ENGROSSED HOUSE
BILL NO. 1844

By: Pope of the House

and

Myers of the Senate

(Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act - amending 47 O.S., Section 230.15 - hours of service regulations - federal regulations -

emergency)

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 230.15, is amended to read as follows:

A. Whenever the Department of Public Safety has determined that any person who is regulated as a motor carrier pursuant to Sections 166 through 180m of ~~Title 47 of the Oklahoma Statutes~~ this title has violated any provision of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or any rule ~~promulgate~~ promulgated thereto, the Department of Public Safety shall report such violations to the Corporation Commission for the purposes of determining if such person has violated any provisions of the permit or certificate issued by the Commission pursuant to ~~or~~ any provision of Sections 166 through 180m of ~~Title 47 of the Oklahoma Statutes~~ this title or of any rule promulgated thereto.

B. Every motor carrier subject to this section shall maintain liability and property damage insurance covering each motor vehicle operated by the motor carrier and file proof of that insurance with the Oklahoma Corporation Commission. The Commission shall set the amount of necessary insurance for the transportation of all

commodities other than hazardous materials. The Commission may allow a motor carrier to meet its liability and property damage insurance requirements through self-insurance if the motor carrier has adequate financial assets to assume liability and is in substantial compliance with all motor carrier safety regulations adopted by the Department. Any person who transports or who causes the transportation of any hazardous material shall be required to comply with the financial responsibility requirements specified by the federal motor carrier safety regulations and the hazardous materials regulations of the United States Department of Transportation provided that in no event shall the financial responsibility requirement exceed One Million Dollars ($1,000,000.00) except as otherwise specifically required by federal law, or any federal rule or regulation promulgated thereto.

C. Any person who causes or requires any person subject to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act to drive at a speed or carry a load in excess of those authorized by law pursuant to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall be subject to the administrative penalties pursuant to the provisions of this act.

D. In adopting rules ~~and regulations~~ pursuant to the provisions of this act, the Department of Public Safety shall establish limitations on driving hours for motor vehicles subject thereto that are consistent with the hours of service requirements adopted by the United States Department of Transportation in the applicable part of Title 49 of the Code of Federal Regulations, as those regulations now exist or are hereafter amended. Driving hours and on-duty status shall not begin following less than eight (8) consecutive hours off duty. Drivers shall be regulated from the time a driver first reports for duty for any employer. The ~~regulations~~ rules

adopted pursuant to this section shall establish the following exception:

The maximum driving time within a work period is twelve (12) hours if the vehicle is engaged solely in intrastate commerce and is not transporting hazardous materials as defined by regulations of the United States Department of Transportation in the applicable section of Title 49 of the Code of Federal Regulations, as that section now exists or is hereafter amended; except in the event of an emergency and upon notification of the nearest Oklahoma Highway Patrol troop headquarters of the Department of Public Safety, the Commissioner or his designated agent shall declare an emergency and there shall be no hour restrictions for rural electric cooperatives, public utilities, public service corporations or municipal employees as long as an emergency exists for providing service to restore heat, light, power, water, telephone or other emergency restoration facilities that are necessary to ensure the health, welfare and safety of the public.

E. ~~Any~~ Except as provided in subsection F of this section, any regulation relating to motor carrier safety or to the transportation of hazardous materials adopted by a local government, authority, or state agency or office shall be consistent with corresponding federal regulations. To the extent of any conflict between said regulations and ~~those~~ rules adopted by the Department of Public Safety under this section, ~~regulations~~ rules adopted by the Department shall control.

F. 1. Amendments to the hours of service regulations promulgated on April 28, 2003, by the United States Department of Transportation at Section 22456 of Volume 68 of the Federal Register and effective June 27, 2003, shall not apply to utility service vehicles as defined in Section 395.2 of Title 49 of the Code of Federal Regulations, not including television cable or community antenna service vehicles, which are owned or operated by utilities

regulated by the Corporation Commission or electric cooperatives and which are engaged solely in intrastate commerce in this state until June 27, 2006, provided the amendments are valid and remain in effect as of that date. Hours of service regulations, which are applicable in this state immediately prior to June 27, 2003, shall remain applicable to utility service vehicles engaged solely in intrastate commerce in this state until June 27, 2006. If the United States Department of Transportation issues an official finding that this provision may result in the loss of federal Motor Carrier Safety Assistance Program funding, the Department of Public Safety may promulgate rules providing for earlier implementation of the amendments to the federal hours of service regulations. If federal law or regulations are amended at any time to exempt utility service vehicles from the hours of service requirements, any exemption shall be effective in this state immediately for the duration of the federal exemption.

2. The Department of Public Safety may promulgate rules suspending the effective date for up to three (3) years after the adoption of any motor carrier safety regulation by the United States Department of Transportation as applied to vehicles engaged solely in intrastate commerce in this state if the suspension does not result in the loss of federal Motor Carrier Safety Assistance Program funding.

3. The Department of Public Safety may enter into agreements with state and local emergency management agencies and private parties establishing procedures for complying with Section 31502(e) of Title 49 of the United States Code and federal regulations promulgated at Section 390.23 of Title 49 of the Code of Federal Regulations, which provide an exemption from the hours of service regulations during certain emergencies.

4. The Department of Public Safety may promulgate rules granting any waiver, variance, or exemption permitted under Section

31104(h) of Title 49 of the United States Code and federal regulations promulgated at Sections 350.339, 350.341, 350.343 and 350.345 of Title 49 of the Code of Federal Regulations if the waiver, variance, or exemption does not result in the loss of federal Motor Carrier Safety Assistance Program funding and does not take effect unless approved by the United States Department of Transportation, if approval is required.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 17th day of February, 2004.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2004.

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Presiding Officer of the Senate