

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 Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: CS/SB 1104

INTRODUCER: Transportation Committee and Senator Brandes

SUBJECT: Commercial Motor Vehicles

DATE: February 13, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	Fav/CS
2.	Wells	Hrdlicka	ATD	Pre-meeting
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1104 makes numerous changes relating to commercial motor vehicles. The bill:

- Updates various commercial motor vehicle regulations to address compatibility issues with federal law and the International Registration Plan;
- Increases the time-frame apportionable vehicles must replace their license plates from annually to every five years;
- Allows motor vehicle dealers and fleet companies to purchase specialty license plates for use on dealer and fleet vehicles directly from the Department of Highway Safety and Motor Vehicles (DHSMV) upon approval by the specialty license plate's sponsoring organization;
- Creates a Fleet Vehicle Temporary Tag pilot program, which allows the DHSMV to partner with a county tax collector to establish an agreement with up to three companies allowing the issuance of up to 50 temporary tags at a time for use by the company's fleet vehicles; and
- Creates a first degree grand theft crime for an offender who commits any grand theft and, in the course of committing the offense, uses a device that interferes with a global positioning system or similar system used to identify the location of the cargo or vehicle.

The bill also makes changes regarding motor vehicle platooning. Specifically, it:

- Repeals s. 316.0896, F.S., related to the assistive truck platooning technology pilot program, which has been conducted by the Florida Department of Transportation (FDOT) in consultation with the DHSMV;
- Defines the term "platoon" for purposes of the State Uniform Traffic Control Law;

- Authorizes motor vehicle platoons to be operated upon Florida roadways after an operator provides notification to the FDOT and DHSMV;
- Exempts non-lead platooning vehicles from the state’s “following too closely” law; and
- Provides that s. 316.303, F.S., concerning television receivers, does not prohibit use of an electronic display by an operator of a platoon.

The bill does not appear to require significant expenditures by state or local government. DHSMV will likely incur minimal programming and implementation costs associated with changes made by the bill.

The bill makes changes to address compliance issues with federal laws relating to commercial motor vehicles. The state could experience a reduction of Federal-aid highway funds if the state remains non-compliant with such federal laws.

The Criminal Justice Impact Conference, which provides the final, official prison bed impact, if any, of legislation has not yet reviewed the bill to determine the overall prison bed impact of the bill. A preliminary estimate by conference staff indicates that the bill would have a positive indeterminate impact on prison beds, meaning the bill will result in an in an unquantifiable increase in prison beds.

The bill takes effect October 1, 2018.

II. Present Situation:

Due to the disparate issues in the bill, the present situation for each section is discussed below in conjunction with the effect of the proposed changes.

III. Effect of Proposed Changes:

Platoons (Sections 1, 2, 3, and 5)

Present Situation

Platooning is an emerging automated driving technology that allows vehicles to communicate with one another in order to electronically “link” to each other in a line at close proximity, where the lead vehicle controls the speed and braking of the following vehicles.¹ Each vehicle platoons by using an onboard computer connected to a vehicle-to-vehicle (V2V) communications device that receives and transmits data using Dedicated Short-Range Communications (DSRC), a two-way wireless communications capability permitting very high data transmission.² DSRC is used by both V2V communications as well as vehicle-to-infrastructure (V2I) communications to provide connectivity among vehicles and between infrastructure to prevent crashes and enable safety, mobility, and environmental sustainability.³

¹ U.S. Department of Transportation, Volpe Center, *How an Automated Car Platoon Works* (July 31, 2017), <https://www.volpe.dot.gov/news/how-automated-car-platoon-works> (last visited Feb. 5, 2018).

² *Id.*

³ U.S. Department of Transportation, Intelligent Transportation Systems Joint Program Office, *DSRC: The Future of Safer Driving*, https://www.its.dot.gov/factsheets/dsrc_factsheet.htm (last visited Feb. 5, 2018).

The National Highway Traffic Safety Administration (NHTSA) published a Notice of Proposed Rulemaking in January 2017, proposing to mandate V2V communications for new light vehicles and standardize the message and format of V2V transmissions to create a standard system, both of which would enable vehicle manufacturers to develop safety applications using V2V communications.⁴ These V2V communication device requirements would use DSRC devices to transmit basic information on the road, such as a vehicle's speed, heading, brake status and path predictions, that can be used to provide drivers timely warnings of impending crash situations that drivers may not otherwise be capable of seeing.⁵ NHTSA has expressed that V2V communication "shows great promise in helping to avoid crashes, ease traffic congestion, and improve the environment."⁶

Driver-Assistive Truck Platooning

One form of V2V technology is driver-assistive truck platooning (DATP), which allows trucks to communicate with one another and to travel as close as 30 feet apart with automatic acceleration and braking. A draft is created, reducing wind resistance and cutting down on fuel consumption.⁷

In 2016, s. 316.0896, F.S., was created to require the Florida Department of Transportation (FDOT), in consultation with the Department of Highway Safety and Motor Vehicles (DHSMV), to study the use and safe operation of DATP technology,⁸ develop and conduct a pilot project to test the use and safe operation of vehicles equipped to operate using DATP, and submit results of the study and any findings or recommendations from the pilot project to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The FDOT developed the pilot project as a demonstration and operational phase to:

- Evaluate impacts of DATP on surrounding traffic and infrastructure;
- Evaluate feasibility of conducting enforcement responsibilities when DATP trucks are operating; and
- Evaluate administrative aspects of permitting DATP systems.⁹

The pilot project was conducted with Peloton Technology, one developer of DATP vehicle systems. Peloton's DATP is a cloud-based system that uses integrated sensors, controls, and wireless communications to determine in real time whether conditions are appropriate to allow

⁴ Federal Motor Vehicle Safety Standards; V2V Communications, 82 Fed. Reg. 3854 (Jan. 12, 2017), <https://www.federalregister.gov/documents/2017/01/12/2016-31059/federal-motor-vehicle-safety-standards-v2v-communications> (last visited Feb. 5, 2018).

⁵ *Id.*

⁶ NHTSA, *Vehicle-to-Vehicle Communication*, <https://www.nhtsa.gov/technology-innovation/vehicle-vehicle-communication> (last visited Feb. 5, 2018).

⁷ Go by Truck Global News, *Driver Survey: Platooning* (Nov. 18, 2014), <http://www.gobytrucknews.com/driver-survey-platooning/123> (last visited Feb. 5, 2018).

⁸ Section 316.003(20), F.S., defines "driver-assistive truck platooning technology" as "[v]ehicle automation and safety technology that integrates sensor array, wireless vehicle-to-vehicle communications, active safety systems, and specialized software to link safety systems and synchronize acceleration and braking between two vehicles while leaving each vehicle's steering control and systems command in the control of the vehicle's driver in compliance with the National Highway Safety Administration rules regarding vehicle-to-vehicle communications."

⁹ See Florida Vender Bid System, *Request for Information from the FDOT – Driver Assistive Truck Platooning Pilot Project* (July 6, 2017), http://www.myflorida.com/apps/vbs/vbs_www.ad_r2.view_ad?advertisement_key_num=134408 (last visited Feb. 5, 2018).

specific trucks to engage in platooning operations.¹⁰ Using V2V communications, the system synchronizes acceleration and braking between tractor-trailers, leaving steering to the drivers, but eliminating braking distance otherwise caused by lags in the front or rear driver's response time.¹¹ According to Peloton Technology, Peloton's demonstration of its DATP technology occurred on the Florida Turnpike and covered over 1,000 miles using two trucks traveling at a separation distance of approximately 65 feet.¹² At this time, FDOT has not submitted its report of the results of the study and any findings or recommendations from the pilot project.¹³

State Platoon Laws

According to Peloton, nine states have confirmed allowance for commercial deployment of DATP.¹⁴ At least ten states with "following too closely" laws, including Florida,¹⁵ exempt vehicles equipped with a DATP system or a platooning system from such state law.¹⁶ Additionally, Arkansas, Michigan, Nevada, and Tennessee passed laws expressly allowing a person to operate DATP or platooning systems; however, Arkansas, Michigan, and Tennessee only allow operation upon state approval of a submitted operations plan or following a certain number of days after submission of such plan, if the plan is not rejected by the overseeing agency.¹⁷ Several states and the federal government are continuing testing of DATP and other platooning systems.

Following Too Closely and TV Receiver Prohibitions

Section 316.0895, F.S., prohibits a driver of a motor vehicle to follow another vehicle more closely than is reasonable and prudent. It is unlawful, when traveling upon a roadway outside a business or residence district, for a motor truck, motor truck drawing another vehicle, or vehicle towing another vehicle or trailer to follow within 300 feet of another vehicle. The law exempts the vehicles operating as part of the FDOT's pilot project in a manner and at locations determined by the DOT.¹⁸

Section 316.303, F.S., prohibits a motor vehicle operated on the highways of this state to be equipped with television-type receiving equipment that is visible from the driver's seat; however, this prohibition does not apply to an electronic display:

- Used in conjunction with a vehicle navigation system;
- Used in a vehicle equipped with autonomous technology in autonomous mode; or

¹⁰ Peloton, How It Works, *The Platooning Experience*, <https://peloton-tech.com/how-it-works/> (last visited Feb. 5, 2018).

¹¹ *Id.*

¹² Peloton, *Peloton Technology demonstrates driver-assistive truck platooning system to Florida transportation leaders in connection with Florida Pilot Project* (Dec. 20, 2017), <https://peloton-tech.com/driver-assistive-truck-platooning-demonstration-florida-transportation-leaders-connection-florida-pilot-project/> (last visited Feb. 5, 2018).

¹³ DHSMV staff has indicated to the staff of the Senate Transportation Committee that the report is in the process of being finalized.

¹⁴ Peloton *supra* note 12.

¹⁵ See ss. 316.0895 and 316.0896(2), F.S.

¹⁶ The other states are Arkansas, California (only for testing), Georgia, Michigan, Nevada, North Carolina, South Carolina, Tennessee, and Texas. See National Conference of State Legislatures, *Autonomous Vehicles – Self-Driving Enacted Legislation, Enacted Autonomous Vehicles Legislation* (Jan. 2, 2018), <http://www.ncsl.org/research/transportation/autonomous-vehicles-self-driving-vehicles-enacted-legislation.aspx> (last visited Feb. 5, 2018).

¹⁷ *Id.*

¹⁸ Section 316.0896, F.S.

- Used in a vehicle equipped and operating with DATP technology.

Effect of Proposed Changes

The bill repeals the pilot projects for DATP and permits platooning on Florida roadways.

Section 1 amends s. 316.003, F.S., to repeal the definition of “driver-assistive truck platooning technology,” and add a definition for the term “platoon.” The bill defines “platoon” as “a group of individual motor vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than defined under s. 316.0895(2).”

Section 2 repeals s. 316.0896, F.S., which created the assistive truck platooning technology pilot project conducted by the FDOT in consultation with the DHSMV.

Section 3 creates s. 316.0897, F.S., to provide that a platoon may be operated on Florida roadways after an operator provides notification to the FDOT and DHSMV. Additionally, Florida’s “following too closely” law¹⁹ does not apply to the operator of a non-lead vehicle in a platoon.

Section 5 amends s. 316.303, F.S., to remove reference to DATP technology and add that the prohibition on television receivers does not apply to an electronic display used by an operator of a platoon.

The bill does not specify how notification to the departments is required to be made or what information is required from the operator. It is unclear how law enforcement will be able to identify that a vehicle is operating in a platoon, thus exempt from certain traffic law requirements.

Federal Motor Carrier Safety Administration Compatibility (Section 4)

Present Situation

The Federal Motor Carrier Safety Administration (FMCSA) was established within the United States Department of Transportation on January 1, 2000. Its primary mission is to prevent commercial motor vehicle (CMV)-related fatalities and injuries.²⁰

Section 316.302, F.S., provides that all owners and drivers of CMVs²¹ operated on the public highways of this state while engaged in *interstate* commerce are subject to the rules and regulations contained in the following parts of the Federal Motor Carrier Safety Regulations:²²

- Part 382, Controlled Substance and Alcohol Use and Testing;

¹⁹ Section 316.0895, F.S.

²⁰ FMCSA website, *About Us* (Mar. 31, 2014), <https://www.fmcsa.dot.gov/mission/about-us> (last visited Jan. 18, 2018).

²¹ Section 316.003(12), F.S., defines “commercial motor vehicle” as “any self-propelled or towed vehicle used on the public highways in commerce to transport passengers or cargo, if such vehicle: (a) Has a gross vehicle weight rating of 10,000 pounds or more; (b) Is designed to transport more than 15 passengers, including the driver; or (c) Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, as amended (49 U.S.C. ss. 1801 et seq.).”

²² 49 C.F.R. ch. III, subchapter B.

- Part 385, Safety Fitness Procedures;
- Part 390, General Federal Motor Carrier Safety Regulations;
- Part 391, Qualifications of Drivers;
- Part 392, Driving of Commercial Motor Vehicles;
- Part 393, Parts and Accessories Necessary for Safe Operation;
- Part 395, Hours of Service of Drivers;
- Part 396, Inspection, Repair, and Maintenance; and
- Part 397, Transportation of Hazardous Materials; Driving and Parking Rules.

Owners and drivers of CMVs engaged in *intrastate* commerce are subject to the same rules and regulations, unless otherwise provided in s. 316.302, F.S., as such rules and regulations existed on December 31, 2012.²³ To remain compatible with the Federal Motor Carrier Safety Regulations, states generally have up to three years from the effective date of new federal requirements to adopt and enforce such requirements.²⁴ States that remain incompatible risk losing federal funding. A 2007 Florida State Motor Carrier Safety Assistance Program (MCSAP) review found that the Florida Statutes contain multiple compatibility issues.²⁵

2007 Florida State MCSAP Review Findings

Section 316.302(1)(b), F.S., provides an exception from 49 C.F.R. s. 390.5 as it relates to the definition of a bus, defined as “any motor vehicle designed, constructed, and/or used for the transportation of passengers, including taxicabs.” Florida law excludes taxicabs from the definition of a bus.²⁶ The MCSAP Review noted that Florida Statutes “exempting, from the definition of a bus, taxicabs as it applies to the intrastate private transportation of passengers, is not compatible” with federal law.²⁷

Federal law prohibits certain lamps and reflective devices from being obscured on CMVs.²⁸ However, s. 316.215(5), F.S., provides an exception from this requirement for front-end loading collection vehicles that are engaged in collecting solid waste or recyclable or recovered materials and are being operated at less than 20 miles per hour with hazard-warning lights activated. According to the MCSAP review, federal law provides no such exemption.²⁹

Section 316.302(2)(d), F.S., provides an exemption from compliance with 49 C.F.R. s. 395.8, requiring record of a driver’s duty status, for a driver of a CMV if the driver:

- Is operating solely in intrastate commerce;
- Is not transporting any hazardous materials in amounts that require placarding;³⁰
- Is within 150-air miles of the vehicle’s base location; and

²³ Section 316.302(1)(b), F.S.

²⁴ 49 C.F.R. *Appendix A to Part 355 – Guidelines for the Regulatory Review – State Determinations* (2016).

²⁵ 2007 Florida State MCSAP Review, *Summary Findings, Recommendations, and Noteworthy Practices* (June 2007) (on file with the Senate Committee on Transportation).

²⁶ Section 316.003(6), F.S.

²⁷ 2007 Florida State MCSAP Review, *supra* note 24 at p. 2, *FL/FI-1*.

²⁸ 49 C.F.R. s. 393.9(b)

²⁹ 2007 Florida State MCSAP Review, *supra* note 24 at p. 4, *FL/FI-7*.

³⁰ Pursuant to 49 C.F.R. part 172

- Complies with specific federal requirements relating to hours of service.³¹

Additionally, state law provides that if a driver is not released from duty within 12 hours of arriving on duty, the motor carrier must maintain documentation of the driver's driving times throughout the duty period. The MCSAP review found that the exemption and alternate records requirement contained in s. 316.302(2)(d), F.S., does not comply with federal regulations because the federal exemption for such drivers also requires that the driver return to the work reporting location and is released from work within 12 consecutive hours.³²

Federal law allows a state to exempt a CMV from all or part of its laws or regulations relating to intrastate commerce if the vehicle's gross vehicle weight, gross vehicle weight rating, gross combined weight, or gross combined weight rating is less than 26,001 pounds and the vehicle is not:

- Transporting hazardous materials requiring a placard; or
- Designed or used to transport 16 or more people, including the driver.³³

However, s. 316.302(2)(f), F.S., provides exemptions from federal laws or regulations for a person who operates a CMV solely in intrastate commerce, having a *declared* gross vehicle weight of less than 26,001 pounds, and who is not transporting hazardous materials in an amount that requires placarding or who is transporting petroleum products. According to the MCSAP Review, the state interprets this statute as exempting such vehicles transporting petroleum products even if a hazardous materials placard is required, which is not in compliance with federal regulations.³⁴

Maximum Driving Time

Section 316.302(2), F.S., provides prohibitions to the length of time CMV drivers may drive, as well as exemptions from federal requirements for specified vehicles. Section 316.302(2)(b), F.S., provides that a person who operates a CMV solely in intrastate commerce without any hazardous materials in amounts requiring placarding may not drive:

- More than 12 hours following 10 consecutive hours off duty; or
- For any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty.

Except as provided in the federal hours of service rules,³⁵ a person operating a CMV solely in intrastate commerce not transporting any hazardous material may not drive after having been on duty more than 70 hours in any period of seven consecutive days or more than 80 hours in any period of eight consecutive days if the motor carrier operates every day of the week.³⁶ Upon request of DHSMV, motor carriers are required to furnish time records or other written

³¹ As provided in 49 C.F.R. s. 395.1(e)(1)(iii) and (v).

³² 2007 Florida State MCSAP Review, *supra* note 24 at p. 5, *FL/FI-8*.

³³ 49 C.F.R. s. 350.341(a)

³⁴ 2007 Florida State MCSAP Review, *supra* note 24 at p. 5, *FL/FI-3*.

³⁵ 49 C.F.R. s. 395.1

³⁶ Section 316.302(2)(c), F.S.

verification so that DHSMV can determine compliance with the hours of service requirements. Falsification of time records is subject to a civil penalty not to exceed \$100.³⁷

Effect of Proposed Changes

Section 4 amends multiple provisions in s. 316.302, F.S., to address federal compatibility issues.

This section amends s. 316.302(1), F.S., to clarify that the section applies to all CMVs and buses and except as provided in s. 316.302(3), F.S., relating to covered farm vehicles.

This section adopts federal laws that intrastate CMV owners and drivers are required to comply with as such federal rules and regulations existed on December 31, 2017.³⁸ However, s. 316.302(1)(e), F.S., is created to delay the requirement for electronic logging devices and hours of service support documents³⁹ for intrastate motor carriers not carrying hazardous materials in amounts requiring placarding until December 31, 2019.

This section amends s. 316.302(1)(d), F.S., to repeal an exemption from federal law allowing specified CMVs to obscure certain lighting or reflective devices.

Due to changes in federal law, the section amends s. 316.302(2)(a), F.S., to provide clarity that drivers of intrastate CMVs that are not transporting hazardous materials requiring placarding are exempt from 49 C.F.R. s. 395.3, which provides maximum driving times for property-carrying vehicles. These drivers continue to be subject to the maximum driving times required by state law.

Section 316.203(2)(c), F.S., is amended to remove a duplicate penalty for falsifying hours of service records.

Section 316.302(2)(d), F.S., is amended to refer to the correct federal regulations that allow a motor carrier to be exempt from being required to maintain records of duty status for short-haul drivers. In order to be exempt, the driver must also return to the work reporting location and be released from work within 12 consecutive hours and have either 10 or 8 hours off (property-carrying and passenger-carrying CMVs).

Lastly, the section amends s. 316.302(2)(f), F.S., to remove specified exemptions from federal law or regulations for drivers transporting petroleum products. The paragraph is also amended to refer to the federal criteria for the exemption: CMVs having a *gross vehicle weight, gross vehicle weight rating, and gross combined weight rating* of less than 26,001 pounds, instead of a *declared gross vehicle weight*.

³⁷ This penalty is found in s. 316.302(2)(c), F.S. However, s. 316.3025, F.S., relating to CMV penalties, provides that a penalty of \$100 may be assessed for a violation of s. 316.302(2)(b) or (c), F.S.

³⁸ A list of Final Rules adopted as of December 31, 2016, that affect FMCSA rules and regulations are available on the FMCSA website, *Rulemaking*

Documents, <https://www.fmcsa.dot.gov/regulations/search/rulemaking?keyword=&dt=final&topic> (last visited Feb. 5, 2018).

³⁹ Electronic Logging Devices and Hours of Service Supporting Documents, 80 Fed. Reg. 78291 (Dec. 16, 2015), <https://www.federalregister.gov/documents/2015/12/16/2015-31336/electronic-logging-devices-and-hours-of-service-supporting-documents> (last visited Feb. 5, 2018).

International Registration Plan – Charter Buses (Section 6)

Present Situation

The International Registration Plan (IRP) is a registration reciprocity agreement among all states in the contiguous United States, the District of Columbia, and several Canadian provinces. It provides for the payment of license fees based on fleet operation in various member jurisdictions.⁴⁰ This allows carriers to operate inter-jurisdictionally while only needing to register its vehicles in its base jurisdiction, which is the state or province where the registrant has an established place of business.⁴¹

All “apportionable vehicles” domiciled in the state are required to be registered in accordance with the IRP and display “Apportioned” license plates.⁴² .

Apportionable vehicles that do not regularly operate in a particular jurisdiction also have the option to register for trip permits in order to operate in IRP member jurisdictions for limited periods where they do not pay license taxes.⁴³

An “apportionable vehicle” is any vehicle that is used or intended for use in two or more member jurisdictions and that is used for the transportation of persons for hire or designed, used, or maintained primarily for the transportation of property, and:⁴⁴

- Is a power unit having a gross vehicle weight in excess of 26,000 pounds;
- Is a power unit having three or more axles, regardless of weight; or
- Is used in combination, when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

The Florida definition excludes recreational vehicles, vehicles displaying restricted plates, city pickup and delivery vehicles, government-owned vehicles, and buses used in transportation of chartered parties. The IRP definition excludes a recreational vehicle, a vehicle displaying restricted plates, or a government-owned vehicle. Excluded vehicles may voluntarily register.

Prior to January 1, 2016, charter buses were excluded from having to register under the IRP. The IRP was amended to remove charter buses from the exemption, requiring charter bus operations to register under the IRP. This registration ensures that a charter bus operation will pay license fees to each jurisdiction it operates in, and prevents or suspends the registration of unsafe carriers.⁴⁵

⁴⁰ International Registration Plan, Inc., *About IRP*, <http://www.irponline.org/?page=AboutIRP> (last visited Feb. 5, 2018).

⁴¹ As defined by the IRP. IRP, *International Registration Plan with Official Commentary* (Jan. 1, 2017), http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/publications/IRP_agreement_eff_january_1_.pdf at p. 16 (last visited Feb. 5, 2018).

⁴² Sections 320.0715(1) and 320.06(3)(a), F.S.

⁴³ *Id.* See also IRP, *Trip Permits- Cost/Duration* (May 2016), available at http://www.irponline.org/resource/resmgr/Jurisdiction_Info_2/Trip_Permits_5.19.2016.xlsx (last visited Feb. 5, 2018).

⁴⁴ Section 320.001(24), F.S. IRP, *International Registration Plan with Official Commentary*, at p. 12-13. The IRP definition excludes a recreational vehicle, a vehicle displaying restricted plates, or a government-owned vehicle. However, those excluded vehicles may choose to register under the IRP.

⁴⁵ See IRP, *Official Amendment to the International Registration Plan* (June 2014) http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/irp_ballots/ballot_391.pdf (last visited Feb. 5, 2018).

Effect of Proposed Changes

Section 6 amends s. 320.01(24), F.S., to remove the exclusion of charter buses from the definition of apportionable vehicle. This change is necessary to align with the requirements of the IRP. All charter buses operating interstate are required to obtain an IRP registration or purchase trip permits.

Issuance of Apportionable Vehicle Plates (Sections 7 and 8)

Present Situation

Section 320.06, F.S., provides for motor vehicle registration certificates, license plates, and validation stickers. Registration license plates, which bear a graphic symbol and alphanumeric system of identification, are issued for a 10-year period. However, “Apportioned” license plates issued to vehicles registered under the IRP are issued annually.⁴⁶ Each original license plate costs \$28, which is deposited into the Highway Safety Operating Trust Fund (HSOTF). Apportioned vehicles are also issued an annual cab card that denotes the declared gross vehicle weight for each apportioned jurisdiction where the vehicle is authorized to operate.⁴⁷

Effect of Proposed Changes

Sections 7 and 8 amend ss. 320.06 and 320.0607, F.S., respectively, to provide that beginning October 1, 2019, apportioned vehicles will be issued license plates valid for a 5-year period, instead of annually. If the license plate is damaged or worn prior to the end of the 5-year period, the DHSMV may replace it at no charge upon application and surrender of the current plate. Cab cards and validation stickers will continue to be issued annually. The \$28 annual fee will apply to the issuance of an original or renewal validation sticker, instead of for the cost of the plate.

Specialty License Plates for Motor Vehicle Dealers and Fleets (Sections 7, 9, 10, and 11)

Present Situation

A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer license plate is subject to an annual license tax of \$17.⁴⁸ Such license plates are imprinted with the word “Dealer” at the bottom of the plate.⁴⁹ Dealers may, upon payment of the dealer plate license tax, secure one or more dealer license plates. These plates are valid while the motor vehicles are in the dealer’s inventory and for sale, or while being operated in connection with the dealer’s business, except when used as for-hire vehicles.⁵⁰

⁴⁶ Section 320.06(1)(b)1., F.S.

⁴⁷ See IRP, *State of Florida Apportioned Cab Card Sample*,

http://c.ymcdn.com/sites/www.irponline.org/resource/resmgr/cab_cards/fl_cc_sample.pdf (last visited Feb. 5, 2018).

⁴⁸ Section 320.08(12), F.S.

⁴⁹ Section 320.06(3), F.S.

⁵⁰ Section 320.13, F.S.

Fleet license plates are available for companies that own or lease a minimum number of nonapportioned motor vehicles used for business purposes.⁵¹ Such permanent plates are available upon approval by the DHSMV and payment of license taxes prescribed under s. 320.08, F.S. Fleet vehicle license plates have the word “Fleet” imprinted at the bottom of the plate.⁵²

There are over 120 specialty license plates available for purchase in Florida.⁵³ However, neither dealer license plates nor fleet license plates are eligible to be specialty license plates. Specialty license plates require payment of an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.⁵⁴ These annual use fees are distributed to an organization or organizations in support of a particular cause or charity signified in the plate’s design and designated in statute.⁵⁵

Effect of Proposed Changes

Sections 7, 9, 10, and 11 amend ss. 320.06, 320.0657, 320.08, and 320.08056, F.S., respectively, to allow a dealer or fleet company, with the permission of the specialty license plate organization, to purchase specialty license plates directly through the DHSMV to be used on dealer or fleet vehicles. The dealer or fleet company that orders specialty license plates for its vehicles must pay the annual use fee of the specialty license plate and any other applicable license taxes or fees. The specialty license plate will include the letters “DLR” for dealer license plates and “FLT” for fleet license plate embossed on the right side of the plate.

Fleet Vehicle Temporary Tag Pilot Program (Section 12)

Present Situation

Section 320.131, F.S., authorizes the DHSMV to design, issue, and regulate the use of temporary tags for use in certain cases provided in law when a permanent plate may not be immediately available, and provides penalties for the misuse of temporary tags. Generally, a temporary tag is valid for 30 days.⁵⁶ Temporary tags cost \$2 each, of which \$1 is deposited into the Brain and Spinal Cord Injury Program Trust Fund and \$1 into the Highway Safety Operating Trust Fund. DHSMV uses a print-on-demand electronic temporary tag registration, record retention, and issue system that is required to be used by every department-authorized issuer of temporary tags.⁵⁷ These issuers include motor vehicle dealers and tax collectors who frequently issue temporary tags on behalf of the DHSMV.

⁵¹ Section 320.0657. DHSMV, Division of Motorist Services, Procedure RS-55, *Fleet Registration Program* (Feb. 8, 2013), available at <http://www3.flhsmv.gov/dmv/Proc/RS/RS-55.pdf> (last visited Feb. 5, 2018), provides that the fleet company must have a minimum of 200 vehicles or 25 trailers or semitrailers used exclusively to haul agricultural products.

⁵² *Id.*

⁵³ A list of Florida’s specialty license plates is available on the DHSMV website at <http://www.flhsmv.gov/dmv/specialtytags/> (last visited Jan. 20, 2018).

⁵⁴ Section 320.08056, F.S.

⁵⁵ Section 320.08058, F.S.

⁵⁶ However, a temporary tag issued to a vehicle required to be weighed or emission tested prior to registration or required to have the vehicle identification number verified is valid for 10 days, and a temporary tag issued for a vehicle waiting for manufacturing of a purchased specialty or personalized prestige plate is valid for 90 days. *See* ss. 320.131(1)(f) and (j), F.S.

⁵⁷ Section 320.131(9), F.S.

Effect of Proposed Changes

Section 12 of the bill amends s. 320.131, F.S., to create a Fleet Vehicle Temporary Tag Pilot Program. Beginning October 1, 2018, the DHSMV may partner with a county tax collector to conduct a pilot program that provides up to 50 temporary tags at a time to fleet companies who have at least 3,500 fleet vehicles registered in Florida. The DHSMV shall establish a memorandum of understanding (MOU) that allows a maximum of three companies to participate in the pilot program.

Under the pilot program:

- The temporary tags must be used exclusively on the company's fleet vehicles and may not be used on any other vehicle;
- Each temporary plate must be used on only one vehicle, and each vehicle may only use one temporary plate;
- Upon issuance of the vehicle's permanent license plate and registration, the temporary tag becomes invalid and must be removed from the vehicle and destroyed;
- Upon a finding by the DHSMV that a temporary tag has been misused under this program, the DHSMV may terminate the MOU with the company, invalidate all temporary tags issued to the company, and require the company to return any unused temporary tags.

This program is repealed on October 1, 2021, unless saved from repeal through reenactment by the Legislature.

Cargo Theft (Section 13)

Present Situation

First degree grand theft, a first degree felony, is theft of:

- Property valued at \$100,000 or more.
- A semitrailer deployed by a law enforcement officer.
- Cargo valued at \$50,000 or more in specified circumstances.

First degree grand theft also includes any grand theft in which, in the course of committing the offense, a motor vehicle is used as specified or the offender causes damage to the real or personal property of another in excess of \$1,000.⁵⁸

A first degree felony is punishable by up to 30 years in state prison and a fine of up to \$10,000.⁵⁹

Currently, it is a second degree misdemeanor⁶⁰ to, without authority, willfully, maliciously, or intentionally tamper with, attempt to tamper with, or otherwise interfere with any motor vehicle or trailer of another which results in the:

- Cargo or contents of such motor vehicle or trailer becoming unloaded or damaged; or
- Mechanical functions of such motor vehicle or trailer becoming inoperative or impaired.⁶¹

⁵⁸ Section 812.014(2)(a), F.S.

⁵⁹ Sections 775.082 and 775.083, F.S.

⁶⁰ A second degree misdemeanor is punishable by up to 60 days imprisonment in county jail and a fine of up to \$500. Id.

⁶¹ Section 860.17, F.S.

Global positioning system (GPS) jammers are devices using radio frequency transmitters in order to intentionally block, jam, or interfere with GPS systems. It is illegal to market, sell, or use GPS jammers in the United States.⁶² Such devices have been linked to cargo thefts throughout the United States.⁶³

Effect of Proposed Changes

Section 13 amends s. 812.014(2), F.S., to create a new first degree grand theft crime. A person commits first degree grand theft if he or she commits grand theft and uses a device in the course of committing the offense to defeat, block, disable, jam, or interfere with a GPS or similar system designed to identify the location of the cargo or the vehicle or trailer carrying the cargo.

“Cargo” is “partial or entire shipments, containers, or cartons of property which are contained in or on a trailer, motortruck, aircraft, vessel, warehouse, freight station, freight consolidation facility, or air navigation facility.”⁶⁴

Effective Date

The bill takes effect October 1, 2018

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:

The bill may have a positive fiscal impact on:

⁶² See GPS.gov, *Information About GPS Jamming*, <http://www.gps.gov/spectrum/jamming/> (last visited Feb. 5, 2018).

⁶³ Federal Bureau of Investigation, Private Industry Notification 141002-001, *Cargo Thieves use GPS Jammers to Mask GPS Trackers* (Oct. 2, 2014), <https://info.publicintelligence.net/FBI-CargoThievesGPS.pdf> (last visited Feb. 5, 2018).

⁶⁴ Section 812.012(1), F.S.

- Operators of motor vehicle platoons and manufacturers of platooning technology that will be authorized to operate on Florida roadways;
- Specialty license plate organizations if motor vehicle dealers or fleet companies choose to purchase the organization's specialty license plate; and
- Fleet companies who qualify to be part of the Fleet Vehicle Temporary Tag pilot program and will be able to receive up to 50 temporary tags at a time, which can reduce the amount of time a replacement fleet vehicle is inoperable while awaiting permanent registration and title.

The bill creates a new crime for persons who commit grand theft while using a device to interfere with a GPS or similar system that is designed to identify the location of the cargo or the vehicle or trailer carrying the cargo. This provision may deter cargo theft. A first degree felony is generally punishable by up to 30 years in state prison and a fine of up to \$10,000.

There is a potential fiscal impact to the CMV industry associated with changes to the CMV regulations contained in the bill; however, the impact is indeterminate at this time.

C. Government Sector Impact:

The bill does not appear to require significant expenditures by state or local government. DHSMV will likely incur minimal programming and implementation costs associated with changes made by the bill.

The bill makes changes to address compliance issues with federal laws relating to commercial motor vehicles. According to the DHSMV, if Florida fails to comply with FMCSA compatibility requirements, Florida may experience a reduction of up to four percent of Federal-aid highway funds following the first year of noncompliance and up to eight percent for subsequent years.⁶⁵ Noncompliance may also affect the potential award of future grants.

The Criminal Justice Impact Conference, which provides the final, official prison bed impact, if any, of legislation has not yet reviewed the bill to determine the overall prison bed impact of the bill. A preliminary estimate by conference staff indicates that the bill would have a positive indeterminate impact on prison beds, meaning the bill will result in an in an unquantifiable increase in prison beds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁶⁵ Email from the DHSMV (Feb. 17, 2017) (on file with the Senate Committee on Transportation).

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.302, 316.303, 320.01, 320.06, 320.0607, 320.0657, 320.08, 320.08056, 320.131, and 812.014.

This bill creates section 316.0897 of the Florida Statutes.

This bill repeals section 316.0896 of the Florida Statutes.

IX. 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 January 18, 2018:

The CS changes the “relating to” clause of the bill to “[a]n act relating to commercial motor vehicles,” and adds numerous provisions to the bill. The CS:

- Repeals s. 316.0896, F.S., creating the Assistive Truck Platooning Technology Pilot Program, which has been conducted by the FDOT in consultation with the DHSMV;
- Removes the definition of “driver-assistive truck platooning technology” and reference to the term in the Florida Statutes;
- Authorizes a motor vehicle platoon to be operated on Florida roadways after an operator provides notification to the FDOT and DHSMV;
- Defines the term “platoon” for purposes of ch. 316, F.S., and exempts certain operators of platoons from state laws relating to “following too closely” and television receiver prohibitions;
- Updates various commercial motor vehicle regulations to address compatibility issues with federal law and the International Registration Plan;
- Allows motor vehicle dealers and fleet companies to purchase specialty license plates;
- Creates a Fleet Vehicle Temporary Tag pilot program; and
- Provides enhanced penalties for persons who commit grand theft while using any device to interfere with a GPS or similar system.

B. Amendments:

None.