

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  
30 | for vehicles fueled by electric batteries; requiring  
31 | the Department of Transportation in conjunction with  
32 | the Department of Highway Safety and Motor Vehicles to  
33 | develop, by a specified date, a permitting program  
34 | that authorizes the operation of any combination of  
35 | truck tractor, semitrailer, and trailer combination  
36 | coupled together so as to operate as a single unit,  
37 | subject to certain requirements; providing that the  
38 | permitting program expires in five years unless  
39 | reauthorized by the legislature; prohibiting a  
40 | permitting program from being implemented or continued  
41 | under certain circumstances; providing an effective  
42 | date.

43 |  
44 | Be It Enacted by the Legislature of the State of Florida:

45 |  
46 | Section 1. Subsection (1) and paragraphs (a), (c), (d),  
47 | (f), and (j) of subsection (2) of section 316.302, Florida  
48 | Statutes, are amended to read:

49 | 316.302 Commercial motor vehicles; safety regulations;  
50 | transporters and shippers of hazardous materials; enforcement.-

51 (1) (a) All owners and drivers of commercial motor vehicles  
52 that are operated on the public highways of this state while  
53 engaged in interstate commerce are subject to the rules and  
54 regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and  
55 390-397.

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

63 (c) The emergency exceptions provided by 49 C.F.R. s.  
64 392.82 also apply to communications by utility drivers and  
65 utility contractor drivers during a Level 1 activation of the  
66 State Emergency Operations Center, as provided in the Florida  
67 Comprehensive Emergency Management plan, or during a state of  
68 emergency declared by executive order or proclamation of the  
69 Governor.

70 (d) Except as provided in ~~s. 316.215(5)~~, and ~~except as~~  
71 ~~provided in~~ s. 316.228 for rear overhang lighting and flagging  
72 requirements for intrastate operations, the requirements of this  
73 section supersede all other safety requirements of this chapter  
74 for commercial motor vehicles.

75 (e) A person who operates a commercial motor vehicle

76 | solely in intrastate commerce which does not transport hazardous  
 77 | materials in amounts that require placarding pursuant to 49  
 78 | C.F.R. part 172 need not comply with the requirements of  
 79 | electronic logging devices and hours of service supporting  
 80 | documents as provided in 49 C.F.R. parts 385, 386, 390, and 395  
 81 | until December 31, 2019.

82 | (2) (a) A person who operates a commercial motor vehicle  
 83 | solely in intrastate commerce not transporting any hazardous  
 84 | material in amounts that require placarding pursuant to 49  
 85 | C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b) (1)  
 86 | and 395.3 ~~49 C.F.R. ss. 391.11(b) (1) and 395.3(a) and (b).~~

87 | (c) Except as provided in 49 C.F.R. s. 395.1, a person who  
 88 | operates a commercial motor vehicle solely in intrastate  
 89 | commerce not transporting any hazardous material in amounts that  
 90 | require placarding pursuant to 49 C.F.R. part 172 may not drive  
 91 | after having been on duty more than 70 hours in any period of 7  
 92 | consecutive days or more than 80 hours in any period of 8  
 93 | consecutive days if the motor carrier operates every day of the  
 94 | week. Thirty-four consecutive hours off duty shall constitute  
 95 | the end of any such period of 7 or 8 consecutive days. This  
 96 | weekly limit does not apply to a person who operates a  
 97 | commercial motor vehicle solely within this state while  
 98 | transporting, during harvest periods, any unprocessed  
 99 | agricultural products or unprocessed food or fiber that is  
 100 | subject to seasonal harvesting from place of harvest to the

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

117 (d) A person who operates a commercial motor vehicle  
118 solely in intrastate commerce not transporting any hazardous  
119 material in amounts that require placarding pursuant to 49  
120 C.F.R. part 172 within a 150 air-mile radius of the location  
121 where the vehicle is based need not comply with 49 C.F.R. s.  
122 395.87, if the requirements of 49 C.F.R. s. 395.1(e)(1)(ii),  
123 (iii)(A) and (C), and (v) ~~49 C.F.R. s. 395.1(e)(1)(iii) and (v)~~  
124 are met. ~~If a driver is not released from duty within 12 hours~~  
125 ~~after the driver arrives for duty, the motor carrier must~~

126 ~~maintain documentation of the driver's driving times throughout~~  
127 ~~the duty period.~~

128 (f) A person who operates a commercial motor vehicle  
129 having a ~~declared~~ gross vehicle weight, gross vehicle weight  
130 rating, and gross combined weight rating of less than 26,001  
131 pounds solely in intrastate commerce and who is not transporting  
132 hazardous materials in amounts that require placarding pursuant  
133 to 49 C.F.R. part 172, ~~or who is transporting petroleum products~~  
134 ~~as defined in s. 376.301,~~ is exempt from subsection (1).  
135 However, such person must comply with 49 C.F.R. parts 382, 392,  
136 and 393, ~~and with~~ 49 C.F.R. ss. 396.3(a)(1) and 396.9.

137 ~~(j) A person who is otherwise qualified as a driver under~~  
138 ~~49 C.F.R. part 391, who operates a commercial motor vehicle in~~  
139 ~~intrastate commerce only, and who does not transport hazardous~~  
140 ~~materials in amounts that require placarding pursuant to 49~~  
141 ~~C.F.R. part 172, is exempt from the requirements of 49 C.F.R.~~  
142 ~~part 391, subpart E, ss. 391.41(b)(3) and 391.43(e), relating to~~  
143 ~~diabetes.~~

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

147 316.515 Maximum width, height, length.—

148 (3) LENGTH LIMITATION.—Except as otherwise provided in  
149 this section, length limitations apply solely to a semitrailer  
150 or trailer, and not to a truck tractor or to the overall length

151 of a combination of vehicles. No combination of commercial motor  
152 vehicles coupled together and operating on the public roads may  
153 consist of more than one truck tractor and two trailing units.  
154 Unless otherwise specifically provided for in this section, a  
155 combination of vehicles not qualifying as commercial motor  
156 vehicles may consist of no more than two units coupled together;  
157 such nonqualifying combination of vehicles may not exceed a  
158 total length of 65 feet, inclusive of the load carried thereon,  
159 but exclusive of safety and energy conservation devices approved  
160 by the department for use on vehicles using public roads.  
161 Notwithstanding any other provision of this section, a truck  
162 tractor-semitrailer combination engaged in the transportation of  
163 automobiles or boats may transport motor vehicles or boats on  
164 part of the power unit; and, except as may otherwise be mandated  
165 under federal law, an automobile or boat transporter semitrailer  
166 may not exceed 50 feet in length, exclusive of the load;  
167 however, the load may extend up to an additional 6 feet beyond  
168 the rear of the trailer. The 50-foot length limitation does not  
169 apply to non-stinger-steered automobile or boat transporters  
170 that are 65 feet or less in overall length, exclusive of the  
171 load carried thereon, ~~or to stinger-steered automobile or boat~~  
172 ~~transporters that are 75 feet or less in overall length,~~  
173 exclusive of the load carried thereon, or to stinger-steered  
174 automobile transporters that are 80 feet or less in overall  
175 length, exclusive of the load carried thereon. For purposes of

176 | this subsection, a "stinger-steered automobile or boat  
177 | transporter" is an automobile or boat transporter configured as  
178 | a semitrailer combination wherein the fifth wheel is located on  
179 | a drop frame located behind and below the rearmost axle of the  
180 | power unit. Automobile transporters operating under this  
181 | subsection may backhaul cargo or general freight if the weight  
182 | of such cargo or freight does not exceed the limits imposed  
183 | under s. 316.535. Notwithstanding paragraphs (a) and (b), any  
184 | straight truck or truck tractor-semitrailer combination engaged  
185 | in the transportation of horticultural trees may allow the load  
186 | to extend up to an additional 10 feet beyond the rear of the  
187 | vehicle, provided the ~~said~~ trees are resting against a retaining  
188 | bar mounted above the truck bed so that the root balls of the  
189 | trees rest on the floor and to the front of the truck bed and  
190 | the tops of the trees extend up over and to the rear of the  
191 | truck bed, and provided the overhanging portion of the load is  
192 | covered with protective fabric.

193 |       (a) *Straight trucks.*—A straight truck may not exceed a  
194 | length of 40 feet in extreme overall dimension, exclusive of  
195 | safety and energy conservation devices approved by the  
196 | department for use on vehicles using public roads. A straight  
197 | truck may attach a forklift to the rear of the cargo bed,  
198 | provided the overall combined length of the vehicle and the  
199 | forklift does not exceed 50 feet. Except as otherwise provided  
200 | in this section, a straight truck may tow no more than one



201 trailer, and the overall length of the truck-trailer combination  
202 may not exceed 68 feet, including the load thereon.  
203 Notwithstanding any other provisions of this section, a truck-  
204 trailer combination engaged in the transportation of boats, or  
205 boat trailers whose design dictates a front-to-rear stacking  
206 method may not exceed the length limitations of this paragraph  
207 exclusive of the load; however, the load may extend up to an  
208 additional 6 feet beyond the rear of the trailer.

209 (b) *Semitrailers.*—

210 1. A semitrailer operating in a truck tractor-semitrailer  
211 combination may not exceed 48 feet in extreme overall outside  
212 dimension, measured from the front of the unit to the rear of  
213 the unit and the load carried thereon, exclusive of safety and  
214 energy conservation devices approved by the department for use  
215 on vehicles using public roads, unless it complies with  
216 subparagraph 2. A semitrailer which exceeds 48 feet in length  
217 and is used to transport divisible loads may operate in this  
218 state only if issued a permit under s. 316.550 and if such  
219 trailer meets the requirements of this chapter relating to  
220 vehicle equipment and safety. Except for highways on the tandem  
221 trailer truck highway network, public roads deemed unsafe for  
222 longer semitrailer vehicles or those roads on which such longer  
223 vehicles are determined not to be in the interest of public  
224 convenience shall, in conformance with s. 316.006, be restricted  
225 by the Department of Transportation or by the local authority to

226 use by semitrailers not exceeding a length of 48 feet, inclusive  
227 of the load carried thereon but exclusive of safety and energy  
228 conservation devices approved by the department for use on  
229 vehicles using public roads. Truck tractor-semitrailer  
230 combinations shall be afforded reasonable access to terminals;  
231 facilities for food, fuel, repairs, and rest; and points of  
232 loading and unloading.

233 2. A semitrailer which is more than 48 feet but not more  
234 than 57 feet in extreme overall outside dimension, as measured  
235 pursuant to subparagraph 1., may operate on public roads, except  
236 roads on the State Highway System which are restricted by the  
237 Department of Transportation or other roads restricted by local  
238 authorities, if:

239 a. The distance between the kingpin or other peg that  
240 locks into the fifth wheel of a truck tractor and the center of  
241 the rear axle or rear group of axles does not exceed 41 feet,  
242 or, in the case of a semitrailer used exclusively or primarily  
243 to transport vehicles in connection with motorsports competition  
244 events, the distance does not exceed 46 feet from the kingpin to  
245 the center of the rear axles; and

246 b. It is equipped with a substantial rear-end underride  
247 protection device meeting the requirements of 49 C.F.R. s.  
248 393.86, "Rear End Protection."

249 (c) *Tandem trailer trucks.*—

250 1. Except for semitrailers and trailers of up to 28 1/2

251 feet in length which existed on December 1, 1982, and which were  
252 actually and lawfully operating on that date, no semitrailer or  
253 trailer operating in a truck tractor-semitrailer-trailer  
254 combination may exceed a length of 28 feet in extreme overall  
255 outside dimension, measured from the front of the unit to the  
256 rear of the unit and the load carried thereon, exclusive of  
257 safety and energy conservation devices approved by the  
258 Department of Transportation for use on vehicles using public  
259 roads.

260 2. Tandem trailer trucks conforming to the weight and size  
261 limitations of this chapter and in immediate transit to or from  
262 a terminal facility as defined in this chapter may operate on  
263 the public roads of this state except for residential  
264 neighborhood streets restricted by the Department of  
265 Transportation or local jurisdictions. In addition, the  
266 Department of Transportation or local jurisdictions may restrict  
267 these vehicles from using streets and roads under their  
268 maintenance responsibility on the basis of safety and  
269 engineering analyses, provided that the restrictions are  
270 consistent with ~~the provisions of~~ this chapter. The Department  
271 of Transportation shall develop safety and engineering standards  
272 to be used by all jurisdictions when identifying public roads  
273 and streets to be restricted from tandem trailer truck  
274 operations.

275 3. Except as otherwise provided in this section, within 5

276 miles of the Federal National Network for large trucks, tandem  
277 trailer trucks shall be afforded access to terminals; facilities  
278 for food, fuel, repairs, and rest; and points of loading and  
279 unloading.

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

284 5. Tandem trailer trucks employed as household goods  
285 carriers and conforming to the weight and size limitations of  
286 this chapter shall be afforded access to points of loading and  
287 unloading on the public streets and roads of this state, except  
288 for streets and roads that have been restricted from use by such  
289 vehicles on the basis of safety and engineering analyses by the  
290 jurisdiction responsible for maintenance of the streets and  
291 roads.

292 (d) *Maxi-cube vehicles.*—Maxi-cube vehicles shall be  
293 allowed to operate on routes open to tandem trailer trucks under  
294 the same conditions applicable to tandem trailer trucks as  
295 specified by this section.

296 (4) LOAD EXTENSION LIMITATION.—The load upon any vehicle  
297 operated alone, or the load upon the front vehicle of a  
298 combination of vehicles, may not extend more than 3 feet beyond  
299 the front wheels of the vehicle or the front bumper of the  
300 vehicle if it is equipped with a bumper. However, the load upon

301 any stinger-steered automobile transporter may not extend more  
 302 than 4 feet beyond the front bumper of the vehicle.

303 (a) The limitations of this subsection do not apply to  
 304 bicycle racks carrying bicycles on public sector transit  
 305 vehicles.

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

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

310 2. The vehicle is engaged in collecting solid waste or  
 311 recyclable or recovered materials;

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

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

316 (16) TOWAWAY TRAILER TRANSPORTER COMBINATIONS.—An unladen  
 317 power unit may tow two trailers or semitrailers when the  
 318 combination is not used to carry property, the overall  
 319 combination length does not exceed 82 feet, and the total gross  
 320 weight of the combination does not exceed 26,000 pounds. The  
 321 trailers or semitrailers must constitute inventory property of a  
 322 manufacturer, distributor, or dealer of such trailers or  
 323 semitrailers.

324 Section 3. Paragraph (c) of subsection (3) of section  
 325 316.545, Florida Statutes, is amended to read:

326 316.545 Weight and load unlawful; special fuel and motor  
 327 fuel tax enforcement; inspection; penalty; review.—

328 (3)

329 (c)1. For a vehicle fueled by natural gas or electric  
 330 batteries, the fine is calculated by reducing the actual gross  
 331 vehicle weight by the certified weight difference between the  
 332 natural gas tank or electric battery system and fueling system  
 333 and a comparable diesel tank and fueling system. Upon request by  
 334 any weight inspector or law enforcement officer, the vehicle  
 335 operator must present written certification that identifies the  
 336 weight of the natural gas tank or electric battery system and  
 337 fueling system and the difference in weight of a comparable  
 338 diesel tank and fueling system. The written certification must  
 339 originate from the vehicle manufacturer or the installer of the  
 340 natural gas tank or electric battery system and fueling system.

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

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

347 Section 4. (1) By no later than January 1, 2020, the  
 348 Department of Transportation in conjunction with the Department  
 349 of Highway Safety and Motor Vehicles shall develop a permitting  
 350 program that, notwithstanding any other provision of law except

351 conflicting federal law and applicable provisions of s. 316.550,  
352 prescribes the operation of any combination of truck tractor,  
353 semitrailer, and trailer combination coupled together so as to  
354 operate as a single unit in which the semitrailer and the  
355 trailer unit may each be up to 48 feet in length, but not less  
356 than 28 feet in length, if such truck tractor, semitrailer,  
357 trailer combination is:

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

362 (b) Traveling on a prescribed route that has been  
363 submitted to and approved by the Department of Transportation  
364 for public safety purposes having taken into account, at a  
365 minimum, the point of origin, destination, traffic and  
366 pedestrian volume on the route, turning radius at intersections  
367 along the route, and potential for damage to roadways or bridges  
368 on the route;

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

373 (d) Meeting the following weight limitations:

374 1. The maximum gross weight of the truck tractor and the  
375 first trailer shall not exceed 88,000 pounds.

376        2. The maximum gross weight of the dolly and second  
 377 trailer shall not exceed 67,000 pounds.

378        3. The maximum overall gross weight of the truck tractor-  
 379 semitrailer-trailer combination shall not exceed 155,000 pounds.

380        (2) The permitting program established pursuant to  
 381 subsection (1) above shall automatically expire on January 1,  
 382 2025, unless reauthorized by the legislature.

383        (3) Any such permit program may not be implemented or  
 384 continued if the Federal Government notifies the department that  
 385 implementation will adversely affect the allocation of federal  
 386 funds to the state.

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