ENROLLED HOUSE
BILL NO. 1923 By: Hefner of the House

and

Easley of the Senate

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 14-116, as last amended by Section 1, Chapter 391, O.S.L. 1994 (47 O.S. Supp. 1994, Section 14-116), which relates to size and weight permit fees; modifying certain payment methods; providing for certain escrow accounting system; providing for certain funds to be credited to Department of Public Safety Revolving Fund; amending 47 O.S. 1991, Section 14-118, as amended by Section 3, Chapter 252, O.S.L. 1993 (47 O.S. Supp. 1994, Section 14-118), which relates to oversize and overweight vehicles; modifying certain payment methods; authorizing certain fee for permits issued by facsimile machine or other electronic means; providing for deposit and expenditure of certain funds; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 14-116, as last amended by Section 1, Chapter 391, O.S.L. 1994 (47 O.S. Supp. 1994, Section 14-116), is amended to read as follows:

Section 14-116. A. The Commissioner of Public Safety shall charge a minimum permit fee of Twenty Dollars ($20.00) for any permit issued pursuant to the provisions of Section 14-101 et seq. of this title. ~~Five Dollars ($5.00) of such permit fee shall be deposited in the State Treasury to the credit of the General Revenue Fund.~~ In addition to the permit fee, the Commissioner shall charge a fee of Five Dollars ($5.00) for each thousand pounds in excess of the legal load limit. The Commissioner of Public Safety shall establish any necessary ~~regulations~~ rules for collecting ~~said~~ the fees. ~~Authorized motor carriers meeting established credit requirements shall be placed on a monthly billing system for permits purchased from all size and weight offices in the state.~~

B. The Department of Public Safety is ~~hereby~~ authorized to establish an ~~annual accounting fee and to charge such annual fee to motor carriers having established monthly billing accounts with the Department. The accounting fee shall be Two Hundred Dollars ($200.00)~~ escrow account system for the payment of permit fees. Authorized motor carriers meeting established credit requirements may participate in the escrow account system for permits purchased from all size and weight permit offices in this state. Carriers not choosing to participate in the escrow account system shall be required to make payment of the required fee or fees upon purchase of each permit as required by law. All monies ~~received from such~~

~~accounting fees~~ collected through the escrow account system shall be deposited to a special account of the Department of Public Safety and placed in the custody of the State ~~Treasury to the credit of the General Revenue Fund~~ Treasurer. Proceeds from permits purchased using the escrow account system shall be distributed as provided for in subsection G of this section. However, fees collected through such accounts for the electronic transmission, transfer or delivery of permits, as provided for in Section 14-118 of this title, shall be credited to the Department of Public Safety Revolving Fund, as established in Section 6-117 of this title.

C. 1. Application for permits shall be made a reasonable time in advance of the expected time of movement of such vehicles. For emergencies affecting the health or safety of persons or a community, permits may be issued for immediate movement.

2. Size and weight permit offices in all districts where applicable shall issue permits to authorize carriers by telephone during weekdays.

3. The Commissioner of Public Safety shall develop a system for provisional permits for authorized carriers which may be used in lieu of a regular permit for the movement of oversize and overweight loads when issued an authorization number by the Department of Public Safety. Such provisional permits shall include date of movement, general load description, estimated weight, oversize notation, route of travel, truck or truck-tractor license number, and permit authorization number.

D. No overweight permit shall be valid until all license taxes due the State of Oklahoma have been paid.

E. No permit violation shall be deemed to have occurred when an oversize or overweight movement is made pursuant to a permit whose stated weight or size exceeds the actual load.

F. The first deliverer of motor vehicles designated truck carriers or well service carriers manufactured in Oklahoma shall not be required to purchase an overweight permit when being delivered to the first purchaser.

G. The proceeds from ~~oversize~~ permit fees shall be deposited in the General Revenue Fund in the State Treasury~~, and~~. However, the proceeds from ~~the~~ overweight permit fees shall be apportioned as provided in Section 1104 of this title.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 14-118, as amended by Section 3, Chapter 252, O.S.L. 1993 (47 O.S. Supp. 1994, Section 14-118), is amended to read as follows:

Section 14-118. A. 1. 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.

2. 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~~. Such system 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~~ the collection of permit fees as well as for the issuance of ~~said~~ the permits by telephone ~~as well as by telegram and may include provisions for the sale of permits in book form~~, electronic transfer or such other methods of issuance as may be deemed feasible.

3. The Department of Public Safety is authorized to charge a fee of Two Dollars ($2.00) for each permit requested to be issued by facsimile machine or by any other means of electronic transmission, transfer or delivery. The fee shall be in addition to any other fee or fees assessed for the permit. The fee shall be deposited in the State Treasury to the credit of the Department of Public Safety Revolving Fund, as established in Section 6-117 of this title, and the monies shall be expended by the Department solely for the purposes of facsimile or other electronic transmission of the permits provided for in Chapter 14 of this title.

4. 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~~ a. protection of the motoring public from potential traffic hazards~~;~~,

~~2. Protection~~ b. protection of highway surfaces, structures, and private property~~;~~, and

~~3. Provision~~ c. provision for normal flow of traffic with a minimum of interference.

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. The Commissioner of Public Safety, or ~~his~~ an 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. 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 seventy-five (75) feet.

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, 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. 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. 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 authorized to move on the highways of the State of Oklahoma. Movement of such vehicles shall be authorized on the Federal Interstate System of Highways only by special permit secured from the Commissioner of Public Safety or ~~his~~ an authorized representative upon determination that the objectives of this section will be served by such a permit and that federal weight restrictions will not be violated. ~~Such~~ The 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~~ The 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 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~~ The vehicle, being overweight but of legal dimension, shall be allowed continuous travel. ~~Said~~ The vehicles, except special mobilized machinery, shall be exempt from the laws of this state relating to motor vehicle registration, licensing or other fees or taxes in lieu of ad valorem taxes.

SECTION 3. This act shall become effective July 1, 1996.

Passed the House of Representatives the 24th day of May, 1995.

Speaker of the House of Representatives

Passed the Senate the 24th day of May, 1995.

President of the Senate