

SHORT TITLE: Motor vehicles; clarifying statutory reference.  
Effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1292

By: Stipe

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 230.9, as last amended by Section 45, Chapter 259, O.S.L. 1993 (47 O.S. Supp. 1997, Section 230.9), which relates to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act; clarifying statutory reference; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 230.9, as last amended by Section 45, Chapter 259, O.S.L. 1993 (47 O.S. Supp. 1997, Section 230.9), is amended to read as follows:

Section 230.9 A. The transportation of any property in commerce, including hazardous materials or the transportation of passengers for compensation or for hire by bus, that is not in compliance with the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or the rules ~~and regulations~~ issued pursuant thereto, is prohibited.

B. Pursuant to the provisions of this section and except as otherwise provided by subsection D of this section, any person who is determined by the Commissioner of Public Safety to have committed:

1. An act which is a violation of a recordkeeping requirement of this title or of any rule ~~or regulation~~ promulgated thereto or

the Federal Motor Carrier Safety Act of 1984, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed One Hundred Dollars (\$100.00) for each offense, provided that the total of all administrative penalties assessed against any violator pursuant to this paragraph for all offenses related to any single violation shall not exceed Five Hundred Dollars (\$500.00);

2. An act or acts other than recordkeeping requirements, which evidences a serious pattern of safety violations, as determined by the Commissioner of Public Safety, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed Two Hundred Dollars (\$200.00) for each offense, provided the maximum fine for each pattern of safety violations shall not exceed One Thousand Dollars (\$1,000.00). The Commissioner may consider present and prior offenses in determining a serious pattern of safety violations; or

3. An act or acts which evidences to the Commissioner of Public Safety, that a substantial health or safety violation exists or has occurred which could reasonably lead to or has resulted in serious personal injury or death, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed One Thousand Dollars (\$1,000.00) for each offense.

C. Each day of violation as specified in subsection B of this section shall constitute a separate single violation/offense.

D. Except for recordkeeping violations, no administrative penalty shall be assessed pursuant to the provisions of this section, against an employee of any person subject to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act for a violation unless the Commissioner of Public Safety determines that such actions of the employee constituted gross negligence or reckless disregard for safety in which case such employee shall be liable for an administrative penalty not to exceed One Thousand Dollars (\$1,000.00).

E. In determining the amount of any administrative penalty and the reasonable amount of time for abatement of the violation, the Commissioner of Public Safety shall include, but not be limited to, consideration of the nature, circumstances and gravity of the violation, and with respect to the person found to have committed the violation, the degree of culpability, history of prior offenses, effect on ability to continue to do business and such other matters as justice and public safety may require. In each case, the assessment shall be calculated to induce further compliance.

F. The Commissioner of Public Safety or his or her designated representative shall assess the amount of any administrative penalty, after notice and an opportunity for hearing, by written notice to the violator together with notice of findings in the case. An appeal therefrom may be made to the district court of Oklahoma County pursuant to the provisions of Sections 318 through 323 of Title 75 of the Oklahoma Statutes.

G. An administrative penalty assessed by the Commissioner of Public Safety may be recovered in an action brought by the Attorney General on behalf of the State of Oklahoma or by the Commissioner in the appropriate district court of the State of Oklahoma. Before referral to the Attorney General such administrative penalty may be compromised by the Commissioner.

H. All administrative penalties collected pursuant to the provisions of this act shall be deposited in the General Revenue Fund of the State of Oklahoma.

SECTION 2. This act shall become effective November 1, 1998.

46-2-2085

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