

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1952

By: McNiell and Hickman of the
House

4 and

5 Stanislawski of the Senate

6
7
8 An Act relating to motor vehicles; defining term;
9 amending 47 O.S. 2011, Section 2-117.1, which relates
10 to duties of the Oklahoma Tax Commission; clarifying
11 language; amending 47 O.S. 2011, Section 14-110,
12 which relates to certain vehicle registration
13 certificate requirements; *** which relates to
14 Corporation Commission *** amending 47 O.S. 2011,
Sections 224 and 225, which relate to the regulation
of motor carriers; *** amending 47 O.S. 2011, Section
1170, which relates to the confidentiality of certain
reports; clarifying language; providing for
codification; providing effective dates; and
declaring an emergency.

15 AUTHOR: Add the following House Coauthor: Walker

16 AUTHORS: Add the following Senate Coauthors: Marlatt and Brecheen

17 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
18 entire bill and insert

19 "An Act relating to motor vehicles; creating the
20 Oklahoma Weigh Station Act of 2012; providing short
21 title; defining terms; authorizing interagency
22 agreements for certain purposes; stating requirements
23 for upgrades, operation times, and roadside
24 enforcement for weigh stations; providing limitation
of enforcement for certain facilities; authorizing
the Corporation Commission to conduct joint roadside
assistance upon certain request; authorizing the
Corporation Commission to conduct certain activities
on enforcement officers actions under certain
circumstances; authorizing certain interagency

1 cooperative agreements; specifying persons authorized
2 to conduct certain inspections; prohibiting issuance
3 of certain citations; providing exception;
4 authorizing interagency agreements to share certain
5 information; providing for codification; providing an
6 effective date; and declaring an emergency.

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

8 SECTION 1. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1200 of Title 47, unless there
10 is created a duplication in numbering, reads as follows:

11 This act shall be known and may be cited as the "Oklahoma Weigh
12 Station Act of 2012."

13 SECTION 2. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1201 of Title 47, unless there
15 is created a duplication in numbering, reads as follows:

16 As used in the Oklahoma Weigh Station Act of 2012:

- 17 1. "Authority" means the Oklahoma Turnpike Authority;
- 18 2. "Commission" means the Corporation Commission;
- 19 3. "Fixed facility" means a weigh station or a port of entry;
- 20 4. "Port of entry" means a facility, in close proximity to a
21 state line, designed to electronically weigh and screen motor
22 carriers and commercial motor vehicles for compliance with federal
23 and state statutes and rules, allowing compliant carriers to proceed
24 with minimal or no delay;

1 5. "Roadside enforcement" means a temporary location, with or
2 without portable or semi-portable scales, used to randomly check
3 commercial motor vehicles or motor carriers for compliance with
4 federal or state statutes or rules;

5 6. "Weigh station" means a stationary and permanent weighing
6 facility with fixed scales owned by the state where commercial motor
7 vehicles are checked for compliance with weight and size standards.
8 Weigh stations are also utilized to enforce federal and state laws
9 and rules applicable to motor carriers and the operation of
10 commercial motor vehicles and their drivers; and

11 7. "North American Standard Inspection" means a Level I, Level
12 II, Level III, Hazardous Materials, Cargo Tank or Passenger Carrier
13 inspection conducted by an individual certified by the Federal Motor
14 Carrier Safety Administration to conduct such inspections.

15 SECTION 3. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1202 of Title 47, unless there
17 is created a duplication in numbering, reads as follows:

18 A. The Department of Transportation, the Oklahoma Turnpike
19 Authority and the Corporation Commission may enter into interagency
20 agreements concerning the equipment, maintenance and operations of
21 fixed facilities.

22 B. The Department of Transportation, the Authority and the
23 Commission shall endeavor to electronically upgrade weigh stations
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1 as practical to minimize the duplication of inspections for
2 compliant commercial motor vehicles and motor carriers.

3 C. The Commission shall operate all current and future ports of
4 entry weigh stations twenty-four (24) hours a day and seven (7) days
5 a week upon the availability of funds.

6 D. The Commission shall continue to conduct roadside
7 enforcement in the general area where a fixed facility is planned
8 but no fixed facility currently exists until a fixed facility is
9 located in the general area or July 1, 2016, whichever is earlier.

10 E. When a fixed facility is located in the general area,
11 Commission motor carrier and commercial motor vehicle enforcement
12 shall be limited to the fixed facility and a seven-mile radius of
13 the facility.

14 F. The Commission may assist in roadside enforcement in a joint
15 effort at the request of the Oklahoma Highway Patrol.

16 G. The Commission is authorized to conduct audits, reviews,
17 investigations, inspections or other enforcement actions by
18 enforcement officers provided those activities are within the scope
19 of the Commission's jurisdiction and are not conducted as roadside
20 enforcement in accordance with the provisions of the Oklahoma Weigh
21 Station Act of 2012.

22 H. The Commission may enter into interagency cooperative
23 agreements with other state or federal agencies to jointly enforce
24 federal and state laws or rules.

1 I. North American Standard Inspections shall be conducted only
2 by individuals holding certification in the level or classification
3 of inspection being conducted.

4 SECTION 4. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1203 of Title 47, unless there
6 is created a duplication in numbering, reads as follows:

7 A. A commercial motor vehicle, its driver or a motor carrier
8 may not be cited for the same violation of motor carrier or
9 commercial motor vehicle requirements on the same date by any
10 Oklahoma officer, provided neither the vehicle configuration nor the
11 load have changed. This subsection is not applicable to a
12 Commercial Vehicle Safety Alliance out-of-service violation.

13 B. The Corporation Commission and the Department of Public
14 Safety or other state or local agencies may enter into interagency
15 agreements to share information electronically to facilitate this
16 section.

17 SECTION 5. This act shall become effective July 1, 2012.

18 SECTION 6. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval."
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1 Passed the Senate the 24th day of April, 2012.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2012.

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8 _____
9 Presiding Officer of the House
10 of Representatives