

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 1440

6 By: Allen

7 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 3 Any officer, as outlined in this chapter, on the road or
17 highway, or any employee of the Corporation Commission at a
18 stationary and permanent scale facility shall have the authority to
19 stop any vehicle loaded with livestock, merchandise or other farm
20 products and investigate as to the ownership of the merchandise,
21 livestock or other farm products. Should the operator of any
22 vehicle be unable to establish to the satisfaction of the officer or
23 the employee the ownership of the merchandise, livestock or other
24 products, or shall not have the certificate as specified in this

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

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

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

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

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

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

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

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

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

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

18 2. In the event the sale price is less than the total costs of
19 sale, seizure, and the fee and penalty, such vehicle shall be sold
20 as junk to the highest bidder, whereupon the bidder shall receive a
21 certificate of purchase; and if such vehicle be dismantled, the
22 record to such junked vehicle shall be canceled. If not dismantled,
23 the same shall forthwith be registered anew; and
24

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

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

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

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

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

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

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

20 5. Enforce the provisions of this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

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 household goods in exchange for compensation;

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

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

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

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

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

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

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

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

24

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. The
23 amount to be paid may be expressed as a percentage of gross revenue,
24 a flat rate per mile, a variable rate depending on the direction

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

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

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

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

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

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

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

3 11. As it relates to insurance:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 Section 170.2. A. The Department of Public Safety, monthly,
16 shall notify the ~~Oklahoma~~ Corporation Commission of any ~~ticket~~
17 ~~issued~~ conviction for a violation of the provisions of Section 14-
18 119 of this title, or any provisions of Chapter 14 of this title or
19 the terms of any special permit authorized pursuant to the
20 provisions of Chapter 14 of this title concerning overweight or
21 overweight special permits.

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 1995, or who fails to obey, observe, or comply with any order,
2 decision, rule or regulation, direction, demand, or requirement of
3 the Corporation Commission, or who procures, aids or abets any
4 corporation or person in the person's, or its, refusal or willful
5 failure to obey, observe or comply with any such order, decision,
6 rule, direction, demand, or regulation shall be deemed guilty of a
7 misdemeanor. Upon conviction in a criminal court of competent
8 jurisdiction, such misdemeanor is punishable by a fine of not
9 exceeding One Thousand Dollars (\$1,000.00).

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

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

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

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

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

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

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

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

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

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

15 ~~H. The enforcement officers~~ G. Commission employees shall not
16 have the power or right of search, nor shall they have the right of
17 power of seizure, except as provided in Sections 161 through 180m of
18 this title or the Motor Carrier Act of 1995. ~~The enforcement~~
19 ~~officers~~ Commission employees are authorized to hold and detain any
20 motor vehicle operating upon the highways of this state, if, the
21 ~~enforcement officer~~ employee has reason to believe that the vehicle
22 is being operated contrary to the provisions of Sections 161 through
23 180m of this title or the Motor Carrier Act of 1995, or the rules,
24 regulations, and requirements of the ~~Corporation~~ Commission

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

3 ~~I.~~ H. No state official, other than members of the Corporation
4 Commission, shall have any power, right, or authority to command,
5 order, or direct any ~~enforcement officer~~ Commission employee to
6 perform or not perform any duty or service authorized by Sections
7 161 through 180m of this title or the Motor Carrier Act of 1995.

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

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

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

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

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

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

12 C. No deleterious substance transport permit shall be issued to
13 a motor carrier or private carrier until the carrier has furnished
14 written proof of access to a Class II disposal well or wells. Said
15 written proof of access shall be provided by the owner of such
16 disposal well. Such disposal well must first be approved by the
17 ~~Corporation~~ Commission as adequate to meet the need for proper
18 disposal of all substances which the applicant may reasonably be
19 expected to transport as a motor carrier or private carrier.

20 Provided, that nothing in this section shall be construed as
21 prohibiting the disposition of such deleterious substances in a
22 disposal well that is owned by a person other than the transporter.

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

1 substance transport permitting fees as will cover the cost of
2 issuing such licenses and an annual fee of Two Hundred Fifty Dollars
3 (\$250.00) for each such deleterious substance transport license.
4 Proceeds from the fees shall be deposited by the Commission in the
5 State Treasury to the credit of the Corporation Commission Revolving
6 Fund. The provisions of this section are supplemental and are in
7 addition to the laws applicable to motor carriers.

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

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

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

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

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

3 D. The ~~Oklahoma Corporation~~ Commission may initiate contempt
4 proceedings for any violation concerning disposal by a carrier of a
5 substance described in Section 177.2 of this title. The first
6 violation proven by the Commission in any calendar year shall result
7 in a motor carrier or private carrier being warned by the Commission
8 and, upon conviction, fined up to Two Thousand Five Hundred Dollars
9 (\$2,500.00). A second violation proven by the Commission in any
10 calendar year shall result in a motor carrier or private carrier
11 being placed on probation and fined up to Five Thousand Dollars
12 (\$5,000.00) by the Commission. A third violation proven by the
13 Commission in any calendar year shall result in a fine of up to
14 Twenty Thousand Dollars (\$20,000.00), and, at the discretion of the
15 Commission, cancellation of the carrier's license for a period up to
16 one (1) year and cancellation of a motor carrier or private carrier
17 deleterious substance transport permit. The driver of a truck, who
18 is not the owner of the vehicle used in any violation ~~of this~~
19 ~~section~~ described in Section 177.2 of this title or any violation of
20 the rules and regulations of the ~~Oklahoma Corporation~~ Commission,
21 shall be adjudicated a codefendant and subject to a fine equal to
22 ten percent (10%) of the fine assessed to the owner of such vehicle,
23 up to Five Hundred Dollars (\$500.00).

24

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

1 SECTION 27. 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 within the State of Oklahoma:

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

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

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

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

23

24

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

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

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

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

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

24

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

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

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

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

24

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

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

7 Section 230.2. A. The Legislature finds:

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

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

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

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

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

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

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

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

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

24

- 1 1. "Commerce" means trade, traffic, commerce or transportation
2 within this state;
- 3 2. "Commissioner" means the Commissioner of Public Safety;
- 4 3. "Department" means the ~~Oklahoma~~ Department of Public Safety;
- 5 4. "Discharge" means leakage, seepage or other release of
6 hazardous materials;
- 7 5. "Hazardous material" means a substance or material in a
8 quantity and form determined by the United States Department of
9 Transportation to be capable of posing an unreasonable risk to
10 health and safety or property when transported in commerce;
- 11 6. "Person" means any natural person or individual,
12 governmental body, firm, association, partnership, copartnership,
13 joint venture, company, corporation, joint stock company, trust,
14 estate or any other legal entity or their legal representative,
15 agent or assigns; and
- 16 7. "Transports" or "transportation" means any movement of
17 property over the highway and any loading, unloading or storage
18 incidental to such movement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 1. During any period in which the employee:

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

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

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

18 d. has more than one commercial driver license;

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

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

1 E. An employer who is determined by the Commissioner to have
2 committed a violation of subsection D of this section shall be
3 subject to an administrative penalty of not less than Two Thousand
4 Five Hundred Dollars (\$2,500.00) nor more than Ten Thousand Dollars
5 (\$10,000.00).

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

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

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

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

20 Section 230.8. A. Each person involved in an incident or
21 accident during the transportation, loading, unloading, or related
22 storage in any place of a hazardous material subject to the
23 provisions of Oklahoma Motor Carrier Safety and Hazardous Material
24

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

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

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

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

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

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

20 C. In the case of an incident or accident involving hazardous
21 materials which is not subject to the Oklahoma Motor Carrier Safety
22 and Hazardous Material Transportation Act but which is subject to
23 Title 46 or Title 49 of the Code of Federal Regulations, the carrier
24

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

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

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

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

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

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

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

8 3. An act or acts which evidences to the Commissioner, that a
9 substantial health or safety violation exists or has occurred which
10 could reasonably lead to or has resulted in serious personal injury
11 or death, such person shall be liable to the State of Oklahoma for
12 an administrative penalty not to exceed One Thousand Dollars
13 (\$1,000.00) for each offense.

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

1 materials regulations of the United States Department of
2 Transportation provided that in no event shall the financial
3 responsibility requirement exceed One Million Dollars
4 (\$1,000,000.00) except as otherwise specifically required by federal
5 law, or any federal rule or regulation promulgated pursuant thereto.

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

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

24

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

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

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

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

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

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

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

12 4. The Department of Public Safety may promulgate rules
13 granting any waiver, variance, or exemption permitted under Section
14 31104(h) of Title 49 of the United States Code and federal
15 regulations promulgated at Sections 350.339, 350.341, 350.343 and
16 350.345 of Title 49 of the Code of Federal Regulations if the
17 waiver, variance, or exemption does not result in the loss of
18 federal Motor Carrier Safety Assistance Program funding and does not
19 take effect unless approved by the United States Department of
20 Transportation, if approval is required.

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

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

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

7 B. The public policy of this state, as declared by the
8 Legislature, requires that all existing intrastate certificates and
9 permits granted by the ~~Oklahoma~~ Corporation Commission, except
10 household goods and used emigrant movables, prior to January 1,
11 1995, are hereby revoked.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 c. transport trucks transporting liquefied petroleum
23 gases intrastate which are owned or operated by a
24

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 B. Every motor carrier or private carrier wishing to continue
20 operations under the original license, shall pay to the ~~Corporation~~
21 Commission an annual renewal fee of Fifty Dollars (\$50.00). An
22 intrastate license may be renewed for up to three (3) years.
23
24

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

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

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

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

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

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

19 D. The Commission shall be authorized to exercise any
20 additional power that may from time to time be conferred upon the
21 state by any Act of Congress. The Commission shall adopt rules
22 prescribing the manner and form in which motor carriers and private
23 carriers shall apply for licenses required by the Motor Carrier Act
24

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

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

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

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

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

11 Section 230.29. A. As used in this section:

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

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

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

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

1 transportation of passengers or property, in exchange for
2 compensation;

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

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

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

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

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

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

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

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

22 C. The written lease required pursuant to subsection B of this
23 section shall contain the following provisions. The required lease
24

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

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

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

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

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

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

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

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

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

24

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

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

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

15 11. As it relates to insurance:

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

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

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

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

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

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

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

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

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

19 Intrastate motor carriers of sand, rock, gravel, asphaltic
20 mixtures or other similar road building materials shall not be
21 required to file cargo insurance and shall be required to maintain
22 liability insurance limits of Three Hundred Fifty Thousand Dollars
23 (\$350,000.00) combined single limit.

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

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

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

22 2. Furnishing of proper insurance coverage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 21 1. Owner of the vehicle;
- 22 2. Vehicle registrant;

23
24

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

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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 58. 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;

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 stationary and permanent scale

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

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

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

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

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

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

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

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

21 1. The registration of a vehicle registered pursuant to Section
22 1132 of this title is expired and it is sixty (60) or more days
23 after the end of the month of expiration; or

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 For each commercial vehicle over eight thousand (8,000) pounds
22 as defined in Section 1102 of this title, the license fee shall be
23 based on the combined laden weight of the vehicle or combination of
24

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

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

1	23.	From 74,001 pounds to 75,000 pounds	883.00
2	24.	From 75,001 pounds to 76,000 pounds	896.00
3	25.	From 76,001 pounds to 77,000 pounds	909.00
4	26.	From 77,001 pounds to 78,000 pounds	922.00
5	27.	From 78,001 pounds to 79,000 pounds	935.00
6	28.	From 79,001 pounds to 80,000 pounds	948.00
7	29.	From 80,001 pounds to 81,000 pounds	961.00
8	30.	From 81,001 pounds to 82,000 pounds	974.00
9	31.	From 82,001 pounds to 83,000 pounds	987.00
10	32.	From 83,001 pounds to 84,000 pounds	1000.00
11	33.	From 84,001 pounds to 85,000 pounds	1013.00
12	34.	From 85,001 pounds to 86,000 pounds	1026.00
13	35.	From 86,001 pounds to 87,000 pounds	1039.00
14	36.	From 87,001 pounds to 88,000 pounds	1052.00
15	37.	From 88,001 pounds to 89,000 pounds	1065.00
16	38.	From 89,001 pounds to 90,000 pounds	1078.00

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

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

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

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

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

24

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

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

20 D. For each fiscal year, notwithstanding the provisions of
21 Section 1104 of this title, the first Four Hundred Thousand Dollars
22 (\$400,000.00) of all monies collected pursuant to subsections A, B
23 and C of this section shall be paid by the Tax Commission to the
24 State Treasurer of the State of Oklahoma who shall deposit same each

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

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

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

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

24

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

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

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

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

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

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

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

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

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

1 (\$3.00) for the vehicle towing and Three Dollars (\$3.00) for the one
2 being towed. It shall be unlawful to operate any series of such
3 units on the public highways of this state at a distance closer than
4 five hundred (500) feet from each other. All fees and taxes levied
5 by the terms and provisions of this section shall become and remain
6 a first lien upon the vehicle upon which the fees or taxes are due
7 until paid. The lien shall be prior, superior, and paramount to all
8 other liens of whatsoever kind or character.

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

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

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

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

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

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

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

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

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

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

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

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

- 22 1. Necessary job skills and experience;
- 23 2. Minimum office hours;

24

- 1 3. Provision for sufficient staffing, equipment, office space
2 and parking to provide maximum efficiency and maximum convenience to
3 the public;
- 4 4. Obtainment of a faithful performance surety bond as provided
5 for by law;
- 6 5. A requirement that operation of a motor license agency be
7 the primary source of income for ~~said~~ the agent;
- 8 6. That the applicant has not been convicted of a felony and
9 that no felony charges are pending against the applicant;
- 10 7. That a complete financial statement be submitted by the
11 applicant on forms provided by the Tax Commission;
- 12 8. That a report of the applicant's credit history be obtained
13 through the appropriate credit bureau; and
- 14 9. That the location specified in the application for
15 appointment as a motor license agent not be owned by a member of the
16 Oklahoma Legislature or any person related to a member of the
17 Oklahoma Legislature within the third degree by consanguinity or
18 affinity and that the location not be within a three-mile radius of
19 an existing motor license agency unless the applicant is assuming
20 the location of an operating agency. The Tax Commission may, at its
21 discretion, approve the relocation of an existing agency within a
22 three-mile radius of another existing agency only if a naturally
23 intervening geographic barrier within that radius causes the
24

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

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

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

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

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

22 | Unless otherwise specifically provided, motor license agents
23 | appointed pursuant to this subsection shall be subject to all laws
24 |

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

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

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

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

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

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

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

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

1 making application directly with the Tax Commission or Corporation
2 Commission, as applicable, the registration fees shall be in the
3 same amount as provided for motor license agents and the fee
4 provided by Section 1141.1 of this title shall be deposited in the
5 Oklahoma Tax Commission Revolving Fund or as provided in Section
6 1167 of this title, as applicable. The Tax Commission shall prepare
7 schedules of registration fees and charges for titles which shall
8 include the fees for such agents and all fees and charges paid by a
9 person shall be listed separately on the application and
10 registration and totaled on the application and registration. The
11 motor license agents shall charge only such fees as are specifically
12 provided for by law, and all such authorized fees shall be posted in
13 such a manner that any person shall have notice of all fees that are
14 imposed by law.

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

- 18 1. Any member of the Oklahoma Legislature;
- 19 2. Any person who has served as a member of the Oklahoma
20 Legislature within the two-year period preceding the date of
21 appointment as motor license agent; or
- 22 3. Any employee of the Tax Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 2. Twenty-five cents (\$0.25) shall be retained by the motor
23 license agent; and
24

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

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

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

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

22 2. Golf carts;

23 3. Go-carts; and
24

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

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

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

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

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

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

1 shall constitute a misdemeanor and upon conviction thereof the
2 person having violated it shall be fined not less than Ten Dollars
3 (\$10.00) and not to exceed Three Hundred Dollars (\$300.00).

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

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

12 Section 1166. A. Effective July 1, 2004, all powers, duties
13 and responsibilities exercised by the Motor Vehicle Enforcement
14 Section shall be transferred from the Oklahoma Tax Commission to the
15 Corporation Commission. Beginning July 1, 2004, and effective July
16 1, 2005, all powers, duties and responsibilities exercised by the
17 International Registration Plan Section and the International Fuel
18 Tax Agreement Section shall be transferred from the Tax Commission
19 to the Corporation Commission. All records, property and matters
20 pending of the sections shall be transferred to the Corporation
21 Commission. ~~Funds sufficient to administer the powers, duties and~~
22 ~~responsibilities exercised by these sections shall be appropriated~~
23 ~~or allocated to the Corporation Commission for fiscal year 2005 as~~
24 ~~provided herein. Such funds appropriated or allocated to the~~

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

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

23

24

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

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

18 E. Effective July 1, 2004, any administrative rules promulgated
19 by the Tax Commission related to the administration of the
20 International Registration Plan authorized by Section 1120 of ~~Title~~
21 ~~47 of the Oklahoma Statutes~~ this title, the International Fuel Tax
22 Agreement authorized by Section 607 of Title 68 of the Oklahoma
23 Statutes, or ~~the enforcement of~~ by Section 1115.1 of ~~Title 47 of the~~
24 ~~Oklahoma Statutes~~ this title shall be transferred to and become a

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

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

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

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

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

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

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

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

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

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

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

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

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

6 The fund shall be a continuing fund, not subject to fiscal year
7 limitations, and shall not be subject to legislative appropriation.
8 Monies in the Trucking One-Stop Shop Fund shall only be expended for
9 direct expenses relating to the Trucking One-Stop Shop Act.

10 Expenditures from the revolving fund shall be made pursuant to the
11 laws of this state. In addition, expenditures from the revolving
12 fund may be made pursuant to The Oklahoma Central Purchasing Act for
13 the purpose of immediately responding to emergency situations,
14 within the ~~Commission's~~ jurisdiction of the Commission, having
15 potentially critical environmental or public safety impact.

16 Warrants for expenditures from the fund shall be drawn by the State
17 Treasurer against claims filed as prescribed by law with the
18 Director of State Finance for approval and payment.

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

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

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

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

24

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

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

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

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

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

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

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

20 B. The interest or penalty or any portion thereof ordinarily
21 accruing by failure of the motor carrier, registrant or licensee to
22 properly file a report or return may be waived or reduced by the
23 ~~Corporation~~ Commission. No interest or penalties in excess of Ten
24

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

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

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

1 E. No person shall knowingly, or intentionally, present an
2 altered or fraudulent credential or document to the ~~Corporation~~
3 Commission or to any duly authorized peace officer. Any person or
4 persons violating the provisions of this subsection shall be found
5 guilty of contempt of the Commission and shall, upon conviction
6 thereof, be punished by a fine of not more than Two Thousand Dollars
7 (\$2,000.00) for each offense.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 SECTION 70. REPEALER 47 O.S. 2011, Sections 171.2 and
17 172.1, are hereby repealed.

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

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