

SHORT TITLE: Motor vehicles; prohibiting the Corporation Commission  
from performing certain audit. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1064

By: Shurden

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 170.2, as amended by Section 30, Chapter 143, O.S.L. 1995 (47 O.S. Supp. 1997, Section 170.2), which relates to the regulation of motor carrier; prohibiting the Corporation Commission from performing certain audit; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 170.2, as amended by Section 30, Chapter 143, O.S.L. 1995 (47 O.S. Supp. 1997, Section 170.2), is amended to read as follows:

Section 170.2 A. The Department of Public Safety, monthly, shall notify the ~~Oklahoma~~ Corporation Commission of any ticket issued for a violation of the provisions of Section 14-119 of this title, or any provisions of Chapter 14 of this title or the terms of any special permit authorized pursuant to the provisions of Chapter 14 of this title concerning overweight or overweight special permits.

B. Truck overweight violations by motor carriers or private carriers shall be considered contempt of Corporation Commission motor carrier rules, tariffs and regulations. The Commission shall establish a specific rule whereby such overweight violations by

motor carriers or private carriers shall be grounds for issuance of a show-cause order for consideration of temporary or permanent cancellation of operating authority or license. In establishing the rule, consideration shall be given to the frequency of violations, pattern of violations, fleet size, type of operation, amount of overweight, and other such factors that may indicate intent. Any person, firm, or corporation that assists in the commission of such overweight violation or refuses to comply with any rule, regulation, or order of the Commission relating thereto shall be guilty of contempt of the Commission and shall be subject to a fine to be imposed by said Commission in a sum not to exceed Five Hundred Dollars (\$500.00) on each violation. In the specific instance of an overweight violation, the transportation of each load shall constitute a separate violation. The same fine assessed against the motor carrier or private carrier shall apply to any other person, firm, or corporation that aids or abets such violations. Provided however, no motor carrier, private carrier, shipper or person loading or causing a motor vehicle to be loaded shall be subject to a fine for contempt unless the gross weight of the motor vehicle is more than five thousand (5,000) pounds overweight provided, however, the Corporation Commission is prohibited from performing a compliance audit on any person, firm or corporation for the purpose of issuing a contempt citation for aiding or abetting such violations.

C. The Corporation Commission, in its discretion and on its own motion, may make a contempt complaint in writing under oath setting forth the violation, enter the complaint on its docket, and proceed with the matter in accordance with the provisions of Sections 161 et seq. of this title or the Motor Carrier Act of 1995.

SECTION 2. 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.

46-2-1870

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