

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 1644

6 By: Marlatt of the Senate

7 and

8 Blackwell and Walker of the
9 House

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to oversized motor vehicles; amending
12 19 O.S. 2011, Section 516, which relates to duty and
13 powers as peace officers; modifying certain law
14 enforcement duties and responsibilities for certain
15 officers; amending 47 O.S. 2011, Sections 14-103G,
16 14-110, 14-111, as amended by Section 2 of Enrolled
17 House Bill No. 2250 of the 2nd Session of the 53rd
18 Oklahoma Legislature, and 14-118, which relate to
19 size, weight and load of motor vehicles; providing
20 for certain annual permit option; specifying annual
21 permit requirements; setting fee; providing for
22 certain delivery of permit; providing for certain
23 replacement; providing for inspection for certain
24 document; modifying certain duties and
responsibilities of certain peace officers relating
to oversize and overweight motor vehicles; requiring
certain map be available on Internet; requiring
periodic revision; modifying qualifications for
certain annual permit; amending 47 O.S. 2011,
Sections 172 and 180m, which relate to regulation of
motor carriers; modifying certain duties and
responsibilities of certain peace officers relating
to such motor carriers; updating language; providing
an effective date; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 19 O.S. 2011, Section 516, is
2 amended to read as follows:

3 Section 516. A. It shall be the duty of the sheriff,
4 undersheriffs and deputies to keep and preserve the peace of their
5 respective counties, and to quiet and suppress all affrays, riots
6 and unlawful assemblies and insurrections, for which purpose and for
7 the service of process in civil and criminal cases, and in
8 apprehending or securing any person for felony or breach of the
9 peace, they and every constable may call to their aid such person or
10 persons of their county as they may deem necessary.

11 B. The sheriff, in addition to the duties pursuant to
12 subsection A of this section, shall coordinate and administer
13 courthouse security.

14 C. Any person serving as a sheriff, undersheriff or deputy
15 sheriff who has previously been an officer of the Oklahoma Highway
16 Patrol Division of the Department of Public Safety shall not retain
17 any authority duties or responsibilities bestowed upon the person as
18 an officer of the Department of Public Safety.

19 SECTION 2. AMENDATORY 47 O.S. 2011, Section 14-103G, is
20 amended to read as follows:

21 Section 14-103G. A. 1. The Department of Public Safety may
22 issue an annual vehicle permit under the provisions of this
23 subsection to a specific vehicle, for the movement of oversize or
24 overweight loads that cannot reasonably be dismantled. Unless

1 otherwise provided by law, permits issued under this subsection
2 shall be subject to the conditions described in paragraphs 2 through
3 8 of this subsection.

4 2. Oversize or overweight loads operating under an annual
5 vehicle permit shall not exceed:

- 6 a. twelve (12) feet in width,
- 7 b. fourteen (14) feet in height,
- 8 c. one hundred ten (110) feet in length, or
- 9 d. one hundred twenty thousand (120,000) pounds gross
10 weight.

11 3. Oversize or overweight loads operating under an annual
12 vehicle permit under this subsection shall not transport a load that
13 has more than a twenty-five-foot front overhang, or more than a
14 thirty-foot rear overhang.

15 4. The fee for an annual vehicle permit shall be Four Thousand
16 Dollars (\$4,000.00) and shall be nonrefundable.

17 5. The annual vehicle permit shall be issued for one (1)
18 calendar year period and shall commence upon the date specified on
19 the permit.

20 6. An annual vehicle permit issued pursuant to this subsection
21 shall be nontransferable between permittees.

22 7. The permitted vehicle or vehicle combination shall be
23 registered in accordance with the provisions of Chapter 14 of ~~Title~~
24 ~~47 of the Oklahoma Statutes~~ this title for maximum weight.

1 8. An annual vehicle permit issued pursuant to this subsection
2 may be transferred from one vehicle to another vehicle in the fleet
3 of the permittee provided:

4 a. the permitted vehicle is destroyed or otherwise
5 becomes permanently inoperable to the extent that the
6 vehicle will no longer be utilized, and the permittee
7 presents proof to the Department of Public Safety that
8 the negotiable certificate of title or other
9 qualifying documentation has been surrendered to the
10 Department of Public Safety, or

11 b. the certificate of title to the permitted vehicle is
12 transferred to someone other than the permittee, and
13 the permittee presents proof to the Department of
14 Public Safety that the negotiable certificate of title
15 or other qualifying documentation has been transferred
16 from the permittee.

17 9. A permit issued for loads specific to turbine blades, used
18 for the purpose of wind generation, may exceed a length of one
19 hundred ten (110) feet.

20 B. 1. The Department of Public Safety may issue an annual
21 vehicle permit under this subsection to a specific motor carrier,
22 for the movement of oversize or overweight loads that cannot
23 reasonably be dismantled. An annual vehicle permit issued under
24

1 this subsection may be transferred from one vehicle to another
2 vehicle in the fleet of the permittee provided:

- 3 a. that no more than one vehicle is operating at a time,
4 and
- 5 b. the original certified permit is carried in the
6 vehicle that is being operated under the terms of the
7 permit.

8 2. An annual vehicle permit issued under this subsection shall
9 be sent to the permittee via first-class, registered mail, or at the
10 request and expense of the permittee via overnight delivery service.
11 The annual vehicle permit shall not be duplicated. The annual
12 vehicle permit shall be replaced only if:

- 13 a. the permittee did not receive the original permit
14 within seven (7) business days after the date of
15 issuance,
- 16 b. a request for replacement is submitted to the
17 Department of Public Safety within ten (10) business
18 days after the original date of issuance of the
19 permit, and
- 20 c. the request for replacement is accompanied by a
21 notarized statement signed by a principal or officer
22 of the permittee acknowledging that the permittee
23 understands the permit may not be duplicated and that
24 if the original permit is located, the permittee shall

1 return either the original or replacement permit to
2 the Department of Public Safety.

3 3. A request for replacement of an annual vehicle permit issued
4 pursuant to the provisions of this subsection shall be denied if the
5 Department of Public Safety can verify that the permittee received
6 the original annual vehicle permit.

7 4. Lost, misplaced, damaged, destroyed, or otherwise unusable
8 annual vehicle permits shall not be replaced. A new permit shall be
9 required and shall be issued by the Department of Public Safety.

10 C. 1. The Department of Public Safety shall issue an annual
11 vehicle permit under this subsection to a transportation company or
12 manufacturer of portable buildings solely for the movement of
13 oversize portable buildings for a specific manufacturer of portable
14 buildings. An annual vehicle permit issued under this subsection
15 may not be transferred from one vehicle to another vehicle in the
16 fleet. The original certified permit shall be carried in the
17 vehicle that is being operated under the terms of the permit.

18 2. Oversize loads operating under an annual vehicle permit
19 issued pursuant to this subsection shall not exceed:

20 a. twelve (12) feet in width, or

21 b. fourteen (14) feet in height.

22 3. The total gross weight of oversize loads operating under an
23 annual vehicle permit issued pursuant to this subsection shall not
24 exceed forty-five thousand (45,000) pounds.

1 4. The tow vehicle shall be limited to two (2) axles, and the
2 vin number of the vehicle shall be on the permit.

3 5. The fee for an annual vehicle permit issued pursuant to this
4 subsection shall be Four Hundred Dollars (\$400.00) and shall be
5 nonrefundable.

6 6. An annual vehicle permit issued under this subsection shall
7 be sent to the permittee via first-class, registered mail, or at the
8 request and expense of the permittee via overnight delivery service.

9 The annual vehicle permit shall not be duplicated. The annual
10 vehicle permit shall be replaced only if:

11 a. the permittee did not receive the original permit
12 within seven (7) business days after the date of
13 issuance,

14 b. a request for replacement is submitted to the
15 Department of Public Safety within ten (10) business
16 days after the original date of issuance of the
17 permit, and

18 c. the request for replacement is accompanied by a
19 notarized statement signed by a principal or officer
20 of the permittee acknowledging that the permittee
21 understands the permit may not be duplicated and that
22 if the original permit is located, the permittee shall
23 return either the original or replacement permit to
24 the Department of Public Safety.

1 7. A request for replacement of an annual vehicle permit issued
2 pursuant to the provisions of this subsection shall be denied if the
3 Department of Public Safety can verify that the permittee received
4 the original annual vehicle permit.

5 8. Lost, misplaced, damaged, destroyed, or otherwise unusable
6 annual vehicle permits shall not be replaced. A new permit shall be
7 required and shall be issued by the Department of Public Safety.

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

10 Section 14-110. The registration certificate for any truck,
11 trailer, semitrailer or combination thereof shall be carried in or
12 on the vehicle at all times and shall be presented for inspection on
13 demand of any officer of the Department of Public Safety, or
14 Oklahoma Corporation Commission, ~~or any sheriff for inspection~~, and
15 it shall be accepted in any court as prima facie evidence of weight
16 registration or legally authorized load limit of the vehicle.

17 SECTION 4. AMENDATORY 47 O.S. 2011, Section 14-111, as
18 amended by Section 2 of Enrolled House Bill No. 2250 of the 2nd
19 Session of the 53rd Oklahoma Legislature, is amended to read as
20 follows:

21 Section 14-111. A. Any officer of the Department of Public
22 Safety, or the Corporation Commission, ~~any sheriff, or any salaried~~
23 ~~deputy sheriff~~ is authorized to stop any vehicle upon any road or
24 highway in order to weigh such vehicle by means of portable or

1 stationary scales, or cause the same to be weighed by any official
2 weigher, or upon any privately owned scales and may require that
3 such vehicles be driven to the nearest or most convenient available
4 scales for the purpose of weighing. Any officer weighing a vehicle
5 pursuant to this section by means of portable scales shall allow the
6 driver of the vehicle to move the vehicle to the most level weighing
7 area available within two (2) miles of the stop. In the event that
8 any axle weight or the gross weight of any such vehicle be found to
9 exceed the maximum weight authorized by law, or by permit issued
10 therefor, the officer may require, in the case of separable loads,
11 the driver, operator or owner thereof to unload at the site such
12 portion of the load as may be necessary to decrease the weight of
13 such vehicle to the maximum weight authorized by law. Provided,
14 however, that if such load consists of livestock, perishable
15 merchandise, or merchandise that may be destroyed by the weather,
16 then the driver shall be permitted to proceed to the nearest
17 practical unloading point in the direction of destination before
18 discharging such excess cargo. All material so unloaded shall be
19 cared for by the owner or operator of such vehicle at the risk of
20 such owner or operator.

21 B. The operator of any truck or other vehicle transporting farm
22 products for hire or other merchandise for hire shall have in his or
23 her possession a certificate carrying the following information:
24 name of the operator; driver license number; vehicle registration

1 number; Corporation Commission permit number; and statement of owner
2 authorizing transportation of the products by above named operator.
3 For the purposes of this section "certificate" includes electronic
4 manifests and other similar documents that include all of the
5 information required pursuant to this section.

6 Should the vehicle be loaded with livestock, the certificate
7 shall include the number of animals, and should the livestock be the
8 property of more than one person, a certificate signed by each owner
9 carrying the above information including the number of animals owned
10 by each owner shall be carried by the operator. Should the operator
11 be the owner of the merchandise or livestock, the merchandise or
12 livestock having just been purchased, the operator shall have in his
13 or her possession a bill of sale for such merchandise or livestock.
14 Should the operator be the owner of livestock or other farm products
15 produced by the operator, the operator shall be required to show
16 satisfactory identification and ownership of the vehicle. Any
17 officer as outlined in this chapter shall have the authority to stop
18 any vehicle loaded with livestock, merchandise or other farm
19 products and investigate as to the ownership of the merchandise,
20 livestock or other farm products. Should the operator of any
21 vehicle be unable to establish to the satisfaction of the officer
22 the ownership of the merchandise, livestock or other products, or
23 shall not have the certificate as specified in this section for the
24 transportation of such merchandise, livestock or other farm

1 products, the merchandise, livestock or other farm products and the
2 vehicle in which they are being transported shall be impounded by
3 the officer and any expense as to the care of any livestock shall be
4 the responsibility of the owner or operator of the vehicle, and any
5 loss or damage of the merchandise, livestock or other farm products
6 shall be the responsibility of the operator or owner, or both.

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

10 SECTION 5. AMENDATORY 47 O.S. 2011, Section 14-118, is
11 amended to read as follows:

12 Section 14-118. A. 1. Pursuant to such rules as may be
13 prescribed by Oklahoma agencies of jurisdiction, Oklahoma motor
14 carriers may engage in any activity in which carriers subject to the
15 jurisdiction of the federal government may be authorized by federal
16 legislation to engage. Provided further, the Transportation
17 Commission shall formulate, for the State Trunk Highway System,
18 including the National System of Interstate and Defense Highways,
19 and for all other highways or portions thereof, rules governing the
20 movement of vehicles or loads which exceed the size or weight
21 limitations specified by the provisions of this chapter.

22 2. Such rules shall be the basis for the development of a
23 system by the Commissioner of Public Safety for the issuance of
24 permits for the movement of oversize or overweight vehicles or

1 loads. Such system shall include, but not be limited to, provisions
2 for duration, seasonal factors, hours of the day or days when valid,
3 special requirements as to flags, flagmen and warning or safety
4 devices, and other such items as may be consistent with the intent
5 of this section. The permit system shall include provisions for the
6 collection of permit fees as well as for the issuance of the permits
7 by telephone, electronic transfer or such other methods of issuance
8 as may be deemed feasible.

9 3. The Department of Public Safety is authorized to charge a
10 fee of Two Dollars (\$2.00) for each permit requested to be issued by
11 facsimile machine or by any other means of electronic transmission,
12 transfer or delivery. The fee shall be in addition to any other fee
13 or fees assessed for the permit. The fee shall be deposited in the
14 State Treasury to the credit of the Department of Public Safety
15 Revolving Fund and the monies shall be expended by the Department
16 solely for the purposes provided for in this chapter.

17 4. It is the purpose of this section to permit the movement of
18 necessary overweight and oversize vehicles or loads consistent with
19 the following obligations:

- 20 a. protection of the motoring public from potential
21 traffic hazards,
- 22 b. protection of highway surfaces, structures, and
23 private property, and

24

1 c. provision for normal flow of traffic with a minimum of
2 interference.

3 B. The Transportation Commission shall prepare and publish a
4 map of the State of Oklahoma showing by appropriate symbols the
5 various highway structures and bridges in terms of maximum size and
6 weight restrictions. This map shall be titled "Oklahoma Load Limit
7 Map" and shall be revised periodically to maintain a reasonably
8 current status and in no event shall a period of two (2) years lapse
9 between revisions and publication of ~~same~~ the printed version of the
10 Oklahoma Load Limit Map. This map shall also be made available by
11 the Department of Transportation on the Internet, and in no event
12 shall a period of six (6) months lapse between revisions of the
13 information provided on the Internet. Provided, further, the
14 Secretary of the Department of Transportation shall prepare and
15 publish a map of the State of Oklahoma showing the advantages of
16 this state as a marketing, warehousing and distribution network
17 center for motor transportation sensitive industries.

18 C. The Commissioner of Public Safety, or an authorized
19 representative, shall have the authority, within the limitations
20 formulated under provisions of this chapter, to issue, withhold or
21 revoke special permits for the operation of vehicles or combinations
22 of vehicles or loads which exceed the size or weight limitations of
23 this chapter. Every such permit shall be carried in the vehicle or
24 combination of vehicles to which it refers and shall be open to

1 inspection by any law enforcement officer or authorized agent of any
2 authority granting such permit, and no person shall violate any of
3 the terms or conditions of such special permit.

4 D. It shall be permissible in the transportation of empty
5 trucks on any road or highway to tow by use of saddlemounts; i.e.,
6 mounting the front wheels of one vehicle on the bed of another
7 leaving the rear wheels only of such towed vehicle in contact with
8 the roadway. One vehicle may be fullmounted on the towing or towed
9 vehicles engaged in any driveaway or towaway operation. No more
10 than three saddlemounts may be permitted in such combinations. The
11 towed vehicles shall be securely fastened and operated under the
12 applicable safety requirements of the United States Department of
13 Transportation and such combinations shall not exceed an overall
14 length of seventy-five (75) feet. Provided, a driveaway saddlemount
15 with fullmount vehicle transporter combination may reach an overall
16 length of ninety-seven (97) feet on the National Network of
17 Highways.

18 E. The Commissioner of Public Safety, upon application of any
19 person engaged in the transportation of forest products in the raw
20 state, which is defined to be tree-length logs moving from the
21 forest directly to the mill, or upon application of any person
22 engaged in the transportation of overwidth or overheight equipment
23 used in soil conservation work, or upon application of any person
24 engaged in the hauling for hire or for resale, of round baled hay

1 with a total outside width of eleven (11) feet or less, or
2 overlength vehicles engaged in harvest operations in the transport
3 of both in-state and out-of-state harvesting, so long as the length
4 of the truck-tractor two-trailer combination does not exceed eighty-
5 one feet and six inches (81'6") and shall not include the truck-
6 tractor of the commercial motor vehicle combination, but shall
7 include trailers and semitrailers, shall issue an annual permit,
8 upon payment of a fee of Twenty-five Dollars (\$25.00) each year,
9 authorizing the operation by such persons of such motor vehicle load
10 lengths and widths upon the highways of this state except on the
11 National System of Interstate and Defense Highways. Provided,
12 however, the restriction on use of the National System of Interstate
13 and Defense Highways shall not be applicable to persons engaged in
14 the hauling of round baled hay with a total outside width of eleven
15 (11) feet or less.

16 F. Farm equipment including, but not limited to, implements of
17 husbandry as defined in Section 1-125 of this title shall be
18 exempted from the requirement for special permits due to size. Such
19 equipment may move on any highway, except those highways which are
20 part of the National System of Interstate and Defense Highways,
21 during the hours of darkness and shall be subject to the
22 requirements as provided in Section 12-215 of this title. In
23 addition to those requirements, tractors pulling machinery over
24 thirteen (13) feet wide must have two amber flashing warning lamps

1 | symmetrically mounted, laterally and widely spaced as practicable,
2 | visible from both front and rear, mounted at least thirty-nine (39)
3 | inches high.

4 | G. Any rubber-tired road construction vehicle including rubber-
5 | tired truck cranes and special mobilized machinery either self-
6 | propelled or drawn carrying no load other than component parts
7 | safely secured to the machinery and its own weight, but which is
8 | overweight by any provisions of this chapter, shall be authorized to
9 | move on the highways of the State of Oklahoma. Movement of such
10 | vehicles shall be authorized on the Federal Interstate System of
11 | Highways only by special permit secured from the Commissioner of
12 | Public Safety or an authorized representative upon determination
13 | that the objectives of this section will be served by such a permit
14 | and that federal weight restrictions will not be violated. The
15 | special permit shall be:

16 | 1. A single-trip permit issued under the provisions of this
17 | section and Section 14-116 of this title; or

18 | 2. A special annual overweight permit which shall be issued for
19 | one calendar year period upon payment of a fee of Sixty Dollars
20 | (\$60.00).

21 | The weight of any such vehicle shall not exceed six hundred fifty
22 | (650) pounds multiplied by the nominal width of the tire. The
23 | vehicle shall be required to carry the safety equipment adjudged
24 | necessary for the health and welfare of the driving public. If any

1 oversized vehicle does not come under the other limitations of the
2 present laws, it shall be deemed that the same shall travel only
3 between the hours of sunrise and sunset. The vehicle, being
4 overweight but of legal dimension, shall be allowed continuous
5 travel. The vehicles, except special mobilized machinery, shall be
6 exempt from the laws of this state relating to motor vehicle
7 registration, licensing or other fees or taxes in lieu of ad valorem
8 taxes.

9 H. 1. When such machinery has a width greater than eight and
10 one-half (8 1/2) feet, or a length, exclusive of load, of forty-five
11 (45) feet, or a height in excess of thirteen and one-half (13 1/2)
12 feet, then the permit may restrict movement to a fifty-mile radius
13 from an established operating base, and may designate highways to be
14 traveled, hours of travel and when flagmen may be required to
15 precede or follow the equipment.

16 2. Possession of a permit shall in no way be construed as
17 exempting such equipment from the authority of the Director of the
18 Department of Transportation to restrict use of particular highways,
19 nor shall it exempt owners or operators of such equipment from the
20 responsibility for damage to highways caused by movement of the
21 equipment. Nothing in this subsection shall apply to machinery used
22 in highway construction or road material production.

23 3. Upon the issuance of a special mobilized machinery driveway
24 permit as provided in this subsection, special mobilized machinery

1 manufactured in Oklahoma shall be permitted to move upon the
2 highways of this state from the place of manufacture to the state
3 line for delivery and exclusive use outside the state, and may be
4 temporarily returned to Oklahoma for modification and repair, with
5 subsequent movement back out of the state. Special driveaway
6 permits for such movements shall be issued by the Commissioner of
7 Public Safety, who may act through designated agents, upon the
8 payment of a fee in the amount of Fifteen Dollars (\$15.00) for each
9 movement.

10 4. The size of the special mobilized machinery shall not be
11 such as to create a safety hazard in the judgment of the
12 Commissioner of Public Safety. Permits for such special mobilized
13 machinery shall specify a maximum permissible road speed of sixty
14 (60) miles per hour, designate safety equipment to be carried and
15 may exclude use of highways of the interstate system.

16 5. When such equipment has a width greater than eight and one-
17 half (8 1/2) feet, or a length exclusive of load of forty-five (45)
18 feet, or a height in excess of thirteen and one-half (13 1/2) feet,
19 the permit may designate highways to be traveled, hours of travel
20 and when flagmen may be required to precede or follow the equipment.

21 6. Possession of a special driveaway permit shall in no way be
22 construed as exempting such equipment from the authority of the
23 Director of the Department of Transportation to restrict use of
24 particular highways, nor shall it exempt the owners or operators of

1 such equipment from the responsibility for damage to highways caused
2 by the movement of such equipment.

3 SECTION 6. AMENDATORY 47 O.S. 2011, Section 172, is
4 amended to read as follows:

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

18 B. The Corporation Commission shall report to the Attorney
19 General of this state and the district attorney of the proper county
20 having jurisdiction of such offense, any violation of any of the
21 provisions of Sections 161 through 180m of this title or the Motor
22 Carrier Act of 1995 or any rule of the Corporation Commission
23 promulgated pursuant to the provisions of Sections 161 through 180m
24 of this title or the Motor Carrier Act of 1995, by any motor vehicle

1 owner, agent or employee of such owner, or any other person. Upon
2 receipt of such report, the Attorney General or the district
3 attorney of the proper county having jurisdiction of such offense
4 shall institute criminal or civil proceedings against such offender
5 in the proper court having jurisdiction of such offense. Any
6 willful failure on the part of members of the Corporation
7 Commission, the Attorney General or any district attorney, to comply
8 with the provisions of this section, shall be deemed official
9 misconduct. The Corporation Commission shall report such complaints
10 so made to the Governor of this state who shall direct and cause the
11 laws of this state to be enforced.

12 C. Any person failing, neglecting or refusing to comply with
13 the provisions of Sections 161 through 180m of this title or the
14 Motor Carrier Act of 1995, or with any rule, regulation, or
15 requirement of the Corporation Commission promulgated pursuant to
16 the provisions of Sections 161 through 180m of this title or the
17 Motor Carrier Act of 1995, shall be guilty of contempt of the
18 Corporation Commission, and shall be subject to a fine to be imposed
19 by the Corporation Commission in a sum not exceeding Five Hundred
20 Dollars (\$500.00). Each day on which such contempt occurs shall be
21 deemed a separate and distinct offense. The maximum fine to be
22 assessed on each day shall be Five Hundred Dollars (\$500.00). All
23 fines collected pursuant to the provisions of this section shall be
24 deposited in the State Treasury to the credit of the Corporation

1 Commission Trucking One-Stop Shop Fund, as created in Section 1167
2 of this title. This subsection shall not apply in the specific
3 instance of load capacity violations or violations applicable to the
4 transportation or discharge of deleterious substances provided for
5 by specific statutory provisions.

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

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

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

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

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

21 H. The enforcement officers shall not have the power or right
22 of search, nor shall they have the right of power of seizure, except
23 as provided in Sections 161 through 180m of this title or the Motor
24 Carrier Act of 1995. The enforcement officers are authorized to

1 hold and detain any motor vehicle operating upon the highways of
2 this state, if, the enforcement officer has reason to believe that
3 the vehicle is being operated contrary to the provisions of Sections
4 161 through 180m of this title or the Motor Carrier Act of 1995, or
5 the rules, regulations, and requirements of the Corporation
6 Commission promulgated pursuant to Sections 161 through 180m of this
7 title or the Motor Carrier Act of 1995.

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

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

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

24

1 SECTION 7. AMENDATORY 47 O.S. 2011, Section 180m, is
2 amended to read as follows:

3 Section 180m. In addition to all other duties as provided by
4 law, it is hereby declared to be, and shall be the duty of all
5 ~~sheriffs, deputy sheriffs,~~ district attorneys, enforcement officers
6 appointed by the Corporation Commission of the State of Oklahoma,
7 and all ~~highway patrolmen~~ officers of the Oklahoma Highway Patrol
8 Division of the Department of Public Safety within the State of
9 Oklahoma:

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

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

19 3. To make arrests for the violation of the provisions of
20 Sections 180 through 180m of this title or the Motor Carrier Act of
21 1995, without the necessity of procuring a warrant;

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

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

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

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

11 SECTION 8. This act shall become effective July 1, 2012.

12 SECTION 9. 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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