

STATE OF OKLAHOMA

2nd Extraordinary Session of the 50th Legislature (2006)

HOUSE BILL 1246

By: Perry

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 14-116, as amended by Section 25, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2005, Section 14-116), which relates to size, weight and load of vehicles; increasing certain fee; modifying certain fund as the recipient of permit fee proceeds; authorizing certain use of proceeds; creating the Trucking Industry Advisory Board; providing membership; providing purpose; providing meeting procedure; providing for travel reimbursement; amending Section 3, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2005, Section 1167), as amended by Section 10 of Enrolled Senate Bill No. 1752 of the 2nd Session of the 50th Oklahoma Legislature, which relates to the Weigh Station Improvement Revolving Fund; modifying the name of certain fund; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 14-116, as amended by Section 25, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2005, Section 14-116), is amended to read as follows:

Section 14-116. A. The Commissioner of Public Safety shall charge a minimum permit fee of ~~Twenty Dollars (\$20.00)~~ Twenty-five Dollars (\$25.00) for any permit issued pursuant to the provisions of Section 14-101 et seq. of this title. In addition to the permit fee, the Commissioner shall charge a fee of Five Dollars (\$5.00) for each thousand pounds in excess of the legal load limit. The Commissioner of Public Safety shall establish any necessary rules for collecting the fees.

B. The Department of Public Safety is authorized to establish an escrow account system for the payment of permit fees. Authorized

motor carriers meeting established credit requirements may participate in the escrow account system for permits purchased from all size and weight permit offices in this state. Carriers not choosing to participate in the escrow account system shall be required to make payment of the required fee or fees upon purchase of each permit as required by law. All monies collected through the escrow account system shall be deposited to a special account of the Department of Public Safety and placed in the custody of the State Treasurer. Proceeds from permits purchased using the escrow account system shall be distributed as provided for in subsection G of this section. However, fees collected through such accounts for the electronic transmission, transfer or delivery of permits, as provided for in Section 14-118 of this title, shall be credited to the Department of Public Safety Revolving Fund.

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

2. Size and weight permit offices in all districts where applicable shall issue permits to authorize carriers by telephone during weekdays.

3. The Commissioner of Public Safety shall develop a system for provisional permits for authorized carriers which may be used in lieu of a regular permit for the movement of oversize and overweight loads when issued an authorization number by the Department of Public Safety. Such provisional permits shall include date of movement, general load description, estimated weight, oversize notation, route of travel, truck or truck-tractor license number, and permit authorization number.

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

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

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

G. The proceeds from permit fees shall be deposited in the ~~General Revenue Fund in the State Treasury. However, the proceeds from overweight permit fees shall be apportioned~~ Weigh Station and Permitting Procedure Improvement Revolving Fund as provided in Section ~~1104~~ 1167 of this title for the purpose set forth in that section and may be used for motor carrier permitting systems and motor carrier safety and enforcement.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-122 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Trucking Industry Advisory Board. The Board shall consist of the following members:

1. The Commissioner of Public Safety or designee;
2. The Director of the Department of Transportation or designee;
3. The chair of the Transportation Committee for the Oklahoma House of Representatives;
4. The chair of the Transportation Committee for the Oklahoma State Senate;
5. The chair of the Subcommittee for General Government and Transportation for the Oklahoma House of Representatives;
6. The chair of the Subcommittee for General Government and Transportation for the Oklahoma State Senate;
7. The Director of the Corporation Commission or designee;

8. The Director of a statewide trucking association or designee to be appointed by the Speaker of the House of Representatives;

9. The Director or President of a statewide highway and bridge construction contractors' association or designee to be appointed by the President Pro Tempore of the Senate;

10. Two members will be Directors from two different statewide oil and energy associations or their designees, both of whom shall be appointed by the Governor;

11. One member shall be a state legislator appointed by the Speaker of the House of Representatives; and

12. One member shall be a state legislator appointed by the President Pro Tempore of the Senate.

B. The Board shall select cochairs from among the members of the Board each year. One of the chairs shall be a member of the Board affiliated with state government and the other chair shall be a member of the Board not affiliated with state government. It shall be the duty of the Board to act in an advisory capacity to the Commissioner of the Department of Public Safety, Director of the Department of Transportation, and the Director of the Corporation Commission. The Board shall meet at least quarterly to discuss issues of mutual concern. Meetings shall be held at such time and place as the Advisory Board may provide.

C. Members of the Board shall serve without compensation, but shall be reimbursed their actual and necessary travel expenses as provided by the provisions of the State Travel Reimbursement Act.

SECTION 3. AMENDATORY Section 3, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2005, Section 1167), as amended by Section 10 of Enrolled Senate Bill No. 1752 of the 2nd Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 1167. A. The Corporation Commission is hereby authorized to promulgate rules pursuant to the Administrative Procedures Act to establish the amounts of fees, fines and penalties

as set forth in this act. The Corporation Commission shall notify all interested parties of any proposed rules to be promulgated as provided herein and shall provide such parties an opportunity to be heard prior to promulgation.

B. The Corporation Commission shall adjudicate enforcement actions initiated by Corporation Commission personnel.

C. Revenue derived from all fines and penalties collected or received by the Corporation Commission pursuant to the provisions of this act shall be apportioned as follows:

1. The first Eight Hundred Fifty Thousand Dollars (\$850,000.00) collected or received each fiscal year shall be remitted to the Oklahoma Tax Commission and apportioned as provided in Section 1104 of ~~Title 47 of the Oklahoma Statutes~~ this title;

2. One-half (1/2) of the remaining amount shall be deposited to the Trucking One-Stop Shop Fund created in subsection D of this section; and

3. One-half (1/2) of the remaining amount shall be deposited to the Weigh Station and Permitting Procedure Improvement Revolving Fund created in subsection E of this section.

D. There is hereby created in the State Treasury a revolving fund for the Corporation Commission to be known and designated as the "Trucking One-Stop Shop Fund". The Trucking One-Stop Shop Fund shall consist of:

1. All funds apportioned thereto in subsection C of this section;

2. Fees collected by the Commission to be retained as a motor license agent or other Corporation Commission registration or motor fuel fees as allowed by statute or rule; and

3. Any other monies to be utilized for the Trucking One-Stop Shop Act.

The fund shall be a continuing fund, not subject to fiscal year limitations. Monies in the Trucking One-Stop Shop Fund shall only

be expended for direct expenses relating to the Trucking One-Stop Shop Act.

E. There is hereby created in the State Treasury a revolving fund for the Department of Transportation to be designated the "Weigh Station and Permitting Procedure Improvement Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited thereto. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of constructing, equipping and maintaining facilities to determine the weight of vehicles traveling on the roads and highways of this state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

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

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.

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