ENROLLED HOUSE
BILL NO. 2895

By: McMullen, Askins, Braddock, Covey, Blackwell, Hickman, Johnson and Jackson of the House

and

Lawler of the Senate

An Act relating to motor vehicles; creating the Motor Carrier Harvest Permit Act of 2006; providing for permits; specifying permit information requirements; requiring certificate for certain insurance; providing for permit extensions; providing for filing; specifying enforcement requirements; specifying locations for scales; amending 47 O.S. 2001, Section 1134, which relates to farm vehicles; modifying permit requirements; 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 230.34 of Title 47, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Motor Carrier Harvest Permit 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 Oklahoma Corporation Commission.

B. The harvest permit shall be recognized in lieu of registration, fuel permit and intrastate operating authority in this state. The harvest permit shall be issued to the operating motor carrier.

C. Each permit shall be valid for a period of thirty (30) or sixty (60) days. The permit shall identify the time and date of its issuance and shall additionally reflect its effective and expiration dates.

D. The following information shall be required of an applicant for a harvest permit and shall apply to each vehicle to be operated under the permit:

1. Owner of the vehicle;

2. Vehicle registrant;

3. Make, model, year, license plate number, state of registration and VIN of each vehicle which will be operated under the permit; and

4. The operating carrier must provide a certificate that each vehicle is operating under a liability insurance policy valid in Oklahoma for Three Hundred Fifty Thousand Dollars ($350,000.00) or more.

E. There shall be a fee of Twenty Dollars ($20.00) per axle for a thirty-day permit or Thirty-five Dollars ($35.00) per axle for a sixty-day permit, for each vehicle registered pursuant to the Motor Carrier Harvest Permit Act of 2006. Revenue derived from this fee shall be apportioned as follows:

1. One-half (1/2) of the revenue shall be deposited in the Weigh Station Improvement Revolving Fund as set forth in Section 1167 of Title 47 of the Oklahoma Statutes; and

2. The remaining amount shall be deposited in the One-Stop Trucking Fund as set forth in Section 1167 of Title 47 of the Oklahoma Statutes.

F. A harvest permit may be extended in fifteen-day increments. The permit holder shall be required to pay the additional prorated portion of the tag fee at Eight Dollars and seventy-five cents ($8.75) per axle per fifteen-day extension.

G. An application for a harvest permit shall be made to the Corporation Commission. The Corporation Commission shall allow applications to be submitted by facsimile and electronically. The Commission must provide reasonable access for persons to obtain a harvest permit before taking enforcement action.

H. If found to be in violation of the Motor Carrier Harvest Permit Act of 2006 for failure to obtain or maintain a current harvest permit, the operating carrier shall post bond in the amount of the cost of the harvest permit and shall be allowed seventy-two (72) hours to apply for the permit. If the operating carrier makes application within seventy-two (72) hours, the bond amount will be applied toward the harvest permit fee.

I. A harvest permit does not exempt its holder from federal or state safety regulations nor from the state’s size and weight laws or rules.

J. 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.

K. The Corporation Commission may promulgate rules to administer the provisions of the Motor Carrier Harvest Permit Act of 2006.

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:

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

SECTION 4. 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 as provided for in subsection F of this section, or may make application in accordance with the Motor Carrier Harvest Permit Act of 2006 if applicable.

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.

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

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 House of Representatives the 3rd day of May, 2006.

_____
Presiding Officer of the House
of Representatives

Passed the Senate the 12th day of April, 2006.

_____
Presiding Officer of the Senate