

## HOUSE BILL NO. HB0267

Commercial motor vehicles-definitions.

Sponsored by: Representative(s) Cohee

A BILL

for

1 AN ACT relating to commercial motor vehicles; amending  
2 definitions to comply with federal definitions; and  
3 providing for an effective date.

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

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7       **Section 1.** W.S. 31-18-101(a)(iii) by creating new  
8 subparagraphs (D), (E), (ix), (x)(intro), (A), (D), by  
9 creating a new subparagraph (F) and by creating new  
10 paragraphs (xxi) and (xxii), 31-18-103(a)(intro) and  
11 31-18-201(a) by creating a new paragraph (vii) are amended  
12 to read:

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14       **31-18-101. Definitions.**

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16       (a) As used in this act:

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

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8                   (D) With respect to interstate operation:

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

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

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

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

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

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7                   (E) With respect to intrastate operation:

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

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

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

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23                   (IV) Any vehicle requiring a hazardous  
24 materials placard;

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(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;

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

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

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

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

6  
7 (F) "Interstate motor carrier" means any  
8 person engaged in the transportation of person or property  
9 by motor vehicle from one (1) state to another for  
10 compensation, including locations outside of the United  
11 States.

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

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

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19 **31-18-103. Exemptions.**

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21 (a) The provisions contained in W.S. ~~31-18-104,~~  
22 ~~31-18-209, 31-18-301 and 31-18-304~~ do not apply to:

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1           31-18-201. Commercial vehicles; registration;  
2 exemptions.

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4           (a) As used in this article:

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

12  
13                   (A) A power unit having two (2) axles and a  
14 gross vehicle weight or registered gross vehicle weight  
15 exceeding twenty-six thousand (26,000) pounds;

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

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

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1           **Section 2.** W.S. 31-18-101(a)(iii)(A) through (C) and  
2 31-18-303(d) are repealed.

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

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(END)