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MOTOR CARRIER AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Kay J. Christofferson
Senate Sponsor: Don L. Ipson

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.

(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

- 29 the maximum weight specified in Section 72-7-404 for any wheel, axle, group of
30 axles, or total gross weight; or
- 31 (ii) a vehicle or combination of vehicles that exceeds the vehicle width, height, or
32 length provisions under Section 72-7-402 or draw-bar length restriction under
33 Subsection 72-7-403(1)(a).
- 34 (b) Except as provided under Subsections (5) and (8), the department may not issue an
35 oversize and overweight permit under this section to allow the transportation of a
36 load that is reasonably divisible.
- 37 (c) The department may not authorize a maximum size or weight permit under this
38 section that could impair the state's ability to qualify for federal-aid highway funds.
- 39 (d) The department may deny or issue a permit under this section to protect the safety of
40 the traveling public and to protect highway foundation, surfaces, or structures from
41 undue damage by one or more of the following:
- 42 (i) limiting the number of trips the vehicle may make;
- 43 (ii) establishing seasonal or other time limits within which the vehicle may operate or
44 move on the highway indicated;
- 45 (iii) requiring insurance in addition to the permit to compensate for any potential
46 damage by the vehicle to any highway; and
- 47 (iv) otherwise limiting the conditions of operation or movement of the vehicle.
- 48 (e) Prior to granting a permit under this section, the department shall approve the route
49 of any vehicle or combination of vehicles.
- 50 (2) An application for a permit under this section shall state:
- 51 (a) the proposed maximum wheel loads, maximum axle loads, all axle spacings of each
52 vehicle or combination of vehicles;
- 53 (b) the proposed maximum load size and maximum size of each vehicle or combination
54 of vehicles;
- 55 (c) the specific roads requested to be used under authority of the permit; and
- 56 (d) if the permit is requested for a single trip or if other seasonal limits or time limits
57 apply.
- 58 (3) (a) The driver of each vehicle requiring an oversize permit or oversize and
59 overweight permit shall ensure that the permit is present in the vehicle or
60 combination of vehicles to which the permit refers and available for inspection by
61 any peace officer, special function officer, port of entry agent, or other personnel
62 authorized by the department.

- 63 (b) A driver may provide proof of an oversize permit or oversize and overweight permit
64 as required in Subsection (3)(a) by showing an electronic copy of the permit.
- 65 (4) The department may not issue a permit under this section, and a permit is not valid,
66 unless the vehicle or combination of vehicles is:
- 67 (a) properly registered for the weight authorized by the permit; or
68 (b) registered for a gross laden weight of 78,001 pounds or over, if the gross laden
69 weight authorized by the permit exceeds 80,000 pounds.
- 70 (5) (a) (i) The department may issue an oversize permit under this section for a
71 vehicle or combination of vehicles that exceeds one or more of the maximum
72 width, height, or length provisions under Section 72-7-402.
- 73 (ii) Except for an annual oversize permit for an implement of husbandry under
74 Section 72-7-407, for a permit issued under Subsection (5)(a)(iii), or for an annual
75 oversize permit issued under Subsection (5)(a)(iv), the department may issue only
76 a single trip oversize permit for a vehicle or combination of vehicles that is more
77 than 14 feet 6 inches wide, 14 feet high, or 105 feet long.
- 78 (iii) An oversize permit may be issued for a vehicle or combination of vehicles with a
79 maximum height of 14 feet 6 inches high to allow the transportation of a load that
80 is reasonably divisible.
- 81 (iv) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
82 the department shall make rules for the issuance of an annual oversize permit for a
83 vehicle or combination of vehicles that is more than 14 feet 6 inches wide, 14 feet
84 high, or 105 feet long if the department determines that the permit is needed to
85 accommodate highway transportation needs for multiple trips on a specified route.
- 86 (b) The fee is \$30 for a single trip oversize permit under this Subsection (5). This permit
87 is valid for not more than 96 continuous hours.
- 88 (c) The fee is \$75 for a semiannual oversize permit under this Subsection (5). This
89 permit is valid for not more than 180 continuous days.
- 90 (d) The fee is \$90 for an annual oversize permit under this Subsection (5). This permit
91 is valid for not more than 365 continuous days.
- 92 (6) (a) The department may issue an oversize and overweight permit under this section
93 for a vehicle or combination of vehicles carrying a nondivisible load that exceeds one
94 or more of the maximum weight provisions of Section 72-7-404 up to a gross weight
95 of 125,000 pounds.
- 96 (b) The fee is \$60 for a single trip oversize and overweight permit under this Subsection

- 97 (6). This permit is valid for not more than 96 continuous hours.
- 98 (c) A semiannual oversize and overweight permit under this Subsection (6) is valid for
99 not more than 180 continuous days. The fee for this permit is:
- 100 (i) \$180 for a vehicle or combination of vehicles with gross vehicle weight of [~~more~~
101 ~~than 80,000 pounds, but not exceeding~~]84,000 pounds or less;
- 102 (ii) \$320 for a vehicle or combination of vehicles with gross vehicle weight of more
103 than 84,000 pounds, but not exceeding 112,000 pounds; and
- 104 (iii) \$420 for a vehicle or combination of vehicles with gross vehicle weight of more
105 than 112,000 pounds, but not exceeding 125,000 pounds.
- 106 (d) An annual oversize and overweight permit under this Subsection (6) is valid for not
107 more than 365 continuous days. The fee for this permit is:
- 108 (i) \$240 for a vehicle or combination of vehicles with gross vehicle weight of [~~more~~
109 ~~than 80,000 pounds, but not exceeding~~]84,000 pounds or less;
- 110 (ii) \$480 for a vehicle or combination of vehicles with gross vehicle weight of more
111 than 84,000 pounds, but not exceeding 112,000 pounds; and
- 112 (iii) \$540 for a vehicle or combination of vehicles with gross vehicle weight of more
113 than 112,000 pounds, but not exceeding 125,000 pounds.
- 114 (7) (a) The department may issue a single trip oversize and overweight permit under this
115 section for a vehicle or combination of vehicles carrying a nondivisible load that
116 exceeds:
- 117 (i) one or more of the maximum weight provisions of Section 72-7-404; or
118 (ii) a gross weight of 125,000 pounds.
- 119 (b) (i) The fee for a single trip oversize and overweight permit under this Subsection
120 (7), which is valid for not more than 96 continuous hours, is \$.012 per mile for
121 each 1,000 pounds above 80,000 pounds subject to the rounding described in
122 Subsection (7)(c).
- 123 (ii) The minimum fee that may be charged under this Subsection (7) is \$80.
124 (iii) The maximum fee that may be charged under this Subsection (7) is \$540.
- 125 (c) (i) The miles used to calculate the fee under this Subsection (7) shall be rounded
126 up to the nearest 50 mile increment.
- 127 (ii) The pounds used to calculate the fee under this Subsection (7) shall be rounded
128 up to the nearest 25,000 pound increment.
- 129 (iii) The department shall round the dollar amount used to calculate the fee under this
130 Subsection (7) to the nearest \$10 increment.

- 131 (8) (a) The department may issue an oversize and overweight permit under this section
132 for a vehicle or combination of vehicles carrying a divisible load if:
- 133 (i) the bridge formula under Subsection 72-7-404(3) is not exceeded; and
134 (ii) the length of the vehicle or combination of vehicles is:
- 135 (A) more than the limitations specified under Subsections 72-7-402(4)(c) and (d)
136 or Subsection 72-7-403(1)(a) but not exceeding 81 feet in cargo carrying length
137 and the application is for a single trip, semiannual trip, or annual trip permit; or
138 (B) more than 81 feet in cargo carrying length but not exceeding 95 feet in cargo
139 carrying length and the application is for an annual trip permit.
- 140 (b) The fee is \$60 for a single trip oversize and overweight permit under this Subsection
141 (8). The permit is valid for not more than 96 continuous hours.
- 142 (c) The fee for a semiannual oversize and overweight permit under this Subsection (8),
143 which permit is valid for not more than 180 continuous days is:
- 144 (i) \$180 for a vehicle or combination of vehicles with gross vehicle weight of more
145 than 80,000 pounds, but not exceeding 84,000 pounds;
146 (ii) \$320 for a vehicle or combination of vehicles with gross vehicle weight of more
147 than 84,000 pounds, but not exceeding 112,000 pounds; and
148 (iii) \$420 for a vehicle or combination of vehicles with gross vehicle weight of more
149 than 112,000 pounds, but not exceeding 129,000 pounds.
- 150 (d) The fee for an annual oversize and overweight permit under this Subsection (8),
151 which permit is valid for not more than 365 continuous days is:
- 152 (i) \$240 for a vehicle or combination of vehicles with gross vehicle weight of more
153 than 80,000 pounds, but not exceeding 84,000 pounds;
154 (ii) \$480 for a vehicle or combination of vehicles with gross vehicle weight of more
155 than 84,000 pounds, but not exceeding 112,000 pounds; and
156 (iii) \$540 for a vehicle or combination of vehicles with gross vehicle weight of more
157 than 112,000 pounds, but not exceeding 129,000 pounds.
- 158 (9) Permit fees collected under this section shall be credited monthly to the Transportation
159 Fund.
- 160 (10) The department shall prepare maps, drawings, and instructions as guidance when
161 issuing permits under this section.
- 162 (11) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
163 department shall make rules governing the issuance and revocation of all permits under
164 this section and Section 72-7-407.

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

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

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

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

171 **72-9-102 . Definitions.**

172 As used in this chapter:

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

174 (i) an interstate commercial vehicle; [~~and~~]

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

176 (iii) a tow truck.

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

179 (i) equipment owned and operated by the United States Department of Defense when
180 driven by any active duty military personnel and members of the reserves and
181 national guard on active duty including personnel on full-time national guard duty,
182 personnel on part-time training, and national guard military technicians and
183 civilians who are required to wear military uniforms and are subject to the code of
184 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 on
191 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
194 pounds, 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 is
198 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.,
202 Subtitle B, Chapter I, Subchapter C.
- 203 (3) "Intrastate commercial vehicle" means a motor vehicle, vehicle, trailer, or semitrailer
204 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
207 gross combination weight rating or gross combination weight of 26,001 or more
208 pounds, whichever is greater, and is operated by an individual who is 18 years old
209 or older; or
- 210 (ii) has a manufacturer's gross vehicle weight rating or gross combination weight
211 rating of 16,001 or more pounds and is operated by an individual who is under 18
212 years old;
- 213 (b) (i) is designed to transport more than 15 passengers, including the driver; or
214 (ii) is designed to transport more than 12 passengers, including the driver, and has a
215 manufacturer's gross vehicle weight rating or gross combination weight rating of
216 13,000 or more pounds; or
- 217 (c) is used in the transportation of hazardous materials and is required to be placarded in
218 accordance with 49 C.F.R. Part 172, Subpart F.
- 219 (4) "Motor carrier" means a person engaged in or transacting the business of transporting
220 passengers, freight, merchandise, or other property by a commercial vehicle on a
221 highway within this state and includes a tow truck business.
- 222 (5) "Owner" as pertaining to a vehicle, vessel, or outboard motor, means the same as that
223 term is defined in Section 41-1a-102.
- 224 (6) "Property owner" means the owner or lessee of real property.
- 225 (7) "State impound yard" means the same as that term is defined in Section 41-1a-102.
- 226 (8) "Tow truck" means a motor vehicle constructed, designed, altered, or equipped
227 primarily for the purpose of towing or removing damaged, disabled, abandoned, seized,
228 or impounded vehicles from a highway or other place by means of a crane, hoist, tow
229 bar, tow line, dolly, tilt bed, or other means.
- 230 (9) "Tow truck motor carrier" means a motor carrier that is engaged in or transacting
231 business for tow truck services.
- 232 (10) "Tow truck operator" means an individual that performs operations related to a tow

233 truck service as an employee or as an independent contractor on behalf of a tow truck
234 motor carrier.

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

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

244 Section 3. **Effective date.**

245 This bill takes effect on May 1, 2024.