

1 **SENATE FLOOR VERSION**

2 April 11, 2011

3 As Amended

4 ENGROSSED HOUSE

5 BILL NO. 1797

6 By: Tibbs of the House

7 and

8 Newberry of the Senate

9 [ motor vehicles - commercial driver licenses -  
10 codification - effective date ]

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

12 SECTION 1. AMENDATORY 47 O.S. 2001, Section 6-106, as  
13 last amended by Section 1, Chapter 277, O.S.L. 2010 (47 O.S. Supp.  
14 2010, Section 6-106), is amended to read as follows:

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

18 2. Every original, renewal, or replacement application for a  
19 driver license or identification card made by a male applicant who  
20 is at least sixteen (16) but less than twenty-six (26) years of age  
21 shall include a statement that by submitting the application, the  
22 applicant is consenting to registration with the Selective Service  
23 System. The pertinent information from the application shall be  
24 forwarded by the Department to the Data Management Center of the

1 Selective Service System in order to register the applicant as  
2 required by law with the Selective Service System. Any applicant  
3 refusing to sign the consent statement shall be denied a driver  
4 license or identification card.

5 3. Every applicant for a driver license or identification card  
6 shall provide to the Department at the time of application both  
7 primary and secondary proofs of identity. The Department shall  
8 promulgate rules prescribing forms of primary and secondary  
9 identification acceptable for an original Oklahoma driver license.

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

12 1. Full name;

13 2. Date of birth;

14 3. Sex;

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

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

20 6. Medical information, as determined by the Department, which  
21 shall assure the Department that the person is not prohibited from  
22 being licensed as provided by paragraph 7 of subsection A of Section  
23 6-103 of this title;

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

1 8. A brief description of the applicant, as determined by the  
2 Department;

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

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

11 11. Whether the applicant has:

12 a. previously been licensed and, if so, when and by what  
13 state or country, and

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

16 12. Social security number.

17 No person shall request the Department to use the social security  
18 number of that person as the driver license number. Upon renewal or  
19 replacement of any driver license issued after the effective date of  
20 this act, the licensee shall advise the Department or the motor  
21 license agent if the present driver license number of the licensee  
22 is the social security number of the licensee. If the driver  
23 license number is the social security number, the Department or the

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1 motor license agent shall change the driver license number to a  
2 computer-generated alphanumeric identification.

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

5 1. Beginning January 30, 2012:

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

9 b. every person who, upon the effective date of this act,  
10 is currently the holder of a commercial driver license  
11 and is subject to the requirements of 49 C.F.R. Part  
12 391 and who does not apply for a renewal or  
13 replacement license prior to January 30, 2014,

14 shall submit to the Department and maintain with the Department a  
15 current approved medical examiner certificate signed by a licensed  
16 physician authorized to perform and approve medical examiner  
17 certifications. The Department shall adopt rules regarding  
18 procedures for maintaining medical examiner certifications pursuant  
19 to the requirements in 49 C.F.R., Parts 383 and 384. Any commercial  
20 driver licensee subject to the requirements of this paragraph who  
21 fails to maintain on file with the Department a current, approved  
22 medical examiner certification shall have the driving privileges of  
23 the person downgraded to a Class D driver license by the Department;  
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1        2. If the applicant is applying for an original commercial  
2 driver license in Oklahoma or is transferring a commercial driver  
3 license from another state to Oklahoma, shall have his or her prior  
4 driving record in other states for the immediately preceding ten  
5 (10) years reviewed by the Department, unless the record review has  
6 already been performed. As a result of the review, if it is  
7 determined by the Department that the applicant is subject to a  
8 period of disqualification as prescribed by Section 6-205.2 of this  
9 title which has not yet been imposed, the Department shall impose  
10 the period of disqualification and the applicant shall serve the  
11 period of disqualification before a commercial driver license is  
12 issued to the applicant; provided, nothing in this paragraph shall  
13 be construed to prevent the issuance of a Class D driver license to  
14 the applicant; and

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

21        ~~The Department of Public Safety shall notify each commercial~~  
22 ~~driving school of the passage of this section, and each commercial~~  
23 ~~driving school shall notify prospective students of its school of~~  
24 ~~the hazardous material endorsement requirement.~~

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

14       E. Whenever application is received from a person previously  
15 licensed in another jurisdiction, the Department shall request a  
16 copy of the driving record from the other jurisdiction and,  
17 effective September 1, 2005, from all other jurisdictions in which  
18 the person was licensed within the immediately previous ten (10)  
19 years. When received, the driving record shall become a part of the  
20 driving record of the person in this state with the same force and  
21 effect as though entered on the driver's record in this state in the  
22 original instance.

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

4 SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-117, as  
5 last amended by Section 1, Chapter 426, O.S.L. 2010 (47 O.S. Supp.  
6 2010, Section 6-117), is amended to read as follows:

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

11 1. All applications denied and on each thereof note the reasons  
12 for the denial;

13 2. All applications granted;

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

21 4. The county of residence, the name, date of birth, and  
22 mailing address of each person residing in that county who is  
23 eighteen (18) years of age or older, and who is the holder of a  
24 current driver license or a current identification card issued by

1 the Department of Public Safety for the purpose of ascertaining  
2 names of all persons qualified for jury service as required by  
3 Section 18 of Title 38 of the Oklahoma Statutes; ~~and~~

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

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

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



1 this state when notice thereof is received by documentation or by  
2 electronic transmission. The individual record of a person shall  
3 not include any collision reports and abstracts of court records  
4 involving a collision in which the person was not issued a citation  
5 or if a citation is issued and the person was not convicted.

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

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

23 D. 1. The Department of Public Safety or any motor license  
24 agent upon request shall prepare and furnish to any authorized

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

17 a. for the three (3) years preceding the date of the  
18 request, which three-year Motor Vehicle Report may be  
19 requested and obtained from the Department or any  
20 motor license agent,

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

- 1        c. for the ten (10) years preceding the date of the  
2        request, which ten-year Motor Vehicle Report may be  
3        requested and obtained from the Department or any  
4        motor license agent and shall be issued to the person  
5        named on the ten-year Motor Vehicle Report, or  
6        d. for the entire period of time the person has been  
7        licensed in Oklahoma, which Oklahoma Lifetime Motor  
8        Vehicle Report may be requested and obtained from the  
9        Department or any motor license agent and shall be  
10       issued only to the person named on the Oklahoma  
11       Lifetime Motor Vehicle Report.

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

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

- 23       a. furnished by the Department of Public Safety, the  
24       Department shall collect the sum of Twenty-five

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

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

14 ~~Persons, or~~

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

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

20 a. furnished by the Department of Public Safety, the  
21 Department shall collect the sum of Thirty Dollars  
22 (\$30.00), Twenty Dollars (\$20.00) of which shall be  
23 deposited in the General Revenue Fund and Ten Dollars

1 (\$10.00) shall be deposited in the Department of  
2 Public Safety Revolving Fund, or

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

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

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

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

1                   (\$2.00) of which shall be retained by the motor  
2                   license agent.

3       6. For each Oklahoma Lifetime Motor Vehicle Report:

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

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

19       7. For purposes of this subsection, a Motor Vehicle Report for  
20       any time period prescribed in paragraph 1 of this subsection, shall  
21       include a report which indicates that no driving record is on file  
22       with the Department of Public Safety for the information received by  
23       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 3. 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       ~~I.~~ 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       ~~J.~~ 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 4.        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 5.        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 6. 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 7. 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.

20 Distance in Feet					
21 Between the Extremes of	Maximum Load in Pounds				
22 Any Group of 2 or More	Carried on Any Group of 2 or				
23 Consecutive Axles	More Consecutive Axles				
24	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 8. 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 9. 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 10. 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~~

1 ~~One Hundred Dollars (\$1,100.00)~~ Two Thousand Five Hundred Dollars  
2 (\$2,500.00) nor more than ~~Two Thousand Seven Hundred Fifty Dollars~~  
3 ~~(\$2,750.00)~~ Five Thousand Dollars (\$5,000.00).

4 SECTION 11. This act shall become effective November 1, 2011.

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-6-11 - DO  
6 PASS, As Amended.

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