

HB0137S01 compared with HB0137

~~{deleted text}~~ shows text that was in HB0137 but was deleted in HB0137S01.

inserted text shows text that was not in HB0137 but was inserted into HB0137S01.

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~~{LARGE BLUE TITLE}~~ 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 ~~{increase the associated}~~ gross vehicle weight ~~{rating}~~ ratings and passenger occupancy of certain vehicles. ~~{ }~~

Highlighted Provisions:

This bill:

- ▶ ~~{increases}~~ amends the ~~{gross vehicle weight rating limit}~~ definition of an intrastate commercial vehicle by:
 - increasing the gross vehicle weight rating from 10,001 or more pounds to 26,001 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

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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 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:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

72-9-102. Definitions.

As used in this chapter:

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

- (i) an interstate commercial vehicle; and
- (ii) an intrastate commercial vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

(a) (i) has a manufacturer's gross vehicle weight rating or gross combination weight rating of [~~10,001~~] ~~{12}~~26,001 or more pounds~~{ }~~

~~— (b) { }; and is operated by an individual who is 18 years old or older; or~~

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

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

(ii) is designed to transport more than 12 passengers, including the driver, and has a manufacturer's gross vehicle weight rating or gross combination weight rating of 12,001 or more pounds; or

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

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

(5) "Owner" as pertaining to a vehicle, vessel, or outboard motor, means the same as

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that term is defined in Section 41-1a-102.

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

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

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

(9) "Tow truck motor carrier" means a motor carrier that is engaged in or transacting business for tow truck services.

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

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

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