

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend House Bill 2958 as follows:

- 1) On Page 1, Line 13 by adding new Sections 1 through 79 to read as attached;
- 2) Renumbering subsequent sections; and,
- 3) Amending the title to conform.

Submitted by:



Senator Jay Paul Gumm

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

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

6 B. It shall be the duty of the Corporation Commission to investigate and report to the Oklahoma Tax
7 Commission and the Department of Public Safety violations of their rules ~~and regulations~~ and the laws governing
8 the transportation of persons and property by motor transportation companies and all other motor carriers for hire.

9 SECTION 2. AMENDATORY 47 O.S. 2001, Section 14-110, as amended by Section 6, Chapter 522,
10 O.S.L. 2004 (47 O.S. Supp. 2008, Section 14-110), is amended to read as follows:

11 Section 14-110. The registration certificate for any truck, trailer, semitrailer or combination thereof shall be
12 carried in or on the vehicle at all times and shall be presented on demand of ~~any~~;

13 1. Any officer of the Department of Public Safety, ~~Oklahoma Corporation Commission~~, or any sheriff for
14 inspection; and #

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

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

18 SECTION 3. AMENDATORY 47 O.S. 2001, Section 14-111, as amended by Section 7, Chapter 522,
19 O.S.L. 2004 (47 O.S. Supp. 2008, Section 14-111), is amended to read as follows:

20 Section 14-111. A. In order to weigh a vehicle:

21 1. Any officer of the Department of Public Safety, ~~the Corporation Commission~~, any sheriff, or any salaried
22 deputy sheriff is authorized to stop any vehicle upon any road or highway ~~in order to~~ and weigh such vehicle by
23 means of portable or stationary scales, or cause the same to be weighed by any official weigher, or upon any
24 privately owned scales and may require that such vehicles be driven to the nearest or most convenient available
25 scales for the purpose of weighing; or

26 2. Any employee of the Corporation Commission may stop and weigh any vehicle while the vehicle is at a
27 stationary and permanent scale facility.

28 B. In the event that any axle weight or the gross weight of any such vehicle be found to exceed the
29 maximum weight authorized by law, or by permit issued therefor, the officer or employee may require, in the case of
30 separable loads, the driver, operator or owner thereof to unload at the site such portion of the load as may be
31 necessary to decrease the weight of such vehicle to the maximum weight authorized by law. Provided, however,
32 that if such load consists of livestock, perishable merchandise, or merchandise that may be destroyed by the weather,
33 then the driver shall be permitted to proceed to the nearest practical unloading point in the direction of destination
34 before discharging such excess cargo. All material so unloaded shall be cared for by the owner or operator of such
35 vehicle at the risk of such owner or operator.

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

40 2. Should the vehicle be loaded with livestock, the certificate shall include the number of animals, and
41 should the livestock be the property of more than one person, a certificate signed by each owner carrying the above
42 information including the number of animals owned by each owner shall be carried by the operator. Should the
43 operator be the owner of the merchandise or livestock, the merchandise or livestock having just been purchased, the
44 operator shall have in his or her possession a bill of sale for such merchandise or livestock. Should the operator be
45 the owner of livestock or other farm products produced by the operator, the operator shall be required to show
46 satisfactory identification and ownership of the vehicle.

47 3. a. Any officer, as outlined in this chapter, on the road or highway shall have the authority to
48 stop, or

49 b. Any employee of the Corporation Commission at a stationary and permanent scale facility
50 shall have the authority to stop,

51 any vehicle loaded with livestock, merchandise or other farm products and investigate as to the ownership of the
52 merchandise, livestock or other farm products. Should the operator of any vehicle be unable to establish to the
53 satisfaction of the officer or the employee the ownership of the merchandise, livestock or other products, or shall not
54 have certificate signed by the owner as specified in this section for the transportation of such merchandise, livestock

1 or other farm products, the merchandise, livestock or other farm products and the vehicle in which they are being
2 transported shall be impounded by the officer, or the employee shall request the impoundment by an officer, and any
3 expense as to the care of any livestock shall be the responsibility of the owner or operator of the vehicle, and any
4 loss or damage of the merchandise, livestock or other farm products shall be the responsibility of the operator or
5 owner, or both.

6 SECTION 4. AMENDATORY 47 O.S. 2001, Section 116.13, as amended by Section 8, Chapter 522,
7 O.S.L. 2004 (47 O.S. Supp. 2008, Section 116.13), is amended to read as follows:

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

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

21 SECTION 5. AMENDATORY 47 O.S. 2001, Section 116.14, as amended by Section 9, Chapter 522,
22 O.S.L. 2004 (47 O.S. Supp. 2008, Section 116.14), is amended to read as follows:

23 Section 116.14 In the event any vehicle at a stationary and permanent scale facility is found with no
24 registration, not properly registered for the load carried, or improperly registered in any manner under the provisions
25 of Section 116.2a et seq. of this title or any provisions of the motor vehicle license and registration laws of this state,
26 Corporation Commission ~~enforcement officers scale facility employees~~ shall be authorized to notify a law
27 enforcement officer to seize and take such vehicle into custody until such time as such vehicle is properly registered
28 and the license fee thereon is paid in full together with any penalty provided by law plus the cost of seizure,
29 including the reasonable cost of taking such vehicle into custody and storing it. Any load on such vehicle shall be
30 disposed of by the owner or operator of such vehicle. In the event such license fee and penalty together with the
31 cost of seizure and storage is not paid, the agency employing the law enforcement officer shall proceed to sell such
32 vehicle by posting not less than five notices of sale in five different public places in the county where such property
33 is located, one of such notices to be posted at the place where the vehicle is stored; provided, a copy of such notice
34 shall also be sent by registered mail, return receipt requested, to the last-known address of the registered owner of
35 such vehicle in question. Such vehicle shall be sold at such sale subject to the following terms and conditions:

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

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

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

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

45 Section 161. A. It is hereby declared that it is necessary in the public interest to regulate transportation by
46 motor carriers of household goods and used emigrant movables in such manner as to recognize and preserve the
47 inherent advantages of, and foster sound economic conditions in such transportation and among such carriers;
48 promote adequate, economical, efficient service by motor carriers, and reasonable charges therefor, without unjust
49 discriminations, undue preferences or advantages and unfair or destructive competitive practices; develop and
50 preserve a highway transportation system properly adapted to the agricultural, industrial and commercial needs of
51 the commerce of the State of Oklahoma and the national defense; and cooperate with the government of the United
52 States, the departments of the State of Oklahoma, regulatory bodies of other states, and the duly authorized officials
53 thereof and with any organization of motor carriers in the administration ~~and enforcement~~ of this act.

54 B. The provisions of this act, except as hereinafter specifically limited, shall apply to the transportation of

1 household goods and used emigrant movables by motor carriers over public highways of this state; and the
2 regulations of such transportation, and the procurement thereof and the provisions of facilities therefor, is hereby
3 vested in the ~~Oklahoma~~ Corporation Commission.

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

6 C. As used in this act:

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

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

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

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

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

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

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

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

- 28 a. for the furnishing of transportation services through the assignment of motor vehicles for a
29 continuing period of time to the exclusive use of each person served, or
- 30 b. for the furnishing of transportation services designed to meet the distinct need of each
31 individual customer;

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

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

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

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

42 SECTION 7. AMENDATORY 47 O.S. 2001, Section 162, as amended by Section 2, Chapter 418,
43 O.S.L. 2005 (47 O.S. Supp. 2008, Section 162), is amended to read as follows:

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

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

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

49 3. Regulate and administratively supervise the accounts, schedules and service of each such motor carrier;
50 and for the conservation of the public highways through the use of stationary and permanent scale facilities;

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

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

1 6. Supervise and administratively regulate such motor carriers in all other administrative matters affecting
2 the relationship between such carriers and the traveling and shipping public.

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

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

8 2. The Commission shall promulgate rules implementing the provisions of this subsection. Rules
9 promulgated pursuant to this subsection shall be consistent with, and equivalent in scope, coverage, and content to
10 requirements applicable to operators of vehicles transporting hazardous materials contained in the report submitted
11 to the Secretary of the United States Department of Transportation, pursuant to 49 U.S.C. 5119(b), by the Alliance
12 for Uniform Hazardous Material Transportation Procedures.

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

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

18 E. Nothing in this section shall be construed to remove or affect the jurisdiction of the Department of Public
19 Safety and its authorities, responsibilities and duties prescribed by Section 2-117 of this title and Chapter 14 of this
20 title.

21 SECTION 8. AMENDATORY 47 O.S. 2001, Section 162.1, as last amended by Section 1, Chapter 168,
22 O.S.L. 2008 (47 O.S. Supp. 2008, Section 162.1), is amended to read as follows:

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

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

29 C. The Corporation Commission is authorized to promulgate rules necessary to enable this state to
30 participate in the Unified Carrier Registration System for interstate motor carriers, brokers, forwarders and leasing
31 companies and interstate motor carriers holding intrastate authority as set forth in the Safe, Accountable, Flexible,
32 Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Subtitle C-Unified Carrier Registration
33 Act of 2005.

34 SECTION 9. AMENDATORY 47 O.S. 2001, Section 163, is amended to read as follows:

35 Section 163. A. No common carrier by motor vehicle, unless otherwise provided by this act, shall engage in
36 the transportation of household goods or used emigrant movables unless the rates, fares, and charges upon which the
37 same are transported by said carrier have been published, filed and are in effect in accordance with the provisions of
38 this act.

39 B. All charges made by any motor carrier for any intrastate service rendered or to be rendered by any motor
40 carrier in the transportation of household goods or used emigrant movables, or in connection therewith, shall be just
41 and reasonable and every unjust and unreasonable charge for such service or any part thereof is prohibited and
42 declared unlawful.

43 C. In the exercise of its power to prescribe just and reasonable rates, fares, and charges for the transportation
44 of household goods or used emigrant movables by common carriers by motor vehicle, and classifications,
45 regulations and practices relating thereto, the Corporation Commission shall give due consideration, among other
46 factors, to the need, in the public interest, of adequate and efficient transportation service by such carriers at the
47 lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable such
48 carriers to provide such service at a reasonable return to the carrier.

49 D. Every common carrier by motor vehicle shall file with the Commission, publish, and keep open to public
50 inspection tariffs showing all the rates, fares, and charges for transportation, and all services in connection therewith,
51 of household goods or used emigrant movables in intrastate commerce between points on its own route and points
52 on the route of any other such carrier when a through route and joint rate shall be established. The tariffs required
53 by this section shall be published, filed and posted in such form and manner and shall contain such information as
54 the Commission by regulations shall prescribe; and the Commission is authorized to reject any tariff filed with it the

1 form of which is not consistent with this section and with such regulations. Any tariff so rejected by the
2 Commission shall be void and its use shall be unlawful. The Commission is further authorized in its discretion to
3 suspend, upon complaint of any interested person or upon its own motion, the effectiveness of any tariff or portion
4 thereof filed with it, where it appears said tariff or portion thereof may not be consistent with this section or the
5 regulations of the Commission, and shall set the motion for hearing; and after hearing the Commission shall, within
6 ninety (90) days after hearing, amend or reject the tariff or portion thereof so filed, upon determination as to whether
7 or not it is consistent with this section and with the regulations of the Commission.

8 E. No common carrier of household goods or used emigrant movables by motor vehicle shall charge or
9 demand or collect or receive a greater, or less, or different compensation for transportation or for any service in
10 connection therewith between the points enumerated or distances set out in such tariff than the rates, fares, and
11 charges specified in the tariffs in effect at the time; and no such carrier shall refund or remit in any manner or by any
12 device, directly or indirectly, any portion of the rates, fares, or charges so specified, or extend to any person any
13 privileges or facilities for transportation in intrastate commerce except such as are specified in its tariffs. All actions
14 at law for the recovery of undercharges or overcharges, or any part thereof, shall be begun within three (3) years
15 from the time the cause of action accrues and not thereafter.

16 F. No change shall be made in any rate, fare, charge, or classification, or any rule, regulation, or practice
17 affecting such rate, fare, charge, or classification, or the value of the service thereunder, specified in any effective
18 tariff or a common carrier of household goods or used emigrant movables by motor vehicle, except after thirty (30)
19 days' notice of the proposed change filed and posted in accordance with this section. Such notice shall plainly state
20 the change proposed to be made and the time when such change will take effect. The Commission may, in its
21 discretion and for good cause shown, allow such change upon notice less than that herein specified or modify the
22 requirements of this section with respect to posting and filing of tariffs either in particular instances or by general
23 order applicable to specific or peculiar circumstances or conditions.

24 G. It shall be the duty of every contract carrier of household goods or used emigrant movables by motor
25 vehicle to establish and observe reasonable actual rates and charges, which shall not be lower than the published
26 common carrier rates and charges, for any service rendered or to be rendered in the transportation of household
27 goods or used emigrant movables or in connection therewith, and to establish and observe reasonable regulations
28 and practices to be applied in connection with said reasonable actual rates and charges. It shall be the duty of every
29 contract carrier of household goods or used emigrant movables by motor vehicle to file with the Commission,
30 publish, and keep open for public inspection, in the form and manner prescribed by the Commission, schedules
31 containing the actual rates or charges of such carrier actually maintained and charged for the transportation of
32 household goods or used emigrant movables in intrastate commerce, and any rule, regulation, or practice affecting
33 such rates or charges and the value of the service thereunder. No such contract carrier, unless otherwise provided by
34 this act, shall engage in the transportation of household goods or used emigrant movables in intrastate commerce
35 unless the actual charges for such transportation by said carrier have been published, filed and posted in accordance
36 with the provisions of this act. No change shall be made in any such charge either directly or by means of any
37 change in any rule, regulation, or practice affecting such charge or the value of service thereunder, except after thirty
38 (30) days' notice of the proposed change filed in the aforementioned form and manner; but the Commission may, in
39 its discretion and for good cause shown, allow such change upon less notice, or modify the requirements of this
40 paragraph with respect to posting and filing of such schedules, either in particular instances, or by general order
41 applicable to special or peculiar circumstances, or conditions. Such notice shall plainly state the change proposed to
42 be made and the time when such change will take effect. No such carrier shall demand, charge, or collect a different
43 compensation for such transportation than the charges filed in accordance with this paragraph, as affected by any
44 rule, regulation, or practice so filed, or as may be prescribed by the Commission from time to time, and it shall be
45 unlawful for any such carrier, by the furnishing of special services, facilities, or privileges, or by any other device
46 whatsoever, to charge or accept other than the charges so published and filed.

47 H. Whenever, after hearing, upon complaint or upon its own initiative, the Commission finds that any actual
48 rate or charge of any contract carrier of household goods or used emigrant movables by motor vehicle, or any rule,
49 regulation, or practice of any such carrier affecting such actual rate or charge, or the value of the service thereunder,
50 for the transportation of household goods or used emigrant movables or in connection therewith is in violation of
51 any provision of this act, the Commission may prescribe such just and reasonable actual rate or charge, or such rule,
52 regulation or practice as in its judgment may be necessary or desirable in the public interest and will not be in
53 violation of any provision of this act. Such actual rate or charge, or such rule, regulation, or practice so prescribed
54 by the Commission, shall give no advantage or preference to any such carrier in competition with any common

1 carrier by motor vehicle subject to this act. The Commission shall give due consideration to the cost of the services
2 rendered by such carrier and to the effect of such actual rate or charge, or such rule, regulation, or practice, upon the
3 movement of traffic by such carriers. All complaints shall state fully the facts complained of and shall be made
4 under oath.

5 I. Every motor carrier, subject to this act, receiving household goods or used emigrant movables for
6 transportation in intrastate commerce shall issue a receipt or bill of lading therefor, the form of which shall be
7 prescribed by the Commission.

8 J. No common carrier by motor vehicle shall deliver or relinquish possession at destination of any household
9 goods or used emigrant movables transported by it in intrastate commerce until all tariff rates and charges thereon
10 have been paid, except under such rules and regulations as the Commission may from time to time prescribe to
11 govern the settlement of all such rates and charges.

12 K. Any person, motor carrier, or shipper who shall willfully violate any provision of this section by any
13 means shall be deemed guilty of a misdemeanor and upon conviction thereof be fined as provided by law.

14 SECTION 10. AMENDATORY 47 O.S. 2001, Section 163.1, is amended to read as follows:

15 Section 163.1 A. The Corporation Commission is hereby authorized and empowered to appoint two tariff
16 rate field agents whose duty and function, in the public interest, it shall be to investigate, gather evidence and report
17 to the Commission in writing any violations of the provisions of Section 163 of this title any person, motor carrier,
18 or shipper.

19 B. The tariff rate field agents shall be graduates of an accredited college or university, or have had at least
20 seven (7) years' practical experience in rates or related fields in the transportation industry.

21 C. The tariff rate field agents shall be paid such salaries or compensation as is paid for similar service in this
22 state in the same or other departments of the state, and shall be allowed actual necessary travel, telephone and
23 telegraph expense incurred in the performance of their duties; the salaries and expenses to be paid out of funds
24 appropriated by the general departmental appropriations act.

25 D. When the Commission, upon complaint, or upon written report of a tariff rate field agent, has reason to
26 believe that any person, motor carrier, or shipper is or has willfully violated any provision of Section 163 of this
27 title, the Commission shall, upon its own initiative, file a contempt proceeding and set a date for the same to be
28 heard before the Commission, and upon conviction the Commission shall invoke such contempt penalties as
29 provided in Section 172 of this title.

30 SECTION 11. AMENDATORY 47 O.S. 2001, Section 165, is amended to read as follows:

31 Section 165. A. Upon the filing, by an intrastate motor carrier of household goods or used emigrant
32 movables, of an application for a permit or certificate or the transfer of a permit or certificate, the applicant shall pay
33 to the Corporation Commission a filing fee in the sum of One Hundred Dollars (\$100.00) with an original
34 application for permanent or temporary authority.

35 B. Upon the filing by an interstate motor carrier of an application to register interstate authority, or
36 supplement thereto, the applicant shall pay the Commission a filing fee as established by the Commission and in full
37 compliance with applicable federal laws and regulations.

38 C. The Commission shall, upon the receipt of any such fee, deposit the same in the State Treasury to the
39 credit of the Corporation Commission Revolving Fund.

40 SECTION 12. AMENDATORY 47 O.S. 2001, Section 166, is amended to read as follows:

41 Section 166. A. It is hereby declared unlawful for any common carrier of household goods or used emigrant
42 movables by motor vehicle to operate or furnish service within this state without having obtained from the
43 Corporation Commission a certificate declaring that public convenience and necessity require such operation, or for
44 any contract carrier of household goods or used emigrant movables by motor vehicle to operate or furnish service
45 within the state without having obtained a permit from the Commission declaring the operation shall be consistent
46 with the public interest. The Commission shall have power, and it shall be its duty after public hearing, to issue said
47 certificate or permit as prayed for, or to refuse to issue the same, or to issue it for the partial exercise only of said
48 privilege sought within sixty (60) days of final hearing, and may attach to the exercise of the rights granted by such
49 certificate or permit such terms and conditions as in its judgment the public convenience and necessity or public
50 interest may require; provided that in all such cases it will be presumed, in the absence of competent evidence to the
51 contrary, that intrastate common carriers operating under existing certificates are rendering adequate service
52 between the points or within the areas authorized to be served by them, and the applicant has the burden of proof to
53 show otherwise; and provided further, that the mere filing of an application does not authorize any person to operate
54 as a motor carrier.

1 B. In granting applications for certification or permits the Commission shall take into consideration the
2 reliability and financial condition of the applicant and his sense of responsibility toward the public; the
3 transportation service being maintained by presently existing motor carriers; and any other matters tending to show
4 the need or lack of necessity for granting said application. No permit for any contract carrier by motor vehicle shall
5 be issued without the applicant proving by competent evidence that the transport service proposed under the contract
6 is not such that it could be reasonably furnished by existing carriers, and further, that such permit would not
7 jeopardize the existing common carrier service.

8 Provided, however, that in no instance shall a contract carrier of household goods or used emigrant movables
9 by motor vehicle be authorized to serve more than six contracting shippers at any one time; provided further that
10 such contracts are to be filed and approved by the Commission before the operation thereunder.

11 C. No common motor carrier shall transport property as a contract carrier in the same truck, at the same time
12 that he is transporting property as a common motor carrier. No common motor carrier shall transport any property
13 as a contract carrier which property the carrier is authorized to so transport as a common carrier. No contract motor
14 carrier shall transport property as a common carrier in the same truck at the same time that the contract carrier is
15 transporting property as a contract carrier.

16 D. In the event a person who has once been issued a certificate or permit files an application for additional
17 authority with the Commission, each application shall be identified by consecutive subnumbers and if the
18 application is granted, the additional authority shall be incorporated under the original certificate or permit of the
19 person and identified by the applicable subnumbers. The Commission may at any time after a public hearing and for
20 good cause, suspend, alter, amend or revoke any such certificate or permit. Provided that the record owner of the
21 certificate or permit shall be entitled to have ten (10) days' written notice by certified mail from the Commission of
22 any hearing affecting the certificate or permit, except as hereinafter provided in Section 169 of this title. The right
23 of appeal from the order or orders shall be given as in other cases appealed from orders of the Commission.

24 E. No intrastate carrier shall discontinue any service authorized by permit or certificate under the provisions
25 of this act, without written authority from the Commission. Any carrier to whom a permit or certificate has been
26 issued under the provisions of this act, desiring to discontinue such service, shall apply to the Commission in writing
27 for privilege to so discontinue such service, and give notice in writing in such manner as directed by the
28 Commission, for a period of not less than thirty (30) days prior to the hearing thereof, to the public and all parties
29 interested. Upon the filing of such application for discontinuance, the Commission shall direct the type of service or
30 notice to be given for a period of not less than thirty (30) days, and fix the date of hearing thereof, at which hearing
31 the Commission shall hear evidence and issue its order granting or refusing such application, as the facts developed
32 may justify.

33 F. Permits or certificates shall not be assigned or transferred, in any manner, without authority of the
34 Commission and on written application and public hearing; the transfer of the permits or certificates shall not be
35 authorized when the Commission finds such action will be inconsistent with the public interest, or will have the
36 effect of destroying competition or creating a monopoly, nor where it appears that reasonable continuous service
37 under the authority which is sought to be transferred has not been rendered for one hundred eighty (180) days prior
38 to the application for transfer or assignment. All applications for transfer must be made on proper forms prescribed
39 by the Commission.

40 G. Motor carriers must operate and furnish service in strict conformity with the current existing terms and
41 provisions of their respective certificates or permits. Provided, that it shall not be necessary for any interstate
42 carrier, in order to obtain a permit, as herein provided, to make any showing of public need, except as to the
43 transportation of passengers or freight between points within the state, the power to regulate such operation being
44 specifically reserved herein; and provided further, the Commission shall exercise any additional power that may
45 from time to time be conferred upon the state by any Act of Congress.

46 H. The Commission shall adopt rules prescribing the manner and form in which motor carriers shall apply
47 for certificates or permits required by this section. Among other rules adopted, the application shall be in writing
48 and shall contain:

49 1. The name and address of the applicant and the names and addresses of its officers, if any;
50 2. Full information concerning the financial conditions and physical properties of the applicant;
51 3. The complete route, or routes, over which, or the area within which the applicant desires to operate; and
52 4. A schedule or tariff showing the freight rates to be charged between the several points or localities to be
53 served.

54 I. Upon filing of the application, the Commission shall, in its discretion, fix the time and place for the

1 hearing of the same, which shall not be more than forty-five (45) days after the filing of said application.

2 J. In order for the public and all interested parties to receive proper notice, in addition to any notice the
3 Commission may prescribe, the Commission shall circulate, on its own docket form, notice of all applications for, or
4 transfers of, certificates or permits to operate as a motor carrier which have been filed and are pending. The notice
5 shall be published at least fifteen (15) days prior to the date of hearing and shall show:

- 6 1. The time and place of the hearing;
- 7 2. The name and address of the applicant;
- 8 3. The route or territory involved; and
- 9 4. Such other information as the Commission may consider pertinent to the notice.

10 K. Upon written annual request and payment of an annual fee to the Commission, the publication shall
11 immediately be furnished by mail to any person by the Commission. The fee shall be set by the Commission at
12 reasonable cost and shall not exceed the actual expense of publication. The Commission shall upon receipt of any
13 fee deposit the same in the State Treasury to the credit of the General Revenue Fund.

14 SECTION 13. AMENDATORY 47 O.S. 2001, Section 166.5, is amended to read as follows:

15 Section 166.5 If this act, or any provision hereof, or the Motor Carrier Act of 1995 or any provision hereof
16 thereof is, or may be deemed to be, in conflict or inconsistent with any of the provisions of Section 18 through
17 Section 34, inclusive, of Article IX of the Constitution of the State of Oklahoma, then, to the extent of any such
18 conflicts or inconsistencies, it is hereby expressly declared that this entire act and this section are amendments to and
19 alterations of the sections of the Constitution, as authorized by Section 35 of Article IX of said Constitution.

20 SECTION 14. AMENDATORY 47 O.S. 2001, Section 166a, is amended to read as follows:

21 Section 166a. A. As used in this section:

- 22 1. "Authorized carrier" means a person or persons authorized to engage in the transportation of household
23 goods or used emigrant movables as a common or contract carrier;
- 24 2. "Equipment" means a motor vehicle, straight truck, tractor, semitrailer, full trailer, any combination of
25 these and any other type of equipment used by authorized carriers in the transportation of household goods or used
26 emigrant movables for hire;
- 27 3. "Owner" means a person to whom title to equipment has been issued, or who, without title, has the right to
28 exclusive use of equipment for a period longer than thirty (30) days;
- 29 4. "Lease" means a contract or arrangement in which the owner grants the use of equipment, with or without
30 driver, for a specified period to an authorized carrier for use in the regulated transportation of household goods or
31 used emigrant movables, in exchange for compensation;
- 32 5. "Lessor", in a lease, means the party granting the use of equipment, with or without driver, to another;
- 33 6. "Lessee", in a lease, means the party acquiring the use of equipment with or without driver, from another;
- 34 7. "Addendum" means a supplement to an existing lease which is not effective until signed by the lessor and
35 lessee; and
- 36 8. "Shipper" means a person who sends or receives household goods or used emigrant movables which is
37 transported in intrastate commerce in this state.

38 B. An authorized carrier may perform authorized transportation in equipment it does not own only under the
39 following conditions:

- 40 1. There shall be a written lease granting the use of the equipment and meeting the requirements as set forth
41 in subsection C of this section;
- 42 2. The authorized carrier acquiring the use of equipment under this section shall identify the equipment in
43 accordance with the Corporation Commission's requirements; and
- 44 3. Upon termination of the lease, the authorized carrier shall remove all identification showing it as the
45 operating carrier before giving up possession of the equipment.

46 C. The written lease required pursuant to subsection B of this section shall contain the following provisions.
47 The required lease provisions shall be adhered to and performed by the authorized carrier as follows:

- 48 1. The lease shall be made between the authorized carrier and the owner of the equipment. The lease shall
49 be signed by these parties or by their authorized representatives;
- 50 2. The lease shall specify the time and date or the circumstances on which the lease begins and ends and
51 include a description of the equipment which shall be identified by vehicle serial number, make, year, model and
52 current license plate number;
- 53 3. The period for which the lease applies shall be for thirty (30) days or more when the equipment is to be
54 operated for the authorized carrier by the owner or an employee of the owner;

1 4. The lease shall provide that the authorized carrier lessee shall have exclusive possession, control and use
2 of the equipment for the duration of the lease. The lease shall further provide that the authorized carrier lessee shall
3 assume complete responsibility for the operation of the equipment for the duration of the lease;

4 5. The amount to be paid by the authorized carrier for equipment and driver's services shall be clearly stated
5 on the face of the lease or in an addendum which is attached to the lease. The amount to be paid may be expressed
6 as a percentage of gross revenue, a flat rate per mile, a variable rate depending on the direction traveled or the type
7 of commodity transported, or by any other method of compensation mutually agreed upon by the parties to the lease.
8 The compensation stated on the lease or in the attached addendum may apply to equipment and driver's services
9 either separately or as a combined amount;

10 6. The lease shall clearly specify the responsibility of each party with respect to the cost of fuel, fuel taxes,
11 empty mileage, permits of all types, tolls, detention and accessorial services, base plates and licenses, and any
12 unused portions of such items. Except when the violation results from the acts or omissions of the lessor, the
13 authorized carrier lessee shall assume the risks and costs of fines for overweight and oversize trailers when the
14 trailers are preloaded, sealed, or the load is containerized, or when the trailer or lading is otherwise outside of the
15 lessor's control, and for improperly permitted overdimension and overweight loads and shall reimburse the lessor for
16 any fines paid by the lessor. If the authorized carrier is authorized to receive a refund or a credit for base plates
17 purchased by the lessor from, and issued in the name of, the authorized carrier, or if the base plates are authorized to
18 be sold by the authorized carrier to another lessor the authorized carrier shall refund to the initial lessor on whose
19 behalf the base plate was first obtained a prorated share of the amount received;

20 7. The lease shall specify that payment to the lessor shall be made by the authorized carrier within fifteen
21 (15) days after submission of the necessary delivery documents and other paperwork concerning a trip in the service
22 of the authorized carrier. The paperwork required before the lessor can receive payment is limited to those
23 documents necessary for the authorized carrier to secure payment from the shipper. The authorized carrier may
24 require the submission of additional documents by the lessor but not as a prerequisite to payment;

25 8. The lease shall clearly specify the right of those lessors whose revenue is based on a percentage of the
26 gross revenue for a shipment to examine copies of the authorized carrier's freight bill before or at the time of
27 settlement. The lease shall clearly specify the right of the lessor, regardless of method of compensation, to examine
28 copies of the carrier's tariff;

29 9. The lease shall clearly specify all items that may be initially paid for by the authorized carrier, but
30 ultimately deducted from the lessor's compensation at the time of payment or settlement together with a recitation as
31 to how the amount of each item is to be computed. The lessor shall be afforded copies of those documents which
32 are necessary to determine the validity of the charge;

33 10. The lease shall specify that the lessor is not required to purchase or rent any products, equipment, or
34 services from the authorized carrier as a condition of entering into the lease arrangement;

35 11. As it relates to insurance:

- 36 a. the lease shall clearly specify the legal obligation of the authorized carrier to maintain
37 insurance coverage for the protection of the public, and
38 b. the lease shall clearly specify the conditions under which deductions for cargo or property
39 damage may be made from the lessor's settlements. The lease shall further specify that the
40 authorized carrier must provide the lessor with a written explanation and itemization of any
41 deductions for cargo or property damage made from any compensation of money owed to
42 the lessor. The written explanation and itemization must be delivered to the lessor before
43 any deductions are made; and

44 12. An original and two copies of each lease shall be signed by the parties. The authorized carrier shall keep
45 the original and shall place a copy of the lease in the equipment during the period of the lease. The owner of the
46 equipment shall keep the other copy of the lease.

47 D. The provisions of this section shall apply to the leasing of equipment with which to perform
48 transportation regulated by the Corporation Commission by motor carriers holding permanent or temporary
49 authority from the Commission to transport household goods or used emigrant movables.

50 SECTION 15. AMENDATORY 47 O.S. 2001, Section 169, is amended to read as follows:

51 Section 169. A. No certificate or permit shall be issued by the Corporation Commission to any motor carrier
52 of household goods or used emigrant movables until after such motor carrier shall have filed with the Commission a
53 liability insurance policy or bond covering public liability and property damage, issued by some insurance or
54 bonding company or insurance carrier authorized as set forth below, and which has complied with all of the

1 requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in such
2 sum and amount as fixed by a proper order of the Commission; and such liability and property damage insurance
3 policy or bond shall bind the obligor thereunder to make compensation for injuries to, or death of, persons, and loss
4 or damage to property, resulting from the operation of any such motor carrier for which such carrier is legally liable.
5 A copy of the policy or bond shall be filed with the Commission, and, after judgment against the carrier for any
6 damage, the injured party may maintain an action upon the policy or bond to recover the same, and shall be a proper
7 party to maintain such action.

8 B. Every motor carrier of household goods or used emigrant movables shall file with the Commission a
9 cargo insurance policy or bond covering any goods or property being transported, issued by some insurance or
10 bonding company or insurance carrier authorized as set forth below, and which has complied with all of the
11 requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in a sum
12 and amount as fixed by a proper order of the Commission. The cargo insurance must be filed with the Commission
13 prior to a certificate or permit being issued by the Commission.

14 C. No carrier, whose principal place of business is in Oklahoma, shall conduct any operations in this state
15 unless the operations are covered by a valid primary bond or insurance policy issued by a provider authorized or
16 approved by the State Insurance Commissioner. No carrier shall conduct any operations in this state unless the
17 operations are covered by a valid bond or insurance policy issued by a provider licensed or approved by the State
18 Insurance Commissioner or the insurance regulatory authority of any other state.

19 D. Each motor carrier shall maintain on file, in full force, all insurance required by the laws of the State of
20 Oklahoma and the rules of the Commission during such motor carrier's operation and that the failure for any cause
21 to maintain such coverage in full force and effect shall immediately, without any notice from the Commission,
22 suspend such carrier's rights to operate until proper insurance is provided. Any carrier suspended for failure to
23 maintain proper insurance shall have a reasonable time, not exceeding sixty (60) days, within which to provide
24 proper insurance and to have his authority reactivated, upon showing:

25 1. No operation during the period in which he did not have insurance; and

26 2. Furnishing of proper insurance coverage.

27 E. Any carrier who fails to reactivate his or its permit or certificate within sixty (60) days after such
28 suspension, as above provided, shall have said permit or certificate canceled, by operation of law, without any notice
29 from the Commission. No certificate or permit so canceled shall be reinstated or otherwise made operative except
30 that the Commission may reinstate the authority of a motor carrier upon proper showing that the motor carrier was
31 actually covered by proper insurance during the suspension or cancellation period, and that failure to file with the
32 Commission was not due to the motor carrier's own negligence. Any carrier desiring to file for reinstatement of its
33 certificate or permit shall do so within ninety (90) days of its cancellation by law.

34 F. The Commission shall, in its discretion, permit the filing of certificates of insurance coverage on such
35 form as may be prescribed by the Commission, in lieu of copies of insurance policies or bonds, with the proviso that
36 if the certificates are authorized, the insurance company or carrier so filing it, upon request of the Commission,
37 shall, at any time, furnish an authenticated copy of the policy which the certificate represents, and further provided
38 that thirty (30) days prior to effective cancellation or termination of the policy of insurance for any cause, the insurer
39 shall so notify the Commission in writing of the facts or as deemed necessary by the Commission.

40 SECTION 16. AMENDATORY 47 O.S. 2001, Section 170, is amended to read as follows:

41 Section 170. A. Nothing contained in this act shall be construed to authorize the operation of any freight
42 vehicle in excess of the gross weight, width, length or height authorized by law.

43 B. Any person who willfully advertises to perform transportation services for which he does not hold a
44 proper certificate or permit shall be in violation of this act and subject to the penalties prescribed for contempt of the
45 Corporation Commission.

46 C. All certificates or permits issued by the Commission under any law of the state relating to motor carriers
47 shall contain the provision that the Commission reserves to itself authority to suspend and/or cancel any such
48 certificate or permit for the violation, on the part of the applicant or any operator or operators of any motor vehicle
49 to be operated thereunder, of any law of the State of Oklahoma or any rule adopted by the Commission; and the
50 Commission may cancel the certificate of any motor carrier operating as an intrastate carrier, who shall fail to remit
51 to the consignor, within ten (10) days after collection from the consignee, of any or all C.O.D. charges or
52 collections.

53 D. Certificates or permits shall be considered personal to the holder thereof and shall be issued only to some
54 definite legal entity operating motor vehicles as a motor carrier of household goods or used emigrant movables, and

1 shall not be subject to lease, nor shall the holder thereof sublet or permit the exercise, by another, in anywise, of the
2 rights or privileges granted thereunder; provided, nothing herein contained shall be construed to prohibit the
3 Commission, in case the necessities of public convenience require temporary service over any route, to grant
4 authority to another motor carrier to render such service, upon compliance with the other provisions of law
5 applicable to other motor carriers.

6 SECTION 17. AMENDATORY 47 O.S. 2001, Section 170.1, is amended to read as follows:

7 Section 170.1 A. Upon any complaint in writing under oath being made by any person, or by the
8 Corporation Commission of its own motion, setting forth any act or thing done or omitted to be done by any person
9 in violation, or claimed violation, of any provision of law, or of any order or rule of the Commission, the
10 Commission shall enter same upon its docket and shall immediately serve a copy thereof upon each defendant
11 together with a notice directed to each defendant requiring that the matter complained of be answered, in writing,
12 within ten (10) days of the date of service of such notice, provided that the Commission may, in its discretion,
13 require particular cases to be answered within a shorter time, and the Commission may, for good cause shown,
14 extend the time in which an answer may be filed.

15 Upon the filing of the answer herein provided for, the Commission shall set a time and place for the hearing,
16 and notice of the time and place of the hearing shall be served not less than ten (10) days before the time set
17 therefor, unless the Commission shall find that public necessity requires the hearing at an earlier date.

18 B. The Commission may, in all matters within its jurisdiction, issue subpoenas, subpoenas duces tecum, and
19 all necessary process in proceedings pending before the Commission; may administer oaths, examine witnesses,
20 compel the production of records, books, papers, files, documents, contracts, correspondence, agreements, or
21 accounts necessary for any investigation being conducted, and certify official acts.

22 C. In case of failure on the part of any person to comply with any lawful order of the Commission, or of any
23 Commissioner, or with any subpoena or subpoena duces tecum, or to testify concerning any matter on which he may
24 be lawfully interrogated, the Commission may compel obedience by proceedings for contempt as in the case of
25 disobedience of the requirements of a subpoena, or of the refusal to testify.

26 D. Witnesses who are summoned before the Commission shall be paid the same fees and mileage as are paid
27 to witnesses in courts of record. Any party to a proceeding at whose instance a subpoena is issued and served shall
28 pay the costs incident thereto and the fees for mileage of all his witnesses.

29 E. In the event any process shall be directed to any nonresident who is authorized to do business in this state,
30 the process may be served upon the agent designated by the nonresident for the service of process, and service upon
31 the agent shall be as sufficient and as effective as if served upon the nonresident.

32 F. All process issued by the Commission shall extend to all parts of the state and any such process, together
33 with the service of all notices issued by the Commission, as well as copies of complaints, rules, orders and
34 regulations of the Commission, may be served by any person authorized to serve process issued out of courts of
35 record, or by certified mail.

36 G. After the conclusion of any hearing, the Commission shall, within sixty (60) days, make and file its
37 findings and order, with its opinion. Its findings shall be in sufficient detail to enable any court in which any action
38 of the Commission is involved to determine the controverted questions presented by the proceeding. A copy of such
39 order, certified under the seal of the Commission, shall be served upon the person against whom it runs, or the
40 attorney of the person, and notice thereof shall be given to the other parties to the proceedings or their attorneys.
41 The order shall take effect and become operative within fifteen (15) days after the service thereof, unless otherwise
42 provided. If an order cannot, in the judgment of the Commission, be complied with within fifteen (15) days, the
43 Commission may grant and prescribe such additional time as in its judgment is reasonably necessary to comply with
44 the order, and may, on application and for good cause shown, extend the time for compliance fixed in the order.

45 H. In the event the Commission finds that the defendant is guilty upon any complaint filed and proceeding
46 had and that the provisions of law, or the rules, regulations or orders of this Commission have been willfully and
47 knowingly violated and the violator holds a permit or certificate or license issued by the Commission authorizing it
48 to engage in the transportation of persons or property for hire, then such permit or certificate or license may also be
49 revoked by the Commission.

50 I. Where a complaint is instituted by any person other than the Commission of its own motion and in the
51 event the Commission should find that the complaint was not in good faith, the complaining party shall be required
52 to pay the defendant's attorney's fee, the fee to be prescribed by the Commission in accordance with applicable
53 Oklahoma Bar Association standards.

54 J. Any person aggrieved by any findings and order of the Commission may appeal to the Supreme Court in

1 the way and manner now or hereafter provided for appeals from the district court to the Supreme Court.

2 SECTION 18. AMENDATORY 47 O.S. 2001, Section 170.2, is amended to read as follows:

3 Section 170.2 A. The Department of Public Safety, monthly, shall notify the ~~Oklahoma~~ Corporation
4 Commission of any ~~ticket issued~~ conviction for a violation of the provisions of Section 14-119 of this title, or any
5 provisions of Chapter 14 of this title or the terms of any special permit authorized pursuant to the provisions of
6 Chapter 14 of this title concerning overweight or overweight special permits.

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

22 C. The Commission, in its discretion and on its own motion, may make a contempt complaint in writing
23 under oath setting forth the violation, enter the complaint on its docket, and proceed with the matter in accordance
24 with the provisions of Sections 161 et seq. of this title or the Motor Carrier Act of 1995.

25 SECTION 19. AMENDATORY 47 O.S. 2001, Section 171, is amended to read as follows:

26 Section 171. All monies accruing to the "Corporation Commission Revolving Fund" are hereby appropriated
27 to the Corporation Commission.

28 The ~~Corporation~~ Commission is hereby authorized and empowered to employ such extra help as may be
29 necessary to carry out the provisions of this act for the ~~enforcement~~ administration of the law and the collection of
30 taxes set forth herein, said employees to be paid from the appropriations made in this section. Provided, such
31 employees shall be paid such salaries or compensation as is paid for similar service in this state in the same or other
32 departments of the state. The ~~Corporation~~ Commission is hereby authorized to pay from the "Corporation
33 Commission Revolving Fund" such extra operating expenses as may be attributable to the ~~enforcement~~
34 administration of this act, in the same manner and form as other expenses are paid.

35 Provided further, such employees shall be such extra help as may be in the judgment of the ~~Corporation~~
36 Commission necessary to aid in the ~~enforcement~~ administration of this act in addition to the positions hereinafter
37 created; the salaries and expenses of the positions hereinafter created shall be paid out of funds appropriated by the
38 general departmental appropriations act.

39 SECTION 20. AMENDATORY 47 O.S. 2001, Section 171.1, is amended to read as follows:

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

42 1. The Corporation Commission Transportation Division shall employ four special motor carrier
43 ~~enforcement~~ administrative officers and one administrative supervisor ~~officer~~ who shall have the primary duty of
44 investigating and assisting in the prosecution of persons engaged in unauthorized transportation or disposal of
45 deleterious substances as contemplated under the provisions of the Oklahoma Motor Carrier Act ~~and any other~~
46 ~~applicable provisions of law~~. Such employees shall be compensated as for similar service in the same or other
47 departments of the state and an expense allowance of One Hundred Dollars (\$100.00) per month for maintenance
48 and cleaning of uniforms and other related expenses shall be paid to such employees. Nothing in this section
49 regarding expense allowances shall be construed to mean that such employees shall receive any additional
50 compensation beyond what is provided for maintenance and cleaning of uniforms and other related expenses by the
51 Corporation Commission ~~on the effective date of this act~~.

52 2. The Commission shall purchase a sufficient number of motor vehicles to provide each motor carrier
53 ~~enforcement~~ administrative officer employed in the Transportation Division a motor vehicle suitable to carry out the
54 ~~enforcement~~ provisions of applicable law. Said vehicles shall be appropriately marked as official state vehicles ~~and~~

1 ~~radio equipped~~. All costs for operation, maintenance and replacement of the motor vehicles authorized in this
2 section shall be provided for from the Corporation Commission Revolving Fund.

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

7 SECTION 21. AMENDATORY 47 O.S. 2001, Section 172, as amended by Section 3, Chapter 238,
8 O.S.L. 2006 (47 O.S. Supp. 2008, Section 172), is amended to read as follows:

9 Section 172. A. Every owner of any motor vehicle, the agents or employees of the owner, and every other
10 person who violates or fails to comply with or procures, aids, or abets in the violation of Sections 161 through 180m
11 of this title or the Motor Carrier Act of 1995, or who fails to obey, observe, or comply with any order, decision, rule
12 or regulation, direction, demand, or requirement of the Corporation Commission, or who procures, aids or abets any
13 corporation or person in the person's, or its, refusal or willful failure to obey, observe or comply with any such order,
14 decision, rule, direction, demand, or regulation shall be deemed guilty of a misdemeanor. Upon conviction in a
15 criminal court of competent jurisdiction, such misdemeanor is punishable by a fine of not exceeding One Thousand
16 Dollars (\$1,000.00).

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

27 C. Any person failing, neglecting or refusing to comply with the provisions of Sections 161 through 180m of
28 this title or the Motor Carrier Act of 1995, or with any rule, regulation, or requirement of the ~~Corporation~~
29 Commission promulgated pursuant to the provisions of Sections 161 through 180m of this title or the Motor Carrier
30 Act of 1995, shall be guilty of contempt of the ~~Corporation~~ Commission, and shall be subject to a fine to be imposed
31 by the Corporation Commission in a sum not exceeding Five Hundred Dollars (\$500.00). Each day on which such
32 contempt occurs shall be deemed a separate and distinct offense. The maximum fine to be assessed on each day
33 shall be Five Hundred Dollars (\$500.00). All fines collected pursuant to the provisions of this section shall be
34 deposited in the State Treasury to the credit of the Corporation Commission Trucking One-Stop Shop Fund, as
35 created in Section 1167 of this title. This subsection shall not apply in the specific instance of load capacity
36 violations or violations applicable to the transportation or discharge of deleterious substances provided for by
37 specific statutory provisions.

38 D. The ~~Corporation~~ Commission shall appoint a director of transportation, a deputy director, an insurance
39 supervisor, an insurance clerk, two stenographers, a secretary to the director, an identification device supervisor and
40 an assistant identification device supervisor at such salaries as the Legislature may from time to time prescribe. The
41 employees shall be allowed actual and necessary travel expenses pursuant to the provisions of the State Travel
42 Reimbursement Act. All of the expense claims shall be presented and paid monthly.

43 E. ~~Enforcement officers, appointed by the Corporation Commission, are hereby declared to be peace officers~~
44 ~~of this state. Such officers shall be vested with all powers of peace officers in enforcing the provisions of Sections~~
45 ~~161 through 180m of this title and the Motor Carrier Act of 1995 in all parts of this state.~~

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

49 F. ~~The enforcement officers~~ A Commission employee when on duty at a stationary and permanent scale
50 facility, upon reasonable belief that any motor vehicle is being operated in violation of any provisions of Sections
51 161 through 180m of this title or the Motor Carrier Act of 1995, shall be authorized to require the driver of the
52 vehicle to stop and submit to an inspection of the identification device, or devices, in the vehicle, and to submit to
53 such ~~enforcement officer~~ employee bills of lading, waybills, or other evidences of the character of the commerce
54 being transported in such vehicle, and to submit to an inspection of the contents of such vehicle for the purpose of

1 comparing same with bills of lading or shipping documentation, waybills, or other evidences of transportation
2 carried by the driver of the vehicle. ~~The officers shall not have the right to plea bargain.~~

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

8 ~~H. The enforcement officers~~ G. Commission employees shall not have the power or right of search, nor
9 shall they have the right of power of seizure, except as provided in Sections 161 through 180m of this title or the
10 Motor Carrier Act of 1995. ~~The enforcement officers~~ Commission employees are authorized to hold and detain any
11 motor vehicle operating upon the highways of this state, if, the ~~enforcement officer~~ employee has reason to believe
12 that the vehicle is being operated contrary to the provisions of Sections 161 through 180m of this title or the Motor
13 Carrier Act of 1995, or the rules, regulations, and requirements of the Corporation Commission promulgated
14 pursuant to Sections 161 through 180m of this title or the Motor Carrier Act of 1995.

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

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

22 ~~K. J.~~ K. J. No ~~enforcement officer~~ or employee of the ~~Oklahoma Corporation~~ Commission shall have the right to
23 plea bargain in motor carrier or motor transportation matters except the chief legal counsel of the Commission or an
24 assign of the legal staff of the chief legal counsel.

25 SECTION 22. AMENDATORY 47 O.S. 2001, Section 177.2, is amended to read as follows:

26 Section 177.2 A. No motor carrier shall engage in the business of transporting any salt water, mineral
27 brines, waste oil and other deleterious substances produced from or obtained or used in connection with the drilling,
28 development, producing and operating of oil and gas wells and brine wells, for any valuable consideration whatever,
29 or in any quantity over twenty (20) gallons, without a license authorizing such operation and a deleterious substance
30 transport permit to be issued by the Corporation Commission. Provided, transportation of such substances by
31 private carrier of property by motor vehicle shall require a deleterious substance transport permit.

32 B. No carrier shall transport deleterious substances under a carrier license issued by the Commission until
33 such time as the carrier has been issued a deleterious substance transport permit.

34 C. No deleterious substance transport permit shall be issued to a motor carrier or private carrier until the
35 carrier has furnished written proof of access to a Class II disposal well or wells. Said written proof of access shall
36 be provided by the owner of such disposal well. Such disposal well must first be approved by the ~~Corporation~~
37 Commission as adequate to meet the need for proper disposal of all substances which the applicant may reasonably
38 be expected to transport as a motor carrier or private carrier. Provided, that nothing in this section shall be construed
39 as prohibiting the disposition of such deleterious substances in a disposal well that is owned by a person other than
40 the transporter.

41 D. The Commission shall maintain a current list of such permits. The Commission shall charge such annual
42 deleterious substance transport permitting fees as will cover the cost of issuing such licenses and an annual fee of
43 Two Hundred Fifty Dollars (\$250.00) for each such deleterious substance transport license. Proceeds from the fees
44 shall be deposited by the Commission in the State Treasury to the credit of the Corporation Commission Revolving
45 Fund. The provisions of this section are supplemental and are in addition to the laws applicable to motor carriers.

46 SECTION 23. AMENDATORY 47 O.S. 2001, Section 177.3, is amended to read as follows:

47 Section 177.3 A. It shall be unlawful for a motor carrier, whether private, common, or contract, to dump,
48 disperse, or otherwise release substances described in Section 177.2 of this title upon a public highway or elsewhere
49 except on property or in wells, reservoirs, or other receptacles owned, held, leased, or otherwise rightfully and
50 legally available to the motor carrier for such use and purpose.

51 B. It shall be unlawful for any motor truck or tank vehicle used to transport substances described in Section
52 177.2 of this title to have a release device located or operated in any manner from within the cab of such a motor
53 vehicle.

54 C. Any violation of the provisions of subsections A or B of this section shall constitute a misdemeanor. It

1 shall be the duty of the prosecuting attorney of the county in which a violation of the provisions of this section
2 occurs to file and prosecute the aforementioned misdemeanor charge and advise the Corporation Commission of
3 such action and the results thereof.

4 D. The ~~Oklahoma Corporation~~ Commission may initiate contempt proceedings for any violation concerning
5 disposal by a carrier of a substance described in Section 177.2 of this title. The first violation proven by the
6 Commission in any calendar year shall result in a motor carrier or private carrier being warned by the Commission
7 and, upon conviction, fined up to Two Thousand Five Hundred Dollars (\$2,500.00). A second violation proven by
8 the Commission in any calendar year shall result in a motor carrier or private carrier being placed on probation and
9 fined up to Five Thousand Dollars (\$5,000.00) by the Commission. A third violation proven by the Commission in
10 any calendar year shall result in a fine of up to Twenty Thousand Dollars (\$20,000.00), and, at the discretion of the
11 Commission, cancellation of the carrier's license for a period up to one (1) year and cancellation of a motor carrier
12 or private carrier deleterious substance transport permit. The driver of a truck, who is not the owner of the vehicle
13 used in any violation of this section described in Section 177.2 of this title or any violation of the rules and
14 regulations of the ~~Oklahoma Corporation~~ Commission, shall be adjudicated a codefendant and subject to a fine equal
15 to ten percent (10%) of the fine assessed to the owner of such vehicle, up to Five Hundred Dollars (\$500.00).

16 SECTION 24. AMENDATORY 47 O.S. 2001, Section 180, is amended to read as follows:

17 Section 180. The following words and phrases, when used in this act, shall have the meanings respectively
18 ascribed to like words and phrases by the motor carrier statutes of Oklahoma, except as herein provided:

19 1. The term "identification application" shall mean the application as provided by the Corporation
20 Commission, for making application for motor carrier vehicle identification devices; and

21 2. The term "identification device" shall mean the motor carrier vehicle identification device issued by the
22 Commission under the provisions of this act for the purpose of identifying powered motor carrier vehicles operated
23 under and coming within the provisions of this act or the Motor Carrier Act of 1995.

24 SECTION 25. AMENDATORY 47 O.S. 2001, Section 180a, is amended to read as follows:

25 Section 180a. It is hereby declared unlawful for any motor carrier, his or its agents or employees to operate
26 any powered motor vehicle, as a motor carrier for hire, within this state, without the identification device issued by
27 the Corporation Commission, said device to be displayed as provided by the rules of the Commission.

28 SECTION 26. AMENDATORY 47 O.S. 2001, Section 180b, is amended to read as follows:

29 Section 180b. The identification device shall be the property of the Corporation Commission at all times,
30 and shall be subject to seizure and confiscation by the Commission for any good cause and at the will of the
31 Commission.

32 SECTION 27. AMENDATORY 47 O.S. 2001, Section 180c, is amended to read as follows:

33 Section 180c. The Corporation Commission may issue an order for the seizure and confiscation and return to
34 the Commission of any identification device or devices, for any of the following reasons, and to direct said order or
35 orders to any officer of the State of Oklahoma charged with the duties of enforcing the provisions of this act and/or
36 any other section of the motor carrier law now in force or hereinafter enacted:

37 1. In all cases where the motor carrier has permitted the insurance coverage, as required by law to be filed
38 with the Commission, to lapse or become cancelled or for any reason to become void and fail to meet the
39 requirements as provided by law;

40 2. For failure on the part of any motor carrier, his or its agents or employees to comply with any part or
41 provision of this act, or any other act or law or part or provision thereof relative to the legal operation of a for-hire
42 motor carrier or to obey, observe or comply with any order, decision, rule or regulation, direction, demand or
43 requirement, or any part or provision thereof, of the Commission;

44 3. Upon the cancellation or revocation of the certificate or permit or IRC or license under which said
45 identification device or devices were issued; or

46 4. For operating any powered motor vehicle in violation of the terms and provisions of this act or the Motor
47 Carrier Act of 1995 and all applicable size and weight laws and safety standards of this state.

48 SECTION 28. AMENDATORY 47 O.S. 2001, Section 180d, is amended to read as follows:

49 Section 180d. The Corporation Commission shall have the power and authority by general order or
50 otherwise to promulgate rules and regulations for the administration and enforcement of the provisions of this act or
51 the Motor Carrier Act of 1995.

52 SECTION 29. AMENDATORY 47 O.S. 2001, Section 180e, is amended to read as follows:

53 Section 180e. The Corporation Commission, in its discretion, is authorized to provide for decals, cab cards,
54 or other suitable methods of identification to be displayed on or carried in the truck or powered motor vehicle.

1 SECTION 30. AMENDATORY 47 O.S. 2001, Section 180f, is amended to read as follows:

2 Section 180f. The Corporation Commission is hereby authorized to purchase said identification devices in
3 sufficient amounts to supply the demand, and to purchase such other officer supplies and equipment as is necessary
4 to administer and enforce the provisions of this act or the Motor Carrier Act of 1995, and to pay for, or cause the
5 same to be paid for, out of the appropriation provided therefor.

6 SECTION 31. AMENDATORY 47 O.S. 2001, Section 180g, is amended to read as follows:

7 Section 180g. It shall be the duty of the Corporation Commission to provide identification devices upon
8 written application of any authorized motor carrier.

9 Upon written application of any authorized motor carrier holding a certificate or permit or license issued by
10 the Commission, the Commission shall issue to the motor carrier a sufficient number of identification devices so that
11 each powered vehicle owned or to be operated by the motor carrier in the state shall bear one identification device.
12 Identification devices shall be issued on an annual basis, and applications shall be made annually on the form
13 prescribed by the Commission, and any motor carrier operating a powered vehicle without a current identification
14 device shall be in violation of the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of
15 1995.

16 It is hereby declared unlawful for any motor carrier, or agents or employees of any motor carrier, to use or
17 transfer an identification device except as provided by rules of the Commission.

18 SECTION 32. AMENDATORY 47 O.S. 2001, Section 180h, as amended by Section 4, Chapter 238,
19 O.S.L. 2006 (47 O.S. Supp. 2008, Section 180h), is amended to read as follows:

20 Section 180h. The Corporation Commission is hereby authorized to collect from applicants for motor carrier
21 and private carrier identification devices a fee of Seven Dollars (\$7.00) for registration of each of its vehicles
22 registered under the provisions of this act or the Motor Carrier Act of 1995; ~~and the~~. The fee shall be in addition to
23 any other fees now provided for by law for the registration of said motor vehicles and shall be deposited in the State
24 Treasury to the credit of the Trucking One-Stop Shop Fund.

25 SECTION 33. AMENDATORY 47 O.S. 2001, Section 180k, is amended to read as follows:

26 Section 180k. All records of the Corporation Commission under this act shall be maintained ~~in~~, and
27 classified as all other records, in the Transportation Division of the ~~Corporation~~ Commission.

28 SECTION 34. AMENDATORY 47 O.S. 2001, Section 180l, is amended to read as follows:

29 Section 180l. The Corporation Commission is hereby authorized and empowered, on behalf of the State of
30 Oklahoma, and when it shall deem it to be in the best interest of the residents of this state so to do, to enter into
31 reciprocal compacts and agreements with other states, or the authorized agencies thereof, when such states have
32 made provisions substantially similar to this section, respecting the regulation of motor vehicles engaged in
33 interstate or foreign commerce upon and over the public highways. And such compacts and agreements may
34 provide for the granting, to the residents of such states, privileges substantially similar to those granted thereby to
35 Oklahoma residents; provided: ~~(+)~~

36 1. That no such compact or agreement shall supersede or suspend the operation of any law, rule or regulation
37 of the State of Oklahoma which shall apply to vehicles operated intrastate in the State of Oklahoma; ~~(2)~~

38 2. That any privileges, the granting of which shall be provided by any such compact or agreement, shall
39 extend only in cases of full compliance with the laws of the state joining in such compact or agreement; ~~(3)~~

40 3. That no such compact or agreement shall supersede or suspend the operation of any law of the State of
41 Oklahoma other than those applying to the payment of fees for registration certificates or identification devices; ~~and~~
42 ~~(4)~~

43 4. That the powers and authority of the Oklahoma Tax Commission to administer and enforce the tax laws of
44 this state, pertaining to the taxation of motor vehicles, shall be in no manner superseded or suspended; ~~and~~

45 5. That the powers, duties and authority of the Department of Public Safety to enforce the laws of this state
46 shall not be superseded or suspended in any manner.

47 SECTION 35. AMENDATORY 47 O.S. 2001, Section 180m, is amended to read as follows:

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

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

52 2. To apprehend and detain any motor vehicle or vehicles and driver or operator and their aides who are
53 operating any motor vehicle, upon or along the highways of this state, for a reasonable length of time, for the
54 purpose of investigating and determining whether such vehicle is being operated in violation of any of the provisions

1 of Sections 180 through 180m of this title or the Motor Carrier Act of 1995;

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

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

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

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

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

13 SECTION 36. AMENDATORY 47 O.S. 2001, Section 224, is amended to read as follows:

14 Section 224. Any city of this state may, by a duly-adopted ordinance, in any manner deemed best for the
15 interest of the city, regulate the operation within the corporate limits of the city of auto buses, not operated under a
16 certificate of convenience and necessity or permit or license issued by the Corporation Commission, for the
17 transportation of passengers for hire to or from a point or points outside the corporate limits of the city, and to or
18 from points within the corporate limits of the city.

19 SECTION 37. AMENDATORY 47 O.S. 2001, Section 225, is amended to read as follows:

20 Section 225. Any city of this state may, by a duly adopted ordinance, prohibit any auto bus, being operated
21 under a certificate of convenience and necessity or permit or license issued by the Corporation Commission ~~of~~
22 ~~Oklahoma~~ transporting passengers for hire to, from or through said city from stopping, except in cases of accident or
23 other emergencies, on the streets or alleys within a specified area of the city where the traffic is congested, and
24 loading and unloading passengers while so stopped; and also prohibit the parking of any such automobile or auto
25 bus on the streets or alleys in such congested area. Nothing contained in this act shall authorize any city or town to
26 designate the location of passenger terminals or bus stations.

27 SECTION 38. AMENDATORY 47 O.S. 2001, Section 228.3, is amended to read as follows:

28 Section 228.3 The ~~Oklahoma~~ Corporation Commission shall establish an intrastate motor transportation fuel
29 surcharge for common carriers of household goods or used emigrant movables by motor vehicles over irregular
30 routes that shall in no instance be less than that established by the ~~Interstate Commerce Commission~~ United States
31 Department of Transportation for interstate transportation by like carriers.

32 SECTION 39. AMENDATORY 47 O.S. 2001, Section 228.4, is amended to read as follows:

33 Section 228.4 Except as provided herein, the provisions of Sections 161 through 180m of ~~Title 47 of the~~
34 ~~Oklahoma Statutes~~ this title are expressly made applicable to any certificate or permit issued under this act.

35 SECTION 40. AMENDATORY 47 O.S. 2001, Section 230.2, is amended to read as follows:

36 Section 230.2 A. The Legislature finds:

37 1. That the volume of hazardous and nonhazardous materials transported by motor carriers within this state
38 is substantial and the need exists to improve the enforcement of safety-related aspects of motor carrier transportation
39 for both interstate and intrastate motor carriers which is consistent with federal standards and regulations;:

40 2. That hazardous materials are essential for various industrial, commercial, and other purposes, that their
41 transportation is a necessary incident to their use, and that the transportation is required for the economic prosperity
42 of the people of the State of Oklahoma;:

43 3. That the highway movement of hazardous and nonhazardous materials poses a substantial danger to the
44 health and safety of the citizens of this state unless such materials are handled and transported in a safe and prudent
45 manner;: and

46 4. That it is in the public interest and within the police power of the state to provide for the regulation of the
47 safety-related aspects of motor carrier transportation and the handling and transportation of hazardous materials.

48 B. It is therefore declared to be the policy of the State of Oklahoma to provide regulatory and enforcement
49 authority to the ~~Oklahoma~~ Department of Public Safety to improve safety-related aspects of motor carrier
50 transportation and to protect the people against the risk to life and property inherent in the transportation of property,
51 including hazardous materials, over highways and the handling and storage incidental thereto, by keeping such risk
52 to a minimum consistent with technical feasibility and economic reasonableness and to provide uniform regulation
53 of intrastate transportation of property, including hazardous materials, consistent with federal regulation of interstate
54 transportation.

1 C. It is not the intent of the Legislature to regulate the movement of hazardous materials in such quantities
2 that would not pose a substantial danger to the public health and safety, and the Department may provide for
3 exemptions as provided for in federal regulations for farm use, and other appropriate exemptions consistent with
4 federal regulations.

5 SECTION 41. AMENDATORY 47 O.S. 2001, Section 230.3, is amended to read as follows:

6 Section 230.3 As used in the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act:

7 1. "Commerce" means trade, traffic, commerce or transportation within this state;

8 2. "Commissioner" means the Commissioner of Public Safety;

9 3. "Department" means the ~~Oklahoma~~ Department of Public Safety;

10 4. "Discharge" means leakage, seepage or other release of hazardous materials;

11 5. "Hazardous material" means a substance or material in a quantity and form determined by the United
12 States Department of Transportation to be capable of posing an unreasonable risk to health and safety or property
13 when transported in commerce;

14 6. "Person" means any natural person or individual, governmental body, firm, association, partnership,
15 copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or
16 their legal representative, agent or assigns; and

17 7. "Transports" or "transportation" means any movement of property over the highway and any loading,
18 unloading or storage incidental to such movement.

19 SECTION 42. AMENDATORY 47 O.S. 2001, Section 230.4, is amended to read as follows:

20 Section 230.4 To the extent necessary to administer the Oklahoma Motor Carrier Safety and Hazardous
21 Materials Transportation Act, and consistent with budget and manpower limitations, the Commissioner:

22 1. ~~shall~~ Shall adopt and promulgate rules and regulations in order to carry out the provisions of the
23 Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act relating to motor carrier safety in the
24 transportation of property and hazardous materials in intrastate and interstate commerce, and to coordinate the
25 implementation of a transportation emergency response system;

26 2. ~~may~~ May adopt by reference and enforce all or any portion of the federal motor carrier safety regulations
27 and the hazardous materials regulations of the United States Department of Transportation, as now or hereafter
28 amended;

29 3. ~~shall~~ Shall conduct a continuing review of all aspects of motor carrier safety and the transportation of
30 property, including hazardous materials, in order to determine and recommend appropriate steps to assure safe
31 transportation;

32 4. ~~may~~ May authorize any officer, employee or agent of the Department to:

33 a. conduct investigations; make reports; issue subpoenas; conduct hearings; require the production of
34 relevant documents, records and property; take depositions; and conduct directly or
35 indirectly research, development, demonstration and training activities,

36 b. enter upon, inspect and examine at reasonable times and in a reasonable manner, the
37 records and properties of persons to the extent such records and properties relate to motor
38 carrier safety or the transportation or shipment of hazardous materials in commerce, and to
39 inspect and copy records and papers of carriers and other persons to carry out the purposes
40 of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act,

41 c. stop and inspect any driver or commercial motor vehicle for any violation of the Oklahoma Motor
42 Carrier Safety and Hazardous Materials Transportation Act or rules and regulations issued
43 pursuant thereto,

44 d. declare and mark any transport vehicle or container as out of service if its condition, filling,
45 equipment or protective devices would be hazardous to life or property during
46 transportation, or if records thereof reflect such hazard, or if required records are
47 incomplete,

48 e. prohibit any commercial driver from transporting hazardous materials if such driver is unqualified
49 or disqualified under any federal or department regulation, and

50 f. administer and enforce the provisions of the Oklahoma Motor Carrier Safety and Hazardous
51 Materials Transportation Act and any rules and regulations issued pursuant thereto.

52 Any such officer, employee or agent shall, upon request, display proper credentials prescribed or approved
53 by the Commissioner.

54 SECTION 43. AMENDATORY 47 O.S. 2001, Section 230.5, is amended to read as follows:

1 Section 230.5 Motor carriers and other persons subject to the Oklahoma Motor Carrier Safety and Hazardous
2 Materials Transportation Act shall make available for inspection and copying their accounts, books, records,
3 memoranda, correspondence, and other documents, and shall allow their lands, buildings and equipment to be
4 examined and inspected by any officer, employee, or agent of the Department of Public Safety, including ~~members~~
5 officers of the Oklahoma Highway Patrol, upon demand and display of the credentials issued by the Corporation
6 Commissioner.

7 SECTION 44. AMENDATORY 47 O.S. 2001, Section 230.6, as last amended by Section 14, Chapter
8 390, O.S.L. 2004 (47 O.S. Supp. 2008, Section 230.6), is amended to read as follows:

9 Section 230.6 A. No person prohibited from operating a commercial vehicle shall operate such commercial
10 motor vehicle, nor shall any person authorize or require a person who has been prohibited from such operation of a
11 motor vehicle to operate a commercial motor vehicle.

12 B. No person shall operate, authorize, or require the operation of any vehicle or the use of any container that
13 has been marked out of service until all required corrections have been made, except upon approval of the
14 Department of Public Safety such vehicle or container may be moved to another location for the purpose of repair or
15 correction.

16 C. No person shall remove an out-of-service marking from a transport vehicle or container unless all
17 required corrections have been made and the vehicle or container has been inspected and approved by an authorized
18 officer, employee, or agent of the Department.

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

21 1. During any period in which the employee:

- 22 a. has had driving privileges to operate a commercial motor vehicle suspended, revoked,
23 canceled, denied or disqualified,
- 24 b. has had driving privileges to operate a commercial motor vehicle disqualified for life,
- 25 c. is not licensed to operate a commercial motor vehicle, or
- 26 d. has more than one commercial driver license;

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

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

31 E. An employer who is determined by the Corporation Commissioner to have committed a violation of
32 subsection D of this section shall be subject to an administrative penalty of not less than Two Thousand Five
33 Hundred Dollars (\$2,500.00) nor more than Ten Thousand Dollars (\$10,000.00).

34 F. An employee who is determined by the Commissioner to have committed a violation of any provision of
35 this section shall be subject to an administrative penalty of not less than One Thousand One Hundred Dollars
36 (\$1,100.00) nor more than Two Thousand Seven Hundred Fifty Dollars (\$2,750.00).

37 SECTION 45. AMENDATORY 47 O.S. 2001, Section 230.7, is amended to read as follows:

38 Section 230.7 No person shall intentionally discharge or cause to be discharged the contents of any transport
39 vehicle containing hazardous material between the points of origin and the points of billed destination, except as
40 may be authorized by the Department of Public Safety or a representative of the Department.

41 SECTION 46. AMENDATORY 47 O.S. 2001, Section 230.8, is amended to read as follows:

42 Section 230.8 A. Each person involved in an incident or accident during the transportation, loading,
43 unloading, or related storage in any place of a hazardous material subject to the provisions of Oklahoma Motor
44 Carrier Safety and Hazardous Material Transportation Act shall immediately report, by telephone, to the Department
45 if that incident or accident involves:

- 46 1. ~~a~~ A fatality due to fire, explosion, or exposure to any hazardous material;
- 47 2. ~~the~~ The hospitalization of any person due to fire, explosion, or exposure to any hazardous material;
- 48 3. ~~a~~ A continuing danger to life, health, or property at the place of the incident or accident; or
- 49 4. ~~an~~ An estimated property damage of an amount to be determined by the Corporation Commissioner by
50 regulation rule.

51 B. A written report shall be submitted by the person to the Department of Public Safety on a form prescribed
52 by the Department, or in lieu thereof, a copy of the written report submitted to the United States Department of
53 Transportation. Each report submitted shall contain the time and date of the incident or accident, a description of
54 any injuries to persons or property, any continuing danger to life at the place of the accident or incident, the identity

1 and classification of the material, and any other pertinent details.

2 C. In the case of an incident or accident involving hazardous materials which is not subject to the Oklahoma
3 Motor Carrier Safety and Hazardous Material Transportation Act but which is subject to Title 46 or Title 49 of the
4 Code of Federal Regulations, the carrier shall send a copy of the report filed with the United States Department of
5 Transportation to the Department of Public Safety.

6 SECTION 47. AMENDATORY 47 O.S. 2001, Section 230.9, as last amended by Section 15, Chapter
7 390, O.S.L. 2004 (47 O.S. Supp. 2008, Section 230.9), is amended to read as follows:

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

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

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

19 2. An act or acts other than recordkeeping requirements, which evidences a serious pattern of safety
20 violations, as determined by the Commissioner, such person shall be liable to the State of Oklahoma for an
21 administrative penalty not to exceed Two Hundred Dollars (\$200.00) for each offense, provided the maximum fine
22 for each pattern of safety violations shall not exceed One Thousand Dollars (\$1,000.00). The Commissioner may
23 consider present and prior offenses in determining a serious pattern of safety violations; or

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

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

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

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

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

44 G. An administrative penalty assessed by the Commissioner may be recovered:

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

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

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

49 H. The first One Hundred Thousand Dollars (\$100,000.00) of the administrative penalties collected each
50 fiscal year pursuant to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation
51 Act shall be deposited in the General Revenue Fund of the State of Oklahoma. All other monies collected in excess
52 of One Hundred Thousand Dollars (\$100,000.00) each fiscal year shall be deposited to the credit of the Department
53 of Public Safety Revolving Fund for the purpose of administering the Oklahoma Motor Carrier Safety and
54 Hazardous Materials Transportation Act.

1 SECTION 48. AMENDATORY 47 O.S. 2001, Section 230.10, is amended to read as follows:

2 Section 230.10 The Department of Public Safety shall exempt any vehicle in which hazardous material is
3 transported or any person who transports any hazardous material if such exemption is identical to an exemption
4 issued by the Secretary of the United States Department of Transportation and may exempt any person who
5 transports any hazardous material intrastate under similar provisions. The Department may seek exemptions
6 pursuant to federal law for transportation of those quantities of hazardous materials which do not pose a substantial
7 danger to the public health and safety.

8 SECTION 49. AMENDATORY 47 O.S. 2001, Section 230.11, is amended to read as follows:

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

16 B. The Department may enter into a cooperative agreement with the United States Department of
17 Transportation and any other federal department or agency to enforce the provisions of the Oklahoma Motor Carrier
18 Safety and Hazardous Materials Transportation Act, or regulations adopted pursuant thereto, federal motor carrier
19 safety regulations, and federal regulations governing the transportation of hazardous material. The Department may
20 receive grants, gifts and other funds, equipment and services from the federal government or other sources for this
21 purpose.

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

26 SECTION 50. AMENDATORY 47 O.S. 2001, Section 230.13, is amended to read as follows:

27 Section 230.13 The Department of Public Safety ~~and the Oklahoma Highway Patrol Division~~ shall enforce
28 the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and the rules
29 promulgated thereto.

30 SECTION 51. AMENDATORY 47 O.S. 2001, Section 230.14, is amended to read as follows:

31 Section 230.14 The Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act ~~is shall not~~
32 ~~intended be construed~~ to affect any law of this state now in effect with respect to matters relating to the
33 transportation of hazardous materials ~~but, provided, however,~~ in the case of any conflict relating to motor carrier
34 safety involving the transportation of property, or the transportation of hazardous materials, the provisions of the
35 Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall prevail.

36 SECTION 52. AMENDATORY 47 O.S. 2001, Section 230.15, as amended by Section 1, Chapter 64,
37 O.S.L. 2004 (47 O.S. Supp. 2008, Section 230.15), is amended to read as follows:

38 Section 230.15 A. Whenever the Department of Public Safety has determined that any person who is
39 regulated as a motor carrier pursuant to Sections 166 through 180m of this title has violated any provision of the
40 Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or any rule promulgated thereto, the
41 Department of Public Safety shall report such violations to the Corporation Commission for the purposes of
42 determining if such person has violated any provisions of the permit or certificate issued by the Commission
43 pursuant to any provision of Sections 166 through 180m of this title or of any rule promulgated thereto.

44 B. Every motor carrier subject to this section shall maintain liability and property damage insurance
45 covering each motor vehicle operated by the motor carrier and file proof of that insurance with the ~~Oklahoma~~
46 ~~Corporation~~ Commission. The Commission shall set the amount of necessary insurance for the transportation of all
47 commodities other than hazardous materials. The Commission may allow a motor carrier to meet its liability and
48 property damage insurance requirements through self-insurance if the motor carrier has adequate financial assets to
49 assume liability and is in substantial compliance with all motor carrier safety regulations adopted by the Department.
50 Any person who transports or who causes the transportation of any hazardous material shall be required to comply
51 with the financial responsibility requirements specified by the federal motor carrier safety regulations and the
52 hazardous materials regulations of the United States Department of Transportation provided that in no event shall
53 the financial responsibility requirement exceed One Million Dollars (\$1,000,000.00) except as otherwise specifically
54 required by federal law, or any federal rule or regulation promulgated pursuant thereto.

1 C. Any person who causes or requires any person subject to the provisions of the Oklahoma Motor Carrier
2 Safety and Hazardous Materials Transportation Act to drive at a speed or carry a load in excess of those authorized
3 by law pursuant to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall be subject
4 to the administrative penalties pursuant to the provisions of ~~this act~~ Section 230.9 of this title.

5 D. In adopting rules pursuant to the provisions of this act, the Department of Public Safety shall establish
6 limitations on driving hours for motor vehicles subject thereto that are consistent with the hours of service
7 requirements adopted by the United States Department of Transportation in the applicable part of Title 49 of the
8 Code of Federal Regulations, as those regulations now exist or are hereafter amended. Driving hours and on-duty
9 status shall not begin following less than eight (8) consecutive hours off duty. Drivers shall be regulated from the
10 time a driver first reports for duty for any employer. The rules adopted pursuant to this section shall establish the
11 following exception:

12 The maximum driving time within a work period is twelve (12) hours if the vehicle is engaged solely in
13 intrastate commerce and is not transporting hazardous materials as defined by regulations of the United States
14 Department of Transportation in the applicable section of Title 49 of the Code of Federal Regulations, as that section
15 now exists or is hereafter amended; ~~except~~ provided, however, in the event of an emergency and upon notification of
16 the nearest Oklahoma Highway Patrol troop headquarters of the Department of Public Safety, the Commissioner or
17 his designated agent shall declare an emergency and there shall be no hour restrictions for rural electric
18 cooperatives, public utilities, public service corporations or municipal employees as long as an emergency exists for
19 providing service to restore heat, light, power, water, telephone or other emergency restoration facilities that are
20 necessary to ensure the health, welfare and safety of the public.

21 E. Except as provided in subsection F of this section, any regulation relating to motor carrier safety or to the
22 transportation of hazardous materials adopted by a local government, authority, or state agency or office shall be
23 consistent with corresponding federal regulations. To the extent of any conflict between said regulations and rules
24 adopted by the Department of Public Safety under this section, rules adopted by the Department shall control.

25 F. 1. Amendments to the hours of service regulations promulgated on April 28, 2003, by the United States
26 Department of Transportation at Section 22456 of Volume 68 of the Federal Register and effective June 27, 2003,
27 shall not apply to utility service vehicles as defined in Section 395.2 of Title 49 of the Code of Federal Regulations,
28 not including television cable or community antenna service vehicles, which are owned or operated by utilities
29 regulated by the Corporation Commission or electric cooperatives and which are engaged solely in intrastate
30 commerce in this state until June 27, 2006, provided the amendments are valid and remain in effect as of that date.
31 Hours of service regulations, which are applicable in this state immediately prior to June 27, 2003, shall remain
32 applicable to utility service vehicles engaged solely in intrastate commerce in this state until June 27, 2006. If the
33 United States Department of Transportation issues an official finding that this provision may result in the loss of
34 federal Motor Carrier Safety Assistance Program funding, the Department of Public Safety may promulgate rules
35 providing for earlier implementation of the amendments to the federal hours of service regulations. If federal law or
36 regulations are amended at any time to exempt utility service vehicles from the hours of service requirements, any
37 exemption shall be effective in this state immediately for the duration of the federal exemption.

38 2. The Department of Public Safety may promulgate rules suspending the effective date for up to three (3)
39 years after the adoption of any motor carrier safety regulation by the United States Department of Transportation as
40 applied to vehicles engaged solely in intrastate commerce in this state if the suspension does not result in the loss of
41 federal Motor Carrier Safety Assistance Program funding.

42 3. The Department of Public Safety may enter into agreements with state and local emergency management
43 agencies and private parties establishing procedures for complying with Section 31502(e) of Title 49 of the United
44 States Code and federal regulations promulgated at Section 390.23 of Title 49 of the Code of Federal Regulations,
45 which provide an exemption from the hours of service regulations during certain emergencies.

46 4. The Department of Public Safety may promulgate rules granting any waiver, variance, or exemption
47 permitted under Section 31104(h) of Title 49 of the United States Code and federal regulations promulgated at
48 Sections 350.339, 350.341, 350.343 and 350.345 of Title 49 of the Code of Federal Regulations if the waiver,
49 variance, or exemption does not result in the loss of federal Motor Carrier Safety Assistance Program funding and
50 does not take effect unless approved by the United States Department of Transportation, if approval is required.

51 SECTION 53. AMENDATORY 47 O.S. 2001, Section 230.22, is amended to read as follows:

52 Section 230.22 A. It is hereby declared that it is necessary in the public interest to regulate transportation by
53 motor carriers and private carriers in such manner as to recognize the need to require all motor carriers and private
54 carriers to have adequate insurance; for motor carriers and private carriers to provide service in a safe and efficient

1 manner; and to establish that the operations of motor carriers and private carriers will not have a detrimental impact
2 on the environment.

3 B. The public policy of this state, as declared by the Legislature, requires that all existing intrastate
4 certificates and permits granted by the ~~Oklahoma~~ Corporation Commission, except household goods and used
5 emigrant movables, prior to January 1, 1995, are hereby revoked.

6 C. The provisions of the Motor Carrier Act of 1995, except as hereinafter specifically limited, shall apply to
7 the transportation of passengers or property by motor carriers and private carriers, except motor carriers of
8 household goods and used emigrant movables, over public highways of this state; and the regulations of such
9 transportation, and the procurement thereof and the provisions of facilities therefor, are hereby vested in the
10 ~~Oklahoma~~ Corporation Commission.

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

13 E. The terms and provisions of the Motor Carrier Act of 1995 shall apply to commerce with foreign nations,
14 or commerce among the several states of this Union, insofar as such application may be permitted under the
15 provisions of the Constitution of the United States and the Acts of Congress.

16 SECTION 54. AMENDATORY 47 O.S. 2001, Section 230.23, as amended by Section 13, Chapter 190,
17 O.S.L. 2005 (47 O.S. Supp. 2008, Section 230.23), is amended to read as follows:

18 Section 230.23 As used in the Motor Carrier Act of 1995:

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

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

23 3. "License" means the license issued under authority of the laws of the State of Oklahoma to motor carriers
24 and private carriers;

25 4. "Interstate Registration Certificate" (IRC) means a document issued by the Commission granting
26 permission to operate upon the highways of the State of Oklahoma in interstate commerce exempt from federal
27 motor carrier regulation;

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

30 6. "Motor carrier of persons or property" means any person, except a carrier of household goods or used
31 emigrant movables, operating upon any public highway for the transportation of passengers or property for
32 compensation or for hire or for commercial purposes, and not operating exclusively within the limits of an
33 incorporated city or town within this state. Provided, the provisions of the Motor Carrier Act of 1995 shall not apply
34 to the following vehicles and equipment when such vehicles and equipment are being used for the following:

35 a. taxicabs and bus companies engaged in the transportation of passengers and their baggage,
36 not operated between two or more cities and towns, when duly licensed by a municipal
37 corporation in which they might be doing business,

38 b. any person or governmental authority furnishing transportation for school children to and
39 from public schools or to and from public-school-related extracurricular activities under
40 contract with, and sponsored by, a public school board; provided, that motor vehicles and
41 equipment operated for the purposes shall qualify in all respects for the transportation of
42 school children under the Oklahoma School Code and the rules of the State Board of
43 Education adopted pursuant thereto;

44 c. transport trucks transporting liquefied petroleum gases intrastate which are owned or
45 operated by a person subject to and licensed by the Oklahoma Liquefied Petroleum Gas
46 Regulation Act, and

47 d. transportation of livestock and farm products in the raw state, when any of such
48 commodities move from farm to market or from market to farm on a vehicle or on vehicles
49 owned and operated by a bona fide farmer not engaged in motor vehicle transportation on a
50 commercial scale;

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

53 8. "Intercorporate hauling" means the transportation of property, by motor vehicle, for compensation, by a
54 carrier which is a member of a corporate family, as defined in the Motor Carrier Act of 1995, when the

1 transportation for compensation is provided for other members of the corporate family;

2 9. "Private carrier" means any person engaged in transportation upon public highways, of persons or
3 property, or both, but not as a motor carrier, and includes any person who transports property by motor vehicle
4 where such transportation is incidental to or in furtherance of any commercial enterprise of such person, other than
5 transportation;

6 10. "Market" means the point at which livestock and farm products in the raw state were first delivered by
7 the producer of the livestock and farm products in the raw state, upon the sale thereof;

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

10 12. "Commercial enterprise" means all undertakings entered into for private gain or compensation, including
11 all industrial pursuits, whether the undertakings involve the handling of or dealing in commodities for sale or
12 otherwise.

13 SECTION 55. AMENDATORY 47 O.S. 2001, Section 230.24, is amended to read as follows:

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

16 1. To supervise and regulate every motor carrier whether operating between fixed termini or over a regular
17 route or otherwise and not operating exclusively within the limits of an incorporated city or town in this state and all
18 private carriers operating vehicles having a gross registered weight of greater than 26,000 pounds and not operating
19 exclusively within the limits of an incorporated city or town in this state;

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

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

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

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

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

31 C. The Commission shall cooperate and coordinate with the ~~Oklahoma~~ Department of Public Safety, which
32 is the primary enforcement agency, in administratively regulating carrier safety, size and weight regulations of
33 motor vehicles and the transportation of hazardous materials which shall be accomplished by the Commission at the
34 business location of carriers or at stationary and permanent scale facilities. The Commission may enter into
35 interagency agreements with the Department of Public Safety for the purpose of ~~implementing, administering and~~
36 ~~enforcing any specific provisions, as determined by the Department,~~ of the Oklahoma Motor Carrier Safety and
37 Hazardous Materials Transportation Act and the rules ~~and regulations~~ of the Department of Public Safety issued
38 pursuant thereto; provided, the Commission shall have no authority to implement or administer any provision or rule
39 if no agreement exists.

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

43 SECTION 56. AMENDATORY 47 O.S. 2001, Section 230.25, is amended to read as follows:

44 Section 230.25 A. Every motor carrier, subject to the Motor Carrier Act of 1995, receiving property for
45 transportation in intrastate commerce shall issue a receipt or bill of lading therefor, the form of which shall be
46 prescribed by the Corporation Commission.

47 B. Any person, motor carrier, or shipper who shall willfully violate any provisions of the Motor Carrier Act
48 of 1995 by any means shall be deemed guilty of a misdemeanor and upon conviction thereof be fined as provided by
49 law.

50 SECTION 57. AMENDATORY 47 O.S. 2001, Section 230.26, is amended to read as follows:

51 Section 230.26 When the Corporation Commission, upon complaint, has reason to believe that any person,
52 motor carrier, or shipper is violating or has willfully violated any provision of the Motor Carrier Act of 1995, the
53 Commission shall, upon its own initiative, file a contempt proceeding and set a date for the proceeding to be heard
54 before the Commission, and upon conviction the Commission shall invoke such contempt penalties as provided

1 herein.

2 SECTION 58. AMENDATORY 47 O.S. 2001, Section 230.27, as amended by Section 5, Chapter 238,
3 O.S.L. 2006 (47 O.S. Supp. 2008, Section 230.27), is amended to read as follows:

4 Section 230.27 A. Upon the filing by an intrastate motor carrier or private carrier of an application for a
5 license, the applicant shall pay to the Corporation Commission a filing fee in the sum of One Hundred Dollars
6 (\$100.00) with an original or subapplication. Any valid license issued ~~will~~ shall remain in force, unless otherwise
7 revoked by the Commission in accordance with the provisions of the Motor Carrier Act of 1995, for one (1) year
8 from date of issuance.

9 B. Every motor carrier or private carrier wishing to continue operations under the original license, shall pay
10 to the ~~Corporation~~ Commission an annual renewal fee of Fifty Dollars (\$50.00). An intrastate license may be
11 renewed for up to three (3) years.

12 C. The Commission shall, upon the receipt of any fee, deposit the same in the State Treasury to the credit of
13 the Trucking One-Stop Shop Fund.

14 SECTION 59. AMENDATORY 47 O.S. 2001, Section 230.28, as last amended by Section 3, Chapter
15 418, O.S.L. 2005 (47 O.S. Supp. 2008, Section 230.28), is amended to read as follows:

16 Section 230.28 A. It shall be unlawful for any motor carrier to operate or furnish service within this state
17 without first having obtained from the Corporation Commission a license declaring that all insurance requirements
18 have been met and that the carrier will operate within all existing rules and state laws pertaining to safety standards,
19 size and weight requirements and, when applicable, lawful handling and disposal of hazardous materials and
20 deleterious substances, and will operate in such a manner as to ensure there will be no detrimental environmental
21 impact. It shall also be unlawful for any private carrier to operate or furnish service within this state without first
22 having obtained from the ~~Corporation~~ Commission a license declaring that all insurance requirements have been met
23 and that the carrier will operate within all existing rules and state laws pertaining to safety standards, size and weight
24 requirements and, when applicable, lawful handling and disposal of hazardous materials and deleterious substances,
25 and will operate in such a manner as to ensure there will be no detrimental environmental impact. The Commission
26 shall have power, and it shall be its duty, to issue the license or set the application for hearing within thirty (30) days
27 of the Commission determining that the application is complete. Any such hearing shall be scheduled to occur on a
28 date within an additional forty-five (45) business days of such determination. The mere filing of an application does
29 not authorize any person to operate as a carrier.

30 B. In granting applications for licenses, the Commission shall take into consideration the reliability of the
31 applicant; the proper equipment meeting minimum safety criteria as adequate to perform the service; and the
32 applicant's sense of responsibility toward the public and the environment.

33 C. The Commission may, at any time after a public hearing and for good cause, suspend or revoke any
34 license. Provided, the record owner of the license shall be entitled to have ten (10) days' written notice by certified
35 mail from the Commission of any hearing affecting the license, except as otherwise provided in the Motor Carrier
36 Act of 1995. The right of appeal from such order or orders shall be given as in other cases appealed from orders of
37 the Commission.

38 D. The Commission shall be authorized to exercise any additional power that may from time to time be
39 conferred upon the state by any Act of Congress. The Commission shall adopt rules prescribing the manner and
40 form in which motor carriers and private carriers shall apply for licenses required by the Motor Carrier Act of 1995.
41 Among other rules adopted, the application shall be in writing and shall set forth the following facts:

- 42 1. The name and address of the applicant and the names and addresses of its officers, if any;
- 43 2. Full information concerning the physical properties of the applicant; and
- 44 3. Such other information as the Commission may consider pertinent to the application.

45 SECTION 60. AMENDATORY 47 O.S. 2001, Section 230.29, is amended to read as follows:

46 Section 230.29 A. As used in this section:

47 1. "Authorized carrier" means a person or persons authorized to engage in the transportation of passengers or
48 property as a licensed motor carrier;

49 2. "Equipment" means a motor vehicle, straight truck, tractor, semitrailer, full trailer, any combination of
50 these and any other type of equipment used by authorized carriers in the transportation of passengers or property for
51 hire;

52 3. "Owner" means a person to whom title to equipment has been issued, or who, without title, has the right to
53 exclusive use of equipment for a period longer than thirty (30) days;

54 4. "Lease" means a contract or arrangement in which the owner grants the use of equipment, with or without

1 driver, for a specified period to an authorized carrier for use in the regulated transportation of passengers or
2 property, in exchange for compensation;

3 5. "Lessor", in a lease, means the party granting the use of equipment, with or without driver, to another;

4 6. "Lessee", in a lease, means the party acquiring the use of equipment, with or without driver, from another;

5 7. "Addendum" means a supplement to an existing lease which is not effective until signed by the lessor and
6 lessee; and

7 8. "Shipper" means a person who sends or receives passengers or property which is transported in intrastate
8 commerce in this state.

9 B. An authorized carrier may perform authorized transportation in equipment it does not own only under the
10 following conditions:

11 1. There shall be a written lease granting the use of the equipment and meeting the requirements as set forth
12 in subsection C of this section;

13 2. The authorized carrier acquiring the use of equipment under this section shall identify the equipment in
14 accordance with the requirements of the Corporation Commission; and

15 3. Upon termination of the lease, the authorized carrier shall remove all identification showing it as the
16 operating carrier before giving up possession of the equipment.

17 C. The written lease required pursuant to subsection B of this section shall contain the following provisions.
18 The required lease provisions shall be adhered to and performed by the authorized carrier as follows:

19 1. The lease shall be made between the authorized carrier and the owner of the equipment. The lease shall
20 be signed by these parties or by their authorized representatives;

21 2. The lease shall specify the time and date or the circumstances on which the lease begins and ends and
22 include a description of the equipment which shall be identified by vehicle serial number, make, year model and
23 current license plate number;

24 3. The period for which the lease applies shall be for thirty (30) days or more when the equipment is to be
25 operated for the authorized carrier by the owner or an employee of the owner;

26 4. The lease shall provide that the authorized carrier lessee shall have exclusive possession, control and use
27 of the equipment for the duration of the lease. The lease shall further provide that the authorized carrier lessee shall
28 assume complete responsibility for the operation of the equipment for the duration of the lease;

29 5. The amount to be paid by the authorized carrier for equipment and driver's services shall be clearly stated
30 on the face of the lease or in an addendum which is attached to the lease;

31 6. The lease shall clearly specify the responsibility of each party with respect to the cost of fuel, fuel taxes,
32 empty mileage, permits of all types, tolls, detention and accessorial services, base plates and licenses, and any
33 unused portions of such items. Except when the violation results from the acts or omissions of the lessor, the
34 authorized carrier lessee shall assume the risks and costs of fines for overweight and oversize trailers when the
35 trailers are preloaded, sealed, or the load is containerized, or when the trailer or lading is otherwise outside of the
36 lessor's control, and for improperly permitted overdimension and overweight loads and shall reimburse the lessor for
37 any fines paid by the lessor. If the authorized carrier is authorized to receive a refund or a credit for base plates
38 purchased by the lessor from, and issued in the name of, the authorized carrier, or if the base plates are authorized to
39 be sold by the authorized carrier to another lessor the authorized carrier shall refund to the initial lessor on whose
40 behalf the base plate was first obtained a prorated share of the amount received;

41 7. The lease shall specify that payment to the lessor shall be made by the authorized carrier within fifteen
42 (15) days after submission of the necessary delivery documents and other paperwork concerning a trip in the service
43 of the authorized carrier. The paperwork required before the lessor can receive payment is limited to those
44 documents necessary for the authorized carrier to secure payment from the shipper. The authorized carrier may
45 require the submission of additional documents by the lessor but not as a prerequisite to payment;

46 8. The lease shall clearly specify the right of the lessor, regardless of method of compensation, to examine
47 copies of the documentation of the carrier upon which charges are assessed;

48 9. The lease shall clearly specify all items that may be initially paid for by the authorized carrier, but
49 ultimately deducted from the compensation of the lessor at the time of payment or settlement together with a
50 recitation as to how the amount of each item is to be computed. The lessor shall be afforded copies of those
51 documents which are necessary to determine the validity of the charge;

52 10. The lease shall specify that the lessor is not required to purchase or rent any products, equipment, or
53 services from the authorized carrier as a condition of entering into the lease arrangement;

54 11. As it relates to insurance:

- a. the lease shall clearly specify the legal obligation of the authorized carrier to maintain insurance coverage for the protection of the public, and
- b. the lease shall clearly specify the conditions under which deductions for cargo or property damage may be made from the lessor's settlements. The lease shall further specify that the authorized carrier must provide the lessor with a written explanation and itemization of any deductions for cargo or property damage made from any compensation of money owed to the lessor. The written explanation and itemization must be delivered to the lessor before any deductions are made; and

12. An original and two copies of each lease shall be signed by the parties. The authorized carrier shall keep the original and shall place a copy of the lease in the equipment during the period of the lease. The owner of the equipment shall keep the other copy of the lease.

D. The provisions of this section shall apply to the leasing of equipment with which to perform transportation regulated by the Corporation Commission by motor carriers holding a license from the Commission to transport passengers or property.

SECTION 61. AMENDATORY 47 O.S. 2001, Section 230.30, is amended to read as follows:

Section 230.30 A. No license shall be issued by the Corporation Commission to any carrier until after the carrier shall have filed with the Commission a liability insurance policy or bond covering public liability and property damage, issued by some insurance or bonding company or insurance carrier authorized pursuant to this section and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in a sum and amount as fixed by a proper order of the Commission; and the liability and property damage insurance policy or bond shall bind the obligor thereunder to make compensation for injuries to, or death of, persons, and loss or damage to property, resulting from the operation of any carrier for which the carrier is legally liable. A copy of the policy or bond shall be filed with the Commission, and, after judgment against the carrier for any damage, the injured party may maintain an action upon the policy or bond to recover the same, and shall be a proper party to maintain such action.

B. Every motor carrier shall file with the Commission a cargo insurance policy or bond covering any goods or property being transported, issued by some insurance or bonding company or insurance carrier authorized as set forth below, and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in a sum and amount as fixed by a proper order of the Commission. The cargo insurance must be filed with the Commission prior to a license being issued by the Commission, unless the motor carrier has been exempted from this requirement.

Intrastate motor carriers of sand, rock, gravel, asphaltic mixtures or other similar road building materials shall not be required to file cargo insurance and shall be required to maintain liability insurance limits of Three Hundred Fifty Thousand Dollars (\$350,000.00) combined single limit.

No carrier, whose principal place of business is in Oklahoma, shall conduct any operations in this state unless the operations are covered by a valid primary bond or insurance policy issued by a provider authorized or approved by the State Insurance Commissioner. No carrier shall conduct any operations in this state unless the operations are covered by a valid bond or insurance policy issued by a provider authorized and approved by a National Association of Insurance Commissioners and certified by the State Insurance Commission.

C. Each carrier shall maintain on file, in full force, all insurance required by the laws of this state and the rules of the Commission during the operation of the carrier and that the failure for any cause to maintain the coverage in full force and effect shall immediately, without any notice from the Commission, suspend the rights of the carrier to operate until proper insurance is provided. Any carrier suspended for failure to maintain proper insurance shall have a reasonable time, not exceeding sixty (60) days, to have its license reactivated, and to provide proper insurance upon showing:

- 1. No operation during the period in which it did not have insurance; and
- 2. Furnishing of proper insurance coverage.

D. Any carrier who fails to reactivate its license within sixty (60) days after the suspension, as above provided, shall have the license canceled, by operation of law, without any notice from the Commission. No license so canceled shall be reinstated or otherwise made operative except that the Commission may reinstate the license of a carrier upon proper showing that the carrier was actually covered by proper insurance during the suspension or cancellation period, and that failure to file with the Commission was not due to the negligence of the carrier. Any carrier desiring to file for reinstatement of its license shall do so within ninety (90) days of its cancellation by law.

E. The Commission shall, in its discretion, permit the filing of certificates of insurance coverage or such

1 form as may be prescribed by the Commission, in lieu of copies of insurance policies or bonds, with the proviso that
2 if the certificates are authorized the insurance company or carrier so filing it, upon request of the Commission, will,
3 at any time, furnish an authenticated copy of the policy which the certificate represents, and further provided that
4 thirty (30) days prior to effective cancellation or termination of the policy of insurance for any cause, the insurer
5 shall so notify the Commission in writing of the facts or as deemed necessary by the Commission.

6 SECTION 62. AMENDATORY 47 O.S. 2001, Section 230.31, is amended to read as follows:

7 Section 230.31 A. Nothing contained in the Motor Carrier Act of 1995 shall be construed to authorize the
8 operation of any passenger or freight vehicle in excess of the gross weight, width, length or height authorized by
9 law.

10 B. Any person who willfully advertises to perform transportation services for which the person does not hold
11 a license shall be in violation of the Motor Carrier Act of 1995 and subject to the penalties prescribed for contempt
12 of the Corporation Commission.

13 C. All licenses issued by the Commission under any law of the state relating to motor carriers or private
14 carriers shall contain the provision that the Commission reserves to itself authority to suspend or cancel any such
15 license for the violation, on the part of the applicant or any operator or operators of any motor vehicle to be operated
16 thereunder, of any law of this state or any rule adopted by the Commission.

17 D. Licenses shall be considered personal to the holder of the license and shall be issued only to some definite
18 legal entity operating motor vehicles as a motor carrier or private carrier, and shall not be subject to lease, nor shall
19 the holder of the license sublet or permit the exercise, by another, of the rights or privileges granted under the
20 license.

21 SECTION 63. AMENDATORY 47 O.S. 2001, Section 230.32, is amended to read as follows:

22 Section 230.32 The Corporation Commission shall have the power and authority by general order or
23 otherwise to promulgate rules and regulations for the administration and enforcement of the provisions of the Motor
24 Carrier Act of 1995.

25 SECTION 64. AMENDATORY Section 2, Chapter 140, O.S.L. 2006 (47 O.S. Supp. 2008, Section
26 230.34a), is amended to read as follows:

27 Section 230.34a A. Any person, firm, partnership, limited liability company, or corporation owning or
28 possessing a vehicle and required to register the vehicle under the laws of this state for the purpose of transporting
29 farm products in a raw state may receive a harvest permit from the ~~Oklahoma~~ Corporation Commission.

30 B. The harvest permit shall be recognized in lieu of registration, fuel permit and intrastate operating
31 authority in this state. The harvest permit shall be issued to the operating motor carrier.

32 C. Each permit shall be valid for a period of thirty (30) or sixty (60) days. The permit shall identify the time
33 and date of its issuance and shall additionally reflect its effective and expiration dates.

34 D. The following information shall be required of an applicant for a harvest permit and shall apply to each
35 vehicle to be operated under the permit:

36 1. Owner of the vehicle;

37 2. Vehicle registrant;

38 3. Make, model, year, license plate number, state of registration and VIN of each vehicle which will be
39 operated under the permit; and

40 4. The operating carrier must provide a certificate that each vehicle is operating under a liability insurance
41 policy valid in Oklahoma for Three Hundred Fifty Thousand Dollars (\$350,000.00) or more.

42 E. There shall be a fee of Twenty Dollars (\$20.00) per axle for a thirty-day permit or Thirty-five Dollars
43 (\$35.00) per axle for a sixty-day permit, for each vehicle registered pursuant to the Motor Carrier Harvest Permit
44 Act of 2006. Revenue derived from this fee shall be apportioned as follows:

45 1. One-half (1/2) of the revenue shall be deposited in the Weigh Station Improvement Revolving Fund as set
46 forth in Section 1167 of Title 47 of the Oklahoma Statutes; and

47 2. ~~The remaining amount~~ One-half (1/2) shall be deposited in the One-Stop Trucking Fund as set forth in
48 Section 1167 of Title 47 of the Oklahoma Statutes.

49 F. A harvest permit may be extended in fifteen-day increments. The permit holder shall be required to pay
50 the additional prorated portion of the tag fee at Eight Dollars and seventy-five cents (\$8.75) per axle per fifteen-day
51 extension.

52 G. An application for a harvest permit shall be made to the ~~Corporation~~ Commission. The ~~Corporation~~
53 Commission shall allow applications to be submitted by facsimile and electronically. The Commission must
54 provide reasonable access for persons to obtain a harvest permit before taking enforcement action.

1 H. If found to be in violation of the Motor Carrier Harvest Permit Act of 2006 for failure to obtain or
2 maintain a current harvest permit, the operating carrier shall post bond in the amount of the cost of the harvest
3 permit and shall be allowed seventy-two (72) hours to apply for the permit. If the operating carrier makes
4 application within seventy-two (72) hours, the bond amount will be applied toward the harvest permit fee.

5 I. A harvest permit does not exempt its holder from federal or state safety regulations nor from the state's
6 size and weight laws or rules.

7 J. The ~~Corporation~~ Commission may enter into an agreement with any person or corporation located within
8 or outside of the state for transmission of harvest permits by way of facsimile or other device when the Corporation
9 Commission determines that such agreements are in the best interest of the state.

10 K. The ~~Corporation~~ Commission may promulgate rules to administer the provisions of the Motor Carrier
11 Harvest Permit Act of 2006.

12 SECTION 65. AMENDATORY Section 3, Chapter 140, O.S.L. 2006, as amended by Section 1,
13 Chapter 243, O.S.L. 2006 (47 O.S. Supp. 2008, Section 230.34b), is amended to read as follows:

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

- 17 1. Involved in a collision;
- 18 2. Being subjected to a Commercial Vehicle Safety Alliance (CVSA) inspection by the Department of Public
19 Safety; or
- 20 3. Operated on any highway of the national defense highway system.

21 SECTION 66. AMENDATORY 47 O.S. 2001, Section 1115, as last amended by Section 8, Chapter
22 238, O.S.L. 2006 (47 O.S. Supp. 2008, Section 1115), is amended to read as follows:

23 Section 1115. A. Unless provided otherwise by statute, the following vehicles shall be registered annually:
24 manufactured homes, vehicles registered with a permanent nonexpiring license plate pursuant to Section 1113 of
25 this title, and commercial vehicles registered pursuant to the installment plan provided in subsection H of Section
26 1133 of this title. The following schedule shall apply for such vehicle purchased in this state or brought into this
27 state by residents of this state:

- 28 1. Between January 1 and March 31, the payment of the full annual fee shall be required;
- 29 2. Between April 1 and June 30, the payment of three-fourths (3/4) the annual fee shall be required;
- 30 3. Between July 1 and September 30, the payment of one-half (1/2) the annual fee shall be required; and
- 31 4. Between October 1 and November 30, one-fourth (1/4) the annual fee shall be required.

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

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

43 2. All fleet vehicles registered pursuant to new applications approved pursuant to the provisions of Section
44 1120 of this title shall be registered on a staggered system monthly basis.

45 3. Applicants seeking to establish Oklahoma as the base jurisdiction for registering apportioned fleet
46 vehicles shall have a one-time option of registering for a period of not less than six (6) months nor greater than
47 eighteen (18) months. Subsequent renewals for these registrants will be for twelve (12) months, expiring on the last
48 day of the month chosen by the registrant under the one-time option as provided herein. In addition, registrants with
49 multiple fleets may designate a different registration month of expiration for each fleet.

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

51 4. Effective January 1, 2004, all motorcycles and mopeds shall be registered on a staggered system of
52 registration. The Oklahoma Tax Commission shall notify in writing, prior to December 1, 2003, all owners of
53 motorcycles or mopeds registered as of such date, who shall have a one-time option of registering for a period of not
54 less than three (3) months nor greater than fifteen (15) months. Subsequent renewals for these registrants will be for

1 twelve (12) months, expiring on the last day of the month chosen by the registrant under the one-time option as
2 provided herein. All motorcycles and mopeds registered pursuant to new applications received on or after
3 December 1, 2003, shall also be registered pursuant to the provisions of this paragraph.

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

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

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

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

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

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

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

29 1. A penalty of not ~~less~~ more than Fifty Dollars (\$50.00) shall be imposed upon any person found to be
30 operating a commercial vehicle sixty (60) days after the end of the month in which the license plate or registration
31 credentials expire without the current year license plate or registration credential displayed. ~~Such penalty shall not~~
32 ~~exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section~~
33 ~~1167 of this title.~~ Revenue from such penalties shall be apportioned as provided in Section 1167 of this title;

34 2. A penalty of not ~~less~~ more than Fifty Dollars (\$50.00) shall be imposed for any person operating a
35 commercial vehicle subject to the provisions of Section 1120 or Section 1133 of this title without the proper display
36 of, or, carrying in such commercial vehicle, the identification credentials issued by the Corporation Commission as
37 evidence of payment of the fee or tax as provided in Section 1120 or Section 1133 of this title. ~~Such penalty shall~~
38 ~~not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of~~
39 ~~Section 1167 of this title.~~ Revenue from such penalties shall be apportioned as provided in Section 1167 of this title;
40 and

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

45 E. The Tax Commission, or Corporation Commission with respect to vehicles registered under Section 1120
46 or Section 1133 of this title, shall assess the registration fees and penalties for the year or years a vehicle was not
47 registered. For vehicles not registered for two (2) or more years, the registration fees and penalties shall be due only
48 for the current year and one (1) previous year.

49 F. In addition to any other penalty prescribed by law, there shall be a penalty of not less than Twenty Dollars
50 (\$20.00) upon a finding by an ~~enforcement officer~~ employee of the Corporation Commission at a stationary and
51 permanent scale facility that:

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

54 2. The registration fees for a vehicle that is subject to the registration fees pursuant to Section 1132 of this

1 title have not been paid.

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

5 G. If a vehicle is donated to a nonprofit charitable organization, the nonprofit charitable organization shall be
6 exempt from paying any current or past due registration fees, excise tax, transfer fees, and penalties and interest.
7 However, after the donation, if the person donating the vehicle, or someone on behalf of such person, purchases the
8 same vehicle back from the nonprofit charitable organization to which the vehicle was donated, such person shall be
9 liable for all current and past-due registration fees, excise tax, title or transfer fees, and penalties and interest on such
10 vehicle.

11 SECTION 67. AMENDATORY 47 O.S. 2001, Section 1115.1, as amended by Section 14, Chapter 522,
12 O.S.L. 2004 (47 O.S. Supp. 2008, Section 1115.1), is amended to read as follows:

13 Section 1115.1 In addition to the penalties provided in the Oklahoma Vehicle License and Registration Act,
14 after ninety (90) days from the expiration date for annual registration of a vehicle, the ~~Corporation Commission,~~
15 Department of Public Safety, county sheriffs, and all other duly authorized peace officers of this state may seize and
16 take into custody ~~every, and any employee of the Corporation Commission may notify a law enforcement officer to~~
17 ~~seize and take into custody, any~~ vehicle owned within this state not bearing or displaying a proper license plate
18 required by the Oklahoma Vehicle License and Registration Act. The vehicle shall not be released to the owner
19 until it is duly registered and the license, registration, or title fee and penalties due are paid in full, proof of security
20 or an affidavit that the vehicle will not be used on public highways or public streets, as required pursuant to Section
21 7-600 et seq. of this title, is furnished, and the cost of seizure, including the reasonable cost of taking the vehicle into
22 custody and storing the vehicle, have been paid. In the event the owner of any vehicle seized fails to pay such fees
23 and penalties due, together with cost of seizure and storage, and fails to provide proof of security or an affidavit that
24 the vehicle will not be used on public highways or public streets, the ~~Corporation Commission~~ employing agency of
25 the officer seizing the vehicle shall proceed to sell the vehicle by posting not fewer than five notices of sale in five
26 different public places in the county where the vehicle is located, one of such notices to be posted at the place where
27 the vehicle is stored. A copy of the notice shall also be sent by certified mail, restricted delivery, with return receipt
28 requested, to the last-known address of the registered owner of the vehicle. The vehicle shall be sold at such sale
29 subject to the following terms and conditions:

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

33 2. In the event the sale price is less than the total costs of sale, seizure, and the fee and penalty, the vehicle
34 shall be sold as junk to the highest bidder, whereupon the bidder shall receive a certificate of purchase; and if the
35 vehicle be dismantled, the record to the junked vehicle shall be canceled. If not dismantled, the vehicle shall be
36 immediately registered; and

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

39 SECTION 68. AMENDATORY 47 O.S. 2001, Section 1123, is amended to read as follows:

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

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

48 Such compacts and agreements shall not operate to supersede or suspend the application of any laws of this
49 state, except insofar as they apply to the payment of vehicle license fees or other motor vehicle taxes charged
50 residents of the states with which such compacts and agreements are made; provided, however, that the power and
51 authority and discretion of the Corporation Commission to make and ~~enforce~~ administer rules ~~and regulations~~
52 governing motor carriers for hire, or to grant or deny certificates or permits to motor carriers for hire shall not be
53 superseded or suspended by any such compact and agreement.

54 SECTION 69. AMENDATORY 47 O.S. 2001, Section 1133, as last amended by Section 6, Chapter

1 168, O.S.L. 2008 (47 O.S. Supp. 2008, Section 1133), is amended to read as follows:

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

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

7	1. From 8,001 pounds to 15,000 pounds	\$ 95.00
8	2. From 15,001 pounds to 18,000 pounds	120.00
9	3. From 18,001 pounds to 21,000 pounds	155.00
10	4. From 21,001 pounds to 24,000 pounds	190.00
11	5. From 24,001 pounds to 27,000 pounds	225.00
12	6. From 27,001 pounds to 30,000 pounds	260.00
13	7. From 30,001 pounds to 33,000 pounds	295.00
14	8. From 33,001 pounds to 36,000 pounds	325.00
15	9. From 36,001 pounds to 39,000 pounds	350.00
16	10. From 39,001 pounds to 42,000 pounds	375.00
17	11. From 42,001 pounds to 45,000 pounds	400.00
18	12. From 45,001 pounds to 48,000 pounds	425.00
19	13. From 48,001 pounds to 51,000 pounds	450.00
20	14. From 51,001 pounds to 54,000 pounds	475.00
21	15. From 54,001 pounds to 57,000 pounds	648.00
22	16. From 57,001 pounds to 60,000 pounds	681.00
23	17. From 60,001 pounds to 63,000 pounds	713.00
24	18. From 63,001 pounds to 66,000 pounds	746.00
25	19. From 66,001 pounds to 69,000 pounds	778.00
26	20. From 69,001 pounds to 72,000 pounds	817.00
27	21. From 72,001 pounds to 73,280 pounds	857.00
28	22. From 73,281 pounds to 74,000 pounds	870.00
29	23. From 74,001 pounds to 75,000 pounds	883.00
30	24. From 75,001 pounds to 76,000 pounds	896.00
31	25. From 76,001 pounds to 77,000 pounds	909.00
32	26. From 77,001 pounds to 78,000 pounds	922.00
33	27. From 78,001 pounds to 79,000 pounds	935.00
34	28. From 79,001 pounds to 80,000 pounds	948.00
35	29. From 80,001 pounds to 81,000 pounds	961.00
36	30. From 81,001 pounds to 82,000 pounds	974.00
37	31. From 82,001 pounds to 83,000 pounds	987.00
38	32. From 83,001 pounds to 84,000 pounds	1000.00
39	33. From 84,001 pounds to 85,000 pounds	1013.00
40	34. From 85,001 pounds to 86,000 pounds	1026.00
41	35. From 86,001 pounds to 87,000 pounds	1039.00
42	36. From 87,001 pounds to 88,000 pounds	1052.00
43	37. From 88,001 pounds to 89,000 pounds	1065.00
44	38. From 89,001 pounds to 90,000 pounds	1078.00

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

52 C. In addition to the fees required by subsection A of this section, there shall be paid a registration fee of
53 Forty Dollars (\$40.00) upon the first registration in this state after July 1, 1985, and upon the transfer of ownership
54 of any frac tank, as defined by Section 54 of Title 17 of the Oklahoma Statutes, rental trailer, commercial trailer or

1 semitrailer designed to be pulled and usually pulled by a truck or truck-tractor.

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

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

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

14 Any frac tank, commercial trailer or semitrailer licensed pursuant to this section shall not be permitted to be
15 operated on the highways of this state when such frac tank, commercial trailer or semitrailer is being operated by a
16 resident of this state, or is being operated by a person operating a vehicle or vehicles domiciled in this state and
17 required by law to be licensed in Oklahoma, unless the pulling truck or truck-tractor has been licensed pursuant to
18 this section. In no event shall any truck, truck-tractor, frac tank, trailer, or semitrailer used in the furtherance of any
19 commercial enterprise be permitted to operate on the highways of this state or register at a smaller license fee than
20 that prescribed in this section except as provided in this section.

21 D. For each fiscal year, notwithstanding the provisions of Section 1104 of this title, the first Four Hundred
22 Thousand Dollars (\$400,000.00) of all monies collected pursuant to subsections A, B and C of this section shall be
23 paid by the Tax Commission to the State Treasurer of the State of Oklahoma who shall deposit same each fiscal
24 year, or such lesser amount as may accrue each fiscal year, under the provisions of this section to the credit of the
25 General Revenue Fund of the State Treasury. All monies collected in excess of Four Hundred Thousand Dollars
26 (\$400,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title.

27 E. If any vehicle is used for a purpose other than that for which it has been registered, the owner of the
28 vehicle shall be required to immediately reregister the vehicle at the appropriate rate. If any vehicle is placed or
29 operated upon any street, road or highway of this state with a laden weight in excess of that for which it is licensed,
30 the license fee for such increased laden weight shall become due, and the owner of the vehicle shall be required to
31 immediately reregister the vehicle at the increased rate. Provided that, in either event there shall be credited upon
32 the increased license fee for such reregistration for any portion of the year or period remaining after the change in
33 use or increase in laden weight shall have occurred a proportionate part of the license fees previously paid. If this
34 reregistration is made voluntarily by the owner, the ratable proportion of the credit allowed shall be determined as of
35 the date the reregistration is voluntarily made. If the reregistration is not voluntarily made but occurs as a result of
36 the discovery by any law enforcement officer of an improper operation of the vehicle, that shall be considered prima
37 facie evidence that it has been improperly registered for the entire portion of the year covered by the improper
38 registration. Provided further that the ratable credit shall be allowed only on the first reregistration of any vehicle
39 during any calendar year. If, during the calendar year, subsequent changes of license plate are desired, the ratable
40 credit shall not be allowed but the owner of the vehicle shall be required to pay the license fee due for that portion of
41 the calendar year remaining without benefit of any additional credits. No owner of a motor vehicle shall possess at
42 any time more than one license plate for any vehicle owned by such person. No reregistration shall be made until
43 the current license plate previously issued has been surrendered.

44 Any person who has paid a fee under the terms and provisions of this subsection may at any time within one
45 (1) year after the payment of such fee file with the Tax Commission or Corporation Commission a claim under oath
46 for refund stating the grounds therefor. However, the Tax Commission or Corporation Commission shall allow
47 refunds only where the amount of tax paid has been erroneously computed or determined through clerical errors or
48 miscalculations. No refund shall be allowed by the Tax Commission or Corporation Commission of a tax paid by
49 the person where such payment is made through a mistake as to the legal misinterpretation or construction of the
50 provisions of this section. Any refunds made by the Tax Commission or Corporation Commission pursuant to this
51 subsection shall be made out of any monies collected pursuant to this subsection and which have not been
52 apportioned.

53 F. The annual license fee required by this section is intended to cover only the motor vehicle for which it is
54 issued. The Tax Commission or Corporation Commission upon application, when a licensed truck-tractor has been

1 destroyed by fire or accident, shall credit the unused portion of the annual license fee of the vehicle toward the
2 license fee of a replacement vehicle of equal registered weight. The amount of credit shall not exceed the license fee
3 due on the replacement vehicle. The Tax Commission or Corporation Commission shall not be required to make a
4 refund. If the replacement vehicle is to be registered at a greater weight, the applicant shall pay an additional sum
5 equivalent to the difference between the unused portion of the annual license fee for the original motor vehicle and
6 the license fee due for the replacement motor vehicle.

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

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

16 This subsection shall not operate to reduce the amount of the license fees due. If any installment is not paid
17 on or before the date due, all unpaid installments of license fees for such year on each vehicle shall be deemed
18 delinquent and immediately due and payable, and there shall be added a penalty of twenty-five cents (\$0.25) per day
19 to the balance of the license fee due on each vehicle for each day the balance remains unpaid up to thirty (30) days,
20 after which the penalty due on each vehicle shall be Twenty-five Dollars (\$25.00). The penalty for vehicles
21 registered by weight in excess of eight thousand (8,000) pounds shall be an amount equal to the license fee. On and
22 after the thirtieth day each such vehicle involved shall be considered as improperly licensed and as not currently
23 registered, and all of the provisions of the Oklahoma Vehicle License and Registration Act relating to enforcement,
24 including the provisions for the seizure and sale of vehicles not registered and not displaying current license plates,
25 shall apply to the vehicles.

26 All fees and taxes levied by the Oklahoma Vehicle License and Registration Act shall become and remain a
27 first lien upon the vehicle upon which the fees or taxes are due until paid. The lien shall have priority to all other
28 liens. No title to any vehicle may be transferred until the unpaid balance on the vehicle has been paid in full.
29 Provided that any unpaid balance of the license fees shall remain and become a lien against any and all property of
30 the owner, both real and personal, for so long as any license tag fee balance shall remain unpaid. Any unpaid
31 balance under these provisions shall be immediately due and payable by the owner if any vehicle is sold, wrecked,
32 or otherwise retired from service.

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

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

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

51 The penalty shall be not ~~less~~ more than Twenty Dollars (\$20.00) when such vehicle exceeds the laden weight
52 or combined laden weight by two thousand one (2,001) pounds; thereafter, an additional penalty of not less than
53 Twenty Dollars (\$20.00) shall be imposed for each additional one thousand (1,000) pounds or fraction thereof of
54 weight in excess of the registered laden weight or combined laden weight. ~~Such penalty shall not exceed the amount~~

1 established by the Corporation Commission pursuant to the provisions of subsection A of Section 1167 of this title.
2 Revenue from such penalties shall be apportioned as provided in Section 1167 of this title.

3 SECTION 70. AMENDATORY 47 O.S. 2001, Section 1133.2, as amended by Section 20, Chapter 522,
4 O.S.L. 2004 (47 O.S. Supp. 2008, Section 1133.2), is amended to read as follows:

5 Section 1133.2 A. Every commercial motor vehicle, whether private, contract or for hire, of twenty-six
6 thousand (26,000) pounds or greater weight shall display the name of the vehicle registrant on each side of the
7 vehicle in two-inch letters or greater which shall be legible from a distance of fifty (50) feet. The city or town
8 serving as the registrant's principal place of business or postal address shall be displayed in two-inch letters or
9 greater on each side of the vehicle adjacent to the registrant's name. Provided however, in the instance of an
10 Interstate Motor Carrier the address need not be displayed if the Interstate Commerce Commission number is
11 displayed on the vehicle.

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

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

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

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

25 SECTION 71. AMENDATORY 47 O.S. 2001, Section 1140, as last amended by Section 1, Chapter
26 383, O.S.L. 2008 (47 O.S. Supp. 2008, Section 1140), is amended to read as follows:

27 Section 1140. A. In municipalities having a population in excess of eight thousand five hundred (8,500)
28 located in a county having a population in excess of one hundred thirty thousand (130,000), according to the latest
29 Federal Decennial Census, the Oklahoma Tax Commission shall adopt rules prescribing minimum qualifications and
30 requirements for locating motor license agencies and for persons applying for appointment as a motor license agent.
31 Such qualifications and requirements shall include, but not be limited to, the following:

- 32 1. Necessary job skills and experience;
- 33 2. Minimum office hours;
- 34 3. Provision for sufficient staffing, equipment, office space and parking to provide maximum efficiency and
35 maximum convenience to the public;
- 36 4. Obtainment of a faithful performance surety bond as provided for by law;
- 37 5. A requirement that operation of a motor license agency be the primary source of income for said agent;
- 38 6. That the applicant has not been convicted of a felony and that no felony charges are pending against the
39 applicant;
- 40 7. That a complete financial statement be submitted by the applicant on forms provided by the Tax
41 Commission;
- 42 8. That a report of the applicant's credit history be obtained through the appropriate credit bureau; and
- 43 9. That the location specified in the application for appointment as a motor license agent not be owned by a
44 member of the Oklahoma Legislature or any person related to a member of the Oklahoma Legislature within the
45 third degree by consanguinity or affinity and that the location not be within a three-mile radius of an existing motor
46 license agency unless the applicant is assuming the location of an operating agency. The Tax Commission may, at
47 its discretion, approve the relocation of an existing agency within a three-mile radius of another existing agency only
48 if a naturally intervening geographic barrier within that radius causes the locations to be separated by not less than
49 three (3) miles of roadway by the most direct route.

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

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

54 Any person making application to the Tax Commission for the purpose of becoming a motor license agent

1 shall pay when submitting the application, a nonrefundable application fee of One Hundred Dollars (\$100.00). All
2 such application fees shall be deposited in the Oklahoma Tax Commission Revolving Fund.

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

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

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

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

19 Such agents shall be self-employed independent contractors, and all agents shall be under the supervision of
20 the Tax Commission; provided, any agent authorized to issue registrations pursuant to the International Registration
21 Plan shall also be under the supervision of the Corporation Commission, subject to rules promulgated by the
22 Corporation Commission pursuant to the provisions of subsection E of Section 1166 of this title. Any such agent,
23 upon being appointed, shall furnish and file with the Tax Commission a bond in such amount as may be fixed by the
24 Tax Commission. Such agent shall be removable at the will of the Tax Commission. Such agent shall perform all
25 duties and do such things in the administration of the laws of this state as shall be enjoined upon and required by the
26 Tax Commission or the Corporation Commission. Provided, the Tax Commission may operate a motor license
27 agency in any county where a vacancy occurs.

28 C. In the event of a vacancy existing by reason of resignation, removal, death or otherwise, in the position of
29 any motor license agent, the Tax Commission is hereby empowered and authorized to take any and all actions it
30 deems appropriate in order to provide for the orderly transition and for the maintenance of operations of the motor
31 license agency including but not limited to the designation of one of its regular employees to serve as "acting agent"
32 without bond, and to receive and expend all fees or charges authorized or provided by law and exercise the same
33 powers and authority as a regularly appointed motor license agent. An acting agent may be authorized by the Tax
34 Commission equally as the preceding agent to make disbursements from any balances in the preceding motor license
35 agent's operating account and the agent's operating funds for the payment of expenses of operations and salaries and
36 other overhead. If such funds are insufficient, the Tax Commission is authorized to expend from funds appropriated
37 for the operation of the Tax Commission such amounts as are necessary to maintain and continue the operation of
38 any such motor license agency until a successor agent is appointed and qualified. The Tax Commission may require
39 a blanket fiduciary bond of the agency employees.

40 D. Any motor license agency operated by a motor license agent who has been charged with a felony shall be
41 closed immediately. The State Auditor and Inspector shall immediately conduct an audit of such motor license
42 agency and forward the report of the audit to the Tax Commission for review. The Tax Commission shall determine
43 whether the motor license agency shall be reopened and operated by the motor license agent or whether the agency
44 shall be reopened and operated by the Tax Commission. The review of the audit and the Tax Commission
45 determination shall be effected as soon as possible to prevent additional inconvenience to the public.

46 E. When an application for registration is made with the Tax Commission, Corporation Commission or a
47 motor license agent, a registration fee of One Dollar and seventy-five cents (\$1.75) shall be collected for each
48 license plate or decal issued. Such fees shall be in addition to the registration fees on motor vehicles and when an
49 application for registration is made to the motor license agent such motor license agent shall retain a fee as provided
50 in Section 1141.1 of this title. When the fee is paid by a person making application directly with the Tax
51 Commission or Corporation Commission, as applicable, the registration fees shall be in the same amount as
52 provided for motor license agents and the fee provided by Section 1141.1 of this title shall be deposited in the
53 Oklahoma Tax Commission Revolving Fund or as provided in Section 1167 of this title, as applicable. The Tax
54 Commission shall prepare schedules of registration fees and charges for titles which shall include the fees for such

1 agents and all fees and charges paid by a person shall be listed separately on the application and registration and
2 totaled on the application and registration. The motor license agents shall charge only such fees as are specifically
3 provided for by law, and all such authorized fees shall be posted in such a manner that any person shall have notice
4 of all fees that are imposed by law.

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

- 7 1. Any member of the Oklahoma Legislature;
- 8 2. Any person who has served as a member of the Oklahoma Legislature within the two-year period
9 preceding the date of appointment as motor license agent; or
- 10 3. Any employee of the Tax Commission.

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

15 SECTION 72. AMENDATORY 47 O.S. 2001, Section 1151, as last amended by Section 37, Chapter 1,
16 O.S.L. 2007 (47 O.S. Supp. 2008, Section 1151), is amended to read as follows:

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

- 18 1. To lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title,
19 license plate or decal issued to or in the custody of the person so lending or permitting the use thereof;
- 20 2. To alter or in any manner change a certificate of title, registration certificate, license plate or decal issued
21 under the laws of this or any other state;
- 22 3. To procure from another state or country, or display upon any vehicle owned by such person within this
23 state, except as otherwise provided in the Oklahoma Vehicle License and Registration Act, any license plate issued
24 by any state or country other than this state, unless there shall be displayed upon such vehicle at all times the current
25 license plate and decal assigned to it by the Oklahoma Tax Commission or the Corporation Commission or the
26 vehicle shall display evidence that the vehicle is registered as a nonresident vehicle pursuant to rules promulgated by
27 the Tax Commission, with the concurrence of the Department of Public Safety. A violation of the provisions of this
28 paragraph shall be presumed to have occurred if a person who is the holder of an Oklahoma driver license operates a
29 vehicle owned by such person on the public roads or highways of this state and there is not displayed on the vehicle
30 a current Oklahoma license plate and decal, unless the vehicle is owned by a member of the Armed Forces of the
31 United States assigned to duty in this state in compliance with official military or naval orders or the spouse of such
32 a member of the Armed Forces;
- 33 4. To drive, operate or move, or for the owner to cause or permit to be driven or moved, upon the roads,
34 streets or highways of this state, any vehicle loaded in excess of its registered laden weight, or which is licensed for
35 a capacity less than the manufacturer's rated capacity as provided for in the Oklahoma Vehicle License and
36 Registration Act;
- 37 5. To operate a vehicle without proper license plate or decal or on which all taxes due the state have not been
38 paid;
- 39 6. To buy, sell or dispose of, or possess for sale, use or storage, any secondhand or used vehicle on which the
40 registration or license fee has not been paid, as required by law, and on which vehicle the person neglects, fails or
41 refuses to display at all times the license plate or decal assigned to it;
- 42 7. To give a fictitious name or fictitious address or make any misstatement of facts in application for
43 certificate of title and registration of a vehicle;
- 44 8. To purchase a license plate on an assigned certificate of title. This particular paragraph shall be applicable
45 to all persons except a bona fide registered dealer in used cars who are holders of a current and valid used car dealer
46 license;
- 47 9. To operate a vehicle upon the highways of this state after the registration deadline for that vehicle without
48 a proper license plate, as prescribed by the Oklahoma Vehicle License and Registration Act, for the current year;
- 49 10. For any owner of a vehicle registered on the basis of laden weight to fail or refuse to weigh or reweigh it
50 when requested to do so by any law enforcement officer charged with the duty of enforcing this law;
- 51 11. To operate or possess any vehicle which bears a motor number or serial number other than the original
52 number placed thereon by the factory except a number duly assigned and authorized by the state;
- 53 12. For any motor license agent to release a license plate, a manufactured home registration receipt, decal or
54 excise tax receipt to any unauthorized person or source, including any dealer in new or used motor vehicles.

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

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

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

8 Any person convicted of violating any provision of this subsection, other than paragraph 3 of this subsection,
9 shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed Five
10 Hundred Dollars (\$500.00). Any person convicted of violating the provisions of paragraph 3 of this subsection shall
11 be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred
12 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) and shall be required to obtain an Oklahoma
13 license plate. ~~Employees of the Corporation Commission may be authorized by the Corporation Commission to
14 issue citations to motor carriers or operators of commercial motor vehicles, pursuant to the jurisdiction of the
15 Corporation Commission, for a violation of this subsection. If a person convicted of violating the provisions of this
16 subsection was issued a citation by a duly authorized employee of the Corporation Commission, the fine herein
17 levied shall be apportioned as provided in Section 1167 of this title.~~

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

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

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

24 3. Remove or alter a manufactured home registration receipt, manufactured home registration decal or excise
25 tax receipt attached to a certificate of title or attach such receipts to a certificate of title with the intent to
26 misrepresent the payment of the required excise tax and registration fees;

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

29 5. Purchase identification, manufactured home registration receipt, manufactured home registration decal or
30 excise tax receipt on an assigned certificate of title.

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

32 C. In the event a new vehicle is not registered within thirty (30) days from date of purchase, the penalty for
33 the failure of the owner of the vehicle to register the vehicle within thirty (30) days shall be Twenty-five Dollars
34 (\$25.00); provided, that in no event shall the penalty exceed an amount equal to the license fee. The penalty for new
35 commercial vehicles shall be equal to the license fee for such vehicles.

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

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

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

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

51 2. Golf carts;

52 3. Go-carts; and

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

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

2 F. Any person violating paragraph 3 or 6 of subsection A of this section, in addition to the penal provisions
3 provided in this section, shall pay as additional penalty a sum equal to the amount of license fees due on such
4 vehicle or registration fees due on a manufactured home known to be in violation and such amount is hereby
5 declared to be a lien upon the vehicle as provided in the Oklahoma Vehicle License and Registration Act. In
6 addition to the penalty provisions provided in this section, any person violating paragraph 3 of subsection A of this
7 section shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of One Hundred
8 Dollars (\$100.00).

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

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

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

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

20 SECTION 73. AMENDATORY Section 2, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2008, Section
21 1166), is amended to read as follows:

22 Section 1166. A. Effective July 1, 2004, all powers, duties and responsibilities exercised by the Motor
23 Vehicle Enforcement Section shall be transferred from the Oklahoma Tax Commission to the Corporation
24 Commission. Beginning July 1, 2004, and effective July 1, 2005, all powers, duties and responsibilities exercised by
25 the International Registration Plan Section and the International Fuel Tax Agreement Section shall be transferred
26 from the Tax Commission to the Corporation Commission. All records, property and matters pending of the
27 sections shall be transferred to the Corporation Commission. ~~Funds sufficient to administer the powers, duties and
28 responsibilities exercised by these sections shall be appropriated or allocated to the Corporation Commission for
29 fiscal year 2005 as provided herein. Such funds appropriated or allocated to the Corporation Commission shall not
30 be subject to budgetary limitations. The Director of State Finance is hereby authorized to transfer such funds as may
31 be necessary to effect such allocations.~~

32 B. ~~The period of July 1, 2004, through June 30, 2005, shall be a transitional period in which the Corporation
33 Commission shall gradually assume complete administration and management over the powers, duties,
34 responsibilities and staff currently carrying out the administration of the International Registration Plan Section and
35 the International Fuel Tax Agreement Section. During this transition period, the employees assigned to the
36 International Registration Plan Section and the International Fuel Tax Agreement Section shall continue to be
37 employees of the Tax Commission unless otherwise agreed to by the Tax Commission and the Corporation
38 Commission. Effective July 1, 2005, the International Registration Plan Section and the International Fuel Tax
39 Agreement Section shall be administered solely by the Corporation Commission. For the period of July 1, 2004,
40 through June 30, 2005, the Corporation Commission and the Tax Commission shall enter into a contract whereby
41 funds shall be paid to the Tax Commission by the Corporation Commission in exchange for the Tax Commission's
42 agreement to continue to operate the International Registration Plan Section and the International Fuel Tax
43 Agreement Section.~~

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

46 D. All employees of the Tax Commission whose duties are transferred under this act shall be transferred to
47 the Corporation Commission. Personnel transferred pursuant to the provisions of this section shall not be required
48 to accept a lesser salary than presently received; provided, the provisions of this section shall not operate to prohibit
49 the Corporation Commission or the Tax Commission from imposing furloughs or reductions-in-force with respect to
50 such personnel as allowed by law. Personnel transferred shall be placed within the classification level in which they
51 meet qualifications without an entrance exam. All such persons shall retain seniority, leave, sick and annual time
52 earned and any retirement benefits which have accrued during their tenure with the Tax Commission. The transfer
53 of personnel among the agencies shall be coordinated with the Office of Personnel Management.

54 E. Effective July 1, 2004, any administrative rules promulgated by the Tax Commission related to the

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

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

13 SECTION 74. AMENDATORY Section 3, Chapter 522, O.S.L. 2004, as last amended by Section 1,
14 Chapter 102, O.S.L. 2008 (47 O.S. Supp. 2008, Section 1167), is amended to read as follows:

15 Section 1167. A. The Corporation Commission is hereby authorized to promulgate rules pursuant to the
16 Administrative Procedures Act to establish the amounts of fees, ~~finer and penalties~~ as set forth in this act. The
17 Corporation Commission shall notify all interested parties of any proposed rules to be promulgated as provided
18 herein and shall provide such parties an opportunity to be heard prior to promulgation.

19 B. The Corporation Commission shall adjudicate ~~enforcement~~ administrative actions initiated by
20 Corporation Commission personnel.

21 C. Revenue derived from all ~~finer and penalties~~ fees collected or received by the Corporation Commission
22 pursuant to the provisions of this act shall be apportioned as follows:

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

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

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

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

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

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

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

35 The fund shall be a continuing fund, not subject to fiscal year limitations, and shall not be subject to
36 legislative appropriation. Monies in the Trucking One-Stop Shop Fund shall only be expended for direct expenses
37 relating to the Trucking One-Stop Shop Act. Expenditures from the revolving fund shall be made pursuant to the
38 laws of this state. In addition, expenditures from the revolving fund may be made pursuant to The Oklahoma
39 Central Purchasing Act for the purpose of immediately responding to emergency situations, within the
40 Commission's jurisdiction, having potentially critical environmental or public safety impact. Warrants for
41 expenditures from the fund shall be drawn by the State Treasurer against claims filed as prescribed by law with the
42 Director of State Finance for approval and payment.

43 E. There is hereby created in the State Treasury a revolving fund for the Department of Transportation to be
44 designated the "Weigh Station Improvement Revolving Fund". The fund shall be a continuing fund, not subject to
45 fiscal year limitations, and shall consist of all monies deposited thereto. All monies accruing to the credit of the
46 fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of constructing,
47 equipping and maintaining facilities to determine the weight of vehicles traveling on the roads and highways of this
48 state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as
49 prescribed by law with the Director of State Finance for approval and payment.

50 SECTION 75. AMENDATORY Section 4, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2008, Section
51 1168), is amended to read as follows:

52 Section 1168. All facilities and equipment under the administrative control of the Oklahoma Tax
53 Commission and used for determining the weight of vehicles operated on the roads or highways of this state are
54 hereby transferred to the Department of Transportation. Any funds appropriated to or any powers, duties and

1 responsibilities exercised by the Tax Commission for such purpose shall be transferred to the Department. The
2 Director of State Finance is hereby authorized to transfer such funds as may be necessary. The Department is
3 hereby authorized to enter into an agreement with the Corporation Commission to operate ~~such~~ stationary and
4 permanent scale facilities or equipment. The provisions of this section shall not be construed to obligate the
5 Department to incur expenses in connection with the administration of such facilities and equipment in an amount
6 which exceeds deposits to the Weigh Station Improvement Revolving Fund.

7 SECTION 76. AMENDATORY Section 11, Chapter 238, O.S.L. 2006 (47 O.S. Supp. 2008, Section
8 1169), is amended to read as follows:

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

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

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

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

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

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

21 B. The interest or penalty or any portion thereof ordinarily accruing by failure of the motor carrier, registrant
22 or licensee to properly file a report or return may be waived or reduced by the ~~Corporation~~ Commission. No interest
23 or penalties in excess of Ten Thousand Dollars (\$10,000.00) shall be allowed except by order of the Commission.

24 C. The ~~Corporation~~ Commission shall promulgate rules setting forth the revocation, suspension or denial of
25 a motor carrier or commercial motor vehicle certificate, registration, license or permit issued pursuant to the
26 jurisdiction of the ~~Corporation~~ Commission. The ~~Corporation~~ Commission shall additionally promulgate rules
27 allowing for the collection and remittance of financial liabilities owed by a motor carrier, registrant, licensee or
28 permittee to a state or province participating with the ~~Corporation~~ Commission in a uniform base state program or to
29 another state agency.

30 D. Upon the revocation or expiration of any motor carrier or commercial motor vehicle license, permit,
31 registration or certificate issued pursuant to the jurisdiction of the ~~Corporation~~ Commission, all accrued taxes, fees
32 and penalties due and payable under the terms of state law, rules or order imposing or levying such tax, fee or
33 penalty shall become due and payable concurrently upon the revocation or expiration of the license, permit,
34 registration or certificate and the licensee, permittee, registrant or certificate holder shall forthwith make a report
35 covering the period of time not covered by preceding reports filed by said person and ending with the date of the
36 revocation or expiration and shall pay all such taxes, fees or penalties owed.

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

41 SECTION 77. AMENDATORY Section 12, Chapter 238, O.S.L. 2006 (47 O.S. Supp. 2008, Section
42 1170), is amended to read as follows:

43 Section 1170. A. Reports and files of the Corporation Commission concerning the administration of the
44 International Registration Plan and the International Fuel Tax Agreement, shall be considered confidential and
45 privileged, except as otherwise provided for by law, and neither the Commission nor any employee engaged in the
46 administration of the International Registration Plan or International Fuel Tax Agreement or charged with the
47 custody of any such reports or records nor any person who may have secured such reports or records from the
48 Commission shall disclose any information obtained from the reports or records of any person.

49 B. The provisions of this section shall not prevent the Commission from disclosing the following
50 information and no liability whatsoever, civil or criminal, shall attach to any member of the Commission or any
51 employee thereof for any error or omission in the disclosure of such information:

52 1. The delivery to a taxpayer or a duly authorized representative of the taxpayer of a copy of any report or
53 any other paper filed by the taxpayer pursuant to the provisions of the International Registration Plan or the
54 International Fuel Tax Agreement;

1 2. The exchange of information that is not protected by the federal Privacy Protection Act, 42 U.S.C.,
2 Section 2000aa et seq., pursuant to reciprocal agreements or compacts entered into by the Commission and other
3 state agencies or agencies of the federal government;

4 3. The publication of statistics so classified as to prevent the identification of a particular report and the
5 items thereof;

6 4. The examination of records and files by the State Auditor and Inspector or the duly authorized agents of
7 the State Auditor and Inspector;

8 5. The disclosing of information or evidence to the Oklahoma State Bureau of Investigation, Attorney
9 General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, any district attorney, or agent of any
10 federal law enforcement agency when the information or evidence is to be used by such officials to investigate or
11 prosecute violations of the criminal provisions of the Uniform Tax Procedure Code or of any state tax law or of any
12 federal crime committed against this state. Any information disclosed to the Oklahoma State Bureau of
13 Investigation, Attorney General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, any district
14 attorney, or agent of any federal law enforcement agency shall be kept confidential by such person and not be
15 disclosed except when presented to a court in a prosecution for violation of the tax laws of this state or except as
16 specifically authorized by law, and a violation by the Oklahoma State Bureau of Investigation, Attorney General,
17 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, district attorney, or agent of any federal law
18 enforcement agency by otherwise releasing the information shall be a felony;

19 6. The use by any division of the Commission of any information or evidence in the possession of or
20 contained in any report or return filed or documents obtained by the Commission in the administration of the
21 International Fuel Tax Agreement or the International Registration Plan;

22 7. The furnishing, at the discretion of the Commission, of any information disclosed by its records or files to
23 any official person or body of this state, any other state, the United States, or foreign country who is concerned with
24 the administration or assessment of any similar tax in this state, any other state or province or the United States;

25 8. The furnishing of information as to the issuance or revocation of any registration or license by the
26 Commission as provided for by law. Such information shall be limited to the name of the person issued the permit
27 or license, the name of the business entity authorized to engage in business pursuant to the permit or license, the
28 address of the business entity, and the grounds for revocation;

29 9. The disclosure of information to any person for a purpose as authorized by the taxpayer pursuant to a
30 waiver of confidentiality. The waiver shall be in writing and shall be made upon such form as the Commission may
31 prescribe;

32 10. The disclosure of information directly involved in the resolution of the protest by a taxpayer to an
33 assessment of tax or additional tax or the resolution of a claim for a refund filed by a taxpayer, including the
34 disclosure of the pendency of an administrative proceeding involving such protest or claim, to a person called by the
35 Commission as an expert witness or as a witness whose area of knowledge or expertise specifically addresses the
36 issue addressed in the protest or claim for refund. Such disclosure to a witness shall be limited to information
37 pertaining to the specific knowledge of that witness as to the transaction or relationship between taxpayer and
38 witness;

39 11. The furnishing to a prospective purchaser of any business, or his or her authorized representative, of
40 information relating to any liabilities, delinquencies, assessments or warrants of the prospective seller of the
41 business which have not been filed of record, established, or become final and which relate solely to the seller's
42 business. Any disclosure under this paragraph shall only be allowed upon the presentment by the prospective buyer,
43 or the buyer's authorized representative, of the purchase contract and a written authorization between the parties; or

44 12. The furnishing of information as to the amount of state revenue affected by the issuance or granting of
45 any registration or license or credit issued by the Corporation Commission as provided for by law. Such information
46 shall be limited to the type of registration, license or credit issued or granted, the date and duration of such
47 registration, license or credit, and the amount of such revenue. The provisions of this paragraph shall not authorize
48 the disclosure of the name of the person issued such registration, license, exemption, credit, or the name of the
49 business entity authorized to engage in business pursuant to the registration, license or credit.

50 SECTION 78. REPEALER 47 O.S. 2001, Section 171.2, is hereby repealed.

51 SECTION 79. REPEALER 47 O.S. 2001, Section 172.1, is hereby repealed.

52
53