

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2046

By: BigHorse

4
5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Sections 2-117.1, 14-110, as amended by Section
9 6, Chapter 522, O.S.L. 2004, and 14-111, as amended
10 by Section 7, Chapter 522, O.S.L. 2004 (47 O.S. Supp.
11 2006, Sections 14-110 and 14-111), which relate to
12 regulation of transportation; limiting enforcement by
13 Corporation Commission to certain locations; amending
14 47 O.S. 2001, Section 116.13, as amended by Section
15 8, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2006,
16 Section 116.13), which relates to uniforms;
17 eliminating badge requirement; amending 47 O.S. 2001,
18 Section 116.14, as amended by Section 9, Chapter 522,
19 O.S.L. 2004 (47 O.S. Supp. 2006, Section 116.14),
20 which relates to vehicle registration; modifying
21 procedure for seizure of certain vehicles; amending
22 47 O.S. 2001, Sections 161 and 162, as amended by
23 Section 2, Chapter 418, O.S.L. 2005 (47 O.S. Supp.
24 2006, Section 162), which relate to transportation
regulation; limiting Corporation Commission to
administrative enforcement; amending 47 O.S. 2001,
Section 162.1, as amended by Section 2, Chapter 238,
O.S.L. 2006 (47 O.S. Supp. 2006, Section 162.1),
which relates to vehicle registration; changing title
of certain regulations; amending 47 O.S. 2001,
Section 170.2, which relates to violation procedures;
modifying threshold to require conviction; amending
47 O.S. 2001, Section 171, which relates to the
Corporation Commission Revolving Fund; restricting
type of enforcement; amending 47 O.S. 2001, Section
171.1, which relates to Corporation Commission
Revolving Fund; modifying appropriation; amending 47
O.S. 2001, Section 172, as amended by Section 3,
Chapter 238, O.S.L. 2006 (47 O.S. Supp. 2006, Section
172), which relates to violations; modifying duties
of certain Corporation Commission employees; amending

1 47 O.S. 2001, Section 1801, which relates to motor
2 vehicle compacts; adding compact requirement;
3 amending 47 O.S. 2001, Section 180m, which relates to
4 enforcement; removing certain duties of Corporation
5 Commission; altering certain reporting requirements;
6 amending 47 O.S. 2001, Section 230.11, which relates
7 to interagency agreements; requiring interagency
8 agreement in certain situations; amending 47 O.S.
9 2001, Section 230.24, which relates to Corporation
10 Commission duties; limiting location of performance
11 of certain duties; amending Section 3, Chapter 140,
12 O.S.L. 2006, as amended by Section 1, Chapter 243,
13 O.S.L. 2006 (47 O.S. Supp. 2006, Section 230.34b),
14 which relates to portable scales; removing
15 Corporation Commission reference; amending 47 O.S.
16 2001, Sections 1115, as last amended by Section 8,
17 Chapter 238, O.S.L. 2006, and 1115.1, as amended by
18 Section 14, Chapter 522, O.S.L. 2004 (47 O.S. Supp.
19 2006, Sections 1115 and 1115.1), which relate to
20 vehicle registration; modifying penalty provisions;
21 modifying certain procedures; amending 47 O.S. 2001,
22 Section 1123, which relates to motor vehicle
23 compacts; limiting method of permissible enforcement;
24 amending 47 O.S. 2001, Sections 1133, as last amended
by Section 75, Chapter 1, O.S.L. 2005, and 1133.2, as
amended by Section 20, Chapter 522, O.S.L. 2004 (47
O.S. Supp. 2006, Sections 1133 and 1133.2), which
relate to vehicle registration; altering party
imposing certain penalty; removing certain penalty
limitations; amending 47 O.S. 2001, Section 1151, as
last amended by Section 26, Chapter 311, O.S.L. 2005
(47 O.S. Supp. 2006, Section 1151), which relates to
offenses and penalties; removing authorization of
Corporation Commission to issue certain citations;
amending Section 2, Chapter 522, O.S.L. 2004 (47 O.S.
Supp. 2006, Section 1166), which relates to transfer
of powers; striking outdated language; amending
Section 3, Chapter 522, O.S.L. 2004, as amended by
Section 10, Chapter 238, O.S.L. 2006 (47 O.S. Supp.
2006, Section 1167), which relates to the Trucking
One-Stop Shop Act; updating language; amending
Section 4, Chapter 522, O.S.L. 2004 (47 O.S. Supp.
2006, Section 1168), which relates to the Trucking
One-Stop Shop Act; specifying type of facility;
amending Section 11, Chapter 238, O.S.L. 2006 (47
O.S. Supp. 2006, Section 1169), which relates to the
Trucking One-Stop Shop Act; requiring proof of

1 adjudication; repealing 47 O.S. 2001, Sections 171.2
2 and 172.1, which relate to enforcement officers; and
3 providing an effective date.
4

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

6 SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-117.1, is
7 amended to read as follows:

8 Section 2-117.1 A. It shall be the duty of the Oklahoma Tax
9 Commission administratively to investigate and report to the
10 Corporation Commission and the Department of Public Safety
11 violations of their rules ~~and regulations~~ and the laws governing the
12 transportation of persons and property by motor transportation
13 companies and all other motor carriers for hire.

14 B. It shall be the duty of the Corporation Commission
15 administratively to investigate and report to the Oklahoma Tax
16 Commission and the Department of Public Safety violations of their
17 rules ~~and regulations~~ and the laws governing the transportation of
18 persons and property by motor transportation companies and all other
19 motor carriers for hire.

20 SECTION 2. AMENDATORY 47 O.S. 2001, Section 14-110, as
21 amended by Section 6, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2006,
22 Section 14-110), is amended to read as follows:

23 Section 14-110. The registration certificate for any truck,
24 trailer, semitrailer or combination thereof shall be carried in or

1 on the vehicle at all times and shall be presented on demand ~~of any~~
2 to:

3 1. Any officer of the Department of Public Safety, ~~Oklahoma~~
4 ~~Corporation Commission,~~ or any sheriff for inspection, and it

5 2. Any employee of the Corporation Commission at a stationary
6 and permanent scale facility.

7 Such registration certificate shall be accepted in any court as
8 prima facie evidence of weight registration or legally authorized
9 load limit of the vehicle.

10 SECTION 3. AMENDATORY 47 O.S. 2001, Section 14-111, as
11 amended by Section 7, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2006,
12 Section 14-111), is amended to read as follows:

13 Section 14-111. A. 1. Any officer of the Department of Public
14 Safety, ~~the Corporation Commission,~~ any sheriff, or any salaried
15 deputy sheriff is authorized to stop any vehicle upon any road or
16 highway in order to weigh such vehicle by means of portable or
17 stationary scales, or cause the same to be weighed by any official
18 weigher, or upon any privately owned scales and may require that
19 such vehicles be driven to the nearest or most convenient available
20 scales for the purpose of weighing.

21 2. Any employee of the Corporation Commission may stop any
22 vehicle while the vehicle is at a stationary and permanent scale
23 facility in order to weigh such vehicle.

24

1 B. In the event that any axle weight or the gross weight of any
2 such vehicle be found to exceed the maximum weight authorized by
3 law, or by permit issued therefor, the officer or employee may
4 require, in the case of separable loads, the driver, operator or
5 owner thereof to unload at the site such portion of the load as may
6 be necessary to decrease the weight of such vehicle to the maximum
7 weight authorized by law. Provided, however, that if such load
8 consists of livestock, perishable merchandise, or merchandise that
9 may be destroyed by the weather, then the driver shall be permitted
10 to proceed to the nearest practical unloading point in the direction
11 of destination before discharging such excess cargo. All material
12 so unloaded shall be cared for by the owner or operator of such
13 vehicle at the risk of such owner or operator.

14 ~~B.~~ C. 1. The operator of any truck or other vehicle
15 transporting farm products for hire or other merchandise for hire
16 shall have in his or her possession a certificate carrying the
17 following information: name of the operator; driver license number;
18 vehicle registration number; Corporation Commission permit number;
19 statement of owner authorizing transportation of the products by
20 above named operator; and signature of the owner.

21 2. Should the vehicle be loaded with livestock, the certificate
22 shall include the number of animals, and should the livestock be the
23 property of more than one person, a certificate signed by each owner
24 carrying the above information including the number of animals owned

1 by each owner shall be carried by the operator. Should the operator
2 be the owner of the merchandise or livestock, the merchandise or
3 livestock having just been purchased, the operator shall have in his
4 or her possession a bill of sale for such merchandise or livestock.
5 Should the operator be the owner of livestock or other farm products
6 produced by the operator, the operator shall be required to show
7 satisfactory identification and ownership of the vehicle.

8 3. Any:

9 a. officer as outlined in this chapter, on the road or
10 highway, shall have the authority to stop, or

11 b. employee of the Corporation Commission at a stationary
12 and permanent scale facility shall have the authority
13 to stop,

14 any vehicle loaded with livestock, merchandise or other farm
15 products and investigate as to the ownership of the merchandise,
16 livestock or other farm products. Should the operator of any
17 vehicle be unable to establish to the satisfaction of the officer or
18 the employee the ownership of the merchandise, livestock or other
19 products, or shall not have certificate signed by the owner as
20 specified in this section for the transportation of such
21 merchandise, livestock or other farm products, the merchandise,
22 livestock or other farm products and the vehicle in which they are
23 being transported shall be impounded by the officer, or the employee
24 shall request the impoundment by a law enforcement officer, and any

1 expense as to the care of any livestock shall be the responsibility
2 of the owner or operator of the vehicle, and any loss or damage of
3 the merchandise, livestock or other farm products shall be the
4 responsibility of the operator or owner, or both.

5 SECTION 4. AMENDATORY 47 O.S. 2001, Section 116.13, as
6 amended by Section 8, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2006,
7 Section 116.13), is amended to read as follows:

8 Section 116.13 A. Each employee of the Corporation Commission
9 ~~assigned as an enforcement officer, as herein provided, to a~~
10 stationary and permanent scale facility shall at all times while on
11 duty be required to be dressed in a distinctive uniform and display
12 ~~a badge~~ an insignia of office, both of which shall be completely
13 different and distinguishable from those of the Oklahoma Highway
14 Patrol Division, the Department of Public Safety, the Oklahoma
15 Department of Transportation, and the Oklahoma Tax Commission. All
16 such ~~badges~~ insignias shall be furnished by the Corporation
17 Commission ~~and each badge shall display a distinctive serial number.~~
18 The type and detail of the uniforms shall be designated by the
19 Corporation Commission, and the Corporation Commission shall furnish
20 the uniforms and replace them when necessary. An expense allowance
21 of One Hundred Dollars (\$100.00) per month for maintenance and
22 cleaning of uniforms shall be paid to each ~~enforcement officer~~
23 employee described herein of the Corporation Commission.

24

1 B. Any person who without authority wears the ~~badge~~ insignia or
2 uniform of a Corporation Commission ~~enforcement officer~~ scale
3 facility employee, or who without authority impersonates such an
4 ~~officer~~ employee, with intent to deceive anyone, shall be guilty of
5 a misdemeanor.

6 SECTION 5. AMENDATORY 47 O.S. 2001, Section 116.14, as
7 amended by Section 9, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2006,
8 Section 116.14), is amended to read as follows:

9 Section 116.14 In the event any vehicle at a stationary and
10 permanent scale facility is found with no registration, not properly
11 registered for the load carried, or improperly registered in any
12 manner under the provisions of Section 116.2a et seq. of this title
13 or any provisions of the motor vehicle license and registration laws
14 of this state, the Corporation Commission ~~enforcement officers~~ scale
15 facility employee shall be authorized to notify a law enforcement
16 officer to seize and take such vehicle into custody until such time
17 as such vehicle is properly registered and the license fee thereon
18 is paid in full together with any penalty provided by law plus the
19 cost of seizure, including the reasonable cost of taking such
20 vehicle into custody and storing it. Any load on such vehicle shall
21 be disposed of by the owner or operator of such vehicle. In the
22 event such license fee and penalty together with the cost of seizure
23 and storage is not paid, the agency employing the law enforcement
24 officer shall proceed to sell such vehicle by posting not less than

1 five notices of sale in five different public places in the county
2 where such property is located, one of such notices to be posted at
3 the place where the vehicle is stored; provided, a copy of such
4 notice shall also be sent by registered mail, return receipt
5 requested, to the last-known address of the registered owner of such
6 vehicle in question. Such vehicle shall be sold at such sale
7 subject to the following terms and conditions:

8 1. In the event the sale price is equal to, or greater than,
9 the total cost of sale, seizure and the fee and penalty, the
10 purchaser shall be issued a certificate of purchase, license plate
11 and registration certificate;

12 2. In the event the sale price is less than the total costs of
13 sale, seizure, and the fee and penalty, such vehicle shall be sold
14 as junk to the highest bidder, whereupon the bidder shall receive a
15 certificate of purchase; and if such vehicle be dismantled, the
16 record to such junked vehicle shall be canceled. If not dismantled,
17 the same shall forthwith be registered anew; and

18 3. Any residual amount remaining unclaimed by the delinquent
19 owner shall be administered in accordance with the Uniform Unclaimed
20 Property Act (1981).

21 SECTION 6. AMENDATORY 47 O.S. 2001, Section 161, is
22 amended to read as follows:

23 Section 161. A. It is hereby declared that it is necessary in
24 the public interest to regulate transportation by motor carriers of

1 household goods and used emigrant movables in such manner as to
2 recognize and preserve the inherent advantages of, and foster sound
3 economic conditions in such transportation and among such carriers;
4 promote adequate, economical, efficient service by motor carriers,
5 and reasonable charges therefor, without unjust discriminations,
6 undue preferences or advantages and unfair or destructive
7 competitive practices; develop and preserve a highway transportation
8 system properly adapted to the agricultural, industrial and
9 commercial needs of the commerce of the State of Oklahoma and the
10 national defense; and cooperate with the government of the United
11 States, the departments of the State of Oklahoma, regulatory bodies
12 of other states, and the duly authorized officials thereof and with
13 any organization of motor carriers in the administration and
14 administrative enforcement of this act.

15 B. The provisions of this act, except as hereinafter
16 specifically limited, shall apply to the transportation of household
17 goods and used emigrant movables by motor carriers over public
18 highways of this state; and the ~~regulations~~ regulation of such
19 transportation, and the procurement thereof and the provisions of
20 facilities therefor, is hereby vested in the ~~Oklahoma~~ Corporation
21 Commission.

22 Nothing herein shall be construed to interfere with the exercise
23 by agencies of the government of the United States of its power of
24 regulation of interstate commerce.

1 C. As used in this act:

2 1. "Person" means any individual, firm, copartnership, limited
3 partnership, corporation, limited liability corporation, company,
4 association, or joint-stock association and includes any trustee,
5 receiver, assignee, or personal representative thereof;

6 2. "Commission" means the ~~Oklahoma~~ Corporation Commission;

7 3. "Certificate" means the certificate of public convenience
8 and necessity issued under authority of the laws of the State of
9 Oklahoma to common carriers of household goods or used emigrant
10 movables by motor vehicle;

11 4. "Permit" means a permit issued under authority of the laws
12 of the State of Oklahoma to contract carriers of household goods or
13 used emigrant movables by motor vehicle;

14 5. "Motor vehicle" means any automobile, truck, truck-tractor,
15 trailer or semitrailer or any motor bus or any self-propelled
16 vehicle not operated or driven upon fixed rails or tracks;

17 6. "Motor carrier" includes both a common carrier by motor
18 vehicle and a contract carrier by motor vehicle, operating upon any
19 public highway for the transportation of household goods and used
20 emigrant movables for compensation or for hire or for commercial
21 purposes, and not operating exclusively within the limits of an
22 incorporated city or town within this state;

23 7. "Common carrier by motor vehicle" means any person which
24 holds itself out to the general public to engage in the

1 transportation by motor vehicle in intrastate commerce of household
2 goods or used emigrant movables or any class or classes thereof for
3 compensation;

4 8. "Contract carrier by motor vehicle" means any person which
5 engages in transportation by motor vehicle of household goods or
6 used emigrant movables in intrastate commerce, for compensation
7 (other than transportation referred to in the preceding paragraph)
8 under continuing contracts with one person or a limited number of
9 persons either:

10 a. for the furnishing of transportation services through
11 the assignment of motor vehicles for a continuing
12 period of time to the exclusive use of each person
13 served, or

14 b. for the furnishing of transportation services designed
15 to meet the distinct need of each individual customer;

16 9. "Corporate family" means a group of corporations consisting
17 of a parent corporation and all subsidiaries in which the parent
18 corporation owns directly or indirectly one hundred percent (100%)
19 interest;

20 10. "Intercorporate hauling" means the transportation of
21 property, by motor vehicle, for compensation, by a carrier which is
22 a member of a corporate family, as defined in this act, when the
23 transportation for compensation is provided for other members of the
24 corporate family; and

1 11. "Public highway" means every public street, road or highway,
2 or thoroughfare in this state, used by the public, whether actually
3 dedicated to the public and accepted by the proper authorities or
4 otherwise.

5 D. The terms and provisions of this act shall apply to commerce
6 with foreign nations, or commerce among the several states of this
7 Union, insofar as such application may be permitted under the
8 provisions of the Constitution of the United States and the Acts of
9 Congress.

10 SECTION 7. AMENDATORY 47 O.S. 2001, Section 162, as
11 amended by Section 2, Chapter 418, O.S.L. 2005 (47 O.S. Supp. 2006,
12 Section 162), is amended to read as follows:

13 Section 162. A. It shall be the duty of the Corporation
14 Commission to:

15 1. Supervise and administratively regulate every motor carrier
16 of household goods or used emigrant movables and not operating
17 exclusively within the limits of an incorporated city or town in
18 this state;

19 2. Fix or approve the maximum or minimum, or maximum and
20 minimum rates, fares, charges, classifications and rules pertaining
21 thereto, of each such motor carrier;

22 3. Regulate and administratively supervise the accounts,
23 schedules and service of each such motor carrier; and for the
24

1 conservation of the public highways through the use of stationary
2 and permanent scale facilities;

3 4. Prescribe a uniform system and classification of accounts to
4 be used, which among other things shall set up adequate depreciation
5 charges, and after such accounting system shall have been
6 promulgated, such motor carriers shall use no other;

7 5. Require the filing of annual reports, and other data as
8 required from time to time by the Commission; and

9 6. Supervise and administratively regulate such motor carriers
10 in all other matters affecting the relationship between such
11 carriers and the traveling and shipping public.

12 B. The Commission is authorized to promulgate rules applicable
13 to any or all motor carriers of household goods or used emigrant
14 movables.

15 C. 1. The Commission is authorized to administer a hazardous
16 material transportation registration and permitting program for
17 motor carriers engaged in transporting hazardous material upon or
18 over the public highways and within the borders of the state.

19 2. The Commission shall promulgate rules implementing the
20 provisions of this subsection. Rules promulgated pursuant to this
21 subsection shall be consistent with, and equivalent in scope,
22 coverage, and content to requirements applicable to operators of
23 vehicles transporting hazardous materials contained in the report
24 submitted to the Secretary of the United States Department of

1 Transportation, pursuant to 49 U.S.C. 5119(b), by the Alliance for
2 Uniform Hazardous Material Transportation Procedures.

3 ~~D.~~ 3. Nothing in this ~~section~~ subsection shall be construed to
4 remove or affect the jurisdiction of the Department of Environmental
5 Quality to implement hazardous waste transportation requirements for
6 federal hazardous waste program delegation to this state under the
7 federal Resource Conservation and Recovery Act.

8 ~~E.~~ D. The Commission is authorized to promulgate rules and set
9 fees applicable to interstate motor carriers, pertaining to carrier
10 registration, operation of equipment and filing of proper proof of
11 liability insurance.

12 E. Nothing in this section shall be construed to remove or
13 affect the jurisdiction of the Department of Public Safety and its
14 authority, responsibilities and duties prescribed by law.

15 SECTION 8. AMENDATORY 47 O.S. 2001, Section 162.1, as
16 amended by Section 2, Chapter 238, O.S.L. 2006 (47 O.S. Supp. 2006,
17 Section 162.1), is amended to read as follows:

18 Section 162.1 A. The Corporation Commission is authorized to
19 promulgate all rules ~~and regulations~~ necessary to enable the State
20 of Oklahoma to participate in the single state registration system
21 for motor carriers authorized by the Intermodal Surface
22 Transportation Efficiency Act of 1991, 49 U.S.C., Section 11506
23 (1991), and by applicable rules and regulations of the ~~Interstate~~
24 ~~Commerce Commission~~ United States Department of Transportation.

1 B. The Corporation Commission is authorized to apply rules and
2 regulations to interstate motor carriers exempt from the ~~Interstate~~
3 ~~Commerce Commission~~ United States Department of Transportation
4 regulations.

5 C. The Corporation Commission is authorized to promulgate rules
6 necessary to enable this state to participate in the Unified Carrier
7 Registration System for interstate motor carriers and interstate
8 motor carriers holding intrastate authority as set forth in the
9 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A
10 Legacy for Users (SAFETEA-LU), Subtitle C-Unified Carrier
11 Registration Act of 2005.

12 SECTION 9. AMENDATORY 47 O.S. 2001, Section 170.2, is
13 amended to read as follows:

14 Section 170.2 A. The Department of Public Safety, monthly,
15 shall notify the ~~Oklahoma~~ Corporation Commission of any ~~ticket~~
16 ~~issued conviction~~ conviction for a violation ~~of the provisions of Section~~
17 ~~14-119 of this title, or:~~

18 1. Of any ~~provisions~~ provision of Chapter 14 of this title; or
19 2. Of the terms of any special permit authorized pursuant to
20 the provisions of Chapter 14 of this title concerning overweight or
21 overweight special permits.

22 B. Truck overweight ~~violations~~ convictions by motor carriers or
23 private carriers shall be considered contempt of Commission motor
24 carrier rules, tariffs and regulations. The Commission shall

1 establish a specific rule whereby such overweight ~~violations~~
2 convictions by motor carriers or private carriers shall be grounds
3 for issuance of a show-cause order for consideration of temporary or
4 permanent cancellation of operating authority or license. In
5 establishing the rule, consideration shall be given to the frequency
6 of violations, pattern of ~~violations~~ convictions, fleet size, type
7 of operation, amount of overweight, and other such factors that may
8 indicate intent. Any person, firm, or corporation that assists in
9 the commission of such overweight violation which leads to a
10 conviction or refuses to comply with any rule, regulation, or order
11 of the Commission relating thereto shall be guilty of contempt of
12 the Commission and shall be subject to a fine to be imposed by said
13 Commission in a sum not to exceed Five Hundred Dollars (\$500.00) on
14 each violation. In the specific instance of an overweight ~~violation~~
15 conviction, the transportation of each load shall constitute a
16 separate ~~violation~~ conviction. The same fine assessed against the
17 motor carrier or private carrier shall apply to any other person,
18 firm, or corporation that aids or abets such ~~violations~~ convictions.
19 Provided however, no motor carrier, private carrier, shipper or
20 person loading or causing a motor vehicle to be loaded shall be
21 subject to a fine for contempt unless the gross weight of the motor
22 vehicle is more than five thousand (5,000) pounds overweight.

23 C. The Commission, in its discretion and on its own motion, may
24 make a contempt complaint in writing under oath setting forth the

1 violation, enter the complaint on its docket, and proceed with the
2 matter in accordance with the provisions of Sections 161 et seq. of
3 this title or the Motor Carrier Act of 1995.

4 SECTION 10. AMENDATORY 47 O.S. 2001, Section 171, is
5 amended to read as follows:

6 Section 171. All monies accruing to the "Corporation Commission
7 Revolving Fund" are hereby appropriated to the Corporation
8 Commission.

9 The Corporation Commission is hereby authorized and empowered to
10 employ such extra help as may be necessary to carry out the
11 provisions of this act for the administrative enforcement of the law
12 and the collection of taxes set forth herein, said employees to be
13 paid from the appropriations made in this section. Provided, such
14 employees shall be paid such salaries or compensation as is paid for
15 similar service in this state in the same or other departments of
16 the state. The Corporation Commission is hereby authorized to pay
17 from the "Corporation Commission Revolving Fund" such extra
18 operating expenses as may be attributable to the administrative
19 enforcement of this act, in the same manner and form as other
20 expenses are paid.

21 Provided further, such employees shall be such extra help as may
22 be in the judgment of the Corporation Commission necessary to aid in
23 the administrative enforcement of this act in addition to the
24 positions hereinafter created; the salaries and expenses of the

1 positions hereinafter created shall be paid out of funds
2 appropriated by the general departmental appropriations act.

3 SECTION 11. AMENDATORY 47 O.S. 2001, Section 171.1, is
4 amended to read as follows:

5 Section 171.1 In addition to other uses authorized by law,
6 funds provided to the Corporation Commission Revolving Fund pursuant
7 to Sections 165, 177.2 and 180h of this title shall be expended as
8 follows:

9 1. The Corporation Commission Transportation Division shall
10 employ four special motor carrier ~~enforcement~~ administrative
11 officers and one ~~supervisor-officer~~ administrative supervisor who
12 shall have the primary duty of administratively investigating and
13 assisting in the prosecution of persons engaged in unauthorized
14 transportation or disposal of deleterious substances as contemplated
15 under the provisions of the Oklahoma Motor Carrier Act ~~and any other~~
16 ~~applicable provisions of law~~. Such employees shall be compensated
17 as for similar service in the same or other departments of the state
18 and an expense allowance of One Hundred Dollars (\$100.00) per month
19 for maintenance and cleaning of uniforms and other related expenses
20 shall be paid to such employees. Nothing in this section regarding
21 expense allowances shall be construed to mean that such employees
22 shall receive any additional compensation beyond what is provided
23 for maintenance and cleaning of uniforms and other related expenses
24 by the Corporation Commission ~~on the effective date of this act~~.

1 2. The Commission shall purchase a sufficient number of motor
2 vehicles to provide each motor carrier ~~enforcement~~ administrative
3 officer employed in the Transportation Division a motor vehicle
4 suitable to carry out the ~~enforcement~~ administrative provisions of
5 applicable law. Said vehicles shall be appropriately marked as
6 official state vehicles ~~and radio equipped~~. All costs for
7 operation, maintenance and replacement of the motor vehicles
8 authorized in this section shall be provided for from the
9 Corporation Commission Revolving Fund.

10 3. The Commission shall employ a hearing officer whose primary
11 responsibility shall be the adjudication of ~~enforcement~~
12 administrative proceedings and complaints brought against persons
13 engaged in unauthorized transportation or disposal of deleterious
14 substances or other unauthorized transportation in violation of the
15 Oklahoma Motor Carrier Act or the rules and regulations of motor
16 carriers as promulgated by the Corporation Commission.

17 SECTION 12. AMENDATORY 47 O.S. 2001, Section 172, as
18 amended by Section 3, Chapter 238, O.S.L. 2006 (47 O.S. Supp. 2006,
19 Section 172), is amended to read as follows:

20 Section 172. A. Every owner of any motor vehicle, the agents
21 or employees of the owner, and every other person who violates or
22 fails to comply with or procures, aids, or abets in the violation of
23 Sections 161 through 180m of this title or the Motor Carrier Act of
24 1995, or who fails to obey, observe, or comply with any order,

1 decision, rule or regulation, direction, demand, or requirement of
2 the Corporation Commission, or who procures, aids or abets any
3 corporation or person in the person's, or its, refusal or willful
4 failure to obey, observe or comply with any such order, decision,
5 rule, direction, demand, or regulation shall be deemed guilty of a
6 misdemeanor. Upon conviction in a criminal court of competent
7 jurisdiction, such misdemeanor is punishable by a fine of not
8 exceeding One Thousand Dollars (\$1,000.00).

9 B. The Corporation Commission shall report to the Attorney
10 General of this state and the district attorney of the proper county
11 having jurisdiction of such offense, any violation of any of the
12 provisions of Sections 161 through 180m of this title or the Motor
13 Carrier Act of 1995 or any rule of the Corporation Commission
14 promulgated pursuant to the provisions of Sections 161 through 180m
15 of this title or the Motor Carrier Act of 1995, by any motor vehicle
16 owner, agent or employee of such owner, or any other person. Upon
17 receipt of such report, the Attorney General or the district
18 attorney of the proper county having jurisdiction of such offense
19 shall institute criminal or civil proceedings against such offender
20 in the proper court having jurisdiction of such offense. Any
21 willful failure on the part of members of the Corporation
22 Commission, the Attorney General or any district attorney, to comply
23 with the provisions of this section, shall be deemed official
24 misconduct. The Corporation Commission shall report such complaints

1 so made to the Governor of this state who shall direct and cause the
2 laws of this state to be enforced.

3 C. Any person failing, neglecting or refusing to comply with
4 the provisions of Sections 161 through 180m of this title or the
5 Motor Carrier Act of 1995, or with any rule, regulation, or
6 requirement of the Corporation Commission promulgated pursuant to
7 the provisions of Sections 161 through 180m of this title or the
8 Motor Carrier Act of 1995, shall be guilty of contempt of the
9 Corporation Commission, and shall be subject to a fine to be imposed
10 by the Corporation Commission in a sum not exceeding Five Hundred
11 Dollars (\$500.00). Each day on which such contempt occurs shall be
12 deemed a separate and distinct offense. The maximum fine to be
13 assessed on each day shall be Five Hundred Dollars (\$500.00). All
14 fines collected pursuant to the provisions of this section shall be
15 deposited in the State Treasury to the credit of the Corporation
16 Commission Trucking One-Stop Shop Fund, as created in Section 1167
17 of this title. This subsection shall not apply in the specific
18 instance of load capacity violations or violations applicable to the
19 transportation or discharge of deleterious substances provided for
20 by specific statutory provisions.

21 D. The Corporation Commission shall appoint a director of
22 transportation, a deputy director, an insurance supervisor, an
23 insurance clerk, two stenographers, a secretary to the director, an
24 identification device supervisor and an assistant identification

1 device supervisor at such salaries as the Legislature may from time
2 to time prescribe. The employees shall be allowed actual and
3 necessary travel expenses pursuant to the provisions of the State
4 Travel Reimbursement Act. All of the expense claims shall be
5 presented and paid monthly.

6 E. ~~Enforcement officers, appointed by the Corporation~~
7 ~~Commission, are hereby declared to be peace officers of this state.~~
8 ~~Such officers shall be vested with all powers of peace officers in~~
9 ~~enforcing the provisions of Sections 161 through 180m of this title~~
10 ~~and the Motor Carrier Act of 1995 in all parts of this state.~~

11 ~~The powers and duties conferred upon said enforcement officers~~
12 ~~shall in no way limit the powers and duties of sheriffs or other~~
13 ~~peace officers of the state, or any political subdivision thereof,~~
14 ~~or of members of the Division of Highway Patrol, subject to the~~
15 ~~Department of Public Safety.~~

16 F. ~~The enforcement officers~~ A Commission employee when on duty
17 at a stationary and permanent scale facility, upon reasonable belief
18 that any motor vehicle is being operated in violation of any
19 provisions of Sections 161 through 180m of this title or the Motor
20 Carrier Act of 1995, shall be authorized to require the driver of
21 the vehicle to stop and submit to an inspection of the
22 identification device, or devices, in the vehicle, and to submit to
23 such ~~enforcement officer~~ employee bills of lading, waybills, or
24 other evidences of the character of the commerce being transported

1 in such vehicle, and to submit to an inspection of the contents of
2 such vehicle for the purpose of comparing same with bills of lading
3 or shipping documentation, waybills, or other evidences of
4 transportation carried by the driver of the vehicle. ~~The officers~~
5 ~~shall not have the right to plea bargain.~~

6 ~~G. The enforcement officers~~ F. Commission employees, as
7 appointed by the Commission are authorized to serve all warrants,
8 writs, and notices issued by the Corporation Commission relating to
9 the administrative enforcement of the provisions of Sections 161
10 through 180m of this title or the Motor Carrier Act of 1995 and the
11 rules, regulations, and requirements prescribed by the Corporation
12 Commission promulgated pursuant to Sections 161 through 180m of this
13 title or the Motor Carrier Act of 1995.

14 ~~H. The enforcement officers~~ G. Commission employees shall not
15 have the power or right of search, nor shall they have the right of
16 power of seizure, except as provided in Sections 161 through 180m of
17 this title or the Motor Carrier Act of 1995. ~~The enforcement~~
18 ~~officers~~ Commission employees are authorized to hold and detain any
19 motor vehicle operating upon the highways of this state, if, the
20 ~~enforcement officer~~ employee has reason to believe that the vehicle
21 is being operated contrary to the provisions of Sections 161 through
22 180m of this title or the Motor Carrier Act of 1995, or the rules,
23 regulations, and requirements of the Corporation Commission

24

1 promulgated pursuant to Sections 161 through 180m of this title or
2 the Motor Carrier Act of 1995.

3 ~~I. H.~~ H. No state official, other than members of the Corporation
4 Commission, shall have any power, right, or authority to command,
5 order, or direct any ~~enforcement officer~~ Commission employee to
6 perform or not perform any duty or service authorized by Sections
7 161 through 180m of this title or the Motor Carrier Act of 1995.

8 ~~J. I.~~ I. Each ~~of the enforcement officers~~ Commission employee who
9 staffs a stationary and permanent scale facility shall, before
10 entering upon the discharge of their duties, take and subscribe to
11 the usual oath of office and shall execute to the State of Oklahoma
12 a bond in the sum of Twenty-five Thousand Dollars (\$25,000.00) each,
13 with sufficient surety for the faithful performance of their duty.
14 The bond shall be approved and filed as provided by law.

15 K. No ~~enforcement officer or~~ employee of the ~~Oklahoma~~
16 Corporation Commission shall have the right to plea bargain in motor
17 carrier or motor transportation matters except the chief legal
18 counsel of the Commission or an assign of the legal staff of the
19 chief legal counsel.

20 SECTION 13. AMENDATORY 47 O.S. 2001, Section 180 l, is
21 amended to read as follows:

22 Section 180 l. The Corporation Commission is hereby authorized
23 and empowered, on behalf of the State of Oklahoma, and when it shall
24 deem it to be in the best interest of the residents of this state so

1 to do, to enter into reciprocal compacts and agreements with other
2 states, or the authorized agencies thereof, when such states have
3 made provisions substantially similar to this section, respecting
4 the regulation of motor vehicles engaged in interstate or foreign
5 commerce upon and over the public highways. And such compacts and
6 agreements may provide for the granting, to the residents of such
7 states, privileges substantially similar to those granted thereby to
8 Oklahoma residents: Provided: (1) That no such compact or agreement
9 shall supersede or suspend the operation of any law, rule or
10 regulation of the State of Oklahoma which shall apply to vehicles
11 operated intrastate in the State of Oklahoma; (2) That any
12 privileges, the granting of which shall be provided by any such
13 compact or agreement, shall extend only in cases of full compliance
14 with the laws of the state joining in such compact or agreement; (3)
15 That no such compact or agreement shall supersede or suspend the
16 operation of any law of the State of Oklahoma other than those
17 applying to the payment of fees for registration certificates or
18 identification devices; ~~and~~ (4) That the powers and authority of the
19 Oklahoma Tax Commission to administer and enforce the tax laws of
20 this state, pertaining to the taxation of motor vehicles, shall be
21 in no manner superseded or suspended; and (5) That the powers,
22 duties, and authority of the Department of Public Safety to enforce
23 the laws of this state shall be in no manner superseded or
24 suspended.

1 SECTION 14. AMENDATORY 47 O.S. 2001, Section 180m, is
2 amended to read as follows:

3 Section 180m. In addition to all other duties as provided by
4 law, it is hereby declared to be, and shall be the duty of all
5 sheriffs, deputy sheriffs, district attorneys, ~~enforcement officers~~
6 ~~appointed by the Corporation Commission of the State of Oklahoma,~~
7 and all highway patrolmen within the State of Oklahoma:

8 1. To enforce the provisions of Sections 180 through 180m of
9 this title or the Motor Carrier Act of 1995;

10 2. To apprehend and detain any motor vehicle or vehicles and
11 driver or operator and their aides who are operating any motor
12 vehicle, upon or along the highways of this state, for a reasonable
13 length of time, for the purpose of investigating and determining
14 whether such vehicle is being operated in violation of any of the
15 provisions of Sections 180 through 180m of this title or the Motor
16 Carrier Act of 1995;

17 3. To make arrests for the violation of the provisions of
18 Sections 180 through 180m of this title or the Motor Carrier Act of
19 1995, without the necessity of procuring a warrant;

20 4. To sign the necessary complaint and to cause the violator or
21 violators to be promptly arraigned before a court of competent
22 jurisdiction for trial;

23

24

1 5. To aid and assist in the prosecution of the violator or
2 violators in the name of the State of Oklahoma to the end that this
3 law shall be enforced;

4 6. To report all such ~~arrests~~ convictions for violations of
5 Sections 180 through 180m of this title to the Corporation
6 Commission of Oklahoma within ten (10) days after ~~making such arrest~~
7 receiving notification of such conviction and to furnish such
8 information concerning same as the Commission may request; and

9 7. At the request of the Corporation Commission, to seize and
10 confiscate any and all identification devices and to forward the
11 same to the Corporation Commission for cancellation.

12 SECTION 15. AMENDATORY 47 O.S. 2001, Section 230.11, is
13 amended to read as follows:

14 Section 230.11 A. Other state agencies, departments and
15 bureaus shall cooperate with the Oklahoma Department of Public
16 Safety in regulating motor carrier safety and the transportation of
17 hazardous materials. Such agencies, departments and bureaus may
18 enter into interagency agreements with the Department for the
19 purpose of implementing, administering and enforcing any provision
20 of the Oklahoma Motor Carrier Safety and Hazardous Materials
21 Transportation Act and the rules and regulations of the Department
22 issued pursuant thereto; provided, such implementation,
23 administration, and enforcement shall not be authorized in the
24 absence of such interagency agreement.

1 B. The Department may enter into a cooperative agreement with
2 the United States Department of Transportation and any other federal
3 department or agency to enforce the provisions of the Oklahoma Motor
4 Carrier Safety and Hazardous Materials Transportation Act, or
5 regulations adopted pursuant thereto, federal motor carrier safety
6 regulations, and federal regulations governing the transportation of
7 hazardous material. The Department may receive grants, gifts and
8 other funds, equipment and services from the federal government or
9 other sources for this purpose.

10 C. All files, records and data gathered by the Department
11 pursuant to the Oklahoma Motor Carrier Safety and Hazardous
12 Materials Transportation Act may be made available to the Department
13 of Environmental Quality, other agencies of state government, the
14 United States Department of Transportation and other jurisdictions
15 in any cooperative effort relating to motor carrier safety or the
16 transportation of hazardous materials.

17 SECTION 16. AMENDATORY 47 O.S. 2001, Section 230.24, is
18 amended to read as follows:

19 Section 230.24 A. The Corporation Commission is hereby vested
20 with power and authority, and it shall be its duty:

21 1. To supervise and regulate every motor carrier whether
22 operating between fixed termini or over a regular route or otherwise
23 and not operating exclusively within the limits of an incorporated
24 city or town in this state and all private carriers operating

1 vehicles having a gross registered weight of greater than 26,000
2 pounds and not operating exclusively within the limits of an
3 incorporated city or town in this state;

4 2. To protect the shipping and general public by supervising
5 and requiring insurance of all motor carriers and private carriers;

6 3. To ensure motor carriers and private carriers are complying
7 with the applicable size and weight laws of this state and safety
8 requirements which shall be accomplished at business locations of
9 the carriers or at stationary and permanent scale facilities;

10 4. To establish there will be no detrimental environmental
11 impact; and

12 5. To supervise and regulate motor carriers in all other
13 matters affecting the relationship between such carriers and the
14 traveling and shipping public provided those matters do not exceed
15 federal standards as they apply to this state.

16 B. The Commission shall have the power and authority by general
17 order or otherwise to prescribe rules applicable to any or all motor
18 carriers and private carriers as applicable.

19 C. The Commission shall cooperate and coordinate with the
20 ~~Oklahoma~~ Department of Public Safety, which is the primary
21 enforcement agency in this state, in administratively regulating
22 carrier safety, size and weight regulations of motor vehicles and
23 the transportation of hazardous materials which shall be
24 accomplished by the Commission at the business location of carriers

1 or at stationary and permanent scale facilities. The Commission may
2 enter into interagency agreements with the Department of Public
3 Safety for the purpose of ~~implementing, administering and enforcing~~
4 any specific provisions, as determined by the Department, of the
5 Oklahoma Motor Carrier Safety and Hazardous Materials Transportation
6 Act and the rules ~~and regulations~~ of the Department of Public Safety
7 issued pursuant thereto; provided, the Commission shall have no
8 authority to implement or administer any provision or rule if no
9 agreement exists.

10 D. Any license issued by the Commission may be suspended or
11 revoked due to operations conducted in violation of any laws or
12 rules and regulations pertaining to motor carriers, private
13 carriers, carrier safety, size and weight regulations of motor
14 vehicles and the transportation of hazardous materials.

15 SECTION 17. AMENDATORY Section 3, Chapter 140, O.S.L.
16 2006, as amended by Section 1, Chapter 243, O.S.L. 2006 (47 O.S.
17 Supp. 2006, Section 230.34b), is amended to read as follows:

18 Section 230.34b A portable scale used at any location other
19 than an official weigh station by the Department of Public Safety ~~or~~
20 ~~the Corporation Commission~~ to weigh any vehicle transporting grain
21 shall not be located within two (2) highway miles of any commercial
22 grain elevator. This section shall not apply if the vehicle is:

23 1. Involved in a collision;

24

1 2. Being subjected to a Commercial Vehicle Safety Alliance
2 (CVSA) inspection by the Department of Public Safety; or

3 3. Operated on any highway of the national defense highway
4 system.

5 SECTION 18. AMENDATORY 47 O.S. 2001, Section 1115, as
6 last amended by Section 8, Chapter 238, O.S.L. 2006 (47 O.S. Supp.
7 2006, Section 1115), is amended to read as follows:

8 Section 1115. A. Unless provided otherwise by statute, the
9 following vehicles shall be registered annually: manufactured
10 homes, vehicles registered with a permanent nonexpiring license
11 plate pursuant to Section 1113 of this title, and commercial
12 vehicles registered pursuant to the installment plan provided in
13 subsection H of Section 1133 of this title. The following schedule
14 shall apply for such vehicle purchased in this state or brought into
15 this state by residents of this state:

16 1. Between January 1 and March 31, the payment of the full
17 annual fee shall be required;

18 2. Between April 1 and June 30, the payment of three-fourths
19 (3/4) the annual fee shall be required;

20 3. Between July 1 and September 30, the payment of one-half
21 (1/2) the annual fee shall be required; and

22 4. Between October 1 and November 30, one-fourth (1/4) the
23 annual fee shall be required.
24

1 License plates or decals for each year shall be made available
2 on December 1 of each preceding year for such vehicles. Any person
3 who purchases such vehicle or manufactured home between December 1
4 and December 31 of any year shall register it within thirty (30)
5 days from date of purchase and obtain a license plate or
6 Manufactured Home License Registration Decal, as appropriate, for
7 the following calendar year upon payment of the full annual fee.
8 Unless provided otherwise by statute, all annual license,
9 registration and other fees for such vehicles shall be due and
10 payable on January 1 of each year and if not paid by February 1
11 shall be deemed delinquent.

12 B. 1. All vehicles, other than those required to be registered
13 pursuant to the provisions of subsection A of this section, shall be
14 registered on a staggered system of registration and licensing on a
15 monthly series basis to distribute the work of registering such
16 vehicles as uniformly and expeditiously as practicable throughout
17 the calendar year. After the end of the month following the
18 expiration date, the license and registration fees for the new
19 registration period shall become delinquent.

20 2. All fleet vehicles registered pursuant to new applications
21 approved pursuant to the provisions of Section 1120 of this title
22 shall be registered on a staggered system monthly basis.

23 3. Applicants seeking to establish Oklahoma as the base
24 jurisdiction for registering apportioned fleet vehicles shall have a

1 one-time option of registering for a period of not less than six (6)
2 months nor greater than eighteen (18) months. Subsequent renewals
3 for these registrants will be for twelve (12) months, expiring on
4 the last day of the month chosen by the registrant under the one-
5 time option as provided herein. In addition, registrants with
6 multiple fleets may designate a different registration month of
7 expiration for each fleet.

8 As used in this section, "fleet" shall have the same meaning as
9 set forth in the International Registration Plan.

10 4. Effective January 1, 2004, all motorcycles and mopeds shall
11 be registered on a staggered system of registration. The Oklahoma
12 Tax Commission shall notify in writing, prior to December 1, 2003,
13 all owners of motorcycles or mopeds registered as of such date, who
14 shall have a one-time option of registering for a period of not less
15 than three (3) months nor greater than fifteen (15) months.
16 Subsequent renewals for these registrants will be for twelve (12)
17 months, expiring on the last day of the month chosen by the
18 registrant under the one-time option as provided herein. All
19 motorcycles and mopeds registered pursuant to new applications
20 received on or after December 1, 2003, shall also be registered
21 pursuant to the provisions of this paragraph.

22 C. The following penalties shall apply for delinquent
23 registration fees:

24

1 1. For fleet vehicles required to be registered pursuant to the
2 provisions of Section 1120 of this title for which a properly
3 completed application for registration has not been received by the
4 Corporation Commission by the last day of the month following the
5 registration expiration date, a penalty of thirty percent (30%) of
6 the Oklahoma portion of the annual registration fee, or Two Hundred
7 Dollars (\$200.00), whichever is greater, shall be assessed. The
8 license and registration cards issued by the Corporation Commission
9 for each fleet vehicle shall be valid until two (2) months after the
10 registration expiration date;

11 2. For commercial vehicles registered under the provisions of
12 subsection B of this section, except those vehicles registered
13 pursuant to Section 1133.1 of this title, a penalty shall be
14 assessed after the last day of the month following the registration
15 expiration date. A penalty of twenty-five cents (\$0.25) per day
16 shall be added to the license fee of such vehicle and shall accrue
17 for one (1) month. Thereafter, the penalty shall be thirty percent
18 (30%) of the annual registration fee, or Two Hundred Dollars
19 (\$200.00), whichever is greater;

20 3. For new or used manufactured homes, not registered within
21 thirty (30) days from date of purchase or date such manufactured
22 home was brought into this state, a penalty equal to the
23 registration fee shall be assessed; or
24

1 4. Except as provided in subsection H of Section 1133 of this
2 title, for all other vehicles a penalty shall be assessed after the
3 last day of the month following the expiration date. A penalty of
4 twenty-five cents (\$0.25) per day shall be added to the license fee
5 of such vehicle and shall accrue for three (3) months. Thereafter,
6 the penalty shall be Twenty-five Dollars (\$25.00), provided that the
7 penalty shall not exceed the amount equal to the license fee of such
8 vehicle.

9 D. In addition to all other penalties provided in the Oklahoma
10 Vehicle License and Registration Act, the following penalties shall
11 be imposed and collected by ~~any Enforcement Officer~~ an employee of
12 the Corporation Commission at a stationary and permanent scale
13 facility upon finding any commercial vehicle being operated in
14 violation of the provisions of the Oklahoma Vehicle License and
15 Registration Act.

16 The penalties shall apply to any commercial vehicle found to be
17 operating in violation of the following provisions:

18 1. A penalty of not ~~less~~ more than Fifty Dollars (\$50.00) shall
19 be imposed upon any person found to be operating a commercial
20 vehicle sixty (60) days after the end of the month in which the
21 license plate or registration credentials expire without the current
22 year license plate or registration credential displayed. ~~Such~~
23 ~~penalty shall not exceed the amount established by the Corporation~~
24 ~~Commission pursuant to the provisions of subsection A of Section~~

1 ~~1167 of this title.~~ Revenue from such penalties shall be
2 apportioned as provided in Section 1167 of this title;

3 2. A penalty of not less than Fifty Dollars (\$50.00) shall be
4 imposed for any person operating a commercial vehicle subject to the
5 provisions of Section 1120 or Section 1133 of this title without the
6 proper display of, or, carrying in such commercial vehicle, the
7 identification credentials issued by the Corporation Commission as
8 evidence of payment of the fee or tax as provided in Section 1120 or
9 Section 1133 of this title. ~~Such penalty shall not exceed the~~
10 ~~amount established by the Corporation Commission pursuant to the~~
11 ~~provisions of subsection A of Section 1167 of this title.~~ Revenue
12 from such penalties shall be apportioned as provided in Section 1167
13 of this title; and

14 3. A penalty of not ~~less~~ more than One Hundred Dollars
15 (\$100.00) shall be imposed for any person that fails to register any
16 commercial vehicle subject to the Oklahoma Vehicle License and
17 Registration Act. ~~Such penalty shall not exceed the amount~~
18 ~~established by the Corporation Commission pursuant to the provisions~~
19 ~~of subsection A of Section 1167 of this title.~~ Revenue from such
20 penalties shall be apportioned as provided in Section 1167 of this
21 title.

22 E. The Tax Commission, or Corporation Commission with respect
23 to vehicles registered under Section 1120 or Section 1133 of this
24 title, shall assess the registration fees and penalties for the year

1 or years a vehicle was not registered. For vehicles not registered
2 for two (2) or more years, the registration fees and penalties shall
3 be due only for the current year and one (1) previous year.

4 F. In addition to any other penalty prescribed by law, there
5 shall be a penalty of not ~~less~~ more than Twenty Dollars (\$20.00)
6 upon a finding by an ~~enforcement officer~~ employee of the Corporation
7 Commission at a stationary and permanent scale facility that:

8 1. The registration of a vehicle registered pursuant to Section
9 1132 of this title is expired and it is sixty (60) or more days
10 after the end of the month of expiration; or

11 2. The registration fees for a vehicle that is subject to the
12 registration fees pursuant to Section 1132 of this title have not
13 been paid.

14 ~~Such penalty shall not exceed the amount established by the~~
15 ~~Corporation Commission pursuant to the provisions of subsection A of~~
16 ~~Section 1167 of this title.~~ Revenue from such penalties shall be
17 apportioned as provided in Section 1167 of this title.

18 G. If a vehicle is donated to a nonprofit charitable
19 organization, the nonprofit charitable organization shall be exempt
20 from paying any current or past due registration fees, excise tax,
21 transfer fees, and penalties and interest. However, after the
22 donation, if the person donating the vehicle, or someone on behalf
23 of such person, purchases the same vehicle back from the nonprofit
24 charitable organization to which the vehicle was donated, such

1 person shall be liable for all current and past-due registration
2 fees, excise tax, title or transfer fees, and penalties and interest
3 on such vehicle.

4 SECTION 19. AMENDATORY 47 O.S. 2001, Section 1115.1, as
5 amended by Section 14, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2006,
6 Section 1115.1), is amended to read as follows:

7 Section 1115.1 In addition to the penalties provided in the
8 Oklahoma Vehicle License and Registration Act, after ninety (90)
9 days from the expiration date for annual registration of a vehicle,
10 the ~~Corporation Commission~~, Department of Public Safety, county
11 sheriffs, and all other duly authorized peace officers of this state
12 may seize and take into custody every, and any employee of the
13 Corporation Commission may notify a law enforcement officer to seize
14 and take into custody, any vehicle owned within this state not
15 bearing or displaying a proper license plate required by the
16 Oklahoma Vehicle License and Registration Act. The vehicle shall
17 not be released to the owner until it is duly registered and the
18 license, registration, or title fee and penalties due are paid in
19 full, proof of security or an affidavit that the vehicle will not be
20 used on public highways or public streets, as required pursuant to
21 Section 7-600 et seq. of this title, is furnished, and the cost of
22 seizure, including the reasonable cost of taking the vehicle into
23 custody and storing the vehicle, have been paid. In the event the
24 owner of any vehicle seized fails to pay such fees and penalties

1 due, together with cost of seizure and storage, and fails to provide
2 proof of security or an affidavit that the vehicle will not be used
3 on public highways or public streets, the ~~Corporation Commission~~
4 employing agency of the officer seizing the vehicle shall proceed to
5 sell the vehicle by posting not fewer than five notices of sale in
6 five different public places in the county where the vehicle is
7 located, one of such notices to be posted at the place where the
8 vehicle is stored. A copy of the notice shall also be sent by
9 certified mail, restricted delivery, with return receipt requested,
10 to the last-known address of the registered owner of the vehicle.
11 The vehicle shall be sold at such sale subject to the following
12 terms and conditions:

13 1. In the event the sale price is equal to, or greater than,
14 the total costs of sale, seizure and the fee and penalty, the
15 purchaser shall be issued a certificate of purchase, license plate,
16 manufactured home registration receipt and decal and registration
17 certificate;

18 2. In the event the sale price is less than the total costs of
19 sale, seizure, and the fee and penalty, the vehicle shall be sold as
20 junk to the highest bidder, whereupon the bidder shall receive a
21 certificate of purchase; and if the vehicle be dismantled, the
22 record to the junked vehicle shall be canceled. If not dismantled,
23 the vehicle shall be immediately registered; and
24

1 3. Any residual amount remaining unclaimed by the delinquent
2 owner shall be administered in accordance with the Uniform Unclaimed
3 Property Act.

4 SECTION 20. AMENDATORY 47 O.S. 2001, Section 1123, is
5 amended to read as follows:

6 Section 1123. The Oklahoma Tax Commission is hereby authorized
7 and empowered to enter into and make reciprocal compacts and
8 agreements when the Commission deems same to be in the interest of
9 the residents of the State of Oklahoma, with the proper authorities
10 of other states, concerning all motor vehicles engaged in foreign
11 and interstate commerce upon and over the public highways.

12 Such compacts and agreements shall grant to the residents of
13 other states privileges substantially like and equal to those
14 granted by such states to Oklahoma residents; provided, that such
15 compacts and agreements shall not supersede or suspend any laws,
16 rules or regulations of this state applying to vehicles operated
17 intrastate in this state. Privileges so granted shall extend only
18 to persons who comply with the laws of the state of their residence.

19 Such compacts and agreements shall not operate to supersede or
20 suspend the application of any laws of this state, except insofar as
21 they apply to the payment of vehicle license fees or other motor
22 vehicle taxes charged residents of the states with which such
23 compacts and agreements are made; provided, however, that the power
24 and authority and discretion of the Corporation Commission to make

1 and administratively enforce rules and regulations governing motor
2 carriers for hire, or to grant or deny certificates or permits to
3 motor carriers for hire shall not be superseded or suspended by any
4 such compact and agreement.

5 SECTION 21. AMENDATORY 47 O.S. 2001, Section 1133, as
6 last amended by Section 75, Chapter 1, O.S.L. 2005 (47 O.S. Supp.
7 2006, Section 1133), is amended to read as follows:

8 Section 1133. A. The following license fees shall be paid
9 annually to the Oklahoma Tax Commission or Corporation Commission,
10 as applicable, upon the registration of the following vehicles:

11 For each commercial vehicle over eight thousand (8,000) pounds
12 as defined in Section 1102 of this title, the license fee shall be
13 based on the combined laden weight of the vehicle or combination of
14 vehicles. The license fees shall be computed and assessed at the
15 following rates:

- | | | |
|----|--|----------|
| 16 | 1. From 8,001 pounds to 15,000 pounds | \$ 95.00 |
| 17 | 2. From 15,001 pounds to 18,000 pounds | 120.00 |
| 18 | 3. From 18,001 pounds to 21,000 pounds | 155.00 |
| 19 | 4. From 21,001 pounds to 24,000 pounds | 190.00 |
| 20 | 5. From 24,001 pounds to 27,000 pounds | 225.00 |
| 21 | 6. From 27,001 pounds to 30,000 pounds | 260.00 |
| 22 | 7. From 30,001 pounds to 33,000 pounds | 295.00 |
| 23 | 8. From 33,001 pounds to 36,000 pounds | 325.00 |
| 24 | 9. From 36,001 pounds to 39,000 pounds | 350.00 |

1	10.	From 39,001 pounds to 42,000 pounds	375.00
2	11.	From 42,001 pounds to 45,000 pounds	400.00
3	12.	From 45,001 pounds to 48,000 pounds	425.00
4	13.	From 48,001 pounds to 51,000 pounds	450.00
5	14.	From 51,001 pounds to 54,000 pounds	475.00
6	15.	From 54,001 pounds to 57,000 pounds	648.00
7	16.	From 57,001 pounds to 60,000 pounds	681.00
8	17.	From 60,001 pounds to 63,000 pounds	713.00
9	18.	From 63,001 pounds to 66,000 pounds	746.00
10	19.	From 66,001 pounds to 69,000 pounds	778.00
11	20.	From 69,001 pounds to 72,000 pounds	817.00
12	21.	From 72,001 pounds to 73,280 pounds	857.00
13	22.	From 73,281 pounds to 74,000 pounds	870.00
14	23.	From 74,001 pounds to 75,000 pounds	883.00
15	24.	From 75,001 pounds to 76,000 pounds	896.00
16	25.	From 76,001 pounds to 77,000 pounds	909.00
17	26.	From 77,001 pounds to 78,000 pounds	922.00
18	27.	From 78,001 pounds to 79,000 pounds	935.00
19	28.	From 79,001 pounds to 80,000 pounds	948.00
20	29.	From 80,001 pounds to 81,000 pounds	961.00
21	30.	From 81,001 pounds to 82,000 pounds	974.00
22	31.	From 82,001 pounds to 83,000 pounds	987.00
23	32.	From 83,001 pounds to 84,000 pounds	1000.00
24	33.	From 84,001 pounds to 85,000 pounds	1013.00

1	34. From 85,001 pounds to 86,000 pounds	1026.00
2	35. From 86,001 pounds to 87,000 pounds	1039.00
3	36. From 87,001 pounds to 88,000 pounds	1052.00
4	37. From 88,001 pounds to 89,000 pounds	1065.00
5	38. From 89,001 pounds to 90,000 pounds	1078.00

6 B. After the fifth year's registration in this or any other
7 state, the license fee upon any truck registered on a basis of the
8 combined laden weight not in excess of fifteen thousand (15,000)
9 pounds shall be assessed at fifty percent (50%) of the fee computed
10 and assessed for each of the first five (5) years. On the seventh
11 and all subsequent years of registration in this or any other state,
12 on such truck, such license fees shall be assessed and computed at
13 fifty percent (50%) of the amount due on the sixth year's
14 registration. In no event shall such annual license fee on any
15 truck be less than Ten Dollars (\$10.00) nor shall the annual license
16 fee of any truck-tractor be less than Ninety-five Dollars (\$95.00).

17 C. In addition to the fees required by subsection A of this
18 section, there shall be paid a registration fee of Forty Dollars
19 (\$40.00) upon the first registration in this state after July 1,
20 1985, and upon the transfer of ownership of any frac tank, as
21 defined by Section 54 of Title 17 of the Oklahoma Statutes, rental
22 trailer, commercial trailer or semitrailer designed to be pulled and
23 usually pulled by a truck or truck-tractor.

24

1 Thereafter, a fee of Four Dollars (\$4.00) shall be paid annually
2 for each frac tank, rental trailer, commercial trailer or
3 semitrailer. The fee of Four Dollars (\$4.00) shall be due and
4 payable on January 1 of each year and shall be the only fee due on
5 any frac tank, rental trailer, commercial trailer or semitrailer
6 registered under this section.

7 Upon the payment of the registration fee of Forty Dollars
8 (\$40.00), a nonexpiring registration certificate and identification
9 plate shall be issued for each frac tank, rental trailer, commercial
10 trailer or semitrailer. The nonexpiring identification plate shall
11 remain displayed on the frac tank, rental trailer, commercial
12 trailer or semitrailer for which the identification plate is issued
13 until such frac tank, trailer or semitrailer is sold or removed from
14 service.

15 A receipt shall be issued upon the payment of the annual fee.
16 The receipt shall show the total fee paid for one or more frac
17 tanks, rental trailers, commercial trailers or semitrailers. The
18 receipt shall be retained by the owner of any frac tank, rental
19 trailer, commercial trailer or semitrailer for a period of three (3)
20 years and shall be subject to audit by the Tax Commission or
21 Corporation Commission.

22 Any frac tank, commercial trailer or semitrailer licensed
23 pursuant to this section shall not be permitted to be operated on
24 the highways of this state when such frac tank, commercial trailer

1 or semitrailer is being operated by a resident of this state, or is
2 being operated by a person operating a vehicle or vehicles domiciled
3 in this state and required by law to be licensed in Oklahoma, unless
4 the pulling truck or truck-tractor has been licensed pursuant to
5 this section. In no event shall any truck, truck-tractor, frac
6 tank, trailer, or semitrailer used in the furtherance of any
7 commercial enterprise be permitted to operate on the highways of
8 this state or register at a smaller license fee than that prescribed
9 in this section except as provided in this section.

10 D. For each fiscal year, notwithstanding the provisions of
11 Section 1104 of this title, the first Four Hundred Thousand Dollars
12 (\$400,000.00) of all monies collected pursuant to subsections A, B
13 and C of this section shall be paid by the Tax Commission to the
14 State Treasurer of the State of Oklahoma who shall deposit same each
15 fiscal year, or such lesser amount as may accrue each fiscal year,
16 under the provisions of this section to the credit of the General
17 Revenue Fund of the State Treasury. All monies collected in excess
18 of Four Hundred Thousand Dollars (\$400,000.00) each fiscal year
19 shall be apportioned as provided in Section 1104 of this title.

20 E. If any vehicle is used for a purpose other than that for
21 which it has been registered, the owner of the vehicle shall be
22 required to immediately reregister the vehicle at the appropriate
23 rate. If any vehicle is placed or operated upon any street, road or
24 highway of this state with a laden weight in excess of that for

1 | which it is licensed, the license fee for such increased laden
2 | weight shall become due, and the owner of the vehicle shall be
3 | required to immediately reregister the vehicle at the increased
4 | rate. Provided that, in either event there shall be credited upon
5 | the increased license fee for such reregistration for any portion of
6 | the year or period remaining after the change in use or increase in
7 | laden weight shall have occurred a proportionate part of the license
8 | fees previously paid. If this reregistration is made voluntarily by
9 | the owner, the ratable proportion of the credit allowed shall be
10 | determined as of the date the reregistration is voluntarily made.
11 | If the reregistration is not voluntarily made but occurs as a result
12 | of the discovery by any enforcement officer of an improper operation
13 | of the vehicle, that shall be considered prima facie evidence that
14 | it has been improperly registered for the entire portion of the year
15 | covered by the improper registration. Provided further that the
16 | ratable credit shall be allowed only on the first reregistration of
17 | any vehicle during any calendar year. If, during the calendar year,
18 | subsequent changes of license plate are desired, the ratable credit
19 | shall not be allowed but the owner of the vehicle shall be required
20 | to pay the license fee due for that portion of the calendar year
21 | remaining without benefit of any additional credits. No owner of a
22 | motor vehicle shall possess at any time more than one license plate
23 | for any vehicle owned by such person. No reregistration shall be

24

1 made until the current license plate previously issued has been
2 surrendered.

3 Any person who has paid a fee under the terms and provisions of
4 this subsection may at any time within one (1) year after the
5 payment of such fee file with the Tax Commission or Corporation
6 Commission a claim under oath for refund stating the grounds
7 therefor. However, the Tax Commission or Corporation Commission
8 shall allow refunds only where the amount of tax paid has been
9 erroneously computed or determined through clerical errors or
10 miscalculations. No refund shall be allowed by the Tax Commission
11 or Corporation Commission of a tax paid by the person where such
12 payment is made through a mistake as to the legal misinterpretation
13 or construction of the provisions of this section. Any refunds made
14 by the Tax Commission or Corporation Commission pursuant to this
15 subsection shall be made out of any monies collected pursuant to
16 this subsection and which have not been apportioned.

17 F. The annual license fee required by this section is intended
18 to cover only the motor vehicle for which it is issued. The Tax
19 Commission or Corporation Commission upon application, when a
20 licensed truck-tractor has been destroyed by fire or accident, shall
21 credit the unused portion of the annual license fee of the vehicle
22 toward the license fee of a replacement vehicle of equal registered
23 weight. The amount of credit shall not exceed the license fee due
24 on the replacement vehicle. The Tax Commission or Corporation

1 Commission shall not be required to make a refund. If the
2 replacement vehicle is to be registered at a greater weight, the
3 applicant shall pay an additional sum equivalent to the difference
4 between the unused portion of the annual license fee for the
5 original motor vehicle and the license fee due for the replacement
6 motor vehicle.

7 G. The license fees provided for in this section shall be paid
8 each year whether or not the vehicle is operated on the public
9 highway.

10 H. Notwithstanding the provision of any other statute in
11 respect to the time for payment of license fees on motor vehicles,
12 if the total amount of the annual license fees due from any resident
13 owner, either individual, partnership, or Oklahoma corporation, upon
14 the registration, on or before January 15 of any year, of commercial
15 trucks, truck-tractors, frac tanks, trailers or semitrailers exceeds
16 the sum of One Thousand Dollars (\$1,000.00), the license fees may be
17 paid in equal semiannual installments. The first installment shall
18 be paid at the time of the application for registration of the
19 vehicles and not later than January 15 of each year, and the second
20 installment shall be paid on or before the first day of July of such
21 year.

22 This subsection shall not operate to reduce the amount of the
23 license fees due. If any installment is not paid on or before the
24 date due, all unpaid installments of license fees for such year on

1 each vehicle shall be deemed delinquent and immediately due and
2 payable, and there shall be added a penalty of twenty-five cents
3 (\$0.25) per day to the balance of the license fee due on each
4 vehicle for each day the balance remains unpaid up to thirty (30)
5 days, after which the penalty due on each vehicle shall be Twenty-
6 five Dollars (\$25.00). The penalty for vehicles registered by
7 weight in excess of eight thousand (8,000) pounds shall be an amount
8 equal to the license fee. On and after the thirtieth day each such
9 vehicle involved shall be considered as improperly licensed and as
10 not currently registered, and all of the provisions of the Oklahoma
11 Vehicle License and Registration Act relating to enforcement,
12 including the provisions for the seizure and sale of vehicles not
13 registered and not displaying current license plates, shall apply to
14 the vehicles.

15 All fees and taxes levied by the Oklahoma Vehicle License and
16 Registration Act shall become and remain a first lien upon the
17 vehicle upon which the fees or taxes are due until paid. The lien
18 shall have priority to all other liens. No title to any vehicle may
19 be transferred until the unpaid balance on the vehicle has been paid
20 in full. Provided that any unpaid balance of the license fees shall
21 remain and become a lien against any and all property of the owner,
22 both real and personal, for so long as any license tag fee balance
23 shall remain unpaid. Any unpaid balance under these provisions

24

1 shall be immediately due and payable by the owner if any vehicle is
2 sold, wrecked, or otherwise retired from service.

3 Any person electing to pay license fees on a semiannual
4 installment basis, as herein authorized, shall be required to
5 purchase a new license tag for the last half and shall pay the sum
6 of Four Dollars (\$4.00) for each tag to cover the costs of the
7 license tags. The license tags for each half shall be plainly
8 marked in designating the half for which they were issued. A
9 validation sticker may be used in lieu of a metal tag where
10 appropriate. Such license tag fee shall be, in addition to the
11 license fees or any other fees, collected on each application as
12 provided by statute and shall be apportioned according to the
13 provisions of Section 1104 of this title.

14 I. Any person pulling or towing any vehicle intended to be
15 resold, into or through this state, shall pay a fee of Three Dollars
16 (\$3.00) for the vehicle towing and Three Dollars (\$3.00) for the one
17 being towed. It shall be unlawful to operate any series of such
18 units on the public highways of this state at a distance closer than
19 five hundred (500) feet from each other. All fees and taxes levied
20 by the terms and provisions of this section shall become and remain
21 a first lien upon the vehicle upon which the fees or taxes are due
22 until paid. The lien shall be prior, superior, and paramount to all
23 other liens of whatsoever kind or character.

24

1 J. In addition to any other penalties prescribed by law, the
2 following penalty shall be imposed by ~~enforcement officers~~ an
3 employee of the Corporation Commission at a stationary and permanent
4 scale facility upon any owner or operator of a commercial vehicle
5 registered under the provisions of this section when the laden
6 weight or combined laden weight of such vehicle is found to be in
7 excess of that for which registered. The penalty shall be imposed
8 each and every time a vehicle is found to be in violation of the
9 registered laden weight or combined laden weight.

10 The penalty shall be not ~~less~~ more than Twenty Dollars (\$20.00)
11 when such vehicle exceeds the laden weight or combined laden weight
12 by two thousand one (2,001) pounds; thereafter, an additional
13 penalty of not less than Twenty Dollars (\$20.00) shall be imposed
14 for each additional one thousand (1,000) pounds or fraction thereof
15 of weight in excess of the registered laden weight or combined laden
16 weight. ~~Such penalty shall not exceed the amount established by the~~
17 ~~Corporation Commission pursuant to the provisions of subsection A of~~
18 ~~Section 3 of this act.~~ Revenue from such penalties shall be
19 apportioned as provided in Section ~~3~~ 1167 of this ~~act~~ title.

20 SECTION 22. AMENDATORY 47 O.S. 2001, Section 1133.2, as
21 amended by Section 20, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2006,
22 Section 1133.2), is amended to read as follows:

23 Section 1133.2 A. Every commercial motor vehicle, whether
24 private, contract or for hire, of twenty-six thousand (26,000)

1 pounds or greater weight shall display the name of the vehicle
2 registrant on each side of the vehicle in two-inch letters or
3 greater which shall be legible from a distance of fifty (50) feet.
4 The city or town serving as the registrant's principal place of
5 business or postal address shall be displayed in two-inch letters or
6 greater on each side of the vehicle adjacent to the registrant's
7 name. Provided however, in the instance of an Interstate Motor
8 Carrier the address need not be displayed if the Interstate Commerce
9 Commission number is displayed on the vehicle.

10 B. Those not complying with the provisions of this section
11 shall be assessed a fine of not ~~less~~ more than One Hundred Dollars
12 (\$100.00). ~~Such penalty shall not exceed the amount established by~~
13 ~~the Corporation Commission pursuant to the provisions of subsection~~
14 ~~A of Section 3 of this act. Revenue from such fines shall be~~
15 ~~apportioned as provided in Section 3 of this act.~~ Any person in
16 violation of the provisions of this section may be cited by the
17 Oklahoma Highway Patrol, ~~the Corporation Commission,~~ or any county
18 sheriff or municipal law enforcement officer. Any fines collected
19 by a county sheriff or municipal law enforcement officer shall be
20 deposited in the respective county or municipal treasury.

21 C. After a fine has been assessed pursuant to the provisions of
22 subsection B of this section, the offender shall have ten (10) days
23 to display the name of the registrant on the vehicle as provided in
24 subsection A of this section.

1 D. Out-of-state vehicles which have a base license plate from a
2 state other than Oklahoma shall be exempt from this section unless
3 such vehicle is being utilized in intrastate commerce.

4 E. The name on the side of the vehicle may differ from the name
5 on the vehicle registration only if a bona fide legal lease is in
6 the vehicle.

7 SECTION 23. AMENDATORY 47 O.S. 2001, Section 1151, as
8 last amended by Section 26, Chapter 311, O.S.L. 2006 (47 O.S. Supp.
9 2006, Section 1151), is amended to read as follows:

10 Section 1151. A. It shall be unlawful for any person to commit
11 any of the following acts:

12 1. To lend or to sell to, or knowingly permit the use of by,
13 one not entitled thereto any certificate of title, license plate or
14 decal issued to or in the custody of the person so lending or
15 permitting the use thereof;

16 2. To alter or in any manner change a certificate of title,
17 registration certificate, license plate or decal issued under the
18 laws of this or any other state;

19 3. To procure from another state or country, or display upon
20 any vehicle owned by such person within this state, except as
21 otherwise provided in the Oklahoma Vehicle License and Registration
22 Act, any license plate issued by any state or country other than
23 this state, unless there shall be displayed upon such vehicle at all
24 times the current license plate and decal assigned to it by the

1 Oklahoma Tax Commission or the Corporation Commission or the vehicle
2 shall display evidence that the vehicle is registered as a
3 nonresident vehicle pursuant to rules promulgated by the Tax
4 Commission, with the concurrence of the Department of Public Safety.
5 A violation of the provisions of this paragraph shall be presumed to
6 have occurred if a person who is the holder of an Oklahoma driver
7 license operates a vehicle owned by such person on the public roads
8 or highways of this state and there is not displayed on the vehicle
9 a current Oklahoma license plate and decal, unless the vehicle is
10 owned by a member of the Armed Forces of the United States assigned
11 to duty in this state in compliance with official military or naval
12 orders or the spouse of such a member of the Armed Forces;

13 4. To drive, operate or move, or for the owner to cause or
14 permit to be driven or moved, upon the roads, streets or highways of
15 this state, any vehicle loaded in excess of its registered laden
16 weight, or which is licensed for a capacity less than the
17 manufacturer's rated capacity as provided for in the Oklahoma
18 Vehicle License and Registration Act;

19 5. To operate a vehicle without proper license plate or decal
20 or on which all taxes due the state have not been paid;

21 6. To buy, sell or dispose of, or possess for sale, use or
22 storage, any secondhand or used vehicle on which the registration or
23 license fee has not been paid, as required by law, and on which
24

1 vehicle the person neglects, fails or refuses to display at all
2 times the license plate or decal assigned to it;

3 7. To give a fictitious name or fictitious address or make any
4 misstatement of facts in application for certificate of title and
5 registration of a vehicle;

6 8. To purchase a license plate on an assigned certificate of
7 title. This particular paragraph shall be applicable to all persons
8 except a bona fide registered dealer in used cars who are holders of
9 a current and valid used car dealer license;

10 9. To operate a vehicle upon the highways of this state after
11 the registration deadline for that vehicle without a proper license
12 plate, as prescribed by the Oklahoma Vehicle License and
13 Registration Act, for the current year;

14 10. For any owner of a vehicle registered on the basis of laden
15 weight to fail or refuse to weigh or reweigh it when requested to do
16 so by any enforcement officer charged with the duty of enforcing
17 this law;

18 11. To operate or possess any vehicle which bears a motor
19 number or serial number other than the original number placed
20 thereon by the factory except a number duly assigned and authorized
21 by the state;

22 12. For any motor license agent to release a license plate, a
23 manufactured home registration receipt, decal or excise tax receipt
24 to any unauthorized person or source, including any dealer in new or

1 used motor vehicles. Violation of this paragraph shall constitute
2 sufficient grounds for discharge of a motor license agent by the Tax
3 Commission;

4 13. To operate any vehicle registered as a commercial vehicle
5 without the lettering requirements of Section 1102 of this title; or

6 14. To operate any vehicle in violation of the provisions of
7 Sections 7-600 through 7-606 of this title while displaying a yearly
8 decal issued to the owner who has filed an affidavit with the
9 appropriate motor license agent in accordance with Section 7-607 of
10 this title.

11 Any person convicted of violating any provision of this
12 subsection, other than paragraph 3 of this subsection, shall be
13 deemed guilty of a misdemeanor and upon conviction shall be punished
14 by a fine not to exceed Five Hundred Dollars (\$500.00). Any person
15 convicted of violating the provisions of paragraph 3 of this
16 subsection shall be deemed guilty of a misdemeanor and, upon
17 conviction, shall be punished by a fine of not less than One Hundred
18 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00)
19 and shall be required to obtain an Oklahoma license plate.

20 ~~Employees of the Corporation Commission may be authorized by the~~
21 ~~Corporation Commission to issue citations for a violation of~~
22 ~~paragraph 5 of this subsection. If a person convicted of violating~~
23 ~~the provisions of paragraph 5 of this subsection was issued a~~
24 ~~citation by a duly authorized employee of the Corporation~~

1 ~~Commission, the fine herein levied shall be apportioned as provided~~
2 ~~in Section 1161 of this title.~~

3 B. Except as otherwise authorized by law, it shall be unlawful
4 to:

5 1. Lend or sell to, or knowingly permit the use of by, one not
6 entitled thereto any certificate of title issued for a manufactured
7 home, manufactured home registration receipt, manufactured home
8 registration decal or excise tax receipt;

9 2. Alter or in any manner change a certificate of title issued
10 for a manufactured home under the laws of this state or any other
11 state;

12 3. Remove or alter a manufactured home registration receipt,
13 manufactured home registration decal or excise tax receipt attached
14 to a certificate of title or attach such receipts to a certificate
15 of title with the intent to misrepresent the payment of the required
16 excise tax and registration fees;

17 4. Buy, sell, or dispose of, or possess for sale, use or
18 storage any used manufactured home on which the registration fees or
19 excise taxes have not been paid as required by law; or

20 5. Purchase identification, manufactured home registration
21 receipt, manufactured home registration decal or excise tax receipt
22 on an assigned certificate of title.

23 Anyone violating the provisions of this subsection, upon
24 conviction, shall be guilty of a felony.

1 C. In the event a new vehicle is not registered within thirty
2 (30) days from date of purchase, the penalty for the failure of the
3 owner of the vehicle to register the vehicle within thirty (30) days
4 shall be Twenty-five Dollars (\$25.00); provided, that in no event
5 shall the penalty exceed an amount equal to the license fee. The
6 penalty for new commercial vehicles shall be equal to the license
7 fee for such vehicles.

8 If a used vehicle is brought into Oklahoma by a resident of this
9 state and is not registered within thirty (30) days, a penalty of
10 twenty-five cents (\$0.25) per day shall be charged from the date of
11 entry to the date of registration, such penalty to accrue for thirty
12 (30) days, upon failure to register, at the end of which time the
13 penalty shall be Twenty-five Dollars (\$25.00); provided, that in no
14 event shall the penalty exceed an amount equal to the license fee.
15 The penalty for used commercial vehicles shall be equal to the
16 license fee for such vehicles.

17 D. Any owner who knowingly makes or causes to be made any false
18 statement of a fact required in this section to be shown in an
19 application for the registration of one or more vehicles shall be
20 deemed guilty of a misdemeanor and, upon conviction, shall be fined
21 not more than One Thousand Dollars (\$1,000.00), or shall be
22 imprisoned in the county jail for not more than one (1) year, or by
23 both such fine and imprisonment.

24

1 E. The following self-propelled or motor-driven and operated
2 vehicles shall not be registered under the provisions of the
3 Oklahoma Vehicle License and Registration Act or, except as provided
4 for in Section 11-1116 of this title, be permitted to be operated on
5 the streets or highways of this state:

6 1. Vehicles known and commonly referred to as "minibikes" and
7 other similar trade names; provided, minibikes may be registered and
8 operated in this state by food vendor services upon streets having a
9 speed limit of thirty (30) miles per hour or less;

10 2. Golf carts;

11 3. Go-carts; and

12 4. Other motor vehicles, except motorcycles, which are
13 manufactured principally for use off the streets and highways.

14 Transfers and sales of such vehicles shall be subject to sales
15 tax and not motor vehicle excise taxes.

16 F. Any person violating paragraph 3 or 6 of subsection A of
17 this section, in addition to the penal provisions provided in this
18 section, shall pay as additional penalty a sum equal to the amount
19 of license fees due on such vehicle or registration fees due on a
20 manufactured home known to be in violation and such amount is hereby
21 declared to be a lien upon the vehicle as provided in the Oklahoma
22 Vehicle License and Registration Act. In addition to the penalty
23 provisions provided in this section, any person violating paragraph
24 3 of subsection A of this section shall be deemed guilty of a

1 misdemeanor and shall, upon conviction, be punished by a fine of One
2 Hundred Dollars (\$100.00).

3 G. Each violation of any provision of the Oklahoma Vehicle
4 License and Registration Act for each and every day such violation
5 has occurred shall constitute a separate offense.

6 H. Anyone violating any of the provisions heretofore enumerated
7 in this section shall be guilty of a misdemeanor and upon conviction
8 shall be fined not less than Ten Dollars (\$10.00) and not to exceed
9 Three Hundred Dollars (\$300.00).

10 I. Any violation of any portion of the Oklahoma Vehicle License
11 and Registration Act where a specific penalty has not been imposed
12 shall constitute a misdemeanor and upon conviction thereof the
13 person having violated it shall be fined not less than Ten Dollars
14 (\$10.00) and not to exceed Three Hundred Dollars (\$300.00).

15 J. Any provision of Section 1101 et seq. of this title
16 providing for proportional registration under reciprocal agreements
17 and the International Registration Plan that relates to the
18 promulgation of rules and regulations shall not be subject to the
19 provisions of this section.

20 SECTION 24. AMENDATORY Section 2, Chapter 522, O.S.L.
21 2004 (47 O.S. Supp. 2006, Section 1166), is amended to read as
22 follows:

23 Section 1166. A. Effective July 1, 2004, all powers, duties
24 and responsibilities exercised by the Motor Vehicle Enforcement

1 Section shall be transferred from the Oklahoma Tax Commission to the
2 Corporation Commission. Beginning July 1, 2004, and effective July
3 1, 2005, all powers, duties and responsibilities exercised by the
4 International Registration Plan Section and the International Fuel
5 Tax Agreement Section shall be transferred from the Tax Commission
6 to the Corporation Commission. All records, property and matters
7 pending of the sections shall be transferred to the Corporation
8 Commission. ~~Funds sufficient to administer the powers, duties and~~
9 ~~responsibilities exercised by these sections shall be appropriated~~
10 ~~or allocated to the Corporation Commission for fiscal year 2005 as~~
11 ~~provided herein. Such funds appropriated or allocated to the~~
12 ~~Corporation Commission shall not be subject to budgetary~~
13 ~~limitations. The Director of State Finance is hereby authorized to~~
14 ~~transfer such funds as may be necessary to effect such allocations.~~

15 B. ~~The period of July 1, 2004, through June 30, 2005, shall be~~
16 ~~a transitional period in which the Corporation Commission shall~~
17 ~~gradually assume complete administration and management over the~~
18 ~~powers, duties, responsibilities and staff currently carrying out~~
19 ~~the administration of the International Registration Plan Section~~
20 ~~and the International Fuel Tax Agreement Section. During this~~
21 ~~transition period, the employees assigned to the International~~
22 ~~Registration Plan Section and the International Fuel Tax Agreement~~
23 ~~Section shall continue to be employees of the Tax Commission unless~~
24 ~~otherwise agreed to by the Tax Commission and the Corporation~~

1 ~~Commission.~~ Effective July 1, 2005, the International Registration
2 Plan Section and the International Fuel Tax Agreement Section shall
3 be administered solely by the Corporation Commission. ~~For the~~
4 ~~period of July 1, 2004, through June 30, 2005, the Corporation~~
5 ~~Commission and the Tax Commission shall enter into a contract~~
6 ~~whereby funds shall be paid to the Tax Commission by the Corporation~~
7 ~~Commission in exchange for the Tax Commission's agreement to~~
8 ~~continue to operate the International Registration Plan Section and~~
9 ~~the International Fuel Tax Agreement Section.~~

10 C. The powers, duties and responsibilities exercised by the
11 Motor Vehicle Enforcement Section of the Tax Commission shall be
12 fully transferred to the Corporation Commission on July 1, 2004.

13 D. All employees of the Tax Commission whose duties are
14 transferred under this act shall be transferred to the Corporation
15 Commission. Personnel transferred pursuant to the provisions of
16 this section shall not be required to accept a lesser salary than
17 presently received; provided, the provisions of this section shall
18 not operate to prohibit the Corporation Commission or the Tax
19 Commission from imposing furloughs or reductions-in-force with
20 respect to such personnel as allowed by law. Personnel transferred
21 shall be placed within the classification level in which they meet
22 qualifications without an entrance exam. All such persons shall
23 retain seniority, leave, sick and annual time earned and any
24 retirement benefits which have accrued during their tenure with the

1 Tax Commission. The transfer of personnel among the agencies shall
2 be coordinated with the Office of Personnel Management.

3 E. Effective July 1, 2004, any administrative rules promulgated
4 by the Tax Commission related to the administration of the
5 International Registration Plan authorized by Section 1120 of Title
6 47 of the Oklahoma Statutes, the International Fuel Tax Agreement
7 authorized by Section 607 of Title 68 of the Oklahoma Statutes, or
8 ~~the enforcement of by~~ Section 1115.1 of Title 47 of the Oklahoma
9 ~~Statutes~~ this title shall be transferred to and become a part of the
10 administrative rules of the Corporation Commission. The Office of
11 Administrative Rules in the Secretary of State's office shall
12 provide adequate notice in the Oklahoma Register of the transfer of
13 rules, and shall place the transferred rules under the
14 Administrative Code section of the Corporation Commission. From and
15 after July 1, 2004, any amendment, repeal or addition to the
16 transferred rules shall be under the jurisdiction of the Corporation
17 Commission. All documents issued by the sections transferred to the
18 Corporation Commission, including, but not limited to, vehicle
19 registrations and permits, shall be deemed to have been issued by
20 the Corporation Commission.

21 F. The Corporation Commission may promulgate rules necessary
22 for the utilization of motor license agents in the registration of
23 vehicles pursuant to Section 1120 of Title 47 of the Oklahoma
24 ~~Statutes~~ this title.

1 SECTION 25. AMENDATORY Section 3, Chapter 522, O.S.L.
2 2004, as amended by Section 10, Chapter 238, O.S.L. 2006 (47 O.S.
3 Supp. 2006, Section 1167), is amended to read as follows:

4 Section 1167. A. The Corporation Commission is hereby
5 authorized to promulgate rules pursuant to the Administrative
6 Procedures Act to establish the amounts of fees, ~~fin~~es and ~~penalties~~
7 as set forth in this act. The Corporation Commission shall notify
8 all interested parties of any proposed rules to be promulgated as
9 provided herein and shall provide such parties an opportunity to be
10 heard prior to promulgation.

11 B. The Corporation Commission shall adjudicate ~~enforcement~~
12 administrative actions initiated by Corporation Commission
13 personnel.

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

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

21 2. One-half (1/2) of the remaining amount shall be deposited to
22 the Trucking One-Stop Shop Fund created in subsection D of this
23 section; and
24

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

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

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

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

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

15 The fund shall be a continuing fund, not subject to fiscal year
16 limitations. Monies in the Trucking One-Stop Shop Fund shall only
17 be expended for direct expenses relating to the Trucking One-Stop
18 Shop Act.

19 E. There is hereby created in the State Treasury a revolving
20 fund for the Department of Transportation to be designated the
21 "Weigh Station Improvement Revolving Fund". The fund shall be a
22 continuing fund, not subject to fiscal year limitations, and shall
23 consist of all monies deposited thereto. All monies accruing to the
24 credit of the fund are hereby appropriated and may be budgeted and

1 expended by the Department for the purpose of constructing,
2 equipping and maintaining facilities to determine the weight of
3 vehicles traveling on the roads and highways of this state.
4 Expenditures from the fund shall be made upon warrants issued by the
5 State Treasurer against claims filed as prescribed by law with the
6 Director of State Finance for approval and payment.

7 SECTION 26. AMENDATORY Section 4, Chapter 522, O.S.L.
8 2004 (47 O.S. Supp. 2006, Section 1168), is amended to read as
9 follows:

10 Section 1168. All facilities and equipment under the
11 administrative control of the Oklahoma Tax Commission and used for
12 determining the weight of vehicles operated on the roads or highways
13 of this state are hereby transferred to the Department of
14 Transportation. Any funds appropriated to or any powers, duties and
15 responsibilities exercised by the Tax Commission for such purpose
16 shall be transferred to the Department. The Director of State
17 Finance is hereby authorized to transfer such funds as may be
18 necessary. The Department is hereby authorized to enter into an
19 agreement with the Corporation Commission to operate ~~such~~ stationary
20 and permanent scale facilities or equipment. The provisions of this
21 section shall not be construed to obligate the Department to incur
22 expenses in connection with the administration of such facilities
23 and equipment in an amount which exceeds deposits to the Weigh
24 Station Improvement Revolving Fund.

1 SECTION 27. AMENDATORY Section 11, Chapter 238, O.S.L.
2 2006 (47 O.S. Supp. 2006, Section 1169), is amended to read as
3 follows:

4 Section 1169. A. The Corporation Commission is authorized to
5 revoke, suspend or deny the issuance, extension or reinstatement of
6 any Corporation Commission issued motor carrier or commercial motor
7 vehicle license, permit, registration, certificate or duplicate copy
8 thereof issued pursuant to the jurisdiction of the ~~Corporation~~
9 Commission, to any person who shall be guilty of:

10 1. Violation of any of the provisions of applicable state law,
11 as determined by adjudication by a court of competent jurisdiction;

12 2. Violation of rules promulgated by the ~~Corporation~~
13 Commission;

14 3. Failure to observe or fulfill the conditions upon which the
15 license, permit, registration or certificate was issued;

16 4. Nonpayment of any delinquent tax, fee or penalty to the
17 Commission or the State of Oklahoma; or

18 5. Nonpayment of a uniform base state program delinquent tax,
19 fee or penalty to a state or province participating with the
20 ~~Corporation~~ Commission in that program.

21 B. The interest or penalty or any portion thereof ordinarily
22 accruing by failure of the motor carrier, registrant or licensee to
23 properly file a report or return may be waived or reduced by the
24 ~~Corporation~~ Commission. No interest or penalties in excess of Ten

1 Thousand Dollars (\$10,000.00) shall be allowed except by order of
2 the Commission.

3 C. The ~~Corperation~~ Commission shall promulgate rules setting
4 forth the revocation, suspension or denial of a motor carrier or
5 commercial motor vehicle certificate, registration, license or
6 permit issued pursuant to the jurisdiction of the ~~Corperation~~
7 Commission. The ~~Corperation~~ Commission shall additionally
8 promulgate rules allowing for the collection and remittance of
9 financial liabilities owed by a motor carrier, registrant, licensee
10 or permittee to a state or province participating with the
11 ~~Corperation~~ Commission in a uniform base state program or to another
12 state agency.

13 D. Upon the revocation or expiration of any motor carrier or
14 commercial motor vehicle license, permit, registration or
15 certificate issued pursuant to the jurisdiction of the ~~Corperation~~
16 Commission, all accrued taxes, fees and penalties due and payable
17 under the terms of state law, rules or order imposing or levying
18 such tax, fee or penalty shall become due and payable concurrently
19 upon the revocation or expiration of the license, permit,
20 registration or certificate and the licensee, permittee, registrant
21 or certificate holder shall forthwith make a report covering the
22 period of time not covered by preceding reports filed by said person
23 and ending with the date of the revocation or expiration and shall
24 pay all such taxes, fees or penalties owed.

1 E. No person shall knowingly, or intentionally, present an
2 altered or fraudulent credential or document to the ~~Corporation~~
3 Commission or to any duly authorized peace officer. Any person or
4 persons violating the provisions of this subsection shall be found
5 guilty of contempt of the Commission and shall, upon conviction
6 thereof, be punished by a fine of not more than Two Thousand Dollars
7 (\$2,000.00) for each offense.

8 SECTION 28. REPEALER 47 O.S. 2001, Section 171.2, is
9 hereby repealed.

10 SECTION 29. REPEALER 47 O.S. 2001, Section 172.1, is
11 hereby repealed.

12 SECTION 30. This act shall become effective November 1, 2007.

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14 51-1-6898 CJB 01/18/07

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