STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1440 By: Allen

COMMITTEE SUBSTITUTE

[motor vehicles - employees of the Corporation Commission - Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act - Motor Carrier Act of 1995 - effective date]

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 2-117.1, is amended to read as follows:

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

B. It shall be the duty of the Corporation Commission to investigate and report to the Oklahoma Tax Commission and the Department of Public Safety violations of their rules ~~and regulations~~ and the laws governing the transportation of persons and

property by motor transportation companies and all other motor carriers for hire.

SECTION 2. AMENDATORY 47 O.S. 2011, Section 14-110, is amended to read as follows:

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

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

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

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

SECTION 3. AMENDATORY 47 O.S. 2011, Section 14-111, is amended to read as follows:

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

1. Any officer of the Department of Public Safety, ~~the Corporation Commission,~~ any sheriff, or any salaried deputy sheriff is authorized to stop any vehicle upon any road or highway ~~in order to~~ and weigh such vehicle by means of portable or stationary scales, or cause the same to be weighed by any official weigher, or upon any privately owned scales and may require that such vehicles be driven

to the nearest or most convenient available scales for the purpose of weighing; or

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

B. In the event that any axle weight or the gross weight of any such vehicle be found to exceed the maximum weight authorized by law, or by permit issued therefor, the officer or employee may require, in the case of separable loads, the driver, operator or owner thereof to unload at the site such portion of the load as may be necessary to decrease the weight of such vehicle to the maximum weight authorized by law. Provided, however, that if such load consists of livestock, perishable merchandise, or merchandise that may be destroyed by the weather, then the driver shall be permitted to proceed to the nearest practical unloading point in the direction of destination before discharging such excess cargo. All material so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

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

above named operator. For the purposes of this section "certificate" includes electronic manifests and other similar documents that include all of the information required pursuant to this section.

2. Should the vehicle be loaded with livestock, the certificate shall include the number of animals, and should the livestock be the property of more than one person, a certificate signed by each owner carrying the above information including the number of animals owned by each owner shall be carried by the operator. Should the operator be the owner of the merchandise or livestock, the merchandise or livestock having just been purchased, the operator shall have in his or her possession a bill of sale for such merchandise or livestock. Should the operator be the owner of livestock or other farm products produced by the operator, the operator shall be required to show satisfactory identification and ownership of the vehicle.

3 Any officer, as outlined in this chapter, on the road or highway, or any employee of the Corporation Commission at a stationary and permanent scale facility shall have the authority to stop any vehicle loaded with livestock, merchandise or other farm products and investigate as to the ownership of the merchandise, livestock or other farm products. Should the operator of any vehicle be unable to establish to the satisfaction of the officer or the employee the ownership of the merchandise, livestock or other products, or shall not have the certificate as specified in this

section for the transportation of such merchandise, livestock or other farm products, the merchandise, livestock or other farm products and the vehicle in which they are being transported shall be impounded by the officer, or the employee shall request the impoundment by an officer, and any expense as to the care of any livestock shall be the responsibility of the owner or operator of the vehicle, and any loss or damage of the merchandise, livestock or other farm products shall be the responsibility of the operator or owner, or both.

The provisions of this subsection shall not apply to a person who is transporting horses or livestock; provided, the person shall not have been hired to transport the horses or livestock.

SECTION 4. AMENDATORY 47 O.S. 2011, Section 116.13, is amended to read as follows:

Section 116.13. A. Each employee of the Corporation Commission assigned ~~as an enforcement officer, as herein provided,~~ to a stationary and permanent scale facility shall at all times while on duty be required to be dressed in a distinctive uniform and display ~~a badge~~ an insignia of office, both of which shall be completely different and distinguishable from those of the Oklahoma Highway Patrol Division, the Department of Public Safety, the Oklahoma Department of Transportation, and the Oklahoma Tax Commission. All such ~~badges~~ insignias shall be furnished by the Corporation Commission ~~and each badge shall display a distinctive serial number~~.

The type and detail of the uniforms shall be designated by the Corporation Commission and the Corporation Commission shall furnish the uniforms and replace them when necessary. An expense allowance of One Hundred Dollars ($100.00) per month for maintenance and cleaning of uniforms shall be paid to each ~~enforcement officer~~ employee of the Corporation Commission assigned to a stationary and permanent scale facility.

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

SECTION 5. AMENDATORY 47 O.S. 2011, Section 116.14, is amended to read as follows:

Section 116.14. In the event any vehicle at a stationary and permanent scale facility is found with no registration, not properly registered for the load carried, or improperly registered in any manner under the provisions of Section 116.2a et seq. of this title or any provisions of the motor vehicle license and registration laws of this state, Corporation Commission ~~enforcement officers~~ scale facility employees shall be authorized to notify a law enforcement officer to seize and take such vehicle into custody until such time as such vehicle is properly registered and the license fee thereon is paid in full together with any penalty provided by law plus the

cost of seizure, including the reasonable cost of taking such vehicle into custody and storing it. Any load on such vehicle shall be disposed of by the owner or operator of such vehicle. In the event such license fee and penalty together with the cost of seizure and storage is not paid, the agency employing the law enforcement officer shall proceed to sell such vehicle by posting not less than five notices of sale in five different public places in the county where such property is located, one of such notices to be posted at the place where the vehicle is stored; provided, a copy of such notice shall also be sent by registered mail, return receipt requested, to the last-known address of the registered owner of such vehicle in question. Such vehicle shall be sold at such sale subject to the following terms and conditions:

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

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

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

SECTION 6. AMENDATORY 47 O.S. 2011, Section 162, is amended to read as follows:

Section 162. A. The Corporation Commission is authorized to:

1. Supervise and administratively regulate every motor carrier of household goods;

2. Protect the shipping and general public by requiring liability insurance and cargo insurance of all motor carriers of household goods;

3. Ensure motor carriers of household goods are complying with applicable size and weight laws and safety requirements through the use of stationary and permanent scale facilities;

4. Supervise and administratively regulate such motor carriers in all other administrative matters affecting the relationship between such carriers and the traveling and shipping public including, but not limited to, consumer protection measures and loss and damage claim procedures; and

5. Enforce the provisions of this act.

B. The Commission is authorized to promulgate rules applicable to persons transporting household goods.

C. 1. The Commission is authorized to administer a hazardous material transportation registration and permitting program for

motor carriers engaged in transporting hazardous material upon or over the public highways and within the borders of the state.

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

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

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

<u>F. Nothing in this section shall be construed to remove or affect the jurisdiction of the Department of Public Safety and its authorities, responsibilities and duties prescribed by Section 2-117 and Sections 14-101 through 14-122 of this title.</u>

SECTION 7. AMENDATORY 47 O.S. 2011, Section 166.5, is amended to read as follows:

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

SECTION 8. AMENDATORY 47 O.S. 2011, Section 166a, is amended to read as follows:

Section 166a. A. As used in this section:

1. "Authorized carrier" means a motor carrier of household goods;

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

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

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

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

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

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

8. "Shipper" means a person who sends or receives household goods which are transported in intrastate commerce in this state.

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

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

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

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

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

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

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

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

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

5. The amount to be paid by the authorized carrier for equipment and driver's services shall be clearly stated on the face of the lease or in an addendum which is attached to the lease. The amount to be paid may be expressed as a percentage of gross revenue, a flat rate per mile, a variable rate depending on the direction

traveled or the type of commodity transported, or by any other method of compensation mutually agreed upon by the parties to the lease. The compensation stated on the lease or in the attached addendum may apply to equipment and driver's services either separately or as a combined amount;

6. The lease shall clearly specify the responsibility of each party with respect to the cost of fuel, fuel taxes, empty mileage, permits of all types, tolls, detention and accessorial services, base plates and licenses, and any unused portions of such items. Except when the violation results from the acts or omissions of the lessor, the authorized carrier lessee shall assume the risks and costs of fines for overweight and oversize trailers when the trailers are preloaded, sealed, or the load is containerized, or when the trailer or lading is otherwise outside of the lessor's control, and for improperly permitted over-dimension and overweight loads and shall reimburse the lessor for any fines paid by the lessor. If the authorized carrier is authorized to receive a refund or a credit for base plates purchased by the lessor from, and issued in the name of, the authorized carrier, or if the base plates are authorized to be sold by the authorized carrier to another lessor, the authorized carrier shall refund to the initial lessor on whose behalf the base plate was first obtained a prorated share of the amount received;

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

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

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

10. The lease shall specify that the lessor is not required to purchase or rent any products, equipment, or services from the

authorized carrier as a condition of entering into the lease arrangement;

11. As it relates to insurance:

a. the lease shall clearly specify the legal obligation of the authorized carrier to maintain insurance coverage for the protection of the public, and

b. the lease shall clearly specify the conditions under which deductions for cargo or property damage may be made from the lessor's settlements. The lease shall further specify that the authorized carrier must provide the lessor with a written explanation and itemization of any deductions for cargo or property damage made from any compensation of money owed to the lessor. The written explanation and itemization must be delivered to the lessor before any deductions are made; and

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

D. The provisions of this section shall apply to the leasing of equipment with which to perform household goods transportation by motor carriers.

SECTION 9. AMENDATORY 47 O.S. 2011, Section 170.1, is amended to read as follows:

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

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

B. The Commission may, in all matters within its jurisdiction, issue subpoenas, subpoenas duces tecum, and all necessary process in proceedings pending before the Commission; may administer oaths, examine witnesses, compel the production of records, books, papers,

files, documents, contracts, correspondence, agreements, or accounts necessary for any investigation being conducted, and certify official acts.

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

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

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

F. All process issued by the Commission shall extend to all parts of the state and any such process, together with the service of all notices issued by the Commission, as well as copies of complaints, rules, orders and regulations of the Commission, may be

served by any person authorized to serve process issued out of courts of record, or by certified mail.

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

H. In the event the Commission finds that the defendant is guilty upon any complaint filed and proceeding had and that the provisions of law, or the rules, regulations or orders of this Commission have been willfully and knowingly violated and the violator holds a permit or certificate or license issued by the Commission authorizing it to engage in the transportation of persons

or property for hire, then such permit or certificate or license may also be revoked by the Commission.

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

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

SECTION 10. AMENDATORY 47 O.S. 2011, Section 170.2, is amended to read as follows:

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

B. Truck overweight ~~violations~~ convictions by motor carriers or private carriers shall be considered contempt of Commission motor carrier rules, tariffs and regulations. The Commission shall

establish a specific rule whereby such overweight ~~violations~~ convictions by motor carriers or private carriers shall be grounds for issuance of a show-cause order for consideration of temporary or permanent cancellation of operating authority or license. In establishing the rule, consideration shall be given to the frequency of ~~violations~~ convictions, pattern of ~~violations~~ convictions, fleet size, type of operation, amount of overweight, and other such factors that may indicate intent. Any person, firm, or corporation that assists in the commission of such overweight violation which leads to conviction or refuses to comply with any rule, regulation, or order of the Commission relating thereto shall be guilty of contempt of the Commission and shall be subject to a fine to be imposed by said Commission in a sum not to exceed Five Hundred Dollars ($500.00) on each violation. In the specific instance of an overweight ~~violation~~ conviction, the transportation of each load shall constitute a separate ~~violation~~ conviction. The same fine assessed against the motor carrier or private carrier shall apply to any other person, firm, or corporation that aids or abets such ~~violations~~ convictions. Provided however, no motor carrier, private carrier, shipper or person loading or causing a motor vehicle to be loaded shall be subject to a fine for contempt unless the gross weight of the motor vehicle is more than five thousand (5,000) pounds overweight.

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

SECTION 11. AMENDATORY 47 O.S. 2011, Section 171, is amended to read as follows:

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

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

Provided further, such employees shall be such extra help as may be in the judgment of the ~~Corporation~~ Commission necessary to aid in

the ~~enforcement~~ administration of this act in addition to the positions hereinafter created; the salaries and expenses of the positions hereinafter created shall be paid out of funds appropriated by the general departmental appropriations act.

SECTION 12. AMENDATORY 47 O.S. 2011, Section 171.1, is amended to read as follows:

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

1. The Corporation Commission Transportation Division shall employ four special motor carrier ~~enforcement~~ administrative officers and one administrative supervisor~~-officer~~ who shall have the primary duty of investigating and assisting in the prosecution of persons engaged in unauthorized transportation or disposal of deleterious substances as contemplated under the provisions of the Oklahoma Motor Carrier Act ~~and any other applicable provisions of law~~. Such employees shall be compensated as for similar service in the same or other departments of the state and an expense allowance of One Hundred Dollars ($100.00) per month for maintenance and cleaning of uniforms and other related expenses shall be paid to such employees. Nothing in this section regarding expense allowances shall be construed to mean that such employees shall receive any additional compensation beyond what is provided for

maintenance and cleaning of uniforms and other related expenses by the ~~Corporation~~ Commission ~~on the effective date of this act~~.

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

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

SECTION 13. AMENDATORY 47 O.S. 2011, Section 172, is amended to read as follows:

Section 172. A. Every owner of any motor vehicle, the agents or employees of the owner, and every other person who violates or fails to comply with or procures, aids, or abets in the violation of Sections 161 through 180m of this title or the Motor Carrier Act of

1995, or who fails to obey, observe, or comply with any order, decision, rule or regulation, direction, demand, or requirement of 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 misdemeanor. Upon conviction in a criminal court of competent jurisdiction, such misdemeanor is punishable by a fine of not exceeding One Thousand Dollars ($1,000.00).

B. The ~~Corporation~~ Commission shall report to the Attorney General of this state and the district attorney of the proper county having jurisdiction of such offense, any violation of any of the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 or any rule of the ~~Corporation~~ Commission promulgated pursuant to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, by any motor vehicle owner, agent or employee of such owner, or any other person. Upon receipt of such report, the Attorney General or the district attorney of the proper county having jurisdiction of such offense shall institute criminal or civil proceedings against such offender in the proper court having jurisdiction of such offense. Any willful failure on the part of members of the ~~Corporation~~ Commission, the Attorney General or any district attorney~~,~~ to comply with the provisions of this section~~,~~ shall be deemed official

misconduct. The ~~Corporation~~ Commission shall report such complaints so made to the Governor of this state who shall direct and cause the laws of this state to be enforced.

C. Any person failing, neglecting or refusing to comply with the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, or with any rule, regulation, or requirement of the ~~Corporation~~ Commission promulgated pursuant to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, shall be guilty of contempt of the ~~Corporation~~ Commission, and shall be subject to a fine to be imposed by the ~~Corporation~~ Commission in a sum not exceeding Five Hundred Dollars ($500.00). Each day on which such contempt occurs shall be deemed a separate and distinct offense. The maximum fine to be assessed on each day shall be Five Hundred Dollars ($500.00). All fines collected pursuant to the provisions of this section shall be deposited in the State Treasury to the credit of the ~~Corporation Commission~~ Trucking One-Stop Shop Fund, as created in Section 1167 of this title. This subsection shall not apply in the specific instance of load capacity violations or violations applicable to the transportation or discharge of deleterious substances provided for by specific statutory provisions.

D. The ~~Corporation~~ Commission shall appoint a director of transportation, a deputy director, an insurance supervisor, an insurance clerk, two stenographers, a secretary to the director, an

identification device supervisor and an assistant identification device supervisor at such salaries as the Legislature may from time to time prescribe. The employees shall be allowed actual and necessary travel expenses pursuant to the provisions of the State Travel Reimbursement Act. All of the expense claims shall be presented and paid monthly.

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

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

~~F. The enforcement officers~~ A Commission employee when on duty at a stationary and permanent scale facility, upon reasonable belief that any motor vehicle is being operated in violation of any provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, shall be authorized to require the driver of the vehicle to stop and submit to an inspection of the identification device, or devices, in the vehicle, and to submit to such ~~enforcement officer~~ employee bills of lading, waybills, or

other evidences of the character of the commerce being transported in such vehicle, and to submit to an inspection of the contents of such vehicle for the purpose of comparing same with bills of lading or shipping documentation, waybills, or other evidences of transportation carried by the driver of the vehicle. ~~The officers shall not have the right to plea bargain.~~

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

~~H. The enforcement officers~~ G. Commission employees shall not have the power or right of search, nor shall they have the right of power of seizure, except as provided in Sections 161 through 180m of this title or the Motor Carrier Act of 1995. ~~The enforcement officers~~ Commission employees are authorized to hold and detain any motor vehicle operating upon the highways of this state~~,~~ if~~,~~ the ~~enforcement officer~~ employee has reason to believe that the vehicle is being operated contrary to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, or the rules, regulations, and requirements of the ~~Corporation~~ Commission

promulgated pursuant to Sections 161 through 180m of this title or the Motor Carrier Act of 1995.

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

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

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

SECTION 14. AMENDATORY 47 O.S. 2011, Section 177.2, is amended to read as follows:

Section 177.2. A. No motor carrier shall engage in the business of transporting any salt water, mineral brines, waste oil and other deleterious substances produced from or obtained or used

in connection with the drilling, development, producing and operating of oil and gas wells and brine wells, for any valuable consideration whatever, or in any quantity over twenty (20) gallons, without a license authorizing such operation and a deleterious substance transport permit to be issued by the Corporation Commission. Provided, transportation of such substances by private carrier of property by motor vehicle shall require a deleterious substance transport permit.

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

C. No deleterious substance transport permit shall be issued to a motor carrier or private carrier until the carrier has furnished written proof of access to a Class II disposal well or wells. Said written proof of access shall be provided by the owner of such disposal well. Such disposal well must first be approved by the ~~Corporation~~ Commission as adequate to meet the need for proper disposal of all substances which the applicant may reasonably be expected to transport as a motor carrier or private carrier. Provided, that nothing in this section shall be construed as prohibiting the disposition of such deleterious substances in a disposal well that is owned by a person other than the transporter.

D. The Commission shall maintain a current list of such permits. The Commission shall charge such annual deleterious

substance transport permitting fees as will cover the cost of issuing such licenses and an annual fee of Two Hundred Fifty Dollars ($250.00) for each such deleterious substance transport license. Proceeds from the fees shall be deposited by the Commission in the State Treasury to the credit of the Corporation Commission Revolving Fund. The provisions of this section are supplemental and are in addition to the laws applicable to motor carriers.

SECTION 15. AMENDATORY 47 O.S. 2011, Section 177.3, is amended to read as follows:

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

B. It shall be unlawful for any motor truck or tank vehicle used to transport substances described in Section 177.2 of this title to have a release device located or operated in any manner from within the cab of such a motor vehicle.

C. Any violation of the provisions of subsections A or B of this section shall constitute a misdemeanor. It shall be the duty of the prosecuting attorney of the county in which a violation of the provisions of this section occurs to file and prosecute the

aforementioned misdemeanor charge and advise the Corporation Commission of such action and the results thereof.

D. The ~~Oklahoma Corporation~~ Commission may initiate contempt proceedings for any violation concerning disposal by a carrier of a substance described in Section 177.2 of this title. The first violation proven by the Commission in any calendar year shall result in a motor carrier or private carrier being warned by the Commission and, upon conviction, fined up to Two Thousand Five Hundred Dollars ($2,500.00). A second violation proven by the Commission in any calendar year shall result in a motor carrier or private carrier being placed on probation and fined up to Five Thousand Dollars ($5,000.00) by the Commission. A third violation proven by the Commission in any calendar year shall result in a fine of up to Twenty Thousand Dollars ($20,000.00), and, at the discretion of the Commission, cancellation of the carrier's license for a period up to one (1) year and cancellation of a motor carrier or private carrier deleterious substance transport permit. The driver of a truck, who is not the owner of the vehicle used in any violation ~~of this section~~ described in Section 177.2 of this title or any violation of the rules and regulations of the ~~Oklahoma Corporation~~ Commission, shall be adjudicated a codefendant and subject to a fine equal to ten percent (10%) of the fine assessed to the owner of such vehicle, up to Five Hundred Dollars ($500.00).

SECTION 16. AMENDATORY 47 O.S. 2011, Section 180, is amended to read as follows:

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

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

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

SECTION 17. AMENDATORY 47 O.S. 2011, Section 180a, is amended to read as follows:

Section 180a. It is hereby declared unlawful for any motor carrier, his or its agents or employees to operate any powered motor vehicle, as a motor carrier for hire, within this state, without the identification device issued by the Corporation Commission, said device to be displayed as provided by the rules of the Commission.

SECTION 18. AMENDATORY 47 O.S. 2011, Section 180b, is amended to read as follows:

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

SECTION 19. AMENDATORY 47 O.S. 2011, Section 180c, is amended to read as follows:

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

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

2. For failure on the part of any motor carrier, his or its agents or employees to comply with any part or provision of this act, or any other act or law or part or provision thereof relative to the legal operation of a for-hire motor carrier or to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement, or any part or provision thereof, of the Commission;

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

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

SECTION 20. AMENDATORY 47 O.S. 2011, Section 180d, is amended to read as follows:

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

SECTION 21. AMENDATORY 47 O.S. 2011, Section 180e, is amended to read as follows:

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

SECTION 22. AMENDATORY 47 O.S. 2011, Section 180f, is amended to read as follows:

Section 180f. The Corporation Commission is hereby authorized to purchase said identification devices in sufficient amounts to supply the demand, and to purchase such other officer supplies and

equipment as is necessary to administer and enforce the provisions of this act or the Motor Carrier Act of 1995, and to pay for, or cause the same to be paid for, out of the appropriation provided therefor.

SECTION 23. AMENDATORY 47 O.S. 2011, Section 180g, is amended to read as follows:

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

Upon written application of any authorized motor carrier holding a certificate or permit or license issued by the Commission, the Commission shall issue to the motor carrier a sufficient number of identification devices so that each powered vehicle owned or to be operated by the motor carrier in the state shall bear one identification device. Identification devices shall be issued on an annual basis, and applications shall be made annually on the form prescribed by the Commission, and any motor carrier operating a powered vehicle without a current identification device shall be in violation of the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995.

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

SECTION 24. AMENDATORY 47 O.S. 2011, Section 180h, is amended to read as follows:

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

SECTION 25. AMENDATORY 47 O.S. 2011, Section 180k, is amended to read as follows:

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

SECTION 26. AMENDATORY 47 O.S. 2011, Section 180l, is amended to read as follows:

Section 180l. The Corporation Commission is hereby authorized and empowered, on behalf of the State of Oklahoma, and when it shall deem it to be in the best interest of the residents of this state so to do, to enter into reciprocal compacts and agreements with other states, or the authorized agencies thereof, when such states have made provisions substantially similar to this section, respecting

the regulation of motor vehicles engaged in interstate or foreign commerce upon and over the public highways. And such compacts and agreements may provide for the granting, to the residents of such states, privileges substantially similar to those granted thereby to Oklahoma residents~~: Provided~~; provided: ~~(1)~~

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

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

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

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

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

SECTION 27. AMENDATORY 47 O.S. 2011, Section 180m, is amended to read as follows:

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

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

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

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

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

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

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

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

SECTION 28. AMENDATORY 47 O.S. 2011, Section 224, is amended to read as follows:

Section 224. Any city of this state may, by a duly-adopted ordinance, in any manner deemed best for the interest of the city, regulate the operation within the corporate limits of the city of auto buses, not operated under a certificate of convenience and necessity or permit or license issued by the Corporation Commission, for the transportation of passengers for hire to or from a point or points outside the corporate limits of the city, and to or from points within the corporate limits of the city.

SECTION 29. AMENDATORY 47 O.S. 2011, Section 225, is amended to read as follows:

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

SECTION 30. AMENDATORY 47 O.S. 2011, Section 228.3, is amended to read as follows:

Section 228.3. The ~~Oklahoma~~ Corporation Commission shall establish an intrastate motor transportation fuel surcharge for common carriers of household goods or used emigrant movables by motor vehicles over irregular routes that shall in no instance be less than that established by the ~~Interstate Commerce Commission~~ United States Department of Transportation for interstate transportation by like carriers.

SECTION 31. AMENDATORY 47 O.S. 2011, Section 228.4, is amended to read as follows:

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

SECTION 32. AMENDATORY 47 O.S. 2011, Section 230.2, is amended to read as follows:

Section 230.2. A. The Legislature finds:

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

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

3. That the highway movement of hazardous and nonhazardous materials poses a substantial danger to the health and safety of the citizens of this state unless such materials are handled and transported in a safe and prudent manner~~.~~; and

4. That it is in the public interest and within the police power of the state to provide for the regulation of the safety-

related aspects of motor carrier transportation and the handling and transportation of hazardous materials.

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

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

SECTION 33. AMENDATORY 47 O.S. 2011, Section 230.3, is amended to read as follows:

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

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

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

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

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

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

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

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

SECTION 34. AMENDATORY 47 O.S. 2011, Section 230.4, is amended to read as follows:

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

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

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

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

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

a. conduct investigations; make reports; issue subpoenas; conduct hearings; require the production of relevant documents, records and property; take depositions; and conduct directly or indirectly research, development, demonstration and training activities,

b. enter upon, inspect and examine at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties

relate to motor carrier safety or the transportation or shipment of hazardous materials in commerce, and to inspect and copy records and papers of carriers and other persons to carry out the purposes of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act,

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

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

e. prohibit any commercial driver from transporting hazardous materials if such driver is unqualified or disqualified under any federal or department regulation, and

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

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

SECTION 35. AMENDATORY 47 O.S. 2011, Section 230.5, is amended to read as follows:

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

SECTION 36. AMENDATORY 47 O.S. 2011, Section 230.6, is amended to read as follows:

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

B. No person shall operate, authorize, or require the operation of any vehicle or the use of any container that has been marked out of service until all required corrections have been made, except upon approval of the Department of Public Safety such vehicle or

container may be moved to another location for the purpose of repair or correction.

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

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

1. During any period in which the employee:

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

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

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

d. has more than one commercial driver license;

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

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

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

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

SECTION 37. AMENDATORY 47 O.S. 2011, Section 230.7, is amended to read as follows:

Section 230.7. No person shall intentionally discharge or cause to be discharged the contents of any transport vehicle containing hazardous material between the points of origin and the points of billed destination, except as may be authorized by the Department <u>of Public Safety</u> or a representative of the Department.

SECTION 38. AMENDATORY 47 O.S. 2011, Section 230.8, is amended to read as follows:

Section 230.8. A. Each person involved in an incident or accident during the transportation, loading, unloading, or related storage in any place of a hazardous material subject to the provisions of Oklahoma Motor Carrier Safety and Hazardous Material

Transportation Act shall immediately report, by telephone, to the Department if that incident or accident involves:

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

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

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

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

B. A written report shall be submitted by the person to the Department of Public Safety on a form prescribed by the Department, or in lieu thereof, a copy of the written report submitted to the United States Department of Transportation. Each report submitted shall contain the time and date of the incident or accident, a description of any injuries to persons or property, any continuing danger to life at the place of the accident or incident, the identity and classification of the material, and any other pertinent details.

C. In the case of an incident or accident involving hazardous materials which is not subject to the Oklahoma Motor Carrier Safety and Hazardous Material Transportation Act but which is subject to Title 46 or Title 49 of the Code of Federal Regulations, the carrier

shall send a copy of the report filed with the United States Department of Transportation to the Department of Public Safety.

SECTION 39. AMENDATORY 47 O.S. 2011, Section 230.9, is amended to read as follows:

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

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

1. An act which is a violation of a recordkeeping requirement of this title or of any rule or regulation promulgated thereto or the Federal Motor Carrier Safety Act of 1984, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed One Hundred Dollars ($100.00) for each offense, provided that the total of all administrative penalties assessed against any violator pursuant to this paragraph for all offenses related to any single violation shall not exceed Five Hundred Dollars ($500.00);

2. An act or acts other than recordkeeping requirements, which evidences a serious pattern of safety violations, as determined by

the Commissioner, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed Two Hundred Dollars ($200.00) for each offense, provided the maximum fine for each pattern of safety violations shall not exceed One Thousand Dollars ($1,000.00). The Commissioner may consider present and prior offenses in determining a serious pattern of safety violations; or

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

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

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

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

F. The Commissioner or his designated representative shall assess the amount of any administrative penalty, after notice and an opportunity for hearing, by written notice to the violator together with notice of findings in the case. An appeal therefrom may be made to the district court of Oklahoma County pursuant to the provisions of Sections 318 through 323 of Title 75 of the Oklahoma Statutes.

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

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

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

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

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

SECTION 40. AMENDATORY 47 O.S. 2011, Section 230.10, is amended to read as follows:

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

SECTION 41. AMENDATORY 47 O.S. 2011, Section 230.11, is amended to read as follows:

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

B. The Department may enter into a cooperative agreement with the United States Department of Transportation and any other federal department or agency to enforce the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act, or regulations adopted pursuant thereto, federal motor carrier safety regulations, and federal regulations governing the transportation of hazardous material. The Department may receive grants, gifts and other funds, equipment and services from the federal government or other sources for this purpose.

C. All files, records and data gathered by the Department pursuant to the Oklahoma Motor Carrier Safety and Hazardous

Materials Transportation Act may be made available to the Department of Environmental Quality, other agencies of state government, the United States Department of Transportation and other jurisdictions in any cooperative effort relating to motor carrier safety or the transportation of hazardous materials.

SECTION 42. AMENDATORY 47 O.S. 2011, Section 230.13, is amended to read as follows:

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

SECTION 43. AMENDATORY 47 O.S. 2011, Section 230.14, is amended to read as follows:

Section 230.14. The Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act ~~is~~ shall not ~~intended~~ be construed to affect any law of this state now in effect with respect to matters relating to the transportation of hazardous materials ~~but~~; provided, however, in the case of any conflict relating to motor carrier safety involving the transportation of property, or the transportation of hazardous materials, the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall prevail.

SECTION 44. AMENDATORY 47 O.S. 2011, Section 230.15, is amended to read as follows:

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

B. Every motor carrier subject to this section shall maintain liability and property damage insurance covering each motor vehicle operated by the motor carrier and file proof of that insurance with the ~~Oklahoma Corporation~~ Commission. The Commission shall set the amount of necessary insurance for the transportation of all commodities other than hazardous materials. The Commission may allow a motor carrier to meet its liability and property damage insurance requirements through self-insurance if the motor carrier has adequate financial assets to assume liability and is in substantial compliance with all motor carrier safety regulations adopted by the Department. Any person who transports or who causes the transportation of any hazardous material shall be required to comply with the financial responsibility requirements specified by the federal motor carrier safety regulations and the hazardous

materials regulations of the United States Department of Transportation provided that in no event shall the financial responsibility requirement exceed One Million Dollars ($1,000,000.00) except as otherwise specifically required by federal law, or any federal rule or regulation promulgated pursuant thereto.

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

D. In adopting rules pursuant to the provisions of this act, the Department of Public Safety shall establish limitations on driving hours for motor vehicles subject thereto that are consistent with the hours of service requirements adopted by the United States Department of Transportation in the applicable part of Title 49 of the Code of Federal Regulations, as those regulations now exist or are hereafter amended. Driving hours and on-duty status shall not begin following less than eight (8) consecutive hours off duty. Drivers shall be regulated from the time a driver first reports for duty for any employer. The rules adopted pursuant to this section shall establish the following exception:

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

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

F. 1. Amendments to the hours of service regulations promulgated on April 28, 2003, by the United States Department of

Transportation at Section 22456 of Volume 68 of the Federal Register and effective June 27, 2003, shall not apply to utility service vehicles as defined in Section 395.2 of Title 49 of the Code of Federal Regulations, not including television cable or community antenna service vehicles, which are owned or operated by utilities regulated by the Corporation Commission or electric cooperatives and which are engaged solely in intrastate commerce in this state until June 27, 2006, provided the amendments are valid and remain in effect as of that date. Hours of service regulations, which are applicable in this state immediately prior to June 27, 2003, shall remain applicable to utility service vehicles engaged solely in intrastate commerce in this state until June 27, 2006. If the United States Department of Transportation issues an official finding that this provision may result in the loss of federal Motor Carrier Safety Assistance Program funding, the Department of Public Safety may promulgate rules providing for earlier implementation of the amendments to the federal hours of service regulations. If federal law or regulations are amended at any time to exempt utility service vehicles from the hours of service requirements, any exemption shall be effective in this state immediately for the duration of the federal exemption.

2. The Department of Public Safety may promulgate rules suspending the effective date for up to three (3) years after the adoption of any motor carrier safety regulation by the United States

Department of Transportation as applied to vehicles engaged solely in intrastate commerce in this state if the suspension does not result in the loss of federal Motor Carrier Safety Assistance Program funding.

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

4. The Department of Public Safety may promulgate rules granting any waiver, variance, or exemption permitted under Section 31104(h) of Title 49 of the United States Code and federal regulations promulgated at Sections 350.339, 350.341, 350.343 and 350.345 of Title 49 of the Code of Federal Regulations if the waiver, variance, or exemption does not result in the loss of federal Motor Carrier Safety Assistance Program funding and does not take effect unless approved by the United States Department of Transportation, if approval is required.

SECTION 45. AMENDATORY 47 O.S. 2011, Section 230.22, is amended to read as follows:

Section 230.22. A. It is hereby declared that it is necessary in the public interest to regulate transportation by motor carriers

and private carriers in such manner as to recognize the need to require all motor carriers and private carriers to have adequate insurance; for motor carriers and private carriers to provide service in a safe and efficient manner; and to establish that the operations of motor carriers and private carriers will not have a detrimental impact on the environment.

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

C. The provisions of the Motor Carrier Act of 1995, except as hereinafter specifically limited, shall apply to the transportation of passengers or property by motor carriers and private carriers, except motor carriers of household goods and used emigrant movables, over public highways of this state; and the regulations of such transportation, and the procurement thereof and the provisions of facilities therefor, are hereby vested in the ~~Oklahoma Corporation~~ Commission.

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

E. The terms and provisions of the Motor Carrier Act of 1995 shall apply to commerce with foreign nations, or commerce among the

several states of this Union, insofar as such application may be permitted under the provisions of the Constitution of the United States and the Acts of Congress.

SECTION 46. AMENDATORY 47 O.S. 2011, Section 230.23, is amended to read as follows:

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

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

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

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

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

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

6. "Motor carrier of persons or property" means any person, except a carrier of household goods or used emigrant movables, operating upon any public highway for the transportation of

passengers or property for compensation or for hire or for commercial purposes, and not operating exclusively within the limits of an incorporated city or town within this state. Provided, the provisions of the Motor Carrier Act of 1995 shall not apply to the following vehicles and equipment when such vehicles and equipment are being used for the following:

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

b. any person or governmental authority furnishing transportation for school children to and from public schools or to and from public-school-related extracurricular activities under contract with, and sponsored by, a public school board; provided, that motor vehicles and equipment operated for the purposes shall qualify in all respects for the transportation of school children under the Oklahoma School Code and the rules of the State Board of Education adopted pursuant thereto~~.~~,

c. transport trucks transporting liquefied petroleum gases intrastate which are owned or operated by a

person subject to and licensed by the Oklahoma Liquefied Petroleum Gas Regulation Act, and

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

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

8. "Intercorporate hauling" means the transportation of property, by motor vehicle, for compensation, by a carrier which is a member of a corporate family, as defined in the Motor Carrier Act of 1995, when the transportation for compensation is provided for other members of the corporate family;

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

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

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

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

SECTION 47. AMENDATORY 47 O.S. 2011, Section 230.24, is amended to read as follows:

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

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

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

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

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

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

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

C. The Commission shall cooperate and coordinate with the ~~Oklahoma~~ Department of Public Safety, which is the primary enforcement agency, in administratively regulating carrier safety, size and weight regulations of motor vehicles and the transportation of hazardous materials which shall be accomplished by the Commission at the business location of carriers or at stationary and permanent scale facilities. The Commission may enter into interagency agreements with the Department of Public Safety for the purpose of ~~implementing,~~ administering ~~and enforcing any~~ specific provisions,

as determined by the Department, of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and the rules ~~and regulations~~ of the Department of Public Safety issued pursuant thereto; provided, the Commission shall have no authority to implement or administer any provision or rule if no agreement exists.

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

SECTION 48. AMENDATORY 47 O.S. 2011, Section 230.25, is amended to read as follows:

Section 230.25. A. Every motor carrier, subject to the Motor Carrier Act of 1995, receiving property for transportation in intrastate commerce shall issue a receipt or bill of lading therefor, the form of which shall be prescribed by the Corporation Commission.

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

SECTION 49. AMENDATORY 47 O.S. 2011, Section 230.26, is amended to read as follows:

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

SECTION 50. AMENDATORY 47 O.S. 2011, Section 230.27, is amended to read as follows:

Section 230.27. A. Upon the filing by an intrastate motor carrier or private carrier of an application for a license, the applicant shall pay to the Corporation Commission a filing fee in the sum of One Hundred Dollars ($100.00) with an original or subapplication. Any valid license issued ~~will~~ shall remain in force, unless otherwise revoked by the Commission in accordance with the provisions of the Motor Carrier Act of 1995, for one (1) year from date of issuance.

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

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

SECTION 51. AMENDATORY 47 O.S. 2011, Section 230.28, is amended to read as follows:

Section 230.28. A. It shall be unlawful for any motor carrier to operate or furnish service within this state without first having obtained from the Corporation Commission a license declaring that all insurance requirements have been met and that the carrier will operate within all existing rules and state laws pertaining to safety standards, size and weight requirements and, when applicable, lawful handling and disposal of hazardous materials and deleterious substances, and will operate in such a manner as to ensure there will be no detrimental environmental impact. It shall also be unlawful for any private carrier to operate or furnish service within this state without first having obtained from the ~~Corporation~~ Commission a license declaring that all insurance requirements have been met and that the carrier will operate within all existing rules and state laws pertaining to safety standards, size and weight requirements and, when applicable, lawful handling and disposal of hazardous materials and deleterious substances, and will operate in such a manner as to ensure there will be no detrimental environmental impact. The Commission shall have power, and it shall be its duty, to issue the license or set the application for hearing

within thirty (30) days of the Commission determining that the application is complete. Any such hearing shall be scheduled to occur on a date within an additional forty-five (45) business days of such determination. The mere filing of an application does not authorize any person to operate as a carrier.

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

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

D. The Commission shall be authorized to exercise any additional power that may from time to time be conferred upon the state by any Act of Congress. The Commission shall adopt rules prescribing the manner and form in which motor carriers and private carriers shall apply for licenses required by the Motor Carrier Act

of 1995. Among other rules adopted, the application shall be in writing and shall set forth the following facts:

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

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

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

SECTION 52. AMENDATORY 47 O.S. 2011, Section 230.29, is amended to read as follows:

Section 230.29. A. As used in this section:

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

2. "Equipment" means a motor vehicle, straight truck, tractor, semitrailer, full trailer, any combination of these and any other type of equipment used by authorized carriers in the transportation of passengers or property for hire;

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

4. "Lease" means a contract or arrangement in which the owner grants the use of equipment, with or without driver, for a specified period to an authorized carrier for use in the regulated

transportation of passengers or property, in exchange for compensation;

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

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

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

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

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

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

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

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

C. The written lease required pursuant to subsection B of this section shall contain the following provisions. The required lease

provisions shall be adhered to and performed by the authorized carrier as follows:

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

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

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

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

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

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

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

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

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

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

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

11. As it relates to insurance:

a. the lease shall clearly specify the legal obligation of the authorized carrier to maintain insurance coverage for the protection of the public, and

b. the lease shall clearly specify the conditions under which deductions for cargo or property damage may be made from the lessor's settlements. The lease shall further specify that the authorized carrier must provide the lessor with a written explanation and itemization of any deductions for cargo or property

damage made from any compensation of money owed to the lessor. The written explanation and itemization must be delivered to the lessor before any deductions are made; and

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

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

SECTION 53. AMENDATORY 47 O.S. 2011, Section 230.30, is amended to read as follows:

Section 230.30. A. No license shall be issued by the Corporation Commission to any carrier until after the carrier shall have filed with the Commission a liability insurance policy or bond covering public liability and property damage, issued by some insurance or bonding company or insurance carrier authorized pursuant to this section and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in a sum and amount as fixed by a proper order of the Commission; and the liability and

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

B. Every motor carrier shall file with the Commission a cargo insurance policy or bond covering any goods or property being transported, issued by some insurance or bonding company or insurance carrier authorized as set forth below, and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in a sum and amount as fixed by a proper order of the Commission. The cargo insurance must be filed with the Commission prior to a license being issued by the Commission, unless the motor carrier has been exempted from this requirement.

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

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

C. Each carrier shall maintain on file, in full force, all insurance required by the laws of this state and the rules of the Commission during the operation of the carrier and that the failure for any cause to maintain the coverage in full force and effect shall immediately, without any notice from the Commission, suspend the rights of the carrier to operate until proper insurance is provided. Any carrier suspended for failure to maintain proper insurance shall have a reasonable time, not exceeding sixty (60) days, to have its license reactivated, and to provide proper insurance upon showing:

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

2. Furnishing of proper insurance coverage.

D. Any carrier who fails to reactivate its license within sixty (60) days after the suspension, as above provided, shall have the

license canceled, by operation of law, without any notice from the Commission. No license so canceled shall be reinstated or otherwise made operative except that the Commission may reinstate the license of a carrier upon proper showing that the carrier was actually covered by proper insurance during the suspension or cancellation period, and that failure to file with the Commission was not due to the negligence of the carrier. Any carrier desiring to file for reinstatement of its license shall do so within ninety (90) days of its cancellation by law.

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

SECTION 54. AMENDATORY 47 O.S. 2011, Section 230.31, is amended to read as follows:

Section 230.31. A. Nothing contained in the Motor Carrier Act of 1995 shall be construed to authorize the operation of any

passenger or freight vehicle in excess of the gross weight, width, length or height authorized by law.

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

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

D. Licenses shall be considered personal to the holder of the license and shall be issued only to some definite legal entity operating motor vehicles as a motor carrier or private carrier, and shall not be subject to lease, nor shall the holder of the license sublet or permit the exercise, by another, of the rights or privileges granted under the license.

SECTION 55. AMENDATORY 47 O.S. 2011, Section 230.32, is amended to read as follows:

Section 230.32. The Corporation Commission shall have the power and authority by general order or otherwise to promulgate rules and

regulations for the administration and enforcement of the provisions of the Motor Carrier Act of 1995.

SECTION 56. AMENDATORY 47 O.S. 2011, Section 230.34a, is amended to read as follows:

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

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

C. Each permit shall be valid for a period of thirty (30) or sixty (60) days. The permit shall identify the time and date of its issuance and shall additionally reflect its effective and expiration dates.

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

1. Owner of the vehicle;

2. Vehicle registrant;

3. Make, model, year, license plate number, state of registration and VIN of each vehicle which will be operated under the permit; and

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

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

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

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

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

G. An application for a harvest permit shall be made to the ~~Corporation~~ Commission. The ~~Corporation~~ Commission shall allow

applications to be submitted by facsimile and electronically. The Commission must provide reasonable access for persons to obtain a harvest permit before taking enforcement action.

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

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

J. The ~~Corporation~~ Commission may enter into an agreement with any person or corporation located within or outside of the state for transmission of harvest permits by way of facsimile or other device when the Corporation Commission determines that such agreements are in the best interest of the state.

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

SECTION 57. AMENDATORY 47 O.S. 2011, Section 230.34b, is amended to read as follows:

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

1. Involved in a collision;

2. Being subjected to a Commercial Vehicle Safety Alliance (CVSA) inspection by the Department of Public Safety; or

3. Operated on any highway of the national defense highway system.

SECTION 58. AMENDATORY 47 O.S. 2011, Section 1115, is amended to read as follows:

Section 1115. A. Unless provided otherwise by statute, the following vehicles shall be registered annually: manufactured homes, vehicles registered with a permanent nonexpiring license plate pursuant to Section 1113 of this title, and commercial vehicles registered pursuant to the installment plan provided in subsection H of Section 1133 of this title. The following schedule shall apply for such vehicle purchased in this state or brought into this state by residents of this state:

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

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

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

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

License plates or decals for each year shall be made available on December 1 of each preceding year for such vehicles. Any person who purchases such vehicle or manufactured home between December 1 and December 31 of any year shall register it within thirty (30) days from date of purchase and obtain a license plate or Manufactured Home License Registration Decal, as appropriate, for the following calendar year upon payment of the full annual fee. Unless provided otherwise by statute, all annual license, registration and other fees for such vehicles shall be due and payable on January 1 of each year and if not paid by February 1 shall be deemed delinquent.

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

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

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

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

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

received on or after December 1, 2003, shall also be registered pursuant to the provisions of this paragraph.

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

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

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

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

4. Except as provided in subsection H of Section 1133 and subsection C of Section 1127 of this title, for all other vehicles a penalty shall be assessed after the last day of the month following the expiration date. A penalty of One Dollar ($1.00) per day shall be added to the license fee of such vehicle, provided that the penalty shall not exceed One Hundred Dollars ($100.00). Of each dollar penalty collected pursuant to this subsection:

a. twenty-five cents ($0.25) shall be apportioned as provided in Section 1104 of this title,

b. twenty-five cents ($0.25) shall be retained by the motor license agent, and

c. fifty cents ($0.50) shall be deposited in the General Revenue Fund for the fiscal year beginning on July 1, 2011, and for all subsequent fiscal years, shall be deposited in the State Highway Construction and Maintenance Fund.

D. In addition to all other penalties provided in the Oklahoma Vehicle License and Registration Act, the following penalties shall be imposed and collected by ~~any Enforcement Officer~~ <u>an employee</u> of the Corporation Commission <u>at a stationary and permanent scale</u>

facility upon finding any commercial vehicle being operated in violation of the provisions of the Oklahoma Vehicle License and Registration Act.

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

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

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

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

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

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

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

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

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

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

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

SECTION 59. AMENDATORY 47 O.S. 2011, Section 1115.1 is amended to read as follows:

Section 1115.1. In addition to the penalties provided in the Oklahoma Vehicle License and Registration Act, after ninety (90) days from the expiration date for annual registration of a vehicle, the ~~Corporation Commission,~~ Department of Public Safety, county sheriffs, and all other duly authorized peace officers of this state

may seize and take into custody ~~every~~, and any employee of the Corporation Commission may notify a law enforcement officer to seize and take into custody, any vehicle owned within this state not bearing or displaying a proper license plate required by the Oklahoma Vehicle License and Registration Act. The vehicle shall not be released to the owner until it is duly registered and the license, registration, or title fee and penalties due are paid in full, proof of security or an affidavit that the vehicle will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title, is furnished, and the cost of seizure, including the reasonable cost of taking the vehicle into custody and storing the vehicle, have been paid. In the event the owner of any vehicle seized fails to pay such fees and penalties due, together with cost of seizure and storage, and fails to provide proof of security or an affidavit that the vehicle will not be used on public highways or public streets, the Department of Central Services shall proceed to sell the vehicle by posting not fewer than five notices of sale in five different public places in the county where the vehicle is located, one of such notices to be posted at the place where the vehicle is stored. A copy of the notice shall also be sent by certified mail, restricted delivery, with return receipt requested, to the last-known address of the registered owner of the vehicle. The vehicle shall be sold at such sale subject to the following terms and conditions:

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

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

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

SECTION 60. AMENDATORY 47 O.S. 2011, Section 1123, is amended to read as follows:

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

Such compacts and agreements shall grant to the residents of other states privileges substantially like and equal to those

granted by such states to Oklahoma residents; provided, that such compacts and agreements shall not supersede or suspend any laws, rules or regulations of this state applying to vehicles operated intrastate in this state. Privileges so granted shall extend only to persons who comply with the laws of the state of their residence.

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

SECTION 61. AMENDATORY 47 O.S. 2011, Section 1133, is amended to read as follows:

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

For each commercial vehicle over eight thousand (8,000) pounds as defined in Section 1102 of this title, the license fee shall be based on the combined laden weight of the vehicle or combination of

vehicles. The license fees shall be computed and assessed at the following rates:

1. From 8,001 pounds to 15,000 pounds	$ 95.00
2. From 15,001 pounds to 18,000 pounds	120.00
3. From 18,001 pounds to 21,000 pounds	155.00
4. From 21,001 pounds to 24,000 pounds	190.00
5. From 24,001 pounds to 27,000 pounds	225.00
6. From 27,001 pounds to 30,000 pounds	260.00
7. From 30,001 pounds to 33,000 pounds	295.00
8. From 33,001 pounds to 36,000 pounds	325.00
9. From 36,001 pounds to 39,000 pounds	350.00
10. From 39,001 pounds to 42,000 pounds	375.00
11. From 42,001 pounds to 45,000 pounds	400.00
12. From 45,001 pounds to 48,000 pounds	425.00
13. From 48,001 pounds to 51,000 pounds	450.00
14. From 51,001 pounds to 54,000 pounds	475.00
15. From 54,001 pounds to 57,000 pounds	648.00
16. From 57,001 pounds to 60,000 pounds	681.00
17. From 60,001 pounds to 63,000 pounds	713.00
18. From 63,001 pounds to 66,000 pounds	746.00
19. From 66,001 pounds to 69,000 pounds	778.00
20. From 69,001 pounds to 72,000 pounds	817.00
21. From 72,001 pounds to 73,280 pounds	857.00
22. From 73,281 pounds to 74,000 pounds	870.00

23. From 74,001 pounds to 75,000 pounds 883.00

24. From 75,001 pounds to 76,000 pounds 896.00

25. From 76,001 pounds to 77,000 pounds 909.00

26. From 77,001 pounds to 78,000 pounds 922.00

27. From 78,001 pounds to 79,000 pounds 935.00

28. From 79,001 pounds to 80,000 pounds 948.00

29. From 80,001 pounds to 81,000 pounds 961.00

30. From 81,001 pounds to 82,000 pounds 974.00

31. From 82,001 pounds to 83,000 pounds 987.00

32. From 83,001 pounds to 84,000 pounds 1000.00

33. From 84,001 pounds to 85,000 pounds 1013.00

34. From 85,001 pounds to 86,000 pounds 1026.00

35. From 86,001 pounds to 87,000 pounds 1039.00

36. From 87,001 pounds to 88,000 pounds 1052.00

37. From 88,001 pounds to 89,000 pounds 1065.00

38. From 89,001 pounds to 90,000 pounds 1078.00

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

registration. In no event shall such annual license fee on any truck be less than Ten Dollars ($10.00) nor shall the annual license fee of any truck-tractor be less than Ninety-five Dollars ($95.00).

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

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

Upon the payment of the registration fee of Forty Dollars ($40.00), a nonexpiring registration certificate and identification plate shall be issued for each frac tank, rental trailer, commercial trailer or semitrailer. The nonexpiring identification plate shall remain displayed on the frac tank, rental trailer, commercial trailer or semitrailer for which the identification plate is issued until such frac tank, trailer or semitrailer is sold or removed from service.

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

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

D. For each fiscal year, notwithstanding the provisions of Section 1104 of this title, the first Four Hundred Thousand Dollars ($400,000.00) of all monies collected pursuant to subsections A, B and C of this section shall be paid by the Tax Commission to the State Treasurer of the State of Oklahoma who shall deposit same each

fiscal year, or such lesser amount as may accrue each fiscal year, under the provisions of this section to the credit of the General Revenue Fund of the State Treasury. All monies collected in excess of Four Hundred Thousand Dollars ($400,000.00) each fiscal year shall be apportioned as provided in Section 1104 of this title.

E. If any vehicle is used for a purpose other than that for which it has been registered, the owner of the vehicle shall be required to immediately reregister the vehicle at the appropriate rate. If any vehicle is placed or operated upon any street, road or highway of this state with a laden weight in excess of that for which it is licensed, the license fee for such increased laden weight shall become due, and the owner of the vehicle shall be required to immediately reregister the vehicle at the increased rate. Provided that, in either event there shall be credited upon the increased license fee for such reregistration for any portion of the year or period remaining after the change in use or increase in laden weight shall have occurred a proportionate part of the license fees previously paid. If this reregistration is made voluntarily by the owner, the ratable proportion of the credit allowed shall be determined as of the date the reregistration is voluntarily made. If the reregistration is not voluntarily made but occurs as a result of the discovery by any law enforcement officer of an improper operation of the vehicle, that shall be considered prima facie evidence that it has been improperly registered for the entire

portion of the year covered by the improper registration. Provided further that the ratable credit shall be allowed only on the first reregistration of any vehicle during any calendar year. If, during the calendar year, subsequent changes of license plate are desired, the ratable credit shall not be allowed but the owner of the vehicle shall be required to pay the license fee due for that portion of the calendar year remaining without benefit of any additional credits. No owner of a motor vehicle shall possess at any time more than one license plate for any vehicle owned by such person. No reregistration shall be made until the current license plate previously issued has been surrendered.

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

subsection shall be made out of any monies collected pursuant to this subsection and which have not been apportioned.

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

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

H. Notwithstanding the provision of any other statute in respect to the time for payment of license fees on motor vehicles, if the total amount of the annual license fees due from any resident owner, either individual, partnership, or Oklahoma corporation, upon the registration, on or before January 15 of any year, of commercial

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

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

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

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

I. Any person pulling or towing any vehicle intended to be resold, into or through this state, shall pay a fee of Three Dollars

($3.00) for the vehicle towing and Three Dollars ($3.00) for the one being towed. It shall be unlawful to operate any series of such units on the public highways of this state at a distance closer than five hundred (500) feet from each other. All fees and taxes levied by the terms and provisions of this section shall become and remain a first lien upon the vehicle upon which the fees or taxes are due until paid. The lien shall be prior, superior, and paramount to all other liens of whatsoever kind or character.

J. In addition to any other penalties prescribed by law, the following penalty shall be imposed ~~by enforcement officers~~ upon any owner or operator of a commercial vehicle registered under the provisions of this section when the laden weight or combined laden weight of such vehicle is found to be in excess of that for which registered. The penalty shall be imposed each and every time a vehicle is found to be in violation of the registered laden weight or combined laden weight.

The penalty shall be not less than Twenty Dollars ($20.00) when such vehicle exceeds the laden weight or combined laden weight by two thousand one (2,001) pounds; thereafter, an additional penalty of not less than Twenty Dollars ($20.00) shall be imposed for each additional one thousand (1,000) pounds or fraction thereof of weight in excess of the registered laden weight or combined laden weight. ~~Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of~~

~~Section 1167 of this title.~~ Revenue from such penalties shall be apportioned as provided in Section 1167 of this title.

SECTION 62. AMENDATORY 47 O.S. 2011, Section 1133.2, is amended to read as follows:

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

B. Those not complying with the provisions of this section shall be assessed a fine of not less than One Hundred Dollars ($100.00). ~~Such penalty shall not exceed the amount established by the Corporation Commission pursuant to the provisions of subsection A of Section 3 of this act. Revenue from such fines shall be apportioned as provided in Section 3 of this act.~~ Any person in violation of the provisions of this section may be cited by the Oklahoma Highway Patrol~~, the Corporation Commission,~~ or any county sheriff or municipal law enforcement officer. Any fines collected

by a county sheriff or municipal law enforcement officer shall be deposited in the respective county or municipal treasury.

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

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

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

SECTION 63. AMENDATORY 47 O.S. 2011, Section 1140, is amended to read as follows:

Section 1140. A. The Oklahoma Tax Commission shall adopt rules prescribing minimum qualifications and requirements for locating motor license agencies and for persons applying for appointment as a motor license agent; provided, after the effective date of this act such qualifications and requirements shall apply to agents in all areas of this state. Such qualifications and requirements shall include, but not be limited to, the following:

1. Necessary job skills and experience;

2. Minimum office hours;

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

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

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

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

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

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

9. That the location specified in the application for appointment as a motor license agent not be owned by a member of the Oklahoma Legislature or any person related to a member of the Oklahoma Legislature within the third degree by consanguinity or affinity and that the location not be within a three-mile radius of an existing motor license agency unless the applicant is assuming the location of an operating agency. The Tax Commission may, at its discretion, approve the relocation of an existing agency within a three-mile radius of another existing agency only if a naturally intervening geographic barrier within that radius causes the

locations to be separated by not less than three (3) miles of roadway by the most direct route.

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

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

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

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

Unless otherwise specifically provided, motor license agents appointed pursuant to this subsection shall be subject to all laws

relating to motor license agents and shall be subject to removal at the will of the Tax Commission.

B. Before ~~the effective date of this act~~ July 1, 2009, in all counties of this state having a population of less than one hundred thirty thousand (130,000) and in municipalities having a population of less than eight thousand five hundred (8,500) located in a county having a population in excess of one hundred thirty thousand (130,000), according to the latest Federal Decennial Census, the Tax Commission shall appoint as many motor license agents as it deems necessary to carry out the provisions of the ~~Motor~~ Oklahoma Vehicle License and Registration Act. Provided, that in counties with a population in excess of twenty-five thousand (25,000) persons, according to the latest Federal Decennial Census, having only one motor license agent serving the county, the Tax Commission shall establish at least one additional agency to serve the county. Any motor license agent appointed pursuant to this subsection before ~~the effective date of this act~~ July 1, 2009 may continue to serve until such agent vacates the position by reason of resignation, removal, death or otherwise.

All motor license agents shall be self-employed independent contractors and shall be under the supervision of the Tax Commission; provided, any agent authorized to issue registrations pursuant to the International Registration Plan shall also be under the supervision of the Corporation Commission, subject to rules

promulgated by the Corporation Commission pursuant to the provisions of subsection E of Section 1166 of this title. Any such agent, upon being appointed, shall furnish and file with the Tax Commission a bond in such amount as may be fixed by the Tax Commission. Such agent shall be removable at the will of the Tax Commission. Such agent shall perform all duties and do such things in the administration of the laws of this state as shall be enjoined upon and required by the Tax Commission or the Corporation Commission. Provided, the Tax Commission may operate a motor license agency in any county where a vacancy occurs.

C. In the event of a vacancy existing by reason of resignation, removal, death or otherwise, in the position of any motor license agent, the Tax Commission is hereby empowered and authorized to take any and all actions it deems appropriate in order to provide for the orderly transition and for the maintenance of operations of the motor license agency including but not limited to the designation of one of its regular employees to serve as "acting agent" without bond, and to receive and expend all fees or charges authorized or provided by law and exercise the same powers and authority as a regularly appointed motor license agent. An acting agent may be authorized by the Tax Commission equally as the preceding agent to make disbursements from any balances in the preceding motor license agent's operating account and the agent's operating funds for the payment of expenses of operations and salaries and other overhead.

If such funds are insufficient, the Tax Commission is authorized to expend from funds appropriated for the operation of the Tax Commission such amounts as are necessary to maintain and continue the operation of any such motor license agency until a successor agent is appointed and qualified. The Tax Commission may require a blanket fiduciary bond of the agency employees.

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

E. When an application for registration is made with the Tax Commission, Corporation Commission or a motor license agent, a registration fee of One Dollar and seventy-five cents ($1.75) shall be collected for each license plate or decal issued. Such fees shall be in addition to the registration fees on motor vehicles and when an application for registration is made to the motor license agent such motor license agent shall retain a fee as provided in Section 1141.1 of this title. When the fee is paid by a person

making application directly with the Tax Commission or Corporation Commission, as applicable, the registration fees shall be in the same amount as provided for motor license agents and the fee provided by Section 1141.1 of this title shall be deposited in the Oklahoma Tax Commission Revolving Fund or as provided in Section 1167 of this title, as applicable. The Tax Commission shall prepare schedules of registration fees and charges for titles which shall include the fees for such agents and all fees and charges paid by a person shall be listed separately on the application and registration and totaled on the application and registration. The motor license agents shall charge only such fees as are specifically provided for by law, and all such authorized fees shall be posted in such a manner that any person shall have notice of all fees that are imposed by law.

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

1. Any member of the Oklahoma Legislature;

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

3. Any employee of the Tax Commission.

G. Any motor license agent appointed under the provisions of this title shall be responsible for all costs incurred by the Tax

Commission when relocating an existing motor license agency. The Tax Commission may waive payment of such costs in case of unforeseen business or emergency conditions beyond the control of the agent.

SECTION 64. AMENDATORY 47 O.S. 2011, Section 1151, is amended to read as follows:

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

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

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

3. To procure from another state or country, or display upon any vehicle owned by such person within this state, except as otherwise provided in the Oklahoma Vehicle License and Registration Act, any license plate issued by any state or country other than this state, unless there shall be displayed upon such vehicle at all times the current license plate and decal assigned to it by the Oklahoma Tax Commission or the Corporation Commission or the vehicle shall display evidence that the vehicle is registered as a nonresident vehicle pursuant to rules promulgated by the Tax Commission, with the concurrence of the Department of Public Safety.

A violation of the provisions of this paragraph shall be presumed to have occurred if a person who is the holder of an Oklahoma driver license operates a vehicle owned by such person on the public roads or highways of this state and there is not displayed on the vehicle a current Oklahoma license plate and decal, unless the vehicle is owned by a member of the Armed Forces of the United States assigned to duty in this state in compliance with official military or naval orders or the spouse of such a member of the Armed Forces;

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

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

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

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

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

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

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

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

12. For any motor license agent to release a license plate, a manufactured home registration receipt, decal or excise tax receipt to any unauthorized person or source, including any dealer in new or used motor vehicles. Violation of this paragraph shall constitute sufficient grounds for discharge of a motor license agent by the Tax Commission;

13. To operate any vehicle registered as a commercial vehicle without the lettering requirements of Section 1102 of this title; or

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

Any person convicted of violating any provision of this subsection, other than paragraph 3 of this subsection, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed Five Hundred Dollars ($500.00). Any person convicted of violating the provisions of paragraph 3 of this subsection shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00) and shall be required to obtain an Oklahoma license plate. ~~Employees of the Corporation Commission may be authorized by the Corporation Commission to issue citations to motor carriers or operators of commercial motor vehicles, pursuant to the jurisdiction of the Corporation Commission, for a violation of this subsection. If a person convicted of violating the provisions of this subsection was issued a citation by a duly authorized employee of the Corporation Commission, the fine herein levied shall be apportioned as provided in Section 1167 of this title.~~

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

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

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

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

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

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

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

C. Except as provided in subsection C of Section 1127 of this title, in the event a new vehicle is not registered within thirty (30) days from date of purchase, the penalty for the failure of the owner of the vehicle to register the vehicle within thirty (30) days

shall be One Dollar ($1.00) per day; provided, that in no event shall the penalty exceed One Hundred Dollars ($100.00). Of each dollar penalty collected pursuant to this subsection:

1. Twenty-five cents ($0.25) shall be apportioned as provided in Section 1104 of this title;

2. Twenty-five cents ($0.25) shall be retained by the motor license agent; and

3. Fifty cents ($0.50) shall be deposited in the General Revenue Fund for the fiscal year beginning on July 1, 2011, and for all subsequent fiscal years, shall be deposited in the State Highway Construction and Maintenance Fund. The penalty for new commercial vehicles shall be equal to the license fee for such vehicles.

Except as provided in subsection C of Section 1127 of this title, if a used vehicle is brought into Oklahoma by a resident of this state and is not registered within thirty (30) days, a penalty of One Dollar ($1.00) per day shall be charged from the date of entry to the date of registration; provided, that in no event shall the penalty exceed One Hundred Dollars ($100.00). Of each dollar penalty collected pursuant to this subsection:

1. Twenty-five cents ($0.25) shall be apportioned as provided in Section 1104 of this title;

2. Twenty-five cents ($0.25) shall be retained by the motor license agent; and

3. Fifty cents ($0.50) shall be deposited in the General Revenue Fund for the fiscal year beginning on July 1, 2011, and for all subsequent fiscal years, shall be deposited in the State Highway Construction and Maintenance Fund. The penalty for used commercial vehicles shall be equal to the license fee for such vehicles.

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

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

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

2. Golf carts;

3. Go-carts; and

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

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

F. Any person violating paragraph 3 or 6 of subsection A of this section, in addition to the penal provisions provided in this section, shall pay as additional penalty a sum equal to the amount of license fees due on such vehicle or registration fees due on a manufactured home known to be in violation and such amount is hereby declared to be a lien upon the vehicle as provided in the Oklahoma Vehicle License and Registration Act. In addition to the penalty provisions provided in this section, any person violating paragraph 3 of subsection A of this section shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of One Hundred Dollars ($100.00).

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

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

I. Any violation of any portion of the Oklahoma Vehicle License and Registration Act where a specific penalty has not been imposed

shall constitute a misdemeanor and upon conviction thereof the person having violated it shall be fined not less than Ten Dollars ($10.00) and not to exceed Three Hundred Dollars ($300.00).

J. Any provision of ~~Section 1101 et seq. of this title~~ the Oklahoma Vehicle License and Registration Act providing for proportional registration under reciprocal agreements and the International Registration Plan that relates to the promulgation of rules and regulations shall not be subject to the provisions of this section.

SECTION 65. AMENDATORY 47 O.S. 2011, Section 1166, is amended to read as follows:

Section 1166. A. Effective July 1, 2004, all powers, duties and responsibilities exercised by the Motor Vehicle Enforcement Section shall be transferred from the Oklahoma Tax Commission to the Corporation Commission. Beginning July 1, 2004, and effective July 1, 2005, all powers, duties and responsibilities exercised by the International Registration Plan Section and the International Fuel Tax Agreement Section shall be transferred from the Tax Commission to the Corporation Commission. All records, property and matters pending of the sections shall be transferred to the Corporation Commission. ~~Funds sufficient to administer the powers, duties and responsibilities exercised by these sections shall be appropriated or allocated to the Corporation Commission for fiscal year 2005 as provided herein. Such funds appropriated or allocated to the~~

~~Corporation Commission shall not be subject to budgetary limitations. The Director of State Finance is hereby authorized to transfer such funds as may be necessary to effect such allocations.~~

B. ~~The period of July 1, 2004, through June 30, 2005, shall be a transitional period in which the Corporation Commission shall gradually assume complete administration and management over the powers, duties, responsibilities and staff currently carrying out the administration of the International Registration Plan Section and the International Fuel Tax Agreement Section. During this transition period, the employees assigned to the International Registration Plan Section and the International Fuel Tax Agreement Section shall continue to be employees of the Tax Commission unless otherwise agreed to by the Tax Commission and the Corporation Commission.~~ Effective July 1, 2005, the International Registration Plan Section and the International Fuel Tax Agreement Section shall be administered solely by the Corporation Commission. ~~For the period of July 1, 2004, through June 30, 2005, the Corporation Commission and the Tax Commission shall enter into a contract whereby funds shall be paid to the Tax Commission by the Corporation Commission in exchange for the Tax Commission's agreement to continue to operate the International Registration Plan Section and the International Fuel Tax Agreement Section.~~

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

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

E. Effective July 1, 2004, any administrative rules promulgated by the Tax Commission related to the administration of the International Registration Plan authorized by Section 1120 of ~~Title 47 of the Oklahoma Statutes~~ this title, the International Fuel Tax Agreement authorized by Section 607 of Title 68 of the Oklahoma Statutes, or ~~the enforcement of~~ by Section 1115.1 of ~~Title 47 of the Oklahoma Statutes~~ this title shall be transferred to and become a

part of the administrative rules of the Corporation Commission. The Office of Administrative Rules in the Secretary of State's office shall provide adequate notice in the Oklahoma Register of the transfer of rules, and shall place the transferred rules under the Administrative Code section of the Corporation Commission. From and after July 1, 2004, any amendment, repeal or addition to the transferred rules shall be under the jurisdiction of the Corporation Commission. All documents issued by the sections transferred to the Corporation Commission, including, but not limited to, vehicle registrations and permits, shall be deemed to have been issued by the Corporation Commission.

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

SECTION 66. AMENDATORY 47 O.S. 2011, Section 1167, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

The fund shall be a continuing fund, not subject to fiscal year limitations, and shall not be subject to legislative appropriation. Monies in the Trucking One-Stop Shop Fund shall only be expended for direct expenses relating to the Trucking One-Stop Shop Act. Expenditures from the revolving fund shall be made pursuant to the laws of this state. In addition, expenditures from the revolving fund may be made pursuant to The Oklahoma Central Purchasing Act for the purpose of immediately responding to emergency situations, within the ~~Commission's~~ jurisdiction of the Commission, having potentially critical environmental or public safety impact. Warrants for expenditures from the fund shall be drawn by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

E. There is hereby created in the State Treasury a revolving fund for the Department of Transportation to be designated the "Weigh Station Improvement Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited thereto. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and

expended by the Department for the purpose of constructing, equipping and maintaining facilities to determine the weight of vehicles traveling on the roads and highways of this state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 67. AMENDATORY 47 O.S. 2011, Section 1168, is amended to read as follows:

Section 1168. All facilities and equipment under the administrative control of the Oklahoma Tax Commission and used for determining the weight of vehicles operated on the roads or highways of this state are hereby transferred to the Department of Transportation. Any funds appropriated to or any powers, duties and responsibilities exercised by the Tax Commission for such purpose shall be transferred to the Department. The Director of State Finance is hereby authorized to transfer such funds as may be necessary. The Department is hereby authorized to enter into an agreement with the Corporation Commission to operate ~~such~~ stationary and permanent scale facilities or equipment. The provisions of this section shall not be construed to obligate the Department to incur expenses in connection with the administration of such facilities and equipment in an amount which exceeds deposits to the Weigh Station Improvement Revolving Fund.

SECTION 68. AMENDATORY 47 O.S. 2011, Section 1169, is amended to read as follows:

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

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

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

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

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

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

B. The interest or penalty or any portion thereof ordinarily accruing by failure of the motor carrier, registrant or licensee to properly file a report or return may be waived or reduced by the ~~Corporation~~ Commission. No interest or penalties in excess of Ten

Thousand Dollars ($10,000.00) shall be allowed except by order of the Commission.

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

D. Upon the revocation or expiration of any motor carrier or commercial motor vehicle license, permit, registration or certificate issued pursuant to the jurisdiction of the ~~Corporation~~ Commission, all accrued taxes, fees and penalties due and payable under the terms of state law, rules or order imposing or levying such tax, fee or penalty shall become due and payable concurrently upon the revocation or expiration of the license, permit, registration or certificate and the licensee, permittee, registrant or certificate holder shall forthwith make a report covering the period of time not covered by preceding reports filed by said person and ending with the date of the revocation or expiration and shall pay all such taxes, fees or penalties owed.

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

SECTION 69. AMENDATORY 47 O.S. 2011, Section 1170, is amended to read as follows:

Section 1170. A. Reports and files of the Corporation Commission concerning the administration of the International Registration Plan and the International Fuel Tax Agreement, shall be considered confidential and privileged, except as otherwise provided for by law, and neither the Commission nor any employee engaged in the administration of the International Registration Plan or International Fuel Tax Agreement or charged with the custody of any such reports or records nor any person who may have secured such reports or records from the Commission shall disclose any information obtained from the reports or records of any person.

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

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

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

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

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

5. The disclosing of information or evidence to the Oklahoma State Bureau of Investigation, Attorney General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, any district attorney, or agent of any federal law enforcement agency when the information or evidence is to be used by such officials to investigate or prosecute violations of the criminal provisions of the Uniform Tax Procedure Code or of any state tax law or of any federal crime committed against this state. Any information disclosed to the Oklahoma State Bureau of Investigation, Attorney

General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, any district attorney, or agent of any federal law enforcement agency shall be kept confidential by such person and not be disclosed except when presented to a court in a prosecution for violation of the tax laws of this state or except as specifically authorized by law, and a violation by the Oklahoma State Bureau of Investigation, Attorney General, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, district attorney, or agent of any federal law enforcement agency by otherwise releasing the information shall be a felony;

6. The use by any division of the Commission of any information or evidence in the possession of or contained in any report or return filed or documents obtained by the Commission in the administration of the International Fuel Tax Agreement or the International Registration Plan;

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

8. The furnishing of information as to the issuance or revocation of any registration or license by the Commission as provided for by law. Such information shall be limited to the name

of the person issued the permit or license, the name of the business entity authorized to engage in business pursuant to the permit or license, the address of the business entity, and the grounds for revocation;

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

10. The disclosure of information directly involved in the resolution of the protest by a taxpayer to an assessment of tax or additional tax or the resolution of a claim for a refund filed by a taxpayer, including the disclosure of the pendency of an administrative proceeding involving such protest or claim, to a person called by the Commission as an expert witness or as a witness whose area of knowledge or expertise specifically addresses the issue addressed in the protest or claim for refund. Such disclosure to a witness shall be limited to information pertaining to the specific knowledge of that witness as to the transaction or relationship between taxpayer and witness;

11. The furnishing to a prospective purchaser of any business, or his or her authorized representative, of information relating to any liabilities, delinquencies, assessments or warrants of the prospective seller of the business which have not been filed of record, established, or become final and which relate solely to the

seller's business. Any disclosure under this paragraph shall only be allowed upon the presentment by the prospective buyer, or the buyer's authorized representative, of the purchase contract and a written authorization between the parties; or

12. The furnishing of information as to the amount of state revenue affected by the issuance or granting of any registration or license or credit issued by the Corporation Commission as provided for by law. Such information shall be limited to the type of registration, license or credit issued or granted, the date and duration of such registration, license or credit, and the amount of such revenue. The provisions of this paragraph shall not authorize the disclosure of the name of the person issued such registration, license, exemption, credit, or the name of the business entity authorized to engage in business pursuant to the registration, license or credit.

SECTION 70. REPEALER 47 O.S. 2011, Sections 171.2 and 172.1, are hereby repealed.

SECTION 71. This act shall become effective November 1, 2012.

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