

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1933

By: Kouplen

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5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2001, Section 14-116, as last amended by Section 1,  
9 Chapter 428, O.S.L. 2010 (47 O.S. Supp. 2010, Section  
10 14-116), which relates to permit fees; modifying  
11 calculation of minimum fees; amending Section 4,  
12 Chapter 428, O.S.L. 2010 (47 O.S. Supp. 2010, Section  
13 14-122), which relates to apportionment of fees;  
14 modifying apportionment of minimum fees; providing an  
15 effective date; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 47 O.S. 2001, Section 14-116, as  
18 last amended by Section 1, Chapter 428, O.S.L. 2010 (47 O.S. Supp.  
19 2010, Section 14-116), is amended to read as follows:

20 Section 14-116. A. The Commissioner of Public Safety shall  
21 charge a minimum permit fee of the lesser of Forty Dollars (\$40.00)  
22 or forty cents (\$0.40) per mile for any permit issued pursuant to  
23 the provisions of Section 14-101 et seq. of this title. In addition  
24 to the permit fee, the Commissioner shall charge a fee of Ten  
Dollars (\$10.00) for each thousand pounds in excess of the legal

1 load limit. The Commissioner of Public Safety shall establish any  
2 necessary rules for collecting the fees.

3 B. The Department of Public Safety is authorized to establish  
4 an escrow account system for the payment of permit fees. Authorized  
5 motor carriers meeting established credit requirements may  
6 participate in the escrow account system for permits purchased from  
7 all size and weight permit offices in this state. Carriers not  
8 choosing to participate in the escrow account system shall be  
9 required to make payment of the required fee or fees upon purchase  
10 of each permit as required by law. All monies collected through the  
11 escrow account system shall be deposited to a special account of the  
12 Department of Public Safety and placed in the custody of the State  
13 Treasurer. Proceeds from permits purchased using the escrow account  
14 system shall be distributed as provided for in subsection G of this  
15 section. However, fees collected through such accounts for the  
16 electronic transmission, transfer or delivery of permits, as  
17 provided for in Section 14-118 of this title, shall be credited to  
18 the Department of Public Safety Revolving Fund.

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

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

4           3. The Commissioner of Public Safety shall develop a system for  
5 provisional permits for authorized carriers which may be used in  
6 lieu of a regular permit for the movement of oversize and overweight  
7 loads when issued an authorization number by the Department of  
8 Public Safety. Such provisional permits shall include date of  
9 movement, general load description, estimated weight, oversize  
10 notation, route of travel, truck or truck-tractor license number,  
11 and permit authorization number.

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

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

17           F. The first deliverer of motor vehicles designated truck  
18 carriers or well service carriers manufactured in Oklahoma shall not  
19 be required to purchase an overweight permit when being delivered to  
20 the first purchaser.

21           G. Except as provided in Section 4 of this ~~act~~ title, the first  
22 One Million Two Hundred Sixteen Thousand Dollars (\$1,216,000.00) of  
23 proceeds from both the permit fees and the overweight permit fees  
24 imposed pursuant to subsection A of this section collected monthly

1 shall be apportioned as provided in Section 1104 of this title. All  
2 proceeds collected from both the permit fees and the overweight  
3 permit fees imposed pursuant to subsection A of this section in  
4 excess of One Million Two Hundred Sixteen Thousand Dollars  
5 (\$1,216,000.00) shall be deposited in the Weigh Station Improvement  
6 Revolving Fund as provided in Section 1167 of this title for the  
7 purpose set forth in that section and may be used for motor carrier  
8 permitting systems and motor carrier safety and enforcement.

9 SECTION 2. AMENDATORY Section 4, Chapter 428, O.S.L.  
10 2010 (47 O.S. Supp. 2010, Section 14-122), is amended to read as  
11 follows:

12 Section 14-122. A. Notwithstanding the provisions of Section  
13 1104 of Title 47 of the Oklahoma Statutes, the first Twenty Million  
14 Dollars (\$20,000,000.00) of the following fees shall be deposited in  
15 the General Revenue Fund to be apportioned as follows:

16 1. The first Twenty Dollars (\$20.00) of any fee collected for a  
17 minimum permit fee pursuant to Section 14-116 of Title 47 of the  
18 Oklahoma Statutes;

19 2. Five Dollars (\$5.00) of any fee collected for excess weight  
20 pursuant to Section 14-116 of Title 47 of the Oklahoma Statutes;

21 3. Two Hundred Fifty Dollars (\$250.00) of any fee collected  
22 pursuant to Section 14-120 of Title 47 of the Oklahoma Statutes; and

23 4. One Hundred Twenty Dollars (\$120.00) of any fee collected  
24 pursuant to Section 14-121 of Title 47 of the Oklahoma Statutes.

1 B. Any fees collected pursuant to Sections 14-116, 14-120 and  
2 14-121 of Title 47 of the Oklahoma Statutes that are in excess of  
3 Twenty Million Dollars (\$20,000,000.00) shall be apportioned as  
4 otherwise provided for in the sections specified in this subsection.

5 SECTION 3. This act shall become effective July 1, 2011.

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

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11 53-1-5087 CJB 12/29/10

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