

SB 1184

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THE STATE SENATE
Thursday, February 12, 2009

Senate Bill No. 1184
As Amended

SENATE BILL NO. 1184 - By: Marlatt of the Senate and Thompson of the House.

[motor vehicles - permit issuance - codification - effective date]

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

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

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

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

1 1. Municipalities and rural fire districts for the
2 transportation of fire-fighting apparatus at no cost to the
3 municipalities or rural fire districts;
4 2. Owners of implements of husbandry, which includes tractors
5 that are temporarily moved upon a highway at no cost to the owner;
6 and
7 3. Retail implement dealers while hauling implements of
8 husbandry at no cost to the dealer; and
9 4. Owners of vehicles as **specified** pursuant to **Section 2** of
10 this **act**.
11 C. All size, weight and load provisions covered by this chapter
12 shall be subject to the limitations imposed by Title 23, United
13 States Code, Section 127, and such other rules and regulations
14 developed herein. Provided further that any size and weight
15 provision authorized by the United States Congress for use on the
16 National System of Interstate and Defense Highways, including but
17 not limited to height, axle weight, gross weight, combinations of
18 vehicles or load thereon shall be authorized for immediate use on
19 such segments of the National System of Interstate and Defense
20 Highways and any other highways or portions thereof as designated by
21 the Transportation Commission or their duly authorized
22 representative.

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

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

- 10 a. New Year's Day (January 1),
- 11 b. Memorial Day (the last Monday in May),
- 12 c. The Fourth of July (Independence Day),
- 13 d. Labor Day (the first Monday in September),
- 14 e. Thanksgiving Day (the fourth Thursday in November),
- 15 and
- 16 f. Christmas Day (December 25).

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

- 20 a. Martin Luther King, Jr.'s Birthday (the third Monday
21 in January),
- 22 b. President's Day, also known as Washington's Birthday
23 (the third Monday in February), and

1 c. Veteran's Day (November 11).

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

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

11 B. General requirements.

12 1. Oversize and/or overweight loads operating under an Annual
13 Vehicle Permit may not exceed:

14 a. twelve (12) feet in width,

15 b. fourteen (14) feet in height,

16 c. one hundred ten (110) feet in length, or

17 d. one hundred twenty thousand (120,000) pounds gross
18 weight.

19 2. Oversize and/or overweight loads operating under an Annual
20 Vehicle Permit under this section may not transport a load that has
21 more than twenty-five (25) feet front overhang, or more than thirty
22 (30) feet rear overhang.

1 3. The fee for an Annual Vehicle Permit is Four Thousand
2 Dollars (\$4,000.00) and is nonrefundable.

3 4. The permit will be valid for one year and will start with
4 the "movement to begin" date stated on the permit.

5 5. A permit issued in this section is nontransferable except as
6 a transfer is applied pursuant to paragraph 7 of this subsection and
7 subsection C of this section.

8 6. The permitted vehicle or vehicle combination must be
9 registered in accordance with the regulations for maximum weight as
10 set forth in Section 14 of Title 47 of the Oklahoma Statutes.

11 7. A permit issued in this section may be transferred from one
12 vehicle to another vehicle in the permittee's fleet provided:

13 a. the permitted vehicle is destroyed or otherwise
14 becomes permanently inoperable, to an extent that it
15 will no longer be utilized, and the permittee presents
16 proof that the negotiable certificate of title or
17 other qualifying documentation has been surrendered to
18 the Department of Public Safety, or

19 b. the certificate of title to the permitted vehicle is
20 transferred to someone other than the permittee, and
21 the permittee presents proof that the negotiable
22 certificate of title or other qualifying documentation
23 has been transferred from the permittee.

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

7 a. that no more than one vehicle is operated at a time,
8 and

9 b. the original certified permit is carried in the
10 vehicle that is being operated under the terms of the
11 permit.

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

16 a. the permittee did not receive the original permit
17 within seven business days after its date of issuance,

18 b. a request for replacement is submitted to the
19 department within ten (10) business days after the
20 original permit's date of issuance, and

21 c. the request for replacement is accompanied by a
22 notarized statement signed by a principle or officer
23 of the permittee acknowledging that the permittee

1 understands the permit may not be duplicated and that
2 if the original permit is located, the permittee must
3 return either the original or replacement permit to
4 the Department of Public Safety.

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

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

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

11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
12 dated 2-10-09 - DO PASS, As Amended and Coauthored.