

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1952

By: McNiell

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7
8 COMMITTEE SUBSTITUTE

9 An Act relating to motor vehicles; defining term;
10 amending 47 O.S. 2011, Section 2-117.1, which relates
11 to duties of the Oklahoma Tax Commission; clarifying
12 language; amending 47 O.S. 2011, Section 14-110,
13 which relates to certain vehicle registration
14 certificate requirements; providing authority to
15 certain employees of the Corporation Commission to
16 demand presentment of certain registration
17 certificates; amending 47 O.S. 2011, Section 14-111,
18 which relates to governmental authority to weigh
19 certain vehicles; clarifying authority of certain
20 Corporation Commission employees; amending 47 O.S.
21 2011, Section 116.13, which relates to uniform and
22 badge requirements of certain Corporation Commission
23 employees; modifying requirements; amending 47 O.S.
24 2011, Section 116.14, which relates to vehicles that
are not registered or are improperly registered;
modifying procedure for seizing and sale of certain
vehicles; amending 47 O.S. 2011, Section 162, which
relates to powers and duties of the Corporation
Commission; providing Corporation Commission
authority to administratively regulate and supervise
certain motor carriers; specifying certain facilities
for use in regulation of certain motor carriers;
specifying that jurisdiction of the Department of
Public Safety shall not be affected by this section;
amending 47 O.S. 2011, Section 166.5, which relates
to inconsistencies between certain statutes and the
State Constitution; specifying that provisions of
certain acts be considered amendments and alterations
of State Constitution; amending 47 O.S. 2011,
Sections 166a and 170.1, which relate to the

1 regulation of motor carriers; updating agency
2 designations; amending 47 O.S. 2011, Section 170.2,
3 which relates to notification procedures for certain
4 motor carrier weight violations; updating
5 terminology; amending 47 O.S. 2011, Section 171,
6 which relates to Corporation Commission authority to
7 hire certain personnel; changing enforcement
8 authority designation to administration authority;
9 amending 47 O.S. 2011, Section 171.1, which relates
10 to the expenditure of certain Corporation Commission
11 funds; changing designation of enforcement officers
12 and supervisors to administrative officers and
13 supervisors; limiting duties of certain employees to
14 the provisions of the Oklahoma Motor Carrier Act;
15 modifying requirements for certain Corporation
16 Commission vehicles; amending 47 O.S. 2011, Section
17 172, which relates to certain violations; updating
18 agency and employee designations; amending 47 O.S.
19 2011, Sections 177.2 and 177.3, which relate to
20 transporting of deleterious substances; updating
21 agency designations; amending 47 O.S. 2011, Sections
22 180, 180a, 180b, 180c, 180d, 180e, 180f and 180g,
23 which relate to the regulation of motor carriers;
24 updating agency designations; amending 47 O.S. 2011,
Section 180h, which relates to the collection of
certain fees; clarifying language; amending 47 O.S.
2011, Section 180k, which relates to Corporation
Commission records; updating agency designations;
amending 47 O.S. 2011, Section 180l, which relates to
reciprocal compacts and agreements with other states;
updating agency designations; providing that the
authority of the Department of Public Safety shall
not be superseded or suspended by certain compacts or
agreements; amending 47 O.S. 2011, Section 180m,
which relates to the duties of certain governmental
entities to enforce certain motor vehicle provisions;
modifying enforcement authority; amending 47 O.S.
2011, Sections 224 and 225, which relate to the
regulation of motor carriers; clarifying language;
amending 47 O.S. 2011, Section 228.3, which relates
to intrastate fuel surcharges; updating agency
designations; modifying reference to federal agency
determining minimum surcharge; amending 47 O.S. 2011,
Section 228.4, which relates to application of
certain statutes to certain certificates and permits;
updating statutory reference; amending 47 O.S. 2011,
Sections 230.2, 230.3, 230.4, 230.5, 230.6, 230.7,

1 230.8, 230.9, 230.10, 230.11, 230.13, 230.14, 230.15,
2 230.22, 230.23, 230.24, 230.25, 230.26, 230.27,
3 230.28, 230.29, 230.30, 230.31 and 230.32, which
4 relate to the Oklahoma Motor Carrier Safety and
5 Hazardous Materials Transportation Act and the Motor
6 Carrier Act of 1995; updating agency designations;
7 clarifying language; clarifying scope of certain
8 violations; requiring interagency agreements for
9 certain cooperative actions; modifying enforcement
10 authority; specifying how provisions shall be
11 construed; updating statutory reference; modifying
12 power and authority of the Corporation Commission;
13 specifying the Department of Public Safety as the
14 primary enforcement agency; authorizing the
15 Corporation Commission to administer law only if
16 agreement is established with the Department of
17 Public Safety; amending 47 O.S. 2011, Sections
18 230.34a and 230.34b, which relate to the Motor
19 Carrier Harvest Permit Act of 2006; clarifying
20 certain apportionment; updating agency designations;
21 amending 47 O.S. 2011, Section 1115, which relates to
22 vehicle registration requirements; updating agency
23 and employee designations; eliminating limitation on
24 certain penalties; modifying certain penalty;
amending 47 O.S. 2011, Section 1115.1, which relates
to seizure of vehicles under certain circumstances;
removing Corporation Commission authority to seize
certain vehicles; providing Corporation Commission
employees authority to notify law enforcement for the
seizure of certain vehicles; amending 47 O.S. 2011,
Section 1123, which relates to Tax Commission
authority to enter into reciprocal compacts and
agreements; clarifying language; amending 47 O.S.
2011, Section 1133, which relates to license fees for
commercial vehicles; updating agency employee
designations; amending 47 O.S. 2011, Section 1133.2,
which relates to the display of certain registration
information in certain circumstances; modifying
certain penalty; eliminating limitation on certain
penalty; modifying enforcement authority; amending 47
O.S. 2011, Section 1140, which relates to
qualifications and requirements for certain agents;
updating statutory reference; amending 47 O.S. 2011,
Section 1151, which relates to certain unlawful acts
and penalties; modifying authority of Corporation
Commission employees to issue certain citations;
amending 47 O.S. 2011, Section 1166, which relates to

1 the transfer of certain authority from the Tax
2 Commission to the Corporation Commission; deleting
3 obsolete language; amending 47 O.S. 2011, Section
4 1167, which relates to Corporation Commission
5 authority to establish and administer certain fees,
6 fines and penalties; limiting Corporation Commission
7 authority to fees; specifying that the Corporation
8 Commission shall adjudicate certain administrative
9 actions; amending 47 O.S. 2011, Section 1168, which
10 relates to the transfer of certain Tax Commission
11 facilities and equipment to the Department of
12 Transportation; clarifying language; amending 47 O.S.
13 2011, Section 1169, which relates to Corporation
14 Commission authority to revoke certain licenses,
15 permits, registrations or certificates; updating
16 agency designations; modifying authority; amending 47
17 O.S. 2011, Section 1170, which relates to the
18 confidentiality of certain reports; clarifying
19 language; repealing 47 O.S. 2011, Section 171.2,
20 which relates to authority of certain enforcement
21 officers; repealing 47 O.S. 2011, Section 172.1,
22 which relates to qualification requirements for
23 enforcement officers; providing for codification; and
24 providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-187 of Title 47, unless there
is created a duplication in numbering, reads as follows:

A "weigh station" is a stationary and permanent facility owned
by the state and maintained with the primary purpose of determining
the weight of vehicles traveling on the roads and highways of this
state.

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

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

7 B. It shall be the duty of the Corporation Commission to
8 investigate and report to the Oklahoma Tax Commission and the
9 Department of Public Safety violations of their rules ~~and~~
10 ~~regulations~~ and the laws governing the transportation of persons and
11 property by motor transportation companies and all other motor
12 carriers for hire.

13 SECTION 3. AMENDATORY 47 O.S. 2011, Section 14-110, is
14 amended to read as follows:

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

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

20 2. Any employee of the Corporation Commission at a weigh
21 station.

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

1 SECTION 4. AMENDATORY 47 O.S. 2011, Section 14-111, is
2 amended to read as follows:

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

4 1. Any officer of the Department of Public Safety, ~~the~~
5 ~~Corporation Commission,~~ any sheriff, or any salaried deputy sheriff
6 is authorized to stop any vehicle upon any road or highway ~~in order~~
7 ~~to~~ and weigh such vehicle by means of portable or stationary scales,
8 or cause the same to be weighed by any official weigher, or upon any
9 privately owned scales and may require that such vehicles be driven
10 to the nearest or most convenient available scales for the purpose
11 of weighing; or

12 2. Any employee of the Corporation Commission may stop and
13 weigh any vehicle while the vehicle is at a weigh station.

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

1 so unloaded shall be cared for by the owner or operator of such
2 vehicle at the risk of such owner or operator.

3 ~~B.~~ C. 1. The operator of any truck or other vehicle
4 transporting farm products for hire or other merchandise for hire
5 shall have in his or her possession a certificate carrying the
6 following information: name of the operator; driver license number;
7 vehicle registration number; Corporation Commission permit number;
8 and statement of owner authorizing transportation of the products by
9 above named operator. For the purposes of this section
10 "certificate" includes electronic manifests and other similar
11 documents that include all of the information required pursuant to
12 this section.

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

24

1 Section 116.13 A. Each employee of the Corporation Commission
2 assigned ~~as an enforcement officer, as herein provided,~~ to a weigh
3 station shall at all times while on duty be required to be dressed
4 in a distinctive uniform and display a badge of office, both of
5 which shall be completely different and distinguishable from those
6 of the Oklahoma Highway Patrol Division, the Department of Public
7 Safety, the Department of Transportation, and the Oklahoma Tax
8 Commission. All such badges shall be furnished by the Corporation
9 Commission and each badge shall display a distinctive serial number.
10 The type and detail of the uniforms shall be designated by the
11 Corporation Commission and the Corporation Commission shall furnish
12 the uniforms and replace them when necessary. An expense allowance
13 of One Hundred Dollars (\$100.00) per month for maintenance and
14 cleaning of uniforms shall be paid to each ~~enforcement officer~~
15 employee of the Corporation Commission assigned to a weigh station.

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

21 SECTION 6. AMENDATORY 47 O.S. 2011, Section 116.14, is
22 amended to read as follows:

23 Section 116.14 In the event any vehicle at a weigh station is
24 found with no registration, not properly registered for the load

1 carried, or improperly registered in any manner under the provisions
2 of Section 116.2a et seq. of this title or any provisions of the
3 motor vehicle license and registration laws of this state,
4 Corporation Commission ~~enforcement officers~~ weigh station employees
5 shall be authorized to notify a law enforcement officer to seize and
6 take such vehicle into custody until such time as such vehicle is
7 properly registered and the license fee thereon is paid in full
8 together with any penalty provided by law plus the cost of seizure,
9 including the reasonable cost of taking such vehicle into custody
10 and storing it. Any load on such vehicle shall be disposed of by
11 the owner or operator of such vehicle. In the event such license
12 fee and penalty together with the cost of seizure and storage is not
13 paid, the agency employing the law enforcement officer shall proceed
14 to sell such vehicle by posting not less than five notices of sale
15 in five different public places in the county where such property is
16 located, one of such notices to be posted at the place where the
17 vehicle is stored; provided, a copy of such notice shall also be
18 sent by registered mail, return receipt requested, to the last-known
19 address of the registered owner of such vehicle in question. Such
20 vehicle shall be sold at such sale subject to the following terms
21 and conditions:

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

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

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

12 SECTION 7. AMENDATORY 47 O.S. 2011, Section 162, is
13 amended to read as follows:

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

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

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

20 3. Ensure motor carriers of household goods are complying with
21 applicable size and weight laws and safety requirements through the
22 use of weigh stations;

23 4. Supervise and administratively regulate such motor carriers
24 in all other administrative matters affecting the relationship

1 between such carriers and the traveling and shipping public
2 including, but not limited to, consumer protection measures and loss
3 and damage claim procedures; and

4 5. Enforce the provisions of this act.

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

7 C. 1. The Commission is authorized to administer a hazardous
8 material transportation registration and permitting program for
9 motor carriers engaged in transporting hazardous material upon or
10 over the public highways and within the borders of the state.

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

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

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

5 F. Nothing in this section shall be construed to remove or
6 affect the jurisdiction of the Department of Public Safety and its
7 authorities, responsibilities and duties prescribed by Section 2-117
8 and Sections 14-101 through 14-123 of this title.

9 SECTION 8. AMENDATORY 47 O.S. 2011, Section 166.5, is
10 amended to read as follows:

11 Section 166.5 If this act, or any provision hereof, or the
12 Motor Carrier Act of 1995 or any provision ~~hereof~~ thereof is~~7~~ or may
13 be deemed to be~~7~~ in conflict or inconsistent with any of the
14 provisions of Section 18 through Section 34, inclusive, of Article
15 IX of the Constitution of the State of Oklahoma, then, to the extent
16 of any such conflicts or inconsistencies, it is hereby expressly
17 declared that this entire act and this section are amendments to and
18 alterations of the sections of the Constitution, as authorized by
19 Section 35 of Article IX of said Constitution.

20 SECTION 9. AMENDATORY 47 O.S. 2011, Section 166a, is
21 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 5. The amount to be paid by the authorized carrier for
4 equipment and driver's services shall be clearly stated on the face
5 of the lease or in an addendum which is attached to the lease. The
6 amount to be paid may be expressed as a percentage of gross revenue,
7 a flat rate per mile, a variable rate depending on the direction
8 traveled or the type of commodity transported, or by any other
9 method of compensation mutually agreed upon by the parties to the
10 lease. The compensation stated on the lease or in the attached
11 addendum may apply to equipment and driver's services either
12 separately or as a combined amount;

13 6. The lease shall clearly specify the responsibility of each
14 party with respect to the cost of fuel, fuel taxes, empty mileage,
15 permits of all types, tolls, detention and accessorial services,
16 base plates and licenses, and any unused portions of such items.
17 Except when the violation results from the acts or omissions of the
18 lessor, the authorized carrier lessee shall assume the risks and
19 costs of fines for overweight and oversize trailers when the
20 trailers are preloaded, sealed, or the load is containerized, or
21 when the trailer or lading is otherwise outside of the lessor's
22 control, and for improperly permitted over-dimension and overweight
23 loads and shall reimburse the lessor for any fines paid by the
24 lessor. If the authorized carrier is authorized to receive a refund

1 or a credit for base plates purchased by the lessor from, and issued
2 in the name of, the authorized carrier, or if the base plates are
3 authorized to be sold by the authorized carrier to another lessor,
4 the authorized carrier shall refund to the initial lessor on whose
5 behalf the base plate was first obtained a prorated share of the
6 amount received;

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

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

22 9. The lease shall clearly specify all items that may be
23 initially paid for by the authorized carrier, but ultimately
24 deducted from the lessor's compensation at the time of payment or

1 settlement together with a recitation as to how the amount of each
2 item is to be computed. The lessor shall be afforded copies of
3 those documents which are necessary to determine the validity of the
4 charge;

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

9 11. As it relates to insurance:

- 10 a. the lease shall clearly specify the legal obligation
11 of the authorized carrier to maintain insurance
12 coverage for the protection of the public, and
13 b. the lease shall clearly specify the conditions under
14 which deductions for cargo or property damage may be
15 made from the lessor's settlements. The lease shall
16 further specify that the authorized carrier must
17 provide the lessor with a written explanation and
18 itemization of any deductions for cargo or property
19 damage made from any compensation of money owed to the
20 lessor. The written explanation and itemization must
21 be delivered to the lessor before any deductions are
22 made; and

23 12. An original and two copies of each lease shall be signed by
24 the parties. The authorized carrier shall keep the original and

1 shall place a copy of the lease in the equipment during the period
2 of the lease. The owner of the equipment shall keep the other copy
3 of the lease.

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

7 SECTION 10. AMENDATORY 47 O.S. 2011, Section 170.1, is
8 amended to read as follows:

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

22 Upon the filing of the answer herein provided for, the
23 Commission shall set a time and place for the hearing, and notice of
24 the time and place of the hearing shall be served not less than ten

1 (10) days before the time set therefor, unless the Commission shall
2 find that public necessity requires the hearing at an earlier date.

3 B. The Commission may, in all matters within its jurisdiction,
4 issue subpoenas, subpoenas duces tecum, and all necessary process in
5 proceedings pending before the Commission; may administer oaths,
6 examine witnesses, compel the production of records, books, papers,
7 files, documents, contracts, correspondence, agreements, or accounts
8 necessary for any investigation being conducted, and certify
9 official acts.

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

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

22 E. In the event any process shall be directed to any
23 nonresident who is authorized to do business in this state, the
24 process may be served upon the agent designated by the nonresident

1 for the service of process, and service upon the agent shall be as
2 sufficient and as effective as if served upon the nonresident.

3 F. All process issued by the Commission shall extend to all
4 parts of the state and any such process, together with the service
5 of all notices issued by the Commission, as well as copies of
6 complaints, rules, orders and regulations of the Commission, may be
7 served by any person authorized to serve process issued out of
8 courts of record, or by certified mail.

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

1 H. In the event the Commission finds that the defendant is
2 guilty upon any complaint filed and proceeding had and that the
3 provisions of law, or the rules, regulations or orders of this
4 Commission have been willfully and knowingly violated and the
5 violator holds a permit or certificate or license issued by the
6 Commission authorizing it to engage in the transportation of persons
7 or property for hire, then such permit or certificate or license may
8 also be revoked by the Commission.

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

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

19 SECTION 11. AMENDATORY 47 O.S. 2011, Section 170.2, is
20 amended to read as follows:

21 Section 170.2 A. The Department of Public Safety, monthly,
22 shall notify the ~~Oklahoma~~ Corporation Commission of any ticket
23 issued for a violation of the provisions of Section 14-119 of this
24 title, or any provisions of Chapter 14 of this title or the terms of

1 any special permit authorized pursuant to the provisions of Chapter
2 14 of this title concerning overweight or overweight special
3 permits.

4 B. Truck overweight violations by motor carriers or private
5 carriers shall be considered contempt of Commission motor carrier
6 rules, tariffs and regulations. The Commission shall establish a
7 specific rule whereby such overweight violations by motor carriers
8 or private carriers shall be grounds for issuance of a show-cause
9 order for consideration of temporary or permanent cancellation of
10 operating authority or license. In establishing the rule,
11 consideration shall be given to the frequency of violations, pattern
12 of violations, fleet size, type of operation, amount of overweight,
13 and other such factors that may indicate intent. Any person, firm,
14 or corporation that assists in the commission of such overweight
15 violation or refuses to comply with any rule, regulation, or order
16 of the Commission relating thereto shall be guilty of contempt of
17 the Commission and shall be subject to a fine to be imposed by said
18 Commission in a sum not to exceed Five Hundred Dollars (\$500.00) on
19 each violation. In the specific instance of an overweight
20 violation, the transportation of each load shall constitute a
21 separate violation. The same fine assessed against the motor
22 carrier or private carrier shall apply to any other person, firm, or
23 corporation that aids or abets such violations. Provided however,
24 no motor carrier, private carrier, shipper or person loading or

1 causing a motor vehicle to be loaded shall be subject to a fine for
2 contempt unless the gross weight of the motor vehicle is more than
3 five thousand (5,000) pounds overweight.

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

9 SECTION 12. AMENDATORY 47 O.S. 2011, Section 171, is
10 amended to read as follows:

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

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

24

1 administration of this act, in the same manner and form as other
2 expenses are paid.

3 Provided further, such employees shall be such extra help as may
4 be in the judgment of the ~~Corporation~~ Commission necessary to aid in
5 the ~~enforcement~~ administration of this act in addition to the
6 positions hereinafter created; the salaries and expenses of the
7 positions hereinafter created shall be paid out of funds
8 appropriated by the general departmental appropriations act.

9 SECTION 13. AMENDATORY 47 O.S. 2011, Section 171.1, is
10 amended to read as follows:

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

15 1. The Corporation Commission Transportation Division shall
16 employ four special motor carrier ~~enforcement~~ administrative
17 officers and one ~~supervisor-officer~~ administrative supervisor who
18 shall have the primary duty of investigating and assisting in the
19 prosecution of persons engaged in unauthorized transportation or
20 disposal of deleterious substances as contemplated under the
21 provisions of the Oklahoma Motor Carrier Act ~~and any other~~
22 ~~applicable provisions of law~~. Such employees shall be compensated
23 as for similar service in the same or other departments of the state
24 and an expense allowance of One Hundred Dollars (\$100.00) per month

1 for maintenance and cleaning of uniforms and other related expenses
2 shall be paid to such employees. Nothing in this section regarding
3 expense allowances shall be construed to mean that such employees
4 shall receive any additional compensation beyond what is provided
5 for maintenance and cleaning of uniforms and other related expenses
6 by the ~~Corporation~~ Commission ~~on the effective date of this act.~~

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

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

23 SECTION 14. AMENDATORY 47 O.S. 2011, Section 172, is
24 amended to read as follows:

1 Section 172. A. Every owner of any motor vehicle, the agents
2 or employees of the owner, and every other person who violates or
3 fails to comply with or procures, aids, or abets in the violation of
4 Sections 161 through 180m of this title or the Motor Carrier Act of
5 1995, or who fails to obey, observe, or comply with any order,
6 decision, rule or regulation, direction, demand, or requirement of
7 the Corporation Commission, or who procures, aids or abets any
8 corporation or person in the person's, or its, refusal or willful
9 failure to obey, observe or comply with any such order, decision,
10 rule, direction, demand, or regulation shall be deemed guilty of a
11 misdemeanor. Upon conviction in a criminal court of competent
12 jurisdiction, such misdemeanor is punishable by a fine of not
13 exceeding One Thousand Dollars (\$1,000.00).

14 B. The ~~Corporation~~ Commission shall report to the Attorney
15 General of this state and the district attorney of the proper county
16 having jurisdiction of such offense, any violation of any of the
17 provisions of Sections 161 through 180m of this title or the Motor
18 Carrier Act of 1995 or any rule of the ~~Corporation~~ Commission
19 promulgated pursuant to the provisions of Sections 161 through 180m
20 of this title or the Motor Carrier Act of 1995, by any motor vehicle
21 owner, agent or employee of such owner, or any other person. Upon
22 receipt of such report, the Attorney General or the district
23 attorney of the proper county having jurisdiction of such offense
24 shall institute criminal or civil proceedings against such offender

1 in the proper court having jurisdiction of such offense. Any
2 willful failure on the part of members of the ~~Corporation~~
3 Commission, the Attorney General or any district attorney~~7~~ to comply
4 with the provisions of this section~~7~~ shall be deemed official
5 misconduct. The ~~Corporation~~ Commission shall report such complaints
6 so made to the Governor of this state who shall direct and cause the
7 laws of this state to be enforced.

8 C. Any person failing, neglecting or refusing to comply with
9 the provisions of Sections 161 through 180m of this title or the
10 Motor Carrier Act of 1995, or with any rule, regulation, or
11 requirement of the ~~Corporation~~ Commission promulgated pursuant to
12 the provisions of Sections 161 through 180m of this title or the
13 Motor Carrier Act of 1995, shall be guilty of contempt of the
14 ~~Corporation~~ Commission, and shall be subject to a fine to be imposed
15 by the ~~Corporation~~ Commission in a sum not exceeding Five Hundred
16 Dollars (\$500.00). Each day on which such contempt occurs shall be
17 deemed a separate and distinct offense. The maximum fine to be
18 assessed on each day shall be Five Hundred Dollars (\$500.00). All
19 fines collected pursuant to the provisions of this section shall be
20 deposited in the State Treasury to the credit of the ~~Corporation~~
21 ~~Commission~~ Trucking One-Stop Shop Fund, as created in Section 1167
22 of this title. This subsection shall not apply in the specific
23 instance of load capacity violations or violations applicable to the
24

1 transportation or discharge of deleterious substances provided for
2 by specific statutory provisions.

3 D. The ~~Corporation~~ Commission shall appoint a director of
4 transportation, a deputy director, an insurance supervisor, an
5 insurance clerk, two stenographers, a secretary to the director, an
6 identification device supervisor and an assistant identification
7 device supervisor at such salaries as the Legislature may from time
8 to time prescribe. The employees shall be allowed actual and
9 necessary travel expenses pursuant to the provisions of the State
10 Travel Reimbursement Act. All of the expense claims shall be
11 presented and paid monthly.

12 E. ~~Enforcement officers, appointed by the Corporation~~
13 Commission, employees assigned to a weigh station are hereby
14 declared to be peace officers of this state. Such ~~officers~~
15 Commission employees assigned to a weigh station shall be vested
16 with all powers of peace officers in enforcing the provisions of
17 Sections 161 through 180m of this title and the Motor Carrier Act of
18 1995 ~~in all parts of this state~~ when on duty at a weigh facility.

19 The powers and duties conferred upon ~~said enforcement officers~~
20 Commission employees assigned to a weigh station shall in no way
21 limit the powers and duties of sheriffs or other peace officers of
22 the state, or any political subdivision thereof, or of members of
23 the Division of Highway Patrol, subject to the Department of Public
24 Safety.

1 F. ~~The enforcement officers~~ A Commission employee when on duty
2 at a weigh station, upon reasonable belief that any motor vehicle is
3 being operated in violation of any provisions of Sections 161
4 through 180m of this title or the Motor Carrier Act of 1995, shall
5 be authorized to require the driver of the vehicle to stop and
6 submit to an inspection of the identification device, or devices, in
7 the vehicle, and to submit to such ~~enforcement officer~~ employee
8 bills of lading, waybills, or other evidences of the character of
9 the commerce being transported in such vehicle, and to submit to an
10 inspection of the contents of such vehicle for the purpose of
11 comparing same with bills of lading or shipping documentation,
12 waybills, or other evidences of transportation carried by the driver
13 of the vehicle. ~~The officers shall not have the right to plea~~
14 ~~bargain.~~

15 G. ~~The enforcement officers~~ Commission employees, as appointed
16 by the Commission, are authorized to serve all warrants, writs, and
17 notices issued by the ~~Corporation~~ Commission relating to the
18 ~~enforcement~~ administration of the provisions of Sections 161 through
19 180m of this title or the Motor Carrier Act of 1995 and the rules,
20 regulations, and requirements prescribed by the ~~Corporation~~
21 Commission promulgated pursuant to Sections 161 through 180m of this
22 title or the Motor Carrier Act of 1995.

23 H. ~~The enforcement officers~~ Commission employees shall not have
24 the power or right of search, nor shall they have the right of power

1 of seizure, except as provided in Sections 161 through 180m of this
2 title or the Motor Carrier Act of 1995. ~~The enforcement officers~~
3 Commission employees are authorized to hold and detain any motor
4 vehicle operating upon the highways of this state, if, the
5 ~~enforcement officer~~ employee has reason to believe that the vehicle
6 is being operated contrary to the provisions of Sections 161 through
7 180m of this title or the Motor Carrier Act of 1995, or the rules,
8 regulations, and requirements of the ~~Corporation~~ Commission
9 promulgated pursuant to Sections 161 through 180m of this title or
10 the Motor Carrier Act of 1995.

11 I. No state official, other than members of the Corporation
12 Commission, shall have any power, right, or authority to command,
13 order, or direct any ~~enforcement officer~~ Commission employee to
14 perform or not perform any duty or service authorized by Sections
15 161 through 180m of this title or the Motor Carrier Act of 1995.

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

23 K. No ~~enforcement officer or~~ employee of the ~~Oklahoma~~
24 ~~Corporation~~ Commission shall have the right to plea bargain in motor

1 carrier or motor transportation matters except the chief legal
2 counsel of the Commission or an assign of the legal staff of the
3 chief legal counsel.

4 SECTION 15. AMENDATORY 47 O.S. 2011, Section 177.2, is
5 amended to read as follows:

6 Section 177.2 A. No motor carrier shall engage in the business
7 of transporting any salt water, mineral brines, waste oil and other
8 deleterious substances produced from or obtained or used in
9 connection with the drilling, development, producing and operating
10 of oil and gas wells and brine wells, for any valuable consideration
11 whatever, or in any quantity over twenty (20) gallons, without a
12 license authorizing such operation and a deleterious substance
13 transport permit to be issued by the Corporation Commission.
14 Provided, transportation of such substances by private carrier of
15 property by motor vehicle shall require a deleterious substance
16 transport permit.

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

20 C. No deleterious substance transport permit shall be issued to
21 a motor carrier or private carrier until the carrier has furnished
22 written proof of access to a Class II disposal well or wells. Said
23 written proof of access shall be provided by the owner of such
24 disposal well. Such disposal well must first be approved by the

1 ~~Corporation~~ Commission as adequate to meet the need for proper
2 disposal of all substances which the applicant may reasonably be
3 expected to transport as a motor carrier or private carrier.
4 Provided, that nothing in this section shall be construed as
5 prohibiting the disposition of such deleterious substances in a
6 disposal well that is owned by a person other than the transporter.

7 D. The Commission shall maintain a current list of such
8 permits. The Commission shall charge such annual deleterious
9 substance transport permitting fees as will cover the cost of
10 issuing such licenses and an annual fee of Two Hundred Fifty Dollars
11 (\$250.00) for each such deleterious substance transport license.
12 Proceeds from the fees shall be deposited by the Commission in the
13 State Treasury to the credit of the Corporation Commission Revolving
14 Fund. The provisions of this section are supplemental and are in
15 addition to the laws applicable to motor carriers.

16 SECTION 16. AMENDATORY 47 O.S. 2011, Section 177.3, is
17 amended to read as follows:

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

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

5 C. Any violation of the provisions of subsections A or B of
6 this section shall constitute a misdemeanor. It shall be the duty
7 of the prosecuting attorney of the county in which a violation of
8 the provisions of this section occurs to file and prosecute the
9 aforementioned misdemeanor charge and advise the Corporation
10 Commission of such action and the results thereof.

11 D. The ~~Oklahoma Corporation~~ Commission may initiate contempt
12 proceedings for any violation concerning disposal by a carrier of a
13 substance described in Section 177.2 of this title. The first
14 violation proven by the Commission in any calendar year shall result
15 in a motor carrier or private carrier being warned by the Commission
16 and, upon conviction, fined up to Two Thousand Five Hundred Dollars
17 (\$2,500.00). A second violation proven by the Commission in any
18 calendar year shall result in a motor carrier or private carrier
19 being placed on probation and fined up to Five Thousand Dollars
20 (\$5,000.00) by the Commission. A third violation proven by the
21 Commission in any calendar year shall result in a fine of up to
22 Twenty Thousand Dollars (\$20,000.00), and, at the discretion of the
23 Commission, cancellation of the carrier's license for a period up to
24 one (1) year and cancellation of a motor carrier or private carrier

1 deleterious substance transport permit. The driver of a truck, who
2 is not the owner of the vehicle used in any violation ~~of this~~
3 ~~section~~ described in Section 177.2 of this title or any violation of
4 the rules and regulations of the ~~Oklahoma Corporation~~ Commission,
5 shall be adjudicated a codefendant and subject to a fine equal to
6 ten percent (10%) of the fine assessed to the owner of such vehicle,
7 up to Five Hundred Dollars (\$500.00).

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

23 Section 180e. The Corporation Commission, in its discretion, is
24 authorized to provide for decals, cab cards, or other suitable

1 methods of identification to be displayed on or carried in the truck
2 or powered motor vehicle.

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

5 Section 180f. The Corporation Commission is hereby authorized
6 to purchase said identification devices in sufficient amounts to
7 supply the demand, and to purchase such other officer supplies and
8 equipment as is necessary to administer and enforce the provisions
9 of this act or the Motor Carrier Act of 1995, and to pay for, or
10 cause the same to be paid for, out of the appropriation provided
11 therefor.

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

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

17 Upon written application of any authorized motor carrier holding
18 a certificate or permit or license issued by the Commission, the
19 Commission shall issue to the motor carrier a sufficient number of
20 identification devices so that each powered vehicle owned or to be
21 operated by the motor carrier in the state shall bear one
22 identification device. Identification devices shall be issued on an
23 annual basis, and applications shall be made annually on the form
24 prescribed by the Commission, and any motor carrier operating a

1 powered vehicle without a current identification device shall be in
2 violation of the provisions of Sections 180 through 180m of this
3 title or the Motor Carrier Act of 1995.

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

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

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

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

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

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

1 Section 1801. The Corporation Commission is hereby authorized
2 and empowered, on behalf of the State of Oklahoma, and when it shall
3 deem it to be in the best interest of the residents of this state so
4 to do, to enter into reciprocal compacts and agreements with other
5 states, or the authorized agencies thereof, when such states have
6 made provisions substantially similar to this section, respecting
7 the regulation of motor vehicles engaged in interstate or foreign
8 commerce upon and over the public highways. And such compacts and
9 agreements may provide for the granting, to the residents of such
10 states, privileges substantially similar to those granted thereby to
11 Oklahoma residents~~;~~ provided: ~~(1)~~

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

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

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

24

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

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

8 SECTION 28. AMENDATORY 47 O.S. 2011, Section 180m, is
9 amended to read as follows:

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

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

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

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

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

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

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

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

17 SECTION 29. AMENDATORY 47 O.S. 2011, Section 224, is
18 amended to read as follows:

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

1 points outside the corporate limits of the city, and to or from
2 points within the corporate limits of the city.

3 SECTION 30. AMENDATORY 47 O.S. 2011, Section 225, is
4 amended to read as follows:

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

17 SECTION 31. AMENDATORY 47 O.S. 2011, Section 228.3, is
18 amended to read as follows:

19 Section 228.3 The ~~Oklahoma~~ Corporation Commission shall
20 establish an intrastate motor transportation fuel surcharge for
21 common carriers of household goods or used emigrant movables by
22 motor vehicles over irregular routes that shall in no instance be
23 less than that established by the ~~Interstate Commerce Commission~~

24

1 United States Department of Transportation for interstate
2 transportation by like carriers.

3 SECTION 32. AMENDATORY 47 O.S. 2011, Section 228.4, is
4 amended to read as follows:

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

9 SECTION 33. AMENDATORY 47 O.S. 2011, Section 230.2, is
10 amended to read as follows:

11 Section 230.2 A. The Legislature finds:

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

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

23 3. That the highway movement of hazardous and nonhazardous
24 materials poses a substantial danger to the health and safety of the

1 citizens of this state unless such materials are handled and
2 transported in a safe and prudent manner; and

3 4. That it is in the public interest and within the police
4 power of the state to provide for the regulation of the safety_
5 related aspects of motor carrier transportation and the handling and
6 transportation of hazardous materials.

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

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

24

1 SECTION 34. AMENDATORY 47 O.S. 2011, Section 230.3, is
2 amended to read as follows:

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

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

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

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

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

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

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

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

23 SECTION 35. AMENDATORY 47 O.S. 2011, Section 230.4, is
24 amended to read as follows:

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

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

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

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

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

21 a. conduct investigations; make reports; issue subpoenas;
22 conduct hearings; require the production of relevant
23 documents, records and property; take depositions; and
24

1 conduct directly or indirectly research, development,
2 demonstration and training activities,

3 b. enter upon, inspect and examine at reasonable times
4 and in a reasonable manner, the records and properties
5 of persons to the extent such records and properties
6 relate to motor carrier safety or the transportation
7 or shipment of hazardous materials in commerce, and to
8 inspect and copy records and papers of carriers and
9 other persons to carry out the purposes of the
10 Oklahoma Motor Carrier Safety and Hazardous Materials
11 Transportation Act,

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

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

22 e. prohibit any commercial driver from transporting
23 hazardous materials if such driver is unqualified or
24

1 disqualified under any federal or department
2 regulation, and

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

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

10 SECTION 36. AMENDATORY 47 O.S. 2011, Section 230.5, is
11 amended to read as follows:

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

21 SECTION 37. AMENDATORY 47 O.S. 2011, Section 230.6, is
22 amended to read as follows:

23 Section 230.6 A. No person prohibited from operating a
24 commercial vehicle shall operate such commercial motor vehicle, nor

1 shall any person authorize or require a person who has been
2 prohibited from such operation of a motor vehicle to operate a
3 commercial motor vehicle.

4 B. No person shall operate, authorize, or require the operation
5 of any vehicle or the use of any container that has been marked out
6 of service until all required corrections have been made, except
7 upon approval of the Department of Public Safety such vehicle or
8 container may be moved to another location for the purpose of repair
9 or correction.

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

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

17 1. During any period in which the employee:

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

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

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

1 d. has more than one commercial driver license;

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

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

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

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

18 SECTION 38. AMENDATORY 47 O.S. 2011, Section 230.7, is
19 amended to read as follows:

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

1 SECTION 39. AMENDATORY 47 O.S. 2011, Section 230.8, is
2 amended to read as follows:

3 Section 230.8 A. Each person involved in an incident or
4 accident during the transportation, loading, unloading, or related
5 storage in any place of a hazardous material subject to the
6 provisions of Oklahoma Motor Carrier Safety and Hazardous Material
7 Transportation Act shall immediately report, by telephone, to the
8 Department if that incident or accident involves:

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

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

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

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

17 B. A written report shall be submitted by the person to the
18 Department of Public Safety on a form prescribed by the Department,
19 or in lieu thereof, a copy of the written report submitted to the
20 United States Department of Transportation. Each report submitted
21 shall contain the time and date of the incident or accident, a
22 description of any injuries to persons or property, any continuing
23 danger to life at the place of the accident or incident, the
24

1 identity and classification of the material, and any other pertinent
2 details.

3 C. In the case of an incident or accident involving hazardous
4 materials which is not subject to the Oklahoma Motor Carrier Safety
5 and Hazardous Material Transportation Act but which is subject to
6 Title 46 or Title 49 of the Code of Federal Regulations, the carrier
7 shall send a copy of the report filed with the United States
8 Department of Transportation to the Department of Public Safety.

9 SECTION 40. AMENDATORY 47 O.S. 2011, Section 230.9, is
10 amended to read as follows:

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

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

21 1. An act which is a violation of a recordkeeping requirement
22 of this title or of any rule or regulation promulgated thereto or
23 the Federal Motor Carrier Safety Act of 1984, such person shall be
24 liable to the State of Oklahoma for an administrative penalty not to

1 exceed One Hundred Dollars (\$100.00) for each offense, provided that
2 the total of all administrative penalties assessed against any
3 violator pursuant to this paragraph for all offenses related to any
4 single violation shall not exceed Five Hundred Dollars (\$500.00);

5 2. An act or acts other than recordkeeping requirements, which
6 evidences a serious pattern of safety violations, as determined by
7 the Commissioner, such person shall be liable to the State of
8 Oklahoma for an administrative penalty not to exceed Two Hundred
9 Dollars (\$200.00) for each offense, provided the maximum fine for
10 each pattern of safety violations shall not exceed One Thousand
11 Dollars (\$1,000.00). The Commissioner may consider present and
12 prior offenses in determining a serious pattern of safety
13 violations; or

14 3. An act or acts which evidences to the Commissioner, that a
15 substantial health or safety violation exists or has occurred which
16 could reasonably lead to or has resulted in serious personal injury
17 or death, such person shall be liable to the State of Oklahoma for
18 an administrative penalty not to exceed One Thousand Dollars
19 (\$1,000.00) for each offense.

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

22 D. Except for recordkeeping violations, no administrative
23 penalty shall be assessed pursuant to the provisions of this
24 section, against an employee of any person subject to the provisions

1 of the Oklahoma Motor Carrier Safety and Hazardous Materials
2 Transportation Act for a violation unless the Commissioner
3 determines that such actions of the employee constituted gross
4 negligence or reckless disregard for safety in which case such
5 employee shall be liable for an administrative penalty not to exceed
6 One Thousand Dollars (\$1,000.00).

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

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

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

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

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

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

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

18 SECTION 41. AMENDATORY 47 O.S. 2011, Section 230.10, is
19 amended to read as follows:

20 Section 230.10 The Department of Public Safety shall exempt any
21 vehicle in which hazardous material is transported or any person who
22 transports any hazardous material if such exemption is identical to
23 an exemption issued by the Secretary of the United States Department
24 of Transportation and may exempt any person who transports any

1 hazardous material intrastate under similar provisions. The
2 Department may seek exemptions pursuant to federal law for
3 transportation of those quantities of hazardous materials which do
4 not pose a substantial danger to the public health and safety.

5 SECTION 42. AMENDATORY 47 O.S. 2011, Section 230.11, is
6 amended to read as follows:

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

18 B. The Department may enter into a cooperative agreement with
19 the United States Department of Transportation and any other federal
20 department or agency to enforce the provisions of the Oklahoma Motor
21 Carrier Safety and Hazardous Materials Transportation Act, or
22 regulations adopted pursuant thereto, federal motor carrier safety
23 regulations, and federal regulations governing the transportation of
24 hazardous material. The Department may receive grants, gifts and

1 other funds, equipment and services from the federal government or
2 other sources for this purpose.

3 C. All files, records and data gathered by the Department
4 pursuant to the Oklahoma Motor Carrier Safety and Hazardous
5 Materials Transportation Act may be made available to the Department
6 of Environmental Quality, other agencies of state government, the
7 United States Department of Transportation and other jurisdictions
8 in any cooperative effort relating to motor carrier safety or the
9 transportation of hazardous materials.

10 SECTION 43. AMENDATORY 47 O.S. 2011, Section 230.13, is
11 amended to read as follows:

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

16 SECTION 44. AMENDATORY 47 O.S. 2011, Section 230.14, is
17 amended to read as follows:

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

1 Oklahoma Motor Carrier Safety and Hazardous Materials Transportation
2 Act shall prevail.

3 SECTION 45. AMENDATORY 47 O.S. 2011, Section 230.15, is
4 amended to read as follows:

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

15 B. Every motor carrier subject to this section shall maintain
16 liability and property damage insurance covering each motor vehicle
17 operated by the motor carrier and file proof of that insurance with
18 the ~~Oklahoma Corporation~~ Commission. The Commission shall set the
19 amount of necessary insurance for the transportation of all
20 commodities other than hazardous materials. The Commission may
21 allow a motor carrier to meet its liability and property damage
22 insurance requirements through self-insurance if the motor carrier
23 has adequate financial assets to assume liability and is in
24 substantial compliance with all motor carrier safety regulations

1 adopted by the Department. Any person who transports or who causes
2 the transportation of any hazardous material shall be required to
3 comply with the financial responsibility requirements specified by
4 the federal motor carrier safety regulations and the hazardous
5 materials regulations of the United States Department of
6 Transportation provided that in no event shall the financial
7 responsibility requirement exceed One Million Dollars
8 (\$1,000,000.00) except as otherwise specifically required by federal
9 law, or any federal rule or regulation promulgated pursuant thereto.

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

17 D. In adopting rules pursuant to the provisions of this act,
18 the Department of Public Safety shall establish limitations on
19 driving hours for motor vehicles subject thereto that are consistent
20 with the hours of service requirements adopted by the United States
21 Department of Transportation in the applicable part of Title 49 of
22 the Code of Federal Regulations, as those regulations now exist or
23 are hereafter amended. Driving hours and on-duty status shall not
24 begin following less than eight (8) consecutive hours off duty.

1 Drivers shall be regulated from the time a driver first reports for
2 duty for any employer. The rules adopted pursuant to this section
3 shall establish the following exception:

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

19 E. Except as provided in subsection F of this section, any
20 regulation relating to motor carrier safety or to the transportation
21 of hazardous materials adopted by a local government, authority, or
22 state agency or office shall be consistent with corresponding
23 federal regulations. To the extent of any conflict between said
24

1 regulations and rules adopted by the Department of Public Safety
2 under this section, rules adopted by the Department shall control.

3 F. 1. Amendments to the hours of service regulations
4 promulgated on April 28, 2003, by the United States Department of
5 Transportation at Section 22456 of Volume 68 of the Federal Register
6 and effective June 27, 2003, shall not apply to utility service
7 vehicles as defined in Section 395.2 of Title 49 of the Code of
8 Federal Regulations, not including television cable or community
9 antenna service vehicles, which are owned or operated by utilities
10 regulated by the Corporation Commission or electric cooperatives and
11 which are engaged solely in intrastate commerce in this state until
12 June 27, 2006, provided the amendments are valid and remain in
13 effect as of that date. Hours of service regulations, which are
14 applicable in this state immediately prior to June 27, 2003, shall
15 remain applicable to utility service vehicles engaged solely in
16 intrastate commerce in this state until June 27, 2006. If the
17 United States Department of Transportation issues an official
18 finding that this provision may result in the loss of federal Motor
19 Carrier Safety Assistance Program funding, the Department of Public
20 Safety may promulgate rules providing for earlier implementation of
21 the amendments to the federal hours of service regulations. If
22 federal law or regulations are amended at any time to exempt utility
23 service vehicles from the hours of service requirements, any

1 exemption shall be effective in this state immediately for the
2 duration of the federal exemption.

3 2. The Department of Public Safety may promulgate rules
4 suspending the effective date for up to three (3) years after the
5 adoption of any motor carrier safety regulation by the United States
6 Department of Transportation as applied to vehicles engaged solely
7 in intrastate commerce in this state if the suspension does not
8 result in the loss of federal Motor Carrier Safety Assistance
9 Program funding.

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

17 4. The Department of Public Safety may promulgate rules
18 granting any waiver, variance, or exemption permitted under Section
19 31104(h) of Title 49 of the United States Code and federal
20 regulations promulgated at Sections 350.339, 350.341, 350.343 and
21 350.345 of Title 49 of the Code of Federal Regulations if the
22 waiver, variance, or exemption does not result in the loss of
23 federal Motor Carrier Safety Assistance Program funding and does not
24

1 take effect unless approved by the United States Department of
2 Transportation, if approval is required.

3 SECTION 46. AMENDATORY 47 O.S. 2011, Section 230.22, is
4 amended to read as follows:

5 Section 230.22 A. It is hereby declared that it is necessary
6 in the public interest to regulate transportation by motor carriers
7 and private carriers in such manner as to recognize the need to
8 require all motor carriers and private carriers to have adequate
9 insurance; for motor carriers and private carriers to provide
10 service in a safe and efficient manner; and to establish that the
11 operations of motor carriers and private carriers will not have a
12 detrimental impact on the environment.

13 B. The public policy of this state, as declared by the
14 Legislature, requires that all existing intrastate certificates and
15 permits granted by the ~~Oklahoma~~ Corporation Commission, except
16 household goods and used emigrant movables, prior to January 1,
17 1995, are hereby revoked.

18 C. The provisions of the Motor Carrier Act of 1995, except as
19 hereinafter specifically limited, shall apply to the transportation
20 of passengers or property by motor carriers and private carriers,
21 except motor carriers of household goods and used emigrant movables,
22 over public highways of this state; and the regulations of such
23 transportation, and the procurement thereof and the provisions of

24

1 facilities therefor, are hereby vested in the ~~Oklahoma Corporation~~
2 Commission.

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

6 E. The terms and provisions of the Motor Carrier Act of 1995
7 shall apply to commerce with foreign nations, or commerce among the
8 several states of this Union, insofar as such application may be
9 permitted under the provisions of the Constitution of the United
10 States and the Acts of Congress.

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

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

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

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

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

22 4. "Interstate Registration Certificate" (IRC) means a document
23 issued by the Commission granting permission to operate upon the
24

1 highways of the State of Oklahoma in interstate commerce exempt from
2 federal motor carrier regulation;

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

6 6. "Motor carrier of persons or property" means any person,
7 except a carrier of household goods or used emigrant movables,
8 operating upon any public highway for the transportation of
9 passengers or property for compensation or for hire or for
10 commercial purposes, and not operating exclusively within the limits
11 of an incorporated city or town within this state. Provided, the
12 provisions of the Motor Carrier Act of 1995 shall not apply to the
13 following vehicles and equipment when such vehicles and equipment
14 are being used for the following:

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

20 b. any person or governmental authority furnishing
21 transportation for school children to and from public
22 schools or to and from public-school-related
23 extracurricular activities under contract with, and
24 sponsored by, a public school board; provided, that

1 motor vehicles and equipment operated for the purposes
2 shall qualify in all respects for the transportation
3 of school children under the Oklahoma School Code and
4 the rules of the State Board of Education adopted
5 pursuant thereto.

6 c. transport trucks transporting liquefied petroleum
7 gases intrastate which are owned or operated by a
8 person subject to and licensed by the Oklahoma
9 Liquefied Petroleum Gas Regulation Act, and

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

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

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

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

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

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

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

19 SECTION 48. AMENDATORY 47 O.S. 2011, Section 230.24, is
20 amended to read as follows:

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

23 1. To supervise and regulate every motor carrier whether
24 operating between fixed termini or over a regular route or otherwise

1 and not operating exclusively within the limits of an incorporated
2 city or town in this state and all private carriers operating
3 vehicles having a gross registered weight of greater than 26,000
4 pounds and not operating exclusively within the limits of an
5 incorporated city or town in this state;

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

8 3. To ensure motor carriers and private carriers are complying
9 with the applicable size and weight laws of this state and safety
10 requirements which shall be accomplished at business locations of
11 the carriers or at weigh stations;

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

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

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

21 C. The Commission shall cooperate and coordinate with the
22 ~~Oklahoma~~ Oklahoma Department of Public Safety, which is the primary
23 enforcement agency, in administratively regulating carrier safety,
24 size and weight regulations of motor vehicles and the transportation

1 of hazardous materials which shall be accomplished by the Commission
2 at the business location of carriers or at stationary and permanent
3 scale facilities. The Commission may enter into interagency
4 agreements with the Department of Public Safety for the purpose of
5 ~~implementing,~~ administering ~~and enforcing any~~ specific provisions,
6 as determined by the Department, of the Oklahoma Motor Carrier
7 Safety and Hazardous Materials Transportation Act and the rules ~~and~~
8 ~~regulations~~ of the Department of Public Safety issued pursuant
9 thereto; provided, the Commission shall have no authority to
10 implement or administer any provision or rule if no interagency
11 agreement exists.

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

17 SECTION 49. AMENDATORY 47 O.S. 2011, Section 230.25, is
18 amended to read as follows:

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

24

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

5 SECTION 50. AMENDATORY 47 O.S. 2011, Section 230.26, is
6 amended to read as follows:

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

14 SECTION 51. AMENDATORY 47 O.S. 2011, Section 230.27, is
15 amended to read as follows:

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

24

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

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

8 SECTION 52. AMENDATORY 47 O.S. 2011, Section 230.28, is
9 amended to read as follows:

10 Section 230.28 A. It shall be unlawful for any motor carrier
11 to operate or furnish service within this state without first having
12 obtained from the Corporation Commission a license declaring that
13 all insurance requirements have been met and that the carrier will
14 operate within all existing rules and state laws pertaining to
15 safety standards, size and weight requirements and, when applicable,
16 lawful handling and disposal of hazardous materials and deleterious
17 substances, and will operate in such a manner as to ensure there
18 will be no detrimental environmental impact. It shall also be
19 unlawful for any private carrier to operate or furnish service
20 within this state without first having obtained from the ~~Corporation~~
21 Commission a license declaring that all insurance requirements have
22 been met and that the carrier will operate within all existing rules
23 and state laws pertaining to safety standards, size and weight
24 requirements and, when applicable, lawful handling and disposal of

1 hazardous materials and deleterious substances, and will operate in
2 such a manner as to ensure there will be no detrimental
3 environmental impact. The Commission shall have power, and it shall
4 be its duty, to issue the license or set the application for hearing
5 within thirty (30) days of the Commission determining that the
6 application is complete. Any such hearing shall be scheduled to
7 occur on a date within an additional forty-five (45) business days
8 of such determination. The mere filing of an application does not
9 authorize any person to operate as a carrier.

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

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

23 D. The Commission shall be authorized to exercise any
24 additional power that may from time to time be conferred upon the

1 state by any Act of Congress. The Commission shall adopt rules
2 prescribing the manner and form in which motor carriers and private
3 carriers shall apply for licenses required by the Motor Carrier Act
4 of 1995. Among other rules adopted, the application shall be in
5 writing and shall set forth the following facts:

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

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

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

12 SECTION 53. AMENDATORY 47 O.S. 2011, Section 230.29, is
13 amended to read as follows:

14 Section 230.29 A. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 6. The lease shall clearly specify the responsibility of each
24 party with respect to the cost of fuel, fuel taxes, empty mileage,

1 permits of all types, tolls, detention and accessorial services,
2 base plates and licenses, and any unused portions of such items.
3 Except when the violation results from the acts or omissions of the
4 lessor, the authorized carrier lessee shall assume the risks and
5 costs of fines for overweight and oversize trailers when the
6 trailers are preloaded, sealed, or the load is containerized, or
7 when the trailer or lading is otherwise outside of the lessor's
8 control, and for improperly permitted overdimension and overweight
9 loads and shall reimburse the lessor for any fines paid by the
10 lessor. If the authorized carrier is authorized to receive a refund
11 or a credit for base plates purchased by the lessor from, and issued
12 in the name of, the authorized carrier, or if the base plates are
13 authorized to be sold by the authorized carrier to another lessor
14 the authorized carrier shall refund to the initial lessor on whose
15 behalf the base plate was first obtained a prorated share of the
16 amount received;

17 7. The lease shall specify that payment to the lessor shall be
18 made by the authorized carrier within fifteen (15) days after
19 submission of the necessary delivery documents and other paperwork
20 concerning a trip in the service of the authorized carrier. The
21 paperwork required before the lessor can receive payment is limited
22 to those documents necessary for the authorized carrier to secure
23 payment from the shipper. The authorized carrier may require the
24

1 submission of additional documents by the lessor but not as a
2 prerequisite to payment;

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

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

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

17 11. As it relates to insurance:

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

21 b. the lease shall clearly specify the conditions under
22 which deductions for cargo or property damage may be
23 made from the lessor's settlements. The lease shall
24 further specify that the authorized carrier must

1 provide the lessor with a written explanation and
2 itemization of any deductions for cargo or property
3 damage made from any compensation of money owed to the
4 lessor. The written explanation and itemization must
5 be delivered to the lessor before any deductions are
6 made; and

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

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

16 SECTION 54. AMENDATORY 47 O.S. 2011, Section 230.30, is
17 amended to read as follows:

18 Section 230.30 A. No license shall be issued by the
19 Corporation Commission to any carrier until after the carrier shall
20 have filed with the Commission a liability insurance policy or bond
21 covering public liability and property damage, issued by some
22 insurance or bonding company or insurance carrier authorized
23 pursuant to this section and which has complied with all of the
24 requirements of the Commission, which bond or policy shall be

1 approved by the Commission, and shall be in a sum and amount as
2 fixed by a proper order of the Commission; and the liability and
3 property damage insurance policy or bond shall bind the obligor
4 thereunder to make compensation for injuries to, or death of,
5 persons, and loss or damage to property, resulting from the
6 operation of any carrier for which the carrier is legally liable. A
7 copy of the policy or bond shall be filed with the Commission, and,
8 after judgment against the carrier for any damage, the injured party
9 may maintain an action upon the policy or bond to recover the same,
10 and shall be a proper party to maintain such action.

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

21 Intrastate motor carriers of sand, rock, gravel, asphaltic
22 mixtures or other similar road building materials shall not be
23 required to file cargo insurance and shall be required to maintain
24

1 liability insurance limits of Three Hundred Fifty Thousand Dollars
2 (\$350,000.00) combined single limit.

3 No carrier, whose principal place of business is in Oklahoma,
4 shall conduct any operations in this state unless the operations are
5 covered by a valid primary bond or insurance policy issued by a
6 provider authorized or approved by the State Insurance Commissioner.

7 No carrier shall conduct any operations in this state unless the
8 operations are covered by a valid bond or insurance policy issued by
9 a provider authorized and approved by a National Association of
10 Insurance Commissioners and certified by the State Insurance
11 Commission.

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

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

24 2. Furnishing of proper insurance coverage.

1 D. Any carrier who fails to reactivate its license within sixty
2 (60) days after the suspension, as above provided, shall have the
3 license canceled, by operation of law, without any notice from the
4 Commission. No license so canceled shall be reinstated or otherwise
5 made operative except that the Commission may reinstate the license
6 of a carrier upon proper showing that the carrier was actually
7 covered by proper insurance during the suspension or cancellation
8 period, and that failure to file with the Commission was not due to
9 the negligence of the carrier. Any carrier desiring to file for
10 reinstatement of its license shall do so within ninety (90) days of
11 its cancellation by law.

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

23 SECTION 55. AMENDATORY 47 O.S. 2011, Section 230.31, is
24 amended to read as follows:

1 Section 230.31 A. Nothing contained in the Motor Carrier Act
2 of 1995 shall be construed to authorize the operation of any
3 passenger or freight vehicle in excess of the gross weight, width,
4 length or height authorized by law.

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

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

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

23 SECTION 56. AMENDATORY 47 O.S. 2011, Section 230.32, is
24 amended to read as follows:

1 Section 230.32 The Corporation Commission shall have the power
2 and authority by general order or otherwise to promulgate rules and
3 regulations for the administration and enforcement of the provisions
4 of the Motor Carrier Act of 1995.

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

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

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

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

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

- 23 1. Owner of the vehicle;
- 24 2. Vehicle registrant;

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

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

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

13 1. One-half (1/2) of the revenue shall be deposited in the
14 Weigh Station Improvement Revolving Fund as set forth in Section
15 1167 of Title 47 of the Oklahoma Statutes; and

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

19 F. A harvest permit may be extended in fifteen-day increments.
20 The permit holder shall be required to pay the additional prorated
21 portion of the tag fee at Eight Dollars and seventy-five cents
22 (\$8.75) per axle per fifteen-day extension.

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

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

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

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

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

19 K. The ~~Corporation~~ Commission may promulgate rules to
20 administer the provisions of the Motor Carrier Harvest Permit Act of
21 2006.

22 SECTION 58. AMENDATORY 47 O.S. 2011, Section 230.34b, is
23 amended to read as follows:

24

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

- 6 1. Involved in a collision;
- 7 2. Being subjected to a Commercial Vehicle Safety Alliance
8 (CVSA) inspection by the Department of Public Safety; or
- 9 3. Operated on any highway of the national defense highway
10 system.

11 SECTION 59. AMENDATORY 47 O.S. 2011, Section 1115, is
12 amended to read as follows:

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

- 21 1. Between January 1 and March 31, the payment of the full
22 annual fee shall be required;
- 23 2. Between April 1 and June 30, the payment of three-fourths
24 (3/4) the annual fee shall be required;

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

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

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

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

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

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

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

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

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

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

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

15 2. For commercial vehicles registered under the provisions of
16 subsection B of this section, except those vehicles registered
17 pursuant to Section 1133.1 of this title, a penalty shall be
18 assessed after the last day of the month following the registration
19 expiration date. A penalty of twenty-five cents (\$0.25) per day
20 shall be added to the license fee of such vehicle and shall accrue
21 for one (1) month. Thereafter, the penalty shall be thirty percent
22 (30%) of the annual registration fee, or Two Hundred Dollars
23 (\$200.00), whichever is greater;

24

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

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

- 12 a. twenty-five cents (\$0.25) shall be apportioned as
13 provided in Section 1104 of this title,
- 14 b. twenty-five cents (\$0.25) shall be retained by the
15 motor license agent, and
- 16 c. fifty cents (\$0.50) shall be deposited in the General
17 Revenue Fund for the fiscal year beginning on July 1,
18 2011, and for all subsequent fiscal years, shall be
19 deposited in the State Highway Construction and
20 Maintenance Fund.

21 D. In addition to all other penalties provided in the Oklahoma
22 Vehicle License and Registration Act, the following penalties shall
23 be imposed and collected by ~~any Enforcement Officer~~ an employee of
24 the Corporation Commission at a weigh station upon finding any

1 commercial vehicle being operated in violation of the provisions of
2 the Oklahoma Vehicle License and Registration Act.

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

5 1. A penalty of not less than Fifty Dollars (\$50.00) shall be
6 imposed upon any person found to be operating a commercial vehicle
7 sixty (60) days after the end of the month in which the license
8 plate or registration credentials expire without the current year
9 license plate or registration credential displayed. Such penalty
10 shall not exceed the amount established by the Corporation
11 Commission pursuant to the provisions of subsection A of Section
12 1167 of this title. Revenue from such penalties shall be
13 apportioned as provided in Section 1167 of this title;

14 2. A penalty of not less than Fifty Dollars (\$50.00) shall be
15 imposed for any person operating a commercial vehicle subject to the
16 provisions of Section 1120 or Section 1133 of this title without the
17 proper display of, or, carrying in such commercial vehicle, the
18 identification credentials issued by the Corporation Commission as
19 evidence of payment of the fee or tax as provided in Section 1120 or
20 Section 1133 of this title. Such penalty shall not exceed the
21 amount established by the Corporation Commission pursuant to the
22 provisions of subsection A of Section 1167 of this title. Revenue
23 from such penalties shall be apportioned as provided in Section 1167
24 of this title; and

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

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

15 F. In addition to any other penalty prescribed by law, there
16 shall be a penalty of not less than Twenty Dollars (\$20.00) upon a
17 finding by an ~~enforcement officer~~ employee of the Corporation
18 Commission at a weigh station that:

19 1. The registration of a vehicle registered pursuant to Section
20 1132 of this title is expired and it is sixty (60) or more days
21 after the end of the month of expiration; or

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

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

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

15 SECTION 60. AMENDATORY 47 O.S. 2011, Section 1115.1, is
16 amended to read as follows:

17 Section 1115.1 In addition to the penalties provided in the
18 Oklahoma Vehicle License and Registration Act, after ninety (90)
19 days from the expiration date for annual registration of a vehicle,
20 ~~the Corporation Commission,~~ Department of Public Safety, county
21 sheriffs, and all other duly authorized peace officers of this state
22 may seize and take into custody every, and any employee of the
23 Corporation Commission may notify a law enforcement officer to seize
24 and take into custody, any vehicle owned within this state not

1 bearing or displaying a proper license plate required by the
2 Oklahoma Vehicle License and Registration Act. The vehicle shall
3 not be released to the owner until it is duly registered and the
4 license, registration, or title fee and penalties due are paid in
5 full, proof of security or an affidavit that the vehicle will not be
6 used on public highways or public streets, as required pursuant to
7 Section 7-600 et seq. of this title, is furnished, and the cost of
8 seizure, including the reasonable cost of taking the vehicle into
9 custody and storing the vehicle, have been paid. In the event the
10 owner of any vehicle seized fails to pay such fees and penalties
11 due, together with cost of seizure and storage, and fails to provide
12 proof of security or an affidavit that the vehicle will not be used
13 on public highways or public streets, the Department of Central
14 Services shall proceed to sell the vehicle by posting not fewer than
15 five notices of sale in five different public places in the county
16 where the vehicle is located, one of such notices to be posted at
17 the place where the vehicle is stored. A copy of the notice shall
18 also be sent by certified mail, restricted delivery, with return
19 receipt requested, to the last-known address of the registered owner
20 of the vehicle. The vehicle shall be sold at such sale subject to
21 the following terms and conditions:

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

1 manufactured home registration receipt and decal and registration
2 certificate;

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

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

12 SECTION 61. AMENDATORY 47 O.S. 2011, Section 1123, is
13 amended to read as follows:

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

20 Such compacts and agreements shall grant to the residents of
21 other states privileges substantially like and equal to those
22 granted by such states to Oklahoma residents; provided, that such
23 compacts and agreements shall not supersede or suspend any laws,
24 rules or regulations of this state applying to vehicles operated

1 intrastate in this state. Privileges so granted shall extend only
2 to persons who comply with the laws of the state of their residence.

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

13 SECTION 62. AMENDATORY 47 O.S. 2011, Section 1133, is
14 amended to read as follows:

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

18 For each commercial vehicle over eight thousand (8,000) pounds
19 as defined in Section 1102 of this title, the license fee shall be
20 based on the combined laden weight of the vehicle or combination of
21 vehicles. The license fees shall be computed and assessed at the
22 following rates:

- | | | |
|----|--|----------|
| 23 | 1. From 8,001 pounds to 15,000 pounds | \$ 95.00 |
| 24 | 2. From 15,001 pounds to 18,000 pounds | 120.00 |

1	3.	From 18,001 pounds to 21,000 pounds	155.00
2	4.	From 21,001 pounds to 24,000 pounds	190.00
3	5.	From 24,001 pounds to 27,000 pounds	225.00
4	6.	From 27,001 pounds to 30,000 pounds	260.00
5	7.	From 30,001 pounds to 33,000 pounds	295.00
6	8.	From 33,001 pounds to 36,000 pounds	325.00
7	9.	From 36,001 pounds to 39,000 pounds	350.00
8	10.	From 39,001 pounds to 42,000 pounds	375.00
9	11.	From 42,001 pounds to 45,000 pounds	400.00
10	12.	From 45,001 pounds to 48,000 pounds	425.00
11	13.	From 48,001 pounds to 51,000 pounds	450.00
12	14.	From 51,001 pounds to 54,000 pounds	475.00
13	15.	From 54,001 pounds to 57,000 pounds	648.00
14	16.	From 57,001 pounds to 60,000 pounds	681.00
15	17.	From 60,001 pounds to 63,000 pounds	713.00
16	18.	From 63,001 pounds to 66,000 pounds	746.00
17	19.	From 66,001 pounds to 69,000 pounds	778.00
18	20.	From 69,001 pounds to 72,000 pounds	817.00
19	21.	From 72,001 pounds to 73,280 pounds	857.00
20	22.	From 73,281 pounds to 74,000 pounds	870.00
21	23.	From 74,001 pounds to 75,000 pounds	883.00
22	24.	From 75,001 pounds to 76,000 pounds	896.00
23	25.	From 76,001 pounds to 77,000 pounds	909.00
24	26.	From 77,001 pounds to 78,000 pounds	922.00

1	27.	From 78,001 pounds to 79,000 pounds	935.00
2	28.	From 79,001 pounds to 80,000 pounds	948.00
3	29.	From 80,001 pounds to 81,000 pounds	961.00
4	30.	From 81,001 pounds to 82,000 pounds	974.00
5	31.	From 82,001 pounds to 83,000 pounds	987.00
6	32.	From 83,001 pounds to 84,000 pounds	1000.00
7	33.	From 84,001 pounds to 85,000 pounds	1013.00
8	34.	From 85,001 pounds to 86,000 pounds	1026.00
9	35.	From 86,001 pounds to 87,000 pounds	1039.00
10	36.	From 87,001 pounds to 88,000 pounds	1052.00
11	37.	From 88,001 pounds to 89,000 pounds	1065.00
12	38.	From 89,001 pounds to 90,000 pounds	1078.00

13 B. After the fifth year's registration in this or any other
14 state, the license fee upon any truck registered on a basis of the
15 combined laden weight not in excess of fifteen thousand (15,000)
16 pounds shall be assessed at fifty percent (50%) of the fee computed
17 and assessed for each of the first five (5) years. On the seventh
18 and all subsequent years of registration in this or any other state,
19 on such truck, such license fees shall be assessed and computed at
20 fifty percent (50%) of the amount due on the sixth year's
21 registration. In no event shall such annual license fee on any
22 truck be less than Ten Dollars (\$10.00) nor shall the annual license
23 fee of any truck-tractor be less than Ninety-five Dollars (\$95.00).

24

1 C. In addition to the fees required by subsection A of this
2 section, there shall be paid a registration fee of Forty Dollars
3 (\$40.00) upon the first registration in this state after July 1,
4 1985, and upon the transfer of ownership of any frac tank, as
5 defined by Section 54 of Title 17 of the Oklahoma Statutes, rental
6 trailer, commercial trailer or semitrailer designed to be pulled and
7 usually pulled by a truck or truck-tractor.

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

13 Upon the payment of the registration fee of Forty Dollars
14 (\$40.00), a nonexpiring registration certificate and identification
15 plate shall be issued for each frac tank, rental trailer, commercial
16 trailer or semitrailer. The nonexpiring identification plate shall
17 remain displayed on the frac tank, rental trailer, commercial
18 trailer or semitrailer for which the identification plate is issued
19 until such frac tank, trailer or semitrailer is sold or removed from
20 service.

21 A receipt shall be issued upon the payment of the annual fee.
22 The receipt shall show the total fee paid for one or more frac
23 tanks, rental trailers, commercial trailers or semitrailers. The
24 receipt shall be retained by the owner of any frac tank, rental

1 trailer, commercial trailer or semitrailer for a period of three (3)
2 years and shall be subject to audit by the Tax Commission or
3 Corporation Commission.

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

16 D. For each fiscal year, notwithstanding the provisions of
17 Section 1104 of this title, the first Four Hundred Thousand Dollars
18 (\$400,000.00) of all monies collected pursuant to subsections A, B
19 and C of this section shall be paid by the Tax Commission to the
20 State Treasurer of the State of Oklahoma who shall deposit same each
21 fiscal year, or such lesser amount as may accrue each fiscal year,
22 under the provisions of this section to the credit of the General
23 Revenue Fund of the State Treasury. All monies collected in excess
24

1 of Four Hundred Thousand Dollars (\$400,000.00) each fiscal year
2 shall be apportioned as provided in Section 1104 of this title.

3 E. If any vehicle is used for a purpose other than that for
4 which it has been registered, the owner of the vehicle shall be
5 required to immediately reregister the vehicle at the appropriate
6 rate. If any vehicle is placed or operated upon any street, road or
7 highway of this state with a laden weight in excess of that for
8 which it is licensed, the license fee for such increased laden
9 weight shall become due, and the owner of the vehicle shall be
10 required to immediately reregister the vehicle at the increased
11 rate. Provided that, in either event there shall be credited upon
12 the increased license fee for such reregistration for any portion of
13 the year or period remaining after the change in use or increase in
14 laden weight shall have occurred a proportionate part of the license
15 fees previously paid. If this reregistration is made voluntarily by
16 the owner, the ratable proportion of the credit allowed shall be
17 determined as of the date the reregistration is voluntarily made.
18 If the reregistration is not voluntarily made but occurs as a result
19 of the discovery by any law enforcement officer of an improper
20 operation of the vehicle, that shall be considered prima facie
21 evidence that it has been improperly registered for the entire
22 portion of the year covered by the improper registration. Provided
23 further that the ratable credit shall be allowed only on the first
24 reregistration of any vehicle during any calendar year. If, during

1 the calendar year, subsequent changes of license plate are desired,
2 the ratable credit shall not be allowed but the owner of the vehicle
3 shall be required to pay the license fee due for that portion of the
4 calendar year remaining without benefit of any additional credits.
5 No owner of a motor vehicle shall possess at any time more than one
6 license plate for any vehicle owned by such person. No
7 reregistration shall be made until the current license plate
8 previously issued has been surrendered.

9 Any person who has paid a fee under the terms and provisions of
10 this subsection may at any time within one (1) year after the
11 payment of such fee file with the Tax Commission or Corporation
12 Commission a claim under oath for refund stating the grounds
13 therefor. However, the Tax Commission or Corporation Commission
14 shall allow refunds only where the amount of tax paid has been
15 erroneously computed or determined through clerical errors or
16 miscalculations. No refund shall be allowed by the Tax Commission
17 or Corporation Commission of a tax paid by the person where such
18 payment is made through a mistake as to the legal misinterpretation
19 or construction of the provisions of this section. Any refunds made
20 by the Tax Commission or Corporation Commission pursuant to this
21 subsection shall be made out of any monies collected pursuant to
22 this subsection and which have not been apportioned.

23 F. The annual license fee required by this section is intended
24 to cover only the motor vehicle for which it is issued. The Tax

1 Commission or Corporation Commission upon application, when a
2 licensed truck-tractor has been destroyed by fire or accident, shall
3 credit the unused portion of the annual license fee of the vehicle
4 toward the license fee of a replacement vehicle of equal registered
5 weight. The amount of credit shall not exceed the license fee due
6 on the replacement vehicle. The Tax Commission or Corporation
7 Commission shall not be required to make a refund. If the
8 replacement vehicle is to be registered at a greater weight, the
9 applicant shall pay an additional sum equivalent to the difference
10 between the unused portion of the annual license fee for the
11 original motor vehicle and the license fee due for the replacement
12 motor vehicle.

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

16 H. Notwithstanding the provision of any other statute in
17 respect to the time for payment of license fees on motor vehicles,
18 if the total amount of the annual license fees due from any resident
19 owner, either individual, partnership, or Oklahoma corporation, upon
20 the registration, on or before January 15 of any year, of commercial
21 trucks, truck-tractors, frac tanks, trailers or semitrailers exceeds
22 the sum of One Thousand Dollars (\$1,000.00), the license fees may be
23 paid in equal semiannual installments. The first installment shall
24 be paid at the time of the application for registration of the

1 vehicles and not later than January 15 of each year, and the second
2 installment shall be paid on or before the first day of July of such
3 year.

4 This subsection shall not operate to reduce the amount of the
5 license fees due. If any installment is not paid on or before the
6 date due, all unpaid installments of license fees for such year on
7 each vehicle shall be deemed delinquent and immediately due and
8 payable, and there shall be added a penalty of twenty-five cents
9 (\$0.25) per day to the balance of the license fee due on each
10 vehicle for each day the balance remains unpaid up to thirty (30)
11 days, after which the penalty due on each vehicle shall be Twenty-
12 five Dollars (\$25.00). The penalty for vehicles registered by
13 weight in excess of eight thousand (8,000) pounds shall be an amount
14 equal to the license fee. On and after the thirtieth day each such
15 vehicle involved shall be considered as improperly licensed and as
16 not currently registered, and all of the provisions of the Oklahoma
17 Vehicle License and Registration Act relating to enforcement,
18 including the provisions for the seizure and sale of vehicles not
19 registered and not displaying current license plates, shall apply to
20 the vehicles.

21 All fees and taxes levied by the Oklahoma Vehicle License and
22 Registration Act shall become and remain a first lien upon the
23 vehicle upon which the fees or taxes are due until paid. The lien
24 shall have priority to all other liens. No title to any vehicle may

1 be transferred until the unpaid balance on the vehicle has been paid
2 in full. Provided that any unpaid balance of the license fees shall
3 remain and become a lien against any and all property of the owner,
4 both real and personal, for so long as any license tag fee balance
5 shall remain unpaid. Any unpaid balance under these provisions
6 shall be immediately due and payable by the owner if any vehicle is
7 sold, wrecked, or otherwise retired from service.

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

19 I. Any person pulling or towing any vehicle intended to be
20 resold, into or through this state, shall pay a fee of Three Dollars
21 (\$3.00) for the vehicle towing and Three Dollars (\$3.00) for the one
22 being towed. It shall be unlawful to operate any series of such
23 units on the public highways of this state at a distance closer than
24 five hundred (500) feet from each other. All fees and taxes levied

1 by the terms and provisions of this section shall become and remain
2 a first lien upon the vehicle upon which the fees or taxes are due
3 until paid. The lien shall be prior, superior, and paramount to all
4 other liens of whatsoever kind or character.

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

13 The penalty shall be not less than Twenty Dollars (\$20.00) when
14 such vehicle exceeds the laden weight or combined laden weight by
15 two thousand one (2,001) pounds; thereafter, an additional penalty
16 of not less than Twenty Dollars (\$20.00) shall be imposed for each
17 additional one thousand (1,000) pounds or fraction thereof of weight
18 in excess of the registered laden weight or combined laden weight.
19 ~~Such penalty shall not exceed the amount established by the~~
20 ~~Corporation Commission pursuant to the provisions of subsection A of~~
21 ~~Section 1167 of this title.~~ Revenue from such penalties shall be
22 apportioned as provided in Section 1167 of this title.

23 SECTION 63. AMENDATORY 47 O.S. 2011, Section 1133.2, is
24 amended to read as follows:

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

12 B. Those not complying with the provisions of this section
13 shall be assessed a fine of not less than One Hundred Dollars
14 (\$100.00). ~~Such penalty shall not exceed the amount established by~~
15 ~~the Corporation Commission pursuant to the provisions of subsection~~
16 ~~A of Section 3 of this act. Revenue from such fines shall be~~
17 ~~apportioned as provided in Section 3 of this act.~~ Any person in
18 violation of the provisions of this section may be cited by the
19 Oklahoma Highway Patrol, ~~the~~ a Corporation Commission employee
20 assigned to a weigh station, or any county sheriff or municipal law
21 enforcement officer. Any fines collected by a county sheriff or
22 municipal law enforcement officer shall be deposited in the
23 respective county or municipal treasury.

24

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

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

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

11 SECTION 64. AMENDATORY 47 O.S. 2011, Section 1140, is
12 amended to read as follows:

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

- 20 1. Necessary job skills and experience;
- 21 2. Minimum office hours;
- 22 3. Provision for sufficient staffing, equipment, office space
23 and parking to provide maximum efficiency and maximum convenience to
24 the public;

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

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

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

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

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

11 9. That the location specified in the application for
12 appointment as a motor license agent not be owned by a member of the
13 Oklahoma Legislature or any person related to a member of the
14 Oklahoma Legislature within the third degree by consanguinity or
15 affinity and that the location not be within a three-mile radius of
16 an existing motor license agency unless the applicant is assuming
17 the location of an operating agency. The Tax Commission may, at its
18 discretion, approve the relocation of an existing agency within a
19 three-mile radius of another existing agency only if a naturally
20 intervening geographic barrier within that radius causes the
21 locations to be separated by not less than three (3) miles of
22 roadway by the most direct route.

23 After the necessary information has been forwarded to the Tax
24 Commission, each applicant shall be interviewed by the Tax

1 Commission or its designees and each item of information shall be
2 reviewed.

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

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

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

18 Unless otherwise specifically provided, motor license agents
19 appointed pursuant to this subsection shall be subject to all laws
20 relating to motor license agents and shall be subject to removal at
21 the will of the Tax Commission.

22 B. Before the effective date of this act, in all counties of
23 this state having a population of less than one hundred thirty
24 thousand (130,000) and in municipalities having a population of less

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

14 All motor license agents shall be self-employed independent
15 contractors and shall be under the supervision of the Tax
16 Commission; provided, any agent authorized to issue registrations
17 pursuant to the International Registration Plan shall also be under
18 the supervision of the Corporation Commission, subject to rules
19 promulgated by the Corporation Commission pursuant to the provisions
20 of subsection E of Section 1166 of this title. Any such agent, upon
21 being appointed, shall furnish and file with the Tax Commission a
22 bond in such amount as may be fixed by the Tax Commission. Such
23 agent shall be removable at the will of the Tax Commission. Such
24 agent shall perform all duties and do such things in the

1 administration of the laws of this state as shall be enjoined upon
2 and required by the Tax Commission or the Corporation Commission.
3 Provided, the Tax Commission may operate a motor license agency in
4 any county where a vacancy occurs.

5 C. In the event of a vacancy existing by reason of resignation,
6 removal, death or otherwise, in the position of any motor license
7 agent, the Tax Commission is hereby empowered and authorized to take
8 any and all actions it deems appropriate in order to provide for the
9 orderly transition and for the maintenance of operations of the
10 motor license agency including but not limited to the designation of
11 one of its regular employees to serve as "acting agent" without
12 bond, and to receive and expend all fees or charges authorized or
13 provided by law and exercise the same powers and authority as a
14 regularly appointed motor license agent. An acting agent may be
15 authorized by the Tax Commission equally as the preceding agent to
16 make disbursements from any balances in the preceding motor license
17 agent's operating account and the agent's operating funds for the
18 payment of expenses of operations and salaries and other overhead.
19 If such funds are insufficient, the Tax Commission is authorized to
20 expend from funds appropriated for the operation of the Tax
21 Commission such amounts as are necessary to maintain and continue
22 the operation of any such motor license agency until a successor
23 agent is appointed and qualified. The Tax Commission may require a
24 blanket fiduciary bond of the agency employees.

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

11 E. When an application for registration is made with the Tax
12 Commission, Corporation Commission or a motor license agent, a
13 registration fee of One Dollar and seventy-five cents (\$1.75) shall
14 be collected for each license plate or decal issued. Such fees
15 shall be in addition to the registration fees on motor vehicles and
16 when an application for registration is made to the motor license
17 agent such motor license agent shall retain a fee as provided in
18 Section 1141.1 of this title. When the fee is paid by a person
19 making application directly with the Tax Commission or Corporation
20 Commission, as applicable, the registration fees shall be in the
21 same amount as provided for motor license agents and the fee
22 provided by Section 1141.1 of this title shall be deposited in the
23 Oklahoma Tax Commission Revolving Fund or as provided in Section
24 1167 of this title, as applicable. The Tax Commission shall prepare

1 schedules of registration fees and charges for titles which shall
2 include the fees for such agents and all fees and charges paid by a
3 person shall be listed separately on the application and
4 registration and totaled on the application and registration. The
5 motor license agents shall charge only such fees as are specifically
6 provided for by law, and all such authorized fees shall be posted in
7 such a manner that any person shall have notice of all fees that are
8 imposed by law.

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

12 1. Any member of the Oklahoma Legislature;

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

16 3. Any employee of the Tax Commission.

17 G. Any motor license agent appointed under the provisions of
18 this title shall be responsible for all costs incurred by the Tax
19 Commission when relocating an existing motor license agency. The
20 Tax Commission may waive payment of such costs in case of unforeseen
21 business or emergency conditions beyond the control of the agent.

22 SECTION 65. AMENDATORY 47 O.S. 2011, Section 1151, is
23 amended to read as follows:

24

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

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

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

10 3. To procure from another state or country, or display upon
11 any vehicle owned by such person within this state, except as
12 otherwise provided in the Oklahoma Vehicle License and Registration
13 Act, any license plate issued by any state or country other than
14 this state, unless there shall be displayed upon such vehicle at all
15 times the current license plate and decal assigned to it by the
16 Oklahoma Tax Commission or the Corporation Commission or the vehicle
17 shall display evidence that the vehicle is registered as a
18 nonresident vehicle pursuant to rules promulgated by the Tax
19 Commission, with the concurrence of the Department of Public Safety.
20 A violation of the provisions of this paragraph shall be presumed to
21 have occurred if a person who is the holder of an Oklahoma driver
22 license operates a vehicle owned by such person on the public roads
23 or highways of this state and there is not displayed on the vehicle
24 a current Oklahoma license plate and decal, unless the vehicle is

1 owned by a member of the Armed Forces of the United States assigned
2 to duty in this state in compliance with official military or naval
3 orders or the spouse of such a member of the Armed Forces;

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

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

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

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

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

24

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

5 10. For any owner of a vehicle registered on the basis of laden
6 weight to fail or refuse to weigh or reweigh it when requested to do
7 so by any ~~enforcement~~ officer or employee of the Corporation
8 Commission at a weigh station charged with the duty of enforcing
9 this law;

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

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

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

22 14. To operate any vehicle in violation of the provisions of
23 Sections 7-600 through 7-606 of this title while displaying a yearly
24 decal issued to the owner who has filed an affidavit with the

1 appropriate motor license agent in accordance with Section 7-607 of
2 this title.

3 Any person convicted of violating any provision of this
4 subsection, other than paragraph 3 of this subsection, shall be
5 deemed guilty of a misdemeanor and upon conviction shall be punished
6 by a fine not to exceed Five Hundred Dollars (\$500.00). Any person
7 convicted of violating the provisions of paragraph 3 of this
8 subsection shall be deemed guilty of a misdemeanor and, upon
9 conviction, shall be punished by a fine of not less than One Hundred
10 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00)
11 and shall be required to obtain an Oklahoma license plate.

12 Employees of the Corporation Commission assigned to weigh stations
13 may be authorized by the Corporation Commission to issue citations
14 to motor carriers or operators of commercial motor vehicles,
15 pursuant to the jurisdiction of the Corporation Commission, for a
16 violation of this subsection. If a person convicted of violating
17 the provisions of this subsection was issued a citation by a duly
18 authorized employee of the Corporation Commission, the fine herein
19 levied shall be apportioned as provided in Section 1167 of this
20 title.

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

23 1. Lend or sell to, or knowingly permit the use of by, one not
24 entitled thereto any certificate of title issued for a manufactured

1 home, manufactured home registration receipt, manufactured home
2 registration decal or excise tax receipt;

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

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

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

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

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

19 C. Except as provided in subsection C of Section 1127 of this
20 title, in the event a new vehicle is not registered within thirty
21 (30) days from date of purchase, the penalty for the failure of the
22 owner of the vehicle to register the vehicle within thirty (30) days
23 shall be One Dollar (\$1.00) per day; provided, that in no event
24

1 shall the penalty exceed One Hundred Dollars (\$100.00). Of each
2 dollar penalty collected pursuant to this subsection:

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

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

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

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

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

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

23 3. Fifty cents (\$0.50) shall be deposited in the General
24 Revenue Fund for the fiscal year beginning on July 1, 2011, and for

1 all subsequent fiscal years, shall be deposited in the State Highway
2 Construction and Maintenance Fund. The penalty for used commercial
3 vehicles shall be equal to the license fee for such vehicles.

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

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

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

20 2. Golf carts;

21 3. Go-carts; and

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

24

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

3 F. Any person violating paragraph 3 or 6 of subsection A of
4 this section, in addition to the penal provisions provided in this
5 section, shall pay as additional penalty a sum equal to the amount
6 of license fees due on such vehicle or registration fees due on a
7 manufactured home known to be in violation and such amount is hereby
8 declared to be a lien upon the vehicle as provided in the Oklahoma
9 Vehicle License and Registration Act. In addition to the penalty
10 provisions provided in this section, any person violating paragraph
11 3 of subsection A of this section shall be deemed guilty of a
12 misdemeanor and shall, upon conviction, be punished by a fine of One
13 Hundred Dollars (\$100.00).

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

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

21 I. Any violation of any portion of the Oklahoma Vehicle License
22 and Registration Act where a specific penalty has not been imposed
23 shall constitute a misdemeanor and upon conviction thereof the
24

1 person having violated it shall be fined not less than Ten Dollars
2 (\$10.00) and not to exceed Three Hundred Dollars (\$300.00).

3 J. Any provision of Section 1101 et seq. of this title
4 providing for proportional registration under reciprocal agreements
5 and the International Registration Plan that relates to the
6 promulgation of rules and regulations shall not be subject to the
7 provisions of this section.

8 SECTION 66. AMENDATORY 47 O.S. 2011, Section 1166, is
9 amended to read as follows:

10 Section 1166. A. Effective July 1, 2004, all powers, duties
11 and responsibilities exercised by the Motor Vehicle Enforcement
12 Section shall be transferred from the Oklahoma Tax Commission to the
13 Corporation Commission. Beginning July 1, 2004, and effective July
14 1, 2005, all powers, duties and responsibilities exercised by the
15 International Registration Plan Section and the International Fuel
16 Tax Agreement Section shall be transferred from the Tax Commission
17 to the Corporation Commission. All records, property and matters
18 pending of the sections shall be transferred to the Corporation
19 Commission. ~~Funds sufficient to administer the powers, duties and~~
20 ~~responsibilities exercised by these sections shall be appropriated~~
21 ~~or allocated to the Corporation Commission for fiscal year 2005 as~~
22 ~~provided herein. Such funds appropriated or allocated to the~~
23 ~~Corporation Commission shall not be subject to budgetary~~

24

1 ~~limitations. The Director of State Finance is hereby authorized to~~
2 ~~transfer such funds as may be necessary to effect such allocations.~~

3 B. ~~The period of July 1, 2004, through June 30, 2005, shall be~~
4 ~~a transitional period in which the Corporation Commission shall~~
5 ~~gradually assume complete administration and management over the~~
6 ~~powers, duties, responsibilities and staff currently carrying out~~
7 ~~the administration of the International Registration Plan Section~~
8 ~~and the International Fuel Tax Agreement Section. During this~~
9 ~~transition period, the employees assigned to the International~~
10 ~~Registration Plan Section and the International Fuel Tax Agreement~~
11 ~~Section shall continue to be employees of the Tax Commission unless~~
12 ~~otherwise agreed to by the Tax Commission and the Corporation~~
13 ~~Commission. Effective July 1, 2005, the International Registration~~
14 ~~Plan Section and the International Fuel Tax Agreement Section shall~~
15 ~~be administered solely by the Corporation Commission. For the~~
16 ~~period of July 1, 2004, through June 30, 2005, the Corporation~~
17 ~~Commission and the Tax Commission shall enter into a contract~~
18 ~~whereby funds shall be paid to the Tax Commission by the Corporation~~
19 ~~Commission in exchange for the Tax Commission's agreement to~~
20 ~~continue to operate the International Registration Plan Section and~~
21 ~~the International Fuel Tax Agreement Section.~~

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

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

15 E. Effective July 1, 2004, any administrative rules promulgated
16 by the Tax Commission related to the administration of the
17 International Registration Plan authorized by Section 1120 of ~~Title~~
18 ~~47 of the Oklahoma Statutes~~ this title, the International Fuel Tax
19 Agreement authorized by Section 607 of Title 68 of the Oklahoma
20 Statutes, or ~~the enforcement of~~ by Section 1115.1 of ~~Title 47 of the~~
21 ~~Oklahoma Statutes~~ this title shall be transferred to and become a
22 part of the administrative rules of the Corporation Commission. The
23 Office of Administrative Rules in the Secretary of State's office
24 shall provide adequate notice in the Oklahoma Register of the

1 transfer of rules, and shall place the transferred rules under the
2 Administrative Code section of the Corporation Commission. From and
3 after July 1, 2004, any amendment, repeal or addition to the
4 transferred rules shall be under the jurisdiction of the Corporation
5 Commission. All documents issued by the sections transferred to the
6 Corporation Commission, including, but not limited to, vehicle
7 registrations and permits, shall be deemed to have been issued by
8 the Corporation Commission.

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

13 SECTION 67. AMENDATORY 47 O.S. 2011, Section 1167, is
14 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

14 E. There is hereby created in the State Treasury a revolving
15 fund for the Department of Transportation to be designated the
16 "Weigh Station Improvement Revolving Fund". The fund shall be a
17 continuing fund, not subject to fiscal year limitations, and shall
18 consist of all monies deposited thereto. All monies accruing to the
19 credit of the fund are hereby appropriated and may be budgeted and
20 expended by the Department for the purpose of constructing,
21 equipping and maintaining facilities to determine the weight of
22 vehicles traveling on the roads and highways of this state.
23 Expenditures from the fund shall be made upon warrants issued by the
24

1 State Treasurer against claims filed as prescribed by law with the
2 Director of the Office of State Finance for approval and payment.

3 SECTION 68. AMENDATORY 47 O.S. 2011, Section 1168, is
4 amended to read as follows:

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

20 SECTION 69. AMENDATORY 47 O.S. 2011, Section 1169, is
21 amended to read as follows:

22 Section 1169. A. The Corporation Commission is authorized to
23 revoke, suspend or deny the issuance, extension or reinstatement of
24 any Corporation Commission issued motor carrier or commercial motor

1 vehicle license, permit, registration, certificate or duplicate copy
2 thereof issued pursuant to the jurisdiction of the ~~Corporation~~
3 Commission, to any person who shall be guilty of:

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

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

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

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

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

15 B. The interest or penalty or any portion thereof ordinarily
16 accruing by failure of the motor carrier, registrant or licensee to
17 properly file a report or return may be waived or reduced by the
18 ~~Corporation~~ Commission. No interest or penalties in excess of Ten
19 Thousand Dollars (\$10,000.00) shall be allowed except by order of
20 the Commission.

21 C. The ~~Corporation~~ Commission shall promulgate rules setting
22 forth the revocation, suspension or denial of a motor carrier or
23 commercial motor vehicle certificate, registration, license or
24 permit issued pursuant to the jurisdiction of the ~~Corporation~~

1 Commission. The ~~Corporation~~ Commission shall additionally
2 promulgate rules allowing for the collection and remittance of
3 financial liabilities owed by a motor carrier, registrant, licensee
4 or permittee to a state or province participating with the
5 ~~Corporation~~ Commission in a uniform base state program or to another
6 state agency.

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

19 E. No person shall knowingly, or intentionally, present an
20 altered or fraudulent credential or document to the ~~Corporation~~
21 Commission or to any duly authorized peace officer. Any person or
22 persons violating the provisions of this subsection shall be found
23 guilty of contempt of the Commission and shall, upon conviction
24

1 thereof, be punished by a fine of not more than Two Thousand Dollars
2 (\$2,000.00) for each offense.

3 SECTION 70. AMENDATORY 47 O.S. 2011, Section 1170, is
4 amended to read as follows:

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

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

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

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

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

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

11 5. The disclosing of information or evidence to the Oklahoma
12 State Bureau of Investigation, Attorney General, Oklahoma State
13 Bureau of Narcotics and Dangerous Drugs Control, any district
14 attorney, or agent of any federal law enforcement agency when the
15 information or evidence is to be used by such officials to
16 investigate or prosecute violations of the criminal provisions of
17 the Uniform Tax Procedure Code or of any state tax law or of any
18 federal crime committed against this state. Any information
19 disclosed to the Oklahoma State Bureau of Investigation, Attorney
20 General, Oklahoma State Bureau of Narcotics and Dangerous Drugs
21 Control, any district attorney, or agent of any federal law
22 enforcement agency shall be kept confidential by such person and not
23 be disclosed except when presented to a court in a prosecution for
24 violation of the tax laws of this state or except as specifically

1 authorized by law, and a violation by the Oklahoma State Bureau of
2 Investigation, Attorney General, Oklahoma State Bureau of Narcotics
3 and Dangerous Drugs Control, district attorney, or agent of any
4 federal law enforcement agency by otherwise releasing the
5 information shall be a felony;

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

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

17 8. The furnishing of information as to the issuance or
18 revocation of any registration or license by the Commission as
19 provided for by law. Such information shall be limited to the name
20 of the person issued the permit or license, the name of the business
21 entity authorized to engage in business pursuant to the permit or
22 license, the address of the business entity, and the grounds for
23 revocation;

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

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

16 11. The furnishing to a prospective purchaser of any business,
17 or his or her authorized representative, of information relating to
18 any liabilities, delinquencies, assessments or warrants of the
19 prospective seller of the business which have not been filed of
20 record, established, or become final and which relate solely to the
21 seller's business. Any disclosure under this paragraph shall only
22 be allowed upon the presentment by the prospective buyer, or the
23 buyer's authorized representative, of the purchase contract and a
24 written authorization between the parties; or

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

12 SECTION 71. REPEALER 47 O.S. 2011, Section 171.2, is
13 hereby repealed.

14 SECTION 72. REPEALER 47 O.S. 2011, Section 172.1, is
15 hereby repealed.

16 SECTION 73. This act shall become effective November 1, 2012.

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