

Senator Kevin T. Van Tassell proposes the following substitute bill:

COMMERCIAL MOTOR VEHICLE AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd E. Kiser

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ provides that a commercial motor vehicle with a gross vehicle weight rating over 26,000 pounds is exempt from a safety inspection if the vehicle has an apportioned registration and a valid annual federal inspection;
- ▶ provides that a trailer, semitrailer, or trailering equipment attached to a certain commercial motor vehicle is exempt from a safety inspection if the vehicle has a valid annual federal inspection;
- ▶ provides that a commercial motor vehicle with a gross vehicle weight rating of 10,001 pounds or more is required to pass an annual safety inspection;
- ▶ requires a motor carrier to have lettered on both sides of a vehicle the location of domicile by city and state only if the vehicle is an intrastate commercial vehicle;
- ▶ provides that a vehicle is exempt from the motor carrier lettering and identification 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 examinations,
29 and medical certification only if the farm vehicle or combination of farm vehicles
30 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 highway
58 a motor vehicle required to be registered in this state unless the motor vehicle has passed a
59 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 vehicle
70 described in Subsection (1)(a)(iv) that has a valid annual federal inspection that complies with
71 the requirements of 49 C.F.R. 396.17.

72 (2) Except as provided in Subsection (3), the frequency of the safety inspection shall be
73 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 of:

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

93 (b) a street-legal all-terrain vehicle that meets all the equipment requirements in

94 Section 41-6a-1509.

95 (5) The division may:

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

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

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

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

103 As used in this chapter:

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

105 (i) an interstate commercial vehicle; and

106 (ii) an intrastate commercial vehicle.

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

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

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

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

118 (2) "Interstate commercial vehicle" means a self-propelled or towed motor vehicle used

119 on a highway in interstate commerce to transport passengers or property if the vehicle:

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

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

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

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

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

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

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

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

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

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

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

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

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

150 ~~[(2)]~~ (4) "Motor carrier" means a person engaged in or transacting the business of
151 transporting passengers, freight, merchandise, or other property by a commercial vehicle on a
152 highway within this state and includes a tow truck business.

153 ~~[(3)]~~ (5) "Tow truck" means a motor vehicle constructed, designed, altered, or
154 equipped primarily for the purpose of towing or removing damaged, disabled, abandoned,
155 seized, or impounded vehicles from a highway or other place by means of a crane, hoist, tow
156 bar, tow line, dolly, tilt bed, or other means.

157 ~~[(4)]~~ (6) "Tow truck service" means the functions and any ancillary operations
158 associated with recovering, removing, and towing a vehicle and its load from a highway or
159 other place by means of a tow truck.

160 ~~[(5)]~~ (7) "Transportation" means the actual movement of property or passengers by
161 motor vehicle, including loading, unloading, and any ancillary service provided by the motor
162 carrier in connection with movement by motor vehicle, which is performed by or on behalf of
163 the motor carrier, its employees or agents, or under the authority of the motor carrier, its
164 employees or agents, or under the apparent authority and with the knowledge of the motor
165 carrier.

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

167 **72-9-105. Information lettered on vehicle -- Exceptions.**

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

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

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

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

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

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

180 (4) ~~[A]~~ An intrastate commercial vehicle primarily used by a farmer for the production

181 of agricultural products is exempt from the provisions of this section.

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

183 **72-9-107. Medical exemptions for farm vehicle operators.**

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

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

190 (2) not operated as a commercial motor vehicle in accordance with Subsection

191 53-3-102(5)(b)(ii); and

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

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

194 **72-9-301. Duties -- Enforcement -- Federal safety regulations -- Audits -- Rights**
195 **of entry for audits.**

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

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

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

201 (c) security requirements;

202 (d) safety requirements; and

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

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

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

210 (3) (a) In accordance with Subsection (3)(b), the department’s authorized employees or
211 agents may enter, inspect, and examine any lands, buildings, and equipment of a motor carrier

212 subject to this chapter, to inspect and copy any accounts, books, records, and documents in
213 order to administer and enforce state and federal laws related to the operation of a motor carrier
214 provided:

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

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

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

224 Section 6. **Effective date.**

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

H.B. 30 1st Sub. (Buff) - 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.
