

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1722

By: Walker and DeWitt

4
5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Sections 14-103, as last amended by Section 7,
Chapter 279, O.S.L. 2003, 14-103C, as last amended by
9 Section 10, Chapter 390, O.S.L. 2004, 14-103D, as
10 amended by Section 1, Chapter 417, O.S.L. 2002, 14-
11 116, as amended by Section 25, Chapter 397, O.S.L.
2002, 14-116a, as amended by Section 11, Chapter 390,
12 O.S.L. 2004, 14-118, as last amended by Section 1,
Chapter 65, O.S.L. 2006, 14-118.1, 14-120 and 14-121
13 (47 O.S. Supp. 2006, Sections 14-103, 14-103C, 14-
14 103D, 14-116, 14-116a and 14-118), which relate to
size, weight and load; modifying entity responsible
15 for issuance of certain permits; modifying entity
responsible for collection of certain fees;
16 authorizing motor license agents to retain certain
fee; deleting authorization for the Department of
17 Public Safety to establish certain accounts;
modifying the entity responsible for providing
18 certain notice; modifying the entity required to
issue permits during certain times; modifying entity
19 responsible for issuing an authorization number for
provisional permits; modifying entity responsible for
20 issuance of permits to meet proper conformance
requirements without penalty; deleting authorization
21 for certain actions taken by the Commissioner of
Public Safety; amending 47 O.S. 2001, Sections 1140,
22 as last amended by Section 77, Chapter 1, O.S.L. 2005
and 1141.1, as amended by Section 7, Chapter 381,
23 O.S.L. 2005 (47 O.S. Supp. 2006, Sections 1140 and
1141.1), which relate to motor license agents;
24 providing that motor license agents be subject to
rules that may be promulgated for certain reasons;
adding authority for motor license agents to retain
certain fee; providing an effective date; and
declaring an emergency.

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

2 SECTION 1. AMENDATORY 47 O.S. 2001, Section 14-103, as
3 last amended by Section 7, Chapter 279, O.S.L. 2003 (47 O.S. Supp.
4 2006, Section 14-103), is amended to read as follows:

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

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

9 1. Tire bulge;

10 2. Approved safety devices;

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

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

21 The provisions of this subsection shall not apply to any person
22 engaged in the hauling of round baled hay with a total outside width
23 of eleven (11) feet or less when the hay is owned by such person and
24 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
24 operating in a truck-tractor/semitrailer and trailer

1 combination shall have a length greater than fifty-
2 three (53) feet.

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

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

21 a. one truck and semitrailer or truck-tractor/semitrailer
22 combination may tow one complete trailer or
23 semitrailer, or
24

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

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

15 6. For the purposes of paragraphs 1, 3, and 4 of this
16 subsection, the length of unitized equipment, which is defined to be
17 equipment so constructed and attached to a rubber-tired vehicle that
18 the vehicle and load become a unit and are for all practical
19 purposes inseparable, shall be the length of the vehicle itself, and
20 shall not include any protrusion of the equipment load so
21 constructed or attached. Said equipment shall not protrude for a
22 distance greater than two-thirds (2/3) of the wheel base of said
23 vehicle, shall not impair the driver's vision, and if less than
24 seven (7) feet above the roadway, shall be safely marked, flagged or

1 illuminated. Any such protruding structure shall be securely held
2 in place to prevent dropping or swaying. Unitized equipment shall
3 carry such safety equipment as shall be determined to be necessary
4 for the safety, health, and welfare of the driving public by the
5 Commissioner of Public Safety.

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

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

17 9. Special mobilized machinery, as defined in Section 1102 of
18 this title, which exceeds the size provisions of this section shall
19 only use the highways of the State of Oklahoma by special permit
20 issued by ~~the Commissioner of Public Safety or an authorized~~
21 ~~representative of the Commissioner~~ a motor license agent approved
22 pursuant to Section 1140 of this title. Such special permit shall
23 be:
24

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

7 SECTION 2. AMENDATORY 47 O.S. 2001, Section 14-103C, as
8 last amended by Section 10, Chapter 390, O.S.L. 2004 (47 O.S. Supp.
9 2006, Section 14-103C), is amended to read as follows:

10 Section 14-103C. A. ~~The Commissioner of Public Safety~~ A motor
11 license agent shall, upon proper application, issue a special permit
12 to any person allowing the movement on state and federal highways of
13 a structure in the form of a house or building, including but not
14 limited to industrialized housing as defined in Section 14-103A of
15 this title, not exceeding thirty-two (32) feet in width at the base,
16 and thirty-four (34) feet in width at the top and twenty-one (21)
17 feet in height. The permit shall specify the highways to be used,
18 consistent with public convenience and safety, as determined by the
19 Commissioner of Public Safety. In addition to the prohibitions on
20 movement as prescribed in Section 14-101 et seq. of this title, such
21 structures shall not be moved on Saturday or Sunday.

22 B. If any structure or housing described in subsection A of
23 this section has a width in excess of sixteen (16) feet, the towing
24

1 vehicle shall be a tandem-axle vehicle of no less than two hundred
2 twenty (220) horsepower.

3 SECTION 3. AMENDATORY 47 O.S. 2001, Section 14-103D, as
4 amended by Section 1, Chapter 417, O.S.L. 2002 (47 O.S. Supp. 2006,
5 Section 14-103D), is amended to read as follows:

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

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

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

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

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

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

23 5. The name of the firm or individual repossessing the
24 manufactured home as it appears on the repossession affidavit, if

1 the movement is for repossession purposes and the repossession
2 affidavit is being used in lieu of current license plate and decal,
3 as provided in subsection E of Section 1113 of this title.

4 C. Except as otherwise provided by law, ~~the Department of~~
5 ~~Public Safety~~ a motor license agent shall not issue a permit to any
6 person to transport or move a manufactured home without a current
7 calendar year decal or current registration; provided:

8 1. Upon proof of possession of a dealer or in-transit license
9 plate, issued by the Oklahoma Tax Commission according to the
10 provisions of subsection D of Section 1128 of this title, the
11 ~~Department of Public Safety~~ motor license agent shall issue a permit
12 to the holder of such license; and

13 2. The ~~Department~~ motor license agent shall issue a permit to
14 the holder of a perfected security interest in a manufactured home,
15 or a licensed representative thereof, pursuant to a lawful
16 repossession of the manufactured home, if the holder or
17 representative is bonded by the state, to move the manufactured home
18 to a secure location with a repossession affidavit; provided, all
19 registration fees, excise taxes or ad valorem taxes due on such home
20 shall be required to be paid within thirty (30) days of the issuance
21 of the permit.

22 D. For the purposes of subsections A and C of this section, a
23 manufactured home registration receipt and Manufactured Home
24 Registration Decal attached to a certificate of title for a

1 manufactured home or receipts and decal as authorized by subsection
2 C of Section 1117 of this title shall be evidence of payment of the
3 excise tax and registration fees required pursuant to the provisions
4 of Section 1135 of this title and the Ad Valorem Tax Code.

5 E. ~~The Department of Public Safety~~ motor license agent shall
6 notify the Oklahoma Tax Commission, the county assessor of the
7 county from which the manufactured home is to be moved and the
8 county assessor of the county in which the manufactured home is to
9 be moved of any permits issued pursuant to the provisions of this
10 section.

11 SECTION 4. AMENDATORY 47 O.S. 2001, Section 14-116, as
12 amended by Section 25, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2006,
13 Section 14-116), is amended to read as follows:

14 Section 14-116. A. The Commissioner of Public Safety shall
15 charge a minimum permit fee of Twenty Dollars (\$20.00) for any
16 permit issued pursuant to the provisions of Section 14-101 et seq.
17 of this title. In addition to the permit fee, the Commissioner
18 shall charge a fee of Five Dollars (\$5.00) for each thousand pounds
19 in excess of the legal load limit. The Commissioner of Public
20 Safety shall establish any necessary rules for collecting the fees,
21 including any provisions for the utilization of motor license agents
22 for the collection of fees and issuance of permits. In addition to
23 every fee established for the issuance of a permit pursuant to the
24 provisions of Section 14-101 et seq. of this title, a five-dollar

1 fee shall also be charged for each permit to be retained by the
2 motor license agent issuing such permit.

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

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

23 2. ~~Size and weight permit offices~~ Motor license agents located
24 in all ~~districts where applicable~~ the various locations of the state

1 shall issue permits to authorize carriers by telephone during
2 weekdays.

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

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

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

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

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

24

1 SECTION 5. 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 14-116a), is amended to read as follows:

4 Section 14-116a. 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~~ a motor license agent as required by
7 the provisions of this chapter shall be deemed guilty of a
8 misdemeanor and upon conviction thereof shall be punished as
9 follows:

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

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

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

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

1 or manufactured home who is in possession of a permit authorizing
2 the movement of the load or manufactured home.

3 SECTION 6. AMENDATORY 47 O.S. 2001, Section 14-118, as
4 last amended by Section 1, Chapter 65, O.S.L. 2006 (47 O.S. Supp.
5 2006, Section 14-118), is amended to read as follows:

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

16 2. Such rules shall be the basis for the development of a
17 system by the Commissioner of Public Safety for the issuance of
18 permits for the movement of oversize or overweight vehicles or
19 loads. Such system shall include, but not be limited to, provisions
20 for duration, seasonal factors, hours of the day or days when valid,
21 special requirements as to flags, flagmen and warning or safety
22 devices, and other such items as may be consistent with the intent
23 of this section. The permit system shall include provisions for the
24 collection of permit fees as well as for the issuance of the permits

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

3 3. The Department of Public Safety is authorized to charge a
4 fee of Two Dollars (\$2.00) for each permit requested to be issued
5 and collected by motor license agents that is received by facsimile
6 machine or by any other means of electronic transmission, transfer
7 or delivery. The fee shall be retained by the issuing motor license
8 agent and the fee is in addition to any other fee or fees assessed
9 for the permit. ~~The fee shall be deposited in the State Treasury to~~
10 ~~the credit of the Department of Public Safety Revolving Fund and the~~
11 ~~monies shall be expended by the Department solely for the purposes~~
12 ~~provided for in this chapter~~ including the fee to be retained
13 pursuant to subsection A of Section 14-116 of this title.

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

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

23 B. The Transportation Commission shall prepare and publish a
24 map of the State of Oklahoma showing by appropriate symbols the

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

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

20 D. It shall be permissible in the transportation of empty
21 trucks on any road or highway to tow by use of saddlemounts; i.e.,
22 mounting the front wheels of one vehicle on the bed of another
23 leaving the rear wheels only of such towed vehicle in contact with
24 the roadway. One vehicle may be fullmounted on the towing or towed

1 vehicles engaged in any driveaway or towaway operation. No more
2 than three saddlemounts may be permitted in such combinations. The
3 towed vehicles shall be securely fastened and operated under the
4 applicable safety requirements of the United States Department of
5 Transportation and such combinations shall not exceed an overall
6 length of seventy-five (75) feet. Provided, a driveaway saddlemount
7 with fullmount vehicle transporter combination may reach an overall
8 length of ninety-seven (97) feet on the National Network of
9 Highways.

10 E. ~~The Commissioner of Public Safety~~ A motor license agent,
11 upon application of any person engaged in the transportation of
12 forest products in the raw state, which is defined to be tree-length
13 logs moving from the forest directly to the mill, or upon
14 application of any person engaged in the transportation of overwidth
15 or overheight equipment used in soil conservation work, or upon
16 application of any person engaged in the hauling for hire or for
17 resale, of round baled hay with a total outside width of eleven (11)
18 feet or less, shall issue an annual permit, upon payment of a fee of
19 Twenty-five Dollars (\$25.00) each year, authorizing the operation by
20 such persons of such motor vehicle load lengths and widths upon the
21 highways of this state except on the National System of Interstate
22 and Defense Highways. Provided, however, the restriction on use of
23 the National System of Interstate and Defense Highways shall not be
24

1 applicable to persons engaged in the hauling of round baled hay with
2 a total outside width of eleven (11) feet or 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 or an authorized representative a~~
23 motor license agent upon determination that the objectives of this
24

1 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, who may act through designated agents,~~ a motor
19 license agent upon the payment of a fee in the amount of Fifteen
20 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. Permits for such special mobilized
24 machinery shall specify a maximum permissible road speed of the

1 lesser of fifty (50) miles per hour or the posted speed limit,
2 designate safety equipment to be carried and may exclude use of
3 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 7. AMENDATORY 47 O.S. 2001, Section 14-118.1, is
16 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 shall adopt rules necessary to
22 implement the agreements ~~and~~. Motor license agents shall be
23 authorized to issue multistate permits for single-trip nondivisible
24 loads in accordance with the terms of the agreements and shall

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

3 SECTION 8. 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 is authorized
19 to allow such items in excess of twenty-three (23) feet in width to
20 travel on such highway if it is in the best interest of the state
21 and a special moving permit has been issued by a motor license
22 agent. Provided, further, that no such load in excess of the
23 limitations set forth in the applicable United States Code shall be

24

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

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

19 SECTION 9. AMENDATORY 47 O.S. 2001, Section 14-121, is
20 amended to read as follows:

21 Section 14-121. A. No person shall operate a special
22 combination vehicle within this state without a special combination
23 vehicle permit for the vehicle issued by ~~the Department of Public~~
24 ~~Safety~~ a motor license agent. Such permit may be issued for

1 operation upon Federal Aid Interstate Highways or four-lane divided
2 Federal Aid Primary Highways and for access or egress between points
3 of origin or destination.

4 B. The Commissioner of Public Safety shall promulgate rules for
5 the issuance of special combination vehicle permits and shall
6 collect an annual fee of One Hundred Twenty Dollars (\$120.00) for
7 each such permit issued. Fees collected pursuant to this section
8 shall be remitted to the State Treasurer to be credited to the
9 General Revenue Fund in the State Treasury.

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

17 SECTION 10. AMENDATORY 47 O.S. 2001, Section 1140, as
18 last amended by Section 77, Chapter 1, O.S.L. 2005 (47 O.S. Supp.
19 2006, Section 1140), is amended to read as follows:

20 Section 1140. A. In municipalities having a population in
21 excess of eight thousand five hundred (8,500) located in a county
22 having a population in excess of one hundred thirty thousand
23 (130,000), according to the latest Federal Decennial Census, the
24 Oklahoma Tax Commission shall adopt rules prescribing minimum

1 qualifications and requirements for locating motor license agencies
2 and for persons applying for appointment as a motor license agent.

3 Such qualifications and requirements shall include, but not be
4 limited to, the following:

5 1. Necessary job skills and experience;

6 2. Minimum office hours;

7 3. Provision for sufficient staffing, equipment, office space
8 and parking to provide maximum efficiency and maximum convenience to
9 the public;

10 4. Obtainment of a faithful performance surety bond as provided
11 for by law;

12 5. A requirement that operation of a motor license agency be
13 the primary source of income for said agent;

14 6. That the applicant has not been convicted of a felony and
15 that no felony charges are pending against the applicant;

16 7. That a complete financial statement be submitted by the
17 applicant on forms provided by the Tax Commission;

18 8. That a report of the applicant's credit history be obtained
19 through the appropriate credit bureau; and

20 9. That the location specified in the application for
21 appointment as a motor license agent not be owned by a member of the
22 Oklahoma Legislature or any person related to a member of the
23 Oklahoma Legislature within the third degree by consanguinity or
24 affinity and that the location not be within a three-mile radius of

1 an existing motor license agency unless the applicant is assuming
2 the location of an operating agency.

3 After the necessary information has been forwarded to the Tax
4 Commission, each applicant shall be interviewed by the Tax
5 Commission or its designees and each item of information shall be
6 reviewed.

7 The qualifications and requirements specified in this subsection
8 shall apply only to persons making application to be appointed as
9 motor license agents on or after June 25, 1987.

10 Any person making application to the Tax Commission for the
11 purpose of becoming a motor license agent shall pay when submitting
12 the application, a nonrefundable application fee of One Hundred
13 Dollars (\$100.00). All such application fees shall be deposited in
14 the Oklahoma Tax Commission Revolving Fund.

15 Upon application by a person to serve as a motor license agent,
16 in such counties, the Tax Commission shall make a determination
17 whether such person and such location meets the qualifications and
18 requirements prescribed herein and, if such be the case, shall
19 appoint such person to serve as a motor license agent.

20 A motor license agent, appointed pursuant to this subsection
21 shall be permitted to operate a motor license agency at a single
22 location and shall be prohibited from operating subagencies or
23 branch agencies, unless such subagencies or branch agencies were
24 established prior to June 1, 1985.

1 Unless otherwise specifically provided, motor license agents
2 appointed pursuant to this subsection shall be subject to all laws
3 relating to motor license agents and shall be subject to removal at
4 the will of the Tax Commission.

5 B. In all other counties of this state and in municipalities
6 having a population of less than eight thousand five hundred (8,500)
7 located in a county having a population in excess of one hundred
8 thirty thousand (130,000), according to the latest Federal Decennial
9 Census, the Tax Commission shall appoint as many motor license
10 agents as it deems necessary to carry out the provisions of the
11 Motor Vehicle License and Registration Act. Provided, that in
12 counties with a population in excess of twenty-five thousand
13 (25,000) persons, according to the latest Federal Decennial Census,
14 having only one motor license agent serving the county, the Tax
15 Commission shall establish at least one additional agency to serve
16 the county.

17 Such agents shall be self-employed independent contractors, and
18 all agents shall be under the supervision of the Tax Commission;
19 provided, any agent authorized to issue registrations pursuant to
20 the International Registration Plan shall also be under the
21 supervision of the Corporation Commission, subject to rules
22 promulgated by the Corporation Commission pursuant to the provisions
23 of subsection E of Section 2 1166 of this ~~act~~ title0. In addition,
24 any motor license agent authorized to issue oversize and overweight

1 permits pursuant to Section 14-101 et seq. of this title shall also
2 be under the supervision of the Department of Public Safety, subject
3 to any rules promulgated by the Department. Any such agent, upon
4 being appointed, shall furnish and file with the Tax Commission a
5 bond in such amount as may be fixed by the Tax Commission. Such
6 agent shall be removable at the will of the Tax Commission. Such
7 agent shall perform all duties and do such things in the
8 administration of the laws of this state as shall be enjoined upon
9 and required by the Tax Commission, the Department of Public Safety
10 or the Corporation Commission. Provided, the Tax Commission may
11 operate a motor license agency in any county where a vacancy occurs.

12 C. In the event of a vacancy existing by reason of resignation,
13 removal, death or otherwise, in the position of any motor license
14 agent, the Tax Commission is hereby empowered and authorized to take
15 any and all actions it deems appropriate in order to provide for the
16 orderly transition and for the maintenance of operations of the
17 motor license agency including but not limited to the designation of
18 one of its regular employees to serve as "acting agent" without
19 bond, and to receive and expend all fees or charges authorized or
20 provided by law and exercise the same powers and authority as a
21 regularly appointed motor license agent. An acting agent may be
22 authorized by the Tax Commission equally as the preceding agent to
23 make disbursements from any balances in the preceding motor license
24 agent's operating account and the agent's operating funds for the

1 payment of expenses of operations and salaries and other overhead.
2 If such funds are insufficient, the Tax Commission is authorized to
3 expend from funds appropriated for the operation of the Tax
4 Commission such amounts as are necessary to maintain and continue
5 the operation of any such motor license agency until a successor
6 agent is appointed and qualified. The Tax Commission may require a
7 blanket fiduciary bond of the agency employees.

8 D. Any motor license agency operated by a motor license agent
9 who has been charged with a felony shall be closed immediately. The
10 State Auditor and Inspector shall immediately conduct an audit of
11 such motor license agency and forward the report of the audit to the
12 Tax Commission for review. The Tax Commission shall determine
13 whether the motor license agency shall be reopened and operated by
14 the motor license agent or whether the agency shall be reopened and
15 operated by the Tax Commission. The review of the audit and the Tax
16 Commission determination shall be effected as soon as possible to
17 prevent additional inconvenience to the public.

18 E. When an application for registration is made with the Tax
19 Commission, Corporation Commission or a motor license agent, a
20 registration fee of One Dollar and seventy-five cents (\$1.75) shall
21 be collected for each license plate or decal issued. Such fees
22 shall be in addition to the registration fees on motor vehicles and
23 when an application for registration is made to the motor license
24 agent such motor license agent shall retain a fee as provided in

1 Section 1141.1 of this title. When the fee is paid by a person
2 making application directly with the Tax Commission or Corporation
3 Commission, as applicable, the registration fees shall be in the
4 same amount as provided for motor license agents and the fee
5 provided by Section 1141.1 of this title shall be deposited in the
6 Oklahoma Tax Commission Revolving Fund or as provided in Section 3
7 of this act, as applicable. The Tax Commission shall prepare
8 schedules of registration fees and charges for titles which shall
9 include the fees for such agents and all fees and charges paid by a
10 person shall be listed separately on the application and
11 registration and totaled on the application and registration. The
12 motor license agents shall charge only such fees as are specifically
13 provided for by law, and all such authorized fees shall be posted in
14 such a manner that any person shall have notice of all fees that are
15 imposed by law.

16 F. No person shall be appointed as a motor license agent unless
17 the person has attested under oath that the person is not related by
18 affinity or consanguinity within the third degree to:

19 1. Any member of the Oklahoma Legislature;

20 2. Any person who has served as a member of the Oklahoma
21 Legislature within the two-year period preceding the date of
22 appointment as motor license agent; or

23 3. Any employee of the Tax Commission.
24

1 G. Any motor license agent appointed under the provisions of
2 this title shall be responsible for all costs incurred by the Tax
3 Commission when relocating an existing motor license agency. The
4 Tax Commission may waive payment of such costs in case of unforeseen
5 business or emergency conditions beyond the control of the agent.

6 SECTION 11. AMENDATORY 47 O.S. 2001, Section 1141.1, as
7 amended by Section 7, Chapter 381, O.S.L. 2005 (47 O.S. Supp. 2006,
8 Section 1141.1), is amended to read as follows:

9 Section 1141.1 A. Each motor license agent shall be entitled
10 to retain the following amounts from the taxes and fees collected by
11 such agent to be used to fund the operation of the office of such
12 motor license agent subject to the provisions of Sections 1140
13 through 1147 of this title:

14 1. Beginning July 1, 2005, Two Dollars and eighty-one cents
15 (\$2.81) for each vehicle registered and for each special license
16 plate issued pursuant to the Oklahoma Vehicle License and
17 Registration Act. Beginning July 1, 2006, and thereafter, Three
18 Dollars and fifty-six cents (\$3.56) for each vehicle registered and
19 for each special license plate issued pursuant to the Oklahoma
20 Vehicle License and Registration Act;

21 2. One Dollar and twenty-five cents (\$1.25) for each
22 certificate of title issued for boats and motors pursuant to the
23 Oklahoma Statutes;

24

1 3. For each certificate of registration issued for boats and
2 motors pursuant to the Oklahoma Statutes, an amount determined
3 pursuant to the provisions of subsection B of this section;

4 4. Two Dollars and twenty-five cents (\$2.25) for each
5 certificate of title issued pursuant to the Oklahoma Vehicle License
6 and Registration Act;

7 5. Beginning October 1, 2000, three percent (3%) of the vehicle
8 excise tax collected pursuant to Section 2103 of Title 68 of the
9 Oklahoma Statutes. Beginning July 1, 2001, each motor license agent
10 shall be entitled to retain three and one hundred twenty-five one-
11 thousandths percent (3.125%) of the vehicle excise tax collected
12 pursuant to Section 2103 of Title 68 of the Oklahoma Statutes.

13 Beginning July 1, 2002, and for all subsequent years, each motor
14 license agent shall be entitled to retain three and twenty-five one-
15 hundredths percent (3.25%) of the vehicle excise tax collected
16 pursuant to Section 2103 of Title 68 of the Oklahoma Statutes.
17 However, beginning July 1, 2003, the Legislature shall annually
18 review the percentage to be retained by the motor license agents
19 pursuant to this paragraph to determine whether such percentage
20 should be adjusted;

21 6. Four percent (4%) of the excise tax collected on the
22 transfer of boats and motors pursuant to the Oklahoma Statutes;

1 7. Two Dollars (\$2.00) for each driver license, endorsement,
2 identification license, or renewal or duplicate issued pursuant to
3 Section 6-101 et seq. of this title;

4 8. Two Dollars (\$2.00) for the recording of security interests
5 as provided in Section 1110 of this title;

6 9. Two Dollars (\$2.00) for each inspection conducted pursuant
7 to subsection L of Section 1105 of this title;

8 10. Three Dollars (\$3.00) for each inspection conducted
9 pursuant to subsection M of Section 1105 of this title;

10 11. One Dollar (\$1.00) for each certificate of ownership filed
11 pursuant to subsection Q of Section 1105 of this title;

12 12. One Dollar (\$1.00) for each temporary permit issued
13 pursuant to Section 1124 of this title;

14 13. One Dollar and fifty cents (\$1.50) for processing each
15 proof of financial responsibility, driver license information,
16 insurance verification information, and other additional information
17 as provided in Section 7-602 of this title;

18 14. The mailing fees and registration fees provided in Sections
19 1131 and 1140 of this title;

20 15. The notary fee provided in Section 1143 of this title;

21 16. Three Dollars (\$3.00) for each lien entry form completed
22 and recorded on a certificate of title pursuant to subsection G of
23 Section 1105 of this title;

24

1 17. Seven Dollars (\$7.00) for each notice of transfer as
2 provided by subsection B of Section ~~6~~ 1107.4 of this ~~act~~ title;

3 18. Seven Dollars (\$7.00) for each certificate of title or each
4 certificate of registration issued for repossessed vehicles pursuant
5 to Section 1126 of this title; ~~and~~

6 19. Any amount specifically authorized by law to be retained by
7 the motor license agent for the furnishing of a summary of a traffic
8 record; and

9 20. Five Dollars (\$5.00) for each permit issued pursuant to
10 Section 14-101 et seq. of this title.

11 The balance of the funds collected shall be remitted to the
12 Oklahoma Tax Commission as provided in Section 1142 of this title to
13 be apportioned pursuant to Section 1104 of this title.

14 B. For each certificate of registration issued for boats and
15 motors, each motor license agent shall be entitled to retain the
16 greater of One Dollar and twenty-five cents (\$1.25) or an amount to
17 be determined by the Tax Commission according to the provisions of
18 this subsection. At the end of fiscal year 1997 and each fiscal
19 year thereafter, the Tax Commission shall compute the average amount
20 of registration fees for all boats and motors registered in this
21 state during the fiscal year and shall multiply the result by six
22 and twenty-two one-hundredths percent (6.22%). The resulting
23 product shall be the amount which may be retained by each motor
24

1 license agent for each certificate of registration for boats and
2 motors issued during the following calendar year.

3 SECTION 12. This act shall become effective July 1, 2007.

4 SECTION 13. 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.

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