ENGROSSED SENATE
BILL NO. 1508

By: Corn and Coates of the Senate

and

Liotta of the House

[motor vehicles - movement of vehicles – modifying fees - permits - effective date – emergency]

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 14-101, as last amended by Section 1, Chapter 62, O.S.L. 2005 (47 O.S. Supp. 2005, Section 14-101), is amended to read as follows:

Section 14-101. A. It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state and local authorities shall have no power or authority to alter said limitations except as express authority may be granted in this chapter.

B. The provisions of this chapter governing size, weight and load shall not apply to fire apparatus, vehicles transporting heavy equipment on any highway other than an interstate and defense highway to and from areas during emergencies for the purpose of fighting fires, Department of Transportation research testing equipment, vehicles used by retail implement dealers while hauling implements of husbandry or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle

operated under the terms of a special permit issued as herein provided.

C. All size, weight and load provisions covered by this chapter shall be subject to the limitations imposed by Title 23, United States Code, Section 127, and such other rules and regulations developed herein. Provided further that any size and weight provision authorized by the United States Congress for use on the National System of Interstate and Defense Highways, including but not limited to height, axle weight, gross weight, combinations of vehicles or load thereon shall be authorized for immediate use on such segments of the National System of Interstate and Defense Highways and any other highways or portions thereof as designated by the Transportation Commission or their duly authorized representative.

D. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title, other than a special combination vehicle, a longer combination vehicle, or a vehicle permitted solely for overweight movement, shall be moved only during daylight hours. As used in Section 14-101 et seq. of this title, "daylight hours" shall mean one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

E. 1. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title, except for a special combination vehicle, a longer combination vehicle, or a vehicle permitted solely for overweight movement, shall not be moved at any time on the following holidays:

a. New Year's Day (January 1),

b. Memorial Day (the last Monday in May),

c. The Fourth of July (Independence Day),

d. Labor Day (the first Monday in September),

e. Thanksgiving Day (the fourth Thursday in November), and

f. Christmas Day (December 25).

2. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title shall be allowed to move on the following holidays:

a. Martin Luther King, Jr.'s Birthday (the third Monday in January),

b. President's Day, also known as Washington's Birthday (the third Monday in February), and

c. Veteran's Day (November 11).

SECTION 2. AMENDATORY 47 O.S. 2001, Section 14-103, as last amended by Section 7, Chapter 279, O.S.L. 2003 (47 O.S. Supp. 2005, Section 14-103), is amended to read as follows:

Section 14-103. Except as otherwise provided for by this chapter:

A. No vehicle, with or without load, shall have a total outside width in excess of one hundred two (102) inches excluding:

1. Tire bulge;

2. Approved safety devices;

3. A retracted awning with a width of eight (8) inches or less or other appurtenance of four (4) inches or less which is attached to the side of a recreational vehicle, as defined in Section 1102 of this title; and

4. Pins used as a safety precaution or as a load-assisting device if the pins do not extend the overall width of the vehicle beyond nine (9) feet. The State of Oklahoma hereby declares it has determined, in accordance with 23 C.F.R., Section 658.15, that such pins are necessary for the safe and efficient operation of motor vehicles.

The provisions of this subsection shall not apply to any person engaged in the hauling of round baled hay with a total outside width of eleven (11) feet or less when the hay is owned by such person and is being hauled for any purpose other than resale. The provisions

of this subsection shall also not apply to any county official or employee engaged in the hauling or pulling of a trailer or equipment owned by the county on the county roads of such county.

B. No vehicle, with or without load, shall exceed a height of thirteen and one-half (13 1/2) feet.

C. 1. No single truck, with or without load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty-five (45) feet.

2. No single bus, with or without load, shall have an overall length, inclusive of front and rear bumpers, in excess of forty-five (45) feet.

3. a. On the National Network of Highways which includes the National System of Interstate and Defense Highways and four-lane divided Federal Aid Primary System Highways, no semitrailer operating in a truck-tractor/semitrailer combination shall have a length greater than fifty-three (53) feet, except as provided in subsection C of Section 14-118 of this title which shall apply to semitrailers exceeding fifty-three (53) feet but not exceeding fifty-nine (59) feet six (6) inches. On the National System of Interstate and Defense Highways and four-lane divided Federal Aid Primary System Highways, no semitrailer or trailer operating in a truck-tractor/semitrailer and trailer combination shall have a length greater than fifty-three (53) feet.

b. On roads and highways not a part of the National System of Interstate and Defense Highways or four-lane divided Federal Aid Primary System Highways, no semitrailer operating in a truck-tractor/semitrailer combination shall have a length greater than fifty-three (53) feet and no semitrailer or trailer

operating in a truck-tractor/semitrailer and trailer combination shall have a length greater than twenty-nine (29) feet. Except as provided for in subsection D of Section 14-118 of this title, no other combination of vehicles shall have an overall length, inclusive of front and rear bumpers, in excess of seventy (70) feet on all roads and highways. For the purposes of this paragraph, oil field rig-up trucks shall be considered to be truck-tractors, when towing a trailer or semitrailer.

4. No combination of vehicles shall consist of more than two units, except:

a. one truck and semitrailer or truck-tractor/semitrailer combination may tow one complete trailer or semitrailer, or

b. vans, suburbans, blazers or other similar types of vehicles and self-propelled recreational vehicles with a three-quarter (3/4) ton or more rated capacity, may tow a semitrailer and one complete trailer or semitrailer for recreational purposes only, provided the overall length, inclusive of the front and rear bumpers, does not exceed sixty-five (65) feet.

5. Poles and gas lines used to maintain public utility services, not to include new construction, may be moved during daylight hours, and during nighttime hours only in an emergency, subject to traffic and road restrictions promulgated by the Commissioner of Public Safety, when the overall length does not exceed eighty (80) feet. When this length is exceeded, these loads are subject to the requirements of Section 14-118 of this title.

6. For the purposes of paragraphs 1, 3, and 4 of this subsection, the length of unitized equipment, which is defined to be equipment so constructed and attached to a rubber-tired vehicle that

the vehicle and load become a unit and are for all practical purposes inseparable, shall be the length of the vehicle itself, and shall not include any protrusion of the equipment load so constructed or attached. Said equipment shall not protrude for a distance greater than two-thirds (2/3) of the wheel base of said vehicle, shall not impair the driver's vision, and if less than seven (7) feet above the roadway, shall be safely marked, flagged or illuminated. Any such protruding structure shall be securely held in place to prevent dropping or swaying. Unitized equipment shall carry such safety equipment as shall be determined to be necessary for the safety, health, and welfare of the driving public by the Commissioner of Public Safety.

7. For the purposes of paragraphs 1, 3, and 4 of this subsection, a truck-tractor, when being towed by another vehicle with the wheels of its steering axle raised off the roadway, shall be considered to be a semitrailer as defined in Section 1-162 of this title.

8. The provisions of paragraphs 1 and 3 of this subsection shall not apply to any contractor or subcontractor, or agents or employees of any contractor or subcontractor, while engaged in transporting material to the site of a project being constructed by, for, or on behalf of this state or any city, town, county, or subdivision of this state.

9. Special mobilized machinery, as defined in Section 1102 of this title, which exceeds the size provisions of this section shall only use the highways of the State of Oklahoma by special permit issued by the Commissioner of Public Safety or an authorized representative of the Commissioner. Such special permit shall be:

a. a single-trip permit issued under the provisions of Section 14-116 of this title, or

b. a special annual oversize permit issued for one (1) calendar year period upon payment of a fee of ~~Ten~~

~~Dollars ($10.00)~~ Thirty Dollars ($30.00) plus any amount as provided by subsection H of Section 14-118 of this title.

SECTION 3. AMENDATORY 47 O.S. 2001, Section 14-116, as amended by Section 25, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2005, Section 14-116), is amended to read as follows:

Section 14-116. A. The Commissioner of Public Safety shall charge a minimum permit fee of ~~Twenty Dollars ($20.00)~~ Thirty Dollars ($30.00) for any permit issued pursuant to the provisions of Section 14-101 et seq. of this title. In addition to the permit fee, the Commissioner shall charge a fee of ~~Five Dollars ($5.00)~~ Ten Dollars ($10.00) for each thousand pounds in excess of the legal load limit. The Commissioner of Public Safety shall establish any necessary rules for collecting the fees.

B. The Department of Public Safety is authorized to establish an escrow account system for the payment of permit fees. Authorized motor carriers meeting established credit requirements may participate in the escrow account system for permits purchased from all size and weight permit offices in this state. Carriers not choosing to participate in the escrow account system shall be required to make payment of the required fee or fees upon purchase of each permit as required by law. All monies collected through the escrow account system shall be deposited to a special account of the Department of Public Safety and placed in the custody of the State Treasurer. Proceeds from permits purchased using the escrow account system shall be distributed as provided for in ~~subsection~~ subsections G and H of this section. However, fees collected through such accounts for the electronic transmission, transfer or delivery of permits, as provided for in Section 14-118 of this title, shall be credited to the Department of Public Safety Revolving Fund.

C. 1. Application for permits shall be made a reasonable time in advance of the expected time of movement of such vehicles. For emergencies affecting the health or safety of persons or a community, permits may be issued for immediate movement.

2. Size and weight permit offices in all districts where applicable shall issue permits to authorize ~~carriers~~ the movement of oversize and overweight loads by telephone during weekdays.

3. The Commissioner of Public Safety shall ~~develop a system~~ adopt rules for provisional permits for authorized carriers which may be used in lieu of a regular permit for the movement of oversize and overweight loads when issued an authorization number by the Department of Public Safety. Such provisional permits shall include, at a minimum, the name of the authorized carrier, the date of movement, general load description, estimated weight, oversize notation, route of travel, truck or truck-tractor license number, and permit authorization number. Each provisional permit shall be supplied upon request to an authorized carrier by the Department upon payment of a fee of Thirty Dollars ($30.00) each, which shall be applied to the total final cost of the permit. The Department shall not be responsible for lost, stolen, or misplaced provisional permits.

D. No overweight permit shall be valid until all ~~license~~ vehicle registration fees and taxes due the State of Oklahoma have been paid.

E. No permit violation shall be deemed to have occurred when an oversize or overweight movement is made pursuant to a permit whose stated weight or size exceeds the actual load.

F. The first deliverer of motor vehicles designated truck carriers or well service carriers manufactured in Oklahoma shall not be required to purchase an overweight permit when being delivered to the first purchaser.

G. ~~The~~ Of the proceeds from permit fees, other than overweight permit fees:

1. Ten Dollars ($10.00) of each permit shall be deposited in the Department of Public Safety Revolving Fund for the purposes of the administration and enforcement of size and weight permitting by the Department of Public Safety; and

2. The remainder of each permit fee shall be deposited in the General Revenue Fund in the State Treasury. ~~However, the proceeds from overweight permit fees shall be apportioned as provided in Section 1104 of this title.~~

H. Of the proceeds from overweight permit fees:

1. Ten Dollars ($10.00) of each permit fee shall be deposited in the Department of Public Safety Revolving Fund for the purposes of the administration and enforcement of size and weight permitting by the Department of Public Safety;

2. Five Dollars ($5.00) of each additional fee charged for each thousand pounds in excess of the legal limit shall be deposited in the Department of Public Safety Revolving Fund for the purposes of the administration and enforcement of size and weight permitting by the Department of Public Safety; and

3. The remainder of each overweight permit fee and of each additional fee charged for each thousand pounds in excess of the legal load limit shall be apportioned as provided in Section 1104 of this title.

SECTION 4. This act shall become effective July 1, 2006.

SECTION 5. 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 Senate the 8th day of March, 2006.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2006.

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Presiding Officer of the House
of Representatives