

1                                   **AGRICULTURAL VEHICLE AMENDMENTS**

2   2019 GENERAL SESSION

3   STATE OF UTAH

4   **Chief Sponsor: Lee B. Perry**

5   Senate Sponsor: Scott D. Sandall

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7   **LONG TITLE**

8   **General Description:**

9               This bill amends provisions related to an implement of husbandry and other agricultural  
10 related vehicles.

11 **Highlighted Provisions:**

12               This bill:

- 13               ▶ amends provisions describing when an implement of husbandry may operate on a  
14 highway;
- 15               ▶ amends provisions to allow a vehicle or combination of vehicles to exceed certain  
16 vehicle weight limits in certain situations;
- 17               ▶ exempts an implement of husbandry from the requirement to stop at a port-of-entry  
18 in certain circumstances; and
- 19               ▶ makes technical changes.

20 **Money Appropriated in this Bill:**

21               None

22 **Other Special Clauses:**

23               None

24 **Utah Code Sections Affected:**

25 AMENDS:

26               **41-1a-202**, as last amended by Laws of Utah 2013, Chapter 463

27               **72-7-404**, as last amended by Laws of Utah 2017, First Special Session, Chapter 3

28               **72-9-502**, as last amended by Laws of Utah 2017, Chapter 345

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

31 Section 1. Section **41-1a-202** is amended to read:

32 **41-1a-202. Definitions -- Vehicles exempt from registration -- Registration of**  
33 **vehicles after establishing residency.**

34 (1) In this section:

35 (a) "Domicile" means the place:

36 (i) where an individual has a fixed permanent home and principal establishment;

37 (ii) to which the individual if absent, intends to return; and

38 (iii) in which the individual and his family voluntarily reside, not for a special or  
39 temporary purpose, but with the intention of making a permanent home.

40 (b) (i) "Resident" means any of the following:

41 (A) an individual who:

42 (I) has established a domicile in this state;

43 (II) regardless of domicile, remains in this state for an aggregate period of six months  
44 or more during any calendar year;

45 (III) engages in a trade, profession, or occupation in this state or who accepts  
46 employment in other than seasonal work in this state and who does not commute into the state;

47 (IV) declares himself to be a resident of this state for the purpose of obtaining a driver  
48 license or motor vehicle registration; or

49 (V) declares himself a resident of Utah to obtain privileges not ordinarily extended to  
50 nonresidents, including going to school, or placing children in school without paying  
51 nonresident tuition or fees; or

52 (B) any individual, partnership, limited liability company, firm, corporation,  
53 association, or other entity that:

54 (I) maintains a main office, branch office, or warehouse facility in this state and that  
55 bases and operates a motor vehicle in this state; or

56 (II) operates a motor vehicle in intrastate transportation for other than seasonal work.

57 (ii) "Resident" does not include any of the following:

- 58 (A) a member of the military temporarily stationed in Utah;
- 59 (B) an out-of-state student, as classified by the institution of higher education, enrolled  
60 with the equivalent of seven or more quarter hours, regardless of whether the student engages  
61 in a trade, profession, or occupation in this state or accepts employment in this state; and
- 62 (C) an individual domiciled in another state or a foreign country that:
- 63 (I) is engaged in public, charitable, educational, or religious services for a government  
64 agency or an organization that qualifies for tax-exempt status under Internal Revenue Code  
65 Section 501(c)(3);
- 66 (II) is not compensated for services rendered other than expense reimbursements; and
- 67 (III) is temporarily in Utah for a period not to exceed 24 months.
- 68 (2) (a) Registration under this chapter is not required for any:
- 69 ~~(a)~~ (i) vehicle registered in another state and owned by a nonresident of the state or  
70 operating under a temporary registration permit issued by the division or a dealer authorized by  
71 this chapter, driven or moved upon a highway in conformance with the provisions of this  
72 chapter relating to manufacturers, transporters, dealers, lien holders, or interstate vehicles;
- 73 ~~(b)~~ (ii) vehicle driven or moved upon a highway only for the purpose of crossing the  
74 highway from one property to another;
- 75 ~~(c)~~ (iii) implement of husbandry, whether of a type otherwise subject to registration  
76 or not, that is only incidentally operated or moved upon a highway;
- 77 ~~(d)~~ (iv) special mobile equipment;
- 78 ~~(e)~~ (v) vehicle owned or leased by the federal government;
- 79 ~~(f)~~ (vi) motor vehicle not designed, used, or maintained for the transportation of  
80 passengers for hire or for the transportation of property if the motor vehicle is registered in  
81 another state and is owned and operated by a nonresident of this state;
- 82 ~~(g)~~ (vii) vehicle or combination of vehicles designed, used, or maintained for the  
83 transportation of persons for hire or for the transportation of property if the vehicle or  
84 combination of vehicles is registered in another state and is owned and operated by a  
85 nonresident of this state and if the vehicle or combination of vehicles has a gross laden weight

86 of 26,000 pounds or less;

87 ~~[(h)]~~ (viii) trailer of 750 pounds or less unladen weight and not designed, used, and  
88 maintained for hire for the transportation of property or person;

89 ~~[(i)]~~ (ix) manufactured home or mobile home;

90 ~~[(j)]~~ (x) off-highway vehicle currently registered under Section 41-22-3 if the  
91 off-highway vehicle is:

92 ~~[(i)]~~ (A) being towed;

93 ~~[(ii)]~~ (B) operated on a street or highway designated as open to off-highway vehicle  
94 use; or

95 ~~[(iii)]~~ (C) operated in the manner prescribed in Subsections 41-22-10.3(1) through (3);

96 ~~[(k)]~~ (xi) off-highway implement of husbandry operated in the manner prescribed in  
97 Subsections 41-22-5.5(3) through (5);

98 ~~[(l)]~~ (xii) modular and prebuilt homes conforming to the uniform building code and  
99 presently regulated by the United States Department of Housing and Urban Development that  
100 are not constructed on a permanent chassis;

101 ~~[(m)]~~ (xiii) electric assisted bicycle defined under Section 41-6a-102;

102 ~~[(n)]~~ (xiv) motor assisted scooter defined under Section 41-6a-102; or

103 ~~[(o)]~~ (xv) electric personal assistive mobility device defined under Section 41-6a-102.

104 (b) For purposes of an implement of husbandry as described in Subsection (2)(a)(iii),  
105 incidental operation on a highway includes operation that is:

106 (i) transportation of raw agricultural materials or other agricultural related operations;

107 and

108 (ii) limited to 100 miles round trip on a highway.

109 (3) Unless otherwise exempted under Subsection (2), registration under this chapter is  
110 required for any motor vehicle, combination of vehicles, trailer, semitrailer, or vintage vehicle  
111 within 60 days of the owner establishing residency in this state.

112 (4) A motor vehicle that is registered under Section 41-3-306 is exempt from the  
113 registration requirements of this part for the time period that the registration under Section

114 41-3-306 is valid.

115 (5) A vehicle that has been issued a nonrepairable certificate may not be registered  
116 under this chapter.

117 Section 2. Section 72-7-404 is amended to read:

118 **72-7-404. Maximum gross weight limitation for vehicles -- Bridge formula for**  
119 **weight limitations -- Minimum mandatory fines.**

120 (1) (a) As used in this section:

121 (i) "Axle load" means the total load on all wheels whose centers may be included  
122 between two parallel transverse vertical planes 40 inches apart.

123 (ii) "Tandem axle" means two or more axles spaced not less than 40 inches nor more  
124 than 96 inches apart and having at least one common point of weight suspension.

125 (b) The tire load rating shall appear on the tire sidewall. A tire, wheel, or axle may not  
126 carry a greater weight than the manufacturer's rating.

127 (2) (a) ~~Am~~ Except as provided in Subsection (4), an individual may not operate or  
128 move a vehicle on any highway in the state with:

129 (i) a gross weight in excess of 10,500 pounds on one wheel;

130 (ii) a single axle load in excess of 20,000 pounds; or

131 (iii) a tandem axle load in excess of 34,000 pounds.

132 (b) Subject to the limitations of Subsection (3), the gross vehicle weight of any vehicle  
133 or combination of vehicles may not exceed 80,000 pounds.

134 (3) (a) Subject to the limitations in Subsection (2), no group of two or more  
135 consecutive axles between the first and last axle of a vehicle or combination of vehicles and no  
136 vehicle or combination of vehicles may carry a gross weight in excess of the weight provided  
137 by the following bridge formula, except as provided in Subsection (3)(b):

$$138 \quad W = 500 \{LN/(N-1) + 12N+36\}$$

139 (i) W = overall gross weight on any group of two or more consecutive axles to the  
140 nearest 500 pounds.

141 (ii) L = distance in feet between the extreme of any group of two or more consecutive

142 axles. When the distance in feet includes a fraction of a foot of one inch or more the next  
143 larger number of feet shall be used.

144 (iii) N = number of axles in the group under consideration.

145 (b) Two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds  
146 each if the overall distance between the first and last axles of the consecutive sets of tandem  
147 axles is 36 feet or more.

148 (4) An individual may operate an implement of husbandry, as defined in Section  
149 41-1a-102, carrying a raw agricultural commodity such as corn, wheat, or hay that is over the  
150 single axle weight described in Subsection (2), if:

151 (a) the single axle load is not over the limit described in Subsection (2) by more than  
152 2,000 pounds;

153 (b) the total gross vehicle weight of the vehicle or combination of vehicles is not over  
154 the limit described in Subsection (2); and

155 (c) the individual is not operating the implement of husbandry on the interstate system.

156 [~~4~~] (5) The department may authorize an exception to this section by an overweight  
157 permit as provided in Section 72-7-406.

158 [~~5~~] (6) (a) Any person who violates this section is guilty of an infraction except that,  
159 notwithstanding Sections 76-3-301 and 76-3-302, the department may require the violator to  
160 pay a fine of either:

161 (i) \$50 plus the sum of the overweight axle fines calculated under Subsection [~~5~~]  
162 (6)(b); or

163 (ii) \$50 plus the gross vehicle weight fine calculated under Subsection [~~5~~] (6)(b).

164 (b) The department shall calculate the fine for each axle and a gross vehicle weight  
165 violation according to the following schedule:

|     | Axle Fine (Cents per Pound<br>Number of Pounds Overweight<br>for Each Overweight Axle) | Gross Vehicle Weight<br>Fine(Cents per Pound) |
|-----|--|---|
| 167 | 1 - 2,000  | 0   |
| 168 | 2,001 - 5,000  | 4   |

|     |                 |    |   |
|-----|-----------------|----|---|
| 169 | 5,001 - 8,000   | 5  | 5 |
| 170 | 8,001 - 12,000  | 6  | 5 |
| 171 | 12,001 - 16,000 | 7  | 5 |
| 172 | 16,001 - 20,000 | 9  | 5 |
| 173 | 20,001 - 25,000 | 11 | 5 |
| 174 | 25,001 or more  | 13 | 5 |

175 Section 3. Section **72-9-502** is amended to read:

176 **72-9-502. Motor vehicles to stop at ports-of-entry -- Signs -- Exceptions --**  
177 **Rulemaking -- By-pass permits.**

178 (1) Except under Subsection (3), a motor carrier operating a motor vehicle with a gross  
179 vehicle weight of 10,001 pounds or more or any motor vehicle carrying livestock as defined in  
180 Section [4-24-102](#) shall stop at a port-of-entry as required under this section.

181 (2) The department may erect and maintain signs directing motor vehicles to a  
182 port-of-entry as provided in this section.

183 (3) A motor vehicle required to stop at a port-of-entry under Subsection (1) is exempt  
184 from this section if:

185 (a) the total one-way trip distance for the motor vehicle would be increased by more  
186 than 5% or three miles, whichever is greater if diverted to a port-of-entry; ~~[or]~~

187 (b) the motor vehicle is operating under a temporary port-of-entry by-pass permit  
188 issued under Subsection (4)~~[-];~~ or

189 (c) the motor vehicle is an implement of husbandry as defined in Section [41-1a-102](#)  
190 being operated only incidentally on a highway as described in Section [41-1a-202](#).

191 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
192 the department shall make rules for the issuance of a temporary port-of-entry by-pass permit  
193 exempting a motor vehicle from the provisions of Subsection (1) if the department determines  
194 that the permit is needed to accommodate highway transportation needs due to multiple daily or

195 weekly trips in the proximity of a port-of-entry.

196 (b) The rules under Subsection (4)(a) shall provide that one permit may be issued to a  
197 motor carrier for multiple motor vehicles.