

CHAPTER 2019-149

Committee Substitute for Committee Substitute for House Bill No. 725

An act relating to commercial motor vehicles; amending s. 316.302, F.S.; revising regulations applicable to owners and drivers of commercial motor vehicles; exempting persons who operate a commercial motor vehicle solely in intrastate commerce which does not transport hazardous materials in amounts that require placarding from certain requirements related to electronic logging devices and hours of service supporting documents until a specified date; deleting a limitation on a civil penalty for falsification of certain time records; deleting a requirement that a motor carrier maintain certain documentation of driving times; extending an exemption from specified commercial motor vehicle requirements for a commercial vehicle having a certain gross vehicle weight rating and gross combined weight rating, under certain circumstances; deleting such exemption for a person transporting petroleum products; deleting an exemption from specified regulations relating to diabetes for certain drivers of commercial motor vehicles; amending s. 316.515, F.S.; revising length and load extension limitations for stinger-steered automobile transporters; authorizing automobile transporters to backhaul certain cargo or freight under certain circumstances; authorizing an unladen power unit to tow a certain combination of trailers or semitrailers under certain circumstances; amending s. 316.545, F.S.; providing for the calculation of specified fines for vehicles fueled by electric batteries; requiring the Department of Transportation in conjunction with the Department of Highway Safety and Motor Vehicles to develop, by a specified date, a permitting program that authorizes the operation of any combination of truck tractor, semitrailer, and trailer combination coupled together so as to operate as a single unit, subject to certain requirements; providing that the permitting program expires in five years unless reauthorized by the legislature; prohibiting a permitting program from being implemented or continued under certain circumstances; providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

316.515 Maximum width, height, length.—

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

engaged in the transportation of automobiles or boats may transport motor vehicles or boats on part of the power unit; and, except as may otherwise be mandated under federal law, an automobile or boat transporter semitrailer may not exceed 50 feet in length, exclusive of the load; however, the load may extend up to an additional 6 feet beyond the rear of the trailer. The 50-foot length limitation does not apply to non-stinger-steered automobile or boat transporters that are 65 feet or less in overall length, exclusive of the load carried thereon, ~~or to stinger-steered automobile or boat transporters that are 75 feet or less in overall length, exclusive of the load carried thereon, or to stinger-steered automobile transporters that are 80 feet or less in overall length, exclusive of the load carried thereon.~~ For purposes of this subsection, a “stinger-steered automobile or boat transporter” is an automobile or boat transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit. Automobile transporters operating under this subsection may backhaul cargo or general freight if the weight of such cargo or freight does not exceed the limits imposed under s. 316.535. Notwithstanding paragraphs (a) and (b), any straight truck or truck tractor-semitrailer combination engaged in the transportation of horticultural trees may allow the load to extend up to an additional 10 feet beyond the rear of the vehicle, provided the said trees are resting against a retaining bar mounted above the truck bed so that the root balls of the trees rest on the floor and to the front of the truck bed and the tops of the trees extend up over and to the rear of the truck bed, and provided the overhanging portion of the load is covered with protective fabric.

(a) *Straight trucks.*—A straight truck may not exceed a length of 40 feet in extreme overall dimension, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. A straight truck may attach a forklift to the rear of the cargo bed, provided the overall combined length of the vehicle and the forklift does not exceed 50 feet. Except as otherwise provided in this section, a straight truck may tow no more than one trailer, and the overall length of the truck-trailer combination may not exceed 68 feet, including the load thereon. Notwithstanding any other provisions of this section, a truck-trailer combination engaged in the transportation of boats, or boat trailers whose design dictates a front-to-rear stacking method may not exceed the length limitations of this paragraph exclusive of the load; however, the load may extend up to an additional 6 feet beyond the rear of the trailer.

(b) *Semitrailers.*—

1. A semitrailer operating in a truck tractor-semitrailer combination may not exceed 48 feet in extreme overall outside dimension, measured from the front of the unit to the rear of the unit and the load carried thereon, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads, unless it complies with subparagraph 2. A semitrailer which exceeds 48 feet in length and is used to transport divisible loads may operate in this state only if issued a permit under s. 316.550 and if such trailer meets the requirements of this chapter

relating to vehicle equipment and safety. Except for highways on the tandem trailer truck highway network, public roads deemed unsafe for longer semitrailer vehicles or those roads on which such longer vehicles are determined not to be in the interest of public convenience shall, in conformance with s. 316.006, be restricted by the Department of Transportation or by the local authority to use by semitrailers not exceeding a length of 48 feet, inclusive of the load carried thereon but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Truck tractor-semitrailer combinations shall be afforded reasonable access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading.

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

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

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

(c) *Tandem trailer trucks.*—

1. Except for semitrailers and trailers of up to 28 ½ feet in length which existed on December 1, 1982, and which were actually and lawfully operating on that date, no semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination may exceed a length of 28 feet in extreme overall outside dimension, measured from the front of the unit to the rear of the unit and the load carried thereon, exclusive of safety and energy conservation devices approved by the Department of Transportation for use on vehicles using public roads.

2. Tandem trailer trucks conforming to the weight and size limitations of this chapter and in immediate transit to or from a terminal facility as defined in this chapter may operate on the public roads of this state except for residential neighborhood streets restricted by the Department of Transportation or local jurisdictions. In addition, the Department of Transportation or local jurisdictions may restrict these vehicles from using streets and roads under their maintenance responsibility on the basis of safety and engineering analyses, provided that the restrictions are consistent with ~~the provisions of~~ this chapter. The Department of Transportation shall develop safety and engineering standards to be used by all

jurisdictions when identifying public roads and streets to be restricted from tandem trailer truck operations.

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

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

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

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

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

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

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

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

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

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

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

(16) TOWAWAY TRAILER TRANSPORTER COMBINATIONS.—An unladen power unit may tow two trailers or semitrailers when the combination is not used to carry property, the overall combination length does not exceed 82 feet, and the total gross weight of the combination does

not exceed 26,000 pounds. The trailers or semitrailers must constitute inventory property of a manufacturer, distributor, or dealer of such trailers or semitrailers.

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

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

(3)

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

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

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

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

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

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

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

(d) Meeting the following weight limitations:

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

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

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

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

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

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

Approved by the Governor June 26, 2019.

Filed in Office Secretary of State June 26, 2019.