

EHB 1844

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THE STATE SENATE  
Thursday, March 18, 2004

ENGROSSED  
House Bill No. 1844  
As Amended

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 ]

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.

1           B. Every motor carrier subject to this section shall maintain  
2 liability and property damage insurance covering each motor vehicle  
3 operated by the motor carrier and file proof of that insurance with  
4 the Oklahoma Corporation Commission. The Commission shall set the  
5 amount of necessary insurance for the transportation of all  
6 commodities other than hazardous materials. The Commission may  
7 allow a motor carrier to meet its liability and property damage  
8 insurance requirements through self-insurance if the motor carrier  
9 has adequate financial assets to assume liability and is in  
10 substantial compliance with all motor carrier safety regulations  
11 adopted by the Department. Any person who transports or who causes  
12 the transportation of any hazardous material shall be required to  
13 comply with the financial responsibility requirements specified by  
14 the federal motor carrier safety regulations and the hazardous  
15 materials regulations of the United States Department of  
16 Transportation provided that in no event shall the financial  
17 responsibility requirement exceed One Million Dollars  
18 (\$1,000,000.00) except as otherwise specifically required by federal  
19 law, or any federal rule or regulation promulgated thereto.

20           C. Any person who causes or requires any person subject to the  
21 provisions of the Oklahoma Motor Carrier Safety and Hazardous  
22 Materials Transportation Act to drive at a speed or carry a load in  
23 excess of those authorized by law pursuant to the Oklahoma Motor

1 Carrier Safety and Hazardous Materials Transportation Act shall be  
2 subject to the administrative penalties pursuant to the provisions  
3 of this act.

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

16 The maximum driving time within a work period is twelve (12)  
17 hours if the vehicle is engaged solely in intrastate commerce and is  
18 not transporting hazardous materials as defined by regulations of  
19 the United States Department of Transportation in the applicable  
20 section of Title 49 of the Code of Federal Regulations, as that  
21 section now exists or is hereafter amended; except in the event of  
22 an emergency and upon notification of the nearest Oklahoma Highway  
23 Patrol troop headquarters of the Department of Public Safety, the

1 Commissioner or his designated agent shall declare an emergency and  
2 there shall be no hour restrictions for rural electric cooperatives,  
3 public utilities, public service corporations or municipal employees  
4 as long as an emergency exists for providing service to restore  
5 heat, light, power, water, telephone or other emergency restoration  
6 facilities that are necessary to ensure the health, welfare and  
7 safety of the public.

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

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

1 which are engaged solely in intrastate commerce in this state until  
2 June 27, 2006, provided the amendments are valid and remain in  
3 effect as of that date. Hours of service regulations, which are  
4 applicable in this state immediately prior to June 27, 2003, shall  
5 remain applicable to utility service vehicles engaged solely in  
6 intrastate commerce in this state until June 27, 2006. If the  
7 United States Department of Transportation issues an official  
8 finding that this provision may result in the loss of federal Motor  
9 Carrier Safety Assistance Program funding, the Department of Public  
10 Safety may promulgate rules providing for earlier implementation of  
11 the amendments to the federal hours of service regulations. If  
12 federal law or regulations are amended at any time to exempt utility  
13 service vehicles from the hours of service requirements, any  
14 exemption shall be effective in this state immediately for the  
15 duration of the federal exemption.

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

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

8       4. The Department of Public Safety may promulgate rules  
9 granting any waiver, variance, or exemption permitted under Section  
10 31104(h) of Title 49 of the United States Code and federal  
11 regulations promulgated at Sections 350.339, 350.341, 350.343 and  
12 350.345 of Title 49 of the Code of Federal Regulations if the  
13 waiver, variance, or exemption does not result in the loss of  
14 federal Motor Carrier Safety Assistance Program funding and does not  
15 take effect unless approved by the United States Department of  
16 Transportation, if approval is required.

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

21 COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &  
22 PUBLIC SAFETY, dated 3-15-04 - DO PASS, As Amended.