

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2080

By: Jackson

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 12-215, which relates to lamps on farm
tractors, equipment and implements of husbandry;
9 modifying lighting requirements; requiring use of
certain lamps; modifying statutory references;
10 modifying lighting requirements for farm tractors;
amending 47 O.S. 2001, Sections 14-109, as amended by
11 Section 2, Chapter 286, O.S.L. 2002, 14-116a, as
amended by Section 11, Chapter 390, O.S.L. 2004 and
12 14-118, as last amended by Section 1, Chapter 65,
O.S.L. 2006 (47 O.S. Supp. 2006, Sections 14-109, 14-
13 116a and 14-118), which relate to load limits,
transportation of manufactured homes and movement of
14 oversize and overweight vehicles; providing tiered
fine schedule for overweight violations; providing
15 for increase in fine under certain circumstances;
authorizing fine and permit revocation for certain
16 violations; defining term; amending 47 O.S. 2001,
Section 230.9, as last amended by Section 15, Chapter
17 390, O.S.L. 2004 (47 O.S. Supp. 2006, Section 230.9),
which relates to the Oklahoma Motor Carrier Safety
18 and Hazardous Materials Transportation Act; deleting
penalty provisions; requiring assignment of safety
19 ratings under certain circumstances; stating time
limitation; providing notice procedures and
20 guidelines; prohibiting operation of commercial motor
vehicles under certain circumstances; providing an
21 exception; prohibiting agencies from using motor
carriers with certain rating; providing penalty for
22 certain violation; providing administrative review of
proposed or final safety rating; providing request
23 and administrative review procedures; providing for
request of rating change; providing procedures for
24 rating change request; making final ratings available
to certain agencies and the public; providing for

1 assessment of administrative penalties; defining
2 term; providing for recovery of administrative
3 penalties; requiring deposit of monies to certain
4 fund; amending 47 O.S. 2001, Sections 1102, as last
5 amended by Section 2, Chapter 295, O.S.L. 2006 and
6 1129, as amended by Section 19, Chapter 390, O.S.L.
7 2004 (47 O.S. Supp. 2006, Sections 1102 and 1129),
8 which relate to the Oklahoma Vehicle License and
9 Registration Act; modifying certain definition;
10 modifying requirements for use of special mobilized
11 machinery; repealing 47 O.S. 2001, Section 1-165,
12 which relates to special mobilized machinery
13 definition; providing for codification; and providing
14 an effective date.

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

16 SECTION 1. AMENDATORY 47 O.S. 2001, Section 12-215, is
17 amended to read as follows:

18 Section 12-215. ~~(a) A.~~ A. Every farm tractor and every
19 self-propelled ~~farm equipment unit or~~ implement of husbandry ~~not~~
20 ~~equipped with an electric lighting system~~ shall at all times
21 ~~mentioned in Section 12-201~~ be equipped with at least one lamp
22 ~~displaying a white light visible when lighted~~ vehicle hazard warning
23 lights of a type described in Section 12-220 of this title, visible
24 from a distance of not less than five hundred (500) feet to the
25 front ~~of such vehicle and shall also be equipped with at least one~~
26 ~~lamp displaying a red light visible when lighted from a distance of~~
27 ~~not less than five hundred (500) feet to the~~ and to the rear of such
28 ~~vehicle~~ the tractor or implement in normal sunlight, which shall be

1 displayed whenever any tractor or implement is operated upon a
2 highway.

3 ~~(b) Every self-propelled unit of farm equipment not equipped~~
4 ~~with an electric lighting system shall at all times mentioned in~~
5 ~~Section 12-201, in addition to the lamps required in paragraph (a),~~
6 ~~be equipped with two red reflectors visible from all distances~~
7 ~~within six hundred (600) feet to one hundred (100) feet to the rear~~
8 ~~when directly in front of lawful upper beams of head lamps.~~

9 ~~(c) Every combination of farm tractor and towed unit of farm~~
10 ~~equipment or implement of husbandry not equipped with an electric~~
11 ~~lighting system shall at all times mentioned in Section 12-201 be~~
12 ~~equipped with the following lamps:~~

13 ~~1. At least one lamp mounted to indicate as nearly as~~
14 ~~practicable the extreme left projection of said combination and~~
15 ~~displaying a white light visible when lighted from a distance of not~~
16 ~~less than five hundred (500) feet to the front of said combination,~~
17 ~~and~~

18 ~~2. Two lamps each displaying a red light visible when lighted~~
19 ~~from a distance of not less than five hundred (500) feet to the rear~~
20 ~~of said combination or, as an alternative, at least one lamp~~
21 ~~displaying a red light visible when lighted from a distance of not~~
22 ~~less than five hundred (500) feet to the rear thereof and two red~~
23 ~~reflectors visible from all distances within six hundred (600) feet~~

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1 ~~to one hundred (100) feet to the rear thereof when illuminated by~~
2 ~~the upper beams of head lamps.~~

3 ~~(d) B.~~ Every farm tractor and every self-propelled ~~unit of farm~~
4 ~~equipment or implement of husbandry equipped with an electric~~
5 ~~lighting system shall,~~ at all times mentioned in Section 12-201
6 specified in subsection B of Section 12-201 of this title, be
7 equipped with and display:

8 1. At least two single beam or multiple beam head lamps
9 headlamps meeting the requirements of Section ~~12-221~~ 12-203 or ~~12-~~
10 ~~223~~ 12-203.3 of this act ~~respectively or, as an alternative, Section~~
11 ~~12-224 of this act, and at least one red lamp~~ title;

12 2. At least one rear red lamp mounted as far to the left of the
13 center of the tractor or implement as practicable, which shall be
14 visible when lighted from a distance of not less than ~~five hundred~~
15 ~~(500) feet to the rear; provided, however, that every such~~
16 ~~self-propelled unit of farm equipment other than a farm tractor~~
17 ~~shall have two such red lamps or, as an alternative, one such red~~
18 ~~lamp and~~ one thousand (1,000) feet; and

19 3. At least two red reflectors visible from all distances
20 within six hundred (600) feet to one hundred (100) feet to the rear
21 when directly in front of lawful ~~upper~~ lower beams of head lamps
22 headlamps.

23 ~~(e) C.~~ Every combination of farm tractor and ~~towed farm~~
24 ~~equipment or towed implement of husbandry equipped with an electric~~

1 ~~lighting system shall, at all times mentioned in Section 12-201~~
2 specified in subsection B of Section 12-201 of this title, be
3 equipped with ~~lamps as follows~~ and display:

4 1. ~~The~~ On the farm tractor element of every such combination,
5 equipment as required in subsections A and B of this section;

6 2. On the combination, equipment as follows:

7 a. if the combination or its load extends more than four
8 (4) feet to the rear of the tractor or obscures any
9 light thereon, that combination shall be equipped as
10 required in paragraph (d) of this section.

11 2. ~~The towed unit of farm equipment or implement of husbandry~~
12 ~~element of such combination shall be equipped with two red lamps on~~
13 the rear with:

14 i. at least one red lamp visible when lighted from a
15 distance of not less than ~~five hundred (500)~~ one
16 thousand (1,000) feet to the rear ~~or, as an~~
17 alternative, and mounted as far to the left of
18 center of the combination as practicable, and
19 ii. at least two red reflectors visible from all
20 distances within six hundred (600) to one hundred
21 (100) feet to the rear when directly in front of
22 lawful ~~upper~~ lower beams of ~~head lamps.~~
23 headlamps,

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1 ~~3. Said combinations shall also be equipped with a lamp~~
2 ~~displaying a white or amber light, of any shade of color between~~
3 ~~white and amber, visible when lighted from a distance of not less~~
4 ~~than five hundred (500) feet~~

5 b. if the combination extends more than four (4) feet to
6 the left of the center line of the tractor, when
7 viewed looking from the rear to the front of the
8 tractor, the combination shall be equipped on the
9 front with an amber reflector visible from all
10 distances within six hundred (600) feet to one hundred
11 (100) feet to the front and a lamp displaying a red
12 light visible when lighted from a distance of not less
13 than five hundred (500) feet to the rear when directly
14 in front lawful lower beams of headlamps. As nearly
15 as practicable, this reflector shall be so positioned
16 to indicate the extreme left projection of the
17 combination, or

18 c. if the combination or its load obscures either the
19 vehicle hazard warning lights on the tractor, the
20 combination shall be equipped with vehicle hazard
21 warning lights described in Section 12-220 of this
22 title.

23 ~~(f) D.~~ D. The lamps and reflectors required in ~~the foregoing~~
24 ~~paragraphs of~~ this section shall be so positioned as to show from

1 front and rear as nearly as practicable the extreme projection of
 2 the vehicle ~~carrying~~ displaying them ~~on the side of the roadway used~~
 3 ~~in passing such vehicle~~ as required by this section. If a farm
 4 tractor, ~~or a unit~~ an implement of ~~farm equipment~~ husbandry, whether
 5 self-propelled or towed, is equipped with two or more lamps or
 6 reflectors visible from the front or two or more lamps or reflectors
 7 visible from the rear, such lamps or reflectors shall be so
 8 positioned that the extreme projections both to the left and to the
 9 right of said vehicle shall be indicated as nearly as practicable.

10 SECTION 2. AMENDATORY 47 O.S. 2001, Section 14-109, as
 11 amended by Section 2, Chapter 286, O.S.L. 2002 (47 O.S. Supp. 2006,
 12 Section 14-109), is amended to read as follows:

13 Section 14-109. A. On any road or highway:

14 1. No single axle weight shall exceed twenty thousand (20,000)
 15 pounds; and

16 2. The total gross weight in pounds imposed thereon by a
 17 vehicle or combination of vehicles shall not exceed the value given
 18 in the following table corresponding to the distance in feet between
 19 the extreme axles of the group measured longitudinally to the
 20 nearest foot.

21 Distance in Feet	
22 Between the Extremes of	Maximum Load in Pounds
23 Any Group of 2 or More	Carried on Any Group of 2 or
24 Consecutive Axles	More Consecutive Axles

1		2 Axles	3 Axles	4 Axles	5 Axles	6 Axles
2	4	34,000	-----	-----	-----	-----
3	5	34,000	-----	-----	-----	-----
4	6	34,000	-----	-----	-----	-----
5	7	34,000	-----	-----	-----	-----
6	8	34,000	42,000	-----	-----	-----
7	9	39,000	42,500	-----	-----	-----
8	10	40,000	43,500	-----	-----	-----
9	11	-----	44,000	-----	-----	-----
10	12	-----	45,000	50,000	-----	-----
11	13	-----	45,500	50,500	-----	-----
12	14	-----	46,500	51,500	-----	-----
13	15	-----	47,000	52,000	-----	-----
14	16	-----	48,000	52,500	58,000	-----
15	17	-----	48,500	53,500	58,500	-----
16	18	-----	49,500	54,000	59,000	-----
17	19	-----	50,000	54,500	60,000	-----
18	20	-----	51,000	55,500	60,500	66,000
19	21	-----	51,500	56,000	61,000	66,500
20	22	-----	52,500	56,500	61,500	67,000
21	23	-----	53,000	57,500	62,500	68,000
22	24	-----	54,000	58,000	63,000	68,500
23	25	-----	54,500	58,500	63,500	69,000
24	26	-----	56,000	59,500	64,000	69,500

1	27	-----	57,500	60,000	65,000	70,000
2	28	-----	59,000	60,500	65,500	71,000
3	29	-----	60,500	61,500	66,000	71,500
4	30	-----	62,000	62,000	66,500	72,000
5	31	-----	63,500	63,500	67,000	72,500
6	32	-----	64,000	64,000	68,000	73,500
7	33	-----	-----	64,500	68,500	74,000
8	34	-----	-----	65,000	69,000	74,500
9	35	-----	-----	66,000	70,000	75,000
10	36	-----	-----	68,000	70,500	75,500
11	37	-----	-----	68,000	71,000	76,000
12	38	-----	-----	69,000	72,000	77,000
13	39	-----	-----	70,000	72,500	77,500
14	40	-----	-----	71,000	73,000	78,000
15	41	-----	-----	72,000	73,500	78,500
16	42	-----	-----	73,000	74,000	79,000
17	43	-----	-----	73,280	75,000	80,000
18	44	-----	-----	73,280	75,500	80,500
19	45	-----	-----	73,280	76,000	81,000
20	46	-----	-----	73,280	76,500	81,500
21	47	-----	-----	73,500	77,500	82,000
22	48	-----	-----	74,000	78,000	83,000
23	49	-----	-----	74,500	78,500	83,500
24	50	-----	-----	75,500	79,000	84,000

1	51	-----	-----	76,000	80,000	84,500
2	52	-----	-----	76,500	80,500	85,000
3	53	-----	-----	77,500	81,000	86,000
4	54	-----	-----	78,000	81,500	86,500
5	55	-----	-----	78,500	82,500	87,000
6	56	-----	-----	79,500	83,000	87,500
7	57	-----	-----	80,000	83,500	88,000
8	58	-----	-----	-----	84,000	89,000
9	59	-----	-----	-----	85,000	89,500
10	60	-----	-----	-----	85,500	90,000

11 B. Except as to gross limits, the table in subsection A of this
12 section shall not apply to a truck-tractor and dump semitrailer when
13 used as a combination unit. In no event shall the maximum load in
14 pounds carried by any set of tandem axles exceed thirty-four
15 thousand (34,000) pounds for vehicles exempt from the table;
16 however, any vehicle operating with split tandem axles or tri-axles
17 shall adhere to the table.

18 C. Special permits may be issued as provided in this title for
19 divisible loads for vehicle configurations in excess of six (6)
20 axles. The permits may not exceed the Table "B" federal weights
21 formula imposed by Title 23, U.S. Code, Section 127. Vehicles
22 moving under the permits shall not traverse H-15 bridges or less
23 without the express approval of the Secretary of Transportation.

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1 D. Except for loads moving under special permits as provided in
2 this title, no department or agency of this state or any county,
3 city, or public entity thereof shall pay for any material that
4 exceeds the legal weight limits moving in interstate or intrastate
5 commerce in excess of the legal load limits of this state.

6 E. Exceptions to this section will be:

7 1. Utility or refuse collection vehicles used by counties,
8 cities, or towns or by private companies contracted by counties,
9 cities, or towns if the following conditions are met:

10 a. calculation of weight for a utility or refuse
11 collection vehicle shall be "Gross Vehicle Weight".
12 The "Gross Vehicle Weight" of a utility or refuse
13 collection vehicle may not exceed the otherwise
14 applicable weight by more than fifteen percent (15%).
15 The weight on individual axles must not exceed the
16 manufacturer's component rating which includes axle,
17 suspension, wheels, rims, brakes, and tires as shown
18 on the vehicle certification label or tag, and

19 b. utility or refuse collection vehicles operated under
20 these exceptions will not be allowed to operate on
21 interstate highways;

22 2. Vehicles transporting timber, pulpwood, and chips in their
23 natural state, vehicles transporting oil field fluids, oil field
24 equipment, or equipment used in oil and gas well drilling or

1 exploration, and vehicles transporting grain, if the following
2 conditions are met:

- 3 a. the vehicles are registered for the maximum allowable
4 rate,
- 5 b. the vehicles do not exceed five percent (5%) of the
6 gross limits set forth in subsection A of this
7 section, and
- 8 c. the vehicles operating pursuant to the provisions of
9 this paragraph will not be allowed to operate on the
10 National System of Interstate and Defense Highways;
11 and

12 3. Vehicles transporting rock, sand, gravel, and coal if the
13 following conditions are met:

- 14 a. the vehicles are registered for the maximum allowable
15 rate,
- 16 b. the vehicles do not exceed five percent (5%) of the
17 axle limits set forth in subsection A of this section,
18 and
- 19 c. the vehicles operating pursuant to the provisions of
20 this paragraph will not be allowed to operate on the
21 National System of Interstate and Defense Highways.

22 F. Utility or refuse collection vehicles, vehicles transporting
23 timber, pulpwood, and chips in their natural state, vehicles
24 transporting oil field equipment or equipment used in oil and gas

1 well drilling or exploration, vehicles transporting rock, sand,
2 gravel, and coal and vehicles transporting grain, operating under
3 exceptions shall purchase an annual special overload permit for One
4 Hundred Dollars (\$100.00). This fee shall be apportioned as
5 provided for in Section 1104 of this title.

6 G. For purposes of this section, "utility vehicle" shall mean
7 any truck used by a private utility company, county, city, or town
8 for the purpose of installing or maintaining electric, water, or
9 sewer systems.

10 H. Any person convicted of violating the provisions of this
11 subsection shall be punished by a per-pound fine as follows:

<u>Pounds Overweight</u>	<u>Fine per Pound</u>
	<u>Overweight</u>
<u>Seven Hundred (700) to Two Thousand (2,000)</u>	<u>\$0.03</u>
<u>Two Thousand One (2,001) to Five Thousand (5,000)</u>	<u>\$0.05</u>
<u>Five Thousand One (5,001) to Seven Thousand Five</u> <u>Hundred (7,500)</u>	<u>\$0.07</u>
<u>Seven Thousand Five Hundred One (7,501) to Ten</u> <u>Thousand (10,000)</u>	<u>\$0.09</u>
<u>Ten Thousand One (10,001) to Twelve Thousand</u> <u>Five Hundred (12,500)</u>	<u>\$0.11</u>
<u>Twelve Thousand Five Hundred One (12,501) to</u> <u>Fifteen Thousand (15,000)</u>	<u>\$0.13</u>
<u>Fifteen Thousand One (15,001) or more</u>	<u>\$0.15</u>

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

4 Section 14-116a. A. Any person, firm, or corporation who moves
5 or transports any load or manufactured home without a permit issued
6 by the Department of Public Safety as required by the provisions of
7 this chapter shall be deemed guilty of a misdemeanor and upon
8 conviction thereof shall be punished as follows:

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

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

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

16 Provided, if the weight of load and vehicle is such that an
17 overweight permit is required for the movement of the load and
18 vehicle, then the fine imposed by this subsection shall be increased
19 by the appropriate per-pound fine prescribed in subsection H of
20 Section 14-109 of this title.

21 B. The permit shall be carried by the operator of the vehicle
22 moving or transporting the load or manufactured home and shall be
23 available for inspection by any law enforcement officer. If said
24 operator is found not to possess a permit, the load or manufactured

1 home shall not continue to be moved or transported. Thereafter, the
2 load or manufactured home shall not be moved or transported further
3 except by the operator of a vehicle moving or transporting the load
4 or manufactured home who is in possession of a permit authorizing
5 the movement of the load or manufactured home.

6 SECTION 4. AMENDATORY 47 O.S. 2001, Section 14-118, as
7 last amended by Section 1, Chapter 65, O.S.L. 2006 (47 O.S. Supp.
8 2006, Section 14-118), is amended to read as follows:

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

19 2. Such rules shall be the basis for the development of a
20 system by the Commissioner of Public Safety for the issuance of
21 permits for the movement of oversize or overweight vehicles or
22 loads. Such system shall include, but not be limited to, provisions
23 for duration, seasonal factors, hours of the day or days when valid,
24 special requirements as to flags, flagmen and warning or safety

1 devices, and other such items as may be consistent with the intent
2 of this section. The permit system shall include provisions for the
3 collection of permit fees as well as for the issuance of the permits
4 by telephone, electronic transfer or such other methods of issuance
5 as may be deemed feasible.

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

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

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

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

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

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

22 D. It shall be permissible in the transportation of empty
23 trucks on any road or highway to tow by use of saddlemounts; i.e.,
24 mounting the front wheels of one vehicle on the bed of another

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

12 E. The Commissioner of Public Safety, upon application of any
13 person engaged in the transportation of forest products in the raw
14 state, which is defined to be tree-length logs moving from the
15 forest directly to the mill, or upon application of any person
16 engaged in the transportation of overwidth or overheight equipment
17 used in soil conservation work, or upon application of any person
18 engaged in the hauling for hire or for resale, of round baled hay
19 with a total outside width of eleven (11) feet or less, shall issue
20 an annual permit, upon payment of a fee of Twenty-five Dollars
21 (\$25.00) each year, authorizing the operation by such persons of
22 such motor vehicle load lengths and widths upon the highways of this
23 state except on the National System of Interstate and Defense
24 Highways. Provided, however, the restriction on use of the National

1 System of Interstate and Defense Highways shall not be applicable to
2 persons engaged in the hauling of round baled hay with a total
3 outside width of eleven (11) feet or less.

4 F. Farm equipment including, but not limited to, implements of
5 husbandry as defined in Section 1-125 of this title shall be
6 exempted from the requirement for special permits due to size. Such
7 equipment may move on any highway, except those highways which are
8 part of the National System of Interstate and Defense Highways,
9 during the hours of darkness and shall be subject to the
10 requirements as provided in Section 12-215 of this title. In
11 addition to those requirements, tractors pulling machinery over
12 thirteen (13) feet wide must have two amber flashing warning lamps
13 symmetrically mounted, laterally and widely spaced as practicable,
14 visible from both front and rear, mounted at least thirty-nine (39)
15 inches high.

16 G. Any rubber-tired road construction vehicle including rubber-
17 tired truck cranes and special mobilized machinery either self-
18 propelled or drawn carrying no load other than its own weight, but
19 which is overweight by any provisions of this chapter, shall be
20 authorized to move on the highways of the State of Oklahoma.
21 Movement of such vehicles shall be authorized on the Federal
22 Interstate System of Highways only by special permit secured from
23 the Commissioner of Public Safety or an authorized representative
24 upon determination that the objectives of this section will be

1 served by such a permit and that federal weight restrictions will
2 not be violated. The special permit shall be:

3 1. A single-trip permit issued under the provisions of this
4 section and Section 14-116 of this title; or

5 2. A special annual overweight permit which shall be issued for
6 one calendar year period upon payment of a fee of Sixty Dollars
7 (\$60.00).

8 The weight of any such vehicle shall not exceed six hundred fifty
9 (650) pounds ~~multiplied by the nominal~~ per inch of tire tread width
10 ~~of the tire.~~ As used in this subsection, "tire tread width" means
11 the actual width of tread of a tire which:

- 12 a. makes contact with the road surface when the tire is
- 13 properly inflated,
- 14 b. was designed specifically for traction,
- 15 c. directly transfers weight to the road, and
- 16 d. can be measured at any point around the circumference
- 17 of the tire, which measurement shall be rounded to the
- 18 closest one-quarter (1/4) inch plus one-half (1/2)
- 19 inch.

20 The vehicle shall be required to carry the safety equipment adjudged
21 necessary for the health and welfare of the driving public. If any
22 oversized vehicle does not come under the other limitations of the
23 present laws, it shall be deemed that the same shall travel only
24 between the hours of sunrise and sunset. The vehicle, being

1 overweight but of legal dimension, shall be allowed continuous
2 travel. The vehicles, except special mobilized machinery, shall be
3 exempt from the laws of this state relating to motor vehicle
4 registration, licensing or other fees or taxes in lieu of ad valorem
5 taxes.

6 H. 1. When such machinery has a width greater than eight and
7 one-half (8 1/2) feet, or a length, exclusive of load, of forty-five
8 (45) feet, or a height in excess of thirteen and one-half (13 1/2)
9 feet, then the permit may restrict movement to a fifty-mile radius
10 from an established operating base, and may designate highways to be
11 traveled, hours of travel and when flagmen may be required to
12 precede or follow the equipment.

13 2. Possession of a permit shall in no way be construed as
14 exempting such equipment from the authority of the Director of the
15 Department of Transportation to restrict use of particular highways,
16 nor shall it exempt owners or operators of such equipment from the
17 responsibility for damage to highways caused by movement of the
18 equipment. Nothing in this subsection shall apply to machinery used
19 in highway construction or road material production.

20 3. Upon the issuance of a special mobilized machinery driveaway
21 permit as provided in this subsection, special mobilized machinery
22 manufactured in Oklahoma shall be permitted to move upon the
23 highways of this state from the place of manufacture to the state
24 line for delivery and exclusive use outside the state, and may be

1 temporarily returned to Oklahoma for modification and repair, with
2 subsequent movement back out of the state. Special driveaway
3 permits for such movements shall be issued by the Commissioner of
4 Public Safety, who may act through designated agents, upon the
5 payment of a fee in the amount of Fifteen Dollars (\$15.00) for each
6 movement.

7 4. The size of the special mobilized machinery shall not be
8 such as to create a safety hazard in the judgment of the
9 Commissioner of Public Safety. Permits for such special mobilized
10 machinery shall specify a maximum permissible road speed of the
11 lesser of fifty (50) miles per hour or the posted speed limit,
12 designate safety equipment to be carried and may exclude use of
13 highways of the interstate system.

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

19 6. Possession of a special driveaway permit shall in no way be
20 construed as exempting such equipment from the authority of the
21 Director of the Department of Transportation to restrict use of
22 particular highways, nor shall it exempt the owners or operators of
23 such equipment from the responsibility for damage to highways caused
24 by the movement of such equipment.

1 SECTION 5. AMENDATORY 47 O.S. 2001, Section 230.9, as
2 last amended by Section 15, Chapter 390, O.S.L. 2004 (47 O.S. Supp.
3 2006, Section 230.9), is amended to read as follows:

4 Section 230.9 A. The transportation of any property in
5 commerce, including hazardous materials or the transportation of
6 passengers for compensation or for hire by bus, that is not in
7 compliance with the Oklahoma Motor Carrier Safety and Hazardous
8 Materials Transportation Act or the rules issued pursuant thereto,
9 is prohibited.

10 B. Pursuant to the provisions of this section and except as
11 otherwise provided by subsection D of this section, any person who
12 is determined by the Commissioner of Public Safety to have
13 committed:

14 1. An act which is a violation of a recordkeeping requirement
15 of this title or of any rule or regulation promulgated thereto or
16 the Federal Motor Carrier Safety Act of 1984, such person shall be
17 liable to the State of Oklahoma for an administrative penalty not to
18 exceed One Hundred Dollars (\$100.00) for each offense, provided that
19 the total of all administrative penalties assessed against any
20 violator pursuant to this paragraph for all offenses related to any
21 single violation shall not exceed Five Hundred Dollars (\$500.00);

22 2. An act or acts other than recordkeeping requirements, which
23 evidences a serious pattern of safety violations, as determined by
24 the Commissioner, such person shall be liable to the State of

1 Oklahoma for an administrative penalty not to exceed Two Hundred
2 Dollars (\$200.00) for each offense, provided the maximum fine for
3 each pattern of safety violations shall not exceed One Thousand
4 Dollars (\$1,000.00). The Commissioner may consider present and
5 prior offenses in determining a serious pattern of safety
6 violations; or

7 3. An act or acts which evidences to the Commissioner, that a
8 substantial health or safety violation exists or has occurred which
9 could reasonably lead to or has resulted in serious personal injury
10 or death, such person shall be liable to the State of Oklahoma for
11 an administrative penalty not to exceed One Thousand Dollars
12 (\$1,000.00) for each offense.

13 C. Each day of violation as specified in subsection B of this
14 section shall constitute a separate single violation/offense.

15 D. Except for recordkeeping violations, no administrative
16 penalty shall be assessed pursuant to the provisions of this
17 section, against an employee of any person subject to the provisions
18 of the Oklahoma Motor Carrier Safety and Hazardous Materials
19 Transportation Act for a violation unless the Commissioner
20 determines that such actions of the employee constituted gross
21 negligence or reckless disregard for safety in which case such
22 employee shall be liable for an administrative penalty not to exceed
23 One Thousand Dollars (\$1,000.00).

24

1 ~~E. In determining the amount of any administrative penalty and~~
2 ~~the reasonable amount of time for abatement of the violation, the~~
3 ~~Commissioner shall include, but not be limited to, consideration of~~
4 ~~the nature, circumstances and gravity of the violation, and with~~
5 ~~respect to the person found to have committed the violation, the~~
6 ~~degree of culpability, history of prior offenses, effect on ability~~
7 ~~to continue to do business and such other matters as justice and~~
8 ~~public safety may require. In each case, the penalty shall be~~
9 ~~calculated to induce further compliance.~~

10 ~~F.~~ The Commissioner or his designated representative shall
11 assess the amount of any administrative penalty, after notice and an
12 opportunity for hearing, by written notice to the violator together
13 with notice of findings in the case. An appeal therefrom may be
14 made to the district court of Oklahoma County pursuant to the
15 provisions of Sections 318 through 323 of Title 75 of the Oklahoma
16 Statutes.

17 ~~G. An administrative penalty assessed by the Commissioner may~~
18 ~~be recovered.~~

19 ~~1. In an action brought by the Attorney General on behalf of~~
20 ~~the State of Oklahoma. However, before referral to the Attorney~~
21 ~~General, the administrative penalty may be compromised by the~~
22 ~~Commissioner;~~

23 ~~2. By the Commissioner in the appropriate district court of the~~
24 ~~State of Oklahoma; or~~

1 ~~3. By the Commissioner in an administrative hearing conducted~~
2 ~~by the Department of Public Safety.~~

3 ~~H. The first One Hundred Thousand Dollars (\$100,000.00) of the~~
4 ~~administrative penalties collected each fiscal year pursuant to the~~
5 ~~provisions of the Oklahoma Motor Carrier Safety and Hazardous~~
6 ~~Materials Transportation Act shall be deposited in the General~~
7 ~~Revenue Fund of the State of Oklahoma. All other monies collected~~
8 ~~in excess of One Hundred Thousand Dollars (\$100,000.00) each fiscal~~
9 ~~year shall be deposited to the credit of the Department of Public~~
10 ~~Safety Revolving Fund for the purpose of administering the Oklahoma~~
11 ~~Motor Carrier Safety and Hazardous Materials Transportation Act.~~

12 SECTION 6. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 230.9-1 of Title 47, unless
14 there is created a duplication in numbering, reads as follows:

15 A. 1. Following a compliance review of an intrastate motor
16 carrier operation, the Oklahoma Department of Public Safety, using
17 the factors prescribed in subsection B of this section, as computed
18 under the Safety Fitness Rating Methodology set forth in appendix B
19 of 49 C.F.R., Part 385, shall determine whether the present
20 operations of the motor carrier are consistent with the safety
21 fitness standard set forth in 49 C.F.R., Section 385.5, and assign a
22 safety rating accordingly.

23
24

1 2. Unless otherwise specifically provided in this section, a
2 safety rating shall be issued to a motor carrier within thirty (30)
3 days following the completion of a compliance review.

4 B. 1. The Department shall provide a motor carrier written
5 notice of any safety rating resulting from a compliance review as
6 soon as practicable, but not later than thirty (30) days after the
7 review. The notice shall be given as provided in Section 2-116 of
8 Title 47 of the Oklahoma Statutes and shall include a list of
9 Federal Motor Carrier Safety Regulations and Hazardous Materials
10 Regulations compliance deficiencies, which the motor carrier shall
11 correct.

12 2. If the safety rating is "satisfactory" or improves a
13 previous "unsatisfactory" safety rating, it shall be final and
14 become effective on the date of the notice.

15 3. In all other cases, a notice of a proposed safety rating
16 shall be issued and shall become the final safety rating after the
17 following time period:

18 a. for motor carriers transporting hazardous materials
19 in quantities requiring placarding or transporting
20 passengers by commercial motor vehicle, forty-five
21 (45) days after the date of the notice, or

22 b. for all other motor carriers operating commercial
23 motor vehicles, sixty (60) days after the date of the
24 notice.

1 4. A proposed safety rating of "unsatisfactory" is a notice to
2 the motor carrier that the Department has made a preliminary
3 determination that the motor carrier does not meet acceptable
4 standards to continue operating in intrastate commerce and that the
5 prohibitions in subsection C of this section shall be imposed after
6 the applicable time period, as provided in paragraph 3 of this
7 subsection, if necessary safety improvements are not made.

8 5. A motor carrier may request the Department to perform an
9 administrative review of a proposed or final safety rating, as
10 prescribed in subsection E of this section.

11 6. A motor carrier may request a change to a proposed or final
12 safety rating based upon its corrective actions, as prescribed in
13 subsection F of this section.

14 C. 1. A motor carrier rated "unsatisfactory" shall be
15 prohibited from operating a commercial motor vehicle, as follows:

16 a. motor carriers transporting hazardous materials
17 in quantities requiring placarding, and motor
18 carriers transporting passengers in a commercial
19 motor vehicle, shall be prohibited from
20 operating a commercial motor vehicle beginning
21 on the effective date of the notice of proposed
22 "unsatisfactory" rating, and

23 b. all other motor carriers shall be prohibited
24 from operating a commercial motor vehicle

1 beginning on the effective date of the notice of
2 proposed "unsatisfactory" rating; provided, if
3 the Department determines the motor carrier is
4 making a good-faith effort to improve its safety
5 fitness, the Department may allow the motor
6 carrier to operate for up to sixty (60)
7 additional days.

8 2. A state or local agency shall not use a motor carrier that
9 holds an "unsatisfactory" rating to transport passengers in a
10 commercial motor vehicle or to transport hazardous materials in
11 quantities requiring placarding.

12 3. A state or local agency shall not use a motor carrier for
13 other commercial motor vehicle transportation if that carrier holds
14 an "unsatisfactory" rating.

15 4. If a proposed "unsatisfactory" safety rating becomes final,
16 the Federal Motor Carrier Safety Administration will issue an order
17 placing its interstate operations out of service. Any motor carrier
18 that operates commercial motor vehicles in violation of this section
19 will be subject to the penalty provisions listed in 49 U.S.C.
20 Section 521(b).

21 D. 1. A commercial motor vehicle owner or operator that has
22 failed to pay civil penalties imposed by the Department, or has
23 failed to abide by a payment plan, may be prohibited from operating
24 commercial motor vehicles in intrastate commerce.

1 2. A broker, freight forwarder, or for-hire motor carrier that
2 has failed to pay civil penalties imposed by the Department, or has
3 failed to abide by a payment plan, may be prohibited from operating
4 in interstate commerce, and its registration may be suspended.

5 E. 1. A motor carrier may request the Department to conduct
6 an administrative review if it believes the Department has committed
7 an error in assigning its proposed safety rating or its final safety
8 rating.

9 2. The request shall explain the error the motor carrier
10 believes the Department committed in issuing the safety rating. The
11 motor carrier shall include a list of all factual and procedural
12 issues in dispute, and any information or documents that support its
13 argument.

14 3. The motor carrier shall submit its request in writing to
15 the Size and Weight Enforcement Section of the Oklahoma Highway
16 Patrol Division of the Department.

17 4. If a motor carrier has received a notice of a proposed
18 "unsatisfactory" safety rating, it shall submit its request within
19 fifteen (15) days from the date of the notice. The Department shall
20 issue a written decision prior to the effective date of the notice.

21 5. A motor carrier shall make a request for an administrative
22 review within ninety (90) days of the date of a proposed safety
23 rating issued under paragraph 3 of subsection B of this section, the
24 date of a final safety rating issued under paragraph 2 of subsection

1 B of this section, or the date of a denial of a request for a change
2 in rating under paragraph 9 of subsection F of this section.

3 6. The Department may ask the motor carrier to submit
4 additional data and attend a conference to discuss the safety
5 rating. If the motor carrier does not provide the information
6 requested, or does not attend the conference, the Department may
7 dismiss the request for review.

8 7. The Department shall notify the motor carrier in writing of
9 its decision following the administrative review. The Department
10 shall complete its review:

11 a. within thirty (30) days after receiving a request
12 from a hazardous materials or passenger motor carrier
13 that has received a proposed or final
14 "unsatisfactory" safety rating, or

15 b. within forty-five (45) days after receiving a request
16 from any other motor carrier that has received a
17 proposed or final "unsatisfactory" safety rating.

18 8. The decision resulting from the administrative review
19 constitutes final agency action.

20 9. Any motor carrier may request a rating change under the
21 provisions of subsection F of this section.

22 F. 1. A motor carrier that has taken action to correct the
23 deficiencies that resulted in a proposed or final rating of
24

1 "conditional" or "unsatisfactory" may request a rating change at any
2 time.

3 2. A motor carrier shall make this request in writing to the
4 Size and Weight Enforcement Section of the Oklahoma Highway Patrol
5 Division of the Department.

6 3. The motor carrier shall base its request upon evidence that
7 it has taken corrective actions, and that its operations currently
8 meet the safety standard and factors specified in 49 U.S.C.,
9 Sections 385.5 and 385.7. The request shall include a written
10 description of corrective actions taken and other documentation the
11 carrier wishes the Department to consider.

12 4. The Department shall make a final determination on the
13 request for change based upon the documentation the motor carrier
14 submits and any additional relevant information.

15 5. The Department shall perform reviews of requests made by
16 motor carriers with a proposed or final "unsatisfactory" safety
17 rating in the following time periods after the request of the motor
18 carrier:

- 19 a. within thirty (30) days for motor carriers
20 transporting passengers in commercial motor vehicles
21 or placardable quantities of hazardous materials, or
22 b. within forty-five (45) days for all other motor
23 carriers.

24

1 6. The filing of a request for change to a proposed or final
2 safety rating under this subsection does not stay the forty-five-day
3 period specified in subparagraph a of paragraph 1 of subsection C of
4 this section for motor carriers transporting passengers or hazardous
5 materials. If the motor carrier has submitted evidence that
6 corrective actions have been taken pursuant to this section and the
7 Department cannot make a final determination within the forty-five-
8 day period, the period before the proposed safety rating becomes
9 final may be extended for up to ten (10) days at the discretion of
10 the Department.

11 7. The Department may allow a motor carrier with a proposed
12 rating of "unsatisfactory", except those transporting passengers in
13 commercial motor vehicles or placardable quantities of hazardous
14 materials, to continue to operate in intrastate commerce for up to
15 sixty (60) days beyond the sixty (60) days specified in the proposed
16 rating, if the Department determines that the motor carrier is
17 making a good faith effort to improve its safety status. This
18 additional period would begin on the effective date of the notice of
19 the proposed "unsatisfactory" rating.

20 8. If the Department determines that the motor carrier has
21 taken the corrective actions required and that its operations
22 currently meet the safety standard and factors specified in 49
23 U.S.C., Sections 385.5 and 385.7, the agency shall notify the motor
24 carrier in writing of its upgraded safety rating.

1 9. If the Department determines that the motor carrier has not
2 taken all the corrective actions required, or that its operations
3 still fail to meet the safety standard and factors specified in 49
4 U.S.C., Sections 385.5 and 385.7, the agency shall notify the motor
5 carrier in writing.

6 10. Any motor carrier whose request for change is denied in
7 accordance with paragraph 9 of this subsection may request
8 administrative review under the procedures of subsection E of this
9 section. The motor carrier shall make the request within ninety
10 (90) days of the denial of the request for a rating change. If the
11 proposed rating has become final, it shall remain in effect during
12 the period of any administrative review.

13 G. 1. Final ratings will be made available to other federal,
14 state, and local agencies in writing, telephonically, or by remote
15 computer access.

16 2. The final safety rating assigned to a motor carrier shall
17 be made available to the public upon request. Any person requesting
18 the assigned rating of a motor carrier shall provide the Department
19 with the name of the motor carrier, principal office address, and,
20 if known, the United States Department of Transportation number, if
21 any.

22 3. Requests for ratings shall be addressed to the Size and
23 Weight Enforcement Section of the Oklahoma Highway Patrol Division
24 of the Department.

1 H. 1. Notwithstanding the provisions of Sections 230.6 and
2 230.9 of Title 47 of the Oklahoma Statutes, the Department shall
3 assess, when the rating and circumstances warrant, an administrative
4 penalty as provided in 49 C.F.R., Part 386, Appendix B, using the
5 Uniform Fine Assessment developed and maintained by the Upper Great
6 Plains Transportation Institute for the Federal Motor Carrier Safety
7 Administration.

8 2. In determining the amount of any administrative penalty and
9 the reasonable amount of time for abatement of the violation, the
10 Commissioner shall include, but not be limited to, consideration of
11 the nature, circumstances and gravity of the violation, and with
12 respect to the person found to have committed the violation, the
13 degree of culpability, history of prior offenses, effect on ability
14 to continue to do business and such other matters as justice and
15 public safety may require. In each case, the penalty shall be
16 calculated to induce further compliance.

17 I. As used in this section, "compliance review" means an on-
18 site examination of motor carrier operations, such as hours of
19 service of drivers, maintenance and inspection, driver
20 qualification, commercial driver license requirements, financial
21 responsibility, collisions, hazardous materials, and other safety
22 and transportation records to determine whether a motor carrier
23 meets safety standards.

1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 230.9-2 of Title 47, unless
3 there is created a duplication in numbering, reads as follows:

4 A. An administrative penalty assessed by the Commissioner
5 under Sections 230.1 through 230.15 of Title 47 of the Oklahoma
6 Statutes may be recovered:

7 1. In an action brought by the Attorney General on behalf of
8 the State of Oklahoma. However, before referral to the Attorney
9 General, the administrative penalty may be compromised by the
10 Commissioner;

11 2. By the Commissioner in the appropriate district court of
12 the State of Oklahoma; or

13 3. By the Commissioner in an administrative hearing conducted
14 by the Department of Public Safety.

15 B. All monies collected shall be deposited to the credit of
16 the Department of Public Safety Revolving Fund for the purpose of
17 administering the Oklahoma Motor Carrier Safety and Hazardous
18 Materials Transportation Act.

19 SECTION 8. AMENDATORY 47 O.S. 2001, Section 1102, as
20 last amended by Section 2, Chapter 295, O.S.L. 2006 (47 O.S. Supp.
21 2006, Section 1102), is amended to read as follows:

22 Section 1102. As used in the Oklahoma Vehicle License and
23 Registration Act:

24

1 1. "All-terrain vehicle" means a motorized vehicle manufactured
2 and used exclusively for off-highway use which is sixty (60) inches
3 or less in width, with an unladen dry weight of one thousand five
4 hundred (1,500) pounds or less, traveling on two or more low-
5 pressure tires;

6 2. "Carrying capacity" means the carrying capacity of a vehicle
7 as determined or declared in tons of cargo or payload by the owner;
8 provided, that such declared capacity shall not be less than the
9 minimum tonnage capacity fixed, listed or advertised by the
10 manufacturer of any vehicle;

11 3. "Certificate of title" means a document which is proof of
12 legal ownership of a motor vehicle as described and provided for in
13 Section 1105 of this title;

14 4. "Chips and oil" or the term "road oil and crushed rock"
15 means, with respect to materials authorized for use in the surfacing
16 of roads or highways in this title or in any equivalent statute
17 pertaining to road or highway surfacing in the State of Oklahoma,
18 any asphaltic materials. Wherever chips and oil or road oil and
19 crushed rock are authorized for use in the surfacing of roads or
20 highways in this state, whether by the Department of Transportation,
21 or by the county commissioners, or other road building authority
22 subject to the Oklahoma Vehicle License and Registration Act,
23 asphaltic materials are also authorized for use in such surfacing
24 and construction;

1 5. "Combined laden weight" means the weight of a truck or
2 station wagon and its cargo or payload transported thereon, or the
3 weight of a truck or truck-tractor plus the weight of any trailers
4 or semitrailers together with the cargo or payload transported
5 thereon;

6 6. "Commercial trailer" means any trailer, as defined in
7 Section 1-180 of this title, or semitrailer, as defined in Section
8 1-162 of this title, when such trailer or semitrailer is used
9 primarily for business or commercial purposes;

10 7. "Commercial trailer dealer" means any person, firm or
11 corporation engaged in the business of selling any new and unused,
12 or used, or both new and used commercial trailers;

13 8. "Commercial vehicle" means any vehicle over eight thousand
14 (8,000) pounds combined laden weight used primarily for business or
15 commercial purposes. Each motor vehicle being registered pursuant
16 to the provisions of this section shall have the name of the
17 commercial establishment or the words "Commercial Vehicle"
18 permanently and prominently displayed upon the outside of the
19 vehicle in letters not less than two (2) inches high. Such letters
20 shall be in sharp contrast to the background and shall be of
21 sufficient shape and color as to be readily legible during daylight
22 hours, from a distance of fifty (50) feet while the vehicle is not
23 in motion;

24

1 9. "Commission" or "Tax Commission" means the Oklahoma Tax
2 Commission;

3 10. "Dealer" means any person, firm, association, corporation
4 or trust who sells, solicits or advertises the sale of new and
5 unused motor vehicles and holds a bona fide contract or franchise in
6 effect with a manufacturer or distributor of a particular make of
7 new or unused motor vehicle or vehicles for the sale of same;

8 11. "Interstate commerce" means any commerce moving between any
9 place in a state and any place in another state or between places in
10 the same state through another state;

11 12. "Laden weight" means the combined weight of a vehicle when
12 fully equipped for use and the cargo or payload transported thereon;
13 provided that in no event shall the laden weight be less than the
14 unladen weight of the vehicle fully equipped for use, plus the
15 manufacturer's rated carrying capacity;

16 13. "Local authorities" means every county, municipality or
17 local board or body having authority to adopt police regulations
18 under the Constitution and laws of this state;

19 14. "Low-speed electrical vehicle" means any four-wheeled
20 electrical vehicle that is powered by an electric motor that draws
21 current from rechargeable storage batteries or other sources of
22 electrical current and whose top speed is greater than twenty (20)
23 miles per hour but not greater than twenty-five (25) miles per hour
24 and is manufactured in compliance with the National Highway Traffic

1 Safety Administration standards for low-speed vehicles in 49 C.F.R.
2 571.500;

3 15. "Manufactured home" means a residential dwelling built in
4 accordance with the National Manufactured Housing Construction and
5 Safety Standards Act of 1974, 42 U.S.C., Section 5401 et seq., and
6 rules promulgated pursuant thereto and the rules promulgated by the
7 Oklahoma Used Motor Vehicle and Parts Commission pursuant to Section
8 582 of this title;

9 16. "Manufactured home dealer" means any person, firm or
10 corporation engaged in the business of selling any new and unused,
11 or used, or both new and used manufactured homes. Such information
12 and a valid franchise letter as proof of authorization to sell any
13 such new manufactured home product line or lines shall be attached
14 to said application for a dealer license to sell manufactured homes.
15 "Manufactured home dealer" shall not include any person, firm or
16 corporation who sells or contracts for the sale of the dealer's own
17 personally titled manufactured home or homes. No person, firm or
18 corporation shall be considered a manufactured home dealer as to any
19 manufactured home purchased or acquired by such person, firm or
20 corporation for purposes other than resale; provided, that the
21 restriction set forth in this sentence shall not prevent an
22 otherwise qualified person, firm or corporation from utilizing a
23 single manufactured home as a sales office;

24

1 17. "Motor license agent" means any person appointed,
2 designated or authorized by the Oklahoma Tax Commission to collect
3 the fees and to enforce the provisions provided for in the Oklahoma
4 Vehicle License and Registration Act;

5 18. "New vehicle" or "unused vehicle" means a vehicle which has
6 been in the possession of the manufacturer, distributor or
7 wholesaler or has been sold only by the manufacturer, distributor or
8 wholesaler to a dealer;

9 19. "Nonresident" means any person who is not a resident of
10 this state;

11 20. "Off-road motorcycle" means any motorcycle, as defined in
12 Section 1-135 of this title, when such motorcycle has been
13 manufactured for and used exclusively off roads, highways and any
14 other paved surfaces;

15 21. "Owner" means any person owning, operating or possessing
16 any vehicle herein defined;

17 22. "Person" means any individual, copartner, joint venture,
18 association, corporation, limited liability company, estate, trust,
19 business trust, syndicate, the State of Oklahoma, or any county,
20 city, municipality, school district or other political subdivision
21 thereof, or any group or combination acting as a unit, or any
22 receiver appointed by the state or federal court;

23 23. "Recreational vehicle" means every vehicle which is built
24 on or permanently attached to a self-propelled motor chassis or

1 chassis cab which becomes an integral part of the completed vehicle
2 and is capable of being operated on the highways. In order to
3 qualify as a recreational vehicle pursuant to this paragraph such
4 vehicle shall be permanently constructed and equipped for human
5 habitation, having its own sleeping and kitchen facilities,
6 including permanently affixed cooking facilities, water tanks and
7 holding tank with permanent toilet facilities. Recreational vehicle
8 shall not include manufactured homes or any vehicle with portable
9 sleeping, toilet and kitchen facilities which are designed to be
10 removed from such vehicle;

11 24. "Remanufactured vehicle" means a vehicle which has been
12 assembled by a vehicle remanufacturer using a new body and which may
13 include original, reconditioned, or remanufactured parts, and which
14 is not a salvage, rebuilt, or junked vehicle as defined by
15 paragraphs 1, 2, and 5, respectively, of subsection A of Section
16 1105 of this title;

17 25. "Rental trailer" means all small or utility trailers or
18 semitrailers constructed and suitable for towing by a passenger
19 automobile and designed only for carrying property, when said
20 trailers or semitrailers are owned by, or are in the possession of,
21 any person engaged in renting or leasing such trailers or
22 semitrailers for intrastate or interstate use or combined intrastate
23 and interstate use;

24

1 26. "Special mobilized machinery" means special purpose
2 machines or devices, either self-propelled or drawn as trailers or
3 semitrailers, which derive no revenue from the transportation of
4 persons or property, whose use of the highway is only incidental,
5 and whose useful revenue producing service is performed at
6 destinations in an area away from the traveled surface of an
7 established open highway, and which carry no load other than their
8 own weight, which cannot be divided for all practical purposes.
9 This definition shall include a truck or truck tractor when used
10 while drawing special mobilized machinery but this shall not be
11 construed as exempting from license and registration the pulling
12 unit truck or truck tractor as required by the motor vehicle license
13 and registration;

14 27. "State" means the State of Oklahoma;

15 28. "Station wagon" means any passenger vehicle which does not
16 have a separate luggage compartment or trunk and which does not have
17 open beds, and has one or more rear seats readily lifted out or
18 folded, whether same is called a station wagon or ranch wagon;

19 29. "Travel trailer" means any vehicular portable structure
20 built on a chassis, used as a temporary dwelling for travel,
21 recreational or vacation use, and, when factory-equipped for the
22 road, it shall have a body width not exceeding eight (8) feet and an
23 overall length not exceeding forty (40) feet, including the hitch or
24 coupling;

1 30. "Travel trailer dealer" means any person, firm or
2 corporation engaged in the business of selling any new and unused,
3 or used, or both new and used travel trailers. Such information and
4 a valid franchise letter as proof of authorization to sell any such
5 new travel trailer product line or lines shall be attached to said
6 application for a dealer license to sell travel trailers. "Travel
7 trailer dealer" shall not include any person, firm or corporation
8 who sells or contracts for the sale of his or her own personally
9 titled travel trailer or trailers. No person, firm or corporation
10 shall be considered as a travel trailer dealer as to any travel
11 trailer purchased or acquired by such person, firm or corporation
12 for purposes other than resale;

13 31. "Used motor vehicle dealer" means "used motor vehicle
14 dealer" as defined in Section 581 of this title;

15 32. "Used vehicle" means any vehicle which has been sold,
16 bargained, exchanged or given away, or used to the extent that it
17 has become what is commonly known, and generally recognized, as a
18 "secondhand" vehicle. This shall also include any vehicle other
19 than a remanufactured vehicle, regardless of age, owned by any
20 person who is not a dealer;

21 33. "Vehicle" means any type of conveyance or device in, upon
22 or by which a person or property is or may be transported from one
23 location to another upon the avenues of public access within the
24 state. "Vehicle" does not include bicycles, trailers except travel

1 trailers and rental trailers, or implements of husbandry as defined
2 in Section 1-125 of this title. All implements of husbandry used as
3 conveyances shall be required to display the owner's driver's
4 license number or license plate number of any vehicle owned by the
5 owner of the implement of husbandry on the rear of the implement in
6 numbers not less than two (2) inches in height. The use of the
7 owner's social security number on the rear of the implement of
8 husbandry shall not be required; and

9 34. "Vehicle remanufacturer" means a commercial entity which
10 assembles remanufactured vehicles.

11 SECTION 9. AMENDATORY 47 O.S. 2001, Section 1129, as
12 amended by Section 19, Chapter 390, O.S.L. 2004 (47 O.S. Supp. 2006,
13 Section 1129), is amended to read as follows:

14 Section 1129. A. Special mobilized machinery shall not be
15 subject to any section or provision of the Oklahoma Vehicle License
16 and Registration Act, Section 1101 et seq. of this title, except the
17 provisions of this section.

18 Special mobilized machinery shall be permitted the use of the
19 highways of this state when proper registration and permits, as
20 provided in this section, are in the possession of the operator. If
21 such equipment is not certified and registered as special mobilized
22 machinery, and no permits are in possession of the operator, the
23 equipment shall comply with Sections 14-101 through 14-121 of this
24 title.

1 B. Owners of qualifying equipment hereunder may elect to
2 register such equipment either under this section or under other
3 applicable provisions of this act. Application covering qualifying
4 equipment may be made to the Oklahoma Tax Commission or their
5 authorized agents for registering special mobilized machinery. Upon
6 payment of a registration fee of Twenty-five Dollars (\$25.00), the
7 applicant shall be granted a certificate of registration in
8 acknowledgment of qualification by the Commission. The certificate
9 of registration must at all times be carried with the equipment and
10 be available for inspection by an investigating officer.

11 C. In addition to the registration fee, the Commission shall
12 collect at time of registration an additional fee of Five Hundred
13 Fifty Dollars (\$550.00) per unit for equipment qualifying under the
14 terms of this section. This fee of Five Hundred Fifty Dollars
15 (\$550.00) shall include the constitutional ad valorem tax and shall
16 be allocated by the Commission in the same manner and percentage as
17 registration and permit fees are presently allocated under the
18 provisions of this act. Payment of this fee shall be due on January
19 1 of each calendar year and must be paid in no event later than
20 February 1 of each calendar year. The penalty for noncompliance
21 with this provision shall be a double fee in the amount of One
22 Thousand One Hundred Dollars (\$1,100.00). For qualifying equipment
23 purchased during the calendar year, the Commission shall collect a
24 fee which shall be pro rata of the annual fee as hereinbefore

1 defined. Provided, however, the fee for qualifying equipment
2 registered in another state and utilized for emergency or temporary
3 service, not to exceed thirty (30) days, shall be calculated in the
4 same manner as set forth in subsection A of Section 1122 of this
5 title.

6 D. Other provisions of this section relating to registration
7 and other laws of this state relating to registration, fees, or
8 licensing shall not apply to such special mobilized equipment when
9 the same is manufactured in Oklahoma and sold for delivery and
10 exclusive use without the state or when returned temporarily for
11 modification or repair. In addition, the registration, fees, and
12 licensing provisions of the laws of this state shall not apply to
13 special mobilized equipment temporarily brought into the state, with
14 subsequent movement back out of the state, solely for fabrication,
15 repair, testing, alteration, modification, refurbishing, or
16 maintenance. This subsection shall in no way exempt the equipment
17 described herein from the levy of ad valorem taxes.

18 SECTION 10. REPEALER 47 O.S. 2001, Section 1-165, is
19 hereby repealed.

20 SECTION 11. This act shall become effective November 1, 2007.

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