vehicles
32 that are operated on the public highways of this state while
33 engaged in interstate commerce are subject to the rules and
34 regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and
35 390-397.

36 (b) Except as otherwise provided in this section, all
37 owners or drivers of commercial motor vehicles that are engaged
38 in intrastate commerce are subject to the rules and regulations
39 contained in 49 C.F.R. parts 382, 383, 385, 386, and 390-397,
40 ~~with the exception of 49 C.F.R. s. 390.5 as it relates to the~~
41 ~~definition of bus~~, as such rules and regulations existed on
42 December 31, 2018 ~~2012~~.

43 (c) The emergency exceptions provided by 49 C.F.R. s.
44 392.82 also apply to communications by utility drivers and
45 utility contractor drivers during a Level 1 activation of the
46 State Emergency Operations Center, as provided in the Florida
47 Comprehensive Emergency Management plan, or during a state of
48 emergency declared by executive order or proclamation of the
49 Governor.

50 (d) Except as provided in ~~s. 316.215(5)~~, and ~~except as~~
51 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging
52 requirements for intrastate operations, the requirements of this
53 section supersede all other safety requirements of this chapter
54 for commercial motor vehicles.

55 (e) A person who operates a commercial motor vehicle solely
56 in intrastate commerce which does not transport hazardous
57 materials in amounts that require placarding pursuant to 49
58 C.F.R. part 172 need not comply with the requirements of

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59 electronic logging devices and hours of service supporting
60 documents as provided in 49 C.F.R. parts 385, 386, 390, and 395
61 until December 31, 2019.

62 (2) (a) A person who operates a commercial motor vehicle
63 solely in intrastate commerce not transporting any hazardous
64 material in amounts that require placarding pursuant to 49
65 C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b)(1)
66 and 395.3 ~~49 C.F.R. ss. 391.11(b)(1) and 395.3(a) and (b).~~

67 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
68 operates a commercial motor vehicle solely in intrastate
69 commerce not transporting any hazardous material in amounts that
70 require placarding pursuant to 49 C.F.R. part 172 may not drive
71 after having been on duty more than 70 hours in any period of 7
72 consecutive days or more than 80 hours in any period of 8
73 consecutive days if the motor carrier operates every day of the
74 week. Thirty-four consecutive hours off duty shall constitute
75 the end of any such period of 7 or 8 consecutive days. This
76 weekly limit does not apply to a person who operates a
77 commercial motor vehicle solely within this state while
78 transporting, during harvest periods, any unprocessed
79 agricultural products or unprocessed food or fiber that is
80 subject to seasonal harvesting from place of harvest to the
81 first place of processing or storage or from place of harvest
82 directly to market or while transporting livestock, livestock
83 feed, or farm supplies directly related to growing or harvesting
84 agricultural products. Upon request of the Department of Highway
85 Safety and Motor Vehicles, motor carriers shall furnish time
86 records or other written verification to that department so that
87 the Department of Highway Safety and Motor Vehicles can

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88 determine compliance with this subsection. These time records
89 must be furnished to the Department of Highway Safety and Motor
90 Vehicles within 2 days after receipt of that department's
91 request. Falsification of such information is subject to a civil
92 penalty ~~not to exceed \$100. The provisions of~~ This paragraph
93 does ~~de~~ not apply to operators of farm labor vehicles operated
94 during a state of emergency declared by the Governor or operated
95 pursuant to s. 570.07(21) or, ~~and do not apply~~ to drivers of
96 utility service vehicles as defined in 49 C.F.R. s. 395.2.

97 (d) A person who operates a commercial motor vehicle solely
98 in intrastate commerce not transporting any hazardous material
99 in amounts that require placarding pursuant to 49 C.F.R. part
100 172 within a 150 air-mile radius of the location where the
101 vehicle is based need not comply with 49 C.F.R. s. 395.8~~7~~, if the
102 requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (iii)(A) and (C),
103 and (v) ~~49 C.F.R. s. 395.1(e)(1)(iii) and (v)~~ are met. ~~If a~~
104 ~~driver is not released from duty within 12 hours after the~~
105 ~~driver arrives for duty, the motor carrier must maintain~~
106 ~~documentation of the driver's driving times throughout the duty~~
107 ~~period.~~

108 (f) A person who operates a commercial motor vehicle having
109 a ~~declared~~ gross vehicle weight, gross vehicle weight rating, or
110 gross combined weight rating of less than 26,001 pounds solely
111 in intrastate commerce and who is not transporting hazardous
112 materials in amounts that require placarding pursuant to 49
113 C.F.R. part 172~~, or who is transporting petroleum products as~~
114 ~~defined in s. 376.301~~, is exempt from subsection (1). However,
115 such person must comply with 49 C.F.R. parts 382, 392, and 393~~7~~
116 and ~~with~~ 49 C.F.R. ss. 396.3(a)(1) and 396.9.

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117 ~~(j) A person who is otherwise qualified as a driver under~~
118 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~
119 ~~intrastate commerce only, and who does not transport hazardous~~
120 ~~materials in amounts that require placarding pursuant to 49~~
121 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~
122 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~
123 ~~diabetes.~~

124 Section 2. This act shall take effect October 1, 2019.