

ENGROSSED HOUSE
BILL NO. 1960

By: Dunegan of the House
and
Stipe of the Senate

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 1-125, as amended by Section 1, Chapter 211, O.S.L. 1993 (47 O.S. Supp. 1994, Section 1-125), which relates to implement of husbandry; modifying definition; amending 47 O.S. 1991, Section 11-406, which relates to farm tractors or implements; providing exception to certain definition; amending 47 O.S. 1991, Sections 14-103, as amended by Section 2, Chapter 252, O.S.L. 1993, 14-119, 14-120 and 127.1 (47 O.S. Supp. 1994, Section 14-103), which relate to size and weight regulation; deleting references to certain highways; modifying references; modifying maximum width under certain circumstances for certain items; deleting reference to certain delivery point; deleting certain requirement to issue certain permits; modifying certain terms; specifying maximum weight limits under certain circumstances; amending 47 O.S. 1991, Section 1134, as amended by Section 1, Chapter 187, O.S.L. 1992 (47 O.S. Supp. 1994, Section 1134), which relates to license fees for farm vehicles; modifying certain weight limitations; providing for recodification; repealing 47 O.S. 1991, Section

127.2, which relates to axle load limit; 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 1-125, as amended by Section 1, Chapter 211, O.S.L. 1993 (47 O.S. Supp. 1994, Section 1-125), is amended to read as follows:

Section 1-125. Implement of Husbandry. Every ~~vehicle device~~, whether it is self-propelled, designed and adapted so as to be used exclusively for agricultural, horticultural or livestock-raising operations or for lifting or carrying an implement of husbandry and, in either case, not subject to registration if ~~used~~ operated upon the highways.

1. Farm wagon type tank trailers of not over one thousand two hundred (1,200) gallons capacity, used during the liquid fertilizer season as field storage "nurse tanks" supplying the fertilizer to a field applicator and moved on highways only for bringing the fertilizer from a local source of supply to farms or field or from one farm or field to another, shall be considered implements of husbandry for purposes of this ~~act~~ title.

2. Trailers or semitrailers owned by a person engaged in the business of farming and used exclusively for the purpose of transporting farm products to market or for the purpose of transporting to the farm material or things to be used thereon shall also be considered implements of husbandry for purposes of this ~~act~~ title.

3. Utility-type, all-terrain vehicles with a maximum curb weight of one thousand five hundred (1,500) pounds which are equipped with metal front or rear carrying racks when used for

agricultural, horticultural or livestock-raising operations shall be considered implements of husbandry for purposes of this title.

SECTION 2. 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, except trailers and semitrailers when operated in accordance with statutory limits or provisions of Section 14-101 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 of Public Safety shall have the authority to permit such travel in certain geographic areas of the state as deemed necessary. Such tractor or implement 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 steps to reduce the width of the tractor or implement 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~~ the tractor or implement is driven, which is marked as a single lane of traffic, or, if ~~such~~ the roadway has not been marked for lanes of traffic and the width of ~~such~~ the tractor or implement exceeds more than fifty percent (50%) of the width of ~~such~~ the roadway, the operator shall move ~~such~~ the tractor or implement, 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 tractor or implement 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 tractor or implement 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 3. AMENDATORY 47 O.S. 1991, Section 14-103, as amended by Section 2, Chapter 252, O.S.L. 1993 (47 O.S. Supp. 1994, 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 or less 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 ~~(e)~~ 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 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. Except as provided for in subsection ~~(d)~~ 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 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. one truck and semitrailer or truck-tractor/semitrailer combination may tow one complete trailer or semitrailer; or
- 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 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 4. 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 authorized by statute or by special permit pursuant to the provisions of ~~Section~~ Sections 14-116 and 14-118 of ~~Title 47 of the Oklahoma Statutes~~ 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 or to a fine in the amount provided for in ~~Section 1114.9~~
Sections 1115.2 and 1115.3 of Title 22 of the Oklahoma Statutes.

SECTION 5. 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 of this title, exceeding sixteen (16) feet but not exceeding ~~twenty~~ ~~(20)~~ twenty-three (23) feet in width traveling:

1. From a 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 a 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 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 6. AMENDATORY 47 O.S. 1991, Section 127.1, is amended to read as follows:

Section 127.1 A. Except as hereinafter provided, for the purpose of delivering agriculture commodities to and from the farm only, ~~a highway~~ any vehicle or ~~a coupled highway vehicle~~ combination of vehicles shall be commercially weighed on a vehicle scale only as a single draft, that is, the total weight of ~~such a~~ the vehicle or combination of vehicles shall not be determined by adding together the results obtained by separately weighing each end of ~~such the~~ vehicle or combination of vehicles, or by separately weighing individual elements of such vehicle or ~~coupled~~ combination of vehicles. Provided, however, that when a ~~highway~~ vehicle or a ~~coupled highway vehicle~~ combination of vehicles is not weighed as a single draft the weight ticket shall be stamped "multiple draft weight; not guaranteed accurate."

B. This section shall not be construed to allow or permit any vehicle or combination of vehicles to exceed:

1. The axle load limit, as prescribed in Section 14-109 of this title, of twenty thousand (20,000) pounds per single axle; or

2. The tandem axle weight, as prescribed in Sections 14-101 and 14-109 of this title; or

3. The overall gross weight of eighty thousand (80,000) pounds for vehicles or combinations of vehicles operating on the Dwight D. Eisenhower System of Interstate and Defense Highways; or

4. The total overall gross weight of ninety thousand (90,000) pounds for all other highways in this state, except those highways prescribed in Section 14-113 of this title.

SECTION 7. AMENDATORY 47 O.S. 1991, Section 1134, as amended by Section 1, Chapter 187, O.S.L. 1992 (47 O.S. Supp. 1994, Section 1134), is amended to read as follows:

Section 1134. A. Upon each pickup, truck or truck-tractor owned and operated by one or more farmers and used primarily for farm use, and not for commercial or industrial purposes, the license fee shall be Thirty Dollars (\$30.00).

B. The fees herein assessed shall not apply to trailers or semitrailers used primarily for farm use and for the transportation of products of the farm by the producer thereof; and such fee shall not apply to any trailer or semitrailer when used primarily for the transportation of any article or articles owned by the operator of such trailer or semitrailer and not used in the furtherance of or incident to any commercial or industrial enterprise. The provisions of Section ~~2~~ 1134.2 of this ~~act~~ title shall apply to any trailers or semitrailers when used primarily for the transportation of logs, ties, stave bolts and posts, direct from forest to sawmill.

C. For the purpose of this section, a trailer or semitrailer owned by a farmer and used primarily by him for the purpose of transporting farm products to market or for the purpose of transporting to the farm material or things to be used thereon, and not for commercial or industrial purposes, may be registered for One

Dollar (\$1.00) if ~~its~~ the combined laden weight of the trailer or semitrailer and the towing vehicle is ~~sixty thousand (60,000)~~ eighty thousand (80,000) pounds or less; if at any time it is operated at a combined laden weight in excess of ~~sixty thousand (60,000)~~ eighty thousand (80,000) pounds, it is, for the purpose of this section, considered to be a commercial trailer and must be licensed as such, paying the license fees provided in Section 1133 of this title; provided any such trailer used by the holder of a certificate of convenience and necessity issued by the Oklahoma Corporation Commission or the Interstate Commerce Commission shall be conclusively presumed to be used in and for a commercial use.

D. Before a party shall be allowed to purchase a license plate or claim an exception or exemption under this section, said party shall:

1. Show an income tax Schedule F for the preceding year or shall present proof that said party possesses a farm serial number assigned to said party's farm by the Agriculture Stabilization Conservation County Committee; or

2. Present a valid motor fuel tax exemption permit issued pursuant to the provisions of Section 509 of Title 68 of the Oklahoma Statutes or a valid exemption card issued pursuant to the provisions of subsection (D) of Section 1358.1 of Title 68 of the Oklahoma Statutes.

A violation shall be grounds for revocation of driver's license. Any person who signs said affidavit as required by this section when such person does not believe that the information in said affidavit is true or knows it is not true, upon conviction, shall be guilty of perjury and shall be punished as provided for by law.

E. Any person owning a truck upon which the farm truck license fee has been paid in Oklahoma for the current year and whose truck may be needed during grain harvests or other seasonal farming activities for hauling farm products other than his own, or for

hauling gravel, shale or other road materials for rural roads, may make application with the Oklahoma Tax Commission for a short term commercial license for such truck for a period of time not to exceed ninety (90) days.

F. Upon such application, the Commission shall issue a temporary commercial truck license and register the truck upon payment of the following fees:

1. For thirty (30) days a fee equal to one-eighth (1/8) of the annual commercial license fee required for such truck.

2. For sixty (60) days a fee equal to one-fourth (1/4) of the annual commercial license fee required for such truck.

3. For ninety (90) days a fee equal to three-eighths (3/8) of the annual commercial license fee required for such truck.

G. Provided, however, the provisions of this section shall not apply to the transportation of persons or property for hire.

SECTION 8. RECODIFICATION 47 O.S. 1991, Section 127.1, as amended by Section 6 of this act, shall be recodified as Section 14-109.2 of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 9. REPEALER 47 O.S. 1991, Section 127.2, is hereby repealed.

SECTION 10. This act shall become effective July 1, 1995.

SECTION 11. 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 House of Representatives the 7th day of March, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate