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THE STATE SENATE  
Monday, April 10, 2006

ENGROSSED  
House Bill No. 2822  
As Amended

ENGROSSED HOUSE BILL NO. 2822 - By: DeWITT, PRUETT, HICKMAN, DENNEY,  
ROGGOW, GLENN, ELLIS, BILLY, WALKER and AUFFET of the House and  
WYRICK of the Senate.

[ motor vehicles - amending eleven sections in Title 47 -  
certain permits - Motor License Agents - effective date -  
emergency ]

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

SECTION 1. 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

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

7 The provisions of this subsection shall not apply to any person  
8 engaged in the hauling of round baled hay with a total outside width  
9 of eleven (11) feet or less when the hay is owned by such person and  
10 is being hauled for any purpose other than resale. The provisions  
11 of this subsection shall also not apply to any county official or  
12 employee engaged in the hauling or pulling of a trailer or equipment  
13 owned by the county on the county roads of such county.

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

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

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

22           3. a. On the National Network of Highways which includes the  
23                   National System of Interstate and Defense Highways and

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

14 b. On roads and highways not a part of the National  
15 System of Interstate and Defense Highways or four-lane  
16 divided Federal Aid Primary System Highways, no  
17 semitrailer operating in a truck-tractor/semitrailer  
18 combination shall have a length greater than fifty-  
19 three (53) feet and no semitrailer or trailer  
20 operating in a truck-tractor/semitrailer and trailer  
21 combination shall have a length greater than twenty-  
22 nine (29) feet. Except as provided for in subsection  
23 D of Section 14-118 of this title, no other

1 combination of vehicles shall have an overall length,  
2 inclusive of front and rear bumpers, in excess of  
3 seventy (70) feet on all roads and highways. For the  
4 purposes of this paragraph, oil field rig-up trucks  
5 shall be considered to be truck-tractors, when towing  
6 a trailer or semitrailer.

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

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

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

19 5. Poles and gas lines used to maintain public utility  
20 services, not to include new construction, may be moved during  
21 daylight hours, and during nighttime hours only in an emergency,  
22 subject to traffic and road restrictions promulgated by the  
23 Commissioner of Public Safety, when the overall length does not

1 exceed eighty (80) feet. When this length is exceeded, these loads  
2 are subject to the requirements of Section 14-118 of this title.

3 6. For the purposes of paragraphs 1, 3, and 4 of this  
4 subsection, the length of unitized equipment, which is defined to be  
5 equipment so constructed and attached to a rubber-tired vehicle that  
6 the vehicle and load become a unit and are for all practical  
7 purposes inseparable, shall be the length of the vehicle itself, and  
8 shall not include any protrusion of the equipment load so  
9 constructed or attached. Said equipment shall not protrude for a  
10 distance greater than two-thirds (2/3) of the wheel base of said  
11 vehicle, shall not impair the driver's vision, and if less than  
12 seven (7) feet above the roadway, shall be safely marked, flagged or  
13 illuminated. Any such protruding structure shall be securely held  
14 in place to prevent dropping or swaying. Unitized equipment shall  
15 carry such safety equipment as shall be determined to be necessary  
16 for the safety, health, and welfare of the driving public by the  
17 Commissioner of Public Safety.

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

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

7       9. Special mobilized machinery, as defined in Section 1102 of  
8 this title, which exceeds the size provisions of this section shall  
9 only use the highways of the State of Oklahoma by special permit  
10 issued by ~~the Commissioner of Public Safety or an authorized~~  
11 ~~representative of the Commissioner~~ a motor license agent approved  
12 pursuant to Section 1140 of this title. Such special permit shall  
13 be:

- 14           a. a single-trip permit issued under the provisions of  
15                Section 14-116 of this title, or
- 16           b. a special annual oversize permit issued for one (1)  
17                calendar year period upon payment of a fee of Ten  
18                Dollars (\$10.00) plus any amount as provided by  
19                subsection H of Section 14-118 of this title.

20       SECTION 2.        AMENDATORY        47 O.S. 2001, Section 14-103C, as  
21 last amended by Section 10, Chapter 390, O.S.L. 2004 (47 O.S. Supp.  
22 2005, Section 14-103C), is amended to read as follows:

1           Section 14-103C. A. ~~The Commissioner of Public Safety~~ A motor  
2 license agent shall, upon proper application, issue a special permit  
3 to any person allowing the movement on state and federal highways of  
4 a structure in the form of a house or building, including but not  
5 limited to industrialized housing as defined in Section 14-103A of  
6 this title, not exceeding thirty-two (32) feet in width at the base,  
7 and thirty-four (34) feet in width at the top and twenty-one (21)  
8 feet in height. The permit shall specify the highways to be used,  
9 consistent with public convenience and safety, as determined by the  
10 Commissioner of Public Safety. In addition to the prohibitions on  
11 movement as prescribed in Section 14-101 et seq. of this title, such  
12 structures shall not be moved on Saturday or Sunday.

13           B. If any structure or housing described in subsection A of  
14 this section has a width in excess of sixteen (16) feet, the towing  
15 vehicle shall be a tandem-axle vehicle of no less than two hundred  
16 twenty (220) horsepower.

17           SECTION 3.           AMENDATORY           47 O.S. 2001, Section 14-103D, as  
18 amended by Section 1, Chapter 417, O.S.L. 2002 (47 O.S. Supp. 2005,  
19 Section 14-103D), is amended to read as follows:

20           Section 14-103D. A. No person shall transport or move a  
21 manufactured home on any public road or highway in this state,  
22 except as otherwise provided by law, without a permit issued  
23 pursuant to the provisions of Sections 14-103A and 14-103C of this

1 title and subsection B of this section, and without a current  
2 calendar year decal or current registration or a repossession  
3 affidavit issued pursuant to Sections 1110 and 1126 of this title.

4 B. In addition to the permit information required by the  
5 provisions of Sections 14-103A and 14-103C of this title, the permit  
6 shall also include the following:

7 1. The name of the owner of the manufactured home;

8 2. The serial number or identification number of the  
9 manufactured home;

10 3. A legal description or the physical address of the location  
11 from which the manufactured home is to be moved;

12 4. A legal description or the physical address of the location  
13 to which the manufactured home is to be moved; and

14 5. The name of the firm or individual repossessing the  
15 manufactured home as it appears on the repossession affidavit, if  
16 the movement is for repossession purposes and the repossession  
17 affidavit is being used in lieu of current license plate and decal,  
18 as provided in subsection E of Section 1113 of this title.

19 C. Except as otherwise provided by law, ~~the Department of~~  
20 ~~Public Safety~~ a motor license agent shall not issue a permit to any  
21 person to transport or move a manufactured home without a current  
22 calendar year decal or current registration; provided:

1           1. Upon proof of possession of a dealer or in-transit license  
2 plate, issued by the Oklahoma Tax Commission according to the  
3 provisions of subsection D of Section 1128 of this title, the  
4 ~~Department of Public Safety~~ motor license agent shall issue a permit  
5 to the holder of such license; and

6           2. The ~~Department~~ motor license agent shall issue a permit to  
7 the holder of a perfected security interest in a manufactured home,  
8 or a licensed representative thereof, pursuant to a lawful  
9 repossession of the manufactured home, if the holder or  
10 representative is bonded by the state, to move the manufactured home  
11 to a secure location with a repossession affidavit; provided, all  
12 registration fees, excise taxes or ad valorem taxes due on such home  
13 shall be required to be paid within thirty (30) days of the issuance  
14 of the permit.

15           D. For the purposes of subsections A and C of this section, a  
16 manufactured home registration receipt and Manufactured Home  
17 Registration Decal attached to a certificate of title for a  
18 manufactured home or receipts and decal as authorized by subsection  
19 C of Section 1117 of this title shall be evidence of payment of the  
20 excise tax and registration fees required pursuant to the provisions  
21 of Section 1135 of this title and the Ad Valorem Tax Code.

22           E. The ~~Department of Public Safety~~ motor license agent shall  
23 notify the Oklahoma Tax Commission, the county assessor of the

1 county from which the manufactured home is to be moved and the  
2 county assessor of the county in which the manufactured home is to  
3 be moved of any permits issued pursuant to the provisions of this  
4 section.

5 SECTION 4. AMENDATORY 47 O.S. 2001, Section 14-116, as  
6 amended by Section 25, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2005,  
7 Section 14-116), is amended to read as follows:

8 Section 14-116. A. The Commissioner of Public Safety shall  
9 charge a minimum permit fee of Twenty Dollars (\$20.00) for any  
10 permit issued pursuant to the provisions of Section 14-101 et seq.  
11 of this title. In addition to the permit fee, the Commissioner  
12 shall charge a fee of Five Dollars (\$5.00) for each thousand pounds  
13 in excess of the legal load limit. The Commissioner of Public  
14 Safety shall establish any necessary rules for collecting the fees,  
15 including any provisions for the utilization of motor license agents  
16 for the collection of fees and issuance of permits. In addition to  
17 every fee established for the issuance of a permit pursuant to the  
18 provisions of Section 14-101 et seq. of this title, a five-dollar  
19 fee shall also be charged for each permit to be retained by the  
20 motor license agent issuing such permit.

21 B. ~~The Department of Public Safety is authorized to establish~~  
22 ~~an escrow account system for the payment of permit fees. Authorized~~  
23 ~~motor carriers meeting established credit requirements may~~

1 ~~participate in the escrow account system for permits purchased from~~  
2 ~~all size and weight permit offices in this state. Carriers not~~  
3 ~~choosing to participate in the escrow account system shall be~~  
4 ~~required to make payment of the required fee or fees upon purchase~~  
5 ~~of each permit as required by law. All monies collected through the~~  
6 ~~escrow account system shall be deposited to a special account of the~~  
7 ~~Department of Public Safety and placed in the custody of the State~~  
8 ~~Treasurer. Proceeds from permits purchased using the escrow account~~  
9 ~~system shall be distributed as provided for in subsection G of this~~  
10 ~~section. However, fees collected through such accounts for the~~  
11 ~~electronic transmission, transfer or delivery of permits, as~~  
12 ~~provided for in Section 14-118 of this title, shall be credited to~~  
13 ~~the Department of Public Safety Revolving Fund.~~

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

18       2. ~~Size and weight permit offices~~ Motor license agents located  
19 in all ~~districts where applicable~~ the various locations of the state  
20 shall issue permits to authorize carriers by telephone during  
21 weekdays.

22       3. The Commissioner of Public Safety shall develop a system for  
23 provisional permits for authorized carriers which may be used in

1 lieu of a regular permit for the movement of oversize and overweight  
2 loads when issued an authorization number by ~~the Department of~~  
3 ~~Public Safety~~ a motor license agent. Such provisional permits shall  
4 include date of movement, general load description, estimated  
5 weight, oversize notation, route of travel, truck or truck-tractor  
6 license number, and permit authorization number.

7 ~~D.~~ C. No overweight permit shall be valid until all license  
8 taxes due the State of Oklahoma have been paid.

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

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

16 ~~G.~~ F. The proceeds from permit fees shall be deposited in the  
17 General Revenue Fund in the State Treasury. However, the proceeds  
18 from overweight permit fees shall be apportioned as provided in  
19 Section 1104 of this title.

20 SECTION 5. AMENDATORY 47 O.S. 2001, Section 14-116a, as  
21 amended by Section 11, Chapter 390, O.S.L. 2004 (47 O.S. Supp. 2005,  
22 Section 14-116a), is amended to read as follows:

1 Section 14-116a. Any person, firm, or corporation who moves or  
2 transports any load or manufactured home without a permit issued by  
3 ~~the Department of Public Safety~~ a motor license agent as required by  
4 the provisions of this chapter shall be deemed guilty of a  
5 misdemeanor and upon conviction thereof shall be punished as  
6 follows:

7 1. For the first such violation, by a fine of Five Hundred  
8 Dollars (\$500.00);

9 2. For the second such violation, by a fine of One Thousand  
10 Dollars (\$1,000.00); and

11 3. For the third and subsequent violations, by a fine of not  
12 less than One Thousand Dollars (\$1,000.00) nor more than Five  
13 Thousand Dollars (\$5,000.00).

14 The permit shall be carried by the operator of the vehicle  
15 moving or transporting the load or manufactured home and shall be  
16 available for inspection by any law enforcement officer. If said  
17 operator is found not to possess a permit, the load or manufactured  
18 home shall not continue to be moved or transported. Thereafter, the  
19 load or manufactured home shall not be moved or transported further  
20 except by the operator of a vehicle moving or transporting the load  
21 or manufactured home who is in possession of a permit authorizing  
22 the movement of the load or manufactured home.

1 SECTION 6. AMENDATORY 47 O.S. 2001, Section 14-118, as  
2 amended by Section 26, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2005,  
3 Section 14-118), is amended to read as follows:

4 Section 14-118. A. 1. Pursuant to such rules as may be  
5 prescribed by Oklahoma agencies of jurisdiction, Oklahoma motor  
6 carriers may engage in any activity in which carriers subject to the  
7 jurisdiction of the federal government may be authorized by federal  
8 legislation to engage. Provided further, the Transportation  
9 Commission shall formulate, for the State Trunk Highway System,  
10 including the National System of Interstate and Defense Highways,  
11 and for all other highways or portions thereof, rules governing the  
12 movement of vehicles or loads which exceed the size or weight  
13 limitations specified by the provisions of this chapter.

14 2. Such rules shall be the basis for the development of a  
15 system by the Commissioner of Public Safety for the issuance of  
16 permits for the movement of oversize or overweight vehicles or  
17 loads. Such system shall include, but not be limited to, provisions  
18 for duration, seasonal factors, hours of the day or days when valid,  
19 special requirements as to flags, flagmen and warning or safety  
20 devices, and other such items as may be consistent with the intent  
21 of this section. The permit system shall include provisions for the  
22 collection of permit fees as well as for the issuance of the permits

1 by telephone, electronic transfer or such other methods of issuance  
2 as may be deemed feasible.

3 3. The Department of Public Safety is authorized to charge a  
4 fee of Two Dollars (\$2.00) for each permit requested to be issued  
5 and collected by motor license agents that is received by facsimile  
6 machine or by any other means of electronic transmission, transfer  
7 or delivery. The fee shall be retained by the issuing motor license  
8 agent and the fee is in addition to any other fee or fees assessed  
9 for the permit including the fee to be retained pursuant to  
10 subsection A of Section 14-116 of this title. ~~The fee shall be~~  
11 ~~deposited in the State Treasury to the credit of the Department of~~  
12 ~~Public Safety Revolving Fund and the monies shall be expended by the~~  
13 ~~Department solely for the purposes provided for in this chapter.~~

14 4. It is the purpose of this section to permit the movement of  
15 necessary overweight and oversize vehicles or loads consistent with  
16 the following obligations:

- 17 a. protection of the motoring public from potential  
18 traffic hazards,
- 19 b. protection of highway surfaces, structures, and  
20 private property, and
- 21 c. provision for normal flow of traffic with a minimum of  
22 interference.

1           B. The Transportation Commission shall prepare and publish a  
2 map of the State of Oklahoma showing by appropriate symbols the  
3 various highway structures and bridges in terms of maximum size and  
4 weight restrictions. This map shall be titled "Oklahoma Load Limit  
5 Map" and shall be revised periodically to maintain a reasonably  
6 current status and in no event shall a period of two (2) years lapse  
7 between revisions and publication of same. Provided, further, the  
8 Secretary of the Department of Transportation shall prepare and  
9 publish a map of the State of Oklahoma showing the advantages of  
10 this state as a marketing, warehousing and distribution network  
11 center for motor transportation sensitive industries.

12           C. The Commissioner of Public Safety, or an authorized  
13 representative, shall have the authority, within the limitations  
14 formulated under provisions of this chapter, to ~~issue, withhold or~~  
15 revoke special permits for the operation of vehicles or combinations  
16 of vehicles or loads which exceed the size or weight limitations of  
17 this chapter. Every such permit shall be carried in the vehicle or  
18 combination of vehicles to which it refers and shall be open to  
19 inspection by any law enforcement officer or authorized agent of any  
20 authority granting such permit, and no person shall violate any of  
21 the terms or conditions of such special permit.

22           D. It shall be permissible in the transportation of empty  
23 trucks on any road or highway to tow by use of saddle mounts, i.e.,

1 mounting the front wheels of one vehicle on the bed of another  
2 leaving the rear wheels only of such towed vehicle in contact with  
3 the roadway. One or more vehicles may be full mounted on the towing  
4 or towed vehicles engaged in any driveaway or towaway operation. No  
5 more than three saddle mounts may be permitted in such combinations.  
6 The towed vehicles shall be securely fastened and operated under the  
7 applicable safety requirements of the United States Department of  
8 Transportation and such combinations shall not exceed an overall  
9 length of seventy-five (75) feet.

10 E. ~~The Commissioner of Public Safety~~ A motor license agent,  
11 upon application of any person engaged in the transportation of  
12 forest products in the raw state, which is defined to be tree-length  
13 logs moving from the forest directly to the mill, or upon  
14 application of any person engaged in the transportation of overwidth  
15 or overheight equipment used in soil conservation work, or upon  
16 application of any person engaged in the hauling for hire or for  
17 resale, of round baled hay with a total outside width of eleven (11)  
18 feet or less, shall issue an annual permit, upon payment of a fee of  
19 Twenty-five Dollars (\$25.00) each year, authorizing the operation by  
20 such persons of such motor vehicle load lengths and widths upon the  
21 highways of this state except on the National System of Interstate  
22 and Defense Highways. Provided, however, the restriction on use of  
23 the National System of Interstate and Defense Highways shall not be

1 applicable to persons engaged in the hauling of round baled hay with  
2 a total outside width of eleven (11) feet or less.

3 F. Farm equipment including, but not limited to, implements of  
4 husbandry as defined in Section 1-125 of this title shall be  
5 exempted from the requirement for special permits due to size. Such  
6 equipment may move on any highway, except those highways which are  
7 part of the National System of Interstate and Defense Highways,  
8 during the hours of darkness and shall be subject to the  
9 requirements as provided in Section 12-215 of this title. In  
10 addition to those requirements, tractors pulling machinery over  
11 thirteen (13) feet wide must have two amber flashing warning lamps  
12 symmetrically mounted, laterally and widely spaced as practicable,  
13 visible from both front and rear, mounted at least thirty-nine (39)  
14 inches high.

15 G. Any rubber-tired road construction vehicle including rubber-  
16 tired truck cranes and special mobilized machinery either self-  
17 propelled or drawn carrying no load other than its own weight, but  
18 which is overweight by any provisions of this chapter, shall be  
19 authorized to move on the highways of the State of Oklahoma.  
20 Movement of such vehicles shall be authorized on the Federal  
21 Interstate System of Highways only by special permit secured from  
22 ~~the Commissioner of Public Safety or an authorized representative a~~  
23 motor license agent upon determination that the objectives of this

1 section will be served by such a permit and that federal weight  
2 restrictions will not be violated. The special permit shall be:

3 1. A single-trip permit issued under the provisions of this  
4 section and Section 14-116 of this title; or

5 2. A special annual overweight permit which shall be issued for  
6 one calendar year period upon payment of a fee of Sixty Dollars  
7 (\$60.00).

8 The weight of any such vehicle shall not exceed six hundred fifty  
9 (650) pounds multiplied by the nominal width of the tire. The  
10 vehicle shall be required to carry the safety equipment adjudged  
11 necessary for the health and welfare of the driving public. If any  
12 oversized vehicle does not come under the other limitations of the  
13 present laws, it shall be deemed that the same shall travel only  
14 between the hours of sunrise and sunset. The vehicle, being  
15 overweight but of legal dimension, shall be allowed continuous  
16 travel. The vehicles, except special mobilized machinery, shall be  
17 exempt from the laws of this state relating to motor vehicle  
18 registration, licensing or other fees or taxes in lieu of ad valorem  
19 taxes.

20 H. 1. When such machinery has a width greater than eight and  
21 one-half (8 1/2) feet, or a length, exclusive of load, of forty-five  
22 (45) feet, or a height in excess of thirteen and one-half (13 1/2)  
23 feet, then the permit may restrict movement to a fifty-mile radius

1 from an established operating base, and may designate highways to be  
2 traveled, hours of travel and when flagmen may be required to  
3 precede or follow the equipment.

4 2. Possession of a permit shall in no way be construed as  
5 exempting such equipment from the authority of the Director of the  
6 Department of Transportation to restrict use of particular highways,  
7 nor shall it exempt owners or operators of such equipment from the  
8 responsibility for damage to highways caused by movement of the  
9 equipment. Nothing in this subsection shall apply to machinery used  
10 in highway construction or road material production.

11 3. Upon the issuance of a special mobilized machinery driveaway  
12 permit as provided in this subsection, special mobilized machinery  
13 manufactured in Oklahoma shall be permitted to move upon the  
14 highways of this state from the place of manufacture to the state  
15 line for delivery and exclusive use outside the state, and may be  
16 temporarily returned to Oklahoma for modification and repair, with  
17 subsequent movement back out of the state. Special driveaway  
18 permits for such movements shall be issued by ~~the Commissioner of~~  
19 ~~Public Safety, who may act through designated agents,~~ a motor  
20 license agent upon the payment of a fee in the amount of Fifteen  
21 Dollars (\$15.00) for each movement.

22 4. The size of the special mobilized machinery shall not be  
23 such as to create a safety hazard in the judgment of the

1 Commissioner of Public Safety. Permits for such special mobilized  
2 machinery shall specify a maximum permissible road speed of the  
3 lesser of fifty (50) miles per hour or the posted speed limit,  
4 designate safety equipment to be carried and may exclude use of  
5 highways of the interstate system.

6 5. When such equipment has a width greater than eight and one-  
7 half (8 1/2) feet, or a length exclusive of load of forty-five (45)  
8 feet, or a height in excess of thirteen and one-half (13 1/2) feet,  
9 the permit may designate highways to be traveled, hours of travel  
10 and when flagmen may be required to precede or follow the equipment.

11 6. Possession of a special driveaway permit shall in no way be  
12 construed as exempting such equipment from the authority of the  
13 Director of the Department of Transportation to restrict use of  
14 particular highways, nor shall it exempt the owners or operators of  
15 such equipment from the responsibility for damage to highways caused  
16 by the movement of such equipment.

17 SECTION 7. AMENDATORY 47 O.S. 2001, Section 14-118.1, is  
18 amended to read as follows:

19 Section 14-118.1 The Department of Transportation is authorized  
20 to enter into agreements with governmental entities outside this  
21 state for the issuance of regional and national oversize and  
22 overweight permits for single-trip nondivisible loads. The  
23 Commissioner of Public Safety shall adopt rules necessary to

1 implement the agreements ~~and~~. Motor license agents shall be  
2 authorized to issue multi-state permits for single-trip nondivisible  
3 loads in accordance with the terms of the agreements and shall  
4 receive and remit permit fees from a Department of Public Safety  
5 special account in accordance with the agreements and state law.

6 SECTION 8. AMENDATORY 47 O.S. 2001, Section 14-120, is  
7 amended to read as follows:

8 Section 14-120. A. Manufactured items, with the exception of  
9 manufactured homes as defined in Section 1102 of this title and  
10 industrialized housing as defined in subsection B of Section 14-103A  
11 of this title, exceeding sixteen (16) feet but not exceeding twenty-  
12 three (23) feet in width traveling:

13 1. From a point of manufacture in the State of Oklahoma to a  
14 point of delivery in the State of Oklahoma or to a point of delivery  
15 in another state; or

16 2. From a point of manufacture outside the State of Oklahoma to  
17 a point of delivery in the State of Oklahoma or to a point of  
18 delivery in another state shall be permitted, upon receipt of a  
19 special movement permit issued under the provisions of subsection B  
20 of this section, to travel on any state or U.S. highway in Oklahoma.  
21 Provided, however, the Commissioner of Public Safety is authorized  
22 to allow such items in excess of twenty-three (23) feet in width to  
23 travel on such highway if it is in the best interest of the state

1 and a special moving permit has been issued by a motor license  
2 agent. Provided, further, that no such load in excess of the  
3 limitations set forth in the applicable United States Code shall be  
4 permitted to travel upon any portion of the National System of  
5 Interstate and Defense Highways.

6 B. Every person desiring to transport manufactured items  
7 pursuant to the provisions of this section shall apply to ~~the~~  
8 ~~Department of Public Safety~~ a motor license agent for a special  
9 movement permit on an application form prescribed by the Department.  
10 Upon approval of the application by the ~~Department~~ agent, a special  
11 movement permit shall be issued for a fee of Two Hundred Fifty  
12 Dollars (\$250.00). All monies received from such special movement  
13 permit fees shall be deposited in the State Treasury to the credit  
14 of the General Revenue Fund. A permit issued pursuant to the  
15 provisions of this subsection shall expire upon the completion of  
16 one trip specified in subsection A of this section. The special  
17 movement permit, and fee related thereto, shall be in addition to  
18 the permit and fees required by Section 14-116 of this title.

19 C. Highway escorts shall be required for transportation of  
20 items pursuant to the provisions of this section according to rules  
21 and regulations prescribed by the Department of Public Safety.

22 SECTION 9. AMENDATORY 47 O.S. 2001, Section 14-121, is  
23 amended to read as follows:

1 Section 14-121. A. No person shall operate a special  
2 combination vehicle within this state without a special combination  
3 vehicle permit for the vehicle issued by ~~the Department of Public~~  
4 ~~Safety~~ a motor license agent. Such permit may be issued for  
5 operation upon Federal Aid Interstate Highways or four-lane divided  
6 Federal Aid Primary Highways and for access or egress between points  
7 of origin or destination.

8 B. The Commissioner of Public Safety shall promulgate rules for  
9 the issuance of special combination vehicle permits and shall  
10 collect an annual fee of One Hundred Twenty Dollars (\$120.00) for  
11 each such permit issued. Fees collected pursuant to this section  
12 shall be remitted to the State Treasurer to be credited to the  
13 General Revenue Fund in the State Treasury.

14 C. For the purposes of this section, a special combination  
15 vehicle shall consist of a truck-tractor semitrailer combination  
16 towing two complete trailers or semitrailers. No semitrailer or  
17 trailer used in such a combination shall have a length greater than  
18 twenty-nine (29) feet nor shall a special combination vehicle exceed  
19 the weight limitations imposed by Sections 14-109 and 14-116 of this  
20 title.

21 SECTION 10. AMENDATORY 47 O.S. 2001, Section 1140, as  
22 last amended by Section 77, Chapter 1, O.S.L. 2005 (47 O.S. Supp.  
23 2005, Section 1140), is amended to read as follows:

1 Section 1140. A. In municipalities having a population in  
2 excess of eight thousand five hundred (8,500) located in a county  
3 having a population in excess of one hundred thirty thousand  
4 (130,000), according to the latest Federal Decennial Census, the  
5 Oklahoma Tax Commission shall adopt rules prescribing minimum  
6 qualifications and requirements for locating motor license agencies  
7 and for persons applying for appointment as a motor license agent.  
8 Such qualifications and requirements shall include, but not be  
9 limited to, the following:

- 10 1. Necessary job skills and experience;
- 11 2. Minimum office hours;
- 12 3. Provision for sufficient staffing, equipment, office space  
13 and parking to provide maximum efficiency and maximum convenience to  
14 the public;
- 15 4. Obtainment of a faithful performance surety bond as provided  
16 for by law;
- 17 5. A requirement that operation of a motor license agency be  
18 the primary source of income for said agent;
- 19 6. That the applicant has not been convicted of a felony and  
20 that no felony charges are pending against the applicant;
- 21 7. That a complete financial statement be submitted by the  
22 applicant on forms provided by the Tax Commission;

1       8. That a report of the applicant's credit history be obtained  
2 through the appropriate credit bureau; and

3       9. That the location specified in the application for  
4 appointment as a motor license agent not be owned by a member of the  
5 Oklahoma Legislature or any person related to a member of the  
6 Oklahoma Legislature within the third degree by consanguinity or  
7 affinity and that the location not be within a three-mile radius of  
8 an existing motor license agency unless the applicant is assuming  
9 the location of an operating agency.

10       After the necessary information has been forwarded to the Tax  
11 Commission, each applicant shall be interviewed by the Tax  
12 Commission or its designees and each item of information shall be  
13 reviewed.

14       The qualifications and requirements specified in this subsection  
15 shall apply only to persons making application to be appointed as  
16 motor license agents on or after June 25, 1987.

17       Any person making application to the Tax Commission for the  
18 purpose of becoming a motor license agent shall pay when submitting  
19 the application, a nonrefundable application fee of One Hundred  
20 Dollars (\$100.00). All such application fees shall be deposited in  
21 the Oklahoma Tax Commission Revolving Fund.

22       Upon application by a person to serve as a motor license agent,  
23 in such counties, the Tax Commission shall make a determination

1 whether such person and such location meets the qualifications and  
2 requirements prescribed herein and, if such be the case, shall  
3 appoint such person to serve as a motor license agent.

4 A motor license agent, appointed pursuant to this subsection  
5 shall be permitted to operate a motor license agency at a single  
6 location and shall be prohibited from operating subagencies or  
7 branch agencies, unless such subagencies or branch agencies were  
8 established prior to June 1, 1985.

9 Unless otherwise specifically provided, motor license agents  
10 appointed pursuant to this subsection shall be subject to all laws  
11 relating to motor license agents and shall be subject to removal at  
12 the will of the Tax Commission.

13 B. In all other counties of this state and in municipalities  
14 having a population of less than eight thousand five hundred (8,500)  
15 located in a county having a population in excess of one hundred  
16 thirty thousand (130,000), according to the latest Federal Decennial  
17 Census, the Tax Commission shall appoint as many motor license  
18 agents as it deems necessary to carry out the provisions of the  
19 Motor Vehicle License and Registration Act. Provided, that in  
20 counties with a population in excess of twenty-five thousand  
21 (25,000) persons, according to the latest Federal Decennial Census,  
22 having only one motor license agent serving the county, the Tax

1 Commission shall establish at least one additional agency to serve  
2 the county.

3 Such agents shall be self-employed independent contractors, and  
4 all agents shall be under the supervision of the Tax Commission;  
5 provided, any agent authorized to issue registrations pursuant to  
6 the International Registration Plan shall also be under the  
7 supervision of the Corporation Commission, subject to rules  
8 promulgated by the Corporation Commission pursuant to the provisions  
9 of subsection E of Section 2 of this act. In addition, any motor  
10 license agent authorized to issue oversize and overweight permits  
11 pursuant to Section 14-101 et seq. of this title shall also be under  
12 the supervision of the Department of Public Safety, subject to any  
13 rules promulgated by the Department. Any such agent, upon being  
14 appointed, shall furnish and file with the Tax Commission a bond in  
15 such amount as may be fixed by the Tax Commission. Such agent shall  
16 be removable at the will of the Tax Commission. Such agent shall  
17 perform all duties and do such things in the administration of the  
18 laws of this state as shall be enjoined upon and required by the Tax  
19 Commission, the Department of Public Safety or the Corporation  
20 Commission. Provided, the Tax Commission may operate a motor  
21 license agency in any county where a vacancy occurs.

22 C. In the event of a vacancy existing by reason of resignation,  
23 removal, death or otherwise, in the position of any motor license

1 agent, the Tax Commission is hereby empowered and authorized to take  
2 any and all actions it deems appropriate in order to provide for the  
3 orderly transition and for the maintenance of operations of the  
4 motor license agency including but not limited to the designation of  
5 one of its regular employees to serve as "acting agent" without  
6 bond, and to receive and expend all fees or charges authorized or  
7 provided by law and exercise the same powers and authority as a  
8 regularly appointed motor license agent. An acting agent may be  
9 authorized by the Tax Commission equally as the preceding agent to  
10 make disbursements from any balances in the preceding motor license  
11 agent's operating account and the agent's operating funds for the  
12 payment of expenses of operations and salaries and other overhead.  
13 If such funds are insufficient, the Tax Commission is authorized to  
14 expend from funds appropriated for the operation of the Tax  
15 Commission such amounts as are necessary to maintain and continue  
16 the operation of any such motor license agency until a successor  
17 agent is appointed and qualified. The Tax Commission may require a  
18 blanket fiduciary bond of the agency employees.

19 D. Any motor license agency operated by a motor license agent  
20 who has been charged with a felony shall be closed immediately. The  
21 State Auditor and Inspector shall immediately conduct an audit of  
22 such motor license agency and forward the report of the audit to the  
23 Tax Commission for review. The Tax Commission shall determine

1 whether the motor license agency shall be reopened and operated by  
2 the motor license agent or whether the agency shall be reopened and  
3 operated by the Tax Commission. The review of the audit and the Tax  
4 Commission determination shall be effected as soon as possible to  
5 prevent additional inconvenience to the public.

6 E. When an application for registration is made with the Tax  
7 Commission, Corporation Commission or a motor license agent, a  
8 registration fee of One Dollar and seventy-five cents (\$1.75) shall  
9 be collected for each license plate or decal issued. Such fees  
10 shall be in addition to the registration fees on motor vehicles and  
11 when an application for registration is made to the motor license  
12 agent such motor license agent shall retain a fee as provided in  
13 Section 1141.1 of this title. When the fee is paid by a person  
14 making application directly with the Tax Commission or Corporation  
15 Commission, as applicable, the registration fees shall be in the  
16 same amount as provided for motor license agents and the fee  
17 provided by Section 1141.1 of this title shall be deposited in the  
18 Oklahoma Tax Commission Revolving Fund or as provided in Section 3  
19 of this act, as applicable. The Tax Commission shall prepare  
20 schedules of registration fees and charges for titles which shall  
21 include the fees for such agents and all fees and charges paid by a  
22 person shall be listed separately on the application and  
23 registration and totaled on the application and registration. The

1 motor license agents shall charge only such fees as are specifically  
2 provided for by law, and all such authorized fees shall be posted in  
3 such a manner that any person shall have notice of all fees that are  
4 imposed by law.

5 F. No person shall be appointed as a motor license agent unless  
6 the person has attested under oath that the person is not related by  
7 affinity or consanguinity within the third degree to:

8 1. Any member of the Oklahoma Legislature;

9 2. Any person who has served as a member of the Oklahoma  
10 Legislature within the two-year period preceding the date of  
11 appointment as motor license agent; or

12 3. Any employee of the Tax Commission.

13 G. Any motor license agent appointed under the provisions of  
14 this title shall be responsible for all costs incurred by the Tax  
15 Commission when relocating an existing motor license agency. The  
16 Tax Commission may waive payment of such costs in case of unforeseen  
17 business or emergency conditions beyond the control of the agent.

18 SECTION 11. AMENDATORY 47 O.S. 2001, Section 1141.1, as  
19 amended by Section 7, Chapter 381, O.S.L. 2005 (47 O.S. Supp. 2005,  
20 Section 1141.1), is amended to read as follows:

21 Section 1141.1 A. Each motor license agent shall be entitled  
22 to retain the following amounts from the taxes and fees collected by  
23 such agent to be used to fund the operation of the office of such

1 motor license agent subject to the provisions of Sections 1140  
2 through 1147 of this title:

3 1. Beginning July 1, 2005, Two Dollars and eighty-one cents  
4 (\$2.81) for each vehicle registered and for each special license  
5 plate issued pursuant to the Oklahoma Vehicle License and  
6 Registration Act. Beginning July 1, 2006, and thereafter, Three  
7 Dollars and fifty-six cents (\$3.56) for each vehicle registered and  
8 for each special license plate issued pursuant to the Oklahoma  
9 Vehicle License and Registration Act;

10 2. One Dollar and twenty-five cents (\$1.25) for each  
11 certificate of title issued for boats and motors pursuant to the  
12 Oklahoma Statutes;

13 3. For each certificate of registration issued for boats and  
14 motors pursuant to the Oklahoma Statutes, an amount determined  
15 pursuant to the provisions of subsection B of this section;

16 4. Two Dollars and twenty-five cents (\$2.25) for each  
17 certificate of title issued pursuant to the Oklahoma Vehicle License  
18 and Registration Act;

19 5. Beginning October 1, 2000, three percent (3%) of the vehicle  
20 excise tax collected pursuant to Section 2103 of Title 68 of the  
21 Oklahoma Statutes. Beginning July 1, 2001, each motor license agent  
22 shall be entitled to retain three and one hundred twenty-five one-  
23 thousandths percent (3.125%) of the vehicle excise tax collected

1 pursuant to Section 2103 of Title 68 of the Oklahoma Statutes.  
2 Beginning July 1, 2002, and for all subsequent years, each motor  
3 license agent shall be entitled to retain three and twenty-five one-  
4 hundredths percent (3.25%) of the vehicle excise tax collected  
5 pursuant to Section 2103 of Title 68 of the Oklahoma Statutes.  
6 However, beginning July 1, 2003, the Legislature shall annually  
7 review the percentage to be retained by the motor license agents  
8 pursuant to this paragraph to determine whether such percentage  
9 should be adjusted;

10 6. Four percent (4%) of the excise tax collected on the  
11 transfer of boats and motors pursuant to the Oklahoma Statutes;

12 7. Two Dollars (\$2.00) for each driver license, endorsement,  
13 identification license, or renewal or duplicate issued pursuant to  
14 Section 6-101 et seq. of this title;

15 8. Two Dollars (\$2.00) for the recording of security interests  
16 as provided in Section 1110 of this title;

17 9. Two Dollars (\$2.00) for each inspection conducted pursuant  
18 to subsection L of Section 1105 of this title;

19 10. Three Dollars (\$3.00) for each inspection conducted  
20 pursuant to subsection M of Section 1105 of this title;

21 11. One Dollar (\$1.00) for each certificate of ownership filed  
22 pursuant to subsection Q of Section 1105 of this title;

1        12. One Dollar (\$1.00) for each temporary permit issued  
2 pursuant to Section 1124 of this title;

3        13. One Dollar and fifty cents (\$1.50) for processing each  
4 proof of financial responsibility, driver license information,  
5 insurance verification information, and other additional information  
6 as provided in Section 7-602 of this title;

7        14. The mailing fees and registration fees provided in Sections  
8 1131 and 1140 of this title;

9        15. The notary fee provided in Section 1143 of this title;

10       16. Three Dollars (\$3.00) for each lien entry form completed  
11 and recorded on a certificate of title pursuant to subsection G of  
12 Section 1105 of this title;

13       17. Seven Dollars (\$7.00) for each notice of transfer as  
14 provided by subsection B of Section 6 of this act;

15       18. Seven Dollars (\$7.00) for each certificate of title or each  
16 certificate of registration issued for repossessed vehicles pursuant  
17 to Section 1126 of this title; ~~and~~

18       19. Any amount specifically authorized by law to be retained by  
19 the motor license agent for the furnishing of a summary of a traffic  
20 record; and

21       20. Five Dollars (\$5.00) for each permit issued pursuant to  
22 Section 14-101 et seq. of this title.

1       The balance of the funds collected shall be remitted to the  
2 Oklahoma Tax Commission as provided in Section 1142 of this title to  
3 be apportioned pursuant to Section 1104 of this title.

4       B. For each certificate of registration issued for boats and  
5 motors, each motor license agent shall be entitled to retain the  
6 greater of One Dollar and twenty-five cents (\$1.25) or an amount to  
7 be determined by the Tax Commission according to the provisions of  
8 this subsection. At the end of fiscal year 1997 and each fiscal  
9 year thereafter, the Tax Commission shall compute the average amount  
10 of registration fees for all boats and motors registered in this  
11 state during the fiscal year and shall multiply the result by six  
12 and twenty-two one-hundredths percent (6.22%). The resulting  
13 product shall be the amount which may be retained by each motor  
14 license agent for each certificate of registration for boats and  
15 motors issued during the following calendar year.

16       SECTION 12. This act shall become effective July 1, 2006.

17       SECTION 13. 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 FINANCE, dated 4-4-06 - DO PASS,  
22 As Amended.