

ENGROSSED HOUSE
JOINT
RESOLUTION NO. 1040

By: Mass, Ervin, Erwin,
Smith (Dale), Stites,
Voskuhl and Hilliard of
the House

and

Stipe of the Senate

A Joint Resolution disapproving certain emergency rules of the Corporation Commission relating to motor carrier insurance requirements for motor carriers transporting freight and other property; requiring reinstatement of certain deleted rules; authorizing resubmission of rules; directing distribution; and declaring an emergency.

WHEREAS, on November 7, 1994, the Corporation Commission adopted emergency OAC Rule 165:30-3-11(b), which relates to insurance requirements for intrastate motor carriers; and

WHEREAS, on January 3, 1995, the governor signed emergency OAC Rule 165:30-3-11(b), which placed the emergency rule into effect; and

WHEREAS, emergency Rule OAC 165:30-3-11(b) substantially increased the insurance requirements for intrastate motor carriers transporting freight and other property; and

WHEREAS, because the emergency rule is currently in effect, the increased insurance burden to the motor carriers transporting freight and other property has placed an undue hardship on such motor carriers without due consideration of the cost to the motor carriers; and

WHEREAS, pursuant to Section 250.2 of Title 75 of the Oklahoma Statutes, the Legislature reserves the right to determine that a

rule is not consistent with legislative intent, establish policy and designate the method for rule promulgation; and

WHEREAS, emergency Rule OAC 165:30-3-11(b) of the Corporation Commission does not reflect the intent of the Oklahoma Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 45TH OKLAHOMA LEGISLATURE:

SECTION 1. A. Emergency Rule OAC 165:30-3-11(b) (1) and (2) of the Corporation Commission relating to increased insurance requirements for motor carriers transporting freight and other property is hereby disapproved. The language of emergency Rule OAC 165:30-3-11(b) (1) and (2) which is disapproved by this resolution reads as follows:

"(1) Motor carriers of property using vehicles with GVW of 10,000 pounds or more:

(A) Transporting non-hazardous commodities - \$750,000.

(B) Transporting hazardous materials other than those described in subsection (2) (C) below - \$1,000,000.

(C) Transporting hazardous materials as defined in 49 CFR 1043.2(b) (2) - \$5,000,000.

(2) Motor carriers of property using only vehicles with a gross vehicle weight (GVW) under 10,000 pounds:

(A) Not transporting materials listed in subsection (B) below - \$300,000.

(B) Transporting any Class A or B explosives or poison gas or highway quantity controlled radioactive materials - \$5,000,000."

B. The language of Rule 165:30-3-11(b) (1) and (2) which was deleted by the emergency rule relating to insurance requirements for freight vehicles shall be reinstated. Specifically, the language which shall be reinstated reads as follows:

"(1) Freight vehicles:

(A) \$100,000 for any one person injured.

(B) \$300,000 for any one accident.

(C) \$50,000 property damage."

C. If the Corporation Commission adopts proposed permanent rules to amend OAC 165:30-3-11(b) to submit to the Legislature during 1995 Regular Session, the proposed permanent rules shall reflect the intent of the Legislature pursuant to this resolution.

SECTION 2. The Secretary of State is hereby directed to distribute copies of this resolution to the Governor, the Corporation Commission, and the Office of Administrative Rules of "The Oklahoma Register".

SECTION 3. 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 6th day of March, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate