

Representative Kay J. Christofferson proposes the following substitute bill:

INTRASTATE COMMERCIAL VEHICLE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill amends the definition of an intrastate commercial vehicle as it pertains to gross vehicle weight ratings and passenger occupancy of certain vehicles.

Highlighted Provisions:

This bill:

▶ amends the definition of an intrastate commercial vehicle by:

- increasing the gross vehicle weight rating from 10,001 or more pounds to ~~12,001~~ **26,000** or more pounds if the vehicle is operated by an individual 18 years old or older;

- increasing the gross vehicle weight rating from 10,001 or more pounds to 16,001 or more pounds if the vehicle is operated by an individual under 18 years old; and

- including in the definition a vehicle with the gross vehicle weight rating of ~~12,001~~ **13,000** or more pounds for a vehicle designed to transport 12 or more passengers for commercial purposes.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **72-9-102**, as last amended by Laws of Utah 2019, Chapter 373

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

32 Section 1. Section **72-9-102** is amended to read:

33 **72-9-102. Definitions.**

34 As used in this chapter:

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

36 (i) an interstate commercial vehicle; and

37 (ii) an intrastate commercial vehicle.

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

40 (i) equipment owned and operated by the United States Department of Defense when
41 driven by any active duty military personnel and members of the reserves and national guard on
42 active duty including personnel on full-time national guard duty, personnel on part-time
43 training, and national guard military technicians and civilians who are required to wear military
44 uniforms and are subject to the code of military justice;

45 (ii) firefighting and emergency vehicles, operated by emergency personnel, not
46 including commercial tow trucks;

47 (iii) recreational vehicles that are driven solely as family or personal conveyances for
48 noncommercial purposes; or

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

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

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

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

56 (c) is designed or used to transport more than 15 passengers, including the driver, and

57 is not used to transport passengers for compensation; or

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

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

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

65 (a) (i) has a manufacturer's gross vehicle weight rating or gross combination weight
66 rating of [~~10,001~~] ~~Ŝ~~→ ~~[26,001]~~ 26,000 ←~~Ŝ~~ or more pounds[;] and is operated by an individual who
66a is 18 years
67 old or older; or

68 (ii) has a manufacturer's gross vehicle weight rating or gross combination weight rating
69 of 16,001 or more pounds and is operated by an individual who is under 18 years old;

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

71 (ii) is designed to transport more than 12 passengers, including the driver, and has a
72 manufacturer's gross vehicle weight rating or gross combination weight rating of ~~Ŝ~~→ ~~[12,001]~~
72a 13,000 ←~~Ŝ~~ or
73 more pounds; or

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

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

79 (5) "Owner" as pertaining to a vehicle, vessel, or outboard motor, means the same as
80 that term is defined in Section [41-1a-102](#).

81 (6) "Property owner" means the owner or lessee of real property.

82 (7) "State impound yard" means the same as that term is defined in Section [41-1a-102](#).

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

87 (9) "Tow truck motor carrier" means a motor carrier that is engaged in or transacting

88 business for tow truck services.

89 (10) "Tow truck operator" means an individual that performs operations related to a
90 tow truck service as an employee or as an independent contractor on behalf of a tow truck
91 motor carrier.

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

95 (12) "Transportation" means the actual movement of property or passengers by motor
96 vehicle, including loading, unloading, and any ancillary service provided by the motor carrier
97 in connection with movement by motor vehicle, which is performed by or on behalf of the
98 motor carrier, its employees or agents, or under the authority of the motor carrier, its employees
99 or agents, or under the apparent authority and with the knowledge of the motor carrier.