

ENGROSSED HOUSE AMENDMENT

TO

ENGROSSED SENATE BILL NO. 1308

By: Long of the Senate

and

Satterfield of the House

(motor vehicles - oversize and overweight -
defining terms)

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

"(motor vehicles - amending 47 O.S., Sections 14-109.2, 14-118 and 1115.1 - weighing vehicles - movement of oversize and overweight vehicles - failure to display proper tag - codification)

SECTION 1. AMENDATORY 47 O.S. 1991, Section 127.1, as renumbered by Section 8, Chapter 27, O.S.L. 1995, and as last amended by Section 1, Chapter 229, O.S.L. 1996 (47 O.S. Supp. 1997, 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~~

B. 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. Any such combination of one truck and semitrailer which is towing one complete trailer or semitrailer for the purpose of delivering agriculture commodities to and from the farm shall not operate on the National Network of Highways as defined by Appendix C of Title 23 of the United States Code.

~~B.~~ C. 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 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 14-118, as last amended by Section 1, Chapter 220, O.S.L. 1996 (47 O.S. Supp. 1997, Section 14-118), is amended to read as follows:

Section 14-118. A. 1. Pursuant to such rules as may be prescribed by Oklahoma 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 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. 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 the collection of permit fees as well as for the issuance of the permits by telephone, 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:

- a. protection of the motoring public from potential traffic hazards,
- b. protection of highway surfaces, structures, and private property, and
- 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 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 eleven (11) feet or less, 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 eleven (11) feet or less.

F. Farm equipment including, but not limited to, implements of husbandry as defined in Section 1-125 of this title shall be exempted from the requirement for special permits due to size. Such equipment may move on any highway, except those highways which are part of the National System of Interstate and Defense Highways, during the hours of darkness and shall be subject to the requirements as provided in Section 12-215 of this title. In

addition to those requirements, tractors pulling machinery over thirteen (13) feet wide must have two amber flashing warning lamps symmetrically mounted, laterally and widely spaced as practicable, visible from both front and rear, mounted at least thirty-nine (39) inches high.

G. 1. 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. For the purpose of this subsection, "nondivisible" means any load or vehicle exceeding applicable length or weight limits which, if separated into smaller loads or vehicles would:

- a. compromise the intended use of the vehicle,
- b. destroy the value of the load or vehicle, or
- c. require more than eight (8) hours to dismantle using appropriate equipment.

2. 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 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. The special permit shall be:

- ~~1.~~ a. a single-trip permit issued under the provisions of this section and Section 14-116 of this title~~7~~, or
- ~~2.~~ b. 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. The vehicle shall be required to carry the safety equipment adjudged

necessary for the health and welfare of the driving public. If any 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. The vehicle, being overweight but of legal dimension, shall be allowed continuous travel. 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. AMENDATORY 47 O.S. 1991, Section 1115.1, as amended by Section 5, Chapter 153, O.S.L. 1993 (47 O.S. Supp. 1997, Section 1115.1), is amended to read as follows:

Section 1115.1 After ninety (90) days from the expiration date for annual registration of a vehicle, ~~it shall be the duty of~~ the Oklahoma Tax Commission, Department of Public Safety, county sheriffs, and all other duly authorized peace officers of this state ~~to~~ may seize and take into custody every vehicle owned within this state not bearing or displaying a proper license plate required by the Oklahoma Vehicle License and Registration Act. The vehicle shall not be released to the owner until it is duly registered and the license, registration, or title fee and penalties due are paid in full, proof of security or an affidavit that the vehicle will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title, is furnished, and the cost of seizure, including the reasonable cost of taking the vehicle into custody and storing the vehicle, have been paid. In the event the owner of any vehicle seized fails to pay such fees and penalties due, together with cost of seizure and storage, and fails to provide proof of security or an affidavit that the vehicle will not be used on public highways or public streets, the Oklahoma Tax Commission or its motor license agents shall proceed to sell the vehicle by posting not less than five notices of sale in five different public

places in the county where the vehicle is located, one of such notices to be posted at the place where the vehicle is stored; ~~provided further, that a.~~ a. A copy of the notice shall also be sent by certified mail, restricted delivery, with return receipt requested, to the last-known address of the registered owner of ~~such~~ the vehicle in question. Such vehicle shall be sold at such sale subject to the following terms and conditions:

1. In the event the sale price is equal to, or greater than, the total costs of sale, seizure and the fee and penalty, the purchaser shall be issued a certificate of purchase, license plate, manufactured home registration receipt and decal and registration certificate;

2. In the event the sale price is less than the total costs of sale, seizure, and the fee and penalty, such vehicle shall be sold as junk to the highest bidder, whereupon he shall receive a certificate of purchase; and if such vehicle be dismantled, the record to such junked vehicle shall be canceled. If not dismantled, the same shall be immediately registered; or

3. Any residue remaining unclaimed by the delinquent owner shall be administered in accordance with the Uniform Unclaimed Property Act (1981).

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-120.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Any vehicle or combination of vehicles with an outside width of twelve (12) feet or more operating on highways in the state, including the National System of Interstate and Defense Highways, shall, in addition to being in compliance with provisions of Section 14-101 et seq. of Title 47 of the Oklahoma Statutes, be accompanied by an escort vehicle or vehicles, as prescribed by the Department of Transportation.

B. No person shall operate an escort vehicle for hire, as required by this section, unless the person has been certified by the Department as an escort vehicle operator.

C. Any person may make application for escort vehicle operator certification on a form furnished by the Department. The Department shall examine every applicant to test the applicant's knowledge of federal regulations and state laws pertaining to the safe and lawful movement of oversize vehicles on the highways of this state. The applicant shall meet such other requirements as the Department deems necessary.

D. The Department shall charge a fee of Five Dollars (\$5.00) for each approved certification. Such certification shall be valid for a period of four (4) years. For any renewal of certification thereafter, the Department shall charge a fee of Five Dollars (\$5.00).

E. Fees collected by the Department pursuant to this section shall be deposited in the Department of Public Safety Revolving Fund, created pursuant to Section 6-117 of Title 47 of the Oklahoma Statutes.

F. The Commissioner of Public Safety shall promulgate rules for the certification of operators of escort vehicles and the use of escort vehicles, as required by this section.

G. The commissioner of Public Safety is hereby authorized to enter into reciprocal compacts and agreements with other states for the purpose of recognizing escort vehicle operator certifications issued by those states."

Passed the House of Representatives the 2nd day of April, 1998.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1998.

President of the Senate