

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL NO. 1174

By: Allen of the Senate

and

Cockroft of the House

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8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to motor vehicles; amending 47 O.S.  
11 2011, Section 172, which relates to the Corporation  
12 Commission; deleting certain powers of enforcement  
13 officers; updating reference; providing an effective  
14 date; and declaring an emergency.

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

16 SECTION 1. AMENDATORY 47 O.S. 2011, Section 172, is  
17 amended to read as follows:

18 Section 172. A. Every owner of any motor vehicle, the agents  
19 or employees of the owner, and every other person who violates or  
20 fails to comply with or procures, aids, or abets in the violation of  
21 Sections ~~161~~ 161A through 180m of this title or the Motor Carrier  
22 Act of 1995, or who fails to obey, observe, or comply with any  
23 order, decision, rule or regulation, direction, demand, or  
24 requirement of the Corporation Commission, or who procures, aids or

1 abets any corporation or person in the person's, or its, refusal or  
2 willful failure to obey, observe or comply with any such order,  
3 decision, rule, direction, demand, or regulation shall be deemed  
4 guilty of a misdemeanor. Upon conviction in a criminal court of  
5 competent jurisdiction, such misdemeanor is punishable by a fine of  
6 not exceeding One Thousand Dollars (\$1,000.00).

7 B. The Corporation Commission shall report to the Attorney  
8 General of this state and the district attorney of the proper county  
9 having jurisdiction of such offense, any violation of any of the  
10 provisions of Sections ~~161~~ 161A through 180m of this title or the  
11 Motor Carrier Act of 1995 or any rule of the Corporation Commission  
12 promulgated pursuant to the provisions of Sections ~~161~~ 161A through  
13 180m of this title or the Motor Carrier Act of 1995, by any motor  
14 vehicle owner, agent or employee of such owner, or any other person.  
15 Upon receipt of such report, the Attorney General or the district  
16 attorney of the proper county having jurisdiction of such offense  
17 shall institute criminal or civil proceedings against such offender  
18 in the proper court having jurisdiction of such offense. Any  
19 willful failure on the part of members of the Corporation  
20 Commission, the Attorney General or any district attorney, to comply  
21 with the provisions of this section, shall be deemed official  
22 misconduct. The Corporation Commission shall report such complaints  
23 so made to the Governor of this state who shall direct and cause the  
24 laws of this state to be enforced.

1 C. Any person failing, neglecting or refusing to comply with  
2 the provisions of Sections ~~161~~ 161A through 180m of this title or  
3 the Motor Carrier Act of 1995, or with any rule, regulation, or  
4 requirement of the Corporation Commission promulgated pursuant to  
5 the provisions of Sections ~~161~~ 161A through 180m of this title or  
6 the Motor Carrier Act of 1995, shall be guilty of contempt of the  
7 Corporation Commission, and shall be subject to a fine to be imposed  
8 by the Corporation Commission in a sum not exceeding Five Hundred  
9 Dollars (\$500.00). Each day on which such contempt occurs shall be  
10 deemed a separate and distinct offense. The maximum fine to be  
11 assessed on each day shall be Five Hundred Dollars (\$500.00). All  
12 fines collected pursuant to the provisions of this section shall be  
13 deposited in the State Treasury to the credit of the Corporation  
14 Commission Trucking One-Stop Shop Fund, as created in Section 1167  
15 of this title. This subsection shall not apply in the specific  
16 instance of load capacity violations or violations applicable to the  
17 transportation or discharge of deleterious substances provided for  
18 by specific statutory provisions.

19 D. The Corporation Commission shall appoint a director of  
20 transportation, a deputy director, an insurance supervisor, an  
21 insurance clerk, two stenographers, a secretary to the director, an  
22 identification device supervisor and an assistant identification  
23 device supervisor at such salaries as the Legislature may from time  
24 to time prescribe. The employees shall be allowed actual and

1 necessary travel expenses pursuant to the provisions of the State  
2 Travel Reimbursement Act. All of the expense claims shall be  
3 presented and paid monthly.

4 E. ~~Enforcement officers, appointed by the Corporation~~  
5 ~~Commission, are hereby declared to be peace officers of this state.~~  
6 ~~Such officers shall be vested with all powers of peace officers in~~  
7 ~~enforcing the provisions of Sections 161 through 180m of this title~~  
8 ~~and the Motor Carrier Act of 1995 in all parts of this state.~~

9 ~~The powers and duties conferred upon said enforcement officers~~  
10 ~~shall in no way limit the powers and duties of sheriffs or other~~  
11 ~~peace officers of the state, or any political subdivision thereof,~~  
12 ~~or of members of the Division of Highway Patrol, subject to the~~  
13 ~~Department of Public Safety.~~

14 F. The enforcement officers when on duty, upon reasonable  
15 belief that any motor vehicle is being operated in violation of any  
16 provisions of Sections ~~161~~ 161A through 180m of this title or the  
17 Motor Carrier Act of 1995, shall be authorized to require the driver  
18 of the vehicle to stop and submit to an inspection of the  
19 identification device, or devices, in the vehicle, and to submit to  
20 such enforcement officer bills of lading, waybills, or other  
21 evidences of the character of the commerce being transported in such  
22 vehicle, and to submit to an inspection of the contents of such  
23 vehicle for the purpose of comparing same with bills of lading or  
24 shipping documentation, waybills, or other evidences of

1 transportation carried by the driver of the vehicle. The officers  
2 shall not have the right to plea bargain.

3 G.F. The enforcement officers are authorized to serve all  
4 warrants, writs, and notices issued by the Corporation Commission  
5 relating to the enforcement of the provisions of Sections ~~161~~ 161A  
6 through 180m of this title or the Motor Carrier Act of 1995 and the  
7 rules, regulations, and requirements prescribed by the Corporation  
8 Commission promulgated pursuant to Sections ~~161~~ 161A through 180m of  
9 this title or the Motor Carrier Act of 1995.

10 H.G. The enforcement officers shall ~~not have the power or right~~  
11 ~~of search, nor shall they have the right of power of seizure, except~~  
12 ~~as provided in Sections 161 through 180m of this title or the Motor~~  
13 ~~Carrier Act of 1995~~ full police power. The enforcement officers are  
14 authorized to hold and detain any motor vehicle operating upon the  
15 highways of this state, if, the enforcement officer has reason to  
16 believe that the vehicle is being operated contrary to the  
17 provisions of Sections ~~161~~ 161A through 180m of this title or the  
18 Motor Carrier Act of 1995, or the rules, regulations, and  
19 requirements of the Corporation Commission promulgated pursuant to  
20 Sections ~~161~~ 161A through 180m of this title or the Motor Carrier  
21 Act of 1995.

22 I.H. No state official, other than members of the Corporation  
23 Commission, shall have any power, right, or authority to command,  
24 order, or direct any enforcement officer to perform any duty or

1 service authorized by Sections ~~161~~ 161A through 180m of this title  
2 or the Motor Carrier Act of 1995.

3 ~~J. Each of the enforcement officers shall, before entering upon  
4 the discharge of their duties, take and subscribe to the usual oath  
5 of office and shall execute to the State of Oklahoma a bond in the  
6 sum of Twenty-five Thousand Dollars (\$25,000.00) each, with  
7 sufficient surety for the faithful performance of their duty. The  
8 bond shall be approved and filed as provided by law.~~

9 ~~K. I.~~ No enforcement officer or employee of the Oklahoma  
10 Corporation Commission shall have the right to plea bargain in motor  
11 carrier or motor transportation matters except the chief legal  
12 counsel of the Commission or an assign of the legal staff of the  
13 chief legal counsel.

14 SECTION 2. This act shall become effective July 1, 2014.

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

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