

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1386

BY: PILGRIM

AS INTRODUCED

AN ACT RELATING TO ROADS, BRIDGES AND FERRIES;

AMENDING SECTION 1, CHAPTER 340, O.S.L. 1985 (69
O.S. SUPP. 1990, SECTION 601.4), WHICH RELATES TO
APPLICATION OF WASTE OIL TO STREETS AND ROADS;
REQUIRING VISUAL INSPECTION OF APPLICATION;
AUTHORIZING CERTAIN CONTENT ANALYSIS; PROVIDING AN
EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 1, Chapter 340, O.S.L.
1985 (69 O.S. Supp. 1990, Section 601.4), is amended to read as
follows:

Section 601.4 A. Except as otherwise provided in this section,
the practice of applying waste oil to any street or road in this
state is hereby prohibited. Upon authorization of the Corporation
Commission and compliance with the provisions of this section, a
board of county commissioners of any county in this state may apply
waste oil to any street or road in the county.

B. The Corporation Commission may issue authorization for the
application of waste oil on any street or road in this state. No

authorization shall be issued except upon proper application and a showing by the county requesting such authorization that:

1. the use of waste oil on the street or road is necessary for the care, maintenance, and improvement of the street or road, ~~that;~~

2. such activity is in the public interest, ~~and that;~~

3. the procedure for the application of the waste oil shall be made in such a manner so as to protect any adjoining public or private property from damage; and

4. such application shall be made in such a manner so as to prevent the pollution of surface and subsurface waters.

C. The Corporation Commission shall promulgate rules and regulations which are necessary to protect, from damage, public and private property adjoining any street or road upon which waste oil is to be applied and prevent the pollution of surface and subsurface waters and which are reasonable and necessary to effectuate and enforce the provisions of this section including but not limited to the types of waste oil which may be used in such applications and when the application of the waste oil shall be made. The Corporation Commission may require a content analysis of the waste oil prior to application to any street or road. The Corporation Commission shall ~~supervise~~ make a visual inspection of the application of waste oil to ensure that such application is made in the manner required by the rules and regulations promulgated by the Commission pursuant to this section.

D. Any person who authorizes the application of or applies waste oil to any street or road without authorization of the Corporation Commission or in violation of any rule or regulation of the Corporation Commission promulgated pursuant to this section shall be held personally liable. A proven violation of the provisions of this section or of any rules or regulations promulgated thereto shall be punishable, in the first instance, by a fine not in excess of Two Thousand Five Hundred Dollars (\$2,500.00).

A second proven violation in any calendar year shall result in a fine not in excess of Five Thousand Dollars (\$5,000.00). A third proven violation in any calendar year shall result in a fine not in excess of Ten Thousand Dollars (\$10,000.00) and suspension of authority for up to thirty (30) days.

E. For the purpose of this section, "waste oil" includes crude petroleum oil or other hydrocarbons produced from or obtained or used in connection with the drilling, development, producing and processing of oil or any residue obtained from any oil storage facility. The term waste oil shall not include any hydrocarbon to which lead has been added.

SECTION 2. This act shall become effective July 1, 1991.

SECTION 3. 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.

43-1-5245

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