

INTRASTATE COMMERCIAL VEHICLE AMENDMENTS

2023 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 and amends the gross vehicle weight requirement for stopping at a port-of-entry.

Highlighted Provisions:

This bill:

- ▶ amends the definition of an intrastate commercial vehicle by increasing the gross vehicle weight rating from 26,000 or more pounds to 26,001 or more pounds; and
- ▶ amends the gross vehicle weight requirement for vehicles 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:

72-9-102, as last amended by Laws of Utah 2021, Chapter 118

72-9-502, as last amended by Laws of Utah 2021, Chapter 239

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

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



28 **72-9-102. Definitions.**

29 As used in this chapter:

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

31 (i) an interstate commercial vehicle; and

32 (ii) an intrastate commercial vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

95 Section 2. Section **72-9-502** is amended to read:

96 **72-9-502. Motor vehicles to stop at ports-of-entry -- Signs -- Exceptions --**
97 **Rulemaking -- By-pass permits.**

98 (1) Except under Subsection (3), a motor carrier operating a motor vehicle with a gross
99 vehicle weight of [~~10,001 pounds~~] 26,001 or more pounds shall stop at a port-of-entry as
100 required under this section.

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

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

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

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

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

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

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