

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2054

By: Thompson

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 14-101, as last amended by Section 1,
9 Chapter 324, O.S.L. 2007 (47 O.S. Supp. 2008, Section
10 14-101), which relates to the issuance of annual
11 overweight permits; allowing Commissioner of Public
12 Safety to issue certain permit; providing for the
13 issuance of oversize and overweight annual vehicle
14 permits for specific motor vehicles and motor
15 carriers; providing procedures and guidelines for
16 issuing permits; prohibiting transferability of
17 permits between permittees; providing for
18 transferability of permits between vehicles;
19 providing for the replacement of permits under
20 certain circumstances; prohibiting replacement of
21 permits under certain circumstances; providing for
22 codification; and providing an effective date.

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

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

Section 14-101. A. It is a misdemeanor for any person to drive
or move or for the owner to cause or knowingly permit to be driven
or moved on any highway any vehicle or vehicles of a size or weight
exceeding the limitations stated in this chapter or otherwise in

1 violation of this chapter, and the maximum size and weight of
2 vehicles herein specified shall be lawful throughout this state and
3 local authorities shall have no power or authority to alter said
4 limitations except as express authority may be granted in this
5 chapter.

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

8 1. Municipalities and rural fire districts for the
9 transportation of firefighting apparatus at no cost to the
10 municipalities or rural fire districts;

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

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

16 4. Owners of certain vehicles as provided for in Section 2 of
17 this act.

18 C. All size, weight and load provisions covered by this chapter
19 shall be subject to the limitations imposed by Title 23, United
20 States Code, Section 127, and such other rules and regulations
21 developed herein. Provided further that any size and weight
22 provision authorized by the United States Congress for use on the
23 National System of Interstate and Defense Highways, including but
24 not limited to height, axle weight, gross weight, combinations of

1 vehicles or load thereon shall be authorized for immediate use on
2 such segments of the National System of Interstate and Defense
3 Highways and any other highways or portions thereof as designated by
4 the Transportation Commission or their duly authorized
5 representative.

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

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

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

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

- 1 a. Martin Luther King, Jr.'s Birthday (the third Monday
- 2 in January),
- 3 b. President's Day, also known as Washington's Birthday
- 4 (the third Monday in February), and
- 5 c. Veteran's Day (November 11).

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

9 A. 1. The Department of Public Safety may issue an annual
10 vehicle permit under the provisions of this subsection to a specific
11 vehicle, for the movement of oversize or overweight loads that
12 cannot reasonably be dismantled. Unless otherwise provided by law,
13 permits issued under this subsection shall be subject to the
14 conditions described in paragraphs 2 through 8 of this subsection.

15 2. Oversize or overweight loads operating under an annual
16 vehicle permit shall not exceed:

- 17 a. twelve (12) feet in width,
- 18 b. fourteen (14) feet in height,
- 19 c. one hundred ten (110) feet in length, or
- 20 d. one hundred twenty thousand (120,000) pounds gross
- 21 weight.

22 3. Oversize or overweight loads operating under an annual
23 vehicle permit under this subsection shall not transport a load that
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1 has more than a twenty-five-foot front overhang, or more than a
2 thirty-foot rear overhang.

3 4. The fee for an annual vehicle permit shall be Four Thousand
4 Dollars (\$4,000.00) and shall be nonrefundable.

5 5. The annual vehicle permit shall be issued for one (1)
6 calendar year period and shall commence upon the date specified on
7 the permit.

8 6. An annual vehicle permit issued pursuant to this subsection
9 shall be nontransferable between permittees.

10 7. The permitted vehicle or vehicle combination shall be
11 registered in accordance with the provisions of Chapter 14 of Title
12 47 of the Oklahoma Statutes for maximum weight.

13 8. An annual vehicle permit issued pursuant to this subsection
14 may be transferred from one vehicle to another vehicle in the fleet
15 of the permittee provided:

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

23 b. the certificate of title to the permitted vehicle is
24 transferred to someone other than the permittee, and

1 the permittee presents proof to the Department of
2 Public Safety that the negotiable certificate of title
3 or other qualifying documentation has been transferred
4 from the permittee.

5 B. 1. The Department of Public Safety may issue an annual
6 vehicle permit under this subsection to a specific motor carrier,
7 for the movement of oversize or overweight loads that cannot
8 reasonably be dismantled. An annual vehicle permit issued under
9 this subsection may be transferred from one vehicle to another
10 vehicle in the fleet of the permittee provided:

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

16 2. An annual vehicle permit issued under this subsection shall
17 be sent to the permittee via first-class, registered mail, or at the
18 request and expense of the permittee via overnight delivery service.
19 The annual vehicle permit shall not be duplicated. The annual
20 vehicle permit shall be replaced only if:

- 21 a. the permittee did not receive the original permit
22 within seven (7) business days after the date of
23 issuance,
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1 b. a request for replacement is submitted to the
2 Department of Public Safety within ten (10) business
3 days after the original date of issuance of the
4 permit, and

5 c. the request for replacement is accompanied by a
6 notarized statement signed by a principal or officer
7 of the permittee acknowledging that the permittee
8 understands the permit may not be duplicated and that
9 if the original permit is located, the permittee shall
10 return either the original or replacement permit to
11 the Department of Public Safety.

12 3. A request for replacement of an annual vehicle permit issued
13 pursuant to the provisions of this subsection shall be denied if the
14 Department of Public Safety can verify that the permittee received
15 the original annual vehicle permit.

16 4. Lost, misplaced, damaged, destroyed, or otherwise unusable
17 annual vehicle permits shall not be replaced. A new permit shall be
18 required and shall be issued by the Department of Public Safety.

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

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