

EHB 2967

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THE STATE SENATE
Monday, April 5, 2010

ENGROSSED

House Bill No. 2967

ENGROSSED HOUSE BILL NO. 2967 - By: Shannon of the House and Branam of the Senate.

An Act relating to motor vehicles; amending 47 O.S. 2001, Section 14-111, as amended by Section 7, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2009, Section 14-111), which relates to transporting merchandise for hire; modifying required documentation; defining term; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 14-111, as amended by Section 7, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2009, Section 14-111), is amended to read as follows:

Section 14-111. A. Any officer of the Department of Public Safety, the Corporation Commission, any sheriff, or any salaried deputy sheriff is authorized to stop any vehicle upon any road or highway in order to weigh such vehicle by means of portable or stationary scales, or cause the same to be weighed by any official weigher, or upon any privately owned scales and may require that such vehicles be driven to the nearest or most convenient available scales for the purpose of weighing. In the event that any axle weight or the gross weight of any such vehicle be found to exceed the maximum weight authorized by law, or by permit issued therefor,

1 the officer may require, in the case of separable loads, the driver,
2 operator or owner thereof to unload at the site such portion of the
3 load as may be necessary to decrease the weight of such vehicle to
4 the maximum weight authorized by law. Provided, however, that if
5 such load consists of livestock, perishable merchandise, or
6 merchandise that may be destroyed by the weather, then the driver
7 shall be permitted to proceed to the nearest practical unloading
8 point in the direction of destination before discharging such excess
9 cargo. All material so unloaded shall be cared for by the owner or
10 operator of such vehicle at the risk of such owner or operator.

11 B. The operator of any truck or other vehicle transporting farm
12 products for hire or other merchandise for hire shall have in his or
13 her possession a certificate carrying the following information:
14 name of the operator; driver license number; vehicle registration
15 number; Corporation Commission permit number; and statement of owner
16 authorizing transportation of the products by above named operator,
17 ~~and signature of the owner.~~ For the purposes of this section
18 "certificate" includes electronic manifests and other similar
19 documents that include all of the information required pursuant to
20 this section.

21 Should the vehicle be loaded with livestock, the certificate
22 shall include the number of animals, and should the livestock be the
23 property of more than one person, a certificate signed by each owner

1 carrying the above information including the number of animals owned
2 by each owner shall be carried by the operator. Should the operator
3 be the owner of the merchandise or livestock, the merchandise or
4 livestock having just been purchased, the operator shall have in his
5 or her possession a bill of sale for such merchandise or livestock.
6 Should the operator be the owner of livestock or other farm products
7 produced by the operator, the operator shall be required to show
8 satisfactory identification and ownership of the vehicle. Any
9 officer as outlined in this chapter shall have the authority to stop
10 any vehicle loaded with livestock, merchandise or other farm
11 products and investigate as to the ownership of the merchandise,
12 livestock or other farm products. Should the operator of any
13 vehicle be unable to establish to the satisfaction of the officer
14 the ownership of the merchandise, livestock or other products, or
15 shall not have the certificate ~~signed by the owner~~ as specified in
16 this section for the transportation of such merchandise, livestock
17 or other farm products, the merchandise, livestock or other farm
18 products and the vehicle in which they are being transported shall
19 be impounded by the officer and any expense as to the care of any
20 livestock shall be the responsibility of the owner or operator of
21 the vehicle, and any loss or damage of the merchandise, livestock or
22 other farm products shall be the responsibility of the operator or
23 owner, or both.

1 SECTION 2. This act shall become effective July 1, 2010.

2 SECTION 3. It being immediately necessary for the preservation
3 of the public peace, health and safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

6 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 3-30-10 - DO
7 PASS.