

By Senator Harrell

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1 A bill to be entitled
2 An act relating to the Department of Highway Safety
3 and Motor Vehicles; amending s. 316.302, F.S.;
4 revising regulations applicable to owners and drivers
5 of commercial motor vehicles; revising the length of
6 time within which an officer is authorized to give
7 written notice requiring correction of an unduly
8 hazardous operating condition; amending s. 316.614,
9 F.S.; revising the definition of the term "motor
10 vehicle"; amending s. 316.70, F.S.; requiring the
11 Department of Highway Safety and Motor Vehicles,
12 rather than the Department of Transportation, to
13 establish and revise standards to ensure the safe
14 operation of nonpublic sector buses; conforming
15 provisions to changes made by the act; amending s.
16 319.225, F.S.; revising applicability; providing that
17 vehicles that meet certain conditions are exempt from
18 odometer disclosure after specified periods of time;
19 amending s. 320.0715, F.S.; requiring motor carriers
20 and vehicle owners whose registrations have been
21 suspended to return their license plates to the
22 Department of Highway Safety and Motor Vehicles or
23 surrender their license plates to law enforcement;
24 requiring the department to deny registration of a
25 motor vehicle trip permit under certain conditions;
26 amending s. 322.01, F.S.; defining the term "human
27 trafficking"; amending s. 322.05, F.S.; prohibiting
28 the department from issuing a license to any person as
29 a commercial motor vehicle operator under specified

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30 conditions; amending s. 322.18, F.S.; providing that
31 commercial driver licenses expire at midnight 8 years
32 after the licensee's birthday; amending s. 322.25,
33 F.S.; requiring clerks of court to promptly report to
34 the department each conviction for human trafficking,
35 regardless of whether adjudication is withheld;
36 amending s. 322.28, F.S.; requiring the court to
37 permanently revoke the commercial driver license of a
38 person under specified conditions; requiring the
39 department to permanently revoke the driver license or
40 driving privilege of the person if the court has not
41 revoked such driver license or driving privilege
42 within a specified timeframe; amending s. 322.61,
43 F.S.; revising provisions for disqualification from
44 operating a commercial motor vehicle; providing a
45 penalty for any person who uses a commercial motor
46 vehicle in the commission of a felony involving human
47 trafficking; amending s. 322.34, F.S.; conforming a
48 cross-reference; providing an effective date.

49
50 Be It Enacted by the Legislature of the State of Florida:

51
52 Section 1. Paragraph (b) of subsection (1) and subsection
53 (9) of section 316.302, Florida Statutes, are amended to read:
54 316.302 Commercial motor vehicles; safety regulations;
55 transporters and shippers of hazardous materials; enforcement.-

56 (1)

57 (b) Except as otherwise provided in this section, all
58 owners and ~~or~~ drivers of commercial motor vehicles that are

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59 engaged in intrastate commerce are subject to the rules and
60 regulations contained in 49 C.F.R. parts 382, 383, 385, 386, and
61 390-397, as such rules and regulations existed on December 31,
62 2020 ~~2018~~.

63 (9) For the purpose of enforcing this section, any law
64 enforcement officer of the Department of Highway Safety and
65 Motor Vehicles or duly appointed agent who holds a current
66 safety inspector certification from the Commercial Vehicle
67 Safety Alliance may require the driver of any commercial vehicle
68 operated on the highways of this state to stop and submit to an
69 inspection of the vehicle or the driver's records. If the
70 vehicle or driver is found to be operating in an unsafe
71 condition, or if any required part or equipment is not present
72 or is not in proper repair or adjustment, and the continued
73 operation would present an unduly hazardous operating condition,
74 the officer may require the vehicle or the driver to be removed
75 from service pursuant to the North American Standard Out-of-
76 Service Criteria, until corrected. However, if continuous
77 operation would not present an unduly hazardous operating
78 condition, the officer may give written notice requiring
79 correction of the condition within 15 ~~14~~ days.

80 (a) Any member of the Florida Highway Patrol or any law
81 enforcement officer employed by a sheriff's office or municipal
82 police department authorized to enforce the traffic laws of this
83 state pursuant to s. 316.640 who has reason to believe that a
84 vehicle or driver is operating in an unsafe condition may, as
85 provided in subsection (11), enforce the provisions of this
86 section.

87 (b) Any person who fails to comply with an officer's

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88 request to submit to an inspection under this subsection commits
89 a violation of s. 843.02 if the person resists the officer
90 without violence or a violation of s. 843.01 if the person
91 resists the officer with violence.

92 Section 2. Paragraph (a) of subsection (3) of section
93 316.614, Florida Statutes, is amended to read:

94 316.614 Safety belt usage.—

95 (3) As used in this section:

96 (a) "Motor vehicle" means a motor vehicle as defined in s.
97 316.003 which is operated on the roadways, streets, and highways
98 of this state or when stationary at a traffic control device.

99 The term does not include:

100 1. A school bus.

101 2. A bus used for the transportation of persons for
102 compensation.

103 3. A farm tractor or implement of husbandry.

104 4. A truck having a gross vehicle weight rating of more
105 than 26,000 pounds.

106 5. A motorcycle, a moped, a bicycle, or an electric
107 bicycle.

108 Section 3. Section 316.70, Florida Statutes, is amended to
109 read:

110 316.70 Nonpublic sector buses; safety rules.—

111 (1) The Department of Highway Safety and Motor Vehicles
112 ~~Transportation~~ shall establish and revise standards to ensure
113 the safe operation of nonpublic sector buses, which standards
114 shall be those contained in 49 C.F.R. parts 382, 385, and 390-
115 397 and which shall be directed toward ensuring that:

116 (a) Nonpublic sector buses are safely maintained, equipped,

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117 and operated.

118 (b) Nonpublic sector buses are carrying the insurance
119 required by law and carrying liability insurance on the checked
120 baggage of passengers not to exceed the standard adopted by the
121 United States Department of Transportation.

122 (c) Florida license tags are purchased for nonpublic sector
123 buses pursuant to s. 320.38.

124 (d) The driving records of drivers of nonpublic sector
125 buses are checked by their employers at least once each year to
126 ascertain whether the driver has a suspended or revoked driver
127 license.

128 (2) Department of Highway Safety and Motor Vehicles
129 ~~Transportation~~ personnel may conduct compliance reviews for the
130 purpose of determining compliance with this section. A civil
131 penalty not to exceed \$5,000 in the aggregate may be assessed
132 against any person who violates any provision of this section or
133 who violates any rule or order of the Department of Highway
134 Safety and Motor Vehicles ~~Transportation~~. A civil penalty not to
135 exceed \$25,000 in the aggregate may be assessed for violations
136 found in a followup compliance review conducted within a 24-
137 month period. A civil penalty not to exceed \$25,000 in the
138 aggregate may be assessed and the motor carrier may be enjoined
139 pursuant to s. 316.3026 if violations are found after a second
140 followup compliance review within 12 months after the first
141 followup compliance review. Motor carriers found to be operating
142 without insurance coverage required by s. 627.742 or 49 C.F.R.
143 part 387 may be enjoined as provided in s. 316.3026.

144 (3) School buses subject to the provisions of chapter 1006
145 or s. 316.615 are exempt from the provisions of this section.

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146 Section 4. Subsection (4) of section 319.225, Florida
147 Statutes, is amended to read:

148 319.225 Transfer and reassignment forms; odometer
149 disclosure statements.—

150 (4) Upon transfer or reassignment of a certificate of title
151 to a used motor vehicle, the transferor shall complete the
152 odometer disclosure statement provided for by this section and
153 the transferee shall acknowledge the disclosure by signing and
154 printing his or her name in the spaces provided. This subsection
155 does not apply to a vehicle that has a gross vehicle rating of
156 more than 16,000 pounds, a vehicle that is not self-propelled,
157 or a vehicle that is exempt from odometer disclosure. A vehicle
158 with a model year of 2011 or newer is exempt from odometer
159 disclosure after 20 years, and a vehicle with a model year of
160 2010 or older is exempt from odometer disclosure after 10 years
161 ~~old or older~~. A lessor who transfers title to his or her vehicle
162 without obtaining possession of the vehicle shall make odometer
163 disclosure as provided by 49 C.F.R. s. 580.7. Any person who
164 fails to complete or acknowledge a disclosure statement as
165 required by this subsection is guilty of a misdemeanor of the
166 second degree, punishable as provided in s. 775.082 or s.
167 775.083. The department may not issue a certificate of title
168 unless this subsection has been complied with.

169 Section 5. Subsections (6) and (7) are added to section
170 320.0715, Florida Statutes, to read:

171 320.0715 International Registration Plan; motor carrier
172 services; permits; retention of records.—

173 (6) A motor carrier or vehicle owner whose registration has
174 been suspended shall return his or her license plate to the

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175 department or surrender his or her license plates to law
176 enforcement.

177 (7) The department shall deny registration if:

178 (a) The applicant fails to disclose material information
179 required on the application;

180 (b) The applicant has applied in an attempt to hide the
181 disclosure of the real party in interest who has been issued a
182 federal out-of-service order; or

183 (c) The applicant's business is operated, managed, or
184 otherwise controlled by or affiliated with a person who is
185 ineligible for registration, including the applicant entity, a
186 relative, a family member, a corporate officer, or a
187 shareholder.

188 Section 6. Present subsections (25) through (47) of section
189 322.01, Florida Statutes, are redesignated as subsections (26)
190 through (48), respectively, and a new subsection (25) is added
191 to that section, to read:

192 322.01 Definitions.—As used in this chapter:

193 (25) "Human trafficking" has the same meaning as provided
194 in s. 787.06(2) (d).

195 Section 7. Subsection (12) is added to section 322.05,
196 Florida Statutes, to read:

197 322.05 Persons not to be licensed.—The department may not
198 issue a license:

199 (12) To any person, as a commercial motor vehicle operator,
200 who has been convicted of, or has entered a plea of guilty or
201 nolo contendere to, regardless of whether adjudication was
202 withheld, any felony involving human trafficking under state or
203 federal law involving the use of a commercial motor vehicle.

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204 Section 8. Paragraph (f) is added to subsection (2) of
205 section 322.18, Florida Statutes, to read:

206 322.18 Original applications, licenses, and renewals;
207 expiration of licenses; delinquent licenses.—

208 (2) Each applicant who is entitled to the issuance of a
209 driver license, as provided in this section, shall be issued a
210 driver license, as follows:

211 (f) Notwithstanding any other provision of this chapter, an
212 applicant applying for an original issuance of a commercial
213 driver license as defined in s. 322.01(7) shall be issued a
214 driver license that expires at midnight 8 years after the
215 licensee's last birthday.

216 Section 9. Subsection (7) is added to section 322.25,
217 Florida Statutes, to read:

218 322.25 When court to forward license to department and
219 report convictions.—

220 (7) Each clerk of court shall promptly report to the
221 department each conviction, regardless of whether adjudication
222 was withheld, for human trafficking which involves the use of a
223 commercial motor vehicle.

224 Section 10. Subsection (8) is added to section 322.28,
225 Florida Statutes, to read:

226 322.28 Period of suspension or revocation.—

227 (8) The court shall permanently revoke the commercial
228 driver license of a person who is convicted of, or has entered a
229 plea of guilty or nolo contendere to, regardless of whether
230 adjudication is withheld, any felony involving human trafficking
231 under state or federal law which involves the use of a
232 commercial motor vehicle. If the court has not permanently

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233 revoked such driver license or driving privilege within 30 days
234 after imposing a sentence, the department must permanently
235 revoke the driver license or driving privilege pursuant to this
236 section.

237 Section 11. Section 322.61, Florida Statutes, is amended to
238 read:

239 322.61 Disqualification from operating a commercial motor
240 vehicle.—

241 (1) A person who, for offenses occurring within a 3-year
242 period, is convicted of two of the following serious traffic
243 violations or any combination thereof, arising in separate
244 incidents committed in a commercial motor vehicle shall, in
245 addition to any other applicable penalties, be disqualified from
246 operating a commercial motor vehicle for a period of 60 days. A
247 holder of a commercial driver license or commercial learner's
248 permit who, for offenses occurring within a 3-year period, is
249 convicted of two of the following serious traffic violations, or
250 any combination thereof, arising in separate incidents committed
251 in a noncommercial motor vehicle shall, in addition to any other
252 applicable penalties, be disqualified from operating a
253 commercial motor vehicle for a period of 60 days if such
254 convictions result in the suspension, revocation, or
255 cancellation of the licenseholder's driving privilege:

256 (a) A violation of any state or local law relating to motor
257 vehicle traffic control, other than a parking violation, arising
258 in connection with a crash resulting in death;

259 (b) Reckless driving, as defined in s. 316.192;

260 (c) Unlawful speed of 15 miles per hour or more above the
261 posted speed limit;

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- 262 (d) Improper lane change, as defined in s. 316.085;
- 263 (e) Following too closely, as defined in s. 316.0895;
- 264 (f) Driving a commercial vehicle without obtaining a
265 commercial driver license;
- 266 (g) Driving a commercial vehicle without the proper class
267 of commercial driver license or commercial learner's permit or
268 without the proper endorsement; ~~or~~
- 269 (h) Driving a commercial vehicle without a commercial
270 driver license or commercial learner's permit in possession, as
271 required by s. 322.03;~~-~~
- 272 (i) Texting while driving; or
- 273 (j) Using a handheld mobile telephone while driving.
- 274 (2) (a) Any person who, for offenses occurring within a 3-
275 year period, is convicted of three serious traffic violations
276 specified in subsection (1) or any combination thereof, arising
277 in separate incidents committed in a commercial motor vehicle
278 shall, in addition to any other applicable penalties, including
279 but not limited to the penalty provided in subsection (1), be
280 disqualified from operating a commercial motor vehicle for a
281 period of 120 days.
- 282 (b) A holder of a commercial driver license or commercial
283 learner's permit who, for offenses occurring within a 3-year
284 period, is convicted of three serious traffic violations
285 specified in subsection (1) or any combination thereof arising
286 in separate incidents committed in a noncommercial motor vehicle
287 shall, in addition to any other applicable penalties, including,
288 but not limited to, the penalty provided in subsection (1), be
289 disqualified from operating a commercial motor vehicle for a
290 period of 120 days if such convictions result in the suspension,

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291 revocation, or cancellation of the licenseholder's driving
292 privilege.

293 (3) (a) Except as provided in subsection (4), any person who
294 is convicted of one of the offenses listed in paragraph (b)
295 while operating a commercial motor vehicle shall, in addition to
296 any other applicable penalties, be disqualified from operating a
297 commercial motor vehicle for a period of 1 year.

298 (b) Except as provided in subsection (4), any holder of a
299 commercial driver license or commercial learner's permit who is
300 convicted of one of the offenses listed in this paragraph while
301 operating a noncommercial motor vehicle shall, in addition to
302 any other applicable penalties, be disqualified from operating a
303 commercial motor vehicle for a period of 1 year:

304 1. Driving a motor vehicle while he or she is under the
305 influence of alcohol or a controlled substance;

306 2. Driving a commercial motor vehicle while the alcohol
307 concentration of his or her blood, breath, or urine is .04
308 percent or higher;

309 3. Leaving the scene of a crash involving a motor vehicle
310 driven by such person;

311 4. Using a motor vehicle in the commission of a felony;

312 5. Refusing to submit to a test to determine his or her
313 alcohol concentration while driving a motor vehicle;

314 6. Driving a commercial motor vehicle when, as a result of
315 prior violations committed operating a commercial motor vehicle,
316 his or her commercial driver license or commercial learner's
317 permit is revoked, suspended, or canceled, or he or she is
318 disqualified from operating a commercial motor vehicle; or

319 7. Causing a fatality through the negligent operation of a

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320 commercial motor vehicle.

321 (4) Any person who is transporting hazardous materials as
322 defined in s. 322.01(24) shall, upon conviction of an offense
323 specified in subsection (3), be disqualified from operating a
324 commercial motor vehicle for a period of 3 years. The penalty
325 provided in this subsection shall be in addition to any other
326 applicable penalty.

327 (5) A person who is convicted of two violations specified
328 in subsection (3) which were committed while operating a
329 commercial motor vehicle, or any combination thereof, arising in
330 separate incidents shall be permanently disqualified from
331 operating a commercial motor vehicle. A holder of a commercial
332 driver license or commercial learner's permit who is convicted
333 of two violations specified in subsection (3) which were
334 committed while operating any motor vehicle arising in separate
335 incidents shall be permanently disqualified from operating a
336 commercial motor vehicle. The penalty provided in this
337 subsection is in addition to any other applicable penalty.

338 (6) Notwithstanding subsections (3), (4), and (5), any
339 person who uses a commercial motor vehicle in the commission of
340 any felony involving the manufacture, distribution, or
341 dispensing of a controlled substance, including possession with
342 intent to manufacture, distribute, or dispense a controlled
343 substance, shall, upon conviction of such felony, be permanently
344 disqualified from operating a commercial motor vehicle.

345 Notwithstanding subsections (3), (4), and (5), any holder of a
346 commercial driver license or commercial learner's permit who
347 uses a noncommercial motor vehicle in the commission of any
348 felony involving the manufacture, distribution, or dispensing of

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349 a controlled substance, including possession with intent to
350 manufacture, distribute, or dispense a controlled substance,
351 shall, upon conviction of such felony, be permanently
352 disqualified from operating a commercial motor vehicle. The
353 penalty provided in this subsection is in addition to any other
354 applicable penalty.

355 (7) Any person who uses a commercial motor vehicle in the
356 commission of any felony involving human trafficking under state
357 or federal law shall, upon conviction of, or plea of guilty or
358 nolo contendere to, regardless of whether adjudication is
359 withheld, such felony, be permanently disqualified from
360 operating a commercial motor vehicle. The penalty provided in
361 this subsection is in addition to any other applicable penalty.

362 (8)~~(7)~~ A person whose privilege to operate a commercial
363 motor vehicle is disqualified under this section may, if
364 otherwise qualified, be issued a Class E driver license,
365 pursuant to s. 322.251.

366 (9)~~(8)~~ A driver who is convicted of or otherwise found to
367 have committed a violation of an out-of-service order while
368 driving a commercial motor vehicle is disqualified as follows:

369 (a) At least 180 days but not more than 1 year if the
370 driver is convicted of or otherwise found to have committed a
371 first violation of an out-of-service order.

372 (b) At least 2 years but not more than 5 years if, for
373 offenses occurring during any 10-year period, the driver is
374 convicted of or otherwise found to have committed two violations
375 of out-of-service orders in separate incidents.

376 (c) At least 3 years but not more than 5 years if, for
377 offenses occurring during any 10-year period, the driver is

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378 convicted of or otherwise found to have committed three or more
379 violations of out-of-service orders in separate incidents.

380 (d) At least 180 days but not more than 2 years if the
381 driver is convicted of or otherwise found to have committed a
382 first violation of an out-of-service order while transporting
383 hazardous materials required to be placarded under the Hazardous
384 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or
385 while operating motor vehicles designed to transport more than
386 15 passengers, including the driver. A driver is disqualified
387 for a period of at least 3 years but not more than 5 years if,
388 for offenses occurring during any 10-year period, the driver is
389 convicted of or otherwise found to have committed any subsequent
390 violations of out-of-service orders, in separate incidents,
391 while transporting hazardous materials required to be placarded
392 under the Hazardous Materials Transportation Act, 49 U.S.C. ss.
393 5101 et seq., or while operating motor vehicles designed to
394 transport more than 15 passengers, including the driver.

395 (10)~~(9)~~ A driver who is convicted of or otherwise found to
396 have committed an offense of operating a commercial motor
397 vehicle in violation of federal, state, or local law or
398 regulation pertaining to one of the following six offenses at a
399 railroad-highway grade crossing must be disqualified for the
400 period of time specified in subsection (11) ~~(10)~~:

401 (a) For drivers who are not always required to stop,
402 failing to slow down and check that the tracks are clear of
403 approaching trains.

404 (b) For drivers who are not always required to stop,
405 failing to stop before reaching the crossing if the tracks are
406 not clear.

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407 (c) For drivers who are always required to stop, failing to
408 stop before driving onto the crossing.

409 (d) For all drivers, failing to have sufficient space to
410 drive completely through the crossing without stopping.

411 (e) For all drivers, failing to obey a traffic control
412 device or all directions of an enforcement official at the
413 crossing.

414 (f) For all drivers, failing to negotiate a crossing
415 because of insufficient undercarriage clearance.

416 (11) (a) ~~(10) (a)~~ A driver must be disqualified for at least
417 60 days if the driver is convicted of or otherwise found to have
418 committed a first violation of a railroad-highway grade crossing
419 violation.

420 (b) A driver must be disqualified for at least 120 days if,
421 for offenses occurring during any 3-year period, the driver is
422 convicted of or otherwise found to have committed a second
423 railroad-highway grade crossing violation in separate incidents.

424 (c) A driver must be disqualified for at least 1 year if,
425 for offenses occurring during any 3-year period, the driver is
426 convicted of or otherwise found to have committed a third or
427 subsequent railroad-highway grade crossing violation in separate
428 incidents.

429 Section 12. Subsection (2) of section 322.34, Florida
430 Statutes, is amended to read:

431 322.34 Driving while license suspended, revoked, canceled,
432 or disqualified.—

433 (2) Any person whose driver license or driving privilege
434 has been canceled, suspended, or revoked as provided by law, or
435 who does not have a driver license or driving privilege but is

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436 under suspension or revocation equivalent status as defined in
437 s. 322.01(42) ~~s. 322.01(41)~~, except persons defined in s.
438 322.264, who, knowing of such cancellation, suspension,
439 revocation, or suspension or revocation equivalent status,
440 drives any motor vehicle upon the highways of this state while
441 such license or privilege is canceled, suspended, or revoked, or
442 while under suspension or revocation equivalent status, commits:

443 (a) A misdemeanor of the second degree, punishable as
444 provided in s. 775.082 or s. 775.083.

445 (b)1. A misdemeanor of the first degree, punishable as
446 provided in s. 775.082 or s. 775.083, upon a second or
447 subsequent conviction, except as provided in paragraph (c).

448 2. A person convicted of a third or subsequent conviction,
449 except as provided in paragraph (c), must serve a minimum of 10
450 days in jail.

451 (c) A felony of the third degree, punishable as provided in
452 s. 775.082, s. 775.083, or s. 775.084, upon a third or
453 subsequent conviction if the current violation of this section
454 or the most recent prior violation of the section is related to
455 driving while license canceled, suspended, revoked, or
456 suspension or revocation equivalent status resulting from a
457 violation of:

458 1. Driving under the influence;

459 2. Refusal to submit to a urine, breath-alcohol, or blood
460 alcohol test;

461 3. A traffic offense causing death or serious bodily
462 injury; or

463 4. Fleeing or eluding.

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465 The element of knowledge is satisfied if the person has been
466 previously cited as provided in subsection (1); or the person
467 admits to knowledge of the cancellation, suspension, or
468 revocation, or suspension or revocation equivalent status; or
469 the person received notice as provided in subsection (4). There
470 shall be a rebuttable presumption that the knowledge requirement
471 is satisfied if a judgment or order as provided in subsection
472 (4) appears in the department's records for any case except for
473 one involving a suspension by the department for failure to pay
474 a traffic fine or for a financial responsibility violation.

475 Section 13. This act shall take effect July 1, 2021.