

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2895

By: McMullen

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; creating the Harvest Regulation Reform Act of 2006; providing for availability of permits; providing for fee; specifying permit information requirements; providing for permit extensions; providing for filing; specifying enforcement requirements; providing scale location limitations; amending 47 O.S. 2001, Section 1134, which relates to fees for farm vehicles; modifying permit requirements; providing for codification; and providing an effective date.

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 230.34 of Title 47, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 4 of this act shall be known and may be cited as the "Harvest Regulation Reform Act of 2006".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.34a of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Any person, firm, partnership, limited liability company, or corporation owning or possessing a vehicle and required to register the vehicle under the laws of this state for the purpose of transporting farm products in a raw state may receive a harvest permit from the Corporation Commission.

B. The harvest permit shall be recognized in lieu of registration and intrastate operating authority in this state. The harvest permit shall indicate the time and date of its issuance and

shall be valid for a period not to exceed sixty (60) days from issuance.

C. The harvest permits shall be made available at all Oklahoma tag agencies and by officers of the Corporation Commission.

D. There shall be a fee of Thirty-five Dollars (\$35.00) per axle, which shall be distributed in the same manner as vehicle license fees are apportioned under the terms of the motor vehicle license and registration laws of this state. Oklahoma tag agencies shall be entitled to retain an amount per vehicle in accordance with paragraph 1 of subsection A of Section 1141.1 of Title 47 of the Oklahoma Statutes for permits issued in accordance with the Harvest Regulation Reform Act of 2006. There shall be a filing fee of Twenty-five Dollars (\$25.00), which shall be deposited in the One-Stop Trucking Fund as set forth in Section 1167 of Title 47 of the Oklahoma Statutes.

E. A harvest permit shall provide identification information of the operating carrier and shall list the make, model, year, and VIN of each vehicle authorized to be operated under the permit. The permit shall identify the effective and expiration dates of the permit. The holder of the harvest permit shall not be required to obtain a temporary fuel permit.

F. A harvest permit may be extended in fifteen-day increments, not to exceed a total of four extensions or sixty (60) days. No additional fee for intrastate operating authority shall be required. The permit holder shall be required to pay the additional prorated portion of the tag fee at Eight Dollars seventy-five cents (\$8.75) per axle per fifteen-day extension.

G. A liability insurance filing, as required by the rules of the Corporation Commission, shall be on file prior to the issuance of the harvest permit. The filing may be made by facsimile or electronically, and does not require the operator to make in-person application at the state office of the Corporation Commission.

H. If found to be in violation of the Harvest Regulation Reform Act of 2006 for failure to maintain a current harvest permit, the operator shall have the opportunity to purchase a new harvest permit on site. The operator shall have the opportunity to extend the harvest permit, if the most recent harvest permit expired within the previous fifteen (15) days of the violation. If the operator refuses to buy or extend a harvest permit, the operator will be subject to the penalties of operating an unregistered motor vehicle.

I. The Corporation Commission may enter into an agreement with any person or corporation located within or outside of the state for transmission of harvest permits by way of facsimile or other device when the Corporation Commission determines that such agreements are in the best interest of the state.

J. The Corporation Commission may promulgate such rules as it deems necessary to administer the provisions of the Harvest Regulation Reform Act of 2006. The Corporation Commission may develop an application form for the harvest permit and any other necessary forms.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.34b of Title 47, unless there is created a duplication in numbering, reads as follows:

Vehicles hauling agricultural products from point of production to first point of delivery will not be subject to enforcement action unless the load exceeds the limit found in Section 14-109.2 of Title 47 of the Oklahoma Statutes plus an additional ten percent (10%). If enforcement action is taken pursuant to this section, the fine or penalty shall apply to that portion of the load that is above the harvest variance. The weight tolerance authorized in this section is not permitted on the interstate highway system.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 230.34c of Title 47, unless there is created a duplication in numbering, reads as follows:

No portable or stationary scale used by the Department of Public Safety or Oklahoma Corporation Commission to weigh any vehicle may be located within two (2) miles of any grain elevator.

SECTION 5. AMENDATORY 47 O.S. 2001, Section 1134, is amended to read as follows:

Section 1134. A. Upon each pickup, truck or truck-tractor owned and operated by one or more farmers and used primarily for farm use, and not for commercial or industrial purposes, the license fee shall be Thirty Dollars (\$30.00). As used in this section, the term "pickup" shall mean a small, light truck with an open back or box used for hauling and designed primarily for the carrying of property rather than people. The term "truck" shall mean a motor vehicle designed or converted primarily for carrying or hauling farm commodities, property, livestock, or equipment, rather than people.

B. The fees assessed pursuant to this section shall not apply to trailers or semitrailers or combinations thereof used primarily for farm use and for the transportation of products of the farm by the producer thereof. Such fee shall not apply to any trailer or semitrailer or combinations thereof when used primarily for the transportation of any article or articles owned by the operator of ~~such~~ the trailer or semitrailer or combinations thereof and not used in the furtherance of or incident to any commercial or industrial enterprise. The provisions of Section 1134.2 of this title shall apply to any trailers or semitrailers when used primarily for the transportation of logs, ties, stave bolts and posts, direct from forest to sawmill.

C. For the purpose of this section, a trailer or semitrailer or combination thereof owned by a farmer and used primarily for the purpose of transporting farm products to market or for the purpose of transporting to the farm material or things to be used thereon, and not for commercial or industrial purposes, may be registered for One Dollar (\$1.00); provided, any such trailer used by the holder of

a certificate of convenience and necessity issued by the Oklahoma Corporation Commission or the Interstate Commerce Commission shall be conclusively presumed to be used in and for a commercial use, and must be licensed as such, paying the license fees provided in Section 1133 of this title.

D. Before a party shall be allowed to purchase a license plate or claim an exception or exemption under this section, the party shall:

1. Show an income tax Schedule F for the preceding year; or
2. Present a valid exemption card issued pursuant to the provisions of Section 1358.1 of Title 68 of the Oklahoma Statutes.

A violation shall be grounds for revocation of driver's license. Any person who signs ~~said~~ the affidavit as required by this section when ~~such~~ the person does not believe that the information in the affidavit is true or knows it is not true, upon conviction, shall be guilty of perjury and shall be punished as provided for by law.

E. Any person owning a truck upon which the farm truck license fee has been paid in Oklahoma for the current year and whose truck may be needed during grain harvests or other seasonal farming activities for hauling farm products other than his or her own, or for hauling gravel, shale or other road materials for rural roads, may make application ~~with the Oklahoma Tax Commission for a short term commercial license for such truck for a period of time not to exceed ninety (90) days~~ in accordance with the Harvest Regulation Reform Act of 2006.

F. ~~Upon such application, the Tax Commission shall issue a temporary commercial truck license and register the truck upon payment of the following fees:~~

- ~~1. For thirty (30) days a fee equal to one eighth (1/8) of the annual commercial license fee required for such truck.~~
- ~~2. For sixty (60) days a fee equal to one fourth (1/4) of the annual commercial license fee required for such truck.~~

~~3. For ninety (90) days a fee equal to three eighths (3/8) of the annual commercial license fee required for such truck.~~

~~6.~~ Provided, however, the provisions of this section shall not apply to the transportation of persons or property for hire.

SECTION 6. This act shall become effective November 1, 2006.

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