

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1485

By: Roberts (Dustin) and
Blackwell of the House

and

Schulz of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to motor vehicles; authorizing the
12 Commissioner of Public Safety to negotiate certain
13 compacts and agreements; establishing presumption
14 that certain actions shall be within discretion of
15 Commissioner; authorizing certain disapproval by the
16 Legislature or Governor; establishing procedure;
17 establishing presumption that certain agreements
18 shall be approved; authorizing Commissioner to
19 promulgate certain rules; amending 47 O.S. 2011,
20 Section 14-118, which relates to permits for motor
21 carriers; authorizing issuance of annual permit for
22 transporting certain equipment; providing for
23 codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 14-101A of Title 47, unless
3 there is created a duplication in numbering, reads as follows:

4 A. For the purposes of this section, "agricultural producer"
5 means a person who is actively engaged in the practice of farming,
6 ranching or a combination thereof and derives at least a majority of
7 their gross income from farming, ranching or a combination thereof.

8 B. The Commissioner of Public Safety is hereby authorized to
9 and shall attempt to negotiate one or more compacts or agreements
10 with other states to implement a system of motor vehicle law
11 reciprocity for agricultural producers. The Commissioner shall
12 attempt to negotiate a compact with surrounding states that allows
13 agricultural producers to be subject solely to the motor vehicle
14 laws of the state in which the agricultural producer resides when
15 the agricultural producer is within one hundred fifty (150) miles of
16 the residence of the agricultural producer. The terms of any such
17 compact or agreement shall be presumed a valid exercise of the
18 discretionary authority of the Commissioner. The compact or
19 agreement shall be subject to disapproval by a majority vote of both
20 houses of the State Legislature, in the form of a joint resolution,
21 or by the Governor, in the form of an executive order. Disapproval
22 by the Legislature or by the Governor shall be done prior to the
23 effective date of the compact or agreement, if the effective date

1 occurs while the Legislature is in session. If the Legislature is
2 not in session on the presumed effective date of the compact or
3 agreement, the compact or agreement may be disapproved within
4 fifteen (15) days after the commencement of the next legislative
5 session. If the Legislature or the Governor does not disapprove the
6 compact or agreement within the specified time periods, the compact
7 or agreement shall be deemed approved and shall become effective
8 upon the effective date specified in the compact or agreement. The
9 Commissioner may promulgate rules for the purpose of implementing
10 the provisions of this section.

11 SECTION 2. AMENDATORY 47 O.S. 2011, Section 14-118, is
12 amended to read as follows:

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

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1 2. Such rules shall be the basis for the development of a
2 system by the Commissioner of Public Safety for the issuance of
3 permits for the movement of oversize or overweight vehicles or
4 loads. Such system shall include, but not be limited to, provisions
5 for duration, seasonal factors, hours of the day or days when valid,
6 special requirements as to flags, flagmen and warning or safety
7 devices, and other such items as may be consistent with the intent
8 of this section. The permit system shall include provisions for the
9 collection of permit fees as well as for the issuance of the permits
10 by telephone, electronic transfer or such other methods of issuance
11 as may be deemed feasible.

12 3. The Department of Public Safety is authorized to charge a
13 fee of Two Dollars (\$2.00) for each permit requested to be issued by
14 facsimile machine or by any other means of electronic transmission,
15 transfer or delivery. The fee shall be in addition to any other fee
16 or fees assessed for the permit. The fee shall be deposited in the
17 State Treasury to the credit of the Department of Public Safety
18 Revolving Fund and the monies shall be expended by the Department
19 solely for the purposes provided for in this chapter.

20 4. It is the purpose of this section to permit the movement of
21 necessary overweight and oversize vehicles or loads consistent with
22 the following obligations:
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- 1 a. protection of the motoring public from potential
2 traffic hazards,
3 b. protection of highway surfaces, structures, and
4 private property, and
5 c. provision for normal flow of traffic with a minimum of
6 interference.

7 B. The Transportation Commission shall prepare and publish a
8 map of the State of Oklahoma showing by appropriate symbols the
9 various highway structures and bridges in terms of maximum size and
10 weight restrictions. This map shall be titled "Oklahoma Load Limit
11 Map" and shall be revised periodically to maintain a reasonably
12 current status and in no event shall a period of two (2) years lapse
13 between revisions and publication of same. Provided, further, the
14 Secretary of the Department of Transportation shall prepare and
15 publish a map of the State of Oklahoma showing the advantages of
16 this state as a marketing, warehousing and distribution network
17 center for motor transportation sensitive industries.

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

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

19 E. The Commissioner of Public Safety, upon application of any
20 person engaged in ~~the~~the:

21 1. The transportation of forest products in the raw state,
22 which is defined to be tree-length logs moving from the forest
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1 directly to the mill, ~~or upon application of any person engaged in~~
2 ~~the;~~

3 2. The transportation of overwidth or overheight equipment used
4 in soil conservation work, ~~or upon application of any person engaged~~
5 ~~in the;~~

6 3. The hauling for hire or for resale, of round baled hay with
7 a total outside width of eleven (11) feet or less; or

8 4. The transportation of equipment utilized by custom
9 harvesters under contract to agricultural producers to harvest
10 wheat, soybeans, milo or corn during the months of April through
11 November by a truck-tractor two-trailer combination or a truck-
12 tractor/semitrailer and trailer combination with a total length of
13 eighty-one (81) feet and six (6) inches,
14 shall issue an annual permit, upon payment of a fee of Twenty-five
15 Dollars (\$25.00) each year, authorizing the operation by such
16 persons of such motor vehicle load lengths and widths upon the
17 highways of this state except on the National System of Interstate
18 and Defense Highways. Provided, however, the restriction on use of
19 the National System of Interstate and Defense Highways shall not be
20 applicable to persons engaged in the hauling of round baled hay with
21 a total outside width of eleven (11) feet or less.

22 F. Farm equipment including, but not limited to, implements of
23 husbandry as defined in Section 1-125 of this title shall be

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1 exempted from the requirement for special permits due to size. Such
2 equipment may move on any highway, except those highways which are
3 part of the National System of Interstate and Defense Highways,
4 during the hours of darkness and shall be subject to the
5 requirements as provided in Section 12-215 of this title. In
6 addition to those requirements, tractors pulling machinery over
7 thirteen (13) feet wide must have two amber flashing warning lamps
8 symmetrically mounted, laterally and widely spaced as practicable,
9 visible from both front and rear, mounted at least thirty-nine (39)
10 inches high.

11 G. Any rubber-tired road construction vehicle including rubber-
12 tired truck cranes and special mobilized machinery either self-
13 propelled or drawn carrying no load other than component parts
14 safely secured to the machinery and its own weight, but which is
15 overweight by any provisions of this chapter, shall be authorized to
16 move on the highways of the State of Oklahoma. Movement of such
17 vehicles shall be authorized on the Federal Interstate System of
18 Highways only by special permit secured from the Commissioner of
19 Public Safety or an authorized representative upon determination
20 that the objectives of this section will be served by such a permit
21 and that federal weight restrictions will not be violated. The
22 special permit shall be:

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

3 2. A special annual overweight permit which shall be issued for
4 one calendar year period upon payment of a fee of Sixty Dollars
5 (\$60.00).

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

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

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

10 3. Upon the issuance of a special mobilized machinery driveaway
11 permit as provided in this subsection, special mobilized machinery
12 manufactured in Oklahoma shall be permitted to move upon the
13 highways of this state from the place of manufacture to the state
14 line for delivery and exclusive use outside the state, and may be
15 temporarily returned to Oklahoma for modification and repair, with
16 subsequent movement back out of the state. Special driveaway
17 permits for such movements shall be issued by the Commissioner of
18 Public Safety, who may act through designated agents, upon the
19 payment of a fee in the amount of Fifteen Dollars (\$15.00) for each
20 movement.

21 4. The size of the special mobilized machinery shall not be
22 such as to create a safety hazard in the judgment of the
23 Commissioner of Public Safety. Permits for such special mobilized
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1 machinery shall specify a maximum permissible road speed of sixty
2 (60) miles per hour, designate safety equipment to be carried and
3 may exclude use of highways of the interstate system.

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

9 6. Possession of a special driveaway permit shall in no way be
10 construed as exempting such equipment from the authority of the
11 Director of the Department of Transportation to restrict use of
12 particular highways, nor shall it exempt the owners or operators of
13 such equipment from the responsibility for damage to highways caused
14 by the movement of such equipment.

15 SECTION 3. This act shall become effective November 1, 2012.

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17 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/01/2012 -
18 DO PASS, As Amended.

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