

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1581

By: Adair

AS INTRODUCED

An Act relating to roads, bridges and ferries;
creating the Intermodal Transportation Commission;
providing short title; describing purpose;
providing for termination of Intermodal
Transportation Commission; declaring public policy;
authorizing certain powers; providing for
membership, chairman, removal and travel expense;
requiring appointment by certain date; requiring
annual report; creating the Intermodal
Transportation Commission Revolving Fund; providing
for annual audit; amending 68 O.S. 1991, Section
2204, as last amended by Section 20, Chapter 278,
O.S.L. 1994 (68 O.S. Supp. 1994, Section 2204),
which relates to disposition of taxes on freight
cars; transferring certain funds to the Intermodal
Transportation Commission Revolving Fund; 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,
weight and load permit fees; transferring certain
funds to the Intermodal Transportation Commission
Revolving Fund; amending 3 O.S. 1991, Section 256,
which relates to aircraft registration;
transferring certain funds to the Intermodal

Transportation Commission Revolving Fund; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5001 of Title 69, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Intermodal Transportation Commission Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5002 of Title 69, unless there is created a duplication in numbering, reads as follows:

A. There shall be created the Intermodal Transportation Commission for the advancement and promotion of intermodal transportation within the state and for the development of the state as a regional, national and international warehousing and distribution center for transportation industries including, but not limited to, motor, rail, shipping or waterway, and air transportation.

B. The provisions of this act shall cease to have the force and effect of law on December 31, 1999.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5003 of Title 69, unless there is created a duplication in numbering, reads as follows:

It is declared to be the public policy of this state to protect and foster the health, prosperity, safety and general economic welfare of its people by promoting and developing the state as a regional, national and international warehousing and distribution center for transportation industries. In furtherance of this public policy, the Intermodal Transportation Commission shall promote the

transportation-related assets of this state in order to attract intermodal transportation operations, manufacturing operations, and general economic development which would make this state a regional, national and international transportation center. The Commission shall gather available research information on all modes of transportation and develop long-range plans which would utilize the various modes of transportation with the transportation-related assets of this state in preparation for intermodal transportation into the next century. As part of the development of long-range planning, the Commission shall investigate and study intermodal transportation in the United States and internationally. Areas of emphasis shall include, but not be limited to, standardization, intermodal impacts on public works infrastructure, legal impediments to efficient intermodal transportation, financial issues, new technologies, documentation, research and development and productivity.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5004 of Title 69, unless there is created a duplication in numbering, reads as follows:

A. The Intermodal Transportation Commission shall be composed of fourteen (14) voting members to include:

1. The Director of the Oklahoma Department of Transportation, who shall serve as the chairman of the Commission;
2. The Secretary of Transportation;
3. The Director of the Department of Commerce;
4. The Commissioner of the Department of Public Safety;
5. A member of the Oklahoma Corporation Commission;
6. A member of the Oklahoma Tax Commission;
7. Four members appointed by the Speaker of the House of Representatives, one from each of the following transportation industries: motor carrier, rail carrier, air carrier and shipping or waterway carrier or an official of any port authority. Any

individual appointed under this paragraph must be an owner or employee of an operating carrier or port authority within the referenced transportation industries; and

8. Four members appointed by the President Pro Tempore of the Senate, one from each of the following transportation industries: motor carrier, rail carrier, air carrier and shipping or waterway carrier or an official of any port authority. Any individual appointed under this paragraph must be an owner or employee of an operating carrier or port authority within the referenced transportation industries.

B. Appointive members of the Commission shall be named by November 1, 1995. An appointment shall be made by the appropriate appointing authority within ninety (90) days after the expiration of the term of any member due to resignation, death or any cause resulting in an unexpired term. Appointed members of the Commission may be removed by the appointing authority for cause.

C. Appointed members of the Commission shall receive no salary but shall be entitled to be reimbursed for necessary travel expenses incurred in the performance of their official duties in accordance with the provisions of the State Travel Reimbursement Act.

D. The Commission shall meet quarterly and at any other times the chairman deems appropriate.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5005 of Title 69, unless there is created a duplication in numbering, reads as follows:

The Chairman of the Commission shall make an annual report to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate by November 1 of each year setting forth the progress of the Commission and making any recommendations the Commission deems appropriate.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5006 of Title 69, unless there is created a duplication in numbering, reads as follows:

A. There shall be created in the State Treasury a revolving fund for the Intermodal Transportation Commission to be known as the Intermodal Transportation Commission Revolving Fund. The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Commission pursuant to the provisions of this act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Intermodal Transportation Commission for the purposes specified in Section 3 of this act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. The books, records and accounts of the Intermodal Transportation Commission shall be audited annually by the State Auditor and Inspector, with the costs of the respective audits to be paid from the funds of the Commission.

SECTION 7. AMENDATORY 68 O.S. 1991, Section 2204, as last amended by Section 20, Chapter 278, O.S.L. 1994 (68 O.S. Supp. 1994, Section 2204), is amended to read as follows:

Section 2204. ~~All~~ Except as provided in this section, all revenues collected pursuant to the provisions of Section 2201 et seq. of this title shall be paid by the Tax Commission to the State Treasurer and placed to the credit of the Oklahoma Department of Transportation in the Railroad Maintenance Revolving Fund for the implementation of the Railroad Revitalization Act or for matching of available federal funds for at-grade railroad crossing protection projects. ~~Such~~ The crossing projects ~~must~~ shall be authorized by the Transportation Commission. The first Twenty-five Thousand Dollars (\$25,000.00) collected pursuant to the provisions of this

section shall be deposited in the Intermodal Transportation
Commission Revolving Fund as set forth in Section 6 of this act.

SECTION 8. 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. 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 necessary regulations 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. The Department of Public Safety ~~is hereby~~ shall be authorized to establish an annual accounting fee and to charge ~~such~~ the annual fee to motor carriers having established monthly billing accounts with the Department. The accounting fee shall be Two Hundred Dollars (\$200.00). All monies received from such accounting fees shall be deposited in the State Treasury to the credit of the General Revenue Fund. Application for permits shall be made a reasonable time in advance of the expected time of movement of ~~such~~ the vehicles. For emergencies affecting the health or safety of persons or a community, permits may be issued for immediate movement. Size and weight offices in all districts where applicable shall issue permits to authorize carriers by telephone during weekdays. 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~~ The 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. No overweight permit shall be valid until all license taxes due the State of Oklahoma have been paid. 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. 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. The proceeds from oversize permit fees shall be deposited in the General Revenue Fund in the State Treasury, and, except as provided in this section, the proceeds from the overweight permit fees shall be apportioned as provided in Section 1104 of this title. The first Twenty-five Thousand Dollars (\$25,000.00) collected pursuant to the provisions of this section shall be deposited in the Intermodal Transportation Commission Revolving Fund as set forth in Section 6 of this act.

SECTION 9. AMENDATORY 3 O.S. 1991, Section 256, is amended to read as follows:

Section 256. A. Registration fees and taxes on aircraft shall be paid to and collected by the Oklahoma Tax Commission and its agents in the same manner as registration fees and taxes are paid and collected on automobiles.

The registration and reregistration of aircraft shall be subject to the following schedule and rates:

1. Single-engine piston aircraft shall be taxed according to the following Schedule "A":

SCHEDULE "A"

WEIGHT IN POUNDS

FEE

Less than 1,750	\$20.00
1,751 through 2,500	\$35.00
2,501 through 3,500	\$55.00
3,501 through 4,500	\$75.00
4,501 through 5,500	\$95.00
5,501 through 6,500	\$115.00
6,501 through 8,500	\$135.00
8,501 through 10,000	\$185.00
10,001 through 13,000	\$230.00
13,001 through 17,000	\$265.00
17,001 through 20,000	\$300.00
20,001 through 25,000	\$375.00
25,001 through 30,000	\$500.00
30,001 through 40,000	\$625.00
40,001 through 50,000	\$750.00
50,001 through 75,000	\$1,000.00
75,001 through 100,000	\$1,250.00
100,001 and over	\$1,500.00

2. Rotary-wing aircraft shall be taxed at two times the Schedule "A" fee, based on the same weight classifications.

3. Multiengine piston aircraft shall be taxed at three times the Schedule "A" fee, based on the same weight classifications.

4. Turbo-prop aircraft shall be taxed at six times the Schedule "A" fee, based on the same weight classifications.

5. Turbo-jet aircraft shall be taxed at ten times the Schedule "A" fee, based on the same weight classifications.

6. Antique aircraft as defined by the Federal Aviation Administration, sailplanes, balloons, and home-built aircraft shall be subject to a flat-rate fee of Ten Dollars (\$10.00).

7. The fees of this subsection, except those in paragraph 6 of this subsection, shall be reduced at a rate of ten percent (10%) each year following the date of manufacture until the fee is equal

to fifty percent (50%) of the original fee, which shall then be the fee for each year thereafter.

8. Every aircraft owner shall have the right to appeal the assessment of the fee as provided for in this subsection, and the Oklahoma Tax Commission shall appraise the aircraft and its avionics as personal property at the fair market value thereof, and shall apply a twelve-percent assessment rate which shall be levied at the appropriate county millage rate.

B. Aircraft purchased after January 1 of each year and subject to registration as provided for in this section shall be registered and taxed on a prorated basis. Registration fees and taxes shall be in lieu of all aircraft ad valorem taxes. The first Five Thousand Dollars (\$5,000.00) of all monies collected under this section shall be paid to the Oklahoma Tax Commission and deposited in the Intermodal Transportation Commission Revolving Fund as set forth in Section 6 of this act. All ~~such~~ remaining monies collected shall be paid to the Oklahoma Tax Commission and disbursed as follows:

1. Three percent (3%) of all such funds shall be paid to the State Treasurer for deposit to the credit of the General Revenue Fund of the State Treasury; and

2. Ninety-seven percent (97%) of said registration fees and taxes shall be deposited in the Oklahoma Aeronautics Commission Revolving Fund.

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

45-1-6175

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