

**ESB 1184**

**THE HOUSE OF REPRESENTATIVES**  
**Monday, April 6, 2009**

**ENGROSSED**

**Senate Bill No. 1184**

**As Amended**

ENGROSSED SENATE BILL NO. 1184 - By: MARLATT AND COATES of the Senate  
and THOMPSON of the House.

( motor vehicles - permit issuance - codification -  
effective date )

1 SECTION 1. AMENDATORY 47 O.S. 2001, Section 14-101, as last amended by  
2 Section 1, Chapter 324, O.S.L. 2007 (47 O.S. Supp. 2008, Section 14-101), is amended to  
3 read as follows:

4 Section 14-101. A. It is a misdemeanor for any person to drive or move or for the  
5 owner to cause or knowingly permit to be driven or moved on any highway any vehicle or  
6 vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise  
7 in violation of this chapter, and the maximum size and weight of vehicles herein specified  
8 shall be lawful throughout this state and local authorities shall have no power or  
9 authority to alter said limitations except as express authority may be granted in this  
10 chapter.

11 B. The Commissioner of Public Safety is directed to issue annual overweight  
12 permits to:

1           1. Municipalities and rural fire districts for the transportation of fire-fighting  
2 apparatus at no cost to the municipalities or rural fire districts;

3           2. Owners of implements of husbandry, which includes tractors that are  
4 temporarily moved upon a highway at no cost to the owner; ~~and~~

5           3. Retail implement dealers while hauling implements of husbandry at no cost to  
6 the dealer; and

7           4. Owners of vehicles as specified pursuant to Section 2 of this act.

8           C. All size, weight and load provisions covered by this chapter shall be subject to  
9 the limitations imposed by Title 23, United States Code, Section 127, and such other  
10 rules and regulations developed herein. Provided further that any size and weight  
11 provision authorized by the United States Congress for use on the National System of  
12 Interstate and Defense Highways, including but not limited to height, axle weight, gross  
13 weight, combinations of vehicles or load thereon shall be authorized for immediate use on  
14 such segments of the National System of Interstate and Defense Highways and any other  
15 highways or portions thereof as designated by the Transportation Commission or their  
16 duly authorized representative.

17           D. Any vehicle permitted for movement on the highways of this state as provided in  
18 Section 14-101 et seq. of this title, other than a vehicle permitted solely for overweight  
19 movement, shall be moved only during daylight hours. As used in Section 14-101 et seq.  
20 of this title, "daylight hours" shall mean one-half (1/2) hour before sunrise to one-half  
21 (1/2) hour after sunset.

1 E. 1. Any vehicle permitted for movement on the highways of this state as  
2 provided in Section 14-101 et seq. of this title shall not be moved at any time on the  
3 following holidays:

- 4 a. New Year's Day (January 1),
- 5 b. Memorial Day (the last Monday in May),
- 6 c. The Fourth of July (Independence Day),
- 7 d. Labor Day (the first Monday in September),
- 8 e. Thanksgiving Day (the fourth Thursday in November), and
- 9 f. Christmas Day (December 25).

10 2. Any vehicle permitted for movement on the highways of this state as provided in  
11 Section 14-101 et seq. of this title shall be allowed to move on the following holidays:

- 12 a. Martin Luther King, Jr.'s Birthday (the third Monday in January),
- 13 b. President's Day, also known as Washington's Birthday (the third  
14 Monday in February), and
- 15 c. Veteran's Day (November 11).

16 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma  
17 Statutes as Section 14-103G of Title 47, unless there is created a duplication in  
18 numbering, reads as follows:

19 A. The Department of Public Safety may issue an Annual Vehicle Permit under  
20 this section, to a specific vehicle, for the movement of oversize and/or overweight loads  
21 that cannot reasonably be dismantled. Unless otherwise noted, permits issued under  
22 this subsection are subject to the conditions described in subsection B of this section.

- 1 B. General requirements.
- 2 1. Oversize and/or overweight loads operating under an Annual Vehicle Permit
- 3 may not exceed:
- 4 a. twelve (12) feet in width,
- 5 b. fourteen (14) feet in height,
- 6 c. one hundred ten (110) feet in length, or
- 7 d. one hundred twenty thousand (120,000) pounds gross weight.
- 8 2. Oversize and/or overweight loads operating under an Annual Vehicle Permit
- 9 under this section may not transport a load that has more than twenty-five (25) feet front
- 10 overhang, or more than thirty (30) feet rear overhang.
- 11 3. The fee for an Annual Vehicle Permit is Four Thousand Dollars (\$4,000.00) and
- 12 is nonrefundable.
- 13 4. The permit will be valid for one year and will start with the “movement to begin”
- 14 date stated on the permit.
- 15 5. A permit issued in this section is nontransferable except as a transfer is applied
- 16 pursuant to paragraph 7 of this subsection and subsection C of this section.
- 17 6. The permitted vehicle or vehicle combination must be registered in accordance
- 18 with the regulations for maximum weight as set forth in Section 14-109 of Title 47 of the
- 19 Oklahoma Statutes.
- 20 7. A permit issued in this section may be transferred from one vehicle to another
- 21 vehicle in the permittee’s fleet provided:

- 1           a.     the permitted vehicle is destroyed or otherwise becomes permanently  
2                    inoperable, to an extent that it will no longer be utilized, and the  
3                    permittee presents proof that the negotiable certificate of title or other  
4                    qualifying documentation has been surrendered to the Department of  
5                    Public Safety, or
- 6           b.     the certificate of title to the permitted vehicle is transferred to someone  
7                    other than the permittee, and the permittee presents proof that the  
8                    negotiable certificate of title or other qualifying documentation has  
9                    been transferred from the permittee.

10           C. 1. The Department of Public Safety may issue an Annual Vehicle Permit under  
11 this section, to a specific motor carrier, for the movement of oversize and/or overweight  
12 loads that cannot reasonably be dismantled. A permit issued under this section may be  
13 transferred from one vehicle to another vehicle in the permittee's fleet provided:

- 14           a.     that no more than one vehicle is operated at a time, and
- 15           b.     the original certified permit is carried in the vehicle that is being  
16                    operated under the terms of the permit.

17           2. An annual permit issued under this section will be sent to the permittee via  
18 registered mail or at the permittee's request and expense by overnight delivery service.  
19 This permit may not be duplicated. This permit will be replaced only if:

- 20           a.     the permittee did not receive the original permit within seven business  
21                    days after its date of issuance,

- 1           b.     a request for replacement is submitted to the department within ten  
2                   (10) business days after the original permit's date of issuance, and  
3           c.     the request for replacement is accompanied by a notarized statement  
4                   signed by a principle or officer of the permittee acknowledging that the  
5                   permittee understands the permit may not be duplicated and that if  
6                   the original permit is located, the permittee must return either the  
7                   original or replacement permit to the Department of Public Safety.

8           3. A request for replacement of a permit issued under this section will be denied if  
9 the Department of Public Safety can verify that the permittee received the original.

10          4. Lost, misplaced, damaged, destroyed, or otherwise unusable permits will not be  
11 replaced. A new permit will be required.

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

13          COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 04-02-09 -  
14          DO PASS, As Amended and Coauthored.

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