

ENROLLED SENATE
BILL NO. 981

By: Kerr of the Senate

and

Beutler, Langmacher, Smith
(Bill), Glover, Bonny, Pope
(Clay), Gray and Reese of
the House

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 127.1, as amended by Section 6, Chapter 27, O.S.L. 1995, and as renumbered by Section 8, Chapter 27, O.S.L. 1995 and 1134, as last amended by Section 7, Chapter 27, O.S.L. 1995 (47 O.S. Supp. 1995, Sections 14-109.2 and 1134), which relate to vehicles delivering agriculture commodities weighed as a single draft and farm vehicle license fees; authorizing use of longer combination vehicles for transport of agriculture commodities; clarifying weight limits for certain combination vehicles; providing for exemption of certain fees; modifying definition of commercial trailer; modifying gender references; 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 127.1, as amended by Section 6, Chapter 27, O.S.L. 1995, and as renumbered by Section 8, Chapter 27, O.S.L. 1995 (47 O.S. Supp. 1995, Section 14-109.2), is amended to read as follows:

Section 14-109.2 A. Except as hereinafter provided, for the purpose of delivering agriculture commodities to and from the farm only, any vehicle or combination of vehicles shall be commercially weighed on a vehicle scale only as a single draft, that is, the total weight of the vehicle or combination of vehicles shall not be determined by adding together the results obtained by separately weighing each end of the vehicle or combination of vehicles, or by separately weighing individual elements of such vehicle or combination of vehicles. Provided, however, that when a vehicle or combination of vehicles is not weighed as a single draft the weight ticket shall be stamped "multiple draft weight; not guaranteed accurate". Provided further, that any one truck and semitrailer or truck-tractor/semitrailer combination may tow one complete trailer or semitrailer for the purpose of delivering agriculture commodities to and from the farm, such single axle and gross weight limits provided for by Section 14-109 of this title applying fully herein.

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 vehicle weight of eighty thousand (80,000) pounds for vehicles or ~~combinations of~~ ninety thousand (90,000) pounds for longer combination vehicles as defined in U.S. Code 23, Section 127, operating on the Dwight D. Eisenhower System of Interstate and Defense Highways in accordance with the provisions of Section 14-118 of this title; 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 2. AMENDATORY 47 O.S. 1991, Section 1134, as last amended by Section 7, Chapter 27, O.S.L. 1995 (47 O.S. Supp. 1995, 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 or combinations thereof 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 or combinations thereof when used primarily for the transportation of any article or articles owned by the operator of such trailer or semitrailer or combinations thereof and not used in the furtherance of or incident to any commercial or industrial enterprise. The provisions of Section 1134.2 of this 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 or combination thereof 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 the combined laden weight of the trailer or semitrailer and the towing vehicle is eighty thousand (80,000) pounds or less; if at any time it is operated at a combined laden weight in excess of 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, and must be licensed as such, paying the license fees provided in Section 1133 of this title.

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 or her 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 3. This act shall become effective July 1, 1996.

SECTION 4. 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 1st day of May, 1996.

President of the Senate

Passed the House of Representatives the 21st day of May, 1996.

Speaker of the House of Representatives