

HB411

2016

1 A bill to be entitled
 2 An act relating to farm vehicles; amending s. 316.003,
 3 F.S.; defining the term "covered farm vehicle" for
 4 purposes of the Florida Uniform Traffic Control Law;
 5 amending s. 316.302, F.S.; revising requirements for a
 6 person who operates a commercial motor vehicle solely
 7 in intrastate commerce while transporting agricultural
 8 products; providing exemptions for covered farm
 9 vehicles from specified federal regulations relating
 10 to controlled substances and alcohol use and testing,
 11 commercial driver licenses, physical qualifications
 12 and examinations, hours of service of drivers, and
 13 inspection, repair, and maintenance; providing for
 14 application of such exemptions to out-of-state farm
 15 vehicles under certain circumstances; providing
 16 applicability; amending s. 322.53, F.S.; exempting the
 17 driver of a covered farm vehicle from commercial
 18 driver license requirements; providing an effective
 19 date.

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

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 23 Section 1. Subsection (94) is added to section 316.003,
 24 Florida Statutes, to read:

25 316.003 Definitions.—The following words and phrases, when
 26 used in this chapter, shall have the meanings respectively

27 ascribed to them in this section, except where the context
 28 otherwise requires:

29 (94) COVERED FARM VEHICLE.—

30 (1) A straight truck or articulated vehicle that is:

31 (a) Registered in a state with a license plate or other
 32 designation issued by that state that allows law enforcement
 33 officials to identify it as a farm vehicle.

34 (b) Operated by the owner or operator of a farm or ranch
 35 or by an employee or family member of an owner or operator of a
 36 farm or ranch.

37 (c) Used to transport agricultural commodities, livestock,
 38 machinery, or supplies to or from a farm or ranch.

39 (d) Not used in for-hire motor carrier operations;
 40 however, for-hire motor carrier operations do not include the
 41 operation of a vehicle meeting the requirements of paragraphs
 42 (a)-(c) by a tenant pursuant to a crop share farm lease
 43 agreement to transport the landlord's portion of the crops under
 44 that agreement.

45 Section 2. Paragraph (e) of subsection (2) of section
 46 316.302, Florida Statutes, is amended, and paragraph (1) is
 47 added to that subsection, to read:

48 316.302 Commercial motor vehicles; safety regulations;
 49 transporters and shippers of hazardous materials; enforcement.—

50 (2)

51 (e) A person who operates a commercial motor vehicle
 52 solely in intrastate commerce is exempt from subsection (1)

53 while transporting agricultural products, including
 54 horticultural or forestry products, from farm or harvest place
 55 to the first place of processing or storage, or from farm or
 56 harvest place directly to market. However, such person must
 57 comply with 49 C.F.R. parts ~~382~~, ~~392~~, and ~~393~~, and with ~~49~~
 58 ~~C.F.R. ss. 396.3(a)(1) and 396.9~~. A vehicle or combination of
 59 vehicles operated pursuant to this paragraph having a gross
 60 vehicle weight of 26,001 pounds or more or having three or more
 61 axles on the power unit, regardless of weight, must display the
 62 name of the vehicle owner or motor carrier and the municipality
 63 or town where the vehicle is based on each side of the power
 64 unit in letters that contrast with the background and that are
 65 readable from a distance of 50 feet. A person who violates this
 66 vehicle identification requirement may be assessed a penalty as
 67 provided in s. 316.3025(3)(a).

68 (1)1. A covered farm vehicle, as defined in s. 316.003,
 69 and the operator of such vehicle are exempt from requirements
 70 relating to controlled substances and alcohol use and testing in
 71 49 C.F.R. part 382; commercial driver licenses in 49 C.F.R. part
 72 383; physical qualifications and examinations in 49 C.F.R. part
 73 391, subpart E; hours of service of drivers in 49 C.F.R. part
 74 395; and inspection, repair, and maintenance in 49 C.F.R. part
 75 396.

76 2. The exemptions under subparagraph 1. apply to a covered
 77 farm vehicle registered with a license plate or other
 78 designation issued by another state and to the operator of such

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79 vehicle if:

80 a. The vehicle has a gross vehicle weight of 26,001 pounds
 81 or less; or

82 b. If the vehicle has a gross vehicle weight of more than
 83 26,001 pounds, the vehicle is being operated within 150 air
 84 miles of the farm or ranch with respect to which the vehicle is
 85 being operated.

86 3. The exemptions in this paragraph do not apply to a
 87 vehicle transporting hazardous materials in an amount that
 88 requires a placard.

89 Section 3. Paragraph (c) of subsection (2) of section
 90 322.53, Florida Statutes, is amended to read:

91 322.53 License required; exemptions.—

92 (2) The following persons are exempt from the requirement
 93 to obtain a commercial driver license:

94 (c)1. Farmers transporting agricultural products, farm
 95 supplies, or farm machinery to or from their farms and within
 96 150 miles of their farms, if the vehicle operated under this
 97 exemption is not used in the operations of a common or contract
 98 motor carrier.

99 2. The driver of a covered farm vehicle as defined in s.
 100 316.003.

101 Section 4. This act shall take effect upon becoming a law.