

By the Committees on Rules; and Infrastructure and Security; and
Senator Lee

595-04847-19

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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 and 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; amending
22 s. 316.515, F.S.; revising length and load extension
23 limitations for stinger-steered automobile
24 transporters; authorizing automobile transporters to
25 backhaul certain cargo or freight under certain
26 circumstances; authorizing an unladen power unit to
27 tow a certain combination of trailers or semitrailers
28 under certain circumstances; amending s. 316.545,
29 F.S.; providing for the calculation of specified fines

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30 for vehicles fueled by electric batteries; providing
31 an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Subsection (1) and paragraphs (a), (c), (d),
36 (f), and (j) of subsection (2) of section 316.302, Florida
37 Statutes, are amended to read:

38 316.302 Commercial motor vehicles; safety regulations;
39 transporters and shippers of hazardous materials; enforcement.-

40 (1) (a) All owners and drivers of commercial motor vehicles
41 that are operated on the public highways of this state while
42 engaged in interstate commerce are subject to the rules and
43 regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and
44 390-397.

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

52 (c) The emergency exceptions provided by 49 C.F.R. s.
53 392.82 also apply to communications by utility drivers and
54 utility contractor drivers during a Level 1 activation of the
55 State Emergency Operations Center, as provided in the Florida
56 Comprehensive Emergency Management plan, or during a state of
57 emergency declared by executive order or proclamation of the
58 Governor.

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

64 (e) A person who operates a commercial motor vehicle solely
65 in intrastate commerce which does not transport hazardous
66 materials in amounts that require placarding pursuant to 49
67 C.F.R. part 172 need not comply with the requirements of
68 electronic logging devices and hours of service supporting
69 documents as provided in 49 C.F.R. parts 385, 386, 390, and 395
70 until December 31, 2019.

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

76 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
77 operates a commercial motor vehicle solely in intrastate
78 commerce not transporting any hazardous material in amounts that
79 require placarding pursuant to 49 C.F.R. part 172 may not drive
80 after having been on duty more than 70 hours in any period of 7
81 consecutive days or more than 80 hours in any period of 8
82 consecutive days if the motor carrier operates every day of the
83 week. Thirty-four consecutive hours off duty shall constitute
84 the end of any such period of 7 or 8 consecutive days. This
85 weekly limit does not apply to a person who operates a
86 commercial motor vehicle solely within this state while
87 transporting, during harvest periods, any unprocessed

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88 agricultural products or unprocessed food or fiber that is
89 subject to seasonal harvesting from place of harvest to the
90 first place of processing or storage or from place of harvest
91 directly to market or while transporting livestock, livestock
92 feed, or farm supplies directly related to growing or harvesting
93 agricultural products. Upon request of the Department of Highway
94 Safety and Motor Vehicles, motor carriers shall furnish time
95 records or other written verification to that department so that
96 the Department of Highway Safety and Motor Vehicles can
97 determine compliance with this subsection. These time records
98 must be furnished to the Department of Highway Safety and Motor
99 Vehicles within 2 days after receipt of that department's
100 request. Falsification of such information is subject to a civil
101 penalty ~~not to exceed \$100. The provisions of This paragraph~~
102 does ~~de~~ not apply to operators of farm labor vehicles operated
103 during a state of emergency declared by the Governor or operated
104 pursuant to s. 570.07(21) or, ~~and do not apply~~ to drivers of
105 utility service vehicles as defined in 49 C.F.R. s. 395.2.

106 (d) A person who operates a commercial motor vehicle solely
107 in intrastate commerce not transporting any hazardous material
108 in amounts that require placarding pursuant to 49 C.F.R. part
109 172 within a 150 air-mile radius of the location where the
110 vehicle is based need not comply with 49 C.F.R. s. 395.87 if the
111 requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (iii)(A) and (C),
112 and (v) ~~49 C.F.R. s. 395.1(e)(1)(iii) and (v)~~ are met. ~~If a~~
113 ~~driver is not released from duty within 12 hours after the~~
114 ~~driver arrives for duty, the motor carrier must maintain~~
115 ~~documentation of the driver's driving times throughout the duty~~
116 ~~period.~~

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117 (f) A person who operates a commercial motor vehicle having
118 a ~~declared~~ gross vehicle weight, gross vehicle weight rating,
119 and gross combined weight rating of less than 26,001 pounds
120 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 ~~(j) A person who is otherwise qualified as a driver under~~
127 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~
128 ~~intrastate commerce only, and who does not transport hazardous~~
129 ~~materials in amounts that require placarding pursuant to 49~~
130 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~
131 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~
132 ~~diabetes.~~

133 Section 2. Subsections (3) and (4) of section 316.515,
134 Florida Statutes, are amended, and subsection (16) is added to
135 that section, to read:

136 316.515 Maximum width, height, length.—

137 (3) LENGTH LIMITATION.—Except as otherwise provided in this
138 section, length limitations apply solely to a semitrailer or
139 trailer, and not to a truck tractor or to the overall length of
140 a combination of vehicles. No combination of commercial motor
141 vehicles coupled together and operating on the public roads may
142 consist of more than one truck tractor and two trailing units.
143 Unless otherwise specifically provided for in this section, a
144 combination of vehicles not qualifying as commercial motor
145 vehicles may consist of no more than two units coupled together;

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146 such nonqualifying combination of vehicles may not exceed a
147 total length of 65 feet, inclusive of the load carried thereon,
148 but exclusive of safety and energy conservation devices approved
149 by the department for use on vehicles using public roads.
150 Notwithstanding any other provision of this section, a truck
151 tractor-semitrailer combination engaged in the transportation of
152 automobiles or boats may transport motor vehicles or boats on
153 part of the power unit; and, except as may otherwise be mandated
154 under federal law, an automobile or boat transporter semitrailer
155 may not exceed 50 feet in length, exclusive of the load;
156 however, the load may extend up to an additional 6 feet beyond
157 the rear of the trailer. The 50-foot length limitation does not
158 apply to non-stinger-steered automobile or boat transporters
159 that are 65 feet or less in overall length, exclusive of the
160 load carried thereon, ~~or to stinger-steered automobile or boat~~
161 transporters that are 75 feet or less in overall length,
162 exclusive of the load carried thereon, or to stinger-steered
163 automobile transporters that are 80 feet or less in overall
164 length, exclusive of the load carried thereon. For purposes of
165 this subsection, a "stinger-steered automobile or boat
166 transporter" is an automobile or boat transporter configured as
167 a semitrailer combination wherein the fifth wheel is located on
168 a drop frame located behind and below the rearmost axle of the
169 power unit. Automobile transporters operating under this
170 subsection may backhaul cargo or general freight if the weight
171 of such cargo or freight does not exceed the limits imposed
172 under s. 316.535. Notwithstanding paragraphs (a) and (b), any
173 straight truck or truck tractor-semitrailer combination engaged
174 in the transportation of horticultural trees may allow the load

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175 to extend up to an additional 10 feet beyond the rear of the
176 vehicle, provided the ~~said~~ trees are resting against a retaining
177 bar mounted above the truck bed so that the root balls of the
178 trees rest on the floor and to the front of the truck bed and
179 the tops of the trees extend up over and to the rear of the
180 truck bed, and provided the overhanging portion of the load is
181 covered with protective fabric.

182 (a) *Straight trucks.*—A straight truck may not exceed a
183 length of 40 feet in extreme overall dimension, exclusive of
184 safety and energy conservation devices approved by the
185 department for use on vehicles using public roads. A straight
186 truck may attach a forklift to the rear of the cargo bed,
187 provided the overall combined length of the vehicle and the
188 forklift does not exceed 50 feet. Except as otherwise provided
189 in this section, a straight truck may tow no more than one
190 trailer, and the overall length of the truck-trailer combination
191 may not exceed 68 feet, including the load thereon.
192 Notwithstanding any other provisions of this section, a truck-
193 trailer combination engaged in the transportation of boats, or
194 boat trailers whose design dictates a front-to-rear stacking
195 method may not exceed the length limitations of this paragraph
196 exclusive of the load; however, the load may extend up to an
197 additional 6 feet beyond the rear of the trailer.

198 (b) *Semitrailers.*—

199 1. A semitrailer operating in a truck tractor-semitrailer
200 combination may not exceed 48 feet in extreme overall outside
201 dimension, measured from the front of the unit to the rear of
202 the unit and the load carried thereon, exclusive of safety and
203 energy conservation devices approved by the department for use

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204 on vehicles using public roads, unless it complies with
205 subparagraph 2. A semitrailer which exceeds 48 feet in length
206 and is used to transport divisible loads may operate in this
207 state only if issued a permit under s. 316.550 and if such
208 trailer meets the requirements of this chapter relating to
209 vehicle equipment and safety. Except for highways on the tandem
210 trailer truck highway network, public roads deemed unsafe for
211 longer semitrailer vehicles or those roads on which such longer
212 vehicles are determined not to be in the interest of public
213 convenience shall, in conformance with s. 316.006, be restricted
214 by the Department of Transportation or by the local authority to
215 use by semitrailers not exceeding a length of 48 feet, inclusive
216 of the load carried thereon but exclusive of safety and energy
217 conservation devices approved by the department for use on
218 vehicles using public roads. Truck tractor-semitrailer
219 combinations shall be afforded reasonable access to terminals;
220 facilities for food, fuel, repairs, and rest; and points of
221 loading and unloading.

222 2. A semitrailer which is more than 48 feet but not more
223 than 57 feet in extreme overall outside dimension, as measured
224 pursuant to subparagraph 1., may operate on public roads, except
225 roads on the State Highway System which are restricted by the
226 Department of Transportation or other roads restricted by local
227 authorities, if:

228 a. The distance between the kingpin or other peg that locks
229 into the fifth wheel of a truck tractor and the center of the
230 rear axle or rear group of axles does not exceed 41 feet, or, in
231 the case of a semitrailer used exclusively or primarily to
232 transport vehicles in connection with motorsports competition

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233 events, the distance does not exceed 46 feet from the kingpin to
234 the center of the rear axles; and

235 b. It is equipped with a substantial rear-end underride
236 protection device meeting the requirements of 49 C.F.R. s.
237 393.86, "Rear End Protection."

238 (c) *Tandem trailer trucks.*—

239 1. Except for semitrailers and trailers of up to 28 1/2
240 feet in length which existed on December 1, 1982, and which were
241 actually and lawfully operating on that date, no semitrailer or
242 trailer operating in a truck tractor-semitrailer-trailer
243 combination may exceed a length of 28 feet in extreme overall
244 outside dimension, measured from the front of the unit to the
245 rear of the unit and the load carried thereon, exclusive of
246 safety and energy conservation devices approved by the
247 Department of Transportation for use on vehicles using public
248 roads.

249 2. Tandem trailer trucks conforming to the weight and size
250 limitations of this chapter and in immediate transit to or from
251 a terminal facility as defined in this chapter may operate on
252 the public roads of this state except for residential
253 neighborhood streets restricted by the Department of
254 Transportation or local jurisdictions. In addition, the
255 Department of Transportation or local jurisdictions may restrict
256 these vehicles from using streets and roads under their
257 maintenance responsibility on the basis of safety and
258 engineering analyses, provided that the restrictions are
259 consistent with ~~the provisions of~~ this chapter. The Department
260 of Transportation shall develop safety and engineering standards
261 to be used by all jurisdictions when identifying public roads

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262 and streets to be restricted from tandem trailer truck
263 operations.

264 3. Except as otherwise provided in this section, within 5
265 miles of the Federal National Network for large trucks, tandem
266 trailer trucks shall be afforded access to terminals; facilities
267 for food, fuel, repairs, and rest; and points of loading and
268 unloading.

269 4. Notwithstanding ~~the provisions of~~ any general or special
270 law to the contrary, all local system tandem trailer truck route
271 review procedures must be consistent with those adopted by the
272 Department of Transportation.

273 5. Tandem trailer trucks employed as household goods
274 carriers and conforming to the weight and size limitations of
275 this chapter shall be afforded access to points of loading and
276 unloading on the public streets and roads of this state, except
277 for streets and roads that have been restricted from use by such
278 vehicles on the basis of safety and engineering analyses by the
279 jurisdiction responsible for maintenance of the streets and
280 roads.

281 (d) *Maxi-cube vehicles.*—Maxi-cube vehicles shall be allowed
282 to operate on routes open to tandem trailer trucks under the
283 same conditions applicable to tandem trailer trucks as specified
284 by this section.

285 (4) LOAD EXTENSION LIMITATION.—The load upon any vehicle
286 operated alone, or the load upon the front vehicle of a
287 combination of vehicles, may not extend more than 3 feet beyond
288 the front wheels of the vehicle or the front bumper of the
289 vehicle if it is equipped with a bumper. However, the load upon
290 any stinger-steered automobile transporter may not extend more

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291 than 4 feet beyond the front bumper of the vehicle.

292 (a) The limitations of this subsection do not apply to
293 bicycle racks carrying bicycles on public sector transit
294 vehicles.

295 (b) ~~The provisions of~~ This subsection does ~~shall~~ not apply
296 to a front-end loading collection vehicle, when:

297 1. The front-end loading mechanism and container or
298 containers are in the lowered position;

299 2. The vehicle is engaged in collecting solid waste or
300 recyclable or recovered materials;

301 3. The vehicle is being operated at speeds less than 20
302 miles per hour with the vehicular hazard-warning lights
303 activated; and

304 4. The extension does not exceed 8 feet 6 inches.

305 (16) TOWAWAY TRAILER TRANSPORTER COMBINATIONS.—An unladen
306 power unit may tow two trailers or semitrailers when the
307 combination is not used to carry property, the overall
308 combination length does not exceed 82 feet, and the total gross
309 weight of the combination does not exceed 26,000 pounds. The
310 trailers or semitrailers must constitute inventory property of a
311 manufacturer, distributor, or dealer of such trailers or
312 semitrailers.

313 Section 3. Paragraph (c) of subsection (3) of section
314 316.545, Florida Statutes, is amended to read:

315 316.545 Weight and load unlawful; special fuel and motor
316 fuel tax enforcement; inspection; penalty; review.—

317 (3)

318 (c)1. For a vehicle fueled by natural gas or electric
319 batteries, the fine is calculated by reducing the actual gross

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320 vehicle weight by the certified weight difference between the
321 natural gas tank or electric battery system and fueling system
322 and a comparable diesel tank and fueling system. Upon request by
323 any weight inspector or law enforcement officer, the vehicle
324 operator must present written certification that identifies the
325 weight of the natural gas tank or electric battery system and
326 fueling system and the difference in weight of a comparable
327 diesel tank and fueling system. The written certification must
328 originate from the vehicle manufacturer or the installer of the
329 natural gas tank or electric battery system and fueling system.

330 2. The actual gross vehicle weight for vehicles fueled by
331 natural gas or electric batteries may not exceed 82,000 pounds,
332 excluding the weight allowed for idle-reduction technology under
333 paragraph (b).

334 3. This paragraph does not apply to those vehicles
335 described in s. 316.535(6).

336 Section 4. This act shall take effect October 1, 2019.