

1 **SENATE CHAMBER**

2 STATE OF OKLAHOMA

DISPOSITION BY SENATE

3 **FLOOR AMENDMENT**

4
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6 No. _____

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9 _____
(Date)

10 Mr./Madame President:

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12 I move to amend Amendment # 1 to SB 1537, by deleting all language and substituting the
13 attached floor substitute.

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15 Submitted by:

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17 _____
18 Senator Paddack

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20 Paddack-LKS-FA-SB1537

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STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

FLOOR SUBSTITUTE
FOR
SENATE BILL NO. 1537

By: Paddack of the Senate

and

Billy of the House

FLOOR SUBSTITUTE

[motor vehicles – permits – codification - effective date -
emergency]

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

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

follows:

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

B. The Department of Public Safety is authorized to establish an escrow account system for the payment of permit fees. Authorized motor carriers meeting established credit requirements may participate in the escrow account system for permits purchased from all size and weight permit offices in this state. Carriers not choosing to participate in the escrow account system shall be required to make payment of the required fee or fees upon purchase of each permit as required by

1 law. All monies collected through the escrow account system shall be deposited to a special account
2 of the Department of Public Safety and placed in the custody of the State Treasurer. Proceeds from
3 permits purchased using the escrow account system shall be distributed as provided for in subsection
4 G of this section. However, fees collected through such accounts for the electronic transmission,
5 transfer or delivery of permits, as provided for in Section 14-118 of this title, shall be credited to the
6 Department of Public Safety Revolving Fund.

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

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

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

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

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

22 F. Any permit issued for a truck or truck-tractor operating in combination with a trailer or a
23 semitrailer shall contain only the license plate number for the truck or truck-tractor if the permittee
24 provides to the Department a list containing the license plate number, and such other information as

1 the Department may prescribe by rule, for each trailer or semitrailer which may be used for
2 movement with the permit. When the permittee provides the list described in this subsection, the
3 license plate number for any trailer or semitrailer to be moved with the permit shall not be included
4 on the permit; provided, a trailer or semitrailer which is not on the list shall not be authorized to be
5 used for movement with the permit. It shall be the responsibility of the permittee to ensure the list
6 provided to the Department is maintained and updated with any fleet changes. The Department shall
7 adopt any rules deemed necessary to administer the provisions of this subsection.

8 G. The first deliverer of motor vehicles designated truck carriers or well service carriers
9 manufactured in Oklahoma shall not be required to purchase an overweight permit when being
10 delivered to the first purchaser.

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

20 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes
21 as Section 14-124 of Title 47, unless there is created a duplication in numbering, reads as follows:

22 A. In addition to the other permitting procedures authorized pursuant to this chapter, the
23 Commissioner of Public Safety is directed to issue a ninety (90) day permit for the movement of an
24 oversize load consisting of a truck_tractor in combination with a trailer or semitrailer when the

1 combination of vehicles is no greater than thirteen (13) feet wide, fourteen and one-half (14 1/2) feet
2 high and eighty-one and one-half (81 1/2) feet long.

3 B. The permit shall expire ninety (90) days from the date of issuance. The truck_tractor
4 identified in the permit shall be properly registered with this state according to law. The license plate
5 number of the truck_tractor shall accompany the application, and a permit issued shall be assigned
6 only to the truck_tractor lawfully displaying that license plate number. A permit shall not be issued
7 to a truck_tractor with temporary registration.

8 C. The fee for a ninety (90) day permit issued under this section shall be Two Hundred Forty
9 Dollars (\$240.00). The permittee shall be responsible for obtaining routing and any current
10 restrictions on eligible roads. The permittee shall not travel over load-posted bridges that exceed
11 capacity. Permits shall not be amended, and permits shall not be transferred between vehicles or
12 permittees.

13 D. 1. Notwithstanding the provisions of Section 14-120.1 of Title 47 of the Oklahoma
14 Statutes, a load permitted under this section which is no greater than twelve and one half (12 1/2)
15 feet wide shall not be subject to escort vehicle requirements when operating on any state or federal
16 highway and when originating or terminating the permitted movement within five (5) statute miles of
17 such state or federal highway. The permit issued by the Department shall state that no escort vehicle
18 is required unless the vehicle is greater than twelve and one half (12 1/2) feet wide. Nothing in this
19 subsection shall be construed to exempt the permitted vehicle and load from displaying warning
20 signs and devices as required by federal or state law or rule.

21 2. Notwithstanding the provisions of OAC 595:30-3-18(b)(4), no escort vehicle shall be
22 required for reason of length for the movement of loads permitted pursuant to this section. The
23 provisions of this paragraph shall be in effect and shall supersede the provisions of OAC 595:30-3-
24 18(b)(4) until such time as the Department amends the rule to conform to this section.

1 E. This section shall not apply to the movement of portable buildings and manufactured
2 homes.

3 F. The Department shall adopt any rules necessary for the implementation and administration
4 of this section.

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

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

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