

ENGROSSED SENATE
JOINT
RESOLUTION NO. 34

By: Stipe of the Senate

and

Adair of the House

A Joint Resolution relating to roads, bridges and ferries; declaring certain determination; providing for codification; providing for noncodification; providing for distribution; and declaring an emergency.

WHEREAS, the Oklahoma State Legislature has reviewed the issue of weight limits of certain vehicles on the interstate system of highways in this state; and

WHEREAS, Attorney General Opinion No. 92-12 issued on September 29, 1992, has resulted in confusion and uncertainty as to (1) the authority of the Commissioner of the Department of Public Safety to issue overweight vehicle permits on an annual basis for vehicles utilizing the federal interstate highway system in Oklahoma up to a gross vehicle weight limit of 90,000 pounds, including divisible loads, and (2) the legality of the utilization of vehicles relying upon the Oklahoma bridge charts and provisions relating thereto in Section 14-109 of Title 47 of the Oklahoma Statutes upon the federal interstate highway system; and

WHEREAS, the Commissioner of the Department of Public Safety has engaged in the practice of the issuance of such special permits and has recognized and accepted the utilization of vehicle configurations conforming to the Oklahoma bridge charts upon the federal interstate highway system for approximately 17 years; and

WHEREAS, the issuance of Attorney General Opinion No. 92-12 has resulted in the Commissioner of the Department of Public Safety initiating steps to eliminate the issuance of such special permits and to proscribe the utilization of the subject vehicle configurations upon the federal interstate highway system; and

WHEREAS, a broad spectrum of business and industry in this state has, in good faith, relied upon the long-standing practice of the issuance of such special permits and the acceptance of the subject equipment configurations on the federal interstate highway system by the Commissioner of the Department of Public Safety; and

WHEREAS, the discontinuation of the practice of the issuance of such special permits and the proscribing of the subject equipment configurations would have a severe detrimental impact upon this state and its citizens; and

WHEREAS, Attorney General Opinion No. 92-12 has failed to properly recognize the determination by this state of the weight limits and permit authority relating to utilization of the federal interstate highway system existing in this state on critical "grandfather" dates prescribed by Section 127 of Title 23 of the United States Code.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND SESSION OF THE 44TH OKLAHOMA LEGISLATURE:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4002.1 of Title 69, unless there is created a duplication in numbering, reads as follows:

It is the determination of this state, acting by and through its Legislature, that since January 4, 1975, the Commissioner of the Department of Public Safety has had the power to lawfully issue special permits authorizing the utilization of vehicles with an overall gross weight up to 90,000 pounds on an annual basis on the federal interstate highway system in Oklahoma and that said power is still vested in the Commissioner at the present time, any view to

the contrary expressed in Attorney General Opinion No. 92-12 notwithstanding.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4002.2 of Title 69, unless there is created a duplication in numbering, reads as follows:

It is the determination of this state, acting by and through its Legislature, that since January 4, 1975, the utilization of vehicles in conformity with the Oklahoma bridge charts and provisions relating thereto in Section 14-109 of Title 47 of the Oklahoma Statutes upon the federal interstate highway system has been lawful and in conformity with applicable state law.

SECTION 3. A copy of this joint resolution shall be distributed to the Secretary of Transportation, the Commissioner of Public Safety and the Attorney General.

SECTION 4. NONCODIFICATION The provisions of Section 3 shall not be codified in the Oklahoma Statutes.

SECTION 5. 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 resolution shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 10th day of March, 1994.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1994.

Speaker of the House of Representatives