

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 672

BY: GILES of the SENATE

and

WIDENER of the HOUSE

AS INTRODUCED

AN ACT RELATING TO VEHICLE SIZES AND WEIGHTS;

AMENDING 47 O.S. 1991, SECTIONS 1-165, 1-182, 1-183, 11-406, 14-101, 14-103, 14-103A, 14-103B, 14-103C, 14-103D, 14-103E, 14-103F, 14-105, 14-106, 14-107, 14-109, 14-111, 14-113, 14-114, 14-116, 14-116a, 14-118, 14-119, 14-120, 15-102, 17-101, 19-101, 116.11, 116.13, 170.2, 1120 AND 1129, AND 22 O.S. 1991, SECTIONS 1115.2 AND 1115.3, WHICH RELATE TO VEHICLE SIZES, WEIGHTS AND DEFINITIONS; MODIFYING DEFINITIONS; AUTHORIZING COMMISSIONER OF PUBLIC SAFETY TO ALLOW CERTAIN FARM TRACTORS OR IMPLEMENTS OF HUSBANDRY TO TRAVEL UPON CERTAIN ROADS; CLARIFYING LANGUAGE; MODIFYING ALLOWABLE LENGTH OF CERTAIN VEHICLE COMBINATIONS; RESTRICTING ACCESS TO TERMINUS OF CERTAIN TRUCK-TRACTOR, SEMITRAILER AND TRAILER COMBINATIONS; ESTABLISHING GROSS VEHICLE WEIGHT FOR TOWING VEHICLES; ESTABLISHING SET TIMES FOR MOVING CERTAIN MANUFACTURED HOME COMBINATIONS; ALLOWING COMMISSIONER OF PUBLIC SAFETY TO ISSUE PERMIT AND SETTING STANDARDS FOR MOVEMENT OF INDUSTRIALIZED HOUSING; DEFINING TERMS; RESTRICTING LENGTH OF

AUTOMOBILE TRANSPORTER VEHICLES; ADDING DEFINITION;
CLARIFYING LANGUAGE; MODIFYING STATUTORY
REFERENCES; REQUIRING COUPLING DEVICE FOR TOWED
OBJECTS; PROVIDING DEFINITIONS; SETTING MAXIMUM
GROSS WEIGHT STANDARDS AND FORMULAS; ALTERING
MAXIMUM LOAD TABLE; REQUIRING OVERWEIGHT SPECIAL
PERMIT IN CERTAIN SITUATIONS; REQUIRING VEHICLES
SUBMIT TO WEIGHT INSPECTION; PROVIDING EXCEPTION;
PROVIDING PENALTY FOR VIOLATION OF SIZE AND WEIGHT
RESTRICTIONS; ALLOWING CERTAIN PERMITS BY
TELEPHONE; ARRANGING PERMITTING SYSTEM FOR SPECIAL
COMBINATION VEHICLES; CREATING FINES FOR OVERWEIGHT
AND OVERSIZE VEHICLES; EXTENDING LENGTH FOR CERTAIN
MANUFACTURED ITEMS; REQUIRING SPECIAL PERMIT AND
GUIDELINES FOR MOBILIZED MACHINERY; AUTHORIZING
EMPLOYMENT OF ADDITIONAL HIGHWAY PATROL MEMBERS;
REPEALING PROVISIONS FOR ISSUANCE OF SPECIAL
MOBILIZED MACHINERY DRIVEAWAY PERMIT; MODIFYING
BAIL PROVISIONS; PROVIDING FOR RECODIFICATION;
REPEALING 47 O.S. 1991, SECTIONS 14-121 AND 127.2,
WHICH RELATE TO SPECIAL COMBINATION VEHICLES AND
AXLE LOAD LIMITS; PROVIDING AN EFFECTIVE DATE; AND
DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 1-165, is
amended to read as follows:

Section 1-165. Special Mobilized Machinery.

Special purpose machines, either self-propelled or drawn as trailers or semitrailers, which derive no revenue from the transportation of persons or property, whose use of the highways is only incidental, and whose useful revenue producing service is performed at destinations in an area away from the traveled surface of an established open highway, and which carry no load other than their own weight, but which are overweight by any provisions of this title and cannot be divided for all practical purposes. This definition shall include a truck or truck tractor when used while drawing special mobilized machinery but this shall not be construed as exempting from license and registration the pulling unit truck or truck tractor as required by the ~~motor vehicle license and registration~~ Oklahoma Vehicle License and Registration Act.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 1-182, is amended to read as follows:

Section 1-182. Truck.

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

SECTION 3. AMENDATORY 47 O.S. 1991, Section 1-183, is amended to read as follows:

Section 1-183. Truck Tractor.

~~(a)~~ Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn; ~~and~~

~~(b)~~ ~~For the purposes of paragraph 3 of subsection (c) of Section 14-103 of this title, the term truck-tractor shall also include oil field rig-up trucks when towing a trailer or semitrailer.~~

SECTION 4. AMENDATORY 47 O.S. 1991, Section 11-406, is amended to read as follows:

Section 11-406. 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. However, the ~~Department~~ Commissioner of Public Safety shall have the authority to ~~permit~~ allow such farm tractor or implement of husbandry to travel upon these highways in certain geographic areas of the state as deemed necessary. Such farm tractor or implement of husbandry 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~~ proper steps to reduce the width of the farm tractor or implement of husbandry 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 farm tractor or implement of husbandry 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 farm tractor or implement of husbandry exceeds more than fifty percent (50%) of the width of such roadway, the operator shall move such farm tractor or implement of husbandry, 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 farm tractor or implement of husbandry 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 farm tractor or implement of husbandry 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 5. AMENDATORY 47 O.S. 1991, Section 14-101, is amended to read as follows:

Section 14-101. ~~(a)~~ A. It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state and local authorities shall have no power or authority to alter said limitations except as express authority may be granted in this chapter.

~~(b)~~ B. The provisions of this chapter governing size, weight and load shall not apply to fire apparatus, Department of Transportation research testing equipment, or vehicles used by retail implement dealers while hauling implements of husbandry ~~or,~~ nor shall they apply to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided.

~~(c)~~ C. All size, weight and load provisions covered by this chapter shall be subject to the limitations imposed by Section 127 of Title 23, of the United States Code, Section 127, and such other rules ~~and regulations~~ developed herein. Provided further that any size and weight provision authorized by the United States Congress for use on the National System of Interstate and Defense Highways, including but not limited to height, axle weight, gross weight, combinations of vehicles or load thereon, exceeding the size and weight provisions of this chapter shall be authorized for immediate use on the Oklahoma Highways including the State Highway Trunk System state highway system. Said ~~State Highway Trunk System~~ state

highway system shall include the National System of Interstate and Defense Highways and any other highways or portions thereof as designated by the State Transportation Commission or their duly authorized representative.

SECTION 6. AMENDATORY 47 O.S. 1991, 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. 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.

B. No vehicle, with or without load, shall exceed a an overall 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. a. 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 and one-half (59 1/2) feet and no semitrailer or trailer operating in a

~~truck-tractor/semitrailer and trailer combination shall have a length greater than twenty-nine (29) forty-eight (48) 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~~ The longest and heaviest trailer shall be coupled to the towing vehicle.~~

- b. Any truck-tractor/semitrailer and trailer combination 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. Provided further, no semitrailer or trailer and/or load operating in a truck/semitrailer or trailer combination shall have a length greater than twenty-nine (29) feet, and no semitrailer or trailer operating in a truck/semitrailer combination towing one semitrailer or trailer shall have a length greater than twenty-nine (29) feet with the longest and heaviest trailer coupled to the towing vehicle.
- c. Any truck/semitrailer or trailer and truck/semitrailer combination towing one semitrailer or trailer exceeding seventy (70) feet overall length, inclusive of front and rear bumpers, 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. Any towing vehicles operating in a truck/semitrailer

combination towing one semitrailer or trailer shall have a manufacturer's gross vehicle weight rating of seven thousand five hundred (7,500) pounds or more.

4. On 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 and one-half (59 1/2) feet, and no semitrailer or trailer and/or its load shall be operated in a truck-tractor/semitrailer combination towing one trailer or semitrailer 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~~ vehicles, except:

~~(a)~~ a. one truck and semitrailer or truck-tractor/semitrailer combination may tow one complete trailer or semitrailer; ~~or.~~ All towing vehicles utilized in such combination shall have a manufacturer's gross vehicle weight rating of seven thousand five hundred (7,500) pounds or more; and

~~(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 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~~ subparagraph, 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 7. AMENDATORY 47 O.S. 1991, 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)~~ eight and one-half (8 1/2) feet. ~~In~~ Provided, in determining the width of a manufactured home, the ~~topside~~ width may not exceed ~~the sixteen-foot width limit~~ sixteen (16) feet, except that such width may be exceeded by no more than twelve (12) inches on each side for ~~awnings, doorknobs, or other~~ fixtures extending beyond ~~the~~ its 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 subsections A and C of Section 14-118 of this title. If any manufactured home or frame thereof and the towing vehicle exceeds seventy (70) feet in overall length or eight and one-half (8 1/2) feet in width, the towing vehicle must be at least three-fourths (3/4) ton rated capacity with dual rear wheels. Such combinations shall be moved from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset seven (7) days a week. No such combination shall be moved from 12:00 noon of the day before a legal holiday or on a legal holiday of the State of Oklahoma subject to the exceptions provided for by the rules promulgated by the Commissioner of Public Safety.

B. The Commissioner of Public Safety may issue, upon proper application, a special permit ~~to such person~~ allowing the movement of ~~any such combination~~ industrialized housing not exceeding twenty-six (26) feet in width at the ~~bottom and~~ base, thirty (30) feet in width at the top and twenty-one (21) feet in height on ~~state or federal~~ any public road or highways of the State of Oklahoma. Said permit shall specify the roads or highways to be used and shall be ~~permitted~~ issued when consistent with public convenience and safety, as determined by the Commissioner of Public Safety as

authorized by subsections A and C of Section 17-101 of this title.
The towing ~~unit~~ vehicle for combinations ~~in excess of twenty-six~~
~~(26) feet in width at the bottom and thirty (30) feet in width at~~
~~the top~~ of industrialized housing operating under this special
permit 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) feet in overall length, or eight and one-half (8~~
~~1/2) feet in width, they~~ Such combinations of industrialized housing
shall be moved only ~~during daylight hours not including~~ from one-
half (1/2) hour before sunrise to one-half (1/2) hour after sunset,
no movement on Saturdays after 12:00 noon, Sundays, and the seven
from 12:00 noon of the day before a legal holidays, and the towing
vehicle must be at least three-fourths (3/4) ton rated capacity with
dual wheels holiday or on a legal holiday of the State of Oklahoma
subject to the exceptions provided for by the rules promulgated by
the Commissioner of Public Safety.

~~B. C.~~ C. 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 8. AMENDATORY 47 O.S. 1991, Section 14-103B, is
amended to read as follows:

Section 14-103B. On any road, street or highway:

~~A. Any~~ 1. No automobile transporter vehicle or combination of
automobile transporter vehicles ~~operated under the provisions of~~
~~Section 14-103 of this title~~ shall have an overall length greater
than seventy-five (75) feet, excluding any front and rear overhang,
and such vehicles 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, not to exceed eighty-two (82) feet overall; and

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

3. No automobile transporter vehicle, unladen or with load, shall exceed a width of eight and one-half (8 1/2) feet.

For the purposes of this section, "automobile transporter vehicle" means any specialized truck which carries vehicles behind the cab and on an over-cab rack, or a stinger-steered trailer, or a traditional combination of truck-tractor and semitrailer so designed to transport vehicles.

SECTION 9. AMENDATORY 47 O.S. 1991, Section 14-103C, is amended to read as follows:

Section 14-103C. The Commissioner of Public Safety shall upon proper application issue a special permit to any person allowing the movement on ~~state and federal highways~~ any public road or highway in the State of Oklahoma of a structure in the form of a house or building not exceeding thirty (30) feet in width at the base, and thirty-two (32) feet in width at the top and twenty-one (21) feet in height. Such permit shall specify the highways to be used, and a maximum traveling distance of fifty (50) miles on such highways shall be permitted when consistent with public convenience and safety, as determined by the Commissioner of Public Safety. The Commissioner of Public Safety is hereby authorized to make exceptions to the requirements herein when, in his discretion such exceptions would be warranted.

If said structure is eighteen (18) feet or less in width at the base or the top, the maximum traveling distance shall not apply and such permit shall specify the highways to be used and said movement shall be permitted when consistent with public convenience and safety, as determined by the Commissioner of Public Safety.

SECTION 10. AMENDATORY 47 O.S. 1991, 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~~ for in this title and Title 68 of the Oklahoma Statutes, without a permit issued pursuant to the provisions of Sections ~~14-103A~~ 14-215, 14-216, 14-219 and ~~14-103C~~ 14-222 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~~ 14-215, 14-216, 14-219 and ~~14-103C~~ 14-222 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~~ provided for in this title and Title 68 of the Oklahoma Statutes, 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~~ 1128 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~~ Sections 1113 and 1117 of this title shall be evidence of payment of the excise tax and registration fees required pursuant to the provisions of Section ~~22.5~~ 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 11. AMENDATORY 47 O.S. 1991, 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~~ 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~~ 14-217 of ~~Title 47 of the Oklahoma Statutes~~ 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~~ 14-217 of ~~Title 47 of the Oklahoma Statutes~~ this title.

SECTION 12. AMENDATORY 47 O.S. 1991, 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, 14-216, 14-219 and ~~14-103C~~ 14-222 of ~~Title 47 of the Oklahoma Statutes~~ 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 13. AMENDATORY 47 O.S. 1991, Section 14-105, is amended to read as follows:

Section 14-105. ~~(a)~~ A. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, blowing or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.

~~(b)~~ B. No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. Any vehicle loaded with sand, cinders, or other loose material susceptible to blowing or otherwise escaping shall have such load covered so as to prevent the blowing or escaping of said load from the vehicle.

~~(c)~~ C. This section shall not apply to trucks loaded with livestock, poultry or agricultural products only except baled agricultural products, provided that any such truck shall be so constructed or loaded as to prevent such livestock or poultry from escaping therefrom.

SECTION 14. AMENDATORY 47 O.S. 1991, 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 and maintained so 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, other towed object or semitrailer, 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,~~ and such 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 15. AMENDATORY 47 O.S. 1991, Section 14-107, is amended to read as follows:

Section 14-107. As used in this chapter:

1. ~~"Axle load"~~ "Single axle" means any axles whose centers are included between two parallel transverse vertical planes not more than forty (40) inches apart, extending across the full width of the vehicle;

2. "Single axle weight" means the total ~~load~~ weight 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.~~ 3. "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)~~ ninety-six (96) inches apart;

4. "Tandem axle weight" means the total weight transmitted to the road by two or more consecutive single axles whose centers may be included between parallel transverse vertical planes spaced more

than forty (40) inches and not more than ninety-six (96) inches apart, extending across the full width of the vehicle;

5. "Group of axles" means any two or more consecutive single axles working in conjunction with each other to support the load and/or vehicle weight;

6. "Steering axle" means the forwardmost single axle of a truck or truck-tractor so designed and engineered as to allow the operator full control of the directional mobility of the vehicle to the left and right; and

7. "Mechanically adjustable axle" means an axle or group of axles designed to move in a vertical direction in order to be placed into or out of service for the purpose of increasing or decreasing the axle numbers, and further designed to carry the same proportional weight as the fixed axles in the basic group with which the adjustable axles function.

SECTION 16. AMENDATORY 47 O.S. 1991, 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~~ The maximum gross weight upon any one axle, including any one axle of a group of axles, or any single axle weight shall not exceed twenty thousand (20,000) pounds. The maximum gross weight on any tandem axle shall not exceed thirty-four thousand (34,000) pounds;
and

2. No steering axle weight shall exceed the manufacturer's component ratings which include axles, suspensions, wheels, rims, brakes and tires as shown on the vehicle certification label or tag, and no steering axle weight shall exceed twenty thousand (20,000) pounds;

3. No mechanically adjustable axle or axles shall be capable of being operated or controlled by any occupant in the vehicle cab; 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. produced by application of the Federal Bridge Gross Weight Formula:

$$W=500 [(LN/N-1) + 12N + 361]$$

as authorized by Section 127 of Title 23 of the United States Code,
where:

W = The maximum weight in pounds that can be carried on a group of two or more axles to the nearest five hundred (500) pounds, and

L = Spacing in feet between the extreme axles of a group measured longitudinally to the nearest foot, and

N = The number of axles being considered.

Provided, however, no person shall drive or move nor shall the owner cause or knowingly permit to be driven or moved on the National System of Interstate and Defense Highways any vehicle or combination of vehicles in excess of eighty thousand (80,000) pounds gross weight as imposed by Section 127 of Title 23 of the United States Code, except where lower gross vehicle weight is dictated by the Federal Bridge Gross Weight Formula or as provided for in subsection C of Section 14-213 and Section 14-214 of this title.
The following table corresponds to the Federal Bridge Gross Weight Formula up to six axle configurations.

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	<u>and less</u>	34,000	42,000	-----	-----
			<u>34,000</u>		
	<u>more than 8</u>	<u>38,000</u>	<u>42,000</u>	<u>-----</u>	<u>-----</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

Any vehicle in excess of six axles shall adhere to the federal bridge formula as provided in Section 127 of Title 23 of the United States Code.

~~(b) 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~~ The owner or operator of any vehicle proposed for operation in excess of any of the provisions of this section shall apply to the Commissioner of Public Safety, or his authorized representative, for an overweight special permit as provided for in subsection C of Section 14-213 and Section 14-214 of this title. Said special permit, when issued, shall require operation in full conformance with the rules required by the provisions of subsection A of Section 14-213 of this title.

~~(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) C.~~ 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 move or accept loads moving in interstate or intrastate commerce in excess of the legal load limits of this state.

~~(e) D. Exceptions to this section will be refuse~~ Refuse collection vehicles used by counties, cities ~~and,~~ towns, state or federal entities or by private companies contracted by counties, cities ~~and,~~ towns, state or federal entities shall be exempt from the provisions of this section 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~~ shall not operate on routes of the National System of Interstate and Defense Highways.

~~(f) E. Refuse~~ Except for vehicles owned by a governmental entity, refuse collection vehicles operating under exceptions shall ~~purchase an annual special overload permit for~~ pay to the Oklahoma Tax Commission an additional annual registration fee of One Hundred Dollars (\$100.00). This fee shall be apportioned as provided for in Section 1104 of this title.

SECTION 17. AMENDATORY 47 O.S. 1991, 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. The operator of a vehicle so stopped shall submit such vehicle to 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~~ commodities utilized in the furtherance of a commercial enterprise, and transporting the same for hire, shall carry in the vehicle a certificate ~~carrying~~ of lading 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 lading signed by each owner ~~carrying~~ and providing 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 or engaged by the owner of the ~~merchandise~~ commodities or livestock, said ~~merchandise~~ commodities or livestock having just been purchased, he shall ~~have~~ carry in his ~~possession~~ vehicle a bill of sale for such ~~merchandise~~ commodities or livestock.

D. Should the operator be the owner of or engaged by the owner of livestock or other farm products produced by ~~him~~ the owner, he 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 commodities, livestock, ~~merchandise~~ or other farm products and investigate as to the ownership of said ~~merchandise~~ commodities, livestock ~~or~~, other farm products or vehicle. 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 farm products or vehicle, or shall not have certificate of lading 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 18. AMENDATORY 47 O.S. 1991, Section 14-113, is amended to read as follows:

Section 14-113. The Director of the Department of ~~Highways~~ Transportation 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. 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 such restrictions imposed. Any person, firm or corporation, upon conviction thereof, shall be punished as provided for in Section 14-204 of this title.

SECTION 19. AMENDATORY 47 O.S. 1991, Section 14-114, is amended to read as follows:

Section 14-114. ~~(a)~~ A. The owner and operator of any motor vehicle who shall drive the same into any overpass or underpass and shall damage such overpass or underpass shall be absolutely liable to the owner or owners of such overpass or underpass thereby damaged for the amount of such damage, regardless of the height of such

vehicle and regardless of the clearance in such overpass or underpass, and failure of such overpass or underpass to be sufficient in height to clear the vehicles hereby authorized shall not be a defense to any action for such damages. The provisions of this section shall be enforceable only in the event the overpass or underpass so damaged has a sign on each side thereof clearly legible and correctly stating the clearance thereof in feet and inches.

~~(b)~~ B. The driver, owner, and any other person, firm or corporation responsible for a vehicle being on the highways or county roads of this state shall be responsible for all damages which said highways, including the bridges, pavement and all other public property thereon, may sustain as a result of a violation of the provisions of this or any other chapter ~~regulating~~ governing the usage of the highways, or as a result of the negligent or improper operation of said vehicle, and the county or state agency having charge of said highway may recover the amount of such damages in an action for damages.

The owner, driver, and any other person, firm or corporation responsible for any vehicle operating under an overweight or oversize permit shall be responsible for any damages to highway bridges or roads caused by the operation of such vehicle, whether caused by negligence or not, and no further permits shall be issued to such owner or operator until payment has been made for such damages. The amount of such damages may be recovered in an action for damages brought by the county or state agency having charge of said highway. The issuance of any special permit shall not be considered a warranty of any bridge or highway to support the permitted load.

SECTION 20. AMENDATORY 47 O.S. 1991, 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~~ 14-201 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~~ rules 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. The Size and Weight Permit Division of the Department of Public Safety shall issue permits to authorized carriers who are on the approved application system by telephone during normal office hours. 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 21. AMENDATORY 47 O.S. 1991, Section 14-116a, is amended to read as follows:

Section 14-116a. Any person, firm or corporation who moves or transports any manufactured home without a permit issued by the Department of Public Safety according to the provisions of Chapter 14 of ~~Title 47 of the Oklahoma Statutes~~ this title shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as follows:

1. For the first such violation, by a fine of Five Hundred Dollars (\$500.00);
2. For the second such violation, by a fine of One Thousand Dollars (\$1,000.00); and
3. For the third and subsequent violations, by a fine of not less than One Thousand Dollars (\$1,000.00) nor more than Five Thousand Dollars (\$5,000.00).

The permit shall be carried by the mover or transporter and be available for inspection by any law enforcement officer. If said mover or transporter is found not to possess a permit, the manufactured home shall not continue to be moved or transported. Thereafter, said manufactured home shall not be moved or transported further except by a mover or transporter possessing a permit.

SECTION 22. AMENDATORY 47 O.S. 1991, 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~~ state 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; and

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.

~~(c)~~ 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. A special permit shall be required when a vehicle or combination of vehicles or load exceeds any of the provisions of this chapter relating to an oversize vehicle, and the load and vehicle or combinations of vehicles is for all practical purposes incapable of being separated.

~~(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)~~ seventy-five (75) feet.

~~(e)~~ 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, the amount of which shall be established by the State Transportation Commission 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 or two complete trailers or semitrailers. For the purpose of this subsection, semitrailers or trailers, operated in a truck-tractor/semitrailer combination towing one complete trailer or semitrailer, whose lengths are twenty-nine (29) feet or less, shall not be considered as special combination vehicles. No semitrailer or trailer operated in a truck-tractor/semitrailer combination towing two 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 14-201, 14-202, 14-206 and 14-214 of this title.

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 for hire or for resale, of round baled hay with a total outside width ~~of less than~~ not to exceed 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~~ not to exceed eleven (11) feet, or soil conservation equipment with an outside width not to exceed eleven and one-half (11 1/2) 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 Special mobilized machinery, including rubber-tired road construction ~~vehicle including~~ vehicles and rubber-tired truck cranes ~~and~~ registered as 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 by written permission is ~~secured from~~ 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~~ those registered as special mobilized machinery, shall be exempt from the laws of Oklahoma relating to motor vehicle registration, licensing or other fees in lieu of ad valorem fees. These vehicles, except those owned by or contracted to any government entity and used primarily for road construction or maintenance, are prohibited from using the highways of the State of Oklahoma.

SECTION 23. AMENDATORY 47 O.S. 1991, 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 and/or the maximum size authorized by statute or by special permit pursuant to the provisions of ~~Section 14-116 of Title 47 of the Oklahoma Statutes~~ Sections 14-213 and 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 of Title 22 of the Oklahoma Statutes. as follows:

Overload, any axle or gross weight:

<u>From 700 up to and including 2,000 pounds</u>	<u>\$39.00</u>
<u>From 2,001 up to and including 3,000 pounds</u>	<u>\$89.00</u>
<u>From 3,001 up to and including 4,000 pounds</u>	<u>\$139.00</u>
<u>From 4,001 up to and including 5,000 pounds</u>	<u>\$189.00</u>
<u>From 5,001 up to and including 6,000 pounds</u>	<u>\$239.00</u>
<u>From 6,001 up to and including 7,000 pounds</u>	<u>\$289.00</u>
<u>From 7,001 up to and including 8,000 pounds</u>	<u>\$339.00</u>
<u>From 8,001 up to and including 9,000 pounds</u>	<u>\$389.00</u>
<u>From 9,001 up to and including 10,000 pounds</u>	<u>\$439.00</u>
<u>Over 10,000 pounds</u>	<u>\$489.00</u>

Violating Special Permit, exceeding

authorized permit weight in accordance with the fine schedule
provided for in this section for
overload, plus One Hundred Dollars
(\$100.00)

Other violations:

<u>Overwidth vehicle</u>	<u>\$59.00</u>
<u>Overheight vehicle</u>	<u>\$59.00</u>
<u>Overlength vehicle</u>	<u>\$59.00</u>
<u>Violation of a Special Permit other than weight</u>	<u>\$59.00</u>
<u>Operating a motor carrier without authority</u>	<u>\$184.00</u>
<u>Operating a motor carrier without proper</u> <u>identification device</u>	<u>\$9.00</u>
<u>Failure to secure load or cover load</u>	<u>\$17.00</u>

Any person, firm or corporation, upon conviction of any violation of this chapter, shall be subject to any additional

penalties and fines provided in subsection B of Section 1115.3 of Title 22 of the Oklahoma Statutes.

SECTION 24. AMENDATORY 47 O.S. 1991, 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 25. AMENDATORY 47 O.S. 1991, Section 15-102, is amended to read as follows:

Section 15-102. (a) The provisions of this ~~act~~ chapter shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles;
2. Regulating traffic by means of police officers or traffic-control signals;
3. Regulating or prohibiting processions or assemblages on the highways;
4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
5. Regulating the speed of vehicles in public parks;
6. Designating any highway as a through highway and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection or a yield

intersection and requiring all vehicles to stop or yield at one or more entrances to such intersection;

7. Restricting the use of highways as authorized in Section ~~14-112~~ 14-202 of this ~~act~~ title;

8. Regulating the operating of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;

9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

10. Altering the speed limits as authorized herein;

11. Adopting such other traffic ~~regulations~~ rules as are specifically authorized by this act.

(b) No local authority shall erect or maintain any stop sign or traffic-control signal at any location so as to require the traffic on any state or federal highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the Department of Highways.

(c) No ordinance or regulation enacted under ~~subdivisions~~ paragraphs ~~4-, 5-, 6-, 7- or 10-~~ of ~~paragraph~~ subsection (a) of this section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.

SECTION 26. AMENDATORY 47 O.S. 1991, Section 17-101, is amended to read as follows:

Section 17-101. (a) It is a misdemeanor for any person to violate any of the provisions of this title unless such violation is by this title or other law of this state declared to be a felony.

(b) 1. Every person convicted of a misdemeanor for a violation of any of the provisions of Sections 10-101 through ~~14-121~~ 14-223 or Sections 16-101 through 16-114 of this title for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not less than Ten Dollars (\$10.00) nor more

than One Hundred Dollars (\$100.00) or by imprisonment for not more than ten (10) days; for a second such conviction within one (1) year thereafter such person shall be punished by a fine of not less than Twenty Dollars (\$20.00) nor more than Two Hundred Dollars (\$200.00) or by imprisonment for not more than twenty (20) days or by both such fine and imprisonment; upon a third or subsequent conviction within one (1) year after the first conviction such person shall be punished by a fine or not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

2. Any person violating the provisions of Sections 10-101 through ~~14-121~~ 14-223 or Sections 16-101 through 16-114 of this title, where a jail sentence is not mandatory may, in the discretion of the district attorney wherein the offense occurred, be permitted to enter a plea of guilty by written statement by the person charged to be presented to the court wherein the case is filed. A remittance covering the fine and costs may be considered and received with the same force and effect as a written plea of guilty.

(c) Unless another penalty is in this title or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any other provision of this title shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

(d) Provided, however, notwithstanding any provision of law to the contrary, any offense, including traffic offenses, in violation of any of the provisions of this title which is not otherwise punishable by a term of imprisonment or confinement shall be punishable by a term of imprisonment not to exceed one day in the discretion of the court, in addition to any fine prescribed by law.

SECTION 27. AMENDATORY 47 O.S. 1991, 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~~ this section and subsection C, D and E of Section 1129 of this title, relating to registration and ~~additional~~ fees ~~in lieu of ad valorem taxes,~~ and other laws of this state relating to motor vehicle registration ~~fees~~ or licensing fees shall not apply to such special mobilized equipment when the same is manufactured in Oklahoma and sold for delivery and exclusive use ~~without~~ outside 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 and upon issuance of 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;~~ provided, that in no case shall the gross weight exceed the legal capacity, as provided in Section ~~14-109~~ 14-213 of this ~~code~~ 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.

~~(e)~~ C. When such equipment has a width greater than ~~eight (8)~~ eight and one-half (8 1/2) feet or a length exclusive of load, as defined in ~~subsection (d) 5.~~ paragraph 6 of subsection C of Section ~~14-103~~ 14-212 of this ~~code~~ title, of ~~forty (40)~~ forty-five (45) feet or a height in excess of ~~thirteen (13) feet six (6) inches~~ 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.

~~(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~~ 14-202 of this ~~code~~ 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~~ 14-203 of this ~~code~~ title, covering responsibility for damage to highways.

E. Special mobilized machinery, registered as such, shall use the highways of the State of Oklahoma by special permit, issued by the Commissioner of Public Safety acting through his delegated officers. This equipment shall conform to all safety requirements as provided for in Chapter 12 of this title. Permits shall be

issued for a period not to exceed one (1) calendar year upon 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 remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury.

F. Permits for such oversize or overweight machinery shall specify a maximum permissible road speed of forty (40) miles per hour, and may exclude use of highways of the National System of Interstate and Defense Highways. Use of said highways shall be included in such permit only if the Commissioner of Public Safety or his authorized agent has determined that the purposes of Chapter 14 of this title 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 National System of Interstate and Defense Highways 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, the permit may designate highways to be traveled, hours of travel, and when flagmen may be required to precede or follow the equipment.

G. 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, nothing in this section shall apply to machinery used in highway construction or road material production.

SECTION 28. AMENDATORY 47 O.S. 1991, Section 116.11, is amended to read as follows:

Section 116.11 The Commissioner of Public Safety is hereby authorized to employ a minimum of twenty-five additional members of the Oklahoma Highway Patrol, and one Captain, one Lieutenant and

~~three~~ four supervisors and shall assign ~~the twenty-five~~ these members ~~of the Oklahoma Highway Patrol, one Captain, one Lieutenant and three 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~~ Chapter 14 of this title.

SECTION 29. AMENDATORY 47 O.S. 1991, Section 116.13, is amended to read as follows:

Section 116.13 (a) It shall be the duty of the Oklahoma Tax Commission to assign revenue enforcement officers to work with members of the Oklahoma Highway Patrol in the enforcement of Section ~~14-101~~ 14-201 et seq. of this title and other acts ~~regulating~~ governing the usage of the highways of the state and in the enforcement of the motor vehicle license and registration laws of the state.

(b) Each employee of the Tax Commission assigned as a revenue enforcement officer, as herein provided, shall at all times while on duty be required to be dressed in a distinctive uniform and display a badge of office, both of which shall be completely different and distinguishable from those of the Oklahoma Highway Patrol. All such badges shall be furnished by the Tax Commission and each badge shall display a distinctive serial number. The type and detail of said uniforms shall be designated by the Tax Commission and the Tax Commission shall furnish said uniforms and replace them when necessary.

(c) Any person who without authority wears the badge or uniform of an Oklahoma Tax Commission revenue enforcement officer, or who without authority impersonates such an officer, with intent to deceive anyone, shall be guilty of a misdemeanor.

SECTION 30. 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~~ 14-204 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.

B. Truck overweight violations by common or contract carrier shall be considered contempt of Commission motor carrier, ~~rules, and tariffs and regulations.~~ rules, and The Commission shall establish a specific rule whereby such overweight violations by motor carriers shall be grounds for issuance of a show-cause order for consideration of temporary or permanent cancellation of operating authority. 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) on 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 shall apply to any other person, firm, or corporation that aids or abets such violations. 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 a contempt complaint in writing under oath setting forth the violation, enter the complaint on its docket, and proceed with the matter in accordance with the provisions of Sections 161 et seq. of this title.

SECTION 31. AMENDATORY 47 O.S. 1991, Section 1120, is amended to read as follows:

Section 1120. A. The Oklahoma Tax Commission may, when in the interest of the State of Oklahoma and its residents, enter into the International Registration Plan or other compacts or agreements with other states to permit motor vehicle registration and license taxes on any truck, bus, or truck-tractor on a proportional basis commensurate with the use of Oklahoma highways. Proportional registration under such plans may be permitted vehicles engaged in interstate commerce or combined interstate and intrastate commerce.

B. The Commission shall require that such proportional registration be based on the percentage of miles actually operated by such vehicles or fleets of vehicles in the State of Oklahoma in the preceding year in proportion to the total fleet miles operated both within and without Oklahoma. If mileage data is not available for the preceding calendar year, the Commission may accept the latest twelve-month period available. Such percentage figure, so determined by the Commission, shall be the Oklahoma mileage factor. In computing the taxes under the foregoing formula, the Commission shall first compute the license fees for the entire fleet and then multiply the amount by the Oklahoma mileage factor on a dollar basis.

C. Upon receipt of the Oklahoma license and registration tax, which shall be paid by cash and/or certified funds, as computed under the provisions of this act, the Commission shall register all such fleet vehicles, and shall issue a license plate or decal for each of such vehicles identifying it as part of an interstate fleet.

D. Vehicles so registered on a prorated basis shall be considered fully licensed in Oklahoma and shall be exempt from all further registration or license fees under the provisions of this act; provided that such fleet vehicles are proportionally licensed in some other state, territory or possession of the United States or some foreign province, state or country with which said Commission has entered into a prorating compact or agreement.

If a vehicle is permanently withdrawn from a proportionally registered fleet and a replacement vehicle is added to the fleet in the same calendar quarter, said replacement vehicle shall be considered fully registered as provided in Section 1133 of this title and Section ~~14-109~~ 14-206 of this title, provided that said replacement vehicle is registered for a weight equal to or less than the vehicle permanently withdrawn, or if additional registration fees are paid when the replacement vehicle is registered for a weight greater than the vehicle withdrawn. If a vehicle is permanently withdrawn from a proportionally registered fleet and is not replaced by another vehicle in the same calendar quarter, credit shall be allowed as otherwise provided in this section.

E. Vehicles subsequently added to a proportionally registered fleet after commencement of the registration year shall be proportionally registered by applying the mileage percentage used in the original application for such fleet for such registration period to the regular registration fees due with respect to such vehicle for the remainder of the registration year.

F. If a vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold or otherwise completely removed from service, credit shall be allowed. Such credit shall be a sum equal to the amount paid with respect to such vehicle when it was first proportionally registered in the registration year, reduced by one-fourth (1/4) for each calendar quarter or fraction thereof elapsing since the beginning of the

registration year. The credit may be applied against subsequent additions to the fleet to be prorated or for other additional registration fees assessed. In no event shall credit be allowed for fees beyond such registration year, nor shall any such amount be subject to refund. Provided, further, that vehicles removed from a prorated fleet or sold to a nonprorated fleet for operation in Oklahoma shall be registered in Oklahoma for the remaining portion of the year.

G. Mileage proportions for interstate fleets not operated in this state during the preceding year will be determined by the Commission on the basis of the operations of the fleet the preceding year in other states plus the estimated operation in Oklahoma, or, if no operations were conducted the previous year in this state, a full statement of the proposed method of operation.

H. The records of total mileage operated in all states upon which the application is made for a period of three (3) years following the year upon which said application is based shall be preserved. Upon request of the Commission, such records shall be made available for audit as to accuracy of computation and payments. The Commission may enter into agreements with agencies of other states administering motor vehicle registration laws for joint audits of any such records.

I. The Commission may enter into compacts or agreements with other states or other countries or subdivisions of such countries allowing reciprocal privileges to vehicles based in such other states and operating in interstate commerce provided said vehicles are properly registered therein.

J. Interchanged vehicles properly registered in another state may be granted reciprocal privileges when engaged in a continuous movement in interstate commerce, but must register in this state if used in intrastate commerce.

K. In addition to those taxes or fees imposed by this act, the same or substantially the same type or category of tax or fee may be imposed upon an out-of-state resident as is imposed upon residents of Oklahoma for the same or substantially similar use of a vehicle in such other state in the amount, or approximate total amount, of any fee or tax, including property, motor fuel, excise, sales, use or mileage tax required by the laws of such other state to be paid by a resident of this state making the same or similar use of a like vehicle in such state.

The Commission shall have the authority to adopt rules ~~and regulations~~ which provide procedures for implementation of comparable ~~regulatory~~ usage fees and taxes for vehicles used in this state by residents of other states.

Any revenue derived from this subsection shall be apportioned in the same manner as provided in Section 1104 of this title.

It is the intention of the Legislature that the motor vehicle registration and licensing fees assessed against residents of other states operating similar vehicles in Oklahoma be comparably the same as the motor vehicle registration and licensing fees assessed against residents of Oklahoma operating a similar vehicle for a similar purpose in such other state; and that the Commission diligently monitor the motor vehicle registration and licensing fees assessed against residents of Oklahoma by other states and to provide for uniform treatment of Oklahoma residents operating vehicles in other states and for residents of other states operating vehicles in Oklahoma.

L. The provisions of this section shall not apply to tour bus operations issued permits pursuant to Section 1171 of this title.

SECTION 32. AMENDATORY 47 O.S. 1991, 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 driveway 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 33. AMENDATORY 22 O.S. 1991, Section 1115.2, is amended to read as follows:

Section 1115.2 A. If a person arrested for a traffic violation is released upon personal recognizance as provided for in Section 2 ~~of this act~~ 1115.1 of this title, but subsequently posts bail and thereafter fails to timely appear as provided for by law, the court may issue a warrant for the person's arrest and the case shall be processed as follows:

1. If for a state traffic violation, as provided for in Section 1108 of ~~Title 22 of the Oklahoma Statutes~~ this title; or

2. If for a violation filed in a municipal court not of record, as provided for in Section 27-118 of Title 11 of the Oklahoma Statutes; or

3. If for a violation filed in a municipal court of record, as provided for in Section 28-127 of Title 11 of the Oklahoma Statutes.

B. If the defendant is not eligible for release upon personal recognizance as provided for in Section 2 ~~of this act~~ 1115.1 of this title, or if eligible but refuses to sign a written promise to appear, the officer shall deliver the person to an appropriate magistrate for arraignment and the magistrate shall proceed as otherwise provided for by law. If no magistrate is available, the defendant shall be placed in the custody of the appropriate municipal or county jailor or custodian, to be held until a magistrate is available or bail is posted as provided for in Section 4 1115.3 of this ~~act~~ title or as otherwise provided for by law or ordinance~~7~~.

C. 1. If a resident or nonresident is arrested for any overweight violation, a violation of a special permit exceeding authorized permit weight, or a violation relating to the transportation of hazardous material, the arresting officer may release the defendant if:

- a. in case of a state violation, the defendant deposits with the arresting officer appropriate bail ~~or payment of the fine and costs~~ in an amount and in the form as provided for in Section 4 1115.3 of this ~~act~~ title, except currency, or
- b. in case of a municipal violation, then as may be provided by local authority;

2. In the event the defendant is additionally arrested for any violation for which personal recognizance is authorized pursuant to Section ~~2 of this act~~ 1115.1 of this title, the arresting officer, for such additional violation, may either release the defendant upon such recognizance or require bail as provided for in this subsection;

3. If the defendant is unable to post bail with the arresting officer, then the officer shall proceed as otherwise provided for in this section.

D. 1. Notwithstanding any other provision of law, a juvenile may be held in custody pursuant to the provisions of this section, but shall be incarcerated separately from any adult offender. Provided however, the arresting officer shall not be required to:

- a. place a juvenile into custody as provided for in this section, or
- b. place any other traffic offender into custody:
 - (1) who is injured, disabled, or otherwise incapacitated, or
 - (2) if custodial arrest may require impoundment of a vehicle containing livestock, perishable cargo,

or items requiring special maintenance or care,
or

- (3) if extraordinary circumstances exist, which, in the judgment of the arresting officer, custodial arrest should not be made.

In such cases, the arresting officer may designate the date and time for arraignment on the citation and release the person. If the person fails to appear without good cause shown, the court may issue a warrant for the person's arrest.

2. The provisions of this subsection shall not be construed to:
 - a. create any duty on the part of the officer to release a person from custody, or
 - b. create any duty on the part of the officer to make any inquiry or investigation relating to any condition which may justify release under this subsection, or
 - c. create any liability upon any officer, or the state or any political subdivision thereof, arising from the decision to release or not to release such person from custody pursuant to the provisions of this subsection.

SECTION 34. AMENDATORY 22 O.S. 1991, Section 1115.3, is amended to read as follows:

Section 1115.3 A. The court shall prescribe the amount of bail for the following state traffic-related offenses:

1. Any felony;
2. Negligent homicide;
3. Driving or being in actual physical control of a motor vehicle while impaired by or under the influence of alcohol or other intoxicating substances;
4. Eluding or attempting to elude a law enforcement officer;
5. Driving while license is under suspension, revocation, denial or cancellation;
6. Failure to stop or remain at the scene of an accident; and

7. Any other traffic violation for which a defendant is delivered to the judge of the court as magistrate pursuant to the provisions of Section 1115.2 of this title, or other law.

~~B. The amount of bail for an overweight offense shall be as provided for in subsection C of Section 1115.2 of this title together with the amount of fine and costs, including any penalty assessment provided for in the Oklahoma Statutes and the fingerprinting fee provided for in Section 1 of this act.~~

~~C.~~ The amount of bail for ~~other~~ state traffic-related offenses, including oversize and overweight vehicles, shall be the amount of fine and costs including any penalty assessments provided for in the Oklahoma Statutes and the fingerprinting fee provided for in Section ~~1 of this act~~ 1313.3 of Title 20 of the Oklahoma Statutes.

~~D.~~ C. The amount of bail for a state wildlife-related or water safety-related offense shall be the amount of fine and costs including any penalty assessment provided for in the Oklahoma Statutes and the fingerprinting fee provided for in Section ~~1 of this act~~ 1313.3 of Title 20 of the Oklahoma Statutes.

~~E.~~ D. On or before September 1 of each year, the Administrative Office of the Courts shall prepare a schedule of amounts to be received as bail for each offense pursuant to subsections ~~B~~ and C ~~and D~~ of this section and shall distribute the schedule to the Department of Public Safety, each district court clerk in this state and to other interested parties upon request.

~~F.~~ E. The district court clerk, unless otherwise directed by the court, shall accept bail or the payment of a fine and costs in the form of currency or personal, cashier's, traveler's, certified or guaranteed bank check, or postal or commercial money order for the amount prescribed in this section for bail.

~~G.~~ F. The district court clerk shall accept as bail a guaranteed arrest bond certificate issued by a surety company, an automobile club or trucking association, if:

1. ~~the~~ The issuer is authorized to do business in this state by the State Insurance Commissioner;

2. ~~the~~ The certificate is issued to and signed by the arrested person;

3. ~~the~~ The certificate contains a printed statement that appearance of such person is guaranteed and the issuer, in the event of failure of such person to appear in court at the time of trial, will pay any fine or forfeiture imposed; and

4. ~~the~~ The limit provided on the certificate equals or exceeds the amount of bail provided for in this section.

SECTION 35. RECODIFICATION 47 O.S. 1991, Section 14-109.1, shall be recodified as Section 14-209 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-110, shall be recodified as Section 14-208 of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 36. RECODIFICATION 47 O.S. 1991, Section 14-101, as last amended by Section 5 of this act, shall be recodified as Section 14-201 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-103, as last amended by Section 6 of this act, shall be recodified as Section 14-212 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-103A, as last amended by Section 7 of this act, shall be recodified as Section 14-215 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-103B, as last amended by Section 8 of this act, shall be recodified as Section 14-220 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-103C, as last amended by Section 9 of this act, shall be recodified as Section 14-216 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-103D, as last amended by Section 10 of this act, shall be recodified as Section 14-217 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-103E, as last amended by Section 11 of this act, shall be recodified as Section 14-218 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-103F, as last amended by

Section 12 of this act, shall be recodified as Section 14-219 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-105, as last amended by Section 13 of this act, shall be recodified as Section 14-210 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-106, as last amended by Section 14 of this act, shall be recodified as Section 14-211 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-107, as last amended by Section 15 of this act, shall be recodified as Section 14-205 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-109, as last amended by Section 16 of this act, shall be recodified as Section 14-206 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-111, as last amended by Section 17 of this act, shall be recodified as Section 14-207 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-113, as last amended by Section 18 of this act, shall be recodified as Section 14-202 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-114, as last amended by Section 19 of this act, shall be recodified as Section 14-203 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-116, as last amended by Section 20 of this act, shall be recodified as Section 14-214 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-118, as last amended by Section 22 of this act, shall be recodified as Section 14-213 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-119, as last amended by Section 23 of this act, shall be recodified as Section 14-204 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 14-120, as last amended by Section 24 of this act, shall be recodified as Section 14-221 of Title 47 of the Oklahoma Statutes; 47 O.S. 1991, Section 17-101, as last amended by Section 26 of this act, shall be recodified as Section 14-222 of Title 47 of the Oklahoma Statutes, and 47 O.S. 1991, Section 116.11, as last amended by Section 28 of this act, shall be recodified as Section 14-223 of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 37. REPEALER 47 O.S. 1991, Sections 14-121 and 127.2, are hereby repealed.

SECTION 38. This act shall become effective July 1, 1992.

SECTION 39. 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.

43-2-1406 SL