

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 1113

By: Stipe of the Senate

and

Tyler of the House

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 12-409 and 14-101, as last amended by Section 1, Chapter 125, O.S.L. 1998, (47 O.S. Supp. 1999, Section 14-101), which relate to vehicles transporting explosives and flammable materials and movement of certain vehicles at nighttime and on holidays; deleting language stating specific requirements of federal regulations for hazardous materials; removing authorization for Commissioner to promulgate certain rules; requiring the issuance of specified permits be for nondivisible loads; amending 47 O.S. 1991, Section 14-111, which relates to weighing vehicles; authorizing officer to use discretion regarding whether vehicle should be unloaded under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 12-409, is amended to read as follows:

Section 12-409. Vehicles transporting ~~explosives, flammable liquids in cargo tanks, or compressed gases~~ hazardous materials as a cargo or part of a cargo, ~~excluding compressed gas cylinders transported on service vehicles,~~ shall at all times comply with the provisions of this section.

1. Said Each vehicle ~~shall be conspicuously and legibly marked or placarded on each side and the rear with the words "Explosive," "Flammable," "Compressed Gas" or "Flammable Compressed Gas" as applicable in letters at least six (6) inches high, or shall be marked or placarded in accordance with Section 77.823 of the~~

~~Interstate Commerce Commission Regulations~~ 49 C.F.R., Section 177.823.

~~2. Each such vehicle shall be provided equipped with at least one portable fire extinguisher having at least a 12-B, C rating or when more than one is provided each extinguisher will have at least a 6-B, C rating, provided however, that each combination truck tractor and semitrailer unit transporting flammable liquids or flammable compressed gas in bulk shall be equipped with at least one portable fire extinguisher having at least a 6-B, C rating in or on the tractor, and at least one portable fire extinguisher having at least a 12-B, C rating at a convenient location on the trailer. Ratings shall be in accordance with the NFPA Standards for Installation, Maintenance and Use of Portable Fire Extinguishers, No. 10 extinguishers in accordance with 49 C.F.R., Section 393.95 (a).~~

~~3. The Commissioner is hereby authorized and directed to promulgate such additional regulations governing the transportation of explosives, flammable liquids and other dangerous articles, except liquified petroleum gas and anhydrous ammonia, by vehicles upon the highways as he shall deem advisable for the protection of the public.~~

SECTION 2. AMENDATORY 47 O.S. 1991, Section 14-101, as last amended by Section 1, Chapter 125, O.S.L. 1998 (47 O.S. Supp. 1999, 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).

F. Permits issued pursuant to this section shall be for nondivisible loads.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 14-111, is amended to read as follows:

Section 14-111. (a) Any officer of the Department of Public Safety, the Oklahoma Tax Commission, any sheriff, or any salaried deputy sheriff is authorized to stop any vehicle upon any road or highway in order to weigh such vehicle by means of portable or stationary scales, or cause the same to be weighed by any official weigher, or upon any privately owned scales and may require that such vehicles be driven to the nearest or most convenient available scales for the purpose of weighing. In the event that any axle

weight or the gross weight of any such vehicle be found to exceed the maximum weight authorized by law, or by permit issued therefor, ~~said~~ the officer ~~shall~~ may require, in the case of separable loads, the driver, operator or owner thereof to unload at the site such portion of the load as may be necessary to decrease the weight of such vehicle to the maximum weight authorized by law. Provided, however, that if such load consists of livestock, perishable merchandise, or merchandise that may be destroyed by the weather, then the driver shall be permitted to proceed to the nearest practical unloading point in the direction of destination before discharging such excess cargo. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

(b) The operator of any truck or other vehicle transporting farm products or other merchandise for hire shall have in his or her possession a certificate carrying the following information: name of the operator; ~~driver's~~ driver license number; vehicle registration number; Corporation Commission permit number; statement of owner authorizing transportation of the products by above named operator; and signature of the owner.

Should the vehicle be loaded with livestock, the certificate shall include the number of animals, and should said livestock be the property of more than one person, a certificate signed by each owner carrying the above information including the number of animals owned by them shall be carried by the operator. Should the operator be the owner of the merchandise or livestock, said merchandise or livestock having just been purchased, ~~he~~ the operator shall have in ~~his~~ possession a bill of sale for such merchandise or livestock. Should the operator be the owner of livestock or other farm products produced by him, he shall be required to show satisfactory identification and ownership of the vehicle. Any officer as outlined in this chapter shall have the authority to stop any

vehicle loaded with livestock, merchandise or other farm products and investigate as to the ownership of said merchandise, livestock or other farm products. Should the operator of any vehicle be unable to establish to the satisfaction of the officer the ownership of the merchandise, livestock or other products, or shall not have certificate signed by the owner as specified in this section for the transportation of such merchandise, livestock or other farm products, said merchandise, livestock or other farm products and the vehicle in which they are being transported shall be impounded by said officer and any expense as to the care of any livestock shall be the responsibility of the owner or operator of said vehicle, any loss or damage of said merchandise, livestock or other farm products shall be the responsibility of the operator or owner, or both.

SECTION 4. This act shall become effective November 1, 2000.

47-2-9043            LAC            6/11/15