

1 **AMENDMENTS TO VEHICLE OVERSIZE AND OVERWEIGHT**

2 **PERMITS**

3 2012 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Wayne A. Harper**

6 Senate Sponsor: Kevin T. Van Tassell

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Transportation Code by amending provisions relating to vehicle
11 oversize and overweight permits.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ provides an exception to the restriction that the draw-bar or other connection
15 between any two vehicles, one of which is towing or drawing the other on a
16 highway, may not exceed 15 feet in length from one vehicle to the other when
17 operating under an oversize or overweight permit;

18 ▶ authorizes the Department of Transportation to issue an oversize permit for a
19 vehicle or combination of vehicles that exceeds the draw-bar length restriction; and

20 ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **72-7-403**, as last amended by Laws of Utah 2005, Chapter 2



28 72-7-406, as last amended by Laws of Utah 2009, Chapter 357



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

31 Section 1. Section 72-7-403 is amended to read:

32 **72-7-403. Towing requirements and limitations on towing.**

33 (1) (a) The draw-bar or other connection between any two vehicles, one of which is
34 towing or drawing the other on a highway, may not exceed 15 feet in length from one vehicle
35 to the other except:

36 (i) in the case of a connection between any two vehicles transporting poles, pipe,
37 machinery, or structural material that cannot be dismembered when transported upon a pole
38 trailer as defined in Section 41-6a-102[-]; or

39 (ii) when operated under a permit under Section 72-7-406.

40 (b) When the connection between the two vehicles is a chain, rope, or cable, a red flag
41 or other signal or cloth not less than 12 inches both in length and width shall be displayed on or
42 near the midpoint of the connection.

43 (2) A person may not operate a combination of vehicles when any trailer, semitrailer,
44 or other vehicle being towed:

45 (a) whips or swerves from side to side dangerously or unreasonably; or

46 (b) fails to follow substantially in the path of the towing vehicle.

47 (3) A person who violates this section is guilty of a class B misdemeanor.

48 Section 2. Section 72-7-406 is amended to read:

49 **72-7-406. Oversize permits and oversize and overweight permits for vehicles of**
50 **excessive size or weight -- Applications -- Restrictions -- Fees -- Rulemaking provisions --**
51 **Penalty.**

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

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

59 (ii) a vehicle or combination of vehicles that exceeds the vehicle width, height, or
60 length provisions under Section 72-7-402 or draw-bar length restriction under Subsection
61 72-7-403(1)(a).

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

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

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

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

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

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

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

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

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

78 (a) the proposed maximum wheel loads, maximum axle loads, all axle spacings of each
79 vehicle or combination of vehicles;

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

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

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

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

89 (4) A permit under this section may not be issued or is not valid unless the vehicle or

90 combination of vehicles is:

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

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

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

97 (ii) Except for an annual oversize permit for an implement of husbandry under Section
98 72-7-407 or for an annual oversize permit issued under Subsection (5)(a)(iii), only a single trip
99 oversize permit may be issued for a vehicle or combination of vehicles that is more than 14 feet
100 6 inches wide, 14 feet high, or 105 feet long.

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

106 (b) The fee is \$30 for a single trip oversize permit under this Subsection (5). This
107 permit is valid for not more than 96 continuous hours.

108 (c) The fee is \$75 for a semiannual oversize permit under this Subsection (5). This
109 permit is valid for not more than 180 continuous days.

110 (d) The fee is \$90 for an annual oversize permit under this Subsection (5). This permit
111 is valid for not more than 365 continuous days.

112 (6) (a) An oversize and overweight permit may be issued under this section for a
113 vehicle or combination of vehicles carrying a nondivisible load that exceeds one or more of the
114 maximum weight provisions of Section 72-7-404 up to a gross weight of 125,000 pounds.

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

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

119 (i) \$180 for a vehicle or combination of vehicles with gross vehicle weight of more
120 than 80,000 pounds, but not exceeding 84,000 pounds;

121 (ii) \$320 for a vehicle or combination of vehicles with gross vehicle weight of more
122 than 84,000 pounds, but not exceeding 112,000 pounds; and

123 (iii) \$420 for a vehicle or combination of vehicles with gross vehicle weight of more
124 than 112,000 pounds, but not exceeding 125,000 pounds.

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

127 (i) \$240 for a vehicle or combination of vehicles with gross vehicle weight of more
128 than 80,000 pounds, but not exceeding 84,000 pounds;

129 (ii) \$480 for a vehicle or combination of vehicles with gross vehicle weight of more
130 than 84,000 pounds, but not exceeding 112,000 pounds; and

131 (iii) \$540 for a vehicle or combination of vehicles with gross vehicle weight of more
132 than 112,000 pounds, but not exceeding 125,000 pounds.

133 (7) (a) A single trip oversize and overweight permit may be issued under this section
134 for a vehicle or combination of vehicles carrying a nondivisible load that exceeds:

135 (i) one or more of the maximum weight provisions of Section 72-7-404; or

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

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

140 (ii) The minimum fee that may be charged under this Subsection (7) is \$80.

141 (iii) The maximum fee that may be charged under this Subsection (7) is \$540.

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

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

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

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

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

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

152 (A) more than the limitations specified under Subsections 72-7-402(4)(c) and (d) or
153 Subsection 72-7-403(1)(a) but not exceeding 81 feet in cargo carrying length and the
154 application is for a single trip, semiannual trip, or annual trip permit; or

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

157 (b) The fee is \$60 for a single trip oversize and overweight permit under this
158 Subsection (8). The permit is valid for not more than 96 continuous hours.

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

161 (i) \$180 for a vehicle or combination of vehicles with gross vehicle weight of more
162 than 80,000 pounds, but not exceeding 84,000 pounds;

163 (ii) \$320 for a vehicle or combination of vehicles with gross vehicle weight of more
164 than 84,000 pounds, but not exceeding 112,000 pounds; and

165 (iii) \$420 for a vehicle or combination of vehicles with gross vehicle weight of more
166 than 112,000 pounds, but not exceeding 129,000 pounds.

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

169 (i) \$240 for a vehicle or combination of vehicles with gross vehicle weight of more
170 than 80,000 pounds, but not exceeding 84,000 pounds;

171 (ii) \$480 for a vehicle or combination of vehicles with gross vehicle weight of more
172 than 84,000 pounds, but not exceeding 112,000 pounds; and

173 (iii) \$540 for a vehicle or combination of vehicles with gross vehicle weight of more
174 than 112,000 pounds, but not exceeding 129,000 pounds.

175 (9) Permit fees collected under this section shall be credited monthly to the
176 Transportation Fund.

177 (10) The department shall prepare maps, drawings, and instructions as guidance when
178 issuing permits under this section.

179 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
180 the department shall make rules governing the issuance and revocation of all permits under this
181 section and Section 72-7-407.

182 (12) Any person who violates any of the terms or conditions of a permit issued under

183 this section:

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

185 (b) is guilty of a class B misdemeanor, except that a violation of any rule made under

186 Subsection (11) is not subject to a criminal penalty.

Legislative Review Note
as of 1-23-12 2:59 PM

Office of Legislative Research and General Counsel