

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 **General Description:**

9 This bill modifies the Public Safety Code and Transportation Code by amending
10 provisions relating to commercial motor vehicles.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ provides definitions;
- 14 ▶ provides that a commercial motor vehicle with a gross vehicle weight rating over
15 26,000 pounds is exempt from a safety inspection if the vehicle has an apportioned
16 registration and a valid annual federal inspection;
- 17 ▶ provides that a trailer, semitrailer, or trailering equipment attached to a certain
18 commercial motor vehicle is exempt from a safety inspection if the vehicle has a
19 valid annual federal inspection;
- 20 ▶ provides that a motor vehicle with a gross vehicle weight rating of 10,001 pounds
21 or more is required to pass an annual safety inspection;
- 22 ▶ requires a motor carrier to have lettered on both sides of a vehicle the location of
23 domicile by city and state only if the vehicle is an intrastate commercial vehicle;
- 24 ▶ provides that a vehicle is exempt from the motor carrier lettering and identification
25 number display requirements only if the vehicle is an intrastate commercial motor
26 vehicle used by a farmer for the production of agricultural products;
- 27 ▶ provides that an operator of a farm vehicle or combination of farm vehicles is
28 exempt from certain requirements for physical qualifications, medical
29 examinations, and medical certification only if the farm vehicle or combination of

30 farm vehicles being operated are:

- 31 • under 26,001 pounds gross vehicle weight rating;
- 32 • controlled and driven by a farmer to transport agricultural products, farm
- 33 machinery, or farm supplies to a farm within 150 miles of the farmer's farm and
- 34 not as a motor carrier for hire; and
- 35 • not operated as an interstate commercial vehicle;
- 36 ▶ grants the Utah Highway Patrol and other law enforcement agencies certified by the
- 37 department authority to conduct inspections as needed to enforce state and federal
- 38 laws related to the operation of a motor carrier; and
- 39 ▶ makes technical changes.

40 **Monies Appropriated in this Bill:**

41 None

42 **Other Special Clauses:**

43 This bill provides an effective date.

44 **Utah Code Sections Affected:**

45 AMENDS:

46 **53-8-205**, as last amended by Laws of Utah 2008, Chapters 36 and 210

47 **72-9-102**, as last amended by Laws of Utah 2003, Chapter 222

48 **72-9-105**, as last amended by Laws of Utah 1998, Chapter 13 and renumbered and
49 amended by Laws of Utah 1998, Chapter 270

50 **72-9-107**, as enacted by Laws of Utah 2000, Chapter 150

51 **72-9-301**, as renumbered and amended by Laws of Utah 1998, Chapter 270



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

54 Section 1. Section **53-8-205** is amended to read:

55 **53-8-205. Safety inspection required -- Frequency of safety inspection -- Safety**
56 **inspection certificate required -- Out-of-state permits.**

57 (1) (a) Except as provided in Subsection (1)(b), a person may not operate on a

58 highway a motor vehicle required to be registered in this state unless the motor vehicle has
59 passed a safety inspection.

60 (b) Subsection (1)(a) does not apply to:

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

62 (ii) an off-highway vehicle, unless the off-highway vehicle is being registered as a
63 street-legal all-terrain vehicle in accordance with Section 41-6a-1509; ~~and~~

64 (iii) a vintage vehicle as defined in Section 41-21-1[-];

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

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

67 (B) has a valid annual federal inspection that complies with the requirements of 49
68 C.F.R. 396.17; and

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

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

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

75 (b) every two years for each vehicle that is less than eight years old on January 1 as
76 follows:

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

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

79 (c) be made by a safety inspector certified by the division at a safety inspection station
80 authorized by the division;

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

83 (e) include an inspection for the display of license plates in accordance with Section
84 41-1a-404.

85 (3) (a) (i) A salvage vehicle as defined in Section 41-1a-1001 is required to pass a

86 safety inspection when an application is made for initial registration as a salvage vehicle.

87 ~~[(b)]~~ (ii) After initial registration as a salvage vehicle, the frequency of the safety
88 inspection shall correspond with the model year, as provided in Subsection (2).

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

91 (4) A safety inspection station shall issue a safety inspection certificate to the owner
92 of:

93 (a) each motor vehicle that passes a safety inspection under this section; and

94 (b) a street-legal all-terrain vehicle that meets all the equipment requirements in
95 Section 41-6a-1509.

96 (5) The division may:

97 (a) authorize the acceptance in this state of a safety inspection certificate issued in
98 another state having a safety inspection law similar to this state; and

99 (b) extend the time within which a safety inspection certificate must be obtained by
100 the resident owner of a vehicle that was not in this state during the time a safety inspection
101 was required.

102 Section 2. Section **72-9-102** is amended to read:

103 **72-9-102. Definitions.**

104 As used in this chapter:

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

106 (i) an interstate commercial vehicle; and

107 (ii) an intrastate commercial vehicle.

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

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

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

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

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

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

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

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

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

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

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

131 ~~[(1)-(a)]~~ (3) "[Commercial] Intrastate commercial vehicle" means a motor vehicle,
132 vehicle, trailer, or semitrailer used or maintained for business, compensation, or profit to
133 transport passengers or property on a highway only within the boundaries of this state if the
134 commercial vehicle:

135 ~~[(i)]~~ (a) has a manufacturer's gross vehicle weight rating or gross combination weight
136 rating of 10,001 or more pounds;

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

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

140 ~~[(b) The following vehicles are not considered a commercial vehicle for purposes of~~
141 ~~this chapter.]~~

142 ~~[(i) equipment owned and operated by the United States Department of Defense when~~
143 ~~driven by any active duty military personnel and members of the reserves and national guard~~
144 ~~on active duty including personnel on full-time national guard duty, personnel on part-time~~
145 ~~training, and national guard military technicians and civilians who are required to wear~~
146 ~~military uniforms and are subject to the code of military justice;]~~

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

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

151 ~~[(2)]~~ (4) "Motor carrier" means a person engaged in or transacting the business of
152 transporting passengers, freight, merchandise, or other property by a commercial vehicle on a
153 highway within this state and includes a tow truck business.

154 ~~[(3)]~~ (5) "Tow truck" means a motor vehicle constructed, designed, altered, or
155 equipped primarily for the purpose of towing or removing damaged, disabled, abandoned,
156 seized, or impounded vehicles from a highway or other place by means of a crane, hoist, tow
157 bar, tow line, dolly, tilt bed, or other means.

158 ~~[(4)]~~ (6) "Tow truck service" means the functions and any ancillary operations
159 associated with recovering, removing, and towing a vehicle and its load from a highway or
160 other place by means of a tow truck.

161 ~~[(5)]~~ (7) "Transportation" means the actual movement of property or passengers by
162 motor vehicle, including loading, unloading, and any ancillary service provided by the motor
163 carrier in connection with movement by motor vehicle, which is performed by or on behalf of
164 the motor carrier, its employees or agents, or under the authority of the motor carrier, its
165 employees or agents, or under the apparent authority and with the knowledge of the motor
166 carrier.

167 Section 3. Section **72-9-105** is amended to read:

168 **72-9-105. Information lettered on vehicle -- Exceptions.**

169 (1) Except under Subsection (4), a motor carrier shall have lettered on both sides of

170 any vehicle used for transportation of persons or property:

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

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

173 (2) The lettering shall be free from obstruction and legible from a distance of at least
174 50 feet.

175 (3) (a) In addition to the lettering required under Subsection (1), the department may
176 require an identification number assigned by the department to be displayed in accordance
177 with this section.

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

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

183 Section 4. Section **72-9-107** is amended to read:

184 **72-9-107. Medical exemptions for farm vehicle operators.**

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

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

191 (2) not operated as a commercial motor vehicle in accordance with Subsection
192 53-3-102(5)(b)(ii); and

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

194 Section 5. Section **72-9-301** is amended to read:

195 **72-9-301. Duties -- Enforcement -- Federal safety regulations -- Audits -- Rights**
196 **of entry for audits.**

197 (1) The department shall administer and in cooperation with the Department of Public

198 Safety, Utah Highway Patrol Division, as specified under Section 53-8-105, shall enforce state
199 and federal laws related to the operation of a motor carrier within the state, including:

- 200 (a) the operation of ports-of-entry under Section 72-9-501;
- 201 (b) vehicle size, weight, and load restrictions;
- 202 (c) security requirements;
- 203 (d) safety requirements; and
- 204 (e) the Federal Motor Carrier Safety Regulations as contained in Title 49, Code of
205 Federal Regulations.

206 (2) (a) The department shall conduct compliance audits and inspections as needed to
207 enforce state and federal laws related to the operation of a motor carrier.

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

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

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

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

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

225 Section 6. **Effective date.**

226 This bill takes effect on May 12, 2009, except that the amendments to Section
227 53-8-205 take effect on July 1, 2009.