

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 1938

By: Rice

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 161, which relates to regulation of motor carriers; exempting certain common carriers from certain regulation; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 161, is amended to read as follows:

Section 161. A. It is hereby declared that it is necessary in the public interest to regulate transportation by motor carriers in such manner as to recognize and preserve the inherent advantages of, and foster sound economic conditions in such transportation and among such carriers; promote adequate, economical, efficient service by motor carriers, and reasonable charges therefor, without unjust discriminations, undue preferences or advantages and unfair or destructive competitive practices; develop and preserve a highway transportation system properly adapted to the agricultural, industrial and commercial needs of the commerce of the State of Oklahoma and the national defense; and cooperate with the government of the United States, the departments of the State of Oklahoma, regulatory bodies of other states, and the duly authorized officials

thereof and with any organization of motor carriers in the administration and enforcement of this act.

The provisions of this act, except as hereinafter specifically limited, shall apply to the transportation of passengers or property by motor carriers over public highways of this state; and the regulations of such transportation, and the procurement thereof and the provisions of facilities therefor, is hereby vested in the Oklahoma Corporation Commission.

Nothing herein shall be construed to interfere with the exercise by agencies of the government of the United States of its power of regulation of interstate commerce.

B. As used in this act:

~~(A) The term "person" 1. "Person" means any individual, firm, copartnership, corporation, company, association, or joint-stock association and includes any trustee, receiver, assignee, or personal representative thereof.~~i

~~(B) The term 2. "Commission" means the Oklahoma Corporation Commission.~~i

~~(C) The term "certificate" 3. "Certificate" means the certificate of public convenience and necessity issued under authority of the laws of the State of Oklahoma to common carriers by motor vehicle.~~i

~~(D) The term "permit" 4. "Permit" means a permit issued under authority of the laws of the State of Oklahoma to contract carriers by motor vehicle.~~i

~~(E) The term "motor 5. "Motor vehicle" when used in this act shall mean any automobile, truck, truck-tractor, trailer or semitrailer or any motor bus or any self-propelled vehicle not operated or driven upon fixed rails or tracks.~~i

~~(F) The term "motor 6. "Motor carrier" when used in this act includes both a common carrier by motor vehicle and a contract carrier by motor vehicle, operating upon any public highway for the~~

transportation of passengers or property for compensation or for hire or for commercial purposes, and not operating exclusively within the limits of an incorporated city or town within this state. Provided the provisions of this act shall not apply to:

a. cabs and bus companies engaged in the transportation of passengers and their baggage, not operated between two or more cities and towns, when duly licensed by a municipal corporation in which they might be doing business, ~~and shall not apply to~~

b. any person or governmental authority furnishing transportation for school children to and from public schools or to and from public school related extracurricular activities under contract with, and sponsored by, a public school board; provided that motor vehicles and equipment operated for said purposes shall qualify in all respects for the transportation of school children under the Oklahoma School Code and the rules and regulations of the State Board of Education adopted pursuant thereto. Provided, that this exemption shall apply only to such vehicles while they are being used for said transportation. ~~Provided, further, the provisions of this act shall not apply to,~~

c. transportation of livestock and farm products in the raw state, including cotton, whether in the seed or ginned, and including cottonseed and baled hay, when any of such commodities move from farm to market or from market to farm on a vehicle or on vehicles owned and operated by a bona fide farmer not engaged in motor vehicle transportation on a commercial scale. ~~Provided, further, the provisions of this act shall not apply to, and~~

d. tour buses as defined by Section ~~7 of Enrolled Senate Bill No. 631 of the 2nd Session of the 41st Oklahoma Legislature.~~ 1171 of this title;

~~(G) The term "common~~ 7. "Common carrier by motor vehicle" means any person which holds itself out to the general public to engage in the transportation by motor vehicle in intrastate or interstate commerce of passengers or property or any class or classes thereof for compensation, whether over regular or irregular routes-i

~~(H) The term "contract~~ 8. "Contract carrier by motor vehicle" means any person which engages in transportation by motor vehicle of passengers or property in interstate or intrastate commerce, for compensation (other than transportation referred to in the preceding paragraph) under continuing contracts with one person or a limited number of persons either ~~(a)~~ :

a. for the furnishing of transportation services through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served, or ~~(b)~~

b. for the furnishing of transportation services designed to meet the distinct need of each individual customer-i

~~(I) The term "private~~ 9. "Private carrier of property by motor vehicle" means any person engaged in transportation upon public highways, of persons or property, or both, but not as a common carrier by motor vehicle, or a contract carrier by motor vehicle, and includes any person who transports property by motor vehicle where such transportation is incidental to or in furtherance of any commercial enterprise of such person, other than transportation-i

~~(J) The term "regular~~ 10. "Regular route" means a fixed, specific and determined course to be traveled by a motor carrier's vehicles rendering service to, from or between various points, localities or municipalities in this state-i

~~(K) The term "irregular~~ 11. "Irregular route" means that the route to be used by a motor carrier is not restricted to any specific highway or highways within the area the said motor carrier is authorized to serve.;

~~(L) The word "market" is hereby declared to mean~~ 12. "Market" means the point at which such aforesaid livestock and farm products in the raw state were first delivered by the producer of such aforesaid livestock and farm products in the raw state, upon his sale thereof.;

~~(M) The terms and provisions of this act shall apply to commerce with foreign nations, or commerce among the several states of this Union, insofar as such application may be permitted under the provisions of the Constitution of the United States and the Acts of Congress.~~

~~(N) The term "public~~ 13. "Public highway" when used in this act means every public street, road or highway, or thoroughfare in this state, used by the public, whether actually dedicated to the public and accepted by the proper authorities or otherwise.;

~~(O) The term "commercial~~ 14. "Commercial purposes" as used in this act is defined as describing means all undertakings entered into for private gain or compensation, including all industrial pursuits, whether such undertakings involve the handling or dealing in commodities for sale or otherwise.

C. The provisions of this act concerning tariffs and certificates shall not apply to common carriers engaged in the transportation in intrastate or interstate commerce of property or material used in oil and gas field work, including but not limited to oil field equipment and supplies, pipe, tanks, tank materials, and water hauling.

D. The terms and provisions of this act shall apply to commerce with foreign nations, or commerce among the several states of this Union, insofar as such application may be permitted under the

provisions of the Constitution of the United States and the Acts of
Congress.

SECTION 2. This act shall become effective September 1, 1994.

44-2-8451

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