

1 STATE OF OKLAHOMA

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

3 SENATE BILL 930

By: Justice

4  
5 AS INTRODUCED

6 An Act relating to motor vehicles; amending 47 O.S.  
7 2001, Section 172, as amended by Section 3, Chapter  
8 238, O.S.L. 2006 (47 O.S. Supp. 2008, Section 172),  
9 which relates to enforcement of motor transportation  
10 violations; modifying activity of enforcement  
11 officers; defining certain materials; providing  
12 exceptions for enforcement activity; and providing an  
13 effective date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2001, Section 172, as  
16 amended by Section 3, Chapter 238, O.S.L. 2006 (47 O.S. Supp. 2008,  
17 Section 172), is amended to read as follows:

18 Section 172. A. Every owner of any motor vehicle, the agents  
19 or employees of the owner, and every other person who violates or  
20 fails to comply with or procures, aids, or abets in the violation of  
21 Sections 161 through 180m of this title or the Motor Carrier Act of  
22 1995, or who fails to obey, observe, or comply with any order,  
23 decision, rule or regulation, direction, demand, or requirement of  
24 the Corporation Commission, or who procures, aids or abets any  
corporation or person in the person's, or its, refusal or willful  
failure to obey, observe or comply with any such order, decision,  
rule, direction, demand, or regulation shall be deemed guilty of a

1 misdemeanor. Upon conviction in a criminal court of competent  
2 jurisdiction, such misdemeanor is punishable by a fine of not  
3 exceeding One Thousand Dollars (\$1,000.00).

4 B. The Corporation Commission shall report to the Attorney  
5 General of this state and the district attorney of the proper county  
6 having jurisdiction of such offense, any violation of any of the  
7 provisions of Sections 161 through 180m of this title or the Motor  
8 Carrier Act of 1995 or any rule of the Corporation Commission  
9 promulgated pursuant to the provisions of Sections 161 through 180m  
10 of this title or the Motor Carrier Act of 1995, by any motor vehicle  
11 owner, agent or employee of such owner, or any other person. Upon  
12 receipt of such report, the Attorney General or the district  
13 attorney of the proper county having jurisdiction of such offense  
14 shall institute criminal or civil proceedings against such offender  
15 in the proper court having jurisdiction of such offense. Any  
16 willful failure on the part of members of the Corporation  
17 Commission, the Attorney General or any district attorney, to comply  
18 with the provisions of this section, shall be deemed official  
19 misconduct. The Corporation Commission shall report such complaints  
20 so made to the Governor of this state who shall direct and cause the  
21 laws of this state to be enforced.

22 C. Any person failing, neglecting or refusing to comply with  
23 the provisions of Sections 161 through 180m of this title or the  
24 Motor Carrier Act of 1995, or with any rule, regulation, or

1 requirement of the Corporation Commission promulgated pursuant to  
2 the provisions of Sections 161 through 180m of this title or the  
3 Motor Carrier Act of 1995, shall be guilty of contempt of the  
4 Corporation Commission, and shall be subject to a fine to be imposed  
5 by the Corporation Commission in a sum not exceeding Five Hundred  
6 Dollars (\$500.00). Each day on which such contempt occurs shall be  
7 deemed a separate and distinct offense. The maximum fine to be  
8 assessed on each day shall be Five Hundred Dollars (\$500.00). All  
9 fines collected pursuant to the provisions of this section shall be  
10 deposited in the State Treasury to the credit of the Corporation  
11 Commission Trucking One-Stop Shop Fund, as created in Section 1167  
12 of this title. This subsection shall not apply in the specific  
13 instance of load capacity violations or violations applicable to the  
14 transportation or discharge of deleterious substances provided for  
15 by specific statutory provisions.

16 D. The Corporation Commission shall appoint a director of  
17 transportation, a deputy director, an insurance supervisor, an  
18 insurance clerk, two stenographers, a secretary to the director, an  
19 identification device supervisor and an assistant identification  
20 device supervisor at such salaries as the Legislature may from time  
21 to time prescribe. The employees shall be allowed actual and  
22 necessary travel expenses pursuant to the provisions of the State  
23 Travel Reimbursement Act. All of the expense claims shall be  
24 presented and paid monthly.

1 E. Enforcement officers, appointed by the Corporation  
2 Commission, are hereby declared to be peace officers of this state.  
3 Such officers shall be vested with all powers of peace officers in  
4 enforcing the provisions of Sections 161 through 180m of this title  
5 and the Motor Carrier Act of 1995 in all parts of this state; except  
6 that the enforcement of any violations by motor vehicles engaged in  
7 agricultural operations that are required to comply with Sections  
8 161 through 180m of this title and the Motor Carrier Act of 1995  
9 shall be solely vested with the Department of Public Safety.

10 For purposes of this subsection "agricultural operations" means  
11 activity related to the commercial production of crops, orchards,  
12 livestock, poultry, livestock products, poultry products, and the  
13 facilities, equipment, and property used to facilitate the activity.

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

19 F. The Except as provided in subsection E of this section, the  
20 enforcement officers when on duty, upon reasonable belief that any  
21 motor vehicle is being operated in violation of any provisions of  
22 Sections 161 through 180m of this title or the Motor Carrier Act of  
23 1995, shall be authorized to require the driver of the vehicle to  
24 stop and submit to an inspection of the identification device, or

1 devices, in the vehicle, and to submit to such enforcement officer  
2 bills of lading, waybills, or other evidences of the character of  
3 the commerce being transported in such vehicle, and to submit to an  
4 inspection of the contents of such vehicle for the purpose of  
5 comparing same with bills of lading or shipping documentation,  
6 waybills, or other evidences of transportation carried by the driver  
7 of the vehicle. The officers shall not have the right to plea  
8 bargain.

9 G. The Except as provided in subsection E of this section, the  
10 enforcement officers are authorized to serve all warrants, writs,  
11 and notices issued by the Corporation Commission relating to the  
12 enforcement of the provisions of Sections 161 through 180m of this  
13 title or the Motor Carrier Act of 1995 and the rules, regulations,  
14 and requirements prescribed by the Corporation Commission  
15 promulgated pursuant to Sections 161 through 180m of this title or  
16 the Motor Carrier Act of 1995.

17 H. The Except as provided in subsection E of this section, the  
18 enforcement officers shall not have the power or right of search,  
19 nor shall they have the right of power of seizure, except as  
20 provided in Sections 161 through 180m of this title or the Motor  
21 Carrier Act of 1995. The enforcement officers are authorized to  
22 hold and detain any motor vehicle operating upon the highways of  
23 this state, if, the enforcement officer has reason to believe that  
24 the vehicle is being operated contrary to the provisions of Sections

1 161 through 180m of this title or the Motor Carrier Act of 1995, or  
2 the rules, regulations, and requirements of the Corporation  
3 Commission promulgated pursuant to Sections 161 through 180m of this  
4 title or the Motor Carrier Act of 1995.

5 I. No state official, other than members of the Corporation  
6 Commission, shall have any power, right, or authority to command,  
7 order, or direct any enforcement officer to perform any duty or  
8 service authorized by Sections 161 through 180m of this title or the  
9 Motor Carrier Act of 1995.

10 J. Each of the enforcement officers shall, before entering upon  
11 the discharge of their duties, take and subscribe to the usual oath  
12 of office and shall execute to the State of Oklahoma a bond in the  
13 sum of Twenty-five Thousand Dollars (\$25,000.00) each, with  
14 sufficient surety for the faithful performance of their duty. The  
15 bond shall be approved and filed as provided by law.

16 K. No enforcement officer or employee of the Oklahoma  
17 Corporation Commission shall have the right to plea bargain in motor  
18 carrier or motor transportation matters except the chief legal  
19 counsel of the Commission or an assign of the legal staff of the  
20 chief legal counsel.

21 SECTION 2. This act shall become effective November 1, 2009.

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23 52-1-403 MRB 3/6/2009 7:42:32 AM

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