

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 Environmental Preservation and Conservation Committee

BILL: CS/SB 1912

INTRODUCER: Transportation Committee and Senator Evers

SUBJECT: Trucking

DATE: April 12, 2011

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Spalla</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Toman</u>	<u>Yeatman</u>	<u>EP</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>BC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE.....	<input checked="" type="checkbox"/>	Statement of Substantial Changes
B. AMENDMENTS.....	<input type="checkbox"/>	Technical amendments were recommended
	<input type="checkbox"/>	Amendments were recommended
	<input type="checkbox"/>	Significant amendments were recommended

I. Summary:

This CS, the “Small Trucker Relief Act,” defines “small trucking firm” to mean a trucking enterprise that has fewer than 30 employees or has fewer than 50 trucks in operation. Additionally, the CS creates a nine-member Trucking Regulation Workgroup to develop a report concerning rules and regulations affecting small trucking firms. The report is to be presented to the Governor and the Legislature on or before October 1, 2011.

The CS creates several undesignated sections of the Florida Statutes.

II. Present Situation:

Truck Idling

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

The most common way drivers power their cabs is to idle by continuously operating the vehicle's main drive engine while the vehicle is stopped. Idling functions to keep the fuel and engine warm, helps maintain driver alertness, and masks out noises and smells. While idling helps keep the driver comfortable, it has negative environmental impacts. Exhaust from diesel engines contains pollutants that adversely affect 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.

Although several exemptions apply, owners or operators of heavy-duty diesel engine powered motor vehicles are prohibited from idling for more than five consecutive minutes by ch. 62-285.420, F.A.C. First time offenders are given a notice to comply without penalties. Complaint driven or repeat offenses may result in further enforcement action. Penalties are assessed on a case by case basis. While an additional weight allowance is provided for auxiliary power units which obviate idling, the practice of idling is not currently prohibited by Florida Statute.

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, or fairgrounds) 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 or gas station).

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 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.

Safety Inspections

Safety inspections are conducted by the Florida Department of Transportation's (DOT) 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).

When determining whether a vehicle is to be inspected and how thorough the inspection should be, MCCO officers may consult the federally maintained Comprehensive Safety Analysis database. This tool 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."

Cargo Theft

Section 812.014, F.S., stipulates that a person engaging in the theft of cargo commits either a felony in the first or second degree depending on the value of the property. It is a first degree felony if the property stolen has a value of \$100,000 or more or if it has a value of \$50,000 or more that has entered the stream of interstate or intrastate commerce. It is a second degree felony if the cargo has a value of \$50,000 or less that has entered the stream of interstate or intrastate commerce.

International Registration Plan

The International Registration Plan (IRP) is a reciprocal agreement that authorizes the proportional registration among states of commercial motor vehicles. If a truck is operated in multiple states, the owner must annually report mileage driven in each state and taxes are paid proportionately based on mileage driven. To register under the Florida IRP, truck owners must complete an IRP, Florida Application Schedule A & B (form HSMV 85900) available from the Florida Department of Highway Safety and Motor Vehicles (DHSMV).

III. Effect of Proposed Changes:

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

Section 2 defines the term "small trucking firm" to mean a trucking enterprise that has fewer than 30 employees or has fewer than 50 trucks in operation.

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

- the Secretary of Transportation or the secretary's designee;
- the Executive Director of the Department of Revenue, or the executive director's designee;
- the Secretary 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 executive 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 by trucks owned by small trucking firms;
- development of a corporate tax credit related to the costs of idling trucks owned by small trucking firms;
- theft of cargo or equipment from trucks owned by small trucking firms and criminal penalties imposed for such crimes;
- exemption from DEP rules restricting truck washing for small trucking firms;
- development of DOT rules for random inspection of trucks owned by small trucking firms and prohibiting the use of "target lists" to determine which trucks are inspected; and
- improving access to DHSMV International Registration Plan registration and renewal 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 for the workgroup's report. Gubernatorial appointments would be designated, data collected, collated, and analyzed, and the preparation of the final report completed all within a three 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.