

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3344

By: Thompson

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6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2001, Section 161, which relates to motor carriers;  
clarifying language; and providing an effective date.

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

12 SECTION 1. AMENDATORY 47 O.S. 2001, Section 161, is  
13 amended to read as follows:

14 Section 161. A. It is hereby declared that it is necessary in  
15 the public interest and welfare to regulate transportation by motor  
16 carriers of household goods and used emigrant movables in such  
17 manner as to recognize and preserve the inherent advantages of, and  
18 foster sound economic conditions in such transportation and among  
19 such carriers; promote adequate, economical, efficient service by  
20 motor carriers, and reasonable charges therefor, without unjust  
21 discriminations, undue preferences or advantages and unfair or  
22 destructive competitive practices; develop and preserve a highway  
23 transportation system properly adapted to the agricultural,  
24 industrial and commercial needs of the commerce of the State of

1 Oklahoma and the national defense; and cooperate with the government  
2 of the United States, the departments of the State of Oklahoma,  
3 regulatory bodies of other states, and the duly authorized officials  
4 thereof and with any organization of motor carriers in the  
5 administration and enforcement of this act.

6 B. The provisions of this act, except as hereinafter  
7 specifically limited, shall apply to the transportation of household  
8 goods and used emigrant movables by motor carriers over public  
9 highways of this state; and the regulations of such transportation,  
10 and the procurement thereof and the provisions of facilities  
11 therefor, is hereby vested in the Oklahoma Corporation Commission.

12 Nothing herein shall be construed to interfere with the exercise  
13 by agencies of the government of the United States of its power of  
14 regulation of interstate commerce.

15 C. As used in this act:

16 1. "Person" means any individual, firm, copartnership, limited  
17 partnership, corporation, limited liability corporation, company,  
18 association, or joint-stock association and includes any trustee,  
19 receiver, assignee, or personal representative thereof;

20 2. "Commission" means the Oklahoma Corporation Commission;

21 3. "Certificate" means the certificate of public convenience  
22 and necessity issued under authority of the laws of the State of  
23 Oklahoma to common carriers of household goods or used emigrant  
24 movables by motor vehicle;

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

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

7           6. "Motor carrier" includes both a common carrier by motor  
8 vehicle and a contract carrier by motor vehicle, operating upon any  
9 public highway for the transportation of household goods and used  
10 emigrant movables for compensation or for hire or for commercial  
11 purposes, and not operating exclusively within the limits of an  
12 incorporated city or town within this state;

13           7. "Common carrier by motor vehicle" means any person which  
14 holds itself out to the general public to engage in the  
15 transportation by motor vehicle in intrastate commerce of household  
16 goods or used emigrant movables or any class or classes thereof for  
17 compensation;

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

1 a. for the furnishing of transportation services through  
2 the assignment of motor vehicles for a continuing  
3 period of time to the exclusive use of each person  
4 served, or

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

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

11 10. "Intercorporate hauling" means the transportation of  
12 property, by motor vehicle, for compensation, by a carrier which is  
13 a member of a corporate family, as defined in this act, when the  
14 transportation for compensation is provided for other members of the  
15 corporate family; and

16 11. "Public highway" means every public street, road or  
17 highway, or thoroughfare in this state, used by the public, whether  
18 actually dedicated to the public and accepted by the proper  
19 authorities or otherwise.

20 D. The terms and provisions of this act shall apply to commerce  
21 with foreign nations, or commerce among the several states of this  
22 Union, insofar as such application may be permitted under the  
23 provisions of the Constitution of the United States and the Acts of  
24 Congress.

1 SECTION 2. This act shall become effective November 1, 2008.

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