



**U.S. Department
of Transportation**

**Federal Motor Carrier
Safety Administration**

Chief Counsel

1200 New Jersey Avenue, SE
Washington, D.C. 20590

Mr. Stuart Brumbaugh
Compliance Consultant
PacifiCorp Transport
3313W. 900S
Salt Lake City, UT 84104-4535

Dear Mr. Brumbaugh:

Thank you for your letter of November 1, 2007, asking whether a Utah law requiring the display of the “registered . . . gross laden weight” on certain vehicles is prohibited by Federal law.

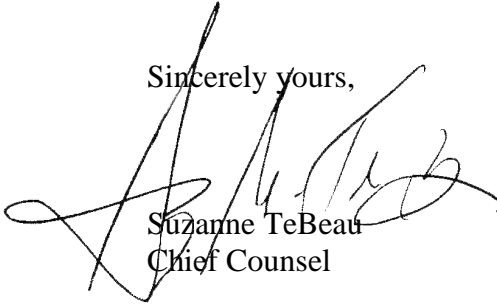
Section 41-1a-229(1) of the Utah Code Annotated requires that “each vehicle registered by gross laden weight and exceeding 12,000 pounds of gross laden weight shall have the gross laden weight for which it is registered painted, stenciled, or shown by decal upon both the left and right sides of the vehicle, in a conspicuous place, in letters of a reasonable size as determined by the commission.”

Section 14506(a) of title 49, United States Code (49 U.S.C. 14506(a)), prohibits States from enacting or enforcing “any law, rule, regulation, standard, or other provision” that requires a motor carrier “to display any form of identification on or in a commercial motor vehicle,” unless that identification is required by section 390.21 of title 49, Code of Federal Regulations (49 CFR 390.21).

Although section 390.21 does not mention the display of vehicle weights, the Utah requirement is not prohibited by section 14506(a) because the registered gross laden weight is not a form of identification. The weight is not uniquely linked to the name, address, or type of operation of the motor carrier. In fact, the weight is not even unique to a particular piece of equipment; many vehicles have the same registered weight. Even if weight were a form of identification, registration by weight category and the marking of that weight on the vehicle are integral parts of the State’s license plate or other display requirements and, as such, exempt under section 14506(b)(3) from the prohibition on requiring a display.

I hope this information is helpful. Should you need additional information or assistance, you may contact Charles Medalen of my office at (202) 366-1354, or e-mail him at charles.medalen@dot.gov.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Suzanne TeBeau', is written over the typed name and title. The signature is fluid and cursive, with a large initial 'S' and 'T'.

Suzanne TeBeau
Chief Counsel