

1 **INTRASTATE COMMERCIAL VEHICLE AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kay J. Christofferson**

5 Senate Sponsor: Michael K. McKell

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the definition of an interstate and intrastate commercial vehicle and
10 amends the gross vehicle weight requirement for stopping at a port-of-entry.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ amends the definition of an intrastate commercial vehicle by including the gross
14 combination weight rating and gross combination weight;
- 15 ▶ amends the definition of an intrastate commercial vehicle by increasing the gross
16 vehicle weight rating and gross vehicle weight, and gross combination weight rating
17 and gross combination weight from 26,000 or more pounds to 26,001 or more
18 pounds; and
- 19 ▶ amends the gross vehicle weight or gross combination weight requirement for a
20 vehicle to stop at a port-of-entry from 10,001 or more pounds to 26,001 or more
21 pounds.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53-3-102**, as last amended by Laws of Utah 2022, Chapter 162

29 [72-9-102](#), as last amended by Laws of Utah 2021, Chapter 118

30 [72-9-502](#), as last amended by Laws of Utah 2021, Chapter 239

31

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

33 Section 1. Section **53-3-102** is amended to read:

34 **53-3-102. Definitions.**

35 As used in this chapter:

36 (1) "Autocycle" means a motor vehicle that:

37 (a) is designed to travel with three or fewer wheels in contact with the ground; and

38 (b) is equipped with:

39 (i) a steering mechanism;

40 (ii) seat belts; and

41 (iii) seating that does not require the operator to straddle or sit astride the motor

42 vehicle.

43 (2) "Cancellation" means the termination by the division of a license issued through
44 error or fraud or for which consent under Section [53-3-211](#) has been withdrawn.

45 (3) "Class D license" means the class of license issued to drive motor vehicles not
46 defined as commercial motor vehicles or motorcycles under this chapter.

47 (4) "Commercial driver instruction permit" or "CDIP" means a commercial learner
48 permit:

49 (a) issued under Section [53-3-408](#); or

50 (b) issued by a state or other jurisdiction of domicile in compliance with the standards
51 contained in 49 C.F.R. Part 383.

52 (5) "Commercial driver license" or "CDL" means a license:

53 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.

54 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,

55 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of

56 commercial motor vehicle; and

57 (b) that was obtained by providing evidence of lawful presence in the United States
58 with one of the document requirements described in Subsection 53-3-410(1)(i)(i).

59 (6) (a) "Commercial driver license motor vehicle record" or "CDL MVR" means a
60 driving record that:

61 (i) applies to a person who holds or is required to hold a commercial driver instruction
62 permit or a CDL license; and

63 (ii) contains the following:

64 (A) information contained in the driver history, including convictions, pleas held in
65 abeyance, disqualifications, and other licensing actions for violations of any state or local law
66 relating to motor vehicle traffic control, committed in any type of vehicle;

67 (B) driver self-certification status information under Section 53-3-410.1; and

68 (C) information from medical certification record keeping in accordance with 49
69 C.F.R. Sec. 383.73(o).

70 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a
71 motor vehicle record described in Subsection (30).

72 (7) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor
73 vehicles designed or used to transport passengers or property if the motor vehicle:

74 (i) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds,
75 or gross combination weight rating or gross combination weight of 26,001 or more pounds or a
76 lesser rating as determined by federal regulation;

77 (ii) is designed to transport 16 or more passengers, including the driver; or

78 (iii) is transporting hazardous materials and is required to be placarded in accordance
79 with 49 C.F.R. Part 172, Subpart F.

80 (b) The following vehicles are not considered a commercial motor vehicle for purposes
81 of Part 4, Uniform Commercial Driver License Act:

82 (i) equipment owned and operated by the United States Department of Defense when

83 driven by any active duty military personnel and members of the reserves and national guard on
84 active duty including personnel on full-time national guard duty, personnel on part-time
85 training, and national guard military technicians and civilians who are required to wear military
86 uniforms and are subject to the code of military justice;

87 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm
88 machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation
89 as a motor carrier for hire;

90 (iii) firefighting and emergency vehicles;

91 (iv) recreational vehicles that are not used in commerce and are driven solely as family
92 or personal conveyances for recreational purposes; and

93 (v) vehicles used to provide transportation network services, as defined in Section
94 [13-51-102](#).

95 (8) "Conviction" means any of the following:

96 (a) an unvacated adjudication of guilt or a determination that a person has violated or
97 failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

98 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's
99 appearance in court;

100 (c) a plea of guilty or nolo contendere accepted by the court;

101 (d) the payment of a fine or court costs; or

102 (e) violation of a condition of release without bail, regardless of whether the penalty is
103 rebated, suspended, or probated.

104 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to
105 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security,
106 do not apply.

107 (10) "Director" means the division director appointed under Section [53-3-103](#).

108 (11) "Disqualification" means either:

109 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state

- 110 of a person's privileges to drive a commercial motor vehicle;
- 111 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
112 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
113 391; or
- 114 (c) the loss of qualification that automatically follows conviction of an offense listed in
115 49 C.F.R. Part 383.51.
- 116 (12) "Division" means the Driver License Division of the department created in
117 Section 53-3-103.
- 118 (13) "Downgrade" means to obtain a lower license class than what was originally
119 issued during an existing license cycle.
- 120 (14) "Drive" means:
- 121 (a) to operate or be in physical control of a motor vehicle upon a highway; and
122 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
123 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
124 the state.
- 125 (15) (a) "Driver" means an individual who drives, or is in actual physical control of a
126 motor vehicle in any location open to the general public for purposes of vehicular traffic.
- 127 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person
128 who is required to hold a CDL under Part 4, Uniform Commercial Driver License Act, or
129 federal law.
- 130 (16) "Driving privilege card" means the evidence of the privilege granted and issued
131 under this chapter to drive a motor vehicle to a person whose privilege was obtained without
132 providing evidence of lawful presence in the United States.
- 133 (17) "Electronic license certificate" means the evidence, in an electronic format as
134 described in Section 53-3-235, of a privilege granted under this chapter to drive a motor
135 vehicle.
- 136 (18) "Extension" means a renewal completed in a manner specified by the division.

137 (19) "Farm tractor" means every motor vehicle designed and used primarily as a farm
138 implement for drawing plows, mowing machines, and other implements of husbandry.

139 (20) "Highway" means the entire width between property lines of every way or place of
140 any nature when any part of it is open to the use of the public, as a matter of right, for traffic.

141 (21) "Human driver" means the same as that term is defined in Section [41-26-102.1](#).

142 (22) "Identification card" means a card issued under Part 8, Identification Card Act, to
143 a person for identification purposes.

144 (23) "Indigent" means that a person's income falls below the federal poverty guideline
145 issued annually by the [U.S.] United States Department of Health and Human Services in the
146 Federal Register.

147 (24) "License" means the privilege to drive a motor vehicle.

148 (25) (a) "License certificate" means the evidence of the privilege issued under this
149 chapter to drive a motor vehicle.

150 (b) "License certificate" evidence includes:

151 (i) a regular license certificate;

152 (ii) a limited-term license certificate;

153 (iii) a driving privilege card;

154 (iv) a CDL license certificate;

155 (v) a limited-term CDL license certificate;

156 (vi) a temporary regular license certificate;

157 (vii) a temporary limited-term license certificate; and

158 (viii) an electronic license certificate created in Section [53-3-235](#).

159 (26) "Limited-term commercial driver license" or "limited-term CDL" means a license:

160 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.

161 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,

162 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of

163 commercial motor vehicle; and

164 (b) that was obtained by providing evidence of lawful presence in the United States
165 with one of the document requirements described in Subsection 53-3-410(1)(i)(ii).

166 (27) "Limited-term identification card" means an identification card issued under this
167 chapter to a person whose card was obtained by providing evidence of lawful presence in the
168 United States with one of the document requirements described in Subsection
169 53-3-804(2)(i)(ii).

170 (28) "Limited-term license certificate" means the evidence of the privilege granted and
171 issued under this chapter to drive a motor vehicle to a person whose privilege was obtained
172 providing evidence of lawful presence in the United States with one of the document
173 requirements described in Subsection 53-3-205(8)(a)(ii)(B).

174 (29) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.

175 (30) "Motor vehicle record" or "MVR" means a driving record under Subsection
176 53-3-109(6)(a).

177 (31) "Motorboat" means the same as that term is defined in Section 73-18-2.

178 (32) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or
179 saddle for the use of the rider and designed to travel with not more than three wheels in contact
180 with the ground.

181 (33) "Office of Recovery Services" means the Office of Recovery Services, created in
182 Section 62A-11-102.

183 (34) "Operate" means the same as that term is defined in Section 41-1a-102.

184 (35) (a) "Owner" means a person other than a lien holder having an interest in the
185 property or title to a vehicle.

186 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to
187 a security interest in another person but excludes a lessee under a lease not intended as security.

188 (36) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge,
189 or other financial penalty imposed on an individual by a court or other government entity.

190 (37) (a) "Private passenger carrier" means any motor vehicle for hire that is:

- 191 (i) designed to transport 15 or fewer passengers, including the driver; and
192 (ii) operated to transport an employee of the person that hires the motor vehicle.
- 193 (b) "Private passenger carrier" does not include:
194 (i) a taxicab;
195 (ii) a motor vehicle driven by a transportation network driver as defined in Section
196 13-51-102;
197 (iii) a motor vehicle driven for transportation network services as defined in Section
198 13-51-102; and
199 (iv) a motor vehicle driven for a transportation network company as defined in Section
200 13-51-102 and registered with the Division of Consumer Protection as described in Section
201 13-51-104.
- 202 (38) "Regular identification card" means an identification card issued under this
203 chapter to a person whose card was obtained by providing evidence of lawful presence in the
204 United States with one of the document requirements described in Subsection 53-3-804(2)(i)(i).
- 205 (39) "Regular license certificate" means the evidence of the privilege issued under this
206 chapter to drive a motor vehicle whose privilege was obtained by providing evidence of lawful
207 presence in the United States with one of the document requirements described in Subsection
208 53-3-205(8)(a)(ii)(A).
- 209 (40) "Renewal" means to validate a license certificate so that it expires at a later date.
- 210 (41) "Reportable violation" means an offense required to be reported to the division as
211 determined by the division and includes those offenses against which points are assessed under
212 Section 53-3-221.
- 213 (42) (a) "Resident" means an individual who:
214 (i) has established a domicile in this state, as defined in Section 41-1a-202, or
215 regardless of domicile, remains in this state for an aggregate period of six months or more
216 during any calendar year;
217 (ii) engages in a trade, profession, or occupation in this state, or who accepts

218 employment in other than seasonal work in this state, and who does not commute into the state;

219 (iii) declares himself to be a resident of this state by obtaining a valid Utah driver
220 license certificate or motor vehicle registration; or

221 (iv) declares himself a resident of this state to obtain privileges not ordinarily extended
222 to nonresidents, including going to school, or placing children in school without paying
223 nonresident tuition or fees.

224 (b) "Resident" does not include any of the following:

225 (i) a member of the military, temporarily stationed in this state;

226 (ii) an out-of-state student, as classified by an institution of higher education,
227 regardless of whether the student engages in any type of employment in this state;

228 (iii) a person domiciled in another state or country, who is temporarily assigned in this
229 state, assigned by or representing an employer, religious or private organization, or a
230 governmental entity; or

231 (iv) an immediate family member who resides with or a household member of a person
232 listed in Subsections (42)(b)(i) through (iii).

233 (43) "Revocation" means the termination by action of the division of a licensee's
234 privilege to drive a motor vehicle.

235 (44) (a) "School bus" means a commercial motor vehicle used to transport pre-primary,
236 primary, or secondary school students to and from home and school, or to and from school
237 sponsored events.

238 (b) "School bus" does not include a bus used as a common carrier as defined in Section
239 [59-12-102](#).

240 (45) "Suspension" means the temporary withdrawal by action of the division of a
241 licensee's privilege to drive a motor vehicle.

242 (46) "Taxicab" means any class D motor vehicle transporting any number of
243 passengers for hire and that is subject to state or federal regulation as a taxi.

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

245 **72-9-102. Definitions.**

246 As used in this chapter:

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

248 (i) an interstate commercial vehicle; and

249 (ii) an intrastate commercial vehicle.

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

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

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

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

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

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

264 (a) has a gross vehicle weight rating or gross vehicle weight of 10,001 or more pounds,
265 or gross combination weight rating [of 10,001 or more pounds;] or gross combination weight
266 of 10,001 or more pounds, whichever is greater;

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

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

271 (d) (i) is used to transport materials designated as hazardous in accordance with 49

272 U.S.C. Sec. 5103; and

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

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

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

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

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

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

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

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

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

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

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

297 (8) "Tow truck" means a motor vehicle constructed, designed, altered, or equipped
298 primarily for the purpose of towing or removing damaged, disabled, abandoned, seized, or

299 impounded vehicles from a highway or other place by means of a crane, hoist, tow bar, tow
300 line, dolly, tilt bed, or other means.

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

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

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

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

314 Section 3. Section **72-9-502** is amended to read:

315 **72-9-502. Motor vehicles to stop at ports-of-entry -- Signs -- Exceptions --**
316 **Rulemaking -- By-pass permits.**

317 (1) Except under Subsection (3), a motor carrier operating a motor vehicle with a gross
318 vehicle weight [~~of 10,001 pounds or more~~] or gross combination weight of 26,001 or more
319 pounds, whichever is greater, shall stop at a port-of-entry as required under this section.

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

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

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

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

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

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

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