

Representative Kraig Powell proposes the following substitute bill:

VEHICLE SAFETY INSPECTION AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill provides a higher fee to be charged for inspection of heavy vehicles.

Highlighted Provisions:

This bill:

- ▶ defines heavy vehicle;
- ▶ provides a higher fee to be charged for the inspection of heavy vehicles; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-102, as last amended by Laws of Utah 2014, Chapters 104 and 229

53-8-206, as last amended by Laws of Utah 2015, Chapter 429

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

Section 1. Section **41-6a-102** is amended to read:



26 **41-6a-102. Definitions.**

27 As used in this chapter:

28 (1) "Alley" means a street or highway intended to provide access to the rear or side of
29 lots or buildings in urban districts and not intended for through vehicular traffic.

30 (2) "All-terrain type I vehicle" has the same meaning as defined in Section [41-22-2](#).

31 (3) "Authorized emergency vehicle" includes:

32 (a) fire department vehicles;

33 (b) police vehicles;

34 (c) ambulances; and

35 (d) other publicly or privately owned vehicles as designated by the commissioner of the
36 Department of Public Safety.

37 (4) (a) "Bicycle" means a wheeled vehicle:

38 (i) propelled by human power by feet or hands acting upon pedals or cranks;

39 (ii) with a seat or saddle designed for the use of the operator;

40 (iii) designed to be operated on the ground; and

41 (iv) whose wheels are not less than 14 inches in diameter.

42 (b) "Bicycle" includes an electric assisted bicycle.

43 (c) "Bicycle" does not include scooters and similar devices.

44 (5) (a) "Bus" means a motor vehicle:

45 (i) designed for carrying more than 15 passengers and used for the transportation of
46 persons; or

47 (ii) designed and used for the transportation of persons for compensation.

48 (b) "Bus" does not include a taxicab.

49 (6) (a) "Circular intersection" means an intersection that has an island, generally
50 circular in design, located in the center of the intersection where traffic passes to the right of
51 the island.

52 (b) "Circular intersection" includes:

53 (i) roundabouts;

54 (ii) rotaries; and

55 (iii) traffic circles.

56 (7) "Commissioner" means the commissioner of the Department of Public Safety.

- 57 (8) "Controlled-access highway" means a highway, street, or roadway:
58 (a) designed primarily for through traffic; and
59 (b) to or from which owners or occupants of abutting lands and other persons have no
60 legal right of access, except at points as determined by the highway authority having
61 jurisdiction over the highway, street, or roadway.
- 62 (9) "Crosswalk" means:
63 (a) that part of a roadway at an intersection included within the connections of the
64 lateral lines of the sidewalks on opposite sides of the highway measured from:
65 (i) (A) the curbs; or
66 (B) in the absence of curbs, from the edges of the traversable roadway; and
67 (ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway
68 included within the extension of the lateral lines of the existing sidewalk at right angles to the
69 centerline; or
70 (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for
71 pedestrian crossing by lines or other markings on the surface.
- 72 (10) "Department" means the Department of Public Safety.
- 73 (11) "Direct supervision" means oversight at a distance within which:
74 (a) visual contact is maintained; and
75 (b) advice and assistance can be given and received.
- 76 (12) "Divided highway" means a highway divided into two or more roadways by:
77 (a) an unpaved intervening space;
78 (b) a physical barrier; or
79 (c) a clearly indicated dividing section constructed to impede vehicular traffic.
- 80 (13) "Electric assisted bicycle" means a moped:
81 (a) with an electric motor with a power output of not more than 1,000 watts; and
82 (b) which is not capable of:
83 (i) propelling the device at a speed of more than 20 miles per hour on level ground
84 when:
85 (A) powered solely by the electric motor; and
86 (B) operated by a person who weighs 170 pounds; and
87 (ii) increasing the speed of the device when human power is used to propel the device

88 at more than 20 miles per hour;

89 (c) has fully operable pedals on permanently affixed cranks; and

90 (d) weighs less than 75 pounds.

91 (14) (a) "Electric personal assistive mobility device" means a self-balancing device

92 with:

93 (i) two nontandem wheels in contact with the ground;

94 (ii) a system capable of steering and stopping the unit under typical operating

95 conditions;

96 (iii) an electric propulsion system with average power of one horsepower or 750 watts;

97 (iv) a maximum speed capacity on a paved, level surface of 12.5 miles per hour; and

98 (v) a deck design for a person to stand while operating the device.

99 (b) "Electric personal assistive mobility device" does not include a wheelchair.

100 (15) "Explosives" means any chemical compound or mechanical mixture commonly

101 used or intended for the purpose of producing an explosion and that contains any oxidizing and

102 combustive units or other ingredients in proportions, quantities, or packing so that an ignition

103 by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture

104 may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are

105 capable of producing destructive effects on contiguous objects or of causing death or serious

106 bodily injury.

107 (16) "Farm tractor" means a motor vehicle designed and used primarily as a farm

108 implement, for drawing plows, mowing machines, and other implements of husbandry.

109 (17) "Flammable liquid" means a liquid that has a flashpoint of 100 degrees F. or less,

110 as determined by a tagliabue or equivalent closed-cup test device.

111 (18) "Freeway" means a controlled-access highway that is part of the interstate system

112 as defined in Section [72-1-102](#).

113 (19) (a) "Full-sized all-terrain vehicle" means any recreational vehicle designed for and

114 capable of travel over unimproved terrain:

115 (i) traveling on four or more tires;

116 (ii) having a width that, when measured at the widest point of the vehicle:

117 (A) is not less than 55 inches; or

118 (B) does not exceed 92 inches;

119 (iii) having an unladen dry weight of 6,500 pounds or less;
 120 (iv) having a maximum seat height of 50 inches when measured at the forward edge of
 121 the seat bottom; and

122 (v) having a steering wheel for control.

123 (b) "Full-sized all-terrain vehicle" does not include:

124 (i) all-terrain type I vehicle;

125 (ii) a utility type vehicle;

126 (iii) a motorcycle; or

127 (iv) a snowmobile as defined in Section [41-22-2](#).

128 (20) "Gore area" means the area delineated by two solid white lines that is between a
 129 continuing lane of a through roadway and a lane used to enter or exit the continuing lane
 130 including similar areas between merging or splitting highways.

131 (21) "Gross weight" means the weight of a vehicle without a load plus the weight of
 132 any load on the vehicle.

133 (22) "Heavy vehicle" means any motor vehicle:

134 (a) with a gross vehicle weight rating of 26,001 pounds or greater; or

135 (b) that has an air braking system.

136 [~~22~~] (23) "Highway" means the entire width between property lines of every way or
 137 place of any nature when any part of it is open to the use of the public as a matter of right for
 138 vehicular travel.

139 [~~23~~] (24) "Highway authority" has the same meaning as defined in Section [72-1-102](#).

140 [~~24~~] (25) (a) "Intersection" means the area embraced within the prolongation or
 141 connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways
 142 of two or more highways which join one another.

143 (b) Where a highway includes two roadways 30 feet or more apart:

144 (i) every crossing of each roadway of the divided highway by an intersecting highway
 145 is a separate intersection; and

146 (ii) if the intersecting highway also includes two roadways 30 feet or more apart, then
 147 every crossing of two roadways of the highways is a separate intersection.

148 (c) "Intersection" does not include the junction of an alley with a street or highway.

149 [~~25~~] (26) "Island" means an area between traffic lanes or at an intersection for control

150 of vehicle movements or for pedestrian refuge designated by:

- 151 (a) pavement markings, which may include an area designated by two solid yellow
- 152 lines surrounding the perimeter of the area;
- 153 (b) channelizing devices;
- 154 (c) curbs;
- 155 (d) pavement edges; or
- 156 (e) other devices.

157 [~~26~~] (27) "Law enforcement agency" has the same meaning as defined in Section
158 [53-1-102](#).

159 [~~27~~] (28) "Limited access highway" means a highway:

- 160 (a) that is designated specifically for through traffic; and
- 161 (b) over, from, or to which neither owners nor occupants of abutting lands nor other
- 162 persons have any right or easement, or have only a limited right or easement of access, light,
- 163 air, or view.

164 [~~28~~] (29) "Local highway authority" means the legislative, executive, or governing
165 body of a county, municipal, or other local board or body having authority to enact laws
166 relating to traffic under the constitution and laws of the state.

167 [~~29~~] (30) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

- 168 (i) is designed to be operated at speeds of not more than 25 miles per hour; and
- 169 (ii) has a capacity of not more than four passengers, including the driver.
- 170 (b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

171 [~~30~~] (31) "Metal tire" means a tire, the surface of which in contact with the highway
172 is wholly or partly of metal or other hard nonresilient material.

173 [~~31~~] (32) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a
174 seat or saddle that is less than 24 inches from the ground as measured on a level surface with
175 properly inflated tires.

176 (b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

177 (c) "Mini-motorcycle" does not include a motorcycle that is:

- 178 (i) designed for off-highway use; and
- 179 (ii) registered as an off-highway vehicle under Section [41-22-3](#).

180 [~~32~~] (33) "Mobile home" means:

181 (a) a trailer or semitrailer that is:
182 (i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping
183 place either permanently or temporarily; and

184 (ii) equipped for use as a conveyance on streets and highways; or
185 (b) a trailer or a semitrailer whose chassis and exterior shell is designed and
186 constructed for use as a mobile home, as defined in Subsection [~~(32)~~] (33)(a), but that is
187 instead used permanently or temporarily for:

188 (i) the advertising, sale, display, or promotion of merchandise or services; or
189 (ii) any other commercial purpose except the transportation of property for hire or the
190 transportation of property for distribution by a private carrier.

191 [~~(33)~~] (34) (a) "Moped" means a motor-driven cycle having:

192 (i) pedals to permit propulsion by human power; and
193 (ii) a motor that:
194 (A) produces not more than two brake horsepower; and
195 (B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on
196 level ground.

197 (b) If an internal combustion engine is used, the displacement may not exceed 50 cubic
198 centimeters and the moped shall have a power drive system that functions directly or
199 automatically without clutching or shifting by the operator after the drive system is engaged.

200 (c) "Moped" includes an electric assisted bicycle and a motor assisted scooter.

201 [~~(34)~~] (35) "Motor assisted scooter" means a self-propelled device with:

202 (a) at least two wheels in contact with the ground;
203 (b) a braking system capable of stopping the unit under typical operating conditions;
204 (c) a gas or electric motor not exceeding 40 cubic centimeters;
205 (d) either:
206 (i) a deck design for a person to stand while operating the device; or
207 (ii) a deck and seat designed for a person to sit, straddle, or stand while operating the
208 device; and

209 (e) a design for the ability to be propelled by human power alone.

210 [~~(35)~~] (36) "Motorcycle" means a motor vehicle, other than a tractor, having a seat or
211 saddle for the use of the rider and designed to travel with not more than three wheels in contact

212 with the ground.

213 ~~[(36)]~~ (37) (a) "Motor-driven cycle" means every motorcycle, motor scooter, moped,
214 electric assisted bicycle, motor assisted scooter, and every motorized bicycle having:

215 (i) an engine with less than 150 cubic centimeters displacement; or

216 (ii) a motor that produces not more than five horsepower.

217 (b) "Motor-driven cycle" does not include an electric personal assistive mobility
218 device.

219 ~~[(37)]~~ (38) (a) "Motor vehicle" means a vehicle that is self-propelled and every vehicle
220 which is propelled by electric power obtained from overhead trolley wires, but not operated
221 upon rails.

222 (b) "Motor vehicle" does not include vehicles moved solely by human power,
223 motorized wheelchairs, or an electric personal assistive mobility device.

224 ~~[(38)]~~ (39) "Off-highway implement of husbandry" has the same meaning as defined
225 under Section [41-22-2](#).

226 ~~[(39)]~~ (40) "Off-highway vehicle" has the same meaning as defined under Section
227 [41-22-2](#).

228 ~~[(40)]~~ (41) "Operator" means a person who is in actual physical control of a vehicle.

229 ~~[(41)]~~ (42) (a) "Park" or "parking" means the standing of a vehicle, whether the vehicle
230 is occupied or not.

231 (b) "Park" or "parking" does not include the standing of a vehicle temporarily for the
232 purpose of and while actually engaged in loading or unloading property or passengers.

233 ~~[(42)]~~ (43) "Peace officer" means a peace officer authorized under Title 53, Chapter 13,
234 Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of
235 traffic laws.

236 ~~[(43)]~~ (44) "Pedestrian" means a person traveling:

237 (a) on foot; or

238 (b) in a wheelchair.

239 ~~[(44)]~~ (45) "Pedestrian traffic-control signal" means a traffic-control signal used to
240 regulate pedestrians.

241 ~~[(45)]~~ (46) "Person" means every natural person, firm, copartnership, association, or
242 corporation.

243 [~~(46)~~] (47) "Pole trailer" means every vehicle without motive power:

244 (a) designed to be drawn by another vehicle and attached to the towing vehicle by
245 means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

246 (b) that is ordinarily used for transporting long or irregular shaped loads including
247 poles, pipes, or structural members generally capable of sustaining themselves as beams
248 between the supporting connections.

249 [~~(47)~~] (48) "Private road or driveway" means every way or place in private ownership
250 and used for vehicular travel by the owner and those having express or implied permission
251 from the owner, but not by other persons.

252 [~~(48)~~] (49) "Railroad" means a carrier of persons or property upon cars operated on
253 stationary rails.

254 [~~(49)~~] (50) "Railroad sign or signal" means a sign, signal, or device erected by
255 authority of a public body or official or by a railroad and intended to give notice of the presence
256 of railroad tracks or the approach of a railroad train.

257 [~~(50)~~] (51) "Railroad train" means a locomotive propelled by any form of energy,
258 coupled with or operated without cars, and operated upon rails.

259 [~~(51)~~] (52) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
260 lawful manner in preference to another vehicle or pedestrian approaching under circumstances
261 of direction, speed, and proximity that give rise to danger of collision unless one grants
262 precedence to the other.

263 [~~(52)~~] (53) (a) "Roadway" means that portion of highway improved, designed, or
264 ordinarily used for vehicular travel.

265 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
266 them are used by persons riding bicycles or other human-powered vehicles.

267 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if
268 a highway includes two or more separate roadways.

269 [~~(53)~~] (54) "Safety zone" means the area or space officially set apart within a roadway
270 for the exclusive use of pedestrians and that is protected, marked, or indicated by adequate
271 signs as to be plainly visible at all times while set apart as a safety zone.

272 [~~(54)~~] (55) (a) "School bus" means a motor vehicle that:

273 (i) complies with the color and identification requirements of the most recent edition of

274 "Minimum Standards for School Buses"; and

275 (ii) is used to transport school children to or from school or school activities.

276 (b) "School bus" does not include a vehicle operated by a common carrier in
277 transportation of school children to or from school or school activities.

278 [~~55~~] (56) (a) "Semitrailer" means a vehicle with or without motive power:

279 (i) designed for carrying persons or property and for being drawn by a motor vehicle;

280 and

281 (ii) constructed so that some part of its weight and that of its load rests on or is carried
282 by another vehicle.

283 (b) "Semitrailer" does not include a pole trailer.

284 [~~56~~] (57) "Shoulder area" means:

285 (a) that area of the hard-surfaced highway separated from the roadway by a pavement
286 edge line as established in the current approved "Manual on Uniform Traffic Control Devices";
287 or

288 (b) that portion of the road contiguous to the roadway for accommodation of stopped
289 vehicles, for emergency use, and for lateral support.

290 [~~57~~] (58) "Sidewalk" means that portion of a street between the curb lines, or the
291 lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

292 [~~58~~] (59) "Solid rubber tire" means a tire of rubber or other resilient material that
293 does not depend on compressed air for the support of the load.

294 [~~59~~] (60) "Stand" or "standing" means the temporary halting of a vehicle, whether
295 occupied or not, for the purpose of and while actually engaged in receiving or discharging
296 passengers.

297 [~~60~~] (61) "Stop" when required means complete cessation from movement.

298 [~~61~~] (62) "Stop" or "stopping" when prohibited means any halting even momentarily
299 of a vehicle, whether occupied or not, except when:

300 (a) necessary to avoid conflict with other traffic; or

301 (b) in compliance with the directions of a peace officer or traffic-control device.

302 [~~62~~] (63) "Street-legal all-terrain vehicle" or "street-legal ATV" means an all-terrain
303 type I vehicle, utility type vehicle, or full-sized all-terrain vehicle that is modified to meet the
304 requirements of Section [41-6a-1509](#) to operate on highways in the state in accordance with

305 Section [41-6a-1509](#).

306 ~~[(63)]~~ [\(64\)](#) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other
307 conveyances either singly or together while using any highway for the purpose of travel.

308 ~~[(64)]~~ [\(65\)](#) "Traffic-control device" means a sign, signal, marking, or device not
309 inconsistent with this chapter placed or erected by a highway authority for the purpose of
310 regulating, warning, or guiding traffic.

311 ~~[(65)]~~ [\(66\)](#) "Traffic-control signal" means a device, whether manually, electrically, or
312 mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

313 ~~[(66)]~~ [\(67\)](#) "Traffic signal preemption device" means an instrument or mechanism
314 designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

315 ~~[(67)]~~ [\(68\)](#) (a) "Trailer" means a vehicle with or without motive power designed for
316 carrying persons or property and for being drawn by a motor vehicle and constructed so that no
317 part of its weight rests upon the towing vehicle.

318 (b) "Trailer" does not include a pole trailer.

319 ~~[(68)]~~ [\(69\)](#) "Truck" means a motor vehicle designed, used, or maintained primarily for
320 the transportation of property.

321 ~~[(69)]~~ [\(70\)](#) "Truck tractor" means a motor vehicle:

322 (a) designed and used primarily for drawing other vehicles; and

323 (b) constructed to carry a part of the weight of the vehicle and load drawn by the truck
324 tractor.

325 ~~[(70)]~~ [\(71\)](#) "Two-way left turn lane" means a lane:

326 (a) provided for vehicle operators making left turns in either direction;

327 (b) that is not used for passing, overtaking, or through travel; and

328 (c) that has been indicated by a lane traffic-control device that may include lane
329 markings.

330 ~~[(71)]~~ [\(72\)](#) "Urban district" means the territory contiguous to and including any street,
331 in which structures devoted to business, industry, or dwelling houses are situated at intervals of
332 less than 100 feet, for a distance of a quarter of a mile or more.

333 ~~[(72)]~~ [\(73\)](#) (a) "Utility type vehicle" means any recreational vehicle designed for and
334 capable of travel over unimproved terrain:

335 (i) traveling on four or more tires;

336 (ii) having a width that, when measured at the widest point of the vehicle:
337 (A) is not less than 30 inches; or
338 (B) does not exceed 70 inches;
339 (iii) having an unladen dry weight of 2,200 pounds or less;
340 (iv) having a seat height of 20 to 40 inches when measured at the forward edge of the
341 seat bottom; and

342 (v) having side-by-side seating with a steering wheel for control.

343 (b) "Utility type vehicle" does not include:

344 (i) an all-terrain type I vehicle;

345 (ii) a motorcycle; or

346 (iii) a snowmobile as defined in Section 41-22-2.

347 [~~(73)~~] (74) "Vehicle" means a device in, on, or by which a person or property is or may
348 be transported or drawn on a highway, except devices used exclusively on stationary rails or
349 tracks.

350 Section 2. Section 53-8-206 is amended to read:

351 **53-8-206. Safety inspection -- Station requirements -- Permits not transferable --**
352 **Certificate of inspection -- Fees -- Unused certificates -- Suspension or revocation of**
353 **permits.**

354 (1) The safety inspection required under Section 53-8-205 may only be performed:

355 (a) by a person certified by the division as a safety inspector; and

356 (b) at a safety inspection station with a valid safety inspection station permit issued by
357 the division.

358 (2) A safety inspection station permit may not be assigned or transferred or used at any
359 location other than a designated location, and every safety inspection station permit shall be
360 posted in a conspicuous place at the location designated.

361 (3) If required by the division, a record and report shall be made of every safety
362 inspection and every safety inspection certificate issued.

363 (4) A safety inspection station holding a safety inspection station permit issued by the
364 division may charge a reasonable fee for labor in performing safety inspections, not to exceed:

365 (a) \$7 or less for motorcycles and street-legal all-terrain vehicles;

366 (b) unless Subsection (4)(a) or (c) applies, \$15 or less for motor vehicles; [or]

367 (c) \$20 or less for 4-wheel drive, split axle, and any motor vehicles that necessitate
368 disassembly of front hub or removal of rear axle for inspection[-]; or

369 (d) \$85 or less for a heavy vehicle.

370 (5) A safety inspection station may return unused safety inspection certificates in a
371 quantity of 10 or more and shall be reimbursed by the division for the cost of the safety
372 inspection certificates.

373 (6) (a) Upon receiving notice of the suspension or revocation of a safety inspection
374 station permit and after the conclusion of any adjudicative proceedings upholding the
375 suspension or revocation, the safety inspection station permit holder shall immediately
376 terminate all safety inspection activities and return all safety inspection certificates and the
377 safety inspection station permit to the division.

378 (b) The division shall issue a receipt for all unused safety inspection certificates.