

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1086

By: Thomsen

4
5 AS INTRODUCED

6 An Act relating to motor vehicles; amending 47 O.S.
7 2001, Section 2-117.1, which relates to duties of the
Oklahoma Tax Commission; clarifying language;
8 amending 47 O.S. 2001, Section 14-110, as amended by
Section 6, Chapter 522, O.S.L. 2004 (47 O.S. Supp.
9 2008, Section 14-110), which relates to certain
vehicle registration certificate requirements;
10 providing authority to certain employees of the
Corporation Commission to demand presentment of
11 certain registration certificates; amending 47 O.S.
2001, Section 14-111, as amended by Section 7,
12 Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2008, Section
14-111), which relates to governmental authority to
13 weigh certain vehicles; clarifying authority of
certain Corporation Commission employees; amending 47
14 O.S. 2001, Section 116.13, as amended by Section 8,
Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2008, Section
15 116.13), which relates to uniform and badge
requirements of certain Corporation Commission
16 employees; modifying requirements; substituting
insignia for badge requirement; amending 47 O.S.
17 2001, Section 116.14, as amended by Section 9,
Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2008, Section
18 116.14), which relates to vehicles that are not
registered or are improperly registered; modifying
19 procedure for seizing and sale of certain vehicles;
amending 47 O.S. 2001, Section 161, which relates to
20 legislative intent and definitions; clarifying
language; updating agency designations; amending 47
21 O.S. 2001, Section 162, as amended by Section 2,
Chapter 418, O.S.L. 2005 (47 O.S. Supp. 2008, Section
22 162), which relates to powers and duties of the
Corporation Commission; providing Corporation
23 Commission authority to administratively regulate and
supervise certain motor carriers; specifying certain
24 facilities for use in regulation of certain motor

1 carriers; specifying that jurisdiction of the
2 Department of Public Safety shall not be affected by
3 this section; amending 47 O.S. 2001, Section 162.1,
4 as last amended by Section 1, Chapter 168, O.S.L.
5 2008 (47 O.S. Supp. 2008, Section 162.1), which
6 relates to Corporation Commission authority to
7 participate in certain federal programs; modifying
8 authority of the Corporation Commission; amending 47
9 O.S. 2001, Section 163, which relates to certain
10 motor carrier rates, fares and charges; updating
11 agency designation; amending 47 O.S. 2001, Section
12 163.1, which relates to the appointment and duties of
13 tariff rate field agents; updating agency
14 designation; amending 47 O.S. 2001, Section 165,
15 which relates to certain filing fees; clarifying
16 language; amending 47 O.S. 2001, Section 166, which
17 relates to certain motor vehicle certificate
18 requirements; updating agency designation; amending
19 47 O.S. 2001, Section 166.5, which relates to
20 inconsistencies between certain statutes and the
21 state Constitution; specifying that provisions of
22 certain acts be considered amendments and alterations
23 of state Constitution; amending 47 O.S. 2001,
24 Sections 166a, 169, 170 and 170.1, which relate to
the regulation of motor carriers; updating agency
designations; amending 47 O.S. 2001, Section 170.2,
which relates to notification procedures for certain
motor carrier weight violations; modifying
information to be contained in notifications;
modifying what constitutes contempt; modifying
grounds for show-cause orders; amending 47 O.S. 2001,
Section 171, which relates to Corporation Commission
authority to hire certain personnel; changing
enforcement authority designation to administration
authority; amending 47 O.S. 2001, Section 171.1,
which relates to the expenditure of certain
Corporation Commission funds; changing designation of
enforcement officers and supervisors to
administrative officers and supervisors; limiting
duties of certain employees to the provisions of the
Oklahoma Motor Carrier Act; modifying requirements
for certain Corporation Commission vehicles; amending
47 O.S. 2001, Section 172, as amended by Section 3,
Chapter 238, O.S.L. 2006 (47 O.S. Supp. 2008, Section
172), which relates to certain violations; updating
agency and employee designations; removing
authorization for certain Corporation Commission

1 officers to be considered peace officers; providing
2 that certain state officials shall not have authority
3 to order certain employees not to perform certain
4 duties or services; amending 47 O.S. 2001, Sections
5 177.2 and 177.3, which relate to transporting of
6 deleterious substances; updating agency designations;
7 amending 47 O.S. 2001, Sections 180, 180a, 180b,
8 180c, 180d, 180e, 180f and 180g, which relate to the
9 regulation of motor carriers; updating agency
10 designations; amending 47 O.S. 2001, Section 180h, as
11 amended by Section 4, Chapter 238, O.S.L. 2006 (47
12 O.S. Supp. 2008, Section 180h), which relates to the
13 collection of certain fees; clarifying language;
14 amending 47 O.S. 2001, Section 180k, which relates to
15 Corporation Commission records; updating agency
16 designations; amending 47 O.S. 2001, Section 180l,
17 which relates to reciprocal compacts and agreements
18 with other states; updating agency designations;
19 providing that the authority of the Department of
20 Public Safety shall not be superseded or suspended by
21 certain compacts or agreements; amending 47 O.S.
22 2001, Section 180m, which relates to the duties of
23 certain governmental entities to enforce certain
24 motor vehicle provisions; modifying enforcement
authority; modifying requirements for notification;
amending 47 O.S. 2001, Sections 224 and 225, which
relate to the regulation of motor carriers;
clarifying language; amending 47 O.S. 2001, Section
228.3, which relates to intrastate fuel surcharges;
updating agency designations; modifying reference to
federal agency determining minimum surcharge;
amending 47 O.S. 2001, Section 228.4, which relates
to application of certain statutes to certain
certificates and permits; updating statutory
reference; amending 47 O.S. 2001, Sections 230.2,
230.3, 230.4, 230.5, 230.6, as last amended by
Section 14, Chapter 390, O.S.L. 2004, 230.7, 230.8,
230.9, as last amended by Section 15, Chapter 390,
O.S.L. 2004, 230.10, 230.11, 230.13, 230.14, 230.15,
as amended by Section 1, Chapter 64, O.S.L. 2004,
230.22, 230.23, as amended by Section 13, Chapter
190, O.S.L. 2005, 230.24, 230.25, 230.26, 230.27, as
amended by Section 5, Chapter 238, O.S.L. 2006,
230.28, as last amended by Section 3, Chapter 418,
O.S.L. 2005, 230.29, 230.30, 230.31 and 230.32 (47
O.S. Supp. 2008, Sections 230.6, 230.9, 230.15,
230.23, 230.27 and 230.28), which relate to the

1 Oklahoma Motor Carrier Safety and Hazardous Materials
2 Transportation Act and the Motor Carrier Act of 1995;
3 updating agency designations; clarifying language;
4 clarifying scope of certain violations; requiring
5 interagency agreements for certain cooperative
6 actions; modifying enforcement authority; specifying
7 how provisions shall be construed; updating statutory
8 reference; modifying power and authority of the
9 Corporation Commission; specifying the Department of
10 Public Safety as the primary enforcement agency;
11 authorizing the Corporation Commission to administer
12 law only if agreement is established with the
13 Department of Public Safety; amending Sections 2,
14 Chapter 140, O.S.L. 2006 and 3, Chapter 140, O.S.L.
15 2006, as amended by Section 1, Chapter 243, O.S.L.
16 2006 (47 O.S. Supp. 2008, Sections 230.34a and
17 230.34b), which relate to the Motor Carrier Harvest
18 Permit Act of 2006; clarifying certain apportionment;
19 updating agency designations; amending 47 O.S. 2001,
20 Section 1115, as last amended by Section 8, Chapter
21 238, O.S.L. 2006 (47 O.S. Supp. 2008, Section 1115),
22 which relates to vehicle registration requirements;
23 updating agency and employee designations;
24 eliminating limitation on certain penalties;
modifying certain penalty; amending 47 O.S. 2001,
Section 1115.1, as amended by Section 14, Chapter
522, O.S.L. 2004 (47 O.S. Supp. 2008, Section
1115.1), which relates to seizure of vehicles under
certain circumstances; removing Corporation
Commission authority to seize certain vehicles;
providing Corporation Commission employees authority
to notify law enforcement for the seizure of certain
vehicles; amending 47 O.S. 2001, Section 1123, which
relates to Tax Commission authority to enter into
reciprocal compacts and agreements; clarifying
language; amending 47 O.S. 2001, Section 1133, as
last amended by Section 6, Chapter 168, O.S.L. 2008
(47 O.S. Supp. 2008, Section 1133), which relates to
license fees for commercial vehicles; updating agency
employee designations; amending 47 O.S. 2001, Section
1133.2, as amended by Section 20, Chapter 522, O.S.L.
2004 (47 O.S. Supp. 2008, Section 1133.2), which
relates to the display of certain registration
information in certain circumstances; modifying
certain penalty; eliminating limitation on certain
penalty; modifying enforcement authority; amending 47
O.S. 2001, Section 1140, as last amended by Section

1 1, Chapter 383, O.S.L. 2008 (47 O.S. Supp. 2008,
2 Section 1140), which relates to qualifications and
3 requirements for certain agents; updating statutory
4 reference; amending 47 O.S. 2001, Section 1151, as
5 last amended by Section 37, Chapter 1, O.S.L. 2007
6 (47 O.S. Supp. 2008, Section 1151), which relates to
7 certain unlawful acts and penalties; removing
8 authority of Corporation Commission employees to
9 issue certain citations; amending Section 2, Chapter
10 522, O.S.L. 2004 (47 O.S. Supp. 2008, Section 1166),
11 which relates to the transfer of certain authority
12 from the Tax Commission to the Corporation
13 Commission; deleting obsolete language; amending
14 Section 3, Chapter 522, O.S.L. 2004, as last amended
15 by Section 1, Chapter 102, O.S.L. 2008 (47 O.S. Supp.
16 2008, Section 1167), which relates to Corporation
17 Commission authority to establish and administer
18 certain fees, fines and penalties; limiting
19 Corporation Commission authority to fees; specifying
20 that the Corporation Commission shall adjudicate
21 certain administrative actions; amending Section 4,
22 Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2008, Section
23 1168), which relates to the transfer of certain Tax
24 Commission facilities and equipment to the Department
of Transportation; clarifying language; amending
Section 11, Chapter 238, O.S.L. 2006 (47 O.S. Supp.
2008, Section 1169), which relates to Corporation
Commission authority to revoke certain licenses,
permits, registrations or certificates; updating
agency designations; modifying authority; amending
Section 12, Chapter 238, O.S.L. 2006 (47 O.S. Supp.
2008, Section 1170), which relates to the
confidentiality of certain reports; clarifying
language; repealing 47 O.S. 2001, Section 171.2,
which relates to authority of certain enforcement
officers; repealing 47 O.S. 2001, Section 172.1,
which relates to qualification requirements for
enforcement officers; and providing an effective
date.

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

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

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

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

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

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

19 1. Any officer of the Department of Public Safety, Oklahoma
20 Corporation Commission, or any sheriff for inspection~~7;~~ and ~~it~~

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

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

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

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

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

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

19 B. In the event that any axle weight or the gross weight of any
20 such vehicle be found to exceed the maximum weight authorized by
21 law, or by permit issued therefor, the officer or employee may
22 require, in the case of separable loads, the driver, operator or
23 owner thereof to unload at the site such portion of the load as may
24 be necessary to decrease the weight of such vehicle to the maximum

1 weight authorized by law. Provided, however, that if such load
2 consists of livestock, perishable merchandise, or merchandise that
3 may be destroyed by the weather, then the driver shall be permitted
4 to proceed to the nearest practical unloading point in the direction
5 of destination before discharging such excess cargo. All material
6 so unloaded shall be cared for by the owner or operator of such
7 vehicle at the risk of such owner or operator.

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

15 2. Should the vehicle be loaded with livestock, the certificate
16 shall include the number of animals, and should the livestock be the
17 property of more than one person, a certificate signed by each owner
18 carrying the above information including the number of animals owned
19 by each owner shall be carried by the operator. Should the operator
20 be the owner of the merchandise or livestock, the merchandise or
21 livestock having just been purchased, the operator shall have in his
22 or her possession a bill of sale for such merchandise or livestock.
23 Should the operator be the owner of livestock or other farm products

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1 produced by the operator, the operator shall be required to show
2 satisfactory identification and ownership of the vehicle.

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

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

8 any vehicle loaded with livestock, merchandise or other farm
9 products and investigate as to the ownership of the merchandise,
10 livestock or other farm products. Should the operator of any
11 vehicle be unable to establish to the satisfaction of the officer or
12 the employee the ownership of the merchandise, livestock or other
13 products, or shall not have certificate signed by the owner as
14 specified in this section for the transportation of such
15 merchandise, livestock or other farm products, the merchandise,
16 livestock or other farm products and the vehicle in which they are
17 being transported shall be impounded by the officer, or the employee
18 shall request the impoundment by an officer, and any expense as to
19 the care of any livestock shall be the responsibility of the owner
20 or operator of the vehicle, and any loss or damage of the
21 merchandise, livestock or other farm products shall be the
22 responsibility of the operator or owner, or both.

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

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

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

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

6 Section 116.14 In the event any vehicle at a stationary and
7 permanent scale facility is found with no registration, not properly
8 registered for the load carried, or improperly registered in any
9 manner under the provisions of Section 116.2a et seq. of this title
10 or any provisions of the motor vehicle license and registration laws
11 of this state, Corporation Commission ~~enforcement officers~~ scale
12 facility employees shall be authorized to notify a law enforcement
13 officer to seize and take such vehicle into custody until such time
14 as such vehicle is properly registered and the license fee thereon
15 is paid in full together with any penalty provided by law plus the
16 cost of seizure, including the reasonable cost of taking such
17 vehicle into custody and storing it. Any load on such vehicle shall
18 be disposed of by the owner or operator of such vehicle. In the
19 event such license fee and penalty together with the cost of seizure
20 and storage is not paid, the agency employing the law enforcement
21 officer shall proceed to sell such vehicle by posting not less than
22 five notices of sale in five different public places in the county
23 where such property is located, one of such notices to be posted at
24 the place where the vehicle is stored; provided, a copy of such

1 notice shall also be sent by registered mail, return receipt
2 requested, to the last-known address of the registered owner of such
3 vehicle in question. Such vehicle shall be sold at such sale
4 subject to the following terms and conditions:

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

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

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

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

20 Section 161. A. It is hereby declared that it is necessary in
21 the public interest to regulate transportation by motor carriers of
22 household goods and used emigrant movables in such manner as to
23 recognize and preserve the inherent advantages of, and foster sound
24 economic conditions in such transportation and among such carriers;

1 promote adequate, economical, efficient service by motor carriers,
2 and reasonable charges therefor, without unjust discriminations,
3 undue preferences or advantages and unfair or destructive
4 competitive practices; develop and preserve a highway transportation
5 system properly adapted to the agricultural, industrial and
6 commercial needs of the commerce of the State of Oklahoma and the
7 national defense; and cooperate with the government of the United
8 States, the departments of the State of Oklahoma, regulatory bodies
9 of other states, and the duly authorized officials thereof and with
10 any organization of motor carriers in the administration ~~and~~
11 ~~enforcement~~ of this act.

12 B. The provisions of this act, except as hereinafter
13 specifically limited, shall apply to the transportation of household
14 goods and used emigrant movables by motor carriers over public
15 highways of this state; and the regulations of such transportation,
16 and the procurement thereof and the provisions of facilities
17 therefor, is hereby vested in the ~~Oklahoma~~ Corporation Commission.

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

21 C. As used in this act:

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

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

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

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

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

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

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

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

7 a. for the furnishing of transportation services through
8 the assignment of motor vehicles for a continuing
9 period of time to the exclusive use of each person
10 served, or

11 b. for the furnishing of transportation services designed
12 to meet the distinct need of each individual customer;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 SECTION 8. AMENDATORY 47 O.S. 2001, Section 162.1, as
15 last amended by Section 1, Chapter 168, O.S.L. 2008 (47 O.S. Supp.
16 2008, Section 162.1), is amended to read as follows:

17 Section 162.1 A. The Corporation Commission is authorized to
18 promulgate all rules and regulations necessary to enable the State
19 of Oklahoma to participate in the single state registration system
20 for motor carriers authorized by the Intermodal Surface
21 Transportation Efficiency Act of 1991, 49 U.S.C., Section 11506
22 (1991), and by applicable rules and regulations of the Interstate
23 Commerce Commission.

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

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

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

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

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

3 C. In the exercise of its power to prescribe just and
4 reasonable rates, fares, and charges for the transportation of
5 household goods or used emigrant movables by common carriers by
6 motor vehicle, and classifications, regulations and practices
7 relating thereto, the Corporation Commission shall give due
8 consideration, among other factors, to the need, in the public
9 interest, of adequate and efficient transportation service by such
10 carriers at the lowest cost consistent with the furnishing of such
11 service; and to the need of revenues sufficient to enable such
12 carriers to provide such service at a reasonable return to the
13 carrier.

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

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

13 E. No common carrier of household goods or used emigrant
14 movables by motor vehicle shall charge or demand or collect or
15 receive a greater, or less, or different compensation for
16 transportation or for any service in connection therewith between
17 the points enumerated or distances set out in such tariff than the
18 rates, fares, and charges specified in the tariffs in effect at the
19 time; and no such carrier shall refund or remit in any manner or by
20 any device, directly or indirectly, any portion of the rates, fares,
21 or charges so specified, or extend to any person any privileges or
22 facilities for transportation in intrastate commerce except such as
23 are specified in its tariffs. All actions at law for the recovery
24 of undercharges or overcharges, or any part thereof, shall be begun

1 within three (3) years from the time the cause of action accrues and
2 not thereafter.

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

17 G. It shall be the duty of every contract carrier of household
18 goods or used emigrant movables by motor vehicle to establish and
19 observe reasonable actual rates and charges, which shall not be
20 lower than the published common carrier rates and charges, for any
21 service rendered or to be rendered in the transportation of
22 household goods or used emigrant movables or in connection
23 therewith, and to establish and observe reasonable regulations and
24 practices to be applied in connection with said reasonable actual

1 rates and charges. It shall be the duty of every contract carrier
2 of household goods or used emigrant movables by motor vehicle to
3 file with the Commission, publish, and keep open for public
4 inspection, in the form and manner prescribed by the Commission,
5 schedules containing the actual rates or charges of such carrier
6 actually maintained and charged for the transportation of household
7 goods or used emigrant movables in intrastate commerce, and any
8 rule, regulation, or practice affecting such rates or charges and
9 the value of the service thereunder. No such contract carrier,
10 unless otherwise provided by this act, shall engage in the
11 transportation of household goods or used emigrant movables in
12 intrastate commerce unless the actual charges for such
13 transportation by said carrier have been published, filed and posted
14 in accordance with the provisions of this act. No change shall be
15 made in any such charge either directly or by means of any change in
16 any rule, regulation, or practice affecting such charge or the value
17 of service thereunder, except after thirty (30) days' notice of the
18 proposed change filed in the aforementioned form and manner; but the
19 Commission may, in its discretion and for good cause shown, allow
20 such change upon less notice, or modify the requirements of this
21 paragraph with respect to posting and filing of such schedules,
22 either in particular instances, or by general order applicable to
23 special or peculiar circumstances, or conditions. Such notice shall
24 plainly state the change proposed to be made and the time when such

1 change will take effect. No such carrier shall demand, charge, or
2 collect a different compensation for such transportation than the
3 charges filed in accordance with this paragraph, as affected by any
4 rule, regulation, or practice so filed, or as may be prescribed by
5 the Commission from time to time, and it shall be unlawful for any
6 such carrier, by the furnishing of special services, facilities, or
7 privileges, or by any other device whatsoever, to charge or accept
8 other than the charges so published and filed.

9 H. Whenever, after hearing, upon complaint or upon its own
10 initiative, the Commission finds that any actual rate or charge of
11 any contract carrier of household goods or used emigrant movables by
12 motor vehicle, or any rule, regulation, or practice of any such
13 carrier affecting such actual rate or charge, or the value of the
14 service thereunder, for the transportation of household goods or
15 used emigrant movables or in connection therewith is in violation of
16 any provision of this act, the Commission may prescribe such just
17 and reasonable actual rate or charge, or such rule, regulation or
18 practice as in its judgment may be necessary or desirable in the
19 public interest and will not be in violation of any provision of
20 this act. Such actual rate or charge, or such rule, regulation, or
21 practice so prescribed by the Commission, shall give no advantage or
22 preference to any such carrier in competition with any common
23 carrier by motor vehicle subject to this act. The Commission shall
24 give due consideration to the cost of the services rendered by such

1 carrier and to the effect of such actual rate or charge, or such
2 rule, regulation, or practice, upon the movement of traffic by such
3 carriers. All complaints shall state fully the facts complained of
4 and shall be made under oath.

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

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

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

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

21 Section 163.1 A. The Corporation Commission is hereby
22 authorized and empowered to appoint two tariff rate field agents
23 whose duty and function, in the public interest, it shall be to
24 investigate, gather evidence and report to the Commission in writing

1 any violations of the provisions of Section 163 of this title any
2 person, motor carrier, or shipper.

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

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

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

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

24

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

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

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

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

17 Section 166. A. It is hereby declared unlawful for any common
18 carrier of household goods or used emigrant movables by motor
19 vehicle to operate or furnish service within this state without
20 having obtained from the Corporation Commission a certificate
21 declaring that public convenience and necessity require such
22 operation, or for any contract carrier of household goods or used
23 emigrant movables by motor vehicle to operate or furnish service
24 within the state without having obtained a permit from the

1 Commission declaring the operation shall be consistent with the
2 public interest. The Commission shall have power, and it shall be
3 its duty after public hearing, to issue said certificate or permit
4 as prayed for, or to refuse to issue the same, or to issue it for
5 the partial exercise only of said privilege sought within sixty (60)
6 days of final hearing, and may attach to the exercise of the rights
7 granted by such certificate or permit such terms and conditions as
8 in its judgment the public convenience and necessity or public
9 interest may require; provided that in all such cases it will be
10 presumed, in the absence of competent evidence to the contrary, that
11 intrastate common carriers operating under existing certificates are
12 rendering adequate service between the points or within the areas
13 authorized to be served by them, and the applicant has the burden of
14 proof to show otherwise; and provided further, that the mere filing
15 of an application does not authorize any person to operate as a
16 motor carrier.

17 B. In granting applications for certification or permits the
18 Commission shall take into consideration the reliability and
19 financial condition of the applicant and his sense of responsibility
20 toward the public; the transportation service being maintained by
21 presently existing motor carriers; and any other matters tending to
22 show the need or lack of necessity for granting said application.
23 No permit for any contract carrier by motor vehicle shall be issued
24 without the applicant proving by competent evidence that the

1 transport service proposed under the contract is not such that it
2 could be reasonably furnished by existing carriers, and further,
3 that such permit would not jeopardize the existing common carrier
4 service.

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

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

18 D. In the event a person who has once been issued a certificate
19 or permit files an application for additional authority with the
20 Commission, each application shall be identified by consecutive
21 subnumbers and if the application is granted, the additional
22 authority shall be incorporated under the original certificate or
23 permit of the person and identified by the applicable subnumbers.
24 The Commission may at any time after a public hearing and for good

1 cause, suspend, alter, amend or revoke any such certificate or
2 permit. Provided that the record owner of the certificate or permit
3 shall be entitled to have ten (10) days' written notice by certified
4 mail from the Commission of any hearing affecting the certificate or
5 permit, except as hereinafter provided in Section 169 of this title.
6 The right of appeal from the order or orders shall be given as in
7 other cases appealed from orders of the Commission.

8 E. No intrastate carrier shall discontinue any service
9 authorized by permit or certificate under the provisions of this
10 act, without written authority from the Commission. Any carrier to
11 whom a permit or certificate has been issued under the provisions of
12 this act, desiring to discontinue such service, shall apply to the
13 Commission in writing for privilege to so discontinue such service,
14 and give notice in writing in such manner as directed by the
15 Commission, for a period of not less than thirty (30) days prior to
16 the hearing thereof, to the public and all parties interested. Upon
17 the filing of such application for discontinuance, the Commission
18 shall direct the type of service or notice to be given for a period
19 of not less than thirty (30) days, and fix the date of hearing
20 thereof, at which hearing the Commission shall hear evidence and
21 issue its order granting or refusing such application, as the facts
22 developed may justify.

23 F. Permits or certificates shall not be assigned or
24 transferred, in any manner, without authority of the Commission and

1 on written application and public hearing; the transfer of the
2 permits or certificates shall not be authorized when the Commission
3 finds such action will be inconsistent with the public interest, or
4 will have the effect of destroying competition or creating a
5 monopoly, nor where it appears that reasonable continuous service
6 under the authority which is sought to be transferred has not been
7 rendered for one hundred eighty (180) days prior to the application
8 for transfer or assignment. All applications for transfer must be
9 made on proper forms prescribed by the Commission.

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

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

24

1 1. The name and address of the applicant and the names and
2 addresses of its officers, if any;

3 2. Full information concerning the financial conditions and
4 physical properties of the applicant;

5 3. The complete route, or routes, over which, or the area
6 within which the applicant desires to operate; and

7 4. A schedule or tariff showing the freight rates to be charged
8 between the several points or localities to be served.

9 I. Upon filing of the application, the Commission shall, in its
10 discretion, fix the time and place for the hearing of the same,
11 which shall not be more than forty-five (45) days after the filing
12 of said application.

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

20 1. The time and place of the hearing;

21 2. The name and address of the applicant;

22 3. The route or territory involved; and

23 4. Such other information as the Commission may consider
24 pertinent to the notice.

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

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

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

19 SECTION 14. AMENDATORY 47 O.S. 2001, Section 166a, is
20 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
23 engage in the transportation of household goods or used emigrant
24 movables as a common or contract carrier;

1 2. "Equipment" means a motor vehicle, straight truck, tractor,
2 semitrailer, full trailer, any combination of these and any other
3 type of equipment used by authorized carriers in the transportation
4 of household goods or used emigrant movables for hire;

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

8 4. "Lease" means a contract or arrangement in which the owner
9 grants the use of equipment, with or without driver, for a specified
10 period to an authorized carrier for use in the regulated
11 transportation of household goods or used emigrant movables, in
12 exchange for compensation;

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

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

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

19 8. "Shipper" means a person who sends or receives household
20 goods or used emigrant movables which is transported in intrastate
21 commerce in this state.

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

24

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

4 2. The authorized carrier acquiring the use of equipment under
5 this section shall identify the equipment in accordance with the
6 Corporation Commission's requirements; and

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

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

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

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

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

24

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

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

16 6. The lease shall clearly specify the responsibility of each
17 party with respect to the cost of fuel, fuel taxes, empty mileage,
18 permits of all types, tolls, detention and accessorial services,
19 base plates and licenses, and any unused portions of such items.
20 Except when the violation results from the acts or omissions of the
21 lessor, the authorized carrier lessee shall assume the risks and
22 costs of fines for overweight and oversize trailers when the
23 trailers are preloaded, sealed, or the load is containerized, or
24 when the trailer or lading is otherwise outside of the lessor's

1 control, and for improperly permitted overdimension and overweight
2 loads and shall reimburse the lessor for any fines paid by the
3 lessor. If the authorized carrier is authorized to receive a refund
4 or a credit for base plates purchased by the lessor from, and issued
5 in the name of, the authorized carrier, or if the base plates are
6 authorized to be sold by the authorized carrier to another lessor
7 the authorized carrier shall refund to the initial lessor on whose
8 behalf the base plate was first obtained a prorated share of the
9 amount received;

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

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

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

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

12 11. As it relates to insurance:

- 13 a. the lease shall clearly specify the legal obligation
14 of the authorized carrier to maintain insurance
15 coverage for the protection of the public, and
16 b. the lease shall clearly specify the conditions under
17 which deductions for cargo or property damage may be
18 made from the lessor's settlements. The lease shall
19 further specify that the authorized carrier must
20 provide the lessor with a written explanation and
21 itemization of any deductions for cargo or property
22 damage made from any compensation of money owed to the
23 lessor. The written explanation and itemization must
24

1 be delivered to the lessor before any deductions are
2 made; and

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

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

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

15 Section 169. A. No certificate or permit shall be issued by
16 the Corporation Commission to any motor carrier of household goods
17 or used emigrant movables until after such motor carrier shall have
18 filed with the Commission a liability insurance policy or bond
19 covering public liability and property damage, issued by some
20 insurance or bonding company or insurance carrier authorized as set
21 forth below, and which has complied with all of the requirements of
22 the Commission, which bond or policy shall be approved by the
23 Commission, and shall be in such sum and amount as fixed by a proper
24 order of the Commission; and such liability and property damage

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

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

19 C. No carrier, whose principal place of business is in
20 Oklahoma, shall conduct any operations in this state unless the
21 operations are covered by a valid primary bond or insurance policy
22 issued by a provider authorized or approved by the State Insurance
23 Commissioner. No carrier shall conduct any operations in this state
24 unless the operations are covered by a valid bond or insurance

1 policy issued by a provider licensed or approved by the State
2 Insurance Commissioner or the insurance regulatory authority of any
3 other state.

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

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

16 2. Furnishing of proper insurance coverage.

17 E. Any carrier who fails to reactivate his or its permit or
18 certificate within sixty (60) days after such suspension, as above
19 provided, shall have said permit or certificate canceled, by
20 operation of law, without any notice from the Commission. No
21 certificate or permit so canceled shall be reinstated or otherwise
22 made operative except that the Commission may reinstate the
23 authority of a motor carrier upon proper showing that the motor
24 carrier was actually covered by proper insurance during the

1 suspension or cancellation period, and that failure to file with the
2 Commission was not due to the motor carrier's own negligence. Any
3 carrier desiring to file for reinstatement of its certificate or
4 permit shall do so within ninety (90) days of its cancellation by
5 law.

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

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

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

23 B. Any person who willfully advertises to perform
24 transportation services for which he does not hold a proper

1 certificate or permit shall be in violation of this act and subject
2 to the penalties prescribed for contempt of the Corporation
3 Commission.

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

15 D. Certificates or permits shall be considered personal to the
16 holder thereof and shall be issued only to some definite legal
17 entity operating motor vehicles as a motor carrier of household
18 goods or used emigrant movables, and shall not be subject to lease,
19 nor shall the holder thereof sublet or permit the exercise, by
20 another, in anywise, of the rights or privileges granted thereunder;
21 provided, nothing herein contained shall be construed to prohibit
22 the Commission, in case the necessities of public convenience
23 require temporary service over any route, to grant authority to
24

1 another motor carrier to render such service, upon compliance with
2 the other provisions of law applicable to other motor carriers.

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

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

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

23 B. The Commission may, in all matters within its jurisdiction,
24 issue subpoenas, subpoenas duces tecum, and all necessary process in

1 proceedings pending before the Commission; may administer oaths,
2 examine witnesses, compel the production of records, books, papers,
3 files, documents, contracts, correspondence, agreements, or accounts
4 necessary for any investigation being conducted, and certify
5 official acts.

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

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

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

23 F. All process issued by the Commission shall extend to all
24 parts of the state and any such process, together with the service

1 of all notices issued by the Commission, as well as copies of
2 complaints, rules, orders and regulations of the Commission, may be
3 served by any person authorized to serve process issued out of
4 courts of record, or by certified mail.

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

21 H. In the event the Commission finds that the defendant is
22 guilty upon any complaint filed and proceeding had and that the
23 provisions of law, or the rules, regulations or orders of this
24 Commission have been willfully and knowingly violated and the

1 violator holds a permit or certificate or license issued by the
2 Commission authorizing it to engage in the transportation of persons
3 or property for hire, then such permit or certificate or license may
4 also be revoked by the Commission.

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

11 J. Any person aggrieved by any findings and order of the
12 Commission may appeal to the Supreme Court in the way and manner now
13 or hereafter provided for appeals from the district court to the
14 Supreme Court.

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

17 Section 170.2 A. The Department of Public Safety, monthly,
18 shall notify the ~~Oklahoma~~ Corporation Commission of any ~~ticket~~
19 ~~issued~~ conviction for a violation of the provisions of Section
20 14-119 of this title, or any provisions of Chapter 14 of this title
21 or the terms of any special permit authorized pursuant to the
22 provisions of Chapter 14 of this title concerning overweight or
23 overweight special permits.

24

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

1 weight of the motor vehicle is more than five thousand (5,000)
2 pounds overweight.

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

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

10 Section 171. All monies accruing to the "Corporation Commission
11 Revolving Fund" are hereby appropriated to the Corporation
12 Commission.

13 The ~~Corporation~~ Commission is hereby authorized and empowered to
14 employ such extra help as may be necessary to carry out the
15 provisions of this act for the ~~enforcement~~ administration of the law
16 and the collection of taxes set forth herein, said employees to be
17 paid from the appropriations made in this section. Provided, such
18 employees shall be paid such salaries or compensation as is paid for
19 similar service in this state in the same or other departments of
20 the state. The ~~Corporation~~ Commission is hereby authorized to pay
21 from the "Corporation Commission Revolving Fund" such extra
22 operating expenses as may be attributable to the ~~enforcement~~
23 administration of this act, in the same manner and form as other
24 expenses are paid.

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

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

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

13 1. The Corporation Commission Transportation Division shall
14 employ four special motor carrier ~~enforcement~~ administrative
15 officers and one administrative supervisor-~~officer~~ who shall have
16 the primary duty of investigating and assisting in the prosecution
17 of persons engaged in unauthorized transportation or disposal of
18 deleterious substances as contemplated under the provisions of the
19 Oklahoma Motor Carrier Act ~~and any other applicable provisions of~~
20 ~~law~~. Such employees shall be compensated as for similar service in
21 the same or other departments of the state and an expense allowance
22 of One Hundred Dollars (\$100.00) per month for maintenance and
23 cleaning of uniforms and other related expenses shall be paid to
24 such employees. Nothing in this section regarding expense

1 allowances shall be construed to mean that such employees shall
2 receive any additional compensation beyond what is provided for
3 maintenance and cleaning of uniforms and other related expenses by
4 the Corporation Commission ~~on the effective date of this act.~~

5 2. The Commission shall purchase a sufficient number of motor
6 vehicles to provide each motor carrier ~~enforcement~~ administrative
7 officer employed in the Transportation Division a motor vehicle
8 suitable to carry out the ~~enforcement~~ provisions of applicable law.
9 Said vehicles shall be appropriately marked as official state
10 vehicles ~~and radio equipped~~. All costs for operation, maintenance
11 and replacement of the motor vehicles authorized in this section
12 shall be provided for from the Corporation Commission Revolving
13 Fund.

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

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

24

1 Section 172. A. Every owner of any motor vehicle, the agents
2 or employees of the owner, and every other person who violates or
3 fails to comply with or procures, aids, or abets in the violation of
4 Sections 161 through 180m of this title or the Motor Carrier Act of
5 1995, or who fails to obey, observe, or comply with any order,
6 decision, rule or regulation, direction, demand, or requirement of
7 the Corporation Commission, or who procures, aids or abets any
8 corporation or person in the person's, or its, refusal or willful
9 failure to obey, observe or comply with any such order, decision,
10 rule, direction, demand, or regulation shall be deemed guilty of a
11 misdemeanor. Upon conviction in a criminal court of competent
12 jurisdiction, such misdemeanor is punishable by a fine of not
13 exceeding One Thousand Dollars (\$1,000.00).

14 B. The ~~Corporation~~ Commission shall report to the Attorney
15 General of this state and the district attorney of the proper county
16 having jurisdiction of such offense, any violation of any of the
17 provisions of Sections 161 through 180m of this title or the Motor
18 Carrier Act of 1995 or any rule of the ~~Corporation~~ Commission
19 promulgated pursuant to the provisions of Sections 161 through 180m
20 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
22 receipt of such report, the Attorney General or the district
23 attorney of the proper county having jurisdiction of such offense
24 shall institute criminal or civil proceedings against such offender

1 in the proper court having jurisdiction of such offense. Any
2 willful failure on the part of members of the ~~Corporation~~
3 Commission, the Attorney General or any district attorney, to comply
4 with the provisions of this section, shall be deemed official
5 misconduct. The ~~Corporation~~ Commission shall report such complaints
6 so made to the Governor of this state who shall direct and cause the
7 laws of this state to be enforced.

8 C. Any person failing, neglecting or refusing to comply with
9 the provisions of Sections 161 through 180m of this title or the
10 Motor Carrier Act of 1995, or with any rule, regulation, or
11 requirement of the ~~Corporation~~ Commission promulgated pursuant to
12 the provisions of Sections 161 through 180m of this title or the
13 Motor Carrier Act of 1995, shall be guilty of contempt of the
14 ~~Corporation~~ Commission, and shall be subject to a fine to be imposed
15 by the Corporation Commission in a sum not exceeding Five Hundred
16 Dollars (\$500.00). Each day on which such contempt occurs shall be
17 deemed a separate and distinct offense. The maximum fine to be
18 assessed on each day shall be Five Hundred Dollars (\$500.00). All
19 fines collected pursuant to the provisions of this section shall be
20 deposited in the State Treasury to the credit of the Corporation
21 Commission Trucking One-Stop Shop Fund, as created in Section 1167
22 of this title. This subsection shall not apply in the specific
23 instance of load capacity violations or violations applicable to the
24

1 transportation or discharge of deleterious substances provided for
2 by specific statutory provisions.

3 D. The ~~Corporation~~ Commission shall appoint a director of
4 transportation, a deputy director, an insurance supervisor, an
5 insurance clerk, two stenographers, a secretary to the director, an
6 identification device supervisor and an assistant identification
7 device supervisor at such salaries as the Legislature may from time
8 to time prescribe. The employees shall be allowed actual and
9 necessary travel expenses pursuant to the provisions of the State
10 Travel Reimbursement Act. All of the expense claims shall be
11 presented and paid monthly.

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

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

22 F. ~~The enforcement officers~~ A Commission employee when on duty
23 at a stationary and permanent scale facility, upon reasonable belief
24 that any motor vehicle is being operated in violation of any

1 provisions of Sections 161 through 180m of this title or the Motor
2 Carrier Act of 1995, shall be authorized to require the driver of
3 the vehicle to stop and submit to an inspection of the
4 identification device, or devices, in the vehicle, and to submit to
5 such ~~enforcement officer~~ employee bills of lading, waybills, or
6 other evidences of the character of the commerce being transported
7 in such vehicle, and to submit to an inspection of the contents of
8 such vehicle for the purpose of comparing same with bills of lading
9 or shipping documentation, waybills, or other evidences of
10 transportation carried by the driver of the vehicle. ~~The officers~~
11 ~~shall not have the right to plea bargain.~~

12 ~~G. The enforcement officers~~ F. Commission employees, as
13 appointed by the Commission, are authorized to serve all warrants,
14 writs, and notices issued by the Corporation Commission relating to
15 the ~~enforcement~~ administration of the provisions of Sections 161
16 through 180m of this title or the Motor Carrier Act of 1995 and the
17 rules, regulations, and requirements prescribed by the Corporation
18 Commission promulgated pursuant to Sections 161 through 180m of this
19 title or the Motor Carrier Act of 1995.

20 ~~H. The enforcement officers~~ G. Commission employees shall not
21 have the power or right of search, nor shall they have the right of
22 power of seizure, except as provided in Sections 161 through 180m of
23 this title or the Motor Carrier Act of 1995. ~~The enforcement~~
24 ~~officers~~ Commission employees are authorized to hold and detain any

1 motor vehicle operating upon the highways of this state, if, the
2 ~~enforcement officer~~ employee has reason to believe that the vehicle
3 is being operated contrary to the provisions of Sections 161 through
4 180m of this title or the Motor Carrier Act of 1995, or the rules,
5 regulations, and requirements of the Corporation Commission
6 promulgated pursuant to Sections 161 through 180m of this title or
7 the Motor Carrier Act of 1995.

8 ~~I. H.~~ H. No state official, other than members of the Corporation
9 Commission, shall have any power, right, or authority to command,
10 order, or direct any ~~enforcement officer~~ Commission employee to
11 perform or not perform any duty or service authorized by Sections
12 161 through 180m of this title or the Motor Carrier Act of 1995.

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

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

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

3 Section 177.2 A. No motor carrier shall engage in the business
4 of transporting any salt water, mineral brines, waste oil and other
5 deleterious substances produced from or obtained or used in
6 connection with the drilling, development, producing and operating
7 of oil and gas wells and brine wells, for any valuable consideration
8 whatever, or in any quantity over twenty (20) gallons, without a
9 license authorizing such operation and a deleterious substance
10 transport permit to be issued by the Corporation Commission.

11 Provided, transportation of such substances by private carrier of
12 property by motor vehicle shall require a deleterious substance
13 transport permit.

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

17 C. No deleterious substance transport permit shall be issued to
18 a motor carrier or private carrier until the carrier has furnished
19 written proof of access to a Class II disposal well or wells. Said
20 written proof of access shall be provided by the owner of such
21 disposal well. Such disposal well must first be approved by the
22 ~~Corporation~~ Commission as adequate to meet the need for proper
23 disposal of all substances which the applicant may reasonably be
24 expected to transport as a motor carrier or private carrier.

1 Provided, that nothing in this section shall be construed as
2 prohibiting the disposition of such deleterious substances in a
3 disposal well that is owned by a person other than the transporter.

4 D. The Commission shall maintain a current list of such
5 permits. The Commission shall charge such annual deleterious
6 substance transport permitting fees as will cover the cost of
7 issuing such licenses and an annual fee of Two Hundred Fifty Dollars
8 (\$250.00) for each such deleterious substance transport license.
9 Proceeds from the fees shall be deposited by the Commission in the
10 State Treasury to the credit of the Corporation Commission Revolving
11 Fund. The provisions of this section are supplemental and are in
12 addition to the laws applicable to motor carriers.

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

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

22 B. It shall be unlawful for any motor truck or tank vehicle
23 used to transport substances described in Section 177.2 of this
24

1 title to have a release device located or operated in any manner
2 from within the cab of such a motor vehicle.

3 C. Any violation of the provisions of subsections A or B of
4 this section shall constitute a misdemeanor. It shall be the duty
5 of the prosecuting attorney of the county in which a violation of
6 the provisions of this section occurs to file and prosecute the
7 aforementioned misdemeanor charge and advise the Corporation
8 Commission of such action and the results thereof.

9 D. The ~~Oklahoma Corporation~~ Commission may initiate contempt
10 proceedings for any violation concerning disposal by a carrier of a
11 substance described in Section 177.2 of this title. The first
12 violation proven by the Commission in any calendar year shall result
13 in a motor carrier or private carrier being warned by the Commission
14 and, upon conviction, fined up to Two Thousand Five Hundred Dollars
15 (\$2,500.00). A second violation proven by the Commission in any
16 calendar year shall result in a motor carrier or private carrier
17 being placed on probation and fined up to Five Thousand Dollars
18 (\$5,000.00) by the Commission. A third violation proven by the
19 Commission in any calendar year shall result in a fine of up to
20 Twenty Thousand Dollars (\$20,000.00), and, at the discretion of the
21 Commission, cancellation of the carrier's license for a period up to
22 one (1) year and cancellation of a motor carrier or private carrier
23 deleterious substance transport permit. The driver of a truck, who
24 is not the owner of the vehicle used in any violation ~~of this~~

1 ~~section~~ described in Section 177.2 of this title or any violation of
2 the rules and regulations of the ~~Oklahoma Corporation~~ Commission,
3 shall be adjudicated a codefendant and subject to a fine equal to
4 ten percent (10%) of the fine assessed to the owner of such vehicle,
5 up to Five Hundred Dollars (\$500.00).

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

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

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

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

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

22 Section 180a. It is hereby declared unlawful for any motor
23 carrier, his or its agents or employees to operate any powered motor
24 vehicle, as a motor carrier for hire, within this state, without the

1 identification device issued by the Corporation Commission, said
2 device to be displayed as provided by the rules of the Commission.

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

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

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

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

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

22 2. For failure on the part of any motor carrier, his or its
23 agents or employees to comply with any part or provision of this
24 act, or any other act or law or part or provision thereof relative

1 to the legal operation of a for-hire motor carrier or to obey,
2 observe or comply with any order, decision, rule or regulation,
3 direction, demand or requirement, or any part or provision thereof,
4 of the Commission;

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

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

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

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

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

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

24

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

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

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

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

15 Upon written application of any authorized motor carrier holding
16 a certificate or permit or license issued by the Commission, the
17 Commission shall issue to the motor carrier a sufficient number of
18 identification devices so that each powered vehicle owned or to be
19 operated by the motor carrier in the state shall bear one
20 identification device. Identification devices shall be issued on an
21 annual basis, and applications shall be made annually on the form
22 prescribed by the Commission, and any motor carrier operating a
23 powered vehicle without a current identification device shall be in
24

1 violation of the provisions of Sections 180 through 180m of this
2 title or the Motor Carrier Act of 1995.

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

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

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

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

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

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

1 Section 1801. The Corporation Commission is hereby authorized
2 and empowered, on behalf of the State of Oklahoma, and when it shall
3 deem it to be in the best interest of the residents of this state so
4 to do, to enter into reciprocal compacts and agreements with other
5 states, or the authorized agencies thereof, when such states have
6 made provisions substantially similar to this section, respecting
7 the regulation of motor vehicles engaged in interstate or foreign
8 commerce upon and over the public highways. And such compacts and
9 agreements may provide for the granting, to the residents of such
10 states, privileges substantially similar to those granted thereby to
11 Oklahoma residents+; provided: ~~(1)~~

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

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

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

24

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

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

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

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

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

17 2. To apprehend and detain any motor vehicle or vehicles and
18 driver or operator and their aides who are operating any motor
19 vehicle, upon or along the highways of this state, for a reasonable
20 length of time, for the purpose of investigating and determining
21 whether such vehicle is being operated in violation of any of the
22 provisions of Sections 180 through 180m of this title or the Motor
23 Carrier Act of 1995;

24

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

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

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

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

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

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

20 Section 224. Any city of this state may, by a duly-adopted
21 ordinance, in any manner deemed best for the interest of the city,
22 regulate the operation within the corporate limits of the city of
23 auto buses, not operated under a certificate of convenience and
24 necessity or permit or license issued by the Corporation Commission,

1 for the transportation of passengers for hire to or from a point or
2 points outside the corporate limits of the city, and to or from
3 points within the corporate limits of the city.

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

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

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

20 Section 228.3 The ~~Oklahoma~~ Corporation Commission shall
21 establish an intrastate motor transportation fuel surcharge for
22 common carriers of household goods or used emigrant movables by
23 motor vehicles over irregular routes that shall in no instance be
24 less than that established by the ~~Interstate Commerce Commission~~

1 United States Department of Transportation for interstate
2 transportation by like carriers.

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

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

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

11 Section 230.2 A. The Legislature finds:

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

18 2. That hazardous materials are essential for various
19 industrial, commercial, and other purposes, that their
20 transportation is a necessary incident to their use, and that the
21 transportation is required for the economic prosperity of the people
22 of the State of Oklahoma-;

23 3. That the highway movement of hazardous and nonhazardous
24 materials poses a substantial danger to the health and safety of the

1 citizens of this state unless such materials are handled and
2 transported in a safe and prudent manner; and

3 4. That it is in the public interest and within the police
4 power of the state to provide for the regulation of the safety_
5 related aspects of motor carrier transportation and the handling and
6 transportation of hazardous materials.

7 B. It is therefore declared to be the policy of the State of
8 Oklahoma to provide regulatory and enforcement authority to the
9 ~~Oklahoma~~ Department of Public Safety to improve safety_
10 aspects of motor carrier transportation and to protect the people
11 against the risk to life and property inherent in the transportation
12 of property, including hazardous materials, over highways and the
13 handling and storage incidental thereto, by keeping such risk to a
14 minimum consistent with technical feasibility and economic
15 reasonableness and to provide uniform regulation of intrastate
16 transportation of property, including hazardous materials,
17 consistent with federal regulation of interstate transportation.

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

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 a. conduct investigations; make reports; issue subpoenas;
22 conduct hearings; require the production of relevant
23 documents, records and property; take depositions; and
24

1 conduct directly or indirectly research, development,
2 demonstration and training activities,

3 b. enter upon, inspect and examine at reasonable times
4 and in a reasonable manner, the records and properties
5 of persons to the extent such records and properties
6 relate to motor carrier safety or the transportation
7 or shipment of hazardous materials in commerce, and to
8 inspect and copy records and papers of carriers and
9 other persons to carry out the purposes of the
10 Oklahoma Motor Carrier Safety and Hazardous Materials
11 Transportation Act,

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

16 d. declare and mark any transport vehicle or container as
17 out of service if its condition, filling, equipment or
18 protective devices would be hazardous to life or
19 property during transportation, or if records thereof
20 reflect such hazard, or if required records are
21 incomplete,

22 e. prohibit any commercial driver from transporting
23 hazardous materials if such driver is unqualified or
24

1 disqualified under any federal or department
2 regulation, and

3 f. administer and enforce the provisions of the Oklahoma
4 Motor Carrier Safety and Hazardous Materials
5 Transportation Act and any rules and regulations
6 issued pursuant thereto.

7 Any such officer, employee or agent shall, upon request,
8 display proper credentials prescribed or approved by the
9 Commissioner.

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

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

21 SECTION 44. AMENDATORY 47 O.S. 2001, Section 230.6, as
22 last amended by Section 14, Chapter 390, O.S.L. 2004 (47 O.S. Supp.
23 2008, Section 230.6), is amended to read as follows:

1 Section 230.6 A. No person prohibited from operating a
2 commercial vehicle shall operate such commercial motor vehicle, nor
3 shall any person authorize or require a person who has been
4 prohibited from such operation of a motor vehicle to operate a
5 commercial motor vehicle.

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

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

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

19 1. During any period in which the employee:

20 a. has had driving privileges to operate a commercial
21 motor vehicle suspended, revoked, canceled, denied or
22 disqualified,

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

- 1 c. is not licensed to operate a commercial motor vehicle,
2 or
3 d. has more than one commercial driver license;

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

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

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

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

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

22 Section 230.7 No person shall intentionally discharge or cause
23 to be discharged the contents of any transport vehicle containing
24 hazardous material between the points of origin and the points of

1 billed destination, except as may be authorized by the Department of
2 Public Safety or a representative of the Department.

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

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

11 1. a A fatality due to fire, explosion, or exposure to any
12 hazardous material;

13 2. ~~the~~ The hospitalization of any person due to fire,
14 explosion, or exposure to any hazardous material;

15 3. a A continuing danger to life, health, or property at the
16 place of the incident or accident; or

17 4. ~~an~~ An estimated property damage of an amount to be
18 determined by the Corporation Commissioner by ~~regulation~~ rule.

19 B. A written report shall be submitted by the person to the
20 Department of Public Safety on a form prescribed by the Department,
21 or in lieu thereof, a copy of the written report submitted to the
22 United States Department of Transportation. Each report submitted
23 shall contain the time and date of the incident or accident, a
24 description of any injuries to persons or property, any continuing

1 danger to life at the place of the accident or incident, the
2 identity and classification of the material, and any other pertinent
3 details.

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

10 SECTION 47. AMENDATORY 47 O.S. 2001, Section 230.9, as
11 last amended by Section 15, Chapter 390, O.S.L. 2004 (47 O.S. Supp.
12 2008, Section 230.9), is amended to read as follows:

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

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

23 1. An act which is a violation of a recordkeeping requirement
24 of this title or of any rule or regulation promulgated thereto or

1 the Federal Motor Carrier Safety Act of 1984, such person shall be
2 liable to the State of Oklahoma for an administrative penalty not to
3 exceed One Hundred Dollars (\$100.00) for each offense, provided that
4 the total of all administrative penalties assessed against any
5 violator pursuant to this paragraph for all offenses related to any
6 single violation shall not exceed Five Hundred Dollars (\$500.00);

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

16 3. An act or acts which evidences to the Commissioner, that a
17 substantial health or safety violation exists or has occurred which
18 could reasonably lead to or has resulted in serious personal injury
19 or death, such person shall be liable to the State of Oklahoma for
20 an administrative penalty not to exceed One Thousand Dollars
21 (\$1,000.00) for each offense.

22 C. Each day of violation as specified in subsection B of this
23 section shall constitute a separate single violation/offense.
24

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

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

19 F. The Commissioner or his designated representative shall
20 assess the amount of any administrative penalty, after notice and an
21 opportunity for hearing, by written notice to the violator together
22 with notice of findings in the case. An appeal therefrom may be
23 made to the district court of Oklahoma County pursuant to the
24

1 provisions of Sections 318 through 323 of Title 75 of the Oklahoma
2 Statutes.

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

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

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

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

13 H. The first One Hundred Thousand Dollars (\$100,000.00) of the
14 administrative penalties collected each fiscal year pursuant to the
15 provisions of the Oklahoma Motor Carrier Safety and Hazardous
16 Materials Transportation Act shall be deposited in the General
17 Revenue Fund of the State of Oklahoma. All other monies collected
18 in excess of One Hundred Thousand Dollars (\$100,000.00) each fiscal
19 year shall be deposited to the credit of the Department of Public
20 Safety Revolving Fund for the purpose of administering the Oklahoma
21 Motor Carrier Safety and Hazardous Materials Transportation Act.

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

24

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

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

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

23 B. The Department may enter into a cooperative agreement with
24 the United States Department of Transportation and any other federal

1 department or agency to enforce the provisions of the Oklahoma Motor
2 Carrier Safety and Hazardous Materials Transportation Act, or
3 regulations adopted pursuant thereto, federal motor carrier safety
4 regulations, and federal regulations governing the transportation of
5 hazardous material. The Department may receive grants, gifts and
6 other funds, equipment and services from the federal government or
7 other sources for this purpose.

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

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

17 Section 230.13 The Department of Public Safety ~~and the Oklahoma~~
18 ~~Highway Patrol Division~~ shall enforce the provisions of the Oklahoma
19 Motor Carrier Safety and Hazardous Materials Transportation Act and
20 the rules promulgated thereto.

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

23 Section 230.14 The Oklahoma Motor Carrier Safety and Hazardous
24 Materials Transportation Act ~~is~~ shall not ~~intended~~ be construed to

1 affect any law of this state now in effect with respect to matters
2 relating to the transportation of hazardous materials ~~but~~; provided,
3 however, in the case of any conflict relating to motor carrier
4 safety involving the transportation of property, or the
5 transportation of hazardous materials, the provisions of the
6 Oklahoma Motor Carrier Safety and Hazardous Materials Transportation
7 Act shall prevail.

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

11 Section 230.15 A. Whenever the Department of Public Safety has
12 determined that any person who is regulated as a motor carrier
13 pursuant to Sections 166 through 180m of this title has violated any
14 provision of the Oklahoma Motor Carrier Safety and Hazardous
15 Materials Transportation Act or any rule promulgated thereto, the
16 Department of Public Safety shall report such violations to the
17 Corporation Commission for the purposes of determining if such
18 person has violated any provisions of the permit or certificate
19 issued by the Commission pursuant to any provision of Sections 166
20 through 180m of this title or of any rule promulgated thereto.

21 B. Every motor carrier subject to this section shall maintain
22 liability and property damage insurance covering each motor vehicle
23 operated by the motor carrier and file proof of that insurance with
24 the ~~Oklahoma Corporation~~ Commission. The Commission shall set the

1 amount of necessary insurance for the transportation of all
2 commodities other than hazardous materials. The Commission may
3 allow a motor carrier to meet its liability and property damage
4 insurance requirements through self-insurance if the motor carrier
5 has adequate financial assets to assume liability and is in
6 substantial compliance with all motor carrier safety regulations
7 adopted by the Department. Any person who transports or who causes
8 the transportation of any hazardous material shall be required to
9 comply with the financial responsibility requirements specified by
10 the federal motor carrier safety regulations and the hazardous
11 materials regulations of the United States Department of
12 Transportation provided that in no event shall the financial
13 responsibility requirement exceed One Million Dollars
14 (\$1,000,000.00) except as otherwise specifically required by federal
15 law, or any federal rule or regulation promulgated pursuant thereto.

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

23 D. In adopting rules pursuant to the provisions of this act,
24 the Department of Public Safety shall establish limitations on

1 driving hours for motor vehicles subject thereto that are consistent
2 with the hours of service requirements adopted by the United States
3 Department of Transportation in the applicable part of Title 49 of
4 the Code of Federal Regulations, as those regulations now exist or
5 are hereafter amended. Driving hours and on-duty status shall not
6 begin following less than eight (8) consecutive hours off duty.

7 Drivers shall be regulated from the time a driver first reports for
8 duty for any employer. The rules adopted pursuant to this section
9 shall establish the following exception:

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

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

8 F. 1. Amendments to the hours of service regulations
9 promulgated on April 28, 2003, by the United States Department of
10 Transportation at Section 22456 of Volume 68 of the Federal Register
11 and effective June 27, 2003, shall not apply to utility service
12 vehicles as defined in Section 395.2 of Title 49 of the Code of
13 Federal Regulations, not including television cable or community
14 antenna service vehicles, which are owned or operated by utilities
15 regulated by the Corporation Commission or electric cooperatives and
16 which are engaged solely in intrastate commerce in this state until
17 June 27, 2006, provided the amendments are valid and remain in
18 effect as of that date. Hours of service regulations, which are
19 applicable in this state immediately prior to June 27, 2003, shall
20 remain applicable to utility service vehicles engaged solely in
21 intrastate commerce in this state until June 27, 2006. If the
22 United States Department of Transportation issues an official
23 finding that this provision may result in the loss of federal Motor
24 Carrier Safety Assistance Program funding, the Department of Public

1 Safety may promulgate rules providing for earlier implementation of
2 the amendments to the federal hours of service regulations. If
3 federal law or regulations are amended at any time to exempt utility
4 service vehicles from the hours of service requirements, any
5 exemption shall be effective in this state immediately for the
6 duration of the federal exemption.

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

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

21 4. The Department of Public Safety may promulgate rules
22 granting any waiver, variance, or exemption permitted under Section
23 31104(h) of Title 49 of the United States Code and federal
24 regulations promulgated at Sections 350.339, 350.341, 350.343 and

1 350.345 of Title 49 of the Code of Federal Regulations if the
2 waiver, variance, or exemption does not result in the loss of
3 federal Motor Carrier Safety Assistance Program funding and does not
4 take effect unless approved by the United States Department of
5 Transportation, if approval is required.

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

8 Section 230.22 A. It is hereby declared that it is necessary
9 in the public interest to regulate transportation by motor carriers
10 and private carriers in such manner as to recognize the need to
11 require all motor carriers and private carriers to have adequate
12 insurance; for motor carriers and private carriers to provide
13 service in a safe and efficient manner; and to establish that the
14 operations of motor carriers and private carriers will not have a
15 detrimental impact on the environment.

16 B. The public policy of this state, as declared by the
17 Legislature, requires that all existing intrastate certificates and
18 permits granted by the ~~Oklahoma~~ Corporation Commission, except
19 household goods and used emigrant movables, prior to January 1,
20 1995, are hereby revoked.

21 C. The provisions of the Motor Carrier Act of 1995, except as
22 hereinafter specifically limited, shall apply to the transportation
23 of passengers or property by motor carriers and private carriers,
24 except motor carriers of household goods and used emigrant movables,

1 over public highways of this state; and the regulations of such
2 transportation, and the procurement thereof and the provisions of
3 facilities therefor, are hereby vested in the ~~Oklahoma~~ Corporation
4 Commission.

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

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

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

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

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

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

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

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

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

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

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

22 b. any person or governmental authority furnishing
23 transportation for school children to and from public
24 schools or to and from public-school-related

1 extracurricular activities under contract with, and
2 sponsored by, a public school board; provided, that
3 motor vehicles and equipment operated for the purposes
4 shall qualify in all respects for the transportation
5 of school children under the Oklahoma School Code and
6 the rules of the State Board of Education adopted
7 pursuant thereto,

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

12 d. transportation of livestock and farm products in the
13 raw state, when any of such commodities move from farm
14 to market or from market to farm on a vehicle or on
15 vehicles owned and operated by a bona fide farmer not
16 engaged in motor vehicle transportation on a
17 commercial scale;

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

22 8. "Intercompany hauling" means the transportation of
23 property, by motor vehicle, for compensation, by a carrier which is
24 a member of a corporate family, as defined in the Motor Carrier Act

1 of 1995, when the transportation for compensation is provided for
2 other members of the corporate family;

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

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

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

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

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

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

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

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

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

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

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

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

23 C. The Commission shall cooperate and coordinate with the
24 ~~Oklahoma~~ Department of Public Safety, which is the primary

1 enforcement agency, in administratively regulating carrier safety,
2 size and weight regulations of motor vehicles and the transportation
3 of hazardous materials which shall be accomplished by the Commission
4 at the business location of carriers or at stationary and permanent
5 scale facilities. The Commission may enter into interagency
6 agreements with the Department of Public Safety for the purpose of
7 ~~implementing,~~ administering ~~and enforcing any~~ specific provisions,
8 as determined by the Department, of the Oklahoma Motor Carrier
9 Safety and Hazardous Materials Transportation Act and the rules ~~and~~
10 ~~regulations~~ of the Department of Public Safety issued pursuant
11 thereto; provided, the Commission shall have no authority to
12 implement or administer any provision or rule if no agreement
13 exists.

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

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

21 Section 230.25 A. Every motor carrier, subject to the Motor
22 Carrier Act of 1995, receiving property for transportation in
23 intrastate commerce shall issue a receipt or bill of lading
24

1 therefor, the form of which shall be prescribed by the Corporation
2 Commission.

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

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

9 Section 230.26 When the Corporation Commission, upon complaint,
10 has reason to believe that any person, motor carrier, or shipper is
11 violating or has willfully violated any provision of the Motor
12 Carrier Act of 1995, the Commission shall, upon its own initiative,
13 file a contempt proceeding and set a date for the proceeding to be
14 heard before the Commission, and upon conviction the Commission
15 shall invoke such contempt penalties as provided herein.

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

19 Section 230.27 A. Upon the filing by an intrastate motor
20 carrier or private carrier of an application for a license, the
21 applicant shall pay to the Corporation Commission a filing fee in
22 the sum of One Hundred Dollars (\$100.00) with an original or
23 subapplication. Any valid license issued ~~will~~ shall remain in
24 force, unless otherwise revoked by the Commission in accordance with

1 the provisions of the Motor Carrier Act of 1995, for one (1) year
2 from date of issuance.

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

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

10 SECTION 59. AMENDATORY 47 O.S. 2001, Section 230.28, as
11 last amended by Section 3, Chapter 418, O.S.L. 2005 (47 O.S. Supp.
12 2008, Section 230.28), is amended to read as follows:

13 Section 230.28 A. It shall be unlawful for any motor carrier
14 to operate or furnish service within this state without first having
15 obtained from the Corporation Commission a license declaring that
16 all insurance requirements have been met and that the carrier will
17 operate within all existing rules and state laws pertaining to
18 safety standards, size and weight requirements and, when applicable,
19 lawful handling and disposal of hazardous materials and deleterious
20 substances, and will operate in such a manner as to ensure there
21 will be no detrimental environmental impact. It shall also be
22 unlawful for any private carrier to operate or furnish service
23 within this state without first having obtained from the ~~Corporation~~
24 Commission a license declaring that all insurance requirements have

1 | been met and that the carrier will operate within all existing rules
2 | and state laws pertaining to safety standards, size and weight
3 | requirements and, when applicable, lawful handling and disposal of
4 | hazardous materials and deleterious substances, and will operate in
5 | such a manner as to ensure there will be no detrimental
6 | environmental impact. The Commission shall have power, and it shall
7 | be its duty, to issue the license or set the application for hearing
8 | within thirty (30) days of the Commission determining that the
9 | application is complete. Any such hearing shall be scheduled to
10 | occur on a date within an additional forty-five (45) business days
11 | of such determination. The mere filing of an application does not
12 | authorize any person to operate as a carrier.

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

18 | C. The Commission may, at any time after a public hearing and
19 | for good cause, suspend or revoke any license. Provided, the record
20 | owner of the license shall be entitled to have ten (10) days'
21 | written notice by certified mail from the Commission of any hearing
22 | affecting the license, except as otherwise provided in the Motor
23 | Carrier Act of 1995. The right of appeal from such order or orders
24 |

1 shall be given as in other cases appealed from orders of the
2 Commission.

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

10 1. The name and address of the applicant and the names and
11 addresses of its officers, if any;

12 2. Full information concerning the physical properties of the
13 applicant; and

14 3. Such other information as the Commission may consider
15 pertinent to the application.

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

18 Section 230.29 A. As used in this section:

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

22 2. "Equipment" means a motor vehicle, straight truck, tractor,
23 semitrailer, full trailer, any combination of these and any other
24

1 type of equipment used by authorized carriers in the transportation
2 of passengers or property for hire;

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

6 4. "Lease" means a contract or arrangement in which the owner
7 grants the use of equipment, with or without driver, for a specified
8 period to an authorized carrier for use in the regulated
9 transportation of passengers or property, in exchange for
10 compensation;

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

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

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

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

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

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

24

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

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

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

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

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

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

21 4. The lease shall provide that the authorized carrier lessee
22 shall have exclusive possession, control and use of the equipment
23 for the duration of the lease. The lease shall further provide that
24

1 the authorized carrier lessee shall assume complete responsibility
2 for the operation of the equipment for the duration of the lease;

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

6 6. The lease shall clearly specify the responsibility of each
7 party with respect to the cost of fuel, fuel taxes, empty mileage,
8 permits of all types, tolls, detention and accessorial services,
9 base plates and licenses, and any unused portions of such items.

10 Except when the violation results from the acts or omissions of the
11 lessor, the authorized carrier lessee shall assume the risks and
12 costs of fines for overweight and oversize trailers when the
13 trailers are preloaded, sealed, or the load is containerized, or
14 when the trailer or lading is otherwise outside of the lessor's
15 control, and for improperly permitted overdimension and overweight
16 loads and shall reimburse the lessor for any fines paid by the
17 lessor. If the authorized carrier is authorized to receive a refund
18 or a credit for base plates purchased by the lessor from, and issued
19 in the name of, the authorized carrier, or if the base plates are
20 authorized to be sold by the authorized carrier to another lessor
21 the authorized carrier shall refund to the initial lessor on whose
22 behalf the base plate was first obtained a prorated share of the
23 amount received;

24

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

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

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

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

24 11. As it relates to insurance:

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

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

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

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

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

18 B. Every motor carrier shall file with the Commission a cargo
19 insurance policy or bond covering any goods or property being
20 transported, issued by some insurance or bonding company or
21 insurance carrier authorized as set forth below, and which has
22 complied with all of the requirements of the Commission, which bond
23 or policy shall be approved by the Commission, and shall be in a sum
24 and amount as fixed by a proper order of the Commission. The cargo

1 insurance must be filed with the Commission prior to a license being
2 issued by the Commission, unless the motor carrier has been exempted
3 from this requirement.

4 Intrastate motor carriers of sand, rock, gravel, asphaltic
5 mixtures or other similar road building materials shall not be
6 required to file cargo insurance and shall be required to maintain
7 liability insurance limits of Three Hundred Fifty Thousand Dollars
8 (\$350,000.00) combined single limit.

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

18 C. Each carrier shall maintain on file, in full force, all
19 insurance required by the laws of this state and the rules of the
20 Commission during the operation of the carrier and that the failure
21 for any cause to maintain the coverage in full force and effect
22 shall immediately, without any notice from the Commission, suspend
23 the rights of the carrier to operate until proper insurance is
24 provided. Any carrier suspended for failure to maintain proper

1 insurance shall have a reasonable time, not exceeding sixty (60)
2 days, to have its license reactivated, and to provide proper
3 insurance upon showing:

4 1. No operation during the period in which it did not have
5 insurance; and

6 2. Furnishing of proper insurance coverage.

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

18 E. The Commission shall, in its discretion, permit the filing
19 of certificates of insurance coverage or such form as may be
20 prescribed by the Commission, in lieu of copies of insurance
21 policies or bonds, with the proviso that if the certificates are
22 authorized the insurance company or carrier so filing it, upon
23 request of the Commission, will, at any time, furnish an
24 authenticated copy of the policy which the certificate represents,

1 and further provided that thirty (30) days prior to effective
2 cancellation or termination of the policy of insurance for any
3 cause, the insurer shall so notify the Commission in writing of the
4 facts or as deemed necessary by the Commission.

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

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

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

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

23 D. Licenses shall be considered personal to the holder of the
24 license and shall be issued only to some definite legal entity

1 operating motor vehicles as a motor carrier or private carrier, and
2 shall not be subject to lease, nor shall the holder of the license
3 sublet or permit the exercise, by another, of the rights or
4 privileges granted under the license.

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

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

11 SECTION 64. AMENDATORY Section 2, Chapter 140, O.S.L.
12 2006 (47 O.S. Supp. 2008, Section 230.34a), is amended to read as
13 follows:

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

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

23 C. Each permit shall be valid for a period of thirty (30) or
24 sixty (60) days. The permit shall identify the time and date of its

1 issuance and shall additionally reflect its effective and expiration
2 dates.

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

6 1. Owner of the vehicle;

7 2. Vehicle registrant;

8 3. Make, model, year, license plate number, state of

9 registration and VIN of each vehicle which will be operated under
10 the permit; and

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

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

20 1. One-half (1/2) of the revenue shall be deposited in the
21 Weigh Station Improvement Revolving Fund as set forth in Section
22 1167 of Title 47 of the Oklahoma Statutes; and

23

24

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

4 F. A harvest permit may be extended in fifteen-day increments.
5 The permit holder shall be required to pay the additional prorated
6 portion of the tag fee at Eight Dollars and seventy-five cents
7 (\$8.75) per axle per fifteen-day extension.

8 G. An application for a harvest permit shall be made to the
9 ~~Corperation~~ Commission. The ~~Corperation~~ Commission shall allow
10 applications to be submitted by facsimile and electronically. The
11 Commission must provide reasonable access for persons to obtain a
12 harvest permit before taking enforcement action.

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

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

23 J. The ~~Corperation~~ Commission may enter into an agreement with
24 any person or corporation located within or outside of the state for

1 transmission of harvest permits by way of facsimile or other device
2 when the Corporation Commission determines that such agreements are
3 in the best interest of the state.

4 K. The ~~Corporation~~ Commission may promulgate rules to
5 administer the provisions of the Motor Carrier Harvest Permit Act of
6 2006.

7 SECTION 65. AMENDATORY Section 3, Chapter 140, O.S.L.
8 2006, as amended by Section 1, Chapter 243, O.S.L. 2006 (47 O.S.
9 Supp. 2008, Section 230.34b), is amended to read as follows:

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

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

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

23 Section 1115. A. Unless provided otherwise by statute, the
24 following vehicles shall be registered annually: manufactured

1 homes, vehicles registered with a permanent nonexpiring license
2 plate pursuant to Section 1113 of this title, and commercial
3 vehicles registered pursuant to the installment plan provided in
4 subsection H of Section 1133 of this title. The following schedule
5 shall apply for such vehicle purchased in this state or brought into
6 this state by residents of this state:

7 1. Between January 1 and March 31, the payment of the full
8 annual fee shall be required;

9 2. Between April 1 and June 30, the payment of three-fourths
10 (3/4) the annual fee shall be required;

11 3. Between July 1 and September 30, the payment of one-half
12 (1/2) the annual fee shall be required; and

13 4. Between October 1 and November 30, one-fourth (1/4) the
14 annual fee shall be required.

15 License plates or decals for each year shall be made available
16 on December 1 of each preceding year for such vehicles. Any person
17 who purchases such vehicle or manufactured home between December 1
18 and December 31 of any year shall register it within thirty (30)
19 days from date of purchase and obtain a license plate or
20 Manufactured Home License Registration Decal, as appropriate, for
21 the following calendar year upon payment of the full annual fee.
22 Unless provided otherwise by statute, all annual license,
23 registration and other fees for such vehicles shall be due and

24

1 payable on January 1 of each year and if not paid by February 1
2 shall be deemed delinquent.

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

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

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

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

1 4. Effective January 1, 2004, all motorcycles and mopeds shall
2 be registered on a staggered system of registration. The Oklahoma
3 Tax Commission shall notify in writing, prior to December 1, 2003,
4 all owners of motorcycles or mopeds registered as of such date, who
5 shall have a one-time option of registering for a period of not less
6 than three (3) months nor greater than fifteen (15) months.
7 Subsequent renewals for these registrants will be for twelve (12)
8 months, expiring on the last day of the month chosen by the
9 registrant under the one-time option as provided herein. All
10 motorcycles and mopeds registered pursuant to new applications
11 received on or after December 1, 2003, shall also be registered
12 pursuant to the provisions of this paragraph.

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

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

1 2. For commercial vehicles registered under the provisions of
2 subsection B of this section, except those vehicles registered
3 pursuant to Section 1133.1 of this title, a penalty shall be
4 assessed after the last day of the month following the registration
5 expiration date. A penalty of twenty-five cents (\$0.25) per day
6 shall be added to the license fee of such vehicle and shall accrue
7 for one (1) month. Thereafter, the penalty shall be thirty percent
8 (30%) of the annual registration fee, or Two Hundred Dollars
9 (\$200.00), whichever is greater;

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

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

22 D. In addition to all other penalties provided in the Oklahoma
23 Vehicle License and Registration Act, the following penalties shall
24 be imposed and collected by ~~any Enforcement Officer~~ an employee of

1 the Corporation Commission at a stationary and permanent scale
2 facility upon finding any commercial vehicle being operated in
3 violation of the provisions of the Oklahoma Vehicle License and
4 Registration Act.

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

7 1. A penalty of not ~~less~~ more than Fifty Dollars (\$50.00) shall
8 be imposed upon any person found to be operating a commercial
9 vehicle sixty (60) days after the end of the month in which the
10 license plate or registration credentials expire without the current
11 year license plate or registration credential displayed. ~~Such~~
12 ~~penalty shall not exceed the amount established by the Corporation~~
13 ~~Commission pursuant to the provisions of subsection A of Section~~
14 ~~1167 of this title.~~ Revenue from such penalties shall be
15 apportioned as provided in Section 1167 of this title;

16 2. A penalty of not ~~less~~ more than Fifty Dollars (\$50.00) shall
17 be imposed for any person operating a commercial vehicle subject to
18 the provisions of Section 1120 or Section 1133 of this title without
19 the proper display of, or, carrying in such commercial vehicle, the
20 identification credentials issued by the Corporation Commission as
21 evidence of payment of the fee or tax as provided in Section 1120 or
22 Section 1133 of this title. ~~Such penalty shall not exceed the~~
23 ~~amount established by the Corporation Commission pursuant to the~~
24 ~~provisions of subsection A of Section 1167 of this title.~~ Revenue

1 from such penalties shall be apportioned as provided in Section 1167
2 of this title; and

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

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

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

21 1. The registration of a vehicle registered pursuant to Section
22 1132 of this title is expired and it is sixty (60) or more days
23 after the end of the month of expiration; or

24

1 2. The registration fees for a vehicle that is subject to the
2 registration fees pursuant to Section 1132 of this title have not
3 been paid.

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

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

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

21 Section 1115.1 In addition to the penalties provided in the
22 Oklahoma Vehicle License and Registration Act, after ninety (90)
23 days from the expiration date for annual registration of a vehicle,
24 the ~~Corporation Commission~~, Department of Public Safety, county

1 sheriffs, and all other duly authorized peace officers of this state
2 may seize and take into custody every, and any employee of the
3 Corporation Commission may notify a law enforcement officer to seize
4 and take into custody, any vehicle owned within this state not
5 bearing or displaying a proper license plate required by the
6 Oklahoma Vehicle License and Registration Act. The vehicle shall
7 not be released to the owner until it is duly registered and the
8 license, registration, or title fee and penalties due are paid in
9 full, proof of security or an affidavit that the vehicle will not be
10 used on public highways or public streets, as required pursuant to
11 Section 7-600 et seq. of this title, is furnished, and the cost of
12 seizure, including the reasonable cost of taking the vehicle into
13 custody and storing the vehicle, have been paid. In the event the
14 owner of any vehicle seized fails to pay such fees and penalties
15 due, together with cost of seizure and storage, and fails to provide
16 proof of security or an affidavit that the vehicle will not be used
17 on public highways or public streets, the ~~Corporation Commission~~
18 employing agency of the officer seizing the vehicle shall proceed to
19 sell the vehicle by posting not fewer than five notices of sale in
20 five different public places in the county where the vehicle is
21 located, one of such notices to be posted at the place where the
22 vehicle is stored. A copy of the notice shall also be sent by
23 certified mail, restricted delivery, with return receipt requested,
24 to the last-known address of the registered owner of the vehicle.

1 The vehicle shall be sold at such sale subject to the following
2 terms and conditions:

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

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

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

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

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

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

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

18 SECTION 69. AMENDATORY 47 O.S. 2001, Section 1133, as
19 last amended by Section 6, Chapter 168, O.S.L. 2008 (47 O.S. Supp.
20 2008, Section 1133), is amended to read as follows:

21 Section 1133. A. The following license fees shall be paid
22 annually to the Oklahoma Tax Commission or Corporation Commission,
23 as applicable, upon the registration of the following vehicles:
24

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

6	1. From 8,001 pounds to 15,000 pounds	\$ 95.00
7	2. From 15,001 pounds to 18,000 pounds	120.00
8	3. From 18,001 pounds to 21,000 pounds	155.00
9	4. From 21,001 pounds to 24,000 pounds	190.00
10	5. From 24,001 pounds to 27,000 pounds	225.00
11	6. From 27,001 pounds to 30,000 pounds	260.00
12	7. From 30,001 pounds to 33,000 pounds	295.00
13	8. From 33,001 pounds to 36,000 pounds	325.00
14	9. From 36,001 pounds to 39,000 pounds	350.00
15	10. From 39,001 pounds to 42,000 pounds	375.00
16	11. From 42,001 pounds to 45,000 pounds	400.00
17	12. From 45,001 pounds to 48,000 pounds	425.00
18	13. From 48,001 pounds to 51,000 pounds	450.00
19	14. From 51,001 pounds to 54,000 pounds	475.00
20	15. From 54,001 pounds to 57,000 pounds	648.00
21	16. From 57,001 pounds to 60,000 pounds	681.00
22	17. From 60,001 pounds to 63,000 pounds	713.00
23	18. From 63,001 pounds to 66,000 pounds	746.00
24	19. From 66,001 pounds to 69,000 pounds	778.00

1	20.	From 69,001 pounds to 72,000 pounds	817.00
2	21.	From 72,001 pounds to 73,280 pounds	857.00
3	22.	From 73,281 pounds to 74,000 pounds	870.00
4	23.	From 74,001 pounds to 75,000 pounds	883.00
5	24.	From 75,001 pounds to 76,000 pounds	896.00
6	25.	From 76,001 pounds to 77,000 pounds	909.00
7	26.	From 77,001 pounds to 78,000 pounds	922.00
8	27.	From 78,001 pounds to 79,000 pounds	935.00
9	28.	From 79,001 pounds to 80,000 pounds	948.00
10	29.	From 80,001 pounds to 81,000 pounds	961.00
11	30.	From 81,001 pounds to 82,000 pounds	974.00
12	31.	From 82,001 pounds to 83,000 pounds	987.00
13	32.	From 83,001 pounds to 84,000 pounds	1000.00
14	33.	From 84,001 pounds to 85,000 pounds	1013.00
15	34.	From 85,001 pounds to 86,000 pounds	1026.00
16	35.	From 86,001 pounds to 87,000 pounds	1039.00
17	36.	From 87,001 pounds to 88,000 pounds	1052.00
18	37.	From 88,001 pounds to 89,000 pounds	1065.00
19	38.	From 89,001 pounds to 90,000 pounds	1078.00

20 B. After the fifth year's registration in this or any other
21 state, the license fee upon any truck registered on a basis of the
22 combined laden weight not in excess of fifteen thousand (15,000)
23 pounds shall be assessed at fifty percent (50%) of the fee computed
24 and assessed for each of the first five (5) years. On the seventh

1 and all subsequent years of registration in this or any other state,
2 on such truck, such license fees shall be assessed and computed at
3 fifty percent (50%) of the amount due on the sixth year's
4 registration. In no event shall such annual license fee on any
5 truck be less than Ten Dollars (\$10.00) nor shall the annual license
6 fee of any truck-tractor be less than Ninety-five Dollars (\$95.00).

7 C. In addition to the fees required by subsection A of this
8 section, there shall be paid a registration fee of Forty Dollars
9 (\$40.00) upon the first registration in this state after July 1,
10 1985, and upon the transfer of ownership of any frac tank, as
11 defined by Section 54 of Title 17 of the Oklahoma Statutes, rental
12 trailer, commercial trailer or semitrailer designed to be pulled and
13 usually pulled by a truck or truck-tractor.

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

19 Upon the payment of the registration fee of Forty Dollars
20 (\$40.00), a nonexpiring registration certificate and identification
21 plate shall be issued for each frac tank, rental trailer, commercial
22 trailer or semitrailer. The nonexpiring identification plate shall
23 remain displayed on the frac tank, rental trailer, commercial
24 trailer or semitrailer for which the identification plate is issued

1 until such frac tank, trailer or semitrailer is sold or removed from
2 service.

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

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

22 D. For each fiscal year, notwithstanding the provisions of
23 Section 1104 of this title, the first Four Hundred Thousand Dollars
24 (\$400,000.00) of all monies collected pursuant to subsections A, B

1 and C of this section shall be paid by the Tax Commission to the
2 State Treasurer of the State of Oklahoma who shall deposit same each
3 fiscal year, or such lesser amount as may accrue each fiscal year,
4 under the provisions of this section to the credit of the General
5 Revenue Fund of the State Treasury. All monies collected in excess
6 of Four Hundred Thousand Dollars (\$400,000.00) each fiscal year
7 shall be apportioned as provided in Section 1104 of this title.

8 E. If any vehicle is used for a purpose other than that for
9 which it has been registered, the owner of the vehicle shall be
10 required to immediately reregister the vehicle at the appropriate
11 rate. If any vehicle is placed or operated upon any street, road or
12 highway of this state with a laden weight in excess of that for
13 which it is licensed, the license fee for such increased laden
14 weight shall become due, and the owner of the vehicle shall be
15 required to immediately reregister the vehicle at the increased
16 rate. Provided that, in either event there shall be credited upon
17 the increased license fee for such reregistration for any portion of
18 the year or period remaining after the change in use or increase in
19 laden weight shall have occurred a proportionate part of the license
20 fees previously paid. If this reregistration is made voluntarily by
21 the owner, the ratable proportion of the credit allowed shall be
22 determined as of the date the reregistration is voluntarily made.
23 If the reregistration is not voluntarily made but occurs as a result
24 of the discovery by any law enforcement officer of an improper

1 operation of the vehicle, that shall be considered prima facie
2 evidence that it has been improperly registered for the entire
3 portion of the year covered by the improper registration. Provided
4 further that the ratable credit shall be allowed only on the first
5 reregistration of any vehicle during any calendar year. If, during
6 the calendar year, subsequent changes of license plate are desired,
7 the ratable credit shall not be allowed but the owner of the vehicle
8 shall be required to pay the license fee due for that portion of the
9 calendar year remaining without benefit of any additional credits.
10 No owner of a motor vehicle shall possess at any time more than one
11 license plate for any vehicle owned by such person. No
12 reregistration shall be made until the current license plate
13 previously issued has been surrendered.

14 Any person who has paid a fee under the terms and provisions of
15 this subsection may at any time within one (1) year after the
16 payment of such fee file with the Tax Commission or Corporation
17 Commission a claim under oath for refund stating the grounds
18 therefor. However, the Tax Commission or Corporation Commission
19 shall allow refunds only where the amount of tax paid has been
20 erroneously computed or determined through clerical errors or
21 miscalculations. No refund shall be allowed by the Tax Commission
22 or Corporation Commission of a tax paid by the person where such
23 payment is made through a mistake as to the legal misinterpretation
24 or construction of the provisions of this section. Any refunds made

1 by the Tax Commission or Corporation Commission pursuant to this
2 subsection shall be made out of any monies collected pursuant to
3 this subsection and which have not been apportioned.

4 F. The annual license fee required by this section is intended
5 to cover only the motor vehicle for which it is issued. The Tax
6 Commission or Corporation Commission upon application, when a
7 licensed truck-tractor has been destroyed by fire or accident, shall
8 credit the unused portion of the annual license fee of the vehicle
9 toward the license fee of a replacement vehicle of equal registered
10 weight. The amount of credit shall not exceed the license fee due
11 on the replacement vehicle. The Tax Commission or Corporation
12 Commission shall not be required to make a refund. If the
13 replacement vehicle is to be registered at a greater weight, the
14 applicant shall pay an additional sum equivalent to the difference
15 between the unused portion of the annual license fee for the
16 original motor vehicle and the license fee due for the replacement
17 motor vehicle.

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

21 H. Notwithstanding the provision of any other statute in
22 respect to the time for payment of license fees on motor vehicles,
23 if the total amount of the annual license fees due from any resident
24 owner, either individual, partnership, or Oklahoma corporation, upon

1 the registration, on or before January 15 of any year, of commercial
2 trucks, truck-tractors, frac tanks, trailers or semitrailers exceeds
3 the sum of One Thousand Dollars (\$1,000.00), the license fees may be
4 paid in equal semiannual installments. The first installment shall
5 be paid at the time of the application for registration of the
6 vehicles and not later than January 15 of each year, and the second
7 installment shall be paid on or before the first day of July of such
8 year.

9 This subsection shall not operate to reduce the amount of the
10 license fees due. If any installment is not paid on or before the
11 date due, all unpaid installments of license fees for such year on
12 each vehicle shall be deemed delinquent and immediately due and
13 payable, and there shall be added a penalty of twenty-five cents
14 (\$0.25) per day to the balance of the license fee due on each
15 vehicle for each day the balance remains unpaid up to thirty (30)
16 days, after which the penalty due on each vehicle shall be Twenty-
17 five Dollars (\$25.00). The penalty for vehicles registered by
18 weight in excess of eight thousand (8,000) pounds shall be an amount
19 equal to the license fee. On and after the thirtieth day each such
20 vehicle involved shall be considered as improperly licensed and as
21 not currently registered, and all of the provisions of the Oklahoma
22 Vehicle License and Registration Act relating to enforcement,
23 including the provisions for the seizure and sale of vehicles not

24

1 registered and not displaying current license plates, shall apply to
2 the vehicles.

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

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

1 I. Any person pulling or towing any vehicle intended to be
2 resold, into or through this state, shall pay a fee of Three Dollars
3 (\$3.00) for the vehicle towing and Three Dollars (\$3.00) for the one
4 being towed. It shall be unlawful to operate any series of such
5 units on the public highways of this state at a distance closer than
6 five hundred (500) feet from each other. All fees and taxes levied
7 by the terms and provisions of this section shall become and remain
8 a first lien upon the vehicle upon which the fees or taxes are due
9 until paid. The lien shall be prior, superior, and paramount to all
10 other liens of whatsoever kind or character.

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

20 The penalty shall be not ~~less~~ more than Twenty Dollars (\$20.00)
21 when such vehicle exceeds the laden weight or combined laden weight
22 by two thousand one (2,001) pounds; thereafter, an additional
23 penalty of not less than Twenty Dollars (\$20.00) shall be imposed
24 for each additional one thousand (1,000) pounds or fraction thereof

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

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

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

20 B. Those not complying with the provisions of this section
21 shall be assessed a fine of not less more than One Hundred Dollars
22 (\$100.00). ~~Such penalty shall not exceed the amount established by~~
23 ~~the Corporation Commission pursuant to the provisions of subsection~~
24 ~~A of Section 3 of this act.~~ Revenue from such fines shall be

1 ~~apportioned as provided in Section 3 of this act.~~ Any person in
2 violation of the provisions of this section may be cited by the
3 Oklahoma Highway Patrol, ~~the Corporation Commission,~~ or any county
4 sheriff or municipal law enforcement officer. Any fines collected
5 by a county sheriff or municipal law enforcement officer shall be
6 deposited in the respective county or municipal treasury.

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

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

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

17 SECTION 71. AMENDATORY 47 O.S. 2001, Section 1140, as
18 last amended by Section 1, Chapter 383, O.S.L. 2008 (47 O.S. Supp.
19 2008, Section 1140), is amended to read as follows:

20 Section 1140. A. In municipalities having a population in
21 excess of eight thousand five hundred (8,500) located in a county
22 having a population in excess of one hundred thirty thousand
23 (130,000), according to the latest Federal Decennial Census, the
24 Oklahoma Tax Commission shall adopt rules prescribing minimum

1 qualifications and requirements for locating motor license agencies
2 and for persons applying for appointment as a motor license agent.

3 Such qualifications and requirements shall include, but not be
4 limited to, the following:

5 1. Necessary job skills and experience;

6 2. Minimum office hours;

7 3. Provision for sufficient staffing, equipment, office space
8 and parking to provide maximum efficiency and maximum convenience to
9 the public;

10 4. Obtainment of a faithful performance surety bond as provided
11 for by law;

12 5. A requirement that operation of a motor license agency be
13 the primary source of income for said agent;

14 6. That the applicant has not been convicted of a felony and
15 that no felony charges are pending against the applicant;

16 7. That a complete financial statement be submitted by the
17 applicant on forms provided by the Tax Commission;

18 8. That a report of the applicant's credit history be obtained
19 through the appropriate credit bureau; and

20 9. That the location specified in the application for
21 appointment as a motor license agent not be owned by a member of the
22 Oklahoma Legislature or any person related to a member of the
23 Oklahoma Legislature within the third degree by consanguinity or
24 affinity and that the location not be within a three-mile radius of

1 an existing motor license agency unless the applicant is assuming
2 the location of an operating agency. The Tax Commission may, at its
3 discretion, approve the relocation of an existing agency within a
4 three-mile radius of another existing agency only if a naturally
5 intervening geographic barrier within that radius causes the
6 locations to be separated by not less than three (3) miles of
7 roadway by the most direct route.

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

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

15 Any person making application to the Tax Commission for the
16 purpose of becoming a motor license agent shall pay when submitting
17 the application, a nonrefundable application fee of One Hundred
18 Dollars (\$100.00). All such application fees shall be deposited in
19 the Oklahoma Tax Commission Revolving Fund.

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

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

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

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

22 Such agents shall be self-employed independent contractors, and
23 all agents shall be under the supervision of the Tax Commission;
24 provided, any agent authorized to issue registrations pursuant to

1 the International Registration Plan shall also be under the
2 supervision of the Corporation Commission, subject to rules
3 promulgated by the Corporation Commission pursuant to the provisions
4 of subsection E of Section 1166 of this title. Any such agent, upon
5 being appointed, shall furnish and file with the Tax Commission a
6 bond in such amount as may be fixed by the Tax Commission. Such
7 agent shall be removable at the will of the Tax Commission. Such
8 agent shall perform all duties and do such things in the
9 administration of the laws of this state as shall be enjoined upon
10 and required by the Tax Commission or the Corporation Commission.
11 Provided, the Tax Commission may operate a motor license agency in
12 any county where a vacancy occurs.

13 C. In the event of a vacancy existing by reason of resignation,
14 removal, death or otherwise, in the position of any motor license
15 agent, the Tax Commission is hereby empowered and authorized to take
16 any and all actions it deems appropriate in order to provide for the
17 orderly transition and for the maintenance of operations of the
18 motor license agency including but not limited to the designation of
19 one of its regular employees to serve as "acting agent" without
20 bond, and to receive and expend all fees or charges authorized or
21 provided by law and exercise the same powers and authority as a
22 regularly appointed motor license agent. An acting agent may be
23 authorized by the Tax Commission equally as the preceding agent to
24 make disbursements from any balances in the preceding motor license

1 agent's operating account and the agent's operating funds for the
2 payment of expenses of operations and salaries and other overhead.
3 If such funds are insufficient, the Tax Commission is authorized to
4 expend from funds appropriated for the operation of the Tax
5 Commission such amounts as are necessary to maintain and continue
6 the operation of any such motor license agency until a successor
7 agent is appointed and qualified. The Tax Commission may require a
8 blanket fiduciary bond of the agency employees.

9 D. Any motor license agency operated by a motor license agent
10 who has been charged with a felony shall be closed immediately. The
11 State Auditor and Inspector shall immediately conduct an audit of
12 such motor license agency and forward the report of the audit to the
13 Tax Commission for review. The Tax Commission shall determine
14 whether the motor license agency shall be reopened and operated by
15 the motor license agent or whether the agency shall be reopened and
16 operated by the Tax Commission. The review of the audit and the Tax
17 Commission determination shall be effected as soon as possible to
18 prevent additional inconvenience to the public.

19 E. When an application for registration is made with the Tax
20 Commission, Corporation Commission or a motor license agent, a
21 registration fee of One Dollar and seventy-five cents (\$1.75) shall
22 be collected for each license plate or decal issued. Such fees
23 shall be in addition to the registration fees on motor vehicles and
24 when an application for registration is made to the motor license

1 agent such motor license agent shall retain a fee as provided in
2 Section 1141.1 of this title. When the fee is paid by a person
3 making application directly with the Tax Commission or Corporation
4 Commission, as applicable, the registration fees shall be in the
5 same amount as provided for motor license agents and the fee
6 provided by Section 1141.1 of this title shall be deposited in the
7 Oklahoma Tax Commission Revolving Fund or as provided in Section
8 1167 of this title, as applicable. The Tax Commission shall prepare
9 schedules of registration fees and charges for titles which shall
10 include the fees for such agents and all fees and charges paid by a
11 person shall be listed separately on the application and
12 registration and totaled on the application and registration. The
13 motor license agents shall charge only such fees as are specifically
14 provided for by law, and all such authorized fees shall be posted in
15 such a manner that any person shall have notice of all fees that are
16 imposed by law.

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

20 1. Any member of the Oklahoma Legislature;

21 2. Any person who has served as a member of the Oklahoma
22 Legislature within the two-year period preceding the date of
23 appointment as motor license agent; or

24 3. Any employee of the Tax Commission.

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

6 SECTION 72. AMENDATORY 47 O.S. 2001, Section 1151, as
7 last amended by Section 37, Chapter 1, O.S.L. 2007 (47 O.S. Supp.
8 2008, Section 1151), is amended to read as follows:

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

11 1. To lend or to sell to, or knowingly permit the use of by,
12 one not entitled thereto any certificate of title, license plate or
13 decal issued to or in the custody of the person so lending or
14 permitting the use thereof;

15 2. To alter or in any manner change a certificate of title,
16 registration certificate, license plate or decal issued under the
17 laws of this or any other state;

18 3. To procure from another state or country, or display upon
19 any vehicle owned by such person within this state, except as
20 otherwise provided in the Oklahoma Vehicle License and Registration
21 Act, any license plate issued by any state or country other than
22 this state, unless there shall be displayed upon such vehicle at all
23 times the current license plate and decal assigned to it by the
24 Oklahoma Tax Commission or the Corporation Commission or the vehicle

1 shall display evidence that the vehicle is registered as a
2 nonresident vehicle pursuant to rules promulgated by the Tax
3 Commission, with the concurrence of the Department of Public Safety.
4 A violation of the provisions of this paragraph shall be presumed to
5 have occurred if a person who is the holder of an Oklahoma driver
6 license operates a vehicle owned by such person on the public roads
7 or highways of this state and there is not displayed on the vehicle
8 a current Oklahoma license plate and decal, unless the vehicle is
9 owned by a member of the Armed Forces of the United States assigned
10 to duty in this state in compliance with official military or naval
11 orders or the spouse of such a member of the Armed Forces;

12 4. To drive, operate or move, or for the owner to cause or
13 permit to be driven or moved, upon the roads, streets or highways of
14 this state, any vehicle loaded in excess of its registered laden
15 weight, or which is licensed for a capacity less than the
16 manufacturer's rated capacity as provided for in the Oklahoma
17 Vehicle License and Registration Act;

18 5. To operate a vehicle without proper license plate or decal
19 or on which all taxes due the state have not been paid;

20 6. To buy, sell or dispose of, or possess for sale, use or
21 storage, any secondhand or used vehicle on which the registration or
22 license fee has not been paid, as required by law, and on which
23 vehicle the person neglects, fails or refuses to display at all
24 times the license plate or decal assigned to it;

1 7. To give a fictitious name or fictitious address or make any
2 misstatement of facts in application for certificate of title and
3 registration of a vehicle;

4 8. To purchase a license plate on an assigned certificate of
5 title. This particular paragraph shall be applicable to all persons
6 except a bona fide registered dealer in used cars who are holders of
7 a current and valid used car dealer license;

8 9. To operate a vehicle upon the highways of this state after
9 the registration deadline for that vehicle without a proper license
10 plate, as prescribed by the Oklahoma Vehicle License and
11 Registration Act, for the current year;

12 10. For any owner of a vehicle registered on the basis of laden
13 weight to fail or refuse to weigh or reweigh it when requested to do
14 so by any law enforcement officer charged with the duty of enforcing
15 this law;

16 11. To operate or possess any vehicle which bears a motor
17 number or serial number other than the original number placed
18 thereon by the factory except a number duly assigned and authorized
19 by the state;

20 12. For any motor license agent to release a license plate, a
21 manufactured home registration receipt, decal or excise tax receipt
22 to any unauthorized person or source, including any dealer in new or
23 used motor vehicles. Violation of this paragraph shall constitute
24

1 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
4 without the lettering requirements of Section 1102 of this title; or

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

10 Any person convicted of violating any provision of this
11 subsection, other than paragraph 3 of this subsection, shall be
12 deemed guilty of a misdemeanor and upon conviction shall be punished
13 by a fine not to exceed Five Hundred Dollars (\$500.00). Any person
14 convicted of violating the provisions of paragraph 3 of this
15 subsection shall be deemed guilty of a misdemeanor and, upon
16 conviction, shall be punished by a fine of not less than One Hundred
17 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00)
18 and shall be required to obtain an Oklahoma license plate.

19 ~~Employees of the Corporation Commission may be authorized by the~~
20 ~~Corporation Commission to issue citations to motor carriers or~~
21 ~~operators of commercial motor vehicles, pursuant to the jurisdiction~~
22 ~~of the Corporation Commission, for a violation of this subsection.~~
23 ~~If a person convicted of violating the provisions of this subsection~~
24 ~~was issued a citation by a duly authorized employee of the~~

1 ~~Corporation Commission, the fine herein levied shall be apportioned~~
2 ~~as provided in Section 1167 of this title.~~

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

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

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

12 3. Remove or alter a manufactured home registration receipt,
13 manufactured home registration decal or excise tax receipt attached
14 to a certificate of title or attach such receipts to a certificate
15 of title with the intent to misrepresent the payment of the required
16 excise tax and registration fees;

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

20 5. Purchase identification, manufactured home registration
21 receipt, manufactured home registration decal or excise tax receipt
22 on an assigned certificate of title.

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

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

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

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

24

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

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

10 2. Golf carts;

11 3. Go-carts; and

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

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

16 F. Any person violating paragraph 3 or 6 of subsection A of
17 this section, in addition to the penal provisions provided in this
18 section, shall pay as additional penalty a sum equal to the amount
19 of license fees due on such vehicle or registration fees due on a
20 manufactured home known to be in violation and such amount is hereby
21 declared to be a lien upon the vehicle as provided in the Oklahoma
22 Vehicle License and Registration Act. In addition to the penalty
23 provisions provided in this section, any person violating paragraph
24 3 of subsection A of this section shall be deemed guilty of a

1 misdemeanor and shall, upon conviction, be punished by a fine of One
2 Hundred Dollars (\$100.00).

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

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

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

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

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

23 Section 1166. A. Effective July 1, 2004, all powers, duties
24 and responsibilities exercised by the Motor Vehicle Enforcement

1 Section shall be transferred from the Oklahoma Tax Commission to the
2 Corporation Commission. Beginning July 1, 2004, and effective July
3 1, 2005, all powers, duties and responsibilities exercised by the
4 International Registration Plan Section and the International Fuel
5 Tax Agreement Section shall be transferred from the Tax Commission
6 to the Corporation Commission. All records, property and matters
7 pending of the sections shall be transferred to the Corporation
8 Commission. ~~Funds sufficient to administer the powers, duties and~~
9 ~~responsibilities exercised by these sections shall be appropriated~~
10 ~~or allocated to the Corporation Commission for fiscal year 2005 as~~
11 ~~provided herein. Such funds appropriated or allocated to the~~
12 ~~Corporation Commission shall not be subject to budgetary~~
13 ~~limitations. The Director of State Finance is hereby authorized to~~
14 ~~transfer such funds as may be necessary to effect such allocations.~~

15 B. ~~The period of July 1, 2004, through June 30, 2005, shall be~~
16 ~~a transitional period in which the Corporation Commission shall~~
17 ~~gradually assume complete administration and management over the~~
18 ~~powers, duties, responsibilities and staff currently carrying out~~
19 ~~the administration of the International Registration Plan Section~~
20 ~~and the International Fuel Tax Agreement Section. During this~~
21 ~~transition period, the employees assigned to the International~~
22 ~~Registration Plan Section and the International Fuel Tax Agreement~~
23 ~~Section shall continue to be employees of the Tax Commission unless~~
24 ~~otherwise agreed to by the Tax Commission and the Corporation~~

1 ~~Commission.~~ Effective July 1, 2005, the International Registration
2 Plan Section and the International Fuel Tax Agreement Section shall
3 be administered solely by the Corporation Commission. ~~For the~~
4 ~~period of July 1, 2004, through June 30, 2005, the Corporation~~
5 ~~Commission and the Tax Commission shall enter into a contract~~
6 ~~whereby funds shall be paid to the Tax Commission by the Corporation~~
7 ~~Commission in exchange for the Tax Commission's agreement to~~
8 ~~continue to operate the International Registration Plan Section and~~
9 ~~the International Fuel Tax Agreement Section.~~

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

13 D. All employees of the Tax Commission whose duties are
14 transferred under this act shall be transferred to the Corporation
15 Commission. Personnel transferred pursuant to the provisions of
16 this section shall not be required to accept a lesser salary than
17 presently received; provided, the provisions of this section shall
18 not operate to prohibit the Corporation Commission or the Tax
19 Commission from imposing furloughs or reductions-in-force with
20 respect to such personnel as allowed by law. Personnel transferred
21 shall be placed within the classification level in which they meet
22 qualifications without an entrance exam. All such persons shall
23 retain seniority, leave, sick and annual time earned and any
24 retirement benefits which have accrued during their tenure with the

1 Tax Commission. The transfer of personnel among the agencies shall
2 be coordinated with the Office of Personnel Management.

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

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

1 SECTION 74. AMENDATORY Section 3, Chapter 522, O.S.L.
2 2004, as last amended by Section 1, Chapter 102, O.S.L. 2008 (47
3 O.S. Supp. 2008, Section 1167), is amended to read as follows:

4 Section 1167. A. The Corporation Commission is hereby
5 authorized to promulgate rules pursuant to the Administrative
6 Procedures Act to establish the amounts of fees, ~~fin~~es and ~~penalties~~
7 as set forth in this act. The Corporation Commission shall notify
8 all interested parties of any proposed rules to be promulgated as
9 provided herein and shall provide such parties an opportunity to be
10 heard prior to promulgation.

11 B. The Corporation Commission shall adjudicate ~~enforcement~~
12 administrative actions initiated by Corporation Commission
13 personnel.

14 C. Revenue derived from all fines and penalties collected or
15 received by the Corporation Commission pursuant to the provisions of
16 this act shall be apportioned as follows:

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

21 2. One-half (1/2) of the remaining amount shall be deposited to
22 the Trucking One-Stop Shop Fund created in subsection D of this
23 section; and
24

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

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

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

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

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

15 The fund shall be a continuing fund, not subject to fiscal year
16 limitations, and shall not be subject to legislative appropriation.
17 Monies in the Trucking One-Stop Shop Fund shall only be expended for
18 direct expenses relating to the Trucking One-Stop Shop Act.

19 Expenditures from the revolving fund shall be made pursuant to the
20 laws of this state. In addition, expenditures from the revolving
21 fund may be made pursuant to The Oklahoma Central Purchasing Act for
22 the purpose of immediately responding to emergency situations,
23 within the Commission's jurisdiction, having potentially critical
24 environmental or public safety impact. Warrants for expenditures

1 from the fund shall be drawn by the State Treasurer against claims
2 filed as prescribed by law with the Director of State Finance for
3 approval and payment.

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

16 SECTION 75. AMENDATORY Section 4, Chapter 522, O.S.L.
17 2004 (47 O.S. Supp. 2008, Section 1168), is amended to read as
18 follows:

19 Section 1168. All facilities and equipment under the
20 administrative control of the Oklahoma Tax Commission and used for
21 determining the weight of vehicles operated on the roads or highways
22 of this state are hereby transferred to the Department of
23 Transportation. Any funds appropriated to or any powers, duties and
24 responsibilities exercised by the Tax Commission for such purpose

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

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

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

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

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

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

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

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

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

12 C. The ~~Corporation~~ Commission shall promulgate rules setting
13 forth the revocation, suspension or denial of a motor carrier or
14 commercial motor vehicle certificate, registration, license or
15 permit issued pursuant to the jurisdiction of the ~~Corporation~~
16 Commission. The ~~Corporation~~ Commission shall additionally
17 promulgate rules allowing for the collection and remittance of
18 financial liabilities owed by a motor carrier, registrant, licensee
19 or permittee to a state or province participating with the
20 ~~Corporation~~ Commission in a uniform base state program or to another
21 state agency.

22 D. Upon the revocation or expiration of any motor carrier or
23 commercial motor vehicle license, permit, registration or
24 certificate issued pursuant to the jurisdiction of the ~~Corporation~~

1 Commission, all accrued taxes, fees and penalties due and payable
2 under the terms of state law, rules or order imposing or levying
3 such tax, fee or penalty shall become due and payable concurrently
4 upon the revocation or expiration of the license, permit,
5 registration or certificate and the licensee, permittee, registrant
6 or certificate holder shall forthwith make a report covering the
7 period of time not covered by preceding reports filed by said person
8 and ending with the date of the revocation or expiration and shall
9 pay all such taxes, fees or penalties owed.

10 E. No person shall knowingly, or intentionally, present an
11 altered or fraudulent credential or document to the ~~Corporation~~
12 Commission or to any duly authorized peace officer. Any person or
13 persons violating the provisions of this subsection shall be found
14 guilty of contempt of the Commission and shall, upon conviction
15 thereof, be punished by a fine of not more than Two Thousand Dollars
16 (\$2,000.00) for each offense.

17 SECTION 77. AMENDATORY Section 12, Chapter 238, O.S.L.
18 2006 (47 O.S. Supp. 2008, Section 1170), is amended to read as
19 follows:

20 Section 1170. A. Reports and files of the Corporation
21 Commission concerning the administration of the International
22 Registration Plan and the International Fuel Tax Agreement, shall be
23 considered confidential and privileged, except as otherwise provided
24 for by law, and neither the Commission nor any employee engaged in

1 the administration of the International Registration Plan or
2 International Fuel Tax Agreement or charged with the custody of any
3 such reports or records nor any person who may have secured such
4 reports or records from the Commission shall disclose any
5 information obtained from the reports or records of any person.

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

11 1. The delivery to a taxpayer or a duly authorized
12 representative of the taxpayer of a copy of any report or any other
13 paper filed by the taxpayer pursuant to the provisions of the
14 International Registration Plan or the International Fuel Tax
15 Agreement;

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

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

23

24

1 4. The examination of records and files by the State Auditor
2 and Inspector or the duly authorized agents of the State Auditor and
3 Inspector;

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

23 6. The use by any division of the Commission of any information
24 or evidence in the possession of or contained in any report or

1 return filed or documents obtained by the Commission in the
2 administration of the International Fuel Tax Agreement or the
3 International Registration Plan;

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

10 8. The furnishing of information as to the issuance or
11 revocation of any registration or license by the Commission as
12 provided for by law. Such information shall be limited to the name
13 of the person issued the permit or license, the name of the business
14 entity authorized to engage in business pursuant to the permit or
15 license, the address of the business entity, and the grounds for
16 revocation;

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

21 10. The disclosure of information directly involved in the
22 resolution of the protest by a taxpayer to an assessment of tax or
23 additional tax or the resolution of a claim for a refund filed by a
24 taxpayer, including the disclosure of the pendency of an

1 administrative proceeding involving such protest or claim, to a
2 person called by the Commission as an expert witness or as a witness
3 whose area of knowledge or expertise specifically addresses the
4 issue addressed in the protest or claim for refund. Such disclosure
5 to a witness shall be limited to information pertaining to the
6 specific knowledge of that witness as to the transaction or
7 relationship between taxpayer and witness;

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

17 12. The furnishing of information as to the amount of state
18 revenue affected by the issuance or granting of any registration or
19 license or credit issued by the Corporation Commission as provided
20 for by law. Such information shall be limited to the type of
21 registration, license or credit issued or granted, the date and
22 duration of such registration, license or credit, and the amount of
23 such revenue. The provisions of this paragraph shall not authorize
24 the disclosure of the name of the person issued such registration,

1 license, exemption, credit, or the name of the business entity
2 authorized to engage in business pursuant to the registration,
3 license or credit.

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

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

8 SECTION 80. This act shall become effective November 1, 2009.

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