

**TRANSPORTATION - OVERSIZE AND
OVERWEIGHT PERMIT**

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kerry W. Gibson

Senate Sponsor: Darin G. Peterson

LONG TITLE

General Description:

This bill modifies the Transportation Code by amending provisions related to oversize and overweight permits.

Highlighted Provisions:

This bill:

- ▶ provides that an annual trip permit may be issued to a vehicle or a combination of vehicles exceeding certain dimensions;
- ▶ requires the department to make rules for the issuance of an annual trip permit that exceeds certain dimensions if the department determines that an annual trip permit is needed to accommodate highway transportation needs for multiple trips on a specified route; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-7-406, as last amended by Chapter 252, Laws of Utah 2001



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

Section 1. Section **72-7-406** is amended to read:

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

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

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

(ii) a vehicle or combination of vehicles that exceeds the vehicle width, height, or length provisions under Section 72-7-402.

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

(c) The maximum size or weight authorized by a permit under this section shall be within limits that do not impair the state's ability to qualify for federal-aid highway funds.

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

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

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

(iii) requiring security in addition to the permit to compensate for any potential damage by the vehicle to any highway; and

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

(e) Prior to granting a permit under this section, the department shall approve the route of any vehicle or combination of vehicles.

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

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

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

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

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

66 (3) Each oversize permit or oversize and overweight permit shall be carried in the
67 vehicle or combination of vehicles to which it refers and shall be available for inspection by
68 any peace officer, special function officer, port of entry agent, or other personnel authorized by
69 the department.

70 (4) A permit under this section may not be issued or is not valid unless the vehicle or
71 combination of vehicles is:

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

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

75 (5) (a) (i) An oversize permit may be issued under this section for a vehicle or
76 combination of vehicles that exceeds one or more of the maximum width, height, or length
77 provisions under Section 72-7-402.

78 (ii) Except for an annual oversize permit for an implement of husbandry under Section
79 72-7-407 or for an annual oversize permit issued under Subsection (5)(a)(iii), only a single trip
80 oversize permit may be issued for a vehicle or combination of vehicles that is more than 14 feet
81 [~~six~~] 6 inches wide, 14 feet high, or 105 feet long.

82 (iii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
83 the department shall makes rules for the issuance of an annual oversize permit for a vehicle or
84 combination of vehicles that is more than 14 feet 6 inches wide, 14 feet high, or 105 feet long
85 if the department determines that the permit is needed to accommodate highway transportation
86 needs for multiple trips on a specified route.

87 (b) The fee is \$25 for a single trip oversize permit under this Subsection (5). This
88 permit is valid for not more than 96 continuous hours.

89 (c) The fee is \$60 for a semiannual oversize permit under this Subsection (5). This

90 permit is valid for not more than 180 continuous days.

91 (d) The fee is \$75 for an annual oversize permit under this Subsection (5). This permit
92 is valid for not more than 365 continuous days.

93 (6) (a) An oversize and overweight permit may be issued under this section for a
94 vehicle or combination of vehicles carrying a nondivisible load that exceeds one or more of the
95 maximum weight provisions of Section 72-7-404 by not more than 25%, except that the gross
96 weight may not exceed 125,000 pounds.

97 (b) The fee is \$50 for a single trip oversize and overweight permit under this
98 Subsection (6). This permit is valid for not more than 96 continuous hours.

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

101 (i) \$150 for a vehicle or combination of vehicles with gross vehicle weight of more
102 than 80,000 pounds, but not exceeding 84,000 pounds;

103 (ii) \$260 for a vehicle or combination of vehicles with gross vehicle weight of more
104 than 84,000 pounds, but not exceeding 112,000 pounds; and

105 (iii) \$350 for a vehicle or combination of vehicles with gross vehicle weight of more
106 than 112,000 pounds, but not exceeding 125,000 pounds.

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

109 (i) \$200 for a vehicle or combination of vehicles with gross vehicle weight of more
110 than 80,000 pounds, but not exceeding 84,000 pounds;

111 (ii) \$400 for a vehicle or combination of vehicles with gross vehicle weight of more
112 than 84,000 pounds, but not exceeding 112,000 pounds; and

113 (iii) \$450 for a vehicle or combination of vehicles with gross vehicle weight of more
114 than 112,000 pounds, but not exceeding 125,000 pounds.

115 (7) (a) A single trip oversize and overweight permit may be issued under this section
116 for a vehicle or combination of vehicles carrying a nondivisible load that exceeds one or more
117 of the maximum weight provisions of Section 72-7-404 by more than 25% or that exceeds a
118 gross weight of 125,000 pounds.

119 (b) (i) The fee for a single trip oversize and overweight permit under this Subsection
120 (7), which is valid for not more than 96 continuous hours, is \$.01 per mile for each 1,000

- 121 pounds above 80,000 pounds subject to the rounding described in Subsection (7)(c).
- 122 (ii) The minimum fee that may be charged under this Subsection (7) is \$65.
- 123 (iii) The maximum fee that may be charged under this Subsection (7) is \$450.
- 124 (c) (i) The miles used to calculate the fee under this Subsection (7) shall be rounded up
- 125 to the nearest 50 mile increment.
- 126 (ii) The pounds used to calculate the fee under this Subsection (7) shall be rounded up
- 127 to the nearest 25,000 pound increment.
- 128 (8) (a) An oversize and overweight permit may be issued under this section for a
- 129 vehicle or combination of vehicles carrying a divisible load if:
- 130 (i) the bridge formula under Subsection 72-7-404(3) is not exceeded; and
- 131 (ii) the length of the vehicle or combination of vehicles is:
- 132 (A) more than the limitations specified under Subsections 72-7-402(4)(c) and (d) but
- 133 not exceeding 81 feet in cargo carrying length and the application is for a single trip,
- 134 semiannual trip, or annual trip permit; or
- 135 (B) more than 81 feet in cargo carrying length but not exceeding 95 feet in cargo
- 136 carrying length and the application is for an annual trip permit.
- 137 (b) The fee is \$50 for a single trip oversize and overweight permit under this
- 138 Subsection (8). The permit is valid for not more than 96 continuous hours.
- 139 (c) The fee for a semiannual oversize and overweight permit under this Subsection (8),
- 140 which permit is valid for not more than 180 continuous days is:
- 141 (i) \$150 for a vehicle or combination of vehicles with gross vehicle weight of more
- 142 than 80,000 pounds, but not exceeding 84,000 pounds;
- 143 (ii) \$260 for a vehicle or combination of vehicles with gross vehicle weight of more
- 144 than 84,000 pounds, but not exceeding 112,000 pounds; and
- 145 (iii) \$350 for a vehicle or combination of vehicles with gross vehicle weight of more
- 146 than 112,000 pounds, but not exceeding 129,000 pounds.
- 147 (d) The fee for an annual oversize and overweight permit under this Subsection (8),
- 148 which permit is valid for not more than 365 continuous days is:
- 149 (i) \$200 for a vehicle or combination of vehicles with gross vehicle weight of more
- 150 than 80,000 pounds, but not exceeding 84,000 pounds;
- 151 (ii) \$400 for a vehicle or combination of vehicles with gross vehicle weight of more

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

153 (iii) \$450 for a vehicle or combination of vehicles with gross vehicle weight of more
154 than 112,000 pounds, but not exceeding 129,000 pounds.

155 (9) Permits under Subsections (7) and (8) may be issued only upon authorization of the
156 commission.

157 (10) Permit fees collected under this section shall be credited monthly to the
158 Transportation Fund.

159 (11) The department shall prepare maps, drawings, and instructions as guidance when
160 issuing permits under this section.

161 (12) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
162 the department shall make rules governing the issuance and revocation of all permits under this
163 section and Section 72-7-407.

164 (13) Any person who violates any of the terms or conditions of a permit issued under
165 this section:

166 (a) may have his permit revoked; and

167 (b) is guilty of a class B misdemeanor.

Legislative Review Note
as of 1-4-06 5:29 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel