

MOTOR CARRIER PERMIT FEE AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd E. Kiser

Senate Sponsor: Kevin T. Van Tassell

Cosponsor: Don L. Ipson

LONG TITLE

General Description:

This bill modifies the Protection of Highways Act by amending the fees for oversize and overweight permits.

Highlighted Provisions:

This bill:

- ▶ increases fees for oversize and overweight permits;
- ▶ repeals the requirement that certain permits may be issued only upon authorization of the commission; 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 Laws of Utah 2008, Chapters 305 and 382

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 --

30 **Penalty.**

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

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

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

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

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

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

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

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

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

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

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

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

57 (a) the proposed maximum wheel loads, maximum axle loads, all axle spacings of

58 each vehicle or combination of vehicles;

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

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

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

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

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

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

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

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

76 (ii) Except for an annual oversize permit for an implement of husbandry under Section
77 72-7-407 or for an annual oversize permit issued under Subsection (5)(a)(iii), only a single trip
78 oversize permit may be issued for a vehicle or combination of vehicles that is more than 14
79 feet 6 inches wide, 14 feet high, or 105 feet long.

80 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
81 the department shall make rules for the issuance of an annual oversize permit for a vehicle or
82 combination of vehicles that is more than 14 feet 6 inches wide, 14 feet high, or 105 feet long
83 if the department determines that the permit is needed to accommodate highway transportation
84 needs for multiple trips on a specified route.

85 (b) The fee is [~~\$25~~] \$30 for a single trip oversize permit under this Subsection (5).

86 This permit is valid for not more than 96 continuous hours.

87 (c) The fee is [~~\$60~~] \$75 for a semiannual oversize permit under this Subsection (5).

88 This permit is valid for not more than 180 continuous days.

89 (d) The fee is [~~\$75~~] \$90 for an annual oversize permit under this Subsection (5). This
90 permit is valid for not more than 365 continuous days.

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

95 (b) The fee is [~~\$50~~] \$60 for a single trip oversize and overweight permit under this
96 Subsection (6). This permit is valid for not more than 96 continuous hours.

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

99 (i) [~~\$150~~] \$180 for a vehicle or combination of vehicles with gross vehicle weight of
100 more than 80,000 pounds, but not exceeding 84,000 pounds;

101 (ii) [~~\$260~~] \$320 for a vehicle or combination of vehicles with gross vehicle weight of
102 more than 84,000 pounds, but not exceeding 112,000 pounds; and

103 (iii) [~~\$350~~] \$420 for a vehicle or combination of vehicles with gross vehicle weight of
104 more than 112,000 pounds, but not exceeding 125,000 pounds.

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

107 (i) [~~\$200~~] \$240 for a vehicle or combination of vehicles with gross vehicle weight of
108 more than 80,000 pounds, but not exceeding 84,000 pounds;

109 (ii) [~~\$400~~] \$480 for a vehicle or combination of vehicles with gross vehicle weight of
110 more than 84,000 pounds, but not exceeding 112,000 pounds; and

111 (iii) [~~\$450~~] \$540 for a vehicle or combination of vehicles with gross vehicle weight of
112 more than 112,000 pounds, but not exceeding 125,000 pounds.

113 (7) (a) A single trip oversize and overweight permit may be issued under this section

114 for a vehicle or combination of vehicles carrying a nondivisible load that exceeds:

115 (i) one or more of the maximum weight provisions of Section 72-7-404 [~~by more than~~
116 ~~25% or that exceeds~~]; or

117 (ii) a gross weight of 125,000 pounds.

118 (b) (i) The fee for a single trip oversize and overweight permit under this Subsection
119 (7), which is valid for not more than 96 continuous hours, is [~~\$.01~~] \$.012 per mile for each
120 1,000 pounds above 80,000 pounds subject to the rounding described in Subsection (7)(c).

121 (ii) The minimum fee that may be charged under this Subsection (7) is [~~\$65~~] \$80.

122 (iii) The maximum fee that may be charged under this Subsection (7) is [~~\$450~~] \$540.

123 (c) (i) The miles used to calculate the fee under this Subsection (7) shall be rounded
124 up to the nearest 50 mile increment.

125 (ii) The pounds used to calculate the fee under this Subsection (7) shall be rounded up
126 to the nearest 25,000 pound increment.

127 (iii) The dollar amount used to calculate the fee under this Subsection (7) shall be
128 rounded to the nearest \$10 increment.

129 (8) (a) An oversize and overweight permit may be issued under this section for a
130 vehicle or combination of vehicles carrying a divisible load if:

131 (i) the bridge formula under Subsection 72-7-404(3) is not exceeded; and

132 (ii) the length of the vehicle or combination of vehicles is:

133 (A) more than the limitations specified under Subsections 72-7-402(4)(c) and (d) but
134 not exceeding 81 feet in cargo carrying length and the application is for a single trip,
135 semiannual trip, or annual trip permit; or

136 (B) more than 81 feet in cargo carrying length but not exceeding 95 feet in cargo
137 carrying length and the application is for an annual trip permit.

138 (b) The fee is [~~\$50~~] \$60 for a single trip oversize and overweight permit under this
139 Subsection (8). The permit is valid for not more than 96 continuous hours.

140 (c) The fee for a semiannual oversize and overweight permit under this Subsection (8),
141 which permit is valid for not more than 180 continuous days is:

142 (i) [~~\$150~~] \$180 for a vehicle or combination of vehicles with gross vehicle weight of
143 more than 80,000 pounds, but not exceeding 84,000 pounds;

144 (ii) [~~\$260~~] \$320 for a vehicle or combination of vehicles with gross vehicle weight of
145 more than 84,000 pounds, but not exceeding 112,000 pounds; and

146 (iii) [~~\$350~~] \$420 for a vehicle or combination of vehicles with gross vehicle weight of
147 more than 112,000 pounds, but not exceeding 129,000 pounds.

148 (d) The fee for an annual oversize and overweight permit under this Subsection (8),
149 which permit is valid for not more than 365 continuous days is:

150 (i) [~~\$200~~] \$240 for a vehicle or combination of vehicles with gross vehicle weight of
151 more than 80,000 pounds, but not exceeding 84,000 pounds;

152 (ii) [~~\$400~~] \$480 for a vehicle or combination of vehicles with gross vehicle weight of
153 more than 84,000 pounds, but not exceeding 112,000 pounds; and

154 (iii) [~~\$450~~] \$540 for a vehicle or combination of vehicles with gross vehicle weight of
155 more than 112,000 pounds, but not exceeding 129,000 pounds.

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

158 [~~(10)~~] (9) Permit fees collected under this section shall be credited monthly to the
159 Transportation Fund.

160 [~~(11)~~] (10) The department shall prepare maps, drawings, and instructions as guidance
161 when issuing permits under this section.

162 [~~(12)~~] (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
163 Act, the department shall make rules governing the issuance and revocation of all permits
164 under this section and Section 72-7-407.

165 [~~(13)~~] (12) Any person who violates any of the terms or conditions of a permit issued
166 under this section:

167 (a) may have the person's permit revoked; and

168 (b) is guilty of a class B misdemeanor, except that a violation of any rule made under
169 Subsection [~~(12)~~] (11) is not subject to a criminal penalty.

