

THE HOUSE OF REPRESENTATIVES
Monday, February 16, 2009

Committee Substitute for
House Bill No. 2264

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2264 - By: CHRISTIAN of the House.

An Act relating to motor vehicles; making certain acts unlawful; amending 47 O.S. 2001, Section 12-417, as last amended by Section 10, Chapter 190, O.S.L. 2005 (47 O.S. Supp. 2008, Section 12-417), which relates to the Oklahoma Mandatory Seat Belt Use Act; clarifying scope of certain prohibited act; modifying definition of certain term; amending 47 O.S. 2001, Section 14-118, as last amended by Section 1, Chapter 55, O.S.L. 2007 (47 O.S. Supp. 2008, Section 14-118), which relates to size, weight and load restrictions on state highways; deleting length limitation for saddlemount tow combinations; amending 47 O.S. 2001, Section 230.6, as last amended by Section 14, Chapter 390, O.S.L. 2004 (47 O.S. Supp. 2008, Section 230.6), which relates to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act; clarifying scope of certain prohibited acts; increasing amount of administrative penalties; levying certain fee on motorcycles; stating amount of fee; providing for collection of fee; providing for transfer of collected revenue to the Motorcycle Safety and Education Program Revolving Fund; requiring collection and payment of fee as prerequisite to licensing or registration of motorcycle; providing for codification; and providing an effective date.

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

- 1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
- 2 Statutes as Section 11-801.1 of Title 47, unless there is created a duplication in
- 3 numbering, reads as follows:
- 4 It shall be unlawful for any person to:

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

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

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

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

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

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

21 B. The Commissioner of Public Safety, upon application from a person who, for
22 medical reasons, is unable to wear a safety seat belt system supported by written

1 attestation of such fact from a physician licensed pursuant to Section 495 of Title 59 of
2 the Oklahoma Statutes, may issue to the person an exemption from the provisions of this
3 section. The exemption shall be in the form of a restriction appearing on the driver
4 license of the person and shall remain in effect until the expiration date of the driver
5 license. Nothing in this subsection shall be construed to prevent the person from
6 applying for another exemption as provided for in this section. The issuance of an
7 attestation by a physician and the subsequent issuance of an exemption by the
8 Commissioner, in good faith, shall not give rise to, nor shall the physician and the state
9 thereby incur, any liability whatsoever in damages or otherwise, to any person injured by
10 reason of failure of the person to wear a safety seat belt system.

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

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

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

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

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

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

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

21 3. The Department of Public Safety is authorized to charge a fee of Two Dollars
22 (\$2.00) for each permit requested to be issued by facsimile machine or by any other

1 means of electronic transmission, transfer or delivery. The fee shall be in addition to any
2 other fee or fees assessed for the permit. The fee shall be deposited in the State Treasury
3 to the credit of the Department of Public Safety Revolving Fund and the monies shall be
4 expended by the Department solely for the purposes provided for in this chapter.

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

- 7 a. protection of the motoring public from potential traffic hazards,
- 8 b. protection of highway surfaces, structures, and private property, and
- 9 c. provision for normal flow of traffic with a minimum of interference.

10 B. The Transportation Commission shall prepare and publish a map of the State of
11 Oklahoma showing by appropriate symbols the various highway structures and bridges
12 in terms of maximum size and weight restrictions. This map shall be titled "Oklahoma
13 Load Limit Map" and shall be revised periodically to maintain a reasonably current
14 status and in no event shall a period of two (2) years lapse between revisions and
15 publication of same. Provided, further, the Secretary of the Department of
16 Transportation shall prepare and publish a map of the State of Oklahoma showing the
17 advantages of this state as a marketing, warehousing and distribution network center for
18 motor transportation sensitive industries.

19 C. The Commissioner of Public Safety, or an authorized representative, shall have
20 the authority, within the limitations formulated under provisions of this chapter, to
21 issue, withhold or revoke special permits for the operation of vehicles or combinations of
22 vehicles or loads which exceed the size or weight limitations of this chapter. Every such

1 permit shall be carried in the vehicle or combination of vehicles to which it refers and
2 shall be open to inspection by any law enforcement officer or authorized agent of any
3 authority granting such permit, and no person shall violate any of the terms or
4 conditions of such special permit.

5 D. It shall be permissible in the transportation of empty trucks on any road or
6 highway to tow by use of saddlemounts; i.e., mounting the front wheels of one vehicle on
7 the bed of another leaving the rear wheels only of such towed vehicle in contact with the
8 roadway. One vehicle may be fullmounted on the towing or towed vehicles engaged in
9 any driveway or towaway operation. No more than three saddlemounts may be
10 permitted in such combinations. The towed vehicles shall be securely fastened and
11 operated under the applicable safety requirements of the United States Department of
12 Transportation ~~and such combinations shall not exceed an overall length of seventy-five~~
13 ~~(75) feet.~~ Provided, a driveway saddlemount with or without fullmount vehicle
14 transporter combination may reach an overall length of ninety-seven (97) feet on the
15 National Network of Highways.

16 E. The Commissioner of Public Safety, upon application of any person engaged in
17 the transportation of forest products in the raw state, which is defined to be tree-length
18 logs moving from the forest directly to the mill, or upon application of any person
19 engaged in the transportation of overwidth or overheight equipment used in soil
20 conservation work, or upon application of any person engaged in the hauling for hire or
21 for resale, of round baled hay with a total outside width of eleven (11) feet or less, shall
22 issue an annual permit, upon payment of a fee of Twenty-five Dollars (\$25.00) each year,

1 authorizing the operation by such persons of such motor vehicle load lengths and widths
2 upon the highways of this state except on the National System of Interstate and Defense
3 Highways. Provided, however, the restriction on use of the National System of Interstate
4 and Defense Highways shall not be applicable to persons engaged in the hauling of round
5 baled hay with a total outside width of eleven (11) feet or less.

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

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

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

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

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

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

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

21 2. Possession of a permit shall in no way be construed as exempting such
22 equipment from the authority of the Director of the Department of Transportation to

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

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

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

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

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

6 SECTION 4. AMENDATORY 47 O.S. 2001, Section 230.6, as last amended by
7 Section 14, Chapter 390, O.S.L. 2004 (47 O.S. Supp. 2008, Section 230.6), is amended to
8 read as follows:

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

13 B. No person shall operate, authorize to operate, or require the operation of any
14 vehicle or the use of any container ~~that~~ when the person has been placed out-of-service or
15 the vehicle or container has been marked ~~out-of-service~~ out-of-service until all
16 requirements of the out-of-service order of the person have been met or all required
17 corrections for the vehicle or container have been made, ~~except;~~ provided, upon approval
18 of the Department ~~such,~~ the vehicle or container may be moved to another location for
19 the purpose of repair or correction.

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

1 Department. No person shall return to duty unless all requirements of the out-of-service
2 order have been met and the person has been approved to return to duty by an
3 authorized officer, employee, or agent of the Department.

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

6 1. During any period in which the employee:

7 a. has had driving privileges to operate a commercial motor vehicle
8 suspended, revoked, canceled, denied or disqualified,

9 b. has had driving privileges to operate a commercial motor vehicle
10 disqualified for life,

11 c. is not licensed to operate a commercial motor vehicle, or

12 d. has more than one commercial driver license;

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

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

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

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

6 SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma
7 Statutes as Section 1132.6 of Title 47, unless there is created a duplication in numbering,
8 reads as follows:

9 A. In addition to other vehicle registration fees specified by law, there is levied and
10 there shall be paid to the Oklahoma Tax Commission a fee of Five Dollars (\$5.00) upon
11 every motorcycle registered pursuant to Section 1132 of Title 47 of the Oklahoma
12 Statutes for use on roads and highways. The fee shall accrue and shall be collectible
13 upon each motorcycle registered for use on roads and highways under the same
14 circumstances and shall be payable in the same manner and times as apply to the
15 registration of motorcycles for use on roads and highways under the provisions of the
16 Oklahoma Vehicle License and Registration Act; provided, the fee shall be paid in full for
17 the then current year at the time any vehicle is first registered in a calendar year.

18 B. Revenue from the fee levied in subsection A of this section shall be transferred
19 each month to the Department of Public Safety for deposit in the Motorcycle Safety and
20 Education Program Revolving Fund created pursuant to Section 40-123 of Title 47 of the
21 Oklahoma Statutes.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 C. The collection and payment of the fee specified in this section shall be a
2 prerequisite to licensing or registration of any motorcycle.

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

4 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-12-09 - DO
5 PASS, As Amended.