

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1334

BY: ADAIR

AS INTRODUCED

AN ACT RELATING TO MOTOR VEHICLES; AMENDING 47 O.S. 1981, SECTION 1-182, WHICH RELATES TO GENERAL DEFINITIONS; MODIFYING DEFINITION OF CERTAIN TERM; AMENDING 47 O.S. 1981, SECTIONS 14-103, AS LAST AMENDED BY SECTION 3, CHAPTER 315, O.S.L. 1990, 14-103A, AS LAST AMENDED BY SECTION 1, CHAPTER 270, O.S.L. 1984, 14-103B, SECTION 4, CHAPTER 253, O.S.L. 1984, AS AMENDED BY SECTION 1, CHAPTER 238, O.S.L. 1985, SECTION 4, CHAPTER 238, O.S.L. 1985, SECTION 5, CHAPTER 238, O.S.L. 1985, 14-106, 14-107, 14-109, AS LAST AMENDED BY SECTION 1, CHAPTER 108, O.S.L. 1990, 14-111, 14-113, 14-116, AS LAST AMENDED BY SECTION 159, CHAPTER 5, O.S.L. 1987, 14-118, AS LAST AMENDED BY SECTION 1, CHAPTER 232, O.S.L. 1987, SECTION 1, CHAPTER 49, O.S.L. 1984, AND 116.21, AS RENUMBERED BY SECTION 3, CHAPTER 160, O.S.L. 1984, AND AS LAST AMENDED BY SECTION 1, CHAPTER 91, O.S.L. 1987 (47 O.S. SUPP. 1990, SECTIONS 14-103, 14-103A, 14-103D, 14-103E, 14-103F, 14-109, 14-116, 14-118, 14-119 AND 14-120), WHICH RELATE TO VEHICLE SIZE, WEIGHT AND LOAD; MODIFYING MAXIMUM LENGTH OF CERTAIN VEHICLES; PROVIDING CERTAIN ORDER FOR COMBINATION VEHICLES; CLARIFYING STATUTORY REFERENCES; DEFINING TERM;

MODIFYING CERTAIN AXLE LOAD LIMITS; CLARIFYING
STATUTORY LANGUAGE; PROVIDING PENALTY; DELETING
PROVISIONAL PERMIT SYSTEM; PROVIDING FOR SPECIAL
COMBINATION VEHICLE PERMITS; SPECIFYING FEE;
REQUIRING CERTAIN PERMISSION BEFORE OPERATION OF
CERTAIN VEHICLES ON THE HIGHWAYS OF THIS STATE;
MODIFYING CERTAIN VEHICLE WIDTH LIMITATIONS;
AMENDING 47 O.S. 1981, SECTION 19-101, AS AMENDED
BY SECTION 16, CHAPTER 290, O.S.L. 1988 (47 O.S.
SUPP. 1990, SECTION 19-101), WHICH RELATES TO
SPECIAL MOBILIZED MACHINERY; MODIFYING APPLICATION
OF CERTAIN DRIVEAWAY PERMITS; SPECIFYING THAT
CERTAIN MOBILIZED EQUIPMENT IS NOT EXEMPT FROM AD
VALOREM TAXATION; PROVIDING FOR ANNUAL SPECIAL
PERMITS FOR CERTAIN MOBILIZED EQUIPMENT; SPECIFYING
FEE; SPECIFYING A MAXIMUM SPEED FOR SUCH EQUIPMENT;
LIMITING TRAVEL DISTANCE ON CERTAIN HIGHWAYS IN
THIS STATE; AMENDING 47 O.S. 1981, SECTIONS 116.11,
AS AMENDED BY SECTION 17, CHAPTER 352, O.S.L. 1982
AND 116.14 (47 O.S. SUPP. 1990, SECTION 116.11),
WHICH RELATES TO SIZE, WEIGHTS AND LOADS OF
VEHICLES; MODIFYING NUMBER OF ADDITIONAL MEMBERS OF
THE OKLAHOMA HIGHWAY PATROL FOR ENFORCEMENT OF
VEHICLE SIZE AND WEIGHT LAWS; MODIFYING CERTAIN
ENFORCEMENT PROCEDURES; AMENDING SECTION 32,
CHAPTER 179, O.S.L. 1985 (47 O.S. SUPP. 1990,
SECTION 1129), WHICH RELATES TO THE OKLAHOMA
VEHICLE LICENSE AND REGISTRATION ACT; DELETING
CERTAIN RECODIFIED LANGUAGE; REPEALING SECTION 1,
CHAPTER 37, O.S.L. 1986, AS AMENDED BY SECTION 161,
CHAPTER 5, O.S.L. 1987 (47 O.S. SUPP. 1990, SECTION
14-121), WHICH RELATES TO VEHICLE SIZE, WEIGHT AND

LOAD AND 47 O.S. 1981, SECTION 127.2, WHICH RELATES TO THE WEIGHING OF CERTAIN VEHICLES; PROVIDING FOR RECODIFICATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 47 O.S. 1981, Section 1-182, is amended to read as follows:

Section 1-182. Every motor vehicle designed, used or maintained primarily for the transportation of property including pickup-type vehicles.

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.

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~~ and four-lane divided ~~Federal Aid Primary Highways~~ highways, no semitrailer and/or load operating in a

truck-tractor/semitrailer combination shall have a length greater than ~~fifty-three (53)~~ fifty-nine (59) feet six (6) inches and no semitrailer ~~or~~, trailer or load shall have a length greater than forty-eight (48) feet when operating in a truck-tractor/semitrailer and trailer combination shall have a length greater than twenty-nine (29) feet. If operating in such combinations, the heaviest trailer shall be coupled to the towing vehicle. Truck-tractor/semitrailer and trailer combinations shall have access and egress limited to a maximum of five (5) miles, which shall be measured by the most direct route traveled rather than by the radius from the terminal to the interstate highway or four-lane divided highway. No other combination of vehicles, except those vehicles permitted by subsection G of Section 14-213 of this title, 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. On the remaining segments of the National Network and all other roads and highways, no semitrailer and/or load operating in a truck-tractor/semitrailer combination shall have a length greater than fifty-nine (59) feet six (6) inches and no semitrailer or trailer and/or its load shall be operated in a truck-tractor/semitrailer and trailer combination with a length greater than twenty-nine (29) feet with the longest and heaviest trailer coupled to the towing vehicle. No other combinations of vehicles shall have an overall length, inclusive of front and rear bumpers, in excess of seventy (70) feet on such roads and highways.

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

- ~~(a)~~ a. one truck and semitrailer or truck-tractor/semitrailer combination may tow one complete trailer or semitrailer. All towing

vehicles utilized in such combinations shall have a manufacturer's gross vehicle weight rating of five thousand four hundred (5,400) pounds or more; or

~~(b)~~ 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~~ manufacturer's gross vehicle weight rating of five thousand four hundred (5,400) pounds or more, 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)~~ seventy (70) feet.

~~5.~~ 6. 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~~ imposed 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~~ 14-213 of this title.

~~6.~~ 7. For the purposes of ~~subparagraphs~~ paragraphs 1, 3, ~~and 4~~ and 5 of this ~~paragraph~~ subsection, 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.~~ 8. For the purposes of ~~subparagraphs~~ paragraphs 1, 3, ~~and~~ 4 ~~and 5~~ of this ~~paragraph~~ subsection, 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.~~ 9. The provisions of ~~subparagraphs~~ paragraphs 1 ~~and~~, 3 ~~and~~ 4 of this ~~paragraph~~ subsection 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 14-103A, as last amended by Section 1, Chapter 270, O.S.L. 1984 (47 O.S. Supp. 1990, Section 14-103A), is amended to read as follows:

Section 14-103A. A. No combination of any motor vehicle, manufactured home or industrialized housing, other industrial structures, or frame or frames thereof shall have an overall length, inclusive of front and rear bumpers, in excess of ~~sixty-five (65)~~ seventy (70) feet or a width in excess of sixteen (16) feet. In determining the width of a manufactured home, the topside width may exceed the sixteen-foot width limit by no more than twelve (12) inches on each side for awnings, doorknobs, or other fixtures extending beyond the body of the unit. Such combination exceeding ~~sixty-five (65)~~ seventy (70) feet in length or ~~eight (8)~~ eight and one-half (8 1/2) feet in width must comply with the provisions of Section ~~14-118~~ 14-213 of this title. The Commissioner of Public

Safety may issue, upon proper application, a special permit to such person allowing the movement of any such combination not exceeding twenty-six (26) feet in width at the bottom and thirty (30) feet in width at the top on state or federal highways. Said permit shall specify the highways to be used and shall be permitted when consistent with public convenience and safety, as determined by the Commissioner of Public Safety. The towing unit for combinations in excess of twenty-six (26) feet in width at the bottom and thirty (30) feet in width at the top shall be a tandem-axle vehicle of no less than two hundred twenty (220) horsepower. If any manufactured home or industrialized housing, or frame for either thereof, and the towing unit exceeds ~~sixty-five (65)~~ seventy (70) feet in overall length, or eight and one-half (8 1/2) feet in width, they shall be moved only during daylight hours not including Saturdays after 12:00 noon, Sundays, and the seven legal holidays, and the towing vehicle must be at least three-fourths (3/4) ton rated capacity with dual wheels.

B. For the purposes of this section, "industrialized housing" means any structure, or component thereof, designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on the building site.

SECTION 4. AMENDATORY 47 O.S. 1981, Section 14-103B, is amended to read as follows:

Section 14-103B. A. Any automobile transporter vehicle or combination of automobile transporter vehicles operated under the provisions of Section ~~14-103~~ 14-212 of this title may carry an extension of load, said extension not to exceed three (3) feet beyond the front nor more than four (4) feet beyond the rear of the vehicle or combination of vehicles thereof.

B. No automobile transporter vehicle, unladen or with load, shall exceed a height of fourteen and one-half (14 1/2) feet.

SECTION 5. AMENDATORY Section 4, Chapter 253, O.S.L. 1984, as amended by Section 1, Chapter 238, O.S.L. 1985 (47 O.S. Supp. 1990, Section 14-103D), is amended to read as follows:

Section 14-103D. A. No person shall transport or move a manufactured home on any public road or highway in this state except as provided by this act without a permit issued pursuant to the provisions of Sections ~~14-103A and 14-103C~~ 14-215 and 14-216 of this title and subsection B of this section, and without evidence that the required registration fees, excise taxes, or ad valorem taxes have been paid on such manufactured home.

B. In addition to the permit information required by the provisions of Sections ~~14-103A and 14-103C~~ 14-215 and 14-216 of this title, the permit shall also include the following:

1. The name of the owner of the manufactured home;
2. The serial number or identification number of the manufactured home;
3. A legal description or the address of the location from which the manufactured home is to be moved; and
4. A legal description, the address, or the location to which the manufactured home is to be moved.

C. Except as authorized by this act, the Department of Public Safety shall not issue a permit to any person to transport or move a manufactured home without evidence of payment of the required registration fees, ad valorem or excise taxes on such manufactured home.

D. Provided, that upon proof of possession of a dealer or in-transit license plate, issued by the Oklahoma Tax Commission according to the provisions of subsection D of Section 22.15a of this title, the Department of Public Safety shall issue a permit to the holder of such license.

E. For the purposes of subsections A and C of this section, an excise tax receipt, and manufactured home registration receipt and

Manufactured Home Registration Decal attached to a certificate of title for a manufactured home or receipts and decal as authorized by subsection C of Section ~~22.4-3a~~ 1117 of this title shall be evidence of payment of the excise tax and registration fees required pursuant to the provisions of Section ~~22.5m~~ 1135 of this title and Section 2104.3 of Title 68 of the Oklahoma Statutes. A receipt for taxes paid from the county treasurer of the county in which the manufactured home is located shall be evidence of payment of the ad valorem taxes required by the provisions of Article 24 of Title 68 of the Oklahoma Statutes and the provisions of Section 24410 of Title 68 of the Oklahoma Statutes.

SECTION 6. AMENDATORY Section 4, Chapter 238, O.S.L. 1985 (47 O.S. Supp. 1990, Section 14-103E), is amended to read as follows:

Section 14-103E. A. Upon issuance of a permit pursuant to the provisions of Section ~~14-103D of Title 47 of the Oklahoma Statutes~~ 14-217 of this title, the Department of Public Safety shall notify the Oklahoma Tax Commission of the issuance of such permit. The notification shall include the permit information required by subsection B of Section ~~14-103D of Title 47 of the Oklahoma Statutes~~ 14-217 of this title.

B. Upon notification of issuance of the permit pursuant to subsection A of this section, the Tax Commission shall notify the county assessor of the county in which the manufactured home is to be located, of the issuance of the permit. Such notification shall include the permit information required by subsection B of Section ~~14-103D of Title 47 of the Oklahoma Statutes~~ 14-217 of this title.

SECTION 7. AMENDATORY Section 5, Chapter 238, O.S.L. 1985 (47 O.S. Supp. 1990, Section 14-103F), is amended to read as follows:

Section 14-103F. Any person, firm or corporation owning a manufactured home used in the course of his construction, oil field

or seasonal farming activities, may apply for a special decal allowing such person to transport said manufactured home on the highways of this state, provided this section shall not be construed to waive the permit otherwise required by Sections ~~14-103A and 14-103C of Title 47 of the Oklahoma Statutes~~ 14-215 and 14-216 of this title.

Such special decal shall be issued by any motor license agent upon proof that said person, firm or corporation has paid all ad valorem taxes due on such manufactured home for the current tax year. The fee for such special decal shall be Four Dollars (\$4.00). Such special decal shall be valid for the taxable year.

SECTION 8. AMENDATORY 47 O.S. 1981, Section 14-106, is amended to read as follows:

Section 14-106. Every trailer, ~~or~~ semitrailer or other towed object, shall be equipped with a coupling device which shall be so designed and constructed that the trailer, ~~or~~ semitrailer or other towed object will follow substantially in the path of the vehicle drawing it without whipping or swerving from side to side. In addition, every such trailer ~~or~~, semitrailer or other towed object except a semitrailer drawn by a truck-tractor type designed to draw or support the front end of a semitrailer, shall be ~~coupled~~ securely attached with stay chains or wire cables to the vehicle by which it is being drawn which chains or cable shall be of sufficient size and strength to prevent parting from the drawing vehicle should the regular coupling device break or become otherwise disengaged.

SECTION 9. AMENDATORY 47 O.S. 1981, Section 14-107, is amended to read as follows:

Section 14-107. As used in this chapter:

1. "Axle load" means the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty (40) inches apart, extending across the full width of the vehicle; ~~and~~

2. "Tandem axle" means any two or more consecutive axles whose centers are more than forty (40) inches apart, but not more than ninety-five (95) inches apart; and

3. "Steering axle" means the forward most single axle of a truck or truck-tractor so designed and engineered as to allow the operator full control of the directional mobility to the left and right.

SECTION 10. AMENDATORY 47 O.S. 1981, Section 14-109, as last amended by Section 1, Chapter 108, O.S.L. 1990 (47 O.S. Supp. 1990, Section 14-109), is amended to read as follows:

Section 14-109. ~~(a)~~ A. On any road or highway:

1. No single axle weight shall exceed twenty thousand (20,000) pounds; ~~and~~

2. No tandem-axle weight shall exceed thirty-four thousand (34,000) pounds;

3. No steering-axle weight shall exceed fifteen thousand (15,000) pounds; and

4. The total gross weight in pounds imposed thereon by a vehicle or combination of vehicles shall not exceed the value given in the following table corresponding to the distance in feet between the extreme axles of the group measured longitudinally to the nearest foot.

Provided however, no person shall drive or move or no owner shall cause or knowingly permit to be driven or moved on the National System of Interstate Highways, any vehicle or vehicles in excess of eighty thousand (80,000) pounds gross weight as imposed by Section 127 of Title 19 of the United States Code.

Distance in Feet Between the Extremes of Any Group of 2 or More Consecutive Axles	Maximum Load in Pounds Carried on Any Group of 2 or More Consecutive Axles				
	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles

4	34,000	-----	-----	-----	-----
5	34,000	-----	-----	-----	-----
6	34,000	-----	-----	-----	-----
7	34,000	-----	-----	-----	-----
8	34,000	42,000	-----	-----	-----
		<u>34,000</u>			
<u>more than 8</u>	<u>38,000</u>	<u>42,000</u>	-----	-----	-----
9	39,000	42,500	-----	-----	-----
10	40,000	43,500	-----	-----	-----
11	-----	44,000	-----	-----	-----
12	-----	45,000	50,000	-----	-----
13	-----	45,500	50,500	-----	-----
14	-----	46,500	51,500	-----	-----
15	-----	47,000	52,000	-----	-----
16	-----	48,000	52,500	58,000	-----
17	-----	48,500	53,500	58,500	-----
18	-----	49,500	54,000	59,000	-----
19	-----	50,000	54,500	60,000	-----
20	-----	51,000	55,500	60,500	66,000
21	-----	51,500	56,000	61,000	66,500
22	-----	52,500	56,500	61,500	67,000
23	-----	53,000	57,500	62,500	68,000
24	-----	54,000	58,000	63,000	68,500
25	-----	54,500	58,500	63,500	69,000
26	-----	56,000	59,500	64,000	69,500
		<u>55,500</u>			
27	-----	57,500	60,000	65,000	70,000
		<u>56,000</u>			
28	-----	59,000	60,500	65,500	71,000
		<u>57,000</u>			
29	-----	60,500	61,500	66,000	71,500
		<u>57,500</u>			

30	-----	62,000	62,000	66,500	72,000
		<u>58,500</u>			
31	-----	63,500	63,500	67,000	72,500
		<u>59,000</u>	<u>62,500</u>	<u>67,500</u>	
32	-----	64,000	64,000	68,000	73,500
		<u>60,000</u>	<u>63,500</u>		<u>73,000</u>
33	-----	-----	64,500	68,500	74,000
			<u>64,000</u>		
34	-----	-----	65,000	69,000	74,500
			<u>64,500</u>		
35	-----	-----	66,000	70,000	75,000
			<u>65,500</u>		
36	-----	-----	68,000	70,500	75,500
37	-----	-----	68,000	71,000	76,000
38	-----	-----	69,000	72,000	77,000
			<u>68,000</u>	<u>71,500</u>	
39	-----	-----	70,000	72,500	77,500
			<u>68,000</u>		
40	-----	-----	71,000	73,000	78,000
			<u>68,500</u>		
41	-----	-----	72,000	73,500	78,500
			<u>69,500</u>		
42	-----	-----	73,000	74,000	79,000
			<u>70,000</u>		
43	-----	-----	73,280	75,000	80,000
			<u>70,500</u>		
44	-----	-----	73,280	75,500	80,500
			<u>71,500</u>		
45	-----	-----	73,280	76,000	81,000
			<u>72,000</u>		
46	-----	-----	73,280	76,500	81,500
			<u>72,500</u>		

47	-----	-----	73,500	77,500	82,000
48	-----	-----	74,000	78,000	83,000
49	-----	-----	74,500	78,500	83,500
50	-----	-----	75,500	79,000	84,000
51	-----	-----	76,000	80,000	84,500
52	-----	-----	76,500	80,500	85,000
53	-----	-----	77,500	81,000	86,000
54	-----	-----	78,000	81,500	86,500
55	-----	-----	78,500	82,500	87,000
56	-----	-----	79,500	83,000	87,500
57	-----	-----	80,000	83,500	88,000
58	-----	-----	-----	84,000	89,000
59	-----	-----	-----	85,000	89,500
60	-----	-----	-----	85,500	90,000

~~(b) Except as to gross limits, the table in subsection (a) of this section shall not apply to a truck-tractor and dump semitrailer when such are used as a combination unit. In no event shall the maximum load in pounds carried by any set of tandem axles exceed thirty-four thousand (34,000) pounds for vehicles exempt from said table. However, any such vehicle operating with split tandem axles or tri-axles shall adhere to the table.~~

~~(c) Special permits may be issued as provided in this title for divisible loads for vehicle configurations in excess of six (6) axles. Said permits may not exceed the Table "B" federal weights formula imposed by Title 23, U.S. Code, Section 127. Vehicles moving under such permits shall not traverse H-15 bridges or less without the expressed approval of the Secretary of Transportation.~~

~~(d) B. Except for loads moving under special permits as provided in this title, no department or agency of the state or any county or city or public entity thereof shall accept loads moving in interstate or intrastate commerce in excess of the legal load limits of this state.~~

~~(e)~~ C. Exceptions to this section will be refuse collection vehicles used by counties, cities ~~and,~~ towns, state or federal entities or by private companies contracted by counties, cities ~~and,~~ towns or state or federal entities provided the following conditions are met:

1. Calculation of weight for a refuse collection vehicle shall be "Gross Vehicle Weight". The "Gross Vehicle Weight" of a refuse collection vehicle may not exceed the otherwise applicable weight by more than fifteen percent (15%). The weight on individual axles must not exceed the manufacturer's component ratings which includes axle, suspension, wheels, rims, brakes and tires as shown on the vehicle certification label or tag; and

2. Refuse collection vehicles operated under these exceptions will not be allowed to operate on interstate highways.

~~(f)~~ D. Refuse collection vehicles operating under exceptions shall purchase an annual special overload permit for One Hundred Dollars (\$100.00). This fee shall be apportioned as provided for in Section 1104 of this title.

SECTION 11. AMENDATORY 47 O.S. 1981, Section 14-111, is amended to read as follows:

Section 14-111. ~~(a)~~ A. Any officer of the Department of Public Safety, the Oklahoma Tax Commission, any sheriff, or any salaried deputy sheriff is authorized to stop any vehicle upon any road or highway in order to weigh such vehicle by means of portable or stationary scales, or cause the same to be weighed by any official weigher, or upon any privately owned scales and may require that such vehicles be driven to the nearest or most convenient available scales for the purpose of weighing. In the event that any axle weight or the gross weight of any such vehicle be found to exceed the maximum weight authorized by law, or by permit issued therefor, said officer shall require, in the case of separable loads, the driver, operator or owner thereof to unload at the site such portion

of the load as may be necessary to decrease the weight of such vehicle to the maximum weight authorized by law. Provided, however, that if such load consists of livestock, perishable ~~merchandise~~ commodities, or ~~merchandise~~ commodities that may be destroyed by the weather, then the driver shall be permitted to proceed to the nearest practical unloading point in the direction of destination before discharging such excess cargo. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

~~(b)~~ B. The operator of any truck or other vehicle transporting farm products or ~~other merchandise for hire~~ shall have in his ~~possession a certificate carrying~~ commodities utilized in the furtherance of a commercial enterprise for hire shall carry in the vehicle a certificate of laden providing the following information: name of the operator; driver's license number; vehicle registration number; Corporation Commission permit number; statement of owner authorizing transportation of the products by above named operator; and signature of the owner.

Should the vehicle be loaded with livestock, the certificate shall include the number of animals, and should said livestock be the property of more than one person, a certificate of laden signed by each owner carrying the above information including the number of animals owned by them shall be carried by the operator.

C. Should the operator be the owner of the ~~merchandise~~ commodities or livestock, said ~~merchandise~~ commodities or livestock having just been purchased, ~~he~~ the operator shall ~~have~~ carry in ~~his~~ possession the vehicle a bill of sale for such ~~merchandise~~ commodities or livestock.

D. Should the operator be the owner of livestock or other farm products produced by him, ~~he~~ the operator shall be required to show satisfactory identification and ownership of the vehicle.

E. Any officer as outlined in this chapter shall have the authority to stop any vehicle loaded with livestock, ~~merchandise~~ commodities or other farm products and investigate as to the ownership of said ~~merchandise~~ commodities, livestock or other farm products. Should the operator of any vehicle be unable to establish to the satisfaction of the officer the ownership of the ~~merchandise~~ commodities, livestock or other products, or shall not have a certificate signed by the owner as specified in this section for the transportation of such ~~merchandise~~ commodities, livestock or other farm products, said ~~merchandise~~ commodities, livestock or other farm products and the vehicle in which they are being transported shall be impounded by said officer and any expense as to the care of any livestock shall be the responsibility of the owner or operator of said vehicle, any loss or damage of said ~~merchandise~~ commodities, livestock or other farm products shall be the responsibility of the operator or owner, or both.

SECTION 12. AMENDATORY 47 O.S. 1981, Section 14-113, is amended to read as follows:

Section 14-113. A. The Director of the Department of Highways with respect to highways on the state highway system or local authorities with respect to highways under their jurisdiction, as defined in Title 69 of the Oklahoma Statutes, may prohibit the operation of vehicles on any such highways, or impose restrictions as to the weights of vehicles to be operated upon any state or federal highway or any detour established for such highways, or for any bridge located upon such highways or detours, whenever any such highway, detour or bridge by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight reduced. Such restrictions shall be effective when signs giving notice thereof are erected upon the highway, detour, bridge,

or portion thereof affected by such action, and the Department of Public Safety has been notified.

B. It shall be a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved any vehicle or combination of vehicles of a size and weight in excess of the restrictions provided for in subsection A of this section. Any person, firm or corporation, upon conviction thereof, shall be punished as provided for in Section 14-202 of this title.

SECTION 13. AMENDATORY 47 O.S. 1981, Section 14-116, as last amended by Section 159, Chapter 5, O.S.L. 1987 (47 O.S. Supp. 1990, Section 14-116), is amended to read as follows:

Section 14-116. The Commissioner of Public Safety shall charge a minimum permit fee of Ten Dollars (\$10.00) for any permit issued pursuant to the provisions of Section 14-101 et seq. of this title. Five Dollars (\$5.00) of such permit fee shall be deposited in the State Treasury to the credit of the General Revenue Fund. In addition to the permit fee, the Commissioner shall charge a fee of Five Dollars (\$5.00) for each thousand pounds in excess of the legal load limit. The Commissioner of Public Safety shall establish necessary regulations for collecting said fees. Authorized motor carriers meeting established credit requirements shall be placed on a monthly billing system for permits purchased from all size and weight offices in the state. The Department of Public Safety is hereby authorized to establish an annual accounting fee and to charge such annual fee to motor carriers having established monthly billing accounts with the Department. The accounting fee shall be Two Hundred Dollars (\$200.00). All monies received from such accounting fees shall be deposited in the State Treasury to the credit of the General Revenue Fund. Application for permits shall be made a reasonable time in advance of the expected time of movement of such vehicles. For emergencies affecting the health or safety of persons or a community, permits may be issued for

immediate movement. Size and weight offices in all districts where applicable shall issue permits to authorize carriers by telephone during weekdays. ~~The Commissioner of Public Safety shall develop a system for provisional permits for authorized carriers which may be used in lieu of a regular permit for the movement of oversize and overweight loads when issued an authorization number by the Department of Public Safety. Such provisional permits shall include date of movement, general load description, estimated weight, oversize notation, route of travel, truck or truck-tractor license number, and permit authorization number.~~ No overweight permit shall be valid until all license taxes due the State of Oklahoma have been paid. No permit violation shall be deemed to have occurred when an oversize or overweight movement is made pursuant to a permit whose stated weight or size exceeds the actual load. The first deliverer of ~~motor vehicles designated~~ truck carriers, special mobilized machinery or well service ~~carriers~~ units manufactured in Oklahoma shall not be required to purchase an overweight permit when being delivered to the first purchaser. The proceeds from oversize permit fees shall be deposited in the General Revenue Fund in the State Treasury, and the proceeds from the overweight permit fees shall be apportioned as provided in Section 1104 of this title.

SECTION 14. AMENDATORY 47 O.S. 1981, Section 14-118, as last amended by Section 1, Chapter 232, O.S.L. 1987 (47 O.S. Supp. 1990, Section 14-118), is amended to read as follows:

Section 14-118. ~~(a)~~ 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)~~ 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.

~~(e)~~ 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)~~ 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.~~ On roads and highways of the Federal Aid Interstate and four-lane divided highways, no saddle mount combination vehicle shall have an overall length greater than seventy-five (75) feet with access and egress limited to a maximum of five (5) miles.

E. No person shall operate a special combination vehicle within this state without a special combination vehicle permit for the vehicle issued by the Department of Public Safety. Such permit may be issued for operation upon Federal Aid Interstate Highways or

four-lane divided Federal Aid Primary Highways and for access or egress limited to a maximum of five (5) miles, which shall be measured by the most direct route traveled rather than by the radius from the terminal to the interstate highway or four-lane divided highway.

F. The Commissioner of Public Safety shall promulgate rules for the issuance of special combination vehicle permits and shall collect an annual fee of One Hundred Twenty Dollars (\$120.00) for each such permit issued. Fees collected pursuant to this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury.

G. For the purposes of this section, a special combination vehicle shall consist of a truck-tractor/semitrailer combination towing one (1) or two (2) complete trailers or semitrailers. No semitrailer or trailer operated in a truck-tractor/semitrailer combination towing two (2) complete trailers or semitrailers shall have a length greater than twenty-nine (29) feet with the longest and heaviest trailer coupled to the towing vehicle nor shall a special combination vehicle exceed the weight limitations imposed by Sections 14-202, 14-206 and 14-214 of this title.

~~(e)~~ H. 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 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 or soil conservation equipment with a total outside width of less than eleven (11) feet.

~~(f)~~ I. 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)~~ J. 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~~ only by written permission of 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 15. AMENDATORY Section 1, Chapter 49, O.S.L. 1984 (47 O.S. Supp. 1990, Section 14-119), is amended to read as follows:

Section 14-119. Any common, contract, or private motor carrier or any shipper, firm, corporation, or other person who willfully or knowingly transports a load having a capacity greater than the axle or gross weights authorized by statute or by special permit pursuant to the provisions of Section ~~14-116 of Title 47 of the Oklahoma Statutes~~ 14-214 of this title, or who loads or causes or requires a vehicle to be loaded to said capacity, upon conviction, is guilty of a misdemeanor and shall be subject to the penalties and fines provided for in Section 172 of ~~Title 47 of the Oklahoma Statutes~~ this title or to a fine in the amount provided for in Section ~~1114.9~~ 1115.3 of Title 22 of the Oklahoma Statutes.

SECTION 16. AMENDATORY 47 O.S. 1981, Section 116.21, as renumbered by Section 3, Chapter 160, O.S.L. 1984, and as last amended by Section 1, Chapter 91, O.S.L. 1987 (47 O.S. Supp. 1990, Section 14-120), is amended to read as follows:

Section 14-120. A. Manufactured items, with the exception of manufactured homes as defined in Section 1102 of this title and industrialized housing as defined in subsection B of Section ~~14-103A~~ 14-215 of this title, exceeding sixteen (16) feet but not exceeding ~~twenty (20)~~ twenty-three (23) feet in width traveling:

1. From point of manufacture in the State of Oklahoma ~~to an Arkansas River navigational port within this state for shipment,~~ to a point of delivery in the State of Oklahoma or to a point of delivery in another state; or

2. From point of manufacture outside the State of Oklahoma ~~to an Arkansas River navigational port within this state for shipment,~~ to a point of delivery in the State of Oklahoma or to a point of

delivery in another state shall be permitted, upon receipt of a special movement permit issued under the provisions of subsection B of this section, to travel on any state or U. S. highway in Oklahoma. Provided, however, the Commissioner of Public Safety is authorized to allow such items in excess of ~~twenty (20)~~ twenty-three (23) feet in width to travel on such highway if it is in the best interest of the state and a special moving permit has been issued. Provided, further, that no such load in excess of the limitations set forth in the applicable United States code shall be permitted to travel upon any portion of the National System of Interstate and Defense Highways.

B. Every person desiring to transport manufactured items pursuant to the provisions of this section shall apply to the Department of Public Safety for a special movement permit on an application form prescribed by the Department. Upon approval of the application by the Department, a special movement permit shall be issued for a fee of Two Hundred Fifty Dollars (\$250.00). All monies received from such special movement permit fees shall be deposited in the State Treasury to the credit of the General Revenue Fund. A permit issued pursuant to the provisions of this subsection shall expire upon the completion of one trip specified in subsection A of this section. The special movement permit, and fee related thereto, shall be in addition to the permit and fees required by Section ~~14-116~~ 14-214 of this title.

C. Permits issued pursuant to the provisions of this section shall be issued by the Size and Weight Division of the Department of Public Safety.

D. Highway escorts shall be required for transportation of items pursuant to the provisions of this section according to rules and regulations prescribed by the Department of Public Safety.

SECTION 17. AMENDATORY 47 O.S. 1981, Section 19-101, as amended by Section 16, Chapter 290, O.S.L. 1988 (47 O.S. Supp. 1990, Section 19-101), is amended to read as follows:

Section 19-101. ~~(a)~~ A. Upon the issuance of a special mobilized machinery driveaway permit as provided in this ~~section~~ subsection special mobilized machinery manufactured in Oklahoma shall be permitted to move upon the highways of this state from the place of manufacture to the state line for delivery and exclusive use outside the State of Oklahoma, and may be temporarily returned to Oklahoma for modification and repair, with subsequent movement back out of the state. Special driveaway permits for such movement shall be issued by the Commissioner of Public Safety, who may act through his designated agents, upon the payment of a fee therefor in the amount of Fifteen Dollars (\$15.00) for each such movement ~~provided, however, that for the movement of such mobilized equipment back into Oklahoma for modification or repair said permit fee of Fifteen Dollars (\$15.00) shall include the roundtrip movement to Oklahoma and the return to the state line.~~ The Commissioner of Public Safety is hereby authorized to issue to the operators of said special mobilized machinery such special tags, plates or other identifying evidence that the permit herein required has been obtained. The provisions of ~~subsections C, D and E of Section 1129 of this title~~ subsection E of this section, relating to registration and additional fees in lieu of ad valorem taxes, and other laws of this state relating to registration fees or licensing shall not apply to such special mobilized equipment when the same is manufactured in Oklahoma and sold for delivery and exclusive use without the State of Oklahoma, or when returned temporarily for modification or repair. The provisions of this subsection shall not be construed to exempt the mobilized equipment described in this subsection from the levy of ad valorem taxes.

~~(b)~~ B. Special mobilized machinery qualifying for a special driveaway permit, ~~as provided in this section,~~ shall be exempt from the necessity of conformance with the provisions of Sections ~~14-101, 14-103 and 14-107~~ 14-201, 14-205, 14-207 and 14-212 of this code title, governing sizes and weights of vehicles and loads, ~~and shall be exempt from the provisions of Sections 14-111 and 14-114 of this code, regulating the operation of highway vehicles by special permit upon the issuance of such permit;~~ provided, that in no case shall the gross weight exceed the legal capacity, as provided in Section ~~14-109 of this code~~ 14-206 of this title, of all tires in contact with the highway, provided further that the size ~~may~~ shall not be such as to create a safety hazard in the judgment of the ~~Director~~ Commissioner of Public Safety. Permits for such special mobilized machinery shall specify a maximum permissible road speed of forty (40) miles per hour, designate safety equipment to be carried and may exclude use of highways of the interstate system.

~~(c)~~ C. When such equipment has a width greater than eight (8) feet six (6) inches or a length exclusive of load, as defined in ~~subsection (d) 5. of Section 14-103 of this code~~ paragraph 6 of subsection C of Section 14-212 of this title, of ~~forty (40)~~ forty-five (45) feet or a height in excess of thirteen (13) feet six (6) inches, the permit may designate highways to be traveled, hours of travel, and when flagmen may be required to precede or follow the equipment.

~~(d)~~ D. Possession of a special driveaway permit shall in no way be construed as exempting such equipment from the provisions of Section ~~14-118 of this code~~ 14-213 of this title, relating to the power of the Transportation Commission to restrict use of particular highways, nor shall it exempt such equipment from the provisions of Section ~~14-113 of this code~~ 14-202 of this title, covering responsibility for damage to highways.

E. Equipment of this class shall use the highways of Oklahoma by special permit, issued by the Commissioner of Public Safety acting through his delegated officers. Permits shall be issued on payment of a fee of Twenty-five Dollars (\$25.00) to the Commissioner of Public Safety or his authorized agents. All monies received from such fees shall be deposited in the State Treasury to the credit of the General Revenue Fund.

In those cases where the equipment or machinery conforms to all safety requirements under the law, then the permit shall be issued for the term of one (1) calendar year and shall be nonrestrictive as to time and route of travel.

Permits for such oversize or overweight machinery shall specify a maximum permissible road speed of forty (40) miles per hour, designate safety equipment to be carried and may exclude use of highways of the interstate system. Use of the highways of the interstate system shall be included in such permit only if the Commissioner of Public Safety or his authorized agent has determined that the purpose of this act will be served by such use and that federal weight or size restrictions will not be violated. Oversize or overweight special mobilized machinery properly operated on the highways of the interstate system shall be subject to minimum speed requirements.

When such equipment has a width greater than eight and one-half (8 1/2) feet, or a length exclusive of load of forty-five (45) feet, or a height in excess of thirteen and one-half (13 1/2) feet, then the permit may restrict movement to a fifty-mile radius from an established operating base, may designate highways to be traveled, hours of travel and when flagmen may be required to precede or follow the equipment.

Possession of a permit shall in no way be construed as exempting such equipment from the power of the Director of the Department of Transportation to restrict use of particular highways, nor shall it

exempt such equipment from the responsibility for damage to highways. Provided that nothing in this section shall apply to machinery used in highway construction or road material production.

SECTION 18. AMENDATORY 47 O.S. 1981, Section 116.11, as amended by Section 17, Chapter 352, O.S.L. 1982 (47 O.S. Supp. 1990, Section 116.11), is amended to read as follows:

Section 116.11 The Commissioner of Public Safety is hereby authorized to employ ~~twenty-five~~ thirty-five (35) additional members of the Oklahoma Highway Patrol, one Captain, one Lieutenant and ~~three~~ four supervisors and shall assign the ~~twenty-five~~ thirty-five (35) members of the Oklahoma Highway Patrol, one Captain, one Lieutenant and ~~three~~ four supervisors to the primary duty of the enforcement of the provisions of Chapter 14 of this title.

~~Said~~ The Commissioner shall further be authorized to purchase and maintain the necessary motor vehicle equipment, portable scales and other items of equipment and supplies necessary for the enforcement of the provisions of this act.

SECTION 19. AMENDATORY 47 O.S. 1981, Section 116.14, is amended to read as follows:

Section 116.14 In the event any vehicle is found with no registration, not properly registered for the load carried, or improperly registered in any manner under the provisions of this act or any provisions of the motor vehicle license and registration laws of this state, ~~said~~ the revenue enforcement officers of the Oklahoma Tax Commission and members of the Oklahoma Highway Patrol shall be authorized to seize and take such vehicle into custody until such time as such vehicle is properly registered and the license fee thereon is paid in full together with any penalty provided by law plus the cost of seizure, including the reasonable cost of taking such vehicle into custody and storing it. Any load on such vehicle shall be disposed of by the owner or operator of such vehicle. In the event such license fee and penalty together with the cost of

seizure and storage is not paid, ~~said~~ the revenue enforcement officer or the Oklahoma Tax Commission shall proceed to sell such vehicle by posting not less than five notices of sale in five different public places in the county where such property is located; one of such notices to be posted at the place where the vehicle is stored; provided further, that a copy of such notice shall also be sent by registered mail, return receipt requested, to the last-known address of the registered owner of such vehicle in question. Such vehicle shall be sold at such sale subject to the following terms and conditions:

~~(1)~~ 1. In the event the sale price is equal to, or greater than, the total cost of sale, seizure and the fee and penalty, the purchaser shall be issued a certificate of purchase, license plate and registration certificate.

~~(2)~~ 2. In the event the sale price is less than the total costs of sale, seizure, and the fee and penalty, such vehicle shall be sold as junk to the highest bidder, whereupon he shall receive a certificate of purchase; and if such vehicle be dismantled, the record to such junked vehicle shall be canceled. If not dismantled, the same shall forthwith be registered anew.

~~(3)~~ 3. Any residue remaining unclaimed by the delinquent owner shall be deposited in the State Treasury as miscellaneous collections, and if no claim is made for such residue, within twelve (12) months from the date of sale of such vehicle, the same shall escheat to the State of Oklahoma.

SECTION 20. AMENDATORY Section 32, Chapter 179, O.S.L. 1985 (47 O.S. Supp. 1990, Section 1129), is amended to read as follows:

Section 1129. A. Special mobilized machinery shall not be subject to any section or provision of the Oklahoma Vehicle License and Registration Act, except the provisions of this section.

Special mobilized machinery shall be permitted the use of the highways of this state when proper registration and permits, as provided in this section, are in the possession of the operator.

B. Owners of qualifying equipment hereunder may elect to register such equipment either under this section or under other applicable provisions of this act. Application covering qualifying equipment may be made to the Oklahoma Tax Commission or their authorized agents for registering special mobilized machinery. Upon payment of a registration fee of Twenty-five Dollars (\$25.00), the applicant shall be granted a certificate of registration in acknowledgment of qualification by the Commission. The certificate of registration must at all times be carried with the equipment and be available for inspection by an investigating officer.

C. In addition to the registration fee, the Commission shall collect at time of registration an additional fee of Five Hundred Fifty Dollars (\$550.00) per unit for equipment qualifying under the terms of this section. This fee of Five Hundred Fifty Dollars (\$550.00) shall include the constitutional ad valorem tax and shall be allocated by the Commission in the same manner and percentage as registration and permit fees are presently allocated under the provisions of this act. Payment of this fee shall be due on January 1 of each calendar year and must be paid in no event later than February 1 of each calendar year. The penalty for noncompliance with this provision shall be a double fee in the amount of One Thousand One Hundred Dollars (\$1,100.00). For qualifying equipment purchased during the calendar year, the Commission shall collect a fee which shall be pro rata of the annual fee as hereinbefore defined.

~~D. Equipment of this class shall use the highways of Oklahoma by special permit, issued by the Commissioner of Public Safety acting through his delegated officers. Permits shall be issued on~~

~~payment of a fee of Five Dollars (\$5.00) to the Commissioner of Public Safety or his authorized agents.~~

~~In those cases where the equipment or machinery conforms to all safety requirements under the law, then the permit shall be issued for the term of one (1) calendar year and shall be nonrestrictive as to time and route of travel.~~

~~Permits for such oversize or overweight machinery shall specify a maximum permissible road speed of thirty-five (35) miles per hour, designate safety equipment to be carried and may exclude use of highways of the interstate system. Use of the highways of the interstate system shall be included in such permit only if the Commissioner of Public Safety or his authorized agent has determined that the purposes of this act will be served by such use and that federal weight or size restrictions will not be violated. Oversize or overweight special mobilized machinery properly operating on the highways of the interstate system shall be subject to minimum speed requirements.~~

~~When such equipment has a width greater than eight (8) feet, or a length exclusive of load of forty (40) feet, or a height in excess of thirteen and one-half (13 1/2) feet, then the permit may restrict movement to a fifty-mile radius from an established operating base, may designate highways to be traveled, hours of travel, and when flagmen may be required to precede or follow the equipment.~~

~~Possession of a permit shall in no way be construed as exempting such equipment from the power of the Director of the Department of Transportation to restrict use of particular highways, nor shall it exempt such equipment from the responsibility for damage to highways. Provided that nothing in this act shall apply to machinery used in highway construction or road material production.~~

~~E. Upon the issuance of a special mobilized machinery driveaway permit as provided in this subsection, special mobilized machinery manufactured in Oklahoma shall be permitted to move upon the~~

~~highways of this state from the place of manufacture to the state line for delivery and exclusive use outside the state, and may be temporarily returned to Oklahoma for modification and repair, with subsequent movement back out of the state. Special driveaway permits for such movements shall be issued by the Commissioner of Public Safety, who may act through his designated agents, upon the payment of a fee therefor in the amount of Fifteen Dollars (\$15.00) for each such movement. The Commissioner of Public Safety is hereby authorized to issue to the operators of said special mobilized machinery such special plates or other identifying evidence that the permit herein required has been obtained. Other provisions of this section relating to registration and other laws of this state relating to registration, fees, or licensing shall not apply to such special mobilized equipment when the same is manufactured in Oklahoma and sold for delivery and exclusive use without the state or when returned temporarily for modification or repair. This subsection shall in no way exempt the equipment described herein from the levy of ad valorem taxes.~~

~~It is provided that the size of the special mobilized machinery shall not be such as to create a safety hazard in the judgment of the Commissioner of Public Safety. Permits for such special mobilized machinery shall specify a maximum permissible road speed of thirty-five (35) miles per hour, designate safety equipment to be carried and may exclude use of highways of the interstate system.~~

~~When such equipment has a width greater than eight (8) feet, or a length exclusive of load of forty (40) feet, or a height in excess of thirteen and one-half (13 1/2) feet, the permit may designate highways to be traveled, hours of travel, and when flagmen may be required to precede or follow the equipment.~~

~~Possession of a special driveaway permit shall in no way be construed as exempting such equipment from the power of the Director of the Department of Transportation to restrict use of particular~~

~~highways, nor shall it exempt such equipment from the responsibility for damage to highways.~~

SECTION 21. REPEALER Section 1, Chapter 37, O.S.L. 1986, as amended by Section 161, Chapter 5, O.S.L. 1987 (47 O.S. Supp. 1990, Section 14-121) and 47 O.S. 1981, Section 127.2, are hereby repealed.

SECTION 22. RECODIFICATION 47 O.S. 1981, Section 14-101 shall be recodified as Section 14-201 of Title 47 of the Oklahoma Statutes, 47 O.S. 1981, Section 14-103, as last amended by Section 2 of this act, shall be recodified as Section 14-212 of Title 47 of the Oklahoma Statutes, 47 O.S. 1981, Section 14-103A, as last amended by Section 3 of this act, shall be recodified as Section 14-215 of Title 47 of the Oklahoma Statutes, 47 O.S. 1981, Section 14-103B, as amended by Section 4 of this act, shall be recodified as Section 14-220 of Title 47 of the Oklahoma Statutes, 47 O.S. 1981, Section 14-103C shall be recodified as Section 14-216 of Title 47 of the Oklahoma Statutes, Section 4, Chapter 253, O.S.L. 1984 (47 O.S. Supp. 1990, Section 14-103D), as last amended by Section 5 of this act, shall be recodified as Section 14-217 of Title 47 of the Oklahoma Statutes, Section 4, Chapter 238, O.S.L. 1985 (47 O.S. Supp. 1990, Section 14-103E), as amended by Section 6 of this act, shall be recodified as Section 14-218 of Title 47 of the Oklahoma Statutes, Section 5, Chapter 238, O.S.L. 1985 (47 O.S. Supp. 1990, Section 14-103F), as amended by Section 7 of this act, shall be recodified as Section 14-219 of Title 47 of the Oklahoma Statutes, 47 O.S. 1981, Section 14-105, shall be recodified as Section 14-210 of Title 47 of the Oklahoma Statutes, 47 O.S. 1981, Section 14-106, as amended by Section 8 of this act, shall be recodified as Section 14-211 of Title 47 of the Oklahoma Statutes, 47 O.S. 1981, Section 14-107, as amended by Section 9 of this act, shall be recodified as Section 14-205 of Title 47 of the Oklahoma Statutes, 47 O.S. 1981, Section 14-109, as last amended by Section 10 of this act, shall be

recodified as Section 14-206 of Title 47 of the Oklahoma Statutes, 47 O.S. 1981, Section 14-109.1, shall be recodified as Section 14-209 of Title 47 of the Oklahoma Statutes, 47 O.S. 1981, Section 14-110 shall be recodified as Section 14-208 of Title 47 of the Oklahoma Statutes, 47 O.S. 1981, Section 14-111, as amended by Section 11 of this act, shall be recodified as Section 14-207 of Title 47 of the Oklahoma Statutes, 47 O.S. 1981, Section 14-113, as amended by Section 12 of this act, shall be recodified as Section 14-202 of Title 47 of the Oklahoma Statutes, 47 O.S. 1981, Section 14-114 shall be recodified as Section 14-203 of Title 47 of the Oklahoma Statutes, 47 O.S. 1981, Section 14-116, as last amended by Section 13 of this act, shall be recodified as Section 14-214 of Title 47 of the Oklahoma Statutes, Section 6, Chapter 238, O.S.L. 1985 (47 O.S. Supp. 1990, Section 14-116a), shall be recodified as Section 14-222 of Title 47 of the Oklahoma Statutes, 47 O.S. 1981, Section 14-118, as last amended by Section 14 of this act, shall be recodified as Section 14-213 of Title 47 of the Oklahoma Statutes, Section 1, Chapter 49, O.S.L. 1984 (47 O.S. Supp. 1990, Section 14-119), as amended by Section 15 of this act, shall be recodified as Section 14-204 of Title 47 of the Oklahoma Statutes, 47 O.S. 1981, Section 116.21, as renumbered by Section 3, Chapter 160, O.S.L. 1984 (47 O.S. Supp. 1990, Section 14-120), as last amended by Section 16 of this act, shall be recodified as Section 14-221 of Title 47 of the Oklahoma Statutes, 47 O.S. 1981, Section 19-101, as last amended by Section 17 of this act, shall be recodified as Section 14-223 of Title 47 of the Oklahoma Statutes and 47 O.S. 1981, Section 116.11, as last amended by Section 18 of this act, shall be recodified as Section 14-224 of Title 47 of the Oklahoma Statutes.

SECTION 23. 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.

43-1-5670

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