

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2068

BY: ADAIR

AS INTRODUCED

AN ACT RELATING TO MOTOR VEHICLES; AMENDING 47 O.S.

1991, SECTION 170.2, WHICH RELATES TO LOAD CAPACITY VIOLATIONS OF MOTOR CARRIERS; AUTHORIZING THE CORPORATION COMMISSION TO AUDIT REGULATED AND UNREGULATED CARRIERS FOR CAPACITY VIOLATIONS; EXPANDING LANGUAGE TO INCLUDE PRIVATE MOTOR CARRIERS; PROVIDING FOR CEASE AND DESIST ORDERS AGAINST PRIVATE CARRIERS FOR CAPACITY VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 170.2, is amended to read as follows:

Section 170.2 A. The Department of Public Safety, monthly, shall notify the Oklahoma Corporation Commission of any ticket issued for a violation of the provisions of Section 14-119 of this title, or any provisions of Chapter 14 of this title or the terms of any special permit authorized pursuant to the provisions of Chapter 14 of this title concerning overweight or overweight special permits. Notwithstanding the above provision, the Oklahoma

Corporation Commission may audit the books and records of both regulated and unregulated carriers for the purpose of determining any violation of this section or the motor carrier rules or orders of the Commission governing overweight violations.

B. ~~Truck~~ Any truck overweight violations by common ~~or~~, contract or private carrier shall be considered contempt of Commission motor carrier, rules, tariffs ~~and~~, regulations and orders. The Commission shall establish a specific rule whereby any such overweight ~~violations~~ violation by regulated motor carriers or private motor carriers shall be grounds for issuance of a show-cause order for consideration of temporary or permanent cancellation of operating authority for regulated motor carriers or cease and desist orders against private carriers. In establishing the rule, consideration shall be given to the frequency of violations, pattern of violations, fleet size, type of operation, amount of overweight, and other such factors that may indicate intent. Any person, firm, or corporation that assists in the commission of such overweight violation or refuses to comply with any rule, regulation, or order of the Commission relating thereto shall be guilty of contempt of the Commission and shall be subject to a fine to be imposed by said Commission in a sum not to exceed Five Hundred Dollars (\$500.00) ~~or~~ for each violation. In the specific instance of an overweight violation, the transportation of each load shall constitute a separate violation. The same fine assessed against the motor carrier or private carrier shall apply to any other person, firm, or corporation that aids or abets any such ~~violations~~ violation. Provided however, no motor carrier, shipper or person loading or causing a motor vehicle to be loaded shall be subject to a fine for contempt unless the gross weight of said motor vehicle is more than five thousand (5,000) pounds overweight.

C. The Commission, in its discretion and on its own motion, may ~~make~~ initiate a contempt complaint in writing under oath setting

forth the ~~violation~~ violations, enter the complaint on its own docket, and proceed with the matter in accordance with the provisions of Sections 161 et seq. of this title.

SECTION 2. This act shall become effective September 1, 1992.

43-2-7517

JAF