

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Tourism, Infrastructure &
 2 Energy Subcommittee

3 Representative Brannan offered the following:

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5 **Amendment (with title amendment)**

6 Remove lines 108-145 and insert:

7 Section 3. Section 316.70, Florida Statutes, is amended to
 8 read:

9 316.70 Nonpublic sector buses; safety rules.—

10 (1) All owners and drivers of nonpublic sector buses
 11 operated on the public highways of this state are subject to the
 12 rules and regulations ~~The Department of Transportation shall~~
 13 ~~establish and revise standards to ensure the safe operation of~~
 14 ~~nonpublic sector buses, which standards shall be those contained~~
 15 ~~in 49 C.F.R. parts 382, 385, and 390-397~~ to ensure ~~and which~~
 16 ~~shall be directed toward ensuring that:~~

Amendment No. 1

17 (a) Nonpublic sector buses are safely maintained,
18 equipped, and operated.

19 (b) Nonpublic sector buses are carrying the insurance
20 required by law and carrying liability insurance on the checked
21 baggage of passengers not to exceed the standard adopted by the
22 United States Department of Transportation.

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

25 ~~(d) The driving records of drivers of nonpublic sector~~
26 ~~buses are checked by their employers at least once each year to~~
27 ~~ascertain whether the driver has a suspended or revoked driver~~
28 ~~license.~~

29 (2) Department of Highway Safety and Motor Vehicles
30 ~~Transportation~~ personnel may conduct compliance reviews for the
31 purpose of determining compliance with this section. A civil
32 penalty ~~not to exceed \$5,000 in the aggregate~~ may be assessed
33 against any person who violates any provision of this section or
34 who violates any rule or order of the department found during a
35 compliance review as provided in s. 316.3025. A ~~of~~
36 ~~Transportation. A civil penalty not to exceed \$25,000 in the~~
37 ~~aggregate may be assessed for violations found in a followup~~
38 ~~compliance review conducted within a 24-month period. A civil~~
39 ~~penalty not to exceed \$25,000 in the aggregate may be assessed~~
40 ~~and the motor carrier may be enjoined from operation pursuant to~~
41 ~~s. 316.3026 for if violations found during a are found after a~~

Amendment No. 1

42 ~~second followup~~ compliance review ~~within 12 months after the~~
43 ~~first followup~~ compliance review. Motor carriers found to be
44 operating without insurance coverage required by s. 627.742 or
45 49 C.F.R. part 387 may be enjoined as provided in s. 316.3026.

46 (3) For the purpose of enforcing this section, any law
47 enforcement officer of the Department of Highway Safety and
48 Motor Vehicles or a duly appointed agent of the department who
49 holds a current safety inspector certification from the
50 Commercial Vehicle Safety Alliance may require the driver of any
51 nonpublic sector bus operated on the highways of this state to
52 stop and submit to an inspection of the vehicle or the driver's
53 records. If the vehicle is being operated or the driver is
54 operating the vehicle in an unsafe condition, or if any required
55 part or equipment is not present or is not in proper repair or
56 adjustment, and the continued operation would be unduly
57 hazardous, the officer or agent may require the vehicle or the
58 driver to be removed from service pursuant to the North American
59 Standard Out-of-Service Criteria until all safety concerns are
60 corrected. However, if continuous operation would not be unduly
61 hazardous, the officer or agent may give written notice
62 requiring correction of the condition within 15 days after the
63 inspection.

64 (4) School buses subject to ~~the provisions of~~ chapter 1006
65 or s. 316.615 are exempt from ~~the provisions of~~ this section.
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Amendment No. 1

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

Remove lines 10-14 and insert:

vehicle; amending s. 316.70, F.S.; providing that owners and
drivers of nonpublic sector buses operated on public highways of
this state are subject to specified provisions of law;
authorizing the Department of Highway Safety and Motor Vehicles
to conduct compliance reviews for a specified purpose; revising
civil penalties; authorizing certain law enforcement officers
and appointed agents to require drivers of nonpublic sector
buses to submit to an inspection of the bus and the driver's
records; authorizing such officers and agents to require the bus
and driver to be removed from service under specified
conditions; authorizing such officers and agents to give written
notice; conforming