

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1087

By: Bennett and Lockhart of the
House

and

Allen of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to motor vehicles; amending Section
12 2, Chapter 59, O.S.L. 2009, as amended by Section 1,
13 Chapter 293, O.S.L. 2009 (47 O.S. Supp. 2010, Section
14 14-103G), which relates to oversize annual permits;
15 providing for annual permit option; limiting load
16 size; setting fee; amending 47 O.S. 2001, Section 14-
17 118, as last amended by Section 1, Chapter 55, O.S.L.
18 2007 (47 O.S. Supp. 2010, Section 14-118), which
19 relates to the Oklahoma Load Limit Map; requiring map
20 be available on Internet; requiring periodic
21 revision; and declaring an emergency.

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

23 SECTION 1. AMENDATORY Section 2, Chapter 59, O.S.L.
24 2009, as amended by Section 1, Chapter 293, O.S.L. 2009 (47 O.S.
25 Supp. 2010, Section 14-103G), is amended to read as follows:

1 Section 14-103G. A. 1. The Department of Public Safety may
2 issue an annual vehicle permit under the provisions of this
3 subsection to a specific vehicle, for the movement of oversize or
4 overweight loads that cannot reasonably be dismantled. Unless
5 otherwise provided by law, permits issued under this subsection
6 shall be subject to the conditions described in paragraphs 2 through
7 8 of this subsection.

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

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

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

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

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

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

3 7. The permitted vehicle or vehicle combination shall be
4 registered in accordance with the provisions of Chapter 14 of Title
5 ~~47 of the Oklahoma Statutes~~ this title for maximum weight.

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

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

16 b. the certificate of title to the permitted vehicle is
17 transferred to someone other than the permittee, and
18 the permittee presents proof to the Department of
19 Public Safety that the negotiable certificate of title
20 or other qualifying documentation has been transferred
21 from the permittee.

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UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

4 B. 1. The Department of Public Safety may issue an annual
5 vehicle permit under this subsection to a specific motor carrier,
6 for the movement of oversize or overweight loads that cannot
7 reasonably be dismantled. An annual vehicle permit issued under
8 this subsection may be transferred from one vehicle to another
9 vehicle in the fleet of the permittee provided:

- 10 a. that no more than one vehicle is operating at a time,
11 and
- 12 b. the original certified permit is carried in the
13 vehicle that is being operated under the terms of the
14 permit.

15 2. An annual vehicle permit issued under this subsection shall
16 be sent to the permittee via first-class, registered mail, or at the
17 request and expense of the permittee via overnight delivery service.
18 The annual vehicle permit shall not be duplicated. The annual
19 vehicle permit shall be replaced only if:

- 20 a. the permittee did not receive the original permit
21 within seven (7) business days after the date of
22 issuance,

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1 b. a request for replacement is submitted to the
2 Department of Public Safety within ten (10) business
3 days after the original date of issuance of the
4 permit, and

5 c. the request for replacement is accompanied by a
6 notarized statement signed by a principal or officer
7 of the permittee acknowledging that the permittee
8 understands the permit may not be duplicated and that
9 if the original permit is located, the permittee shall
10 return either the original or replacement permit to
11 the Department of Public Safety.

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

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

19 C. 1. The Department of Public Safety shall issue an annual
20 vehicle permit under this subsection to a transportation company or
21 manufacturer of portable buildings solely for the movement of
22 oversize portable buildings for a specific manufacturer of portable
23 buildings. An annual vehicle permit issued under this subsection

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

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

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

- 10 a. twelve (12) feet in width at the wall with no more
11 than a three-inch-eave overhang, or
12 b. fourteen (14) feet in height.

13 3. The total gross weight of oversize loads operating under an
14 annual vehicle permit issued pursuant to this subsection shall not
15 exceed fifty-six thousand (56,000) pounds.

16 4. The fee for an annual vehicle permit issued pursuant to this
17 subsection shall be Five Hundred Dollars (\$500.00) and shall be
18 nonrefundable.

19 5. An annual vehicle permit issued under this subsection shall
20 be sent to the permittee via first-class, registered mail, or at the
21 request and expense of the permittee via overnight delivery service.
22 The annual vehicle permit shall not be duplicated. The annual
23 vehicle permit shall be replaced only if:

- 1 a. the permittee did not receive the original permit
2 within seven (7) business days after the date of
3 issuance,
- 4 b. a request for replacement is submitted to the
5 Department of Public Safety within ten (10) business
6 days after the original date of issuance of the
7 permit, and
- 8 c. the request for replacement is accompanied by a
9 notarized statement signed by a principal or officer
10 of the permittee acknowledging that the permittee
11 understands the permit may not be duplicated and that
12 if the original permit is located, the permittee shall
13 return either the original or replacement permit to
14 the Department of Public Safety.

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

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

1 SECTION 2. AMENDATORY 47 O.S. 2001, Section 14-118, as
2 last amended by Section 1, Chapter 55, O.S.L. 2007 (47 O.S. Supp.
3 2010, Section 14-118), is amended to read as follows:

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

14 2. Such rules shall be the basis for the development of a
15 system by the Commissioner of Public Safety for the issuance of
16 permits for the movement of oversize or overweight vehicles or
17 loads. Such system shall include, but not be limited to, provisions
18 for duration, seasonal factors, hours of the day or days when valid,
19 special requirements as to flags, flagmen and warning or safety
20 devices, and other such items as may be consistent with the intent
21 of this section. The permit system shall include provisions for the
22 collection of permit fees as well as for the issuance of the permits
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1 by telephone, electronic transfer or such other methods of issuance
2 as may be deemed feasible.

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

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

- 14 a. protection of the motoring public from potential
15 traffic hazards,
- 16 b. protection of highway surfaces, structures, and
17 private property, and
- 18 c. provision for normal flow of traffic with a minimum of
19 interference.

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

12 C. The Commissioner of Public Safety, or an authorized
13 representative, shall have the authority, within the limitations
14 formulated under provisions of this chapter, to issue, withhold or
15 revoke special permits for the operation of vehicles or combinations
16 of vehicles or loads which exceed the size or weight limitations of
17 this chapter. Every such permit shall be carried in the vehicle or
18 combination of vehicles to which it refers and shall be open to
19 inspection by any law enforcement officer or authorized agent of any
20 authority granting such permit, and no person shall violate any of
21 the terms or conditions of such special permit.

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

13 E. The Commissioner of Public Safety, upon application of any
14 person engaged in the transportation of forest products in the raw
15 state, which is defined to be tree-length logs moving from the
16 forest directly to the mill, or upon application of any person
17 engaged in the transportation of overwidth or overheight equipment
18 used in soil conservation work, or upon application of any person
19 engaged in the hauling for hire or for resale, of round baled hay
20 with a total outside width of eleven (11) feet or less, shall issue
21 an annual permit, upon payment of a fee of Twenty-five Dollars
22 (\$25.00) each year, authorizing the operation by such persons of
23 such motor vehicle load lengths and widths upon the highways of this

1 state except on the National System of Interstate and Defense
2 Highways. Provided, however, the restriction on use of the National
3 System of Interstate and Defense Highways shall not be applicable to
4 persons engaged in the hauling of round baled hay with a total
5 outside width of eleven (11) feet or less.

6 F. Farm equipment including, but not limited to, implements of
7 husbandry as defined in Section 1-125 of this title shall be
8 exempted from the requirement for special permits due to size. Such
9 equipment may move on any highway, except those highways which are
10 part of the National System of Interstate and Defense Highways,
11 during the hours of darkness and shall be subject to the
12 requirements as provided in Section 12-215 of this title. In
13 addition to those requirements, tractors pulling machinery over
14 thirteen (13) feet wide must have two amber flashing warning lamps
15 symmetrically mounted, laterally and widely spaced as practicable,
16 visible from both front and rear, mounted at least thirty-nine (39)
17 inches high.

18 G. Any rubber-tired road construction vehicle including rubber-
19 tired truck cranes and special mobilized machinery either self-
20 propelled or drawn carrying no load other than component parts
21 safely secured to the machinery and its own weight, but which is
22 overweight by any provisions of this chapter, shall be authorized to
23 move on the highways of the State of Oklahoma. Movement of such

1 vehicles shall be authorized on the Federal Interstate System of
2 Highways only by special permit secured from the Commissioner of
3 Public Safety or an authorized representative upon determination
4 that the objectives of this section will be served by such a permit
5 and that federal weight restrictions will not be violated. The
6 special permit shall be:

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

9 2. A special annual overweight permit which shall be issued for
10 one calendar year period upon payment of a fee of Sixty Dollars
11 (\$60.00).

12 The weight of any such vehicle shall not exceed six hundred fifty
13 (650) pounds multiplied by the nominal width of the tire. The
14 vehicle shall be required to carry the safety equipment adjudged
15 necessary for the health and welfare of the driving public. If any
16 oversized vehicle does not come under the other limitations of the
17 present laws, it shall be deemed that the same shall travel only
18 between the hours of sunrise and sunset. The vehicle, being
19 overweight but of legal dimension, shall be allowed continuous
20 travel. The vehicles, except special mobilized machinery, shall be
21 exempt from the laws of this state relating to motor vehicle
22 registration, licensing or other fees or taxes in lieu of ad valorem
23 taxes.

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

8 2. Possession of a permit shall in no way be construed as
9 exempting such equipment from the authority of the Director of the
10 Department of Transportation to restrict use of particular highways,
11 nor shall it exempt owners or operators of such equipment from the
12 responsibility for damage to highways caused by movement of the
13 equipment. Nothing in this subsection shall apply to machinery used
14 in highway construction or road material production.

15 3. Upon the issuance of a special mobilized machinery driveway
16 permit as provided in this subsection, special mobilized machinery
17 manufactured in Oklahoma shall be permitted to move upon the
18 highways of this state from the place of manufacture to the state
19 line for delivery and exclusive use outside the state, and may be
20 temporarily returned to Oklahoma for modification and repair, with
21 subsequent movement back out of the state. Special driveway
22 permits for such movements shall be issued by the Commissioner of
23 Public Safety, who may act through designated agents, upon the

1 payment of a fee in the amount of Fifteen Dollars (\$15.00) for each
2 movement.

3 4. The size of the special mobilized machinery shall not be
4 such as to create a safety hazard in the judgment of the
5 Commissioner of Public Safety. Permits for such special mobilized
6 machinery shall specify a maximum permissible road speed of the
7 lesser of fifty (50) miles per hour or the posted speed limit,
8 designate safety equipment to be carried and may exclude use of
9 highways of the interstate system.

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

15 6. Possession of a special driveway permit shall in no way be
16 construed as exempting such equipment from the authority of the
17 Director of the Department of Transportation to restrict use of
18 particular highways, nor shall it exempt the owners or operators of
19 such equipment from the responsibility for damage to highways caused
20 by the movement of such equipment.

21 SECTION 3. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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4 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 03-02-2011 -
5 DO PASS, As Amended and Coauthored.

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