STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1064 BY: BOECKMAN of the HOUSE

and

TALIAFERRO of the SENATE

COMMITTEE SUBSTITUTEAN ACT RELATING TO MOTOR VEHICLES; AMENDING 47 O.S. 1981, SECTION 14-103, AS LAST AMENDED BY SECTION 3, CHAPTER 315, O.S.L. 1990 AND SECTION 14-118, AS LAST AMENDED BY SECTION 1, CHAPTER 232, O.S.L. 1987 (47 O.S. SUPP. 1990, SECTIONS 14-103 AND 14-118), WHICH RELATE TO WIDTH, HEIGHT AND LENGTH OF VEHICLES AND MOVEMENT OF OVERSIZE AND OVERWEIGHT VEHICLES AND PERMITS THEREFOR; PROVIDING EXEMPTION FOR CERTAIN PERSONS MOVING ROUND BALED HAY FOR PURPOSES OTHER THAN RESALE OF SUCH HAY; LIMITING REQUIREMENT FOR CERTAIN PERSONS TO OBTAIN PERMIT; PROVIDING FOR OPERATION OF FARM TRACTORS AND IMPLEMENTS OF HUSBANDRY ON CERTAIN ROADWAYS UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR PASSING CERTAIN ONCOMING WIDE-LOAD TRAFFIC; PROVIDING FOR A RIGHT-OF-WAY FOR FARM TRACTORS AND IMPLEMENTS OF HUSBANDRY IN CERTAIN SITUATIONS; REQUIRING CERTAIN OPERATORS TO DRIVE WITH DUE REGARD FOR THE SAFETY OF OTHERS; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-406 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. A farm tractor, as defined in Section 1-118 of this title, or any implement of husbandry, as defined in Section 1-125 of this title, shall not be permitted to travel upon any highway in this state which is a part of the National System of Interstate and Defense Highways. Such tractor or implement may be operated on any other roadway in this state if the operator has attached all the safety devices required by law and has taken reasonable steps to reduce the width of the tractor or implement as provided for by the manufacturer. Whenever the width of a farm tractor or implement of husbandry exceeds the width of that portion of a roadway on which such tractor or implement is driven, which is marked as a single lane of traffic, or, if such roadway has not been marked for lanes of traffic and the width of such tractor or implement exceeds more than fifty percent (50%) of the width of such roadway, the operator shall move such tractor or implement, as soon as possible, as far to the right-hand side of the roadway as is practicable and safe upon approach of any oncoming or following vehicle and upon approaching the crest of a hill.

B. Upon the immediate approach of a farm tractor or implement of husbandry which cannot be moved by the operator thereof to the far right-hand side of the roadway, as required in subsection A of this section, due to the existence of any bridge or guardrail, sign or any other physical impediment which would not safely allow such tractor or implement to travel on the far right-hand side of the road, the driver of every other vehicle shall yield the right-of-way and shall immediately pull over to the far right-hand side of the road and remain in such position until the tractor or implement has passed.

C. This section shall not operate to relieve any operator of a farm tractor or implement of husbandry from the duty to drive with due regard for the safety of all persons using the roadway.

SECTION 2. AMENDATORY 47 O.S. 1981, Section 14-103, as last amended by Section 3, Chapter 315, O.S.L. 1990 (47 O.S. Supp. 1990, Section 14-103), is amended to read as follows:

Section 14-103. Except as otherwise provided for by this chapter:

A. No vehicle, with or without load, shall have a total outside width in excess of one hundred and two (102) inches excluding both tire bulge and approved safety devices when operated on the National System of Interstate and Defense Highways or on any road or highway in this state having a surface width of twenty (20) feet or more. <u>The provisions of this subsection shall not apply to any person engaged in the hauling of round baled hay with a total outside width of less than eleven (11) feet when the hay is owned by such person and is being hauled for any purpose other than resale.</u>

B. No vehicle, with or without load, shall exceed a height of thirteen and one-half (13 1/2) feet.

C. 1. No single truck, with or without load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty-five (45) feet.

2. No single bus, with or without load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty-five (45) feet.

3. On roads and highways not a part of the Federal Aid Interstate or four-lane divided Federal Aid Primary Highways, no semitrailer operating in a truck-tractor/semitrailer combination shall have a length greater than fifty-three (53) feet and no semitrailer or trailer operating in a truck-tractor/semitrailer and trailer combination shall have a length greater than twenty-nine (29) feet. No other combination of vehicles shall have an overall

length, inclusive of front and rear bumpers, in excess of seventy (70) feet on such roads and highways. For the purposes of this paragraph, oil field rig-up trucks shall be considered to be truck-tractors, when towing a trailer or semitrailer.

4. No combination of vehicles shall consist of more than two units, except:

(a) one truck and semitrailer or truck-tractor/semitrailer combination may tow one complete trailer or semitrailer; or

(b) vans, suburbans, blazers or other similar types of vehicles and self-propelled recreational vehicles with a three-quarter (3/4) ton or more rated capacity, may tow a semitrailer and one complete trailer or semitrailer for recreational purposes only, provided the overall length, inclusive of the front and rear bumpers, does not exceed sixty-five (65) feet.

5. Poles and gas lines used to maintain public utility services, not to include new construction, may be moved during daylight hours, and during nighttime hours only in an emergency, subject to traffic and road restrictions promulgated by the Commissioner of Public Safety, when the overall length does not exceed eighty (80) feet. When this length is exceeded, these loads are subject to the requirements of Section 14-118 of this title.

6. For the purposes of subparagraphs 1, 3, and 4 of this paragraph, the length of unitized equipment, which is defined to be equipment so constructed and attached to a rubber-tired vehicle that the vehicle and load become a unit and are for all practical purposes inseparable, shall be the length of the vehicle itself, and shall not include any protrusion of the equipment load so constructed or attached. Said equipment shall not protrude for a distance greater than two-thirds (2/3) of the wheel base of said vehicle, shall not impair the driver's vision, and shall not be less

than seven (7) feet above the roadway. Any such protruding structure shall be securely held in place to prevent dropping or swaying. Unitized equipment shall carry such safety equipment as shall be determined to be necessary for the safety, health, and welfare of the driving public by the Commissioner of Public Safety.

7. For the purposes of subparagraphs 1, 3, and 4 of this paragraph, a truck-tractor, when being towed by another vehicle with the wheels of its steering axle raised off the roadway, shall be considered to be a semitrailer as defined in Section 1-162 of this title.

8. The provisions of subparagraphs 1 and 3 of this paragraph shall not apply to any contractor or subcontractor, or his agents or employees, while engaged in transporting material to the site of a project being constructed by, for, or on behalf of this state or any city, town, county, or subdivision of this state.

SECTION 3. AMENDATORY 47 O.S. 1981, Section 14-118, as last amended by Section 1, Chapter 232, O.S.L. 1987 (47 O.S. Supp. 1989, Section 14-118), is amended to read as follows:

Section 14-118. (a) Pursuant to such rules and regulations as may be prescribed by Oklahoma regulatory agencies of jurisdiction, Oklahoma motor carriers may engage in any activity in which carriers subject to the jurisdiction of the federal government may be authorized by federal legislation to engage. Provided further, the Transportation Commission shall formulate, for the State Trunk Highway System, including the National System of Interstate and Defense Highways, and for all other highways or portions thereof, rules and regulations governing the movement of vehicles or loads which exceed the size or weight limitations specified by the provisions of Chapter 14 of this title. Such rules and regulations shall be the basis for the development of a system by the Commissioner of Public Safety for the issuance of permits for the movement of oversize or overweight vehicles or loads and shall

include, but not be limited to, provisions for duration, seasonal factors, hours of the day or days when valid, special requirements as to flags, flagmen and warning or safety devices, and other such items as may be consistent with the intent of this section. The permit system shall include provisions for a monthly account payment method and for required bonding by applicants using said monthly procedure as well as for the issuance of said permits by telephone as well as by telegram and may include provisions for the sale of permits in book form or such other methods of issuance as may be deemed feasible. It is the purpose of this section to permit the movement of necessary overweight and oversize vehicles or loads consistent with the following obligations:

1. Protection of motoring public from potential traffic hazards;

2. Protection of highway surfaces, structures, and private property; and

3. Provision for normal flow of traffic with a minimum of interference.

(b) The Transportation Commission shall prepare and publish a map of the State of Oklahoma showing by appropriate symbols the various highway structures and bridges in terms of maximum size and weight restrictions. This map shall be titled "Oklahoma Load Limit Map" and shall be revised periodically to maintain a reasonably current status and in no event shall a period of two (2) years lapse between revisions and publication of same. Provided, further, the Secretary of the Department of Transportation shall prepare and publish a map of the State of Oklahoma showing the advantages of this state as a marketing, warehousing and distribution network center for motor transportation sensitive industries.

(c) The Commissioner of Public Safety, or his authorized representative, shall have the authority, within the limitations formulated under provisions of Chapter 14 of this title, to issue,

withhold or revoke special permits for the operation of vehicles or combinations of vehicles or loads which exceed the size or weight limitations of Chapter 14 of this title. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting such permit, and no person shall violate any of the terms or conditions of such special permit.

(d) It shall be permissible in the transportation of empty trucks on any road or highway to tow by use of saddle mounts, i.e., mounting the front wheels of one vehicle on the bed of another leaving the rear wheels only of such towed vehicle in contact with the roadway. One or more vehicles may be full mounted on the towing or towed vehicles engaged in any driveaway or towaway operation. No more than three saddle mounts may be permitted in such combinations. The towed vehicles shall be securely fastened and operated under the applicable safety requirements of the United States Department of Transportation and such combinations shall not exceed an overall length of sixty-five (65) feet.

(e) The Commissioner of Public Safety, upon application of any person engaged in the transportation of forest products in the raw state, which is defined to be tree-length logs moving from the forest directly to the mill, or upon application of any person engaged in the transportation of overwidth or overheight equipment used in soil conservation work as described in Section 22.5-1 of this title, or upon application of any person engaged in the hauling <u>for hire or for resale,</u> of round baled hay with a total outside width of less than eleven (11) feet, shall issue an annual permit, upon payment of a fee of Twenty-five Dollars ($25.00) each year, authorizing the operation by such persons of such motor vehicle load lengths and widths upon the highways of this state except on the National System of Interstate and Defense Highways. Provided however, the restriction on use of the National System of Interstate

and Defense Highways shall not be applicable to persons engaged in the hauling of round baled hay with a total outside width of less than eleven (11) feet.

(f) Farm equipment shall be exempted from the requirement for special permits due to size. However, such equipment shall not move on any highway during the hours of darkness and shall be subject to limitations formulated under other provisions of Chapter 14 of this title.

(g) Any rubber-tired road construction vehicle including rubber-tired truck cranes and special mobilized machinery either self-propelled or drawn carrying no load other than its own weight, but which is overweight by any provisions of this chapter, shall be permitted to move on the highways of the State of Oklahoma. Movement of such vehicles shall be permitted on the Federal Interstate System of Highways only if written permission is secured from the Commissioner of Public Safety or his authorized representative upon determination that the objectives of this section will be served by such a permit and that federal weight or size restrictions will not be violated. The weight of any such vehicle shall not exceed six hundred fifty (650) pounds multiplied by the nominal width of the tire. Such vehicle shall be required to carry the safety equipment adjudged necessary for the health and welfare of the driving public. If any such vehicle travels and does not come under the other limitations of the present laws, it shall be deemed that the same shall travel only between the hours of sunrise and sunset. Said vehicles, except special mobilized machinery, shall be exempt from the laws of Oklahoma relating to motor vehicle registration, licensing or other in lieu of ad valorem fees.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-1053 SL