

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 2010

By: McNiel

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6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Sections 14-116, as last amended by Section 10,
9 Chapter 283, O.S.L. 2012 and 14-122 (47 O.S. Supp.
10 2012, Section 14-116), which relate to size, weight
and load; reducing amount of certain fees; modifying
apportionment for certain fiscal years; providing an
effective date; and declaring an emergency.

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

14 SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-116, as
15 last amended by Section 10, Chapter 283, O.S.L. 2012 (47 O.S. Supp.
16 2012, Section 14-116), is amended to read as follows:

17 Section 14-116. A. ~~The~~ 1. Until the end of the fiscal year
18 ending June 30, 2013, the Commissioner of Public Safety shall charge
19 a minimum permit fee of Forty Dollars (\$40.00) for any permit issued
20 pursuant to the provisions of Section 14-101 et seq. of this title.
21 In addition to the permit fee, the Commissioner shall charge a fee
22 of Ten Dollars (\$10.00) for each thousand pounds in excess of the
23 legal load limit. The Commissioner of Public Safety shall establish
24 any necessary rules for collecting the fees.

1 2. For the fiscal year ending June 30, 2014, and all subsequent
2 years, the Commissioner of Public Safety shall charge a minimum
3 permit fee of Thirty-five Dollars (\$35.00) for any permit issued
4 pursuant to the provisions of Section 14-101 et seq. of this title.
5 In addition to the permit fee, the Commissioner shall charge a fee
6 of Eight Dollars and seventy-five cents (\$8.75) for each thousand
7 pounds in excess of the legal load limit. The Commissioner of
8 Public Safety shall establish any necessary rules for collecting the
9 fees.

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

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

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

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

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

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

23 F. Any permit issued for a truck or truck-tractor operating in
24 combination with a trailer or a semitrailer shall contain only the

1 license plate number for the truck or truck-tractor if the permittee
2 provides to the Department a list containing the license plate
3 number, and such other information as the Department may prescribe
4 by rule, for each trailer or semitrailer which may be used for
5 movement with the permit. When the permittee provides the list
6 described in this subsection, the license plate number for any
7 trailer or semitrailer to be moved with the permit shall not be
8 included on the permit; provided, a trailer or semitrailer which is
9 not on the list shall not be authorized to be used for movement with
10 the permit. It shall be the responsibility of the permittee to
11 ensure the list provided to the Department is maintained and updated
12 with any fleet changes. The Department shall adopt any rules deemed
13 necessary to administer the provisions of this subsection.

14 G. The first deliverer of motor vehicles designated truck
15 carriers or well service carriers manufactured in Oklahoma shall not
16 be required to purchase an overweight permit when being delivered to
17 the first purchaser.

18 H. Except as provided in Section 14-122 of this title, the
19 first One Million Two Hundred Sixteen Thousand Dollars
20 (\$1,216,000.00) of proceeds from both the permit fees and the
21 overweight permit fees imposed pursuant to subsection A of this
22 section collected monthly shall be apportioned as provided in
23 Section 1104 of this title. All proceeds collected from both the
24 permit fees and the overweight permit fees imposed pursuant to

1 subsection A of this section in excess of One Million Two Hundred
2 Sixteen Thousand Dollars (\$1,216,000.00) shall be deposited in the
3 Weigh Station Improvement Revolving Fund as provided in Section 1167
4 of this title for the purpose set forth in that section and may be
5 used for motor carrier permitting systems and motor carrier safety
6 and enforcement.

7 SECTION 2. AMENDATORY 47 O.S. 2011, Section 14-122, is
8 amended to read as follows:

9 Section 14-122. A. ~~Notwithstanding~~ 1. Until the end of the
10 fiscal year ending June 30, 2013, notwithstanding the provisions of
11 Section 1104 of ~~Title 47 of the Oklahoma Statutes~~ this title, the
12 first Twenty Million Dollars (\$20,000,000.00) of the following fees
13 shall be deposited in the General Revenue Fund to be apportioned as
14 follows:

- 15 ~~1.~~ a. Twenty Dollars (\$20.00) of any fee collected for a
16 minimum permit fee pursuant to Section 14-116 of ~~Title~~
17 ~~47 of the Oklahoma Statutes;~~ this title,
- 18 ~~2.~~ b. Five Dollars (\$5.00) of any fee collected for excess
19 weight pursuant to Section 14-116 of ~~Title 47 of the~~
20 ~~Oklahoma Statutes;~~ this title,
- 21 ~~3.~~ c. Two Hundred Fifty Dollars (\$250.00) of any fee
22 collected pursuant to Section 14-120 of ~~Title 47 of~~
23 ~~the Oklahoma Statutes;~~ this title, and

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1 4. d. One Hundred Twenty Dollars (\$120.00) of any fee
2 collected pursuant to Section 14-121 of ~~Title 47 of~~
3 ~~the Oklahoma Statutes~~ this title.

4 2. For the fiscal year ending June 30, 2014, and all subsequent
5 years, notwithstanding the provisions of Section 1104 of this title,
6 the first Twenty Million Dollars (\$20,000,000.00) of the following
7 fees shall be deposited in the General Revenue Fund to be
8 apportioned as follows:

9 a. Fifteen Dollars (\$15.00) of any fee collected for a
10 minimum permit fee pursuant to Section 14-116 of this
11 title,

12 b. Three Dollars and seventy-five cents (\$3.75) of any
13 fee collected for excess weight pursuant to Section
14 14-116 of this title,

15 c. Two Hundred Fifty Dollars (\$250.00) of any fee
16 collected pursuant to Section 14-120 of this title,
17 and

18 d. One Hundred Twenty Dollars (\$120.00) of any fee
19 collected pursuant to Section 14-121 of this title.

20 B. Any fees collected pursuant to Sections 14-116, 14-120 and
21 14-121 of ~~Title 47 of the Oklahoma Statutes~~ this title that are in
22 excess of Twenty Million Dollars (\$20,000,000.00) shall be
23 apportioned as otherwise provided for in the sections specified in
24 this subsection.

1 SECTION 3. This act shall become effective July 1, 2013.

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

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