

1 ENGROSSED HOUSE
2 BILL NO. 1797

By: Tibbs of the House

and

Newberry of the Senate

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8 An Act relating to motor vehicles; amending 47 O.S.
9 2001, Section 2-111, as last amended by Section 3,
10 Chapter 326, O.S.L. 2007 (47 O.S. Supp. 2010, Section
11 2-111), which relates to Department of Public Safety
12 records; prohibiting the duplication of certain
13 records; making records available upon request and
14 payment of fees; amending 47 O.S. 2001, Sections 6-
15 106, as last amended by Section 1, Chapter 277,
16 O.S.L. 2010, 6-117, as last amended by Section 1,
17 Chapter 426, O.S.L. 2010 and 6-205.2, as last amended
18 by Section 19, Chapter 311, O.S.L. 2006 (47 O.S.
19 Supp. 2010, Sections 6-106, 6-117 and 6-205.2), which
20 relate to driver licenses; modifying application
21 requirements for commercial driver licenses;
22 requiring certain applicants to submit medical
23 examiner certification; deleting certain notification
24 requirement; directing the Department of Public
Safety to maintain certain reports and abstracts;
clarifying record-keeping requirements; providing
procedures for issuing motor vehicle reports;
providing for the collection and deposit of fees into
certain funds; authorizing motor license agents to
retain certain amounts; authorizing the adoption and
establishment of certain rules; stating procedures
for motor vehicle report notification system;
modifying and expanding scope of certain definition;
establishing disqualification time periods for
violating out-of-service orders; requiring
disqualification of driving privileges under certain
circumstances; making certain acts unlawful; amending
Section 1, Chapter 218, O.S.L. 2010 (47 O.S. Supp.
2010, Section 11-901c), which relates to unlawful use
of cellular telephones; expanding scope of crime to

1 include operators of commercial motor vehicles;
2 amending 47 O.S. 2001, Section 12-417, as last
3 amended by Section 10, Chapter 190, O.S.L. 2005 (47
4 O.S. Supp. 2010, Section 12-417), which relates to
5 the Oklahoma Mandatory Seat Belt Use Act; clarifying
6 seat belt use requirements; modifying definition;
7 amending 47 O.S. 2001, Sections 14-109, as last
8 amended by Section 1, Chapter 102, O.S.L. 2009, 14-
9 116, as last amended by Section 1, Chapter 428,
10 O.S.L. 2010 and Section 12, Chapter 390, O.S.L. 2004
11 (47 O.S. Supp. 2010, Sections 14-109, 14-116 and 14-
12 120.2), which relate to vehicle size, weight and load
13 limitations; clarifying utility and refuse collection
14 exception; providing cancellation or revision fee for
15 certain permits; directing deposit of fee into
16 certain revolving fund; updating statutory reference;
17 requiring Oklahoma Highway Patrol to provide
18 superload escorts; defining term; stating fee for
19 escort; amending 47 O.S. 2001, Section 230.6, as last
20 amended by Section 14, Chapter 390, O.S.L. 2004 (47
21 O.S. Supp. 2010, Section 230.6), which relates to the
22 Oklahoma Motor Carrier Safety and Hazardous Materials
23 Transportation Act; clarifying scope of certain
24 prohibited acts; increasing amount of administrative
penalties; providing for codification; and providing
an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-111, as
last amended by Section 3, Chapter 326, O.S.L. 2007 (47 O.S. Supp.
2010, Section 2-111), is amended to read as follows:

Section 2-111. A. All records of the Department, other than
those declared by law to be confidential for the use of the
Department, shall be open to public inspection during office hours;
provided, no person shall be authorized to transcribe, copy,
photocopy, photograph, or otherwise duplicate any such record upon

1 inspection. The Commissioner shall provide any such record to any
2 authorized recipient upon request in accordance with the Open
3 Records Act and the Driver's Privacy Protection Act, Title 18 of the
4 United States Code, Sections 2721 through 2725, if applicable, and
5 upon payment by the recipient of all required fees associated with
6 the record.

7 B. The Commissioner shall supervise the maintaining of all
8 records of the Department and shall adopt rules concerning the
9 destruction and retention of records. Records of the Department
10 shall not be subject to the provisions of:

11 1. Sections 305 through 317 of Title 67 of the Oklahoma
12 Statutes or be transferred to the custody or control of the State
13 Archives Commission;

14 2. Section 590 of Title 21 of the Oklahoma Statutes; or

15 3. The Records Management Act, Sections 201 through ~~215~~ 217 of
16 Title 67 of the Oklahoma Statutes.

17 The Commissioner may, pursuant to an adopted rule, order destruction
18 of records deemed to be no longer of value to the Department in
19 carrying out the powers and duties of the Department.

20 C. 1. The Commissioner may cause any or all records kept by
21 the Department of Public Safety to be photographed,
22 microphotographed, photostated, reproduced on film, or stored on
23 computer storage medium. The film or reproducing material shall be
24 of durable material, and the device used to reproduce the records on

1 the film or reproducing material shall accurately reproduce and
2 perpetuate the original records in all detail.

3 2. The photostatic copy, photograph, microphotograph,
4 photographic film or computerized image of the original records
5 shall be deemed to be an original record for all purposes and shall
6 be admissible as evidence in all courts or administrative agencies.
7 A facsimile, exemplification, or certified copy thereof shall be
8 deemed to be a transcript, exemplification, or certified copy of the
9 original.

10 3. The photostatic copies, photographs, microphotographs,
11 reproductions on film, or computerized images shall be placed in
12 conveniently accessible files and provisions made for preserving,
13 examining, and using the copies, photographs, microphotographs,
14 reproductions on film and computerized images. The Commissioner of
15 Public Safety is empowered to authorize the disposal, archival
16 storage, or destruction of the original records or papers.

17 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-106, as
18 last amended by Section 1, Chapter 277, O.S.L. 2010 (47 O.S. Supp.
19 2010, Section 6-106), is amended to read as follows:

20 Section 6-106. A. 1. Every application for a driver license
21 or identification card shall be made by the applicant upon a form
22 furnished by the Department of Public Safety.

23 2. Every original, renewal, or replacement application for a
24 driver license or identification card made by a male applicant who

1 is at least sixteen (16) but less than twenty-six (26) years of age
2 shall include a statement that by submitting the application, the
3 applicant is consenting to registration with the Selective Service
4 System. The pertinent information from the application shall be
5 forwarded by the Department to the Data Management Center of the
6 Selective Service System in order to register the applicant as
7 required by law with the Selective Service System. Any applicant
8 refusing to sign the consent statement shall be denied a driver
9 license or identification card.

10 3. Every applicant for a driver license or identification card
11 shall provide to the Department at the time of application both
12 primary and secondary proofs of identity. The Department shall
13 promulgate rules prescribing forms of primary and secondary
14 identification acceptable for an original Oklahoma driver license.

15 B. Every applicant for a driver license shall state upon the
16 application the following information:

17 1. Full name;

18 2. Date of birth;

19 3. Sex;

20 4. Residence address or mailing address and county of residence
21 to be displayed on the license;

22 5. Mailing address and residence address to be maintained by
23 the Department for the purpose of giving notice, if necessary, as
24 required by Section 2-116 of this title;

1 6. Medical information, as determined by the Department, which
2 shall assure the Department that the person is not prohibited from
3 being licensed as provided by paragraph 7 of subsection A of Section
4 6-103 of this title;

5 7. Whether the applicant is deaf or hard-of-hearing;

6 8. A brief description of the applicant, as determined by the
7 Department;

8 9. Whether the applicant has previously been licensed, and, if
9 so, when and by what state or country, and whether any license has
10 ever been suspended or revoked, or whether an application has ever
11 been refused, and, if so, the date of and reason for the suspension,
12 revocation or refusal;

13 10. Whether the applicant is an alien eligible to be considered
14 for licensure and is not prohibited from licensure pursuant to
15 paragraph 9 of subsection A of Section 6-103 of this title;

16 11. Whether the applicant has:

17 a. previously been licensed and, if so, when and by what
18 state or country, and

19 b. held more than one license at the same time during the
20 immediately preceding ten (10) years; and

21 12. Social security number.

22 No person shall request the Department to use the social security
23 number of that person as the driver license number. Upon renewal or
24 replacement of any driver license issued after the effective date of

1 this act, the licensee shall advise the Department or the motor
2 license agent if the present driver license number of the licensee
3 is the social security number of the licensee. If the driver
4 license number is the social security number, the Department or the
5 motor license agent shall change the driver license number to a
6 computer-generated alphanumeric identification.

7 C. In addition to the requirements of subsections A and B of
8 this section, every applicant for a commercial driver license with:

9 1. Beginning January 30, 2012:

10 a. if the applicant is subject to the requirements of 49
11 C.F.R. Part 391 and is applying for an original,
12 renewal, or replacement license, and

13 b. every person who, upon the effective date of this act,
14 is currently the holder of a commercial driver license
15 and is subject to the requirements of 49 C.F.R. Part
16 391 and who does not apply for a renewal or
17 replacement license prior to January 30, 2014,

18 shall submit to the Department and maintain with the Department a
19 current approved medical examiner certificate signed by a licensed
20 physician authorized to perform and approve medical examiner
21 certifications. The Department shall adopt rules regarding
22 procedures for maintaining medical examiner certifications pursuant
23 to the requirements in 49 C.F.R., Parts 383 and 384. Any commercial
24 driver licensee subject to the requirements of this paragraph who

1 fails to maintain on file with the Department a current, approved
2 medical examiner certification shall have the driving privileges of
3 the person downgraded to a Class D driver license by the Department;

4 2. If the applicant is applying for an original commercial
5 driver license in Oklahoma or is transferring a commercial driver
6 license from another state to Oklahoma, shall have his or her prior
7 driving record in other states for the immediately preceding ten
8 (10) years reviewed by the Department, unless the record review has
9 already been performed. As a result of the review, if it is
10 determined by the Department that the applicant is subject to a
11 period of disqualification as prescribed by Section 6-205.2 of this
12 title which has not yet been imposed, the Department shall impose
13 the period of disqualification and the applicant shall serve the
14 period of disqualification before a commercial driver license is
15 issued to the applicant; provided, nothing in this paragraph shall
16 be construed to prevent the issuance of a Class D driver license to
17 the applicant; and

18 3. If the applicant has or is applying for a hazardous material
19 endorsement, shall submit to a security threat assessment performed
20 by the Transportation Security Administration of the Department of
21 Homeland Security as required by and pursuant to 49 C.F.R., Part
22 1572, which shall be used to determine whether the applicant is
23 eligible for the endorsement pursuant to federal law and regulation.

1 ~~The Department of Public Safety shall notify each commercial~~
2 ~~driving school of the passage of this section, and each commercial~~
3 ~~driving school shall notify prospective students of its school of~~
4 ~~the hazardous material endorsement requirement.~~

5 D. ~~Upon the effective date of this act and in~~ In addition to
6 the requirements of subsections A and B of this section, every
7 applicant shall be given an option on the application for issuance
8 of a driver license or identification card or renewal pursuant to
9 Section 6-115 of this title to provide an emergency contact person.
10 The emergency contact information requested may include full name,
11 address, and phone number. The emergency contact information shall
12 be maintained by the Department and shall be used by the Department
13 and law enforcement for emergency purposes only. A person listed as
14 an emergency contact may request to be removed at any time. Any
15 update to a change of name, address, or phone number may be made by
16 the applicant listing the emergency contact person or by the person
17 listed as the emergency contact.

18 E. Whenever application is received from a person previously
19 licensed in another jurisdiction, the Department shall request a
20 copy of the driving record from the other jurisdiction and,
21 effective September 1, 2005, from all other jurisdictions in which
22 the person was licensed within the immediately previous ten (10)
23 years. When received, the driving record shall become a part of the
24 driving record of the person in this state with the same force and

1 effect as though entered on the driver's record in this state in the
2 original instance.

3 F. Whenever the Department receives a request for a driving
4 record from another licensing jurisdiction, the record shall be
5 forwarded without charge.

6 SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-117, as
7 last amended by Section 1, Chapter 426, O.S.L. 2010 (47 O.S. Supp.
8 2010, Section 6-117), is amended to read as follows:

9 Section 6-117. A. The Department of Public Safety shall file
10 every application for a driver license or identification card
11 received by the Department and shall maintain suitable indexes
12 containing:

13 1. All applications denied and on each thereof note the reasons
14 for the denial;

15 2. All applications granted;

16 3. The name of every person whose driving privilege has been
17 suspended, revoked, cancelled, or disqualified by the Department and
18 after each such name note the reasons for the action. Any notation
19 of suspension of the driving privilege of a person for reason of
20 nonpayment of a fine shall be removed from the driving record after
21 the person has paid the fine and the driving privilege of the person
22 is reinstated as provided for by law;

23 4. The county of residence, the name, date of birth, and
24 mailing address of each person residing in that county who is

1 | eighteen (18) years of age or older, and who is the holder of a
2 | current driver license or a current identification card issued by
3 | the Department of Public Safety for the purpose of ascertaining
4 | names of all persons qualified for jury service as required by
5 | Section 18 of Title 38 of the Oklahoma Statutes; ~~and~~

6 | 5. The name, driver license number, and mailing address of
7 | every person for the purpose of giving notice, if necessary, as
8 | required by Section 2-116 of this title; and

9 | 6. All collision reports and abstracts of court records of
10 | convictions related to traffic offenses and to other offenses
11 | required by law to be placed upon a driving record received by the
12 | Department pursuant to the laws of this state.

13 | B. The Department shall file all collision reports and
14 | abstracts of court records of convictions related to traffic
15 | offenses and to other offenses required by law to be placed upon a
16 | driving record received by ~~it~~ the Department pursuant to the laws of
17 | this state and maintain convenient records of the records and
18 | reports or make suitable notations in order that an individual
19 | record of a person showing the convictions of the person and the
20 | traffic collisions in which the person has been involved shall be
21 | readily ascertainable and available for the consideration of the
22 | Department of Public Safety upon any application for a driver
23 | license or renewal of a driver license and at other suitable times.
24 | Any abstract, index or other entry relating to a driving record

1 according to the licensing authority in another state or a province
2 of Canada may be posted upon the driving record of any resident of
3 this state when notice thereof is received by documentation or by
4 electronic transmission. The individual record of a person shall
5 not include any collision reports and abstracts of court records
6 involving a collision in which the person was not issued a citation
7 or if a citation is issued and the person was not convicted.

8 C. 1. The Commissioner and the officers of the Department as
9 the Commissioner may designate are hereby authorized to prepare
10 under the seal of the Department and deliver upon request a copy of
11 any collision report on file with the Department, charging a fee of
12 Seven Dollars (\$7.00). However, the Department shall not be
13 required to furnish personal information from the collision report
14 which is contrary to the provisions of the Driver's Privacy
15 Protection Act, 18 United States Code, Sections 2721 through 2725.

16 2. Notwithstanding the provisions of paragraph 1 of this
17 subsection, the Department is authorized to enter into contracts to
18 supply information regarding vehicles reported to be involved in
19 collisions. For each vehicle, the information shall be limited to
20 only that which ~~only~~ describes the vehicle and the collision. The
21 Department shall not be required to provide any information
22 regarding the owner or operator of the vehicle or any information
23 which would conflict with Section 2-110 or Section 1109 of this
24 title.

1 D. 1. The Department of Public Safety or any motor license
2 agent upon request shall prepare and furnish to any authorized
3 person a Motor Vehicle Report of any person subject to the
4 provisions of the motor vehicle laws of this state. However, the
5 Department shall not be required to furnish personal information
6 from a driving record contrary to the provisions of the Driver's
7 Privacy Protection Act, 18 United States Code, Sections 2721 through
8 2725. The Motor Vehicle Report shall be a summary of the driving
9 record of the person and shall include the enumeration of any motor
10 vehicle collisions, reference to convictions for violations of motor
11 vehicle laws, and any action taken against the privilege of the
12 person to operate a motor vehicle, as shown by the files of the
13 Department. A Motor Vehicle Report may include collisions,
14 convictions, and actions taken against the driving privileges of the
15 person which are reported by another state or licensing
16 jurisdiction. A Motor Vehicle Report shall be provided by the
17 Department to an authorized person for one of the following time
18 periods:

- 19 a. for the three (3) years preceding the date of the
20 request, which three-year Motor Vehicle Report may be
21 requested and obtained from the Department or any
22 motor license agent,
- 23 b. for the five (5) years preceding the date of the
24 request, which five-year Motor Vehicle Report may be

1 requested and obtained from the Department or any
2 motor license agent,

3 c. for the ten (10) years preceding the date of the
4 request, which ten-year Motor Vehicle Report may be
5 requested and obtained from the Department or any
6 motor license agent and shall be issued to the person
7 named on the ten-year Motor Vehicle Report, or

8 d. for the entire period of time the person has been
9 licensed in Oklahoma, which Oklahoma Lifetime Motor
10 Vehicle Report may be requested and obtained from the
11 Department or any motor license agent and shall be
12 issued only to the person named on the Oklahoma
13 Lifetime Motor Vehicle Report.

14 2. The Department shall not be required to release to any
15 person, in whole or in part and in any format, a driving index, as
16 described in subsection A of this section, except as otherwise
17 provided for by law. The Department or motor license agent shall
18 not issue a ten-year or Oklahoma Lifetime Motor Vehicle Report to
19 any person other than the person named in the Motor Vehicle Report.
20 No employer, insurer, other person, or other business or entity
21 shall require any person to make available, disclose, or otherwise
22 release the ten-year or Oklahoma Lifetime Motor Vehicle Report of
23 that person.

24 3. For each three-year Motor Vehicle Report:

1 a. furnished by the Department of Public Safety, the
2 Department shall collect the sum of Twenty-five
3 Dollars (\$25.00), Twenty Dollars (\$20.00) of which
4 shall be deposited in the General Revenue Fund and
5 Five Dollars (\$5.00) shall be deposited in the
6 Department of Public Safety Revolving Fund. ~~For each~~
7 ~~Motor Vehicle Report,~~

8 b. furnished by a motor license agent, the agent shall
9 collect the sum of Twenty-five Dollars (\$25.00),
10 Eighteen Dollars (\$18.00) of which shall be paid to
11 the Oklahoma Tax Commission for deposit in the General
12 Revenue Fund in the State Treasury, Five Dollars
13 (\$5.00) shall be deposited in the Department of Public
14 Safety Revolving Fund and Two Dollars (\$2.00) of which
15 shall be retained by the motor license agent.
16 ~~Persons, or~~

17 c. if issued to a person sixty-five (65) years of age or
18 older, the person shall not be required to pay a fee
19 ~~for their own~~ a Motor Vehicle Report of the person
20 furnished by the Department or a motor license agent.

21 4. For each five-year Motor Vehicle Report:

22 a. furnished by the Department of Public Safety, the
23 Department shall collect the sum of Thirty Dollars
24 (\$30.00), Twenty Dollars (\$20.00) of which shall be

1 deposited in the General Revenue Fund and Ten Dollars
2 (\$10.00) shall be deposited in the Department of
3 Public Safety Revolving Fund, or

4 b. furnished by a motor license agent, the agent shall
5 collect the sum of Thirty Dollars (\$30.00), Eighteen
6 Dollars (\$18.00) of which shall be paid to the
7 Oklahoma Tax Commission for deposit in the General
8 Revenue Fund in the State Treasury, Ten Dollars
9 (\$10.00) shall be deposited in the Department of
10 Public Safety Revolving Fund and Two Dollars (\$2.00)
11 of which shall be retained by the motor license agent.

12 5. For each ten-year Motor Vehicle Report:

13 a. furnished by the Department of Public Safety, the
14 Department shall collect the sum of Thirty-five
15 Dollars (\$35.00), Twenty Dollars (\$20.00) of which
16 shall be deposited in the General Revenue Fund and
17 Fifteen Dollars (\$15.00) shall be deposited in the
18 Department of Public Safety Revolving Fund, or

19 b. furnished by a motor license agent, the agent shall
20 collect the sum of Thirty-five Dollars (\$35.00),
21 Eighteen Dollars (\$18.00) of which shall be paid to
22 the Oklahoma Tax Commission for deposit in the General
23 Revenue Fund of the State Treasury, Fifteen Dollars
24 (\$15.00) of which shall be deposited in the Department

1 of Public Safety Revolving Fund and Two Dollars
2 (\$2.00) of which shall be retained by the motor
3 license agent.

4 6. For each Oklahoma Lifetime Motor Vehicle Report:

5 a. furnished by the Department of Public Safety, the
6 Department shall collect the sum of Forty Dollars
7 (\$40.00), Twenty Dollars (\$20.00) of which shall be
8 deposited in the General Revenue Fund and Twenty
9 Dollars (\$20.00) shall be deposited in the Department
10 of Public Safety Revolving Fund, or

11 b. furnished by a motor license agent, the agent shall
12 collect the sum of Forty Dollars (\$40.00), Eighteen
13 Dollars (\$18.00) of which shall be paid to the
14 Oklahoma Tax Commission for deposit in the General
15 Revenue Fund of the State Treasury, Twenty Dollars
16 (\$20.00) of which shall be deposited in the Department
17 of Public Safety Revolving Fund and Two Dollars
18 (\$2.00) of which shall be retained by the motor
19 license agent.

20 7. For purposes of this subsection, a Motor Vehicle Report for
21 any time period prescribed in paragraph 1 of this subsection, shall
22 include a report which indicates that no driving record is on file
23 with the Department of Public Safety for the information received by
24 the Department in the request for the Motor Vehicle Report and the

1 appropriate fee shall be charged and collected by the Department or
2 the motor license agent, as applicable.

3 E. The Department of Public Safety may ~~develop~~ adopt rules and
4 establish procedures whereby an employer of a person:

5 1. ~~Who has a Class A, B or C driver license; and~~

6 2. ~~Who~~ who operates a ~~commercial~~ motor vehicle in the course of
7 his or her employment with the employer, may automatically be

8 notified, pursuant to a fee schedule established by the Department,

9 should the driving record of a person reflect a traffic conviction

10 in any court or an administrative action by the Department which

11 alters the status of the ~~commercial~~ driving privileges of the

12 person. The notification system shall include electronic delivery

13 of a Motor Vehicle Report at least annually for any employee who is

14 a commercial driver licensee or who operates a commercial motor

15 vehicle, as required by 49 C.F.R., Section 391.25. All monies

16 received by the Commissioner of Public Safety and the officers and

17 employees of the Department pursuant to this subsection shall be

18 deposited in the Department of Public Safety Revolving Fund;

19 provided, the fee received for electronic delivery of a Motor

20 Vehicle Report shall be deposited as provided in subsection G of

21 this section.

22 F. The Commissioner is authorized to establish a procedure for

23 reviewing the driving records of state residents who are existing

24 policyholders of any insurance company licensed to operate in this

1 state during specified periods of time and producing a report which
2 identifies the policyholders which have had violation and/or status
3 changes to their driving records during such time period. The
4 Department may sell such report to the insurance company or its
5 agent at a fee to be set by the Department. Any such report sold by
6 the Department shall only consist of information otherwise lawfully
7 obtainable by the insurance company or its agent. The fee shall be
8 sufficient to recover all costs incurred by the Department and
9 insure that there will be no net revenue loss to the state. Such
10 fee shall be deposited in the Department of Public Safety Revolving
11 Fund.

12 G. All monies received by the Commissioner of Public Safety and
13 the officers and employees of the Department shall be remitted to
14 the State Treasurer to be credited to the General Revenue Fund in
15 the State Treasury except as otherwise provided for by law.

16 SECTION 4. AMENDATORY 47 O.S. 2001, Section 6-205.2, as
17 last amended by Section 19, Chapter 311, O.S.L. 2006 (47 O.S. Supp.
18 2010, Section 6-205.2), is amended to read as follows:

19 Section 6-205.2 A. As used in this section, "conviction"
20 means:

- 21 1. A nonvacated adjudication of guilt;
- 22 2. A determination that a person has violated or failed to
23 comply with this section in any court or by the Department of Public
24 Safety following an administrative determination;

1 3. A nonvacated forfeiture of bail or collateral deposited to
2 secure a person's appearance in court;

3 4. A plea of guilty or nolo contendere accepted by the court;

4 5. The payment of any fine or court costs; or

5 6. A violation of a condition of release without bail,
6 regardless of whether or not the penalty is rebated, suspended or
7 probated.

8 B. The Department of Public Safety shall disqualify any person
9 from operating a Class A, B or C commercial motor vehicle for a
10 period of not less than one (1) year upon receiving a record of
11 conviction of any of the following disqualifying offenses, when the
12 conviction has become final:

13 1. Driving, operating or being in actual physical control of a
14 Class A, B or C commercial motor vehicle while having a blood or
15 breath alcohol concentration, as defined in Section 756 of this
16 title, or as defined by the state in which the arrest occurred, of
17 four-hundredths (0.04) or more;

18 2. Refusing to submit to a test for determination of alcohol
19 concentration, as required by Section 751 of this title, or as
20 required by the state in which the arrest occurred, while operating
21 a Class A, B or C commercial motor vehicle, or if the person is the
22 holder of a commercial driver license, committing the offense while
23 operating any vehicle;

24

1 3. Driving or being in actual physical control of a Class A, B
2 or C commercial motor vehicle while under the influence of alcohol
3 or any other intoxicating substance or the combined influence of
4 alcohol and any other intoxicating substance, or if the person is
5 the holder of a commercial driver license, committing the offense
6 while operating any vehicle. Provided, the Department shall not
7 additionally disqualify, pursuant to this subsection, if the
8 person's driving privilege has been disqualified in this state
9 because of a test result or test refusal pursuant to paragraph 1 or
10 2 of this subsection as a result of the same violation arising from
11 the same incident;

12 4. Knowingly leaving the scene of a collision which occurs
13 while operating a Class A, B or C commercial motor vehicle, or if
14 the person is the holder of a commercial driver license, committing
15 the offense while operating any vehicle;

16 5. Any felony during the commission of which a Class A, B or C
17 commercial motor vehicle is used, except a felony involving the
18 manufacture, distribution or dispensation of a controlled dangerous
19 substance, or if the person is the holder of a commercial driver
20 license, committing the offense while operating any vehicle;

21 6. Operating a commercial motor vehicle while the commercial
22 driving privilege is revoked, suspended, canceled, denied, or
23 disqualified; or
24

1 7. Manslaughter homicide, or negligent homicide occurring as a
2 direct result of negligent operation of a commercial motor vehicle,
3 or, if the person is the holder of a commercial driver license,
4 committing the offense while operating any vehicle.

5 C. The Department of Public Safety shall disqualify any person
6 from operating a Class A, B or C commercial motor vehicle for a
7 period of not less than three (3) years upon receiving a record of
8 conviction of any of the disqualifying offenses described in
9 subsection B of this section, committed in connection with the
10 operation of a motor vehicle which is required to be placarded for
11 hazardous materials under 49 C.F.R., Part 172, subpart F, when the
12 conviction has become final.

13 D. The Department of Public Safety shall disqualify any person
14 from operating a Class A, B or C commercial motor vehicle for life
15 upon receiving a record of conviction in any court of any of the
16 disqualifying offenses described in subsection B of this section
17 after a former conviction of any of the following disqualifying
18 offenses, when the second conviction has become final.

19 The Department of Public Safety may promulgate rules
20 establishing conditions under which a disqualification for life
21 pursuant to the provisions of this subsection may be reduced to a
22 period of not less than ten (10) years provided a previous lifetime
23 disqualification has not been reduced.

24

1 E. The Department of Public Safety shall disqualify any person
2 from operating a Class A, B or C commercial motor vehicle for life
3 upon receiving a record of conviction for any felony related to the
4 manufacture, distribution or dispensation of a controlled dangerous
5 substance in the commission of which a Class A, B or C commercial
6 motor vehicle is used, or if the person is the holder of a
7 commercial driver license, committing the offense while operating
8 any vehicle, when the conviction has become final.

9 F. The Department of Public Safety shall disqualify any person
10 from operating a Class A, B or C commercial motor vehicle for sixty
11 (60) days upon receiving a record of a second conviction of the
12 person for a serious traffic offense arising out of separate
13 transactions or occurrences within a three-year period, when the
14 convictions have become final. The Department of Public Safety
15 shall disqualify any person from operating a Class A, B or C
16 commercial motor vehicle for one hundred twenty (120) days upon
17 receiving a record of a third conviction of a person for a serious
18 traffic offense arising out of separate transactions or occurrences
19 within a three-year period, when the convictions have become final;
20 provided, the one-hundred-twenty-day period shall run in addition to
21 and shall not run concurrently with any other period
22 disqualification imposed pursuant to this subsection. As used in
23 this subsection, "serious traffic offense" shall mean any of the
24

1 following offenses committed while operating a commercial motor
2 vehicle:

3 1. Speeding fifteen (15) miles per hour or more over the limit;

4 2. Reckless driving;

5 3. Any traffic offense committed that results in or in
6 conjunction with a motor vehicle collision resulting in a fatality;

7 4. Erratic or unsafe lane changes;

8 5. Following too ~~elose~~ closely;

9 6. Failure to obtain a commercial driver license;

10 7. Failure to have in possession of the person a commercial
11 driver license; ~~or~~

12 8. Failure to have:

13 a. the proper class of commercial driver license for the
14 class of vehicle being operated,

15 b. the proper endorsement or endorsements for the type of
16 vehicle being operated, including but not limited to,
17 passengers or type of cargo being transported, or

18 c. both proper class and proper endorsement, as provided
19 in subparagraphs a and b of this paragraph; or

20 9. Operating a commercial motor vehicle while using a cellular
21 telephone or electronic communication device to write, send, or read
22 a text-based communication while the commercial motor vehicle is in
23 motion.

24

1 G. Upon the receipt of a person's record of conviction of
2 violating a lawful out-of-service order, ~~except as provided in~~
3 ~~subsection H of this section~~, when the conviction becomes final, the
4 Department shall disqualify the driving privilege of the person as
5 follows:

6 1. ~~The~~ For a first conviction shall result in a ninety day for
7 violating an out-of-service order:

8 a. except as provided in subparagraph b of this
9 paragraph, the period of disqualification shall be
10 for ninety (90) days, or

11 b. while transporting hazardous materials required to be
12 placarded under the Hazardous Materials
13 Transportation Act, 49 P. app. 1801-1813, or while
14 operating a motor vehicle designed for transport of
15 sixteen or more passengers, including the driver, the
16 period of disqualification shall be for one (1) year;

17 2. ~~The~~ For a second conviction within ten (10) years shall
18 result in a one year for violating an out-of-service order:

19 a. except as provided in subparagraph b of this
20 paragraph, the period of disqualification shall be
21 for one (1) year, or

22 b. while transporting hazardous materials required to be
23 placarded under the Hazardous Materials
24 Transportation Act (49 P. app. 1801-1813), or while

1 operating a motor vehicle designed for transport of
2 sixteen or more passengers, including the
3 driver, the period of disqualification shall be for
4 three (3) years; and

5 3. ~~The~~ For a third or subsequent conviction within ten (10)
6 ~~years shall result in a three year~~ for violating an out-of-service
7 ~~order, the period of disqualification shall be for three (3) years.~~

8 H. ~~Upon the receipt of a person's record of conviction of~~
9 ~~violating a lawful out-of-service order while transporting hazardous~~
10 ~~materials required to be placarded under the Hazardous Materials~~
11 ~~Transportation Act (49 P. app. 1801-1813), or while operating motor~~
12 ~~vehicles designed for transport of more than fifteen passengers,~~
13 ~~including the driver, when the conviction becomes final, the~~
14 ~~Department shall disqualify the driving privilege of the person as~~
15 ~~follows:~~

16 ~~1. The first conviction shall result in a one year~~
17 ~~disqualification; and~~

18 ~~2. The second or subsequent conviction within ten (10) years~~
19 ~~shall result in a three year disqualification.~~

20 ~~±.~~ Upon determination by the Department that fraudulent
21 information was used to apply for or obtain a Class A, B or C driver
22 license, the Department shall disqualify the driving privilege of
23 the applicant or licensee for a period of sixty (60) days.

1 ~~J.~~ I. Any person who drives a Class A, B or C commercial motor
2 vehicle on any public roads, streets, highways, turnpikes or any
3 other public place of this state at a time when the person has been
4 disqualified or when the privilege to do so is canceled, denied,
5 suspended or revoked shall be guilty of a misdemeanor and upon
6 conviction shall be punished by a fine of not less than One Hundred
7 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00),
8 or by imprisonment for not more than one (1) year, or by both such
9 fine and imprisonment. Each act of driving as prohibited shall
10 constitute a separate offense.

11 ~~K.~~ J. Upon the receipt of the record of a conviction of a
12 person of a railroad highway grade crossing offense in a commercial
13 motor vehicle, pursuant to Sections 11-701 or 11-702 of this title
14 or Section 11-1115 of this title, or upon receipt of an equivalent
15 conviction from any state, when the conviction becomes final, the
16 Department shall disqualify the driving privileges of the person
17 convicted as follows:

18 1. The first conviction shall result in disqualification for
19 sixty (60) days;

20 2. The second conviction within three (3) years shall result in
21 disqualification for one hundred twenty (120) days; and

22 3. The third or subsequent conviction within three (3) years
23 shall result in disqualification for one (1) year.

24

1 ~~L.~~ K. The Department, upon receipt of a written notice of
2 immediate disqualification issued by the Federal Motor Carrier
3 Safety Administration under 49 CFR 383.52, shall immediately
4 disqualify the person's commercial driving privilege for the period
5 of time specified on the written notice.

6 ~~M.~~ L. The periods of disqualification as defined by this
7 section shall not be modified. A person may not be granted driving
8 privileges to operate a Class A, B or C commercial vehicle until the
9 disqualification is reinstated.

10 ~~N.~~ M. The Department of Public Safety shall disqualify any
11 person from operating a Class A, B, or C commercial motor vehicle
12 for failure to provide and maintain a current medical examiner
13 certificate pursuant to the requirements in Section 6-106 of this
14 title and 49 CFR 383. Any person whose license is subject to
15 disqualification pursuant to this section may avoid the effective
16 date of the disqualification or, if disqualified, shall be eligible
17 for reinstatement if otherwise eligible, upon meeting the
18 requirements of Section 6-106 of this title.

19 N. When any record of conviction, as specified in this section,
20 is received by the Department ~~and pertains to:~~

21 1. For a nonresident operator and the conviction pertains to
22 the operation of a Class A, B or C commercial motor vehicle~~;~~ ~~or if~~
23 ~~the~~

24

1 2. For a nonresident operator who is the holder of a commercial
2 driver license, ~~a record of~~ and the conviction ~~pertaining to the~~
3 ~~nonresident operator~~ pertains to the operation of any vehicle,
4 the Department shall not disqualify the person and shall report the
5 conviction to the licensing jurisdiction in which the license of the
6 nonresident to operate the commercial vehicle was issued.

7 0. Any person who is disqualified from driving under the
8 provisions of this section shall have the right of appeal, as
9 provided in Section 6-211 of this title.

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 11-801.1 of Title 47, unless
12 there is created a duplication in numbering, reads as follows:

13 It shall be unlawful for any person to:

14 1. Possess, operate or use a radar detector while operating or
15 as a passenger in a commercial motor vehicle;

16 2. Operate a commercial motor vehicle in which a radar detector
17 is installed or present; or

18 3. Install or have installed a radar detector in a commercial
19 motor vehicle.

20 SECTION 6. AMENDATORY Section 1, Chapter 218, O.S.L.
21 2010 (47 O.S. Supp. 2010, Section 11-901c), is amended to read as
22 follows:

23 Section 11-901c. A. It shall be unlawful for any person to
24 operate a commercial motor vehicle or for a public transit driver to

1 operate a motor vehicle on any street or highway within this state
2 while using a cellular telephone or electronic communication device
3 to write, send, or read a text-based communication while the motor
4 vehicle is in motion.

5 B. Any person who violates the provisions of subsection A of
6 this section shall, upon conviction, be guilty of a misdemeanor
7 punishable by a fine of Five Hundred Dollars (\$500.00).

8 C. As used in this section:

9 1. "Cellular telephone" means an analog or digital wireless
10 telephone authorized by the Federal Communications Commission to
11 operate in the frequency bandwidth reserved for cellular telephones;

12 2. "Electronic communication device" means an electronic device
13 that permits the user to manually transmit a communication of
14 written text by means other than through an oral transfer or wire
15 communication. This term does not include a voice-activated global
16 positioning or navigation system that is affixed to a motor vehicle;
17 and

18 3. "Public transit driver" means:

19 a. any operator of a public transit vehicle owned and
20 operated by the State of Oklahoma, any public trust
21 authority, county, municipality, town or city within
22 this state,

23 b. any operator of a school bus or multi-passenger motor
24 vehicle owned and approved to operate by the State

1 Department of Education or any school district within
2 this state, or

3 c. any operator, conductor or driver of a locomotive
4 engine, railway car or train of cars.

5 D. This act shall not apply to railroads and railroad operating
6 employees regulated by the Federal Railroad Administration.

7 SECTION 7. AMENDATORY 47 O.S. 2001, Section 12-417, as
8 last amended by Section 10, Chapter 190, O.S.L. 2005 (47 O.S. Supp.
9 2010, Section 12-417), is amended to read as follows:

10 Section 12-417. A. 1. Every operator and front seat passenger
11 of a Class A commercial motor vehicle, Class B commercial motor
12 vehicle, Class C commercial motor vehicle, and a passenger ear
13 vehicle operated in this state shall wear a properly adjusted and
14 fastened safety seat belt system, required to be installed in the
15 motor vehicle when manufactured pursuant to 49 C.F.R., Section
16 571.208.

17 2. For the purposes of this section, "~~passenger car~~" "passenger
18 vehicle" shall mean "~~vehicle~~" ~~as defined in Section 1102 of this~~
19 ~~title.~~ "~~Passenger car~~" shall include the passenger compartment of
20 ~~pickups, vans, minivans, and sport utility vehicles.~~ "~~Passenger~~
21 ~~ear~~" a Class D motor vehicle, but shall not include ~~trucks, truck-~~
22 ~~tractors,~~ recreational vehicles, motorcycles, ~~or~~ motorized bicycles.
23 "~~Passenger car~~" shall not include, or a vehicle used primarily for
24

1 farm use which is registered and licensed pursuant to the provisions
2 of Section 1134 of this title.

3 B. The Commissioner of Public Safety, upon application from a
4 person who, for medical reasons, is unable to wear a safety seat
5 belt system supported by written attestation of such fact from a
6 physician licensed pursuant to Section 495 of Title 59 of the
7 Oklahoma Statutes, may issue to the person an exemption from the
8 provisions of this section. The exemption shall be in the form of a
9 restriction appearing on the driver license of the person and shall
10 remain in effect until the expiration date of the driver license.
11 Nothing in this subsection shall be construed to prevent the person
12 from applying for another exemption as provided for in this section.
13 The issuance of an attestation by a physician and the subsequent
14 issuance of an exemption by the Commissioner, in good faith, shall
15 not give rise to, nor shall the physician and the state thereby
16 incur, any liability whatsoever in damages or otherwise, to any
17 person injured by reason of failure of the person to wear a safety
18 seat belt system.

19 C. This section shall not apply to an operator of a motor
20 vehicle while performing official duties as a route carrier of the
21 U.S. Postal Service.

22 D. The Department of Public Safety shall not record or assess
23 points for violations of this section on any license holder's
24 traffic record maintained by the Department.

1 E. Fine and court costs for violating the provisions of this
2 section shall not exceed Twenty Dollars (\$20.00).

3 F. Municipalities may enact and municipal police officers may
4 enforce ordinances prohibiting and penalizing conduct under
5 provisions of this section, but the provisions of those ordinances
6 shall be the same as provided for in this section, and the
7 enforcement provisions under those ordinances shall not be more
8 stringent than those of this section.

9 SECTION 8. AMENDATORY 47 O.S. 2001, Section 14-109, as
10 last amended by Section 1, Chapter 102, O.S.L. 2009 (47 O.S. Supp.
11 2010, Section 14-109), is amended to read as follows:

12 Section 14-109. A. On any road or highway:

13 1. No single axle weight shall exceed twenty thousand (20,000)
14 pounds; and

15 2. The total gross weight in pounds imposed thereon by a
16 vehicle or combination of vehicles shall not exceed the value given
17 in the following table corresponding to the distance in feet between
18 the extreme axles of the group measured longitudinally to the
19 nearest foot.

Distance in Feet	
Between the Extremes of	Maximum Load in Pounds
Any Group of 2 or More	Carried on Any Group of 2 or
Consecutive Axles	More Consecutive Axles
2 Axles	3 Axles
4 Axles	5 Axles
6 Axles	

1	4	34,000	-----	-----	-----	-----
2	5	34,000	-----	-----	-----	-----
3	6	34,000	-----	-----	-----	-----
4	7	34,000	-----	-----	-----	-----
5	8	34,000	42,000	-----	-----	-----
6	9	39,000	42,500	-----	-----	-----
7	10	40,000	43,500	-----	-----	-----
8	11	-----	44,000	-----	-----	-----
9	12	-----	45,000	50,000	-----	-----
10	13	-----	45,500	50,500	-----	-----
11	14	-----	46,500	51,500	-----	-----
12	15	-----	47,000	52,000	-----	-----
13	16	-----	48,000	52,500	58,000	-----
14	17	-----	48,500	53,500	58,500	-----
15	18	-----	49,500	54,000	59,000	-----
16	19	-----	50,000	54,500	60,000	-----
17	20	-----	51,000	55,500	60,500	66,000
18	21	-----	51,500	56,000	61,000	66,500
19	22	-----	52,500	56,500	61,500	67,000
20	23	-----	53,000	57,500	62,500	68,000
21	24	-----	54,000	58,000	63,000	68,500
22	25	-----	54,500	58,500	63,500	69,000
23	26	-----	56,000	59,500	64,000	69,500
24	27	-----	57,500	60,000	65,000	70,000

1	28	-----	59,000	60,500	65,500	71,000
2	29	-----	60,500	61,500	66,000	71,500
3	30	-----	62,000	62,000	66,500	72,000
4	31	-----	63,500	63,500	67,000	72,500
5	32	-----	64,000	64,000	68,000	73,500
6	33	-----	-----	64,500	68,500	74,000
7	34	-----	-----	65,000	69,000	74,500
8	35	-----	-----	66,000	70,000	75,000
9	36	-----	-----	68,000	70,500	75,500
10	37	-----	-----	68,000	71,000	76,000
11	38	-----	-----	69,000	72,000	77,000
12	39	-----	-----	70,000	72,500	77,500
13	40	-----	-----	71,000	73,000	78,000
14	41	-----	-----	72,000	73,500	78,500
15	42	-----	-----	73,000	74,000	79,000
16	43	-----	-----	73,280	75,000	80,000
17	44	-----	-----	73,280	75,500	80,500
18	45	-----	-----	73,280	76,000	81,000
19	46	-----	-----	73,280	76,500	81,500
20	47	-----	-----	73,500	77,500	82,000
21	48	-----	-----	74,000	78,000	83,000
22	49	-----	-----	74,500	78,500	83,500
23	50	-----	-----	75,500	79,000	84,000
24	51	-----	-----	76,000	80,000	84,500

1	52	-----	-----	76,500	80,500	85,000
2	53	-----	-----	77,500	81,000	86,000
3	54	-----	-----	78,000	81,500	86,500
4	55	-----	-----	78,500	82,500	87,000
5	56	-----	-----	79,500	83,000	87,500
6	57	-----	-----	80,000	83,500	88,000
7	58	-----	-----	-----	84,000	89,000
8	59	-----	-----	-----	85,000	89,500
9	60	-----	-----	-----	85,500	90,000

10 B. Except as to gross limits, the table in subsection A of this
11 section shall not apply to a truck-tractor and dump semitrailer when
12 used as a combination unit. In no event shall the maximum load in
13 pounds carried by any set of tandem axles exceed thirty-four
14 thousand (34,000) pounds for vehicles exempt from the table;
15 however, any vehicle operating with split tandem axles or tri-axles
16 shall adhere to the table.

17 C. Special permits may be issued as provided in this title for
18 divisible loads for vehicle configurations in excess of six (6)
19 axles. The permits may not exceed the Table "B" federal weights
20 formula imposed by Title 23, U.S. Code, Section 127. Vehicles
21 moving under the permits shall not traverse H-15 bridges or less
22 without the express approval of the Secretary of Transportation.

23 D. Except for loads moving under special permits as provided in
24 this title, no department or agency of this state or any county,

1 city, or public entity thereof shall pay for any material that
2 exceeds the legal weight limits moving in interstate or intrastate
3 commerce in excess of the legal load limits of this state.

4 E. Exceptions to this section will be:

5 1. Utility or refuse collection vehicles used by counties,
6 cities, or towns located in Oklahoma or by private companies
7 contracted by counties, cities, or towns located in Oklahoma if the
8 following conditions are met:

9 a. calculation of weight for a utility or refuse
10 collection vehicle shall be "Gross Vehicle Weight".
11 The "Gross Vehicle Weight" of a utility or refuse
12 collection vehicle may not exceed the otherwise
13 applicable weight by more than fifteen percent (15%).

14 The weight on individual axles must not exceed the
15 manufacturer's component rating which includes axle,
16 suspension, wheels, rims, brakes, and tires as shown
17 on the vehicle certification label or tag, and

18 b. utility or refuse collection vehicles operated under
19 these exceptions will not be allowed to operate on
20 interstate highways;

21 2. Vehicles transporting timber, pulpwood, and chips in their
22 natural state, vehicles transporting oil field fluids, oil field
23 equipment, or equipment used in oil and gas well drilling or
24

1 exploration, and vehicles transporting grain, if the following
2 conditions are met:

- 3 a. the vehicles are registered for the maximum allowable
4 rate,
- 5 b. the vehicles do not exceed five percent (5%) of the
6 gross limits set forth in subsection A of this
7 section, and
- 8 c. the vehicles operating pursuant to the provisions of
9 this paragraph will not be allowed to operate on the
10 National System of Interstate and Defense Highways;

11 3. Vehicles transporting rock, sand, gravel, coal, and flour if
12 the following conditions are met:

- 13 a. the vehicles are registered for the maximum allowable
14 rate,
- 15 b. the vehicles do not exceed five percent (5%) of the
16 axle limits set forth in subsection A of this section,
17 and
- 18 c. the vehicles operating pursuant to the provisions of
19 this paragraph will not be allowed to operate on the
20 National System of Interstate and Defense Highways;
21 and

22 4. A combination of a wrecker or tow vehicle and another
23 vehicle or vehicle combination if:

24

1 a. the service provided by the wrecker or tow vehicle is
2 needed to remove disabled, abandoned, or accident-
3 damaged vehicles, and

4 b. the wrecker or tow vehicle is towing the other vehicle
5 or vehicle combination directly to the nearest
6 authorized place of repair, terminal, or vehicle
7 storage facility.

8 Vehicles operating pursuant to the provisions of this paragraph will
9 not be allowed to operate on the National System of Interstate and
10 Defense Highways.

11 F. 1. Any vehicle utilizing an auxiliary power or idle
12 reduction technology unit in order to promote reduction of fuel use
13 and emissions because of engine idling shall be allowed an
14 additional four hundred (400) pounds total to the total gross weight
15 limits set by this section.

16 2. To be eligible for the exception provided in this
17 subsection, the operator of the vehicle must obtain written proof or
18 certification of the weight of the auxiliary power or idle reduction
19 technology unit and be able to demonstrate or certify that the idle
20 reduction technology is fully functional.

21 3. Written proof or certification of the weight of the
22 auxiliary power or idle reduction technology unit must be available
23 to law enforcement officers if the vehicle is found in violation of
24 applicable weight laws. The additional weight allowed cannot exceed

1 four hundred (400) pounds or the actual proven or certified weight
2 of the unit, whichever is less.

3 G. Utility or refuse collection vehicles, vehicles transporting
4 timber, pulpwood, and chips in their natural state, vehicles
5 transporting oil field equipment or equipment used in oil and gas
6 well drilling or exploration, vehicles transporting rock, sand,
7 gravel, coal, and flour and vehicles transporting grain, operating
8 under exceptions shall purchase an annual special overload permit
9 for One Hundred Dollars (\$100.00). This fee shall be apportioned as
10 provided for in Section 1104 of this title.

11 H. For purposes of this section, "utility vehicle" shall mean
12 any truck used by a private utility company, county, city, or town
13 for the purpose of installing or maintaining electric, water, or
14 sewer systems.

15 SECTION 9. AMENDATORY 47 O.S. 2001, Section 14-116, as
16 last amended by Section 1, Chapter 428, O.S.L. 2010 (47 O.S. Supp.
17 2010, Section 14-116), is amended to read as follows:

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

1 for any permit which is canceled or revised by the requester for
2 reasons other than an error in the permit caused by the Department
3 of Public Safety, the Commissioner shall charge and the requester
4 shall pay a cancellation or revision fee of Twenty Dollars (\$20.00).
5 The proceeds from each cancellation or revision fee shall be
6 deposited to the credit of the Department of Public Safety Revolving
7 Fund.

8 B. The Department of Public Safety is authorized to establish
9 an escrow account system for the payment of permit fees. Authorized
10 motor carriers meeting established credit requirements may
11 participate in the escrow account system for permits purchased from
12 all size and weight permit offices in this state. Carriers not
13 choosing to participate in the escrow account system shall be
14 required to make payment of the required fee or fees upon purchase
15 of each permit as required by law. All monies collected through the
16 escrow account system shall be deposited to a special account of the
17 Department of Public Safety and placed in the custody of the State
18 Treasurer. Proceeds from permits purchased using the escrow account
19 system shall be distributed as provided for in subsection G of this
20 section. However, fees collected through such accounts for the
21 electronic transmission, transfer or delivery of permits, as
22 provided for in Section 14-118 of this title, shall be credited to
23 the Department of Public Safety Revolving Fund.

24

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

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

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

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

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

21 F. The first deliverer of motor vehicles designated truck
22 carriers or well service carriers manufactured in Oklahoma shall not
23 be required to purchase an overweight permit when being delivered to
24 the first purchaser.

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

14 SECTION 10. AMENDATORY Section 12, Chapter 390, O.S.L.
15 2004 (47 O.S. Supp. 2010, Section 14-120.2), is amended to read as
16 follows:

17 Section 14-120.2. A. Every person required by the Oklahoma
18 Department of Transportation, the Oklahoma Transportation Authority,
19 or any federal agency or commission to have a law enforcement escort
20 provided by the Oklahoma Highway Patrol Division of the Department
21 of Public Safety for the transport of any oversized load or
22 hazardous shipment by road or rail shall pay to the Department of
23 Public Safety a fee covering the full cost to administer, plan, and
24 carry out the escort within this state; provided, the Oklahoma

1 Highway Patrol shall be the sole provider of an escort for a
2 superload. For purposes of this section, "superload" means any
3 vehicle, load, or combination thereof which is twenty (20) feet or
4 greater in width. The fee shall be a contractually obligated
5 payment and shall include, but not be limited to:

6 1. The cost of each escort unit; and

7 2. One and one-half (1 1/2) times the rate of pay for a Highway
8 Patrolman (Trooper), Step 7, as provided in Section 2-105.4 of this
9 title.

10 B. If the Highway Patrol provides an escort to accompany the
11 transport of an oversized load or hazardous shipment by road or rail
12 at the request of any person that is not required to have a law
13 enforcement escort pursuant to subsection A of this section, then
14 the requestor shall pay to the Department of Public Safety a fee
15 covering the full cost to administer, plan, and carry out the escort
16 within this state.

17 C. The Department of Public Safety shall adopt by rule a
18 schedule of fees necessary to implement this section.

19 D. All fees collected by the Department pursuant to this
20 section shall be deposited to the credit of the Department of Public
21 Safety Revolving Fund.

22 SECTION 11. AMENDATORY 47 O.S. 2001, Section 230.6, as
23 last amended by Section 14, Chapter 390, O.S.L. 2004 (47 O.S. Supp.
24 2010, Section 230.6), is amended to read as follows:

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

6 B. No person shall operate, authorize to operate, or require
7 the operation of any vehicle or the use of any container ~~that~~ when
8 the person has been placed out-of-service or the vehicle or
9 container has been marked ~~out of service~~ out-of-service until all
10 requirements of the out-of-service order of the person have been met
11 or all required corrections for the vehicle or container have been
12 made, ~~except~~; provided, upon approval of the Department ~~such~~, the
13 vehicle or container may be moved to another location for the
14 purpose of repair or correction.

15 C. No person shall remove an out-of-service marking from a
16 ~~transport~~ vehicle or container unless all required corrections have
17 been made and the vehicle or container has been inspected and
18 approved by an authorized officer, employee, or agent of the
19 Department. No person shall return to duty unless all requirements
20 of the out-of-service order have been met, and the person has been
21 approved to return to duty by an authorized officer, employee, or
22 agent of the Department.

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

1 1. During any period in which the employee:

- 2 a. has had driving privileges to operate a commercial
3 motor vehicle suspended, revoked, canceled, denied or
4 disqualified,
5 b. has had driving privileges to operate a commercial
6 motor vehicle disqualified for life,
7 c. is not licensed to operate a commercial motor vehicle,
8 or
9 d. has more than one commercial driver license;

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

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

16 E. An employer who is determined by the Commissioner to have
17 committed a violation of subsection D of this section shall be
18 subject to an administrative penalty of not less than ~~Two Thousand~~
19 ~~Five Hundred Dollars (\$2,500.00)~~ Two Thousand Seven Hundred Fifty
20 Dollars (\$2,750.00) nor more than ~~Ten Thousand Dollars (\$10,000.00)~~
21 Twenty-five Thousand Dollars (\$25,000.00).

22 F. An employee who is determined by the Commissioner to have
23 committed a violation of any provision of this section shall be
24 subject to an administrative penalty of not less than ~~One Thousand~~

