

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 2368

6 By: DeWitt

7 COMMITTEE SUBSTITUTE

8 [ motor vehicles - size, weight and load - reducing

9 amount of certain fees - effective date -

10 emergency ]

11  
12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-116, is  
15 amended to read as follows:

16 Section 14-116. A. ~~The~~ 1. Until the end of the fiscal year  
17 ending June 30, 2012, the Commissioner of Public Safety shall charge  
18 a minimum permit fee of Forty Dollars (\$40.00) for any permit issued  
19 pursuant to the provisions of Section 14-101 et seq. of this title.  
20 In addition to the permit fee, the Commissioner shall charge a fee  
21 of Ten Dollars (\$10.00) for each thousand pounds in excess of the  
22 legal load limit. The Commissioner of Public Safety shall establish  
23 any necessary rules for collecting the fees.  
24

1        2. For the fiscal year ending June 30, 2013, and all subsequent  
2 years, the Commissioner of Public Safety shall charge a minimum  
3 permit fee of Thirty-five Dollars (\$35.00) for any permit issued  
4 pursuant to the provisions of Section 14-101 et seq. of this title.  
5 In addition to the permit fee, the Commissioner shall charge a fee  
6 of Eight Dollars and seventy-five cents (\$8.75) for each thousand  
7 pounds in excess of the legal load limit. The Commissioner of  
8 Public Safety shall establish any necessary rules for collecting the  
9 fees.

10        B. The Department of Public Safety is authorized to establish  
11 an escrow account system for the payment of permit fees. Authorized  
12 motor carriers meeting established credit requirements may  
13 participate in the escrow account system for permits purchased from  
14 all size and weight permit offices in this state. Carriers not  
15 choosing to participate in the escrow account system shall be  
16 required to make payment of the required fee or fees upon purchase  
17 of each permit as required by law. All monies collected through the  
18 escrow account system shall be deposited to a special account of the  
19 Department of Public Safety and placed in the custody of the State  
20 Treasurer. Proceeds from permits purchased using the escrow account  
21 system shall be distributed as provided for in subsection G of this  
22 section. However, fees collected through such accounts for the  
23 electronic transmission, transfer or delivery of permits, as  
24

1 provided for in Section 14-118 of this title, shall be credited to  
2 the Department of Public Safety Revolving Fund.

3 C. 1. Application for permits shall be made a reasonable time  
4 in advance of the expected time of movement of such vehicles. For  
5 emergencies affecting the health or safety of persons or a  
6 community, permits may be issued for immediate movement.

7 2. Size and weight permit offices in all districts where  
8 applicable shall issue permits to authorize carriers by telephone  
9 during weekdays.

10 3. The Commissioner of Public Safety shall develop a system for  
11 provisional permits for authorized carriers which may be used in  
12 lieu of a regular permit for the movement of oversize and overweight  
13 loads when issued an authorization number by the Department of  
14 Public Safety. Such provisional permits shall include date of  
15 movement, general load description, estimated weight, oversize  
16 notation, route of travel, truck or truck-tractor license number,  
17 and permit authorization number.

18 D. No overweight permit shall be valid until all license taxes  
19 due the State of Oklahoma have been paid.

20 E. No permit violation shall be deemed to have occurred when an  
21 oversize or overweight movement is made pursuant to a permit whose  
22 stated weight or size exceeds the actual load.

23 F. The first deliverer of motor vehicles designated truck  
24 carriers or well service carriers manufactured in Oklahoma shall not

1 be required to purchase an overweight permit when being delivered to  
2 the first purchaser.

3 G. Except as provided in Section 4 14-122 of this ~~act~~ title,  
4 the first One Million Two Hundred Sixteen Thousand Dollars  
5 (\$1,216,000.00) of proceeds from both the permit fees and the  
6 overweight permit fees imposed pursuant to subsection A of this  
7 section collected monthly shall be apportioned as provided in  
8 Section 1104 of this title. All proceeds collected from both the  
9 permit fees and the overweight permit fees imposed pursuant to  
10 subsection A of this section in excess of One Million Two Hundred  
11 Sixteen Thousand Dollars (\$1,216,000.00) shall be deposited in the  
12 Weigh Station Improvement Revolving Fund as provided in Section 1167  
13 of this title for the purpose set forth in that section and may be  
14 used for motor carrier permitting systems and motor carrier safety  
15 and enforcement.

16 SECTION 2. AMENDATORY 47 O.S. 2011, Section 14-122, is  
17 amended to read as follows:

18 Section 14-122. A. ~~Notwithstanding~~ 1. Until the end of the  
19 fiscal year ending June 30, 2012, notwithstanding the provisions of  
20 Section 1104 of ~~Title 47 of the Oklahoma Statutes~~ this title, the  
21 first Twenty Million Dollars (\$20,000,000.00) of the following fees  
22 shall be deposited in the General Revenue Fund to be apportioned as  
23 follows:

24

- 1     ~~1.~~   a.   Twenty Dollars (\$20.00) of any fee collected for a  
2                    minimum permit fee pursuant to Section 14-116 of ~~Title~~  
3                    ~~47 of the Oklahoma Statutes;~~ this title,
- 4     ~~2.~~   b.   Five Dollars (\$5.00) of any fee collected for excess  
5                    weight pursuant to Section 14-116 of ~~Title 47 of the~~  
6                    ~~Oklahoma Statutes;~~ this title,
- 7     ~~3.~~   c.   Two Hundred Fifty Dollars (\$250.00) of any fee  
8                    collected pursuant to Section 14-120 of ~~Title 47 of~~  
9                    ~~the Oklahoma Statutes;~~ this title, and
- 10    ~~4.~~   d.   One Hundred Twenty Dollars (\$120.00) of any fee  
11                   collected pursuant to Section 14-121 of ~~Title 47 of~~  
12                   ~~the Oklahoma Statutes~~ this title.

13       2. For the fiscal year ending June 30, 2013, and all subsequent  
14 years, notwithstanding the provisions of Section 1104 of this title,  
15 the first Twenty Million Dollars (\$20,000,000.00) of the following  
16 fees shall be deposited in the General Revenue Fund to be  
17 apportioned as follows:

- 18       a. Fifteen Dollars (\$15.00) of any fee collected for a  
19                   minimum permit fee pursuant to Section 14-116 of this  
20                   title,
- 21       b. Three Dollars and seventy-five cents (\$3.75) of any  
22                   fee collected for excess weight pursuant to Section  
23                   14-116 of this title,

- 1            c. Two Hundred Fifty Dollars (\$250.00) of any fee  
2            collected pursuant to Section 14-120 of this title,  
3            and  
4            d. One Hundred Twenty Dollars (\$120.00) of any fee  
5            collected pursuant to Section 14-121 of this title.

6            B. Any fees collected pursuant to Sections 14-116, 14-120 and  
7 14-121 of ~~Title 47 of the Oklahoma Statutes~~ this title that are in  
8 excess of Twenty Million Dollars (\$20,000,000.00) shall be  
9 apportioned as otherwise provided for in the sections specified in  
10 this subsection.

11            SECTION 3. This act shall become effective July 1, 2012.

12            SECTION 4. It being immediately necessary for the preservation  
13 of the public peace, health and safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

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17            53-2-9856            CJB            02/28/12  
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