

1 **COMMERCIAL MOTOR VEHICLE AMENDMENTS**

2 2009 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Todd E. Kiser**

5 Senate Sponsor: Kevin T. Van Tassell

7 **LONG TITLE**

8 **Committee Note:**

9 The Transportation Interim Committee recommended this bill.

10 **General Description:**

11 This bill modifies the **§→ Public Safety Code and ←§** Transportation Code by amending
11a provisions relating to
12 commercial motor vehicles.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ provides definitions;

15a **§→ ▶ provides that a commercial motor vehicle with a gross vehicle weight rating over**
15b **26,000 pounds is exempt from a safety inspection if the vehicle has an apportioned registration**
15c **and a valid annual federal inspection;**

15d ▶ **provides that a trailer, semitrailer, or trailering equipment attached to a certain**
15e **commercial motor vehicle is exempt from a safety inspection if the vehicle has a valid annual**
15f **federal inspection;**

15g ▶ **provides that a motor vehicle with a gross vehicle weight rating of**
15h **10,001 pounds or more is required to pass an annual safety inspection; ←§**

16 ▶ requires a motor carrier to have lettered on both sides of a vehicle the location of
17 domicile by city and state only if the vehicle is an intrastate commercial vehicle;

18 ▶ provides that a vehicle is exempt from the motor carrier lettering and identification
19 number display requirements only if the vehicle is an intrastate commercial motor
20 vehicle used by a farmer for the production of agricultural products;



- 21 ▶ provides that an operator of a farm vehicle or combination of farm vehicles is
22 exempt from certain requirements for physical qualifications, medical examinations,
23 and medical certification only if the farm vehicle or combination of farm vehicles
24 being operated are:
- 25 • under 26,001 pounds gross vehicle weight rating;
 - 26 • controlled and driven by a farmer to transport agricultural products, farm
27 machinery, or farm supplies to a farm within 150 miles of the farmer's farm and

28 not as a motor carrier for hire; and

29 • not operated as an interstate commercial vehicle;

30 ▶ grants the Utah Highway Patrol and other law enforcement agencies certified by the

31 department authority to conduct inspections as needed to enforce state and federal

32 laws related to the operation of a motor carrier; and

33 ▶ makes technical changes.

34 **Monies Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

39a **§→ 53-8-205, as last amended by Laws of Utah 2008, Chapters 36 and 210 ←§**

40 **72-9-102**, as last amended by Laws of Utah 2003, Chapter 222

41 **72-9-105**, as last amended by Laws of Utah 1998, Chapter 13 and renumbered and

42 amended by Laws of Utah 1998, Chapter 270

43 **72-9-107**, as enacted by Laws of Utah 2000, Chapter 150

44 **72-9-301**, as renumbered and amended by Laws of Utah 1998, Chapter 270

45

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

46a **§→ Section 1. Section 53-8-205 is amended to read:**

46b **53-8-205. Safety inspection required -- Frequency of safety inspection -- Safety**
46c **inspection certificate required -- Out-of-state permits.**

46d **(1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway**
46e **a motor vehicle required to be registered in this state unless the motor vehicle has passed a**
46f **safety inspection.**

46g **(b) Subsection (1)(a) does not apply to:**

46h **(i) a vehicle that is exempt from registration under Section 41-1a-205;**

46i **(ii) an off-highway vehicle, unless the off-highway vehicle is being registered as a**
46j **street-legal all-terrain vehicle in accordance with Section 41-6a-1509; {and}**

46k **(iii) a vintage vehicle as defined in Section 41-21-1 { } ;**

46l **(iv) a commercial vehicle with a gross vehicle weight rating over 26,000 pounds that:**

46m **(A) is operating with an apportioned registration under Section 41-1a-301; and**

46n **(B) has a valid annual federal inspection that complies with the requirements of 49 ←§**

46o **§→ C.F.R. 396.17; and**

46p **(v) a trailer, semitrailer, or trailering equipment attached to a commercial motor**
 46q **vehicle described in Subsection (1)(a)(iv) that has a valid annual federal inspection that**
 46r **complies with the requirements of 49 C.F.R. 396.17.**

46s **(2) Except as provided in Subsection (3), the frequency of the safety inspection shall be**
 46t **determined based on the age of the vehicle determined by model year and shall:**

46u **(a) be required each year for a vehicle that is eight or more years old on January 1; or**

46v **(b) every two years for each vehicle that is less than eight years old on January 1 as**

46w **follows:**

46x **(i) in odd-numbered years for a vehicle with an odd-numbered model year; and**

46y **(ii) in even-numbered years for a vehicle with an even-numbered model year;**

46z **(c) be made by a safety inspector certified by the division at a safety inspection station**

46aa **authorized by the division;**

46ab **(d) cover an inspection of the motor vehicle mechanism, brakes, and equipment to**
 46ac **ensure proper adjustment and condition as required by department rules; and**

46ad **(e) include an inspection for the display of license plates in accordance with Section**
 46ae **41-1a-404.**

46af **(3) (a) (i) A salvage vehicle as defined in Section 41-1a-1001 is required to pass a**
 46ag **safety inspection when an application is made for initial registration as a salvage vehicle.**

46ah **~~(b)~~ (ii) After initial registration as a salvage vehicle, the frequency of the**
 46ai **safety inspection shall correspond with the model year, as provided in Subsection (2).**

46aj **(b) A motor vehicle with a gross vehicle weight rating of 10,001 pounds or**
 46ak **more is required to pass a safety inspection annually.**

46al **(4) A safety inspection station shall issue a safety inspection certificate to the owner of:**

46am **(a) each motor vehicle that passes a safety inspection under this section; and**

46an **(b) a street-legal all-terrain vehicle that meets all the equipment requirements in**
 46ao **Section 41-6a-1509.**

46ap **(5) The division may:**

46aq **(a) authorize the acceptance in this state of a safety inspection certificate issued in**
 46ar **another state having a safety inspection law similar to this state; and**

46as **(b) extend the time within which a safety inspection certificate must be obtained by the**
 46at **resident owner of a vehicle that was not in this state during the time a safety inspection was**
 46au **required. ←§**

47 Section **§→ [†] 2 ←§** . Section **72-9-102** is amended to read:

48 **72-9-102. Definitions.**

49 As used in this chapter:

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

51 (i) an interstate commercial vehicle; and

52 (ii) an intrastate commercial vehicle.

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

55 (i) equipment owned and operated by the United States Department of Defense when
56 driven by any active duty military personnel and members of the reserves and national guard on
57 active duty including personnel on full-time national guard duty, personnel on part-time
58 training, and national guard military technicians and civilians who are required to wear military

59 uniforms and are subject to the code of military justice;

60 (ii) firefighting and emergency vehicles, operated by emergency personnel, not
61 including commercial tow trucks; and

62 (iii) recreational vehicles that are driven solely as family or personal conveyances for
63 noncommercial purposes.

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

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

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

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

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

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

76 ~~[(+)(a)]~~ (3) "[Commercial] Intrastate commercial vehicle" means a motor vehicle,
77 vehicle, trailer, or semitrailer used or maintained for business, compensation, or profit to
78 transport passengers or property on a highway only within the boundaries of this state if the
79 commercial vehicle:

80 ~~[(+)]~~ (a) has a manufacturer's gross vehicle weight rating or gross combination weight
81 rating of 10,001 or more pounds;

82 ~~[(+)]~~ (b) is designed to transport more than 15 passengers, including the driver; or

83 ~~[(+)]~~ (c) is used in the transportation of hazardous materials and is required to be
84 placarded in accordance with 49 C.F.R. Part 172, Subpart F.

85 ~~[(b)]~~ The following vehicles are not considered a commercial vehicle for purposes of
86 this chapter:

87 ~~[(i)]~~ equipment owned and operated by the United States Department of Defense when
88 driven by any active duty military personnel and members of the reserves and national guard on
89 active duty including personnel on full-time national guard duty, personnel on part-time

90 ~~training, and national guard military technicians and civilians who are required to wear military~~
 91 ~~uniforms and are subject to the code of military justice;]~~

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

94 ~~[(iii) recreational vehicles that are driven solely as family or personal conveyances for~~
 95 ~~noncommercial purposes.]~~

96 ~~[(2)]~~ (4) "Motor carrier" means a person engaged in or transacting the business of
 97 transporting passengers, freight, merchandise, or other property by a commercial vehicle on a
 98 highway within this state and includes a tow truck business.

99 ~~[(3)]~~ (5) "Tow truck" means a motor vehicle constructed, designed, altered, or
 100 equipped primarily for the purpose of towing or removing damaged, disabled, abandoned,
 101 seized, or impounded vehicles from a highway or other place by means of a crane, hoist, tow
 102 bar, tow line, dolly, tilt bed, or other means.

103 ~~[(4)]~~ (6) "Tow truck service" means the functions and any ancillary operations
 104 associated with recovering, removing, and towing a vehicle and its load from a highway or
 105 other place by means of a tow truck.

106 ~~[(5)]~~ (7) "Transportation" means the actual movement of property or passengers by
 107 motor vehicle, including loading, unloading, and any ancillary service provided by the motor
 108 carrier in connection with movement by motor vehicle, which is performed by or on behalf of
 109 the motor carrier, its employees or agents, or under the authority of the motor carrier, its
 110 employees or agents, or under the apparent authority and with the knowledge of the motor
 111 carrier.

112 Section 2. Section **72-9-105** is amended to read:

113 **72-9-105. Information lettered on vehicle -- Exceptions.**

114 (1) Except under Subsection (4), a motor carrier shall have lettered on both sides of any
 115 vehicle used for transportation of persons or property:

116 (a) the name of the motor carrier company; and

117 (b) the location of domicile by city and state for an intrastate commercial vehicle.

118 (2) The lettering shall be free from obstruction and legible from a distance of at least
 119 50 feet.

120 (3) (a) In addition to the lettering required under Subsection (1), the department may

121 require an identification number assigned by the department to be displayed in accordance with
122 this section.

123 (b) The number may be used to assist the department in conjunction with the U.S.
124 Department of Transportation to develop a program to improve motor carrier safety
125 enforcement.

126 (4) [A] An intrastate commercial vehicle primarily used by a farmer for the production
127 of agricultural products is exempt from the provisions of this section.

128 Section 3. Section **72-9-107** is amended to read:

129 **72-9-107. Medical exemptions for farm vehicle operators.**

130 Except as provided in Section 53-3-206, an operator of a farm vehicle or combination
131 of farm vehicles [~~that are under 26,001 pounds gross vehicle weight rating and not operated as~~
132 ~~a commercial motor vehicle, in accordance with Subsection 53-3-102(5)(b)(ii);~~] is exempt from
133 additional requirements for physical qualifications, medical examinations, and medical
134 certification[-] if the farm vehicle or combination of farm vehicles being operated is:

135 (1) under 26,001 pounds gross vehicle weight rating;

136 (2) not operated as a commercial motor vehicle in accordance with Subsection
137 53-3-102(5)(b)(ii); and

138 (3) not operated as an interstate commercial motor vehicle.

139 Section 4. Section **72-9-301** is amended to read:

140 **72-9-301. Duties -- Enforcement -- Federal safety regulations -- Audits -- Rights**
141 **of entry for audits.**

142 (1) The department shall administer and in cooperation with the Department of Public
143 Safety, Utah Highway Patrol Division, as specified under Section 53-8-105, shall enforce state
144 and federal laws related to the operation of a motor carrier within the state, including:

145 (a) the operation of ports-of-entry under Section 72-9-501;

146 (b) vehicle size, weight, and load restrictions;

147 (c) security requirements;

148 (d) safety requirements; and

149 (e) the Federal Motor Carrier Safety Regulations as contained in Title 49, Code of
150 Federal Regulations.

151 (2) (a) The department shall conduct compliance audits and inspections as needed to

152 enforce state and federal laws related to the operation of a motor carrier.

153 (b) The Department of Public Safety, Utah Highway Patrol Division, and other law
154 enforcement agencies certified by the department shall conduct inspections as needed to
155 enforce state and federal laws related to the operation of a motor carrier.

156 (3) (a) In accordance with Subsection (3)(b), the department’s authorized employees or
157 agents may enter, inspect, and examine any lands, buildings, and equipment of a motor carrier
158 subject to this chapter, to inspect and copy any accounts, books, records, and documents in
159 order to administer and enforce state and federal laws related to the operation of a motor carrier
160 provided:

161 (i) the department’s authorized employees or agents schedule an appointment with the
162 motor carrier prior to entering, inspecting, or examining any facility or records of a motor
163 carrier; or

164 (ii) if the department’s authorized employees or agents believe that a criminal violation
165 is involved and that a scheduled appointment would compromise the detection of the alleged
166 criminal violation, no appointment is necessary.

167 (b) A motor carrier shall submit its lands, buildings, and equipment for inspection and
168 examination and shall submit its accounts, books, records, and documents for inspection and
169 copying in accordance with this section.

Legislative Review Note
as of 10-15-08 10:57 AM

Office of Legislative Research and General Counsel

H.B. 30 - Commercial Motor Vehicle Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
