

MOTOR CARRIER AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay J. Christofferson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Transportation Code.

Highlighted Provisions:

This bill:

- ▶ amends the definition of a commercial vehicle; and
- ▶ changes the weight restrictions for an oversize and overweight permit.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-7-406, as last amended by Laws of Utah 2017, Chapters 96, 118

72-9-102, as last amended by Laws of Utah 2023, Chapter 296

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

Section 1. Section **72-7-406** is amended to read:

72-7-406. Oversize permits and oversize and overweight permits for vehicles of excessive size or weight -- Applications -- Restrictions -- Fees -- Rulemaking provisions -- Penalty.



28 (1) (a) The department may, upon receipt of an application and good cause shown,
29 issue in writing an oversize permit or an oversize and overweight permit. The oversize permit
30 or oversize and overweight permit may authorize the applicant to operate or move upon a
31 highway:

32 (i) a vehicle or combination of vehicles, unladen or with a load weighing more than the
33 maximum weight specified in Section 72-7-404 for any wheel, axle, group of axles, or total
34 gross weight; or

35 (ii) a vehicle or combination of vehicles that exceeds the vehicle width, height, or
36 length provisions under Section 72-7-402 or draw-bar length restriction under Subsection
37 72-7-403(1)(a).

38 (b) Except as provided under Subsections (5) and (8),the department may not issue an
39 oversize and overweight permit under this section to allow the transportation of a load that is
40 reasonably divisible.

41 (c) The department may not authorize a maximum size or weight permit under this
42 section that could impair the state's ability to qualify for federal-aid highway funds.

43 (d) The department may deny or issue a permit under this section to protect the safety
44 of the traveling public and to protect highway foundation, surfaces, or structures from undue
45 damage by one or more of the following:

46 (i) limiting the number of trips the vehicle may make;

47 (ii) establishing seasonal or other time limits within which the vehicle may operate or
48 move on the highway indicated;

49 (iii) requiring insurance in addition to the permit to compensate for any potential
50 damage by the vehicle to any highway; and

51 (iv) otherwise limiting the conditions of operation or movement of the vehicle.

52 (e) Prior to granting a permit under this section, the department shall approve the route
53 of any vehicle or combination of vehicles.

54 (2) An application for a permit under this section shall state:

55 (a) the proposed maximum wheel loads, maximum axle loads, all axle spacings of each
56 vehicle or combination of vehicles;

57 (b) the proposed maximum load size and maximum size of each vehicle or
58 combination of vehicles;

59 (c) the specific roads requested to be used under authority of the permit; and
60 (d) if the permit is requested for a single trip or if other seasonal limits or time limits
61 apply.

62 (3) (a) The driver of each vehicle requiring an oversize permit or oversize and
63 overweight permit shall ensure that the permit is present in the vehicle or combination of
64 vehicles to which the permit refers and available for inspection by any peace officer, special
65 function officer, port of entry agent, or other personnel authorized by the department.

66 (b) A driver may provide proof of an oversize permit or oversize and overweight
67 permit as required in Subsection (3)(a) by showing an electronic copy of the permit.

68 (4) The department may not issue a permit under this section, and a permit is not valid,
69 unless the vehicle or combination of vehicles is:

70 (a) properly registered for the weight authorized by the permit; or

71 (b) registered for a gross laden weight of 78,001 pounds or over, if the gross laden
72 weight authorized by the permit exceeds 80,000 pounds.

73 (5) (a) (i) The department may issue an oversize permit under this section for a vehicle
74 or combination of vehicles that exceeds one or more of the maximum width, height, or length
75 provisions under Section [72-7-402](#).

76 (ii) Except for an annual oversize permit for an implement of husbandry under Section
77 [72-7-407](#), for a permit issued under Subsection (5)(a)(iii), or for an annual oversize permit
78 issued under Subsection (5)(a)(iv), the department may issue only a single trip oversize permit
79 for a vehicle or combination of vehicles that is more than 14 feet 6 inches wide, 14 feet high, or
80 105 feet long.

81 (iii) An oversize permit may be issued for a vehicle or combination of vehicles with a
82 maximum height of 14 feet 6 inches high to allow the transportation of a load that is reasonably
83 divisible.

84 (iv) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
85 the department shall make rules for the issuance of an annual oversize permit for a vehicle or
86 combination of vehicles that is more than 14 feet 6 inches wide, 14 feet high, or 105 feet long
87 if the department determines that the permit is needed to accommodate highway transportation
88 needs for multiple trips on a specified route.

89 (b) The fee is \$30 for a single trip oversize permit under this Subsection (5). This

90 permit is valid for not more than 96 continuous hours.

91 (c) The fee is \$75 for a semiannual oversize permit under this Subsection (5). This
92 permit is valid for not more than 180 continuous days.

93 (d) The fee is \$90 for an annual oversize permit under this Subsection (5). This permit
94 is valid for not more than 365 continuous days.

95 (6) (a) The department may issue an oversize and overweight permit under this section
96 for a vehicle or combination of vehicles carrying a nondivisible load that exceeds one or more
97 of the maximum weight provisions of Section 72-7-404 up to a gross weight of 125,000
98 pounds.

99 (b) The fee is \$60 for a single trip oversize and overweight permit under this
100 Subsection (6). This permit is valid for not more than 96 continuous hours.

101 (c) A semiannual oversize and overweight permit under this Subsection (6) is valid for
102 not more than 180 continuous days. The fee for this permit is:

103 (i) \$180 for a vehicle or combination of vehicles with gross vehicle weight of [~~more~~
104 ~~than 80,000 pounds, but not exceeding~~] 84,000 pounds or less;

105 (ii) \$320 for a vehicle or combination of vehicles with gross vehicle weight of more
106 than 84,000 pounds, but not exceeding 112,000 pounds; and

107 (iii) \$420 for a vehicle or combination of vehicles with gross vehicle weight of more
108 than 112,000 pounds, but not exceeding 125,000 pounds.

109 (d) An annual oversize and overweight permit under this Subsection (6) is valid for not
110 more than 365 continuous days. The fee for this permit is:

111 (i) \$240 for a vehicle or combination of vehicles with gross vehicle weight of [~~more~~
112 ~~than 80,000 pounds, but not exceeding~~] 84,000 pounds or less;

113 (ii) \$480 for a vehicle or combination of vehicles with gross vehicle weight of more
114 than 84,000 pounds, but not exceeding 112,000 pounds; and

115 (iii) \$540 for a vehicle or combination of vehicles with gross vehicle weight of more
116 than 112,000 pounds, but not exceeding 125,000 pounds.

117 (7) (a) The department may issue a single trip oversize and overweight permit under
118 this section for a vehicle or combination of vehicles carrying a nondivisible load that exceeds:

119 (i) one or more of the maximum weight provisions of Section 72-7-404; or

120 (ii) a gross weight of 125,000 pounds.

121 (b) (i) The fee for a single trip oversize and overweight permit under this Subsection
122 (7), which is valid for not more than 96 continuous hours, is \$.012 per mile for each 1,000
123 pounds above 80,000 pounds subject to the rounding described in Subsection (7)(c).

124 (ii) The minimum fee that may be charged under this Subsection (7) is \$80.

125 (iii) The maximum fee that may be charged under this Subsection (7) is \$540.

126 (c) (i) The miles used to calculate the fee under this Subsection (7) shall be rounded up
127 to the nearest 50 mile increment.

128 (ii) The pounds used to calculate the fee under this Subsection (7) shall be rounded up
129 to the nearest 25,000 pound increment.

130 (iii) The department shall round the dollar amount used to calculate the fee under this
131 Subsection (7) to the nearest \$10 increment.

132 (8) (a) The department may issue an oversize and overweight permit under this section
133 for a vehicle or combination of vehicles carrying a divisible load if:

134 (i) the bridge formula under Subsection 72-7-404(3) is not exceeded; and

135 (ii) the length of the vehicle or combination of vehicles is:

136 (A) more than the limitations specified under Subsections 72-7-402(4)(c) and (d) or
137 Subsection 72-7-403(1)(a) but not exceeding 81 feet in cargo carrying length and the
138 application is for a single trip, semiannual trip, or annual trip permit; or

139 (B) more than 81 feet in cargo carrying length but not exceeding 95 feet in cargo
140 carrying length and the application is for an annual trip permit.

141 (b) The fee is \$60 for a single trip oversize and overweight permit under this
142 Subsection (8). The permit is valid for not more than 96 continuous hours.

143 (c) The fee for a semiannual oversize and overweight permit under this Subsection (8),
144 which permit is valid for not more than 180 continuous days is:

145 (i) \$180 for a vehicle or combination of vehicles with gross vehicle weight of more
146 than 80,000 pounds, but not exceeding 84,000 pounds;

147 (ii) \$320 for a vehicle or combination of vehicles with gross vehicle weight of more
148 than 84,000 pounds, but not exceeding 112,000 pounds; and

149 (iii) \$420 for a vehicle or combination of vehicles with gross vehicle weight of more
150 than 112,000 pounds, but not exceeding 129,000 pounds.

151 (d) The fee for an annual oversize and overweight permit under this Subsection (8),

152 which permit is valid for not more than 365 continuous days is:

153 (i) \$240 for a vehicle or combination of vehicles with gross vehicle weight of more
154 than 80,000 pounds, but not exceeding 84,000 pounds;

155 (ii) \$480 for a vehicle or combination of vehicles with gross vehicle weight of more
156 than 84,000 pounds, but not exceeding 112,000 pounds; and

157 (iii) \$540 for a vehicle or combination of vehicles with gross vehicle weight of more
158 than 112,000 pounds, but not exceeding 129,000 pounds.

159 (9) Permit fees collected under this section shall be credited monthly to the
160 Transportation Fund.

161 (10) The department shall prepare maps, drawings, and instructions as guidance when
162 issuing permits under this section.

163 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
164 the department shall make rules governing the issuance and revocation of all permits under this
165 section and Section 72-7-407.

166 (12) Any person who violates any of the terms or conditions of a permit issued under
167 this section:

168 (a) may have the person's permit revoked; and

169 (b) is guilty of an infraction, except that a violation of any rule made under Subsection
170 (11) is not subject to a criminal penalty.

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

172 **72-9-102. Definitions.**

173 As used in this chapter:

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

175 (i) an interstate commercial vehicle; ~~and~~

176 (ii) an intrastate commercial vehicle~~[-];~~ and

177 (iii) a tow truck.

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

180 (i) equipment owned and operated by the United States Department of Defense when
181 driven by any active duty military personnel and members of the reserves and national guard on
182 active duty including personnel on full-time national guard duty, personnel on part-time

183 training, and national guard military technicians and civilians who are required to wear military
184 uniforms and are subject to the code of military justice;

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

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

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

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

192 (a) has a gross vehicle weight rating or gross vehicle weight of 10,001 or more pounds,
193 or gross combination weight rating or gross combination weight of 10,001 or more pounds,
194 whichever is greater;

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

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

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

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

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

206 (a) (i) has a manufacturer's gross vehicle weight rating or gross vehicle weight, or gross
207 combination weight rating or gross combination weight of 26,001 or more pounds, whichever
208 is greater, and is operated by an individual who is 18 years old or older; or

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

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

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

214 more pounds; or

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

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

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

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

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

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

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

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

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

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

241 Section 3. **Effective date.**

242 This bill takes effect on May 1, 2024.