

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2264

By: Christian

4
5 AS INTRODUCED

6 An Act relating to motor vehicles; amending Section
7 2, Chapter 104, O.S.L. 2006, as amended by Section
8 11, Chapter 62, O.S.L. 2007 (47 O.S. Supp. 2008,
9 Section 11-403.1), which relates to penalties for
10 failing to yield a right-of-way; requiring the
11 assessment of a certain fee; modifying fee amount;
12 making certain acts unlawful; amending 47 O.S. 2001,
13 Section 12-417, as last amended by Section 10,
14 Chapter 190, O.S.L. 2005 (47 O.S. Supp. 2008, Section
15 12-417), which relates to the Oklahoma Mandatory Seat
16 Belt Use Act; clarifying scope of certain prohibited
17 act; modifying definition of certain term; amending
18 47 O.S. 2001, Sections 14-101, as last amended by
19 Section 1, Chapter 324, O.S.L. 2007 and 14-118, as
20 last amended by Section 1, Chapter 55, O.S.L. 2007
21 (47 O.S. Supp. 2008, Sections 14-101 and 14-118),
22 which relates to size, weight and load restrictions
23 on state highways; providing list of equipment not
24 subject to oversize and overweight load restrictions;
deleting length limitation for saddlemount tow
combinations; amending 47 O.S. 2001, Section 230.6,
as last amended by Section 14, Chapter 390, O.S.L.
2004 (47 O.S. Supp. 2008, Section 230.6), which
relates to the Oklahoma Motor Carrier Safety and
Hazardous Materials Transportation Act; clarifying
scope of certain prohibited acts; increasing amount
of administrative penalties; providing for
codification; and providing an effective date.

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

1 SECTION 1. AMENDATORY Section 2, Chapter 104, O.S.L.
2 2006, as amended by Section 11, Chapter 62, O.S.L. 2007 (47 O.S.
3 Supp. 2008, Section 11-403.1), is amended to read as follows:

4 Section 11-403.1 Any person convicted of failure to yield a
5 right-of-way and who causes a fatality or serious bodily injury as a
6 result of such violation ~~may~~ shall, in addition to any other fine or
7 penalty, be assessed a fee in an amount ~~not exceeding~~ of not less
8 than Two Hundred Dollars (\$200.00) nor more than One Thousand
9 Dollars (\$1,000.00) to be deposited in the Motorcycle Safety and
10 Education Program Revolving Fund established in Section 40-123 of
11 this title. The monies deposited as provided in this section shall
12 be used to promote public awareness of the dangers of driving while
13 under the influence of alcohol or any controlled substance and to
14 promote motorcycle safety and defensive driving for youth.

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 11-801.1 of Title 47, unless
17 there is created a duplication in numbering, reads as follows:

18 It shall be unlawful for any person to:

19 1. Possess, operate or use a radar detector while operating or
20 as a passenger in a commercial motor vehicle;

21 2. Operate a commercial motor vehicle in which a radar detector
22 is installed or present; or

23 3. Install or have installed a radar detector in a commercial
24 motor vehicle.

1 SECTION 3. AMENDATORY 47 O.S. 2001, Section 12-417, as
2 last amended by Section 10, Chapter 190, O.S.L. 2005 (47 O.S. Supp.
3 2008, Section 12-417), is amended to read as follows:

4 Section 12-417. A. 1. Every operator and front seat passenger
5 of a Class A commercial motor vehicle, Class B commercial motor
6 vehicle, Class C commercial motor vehicle, or passenger ear vehicle
7 operated in this state shall wear a properly adjusted and fastened
8 safety seat belt system, required to be installed in the motor
9 vehicle when manufactured pursuant to 49 C.F.R., Section 571.208.

10 2. For the purposes of this section, "passenger ear vehicle"
11 shall mean "~~vehicle~~" ~~as defined in Section 1102 of this title.~~
12 "~~Passenger car~~" shall include the passenger compartment of pickups,
13 vans, minivans, and sport utility vehicles. "~~Passenger car~~" a Class
14 D motor vehicle, but shall not include ~~trucks, truck tractors,~~
15 recreational vehicles, motorcycles, ~~or~~ motorized bicycles.
16 "~~Passenger car~~" shall not include, or a vehicle used primarily for
17 farm use which is registered and licensed pursuant to the provisions
18 of Section 1134 of this title.

19 B. The Commissioner of Public Safety, upon application from a
20 person who, for medical reasons, is unable to wear a safety seat
21 belt system supported by written attestation of such fact from a
22 physician licensed pursuant to Section 495 of Title 59 of the
23 Oklahoma Statutes, may issue to the person an exemption from the
24 provisions of this section. The exemption shall be in the form of a

1 restriction appearing on the driver license of the person and shall
2 remain in effect until the expiration date of the driver license.
3 Nothing in this subsection shall be construed to prevent the person
4 from applying for another exemption as provided for in this section.
5 The issuance of an attestation by a physician and the subsequent
6 issuance of an exemption by the Commissioner, in good faith, shall
7 not give rise to, nor shall the physician and the state thereby
8 incur, any liability whatsoever in damages or otherwise, to any
9 person injured by reason of failure of the person to wear a safety
10 seat belt system.

11 C. This section shall not apply to an operator of a motor
12 vehicle while performing official duties as a route carrier of the
13 U.S. Postal Service.

14 D. The Department of Public Safety shall not record or assess
15 points for violations of this section on any license holder's
16 traffic record maintained by the Department.

17 E. Fine and court costs for violating the provisions of this
18 section shall not exceed Twenty Dollars (\$20.00).

19 F. Municipalities may enact and municipal police officers may
20 enforce ordinances prohibiting and penalizing conduct under
21 provisions of this section, but the provisions of those ordinances
22 shall be the same as provided for in this section, and the
23 enforcement provisions under those ordinances shall not be more
24 stringent than those of this section.

1 SECTION 4. AMENDATORY 47 O.S. 2001, Section 14-101, as
2 last amended by Section 1, Chapter 324, O.S.L. 2007 (47 O.S. Supp.
3 2008, Section 14-101), is amended to read as follows:

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

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

15 1. Municipalities and rural fire districts for the
16 transportation of firefighting apparatus at no cost to the
17 municipalities or rural fire districts;

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

21 3. Retail implement dealers while hauling implements of
22 husbandry at no cost to the dealer.

23 C. 1. All size, weight and load provisions covered by this
24 chapter shall be subject to the limitations imposed by Title 23,

1 United States Code, Section 127, and such other rules and
2 regulations developed herein. Provided further that any size and
3 weight provision authorized by the United States Congress for use on
4 the National System of Interstate and Defense Highways, including
5 but not limited to height, axle weight, gross weight, combinations
6 of vehicles or load thereon shall be authorized for immediate use on
7 such segments of the National System of Interstate and Defense
8 Highways and any other highways or portions thereof as designated by
9 the Transportation Commission or their duly authorized
10 representative.

11 2. The provisions of this chapter governing oversize and
12 overweight loads shall not apply to:

- 13 a. firefighting apparatus,
- 14 b. vehicles transporting oversize equipment on any
15 highway, other than an interstate and defense highway,
16 to and from areas during emergencies for the purpose
17 of fighting fires,
- 18 c. Department of Transportation research testing
19 equipment,
- 20 d. vehicles used by retail implement dealers while
21 hauling oversize implements of husbandry,
- 22 e. implements of husbandry, including farm tractors, that
23 are temporarily moved upon a highway, or

24

1 f. a vehicle operated under the terms of a special permit
2 issued as provided in this chapter.

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

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

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

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

- 22 a. Martin Luther King, Jr.'s Birthday (the third Monday
23 in January),

- 1 b. President's Day, also known as Washington's Birthday
2 (the third Monday in February), and
3 c. Veteran's Day (November 11).

4 SECTION 5. AMENDATORY 47 O.S. 2001, Section 14-118, as
5 last amended by Section 1, Chapter 55, O.S.L. 2007 (47 O.S. Supp.
6 2008, Section 14-118), is amended to read as follows:

7 Section 14-118. A. 1. Pursuant to such rules as may be
8 prescribed by Oklahoma agencies of jurisdiction, Oklahoma motor
9 carriers may engage in any activity in which carriers subject to the
10 jurisdiction of the federal government may be authorized by federal
11 legislation to engage. Provided further, the Transportation
12 Commission shall formulate, for the State Trunk Highway System,
13 including the National System of Interstate and Defense Highways,
14 and for all other highways or portions thereof, rules governing the
15 movement of vehicles or loads which exceed the size or weight
16 limitations specified by the provisions of this chapter.

17 2. Such rules shall be the basis for the development of a
18 system by the Commissioner of Public Safety for the issuance of
19 permits for the movement of oversize or overweight vehicles or
20 loads. Such system shall include, but not be limited to, provisions
21 for duration, seasonal factors, hours of the day or days when valid,
22 special requirements as to flags, flagmen and warning or safety
23 devices, and other such items as may be consistent with the intent
24 of this section. The permit system shall include provisions for the

1 collection of permit fees as well as for the issuance of the permits
2 by telephone, electronic transfer or such other methods of issuance
3 as may be deemed feasible.

4 3. The Department of Public Safety is authorized to charge a
5 fee of Two Dollars (\$2.00) for each permit requested to be issued by
6 facsimile machine or by any other means of electronic transmission,
7 transfer or delivery. The fee shall be in addition to any other fee
8 or fees assessed for the permit. The fee shall be deposited in the
9 State Treasury to the credit of the Department of Public Safety
10 Revolving Fund and the monies shall be expended by the Department
11 solely for the purposes provided for in this chapter.

12 4. It is the purpose of this section to permit the movement of
13 necessary overweight and oversize vehicles or loads consistent with
14 the following obligations:

- 15 a. protection of the motoring public from potential
16 traffic hazards,
- 17 b. protection of highway surfaces, structures, and
18 private property, and
- 19 c. provision for normal flow of traffic with a minimum of
20 interference.

21 B. The Transportation Commission shall prepare and publish a
22 map of the State of Oklahoma showing by appropriate symbols the
23 various highway structures and bridges in terms of maximum size and
24 weight restrictions. This map shall be titled "Oklahoma Load Limit

1 Map" and shall be revised periodically to maintain a reasonably
2 current status and in no event shall a period of two (2) years lapse
3 between revisions and publication of same. Provided, further, the
4 Secretary of the Department of Transportation shall prepare and
5 publish a map of the State of Oklahoma showing the advantages of
6 this state as a marketing, warehousing and distribution network
7 center for motor transportation sensitive industries.

8 C. The Commissioner of Public Safety, or an authorized
9 representative, shall have the authority, within the limitations
10 formulated under provisions of this chapter, to issue, withhold or
11 revoke special permits for the operation of vehicles or combinations
12 of vehicles or loads which exceed the size or weight limitations of
13 this chapter. Every such permit shall be carried in the vehicle or
14 combination of vehicles to which it refers and shall be open to
15 inspection by any law enforcement officer or authorized agent of any
16 authority granting such permit, and no person shall violate any of
17 the terms or conditions of such special permit.

18 D. It shall be permissible in the transportation of empty
19 trucks on any road or highway to tow by use of saddlemounts; i.e.,
20 mounting the front wheels of one vehicle on the bed of another
21 leaving the rear wheels only of such towed vehicle in contact with
22 the roadway. One vehicle may be fullmounted on the towing or towed
23 vehicles engaged in any driveaway or towaway operation. No more
24 than three saddlemounts may be permitted in such combinations. The

1 towed vehicles shall be securely fastened and operated under the
2 applicable safety requirements of the United States Department of
3 Transportation ~~and such combinations shall not exceed an overall~~
4 ~~length of seventy five (75) feet.~~ Provided, a driveaway saddlemount
5 with or without fullmount vehicle transporter combination may reach
6 an overall length of ninety-seven (97) feet on the National Network
7 of Highways.

8 E. The Commissioner of Public Safety, upon application of any
9 person engaged in the transportation of forest products in the raw
10 state, which is defined to be tree-length logs moving from the
11 forest directly to the mill, or upon application of any person
12 engaged in the transportation of overwidth or overheight equipment
13 used in soil conservation work, or upon application of any person
14 engaged in the hauling for hire or for resale, of round baled hay
15 with a total outside width of eleven (11) feet or less, shall issue
16 an annual permit, upon payment of a fee of Twenty-five Dollars
17 (\$25.00) each year, authorizing the operation by such persons of
18 such motor vehicle load lengths and widths upon the highways of this
19 state except on the National System of Interstate and Defense
20 Highways. Provided, however, the restriction on use of the National
21 System of Interstate and Defense Highways shall not be applicable to
22 persons engaged in the hauling of round baled hay with a total
23 outside width of eleven (11) feet or less.

24

1 F. Farm equipment including, but not limited to, implements of
2 husbandry as defined in Section 1-125 of this title shall be
3 exempted from the requirement for special permits due to size. Such
4 equipment may move on any highway, except those highways which are
5 part of the National System of Interstate and Defense Highways,
6 during the hours of darkness and shall be subject to the
7 requirements as provided in Section 12-215 of this title. In
8 addition to those requirements, tractors pulling machinery over
9 thirteen (13) feet wide must have two amber flashing warning lamps
10 symmetrically mounted, laterally and widely spaced as practicable,
11 visible from both front and rear, mounted at least thirty-nine (39)
12 inches high.

13 G. Any rubber-tired road construction vehicle including rubber-
14 tired truck cranes and special mobilized machinery either self-
15 propelled or drawn carrying no load other than component parts
16 safely secured to the machinery and its own weight, but which is
17 overweight by any provisions of this chapter, shall be authorized to
18 move on the highways of the State of Oklahoma. Movement of such
19 vehicles shall be authorized on the Federal Interstate System of
20 Highways only by special permit secured from the Commissioner of
21 Public Safety or an authorized representative upon determination
22 that the objectives of this section will be served by such a permit
23 and that federal weight restrictions will not be violated. The
24 special permit shall be:

1 1. A single-trip permit issued under the provisions of this
2 section and Section 14-116 of this title; or

3 2. A special annual overweight permit which shall be issued for
4 one calendar year period upon payment of a fee of Sixty Dollars
5 (\$60.00).

6 The weight of any such vehicle shall not exceed six hundred
7 fifty (650) pounds multiplied by the nominal width of the tire. The
8 vehicle shall be required to carry the safety equipment adjudged
9 necessary for the health and welfare of the driving public. If any
10 oversized vehicle does not come under the other limitations of the
11 present laws, it shall be deemed that the same shall travel only
12 between the hours of sunrise and sunset. The vehicle, being
13 overweight but of legal dimension, shall be allowed continuous
14 travel. The vehicles, except special mobilized machinery, shall be
15 exempt from the laws of this state relating to motor vehicle
16 registration, licensing or other fees or taxes in lieu of ad valorem
17 taxes.

18 H. 1. When such machinery has a width greater than eight and
19 one-half (8 1/2) feet, or a length, exclusive of load, of forty-five
20 (45) feet, or a height in excess of thirteen and one-half (13 1/2)
21 feet, then the permit may restrict movement to a fifty-mile radius
22 from an established operating base, and may designate highways to be
23 traveled, hours of travel and when flagmen may be required to
24 precede or follow the equipment.

1 2. Possession of a permit shall in no way be construed as
2 exempting such equipment from the authority of the Director of the
3 Department of Transportation to restrict use of particular highways,
4 nor shall it exempt owners or operators of such equipment from the
5 responsibility for damage to highways caused by movement of the
6 equipment. Nothing in this subsection shall apply to machinery used
7 in highway construction or road material production.

8 3. Upon the issuance of a special mobilized machinery driveway
9 permit as provided in this subsection, special mobilized machinery
10 manufactured in Oklahoma shall be permitted to move upon the
11 highways of this state from the place of manufacture to the state
12 line for delivery and exclusive use outside the state, and may be
13 temporarily returned to Oklahoma for modification and repair, with
14 subsequent movement back out of the state. Special driveway
15 permits for such movements shall be issued by the Commissioner of
16 Public Safety, who may act through designated agents, upon the
17 payment of a fee in the amount of Fifteen Dollars (\$15.00) for each
18 movement.

19 4. The size of the special mobilized machinery shall not be
20 such as to create a safety hazard in the judgment of the
21 Commissioner of Public Safety. Permits for such special mobilized
22 machinery shall specify a maximum permissible road speed of the
23 lesser of fifty (50) miles per hour or the posted speed limit,
24

1 designate safety equipment to be carried and may exclude use of
2 highways of the interstate system.

3 5. When such equipment has a width greater than eight and one-
4 half (8 1/2) feet, or a length exclusive of load of forty-five (45)
5 feet, or a height in excess of thirteen and one-half (13 1/2) feet,
6 the permit may designate highways to be traveled, hours of travel
7 and when flagmen may be required to precede or follow the equipment.

8 6. Possession of a special driveaway permit shall in no way be
9 construed as exempting such equipment from the authority of the
10 Director of the Department of Transportation to restrict use of
11 particular highways, nor shall it exempt the owners or operators of
12 such equipment from the responsibility for damage to highways caused
13 by the movement of such equipment.

14 SECTION 6. AMENDATORY 47 O.S. 2001, Section 230.6, as
15 last amended by Section 14, Chapter 390, O.S.L. 2004 (47 O.S. Supp.
16 2008, Section 230.6), is amended to read as follows:

17 Section 230.6 A. No person prohibited from operating a
18 commercial vehicle shall operate such commercial motor vehicle, nor
19 shall any person authorize or require a person who has been
20 prohibited from such operation of a motor vehicle to operate a
21 commercial motor vehicle.

22 B. No person shall operate, authorize to operate, or require
23 the operation of any vehicle or the use of any container ~~that~~ when
24 the person has been placed out-of-service or the vehicle or

1 container has been marked ~~out-of-service~~ out-of-service until all
2 requirements of the out-of-service order of the person have been met
3 or all required corrections for the vehicle or container have been
4 made, ~~except~~; provided, upon approval of the Department ~~such~~, the
5 vehicle or container may be moved to another location for the
6 purpose of repair or correction.

7 C. No person shall remove an out-of-service marking from a
8 ~~transport~~ vehicle or container unless all required corrections have
9 been made and the vehicle or container has been inspected and
10 approved by an authorized officer, employee, or agent of the
11 Department. No person shall return to duty unless all requirements
12 of the out-of-service order have been met and the person has been
13 approved to return to duty by an authorized officer, employee, or
14 agent of the Department.

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

17 1. During any period in which the employee:

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

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

23 c. is not licensed to operate a commercial motor vehicle,
24 or

1 d. has more than one commercial driver license;

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

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

8 E. An employer who is determined by the Commissioner to have
9 committed a violation of subsection D of this section shall be
10 subject to an administrative penalty of not less than ~~Two Thousand~~
11 ~~Five Hundred Dollars (\$2,500.00)~~ Two Thousand Seven Hundred Fifty
12 Dollars (\$2,750.00) nor more than ~~Ten Thousand Dollars (\$10,000.00)~~
13 Twenty-five Thousand Dollars (\$25,000.00).

14 F. An employee who is determined by the Commissioner to have
15 committed a violation of any provision of this section shall be
16 subject to an administrative penalty of not less than ~~One Thousand~~
17 ~~One Hundred Dollars (\$1,100.00)~~ Two Thousand Five Hundred Dollars
18 (\$2,500.00) nor more than ~~Two Thousand Seven Hundred Fifty Dollars~~
19 ~~(\$2,750.00)~~ Five Thousand Dollars (\$5,000.00).

20 SECTION 7. This act shall become effective November 1, 2009.

21
22 52-1-6219 GRS 12/31/08
23
24