

# An Act

ENROLLED HOUSE  
BILL NO. 1952

By: McNiell, Hickman and Walker  
of the House

and

Stanislowski, Marlatt and  
Brecheen of the Senate

An Act relating to motor vehicles; creating the Oklahoma Weigh Station Act of 2012; providing short title; defining terms; authorizing interagency agreements for certain purposes; stating requirements for upgrades, operation times, and roadside enforcement for weigh stations; providing limitation of enforcement for certain facilities; authorizing the Corporation Commission to conduct joint roadside assistance upon certain request; authorizing the Corporation Commission to conduct certain activities on enforcement officers' actions under certain circumstances; authorizing certain interagency cooperative agreements; specifying persons authorized to conduct certain inspections; prohibiting issuance of certain citations; providing exception; authorizing interagency agreements to share certain information; providing for codification; providing an effective date; and declaring an emergency.

Subject: Oklahoma Weigh Station Act of 2012

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1200 of Title 47, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Weigh Station Act of 2012."

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1201 of Title 47, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Weigh Station Act of 2012:

1. "Authority" means the Oklahoma Turnpike Authority;
2. "Commission" means the Corporation Commission;
3. "Fixed facility" means a weigh station or a port of entry;
4. "Port of entry" means a facility, in close proximity to a state line, designed to electronically weigh and screen motor carriers and commercial motor vehicles for compliance with federal and state statutes and rules, allowing compliant carriers to proceed with minimal or no delay;
5. "Roadside enforcement" means a temporary location, with or without portable or semi-portable scales, used to randomly check commercial motor vehicles or motor carriers for compliance with federal or state statutes or rules;
6. "Weigh station" means a stationary and permanent weighing facility with fixed scales owned by the state where commercial motor vehicles are checked for compliance with weight and size standards. Weigh stations are also utilized to enforce federal and state laws and rules applicable to motor carriers and the operation of commercial motor vehicles and their drivers; and
7. "North American Standard Inspection" means a Level I, Level II, Level III, Hazardous Materials, Cargo Tank or Passenger Carrier inspection conducted by an individual certified by the Federal Motor Carrier Safety Administration to conduct such inspections.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1202 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The Department of Transportation, the Oklahoma Turnpike Authority and the Corporation Commission may enter into interagency agreements concerning the equipment, maintenance and operations of fixed facilities.

B. The Department of Transportation, the Authority and the Commission shall endeavor to electronically upgrade weigh stations as practical to minimize the duplication of inspections for compliant commercial motor vehicles and motor carriers.

C. The Commission shall operate all current and future ports of entry weigh stations twenty-four (24) hours a day and seven (7) days a week upon the availability of funds.

D. The Commission shall continue to conduct roadside enforcement in the general area where a fixed facility is planned but no fixed facility currently exists until a fixed facility is located in the general area or July 1, 2016, whichever is earlier.

E. When a fixed facility is located in the general area, Commission motor carrier and commercial motor vehicle enforcement shall be limited to the fixed facility and a seven-mile radius of the facility.

F. The Commission may assist in roadside enforcement in a joint effort at the request of the Oklahoma Highway Patrol.

G. The Commission is authorized to conduct audits, reviews, investigations, inspections or other enforcement actions by enforcement officers provided those activities are within the scope of the Commission's jurisdiction and are not conducted as roadside enforcement in accordance with the provisions of the Oklahoma Weigh Station Act of 2012.

H. The Commission may enter into interagency cooperative agreements with other state or federal agencies to jointly enforce federal and state laws or rules.

I. North American Standard Inspections shall be conducted only by individuals holding certification in the level or classification of inspection being conducted.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1203 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. A commercial motor vehicle, its driver or a motor carrier may not be cited for the same violation of motor carrier or commercial motor vehicle requirements on the same date by any Oklahoma officer, provided neither the vehicle configuration nor the

load have changed. This subsection is not applicable to a Commercial Vehicle Safety Alliance out-of-service violation.

B. The Corporation Commission and the Department of Public Safety or other state or local agencies may enter into interagency agreements to share information electronically to facilitate this section.

SECTION 5. This act shall become effective July 1, 2012.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 9th day of May, 2012.

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Presiding Officer of the House  
of Representatives

Passed the Senate the 24th day of April, 2012.

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Presiding Officer of the Senate

**OFFICE OF THE GOVERNOR**

Received by the Governor this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

**OFFICE OF THE SECRETARY OF STATE**

Received by the Secretary of State this \_\_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_