

ENROLLED SENATE
BILL NO. 187

BY: Stipe of the Senate

and

Adair of the House

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 14-101, 14-103, 14-118 and 1129, which relate to width, height and length of vehicle and load and movement of oversize and overweight vehicles and registration procedures for special mobilized machinery; limiting certain usage of size and weight provisions authorized by the United States Congress; providing length restrictions on certain vehicles operating on the National System of Interstate and Defense Highways; providing certain exception; modifying language; authorizing movement of certain equipment; requiring certain flagging or illumination; authorizing movement of special mobilized machinery by special permit; defining special permit; providing fee for annual special permit; modifying certain length requirement; deleting statutory reference; allowing for continuous travel of certain overweight vehicles; clarifying statutory reference; modifying maximum speed for oversize and overweight vehicles; modifying certain width and length restrictions; and declaring an emergency.

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

SECTION 1. 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, vehicles used by retail implement dealers while hauling implements of husbandry or 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 Title 23, 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 ~~Oklahoma Highways including the State Highway Trunk System. Said State Highway Trunk System shall include~~ such segments of the National System of Interstate and Defense Highways and any other highways or portions thereof as designated by the Transportation Commission or their duly authorized representative.

SECTION 2. 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 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 the National Network of highways which includes the National System of Interstate and Defense Highways and four-lane divided Federal Aid Primary System Highways, no semitrailer operating in a truck tractor/semitrailer combination shall have a length greater than fifty-three (53) feet, except as provided for in subsection (c) of Section 14-118 of this title which shall apply to semitrailers exceeding fifty-three (53) feet but not exceeding fifty-nine (59) feet six (6) inches. On the National System of Interstate and Defense Highways and four-lane divided Federal Aid Primary System Highways, no semitrailer or trailer operating in a truck- tractor/semitrailer and trailer combination shall have a length greater than fifty-three (53) feet.

b. On roads and highways not a part of the ~~Federal Aid~~ National System of Interstate and Defense Highways or four-lane divided Federal Aid Primary System Highways, no semitrailer operating in a truck-tractor/semitrailer combination shall have a length greater than fifty-three (53) feet and no semitrailer or trailer operating in a truck-tractor/semitrailer and trailer combination shall have a length greater than twenty-nine (29) feet. ~~No~~ Except as provided for in subsection (d) of Section 14-118 of this title, no other combination of vehicles shall have an overall length, inclusive of front and rear bumpers, in excess of seventy (70) feet on ~~such~~ all roads and highways. For the purposes of

this paragraph, oil field rig-up trucks shall be considered to be truck-tractors, when towing a trailer or semitrailer.

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

- (a) a. one truck and semitrailer or truck-tractor/semitrailer combination may tow one complete trailer or semitrailer; or
- (b) b. vans, suburbans, blazers or other similar types of vehicles and self-propelled recreational vehicles with a three-quarter (3/4) ton or more rated capacity, 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) feet.

5. 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 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. For the purposes of subparagraphs 1, 3, and 4 of this paragraph, 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 if~~ less than seven (7) feet above the roadway, shall be safely marked, flagged or illuminated. 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. For the purposes of subparagraphs 1, 3, and 4 of this paragraph, 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.

9. Special mobilized machinery, as defined in Section 1102 of this title, which exceeds the size provisions of this section shall only use the highways of the State of Oklahoma by special permit issued by the Commissioner of Public Safety or his authorized representative. Such special permit shall be:

- a. a single-trip permit issued under the provisions of Section 14-116 of this title, or
- b. a special annual oversize permit issued for one calendar year period upon payment of a fee of Ten Dollars (\$10.00) plus any amount as provided by subsection D of Section 1129 of this title.

SECTION 3. 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, including the National System of Interstate and Defense Highways, and for all other highways or portions thereof, rules and regulations governing the movement of vehicles or loads which exceed the size or weight limitations specified by the provisions of Chapter 14 of this title. Such rules and regulations shall be the basis for the development of a system by the Commissioner of Public Safety for the issuance of permits for the movement of oversize or overweight vehicles or loads and shall include, but not be limited to, provisions for duration, seasonal factors, hours of the day or days when valid, special requirements as to flags, flagmen and warning or safety devices, and other such items as may be consistent with the intent of this section. The permit system shall include provisions for a monthly account payment method and for required bonding by applicants using said monthly procedure as well as for the issuance of said permits by telephone as well as by telegram and may include provisions for the sale of permits in book form or such other methods of issuance as may be deemed feasible. It is the purpose of this section to permit the movement of necessary overweight and oversize vehicles or loads consistent with the following obligations:

1. Protection of motoring public from potential traffic hazards;
2. Protection of highway surfaces, structures, and private property; and
3. Provision for normal flow of traffic with a minimum of interference.

~~(b)~~ B. The Transportation Commission shall prepare and publish a map of the State of Oklahoma showing by appropriate symbols the various highway structures and bridges in terms of maximum size and weight restrictions. This map shall be titled "Oklahoma Load Limit Map" and shall be revised periodically to maintain a reasonably current status and in no event shall a period of two (2) years lapse between revisions and publication of same. Provided, further, the Secretary of the Department of Transportation shall prepare and publish a map of the State of Oklahoma showing the advantages of this state as a marketing, warehousing and distribution network center for motor transportation sensitive industries.

~~(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.

~~(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. 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 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 eleven (11) feet.

~~(f)~~ F. 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)~~ G. Any rubber-tired road construction vehicle including rubber-tired truck cranes and special mobilized machinery either self-propelled or drawn carrying no load other than component parts safely secured to the machinery and its own weight, but which is overweight by any provisions of this chapter, shall be ~~permitted~~ authorized to move on the highways of the State of Oklahoma. Movement of such vehicles shall be ~~permitted~~ authorized on the Federal Interstate System of Highways only ~~if written permission is by special permit~~ secured from the Commissioner of Public Safety or his authorized representative upon determination that the objectives of this section will be served by such a permit and that federal weight ~~or size~~ restrictions will not be violated. Such special permit shall be:

1. A single-trip permit issued under the provisions of this section and Section 14-116 of this title; or

2. A special annual overweight permit which shall be issued for one calendar year period upon payment of a fee of Sixty Dollars (\$60.00).

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 oversized 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. Such vehicle, being overweight but of legal dimension, shall be allowed continuous travel. Said vehicles, except special mobilized machinery, shall be exempt from the laws of ~~Oklahoma~~ this state relating to motor vehicle registration, licensing or other fees or taxes in lieu of ad valorem ~~fees~~ taxes.

SECTION 4. 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, Section 1101 et seq. of this title, 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)~~ the lesser of fifty (50) miles per hour or the posted speed limit, 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)~~ eight and one-half (8 1/2) feet, or a length exclusive of load of ~~forty (40)~~ forty-five (45) feet, or a height in excess of thirteen and one-half (13 1/2) feet, then the permit may restrict movement to a fifty-mile radius from an established operating base, may designate highways to be traveled, hours of travel, and when flagmen may be required to precede or follow the equipment.

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

exempt such equipment from the responsibility for damage to highways. Provided that nothing in this 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)~~ the lesser of fifty (50) miles per hour or the posted speed limit, 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)~~ eight and one-half (8 1/2) feet, or a length exclusive of load of ~~forty (40)~~ 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.

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

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

Passed the Senate the 11th day of May, 1993.

President of the Senate

Passed the House of Representatives the 20th day of May, 1993.

Speaker of the House of
Representatives