

3 Senate Bill No. 1508
4 As Amended

5 SENATE BILL NO. 1508 - By: CORN of the Senate and LIOTTA of the
6 House.

7 [motor vehicles - movement of vehicles - modifying fees -
8 permits - effective date -
9 emergency]

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

11 SECTION 1. AMENDATORY 47 O.S. 2001, Section 14-101, as
12 last amended by Section 1, Chapter 62, O.S.L. 2005 (47 O.S. Supp.
13 2005, Section 14-101), is amended to read as follows:

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

23 B. The provisions of this chapter governing size, weight and
24 load shall not apply to fire apparatus, vehicles transporting heavy
25 equipment on any highway other than an interstate and defense

1 highway to and from areas during emergencies for the purpose of
2 fighting fires, Department of Transportation research testing
3 equipment, vehicles used by retail implement dealers while hauling
4 implements of husbandry or to implements of husbandry, including
5 farm tractors, temporarily moved upon a highway, or to a vehicle
6 operated under the terms of a special permit issued as herein
7 provided.

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

20 D. Any vehicle permitted for movement on the highways of this
21 state as provided in Section 14-101 et seq. of this title, other
22 than a special combination vehicle, a longer combination vehicle, or
23 a vehicle permitted solely for overweight movement, shall be moved

1 only during daylight hours. As used in Section 14-101 et seq. of
2 this title, "daylight hours" shall mean one-half (1/2) hour before
3 sunrise to one-half (1/2) hour after sunset.

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

- 9 a. New Year's Day (January 1),
- 10 b. Memorial Day (the last Monday in May),
- 11 c. The Fourth of July (Independence Day),
- 12 d. Labor Day (the first Monday in September),
- 13 e. Thanksgiving Day (the fourth Thursday in November),
- 14 and
- 15 f. Christmas Day (December 25).

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

- 19 a. Martin Luther King, Jr.'s Birthday (the third Monday
20 in January),
- 21 b. President's Day, also known as Washington's Birthday
22 (the third Monday in February), and
- 23 c. Veteran's Day (November 11).

1 SECTION 2. AMENDATORY 47 O.S. 2001, Section 14-103, as
2 last amended by Section 7, Chapter 279, O.S.L. 2003 (47 O.S. Supp.
3 2005, Section 14-103), is amended to read as follows:

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

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

8 1. Tire bulge;

9 2. Approved safety devices;

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

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

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

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

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

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

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

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

1 operating in a truck-tractor/semitrailer and trailer
2 combination shall have a length greater than fifty-
3 three (53) feet.

4 b. On roads and highways not a part of the National
5 System of Interstate and Defense Highways or four-lane
6 divided Federal Aid Primary System Highways, no
7 semitrailer operating in a truck-tractor/semitrailer
8 combination shall have a length greater than fifty-
9 three (53) feet and no semitrailer or trailer
10 operating in a truck-tractor/semitrailer and trailer
11 combination shall have a length greater than twenty-
12 nine (29) feet. Except as provided for in subsection
13 D of Section 14-118 of this title, no other
14 combination of vehicles shall have an overall length,
15 inclusive of front and rear bumpers, in excess of
16 seventy (70) feet on all roads and highways. For the
17 purposes of this paragraph, oil field rig-up trucks
18 shall be considered to be truck-tractors, when towing
19 a trailer or semitrailer.

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

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

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

18 6. For the purposes of paragraphs 1, 3, and 4 of this
19 subsection, the length of unitized equipment, which is defined to be
20 equipment so constructed and attached to a rubber-tired vehicle that
21 the vehicle and load become a unit and are for all practical
22 purposes inseparable, shall be the length of the vehicle itself, and
23 shall not include any protrusion of the equipment load so

1 constructed or attached. Said equipment shall not protrude for a
2 distance greater than two-thirds (2/3) of the wheel base of said
3 vehicle, shall not impair the driver's vision, and if less than
4 seven (7) feet above the roadway, shall be safely marked, flagged or
5 illuminated. Any such protruding structure shall be securely held
6 in place to prevent dropping or swaying. Unitized equipment shall
7 carry such safety equipment as shall be determined to be necessary
8 for the safety, health, and welfare of the driving public by the
9 Commissioner of Public Safety.

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

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

21 9. Special mobilized machinery, as defined in Section 1102 of
22 this title, which exceeds the size provisions of this section shall
23 only use the highways of the State of Oklahoma by special permit

1 issued by the Commissioner of Public Safety or an authorized
2 representative of the Commissioner. Such special permit shall be:

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

5 b. a special annual oversize permit issued for one (1)
6 calendar year period upon payment of a fee of ~~Ten~~
7 ~~Dollars (\$10.00)~~ Thirty Dollars (\$30.00) plus any
8 amount as provided by subsection H of Section 14-118
9 of this title.

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

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

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~~
10 subsections G and H of this section. However, fees collected
11 through such accounts for the electronic transmission, transfer or
12 delivery of permits, as provided for in Section 14-118 of this
13 title, shall be credited to the Department of Public Safety
14 Revolving Fund.

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

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

22 3. The Commissioner of Public Safety shall ~~develop a system~~
23 adopt rules for provisional permits for authorized carriers which

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

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

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

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

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

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

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

11 H. Of the proceeds from overweight permit fees:

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

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

21 3. The remainder of each overweight permit fee and of each
22 additional fee charged for each thousand pounds in excess of the

1 legal load limit shall be apportioned as provided in Section 1104 of
2 this title.

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

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

8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-15-06 - DO
9 PASS, As Amended and Coauthored.