

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation Committee

BILL: CS/SB 1912

INTRODUCER: Transportation Committee and Senator Evers

SUBJECT: Trucking

DATE: April 5, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Spalla	TR	Fav/CS
2.			EP	
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

This bill, the “Small Trucker Relief Act” creates the 9-member Trucking Regulation Workgroup to create a report concerning rules and regulations that address:

- penalties for idling if the truck is owned by a small trucking firm;
- exemption from environmental restrictions on the washing of trucks;
- development of an annual credit against corporate income taxes related to the costs of idling trucks owned by small trucking firms;
- theft of cargo or equipment from a small trucking firm and criminal penalties for violators;
- development of rules addressing the use a “target list” when determining which trucks to inspect; and
- improving access to International Registration Plan services.

The report is to be presented to the Governor and the Legislature on or before October 1, 2011.

The term “small trucking firm” is defined to mean a trucking enterprise that employs fewer than 30 persons, or has fewer than 50 trucks in operation.

This bill creates several undesignated sections of the Florida Statutes.

II. Present Situation:

Commercial Vehicle Washing and Stormwater Discharge

Wastewater (including wash water) from any type of vehicle and equipment cleaning can contain significant amounts of substances such as oil and grease, petroleum products, suspended solids such as dirt and grit, heavy metals, detergents, and other pollutants. These contaminants may cause pollution of surface water or ground water and result in violations of water quality standards if the wastewater is not properly managed. Federal and state regulations exist to minimize the adverse effects of the discharge from wastewater from vehicle washing operations.

A stationary washing facility is a permanent fixed location where vehicles are driven for washing. Stationary facilities may include commercial car washes for passenger vehicles and commercial or industrial vehicle wash facilities for large trucks and heavy equipment. Alternatively, mobile vehicle and equipment washing involves washing at a location where vehicles are based (such as a trucking company, warehouse, bus station, vehicle dealership, fairgrounds, etc.) or at an intermediate location where the washing crew and vehicle owners meet solely for the purpose of washing vehicles (such as a business parking lot, gas station, etc.).

National Pollutant Discharge Elimination System

The U.S. Environmental Protection Agency (EPA) authorizes the Florida Department of Environmental Protection (DEP) to implement the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program in the State of Florida. The program regulates point source discharges of stormwater runoff from certain industrial facilities, including certain vehicle washing operations. The operators of regulated industrial facilities must obtain an NPDES stormwater permit and implement appropriate pollution prevention techniques to reduce contamination of stormwater runoff.

As the NPDES stormwater permitting authority, DEP is responsible for promulgating rules and issuing permits, managing and reviewing permit applications, and performing compliance and enforcement activities. Accordingly, DEP has established a General Permit for Car Wash Systems by rule (ch. 62-660.803, F.A.C.) which provides for exemptions, requirements, and best management practices for vehicle washing operations.

Truck Idling

Due to federal and state hours-of-service (HOS) requirements, truck drivers often have long off-hour rest periods, which they often spend inside the cab of their trucks. Cab power is essential in order to control the temperature inside the cab and keep the drivers comfortable during the long rest periods.

The most common way drivers power their cabs is to idle, which means to continuously operate the vehicle's main drive engine while the vehicle is stopped. Idling functions to keep the fuel and engine warm; helps to keep the driver alert; mask out noises and smells; and provides safety. While idling helps keep the driver comfortable, it has a negative economic and environmental impact. Exhaust from diesel engines contains pollutants that negatively impact human health and

the environment. Diesel engines emit large amounts of nitrogen oxides, particulate matter and air toxics, which contribute to serious public health problems. Idling also generates a great deal of noise.

Although several exemptions apply (*e.g.*, idling while sleeping or resting in a sleeper berth) owners or operators of heavy-duty diesel engine powered motor vehicles are prohibited by rule from idling for more than five consecutive minutes. (See FAC 62-285.420 for exemptions) First time offenders will be given a notice to comply without penalties. Complaint driven or repeat offenses may result in further enforcement action. Penalties will be assessed on a case by case basis.

Although an additional weight allowance is provided for auxiliary power units which obviate idling, the practice of idling is not currently prohibited by Florida Statute.

Safety Inspections

Safety inspections are conducted by the Florida Department of Transportation's (FDOT) Motor Carrier Compliance Office (MCCO) personnel and/or authorized agents at weigh stations and on the roadside. Officers follow a procedure established by the Commercial Vehicle Safety Alliance (CVSA) to inspect both the driver and/or vehicle(s). MCCO officers are authorized to inspect:

- Hazardous Materials Transportation
 - Placards, Markings, Labels, Spills, Leaks, Unsecured Cargo
- Brakes
 - Parking Brakes, Drums and Rotors, Hoses and Tubing, Low Air Warning Device, Tractor Protection Valve (All brakes must work and be properly adjusted. Brakes must be on all wheels if the truck or tractor was manufactured after July 25, 1980)
- Coupling Devices
 - Fifth Wheel, Pintle Hooks, Tow Bar, Safety Devices
- Fuel System
 - Leaks, Securely-Mounted Tanks, Filler Caps
- Rearview Mirrors
- Horn
- Lighting Devices
 - Stop Lights, Turn Signals, Headlights, Clearance Lights, Marker Lights
- Steering Mechanism
- Suspension
- Frame Members
- Body Components
- Tires and Wheels
- Windshield and Wipers
- Exhaust System
- Emergency Equipment
 - Reflectors, Fire Extinguisher
- Load Secured

When determining whether a vehicle is to be inspected and how thorough the inspection is, MCCO officers may consult the federally-maintained Comprehensive Safety Analysis database which is made available to insurers, shippers, law enforcement, and other parties interested in a carrier's safety record. The database ranks a given carrier's compliance and safety record as "good", "questionable", or "poor". The Federal Motor Carrier Safety Administration (FMCSA) recommends thorough inspection of vehicles maintained by carriers whose records are "poor".

III. Effect of Proposed Changes:

Section 1 of the bill allows for the act to be cited as the "Small Trucker Relief Act."

Section 2 of the bill defines the term "small trucking firm" in subsection (1) to mean a trucking enterprise that:

- employs fewer than 30 persons, or
- has fewer than 50 trucks in operation.

Section 3 of the bill creates the Trucking Regulation Workgroup consisting of nine members:

- the Secretary of FDOT, or the Secretary's designee;
- the Executive Director of the Department of Revenue, or the Director's designee;
- the Secretary of the Department of Environmental Protection, or the Secretary's designee;
- the Commissioner of the Department of Law Enforcement, or the Commissioner's designee;
- the Executive Director of the Department of Highway Safety and Motor Vehicles, or the Director's designee;
- three members appointed by the Governor, who are owners or employees of a small trucking firm: and
- one member appointed by the Governor, who is a member of the Florida Trucking Association.

The workgroup is charged with preparing a report concerning rules and regulations affecting small trucking firms. The workgroup is to provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than October 1, 2011, providing legislative recommendations related to:

- penalties for idling if the truck is owned by a small trucking firm;
- exemption from DEP restrictions on the washing of trucks;
- development of an annual credit against corporate income taxes related to the costs of idling trucks owned by small trucking firms;
- theft of cargo or equipment from a small trucking firm and criminal penalties for violators;
- development of rules addressing the use a "target list" when determining which trucks to inspect; and
- improving access to International Registration Plan services.

The workgroup is abolished effective November 1, 2011.

Section 4 establishes an effective date of July 1, 2011.

Other Potential Implications:

The bill prescribes a relatively aggressive timetable, effectively requiring gubernatorial appointments to be made, data collected, collated, and analyzed, as well as the preparation of the final report, to be completed within a 3-month schedule.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on April 5, 2011.

The CS deleted everything after the enacting clause and:

- defined “small trucking firm”; and
- created the Trucking Regulation Workgroup.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.
