

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1509

By: Covey

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; transferring certain personnel, duties and responsibilities to the Department of Public Safety; stating conditions under which personnel shall transfer; requiring appointment of transition coordinators; setting duties for coordinators; requiring report; providing distribution and contents of report; stating goals for Department of Public Safety to work toward; amending 47 O.S. 2001, Sections 14-110 and 14-111, which relate to registration documents and weights of certain vehicles; eliminating references to Oklahoma Tax Commission and Oklahoma Corporation Commission; amending 47 O.S. 2001, Sections 161, 162, 162.1, 163, 163.1, 165, 166, 166a, 169, 169.5, 170, 170.1, 170.2, 171, 171.1, 172, 172.1, 177.2 and 177.3, which relate to motor carrier regulation; modifying definitions; modifying references to agency and division within agency responsible for motor carrier enforcement; removing requirement for Department of Public Safety to provide certain information to the Oklahoma Corporation Commission; modifying agency revolving fund to receive certain monies; amending 47 O.S. 2001, Sections 180, 180a, 180b, 180c, 180d, 180e, 180f, 180g, 180h, 180k, 180l and 180m, which relate to motor carrier vehicle identification devices; modifying definitions; modifying references to agency responsible to issue and enforce provisions regarding identification devices; modifying agency responsible to maintain certain records; amending 47 O.S. 2001, Sections 1115 and 1115.1, which relate to registration of vehicles; modifying enforcement entity; modifying title of certain officers; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1611 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding any other provision of law, effective July 1, 2003, the Transportation Division of the Oklahoma Corporation Commission and the Motor Vehicle Enforcement Section and the International Registration Plan (IRP)/International Fuel Tax Agreement (IFTA) Section of the Oklahoma Tax Commission are hereby abolished. The powers, duties and responsibilities exercised by the entities listed in this section pursuant to law shall be transferred to the Motor Carrier Enforcement Division to be established within the Department of Public Safety pursuant to the provisions of this section and Section 2 of this act. All records, property, matters pending and funds of any of the entities listed in this section shall be transferred to the Motor Carrier Enforcement Division of the Department of Public Safety pursuant to the provisions of this section.

B. The employees of the Oklahoma Tax Commission and Oklahoma Corporation Commission whose duties are transferred under this act shall be transferred to the Motor Carrier Enforcement Division of the Department of Public Safety or may accept another position with the agency by which they are currently employed. Personnel transferred pursuant to the provisions of this act shall not be required to accept a lesser grade or salary than presently received. No entrance exam shall be required for persons so transferred. All such persons shall retain leave, sick and annual time earned and any retirement benefits which have accrued during their tenure with the agency from which transferred. The transfer of personnel among the agencies shall be coordinated with the Office of Personnel Management.

C. Within ten (10) days of the effective date of this act, the Commissioner of Public Safety, the Oklahoma Tax Commission and the Oklahoma Corporation Commission shall each appoint or designate a transition coordinator.

The transition coordinators shall:

1. As authorized in conjunction with the Department of Central Services, Office of State Finance and Office of Personnel Management, oversee and administer the orderly transfer of responsibility, liabilities, property, records, personnel and any outstanding financial obligations or encumbrances to the Motor Carrier Enforcement Division of the Department of Public Safety from the Transportation Division of the Oklahoma Corporation Commission and the Motor Vehicle Enforcement Section and the International Registration Plan (IRP)/International Fuel Tax Agreement (IFTA) Section of the Oklahoma Tax Commission;

2. Investigate and review programs currently assigned or managed by each agency insofar as such programs relate to the areas and responsibilities transferred to determine if such program is effective and necessary, whether the program is duplicative of or overlapping other programs and whether such program should be abolished, combined or coordinated with other programs;

3. Review statutory provisions for each agency to determine if such provisions should be amended, repealed, or recodified to implement the provisions of this act; and

4. Take such other actions as may be reasonably necessary and appropriate to effectuate the orderly transition of programs and functions as provided by this act.

D. By October 1, 2003, the transition coordinators shall submit a final written report to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate. The final written report shall consist of:

1. The organizational framework of the Motor Carrier Enforcement Division of the Department of Public Safety;

2. A listing of positions transferred to the Motor Carrier Enforcement Division of the Department of Public Safety and job qualifications for those positions;

3. The types of programs necessary for the training of such employees;

4. Fiscal analysis and impact to the budgets of each state agency transferring functions and employees;

5. Transfer and implementation costs for the Oklahoma Corporation Commission, Oklahoma Tax Commission and the Department of Public Safety;

6. Implementation of specified functions, programs and resources to the Motor Carrier Enforcement Division of the Department of Public Safety; and

7. Such other information as may be deemed necessary by the transition coordinators.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1612 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Despite any other provision of law, upon the effective date of this act, the Department of Public Safety, the Oklahoma Tax Commission and the Oklahoma Corporation Commission shall do all things necessary to administer and implement the consolidation of motor carrier size, weight and safety requirements pursuant to Title 47 of the Oklahoma Statutes or applicable federal regulations.

1. The Department of Public Safety, the Oklahoma Tax Commission and the Oklahoma Corporation Commission shall be responsible for working toward a "one-stop shop", which shall include, but not be limited to, the administration and issuance of documents relating to:

- a. size and weight permits,
- b. single state registration,
- c. intrastate carrier licensing,
- d. the International Registration Plan, and
- e. the International Fuel Tax Agreement.

2. The Motor Carrier Enforcement Division of the Department of Public Safety shall work toward having the responsibility for the administration and operation of fixed site scale facilities.

3. The Motor Carrier Enforcement Division of the Department of Public Safety shall work toward audit responsibility over motor carriers including, but not limited to, compliance audits relating to:

- a. safety,
- b. size and weight violations,
- c. insurance, and
- d. registration mileage.

4. The Motor Carrier Enforcement Division of the Department of Public Safety shall work toward being responsible for the enforcement of all applicable statutes and rules governing motor carriers including, but not limited to:

- a. size and weights,
- b. permits,
- c. safety,
- d. single state registration,
- e. insurance,
- f. cargo manifests,
- g. International Registration Plan,
- h. International Fuel Tax Agreement, and
- i. tax exempt fuels.

5. The Motor Carrier Enforcement Division of the Department of Public Safety shall be responsible for the preparation and submission of enforcement plans and reports as may be required by the United States Department of Transportation or Federal Highway Administration.

B. All records, property, matters pending and funds of the entities abolished in Section 1 of this act relating to the powers, duties and responsibilities enumerated in subsection A of this

section shall be transferred to the Motor Carrier Enforcement Division of the Department of Public Safety on July 1, 2003.

SECTION 3. AMENDATORY 47 O.S. 2001, Section 14-110, is amended to read as follows:

Section 14-110. The registration certificate for any truck, trailer, semitrailer or combination thereof shall be carried in or on the vehicle at all times and shall be presented on demand of any officer of the Department of Public Safety, ~~Oklahoma Tax Commission,~~ or any sheriff for ~~his~~ inspection, and it shall be accepted in any court as prima facie evidence of weight registration or legally authorized load limit of the vehicle.

SECTION 4. AMENDATORY 47 O.S. 2001, 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, the officer 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~~ possession of a certificate carrying the following information: name of the operator; driver license number; vehicle registration number; ~~Corporation Commission~~ Department of Public Safety permit number; statement of owner authorizing transportation of the products by the 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~~ the 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~~ the merchandise or livestock having just been purchased, ~~he~~ the operator shall have ~~in his~~ possession of a bill of sale for such merchandise or livestock. Should the operator be the owner of livestock or other farm products produced by ~~him~~ the operator, ~~he~~ the operator shall be required to show satisfactory identification and ownership of the vehicle. Any officer as ~~outlined~~ named in subsection A of this chapter section shall have the authority to stop any vehicle loaded with livestock, merchandise or other farm products and investigate as to the ownership of ~~said~~ the 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~~ should the operator not have a certificate signed by the owner as specified in this section for the transportation of such merchandise, livestock or other farm products, ~~said~~ the merchandise, livestock or other farm products and the vehicle in which they are being transported shall be impounded by ~~said~~ the officer and any expense as to the

care of any livestock shall be the responsibility of the owner or operator of ~~said~~ the vehicle, any loss or damage of ~~said~~ the merchandise, livestock or other farm products shall be the responsibility of the operator or owner, or both.

SECTION 5. AMENDATORY 47 O.S. 2001, Section 161, is amended to read as follows:

Section 161. A. It is hereby declared that it is necessary in the public interest to regulate transportation by motor carriers of household goods and used emigrant movables in such manner as to recognize and preserve the inherent advantages of, and foster sound economic conditions in such transportation and among such carriers; promote adequate, economical, efficient service by motor carriers, and reasonable charges therefor, without unjust discriminations, undue preferences or advantages and unfair or destructive competitive practices; develop and preserve a highway transportation system properly adapted to the agricultural, industrial and commercial needs of the commerce of the State of Oklahoma and the national defense; and cooperate with the government of the United States, the departments of the State of Oklahoma, regulatory bodies of other states, and the duly authorized officials thereof and with any organization of motor carriers in the administration and enforcement of this act.

B. The provisions of this act, except as hereinafter specifically limited, shall apply to the transportation of household goods and used emigrant movables by motor carriers over public highways of this state; and the regulations of such transportation, and the procurement thereof and the provisions of facilities therefor, is hereby vested in the ~~Oklahoma Corporation Commission~~ Department of Public Safety.

Nothing herein shall be construed to interfere with the exercise by agencies of the government of the United States of its power of regulation of interstate commerce.

C. As used in this act:

1. "Person" means any individual, firm, copartnership, limited partnership, corporation, limited liability corporation, company, association, or joint-stock association and includes any trustee, receiver, assignee, or personal representative thereof;

2. "~~Commission~~ Department" means the ~~Oklahoma Corporation~~ Commission Department of Public Safety;

3. "Certificate" means the certificate of public convenience and necessity issued under authority of the laws of the State of Oklahoma to common carriers of household goods or used emigrant movables by motor vehicle;

4. "Permit" means a permit issued under authority of the laws of the State of Oklahoma to contract carriers of household goods or used emigrant movables by motor vehicle;

5. "Motor vehicle" means any automobile, truck, truck-tractor, trailer or semitrailer or any motor bus or any self-propelled vehicle not operated or driven upon fixed rails or tracks;

6. "Motor carrier" includes both a common carrier by motor vehicle and a contract carrier by motor vehicle, operating upon any public highway for the transportation of household goods and used emigrant movables for compensation or for hire or for commercial purposes, and not operating exclusively within the limits of an incorporated city or town within this state;

7. "Common carrier by motor vehicle" means any person which holds itself out to the general public to engage in the transportation by motor vehicle in intrastate commerce of household goods or used emigrant movables or any class or classes thereof for compensation;

8. "Contract carrier by motor vehicle" means any person which engages in transportation by motor vehicle of household goods or used emigrant movables in intrastate commerce, for compensation (other than transportation referred to in ~~the preceding~~ paragraph 7

of this subsection) under continuing contracts with one person or a limited number of persons either:

- a. for the furnishing of transportation services through the assignment of motor vehicles for a continuing period of time to the exclusive use of each person served, or
- b. for the furnishing of transportation services designed to meet the distinct need of each individual customer;

9. "Corporate family" means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly one hundred percent (100%) interest;

10. "Intercorporate hauling" means the transportation of property, by motor vehicle, for compensation, by a carrier which is a member of a corporate family, as defined in this act, when the transportation for compensation is provided for other members of the corporate family; and

11. "Public highway" means every public street, road or highway, or thoroughfare in this state, used by the public, whether actually dedicated to the public and accepted by the proper authorities or otherwise.

D. The terms and provisions of this act shall apply to commerce with foreign nations, or commerce among the several states of this Union, insofar as such application may be permitted under the provisions of the Constitution of the United States and the Acts of Congress.

SECTION 6. AMENDATORY 47 O.S. 2001, Section 162, is amended to read as follows:

Section 162. A. It shall be the duty of the ~~Corporation~~ Commission Department of Public Safety to:

1. Supervise and regulate every motor carrier of household goods or used emigrant movables and not operating exclusively within the limits of an incorporated city or town in this state;

2. Fix or approve the maximum or minimum, or maximum and minimum rates, fares, charges, classifications and rules pertaining thereto, of each such motor carrier;

3. Regulate and supervise the accounts, schedules and service of each such motor carrier; and for the conservation of the public highways;

4. Prescribe a uniform system and classification of accounts to be used, which among other things shall set up adequate depreciation charges, and after such accounting system shall have been promulgated, such motor carriers shall use no other;

5. Require the filing of annual reports, and other data as required from time to time by the ~~Commission~~ Department; and

6. Supervise and regulate such motor carriers in all other matters affecting the relationship between such carriers and the traveling and shipping public.

B. The ~~Commission~~ Department is authorized to promulgate rules applicable to any or all motor carriers of household goods or used emigrant movables.

C. 1. The Commission is authorized to administer a hazardous waste transportation registration and permitting program for motor carriers engaged in transporting hazardous waste upon or over the public highways and within the borders of the state.

2. The Commission shall promulgate rules implementing the provisions of this subsection. Rules promulgated pursuant to this subsection shall be consistent with, and equivalent in scope, coverage, and content to requirements applicable to operators of vehicles transporting hazardous materials contained in the report submitted to the Secretary of the United States Department of

Transportation, pursuant to 49 U.S.C. 5119(b), by the Alliance for Uniform Hazardous Material Transportation Procedures.

D. Nothing in this section shall be construed to remove or affect the jurisdiction of the Department of Environmental Quality to implement hazardous waste transportation requirements for federal hazardous waste program delegation to this state under the federal Resource Conservation and Recovery Act.

SECTION 7. AMENDATORY 47 O.S. 2001, Section 162.1, is amended to read as follows:

Section 162.1 A. The ~~Corporation Commission~~ Department of Public Safety is authorized to promulgate all rules ~~and regulations~~ necessary to enable the State of Oklahoma to participate in the single state registration system for motor carriers authorized by the Intermodal Surface Transportation Efficiency Act of 1991, 49 U.S.C., Section 11506 (1991), and by applicable rules and regulations of the Interstate Commerce Commission.

B. The ~~Corporation Commission~~ Department of Public Safety is authorized to apply rules ~~and regulations~~ to interstate motor carriers exempt from the Interstate Commerce Commission regulations.

SECTION 8. AMENDATORY 47 O.S. 2001, Section 163, is amended to read as follows:

Section 163. A. No common carrier by motor vehicle, unless otherwise provided by this act, shall engage in the transportation of household goods or used emigrant movables unless the rates, fares, and charges upon which the same are transported by ~~said~~ the carrier have been published, filed and are in effect in accordance with the provisions of Section 161 et seq. of this act title.

B. All charges made by any motor carrier for any intrastate service rendered or to be rendered by any motor carrier in the transportation of household goods or used emigrant movables, or in connection therewith, shall be just and reasonable and every unjust

and unreasonable charge for such service or any part thereof is prohibited and declared unlawful.

C. In the exercise of its power to prescribe just and reasonable rates, fares, and charges for the transportation of household goods or used emigrant movables by common carriers by motor vehicle, and classifications, regulations and practices relating thereto, the ~~Commission~~ Department shall give due consideration, among other factors, to the need, in the public interest, of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable such carriers to provide such service at a reasonable return to the carrier.

D. Every common carrier by motor vehicle shall file with the ~~Commission~~ Department, publish, and keep open to public inspection tariffs showing all the rates, fares, and charges for transportation, and all services in connection therewith, of household goods or used emigrant movables in intrastate commerce between points on its own route and points on the route of any other such carrier when a through route and joint rate shall be established. The tariffs required by this section shall be published, filed and posted in such form and manner and shall contain such information as the ~~Commission~~ Department by ~~regulations~~ rule shall prescribe; and the ~~Commission~~ Department is authorized to reject any tariff filed with it the form of which is not consistent with this section and with such ~~regulations~~ rules. Any tariff so rejected by the ~~Commission~~ Department shall be void and its use shall be unlawful. The ~~Commission~~ Department is further authorized in its discretion to suspend, upon complaint of any interested person or upon its own motion, the effectiveness of any tariff or portion thereof filed with it, where it appears ~~said~~ the tariff or portion thereof may not be consistent with this section or the

~~regulations~~ rules of the ~~Commission~~ Department, and shall set the motion for hearing; and after hearing the ~~Commission~~ Department shall, within ninety (90) days after hearing, amend or reject the tariff or portion thereof so filed, upon determination as to whether or not it is consistent with this section and with the ~~regulations~~ rules of the ~~Commission~~ Department.

E. No common carrier of household goods or used emigrant movables by motor vehicle shall charge or demand or collect or receive a greater, or less, or different compensation for transportation or for any service in connection therewith between the points enumerated or distances set out in such tariff than the rates, fares, and charges specified in the tariffs in effect at the time; and no such carrier shall refund or remit in any manner or by any device, directly or indirectly, any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities for transportation in intrastate commerce except such as are specified in its tariffs. All actions at law for the recovery of undercharges or overcharges, or any part thereof, shall be begun within three (3) years from the time the cause of action accrues and not thereafter.

F. No change shall be made in any rate, fare, charge, or classification, or any rule, regulation, or practice affecting such rate, fare, charge, or classification, or the value of the service thereunder, specified in any effective tariff or a common carrier of household goods or used emigrant movables by motor vehicle, except after thirty (30) days' notice of the proposed change filed and posted in accordance with this section. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. The ~~Commission~~ Department may, in its discretion and for good cause shown, allow such change upon notice less than that herein specified or modify the requirements of this section with respect to posting and filing of tariffs either in particular

instances or by general order applicable to specific or peculiar circumstances or conditions.

G. It shall be the duty of every contract carrier of household goods or used emigrant movables by motor vehicle to establish and observe reasonable actual rates and charges, which shall not be lower than the published common carrier rates and charges, for any service rendered or to be rendered in the transportation of household goods or used emigrant movables or in connection therewith, and to establish and observe reasonable regulations and practices to be applied in connection with ~~said~~ the reasonable actual rates and charges. It shall be the duty of every contract carrier of household goods or used emigrant movables by motor vehicle to file with the ~~Commission~~ Department, publish, and keep open for public inspection, in the form and manner prescribed by the ~~Commission~~ Department, schedules containing the actual rates or charges of such carrier actually maintained and charged for the transportation of household goods or used emigrant movables in intrastate commerce, and any rule, regulation, or practice affecting such rates or charges and the value of the service thereunder. No such contract carrier, unless otherwise provided by this act, shall engage in the transportation of household goods or used emigrant movables in intrastate commerce unless the actual charges for such transportation by ~~said~~ the carrier have been published, filed and posted in accordance with the provisions of this act. No change shall be made in any such charge either directly or by means of any change in any rule, regulation, or practice affecting such charge or the value of service thereunder, except after thirty (30) days' notice of the proposed change filed in the aforementioned form and manner; but the ~~Commission~~ Department may, in its discretion and for good cause shown, allow such change upon less notice, or modify the requirements of this ~~paragraph~~ subsection with respect to posting and filing of such schedules, either in particular instances, or by

general order applicable to special or peculiar circumstances, or conditions. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. No such carrier shall demand, charge, or collect a different compensation for such transportation than the charges filed in accordance with this ~~paragraph~~ subsection, as affected by any rule, regulation, or practice so filed, or as may be prescribed by the ~~Commission~~ Department from time to time, and it shall be unlawful for any such carrier, by the furnishing of special services, facilities, or privileges, or by any other device whatsoever, to charge or accept other than the charges so published and filed.

H. Whenever, after hearing, upon complaint or upon its own initiative, the ~~Commission~~ Department finds that any actual rate or charge of any contract carrier of household goods or used emigrant movables by motor vehicle, or any rule, regulation, or practice of any such carrier affecting such actual rate or charge, or the value of the service thereunder, for the transportation of household goods or used emigrant movables or in connection therewith is in violation of any provision of this act, the ~~Commission~~ Department may prescribe such just and reasonable actual rate or charge, or such rule, regulation or practice as in its judgment may be necessary or desirable in the public interest and will not be in violation of any provision of this act. Such actual rate or charge, or such rule, regulation, or practice so prescribed by the ~~Commission~~ Department, shall give no advantage or preference to any such carrier in competition with any common carrier by motor vehicle subject to this act. The ~~Commission~~ Department shall give due consideration to the cost of the services rendered by such carrier and to the effect of such actual rate or charge, or such rule, regulation, or practice, upon the movement of traffic by such carriers. All complaints shall state fully the facts complained of and shall be made under oath.

I. Every motor carrier, subject to this act, receiving household goods or used emigrant movables for transportation in intrastate commerce shall issue a receipt or bill of lading therefor, the form of which shall be prescribed by the ~~Commission~~ Department.

J. No common carrier by motor vehicle shall deliver or relinquish possession at destination of any household goods or used emigrant movables transported by it in intrastate commerce until all tariff rates and charges thereon have been paid, except under such rules ~~and regulations~~ as the ~~Commission~~ Department may from time to time ~~prescribe~~ promulgate to govern the settlement of all such rates and charges.

K. Any person, motor carrier, or shipper who shall willfully violate any provision of this section by any means shall be deemed guilty of a misdemeanor and upon conviction thereof be fined as provided by law.

SECTION 9. AMENDATORY 47 O.S. 2001, Section 163.1, is amended to read as follows:

Section 163.1 A. The ~~Commission~~ Department is hereby authorized and empowered to appoint two tariff rate field agents to be employed in the motor carrier enforcement division whose duty and function, in the public interest, it shall be to investigate, gather evidence and report to the ~~Commission~~ Department in writing any violations of the provisions of Section 163 of this title by any person, motor carrier, or shipper.

B. The tariff rate field agents shall be graduates of an accredited college or university, or have had at least seven (7) years' practical experience in rates or related fields in the transportation industry.

C. The tariff rate field agents shall be paid such salaries or compensation as is paid for similar service in this state in the same or other departments of the state, and shall be allowed actual

necessary travel, telephone and telegraph expense incurred in the performance of their duties; the salaries and expenses to be paid out of funds appropriated by the general departmental appropriations act.

D. When the ~~Commission~~ Department, upon complaint, or upon written report of a tariff rate field agent, has reason to believe that any person, motor carrier, or shipper is or has willfully violated any provision of Section 163 of this title, the ~~Commission~~ Department shall, upon its own initiative, file a contempt proceeding and set a date for the same to be heard before the ~~Commission~~ Department, and upon conviction the ~~Commission~~ Department shall invoke such contempt penalties as provided in Section 172 of this title.

SECTION 10. AMENDATORY 47 O.S. 2001, Section 165, is amended to read as follows:

Section 165. A. Upon the filing by an intrastate motor carrier of household goods or used emigrant movables of an application for a permit or certificate or the transfer of a permit or certificate, the applicant shall pay to the ~~Corporation-Commission~~ Department of Public Safety a filing fee in the sum of One Hundred Dollars (\$100.00) with an original application for permanent or temporary authority.

B. Upon the filing by an interstate motor carrier of an application to register interstate authority, or supplement thereto, the applicant shall pay the ~~Commission~~ Department a filing fee as established by the ~~Commission~~ Department and in full compliance with applicable federal laws and regulations.

C. The ~~Commission~~ Department shall, upon the receipt of any such fee, deposit the same in the State Treasury to the credit of the ~~Corporation-Commission~~ Department of Public Safety Revolving Fund.

SECTION 11. AMENDATORY 47 O.S. 2001, Section 166, is amended to read as follows:

Section 166. A. It is hereby declared unlawful for any common carrier of household goods or used emigrant movables by motor vehicle to operate or furnish service within this state without having obtained from the ~~Commission~~ Department a certificate declaring that public convenience and necessity require such operation, or for any contract carrier of household goods or used emigrant movables by motor vehicle to operate or furnish service within the state without having obtained a permit from the ~~Commission~~ Department declaring the operation shall be consistent with the public interest. The ~~Commission~~ Department shall have power, and it shall be its duty after public hearing, to issue ~~said~~ the certificate or permit as prayed for, or to refuse to issue the same, or to issue it for the partial exercise only of ~~said~~ the privilege sought within sixty (60) days of final hearing, and may attach to the exercise of the rights granted by such certificate or permit such terms and conditions as in its judgment the public convenience and necessity or public interest may require; provided that in all such cases it will be presumed, in the absence of competent evidence to the contrary, that intrastate common carriers operating under existing certificates are rendering adequate service between the points or within the areas authorized to be served by them, and the applicant has the burden of proof to show otherwise; and provided further, that the mere filing of an application does not authorize any person to operate as a motor carrier.

B. In granting applications for certification or permits the ~~Commission~~ Department shall take into consideration the reliability and financial condition of the applicant and ~~his~~ the sense of responsibility of the applicant toward the public; the transportation service being maintained by presently existing motor carriers; and any other matters tending to show the need or lack of

necessity for granting ~~said~~ the application. No permit for any contract carrier by motor vehicle shall be issued without the applicant proving by competent evidence that the transport service proposed under the contract is not such that it could be reasonably furnished by existing carriers, and further, that such permit would not jeopardize the existing common carrier service.

Provided, however, that in no instance shall a contract carrier of household goods or used emigrant movables by motor vehicle be authorized to serve more than six contracting shippers at any one time; provided further that such contracts are to be filed and approved by the ~~Commission~~ Department before the operation thereunder.

C. No common motor carrier shall transport property as a contract carrier in the same truck, at the same time that ~~he~~ the common motor carrier is transporting property as a common motor carrier. No common motor carrier shall transport any property as a contract carrier which property the carrier is authorized to so transport as a common carrier. No contract motor carrier shall transport property as a common carrier in the same truck at the same time that the contract carrier is transporting property as a contract carrier.

D. In the event a person who has once been issued a certificate or permit files an application for additional authority with the ~~Commission~~ Department, each application shall be identified by consecutive subnumbers and if the application is granted, the additional authority shall be incorporated under the original certificate or permit of the person and identified by the applicable subnumbers. The ~~Commission~~ Department may at any time after a public hearing and for good cause, suspend, alter, amend or revoke any such certificate or permit. Provided that the record owner of the certificate or permit shall be entitled to have ten (10) days' written notice by certified mail from the ~~Commission~~ Department of

any hearing affecting the certificate or permit, except as hereinafter provided in Section 169 of this title. The right of appeal from the order or orders shall be given as in other cases appealed from orders of the ~~Commission~~ Department.

E. No intrastate carrier shall discontinue any service authorized by permit or certificate under the provisions of this act, without written authority from the ~~Commission~~ Department. Any carrier to whom a permit or certificate has been issued under the provisions of this act, desiring to discontinue such service, shall apply to the ~~Commission~~ Department in writing for privilege to so discontinue such service, and give notice in writing in such manner as directed by the ~~Commission~~ Department, for a period of not less than thirty (30) days prior to the hearing thereof, to the public and all parties interested. Upon the filing of such application for discontinuance, the ~~Commission~~ Department shall direct the type of service or notice to be given for a period of not less than thirty (30) days, and fix the date of hearing thereof, at which hearing the ~~Commission~~ Department shall hear evidence and issue its order granting or refusing such application, as the facts developed may justify.

F. Permits or certificates shall not be assigned or transferred, in any manner, without authority of the ~~Commission~~ Department and on written application and public hearing; the transfer of the permits or certificates shall not be authorized when the ~~Commission~~ Department finds such action will be inconsistent with the public interest, or will have the effect of destroying competition or creating a monopoly, nor where it appears that reasonable continuous service under the authority which is sought to be transferred has not been rendered for one hundred eighty (180) days prior to the application for transfer or assignment. All applications for transfer must be made on proper forms prescribed by the ~~Commission~~ Department.

G. Motor carriers must operate and furnish service in strict conformity with the current existing terms and provisions of their respective certificates or permits. Provided, that it shall not be necessary for any interstate carrier, in order to obtain a permit, as herein provided, to make any showing of public need, except as to the transportation of passengers or freight between points within the state, the power to regulate such operation being specifically reserved herein; and provided further, the ~~Commission~~ Department shall exercise any additional power that may from time to time be conferred upon the state by any Act of Congress.

H. The ~~Commission~~ Department shall ~~adopt~~ promulgate rules prescribing the manner and form in which motor carriers shall apply for certificates or permits required by this section. Among other rules ~~adopted~~ promulgated, the application shall be in writing and shall contain:

1. The name and address of the applicant and the names and addresses of its officers, if any;
2. Full information concerning the financial conditions and physical properties of the applicant;
3. The complete route, or routes, over which, or the area within which the applicant desires to operate; and
4. A schedule or tariff showing the freight rates to be charged between the several points or localities to be served.

I. Upon filing of the application, the ~~Commission~~ Department shall, in its discretion, fix the time and place for the hearing of the same, which shall not be more than forty-five (45) days after the filing of ~~said~~ the application.

J. In order for the public and all interested parties to receive proper notice, in addition to any notice the ~~Commission~~ Department may prescribe, the ~~Commission~~ Department shall circulate, on its own docket form, notice of all applications for, or transfers of, certificates or permits to operate as a motor carrier which have

been filed and are pending. The notice shall be published at least fifteen (15) days prior to the date of hearing and shall show:

1. The time and place of the hearing;
2. The name and address of the applicant;
3. The route or territory involved; and
4. Such other information as the ~~Commission~~ Department may

consider pertinent to the notice.

K. Upon written annual request and payment of an annual fee to the ~~Commission~~ Department, the publication shall immediately be furnished by mail to any person by the ~~Commission~~ Department. The fee shall be set by the ~~Commission~~ Department at reasonable cost and shall not exceed the actual expense of publication. The ~~Commission~~ Department shall upon receipt of any fee deposit the same in the State Treasury to the credit of the General Revenue Fund.

SECTION 12. AMENDATORY 47 O.S. 2001, Section 166a, is amended to read as follows:

Section 166a. A. As used in this section:

1. "Authorized carrier" means a person or persons authorized to engage in the transportation of household goods or used emigrant movables as a common or contract carrier;

2. "Equipment" means a motor vehicle, straight truck, tractor, semitrailer, full trailer, any combination of these and any other type of equipment used by authorized carriers in the transportation of household goods or used emigrant movables for hire;

3. "Owner" means a person to whom title to equipment has been issued, or who, without title, has the right to exclusive use of equipment for a period longer than thirty (30) days;

4. "Lease" means a contract or arrangement in which the owner grants the use of equipment, with or without driver, for a specified period to an authorized carrier for use in the regulated transportation of household goods or used emigrant movables, in exchange for compensation;

5. "Lessor", in a lease, means the party granting the use of equipment, with or without driver, to another;

6. "Lessee", in a lease, means the party acquiring the use of equipment with or without driver, from another;

7. "Addendum" means a supplement to an existing lease which is not effective until signed by the lessor and lessee; and

8. "Shipper" means a person who sends or receives household goods or used emigrant movables which is transported in intrastate commerce in this state.

B. An authorized carrier may perform authorized transportation in equipment it does not own only under the following conditions:

1. There shall be a written lease granting the use of the equipment and meeting the requirements as set forth in subsection C of this section;

2. The authorized carrier acquiring the use of equipment under this section shall identify the equipment in accordance with the ~~Commission's~~ requirements of the Department; and

3. Upon termination of the lease, the authorized carrier shall remove all identification showing it as the operating carrier before giving up possession of the equipment.

C. The written lease required pursuant to subsection B of this section shall contain the following provisions. The required lease provisions shall be adhered to and performed by the authorized carrier as follows:

1. The lease shall be made between the authorized carrier and the owner of the equipment. The lease shall be signed by these parties or by their authorized representatives;

2. The lease shall specify the time and date or the circumstances on which the lease begins and ends and include a description of the equipment which shall be identified by vehicle serial number, make, year, model and current license plate number;

3. The period for which the lease applies shall be for thirty (30) days or more when the equipment is to be operated for the authorized carrier by the owner or an employee of the owner;

4. The lease shall provide that the authorized carrier lessee shall have exclusive possession, control and use of the equipment for the duration of the lease. The lease shall further provide that the authorized carrier lessee shall assume complete responsibility for the operation of the equipment for the duration of the lease;

5. The amount to be paid by the authorized carrier for equipment and driver's services shall be clearly stated on the face of the lease or in an addendum which is attached to the lease. The amount to be paid may be expressed as a percentage of gross revenue, a flat rate per mile, a variable rate depending on the direction traveled or the type of commodity transported, or by any other method of compensation mutually agreed upon by the parties to the lease. The compensation stated on the lease or in the attached addendum may apply to equipment and driver's services either separately or as a combined amount;

6. The lease shall clearly specify the responsibility of each party with respect to the cost of fuel, fuel taxes, empty mileage, permits of all types, tolls, detention and accessorial services, base plates and licenses, and any unused portions of such items. Except when the violation results from the acts or omissions of the lessor, the authorized carrier lessee shall assume the risks and costs of fines for overweight and oversize trailers when the trailers are preloaded, sealed, or the load is containerized, or when the trailer or lading is otherwise outside of the lessor's control, and for improperly permitted overdimension and overweight loads and shall reimburse the lessor for any fines paid by the lessor. If the authorized carrier is authorized to receive a refund or a credit for base plates purchased by the lessor from, and issued in the name of, the authorized carrier, or if the base plates are

authorized to be sold by the authorized carrier to another lessor the authorized carrier shall refund to the initial lessor on whose behalf the base plate was first obtained a prorated share of the amount received;

7. The lease shall specify that payment to the lessor shall be made by the authorized carrier within fifteen (15) days after submission of the necessary delivery documents and other paperwork concerning a trip in the service of the authorized carrier. The paperwork required before the lessor can receive payment is limited to those documents necessary for the authorized carrier to secure payment from the shipper. The authorized carrier may require the submission of additional documents by the lessor but not as a prerequisite to payment;

8. The lease shall clearly specify the right of those lessors whose revenue is based on a percentage of the gross revenue for a shipment to examine copies of the authorized carrier's freight bill before or at the time of settlement. The lease shall clearly specify the right of the lessor, regardless of method of compensation, to examine copies of the carrier's tariff;

9. The lease shall clearly specify all items that may be initially paid for by the authorized carrier, but ultimately deducted from the lessor's compensation at the time of payment or settlement together with a recitation as to how the amount of each item is to be computed. The lessor shall be afforded copies of those documents which are necessary to determine the validity of the charge;

10. The lease shall specify that the lessor is not required to purchase or rent any products, equipment, or services from the authorized carrier as a condition of entering into the lease arrangement;

11. As it relates to insurance:

- a. the lease shall clearly specify the legal obligation of the authorized carrier to maintain insurance coverage for the protection of the public, and
- b. the lease shall clearly specify the conditions under which deductions for cargo or property damage may be made from the lessor's settlements. The lease shall further specify that the authorized carrier must provide the lessor with a written explanation and itemization of any deductions for cargo or property damage made from any compensation of money owed to the lessor. The written explanation and itemization must be delivered to the lessor before any deductions are made; and

12. An original and two copies of each lease shall be signed by the parties. The authorized carrier shall keep the original and shall place a copy of the lease in the equipment during the period of the lease. The owner of the equipment shall keep the other copy of the lease.

D. The provisions of this section shall apply to the leasing of equipment with which to perform transportation regulated by the ~~Corporation Commission~~ Department of Public Safety by motor carriers holding permanent or temporary authority from the ~~Commission~~ Department to transport household goods or used emigrant movables.

SECTION 13. AMENDATORY 47 O.S. 2001, Section 169, is amended to read as follows:

Section 169. A. No certificate or permit shall be issued by the ~~Commission~~ Department to any motor carrier of household goods or used emigrant movables until after such motor carrier shall have filed with the ~~Commission~~ Department a liability insurance policy or bond covering public liability and property damage, issued by some insurance or bonding company or insurance carrier authorized as set forth below, and which has complied with all of the requirements of

the ~~Commission~~ Department, which bond or policy shall be approved by the ~~Commission~~ Department, and shall be in such sum and amount as fixed by a proper order of the ~~Commission~~ Department; and such liability and property damage insurance policy or bond shall bind the obligor thereunder to make compensation for injuries to, or death of, persons, and loss or damage to property, resulting from the operation of any such motor carrier for which such carrier is legally liable. A copy of the policy or bond shall be filed with the ~~Commission~~ Department, and, after judgment against the carrier for any damage, the injured party may maintain an action upon the policy or bond to recover the same, and shall be a proper party to maintain such action.

B. Every motor carrier of household goods or used emigrant movables shall file with the ~~Commission~~ Department a cargo insurance policy or bond covering any goods or property being transported, issued by some insurance or bonding company or insurance carrier authorized as set forth below, and which has complied with all of the requirements of the ~~Commission~~ Department, which bond or policy shall be approved by the ~~Commission~~ Department, and shall be in a sum and amount as fixed by a proper order of the ~~Commission~~ Department. The cargo insurance must be filed with the ~~Commission~~ Department prior to a certificate or permit being issued by the ~~Commission~~ Department.

C. No carrier, whose principal place of business is in Oklahoma, shall conduct any operations in this state unless the operations are covered by a valid primary bond or insurance policy issued by a provider authorized or approved by the State Insurance Commissioner. No carrier shall conduct any operations in this state unless the operations are covered by a valid bond or insurance policy issued by a provider licensed or approved by the State Insurance Commissioner or the insurance regulatory authority of any other state.

D. Each motor carrier shall maintain on file, in full force, all insurance required by the laws of the State of Oklahoma and the rules of the ~~Commission~~ Department during such motor carrier's operation and that the failure for any cause to maintain such coverage in full force and effect shall immediately, without any notice from the ~~Commission~~ Department, suspend such carrier's rights to operate until proper insurance is provided. Any carrier suspended for failure to maintain proper insurance shall have a reasonable time, not exceeding sixty (60) days, within which to provide proper insurance and to have ~~his~~ the authority reactivated, upon showing:

1. No operation during the period in which ~~he~~ the carrier did not have insurance; and

2. Furnishing of proper insurance coverage.

E. Any carrier who fails to reactivate ~~his~~ or its permit or certificate within sixty (60) days after such suspension, as above provided, shall have ~~said~~ the permit or certificate canceled, by operation of law, without any notice from the ~~Commission~~ Department. No certificate or permit so canceled shall be reinstated or otherwise made operative except that the ~~Commission~~ Department may reinstate the authority of a motor carrier upon proper showing that the motor carrier was actually covered by proper insurance during the suspension or cancellation period, and that failure to file with the ~~Commission~~ Department was not due to the motor carrier's own negligence. Any carrier desiring to file for reinstatement of its certificate or permit shall do so within ninety (90) days of its cancellation by law.

F. The ~~Commission~~ Department shall, in its discretion, permit the filing of certificates of insurance coverage on such form as may be prescribed by the ~~Commission~~ Department, in lieu of copies of insurance policies or bonds, with the proviso that if the certificates are authorized, the insurance company or carrier so

filing it, upon request of the ~~Commission~~ Department, shall, at any time, furnish an authenticated copy of the policy which the certificate represents, and further provided that thirty (30) days prior to effective cancellation or termination of the policy of insurance for any cause, the insurer shall so notify the ~~Commission~~ Department in writing of the facts or as deemed necessary by the ~~Commission~~ Department.

SECTION 14. AMENDATORY 47 O.S. 2001, Section 169.5, is amended to read as follows:

Section 169.5 If the carrier fails to process loss or damage claims as provided in Sections 169.2 through 169.4 of this title, or to express declinations of ~~said~~ the claims in writing with proof of nonliability, ~~said~~ the carrier may be fined by the ~~Corporation~~ Commission Department of Public Safety an amount not to exceed Five Hundred Dollars (\$500.00) upon hearing of a complaint filed with the ~~Commission~~ Department. Failure to pay the fine or resolve the complaint will result in a hearing by the ~~Corporation~~ Commission Department of Public Safety to determine if the operating authority of the carrier shall be revoked.

SECTION 15. AMENDATORY 47 O.S. 2001, Section 170, is amended to read as follows:

Section 170. A. Nothing contained in this act shall be construed to authorize the operation of any freight vehicle in excess of the gross weight, width, length or height authorized by law.

B. Any person who willfully advertises to perform transportation services for which ~~he~~ that person does not hold a proper certificate or permit shall be in violation of this act and subject to the penalties prescribed for contempt of the ~~Commission~~ Department.

C. All certificates or permits issued by the ~~Commission~~ Department under any law of the state relating to motor carriers

shall contain the provision that the ~~Commission~~ Department reserves to itself authority to suspend and/or cancel any such certificate or permit for the violation, on the part of the applicant or any operator or operators of any motor vehicle to be operated thereunder, of any law of the State of Oklahoma or any rule ~~adopted~~ promulgated by the ~~Commission~~ Department; and the ~~Commission~~ Department may cancel the certificate of any motor carrier operating as an intrastate carrier, who shall fail to remit to the consignor, within ten (10) days after collection from the consignee, of any or all C.O.D. charges or collections.

D. Certificates or permits shall be considered personal to the holder thereof and shall be issued only to some definite legal entity operating motor vehicles as a motor carrier of household goods or used emigrant movables, and shall not be subject to lease, nor shall the holder thereof sublet or permit the exercise, by another, in anywise, of the rights or privileges granted thereunder; provided, nothing herein contained shall be construed to prohibit the ~~Commission~~ Department, in case the necessities of public convenience require temporary service over any route, to grant authority to another motor carrier to render such service, upon compliance with the other provisions of law applicable to other motor carriers.

SECTION 16. AMENDATORY 47 O.S. 2001, Section 170.1, is amended to read as follows:

Section 170.1 A. Upon any complaint in writing under oath being made by any person, or by the ~~Commission~~ Department of its own motion, setting forth any act or thing done or omitted to be done by any person in violation, or claimed violation, of any provision of law, or of any order or rule of the ~~Commission~~ Department, the ~~Commission~~ Department shall enter same upon its docket and shall immediately serve a copy thereof upon each defendant together with a notice directed to each defendant requiring that the matter

complained of be answered, in writing, within ten (10) days of the date of service of such notice, provided that the ~~Commission~~ Department may, in its discretion, require particular cases to be answered within a shorter time, and the ~~Commission~~ Department may, for good cause shown, extend the time in which an answer may be filed.

Upon the filing of the answer herein provided for, the ~~Commission~~ Department shall set a time and place for the hearing, and notice of the time and place of the hearing shall be served not less than ten (10) days before the time set therefor, unless the ~~Commission~~ Department shall find that public necessity requires the hearing at an earlier date.

B. The ~~Commission~~ Department may, in all matters within its jurisdiction, issue subpoenas, subpoenas duces tecum, and all necessary process in proceedings pending before the ~~Commission~~ Department; may administer oaths, examine witnesses, compel the production of records, books, papers, files, documents, contracts, correspondence, agreements, or accounts necessary for any investigation being conducted, and certify official acts.

C. In case of failure on the part of any person to comply with any lawful order of the ~~Commission, or of any Commissioner~~ Department, or with any subpoena or subpoena duces tecum, or to testify concerning any matter on which ~~he~~ that person may be lawfully interrogated, the ~~Commission~~ Department may compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena, or of the refusal to testify.

D. Witnesses who are summoned before the ~~Commission~~ Department shall be paid the same fees and mileage as are paid to witnesses in courts of record. Any party to a proceeding at whose instance a subpoena is issued and served shall pay the costs incident thereto and the fees for mileage of all ~~his~~ witnesses of that party.

E. In event any process shall be directed to any nonresident who is authorized to do business in this state, the process may be served upon the agent designated by the nonresident for the service of process, and service upon the agent shall be as sufficient and as effective as if served upon the nonresident.

F. All process issued by the ~~Commission~~ Department shall extend to all parts of the state and any such process, together with the service of all notices issued by the ~~Commission~~ Department, as well as copies of complaints, rules, and orders ~~and regulations~~ of the ~~Commission~~ Department, may be served by any person authorized to serve process issued out of courts of record, or by certified mail.

G. After the conclusion of any hearing, the ~~Commission~~ Department shall, within sixty (60) days, make and file its findings and order, with its opinion. Its findings shall be in sufficient detail to enable any court in which any action of the ~~Commission~~ Department is involved to determine the controverted questions presented by the proceeding. A copy of such order, certified under the seal of the ~~Commission~~ Department, shall be served upon the person against whom it runs, or the attorney of the person, and notice thereof shall be given to the other parties to the proceedings or their attorneys. The order shall take effect and become operative within fifteen (15) days after the service thereof, unless otherwise provided. If an order cannot, in the judgment of the ~~Commission~~ Department, be complied with within fifteen (15) days, the ~~Commission~~ Department may grant and prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in the order.

H. In the event the ~~Commission~~ Department finds that the defendant is guilty upon any complaint filed and proceeding had and that the provisions of law, or the rules, ~~regulations~~ or orders of this ~~Commission~~ Department have been willfully and knowingly

violated and the violator holds a permit or certificate or license issued by the ~~Commission~~ Department authorizing it to engage in the transportation of persons or property for hire, then such permit or certificate or license may also be revoked by the ~~Commission~~ Department.

I. Where a complaint is instituted by any person other than the ~~Commission~~ Department of its own motion and in the event the ~~Commission~~ Department should find that the complaint was not in good faith, the complaining party shall be required to pay the defendant's ~~attorney's~~ attorney fee, the fee to be prescribed by the ~~Commission~~ Department in accordance with applicable Oklahoma Bar Association standards.

J. Any person aggrieved by any findings and order of the ~~Commission~~ Department may appeal to the Supreme Court in the way and manner now or hereafter provided for appeals from the district court to the Supreme Court.

SECTION 17. AMENDATORY 47 O.S. 2001, 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 ~~Commission~~ Department motor carrier rules, tariffs and regulations. The ~~Commission~~ Department 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~~ Department relating thereto shall be guilty of contempt of the ~~Commission~~ Department and shall be subject to a fine to be imposed by ~~said Commission~~ the Department 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.

~~C. B.~~ B. The ~~Commission~~ Department, 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 18. AMENDATORY 47 O.S. 2001, Section 171, is amended to read as follows:

Section 171. All monies accruing to the "~~Corporation Commission~~ Department of Public Safety Revolving Fund" are hereby appropriated to the ~~Corporation Commission~~ Department of Public Safety.

The ~~Corporation Commission~~ Department of Public Safety is hereby authorized and empowered to employ such extra help as may be necessary to carry out the provisions of this act for the enforcement of the law and the collection of taxes set forth herein,

~~said~~ the employees to be paid from the appropriations made in this section. Provided, such employees shall be paid such salaries or compensation as is paid for similar service in this state in the same or other departments of the state. The ~~Corporation Commission~~ Department of Public Safety is hereby authorized to pay from the "~~Corporation Commission~~ Department of Public Safety Revolving Fund" such extra operating expenses as may be attributable to the enforcement of this act, in the same manner and form as other expenses are paid.

Provided further, such employees shall be such extra help as may be in the judgment of the ~~Corporation Commission~~ Department of Public Safety necessary to aid in the enforcement of this act in addition to the positions hereinafter created; the salaries and expenses of the positions hereinafter created shall be paid out of funds appropriated by the general departmental appropriations act.

SECTION 19. AMENDATORY 47 O.S. 2001, Section 171.1, is amended to read as follows:

Section 171.1 In addition to other uses authorized by law, funds provided to the ~~Corporation Commission~~ Department of Public Safety Revolving Fund pursuant to Sections 165, 177.2 and 180h of this title shall be expended as follows:

1. The ~~Corporation Commission Transportation Division~~ Department of Public Safety Motor Carrier Enforcement Division shall employ four special motor carrier enforcement officers and one supervisor-officer who shall have the primary duty of investigating and assisting in the prosecution of persons engaged in unauthorized transportation or disposal of deleterious substances as contemplated under the provisions of the Oklahoma Motor Carrier Act and any other applicable provisions of law. Such employees shall be compensated as for similar service in the same or other departments of the state and an expense allowance of One Hundred Dollars (\$100.00) per month for maintenance and cleaning of uniforms and other related expenses

shall be paid to such employees. Nothing in this section regarding expense allowances shall be construed to mean that such employees shall receive any additional compensation beyond what is provided for maintenance and cleaning of uniforms and other related expenses by the Corporation Commission on ~~the effective date of this act~~ September 1, 1993.

2. The ~~Commission~~ Department shall purchase a sufficient number of motor vehicles to provide each motor carrier safety enforcement officer employed in the ~~Transportation~~ Motor Carrier Enforcement Division a motor vehicle suitable to carry out the enforcement provisions of applicable law. ~~Said~~ The vehicles shall be appropriately marked as official vehicles and radio equipped. All costs for operation, maintenance and replacement of the motor vehicles authorized in this section shall be provided for from the ~~Corporation Commission~~ Department of Public Safety Revolving Fund.

3. The ~~Commission~~ Department shall employ a hearing officer whose primary responsibility shall be the adjudication of enforcement proceedings and complaints brought against persons engaged in unauthorized transportation or disposal of deleterious substances or other unauthorized transportation in violation of the Oklahoma Motor Carrier Act or the rules ~~and regulations~~ of motor carriers as promulgated by the ~~Corporation Commission~~ Department.

SECTION 20. AMENDATORY 47 O.S. 2001, Section 172, is amended to read as follows:

Section 172. A. Every owner of any motor vehicle, the agents or employees of the owner, and every other person who violates or fails to comply with or procures, aids, or abets in the violation of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, or who fails to obey, observe, or comply with any order, decision, rule ~~or regulation~~, direction, demand, or requirement of the ~~Corporation Commission~~ Department of Public Safety, or who procures, aids or abets any corporation or person in the person's,

or its, refusal or willful failure to obey, observe or comply with any such order, decision, rule, direction, demand, or ~~regulation~~ requirement shall be deemed guilty of a misdemeanor. Upon conviction in a criminal court of competent jurisdiction, such misdemeanor is punishable by a fine of not exceeding One Thousand Dollars (\$1,000.00).

B. The ~~Corporation Commission~~ Department of Public Safety shall report to the Attorney General of this state and the district attorney of the proper county having jurisdiction of such offense, any violation of any of the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 or any rule of the ~~Corporation Commission~~ Department of Public Safety promulgated pursuant to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, by any motor vehicle owner, agent or employee of such owner, or any other person. Upon receipt of such report, the Attorney General or the district attorney of the proper county having jurisdiction of such offense shall institute criminal or civil proceedings against such offender in the proper court having jurisdiction of such offense. Any willful failure on the part of members of the ~~Corporation Commission~~ Department of Public Safety, the Attorney General or any district attorney, to comply with the provisions of this section, shall be deemed official misconduct. The ~~Corporation Commission~~ Department of Public Safety shall report such complaints so made to the Governor of this state who shall direct and cause the laws of this state to be enforced.

C. Any person failing, neglecting or refusing to comply with the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, or with any rule, ~~regulation~~, or requirement of the ~~Corporation Commission~~ Department of Public Safety promulgated pursuant to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, shall be guilty of contempt of the ~~Corporation Commission~~ Department of

Public Safety, and shall be subject to a fine to be imposed by the ~~Corporation Commission~~ Department of Public Safety in a sum not exceeding Five Hundred Dollars (\$500.00). Each day on which such contempt occurs shall be deemed a separate and distinct offense. The maximum fine to be assessed on each day shall be Five Hundred Dollars (\$500.00). All fines collected pursuant to the provisions of this section shall be deposited in the State Treasury to the credit of the ~~Corporation Commission~~ Department of Public Safety Revolving Fund. This subsection shall not apply in the specific instance of load capacity violations or violations applicable to the transportation or discharge of deleterious substances provided for by specific statutory provisions.

D. The ~~Corporation Commission~~ Department of Public Safety shall appoint a director of ~~transportation~~ the Motor Carrier Enforcement Division, a deputy director, an insurance supervisor, an insurance clerk, two stenographers, a secretary to the director, an identification device supervisor and an assistant identification device supervisor at such salaries as the Legislature may from time to time prescribe. The employees shall be allowed actual and necessary travel expenses pursuant to the provisions of the State Travel Reimbursement Act. All of the expense claims shall be presented and paid monthly.

E. ~~Enforcement~~ Motor carrier enforcement officers, appointed by the ~~Corporation Commission~~ Department of Public Safety, are hereby declared to be peace officers of this state. Such officers shall be vested with all powers of peace officers in enforcing the provisions of Sections 161 through 180m of this title and the Motor Carrier Act of 1995 in all parts of this state.

The powers and duties conferred upon ~~said~~ the motor carrier enforcement officers shall in no way limit the powers and duties of sheriffs or other peace officers of the state, or any political

subdivision thereof, or of members of the Division of Highway Patrol, subject to the Department of Public Safety.

F. The motor carrier enforcement officers when on duty, upon reasonable belief that any motor vehicle is being operated in violation of any provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, shall be authorized to require the driver of the vehicle to stop and submit to an inspection of the identification device, or devices, in the vehicle, and to submit to such enforcement officer bills of lading, waybills, or other evidences of the character of the commerce being transported in such vehicle, and to submit to an inspection of the contents of such vehicle for the purpose of comparing same with bills of lading or shipping documentation, waybills, or other evidences of transportation carried by the driver of the vehicle. The officers shall not have the right to plea bargain.

G. The motor carrier enforcement officers are authorized to serve all warrants, writs, and notices issued by the ~~Corporation Commission~~ Department of Public Safety relating to the enforcement of the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 and the rules, ~~regulations,~~ and requirements prescribed by the ~~Corporation Commission~~ Department of Public Safety promulgated pursuant to Sections 161 through 180m of this title or the Motor Carrier Act of 1995.

H. The motor carrier enforcement officers shall not have the power or right of search, nor shall they have the right of power of seizure, except as provided in Sections 161 through 180m of this title or the Motor Carrier Act of 1995. The enforcement officers are authorized to hold and detain any motor vehicle operating upon the highways of this state, if, the enforcement officer has reason to believe that the vehicle is being operated contrary to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, or the rules, ~~regulations,~~ and requirements of

the ~~Corporation Commission~~ Department of Public Safety promulgated pursuant to Sections 161 through 180m of this title or the Motor Carrier Act of 1995.

I. No state official, other than members of the ~~Corporation Commission~~ Department of Public Safety, shall have any power, right, or authority to command, order, or direct any motor carrier enforcement officer to perform any duty or service authorized by Sections 161 through 180m of this title or the Motor Carrier Act of 1995.

J. Each of the motor carrier enforcement officers shall, before entering upon the discharge of their duties, take and subscribe to the usual oath of office and shall execute to the State of Oklahoma a bond in the sum of Twenty-five Thousand Dollars (\$25,000.00) each, with sufficient surety for the faithful performance of their duty. The bond shall be approved and filed as provided by law.

K. No motor carrier enforcement officer or employee of the ~~Oklahoma Corporation Commission~~ Department of Public Safety shall have the right to plea bargain in motor carrier or motor transportation matters except the chief legal counsel of the ~~Commission~~ Department or an assign of the legal staff of the chief legal counsel.

SECTION 21. AMENDATORY 47 O.S. 2001, Section 172.1, is amended to read as follows:

Section 172.1 A. Future applicants for the position of motor carrier enforcement officer shall be high school graduates and shall have had at least three (3) years' practical experience in the transportation industry or in the field of law enforcement and be certified by the Council on Law Enforcement Education and Training (CLEET) within twelve (12) months from the date of employment. Applicants shall have attained the age of twenty-one (21) years.

B. The applicants shall pass a written test or examination on motor carrier law and the rules of the ~~Commission~~ Department

pertaining thereto, for the purpose of establishing the applicant's fitness and ability to perform the duties of ~~an~~ a motor carrier enforcement officer.

SECTION 22. AMENDATORY 47 O.S. 2001, Section 177.2, is amended to read as follows:

Section 177.2 A. No motor carrier shall engage in the business of transporting any salt water, mineral brines, waste oil and other deleterious substances produced from or obtained or used in connection with the drilling, development, producing and operating of oil and gas wells and brine wells, for any valuable consideration whatever, or in any quantity over twenty (20) gallons, without a license authorizing such operation and a deleterious substance transport permit to be issued by the ~~Commission~~ Department. Provided, transportation of such substances by private carrier of property by motor vehicle shall require a deleterious substance transport permit.

B. No carrier shall transport deleterious substances under a carrier license issued by the ~~Commission~~ Department until such time as the carrier has been issued a deleterious substance transport permit.

C. No deleterious substance transport permit shall be issued to a motor carrier or private carrier until the carrier has furnished written proof of access to a Class II disposal well or wells. ~~Said~~ The written proof of access shall be provided by the owner of such disposal well. Such disposal well must first be approved by the Corporation Commission as adequate to meet the need for proper disposal of all substances which the applicant may reasonably be expected to transport as a motor carrier or private carrier. Provided that nothing in this section shall be construed as prohibiting the disposition of such deleterious substances in a disposal well that is owned by a person other than the transporter.

D. The ~~Commission~~ Department shall maintain a current list of such permits. The ~~Commission~~ Department shall charge such annual deleterious substance transport permitting fees as will cover the cost of issuing such licenses and an annual fee of Two Hundred Fifty Dollars (\$250.00) for each such deleterious substance transport license. Proceeds from the fees shall be deposited by the ~~Commission~~ Department in the State Treasury to the credit of the ~~Corporation-Commission~~ Department of Public Safety Revolving Fund. The provisions of this section are supplemental and are in addition to the laws applicable to motor carriers.

SECTION 23. AMENDATORY 47 O.S. 2001, Section 177.3, is amended to read as follows:

Section 177.3 A. It shall be unlawful for a motor carrier, whether private, common, or contract, to dump, disperse, or otherwise release substances described in Section 177.2 of this title upon a public highway or elsewhere except on property or in wells, reservoirs, or other receptacles owned, held, leased, or otherwise rightfully and legally available to the motor carrier for such use and purpose.

B. It shall be unlawful for any motor truck or tank vehicle used to transport substances described in Section 177.2 of this title to have a release device located or operated in any manner from within the cab of such a motor vehicle.

C. Any violation of the provisions of subsections A or B of this section shall constitute a misdemeanor. It shall be the duty of the prosecuting attorney of the county in which a violation of the provisions of this section occurs to file and prosecute the aforementioned misdemeanor charge and advise the ~~Commission~~ Department of such action and the results thereof.

D. The ~~Oklahoma Corporation-Commission~~ Department of Public Safety may initiate contempt proceedings for any violation concerning disposal by a carrier of a substance described in Section

177.2 of this title. The first violation proven by the ~~Commission~~ Department in any calendar year shall result in a motor carrier or private carrier being warned by the ~~Commission~~ Department and, upon conviction, fined up to Two Thousand Five Hundred Dollars (\$2,500.00). A second violation proven by the ~~Commission~~ Department in any calendar year shall result in a motor carrier or private carrier being placed on probation and fined up to Five Thousand Dollars (\$5,000.00) by the ~~Commission~~ Department. A third violation proven by the ~~Commission~~ Department in any calendar year shall result in a fine of up to Twenty Thousand Dollars (\$20,000.00), and, at the discretion of the ~~Commission~~ Department, cancellation of the carrier's license for a period up to one (1) year and cancellation of a motor carrier or private carrier deleterious substance transport permit. The driver of a truck, who is not the owner of the vehicle used in violation of this section or any of the rules ~~and regulations~~ of the ~~Oklahoma Corporation Commission~~ Department of Public Safety, shall be adjudicated a codefendant and subject to a fine equal to ten percent (10%) of the fine assessed to the owner of such vehicle, up to Five Hundred Dollars (\$500.00).

SECTION 24. AMENDATORY 47 O.S. 2001, Section 180, is amended to read as follows:

Section 180. The following words and phrases, when used in this act, shall have the meanings respectively ascribed to like words and phrases by the motor carrier statutes of Oklahoma, except as herein provided:

1. The term "identification application" shall mean the application as provided by the ~~Commission~~ Department, for making application for motor carrier vehicle identification devices; and

2. The term "Identification Device" shall mean the motor carrier vehicle identification device issued by the ~~Commission~~ Department under the provisions of this act for the purpose of

identifying powered motor carrier vehicles operated under and coming within the provisions of this act or the Motor Carrier Act of 1995.

SECTION 25. AMENDATORY 47 O.S. 2001, Section 180a, is amended to read as follows:

Section 180a. It is hereby declared unlawful for any motor carrier, ~~his~~ or its agents or employees, to operate any powered motor vehicle, as a motor carrier for hire, within this state, without the identification device issued by the ~~Commission~~ Department, ~~said~~ the device to be displayed as provided by the rules of the ~~Commission~~ Department.

SECTION 26. AMENDATORY 47 O.S. 2001, Section 180b, is amended to read as follows:

Section 180b. The identification device shall be the property of the ~~Commission~~ Department at all times, and shall be subject to seizure and confiscation by the ~~Commission~~ Department for any good cause and at the will of the ~~Commission~~ Department.

SECTION 27. AMENDATORY 47 O.S. 2001, Section 180c, is amended to read as follows:

Section 180c. The ~~Commission~~ Department may issue an order for the seizure and confiscation and return to the ~~Commission~~ Department of any identification device or devices, for any of the following reasons, and to direct ~~said~~ the order or orders to any officer of the State of Oklahoma charged with the duties of enforcing the provisions of this act ~~and~~ or any other section of the motor carrier law now in force or hereinafter enacted:

1. In all cases where the motor carrier has permitted the insurance coverage, as required by law to be filed with the ~~Commission~~ Department, to lapse or become cancelled or for any reason to become void and fail to meet the requirements as provided by law;

2. For failure on the part of any motor carrier, ~~his~~ or its agents or employees to comply with any part or provision of this

act, or any other act or law or part or provision thereof relative to the legal operation of a for-hire motor carrier or to obey, observe or comply with any order, decision, rule ~~or regulation~~, direction, demand or requirement, or any part or provision thereof, of the ~~Commission~~ Department;

3. Upon the cancellation or revocation of the certificate or permit or IRC or license under which ~~said~~ the identification device or devices were issued; or

4. For operating any powered motor vehicle in violation of the terms and provisions of this act or the Motor Carrier Act of 1995 and all applicable size and weight laws and safety standards of this state.

SECTION 28. AMENDATORY 47 O.S. 2001, Section 180d, is amended to read as follows:

Section 180d. The ~~Commission~~ Department of Public Safety shall have the power and authority ~~by general order or otherwise~~ to promulgate rules ~~and regulations~~ for the administration and enforcement of the provisions of this act or the Motor Carrier Act of 1995.

SECTION 29. AMENDATORY 47 O.S. 2001, Section 180e, is amended to read as follows:

Section 180e. The ~~Commission~~ Department of Public Safety, in its discretion, is authorized to provide for decals, cab cards, or other suitable methods of identification to be displayed on or carried in the truck or powered motor vehicle.

SECTION 30. AMENDATORY 47 O.S. 2001, Section 180f, is amended to read as follows:

Section 180f. The ~~Commission~~ Department is hereby authorized to purchase ~~said~~ the identification devices in sufficient amounts to supply the demand, and to purchase such other ~~officer~~ office supplies and equipment as is necessary to administer and enforce the provisions of this act or the Motor Carrier Act of 1995, and to pay

for, or cause the same to be paid for, out of the appropriation provided therefor.

SECTION 31. AMENDATORY 47 O.S. 2001, Section 180g, is amended to read as follows:

Section 180g. It shall be the duty of the ~~Commission~~ Department to provide identification devices upon written application of any authorized motor carrier.

Upon written application of any authorized motor carrier holding a certificate or permit or license issued by the ~~Commission~~ Department, the ~~Commission~~ Department shall issue to the motor carrier a sufficient number of identification devices so that each powered vehicle owned or to be operated by the motor carrier in the state shall bear one identification device. Identification devices shall be issued on an annual basis, and applications shall be made annually on the form prescribed by the ~~Commission~~ Department, and any motor carrier operating a powered vehicle without a current identification device shall be in violation of the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995.

It is hereby declared unlawful for any motor carrier, or agents or employees of any motor carrier, to use or transfer an identification device except as provided by rules of the ~~Commission~~ Department.

SECTION 32. AMENDATORY 47 O.S. 2001, Section 180h, is amended to read as follows:

Section 180h. The ~~Corporation-Commission~~ Department of Public Safety is hereby authorized to collect from applicants for motor carrier identification devices a fee of Seven Dollars (\$7.00) for registration of each of its trucks and Seven Dollars (\$7.00) for each of its truck-tractors registered under the provisions of this act or the Motor Carrier Act of 1995; and the fee shall be in addition to any other fees now provided for by law for the

registration of ~~said~~ the motor vehicles and shall be deposited in the State Treasury to the credit of the ~~Corporation Commission~~ Department of Public Safety Revolving Fund.

SECTION 33. AMENDATORY 47 O.S. 2001, Section 180k, is amended to read as follows:

Section 180k. All records of the ~~Corporation Commission~~ Department of Public Safety under this act shall be maintained in, and classified as all other records ~~in the Transportation Division~~ of the ~~Corporation Commission~~ Department of Public Safety.

SECTION 34. AMENDATORY 47 O.S. 2001, Section 1801, is amended to read as follows:

Section 1801. The ~~Commission~~ Department is hereby authorized and empowered, on behalf of the State of Oklahoma, and when it shall deem it to be in the best interest of the residents of this state so to do, to enter into reciprocal compacts and agreements with other states, or the authorized agencies thereof, when such states have made provisions substantially similar to this section, respecting the regulation of motor vehicles engaged in interstate or foreign commerce upon and over the public highways. And such compacts and agreements may provide for the granting, to the residents of such states, privileges substantially similar to those granted thereby to Oklahoma residents: Provided: (1) That no such compact or agreement shall supersede or suspend the operation of any law, or rule ~~or regulation~~ of the State of Oklahoma which shall apply to vehicles operated intrastate in the State of Oklahoma; (2) That any privileges, the granting of which shall be provided by any such compact or agreement, shall extend only in cases of full compliance with the laws of the state joining in such compact or agreement; (3) That no such compact or agreement shall supersede or suspend the operation of any law of the State of Oklahoma other than those applying to the payment of fees for registration certificates or identification devices; and (4) That the powers and authority of the

Oklahoma Tax Commission to administer and enforce the tax laws of this state, pertaining to the taxation of motor vehicles, shall be in no manner superseded or suspended.

SECTION 35. AMENDATORY 47 O.S. 2001, Section 180m, is amended to read as follows:

Section 180m. In addition to all other duties as provided by law, it is hereby declared to be, and shall be the duty of all sheriffs, deputy sheriffs, district attorneys, motor carrier enforcement officers appointed by the ~~Corporation Commission~~ Department of Public Safety of the State of Oklahoma, and all highway patrolmen within the State of Oklahoma:

1. To enforce the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995;

2. To apprehend and detain any motor vehicle or vehicles and driver or operator and their aides who are operating any motor vehicle, upon or along the highways of this state, for a reasonable length of time, for the purpose of investigating and determining whether such vehicle is being operated in violation of any of the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995;

3. To make arrests for the violation of the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995, without the necessity of procuring a warrant;

4. To sign the necessary complaint and to cause the violator or violators to be promptly arraigned before a court of competent jurisdiction for trial;

5. To aid and assist in the prosecution of the violator or violators in the name of the State of Oklahoma to the end that this law shall be enforced;

6. To report all such arrests for violations of Sections 180 through 180m of this title to the ~~Corporation Commission~~ Department of Public Safety of Oklahoma within ten (10) days after making such

arrest and to furnish such information concerning the same as the ~~Commission~~ Department may request; and

7. At the request of the ~~Corporation Commission~~ Department of Public Safety, to seize and confiscate any and all identification devices and to forward the same to the ~~Corporation Commission~~ Department of Public Safety for cancellation.

SECTION 36. AMENDATORY 47 O.S. 2001, Section 1115, is amended to read as follows:

Section 1115. A. Unless provided otherwise by statute, the following vehicles shall be registered annually: manufactured homes, mopeds, motorcycles, vehicles registered with a permanent nonexpiring license plate pursuant to Section 1113 of this title, commercial vehicles registered pursuant to the provisions of the International Registration Plan and commercial vehicles registered pursuant to the installment plan provided in subsection H of Section 1133 of this title. The following schedule shall apply for such vehicle purchased in this state or brought into this state by residents of this state:

1. Between January 1 and March 31, the payment of the full annual fee shall be required;

2. Between April 1 and June 30, the payment of three-fourths (3/4) the annual fee shall be required;

3. Between July 1 and September 30, the payment of one-half (1/2) the annual fee shall be required; and

4. Between October 1 and November 30, one-fourth (1/4) the annual fee shall be required.

License plates or decals for each year shall be made available on December 1 of each preceding year for such vehicles; and any person who purchases such vehicle, manufactured home or motorcycle between December 1 and December 31 of any year shall register it within thirty (30) days from date of purchase and obtain a license plate or Manufactured Home License Registration Decal, as

appropriate, for the following calendar year upon payment of the full annual fee. Unless provided otherwise by statute, all annual license, registration and other fees for such vehicles shall be due and payable on January 1 of each year and if not paid by February 1 shall be deemed delinquent.

B. 1. All vehicles, other than those required to be registered pursuant to the provisions of subsection A of this section, shall be registered on a staggered system of registration and licensing on a monthly series basis to distribute the work of registering such vehicles as uniformly and expeditiously as practicable throughout the calendar year. After the end of the month following the expiration date, the license and registration fees for the new registration period shall become delinquent.

2. Effective December 1, 2000, all fleet vehicles registered pursuant to new applications approved pursuant to the provisions of Section 1120 of this title shall be registered on a staggered system monthly basis. The Oklahoma Tax Commission shall notify in writing, prior to the 2001 renewal period, all registrants with established accounts, who will have the option of changing their registration expiration date or remaining with their existing registration expiration date.

3. Applicants seeking to establish Oklahoma as the base jurisdiction for registering apportioned fleet vehicles after December 1, 2000, and registrants converting an established account to the staggered registration system shall have a one-time option of registering for a period of not less than four (4) nor greater than fifteen (15) months. Subsequent renewals for these registrants will be for twelve (12) months, expiring on the last day of the month chosen by the registrant under the one-time option as provided herein. In addition, registrants with multiple fleets may designate a different registration month of expiration for each fleet.

As used in this section, "fleet" shall have the same meaning as set forth in the International Registration Plan.

C. The following penalties shall apply for delinquent registration fees:

1. For fleet vehicles required to be registered pursuant to the provisions of Section 1120 of this title for which a properly completed application for registration has not been received by the Tax Commission by the last day of the month following the registration expiration date, a penalty of thirty percent (30%) of the Oklahoma portion of the annual registration fee, or Two Hundred Dollars (\$200.00), whichever is greater, shall be assessed. The license and registration cards issued by the Tax Commission for each fleet vehicle shall be valid until two (2) months after the registration expiration date;

2. For commercial vehicles registered under the provisions of subsection B of this section, except those vehicles registered pursuant to Section 1133.1 of this title, a penalty shall be assessed after the last day of the month following the registration expiration date. A penalty of twenty-five cents (\$0.25) per day shall be added to the license fee of such vehicle and shall accrue for one (1) month. Thereafter, the penalty shall be thirty percent (30%) of the annual registration fee, or Two Hundred Dollars (\$200.00), whichever is greater;

3. For new or used manufactured homes, not registered within thirty (30) days from date of purchase or date such manufactured home was brought into this state, a penalty equal to the registration fee shall be assessed; or

4. Except as provided in subsection H of Section 1133 of this title, for all other vehicles a penalty shall be assessed after the last day of the month following the expiration date. A penalty of twenty-five cents (\$0.25) per day shall be added to the license fee of such vehicle and shall accrue for three (3) months. Thereafter,

the penalty shall be Twenty-five Dollars (\$25.00), provided that the penalty shall not exceed the amount equal to the license fee of such vehicle.

D. In addition to all other penalties provided in the Oklahoma Vehicle License and Registration Act, Section 1101 et seq. of this title, the following penalties shall be imposed and collected by any ~~Revenue~~ Motor Carrier Enforcement Officer of the ~~Tax Commission~~ Department of Public Safety upon finding any commercial vehicle being operated in violation of the provisions of the Oklahoma Vehicle License and Registration Act.

The penalties shall apply to any commercial vehicle found to be operating in violation of the following provisions:

1. A penalty in the amount of Fifty Dollars (\$50.00) shall be imposed upon any person found to be operating a commercial vehicle sixty (60) days after the end of the month in which the license plate or registration credentials expire without the current year license plate or registration credential displayed;

2. A penalty in the amount of Fifty Dollars (\$50.00) shall be imposed for any person operating a commercial vehicle subject to the provisions of Section 1120 or Section 1133 of this title without the proper display of, or, carrying in such commercial vehicle, the identification credentials issued by the Tax Commission as evidence of payment of the fee or tax as provided in Section 1120 or Section 1133 of this title; and

3. A penalty in the amount of One Hundred Dollars (\$100.00) shall be imposed for any person that fails to register any commercial vehicle subject to the Oklahoma Vehicle License and Registration Act.

E. The Tax Commission shall assess the registration fees and penalties for the year or years a vehicle was not registered. For vehicles not registered for two or more years, the registration fees and penalties shall be due only for the current year and one (1)

previous year. The Tax Commission shall waive road user fees and penalties for failure to register a vehicle, provided road user fees shall not be waived for the current registration year in cases where ~~said~~ the vehicle is proven to have been inoperable during the registration period. Proof of inoperability may be by, but is not limited to, submission of parts or repair receipts or such other evidence deemed appropriate by the Tax Commission.

F. In addition to any other penalty prescribed by law, there shall be a penalty in the amount of Twenty Dollars (\$20.00) upon a finding by a ~~revenue~~ motor carrier enforcement officer that:

1. The registration of a vehicle registered pursuant to Section 1132 of this title is expired and it is sixty (60) or more days after the end of the month of expiration; or

2. The registration fees for a vehicle that is subject to the registration fees pursuant to Section 1132 of this title have not been paid.

SECTION 37. AMENDATORY 47 O.S. 2001, Section 1115.1, is amended to read as follows:

Section 1115.1 In addition to the penalties provided in the Oklahoma Vehicle License and Registration Act, after ninety (90) days from the expiration date for annual registration of a vehicle, the ~~Oklahoma Tax Commission~~, Department of Public Safety, county sheriffs, and all other duly authorized peace officers of this state may seize and take into custody every vehicle owned within this state not bearing or displaying a proper license plate required by the Oklahoma Vehicle License and Registration Act. The vehicle shall not be released to the owner until it is duly registered and the license, registration, or title fee and penalties due are paid in full, proof of security or an affidavit that the vehicle will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title, is furnished, and the cost of seizure, including the reasonable cost of taking the vehicle into

custody and storing the vehicle, have been paid. In the event the owner of any vehicle seized fails to pay such fees and penalties due, together with cost of seizure and storage, and fails to provide proof of security or an affidavit that the vehicle will not be used on public highways or public streets, the ~~Oklahoma Tax Commission~~ Department of Public Safety or its motor license agents shall proceed to sell the vehicle by posting not less than five notices of sale in five different public places in the county where the vehicle is located, one of such notices to be posted at the place where the vehicle is stored. A copy of the notice shall also be sent by certified mail, restricted delivery, with return receipt requested, to the last-known address of the registered owner of the vehicle. The vehicle shall be sold at such sale subject to the following terms and conditions:

1. In the event the sale price is equal to, or greater than, the total costs of sale, seizure and the fee and penalty, the purchaser shall be issued a certificate of purchase, license plate, manufactured home registration receipt and decal and registration certificate;

2. In the event the sale price is less than the total costs of sale, seizure, and the fee and penalty, the vehicle shall be sold as junk to the highest bidder, whereupon the bidder shall receive a certificate of purchase; and if the vehicle be dismantled, the record to the junked vehicle shall be canceled. If not dismantled, the vehicle shall be immediately registered; or

3. Any residue remaining unclaimed by the delinquent owner shall be administered in accordance with the Uniform Unclaimed Property Act.

SECTION 38. 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.

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