

? Approved for Filing: DSL ?

? 01-03-01 2:44 PM ?

VEHICLE SUSPENSION LIFT LAWS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: DeMar Bud Bowman

This act modifies the Motor Vehicle Code by amending motor vehicle frame height requirements and related provisions.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

41-6-148.29, as enacted by Chapter 128, Laws of Utah 1987

41-6-148.31, as last amended by Chapter 1, Laws of Utah 1992

41-6-148.32, as last amended by Chapter 10, Laws of Utah 1989

41-6-148.33, as enacted by Chapter 128, Laws of Utah 1987

41-6-150.10, as last amended by Chapter 73, Laws of Utah 2000

53-1-108, as enacted by Chapter 234, Laws of Utah 1993

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

Section 1. Section **41-6-148.29** is amended to read:

41-6-148.29. Vehicles subject to Sections 41-6-148.29 through 41-6-148.33 --

Definitions.

(1) Sections 41-6-148.29 through 41-6-148.33 apply to all motor vehicles with an original manufacturer's gross vehicle weight rating of [~~10,000~~] 15,000 pounds or less operated or parked on a highway within the state.

(2) As used in Sections 41-6-148.29 through 41-6-148.33:

(a) "Commissioner" means the commissioner of the Department of Public Safety.

(b) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest longitudinal structural member of the body of the vehicle.

(c) "Frame height" means the vertical distance between the ground and the lowest point

28 on the frame. The distance is measured [~~from the ground to the lowest point on the frame where~~
29 ~~the front bumper is normally attached;~~] when the vehicle is unladen and on a level surface.

30 (d) "Gross vehicle weight rating (GVWR)" means the original manufacturer's gross vehicle
31 weight rating, whether or not the vehicle is modified by use of parts not originally installed by the
32 original manufacturer.

33 (e) "Manufacturer" means any person engaged in manufacturing or assembling new motor
34 vehicles utilizing new parts or components, or a person defined as a manufacturer in current
35 applicable Federal Motor Vehicle Safety Standards (FMVSS).

36 (f) "Mechanical alteration" or "mechanical lift" means modification or alteration of the
37 axles, chassis, suspension, or body by any means, including tires and wheels, and excluding any
38 load, which affects the frame height of the motor vehicle.

39 (g) "O.E.M." means original equipment manufacturer.

40 (h) "Original equipment" means an item of motor vehicle equipment, including tires,
41 which were installed in or on a motor vehicle or available as an option for the particular vehicle
42 from the original manufacturer at the time of its delivery to the first purchaser.

43 [~~(i) "Original manufacturer's height" means the highest distance, inclusive of the largest~~
44 ~~tires, and highest suspension available as standard or optional equipment for the particular vehicle~~
45 ~~from the original manufacturer.~~]

46 [~~(j) "Reconstructed motor vehicle" means any motor vehicle constructed or assembled~~
47 ~~principally with used parts or components.~~]

48 [~~(k) "Wheel base" means the shortest distance between the center of the front axle and the~~
49 ~~center of the rear axle.~~]

50 [(~~†~~) (i) "Wheel track" means the shortest distance between the center of the tire treads on
51 the same axle. On vehicles having dissimilar axle widths, the axle with the widest distance is used
52 for all calculations.

53 (3) The provisions of Sections 41-6-148.29 through 41-6-148.33 do not apply to the
54 following vehicles:

- 55 (a) implements of husbandry;
- 56 (b) farm tractors;
- 57 (c) road machinery;
- 58 (d) road rollers; and

59 (e) historical vehicles or horseless carriages that have been restored as near to original
60 condition as is reasonably possible.

61 Section 2. Section **41-6-148.31** is amended to read:

62 **41-6-148.31. Standards applicable to vehicles.**

63 (1) The following standards apply to vehicles under Sections 41-6-148.29 through
64 41-6-148.33:

65 [~~(a) Fractions shall be excluded in all measurements and calculations.~~]

66 [~~(b) Due to slight variances in production tolerances, violations are in excess of one inch
67 beyond the limits set by this section.~~]

68 [~~(c) (i) Maximum heights are measured from a level surface to the bottom of the frame
69 where the front bumper is attached by the original manufacturer.~~]

70 [~~(ii) The distance of the original manufacturer's height is measured with the vehicle
71 unladen and resting on a level surface or at any other location determined by the commissioner.~~]

72 [~~(iii) The appropriate method of measurement among the following shall be used:~~]

73 [~~(A) from the ground to the lowest edge of the center line of the operator's door;~~]

74 [~~(B) from the ground to the lowest point where that door would meet the body on vehicles
75 without doors; or]~~

76 [~~(C) from the ground to the lowest point on the floor panel directly below the operator's
77 position on vehicles designed without doors.~~]

78 [~~(iv) The commissioner shall periodically provide rules specifying approved maximum
79 altered heights.~~]

80 [~~(d)~~] (a) All replacement parts and equipment used in a mechanical alteration shall be
81 designed and capable of performing the function for which they are intended and shall be equal
82 to or greater in strength and durability than the original parts provided by the original
83 manufacturer.

84 [~~(e) The lowest portion of the body floor shall be not more than two inches above the top
85 of the frame.~~]

86 [~~(f) The~~] (b) Except for original equipment, the use of spacers to increase wheel track
87 width of any vehicle is prohibited.

88 [~~(g)~~] (c) The use of axle blocks to alter the suspension on the front axle of any vehicle is
89 prohibited.

90 (d) The stacking of two or more axle blocks of any vehicle is prohibited.

91 (2) (a) In doubtful or unusual cases, or to meet specific industrial requirements, personnel
92 of the Utah Highway Patrol shall inspect the vehicle to determine the road worthiness and safe
93 condition of the vehicle and whether it complies with Sections 41-6-148.29 through 41-6-148.33.

94 (b) If the vehicle complies, the Utah Highway Patrol shall issue a permit of approval that
95 shall be carried in the vehicle.

96 (3) (a) Upon notice to the party to whom the motor vehicle is registered, the Department
97 of Public Safety shall suspend the registration of any motor vehicle equipped, altered, or modified
98 in violation of Sections 41-6-148.29 through 41-6-148.33.

99 (b) The Motor Vehicle Division shall, under Subsection 41-1a-109(1)(e) or (2), refuse to
100 register any motor vehicle it has reason to believe is equipped, altered, or modified in violation of
101 Sections 41-6-148.29 through 41-6-148.33.

102 Section 3. Section **41-6-148.32** is amended to read:

103 **41-6-148.32. Prohibitions.**

104 (1) A person may not operate on any highway within the state a motor vehicle that is
105 mechanically altered or changed [~~and weighs~~]:

106 [~~(a) less than 6,000 pounds unladen, if the vertical distance between the highway surface
107 and the vehicle chassis and suspension components, other than the wheels, is less than one inch
108 above the vertical distance between the highway surface and the lowest portion of the rim of any
109 wheel in contact with the highway;~~]

110 [~~(b) 6,000 pounds or more unladen, if the lowest part of the body or chassis is closer to the
111 ground than it was when the vehicle was manufactured by the O.E.M., or the distance between the
112 ground and the bottom of the vehicle frame where the front bumper is normally attached is less
113 than that distance was at the time the vehicle was manufactured.]~~]

114 [~~(2) (a) A motor vehicle may not be altered or modified]~~

115 (a) in any way that may cause the vehicle body or chassis to come in contact with the
116 roadway, expose the fuel tank to damage from collision, or cause the wheels to come in contact
117 with the body under normal operation[-];

118 (b) [~~No part of the original braking, steering, or suspension system may be altered,
119 modified, disconnected, or changed]~~ in any manner that may impair the safe operation of the
120 vehicle[-];

121 (c) so that any part of the vehicle other than tires, rims, and mudguards are less than one
122 inch above the ground;

123 (d) to a frame height of more than 24 inches for a motor vehicle with a gross vehicle
124 weight rating of less than 4,500 pounds;

125 (e) to a frame height of more than 26 inches for a motor vehicle with a gross vehicle
126 weight rating of at least 4,500 pounds and less than 7,500 pounds;

127 (f) to a frame height of more than 28 inches for a motor vehicle with a gross vehicle weight
128 rating of at least 7,500 pounds;

129 (g) by stacking or attaching vehicle frames (one from on top of or beneath another frame);
130 or

131 (h) so that the lowest portion of the body floor is raised more than four inches above the
132 top of the frame.

133 ~~[(3) The] (2) If the wheel track [may be] is increased [by use of tires and rims for a~~
134 ~~maximum total increase of six inches] beyond the O.E.M. specification, [provided] the top 50%~~
135 ~~of the tires [are] shall be covered by the original fenders, by rubber, or other flexible fender~~
136 ~~extenders under any loading condition.~~

137 ~~[(4) Any motor vehicle having a wheel base greater than 100 inches may increase the~~
138 ~~O.E.M. height by use of a mechanical lift up to four inches. The largest tire size available from~~
139 ~~the O.E.M. as standard or optional equipment for the particular motor vehicle may also be~~
140 ~~increased up to four inches. The maximum combined mechanical and tire lift is eight inches above~~
141 ~~O.E.M. height.]~~

142 ~~[(5) (a) The maximum combined lift for motor vehicles with a wheel base of 100 inches~~
143 ~~or less shall be calculated by multiplying the O.E.M. wheel base times the O.E.M. wheel track.~~
144 ~~The product divided by a safety factor of 2,200 equals the maximum mechanical lift allowed.]~~

145 ~~[(b) For example: 92 inches w/b multiplied by 58 inches w/t equals 5,336 divided by 2,200~~
146 ~~equals 2 inches maximum mechanical lift. The largest tire size available from the O.E.M. as~~
147 ~~standard or optional equipment for a particular motor vehicle may be increased, but not to exceed~~
148 ~~the maximum mechanical lift calculated under this subsection.]~~

149 ~~[(6) (a) Reconstructed motor vehicles are limited to the maximum combined lift allowed~~
150 ~~for the particular chassis used in accordance with the applicable provisions of this subsection.]~~

151 ~~[(b) For example: a 1985 Ford Bronco having a 105-inch wheel base is allowed a~~

152 ~~maximum combined lift of eight inches above the O.E.M. height. Accordingly, the lower edge~~
153 ~~of the door, door edge line, or floor panel, as defined in this part, of any unladen body mounted~~
154 ~~on the chassis may not exceed 27 inches above the level surface upon which the vehicle rests.]~~

155 ~~[(7) Any vehicle measured to determine compliance with this section shall be on a level~~
156 ~~surface.]~~

157 ~~[(8) This section does not apply to motor vehicles weighing more than 26,000 pounds~~
158 ~~gross registered vehicle weight that are subject to state or federal motor carrier laws, rules, or~~
159 ~~regulations.]~~

160 (3) A person who violates the provisions of this section is guilty of a class C misdemeanor.

161 Section 4. Section **41-6-148.33** is amended to read:

162 **41-6-148.33. Bumpers.**

163 (1) Every motor vehicle shall be equipped with a bumper on both front and rear of the
164 vehicle, except those that were not originally designed or manufactured with a bumper or bumpers.

165 (2) (a) On all motor vehicles under [~~40,000~~] 15,000 GVWR, bumpers shall be:

166 (i) at least 4.5 inches in vertical height[;];

167 (ii) centered on the vehicle's center line[;]; and

168 (iii) extend no less than the width of the respective wheel track distance.

169 (b) Bumpers shall be securely mounted, horizontal load bearing, and attached to the
170 vehicle's frame to effectively transfer impact when engaged.

171 (3) When any motor vehicle is originally or later equipped with bumpers, the bumpers
172 shall be maintained in operational condition and shall comply with this [~~subsection~~] section.

173 Section 5. Section **41-6-150.10** is amended to read:

174 **41-6-150.10. Mudguards or flaps at rear wheels of trucks, trailers, truck tractors,**
175 **or altered motor vehicles -- Exemptions.**

176 (1) The definitions in Section 41-6-148.29 apply to this section.

177 (2) (a) Except as provided in Subsections (3) and (4), when operated on a highway, [~~a~~
178 ~~motor vehicle~~] the following vehicles shall be equipped with wheel covers, mudguards, flaps, or
179 splash aprons behind the rearmost wheels to prevent, as far as practicable, the wheels from
180 throwing dirt, water, or other materials on other vehicles:

181 (i) a vehicle that has been altered;

182 (A) from the original manufacturer's frame height; or

183 (B) in any other manner so that the motor vehicle's wheels may throw dirt, water, or other
184 materials on other vehicles;

185 (ii) any truck with a gross vehicle weight rating of 10,500 pounds or more;

186 (iii) any truck tractor; and

187 (iv) any trailer or semitrailer with an unladen weight of 750 pounds or more [~~shall be~~
188 ~~equipped with wheel covers, mudguards, flaps, or splash aprons behind the rearmost wheels to~~
189 ~~prevent, as far as practicable, the wheels from throwing dirt, water, or other materials on other~~
190 ~~vehicles~~].

191 (b) The wheel covers, mudguards, flaps, or splash aprons shall:

192 (i) be at least as wide as the tires they are protecting;

193 (ii) be directly in line with the tires; and

194 (iii) have a ground clearance of not more than 50% of the diameter of a rear-axle wheel,
195 under any conditions of loading of the motor vehicle.

196 (3) Wheel covers, mudguards, flaps, or splash aprons are not required if the motor vehicle,
197 trailer, or semitrailer is designed and constructed so that the requirements of Subsection (1) are
198 accomplished by means of fenders, body construction, or other means of enclosure.

199 (4) Wheel covers, mudguards, flaps, or splash aprons are not required on a vehicle
200 operated or driven during fair weather on well-maintained, hard-surfaced roads if the motor
201 vehicle:

202 (a) was made in America prior to 1935;

203 (b) is registered as a vintage vehicle; or

204 (c) is a replica vehicle as defined under Section 41-6-155.5.

205 (5) Except as provided in Subsection (4), rear wheels not covered at the top by fenders,
206 bodies, or other parts of the vehicle shall be covered at the top by protective means extending
207 rearward at least to the center line of the rearmost axle.

208 Section 6. Section **53-1-108** is amended to read:

209 **53-1-108. Commissioner's powers and duties.**

210 (1) In addition to the responsibilities contained in this title, the commissioner shall:

211 (a) administer and enforce this title and Title 41, Chapter 12a, Financial Responsibility of
212 Motor Vehicle Owners and Operators Act;

213 (b) appoint deputies, inspectors, examiners, clerical workers, and other employees as

214 required to properly discharge the duties of the department;

215 (c) make rules:

216 (i) governing emergency use of signal lights on private vehicles; and

217 (ii) allowing privately owned vehicles to be designated for part-time emergency use, as

218 provided in Section 41-6-1.5; ~~and~~

219 ~~[(iii) specifying approved maximum altered heights for vehicles, as required by Section~~

220 ~~41-6-148.31;]~~

221 (d) set standards for safety belt systems, as required by Section 41-6-182;

222 (e) serve as the chairman of the Disaster Emergency Advisory Council, as required by

223 Section 63-5-4; and

224 (f) designate vehicles as "authorized emergency vehicles," as required by Section 41-6-1.

225 (2) The commissioner may:

226 (a) subject to the approval of the governor, establish division headquarters at various

227 places in the state;

228 (b) issue to a special agent a certificate of authority to act as a peace officer and revoke that

229 authority for cause, as authorized in Section 56-1-21.5;

230 (c) create specialized units within the commissioner's office for conducting internal affairs

231 and aircraft operations as necessary to protect the public safety;

232 (d) cooperate with any recognized agency in the education of the public in safety and crime

233 prevention and participate in public or private partnerships, subject to Subsection (3);

234 (e) cooperate in applying for and distributing highway safety program funds; and

235 (f) receive and distribute federal funding to further the objectives of highway safety in

236 compliance with the Federal Assistance Management Program Act.

237 (3) (a) Money may not be expended under Subsection (2)(d) for public safety education

238 unless it is specifically appropriated by the Legislature for that purpose.

239 (b) Any recognized agency receiving state money for public safety shall file with the

240 auditor of the state an itemized statement of all its receipts and expenditures.

Legislative Review Note
as of 12-12-00 3:18 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel