

Part 5 Ports-Of-Entry

72-9-501 Construction, operation, and maintenance of ports-of-entry by the department -- Function of ports-of-entry -- Checking and citation powers of port-of-entry agents.

- (1)
 - (a) The department shall construct ports-of-entry for the purpose of checking motor carriers, drivers, vehicles, and vehicle loads for compliance with state and federal laws including laws relating to:
 - (i) driver qualifications;
 - (ii) Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act;
 - (iii) vehicle registration;
 - (iv) fuel tax payment;
 - (v) vehicle size, weight, and load;
 - (vi) security or insurance;
 - (vii) this chapter;
 - (viii) hazardous material as defined under 49 U.S.C. 5102;
 - (ix) livestock transportation; and
 - (x) safety.
 - (b) The ports-of-entry shall be located on state highways at sites determined by the department.
- (2)
 - (a) The ports-of-entry shall be operated and maintained by the department.
 - (b) A port-of-entry agent or a peace officer may check, inspect, or test drivers, vehicles, and vehicle loads for compliance with state and federal laws specified in Subsection (1).
- (3)
 - (a) A port-of-entry agent or a peace officer, in whose presence an offense described in this section is committed, may:
 - (i) issue and deliver a misdemeanor or infraction citation under Section 77-7-18;
 - (ii) request and administer chemical tests to determine blood alcohol concentration in compliance with Section 41-6a-515;
 - (iii) place a driver out-of-service in accordance with Section 53-3-417; and
 - (iv) serve a driver with notice of the Driver License Division of the Department of Public Safety's intention to disqualify the driver's privilege to drive a commercial motor vehicle in accordance with Section 53-3-418.
 - (b) This section does not grant actual arrest powers as defined in Section 77-7-1 to a port-of-entry agent who is not a peace officer or special function officer designated under Title 53, Chapter 13, Peace Officer Classifications.
- (4)
 - (a) A port-of-entry agent, a peace officer, or the Division of Wildlife Resources may inspect, detain, or quarantine a conveyance or equipment in accordance with Sections 23-27-301 and 23-27-302.
 - (b) The department is not responsible for decontaminating a conveyance or equipment detained or quarantined.
 - (c) The Division of Wildlife Resources may decontaminate, as defined in Section 23-27-102, a conveyance or equipment at the port-of-entry if authorized by the department.

Amended by Chapter 284, 2008 General Session

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

- (1) Except under Subsection (3), a motor carrier operating a motor vehicle with a gross vehicle weight of 10,001 pounds or more or any motor vehicle carrying livestock as defined in Section 4-24-2 shall stop at a port-of-entry as required under this section.
- (2) The department may erect and maintain signs directing motor vehicles to a port-of-entry as provided in this section.
- (3) A motor vehicle required to stop at a port-of-entry under Subsection (1) is exempt from this section if:
 - (a) the total one-way trip distance for the motor vehicle would be increased by more than 5% or three miles, whichever is greater if diverted to a port-of-entry; or
 - (b) the motor vehicle is operating under a temporary port-of-entry by-pass permit issued under Subsection (4).
- (4)
 - (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules for the issuance of a temporary port-of-entry by-pass permit exempting a motor vehicle from the provisions of Subsection (1) if the department determines that the permit is needed to accommodate highway transportation needs due to multiple daily or weekly trips in the proximity of a port-of-entry.
 - (b) The rules under Subsection (4)(a) shall provide that one permit may be issued to a motor carrier for multiple motor vehicles.

Amended by Chapter 382, 2008 General Session

72-9-503 Authority to enter agreement with other states for joint port-of-entry operation.

- (1) The executive director of the department may negotiate and enter into bilateral agreements with a representative designated by a contiguous state for the construction, operation, maintenance, and staffing of a jointly occupied port-of-entry.
- (2) The agreement may provide for the collection of highway user fees, registration fees, permit fees, fuel taxes, and any other fees and taxes by either state jointly occupying a port-of-entry.
- (3) The agreement may provide for the enforcement of state and federal laws as provided in this chapter.

Renumbered and Amended by Chapter 270, 1998 General Session