

1 **TRAILER WEIGHT AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Michael K. McKell**

5 House Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the definition of an intrastate commercial vehicle, increasing the gross
10 vehicle weight rating from 10,001 or more pounds to 26,001 or more pounds.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ amends the definition of an intrastate commercial vehicle, increasing the gross
14 vehicle weight rating from 10,001 or more pounds to 26,001 or more pounds.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **72-9-102**, as last amended by Laws of Utah 2019, Chapter 373

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

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

25 **72-9-102. Definitions.**

26 As used in this chapter:

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



28 (i) an interstate commercial vehicle; and

29 (ii) an intrastate commercial vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

57 (a) has a manufacturer's gross vehicle weight rating or gross combination weight rating
58 of [~~10,001~~] 26,001 or more pounds;

59 (b) is designed to transport more than 15 passengers, including the driver; or
60 (c) is used in the transportation of hazardous materials and is required to be placarded
61 in accordance with 49 C.F.R. Part 172, Subpart F.

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

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

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

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

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

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

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

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

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