

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2264 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mike Christian _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2264

By: Christian

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; amending Section
9 2, Chapter 104, O.S.L. 2006, as amended by Section
10 11, Chapter 62, O.S.L. 2007 (47 O.S. Supp. 2008,
11 Section 11-403.1), which relates to penalties for
12 failing to yield a right-of-way; requiring the
13 assessment of a certain fee; modifying fee amount;
14 making certain acts unlawful; amending 47 O.S. 2001,
15 Section 12-417, as last amended by Section 10,
16 Chapter 190, O.S.L. 2005 (47 O.S. Supp. 2008, Section
17 12-417), which relates to the Oklahoma Mandatory Seat
18 Belt Use Act; clarifying scope of certain prohibited
19 act; modifying definition of certain term; amending
20 47 O.S. 2001, Section 14-118, as last amended by
21 Section 1, Chapter 55, O.S.L. 2007 (47 O.S. Supp.
22 2008, Section 14-118), which relates to size, weight
23 and load restrictions on state highways; deleting
24 length limitation for saddlemount tow combinations;
amending 47 O.S. 2001, Section 230.6, as last amended
by Section 14, Chapter 390, O.S.L. 2004 (47 O.S.
Supp. 2008, Section 230.6), which relates to the
Oklahoma Motor Carrier Safety and Hazardous Materials
Transportation Act; clarifying scope of certain
prohibited acts; increasing amount of administrative
penalties; providing for codification; and providing
an effective date.

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

1 SECTION 1. AMENDATORY Section 2, Chapter 104, O.S.L.
2 2006, as amended by Section 11, Chapter 62, O.S.L. 2007 (47 O.S.
3 Supp. 2008, Section 11-403.1), is amended to read as follows:

4 Section 11-403.1 Any person convicted of failure to yield a
5 right-of-way and who causes a fatality or serious bodily injury as a
6 result of such violation ~~may~~ shall, in addition to any other fine or
7 penalty, be assessed a fee in an amount ~~not exceeding~~ of not less
8 than Two Hundred Dollars (\$200.00) nor more than One Thousand
9 Dollars (\$1,000.00) to be deposited in the Motorcycle Safety and
10 Education Program Revolving Fund established in Section 40-123 of
11 this title. The monies deposited as provided in this section shall
12 be used to promote public awareness of the dangers of driving while
13 under the influence of alcohol or any controlled substance and to
14 promote motorcycle safety and defensive driving for youth.

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 11-801.1 of Title 47, unless
17 there is created a duplication in numbering, reads as follows:

18 It shall be unlawful for any person to:

19 1. Possess, operate or use a radar detector while operating or
20 as a passenger in a commercial motor vehicle;

21 2. Operate a commercial motor vehicle in which a radar detector
22 is installed or present; or

23 3. Install or have installed a radar detector in a commercial
24 motor vehicle.

1 SECTION 3. AMENDATORY 47 O.S. 2001, Section 12-417, as
2 last amended by Section 10, Chapter 190, O.S.L. 2005 (47 O.S. Supp.
3 2008, Section 12-417), is amended to read as follows:

4 Section 12-417. A. 1. Every operator and front seat passenger
5 of a Class A commercial motor vehicle, Class B commercial motor
6 vehicle, Class C commercial motor vehicle, or passenger ear vehicle
7 operated in this state shall wear a properly adjusted and fastened
8 safety seat belt system, required to be installed in the motor
9 vehicle when manufactured pursuant to 49 C.F.R., Section 571.208.

10 2. For the purposes of this section, "passenger ear vehicle"
11 shall mean "~~vehicle~~" ~~as defined in Section 1102 of this title.~~
12 "~~Passenger car~~" shall include the passenger compartment of pickups,
13 vans, minivans, and sport utility vehicles. "~~Passenger car~~" a Class
14 D motor vehicle, but shall not include ~~trucks, truck tractors,~~
15 recreational vehicles, motorcycles, ~~or~~ motorized bicycles.
16 "~~Passenger car~~" shall not include, or a vehicle used primarily for
17 farm use which is registered and licensed pursuant to the provisions
18 of Section 1134 of this title.

19 B. The Commissioner of Public Safety, upon application from a
20 person who, for medical reasons, is unable to wear a safety seat
21 belt system supported by written attestation of such fact from a
22 physician licensed pursuant to Section 495 of Title 59 of the
23 Oklahoma Statutes, may issue to the person an exemption from the
24 provisions of this section. The exemption shall be in the form of a

1 restriction appearing on the driver license of the person and shall
2 remain in effect until the expiration date of the driver license.
3 Nothing in this subsection shall be construed to prevent the person
4 from applying for another exemption as provided for in this section.
5 The issuance of an attestation by a physician and the subsequent
6 issuance of an exemption by the Commissioner, in good faith, shall
7 not give rise to, nor shall the physician and the state thereby
8 incur, any liability whatsoever in damages or otherwise, to any
9 person injured by reason of failure of the person to wear a safety
10 seat belt system.

11 C. This section shall not apply to an operator of a motor
12 vehicle while performing official duties as a route carrier of the
13 U.S. Postal Service.

14 D. The Department of Public Safety shall not record or assess
15 points for violations of this section on any license holder's
16 traffic record maintained by the Department.

17 E. Fine and court costs for violating the provisions of this
18 section shall not exceed Twenty Dollars (\$20.00).

19 F. Municipalities may enact and municipal police officers may
20 enforce ordinances prohibiting and penalizing conduct under
21 provisions of this section, but the provisions of those ordinances
22 shall be the same as provided for in this section, and the
23 enforcement provisions under those ordinances shall not be more
24 stringent than those of this section.

1 SECTION 4. AMENDATORY 47 O.S. 2001, Section 14-118, as
2 last amended by Section 1, Chapter 55, O.S.L. 2007 (47 O.S. Supp.
3 2008, Section 14-118), is amended to read as follows:

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

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

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

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

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

18 B. The Transportation Commission shall prepare and publish a
19 map of the State of Oklahoma showing by appropriate symbols the
20 various highway structures and bridges in terms of maximum size and
21 weight restrictions. This map shall be titled "Oklahoma Load Limit
22 Map" and shall be revised periodically to maintain a reasonably
23 current status and in no event shall a period of two (2) years lapse
24 between revisions and publication of same. Provided, further, the

1 Secretary of the Department of Transportation shall prepare and
2 publish a map of the State of Oklahoma showing the advantages of
3 this state as a marketing, warehousing and distribution network
4 center for motor transportation sensitive industries.

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

15 D. It shall be permissible in the transportation of empty
16 trucks on any road or highway to tow by use of saddlemounts; i.e.,
17 mounting the front wheels of one vehicle on the bed of another
18 leaving the rear wheels only of such towed vehicle in contact with
19 the roadway. One vehicle may be fullmounted on the towing or towed
20 vehicles engaged in any driveaway or towaway operation. No more
21 than three saddlemounts may be permitted in such combinations. The
22 towed vehicles shall be securely fastened and operated under the
23 applicable safety requirements of the United States Department of
24 Transportation and such combinations shall not exceed an overall

1 ~~length of seventy-five (75) feet.~~ Provided, a driveaway saddlemount
2 with or without fullmount vehicle transporter combination may reach
3 an overall length of ninety-seven (97) feet on the National Network
4 of Highways.

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

21 F. Farm equipment including, but not limited to, implements of
22 husbandry as defined in Section 1-125 of this title shall be
23 exempted from the requirement for special permits due to size. Such
24 equipment may move on any highway, except those highways which are

1 part of the National System of Interstate and Defense Highways,
2 during the hours of darkness and shall be subject to the
3 requirements as provided in Section 12-215 of this title. In
4 addition to those requirements, tractors pulling machinery over
5 thirteen (13) feet wide must have two amber flashing warning lamps
6 symmetrically mounted, laterally and widely spaced as practicable,
7 visible from both front and rear, mounted at least thirty-nine (39)
8 inches high.

9 G. Any rubber-tired road construction vehicle including rubber-
10 tired truck cranes and special mobilized machinery either self-
11 propelled or drawn carrying no load other than component parts
12 safely secured to the machinery and its own weight, but which is
13 overweight by any provisions of this chapter, shall be authorized to
14 move on the highways of the State of Oklahoma. Movement of such
15 vehicles shall be authorized on the Federal Interstate System of
16 Highways only by special permit secured from the Commissioner of
17 Public Safety or an authorized representative upon determination
18 that the objectives of this section will be served by such a permit
19 and that federal weight restrictions will not be violated. The
20 special permit shall be:

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

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1 2. A special annual overweight permit which shall be issued for
2 one calendar year period upon payment of a fee of Sixty Dollars
3 (\$60.00).

4 The weight of any such vehicle shall not exceed six hundred
5 fifty (650) pounds multiplied by the nominal width of the tire. The
6 vehicle shall be required to carry the safety equipment adjudged
7 necessary for the health and welfare of the driving public. If any
8 oversized vehicle does not come under the other limitations of the
9 present laws, it shall be deemed that the same shall travel only
10 between the hours of sunrise and sunset. The vehicle, being
11 overweight but of legal dimension, shall be allowed continuous
12 travel. The vehicles, except special mobilized machinery, shall be
13 exempt from the laws of this state relating to motor vehicle
14 registration, licensing or other fees or taxes in lieu of ad valorem
15 taxes.

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

23 2. Possession of a permit shall in no way be construed as
24 exempting such equipment from the authority of the Director of the

1 Department of Transportation to restrict use of particular highways,
2 nor shall it exempt owners or operators of such equipment from the
3 responsibility for damage to highways caused by movement of the
4 equipment. Nothing in this subsection shall apply to machinery used
5 in highway construction or road material production.

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

17 4. The size of the special mobilized machinery shall not be
18 such as to create a safety hazard in the judgment of the
19 Commissioner of Public Safety. Permits for such special mobilized
20 machinery shall specify a maximum permissible road speed of the
21 lesser of fifty (50) miles per hour or the posted speed limit,
22 designate safety equipment to be carried and may exclude use of
23 highways of the interstate system.

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

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

12 SECTION 5. AMENDATORY 47 O.S. 2001, Section 230.6, as
13 last amended by Section 14, Chapter 390, O.S.L. 2004 (47 O.S. Supp.
14 2008, Section 230.6), is amended to read as follows:

15 Section 230.6 A. No person prohibited from operating a
16 commercial vehicle shall operate such commercial motor vehicle, nor
17 shall any person authorize or require a person who has been
18 prohibited from such operation of a motor vehicle to operate a
19 commercial motor vehicle.

20 B. No person shall operate, authorize to operate, or require
21 the operation of any vehicle or the use of any container ~~that~~ when
22 the person has been placed out-of-service or the vehicle or
23 container has been marked ~~out-of-service~~ out-of-service until all
24 requirements of the out-of-service order of the person have been met

1 or all required corrections for the vehicle or container have been
2 made, ~~except~~; provided, upon approval of the Department ~~such~~, the
3 vehicle or container may be moved to another location for the
4 purpose of repair or correction.

5 C. No person shall remove an out-of-service marking from a
6 ~~transport~~ vehicle or container unless all required corrections have
7 been made and the vehicle or container has been inspected and
8 approved by an authorized officer, employee, or agent of the
9 Department. No person shall return to duty unless all requirements
10 of the out-of-service order have been met and the person has been
11 approved to return to duty by an authorized officer, employee, or
12 agent of the Department.

13 D. No employer shall knowingly allow, require, permit or
14 authorize an employee to operate a commercial motor vehicle:

15 1. During any period in which the employee:

- 16 a. has had driving privileges to operate a commercial
17 motor vehicle suspended, revoked, canceled, denied or
18 disqualified,
19 b. has had driving privileges to operate a commercial
20 motor vehicle disqualified for life,
21 c. is not licensed to operate a commercial motor vehicle,
22 or
23 d. has more than one commercial driver license;

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1 2. During any period in which the employee, the commercial
2 motor vehicle which the employee is operating, the motor carrier
3 business or operation, or the employer is subject to an out-of-
4 service order; or

5 3. In violation of a federal, state, or local law, regulation,
6 or ordinance pertaining to railroad-highway grade crossings.

7 E. An employer who is determined by the Commissioner to have
8 committed a violation of subsection D of this section shall be
9 subject to an administrative penalty of not less than ~~Two Thousand~~
10 ~~Five Hundred Dollars (\$2,500.00)~~ Two Thousand Seven Hundred Fifty
11 Dollars (\$2,750.00) nor more than ~~Ten Thousand Dollars (\$10,000.00)~~
12 Twenty-five Thousand Dollars (\$25,000.00).

13 F. An employee who is determined by the Commissioner to have
14 committed a violation of any provision of this section shall be
15 subject to an administrative penalty of not less than ~~One Thousand~~
16 ~~One Hundred Dollars (\$1,100.00)~~ Two Thousand Five Hundred Dollars
17 (\$2,500.00) nor more than ~~Two Thousand Seven Hundred Fifty Dollars~~
18 ~~(\$2,750.00)~~ Five Thousand Dollars (\$5,000.00).

19 SECTION 6. This act shall become effective November 1, 2009.

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21 52-1-6675 GRS 02/03/09

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