

MOTOR CARRIER AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kevin T. Van Tassell

House Sponsor: _____

LONG TITLE**Committee Note:**

The Transportation Interim Committee recommended this bill.

General Description:

This bill amends portions of the Transportation Code relating to motor carriers.

Highlighted Provisions:

This bill:

- ▶ changes the length restrictions of motor carriers;
- ▶ modifies provisions relating to permits;
- ▶ modifies rulemaking authority;
- ▶ amends provisions related to lettering on motor carriers;
- ▶ amends provisions related to meetings of the Motor Carrier Advisory Board; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:****72-2-103**, as last amended by Laws of Utah 2002, Fifth Special Session, Chapter 13**72-7-402**, as last amended by Laws of Utah 2015, Chapter 412

72-7-406, as last amended by Laws of Utah 2016, Chapter 303
72-9-102, as last amended by Laws of Utah 2009, Chapter 155
72-9-103, as last amended by Laws of Utah 2011, Chapter 274
72-9-105, as last amended by Laws of Utah 2009, Chapter 155
72-9-201, as last amended by Laws of Utah 2010, Chapter 286

REPEALS:

72-9-706, as renumbered and amended by Laws of Utah 1998, Chapter 270

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

Section 1. Section 72-2-103 is amended to read:

72-2-103. Limitations on Transportation Fund appropriations to agencies not a part of the Department of Transportation -- Exceptions.

(1) Except as provided under Subsection (2), the amount appropriated or transferred from the Transportation Fund each year may not exceed a combined total of \$11,600,000 to:

- (a) the Department of Public Safety;
- (b) the State Tax Commission;
- (c) the Division of Finance; and
- (d) any other state agency that is not a part of the Department of Transportation.

(2) The following amounts are exempt from the appropriation and transfer limitations of Subsection (1):

(a) amounts deposited in the Department of Public Safety Restricted Account created under Section 53-3-106;

(b) revenue generated by the uninsured motorist identification fee under Section 41-1a-1218;

(c) revenue generated by the motor carrier fee under Section 41-1a-1219 ~~[or Section 72-9-706]~~; and

(d) revenue generated by the Motorcycle Rider Education Program under Section 53-3-905.

Section 2. Section 72-7-402 is amended to read:

72-7-402. Limitations as to vehicle width, height, length, and load extensions.

(1) (a) Except as provided by statute, all state or federally approved safety devices and

any other lawful appurtenant devices, including refrigeration units, hitches, air line connections, and load securing devices related to the safe operation of a vehicle are excluded for purposes of measuring the width and length of a vehicle under the provisions of this part, if the devices are not designed or used for carrying cargo.

(b) Load-induced tire bulge is excluded for purposes of measuring the width of vehicles under the provisions of this part.

(c) Appurtenances attached to the sides or rear of a recreational vehicle that is not a commercial motor vehicle are excluded for purposes of measuring the width and length of the recreational vehicle if the additional width or length of the appurtenances does not exceed six inches.

(2) A vehicle unladen or with a load may not exceed a width of 8-1/2 feet.

(3) A vehicle unladen or with a load may not exceed a height of 14 feet.

(4) (a) (i) A single-unit vehicle, unladen or with a load, may not exceed a length of 45 feet including front and rear bumpers.

(ii) In this section, a truck tractor coupled to one or more semitrailers or trailers is not considered a single-unit vehicle.

(b) (i) ~~[Except as provided under Subsection (4)(b)(iii), a]~~ A semitrailer, unladen or with a load, may not exceed a length of ~~[48]~~ 53 feet excluding refrigeration units, hitches, air line connections, and safety appurtenances.

(ii) There is no overall length limitation on a truck tractor and semitrailer combination when the semitrailer length is ~~[48]~~ 53 feet or less.

~~[(iii) A semitrailer that exceeds a length of 48 feet but does not exceed a length of 53 feet may operate on a route designated by the department or within one mile of that route.]~~

(c) (i) Two trailers coupled together, unladen or with a load, may not exceed an overall length of 61 feet, measured from the front of the first trailer to the rear of the second trailer.

(ii) There is no overall length limitation on a truck tractor and double trailer combination when the trailers coupled together measure 61 feet or less.

(d) All other combinations of vehicles, unladen or with a load, when coupled together, may not exceed a total length of 65 feet, except the length limitations do not apply to combinations of vehicles operated at night by a public utility when required for emergency repair of public service facilities or properties, or when operated under a permit under Section

72-7-406.

(5) (a) Subject to Subsection (4), a vehicle or combination of vehicles may not carry any load extending more than three feet beyond the front of the body of the vehicle or more than six feet beyond the rear of the bed or body of the vehicle.

(b) A passenger vehicle may not carry any load extending beyond the line of the fenders on the left side of the vehicle nor extending more than six inches beyond the line of the fenders on the right side of the vehicle.

(6) Any exception to this section must be authorized by a permit as provided under Section 72-7-406.

(7) Any person who violates this section is guilty of a class C misdemeanor.

Section 3. 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.

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

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

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

(b) Except as provided under Subsection (8), the department may not issue an oversize and overweight permit [~~may not be issued~~] under this section to allow the transportation of a load that is reasonably divisible.

(c) The department may not authorize a maximum size or weight [~~authorized by a~~] permit under this section [~~shall be within limits that do not~~] that could impair the state's ability to qualify for federal-aid highway funds.

(d) The department may deny or issue a permit under this section to protect the safety

of the traveling public and to protect highway foundation, surfaces, or structures from undue damage by one or more of the following:

- (i) limiting the number of trips the vehicle may make;
 - (ii) establishing seasonal or other time limits within which the vehicle may operate or move on the highway indicated;
 - (iii) requiring ~~[security]~~ insurance in addition to the permit to compensate for any potential damage by the vehicle to any highway; and
 - (iv) otherwise limiting the conditions of operation or movement of the vehicle.
- (e) Prior to granting a permit under this section, the department shall approve the route of any vehicle or combination of vehicles.

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

- (a) the proposed maximum wheel loads, maximum axle loads, all axle spacings of each vehicle or combination of vehicles;
- (b) the proposed maximum load size and maximum size of each vehicle or combination of vehicles;
- (c) the specific roads requested to be used under authority of the permit; and
- (d) if the permit is requested for a single trip or if other seasonal limits or time limits apply.

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

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

(4) ~~[A]~~ The department may not issue a permit under this section ~~[may not be issued or], and a permit is not valid,~~ unless the vehicle or combination of vehicles is:

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

(5) (a) (i) ~~[An]~~ The department may issue an oversize permit ~~[may be issued]~~ under

this section for a vehicle or combination of vehicles that exceeds one or more of the maximum width, height, or length provisions under Section 72-7-402.

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

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

(b) The fee is \$30 for a single trip oversize permit under this Subsection (5). This permit is valid for not more than 96 continuous hours.

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

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

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

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

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

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

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

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

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

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

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

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

(7) (a) ~~[A]~~ The department may issue a single trip oversize and overweight permit ~~[may be issued]~~ under this section for a vehicle or combination of vehicles carrying a nondivisible load that exceeds:

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

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

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

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

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

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

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

(iii) The department shall round the dollar amount used to calculate the fee under this Subsection (7) ~~[shall be rounded]~~ to the nearest \$10 increment.

(8) (a) ~~[An]~~ The department may issue an oversize and overweight permit ~~[may be issued]~~ under this section for a vehicle or combination of vehicles carrying a divisible load if:

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

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

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

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

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

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

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

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

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

(d) The fee for an annual oversize and overweight permit under this Subsection (8), which permit is valid for not more than 365 continuous days is:

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

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

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

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

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

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

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

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

(b) is guilty of an infraction, except that a violation of any rule made under Subsection

(11) is not subject to a criminal penalty.

Section 4. 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; ~~and~~

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

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

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

(6) "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.

(7) "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.

Section 5. Section **72-9-103** is amended to read:

72-9-103. Rulemaking -- Motor vehicle liability coverage for certain motor carriers -- Adjudicative proceedings.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules:

(a) adopting by reference in whole or in part the Federal Motor Carrier Safety Regulations including minimum security requirements for motor carriers;

(b) specifying the equipment required to be carried in each tow truck, including limits

on loads that may be moved based on equipment capacity and load weight; and
[~~(e) specifying collection procedures, in conjunction with the administration and~~
~~enforcement of the safety or security requirements, for the motor carrier fee under Section~~
~~72-9-706, and]~~

[~~(d)~~] (c) providing for the necessary administration and enforcement of this chapter.

(2) (a) Notwithstanding Subsection (1)(a), the department shall not require a motor carrier to comply with 49 C.F.R. Part 387 Subpart B if the motor carrier is:

(i) engaging in or transacting the business of transporting passengers by an intrastate commercial vehicle that has a seating capacity of no more than 30 passengers; and

(ii) a licensed child care provider under Section 26-39-401.

(b) Policies containing motor vehicle liability coverage for a motor carrier described under Subsection (2)(a) shall require minimum coverage of:

(i) \$1,000,000 for a vehicle with a seating capacity of up to 20 passengers; or

(ii) \$1,500,000 for a vehicle with a seating capacity of up to 30 passengers.

(3) The department shall comply with Title 63G, Chapter 4, Administrative Procedures Act, in its adjudicative proceedings.

Section 6. Section 72-9-105 is amended to read:

72-9-105. Information lettered on vehicle -- Exceptions.

(1) Except under Subsection (4), a motor carrier shall have lettered on both sides of any vehicle used for transportation of persons or property[~~:(a)~~] the name of the motor carrier company[~~;(b) the location of domicile by city and state for an intrastate commercial vehicle.~~].

(2) The motor carrier shall ensure that the lettering [~~shall be~~] is free from obstruction and legible from a distance of at least 50 feet.

(3) (a) In addition to the lettering required under Subsection (1), the department may require a motor carrier to display an identification number assigned by the department [~~to be displayed~~] in accordance with this section.

(b) The department may issue an identification number [~~may be used to assist the department~~] in conjunction with the [~~U.S.~~] United States Department of Transportation to develop a program to improve motor carrier safety enforcement.

(4) An intrastate commercial vehicle primarily used by a farmer for the production of

agricultural products is exempt from the provisions of this section.

Section 7. Section **72-9-201** is amended to read:

72-9-201. Motor Carrier Advisory Board created -- Appointment -- Terms -- Meetings -- Per diem and expenses -- Duties.

(1) There is created within the department the Motor Carrier Advisory Board consisting of five members appointed by the governor.

(2) Each member of the board shall:

(a) represent experience and expertise in the areas of motor carrier transportation, commerce, agriculture, economics, shipping, or highway safety;

(b) be selected at large on a nonpartisan basis; and

(c) have been a legal resident of the state for at least one year immediately preceding the date of appointment.

(3) (a) Except as required by Subsection (3)(b), as terms of current board members expire, the governor shall appoint each new member or reappointed member to a four-year term.

(b) The governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.

(c) A member shall serve from the date of appointment until a replacement is appointed.

(4) When a vacancy occurs in the membership for any reason, the governor shall appoint the replacement [~~shall be appointed for~~] to serve for the remainder of the unexpired term beginning the day following the [~~expiration of the preceding term.~~] day on which the vacancy occurs.

(5) The board shall elect its own chair and vice chair at the first regular meeting of each calendar year.

(6) The board shall meet at least [~~quarterly~~] twice per year or as needed when called by the chair.

(7) Any three voting members constitute a quorum for the transaction of business that comes before the board.

(8) A member may not receive compensation or benefits for the member's service, but

369 may receive per diem and travel expenses in accordance with:
370 (a) Section 63A-3-106;
371 (b) Section 63A-3-107; and
372 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
373 63A-3-107.
374 (9) The board shall advise the department and the commission on interpretation,
375 adoption, and implementation of this chapter and other motor carrier related issues.
376 (10) The department shall provide staff support to the board.
377 Section 8. **Repealer.**
378 This bill repeals:
379 Section 72-9-706, **Motor carrier fee for certain vehicles -- Collection.**

Legislative Review Note
Office of Legislative Research and General Counsel