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LEGISLATIVE ACTION

Senate

.

House

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Floor: 1/RE/3R

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05/03/2019 10:56 AM

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Senator Lee moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

316.302 Commercial motor vehicles; safety regulations;
transporters and shippers of hazardous materials; enforcement.—

(1) (a) All owners and drivers of commercial motor vehicles
that are operated on the public highways of this state while



375724

12 engaged in interstate commerce are subject to the rules and
13 regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and
14 390-397.

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

22 (c) The emergency exceptions provided by 49 C.F.R. s.
23 392.82 also apply to communications by utility drivers and
24 utility contractor drivers during a Level 1 activation of the
25 State Emergency Operations Center, as provided in the Florida
26 Comprehensive Emergency Management plan, or during a state of
27 emergency declared by executive order or proclamation of the
28 Governor.

29 (d) Except as provided in ~~s. 316.215(5)~~, ~~and except as~~
30 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging
31 requirements for intrastate operations, the requirements of this
32 section supersede all other safety requirements of this chapter
33 for commercial motor vehicles.

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



375724

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

46 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
47 operates a commercial motor vehicle solely in intrastate
48 commerce not transporting any hazardous material in amounts that
49 require placarding pursuant to 49 C.F.R. part 172 may not drive
50 after having been on duty more than 70 hours in any period of 7
51 consecutive days or more than 80 hours in any period of 8
52 consecutive days if the motor carrier operates every day of the
53 week. Thirty-four consecutive hours off duty shall constitute
54 the end of any such period of 7 or 8 consecutive days. This
55 weekly limit does not apply to a person who operates a
56 commercial motor vehicle solely within this state while
57 transporting, during harvest periods, any unprocessed
58 agricultural products or unprocessed food or fiber that is
59 subject to seasonal harvesting from place of harvest to the
60 first place of processing or storage or from place of harvest
61 directly to market or while transporting livestock, livestock
62 feed, or farm supplies directly related to growing or harvesting
63 agricultural products. Upon request of the Department of Highway
64 Safety and Motor Vehicles, motor carriers shall furnish time
65 records or other written verification to that department so that
66 the Department of Highway Safety and Motor Vehicles can
67 determine compliance with this subsection. These time records
68 must be furnished to the Department of Highway Safety and Motor
69 Vehicles within 2 days after receipt of that department's



375724

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

76 (d) A person who operates a commercial motor vehicle solely
77 in intrastate commerce not transporting any hazardous material
78 in amounts that require placarding pursuant to 49 C.F.R. part
79 172 within a 150 air-mile radius of the location where the
80 vehicle is based need not comply with 49 C.F.R. s. 395.8~~7~~ if the
81 requirements of 49 C.F.R. s. 395.1(e)(1)(ii), (iii)(A) and (C),
82 and (v) ~~49 C.F.R. s. 395.1(e)(1)(iii) and (v)~~ are met. ~~If a~~
83 ~~driver is not released from duty within 12 hours after the~~
84 ~~driver arrives for duty, the motor carrier must maintain~~
85 ~~documentation of the driver's driving times throughout the duty~~
86 ~~period.~~

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

96 ~~(j) A person who is otherwise qualified as a driver under~~
97 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~
98 ~~intrastate commerce only, and who does not transport hazardous~~



375724

99 ~~materials in amounts that require placarding pursuant to 49~~
100 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~
101 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~
102 ~~diabetes.~~

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

106 316.515 Maximum width, height, length.—

107 (3) LENGTH LIMITATION.—Except as otherwise provided in this
108 section, length limitations apply solely to a semitrailer or
109 trailer, and not to a truck tractor or to the overall length of
110 a combination of vehicles. No combination of commercial motor
111 vehicles coupled together and operating on the public roads may
112 consist of more than one truck tractor and two trailing units.
113 Unless otherwise specifically provided for in this section, a
114 combination of vehicles not qualifying as commercial motor
115 vehicles may consist of no more than two units coupled together;
116 such nonqualifying combination of vehicles may not exceed a
117 total length of 65 feet, inclusive of the load carried thereon,
118 but exclusive of safety and energy conservation devices approved
119 by the department for use on vehicles using public roads.

120 Notwithstanding any other provision of this section, a truck
121 tractor-semitrailer combination engaged in the transportation of
122 automobiles or boats may transport motor vehicles or boats on
123 part of the power unit; and, except as may otherwise be mandated
124 under federal law, an automobile or boat transporter semitrailer
125 may not exceed 50 feet in length, exclusive of the load;
126 however, the load may extend up to an additional 6 feet beyond
127 the rear of the trailer. The 50-foot length limitation does not



375724

128 apply to non-stinger-steered automobile or boat transporters
129 that are 65 feet or less in overall length, exclusive of the
130 load carried thereon, ~~or~~ to stinger-steered ~~automobile or~~ boat
131 transporters that are 75 feet or less in overall length,
132 exclusive of the load carried thereon, or to stinger-steered
133 automobile transporters that are 80 feet or less in overall
134 length, exclusive of the load carried thereon. For purposes of
135 this subsection, a "stinger-steered automobile or boat
136 transporter" is an automobile or boat transporter configured as
137 a semitrailer combination wherein the fifth wheel is located on
138 a drop frame located behind and below the rearmost axle of the
139 power unit. Automobile transporters operating under this
140 subsection may backhaul cargo or general freight if the weight
141 of such cargo or freight does not exceed the limits imposed
142 under s. 316.535. Notwithstanding paragraphs (a) and (b), any
143 straight truck or truck tractor-semitrailer combination engaged
144 in the transportation of horticultural trees may allow the load
145 to extend up to an additional 10 feet beyond the rear of the
146 vehicle, provided the ~~said~~ trees are resting against a retaining
147 bar mounted above the truck bed so that the root balls of the
148 trees rest on the floor and to the front of the truck bed and
149 the tops of the trees extend up over and to the rear of the
150 truck bed, and provided the overhanging portion of the load is
151 covered with protective fabric.

152 (a) *Straight trucks.*—A straight truck may not exceed a
153 length of 40 feet in extreme overall dimension, exclusive of
154 safety and energy conservation devices approved by the
155 department for use on vehicles using public roads. A straight
156 truck may attach a forklift to the rear of the cargo bed,



375724

157 provided the overall combined length of the vehicle and the
158 forklift does not exceed 50 feet. Except as otherwise provided
159 in this section, a straight truck may tow no more than one
160 trailer, and the overall length of the truck-trailer combination
161 may not exceed 68 feet, including the load thereon.

162 Notwithstanding any other provisions of this section, a truck-
163 trailer combination engaged in the transportation of boats, or
164 boat trailers whose design dictates a front-to-rear stacking
165 method may not exceed the length limitations of this paragraph
166 exclusive of the load; however, the load may extend up to an
167 additional 6 feet beyond the rear of the trailer.

168 (b) *Semitrailers.*—

169 1. A semitrailer operating in a truck tractor-semitrailer
170 combination may not exceed 48 feet in extreme overall outside
171 dimension, measured from the front of the unit to the rear of
172 the unit and the load carried thereon, exclusive of safety and
173 energy conservation devices approved by the department for use
174 on vehicles using public roads, unless it complies with
175 subparagraph 2. A semitrailer which exceeds 48 feet in length
176 and is used to transport divisible loads may operate in this
177 state only if issued a permit under s. 316.550 and if such
178 trailer meets the requirements of this chapter relating to
179 vehicle equipment and safety. Except for highways on the tandem
180 trailer truck highway network, public roads deemed unsafe for
181 longer semitrailer vehicles or those roads on which such longer
182 vehicles are determined not to be in the interest of public
183 convenience shall, in conformance with s. 316.006, be restricted
184 by the Department of Transportation or by the local authority to
185 use by semitrailers not exceeding a length of 48 feet, inclusive



375724

186 of the load carried thereon but exclusive of safety and energy
187 conservation devices approved by the department for use on
188 vehicles using public roads. Truck tractor-semitrailer
189 combinations shall be afforded reasonable access to terminals;
190 facilities for food, fuel, repairs, and rest; and points of
191 loading and unloading.

192 2. A semitrailer which is more than 48 feet but not more
193 than 57 feet in extreme overall outside dimension, as measured
194 pursuant to subparagraph 1., may operate on public roads, except
195 roads on the State Highway System which are restricted by the
196 Department of Transportation or other roads restricted by local
197 authorities, if:

198 a. The distance between the kingpin or other peg that locks
199 into the fifth wheel of a truck tractor and the center of the
200 rear axle or rear group of axles does not exceed 41 feet, or, in
201 the case of a semitrailer used exclusively or primarily to
202 transport vehicles in connection with motorsports competition
203 events, the distance does not exceed 46 feet from the kingpin to
204 the center of the rear axles; and

205 b. It is equipped with a substantial rear-end underride
206 protection device meeting the requirements of 49 C.F.R. s.
207 393.86, "Rear End Protection."

208 (c) *Tandem trailer trucks.*—

209 1. Except for semitrailers and trailers of up to 28 1/2
210 feet in length which existed on December 1, 1982, and which were
211 actually and lawfully operating on that date, no semitrailer or
212 trailer operating in a truck tractor-semitrailer-trailer
213 combination may exceed a length of 28 feet in extreme overall
214 outside dimension, measured from the front of the unit to the



375724

215 rear of the unit and the load carried thereon, exclusive of
216 safety and energy conservation devices approved by the
217 Department of Transportation for use on vehicles using public
218 roads.

219 2. Tandem trailer trucks conforming to the weight and size
220 limitations of this chapter and in immediate transit to or from
221 a terminal facility as defined in this chapter may operate on
222 the public roads of this state except for residential
223 neighborhood streets restricted by the Department of
224 Transportation or local jurisdictions. In addition, the
225 Department of Transportation or local jurisdictions may restrict
226 these vehicles from using streets and roads under their
227 maintenance responsibility on the basis of safety and
228 engineering analyses, provided that the restrictions are
229 consistent with ~~the provisions of~~ this chapter. The Department
230 of Transportation shall develop safety and engineering standards
231 to be used by all jurisdictions when identifying public roads
232 and streets to be restricted from tandem trailer truck
233 operations.

234 3. Except as otherwise provided in this section, within 5
235 miles of the Federal National Network for large trucks, tandem
236 trailer trucks shall be afforded access to terminals; facilities
237 for food, fuel, repairs, and rest; and points of loading and
238 unloading.

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

243 5. Tandem trailer trucks employed as household goods



375724

244 carriers and conforming to the weight and size limitations of
245 this chapter shall be afforded access to points of loading and
246 unloading on the public streets and roads of this state, except
247 for streets and roads that have been restricted from use by such
248 vehicles on the basis of safety and engineering analyses by the
249 jurisdiction responsible for maintenance of the streets and
250 roads.

251 (d) *Maxi-cube vehicles.*—Maxi-cube vehicles shall be allowed
252 to operate on routes open to tandem trailer trucks under the
253 same conditions applicable to tandem trailer trucks as specified
254 by this section.

255 (4) LOAD EXTENSION LIMITATION.—The load upon any vehicle
256 operated alone, or the load upon the front vehicle of a
257 combination of vehicles, may not extend more than 3 feet beyond
258 the front wheels of the vehicle or the front bumper of the
259 vehicle if it is equipped with a bumper. However, the load upon
260 any stinger-steered automobile transporter may not extend more
261 than 4 feet beyond the front bumper of the vehicle.

262 (a) The limitations of this subsection do not apply to
263 bicycle racks carrying bicycles on public sector transit
264 vehicles.

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

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

269 2. The vehicle is engaged in collecting solid waste or
270 recyclable or recovered materials;

271 3. The vehicle is being operated at speeds less than 20
272 miles per hour with the vehicular hazard-warning lights



375724

273 activated; and

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

275 (16) TOWAWAY TRAILER TRANSPORTER COMBINATIONS.—An unladen
276 power unit may tow two trailers or semitrailers when the
277 combination is not used to carry property, the overall
278 combination length does not exceed 82 feet, and the total gross
279 weight of the combination does not exceed 26,000 pounds. The
280 trailers or semitrailers must constitute inventory property of a
281 manufacturer, distributor, or dealer of such trailers or
282 semitrailers.

283 Section 3. Paragraph (c) of subsection (3) of section
284 316.545, Florida Statutes, is amended to read:

285 316.545 Weight and load unlawful; special fuel and motor
286 fuel tax enforcement; inspection; penalty; review.—

287 (3)

288 (c)1. For a vehicle fueled by natural gas or electric
289 batteries, the fine is calculated by reducing the actual gross
290 vehicle weight by the certified weight difference between the
291 natural gas tank or electric battery system and fueling system
292 and a comparable diesel tank and fueling system. Upon request by
293 any weight inspector or law enforcement officer, the vehicle
294 operator must present written certification that identifies the
295 weight of the natural gas tank or electric battery system and
296 fueling system and the difference in weight of a comparable
297 diesel tank and fueling system. The written certification must
298 originate from the vehicle manufacturer or the installer of the
299 natural gas tank or electric battery system and fueling system.

300 2. The actual gross vehicle weight for vehicles fueled by
301 natural gas or electric batteries may not exceed 82,000 pounds,



375724

302 excluding the weight allowed for idle-reduction technology under
303 paragraph (b).

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

306 Section 4. (1) By no later than January 1, 2020, the
307 Department of Transportation in conjunction with the Department
308 of Highway Safety and Motor Vehicles shall develop a permitting
309 program that, notwithstanding any other provision of law except
310 conflicting federal law and applicable provisions of s. 316.550,
311 prescribes the operation of any combination of truck tractor,
312 semitrailer, and trailer combination coupled together so as to
313 operate as a single unit in which the semitrailer and the
314 trailer unit may each be up to 48 feet in length, but not less
315 than 28 feet in length, if such truck tractor, semitrailer,
316 trailer combination is:

317 (a) Being used for the primary purpose of transporting farm
318 products as defined in s. 823.14(3)(c) on a prescribed route
319 within the boundary of the Everglades Agricultural Area as
320 described in s. 373.4592(15);

321 (b) Traveling on a prescribed route that has been submitted
322 to and approved by the Department of Transportation for public
323 safety purposes having taken into account, at a minimum, the
324 point of origin, destination, traffic and pedestrian volume on
325 the route, turning radius at intersections along the route, and
326 potential for damage to roadways or bridges on the route;

327 (c) Operating only on state or local roadways within a
328 radius of 60 miles from where such truck tractor, semitrailer,
329 and trailer combination was loaded, however, travel is not
330 authorized on the Interstate Highway System; and



375724

- 331 (d) Meeting the following weight limitations:
332 1. The maximum gross weight of the truck tractor and the
333 first trailer shall not exceed 88,000 pounds.
334 2. The maximum gross weight of the dolly and second trailer
335 shall not exceed the lesser of 67,000 pounds.
336 3. The maximum overall gross weight of the truck tractor-
337 semitrailer-trailer combination shall not exceed 155,000 pounds.
338 (2) The permitting program established pursuant to
339 subsection (1) above shall automatically expire on January 1,
340 2025, unless reauthorized by the legislature.
341 (3) Any such permit program may not be implemented or
342 continued if the Federal Government notifies the department that
343 implementation will adversely affect the allocation of federal
344 funds to the state.

345 Section 5. This act shall take effect October 1, 2019.

347 ===== T I T L E A M E N D M E N T =====

348 And the title is amended as follows:

349 Delete everything before the enacting clause
350 and insert:

351 A bill to be entitled
352 An act relating to commercial motor vehicles; amending
353 s. 316.302, F.S.; revising regulations applicable to
354 owners and drivers of commercial motor vehicles;
355 exempting persons who operate a commercial motor
356 vehicle solely in intrastate commerce which does not
357 transport hazardous materials in amounts that require
358 placarding from certain requirements related to
359 electronic logging devices and hours of service



375724

360 supporting documents until a specified date; deleting
361 a limitation on a civil penalty for falsification of
362 certain time records; deleting a requirement that a
363 motor carrier maintain certain documentation of
364 driving times; extending an exemption from specified
365 commercial motor vehicle requirements for a commercial
366 vehicle having a certain gross vehicle weight rating
367 and gross combined weight rating, under certain
368 circumstances; deleting such exemption for a person
369 transporting petroleum products; deleting an exemption
370 from specified regulations relating to diabetes for
371 certain drivers of commercial motor vehicles; amending
372 s. 316.515, F.S.; revising length and load extension
373 limitations for stinger-steered automobile
374 transporters; authorizing automobile transporters to
375 backhaul certain cargo or freight under certain
376 circumstances; authorizing an unladen power unit to
377 tow a certain combination of trailers or semitrailers
378 under certain circumstances; amending s. 316.545,
379 F.S.; providing for the calculation of specified fines
380 for vehicles fueled by electric batteries; requiring
381 the Department of Transportation in conjunction with
382 the Department of Highway Safety and Motor Vehicles to
383 develop, by a specified date, a permitting program
384 that authorizes the operation of any combination of
385 truck tractor, semitrailer, and trailer combination
386 coupled together so as to operate as a single unit,
387 subject to certain requirements; providing that the
388 permitting program expires in five years unless



375724

389 reauthorized by the legislature; prohibiting a
390 permitting program from being implemented or continued
391 under certain circumstances; providing an effective
392 date.