

**MOTOR CARRIER AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kevin T. Van Tassell**

House Sponsor: Kay J. Christofferson

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**LONG TITLE**

**General Description:**

This bill amends portions of the Transportation Code relating to motor carriers.

**Highlighted Provisions:**

This bill:

- ▶ changes the length restrictions of motor carriers;
- ▶ modifies provisions relating to permits;
- ▶ modifies rulemaking authority;
- ▶ amends provisions related to lettering on motor carriers;
- ▶ amends provisions related to meetings of the Motor Carrier Advisory Board; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**72-2-103**, as last amended by Laws of Utah 2002, Fifth Special Session, Chapter 13

**72-7-402**, as last amended by Laws of Utah 2015, Chapter 412

**72-7-406**, as last amended by Laws of Utah 2016, Chapter 303

**72-9-102**, as last amended by Laws of Utah 2009, Chapter 155

**72-9-103**, as last amended by Laws of Utah 2011, Chapter 274

**72-9-105**, as last amended by Laws of Utah 2009, Chapter 155

30 [72-9-201](#), as last amended by Laws of Utah 2010, Chapter 286

31 REPEALS:

32 [72-9-706](#), as renumbered and amended by Laws of Utah 1998, Chapter 270

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

35 Section 1. Section **72-2-103** is amended to read:

36 **72-2-103. Limitations on Transportation Fund appropriations to agencies not a**  
37 **part of the Department of Transportation -- Exceptions.**

38 (1) Except as provided under Subsection (2), the amount appropriated or transferred  
39 from the Transportation Fund each year may not exceed a combined total of \$11,600,000 to:

- 40 (a) the Department of Public Safety;
- 41 (b) the State Tax Commission;
- 42 (c) the Division of Finance; and
- 43 (d) any other state agency that is not a part of the Department of Transportation.

44 (2) The following amounts are exempt from the appropriation and transfer limitations  
45 of Subsection (1):

- 46 (a) amounts deposited in the Department of Public Safety Restricted Account created  
47 under Section [53-3-106](#);
- 48 (b) revenue generated by the uninsured motorist identification fee under Section  
49 [41-1a-1218](#);
- 50 (c) revenue generated by the motor carrier fee under Section [41-1a-1219](#) [~~or Section~~  
51 [72-9-706](#)]; and
- 52 (d) revenue generated by the Motorcycle Rider Education Program under Section  
53 [53-3-905](#).

54 Section 2. Section **72-7-402** is amended to read:

55 **72-7-402. Limitations as to vehicle width, height, length, and load extensions.**

56 (1) (a) Except as provided by statute, all state or federally approved safety devices and  
57 any other lawful appurtenant devices, including refrigeration units, hitches, air line

58 connections, and load securing devices related to the safe operation of a vehicle are excluded  
59 for purposes of measuring the width and length of a vehicle under the provisions of this part, if  
60 the devices are not designed or used for carrying cargo.

61 (b) Load-induced tire bulge is excluded for purposes of measuring the width of  
62 vehicles under the provisions of this part.

63 (c) Appurtenances attached to the sides or rear of a recreational vehicle that is not a  
64 commercial motor vehicle are excluded for purposes of measuring the width and length of the  
65 recreational vehicle if the additional width or length of the appurtenances does not exceed six  
66 inches.

67 (2) A vehicle unladen or with a load may not exceed a width of 8-1/2 feet.

68 (3) A vehicle unladen or with a load may not exceed a height of 14 feet.

69 (4) (a) (i) A single-unit vehicle, unladen or with a load, may not exceed a length of 45  
70 feet including front and rear bumpers.

71 (ii) In this section, a truck tractor coupled to one or more semitrailers or trailers is not  
72 considered a single-unit vehicle.

73 (b) (i) [~~Except as provided under Subsection (4)(b)(iii), a~~] A semitrailer, unladen or  
74 with a load, may not exceed a length of [~~48~~] 53 feet excluding refrigeration units, hitches, air  
75 line connections, and safety appurtenances.

76 (ii) There is no overall length limitation on a truck tractor and semitrailer combination  
77 when the semitrailer length is [~~48~~] 53 feet or less.

78 [~~(iii) A semitrailer that exceeds a length of 48 feet but does not exceed a length of 53~~  
79 ~~feet may operate on a route designated by the department or within one mile of that route.]~~

80 (c) (i) Two trailers coupled together, unladen or with a load, may not exceed an overall  
81 length of 61 feet, measured from the front of the first trailer to the rear of the second trailer.

82 (ii) There is no overall length limitation on a truck tractor and double trailer  
83 combination when the trailers coupled together measure 61 feet or less.

84 (d) All other combinations of vehicles, unladen or with a load, when coupled together,  
85 may not exceed a total length of 65 feet, except the length limitations do not apply to

86 combinations of vehicles operated at night by a public utility when required for emergency  
87 repair of public service facilities or properties, or when operated under a permit under Section  
88 72-7-406.

89 (5) (a) Subject to Subsection (4), a vehicle or combination of vehicles may not carry  
90 any load extending more than three feet beyond the front of the body of the vehicle or more  
91 than six feet beyond the rear of the bed or body of the vehicle.

92 (b) A passenger vehicle may not carry any load extending beyond the line of the  
93 fenders on the left side of the vehicle nor extending more than six inches beyond the line of the  
94 fenders on the right side of the vehicle.

95 (6) Any exception to this section must be authorized by a permit as provided under  
96 Section 72-7-406.

97 (7) Any person who violates this section is guilty of a class C misdemeanor.

98 Section 3. Section 72-7-406 is amended to read:

99 **72-7-406. Oversize permits and oversize and overweight permits for vehicles of**  
100 **excessive size or weight -- Applications -- Restrictions -- Fees -- Rulemaking provisions --**  
101 **Penalty.**

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

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

109 (ii) a vehicle or combination of vehicles that exceeds the vehicle width, height, or  
110 length provisions under Section 72-7-402 or draw-bar length restriction under Subsection  
111 72-7-403(1)(a).

112 (b) Except as provided under Subsection (8), the department may not issue an oversize  
113 and overweight permit [~~may not be issued~~] under this section to allow the transportation of a

114 load that is reasonably divisible.

115 (c) The department may not authorize a maximum size or weight [~~authorized by a~~]  
116 permit under this section [~~shall be within limits that do not~~] that could impair the state's ability  
117 to qualify for federal-aid highway funds.

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

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

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

124 (iii) requiring [~~security~~] insurance in addition to the permit to compensate for any  
125 potential damage by the vehicle to any highway; and

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

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

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

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

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

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

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

137 [~~(3) Each~~] (3) (a) The driver of each vehicle requiring an oversize permit or oversize  
138 and overweight permit shall [~~be carried in~~] ensure that the permit is present in the vehicle or  
139 combination of vehicles to which [~~it~~] the permit refers and [~~shall be~~] available for inspection by  
140 any peace officer, special function officer, port of entry agent, or other personnel authorized by  
141 the department.

142 (b) A driver may provide proof of an oversize permit or oversize and overweight  
143 permit as required in Subsection (3)(a) by showing an electronic copy of the permit.

144 (4) ~~[A]~~ The department may not issue a permit under this section ~~[may not be issued~~  
145 ~~or], and a permit~~ is not valid, unless the vehicle or combination of vehicles is:

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

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

149 (5) (a) (i) ~~[An]~~ The department may issue an oversize permit ~~[may be issued]~~ under  
150 this section for a vehicle or combination of vehicles that exceeds one or more of the maximum  
151 width, height, or length provisions under Section 72-7-402.

152 (ii) Except for an annual oversize permit for an implement of husbandry under Section  
153 72-7-407 or for an annual oversize permit issued under Subsection (5)(a)(iii), the department  
154 may issue only a single trip oversize permit ~~[may be issued]~~ for a vehicle or combination of  
155 vehicles that is more than 14 feet 6 inches wide, 14 feet high, or 105 feet long.

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

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

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

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

167 (6) (a) ~~[An]~~ The department may issue an oversize and overweight permit ~~[may be~~  
168 ~~issued]~~ under this section for a vehicle or combination of vehicles carrying a nondivisible load  
169 that exceeds one or more of the maximum weight provisions of Section 72-7-404 up to a gross

170 weight of 125,000 pounds.

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

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

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

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

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

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

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

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

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

189 (7) (a) ~~[A]~~ The department may issue a single trip oversize and overweight permit  
190 ~~[may be issued]~~ under this section for a vehicle or combination of vehicles carrying a  
191 nondivisible load that exceeds:

192 (i) one or more of the maximum weight provisions of Section [72-7-404](#); or

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

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

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

- 198 (iii) The maximum fee that may be charged under this Subsection (7) is \$540.
- 199 (c) (i) The miles used to calculate the fee under this Subsection (7) shall be rounded up  
200 to the nearest 50 mile increment.
- 201 (ii) The pounds used to calculate the fee under this Subsection (7) shall be rounded up  
202 to the nearest 25,000 pound increment.
- 203 (iii) The department shall round the dollar amount used to calculate the fee under this  
204 Subsection (7) [~~shall be rounded~~] to the nearest \$10 increment.
- 205 (8) (a) [~~An~~] The department may issue an oversize and overweight permit [~~may be~~  
206 ~~issued~~] under this section for a vehicle or combination of vehicles carrying a divisible load if:
- 207 (i) the bridge formula under Subsection 72-7-404(3) is not exceeded; and
- 208 (ii) the length of the vehicle or combination of vehicles is:
- 209 (A) more than the limitations specified under Subsections 72-7-402(4)(c) and (d) or  
210 Subsection 72-7-403(1)(a) but not exceeding 81 feet in cargo carrying length and the  
211 application is for a single trip, semiannual trip, or annual trip permit; or
- 212 (B) more than 81 feet in cargo carrying length but not exceeding 95 feet in cargo  
213 carrying length and the application is for an annual trip permit.
- 214 (b) The fee is \$60 for a single trip oversize and overweight permit under this  
215 Subsection (8). The permit is valid for not more than 96 continuous hours.
- 216 (c) The fee for a semiannual oversize and overweight permit under this Subsection (8),  
217 which permit is valid for not more than 180 continuous days is:
- 218 (i) \$180 for a vehicle or combination of vehicles with gross vehicle weight of more  
219 than 80,000 pounds, but not exceeding 84,000 pounds;
- 220 (ii) \$320 for a vehicle or combination of vehicles with gross vehicle weight of more  
221 than 84,000 pounds, but not exceeding 112,000 pounds; and
- 222 (iii) \$420 for a vehicle or combination of vehicles with gross vehicle weight of more  
223 than 112,000 pounds, but not exceeding 129,000 pounds.
- 224 (d) The fee for an annual oversize and overweight permit under this Subsection (8),  
225 which permit is valid for not more than 365 continuous days is:



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

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

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

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

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

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

239 (12) Any person who violates any of the terms or conditions of a permit issued under  
240 this section:

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

242 (b) is guilty of an infraction, except that a violation of any rule made under Subsection  
243 (11) is not subject to a criminal penalty.

244 Section 4. Section **72-9-102** is amended to read:

245 **72-9-102. Definitions.**

246 As used in this chapter:

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

248 (i) an interstate commercial vehicle; and

249 (ii) an intrastate commercial vehicle.

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

252 (i) equipment owned and operated by the United States Department of Defense when  
253 driven by any active duty military personnel and members of the reserves and national guard on

254 active duty including personnel on full-time national guard duty, personnel on part-time  
255 training, and national guard military technicians and civilians who are required to wear military  
256 uniforms and are subject to the code of military justice;

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

259 (iii) recreational vehicles that are driven solely as family or personal conveyances for  
260 noncommercial purposes[-]; or

261 (iv) vehicles owned by the state or a local government.

262 (2) "Interstate commercial vehicle" means a self-propelled or towed motor vehicle used  
263 on a highway in interstate commerce to transport passengers or property if the vehicle:

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

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

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

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

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

274 (3) " Intrastate commercial vehicle" means a motor vehicle, vehicle, trailer, or  
275 semitrailer used or maintained for business, compensation, or profit to transport passengers or  
276 property on a highway only within the boundaries of this state if the commercial vehicle:

277 (a) has a manufacturer's gross vehicle weight rating or gross combination weight rating  
278 of 10,001 or more pounds;

279 (b) is designed to transport more than 15 passengers, including the driver; or

280 (c) is used in the transportation of hazardous materials and is required to be placarded  
281 in accordance with 49 C.F.R. Part 172, Subpart F.

282 (4) "Motor carrier" means a person engaged in or transacting the business of  
283 transporting passengers, freight, merchandise, or other property by a commercial vehicle on a  
284 highway within this state and includes a tow truck business.

285 (5) "Tow truck" means a motor vehicle constructed, designed, altered, or equipped  
286 primarily for the purpose of towing or removing damaged, disabled, abandoned, seized, or  
287 impounded vehicles from a highway or other place by means of a crane, hoist, tow bar, tow  
288 line, dolly, tilt bed, or other means.

289 (6) "Tow truck service" means the functions and any ancillary operations associated  
290 with recovering, removing, and towing a vehicle and its load from a highway or other place by  
291 means of a tow truck.

292 (7) "Transportation" means the actual movement of property or passengers by motor  
293 vehicle, including loading, unloading, and any ancillary service provided by the motor carrier  
294 in connection with movement by motor vehicle, which is performed by or on behalf of the  
295 motor carrier, its employees or agents, or under the authority of the motor carrier, its employees  
296 or agents, or under the apparent authority and with the knowledge of the motor carrier.

297 Section 5. Section 72-9-103 is amended to read:

298 **72-9-103. Rulemaking -- Motor vehicle liability coverage for certain motor**  
299 **carriers -- Adjudicative proceedings.**

300 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
301 department shall make rules:

302 (a) adopting by reference in whole or in part the Federal Motor Carrier Safety  
303 Regulations including minimum security requirements for motor carriers;

304 (b) specifying the equipment required to be carried in each tow truck, including limits  
305 on loads that may be moved based on equipment capacity and load weight; and

306 [~~(c) specifying collection procedures, in conjunction with the administration and~~  
307 ~~enforcement of the safety or security requirements, for the motor carrier fee under Section~~  
308 ~~72-9-706; and]~~

309 [~~(d)~~] (c) providing for the necessary administration and enforcement of this chapter.

310 (2) (a) Notwithstanding Subsection (1)(a), the department shall not require a motor  
311 carrier to comply with 49 C.F.R. Part 387 Subpart B if the motor carrier is:

312 (i) engaging in or transacting the business of transporting passengers by an intrastate  
313 commercial vehicle that has a seating capacity of no more than 30 passengers; and

314 (ii) a licensed child care provider under Section 26-39-401.

315 (b) Policies containing motor vehicle liability coverage for a motor carrier described  
316 under Subsection (2)(a) shall require minimum coverage of:

317 (i) \$1,000,000 for a vehicle with a seating capacity of up to 20 passengers; or

318 (ii) \$1,500,000 for a vehicle with a seating capacity of up to 30 passengers.

319 (3) The department shall comply with Title 63G, Chapter 4, Administrative Procedures  
320 Act, in its adjudicative proceedings.

321 Section 6. Section 72-9-105 is amended to read:

322 **72-9-105. Information lettered on vehicle -- Exceptions.**

323 (1) Except under Subsection (4), a motor carrier shall have lettered on both sides of any  
324 vehicle used for transportation of persons or property[; ~~(a)~~] the name of the motor carrier  
325 company[; ~~and (b) the location of domicile by city and state for an intrastate commercial~~  
326 ~~vehicle.~~].

327 (2) The motor carrier shall ensure that the lettering [~~shall be~~] is free from obstruction  
328 and legible from a distance of at least 50 feet.

329 (3) (a) In addition to the lettering required under Subsection (1), the department may  
330 require a motor carrier to display an identification number assigned by the department [~~to be~~  
331 ~~displayed~~] in accordance with this section.

332 (b) The department may issue an identification number [~~may be used to assist the~~  
333 ~~department~~] in conjunction with the [~~U.S.~~] United States Department of Transportation to  
334 develop a program to improve motor carrier safety enforcement.

335 (4) An intrastate commercial vehicle primarily used by a farmer for the production of  
336 agricultural products is exempt from the provisions of this section.

337 Section 7. Section 72-9-201 is amended to read:

338           **72-9-201. Motor Carrier Advisory Board created -- Appointment -- Terms --**  
339 **Meetings -- Per diem and expenses -- Duties.**

340           (1) There is created within the department the Motor Carrier Advisory Board  
341 consisting of five members appointed by the governor.

342           (2) Each member of the board shall:

343           (a) represent experience and expertise in the areas of motor carrier transportation,  
344 commerce, agriculture, economics, shipping, or highway safety;

345           (b) be selected at large on a nonpartisan basis; and

346           (c) have been a legal resident of the state for at least one year immediately preceding  
347 the date of appointment.

348           (3) (a) Except as required by Subsection (3)(b), as terms of current board members  
349 expire, the governor shall appoint each new member or reappointed member to a four-year  
350 term.

351           (b) The governor shall, at the time of appointment or reappointment, adjust the length  
352 of terms to ensure that the terms of board members are staggered so that approximately half of  
353 the board is appointed every two years.

354           (c) A member shall serve from the date of appointment until a replacement is  
355 appointed.

356           (4) When a vacancy occurs in the membership for any reason, the governor shall  
357 appoint the replacement [shall be appointed for] to serve for the remainder of the unexpired  
358 term beginning the day following the [expiration of the preceding term.] day on which the  
359 vacancy occurs.

360           (5) The board shall elect its own chair and vice chair at the first regular meeting of each  
361 calendar year.

362           (6) The board shall meet at least [~~quarterly~~] twice per year or as needed when called by  
363 the chair.

364           (7) Any three voting members constitute a quorum for the transaction of business that  
365 comes before the board.

366 (8) A member may not receive compensation or benefits for the member's service, but  
367 may receive per diem and travel expenses in accordance with:

368 (a) Section 63A-3-106;

369 (b) Section 63A-3-107; and

370 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
371 63A-3-107.

372 (9) The board shall advise the department and the commission on interpretation,  
373 adoption, and implementation of this chapter and other motor carrier related issues.

374 (10) The department shall provide staff support to the board.

375 **Section 8. Repealer.**

376 This bill repeals:

377 Section 72-9-706, **Motor carrier fee for certain vehicles -- Collection.**