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1
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

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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.-

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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

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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

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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~~

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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

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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

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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

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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

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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

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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

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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

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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:

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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

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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.

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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.