

**Representative Kay J. Christofferson** proposes the following substitute bill:

**INTRASTATE COMMERCIAL VEHICLE AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kay J. Christofferson**

Senate Sponsor: Michael K. McKell

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**LONG TITLE**

**General Description:**

This bill amends the definition of an interstate and intrastate commercial vehicle and amends the gross vehicle weight requirement for stopping at a port-of-entry.

**Highlighted Provisions:**

This bill:

- ▶ amends the definition of an interstate and intrastate commercial vehicle by increasing the gross vehicle weight rating and gross vehicle weight from 26,000 or more pounds to 26,001 or more pounds; and
- ▶ amends the gross vehicle weight or gross combination weight requirement for a vehicle to stop at a port-of-entry from 10,001 or more pounds to 26,001 or more pounds.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53-3-102**, as last amended by Laws of Utah 2022, Chapter 162



26 [72-9-102](#), as last amended by Laws of Utah 2021, Chapter 118

27 [72-9-502](#), as last amended by Laws of Utah 2021, Chapter 239

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

30 Section 1. Section **53-3-102** is amended to read:

31 **53-3-102. Definitions.**

32 As used in this chapter:

33 (1) "Autocycle" means a motor vehicle that:

34 (a) is designed to travel with three or fewer wheels in contact with the ground; and

35 (b) is equipped with:

36 (i) a steering mechanism;

37 (ii) seat belts; and

38 (iii) seating that does not require the operator to straddle or sit astride the motor

39 vehicle.

40 (2) "Cancellation" means the termination by the division of a license issued through  
41 error or fraud or for which consent under Section [53-3-211](#) has been withdrawn.

42 (3) "Class D license" means the class of license issued to drive motor vehicles not  
43 defined as commercial motor vehicles or motorcycles under this chapter.

44 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner  
45 permit:

46 (a) issued under Section [53-3-408](#); or

47 (b) issued by a state or other jurisdiction of domicile in compliance with the standards  
48 contained in 49 C.F.R. Part 383.

49 (5) "Commercial driver license" or "CDL" means a license:

50 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.  
51 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,  
52 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of  
53 commercial motor vehicle; and

54 (b) that was obtained by providing evidence of lawful presence in the United States  
55 with one of the document requirements described in Subsection [53-3-410\(1\)\(i\)\(i\)](#).

56 (6) (a) "Commercial driver license motor vehicle record" or "CDL MVR" means a

57 driving record that:

58 (i) applies to a person who holds or is required to hold a commercial driver instruction  
59 permit or a CDL license; and

60 (ii) contains the following:

61 (A) information contained in the driver history, including convictions, pleas held in  
62 abeyance, disqualifications, and other licensing actions for violations of any state or local law  
63 relating to motor vehicle traffic control, committed in any type of vehicle;

64 (B) driver self-certification status information under Section 53-3-410.1; and

65 (C) information from medical certification record keeping in accordance with 49  
66 C.F.R. Sec. 383.73(o).

67 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a  
68 motor vehicle record described in Subsection (30).

69 (7) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor  
70 vehicles designed or used to transport passengers or property if the motor vehicle:

71 (i) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds,  
72 or gross combination weight rating or gross combination weight of 26,001 or more pounds or a  
73 lesser rating as determined by federal regulation;

74 (ii) is designed to transport 16 or more passengers, including the driver; or

75 (iii) is transporting hazardous materials and is required to be placarded in accordance  
76 with 49 C.F.R. Part 172, Subpart F.

77 (b) The following vehicles are not considered a commercial motor vehicle for purposes  
78 of Part 4, Uniform Commercial Driver License Act:

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

84 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm  
85 machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation  
86 as a motor carrier for hire;

87 (iii) firefighting and emergency vehicles;

88 (iv) recreational vehicles that are not used in commerce and are driven solely as family  
89 or personal conveyances for recreational purposes; and

90 (v) vehicles used to provide transportation network services, as defined in Section  
91 [13-51-102](#).

92 (8) "Conviction" means any of the following:

93 (a) an unvacated adjudication of guilt or a determination that a person has violated or  
94 failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

95 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's  
96 appearance in court;

97 (c) a plea of guilty or nolo contendere accepted by the court;

98 (d) the payment of a fine or court costs; or

99 (e) violation of a condition of release without bail, regardless of whether the penalty is  
100 rebated, suspended, or probated.

101 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to  
102 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security,  
103 do not apply.

104 (10) "Director" means the division director appointed under Section [53-3-103](#).

105 (11) "Disqualification" means either:

106 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state  
107 of a person's privileges to drive a commercial motor vehicle;

108 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,  
109 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part  
110 391; or

111 (c) the loss of qualification that automatically follows conviction of an offense listed in  
112 49 C.F.R. Part 383.51.

113 (12) "Division" means the Driver License Division of the department created in  
114 Section [53-3-103](#).

115 (13) "Downgrade" means to obtain a lower license class than what was originally  
116 issued during an existing license cycle.

117 (14) "Drive" means:

118 (a) to operate or be in physical control of a motor vehicle upon a highway; and

119 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections  
120 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within  
121 the state.

122 (15) (a) "Driver" means an individual who drives, or is in actual physical control of a  
123 motor vehicle in any location open to the general public for purposes of vehicular traffic.

124 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person  
125 who is required to hold a CDL under Part 4, Uniform Commercial Driver License Act, or  
126 federal law.

127 (16) "Driving privilege card" means the evidence of the privilege granted and issued  
128 under this chapter to drive a motor vehicle to a person whose privilege was obtained without  
129 providing evidence of lawful presence in the United States.

130 (17) "Electronic license certificate" means the evidence, in an electronic format as  
131 described in Section 53-3-235, of a privilege granted under this chapter to drive a motor  
132 vehicle.

133 (18) "Extension" means a renewal completed in a manner specified by the division.

134 (19) "Farm tractor" means every motor vehicle designed and used primarily as a farm  
135 implement for drawing plows, mowing machines, and other implements of husbandry.

136 (20) "Highway" means the entire width between property lines of every way or place of  
137 any nature when any part of it is open to the use of the public, as a matter of right, for traffic.

138 (21) "Human driver" means the same as that term is defined in Section 41-26-102.1.

139 (22) "Identification card" means a card issued under Part 8, Identification Card Act, to  
140 a person for identification purposes.

141 (23) "Indigent" means that a person's income falls below the federal poverty guideline  
142 issued annually by the [U.S.] United States Department of Health and Human Services in the  
143 Federal Register.

144 (24) "License" means the privilege to drive a motor vehicle.

145 (25) (a) "License certificate" means the evidence of the privilege issued under this  
146 chapter to drive a motor vehicle.

147 (b) "License certificate" evidence includes:

148 (i) a regular license certificate;

149 (ii) a limited-term license certificate;

- 150 (iii) a driving privilege card;
- 151 (iv) a CDL license certificate;
- 152 (v) a limited-term CDL license certificate;
- 153 (vi) a temporary regular license certificate;
- 154 (vii) a temporary limited-term license certificate; and
- 155 (viii) an electronic license certificate created in Section [53-3-235](#).
- 156 (26) "Limited-term commercial driver license" or "limited-term CDL" means a license:
- 157 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.
- 158 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
- 159 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
- 160 commercial motor vehicle; and
- 161 (b) that was obtained by providing evidence of lawful presence in the United States
- 162 with one of the document requirements described in Subsection [53-3-410\(1\)\(i\)\(ii\)](#).
- 163 (27) "Limited-term identification card" means an identification card issued under this
- 164 chapter to a person whose card was obtained by providing evidence of lawful presence in the
- 165 United States with one of the document requirements described in Subsection
- 166 [53-3-804\(2\)\(i\)\(ii\)](#).
- 167 (28) "Limited-term license certificate" means the evidence of the privilege granted and
- 168 issued under this chapter to drive a motor vehicle to a person whose privilege was obtained
- 169 providing evidence of lawful presence in the United States with one of the document
- 170 requirements described in Subsection [53-3-205\(8\)\(a\)\(ii\)\(B\)](#).
- 171 (29) "Motor vehicle" means the same as that term is defined in Section [41-1a-102](#).
- 172 (30) "Motor vehicle record" or "MVR" means a driving record under Subsection
- 173 [53-3-109\(6\)\(a\)](#).
- 174 (31) "Motorboat" means the same as that term is defined in Section [73-18-2](#).
- 175 (32) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or
- 176 saddle for the use of the rider and designed to travel with not more than three wheels in contact
- 177 with the ground.
- 178 (33) "Office of Recovery Services" means the Office of Recovery Services, created in
- 179 Section [62A-11-102](#).
- 180 (34) "Operate" means the same as that term is defined in Section [41-1a-102](#).

181 (35) (a) "Owner" means a person other than a lien holder having an interest in the  
182 property or title to a vehicle.

183 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to  
184 a security interest in another person but excludes a lessee under a lease not intended as security.

185 (36) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge,  
186 or other financial penalty imposed on an individual by a court or other government entity.

187 (37) (a) "Private passenger carrier" means any motor vehicle for hire that is:

188 (i) designed to transport 15 or fewer passengers, including the driver; and

189 (ii) operated to transport an employee of the person that hires the motor vehicle.

190 (b) "Private passenger carrier" does not include:

191 (i) a taxicab;

192 (ii) a motor vehicle driven by a transportation network driver as defined in Section  
193 13-51-102;

194 (iii) a motor vehicle driven for transportation network services as defined in Section  
195 13-51-102; and

196 (iv) a motor vehicle driven for a transportation network company as defined in Section  
197 13-51-102 and registered with the Division of Consumer Protection as described in Section  
198 13-51-104.

199 (38) "Regular identification card" means an identification card issued under this  
200 chapter to a person whose card was obtained by providing evidence of lawful presence in the  
201 United States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).

202 (39) "Regular license certificate" means the evidence of the privilege issued under this  
203 chapter to drive a motor vehicle whose privilege was obtained by providing evidence of lawful  
204 presence in the United States with one of the document requirements described in Subsection  
205 53-3-205(8)(a)(ii)(A).

206 (40) "Renewal" means to validate a license certificate so that it expires at a later date.

207 (41) "Reportable violation" means an offense required to be reported to the division as  
208 determined by the division and includes those offenses against which points are assessed under  
209 Section 53-3-221.

210 (42) (a) "Resident" means an individual who:

211 (i) has established a domicile in this state, as defined in Section 41-1a-202, or

212 regardless of domicile, remains in this state for an aggregate period of six months or more  
213 during any calendar year;

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

216 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver  
217 license certificate or motor vehicle registration; or

218 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended  
219 to nonresidents, including going to school, or placing children in school without paying  
220 nonresident tuition or fees.

221 (b) "Resident" does not include any of the following:

222 (i) a member of the military, temporarily stationed in this state;

223 (ii) an out-of-state student, as classified by an institution of higher education,  
224 regardless of whether the student engages in any type of employment in this state;

225 (iii) a person domiciled in another state or country, who is temporarily assigned in this  
226 state, assigned by or representing an employer, religious or private organization, or a  
227 governmental entity; or

228 (iv) an immediate family member who resides with or a household member of a person  
229 listed in Subsections (42)(b)(i) through (iii).

230 (43) "Revocation" means the termination by action of the division of a licensee's  
231 privilege to drive a motor vehicle.

232 (44) (a) "School bus" means a commercial motor vehicle used to transport pre-primary,  
233 primary, or secondary school students to and from home and school, or to and from school  
234 sponsored events.

235 (b) "School bus" does not include a bus used as a common carrier as defined in Section  
236 [59-12-102](#).

237 (45) "Suspension" means the temporary withdrawal by action of the division of a  
238 licensee's privilege to drive a motor vehicle.

239 (46) "Taxicab" means any class D motor vehicle transporting any number of  
240 passengers for hire and that is subject to state or federal regulation as a taxi.

241 Section 2. Section **72-9-102** is amended to read:

242 **72-9-102. Definitions.**



243 As used in this chapter:

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

245 (i) an interstate commercial vehicle; and

246 (ii) an intrastate commercial vehicle.

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

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

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

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

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

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

261 (a) has a gross vehicle weight rating or gross vehicle weight of 10,001 or more pounds,  
262 or gross combination weight rating [of 10,001 or more pounds;] or gross combination weight  
263 of 10,001 or more pounds, whichever is greater;

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

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

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

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

272 (3) "Intrastate commercial vehicle" means a motor vehicle, vehicle, trailer, or  
273 semitrailer used or maintained for business, compensation, or profit to transport passengers or

274 property on a highway only within the boundaries of this state if the commercial vehicle:

275 (a) (i) has a manufacturer's gross vehicle weight rating or gross vehicle weight, or gross  
276 combination weight rating [~~of 26,000 or more pounds~~] or gross combination weight of 26,001  
277 or more pounds, whichever is greater, and is operated by an individual who is 18 years old or  
278 older; or

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

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

282 (ii) is designed to transport more than 12 passengers, including the driver, and has a  
283 manufacturer's gross vehicle weight rating or gross combination weight rating of 13,000 or  
284 more pounds; or

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

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

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

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

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

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

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

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

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

305 means of a tow truck.

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

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

312 **72-9-502. Motor vehicles to stop at ports-of-entry -- Signs -- Exceptions --**  
313 **Rulemaking -- By-pass permits.**

314 (1) Except under Subsection (3), a motor carrier operating a motor vehicle with a gross  
315 vehicle weight [~~of 10,001 pounds or more~~] or gross combination weight of 26,001 or more  
316 pounds, whichever is greater, shall stop at a port-of-entry as required under this section.

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

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

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

323 (b) the motor vehicle is operating under a temporary port-of-entry by-pass permit  
324 issued under Subsection (4); or

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

327 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
328 the department shall make rules for the issuance of a temporary port-of-entry by-pass permit  
329 exempting a motor vehicle from the provisions of Subsection (1) if the department determines  
330 that the permit is needed to accommodate highway transportation needs due to multiple daily or  
331 weekly trips in the proximity of a port-of-entry.

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