

72-7-301 Liability for damage to highway, highway equipment, or highway sign -- Liability for damage to highway from illegal operation of oversize or overweight vehicles -- Recovery.

- (1) A person who by any means willfully or negligently injures or damages any highway, highway equipment, or highway sign is liable for the damage.
- (2) A person who operates or moves any vehicle or object on any highway is liable for all damage that the highway sustains from:
 - (a) any illegal operation or movement of a vehicle or object; and
 - (b) any vehicle or object that exceeds the maximum size, weight, or load limitations specified by law, with or without authority of an oversize or overweight permit.
- (3)
 - (a) Except under Subsection (3)(b), if the operator is not the owner of the vehicle or object but is operating or moving the vehicle or object with the express or implied permission of the owner, the owner and operator are jointly and severally liable under Subsection (2) for any damage caused to a highway by the operation or movement of the vehicle or object.
 - (b) An operator who is not the owner of the vehicle or object and who under an express or implied condition of his employment or any privilege related to his employment is required to operate or move a vehicle or object in violation of Part 4, Vehicle Size, Weight, and Load Limitations, is not liable for any damage caused to a highway by the illegal operation or movement of the vehicle or object.
- (4) The value of the property damaged may be recovered in a civil action brought by the highway authority having jurisdiction over the property damaged.

Renumbered and Amended by Chapter 270, 1998 General Session