

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2819

By: Hefner

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 14-101, as amended by Section 1, Chapter 252, O.S.L. 1993, 14-103A, as amended by Section 1, Chapter 127, O.S.L. 1994, 14-103C, as amended by Section 1, Chapter 29, O.S.L. 1995, and 14-118, as last amended by Section 1, Chapter 220, O.S.L. 1996 (47 O.S. Supp. 1997, Sections 14-101, 14-103A, 14-103C, and 14-118), which relate to size and weights of vehicles; restricting movement of certain vehicles at nighttime and on holidays; defining terms; modifying provisions regarding movement of industrialized housing; prohibiting movement of houses or buildings on certain days; providing for permits to be issued; modifying purposes for which certain monies may be expended by Department of Public Safety; amending 47 O.S. 1991, Section 1129, as last amended by Section 3, Chapter 220, O.S.L. 1996 (47 O.S. Supp. 1997, Section 1129), which relates to special mobilized machinery; modifying references; eliminating certain fees; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 14-101, as amended by Section 1, Chapter 252, O.S.L. 1993 (47 O.S. Supp. 1997, Section 14-101), is amended to read as follows:

Section 14-101. A. It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state and local authorities shall have no power or authority to alter said limitations except as express authority may be granted in this chapter.

B. The provisions of this chapter governing size, weight and load shall not apply to fire apparatus, Department of Transportation research testing equipment, vehicles used by retail implement dealers while hauling implements of husbandry or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided.

C. All size, weight and load provisions covered by this chapter shall be subject to the limitations imposed by Title 23, United States Code, Section 127, and such other rules and regulations developed herein. Provided further that any size and weight provision authorized by the United States Congress for use on the National System of Interstate and Defense Highways, including but not limited to height, axle weight, gross weight, combinations of vehicles or load thereon shall be authorized for immediate use on such segments of the National System of Interstate and Defense Highways and any other highways or portions thereof as designated by

the Transportation Commission or their duly authorized representative.

D. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title, other than a vehicle permitted solely for overweight movement, shall be moved only during daylight hours. As used in Section 14-101 et seq. of this title, "daylight hours" shall mean one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

E. 1. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title shall not be moved at any time on the following holidays:

- a. New Year's Day (January 1),
- b. Memorial Day (the last Monday in May),
- c. The Fourth of July (Independence Day),
- d. Labor Day (the first Monday in September),
- e. Thanksgiving Day (the fourth Thursday in November),
- f. The day following Thanksgiving Day (the fourth Friday in November),
- g. Christmas Eve (December 24),
- h. Christmas Day (December 25), and
- i. New Year's Eve (December 31).

For the purposes of the prohibition of movement on holidays as prescribed in this paragraph, the holidays listed above shall be deemed to begin at twelve o'clock noon on the day preceding the holiday and continue through the holiday named above.

2. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title shall be allowed to move on the following holidays:

- a. Martin Luther King, Jr.'s Birthday (the third Monday in January),
- b. President's Day, also known as Washington's Birthday (the third Monday in February), and

c. Veteran's Day (November 11).

SECTION 2. AMENDATORY 47 O.S. 1991, Section 14-103A, as amended by Section 1, Chapter 127, O.S.L. 1994 (47 O.S. Supp. 1997, Section 14-103A), is amended to read as follows:

Section 14-103A. A. No combination of a motor vehicle and manufactured home, ~~industrialized housing, other industrial structures,~~ or frame or frames thereof shall have an overall length, inclusive of front and rear bumpers, in excess of seventy (70) feet or a width in excess of sixteen (16) feet while operating on the system of interstate and defense highways. In determining the width of a manufactured home, the topside width may exceed the sixteen-foot width limit by no more than twelve (12) inches on each side for awnings, doorknobs, or other fixtures extending beyond the body of the unit. Such combination exceeding seventy (70) feet in length or eight and one-half (8 1/2) feet in width must comply with the provisions of Section 14-118 of this title.

B. ~~The Commissioner of Public Safety may issue, upon proper application, a special permit allowing the movement of a combination of a motor vehicle, industrialized housing or other industrialized structure, frame or frames thereof not exceeding twenty-six (26) feet in width at the bottom and thirty (30) feet in width at the top on state or federal highways. Said permit shall specify the highways to be used and shall be permitted when consistent with public convenience and safety, as determined by the Commissioner of Public Safety. If any such combinations have a width in excess of sixteen (16) feet, the towing vehicle shall be a tandem-axle vehicle of no less than two hundred twenty (220) horsepower.~~

~~C. If any combination of a motor vehicle and manufactured home or industrialized housing, or frame for either thereof, exceeds seventy (70) feet in overall length, or eight and one-half (8 1/2) feet in width, they shall be moved only during daylight hours not including Sundays, New Year's Day, Memorial Day, Fourth of July,~~

~~Labor Day, Thanksgiving Day, Christmas Eve, Christmas Day and New Year's Eve.~~ The towing vehicle must be at least three-fourths (3/4) ton rated capacity with dual wheels.

~~D. For the purposes of this section, "industrialized housing" means any structure, or component thereof, designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on the building site.~~

SECTION 3. AMENDATORY 47 O.S. 1991, Section 14-103C, as amended by Section 1, Chapter 29, O.S.L. 1995 (47 O.S. Supp. 1997, Section 14-103C), is amended to read as follows:

Section 14-103C. A. The Commissioner of Public Safety shall upon proper application issue a special permit to any person allowing the movement on state and federal highways of a structure in the form of a house or building, including but not limited to industrialized housing as defined in Section 14-103A of this title, not exceeding thirty-two (32) feet in width at the base, and thirty-four (34) feet in width at the top and twenty-one (21) feet in height. Such permit shall specify the highways to be used, and a maximum traveling distance of fifty (50) miles on such highways shall be permitted when consistent with public convenience and safety, as determined by the Commissioner of Public Safety. In addition to the prohibitions on movement as prescribed in Section 14-101 et seq. of this title, such structures shall not be moved on Saturday or Sunday.

B. The Commissioner of Public Safety is hereby authorized to make exceptions to the requirements herein when, in the Commissioner's discretion such exceptions would be warranted. The Commissioner may issue, upon proper application, a special permit allowing the movement of a combination of a motor vehicle, industrialized housing or other industrialized structure, frame or frames thereof not exceeding twenty-six (26) feet in width at the

bottom and thirty (30) feet in width at the top on state or federal highways. The permit shall specify the highways to be used and shall be permitted when consistent with public convenience and safety, as determined by the Commissioner of Public Safety. If any such combinations have a width in excess of sixteen (16) feet, the towing vehicle shall be a tandem-axle vehicle of no less than two hundred twenty (220) horsepower.

C. If the structure is eighteen (18) feet or less in width at the base or the top, the maximum traveling distance shall not apply and such permit shall specify the highways to be used and said movement shall be permitted when consistent with public convenience and safety, as determined by the Commissioner of Public Safety.

D. For the purposes of this section, "industrialized housing" means any structure, or component thereof, designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation, or assembly and installation, on the building site.

SECTION 4. 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. 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 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 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. 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 5. AMENDATORY 47 O.S. 1991, Section 1129, as last amended by Section 3, Chapter 220, O.S.L. 1996 (47 O.S. Supp. 1997, Section 1129), is amended to read as follows:

Section 1129. A. Special mobilized machinery shall not be subject to any section or provision of the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title, except the provisions of this section.

Special mobilized machinery shall be permitted the use of the highways of this state when proper registration and permits, as provided in this section, are in the possession of the operator.

B. Owners of qualifying equipment hereunder may elect to register such equipment either under this section or under other applicable provisions of ~~this act~~ the Oklahoma Vehicle License and Registration Act. Application covering qualifying equipment may be made to the Oklahoma Tax Commission or their authorized agents for registering special mobilized machinery. Upon payment of a registration fee of Twenty-five Dollars (\$25.00), the applicant shall be granted a certificate of registration in acknowledgment of qualification by the Commission. The certificate of registration must at all times be carried with the equipment and be available for inspection by an investigating officer.

C. In addition to the registration fee, the Commission shall collect at time of registration an additional fee of Five Hundred Fifty Dollars (\$550.00) per unit for equipment qualifying under the terms of this section. This fee of Five Hundred Fifty Dollars (\$550.00) shall include the constitutional ad valorem tax and shall be allocated by the Commission in the same manner and percentage as registration and permit fees are presently allocated under the provisions of ~~this act~~ the Oklahoma Vehicle License and Registration Act. Payment of this fee shall be due on January 1 of each calendar year and must be paid in no event later than February 1 of each calendar year. The penalty for noncompliance with this provision shall be a double fee in the amount of One Thousand One Hundred Dollars (\$1,100.00). For qualifying equipment purchased during the calendar year, the Commission shall collect a fee which shall be pro rata of the annual fee as hereinbefore defined. Provided, however, the fee for qualifying equipment registered in another state and utilized for emergency or temporary service, not to exceed thirty

(30) days, shall be calculated in the same manner as set forth in subsection A of Section 1122 of this title.

D. Equipment of this class shall use the highways of Oklahoma by special permit, issued by the Commissioner of Public Safety acting through his delegated officers. ~~Permits shall be issued on payment of a fee of Five Dollars (\$5.00) to the Commissioner of Public Safety or his authorized agents.~~

In those cases where the equipment or machinery conforms to all safety requirements under the law, then the permit shall be issued for the term of one (1) calendar year and shall be nonrestrictive as to time and route of travel.

Permits for such oversize or overweight machinery shall specify a maximum permissible road speed of the lesser of fifty (50) miles per hour or the posted speed limit, designate safety equipment to be carried and may exclude use of highways of the interstate system. Use of the highways of the interstate system shall be included in such permit only if the Commissioner of Public Safety or his authorized agent has determined that the purposes of ~~this act~~ the Oklahoma Vehicle License and Registration Act will be served by such use and that federal weight or size restrictions will not be violated. Oversize or overweight special mobilized machinery properly operating on the highways of the interstate system shall be subject to minimum speed requirements.

When such equipment has a width greater than eight and one-half (8 1/2) feet, or a length exclusive of load of forty-five (45) feet, or a height in excess of thirteen and one-half (13 1/2) feet, then the permit may restrict movement to a fifty-mile radius from an established operating base, may designate highways to be traveled, hours of travel, and when flagmen may be required to precede or follow the equipment.

Possession of a permit shall in no way be construed as exempting such equipment from the power of the Director of the Department of

Transportation to restrict use of particular highways, nor shall it exempt such equipment from the responsibility for damage to highways. Provided that nothing in ~~this act~~ the Oklahoma Vehicle License and Registration Act shall apply to machinery used in highway construction or road material production.

E. Upon the issuance of a special mobilized machinery driveaway permit as provided in this subsection, special mobilized machinery manufactured in Oklahoma shall be permitted to move upon the highways of this state from the place of manufacture to the state line for delivery and exclusive use outside the state, and may be temporarily returned to Oklahoma for modification and repair, with subsequent movement back out of the state. Special driveaway permits for such movements shall be issued by the Commissioner of Public Safety, who may act through his designated agents, upon the payment of a fee therefor in the amount of Fifteen Dollars (\$15.00) for each such movement. The Commissioner of Public Safety is hereby authorized to issue to the operators of said special mobilized machinery such special plates or other identifying evidence that the permit herein required has been obtained. Other provisions of this section relating to registration and other laws of this state relating to registration, fees, or licensing shall not apply to such special mobilized equipment when the same is manufactured in Oklahoma and sold for delivery and exclusive use without the state or when returned temporarily for modification or repair. This subsection shall in no way exempt the equipment described herein from the levy of ad valorem taxes.

It is provided that the size of the special mobilized machinery shall not be such as to create a safety hazard in the judgment of the Commissioner of Public Safety. Permits for such special mobilized machinery shall specify a maximum permissible road speed of the lesser of fifty (50) miles per hour or the posted speed

limit, designate safety equipment to be carried and may exclude use of highways of the interstate system.

When such equipment has a width greater than eight and one-half (8 1/2) feet, or a length exclusive of load of forty-five (45) feet, or a height in excess of thirteen and one-half (13 1/2) feet, the permit may designate highways to be traveled, hours of travel, and when flagmen may be required to precede or follow the equipment.

Possession of a special driveaway permit shall in no way be construed as exempting such equipment from the power of the Director of the Department of Transportation to restrict use of particular highways, nor shall it exempt such equipment from the responsibility for damage to highways.

SECTION 6. This act shall become effective November 1, 1998.

46-2-8640

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