

CS for SB 1365

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THE STATE SENATE
Thursday, February 16, 2006

Committee Substitute for
Senate Bill No. 1365

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1365 - By: HOBSON of the Senate and PERRY of the House.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 14-118, as last amended by Section 26, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2005, Section 14-118), which relates to oversize and overweight vehicles; modifying statutory language; modifying overall length restrictions for certain vehicles on certain highways; and declaring an emergency.

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

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

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

1 2. Such rules shall be the basis for the development of a
2 system by the Commissioner of Public Safety for the issuance of
3 permits for the movement of oversize or overweight vehicles or
4 loads. Such system shall include, but not be limited to, provisions
5 for duration, seasonal factors, hours of the day or days when valid,
6 special requirements as to flags, flagmen and warning or safety
7 devices, and other such items as may be consistent with the intent
8 of this section. The permit system shall include provisions for the
9 collection of permit fees as well as for the issuance of the permits
10 by telephone, electronic transfer or such other methods of issuance
11 as may be deemed feasible.

12 3. The Department of Public Safety is authorized to charge a
13 fee of Two Dollars (\$2.00) for each permit requested to be issued by
14 facsimile machine or by any other means of electronic transmission,
15 transfer or delivery. The fee shall be in addition to any other fee
16 or fees assessed for the permit. The fee shall be deposited in the
17 State Treasury to the credit of the Department of Public Safety
18 Revolving Fund and the monies shall be expended by the Department
19 solely for the purposes provided for in this chapter.

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

- 1 a. protection of the motoring public from potential
2 traffic hazards,
3 b. protection of highway surfaces, structures, and
4 private property, and
5 c. provision for normal flow of traffic with a minimum of
6 interference.

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

18 C. The Commissioner of Public Safety, or an authorized
19 representative, shall have the authority, within the limitations
20 formulated under provisions of this chapter, to issue, withhold or
21 revoke special permits for the operation of vehicles or combinations
22 of vehicles or loads which exceed the size or weight limitations of
23 this chapter. Every such permit shall be carried in the vehicle or

1 combination of vehicles to which it refers and shall be open to
2 inspection by any law enforcement officer or authorized agent of any
3 authority granting such permit, and no person shall violate any of
4 the terms or conditions of such special permit.

5 D. It shall be permissible in the transportation of empty
6 trucks on any road or highway to tow by use of ~~saddle mounts,~~
7 saddlemounts; i.e., mounting the front wheels of one vehicle on the
8 bed of another leaving the rear wheels only of such towed vehicle in
9 contact with the roadway. One ~~or more vehicles~~ vehicle may be ~~full~~
10 ~~mounted~~ fullmounted on the towing or towed vehicles engaged in any
11 driveaway or towaway operation. No more than three ~~saddle mounts~~
12 saddlemounts may be permitted in such combinations. The towed
13 vehicles shall be securely fastened and operated under the
14 applicable safety requirements of the United States Department of
15 Transportation and such combinations shall not exceed an overall
16 length of seventy-five (75) feet. Provided, a driveaway saddlemount
17 with fullmount vehicle transporter combination may reach an overall
18 length of ninety-seven (97) feet on the National Network of
19 Highways.

20 E. The Commissioner of Public Safety, upon application of any
21 person engaged in the transportation of forest products in the raw
22 state, which is defined to be tree-length logs moving from the
23 forest directly to the mill, or upon application of any person

1 engaged in the transportation of overwidth or overheight equipment
2 used in soil conservation work, or upon application of any person
3 engaged in the hauling for hire or for resale, of round baled hay
4 with a total outside width of eleven (11) feet or less, shall issue
5 an annual permit, upon payment of a fee of Twenty-five Dollars
6 (\$25.00) each year, authorizing the operation by such persons of
7 such motor vehicle load lengths and widths upon the highways of this
8 state except on the National System of Interstate and Defense
9 Highways. Provided, however, the restriction on use of the National
10 System of Interstate and Defense Highways shall not be applicable to
11 persons engaged in the hauling of round baled hay with a total
12 outside width of eleven (11) feet or less.

13 F. Farm equipment including, but not limited to, implements of
14 husbandry as defined in Section 1-125 of this title shall be
15 exempted from the requirement for special permits due to size. Such
16 equipment may move on any highway, except those highways which are
17 part of the National System of Interstate and Defense Highways,
18 during the hours of darkness and shall be subject to the
19 requirements as provided in Section 12-215 of this title. In
20 addition to those requirements, tractors pulling machinery over
21 thirteen (13) feet wide must have two amber flashing warning lamps
22 symmetrically mounted, laterally and widely spaced as practicable,

1 visible from both front and rear, mounted at least thirty-nine (39)
2 inches high.

3 G. Any rubber-tired road construction vehicle including rubber-
4 tired truck cranes and special mobilized machinery either self-
5 propelled or drawn carrying no load other than its own weight, but
6 which is overweight by any provisions of this chapter, shall be
7 authorized to move on the highways of the State of Oklahoma.
8 Movement of such vehicles shall be authorized on the Federal
9 Interstate System of Highways only by special permit secured from
10 the Commissioner of Public Safety or an authorized representative
11 upon determination that the objectives of this section will be
12 served by such a permit and that federal weight restrictions will
13 not be violated. The special permit shall be:

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

16 2. A special annual overweight permit which shall be issued for
17 one calendar year period upon payment of a fee of Sixty Dollars
18 (\$60.00).

19 The weight of any such vehicle shall not exceed six hundred fifty
20 (650) pounds multiplied by the nominal width of the tire. The
21 vehicle shall be required to carry the safety equipment adjudged
22 necessary for the health and welfare of the driving public. If any
23 oversized vehicle does not come under the other limitations of the

1 present laws, it shall be deemed that the same shall travel only
2 between the hours of sunrise and sunset. The vehicle, being
3 overweight but of legal dimension, shall be allowed continuous
4 travel. The vehicles, except special mobilized machinery, shall be
5 exempt from the laws of this state relating to motor vehicle
6 registration, licensing or other fees or taxes in lieu of ad valorem
7 taxes.

8 H. 1. When such machinery has a width greater than eight and
9 one-half (8 1/2) feet, or a length, exclusive of load, of forty-five
10 (45) feet, or a height in excess of thirteen and one-half (13 1/2)
11 feet, then the permit may restrict movement to a fifty-mile radius
12 from an established operating base, and may designate highways to be
13 traveled, hours of travel and when flagmen may be required to
14 precede or follow the equipment.

15 2. Possession of a permit shall in no way be construed as
16 exempting such equipment from the authority of the Director of the
17 Department of Transportation to restrict use of particular highways,
18 nor shall it exempt owners or operators of such equipment from the
19 responsibility for damage to highways caused by movement of the
20 equipment. Nothing in this subsection shall apply to machinery used
21 in highway construction or road material production.

22 3. Upon the issuance of a special mobilized machinery driveaway
23 permit as provided in this subsection, special mobilized machinery

1 manufactured in Oklahoma shall be permitted to move upon the
2 highways of this state from the place of manufacture to the state
3 line for delivery and exclusive use outside the state, and may be
4 temporarily returned to Oklahoma for modification and repair, with
5 subsequent movement back out of the state. Special driveaway
6 permits for such movements shall be issued by the Commissioner of
7 Public Safety, who may act through designated agents, upon the
8 payment of a fee in the amount of Fifteen Dollars (\$15.00) for each
9 movement.

10 4. The size of the special mobilized machinery shall not be
11 such as to create a safety hazard in the judgment of the
12 Commissioner of Public Safety. Permits for such special mobilized
13 machinery shall specify a maximum permissible road speed of the
14 lesser of fifty (50) miles per hour or the posted speed limit,
15 designate safety equipment to be carried and may exclude use of
16 highways of the interstate system.

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

22 6. Possession of a special driveaway permit shall in no way be
23 construed as exempting such equipment from the authority of the

1 Director of the Department of Transportation to restrict use of
2 particular highways, nor shall it exempt the owners or operators of
3 such equipment from the responsibility for damage to highways caused
4 by the movement of such equipment.

5 SECTION 2. It being immediately necessary for the preservation
6 of the public peace, health and safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

9 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 2-14-06 - DO
10 PASS, As Amended and Coauthored.