

CS for EHB 2895

1 THE STATE SENATE
2 Tuesday, April 11, 2006

3 Committee Substitute for
4 ENGROSSED
5 House Bill No. 2895

6 COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 2895 - By:
7 McMULLEN, ASKINS, BRADDOCK, COVEY, BLACKWELL, HICKMAN, JOHNSON and
8 JACKSON of the House and LAWLER of the Senate.

9 [motor vehicles - Harvest Regulation Reform Act of 2006 -
10 codification -
11 emergency]

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 230.34 of Title 47, unless there
15 is created a duplication in numbering, reads as follows:

16 This act shall be known and may be cited as the "Harvest
17 Regulation Reform Act of 2006".

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

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

1 B. The harvest permit shall be recognized in lieu of
2 registration and intrastate operating authority in this state. The
3 harvest permit shall indicate the time and date of its issuance and
4 shall be valid for a period not to exceed sixty (60) days from
5 issuance.

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

8 D. There shall be a fee of Thirty-five Dollars (\$35.00) per
9 axle for each vehicle registered pursuant to this act. Revenue
10 derived from this fee shall be apportioned as follows:

11 1. Oklahoma tag agencies shall be entitled to retain an amount
12 per vehicle in accordance with paragraph 1 of subsection A of
13 Section 114.1 of Title 47 of the Oklahoma Statutes for permits
14 issued in accordance with the Harvest Regulation Reform Act of 2006;

15 2. One-half of the remaining amount shall be deposited in the
16 Weigh Station Improvement Revolving Fund as set forth in Section
17 1167 of Title 47 of the Oklahoma Statutes; and

18 3. The remaining amount shall be deposited in the One-Stop
19 Trucking Fund created pursuant to Section 1167 of Title 47 of the
20 Oklahoma Statutes.

21 E. A harvest permit shall provide identification information of
22 the operating carrier and shall list the make, model, year, and VIN
23 of each vehicle authorized to be operated under the permit. The

1 permit shall identify the effective and expiration dates of the
2 permit. The holder of the harvest permit shall not be required to
3 obtain a temporary fuel permit.

4 F. A harvest permit may be extended in fifteen-day increments,
5 not to exceed a total of four extensions or sixty (60) days. No
6 additional fee for intrastate operating authority shall be required.
7 The permit holder shall be required to pay the additional prorated
8 portion of the tag fee at Eight Dollars and seventy-five cents
9 (\$8.75) per axle per fifteen-day extension.

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

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

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

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

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

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

17 SECTION 4. AMENDATORY 47 O.S. 2001, Section 1134, is
18 amended to read as follows:

19 Section 1134. A. Upon each pickup, truck or truck-tractor
20 owned and operated by one or more farmers and used primarily for
21 farm use, and not for commercial or industrial purposes, the license
22 fee shall be Thirty Dollars (\$30.00). As used in this section, the
23 term "pickup" shall mean a small, light truck with an open back or

1 box used for hauling and designed primarily for the carrying of
2 property rather than people. The term "truck" shall mean a motor
3 vehicle designed or converted primarily for carrying or hauling farm
4 commodities, property, livestock, or equipment, rather than people.

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

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

1 Corporation Commission or the Interstate Commerce Commission shall
2 be conclusively presumed to be used in and for a commercial use, and
3 must be licensed as such, paying the license fees provided in
4 Section 1133 of this title.

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

8 1. Show an income tax Schedule F for the preceding year; or

9 2. Present a valid exemption card issued pursuant to the
10 provisions of Section 1358.1 of Title 68 of the Oklahoma Statutes.

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

16 E. Any person owning a truck upon which the farm truck license
17 fee has been paid in Oklahoma for the current year and whose truck
18 may be needed during grain harvests or other seasonal farming
19 activities for hauling farm products other than his or her own, or
20 for hauling gravel, shale or other road materials for rural roads,
21 may make application ~~with the Oklahoma Tax Commission for a short~~
22 ~~term commercial license for such truck for a period of time not to~~

1 ~~exceed ninety (90) days~~ in accordance with the Harvest Regulation
2 Reform Act of 2006.

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

6 1. ~~For thirty (30) days a fee equal to one-eighth (1/8) of the~~
7 ~~annual commercial license fee required for such truck.~~

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

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

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

14 SECTION 5. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-5-06 - DO
19 PASS, As Amended.