

MOTOR CARRIER AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

LONG TITLE

General Description:

This bill amends portions of the Transportation Code relating to motor carriers.

Highlighted Provisions:

This bill:

- ▶ changes the length restrictions of motor carriers;
- ▶ modifies provisions relating to permits;
- ▶ modifies rulemaking authority;
- ▶ amends provisions related to lettering on motor carriers;
- ▶ amends provisions related to meetings of the Motor Carrier Advisory Board; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-2-103, as last amended by Laws of Utah 2002, Fifth Special Session, Chapter 13

72-7-402, as last amended by Laws of Utah 2015, Chapter 412

72-7-406, as last amended by Laws of Utah 2016, Chapter 303

72-9-102, as last amended by Laws of Utah 2009, Chapter 155

72-9-103, as last amended by Laws of Utah 2011, Chapter 274

72-9-105, as last amended by Laws of Utah 2009, Chapter 155

72-9-201, as last amended by Laws of Utah 2010, Chapter 286

REPEALS:

72-9-706, as renumbered and amended by Laws of Utah 1998, Chapter 270

Be it enacted by the Legislature of the state of Utah:

33 Section 1. Section **72-2-103** is amended to read:

34 **72-2-103. Limitations on Transportation Fund appropriations to agencies not a**
35 **part of the Department of Transportation -- Exceptions.**

36 (1) Except as provided under Subsection (2), the amount appropriated or transferred
37 from the Transportation Fund each year may not exceed a combined total of \$11,600,000 to:

38 (a) the Department of Public Safety;

39 (b) the State Tax Commission;

40 (c) the Division of Finance; and

41 (d) any other state agency that is not a part of the Department of Transportation.

42 (2) The following amounts are exempt from the appropriation and transfer limitations
43 of Subsection (1):

44 (a) amounts deposited in the Department of Public Safety Restricted Account created
45 under Section 53-3-106;

46 (b) revenue generated by the uninsured motorist identification fee under Section
47 41-1a-1218;

48 (c) revenue generated by the motor carrier fee under Section 41-1a-1219 [~~or Section~~
49 ~~72-9-706~~]; and

50 (d) revenue generated by the Motorcycle Rider Education Program under Section
51 53-3-905.

52 Section 2. Section **72-7-402** is amended to read:

53 **72-7-402. Limitations as to vehicle width, height, length, and load extensions.**

54 (1) (a) Except as provided by statute, all state or federally approved safety devices and
55 any other lawful appurtenant devices, including refrigeration units, hitches, air line
56 connections, and load securing devices related to the safe operation of a vehicle are excluded
57 for purposes of measuring the width and length of a vehicle under the provisions of this part, if
58 the devices are not designed or used for carrying cargo.

59 (b) Load-induced tire bulge is excluded for purposes of measuring the width of
60 vehicles under the provisions of this part.

61 (c) Appurtenances attached to the sides or rear of a recreational vehicle that is not a
62 commercial motor vehicle are excluded for purposes of measuring the width and length of the
63 recreational vehicle if the additional width or length of the appurtenances does not exceed six

64 inches.

65 (2) A vehicle unladen or with a load may not exceed a width of 8-1/2 feet.

66 (3) A vehicle unladen or with a load may not exceed a height of 14 feet.

67 (4) (a) (i) A single-unit vehicle, unladen or with a load, may not exceed a length of 45
68 feet including front and rear bumpers.

69 (ii) In this section, a truck tractor coupled to one or more semitrailers or trailers is not
70 considered a single-unit vehicle.

71 (b) (i) ~~[Except as provided under Subsection (4)(b)(iii), a]~~ A semitrailer, unladen or
72 with a load, may not exceed a length of ~~[48]~~ 53 feet excluding refrigeration units, hitches, air
73 line connections, and safety appurtenances.

74 (ii) There is no overall length limitation on a truck tractor and semitrailer combination
75 when the semitrailer length is ~~[48]~~ 53 feet or less.

76 ~~[(iii) A semitrailer that exceeds a length of 48 feet but does not exceed a length of 53
77 feet may operate on a route designated by the department or within one mile of that route.]~~

78 (c) (i) Two trailers coupled together, unladen or with a load, may not exceed an overall
79 length of 61 feet, measured from the front of the first trailer to the rear of the second trailer.

80 (ii) There is no overall length limitation on a truck tractor and double trailer
81 combination when the trailers coupled together measure 61 feet or less.

82 (d) All other combinations of vehicles, unladen or with a load, when coupled together,
83 may not exceed a total length of 65 feet, except the length limitations do not apply to
84 combinations of vehicles operated at night by a public utility when required for emergency
85 repair of public service facilities or properties, or when operated under a permit under Section
86 72-7-406.

87 (5) (a) Subject to Subsection (4), a vehicle or combination of vehicles may not carry
88 any load extending more than three feet beyond the front of the body of the vehicle or more
89 than six feet beyond the rear of the bed or body of the vehicle.

90 (b) A passenger vehicle may not carry any load extending beyond the line of the
91 fenders on the left side of the vehicle nor extending more than six inches beyond the line of the
92 fenders on the right side of the vehicle.

93 (6) Any exception to this section must be authorized by a permit as provided under
94 Section 72-7-406.

95 (7) Any person who violates this section is guilty of a class C misdemeanor.

96 Section 3. Section 72-7-406 is amended to read:

97 **72-7-406. Oversize permits and oversize and overweight permits for vehicles of**
98 **excessive size or weight -- Applications -- Restrictions -- Fees -- Rulemaking provisions --**
99 **Penalty.**

100 (1) (a) The department may, upon receipt of an application and good cause shown,
101 issue in writing an oversize permit or an oversize and overweight permit. The oversize permit
102 or oversize and overweight permit may authorize the applicant to operate or move upon a
103 highway:

104 (i) a vehicle or combination of vehicles, unladen or with a load weighing more than the
105 maximum weight specified in Section 72-7-404 for any wheel, axle, group of axles, or total
106 gross weight; or

107 (ii) a vehicle or combination of vehicles that exceeds the vehicle width, height, or
108 length provisions under Section 72-7-402 or draw-bar length restriction under Subsection
109 72-7-403(1)(a).

110 (b) Except as provided under Subsection (8), the department may not issue an oversize
111 and overweight permit [~~may not be issued~~] under this section to allow the transportation of a
112 load that is reasonably divisible.

113 (c) The department may not authorize a maximum size or weight [~~authorized by a~~]
114 permit under this section [~~shall be within limits that do not~~] that could impair the state's ability
115 to qualify for federal-aid highway funds.

116 (d) The department may deny or issue a permit under this section to protect the safety
117 of the traveling public and to protect highway foundation, surfaces, or structures from undue
118 damage by one or more of the following:

119 (i) limiting the number of trips the vehicle may make;

120 (ii) establishing seasonal or other time limits within which the vehicle may operate or
121 move on the highway indicated;

122 (iii) requiring [~~security~~] insurance in addition to the permit to compensate for any
123 potential damage by the vehicle to any highway; and

124 (iv) otherwise limiting the conditions of operation or movement of the vehicle.

125 (e) Prior to granting a permit under this section, the department shall approve the route

126 of any vehicle or combination of vehicles.

127 (2) An application for a permit under this section shall state:

128 (a) the proposed maximum wheel loads, maximum axle loads, all axle spacings of each
129 vehicle or combination of vehicles;

130 (b) the proposed maximum load size and maximum size of each vehicle or
131 combination of vehicles;

132 (c) the specific roads requested to be used under authority of the permit; and

133 (d) if the permit is requested for a single trip or if other seasonal limits or time limits
134 apply.

135 ~~[(3) Each]~~ (3) (a) The driver of each vehicle requiring an oversize permit or oversize
136 and overweight permit shall [be carried in] ensure that the permit is present in the vehicle or
137 combination of vehicles to which [it] the permit refers and [shall be] available for inspection by
138 any peace officer, special function officer, port of entry agent, or other personnel authorized by
139 the department.

140 (b) A driver may provide proof of an oversize permit or oversize and overweight
141 permit as required in Subsection (3)(a) by showing an electronic copy of the permit.

142 (4) ~~[A]~~ The department may not issue a permit under this section [may not be issued
143 or], and a permit is not valid, unless the vehicle or combination of vehicles is:

144 (a) properly registered for the weight authorized by the permit; or

145 (b) registered for a gross laden weight of 78,001 pounds or over, if the gross laden
146 weight authorized by the permit exceeds 80,000 pounds.

147 (5) (a) (i) ~~[An]~~ The department may issue an oversize permit [may be issued] under
148 this section for a vehicle or combination of vehicles that exceeds one or more of the maximum
149 width, height, or length provisions under Section 72-7-402.

150 (ii) Except for an annual oversize permit for an implement of husbandry under Section
151 72-7-407 or for an annual oversize permit issued under Subsection (5)(a)(iii), the department
152 may issue only a single trip oversize permit [may be issued] for a vehicle or combination of
153 vehicles that is more than 14 feet 6 inches wide, 14 feet high, or 105 feet long.

154 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
155 the department shall make rules for the issuance of an annual oversize permit for a vehicle or
156 combination of vehicles that is more than 14 feet 6 inches wide, 14 feet high, or 105 feet long

157 if the department determines that the permit is needed to accommodate highway transportation
158 needs for multiple trips on a specified route.

159 (b) The fee is \$30 for a single trip oversize permit under this Subsection (5). This
160 permit is valid for not more than 96 continuous hours.

161 (c) The fee is \$75 for a semiannual oversize permit under this Subsection (5). This
162 permit is valid for not more than 180 continuous days.

163 (d) The fee is \$90 for an annual oversize permit under this Subsection (5). This permit
164 is valid for not more than 365 continuous days.

165 (6) (a) [~~An~~] The department may issue an oversize and overweight permit [~~may be~~
166 ~~issued~~] under this section for a vehicle or combination of vehicles carrying a nondivisible load
167 that exceeds one or more of the maximum weight provisions of Section 72-7-404 up to a gross
168 weight of 125,000 pounds.

169 (b) The fee is \$60 for a single trip oversize and overweight permit under this
170 Subsection (6). This permit is valid for not more than 96 continuous hours.

171 (c) A semiannual oversize and overweight permit under this Subsection (6) is valid for
172 not more than 180 continuous days. The fee for this permit is:

173 (i) \$180 for a vehicle or combination of vehicles with gross vehicle weight of more
174 than 80,000 pounds, but not exceeding 84,000 pounds;

175 (ii) \$320 for a vehicle or combination of vehicles with gross vehicle weight of more
176 than 84,000 pounds, but not exceeding 112,000 pounds; and

177 (iii) \$420 for a vehicle or combination of vehicles with gross vehicle weight of more
178 than 112,000 pounds, but not exceeding 125,000 pounds.

179 (d) An annual oversize and overweight permit under this Subsection (6) is valid for not
180 more than 365 continuous days. The fee for this permit is:

181 (i) \$240 for a vehicle or combination of vehicles with gross vehicle weight of more
182 than 80,000 pounds, but not exceeding 84,000 pounds;

183 (ii) \$480 for a vehicle or combination of vehicles with gross vehicle weight of more
184 than 84,000 pounds, but not exceeding 112,000 pounds; and

185 (iii) \$540 for a vehicle or combination of vehicles with gross vehicle weight of more
186 than 112,000 pounds, but not exceeding 125,000 pounds.

187 (7) (a) [~~A~~] The department may issue a single trip oversize and overweight permit

188 ~~[may be issued]~~ under this section for a vehicle or combination of vehicles carrying a
189 nondivisible load that exceeds:

190 (i) one or more of the maximum weight provisions of Section 72-7-404; or

191 (ii) a gross weight of 125,000 pounds.

192 (b) (i) The fee for a single trip oversize and overweight permit under this Subsection
193 (7), which is valid for not more than 96 continuous hours, is \$.012 per mile for each 1,000
194 pounds above 80,000 pounds subject to the rounding described in Subsection (7)(c).

195 (ii) The minimum fee that may be charged under this Subsection (7) is \$80.

196 (iii) The maximum fee that may be charged under this Subsection (7) is \$540.

197 (c) (i) The miles used to calculate the fee under this Subsection (7) shall be rounded up
198 to the nearest 50 mile increment.

199 (ii) The pounds used to calculate the fee under this Subsection (7) shall be rounded up
200 to the nearest 25,000 pound increment.

201 (iii) The department shall round the dollar amount used to calculate the fee under this
202 Subsection (7) ~~[shall be rounded]~~ to the nearest \$10 increment.

203 (8) (a) ~~[An]~~ The department may issue an oversize and overweight permit ~~[may be~~
204 ~~issued]~~ under this section for a vehicle or combination of vehicles carrying a divisible load if:

205 (i) the bridge formula under Subsection 72-7-404(3) is not exceeded; and

206 (ii) the length of the vehicle or combination of vehicles is:

207 (A) more than the limitations specified under Subsections 72-7-402(4)(c) and (d) or
208 Subsection 72-7-403(1)(a) but not exceeding 81 feet in cargo carrying length and the
209 application is for a single trip, semiannual trip, or annual trip permit; or

210 (B) more than 81 feet in cargo carrying length but not exceeding 95 feet in cargo
211 carrying length and the application is for an annual trip permit.

212 (b) The fee is \$60 for a single trip oversize and overweight permit under this
213 Subsection (8). The permit is valid for not more than 96 continuous hours.

214 (c) The fee for a semiannual oversize and overweight permit under this Subsection (8),
215 which permit is valid for not more than 180 continuous days is:

216 (i) \$180 for a vehicle or combination of vehicles with gross vehicle weight of more
217 than 80,000 pounds, but not exceeding 84,000 pounds;

218 (ii) \$320 for a vehicle or combination of vehicles with gross vehicle weight of more

219 than 84,000 pounds, but not exceeding 112,000 pounds; and

220 (iii) \$420 for a vehicle or combination of vehicles with gross vehicle weight of more
221 than 112,000 pounds, but not exceeding 129,000 pounds.

222 (d) The fee for an annual oversize and overweight permit under this Subsection (8),
223 which permit is valid for not more than 365 continuous days is:

224 (i) \$240 for a vehicle or combination of vehicles with gross vehicle weight of more
225 than 80,000 pounds, but not exceeding 84,000 pounds;

226 (ii) \$480 for a vehicle or combination of vehicles with gross vehicle weight of more
227 than 84,000 pounds, but not exceeding 112,000 pounds; and

228 (iii) \$540 for a vehicle or combination of vehicles with gross vehicle weight of more
229 than 112,000 pounds, but not exceeding 129,000 pounds.

230 (9) Permit fees collected under this section shall be credited monthly to the
231 Transportation Fund.

232 (10) The department shall prepare maps, drawings, and instructions as guidance when
233 issuing permits under this section.

234 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
235 the department shall make rules governing the issuance and revocation of all permits under this
236 section and Section 72-7-407.

237 (12) Any person who violates any of the terms or conditions of a permit issued under
238 this section:

239 (a) may have the person's permit revoked; and

240 (b) is guilty of an infraction, except that a violation of any rule made under Subsection
241 (11) is not subject to a criminal penalty.

242 Section 4. Section **72-9-102** is amended to read:

243 **72-9-102. Definitions.**

244 As used in this chapter:

245 (1) (a) "Commercial vehicle" includes:

246 (i) an interstate commercial vehicle; and

247 (ii) an intrastate commercial vehicle.

248 (b) "Commercial vehicle" does not include the following vehicles for purposes of this
249 chapter:

250 (i) equipment owned and operated by the United States Department of Defense when
251 driven by any active duty military personnel and members of the reserves and national guard on
252 active duty including personnel on full-time national guard duty, personnel on part-time
253 training, and national guard military technicians and civilians who are required to wear military
254 uniforms and are subject to the code of military justice;

255 (ii) firefighting and emergency vehicles, operated by emergency personnel, not
256 including commercial tow trucks; [~~and~~]

257 (iii) recreational vehicles that are driven solely as family or personal conveyances for
258 noncommercial purposes[-]; or

259 (iv) vehicles owned by the state or a local government.

260 (2) "Interstate commercial vehicle" means a self-propelled or towed motor vehicle used
261 on a highway in interstate commerce to transport passengers or property if the vehicle:

262 (a) has a gross vehicle weight rating or gross combination weight rating of 10,001 or
263 more pounds;

264 (b) is designed or used to transport more than eight passengers, including the driver, for
265 compensation;

266 (c) is designed or used to transport more than 15 passengers, including the driver, and
267 is not used to transport passengers for compensation; or

268 (d) (i) is used to transport materials designated as hazardous in accordance with 49
269 U.S.C. Sec. 5103; and

270 (ii) is required to be placarded in accordance with regulations under 49 C.F.R., Subtitle
271 B, Chapter I, Subchapter C.

272 (3) " Intrastate commercial vehicle" means a motor vehicle, vehicle, trailer, or
273 semitrailer used or maintained for business, compensation, or profit to transport passengers or
274 property on a highway only within the boundaries of this state if the commercial vehicle:

275 (a) has a manufacturer's gross vehicle weight rating or gross combination weight rating
276 of 10,001 or more pounds;

277 (b) is designed to transport more than 15 passengers, including the driver; or

278 (c) is used in the transportation of hazardous materials and is required to be placarded
279 in accordance with 49 C.F.R. Part 172, Subpart F.

280 (4) "Motor carrier" means a person engaged in or transacting the business of

281 transporting passengers, freight, merchandise, or other property by a commercial vehicle on a
282 highway within this state and includes a tow truck business.

283 (5) "Tow truck" means a motor vehicle constructed, designed, altered, or equipped
284 primarily for the purpose of towing or removing damaged, disabled, abandoned, seized, or
285 impounded vehicles from a highway or other place by means of a crane, hoist, tow bar, tow
286 line, dolly, tilt bed, or other means.

287 (6) "Tow truck service" means the functions and any ancillary operations associated
288 with recovering, removing, and towing a vehicle and its load from a highway or other place by
289 means of a tow truck.

290 (7) "Transportation" means the actual movement of property or passengers by motor
291 vehicle, including loading, unloading, and any ancillary service provided by the motor carrier
292 in connection with movement by motor vehicle, which is performed by or on behalf of the
293 motor carrier, its employees or agents, or under the authority of the motor carrier, its employees
294 or agents, or under the apparent authority and with the knowledge of the motor carrier.

295 Section 5. Section **72-9-103** is amended to read:

296 **72-9-103. Rulemaking -- Motor vehicle liability coverage for certain motor**
297 **carriers -- Adjudicative proceedings.**

298 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
299 department shall make rules:

300 (a) adopting by reference in whole or in part the Federal Motor Carrier Safety
301 Regulations including minimum security requirements for motor carriers;

302 (b) specifying the equipment required to be carried in each tow truck, including limits
303 on loads that may be moved based on equipment capacity and load weight; and

304 [~~(c) specifying collection procedures, in conjunction with the administration and~~
305 ~~enforcement of the safety or security requirements, for the motor carrier fee under Section~~
306 ~~72-9-706; and]~~

307 [~~(d)~~ (c) providing for the necessary administration and enforcement of this chapter.

308 (2) (a) Notwithstanding Subsection (1)(a), the department shall not require a motor
309 carrier to comply with 49 C.F.R. Part 387 Subpart B if the motor carrier is:

310 (i) engaging in or transacting the business of transporting passengers by an intrastate
311 commercial vehicle that has a seating capacity of no more than 30 passengers; and

312 (ii) a licensed child care provider under Section 26-39-401.

313 (b) Policies containing motor vehicle liability coverage for a motor carrier described
314 under Subsection (2)(a) shall require minimum coverage of:

315 (i) \$1,000,000 for a vehicle with a seating capacity of up to 20 passengers; or

316 (ii) \$1,500,000 for a vehicle with a seating capacity of up to 30 passengers.

317 (3) The department shall comply with Title 63G, Chapter 4, Administrative Procedures
318 Act, in its adjudicative proceedings.

319 Section 6. Section **72-9-105** is amended to read:

320 **72-9-105. Information lettered on vehicle -- Exceptions.**

321 (1) Except under Subsection (4), a motor carrier shall have lettered on both sides of any
322 vehicle used for transportation of persons or property[~~-(a)~~] the name of the motor carrier
323 company[~~;~~ and~~(b)~~ the location of domicile by city and state for an intrastate commercial
324 vehicle.].

325 (2) The motor carrier shall ensure that the lettering [~~shall be~~] is free from obstruction
326 and legible from a distance of at least 50 feet.

327 (3) (a) In addition to the lettering required under Subsection (1), the department may
328 require a motor carrier to display an identification number assigned by the department [~~to be~~
329 ~~displayed~~] in accordance with this section.

330 (b) The department may issue an identification number [~~may be used to assist the~~
331 ~~department~~] in conjunction with the [~~U.S.~~] United States Department of Transportation to
332 develop a program to improve motor carrier safety enforcement.

333 (4) An intrastate commercial vehicle primarily used by a farmer for the production of
334 agricultural products is exempt from the provisions of this section.

335 Section 7. Section **72-9-201** is amended to read:

336 **72-9-201. Motor Carrier Advisory Board created -- Appointment -- Terms --**
337 **Meetings -- Per diem and expenses -- Duties.**

338 (1) There is created within the department the Motor Carrier Advisory Board
339 consisting of five members appointed by the governor.

340 (2) Each member of the board shall:

341 (a) represent experience and expertise in the areas of motor carrier transportation,
342 commerce, agriculture, economics, shipping, or highway safety;

343 (b) be selected at large on a nonpartisan basis; and

344 (c) have been a legal resident of the state for at least one year immediately preceding
345 the date of appointment.

346 (3) (a) Except as required by Subsection (3)(b), as terms of current board members
347 expire, the governor shall appoint each new member or reappointed member to a four-year
348 term.

349 (b) The governor shall, at the time of appointment or reappointment, adjust the length
350 of terms to ensure that the terms of board members are staggered so that approximately half of
351 the board is appointed every two years.

352 (c) A member shall serve from the date of appointment until a replacement is
353 appointed.

354 (4) When a vacancy occurs in the membership for any reason, the governor shall
355 appoint the replacement [~~shall be appointed for~~] to serve for the remainder of the unexpired
356 term beginning the day following the [~~expiration of the preceding term.~~] day on which the
357 vacancy occurs.

358 (5) The board shall elect its own chair and vice chair at the first regular meeting of each
359 calendar year.

360 (6) The board shall meet at least [~~quarterly~~] twice per year or as needed when called by
361 the chair.

362 (7) Any three voting members constitute a quorum for the transaction of business that
363 comes before the board.

364 (8) A member may not receive compensation or benefits for the member's service, but
365 may receive per diem and travel expenses in accordance with:

366 (a) Section 63A-3-106;

367 (b) Section 63A-3-107; and

368 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
369 63A-3-107.

370 (9) The board shall advise the department and the commission on interpretation,
371 adoption, and implementation of this chapter and other motor carrier related issues.

372 (10) The department shall provide staff support to the board.

373 Section 8. **Repealer.**

374 This bill repeals:

375 Section **72-9-706, Motor carrier fee for certain vehicles -- Collection.**