

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 HOUSE BILL 1704

By: Morgan

4
5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 2-106.1, which relates to employment of
9 certain personnel; transferring certain authority to
10 Department of Transportation; providing statutory
11 reference; amending 47 O.S. 2001, Sections 14-103,
12 as last amended by Section 7, Chapter 279, O.S.L.
13 2003, 14-103C, as last amended by Section 10, Chapter
14 390, O.S.L. 2004, 14-103D, as amended by Section 1,
15 Chapter 417, O.S.L. 2002, 14-103E, 14-113, 14-116, as
16 amended by Section 25, Chapter 397, O.S.L. 2002, 14-
17 116a, as amended by Section 11, Chapter 390, O.S.L.
18 2004, 14-118, as last amended by Section 1, Chapter
19 65, O.S.L. 2006, 14-118.1, 14-120, 14-120.1 and 14-
20 121 (47 O.S. Supp. 2006, Sections 14-103, 14-103C,
21 14-103D, 14-116, 14-116a and 14-118), which relate to
22 size and weight of vehicles and loads; changing
23 agency designation to the Department of
24 Transportation; modifying statutory references;
amending 68 O.S. 2001, Section 2813, as amended by
Section 5, Chapter 417, O.S.L. 2002 (68 O.S. Supp.
2006, Section 2813), which relates to the Ad Valorem
Tax Code; changing agency designation to the
Department of Transportation; transferring certain
division of the Department of Public Safety to the
Department of Transportation; directing retainment of
employees and transfer of funds; creating revolving
fund; stating purpose of fund; providing for
codification; providing for recodification; and
providing an effective date.

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

1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-106.1, is
2 amended to read as follows:

3 Section 2-106.1 Subject to the Merit System laws, the
4 ~~Commissioner of Public Safety~~ Department of Transportation is hereby
5 authorized to employ a supervisor of permit clerks, headquarters
6 permit clerks and additional permit clerks, who shall have the duty
7 to issue oversize and/or overweight permits in accordance with the
8 terms of Chapter 14 of ~~this title~~ Title 47 of the Oklahoma Statutes
9 and to collect the fees therefor and to remit the same to the
10 Oklahoma Tax Commission.

11 SECTION 2. AMENDATORY 47 O.S. 2001, Section 14-103, as
12 last amended by Section 7, Chapter 279, O.S.L. 2003 (47 O.S. Supp.
13 2006, Section 14-103), is amended to read as follows:

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

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

18 1. Tire bulge;

19 2. Approved safety devices;

20 3. A retracted awning with a width of eight (8) inches or less
21 or other appurtenance of four (4) inches or less which is attached
22 to the side of a recreational vehicle, as defined in Section 1102 of
23 this title; and
24

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
24 four-lane divided Federal Aid Primary System Highways,

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

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

1 seventy (70) feet on all roads and highways. For the
2 purposes of this paragraph, oil field rig-up trucks
3 shall be considered to be truck-tractors, when towing
4 a trailer or semitrailer.

5 4. No combination of vehicles shall consist of more than two
6 units, except:

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

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

17 5. Poles and gas lines used to maintain public utility
18 services, not to include new construction, may be moved during
19 daylight hours, and during nighttime hours only in an emergency,
20 subject to traffic and road restrictions promulgated by the
21 ~~Commissioner of Public Safety~~ Department of Transportation, when the
22 overall length does not exceed eighty (80) feet. When this length
23 is exceeded, these loads are subject to the requirements of Section
24 14-118 of this title.

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

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

21 8. The provisions of paragraphs 1 and 3 of this subsection
22 shall not apply to any contractor or subcontractor, or agents or
23 employees of any contractor or subcontractor, while engaged in
24 transporting material to the site of a project being constructed by,

1 for, or on behalf of this state or any city, town, county, or
2 subdivision of this state.

3 9. Special mobilized machinery, as defined in Section 1102 of
4 this title, which exceeds the size provisions of this section shall
5 only use the highways of the State of Oklahoma by special permit
6 issued by the ~~Commissioner of Public Safety~~ or an authorized
7 ~~representative of the Commissioner~~ Department of Transportation.

8 Such special permit shall be:

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

15 SECTION 3. AMENDATORY 47 O.S. 2001, Section 14-103C, as
16 last amended by Section 10, Chapter 390, O.S.L. 2004 (47 O.S. Supp.
17 2006, Section 14-103C), is amended to read as follows:

18 Section 14-103C. A. The ~~Commissioner of Public Safety~~
19 Department of Transportation shall upon proper application issue a
20 special permit to any person allowing the movement on state and
21 federal highways of a structure in the form of a house or building,
22 including but not limited to industrialized housing as defined in
23 Section 14-103A of this title, not exceeding thirty-two (32) feet in
24 width at the base, and thirty-four (34) feet in width at the top and

1 twenty-one (21) feet in height. The permit shall specify the
2 highways to be used, consistent with public convenience and safety,
3 as determined by the ~~Commissioner of Public Safety~~ Department of
4 Transportation. In addition to the prohibitions on movement as
5 prescribed in Section 14-101 et seq. of this title, such structures
6 shall not be moved on Saturday or Sunday.

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

11 SECTION 4. AMENDATORY 47 O.S. 2001, Section 14-103D, as
12 amended by Section 1, Chapter 417, O.S.L. 2002 (47 O.S. Supp. 2006,
13 Section 14-103D), is amended to read as follows:

14 Section 14-103D. A. No person shall transport or move a
15 manufactured home on any public road or highway in this state,
16 except as otherwise provided by law, without a permit issued
17 pursuant to the provisions of Sections 14-103A and 14-103C of this
18 title and subsection B of this section, and without a current
19 calendar year decal or current registration or a repossession
20 affidavit issued pursuant to Sections 1110 and 1126 of this title.

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

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

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

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

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

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

12 C. Except as otherwise provided by law, the Department of
13 ~~Public Safety~~ Transportation shall not issue a permit to any person
14 to transport or move a manufactured home without a current calendar
15 year decal or current registration; provided:

16 1. Upon proof of possession of a dealer or in-transit license
17 plate, issued by the Oklahoma Tax Commission according to the
18 provisions of subsection D of Section 1128 of this title, the
19 Department of ~~Public Safety~~ Transportation shall issue a permit to
20 the holder of such license; and

21 2. The Department of Transportation shall issue a permit to the
22 holder of a perfected security interest in a manufactured home, or a
23 licensed representative thereof, pursuant to a lawful repossession
24 of the manufactured home, if the holder or representative is bonded

1 by the state, to move the manufactured home to a secure location
2 with a repossession affidavit; provided, all registration fees,
3 excise taxes or ad valorem taxes due on such home shall be required
4 to be paid within thirty (30) days of the issuance of the permit.

5 D. For the purposes of subsections A and C of this section, a
6 manufactured home registration receipt and Manufactured Home
7 Registration Decal attached to a certificate of title for a
8 manufactured home or receipts and decal as authorized by subsection
9 C of Section 1117 of this title shall be evidence of payment of the
10 excise tax and registration fees required pursuant to the provisions
11 of Section 1135 of this title and the Ad Valorem Tax Code.

12 E. The Department of ~~Public Safety~~ Transportation shall notify
13 the Oklahoma Tax Commission, the county assessor of the county from
14 which the manufactured home is to be moved and the county assessor
15 of the county in which the manufactured home is to be moved of any
16 permits issued pursuant to the provisions of this section.

17 SECTION 5. AMENDATORY 47 O.S. 2001, Section 14-103E, is
18 amended to read as follows:

19 Section 14-103E. A. Upon issuance of a permit pursuant to the
20 provisions of Section 14-103D of ~~Title 47 of the Oklahoma Statutes~~
21 this title, the Department of ~~Public Safety~~ Transportation shall
22 notify the Oklahoma Tax Commission of the issuance of such permit.
23 The notification shall include the permit information required by
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1 subsection B of Section 14-103D of ~~Title 47 of the Oklahoma Statutes~~
2 this title.

3 B. Upon notification of issuance of the permit pursuant to
4 subsection A of this section, the Oklahoma Tax Commission shall
5 notify the county assessor of the county in which the manufactured
6 home is to be located, of the issuance of the permit. Such
7 notification shall include the permit information required by
8 subsection B of Section 14-103D of ~~Title 47 of the Oklahoma Statutes~~
9 this title.

10 SECTION 6. AMENDATORY 47 O.S. 2001, Section 14-113, is
11 amended to read as follows:

12 Section 14-113. The Director of the Department of
13 Transportation with respect to highways on the state highway system,
14 or local authorities with respect to highways under their
15 jurisdiction, as defined in Title 69 of the Oklahoma Statutes, may
16 prohibit the operation of vehicles on any such highways, or impose
17 restrictions as to the weights of vehicles to be operated upon any
18 state or federal highway or any detour established for such
19 highways, or for any bridge located upon such highways or detours,
20 whenever any such highway, detour or bridge by reason of
21 deterioration, rain, snow or other climatic conditions will be
22 seriously damaged or destroyed unless the use of vehicles thereon is
23 prohibited or the permissible weight reduced. Such restrictions
24 shall be effective when signs giving notice thereof are erected upon

1 the highway, detour, bridge, or portion thereof affected by such
2 action, and the Department of Public Safety ~~has~~ and the Department
3 of Transportation have been notified. The purpose of this provision
4 with respect to local authorities is to give such authorities an
5 opportunity to prevent or minimize an immediate threat of serious
6 harm or destruction to any highway, detour or bridge under their
7 jurisdiction due to rain, snow or other climatic conditions.
8 Nothing stated herein shall be construed to grant local authorities
9 the right to issue permits designed to regulate the use of
10 overweight vehicles upon highways subject to their jurisdiction, and
11 the issuance of such permits is expressly prohibited.

12 SECTION 7. AMENDATORY 47 O.S. 2001, Section 14-116, as
13 amended by Section 25, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2006,
14 Section 14-116), is amended to read as follows:

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

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

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

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

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

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

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

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

19 G. The proceeds from permit fees shall be deposited in the
20 General Revenue Fund in the State Treasury. However, the proceeds
21 from overweight permit fees shall be apportioned as provided in
22 Section 1104 of this title.

1 SECTION 8. AMENDATORY 47 O.S. 2001, Section 14-116a, as
2 amended by Section 11, Chapter 390, O.S.L. 2004 (47 O.S. Supp. 2006,
3 Section 116a), is amended to read as follows:

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

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

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

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

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

1 SECTION 9. AMENDATORY 47 O.S. 2001, Section 14-118, as
2 last amended by Section 1, Chapter 65, O.S.L. 2006 (47 O.S. Supp.
3 2006, 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~~ Department of
16 Transportation for the issuance of permits for the movement of
17 oversize or overweight vehicles or loads. Such system shall
18 include, but not be limited to, provisions for duration, seasonal
19 factors, hours of the day or days when valid, special requirements
20 as to flags, flagmen and warning or safety devices, and other such
21 items as may be consistent with the intent of this section. The
22 permit system shall include provisions for the collection of permit
23 fees as well as for the issuance of the permits by telephone,

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

3 3. The Department of ~~Public Safety~~ Transportation is authorized
4 to charge a fee of Two Dollars (\$2.00) for each permit requested to
5 be issued by facsimile machine or by any other means of electronic
6 transmission, transfer or delivery. The fee shall be in addition to
7 any other fee or fees assessed for the permit. The fee shall be
8 deposited in the State Treasury to the credit of the ~~Department of~~
9 ~~Public Safety~~ Size and Weights Permit Revolving Fund and the monies
10 shall be expended by the Department of Transportation solely for the
11 purposes provided for in this chapter.

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

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

21 B. The Transportation Commission shall prepare and publish a
22 map of the State of Oklahoma showing by appropriate symbols the
23 various highway structures and bridges in terms of maximum size and
24 weight restrictions. This map shall be titled "Oklahoma Load Limit

1 Map" and shall be revised periodically to maintain a reasonably
2 current status and in no event shall a period of two (2) years lapse
3 between revisions and publication of same. Provided, further, the
4 Secretary of the Department of Transportation shall prepare and
5 publish a map of the State of Oklahoma showing the advantages of
6 this state as a marketing, warehousing and distribution network
7 center for motor transportation sensitive industries.

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

19 D. It shall be permissible in the transportation of empty
20 trucks on any road or highway to tow by use of saddlemounts; i.e.,
21 mounting the front wheels of one vehicle on the bed of another
22 leaving the rear wheels only of such towed vehicle in contact with
23 the roadway. One vehicle may be fullmounted on the towing or towed
24 vehicles engaged in any driveaway or towaway operation. No more

1 than three saddle mounts may be permitted in such combinations. The
2 towed vehicles shall be securely fastened and operated under the
3 applicable safety requirements of the United States Department of
4 Transportation and such combinations shall not exceed an overall
5 length of seventy-five (75) feet. Provided, a driveaway saddle mount
6 with full mount vehicle transporter combination may reach an overall
7 length of ninety-seven (97) feet on the National Network of
8 Highways.

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

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1 of round baled hay with a total outside width of eleven (11) feet or
2 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~~ Department of Transportation or an
23 authorized representative upon determination that the objectives of
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1 this 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
24 from an established operating base, and may designate highways to be

1 traveled, hours of travel and when flagmen may be required to
2 precede or follow the equipment.

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

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

21 4. The size of the special mobilized machinery shall not be
22 such as to create a safety hazard in the judgment of the
23 ~~Commissioner of Public Safety~~ Department of Transportation. Permits
24 for such special mobilized machinery shall specify a maximum

1 permissible road speed of the lesser of fifty (50) miles per hour or
2 the posted speed limit, designate safety equipment to be carried and
3 may exclude use of highways of the interstate system.

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

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

15 SECTION 10. AMENDATORY 47 O.S. 2001, Section 14-118.1,
16 is amended to read as follows:

17 Section 14-118.1 The Department of Transportation is authorized
18 to enter into agreements with governmental entities outside this
19 state for the issuance of regional and national oversize and
20 overweight permits for single-trip nondivisible loads. The
21 ~~Commissioner of Public Safety~~ Department of Transportation shall
22 adopt rules necessary to implement the agreements and shall issue
23 multi-state permits for single-trip nondivisible loads in accordance
24 with the terms of the agreements and shall receive and remit permit

1 fees from a Department of ~~Public Safety~~ Transportation special
2 account in accordance with the agreements and state law.

3 SECTION 11. AMENDATORY 47 O.S. 2001, Section 14-120, is
4 amended to read as follows:

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

10 1. From a point of manufacture in the State of Oklahoma to a
11 point of delivery in the State of Oklahoma or to a point of delivery
12 in another state; or

13 2. From a point of manufacture outside the State of Oklahoma to
14 a point of delivery in the State of Oklahoma or to a point of
15 delivery in another state shall be permitted, upon receipt of a
16 special movement permit issued under the provisions of subsection B
17 of this section, to travel on any state or U.S. highway in Oklahoma.

18 Provided, however, the ~~Commissioner of Public Safety~~ Department of
19 Transportation is authorized to allow such items in excess of
20 twenty-three (23) feet in width to travel on such highway if it is
21 in the best interest of the state and a special moving permit has
22 been issued. Provided, further, that no such load in excess of the
23 limitations set forth in the applicable United States Code shall be

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1 permitted to travel upon any portion of the National System of
2 Interstate and Defense Highways.

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

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

21 SECTION 12. AMENDATORY 47 O.S. 2001, Section 14-120.1,
22 is amended to read as follows:

23 Section 14-120.1 A. Any vehicle or combination of vehicles
24 with an outside width of twelve (12) feet or more operating on

1 highways in the state, including the National System of Interstate
2 and Defense Highways, shall, in addition to being in compliance with
3 provisions of Section 14-101 et seq. of this title, be accompanied
4 by an escort vehicle or vehicles, as prescribed by the Department of
5 ~~Public Safety~~ Transportation.

6 B. No person shall operate an escort vehicle for hire, as
7 required by this section, unless the person has been certified by
8 the Department of ~~Public Safety~~ Transportation as an escort vehicle
9 operator.

10 C. Any person not required to be certified by the Department of
11 ~~Public Safety~~ Transportation as an escort vehicle operator may tow a
12 trailer when escorting a manufactured home. Such trailer shall not
13 exceed eight and one-half (8 1/2) feet in width and twenty (20) feet
14 in length with siding not to exceed four (4) feet in height measured
15 from the bed of the trailer.

16 The trailer may only be used to transport supplies and equipment
17 necessary to carry out the mission of escort vehicle operators.

18 D. The ~~Commissioner of Public Safety~~ Department of
19 Transportation shall promulgate rules for the certification of
20 operators of escort vehicles and the use of escort vehicles, as
21 required by this section.

22 E. The ~~Commissioner of Public Safety~~ Department of
23 Transportation is hereby authorized to enter into reciprocal
24 compacts and agreements with other states for the purpose of

1 recognizing escort vehicle operator certifications issued by those
2 states.

3 SECTION 13. AMENDATORY 47 O.S. 2001, Section 14-121, is
4 amended to read as follows:

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

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

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

3 SECTION 14. AMENDATORY 68 O.S. 2001, Section 2813, as
4 amended by Section 5, Chapter 417, O.S.L. 2002 (68 O.S. Supp. 2006,
5 Section 2813), is amended to read as follows:

6 Section 2813. A. On the first day of January of each year, the
7 county assessor of the county in which a manufactured home is
8 located shall list, assess and tax such manufactured home as
9 required by the provisions of Section 2812 of this title and the Ad
10 Valorem Tax Code, Section 2801 et seq. of this title.

11 B. In addition to the other requirements prescribed by law for
12 the listing and assessing of real property pursuant to the
13 provisions of the Ad Valorem Tax Code, when listing the value of
14 real property on which a manufactured home is located and owned by
15 the person owning the manufactured home and when listing the value
16 of the improvements thereon, the county assessor shall separately
17 describe and identify the value of the manufactured home apart from
18 other real property and the value of the other improvements thereon.
19 The value of the real property, the manufactured home, and the other
20 improvements shall be shown separately.

21 C. Except as authorized by subsection E of this section, when a
22 manufactured home is moved, or whenever title to a manufactured home
23 is transferred, any county treasurer shall collect all ad valorem
24 taxes due for the current calendar year and all delinquent taxes due

1 and owing prior to the change of title or location and shall issue a
2 receipt of taxes paid, which shall be a Form 936, and a tax payment
3 decal. These transactions may be handled by mail or facsimile
4 transmission at the option of the taxpayer, except for tax payments
5 which shall be handled either by mail or in person.

6 D. After issuance of a receipt of taxes paid and a decal
7 pursuant to the provisions of subsection C of this section and after
8 notification by the county treasurer of such payment, the county
9 assessor of the county in which the manufactured home is located
10 shall furnish to the county assessor of the county where the
11 manufactured home is to be located, the following information:

- 12 1. The name of the owner of the manufactured home;
- 13 2. The serial number or identification number of the
14 manufactured home;
- 15 3. The registration number given to the manufactured home by
16 the Oklahoma Tax Commission;
- 17 4. The address or legal description where the manufactured home
18 is to be located;
- 19 5. The actual retail selling price of the manufactured home,
20 excluding Oklahoma state taxes; and
- 21 6. Any other information necessary to enable the county
22 assessor to list and assess the proper ad valorem taxes for the
23 manufactured home for the following year.

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1 E. When lawfully repossessing a manufactured home which has
2 been listed and assessed as real property pursuant to the provisions
3 of subsection A of Section 2812 of this title, a holder of a
4 perfected security interest in the home is authorized to pay the ad
5 valorem taxes for the full current year and any registration fees or
6 ad valorem taxes which may be due for any prior year on the
7 manufactured home based on the assessed value of the home pursuant
8 to the provisions of subsection B of this section apart from other
9 real property and the other improvements thereon. When lawfully
10 repossessing a manufactured home which has been listed and assessed
11 as personal property pursuant to the provisions of subsection B of
12 Section 2812 of this title, a holder of a perfected security
13 interest in the home is authorized to pay the ad valorem taxes for
14 the full current year and any registration fees or ad valorem taxes
15 which may be due for any prior years. The county treasurer shall
16 issue a receipt of taxes paid to said holder and a decal showing the
17 payment of such taxes. Such receipt shall be issued notwithstanding
18 the existence of a tax sale certificate issued as a result of a tax
19 sale to a purchaser of property upon which a manufactured home is
20 located and for which the holder of a perfected security interest
21 makes payment as authorized by this subsection. Such receipt shall
22 be issued if the procedures prescribed by Section 3106 of this title
23 are followed. If a tax sale certificate has been issued as required
24 by law and the notice of sale contained the statement concerning the

1 right of a secured party to repossess the manufactured home, the
2 amount of taxes paid by the holder of the security interest shall be
3 refunded to the holder of the tax sale certificate. The receipt
4 shall be evidence of payment of the ad valorem taxes for purposes of
5 obtaining a permit. The Department of Transportation shall issue a
6 permit immediately to the holder of a perfected security interest or
7 licensed representative thereof, if the holder or representative is
8 bonded by the state, to move the manufactured home to a secure
9 location with a repossession affidavit. However, all excise taxes
10 and ad valorem taxes due on such a manufactured home shall be
11 required to be paid within thirty (30) days of the issuance of the
12 permit. A certificate of title for a manufactured home shall not be
13 issued pursuant to a repossession prior to the furnishing of proof
14 satisfactory to the Oklahoma Tax Commission or motor license agent
15 that all ad valorem taxes due have been paid. If the home is
16 subject to registration pursuant to the provisions of the Oklahoma
17 Vehicle License and Registration Act, the holder of a perfected
18 security interest in a manufactured home may repossess the
19 manufactured home and transport the manufactured home within the
20 state for the purpose of securing the property after registering the
21 manufactured home pursuant to the provisions of Section 1113 or 1117
22 of Title 47 of the Oklahoma Statutes.

23 F. 1. The decal shall be affixed to the manufactured home
24 license plate as evidence of the ad valorem tax paid and shall

1 remain on the license plate, which shall be affixed to the exterior
2 of the manufactured home, while the manufactured home is in transit.

3 2. It shall be a misdemeanor for any person to transport or
4 cause to be transported a manufactured home without the decal
5 affixed as required by this section.

6 3. The decal issued pursuant to subsection C of this section
7 shall be of such size, color, design and numbering as the Tax
8 Commission may direct. The tax payment decals shall be made with
9 reflectionized material so as to provide effective and dependable
10 brighteners during the service period for which the tax payment
11 decal is issued. The Tax Commission shall issue such tax payment
12 decals to the various county treasurers of the state in order for a
13 manufactured home owner or reposessor to move the manufactured
14 home.

15 SECTION 15. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 4019 of Title 69, unless there
17 is created a duplication in numbering, reads as follows:

18 Effective July 1, 2007, all powers, duties, responsibilities,
19 functions, records, employees, property, matters pending and funds
20 of the Size and Weights Permit Division of the Department of Public
21 Safety shall be transferred to the Department of Transportation.
22 All transferred employees shall retain their employment position and
23 status as classified employees. The Director of State Finance is
24 hereby directed to coordinate the transfer of funds, allotments,

1 purchase orders, and outstanding financial obligations or
2 encumbrances provided for by the provisions of this section. The
3 Department of Transportation shall provide office space, equipment,
4 and other administrative support required by the Size and Weights
5 Permit Division. Any statutory references to the Size and Weights
6 Permit Division shall mean the Department of Transportation.

7 SECTION 16. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 4019.2 of Title 69, unless there
9 is created a duplication in numbering, reads as follows:

10 There is hereby created in the State Treasury for the Department
11 of Transportation, a revolving fund to be designated the Size and
12 Weights Permit Revolving Fund. The fund shall be a continuing fund,
13 not subject to fiscal year limitations, and shall consist of all
14 monies received by the Department of Transportation for deposit in
15 the fund. All monies accruing to the credit of the fund are hereby
16 appropriated and may be budgeted and expended by the Department for
17 the purposes of Chapter 14 of Title 47 of the Oklahoma Statutes.
18 Expenditures from the fund shall be made upon warrants issued by the
19 State Treasurer against claims filed as prescribed by law with the
20 Director of State Finance for approval and payment.

21 SECTION 17. RECODIFICATION 47 O.S. 2001, Section 2-
22 106.1, as amended by Section 1 of this act, shall be recodified as
23 Section 4019.1 of Title 69 of the Oklahoma Statutes, unless there is
24 created a duplication in numbering.

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SECTION 18. This act shall become effective November 1, 2007.

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