

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1086

By: Mitchell and Nance of the
House

and

Helton of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 6-205.2, as last amended by Section 9, Chapter 277, O.S.L. 2000 (47 O.S. Supp. 2000, Section 6-205.2), which relates to periods of driver license revocations; modifying definitions; modifying provisions regarding disqualifications for commercial driver licenses; amending 47 O.S. 1991, Section 11-702, as amended by Section 6, Chapter 201, O.S.L. 1997 (47 O.S. Supp. 2000, Section 11-702), which relates to vehicles required to stop at railroad crossings; requiring commercial vehicles placarded for hazardous materials to stop; amending 47 O.S. 1991, Section 12-409, which relates to transporting explosives and flammable substances; requiring vehicles to be in compliance with federal law; amending 47 O.S. 1991, Sections 14-111 and 14-118, as last amended by Section 6, Chapter 189, O.S.L. 2000 (47 O.S. Supp. 2000, Section 14-118), which relate to size, weight and load; moving language; eliminating requirement for unloading under certain circumstances; eliminating certain load-limit exception; amending 47 O.S. 1991, Sections 230.6, as amended by Section 3, Chapter 345, O.S.L. 1998 and 230.13 (47 O.S. Supp. 2000, Section 230.6), which relate to motor carrier safety and transportation of hazardous materials; stating that enforcement actions against employers and employees shall be administrative; eliminating obsolete language; providing for recodification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 6-205.2, as last amended by Section 9, Chapter 277, O.S.L. 2000 (47 O.S. Supp. 2000, Section 6-205.2), is amended to read as follows:

Section 6-205.2 A. As used in this section:

~~1. "Person" shall mean a resident of this state or an Oklahoma licensee; and~~

~~2. "Conviction" shall mean, "conviction" means:~~

~~a. a non-vacated~~

~~1. A nonvacated adjudication of guilt~~;~~~~

~~b. a~~

~~2. A determination that a person has violated or failed to comply with this section in any court or by the Department of Public Safety following an administrative determination under the provisions of Section 230.6 or 754 of this title~~;~~~~

~~c. a non-vacated~~

~~3. A nonvacated forfeiture of bail or collateral deposited to secure a person's appearance in court~~;~~~~

~~d. the~~

~~4. The payment of ~~a~~ any fine and court costs~~;~~ or~~

~~e. a~~

~~5. A violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.~~

B. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than one (1) year upon receiving a record of conviction of any of the following disqualifying offenses, when such conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more;

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as

required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance. Provided, the Department shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

4. Knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle collision which occurs while operating a Class A, B or C commercial motor vehicle; or

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance.

C. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for a period of not less than three (3) years upon receiving a record of conviction of any of the following disqualifying offenses, committed in connection with the operation of a motor vehicle which is required to be placarded for hazardous materials under 49 C.F.R., Part 172, subpart F, when such conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more;

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance. Provided, the Department shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

4. Knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle collision which occurs while operating a Class A, B or C commercial motor vehicle; or

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance.

D. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction in any court of any of the following disqualifying offenses after a former conviction of any of the following disqualifying offenses, when such second conviction has become final:

1. Driving, operating or being in actual physical control of a Class A, B or C commercial motor vehicle while having a blood or breath alcohol concentration, as defined in Section 756 of this title, or as defined by the state in which the arrest occurred, of four-hundredths (0.04) or more;

2. Refusing to submit to a test for determination of alcohol concentration, as required by Section 751 of this title, or as required by the state in which the arrest occurred, while operating a Class A, B or C commercial motor vehicle;

3. Driving or being in actual physical control of a Class A, B or C commercial motor vehicle while under the influence of alcohol or any other intoxicating substance or the combined influence of alcohol and any other intoxicating substance. Provided, the Department shall not additionally disqualify, pursuant to this subsection, if the person's driving privilege has been disqualified in this state because of a test result or test refusal pursuant to paragraph 1 or 2 of this subsection as a result of the same violation arising from the same incident;

4. Knowingly failing to stop and render aid as required under the laws of this state in the event of a motor vehicle collision which occurs while operating a Class A, B or C commercial motor vehicle; or

5. Any felony during the commission of which a Class A, B or C commercial motor vehicle is used, except a felony involving the manufacture, distribution or dispensation of a controlled dangerous substance.

The Department of Public Safety may promulgate rules establishing conditions under which a disqualification for life pursuant to the provisions of this subsection may be reduced to a period of not less than ten (10) years provided a previous lifetime disqualification has not been reduced.

E. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for life upon receiving a record of conviction for any felony related to the manufacture, distribution or dispensation of a controlled dangerous substance in the commission of which a Class A, B or C commercial motor vehicle is used, when such conviction has become final.

F. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for sixty (60) days upon receiving a record of such person's second conviction for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when such convictions have become final. The Department of Public Safety shall disqualify any person from operating a Class A, B or C commercial motor vehicle for one hundred twenty (120) days upon receiving a record of such person's third conviction for a serious traffic offense arising out of separate transactions or occurrences within a three-year period, when such convictions have become final. As used in this subsection, "serious traffic offense" shall mean any of the following offenses committed while operating a commercial motor vehicle:

1. Speeding ~~in excess of~~ fifteen (15) miles per hour or more over the limit;
2. Reckless driving;
3. Any traffic offense committed that results in or in conjunction with a motor vehicle collision resulting in a fatality;
4. Erratic or unsafe lane changes; or
5. Following too close.

G. Upon the receipt of a person's record of conviction of violating a lawful out-of-service order, except as provided in subsection H of this section, when such conviction becomes final, the Department shall disqualify the driving privilege of such person as follows:

1. The first conviction shall result in a ninety-day disqualification;
2. The second conviction within ten (10) years shall result in a one-year disqualification; and
3. The third or subsequent conviction within ten (10) years shall result in a three-year disqualification.

H. Upon the receipt of a person's record of conviction of violating a lawful out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (49 P. app. 1801-1813), or while operating motor vehicles designed for transport of more than fifteen passengers, including the driver, when such conviction becomes final, the Department shall disqualify the driving privilege of such person as follows:

1. The first conviction shall result in a one-year disqualification; and

2. The second or subsequent conviction within ten (10) years shall result in a three-year disqualification.

I. Upon determination by the Department that fraudulent information was used to apply for or obtain a Class A, B or C driver license, the Department shall disqualify the driving privilege of the applicant or licensee for a period of sixty (60) days.

J. Any person who drives a Class A, B or C commercial motor vehicle on any public roads, streets, highways, turnpikes or any other public place of this state at a time when such person has been disqualified or when the privilege to do so is canceled, denied, suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment. Each act of driving as prohibited shall constitute a separate offense.

K. Such periods of disqualification as defined by this section shall not be modified. A person may not be granted driving privileges to operate a Class A, B or C commercial vehicle until the disqualification is reinstated.

L. When any such record of conviction, as specified in this section, is received by the Department and pertains to a nonresident

operator of a Class A, B or C commercial motor vehicle, the Department shall not disqualify the person and shall report such conviction to the licensing jurisdiction in which the nonresident's license to operate such commercial vehicle was issued ~~or the nonresident's jurisdiction of residence.~~

SECTION 2. AMENDATORY 47 O.S. 1991, Section 11-702, as amended by Section 6, Chapter 201, O.S.L. 1997 (47 O.S. Supp. 2000, Section 11-702), is amended to read as follows:

Section 11-702. ~~(a)~~ A. The driver of any ~~motor:~~

1. Motor vehicle carrying passengers for hire, ~~or of any bus;~~

2. Bus, as that term is defined in Section 1-105 of this title, owned or operated by a licensed child care facility while carrying children, ~~or of any school;~~

3. School bus carrying any school child, ~~or of any;~~

4. Motor vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo; or

5. Commercial motor vehicle required to be placarded for hazardous materials,

before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

~~(b)~~ B. No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

SECTION 3. 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. be:

1. ~~Said 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~~ Marked or placarded in accordance with ~~Section 77.823 of the Interstate Commerce Commission Regulations~~ 49 C.F.R. Section 177.823; and

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

Section 14-111. ~~(a)~~ 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)~~ B. The operator of any truck or other vehicle transporting farm products or other merchandise for hire shall have in his 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 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 5. AMENDATORY 47 O.S. 1991, Section 14-118, as last amended by Section 6, Chapter 189, O.S.L. 2000 (47 O.S. Supp. 2000, 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 governing the movement of vehicles or loads which exceed the size or weight limitations specified by the provisions of this chapter.

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 provided for in this chapter.

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 this chapter, 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 this chapter. 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 law enforcement 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.

- H. 1. When such machinery 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, and may designate highways to be

traveled, hours of travel and when flagmen may be required to precede or follow the equipment.

2. Possession of a permit shall in no way be construed as exempting such equipment from the authority of the Director of the Department of Transportation to restrict use of particular highways, nor shall it exempt owners or operators of such equipment from the responsibility for damage to highways caused by movement of the equipment. Nothing in this subsection shall apply to machinery used in highway construction or road material production.

3. 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 designated agents, upon the payment of a fee in the amount of Fifteen Dollars (\$15.00) for each movement.

4. 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.

5. 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.

6. Possession of a special driveaway permit shall in no way be construed as exempting such equipment from the authority of the Director of the Department of Transportation to restrict use of particular highways, nor shall it exempt the owners or operators of such equipment from the responsibility for damage to highways caused by the movement of such equipment.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 230.6, as amended by Section 3, Chapter 345, O.S.L. 1998 (47 O.S. Supp. 2000, Section 230.6), is amended to read as follows:

Section 230.6 A. No person prohibited from operating a commercial vehicle shall operate such commercial motor vehicle, nor shall any person authorize or require a person who has been prohibited from such operation of a motor vehicle to operate a commercial motor vehicle.

B. No person shall operate, authorize, or require the operation of any vehicle or the use of any container that has been marked out of service until all required corrections have been made, except upon approval of the Department such vehicle or container may be moved to another location for the purpose of repair or correction.

C. No person shall remove an out-of-service marking from a transport vehicle or container unless all required corrections have been made and the vehicle or container has been inspected and approved by an authorized officer, employee, or agent of the Department.

D. No employer shall knowingly allow, require, permit or authorize an employee to operate a commercial motor vehicle during any period:

1. In which the employee:

a. has had driving privileges to operate a commercial motor vehicle suspended, revoked, canceled, denied or disqualified,

- b. has had driving privileges to operate a commercial motor vehicle disqualified for life,
- c. is not licensed to operate a commercial motor vehicle, or
- d. has more than one commercial driver license; or

2. In which the employee, the commercial motor vehicle which the employee is operating, the motor carrier business or operation, or the employer is subject to an out-of-service order.

E. An employer who is ~~convicted of~~ determined by the Commissioner to have committed a violation of subsection D of this section shall be subject to a civil penalty of not less than Two Thousand Five Hundred Dollars (\$2,500.00) nor more than Ten Thousand Dollars (\$10,000.00).

F. An employee who ~~shall be deemed~~ is determined by the Commissioner to have violated committed a violation of any provision of this section shall be subject to a civil penalty of not less than One Thousand Dollars (\$1,000.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00).

SECTION 7. AMENDATORY 47 O.S. 1991, Section 230.13, is amended to read as follows:

Section 230.13 ~~A.~~ The Department of Public Safety and the Oklahoma Highway Patrol Division shall enforce the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and the rules ~~and regulations issued~~ promulgated thereto.

~~B. Provided however, no enforcement action against a motor carrier or other person pursuant to the provisions of this act shall be initiated by the Department or the Oklahoma Highway Patrol until such time as enabling legislation may be adopted following the filing of a report by the Department as provided in subsection C of this section.~~

~~C. The Department shall, on or before 1 January 1987, compile and file with the State Archivist, the Speaker of the House of~~

~~Representatives and the President Pro Tempore of the Senate, a report relating to motor carrier safety and the transportation of hazardous materials, which shall include recommendations for enforcement procedures and a list of proposed specific offenses with recommended penalties.~~

SECTION 8. RECODIFICATION 47 O.S. 1991, Section 22.5s, shall be recodified as Section 1133.2 of Title 47 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 9. This act shall become effective November 1, 2001.

48-1-7151 LAC 6/12/15