

**72-9-501 Construction, operation, and maintenance of ports-of-entry by the department --
Function of ports-of-entry -- Checking and citation powers of port-of-entry agents.**

- (1)
- (a) The department shall construct ports-of-entry for the purpose of checking motor carriers, drivers, vehicles, and vehicle loads for compliance with state and federal laws including laws relating to:
 - (i) driver qualifications;
 - (ii) Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act;
 - (iii) vehicle registration;
 - (iv) fuel tax payment;
 - (v) vehicle size, weight, and load;
 - (vi) security or insurance;
 - (vii) this chapter;
 - (viii) hazardous material as defined under 49 U.S.C. 5102;
 - (ix) livestock transportation; and
 - (x) safety.
 - (b) The ports-of-entry shall be located on state highways at sites determined by the department.
- (2)
- (a) The ports-of-entry shall be operated and maintained by the department.
 - (b) A port-of-entry agent or a peace officer may check, inspect, or test drivers, vehicles, and vehicle loads for compliance with state and federal laws specified in Subsection (1).
- (3)
- (a) A port-of-entry agent or a peace officer, in whose presence an offense described in this section is committed, may:
 - (i) issue and deliver a misdemeanor or infraction citation under Section 77-7-18;
 - (ii) request and administer chemical tests to determine blood alcohol concentration in compliance with Section 41-6a-515;
 - (iii) place a driver out-of-service in accordance with Section 53-3-417; and
 - (iv) serve a driver with notice of the Driver License Division of the Department of Public Safety's intention to disqualify the driver's privilege to drive a commercial motor vehicle in accordance with Section 53-3-418.
 - (b) This section does not grant actual arrest powers as defined in Section 77-7-1 to a port-of-entry agent who is not a peace officer or special function officer designated under Title 53, Chapter 13, Peace Officer Classifications.
- (4)
- (a) A port-of-entry agent, a peace officer, or the Division of Wildlife Resources may inspect, detain, or quarantine a conveyance or equipment in accordance with Sections 23-27-301 and 23-27-302.
 - (b) The department is not responsible for decontaminating a conveyance or equipment detained or quarantined.
 - (c) The Division of Wildlife Resources may decontaminate, as defined in Section 23-27-102, a conveyance or equipment at the port-of-entry if authorized by the department.

Amended by Chapter 284, 2008 General Session