HOUSE BILL NO. HB0267

Commercial motor vehicles-definitions.

Sponsored by: Representative(s) Cohee

A BILL

for

AN ACT relating to commercial motor vehicles; amending definitions to comply with federal definitions; repealing exemptions from commercial vehicle requirements; and providing for an effective date.

*Be It Enacted by the Legislature of the State of Wyoming:*

**Section 1.** W.S. 31-18-101(a)(iii) by creating new subparagraphs (D), (E), (ix), (x)(intro), (A), (D), by creating a new subparagraph (F) and by creating new paragraphs (xxi) and (xxii), 31-18-103(a)(iv), (v), (vi) and (ix) and 31-18-201(a) by creating a new paragraph (vii) are amended to read:

**31-18-101. Definitions.**

(a) As used in this act:

(iii) "Commercial vehicle" means any vehicle or vehicle combination used, designed or maintained for transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property for gain or profit and shall include, but not be limited to:

(D) With respect to interstate operation:

(I) Any vehicle engaged in transporting of persons or property, having a gross vehicle weight rating, gross combination weight rating, gross vehicle weight or gross combination weight of ten thousand one (10,001) pounds or more;

(II) Any vehicle transporting eight (8) or more passengers, including the driver, for compensation;

(III) Any vehicle transporting sixteen (16) or more passengers, including the driver, without compensation;

(IV) Any vehicle requiring a hazardous materials placard; or

(V) Any power unit having three (3) or more axles regardless of weight.

(E) With respect to intrastate operation:

(I) Any vehicle engaged in transporting of persons or property, having a gross vehicle weight rating, gross combination weight rating, gross vehicle weight or gross combination weight of twenty-six thousand one (26,001) pounds or more;

(II) Any vehicle transporting eight (8) or more passengers, including the driver, for compensation;

(III) Any vehicle transporting sixteen (16) or more passengers, including the driver, without compensation;

(IV) Any vehicle requiring a hazardous materials placard;

(V) A power unit having two (2) axles and a gross vehicle weight or registered gross vehicle weight exceeding twenty-six thousand (26,000) pounds;

(VI) A power unit having three (3) or more axles regardless of weight; or

(VII) Is used in combination when the weight of such combination exceeds twenty-six thousand (26,000) pounds of gross vehicle weight.

(ix) "Highway" means any road, ~~thoroughfare~~ street or ~~public~~ way, whether on public or private property, open to public travel of any kind in Wyoming. For purposes of this paragraph, "open to public travel" means that the road section is available, except during scheduled periods, extreme weather or emergency conditions, passable by four-wheel standard passenger cars and open to the general public for use without restrictive gates, prohibitive signs or regulation other than restriction based on size, weight or class of registration. Toll plazas of public toll roads are not considered restrictive gates;

(x) "Motor carrier" or "carrier" means a contract, ~~or~~ private or interstate commercial vehicle operating on ~~state~~ highways as hereafter defined:

(A) "Contract motor carrier" means any person engaged in the intrastate or interstate transportation of persons or property by motor vehicle on ~~state~~ highways for compensation;

(D) "Private motor carrier" means any person engaged in business and operating a vehicle which has a gross vehicle weight, gross vehicle weight rating, gross combination weight or gross combination weight rating exceeding twenty-six thousand (26,000) pounds operating intrastate or has a gross vehicle weight, gross vehicle weight rating, gross combination weight or gross combination weight rating exceeding ten thousand (10,000) pounds operating interstate who, without compensation, transports ~~intrastate~~ over ~~state~~ highways his employees or property of which the person is the owner, lessee or bailee, used in the furtherance of any commercial enterprise including transporting placardable amounts of hazardous materials or operating a vehicle designed to

transport sixteen (16) or more passengers, including the driver. As used in this paragraph "commercial enterprise" means activities of those persons engaged in the exchange, purchase or selling of commodities or rendering a service in related financial transactions;

(F) "Interstate motor carrier" means any person engaged in the transportation of person or property by motor vehicle from one (1) state to another for compensation, including locations outside of the United States.

(xxi) "Gross combination weight rating" means as defined in W.S. 31-7-102(a)(xxi);

(xxii) "Gross vehicle weight rating" means as defined in W.S. 31-7-102(a)(xxii).

**31-18-103. Exemptions.**

(a) The provisions contained in W.S. 31-18-104, 31-18-209, 31-18-301 and 31-18-304 do not apply to:

(iv) Intrastate transportation on his own motor vehicle or combination of vehicles having a gross vehicle weight of less than fifty-five thousand (55,000) pounds by any farmer or rancher, or the employee of a farmer or rancher exclusively in his service, transporting produce or commodities for his own use to and from his farm or ranch;

(v) The exchange of intrastate transportation in their own motor vehicles, or combination of vehicles having a gross vehicle weight of less than fifty-five thousand (55,000) pounds by farmers or ranchers, or the employees of farmers or ranchers exclusively in their service, when the exchange is between farmers or ranchers, or their employees, in the immediate community;

(vi) The exclusive noncommercial transportation of children to and from school;

(ix) ~~Motor carriers~~ Noncommercial vehicles engaged in the exclusive transportation of the United States mail;

**31-18-201. Commercial vehicles; registration; exemptions.**

(a) As used in this article:

(vii) "Commercial vehicle" means any vehicle or vehicle combination used, designed or maintained for transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property for gain or profit and shall include, but not be limited to:

(A) A power unit having two (2) axles and a gross vehicle weight or registered gross vehicle weight exceeding twenty-six thousand (26,000) pounds;

(B) A power unit having three (3) or more axles regardless of weight; or

(C) Is used in combination when the weight of such combination exceeds twenty-six thousand (26,000) pounds of gross vehicle weight.

**Section 2.** W.S. 31-18-101(a)(iii)(A) through (C), 31-18-103(a)(i) through (iii) and (xi), 31-18-303(d) and 31-18-304(c)(i) and (ii) are repealed.

**Section 3.** This act is effective July 1, 2009.

(END)