

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1458

By: Allen of the Senate

and

Bennett of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to motor vehicles; amending 47 O.S.
12 2011, Section 14-111, as amended by Section 2,
13 Chapter 249, O.S.L. 2012 (47 O.S. Supp. 2013, Section
14 14-111), which relates to weighing vehicles;
15 modifying certain authority to stop and weigh
16 vehicles; requiring certain adherence to scope of
17 authority and standards for size and weight
18 enforcement; providing an effective date; and
19 declaring an emergency.

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

21 SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-111, as
22 amended by Section 2, Chapter 249, O.S.L. 2012 (47 O.S. Supp. 2013,
23 Section 14-111), is amended to read as follows:

24 Section 14-111. A. Any officer of the Department of Public
Safety, the Corporation Commission, any sheriff, or any salaried
deputy sheriff is authorized to stop any vehicle upon any road or

1 highway, and any sheriff trained by the Size and Weight Permit
2 Division of the Department of Public Safety is authorized to stop
3 and weigh any vehicle with a scale certified by the Department of
4 Public Safety upon any county road, in order to weigh such vehicle
5 by means of portable or stationary scales, or cause the same to be
6 weighed by any official weigher, or upon any privately owned scales
7 and may require that such vehicles be driven to the nearest or most
8 convenient available scales for the purpose of weighing. Any
9 officer weighing a vehicle pursuant to this section by means of
10 portable scales shall allow the driver of the vehicle to move the
11 vehicle to the most level weighing area available within two (2)
12 miles of the stop. In the event that any axle weight or the gross
13 weight of any such vehicle be found to exceed the maximum weight
14 authorized by law, or by permit issued therefor, the officer may
15 require, in the case of separable loads, the driver, operator or
16 owner thereof to unload at the site such portion of the load as may
17 be necessary to decrease the weight of such vehicle to the maximum
18 weight authorized by law. Provided, however, that if such load
19 consists of livestock, perishable merchandise, or merchandise that
20 may be destroyed by the weather, then the driver shall be permitted
21 to proceed to the nearest practical unloading point in the direction
22 of destination before discharging such excess cargo. All material
23 so unloaded shall be cared for by the owner or operator of such
24 vehicle at the risk of such owner or operator.

1 B. The operator of any truck or other vehicle transporting farm
2 products for hire or other merchandise for hire shall have in his or
3 her possession a certificate carrying the following information:
4 name of the operator; driver license number; vehicle registration
5 number; Corporation Commission permit number; and statement of owner
6 authorizing transportation of the products by above-named operator.
7 For the purposes of this section "certificate" includes electronic
8 manifests and other similar documents that include all of the
9 information required pursuant to this section.

10 Should the vehicle be loaded with livestock, the certificate
11 shall include the number of animals, and should the livestock be the
12 property of more than one person, a certificate signed by each owner
13 carrying the above information including the number of animals owned
14 by each owner shall be carried by the operator. Should the operator
15 be the owner of the merchandise or livestock, the merchandise or
16 livestock having just been purchased, the operator shall have in his
17 or her possession a bill of sale for such merchandise or livestock.
18 Should the operator be the owner of livestock or other farm products
19 produced by the operator, the operator shall be required to show
20 satisfactory identification and ownership of the vehicle. Any
21 county sheriff or police officer ~~as outlined in this chapter~~ shall
22 have the authority to stop any vehicle loaded with livestock,
23 merchandise or other farm products and investigate as to the
24 ownership of the merchandise, livestock or other farm products.

1 Should the operator of any vehicle be unable to establish to the
2 satisfaction of the officer the ownership of the merchandise,
3 livestock or other products, or shall not have the certificate as
4 specified in this section for the transportation of such
5 merchandise, livestock or other farm products, the merchandise,
6 livestock or other farm products and the vehicle in which they are
7 being transported shall be impounded by the officer and any expense
8 as to the care of any livestock shall be the responsibility of the
9 owner or operator of the vehicle, and any loss or damage of the
10 merchandise, livestock or other farm products shall be the
11 responsibility of the operator or owner, or both.

12 The provisions of this subsection shall not apply to a person
13 who is transporting horses or livestock; provided, the person shall
14 not have been hired to transport the horses or livestock.

15 C. Any county sheriff or deputy sheriff enforcing the
16 provisions of this section or any other size and weight provisions
17 for motor vehicles shall not exceed the scope of authority of
18 standards for size and weight enforcement established by the
19 Department of Public Safety, which includes but is not limited to
20 the number of citations issued per offense.

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

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

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4 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 03/26/2014 -
5 DO PASS, As Amended.

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