

1 **CONTRACT PASSENGER CARRIER SAFETY**

2 **ACT**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: F. Jay Seegmiller**

6 Senate Sponsor: _____

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Transportation Code by enacting provisions relating to contract
11 passenger carriers.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ provides definitions;
- 15 ▶ provides driver qualification requirements for drivers of contract passenger carriers,
16 including hearing, vision, and medical exams and random drug testing;
- 17 ▶ requires contract passenger carriers to conduct daily vehicle inspections and prepare
18 inspection reports;
- 19 ▶ establishes hours of service requirements for drivers employed by contract
20 passenger carriers;
- 21 ▶ requires a contract passenger carrier to make its land, building, equipment, books,
22 reports, records, and documents available for inspection by the Department of
23 Transportation;
- 24 ▶ provides insurance requirements for contract passenger carriers;
- 25 ▶ provides that a person is subject to a class C misdemeanor for violating any of the
26 Contract Passenger Carrier Safety Act provisions; and
- 27 ▶ provides that a contract passenger carrier or a driver is subject to civil penalties for



28 violating the Contract Passenger Carrier Safety Act requirements.

29 **Monies Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 ENACTS:

35 **72-9-801**, Utah Code Annotated 1953

36 **72-9-802**, Utah Code Annotated 1953

37 **72-9-803**, Utah Code Annotated 1953

38 **72-9-804**, Utah Code Annotated 1953

39 **72-9-805**, Utah Code Annotated 1953

40 **72-9-806**, Utah Code Annotated 1953

41 **72-9-807**, Utah Code Annotated 1953

42 **72-9-808**, Utah Code Annotated 1953

43 **72-9-809**, Utah Code Annotated 1953



44
45 *Be it enacted by the Legislature of the state of Utah:*

46 Section 1. Section **72-9-801** is enacted to read:

47 **CHAPTER 9. CONTRACT PASSENGER CARRIER SAFETY ACT**

48 **72-9-801. Title.**

49 This chapter is known as the "Contract Passenger Carrier Safety Act."

50 Section 2. Section **72-9-802** is enacted to read:

51 **72-9-802. Definitions.**

52 As used in this section:

53 (1) (a) "Contract passenger carrier" means a person engaged in the for-hire

54 transportation of passengers within or through the state who:

55 (i) operates one or more vehicles with a seating capacity of less than nine passengers,

56 excluding the driver; and

57 (ii) employs more than five drivers.

58 (b) "Contract passenger carrier" does not include:

- 59 (i) a person who makes a single daily round trip to commute to and from work;
60 (ii) a person transporting only school children and teachers;
61 (iii) a person operating an ambulance or funeral service;
62 (iv) a person who, on occasion and not as a regular business enterprise, transports one
63 or more passengers for pay;
64 (v) a person operating a stretched-sedan type limousine;
65 (vi) a person operating a taxicab service for the general public using vehicles with a
66 seating capacity of fewer than seven passengers;
67 (vii) any public or private nonprofit entity that provides transportation to the general
68 public or to a specific client group; or
69 (viii) any entity operating a courtesy van or other motor vehicle.
70 (2) (a) "On duty time" means all time at a terminal, facility, or other property of a
71 contract passenger carrier or on any public property waiting to be dispatched.
72 (b) "On duty time" includes:
73 (i) time spent driving a transport vehicle, even if no passengers are on board the
74 vehicle; and
75 (ii) time spent performing any other service for contract passenger carrier, or an
76 associated business, during a 24-hour period in which the transport vehicle driver is engaged
77 in, or connected with, the movement of a transport vehicle.
78 (3) "Serious traffic violation" means a conviction of any of the following:
79 (a) speeding 15 or more miles per hour above the posted speed limit;
80 (b) reckless driving as defined by state or local law;
81 (c) improper or erratic traffic lane changes;
82 (d) following the vehicle ahead too closely; or
83 (e) any other motor vehicle traffic law which arises in connection with a fatal traffic
84 accident.
85 Section 3. Section **72-9-803** is enacted to read:
86 **72-9-803. Driver qualifications.**
87 (1) Every contract passenger carrier shall only employ drivers who have been
88 examined for hearing, vision, and any medical condition or drug use, either legal or illegal,
89 which could cause impairment while driving.

90 (2) A driver must be re-examined every three years to determine:

91 (a) whether the driver's hearing and vision is sufficient for operation of a passenger
92 vehicle to transport passengers; and

93 (b) that no medical condition exists that would make them unsuitable for the
94 employment.

95 (3) Every contract passenger carrier shall annually re-examine at a minimum 25% of
96 the drivers employed by the contract passenger carrier on a random basis for illegal drug use.

97 (4) A contract passenger carrier shall preserve and maintain records of examinations
98 conducted under this section at the contract passenger carrier's registered place of business in
99 the state.

100 (5) A contract passenger carrier may not permit or require any driver to drive a motor
101 vehicle if the driver has committed two or more serious traffic violations within the previous
102 three years.

103 Section 4. Section **72-9-804** is enacted to read:

104 **72-9-804. Vehicle condition and inspections.**

105 (1) (a) A contract passenger carrier shall conduct a vehicle inspection on each vehicle
106 at the end of each working day.

107 (b) A contract passenger carrier shall prepare in writing a vehicle inspection report for
108 each vehicle inspected in accordance with Subsection (1)(a).

109 (c) A vehicle inspection report shall report on the condition of the vehicle and shall
110 specify any repairs needed.

111 (d) A vehicle inspection report shall cover the following:

112 (i) service brakes;

113 (ii) parking brakes;

114 (iii) steering;

115 (iv) lights;

116 (v) tires, wheels, and rims;

117 (vi) horn;

118 (vii) windshield and windshield wipers;

119 (viii) rear view mirrors; and

120 (ix) emergency equipment.

121 (2) Prior to operating a motor vehicle to transport passengers, a contract passenger
122 carrier shall repair any items listed on the vehicle inspection report that would be likely to
123 affect the safe operation of the vehicle.

124 (3) A contract passenger carrier shall retain the original copy of each vehicle inspection
125 report and the certification of repairs for at least six months from the date the report was
126 prepared.

127 Section 5. Section **72-9-805** is enacted to read:

128 **72-9-805. Hours of service.**

129 (1) Except as provided in Subsection (2), a passenger contract carrier may not permit or
130 require any driver employed by the passenger contract carrier to remain on duty and a driver
131 employed by a contract carrier may not drive:

132 (a) more than 12 hours following eight consecutive hours off duty;

133 (b) if the driver's combined on duty and drive-time hours equal 15 hours since last
134 obtaining eight consecutive hours off duty time; or

135 (c) if the total number of hours of on duty and drive time exceed 70 hours in any period
136 of eight consecutive days.

137 (2) In the event of an emergency or unforeseeable delay, a driver may drive for up to
138 two hours above the hours described in Subsection (1) to complete an assignment or to deliver
139 passengers to a safe location.

140 (3) (a) Each driver shall maintain, and keep current, a daily log book detailing the
141 hours worked.

142 (b) Each driver shall keep the log book in the driver's possession at all times when on
143 duty and shall include the daily logs for the past 30 working days.

144 (c) The log book shall be made available for inspection upon the request of the
145 department, any law enforcement officer, or passenger.

146 (4) A contract passenger carrier shall maintain and retain, for a period of six months,
147 accurate time records showing:

148 (a) the time the driver reports for duty each day;

149 (b) the total number of hours the driver is on duty each day; and

150 (c) the time the driver is released from duty each day.

151 Section 6. Section **72-9-806** is enacted to read:

152 **72-9-806. Access to facilities and records.**

153 (1) The department's authorized employees or agents may enter, inspect, and examine
154 any lands, buildings, and equipment of a passenger contract carrier subject to this part, to
155 inspect and copy any accounts, books, records, and documents in order to administer and
156 enforce the provisions of this part related to the operation of a contract passenger carrier
157 provided:

158 (a) the department's authorized employees or agents schedule an appointment with the
159 contract passenger carrier prior to entering, inspecting, or examining any facility or records of a
160 contract passenger carrier; or

161 (b) if the department's authorized employees or agents believe that a criminal violation
162 is involved and that a scheduled appointment would compromise the detection of the alleged
163 criminal violation, no appointment is necessary.

164 (2) A contract passenger carrier shall submit its lands, buildings, and equipment for
165 inspection and examination and shall submit its accounts, books, records, and documents for
166 inspection and copying in accordance with this section.

167 Section 7. Section **72-9-807** is enacted to read:

168 **72-9-807. Insurance.**

169 A contract passenger carrier shall, at its own expense, obtain and maintain in force
170 required insurance for the type of operation as required by law.

171 Section 8. Section **72-9-808** is enacted to read:

172 **72-9-808. Penalties.**

173 A violation of any provision under this part or a failure to perform any act required
174 under this part is a class C misdemeanor.

175 Section 9. Section **72-9-809** is enacted to read:

176 **72-9-809. Civil penalties.**

177 (1) In addition to any other penalties, a passenger contract carrier that fails or neglects
178 to comply with any provision of the Utah Constitution, statute, or any rule or order of the
179 department is subject to a civil penalty of not more than \$1,000 for each offense.

180 (2) (a) Every violation of any provision of the Utah Constitution, statute, or any rule or
181 order of the department is a separate and distinct offense.

182 (b) Each day's continuance of the violation is a separate and distinct offense.

183 (3) (a) The civil penalty may be compromised by the department and a determination
184 of compromise is appealable by the person alleged to have committed the violation.

185 (b) In determining the amount of the penalty or the amount agreed upon in
186 compromise, the department shall consider the:

187 (i) gravity of the violation; and

188 (ii) good faith of the person charged in attempting to achieve compliance after
189 notification of the violation.

190 (c) The amount of the penalty when finally determined or the amount agreed upon in
191 compromise may be deducted from any sums owing by the state to the person charged or may
192 be recovered in a civil action in the courts of this state.

193 (4) In construing and enforcing the provisions of this part relating to penalties, the act,
194 omission, or failure of any officer, agent, or employee of any contract passenger carrier, acting
195 within the scope of the person's official duties or employment, is considered to be the act,
196 omission, or failure of the contract passenger carrier.

Legislative Review Note

as of 2-10-10 10:28 AM

Office of Legislative Research and General Counsel

H.B. 152 - Contract Passenger Carrier Safety Act

Fiscal Note

2010 General Session
State of Utah

State Impact

It is estimated to cost \$62,600 from the Transportation Fund in FY 2011 to implement provisions of this bill. Those funds will be used for one FTE to make inspections required by provisions of the bill.

	<u>FY 2010 Approp.</u>	<u>FY 2011 Approp.</u>	<u>FY 2012 Approp.</u>	<u>FY 2010 Revenue</u>	<u>FY 2011 Revenue</u>	<u>FY 2012 Revenue</u>
Transportation Fund	\$0	\$62,600	\$62,600	\$0	\$0	\$0
Total	\$0	\$62,600	\$62,600	\$0	\$0	\$0

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.