

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1467

By: Allen

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Sections 230.22, 230.23 and 230.27, which
9 relate to the Motor Carrier Act of 1995; modifying
10 agency reference; amending 47 O.S. 2011, Sections
11 230.34a and 230.34b, which relate to the Motor
12 Carrier Harvest Permit Act of 2006; modifying agency
13 reference; providing an effective date; and declaring
14 an emergency.

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

16 SECTION 1. AMENDATORY 47 O.S. 2011, Section 230.22, is
17 amended to read as follows:

18 Section 230.22. A. It is hereby declared that it is necessary
19 in the public interest to regulate transportation by motor carriers
20 and private carriers in such manner as to recognize the need to
21 require all motor carriers and private carriers to have adequate
22 insurance; for motor carriers and private carriers to provide
23 service in a safe and efficient manner; and to establish that the
24 operations of motor carriers and private carriers will not have a
detrimental impact on the environment.

1 B. The public policy of this state, as declared by the
2 Legislature, requires that all existing intrastate certificates and
3 permits granted by the ~~Oklahoma Corporation Commission~~ Department of
4 Public Safety, except household goods and used emigrant movables,
5 prior to January 1, 1995, are hereby revoked.

6 C. The provisions of the Motor Carrier Act of 1995, except as
7 hereinafter specifically limited, shall apply to the transportation
8 of passengers or property by motor carriers and private carriers,
9 except motor carriers of household goods and used emigrant movables,
10 over public highways of this state; and the regulations of such
11 transportation, and the procurement thereof and the provisions of
12 facilities therefor, are hereby vested in the ~~Oklahoma Corporation~~
13 ~~Commission~~ Department of Public Safety.

14 D. Nothing herein shall be construed to interfere with the
15 exercise by agencies of the government of the United States of its
16 power of regulation of interstate commerce.

17 E. The terms and provisions of the Motor Carrier Act of 1995
18 shall apply to commerce with foreign nations, or commerce among the
19 several states of this Union, insofar as such application may be
20 permitted under the provisions of the Constitution of the United
21 States and the Acts of Congress.

22 SECTION 2. AMENDATORY 47 O.S. 2011, Section 230.23, is
23 amended to read as follows:

24 Section 230.23. As used in the Motor Carrier Act of 1995:

1 1. "Person" means any individual, firm, copartnership, limited
2 partnership, corporation, limited liability corporation, company,
3 association, or joint-stock association and includes any trustee,
4 receiver, assignee, or personal representative thereof;

5 2. ~~"Commission"~~ "Department" means the ~~Oklahoma Corporation~~
6 ~~Commission~~ Department of Public Safety;

7 3. "License" means the license issued under authority of the
8 laws of the State of Oklahoma to motor carriers and private
9 carriers;

10 4. "Interstate Registration Certificate" (IRC) means a document
11 issued by the ~~Commission~~ Department granting permission to operate
12 upon the highways of the State of Oklahoma in interstate commerce
13 exempt from federal motor carrier regulation;

14 5. "Motor vehicle" means any automobile, truck, truck-tractor,
15 trailer or semitrailer or any motor bus or any self-propelled
16 vehicle not operated or driven upon fixed rails or tracks;

17 6. "Motor carrier of persons or property" means any person,
18 except a carrier of household goods or used emigrant movables,
19 operating upon any public highway for the transportation of
20 passengers or property for compensation or for hire or for
21 commercial purposes, and not operating exclusively within the limits
22 of an incorporated city or town within this state. Provided, the
23 provisions of the Motor Carrier Act of 1995 shall not apply to the
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1 following vehicles and equipment when such vehicles and equipment
2 are being used for the following:

3 a. taxicabs and bus companies engaged in the
4 transportation of passengers and their baggage, not
5 operated between two or more cities and towns, when
6 duly licensed by a municipal corporation in which they
7 might be doing business,

8 b. any person or governmental authority furnishing
9 transportation for school children to and from public
10 schools or to and from public-school-related
11 extracurricular activities under contract with, and
12 sponsored by, a public school board; provided, that
13 motor vehicles and equipment operated for the purposes
14 shall qualify in all respects for the transportation
15 of school children under the Oklahoma School Code and
16 the rules of the State Board of Education adopted
17 pursuant thereto.

18 c. transport trucks transporting liquefied petroleum
19 gases intrastate which are owned or operated by a
20 person subject to and licensed by the Oklahoma
21 Liquefied Petroleum Gas Regulation Act, and

22 d. transportation of livestock and farm products in the
23 raw state, when any of such commodities move from farm
24 to market or from market to farm on a vehicle or on

1 vehicles owned and operated by a bona fide farmer not
2 engaged in motor vehicle transportation on a
3 commercial scale;

4 7. "Corporate family" means a group of corporations consisting
5 of a parent corporation and all subsidiaries in which the parent
6 corporation owns directly or indirectly one hundred percent (100%)
7 interest;

8 8. "Intercorporate hauling" means the transportation of
9 property, by motor vehicle, for compensation, by a carrier which is
10 a member of a corporate family, as defined in the Motor Carrier Act
11 of 1995, when the transportation for compensation is provided for
12 other members of the corporate family;

13 9. "Private carrier" means any person engaged in transportation
14 upon public highways, of persons or property, or both, but not as a
15 motor carrier, and includes any person who transports property by
16 motor vehicle where such transportation is incidental to or in
17 furtherance of any commercial enterprise of such person, other than
18 transportation;

19 10. "Market" means the point at which livestock and farm
20 products in the raw state were first delivered by the producer of
21 the livestock and farm products in the raw state, upon the sale
22 thereof;

23 11. "Public highway" means every public street, road or
24 highway, or thoroughfare in this state, used by the public, whether

1 actually dedicated to the public and accepted by the proper
2 authorities or otherwise; and

3 12. "Commercial enterprise" means all undertakings entered into
4 for private gain or compensation, including all industrial pursuits,
5 whether the undertakings involve the handling of or dealing in
6 commodities for sale or otherwise.

7 SECTION 3. AMENDATORY 47 O.S. 2011, Section 230.27, is
8 amended to read as follows:

9 Section 230.27. A. Upon the filing by an intrastate motor
10 carrier or private carrier of an application for a license, the
11 applicant shall pay to the ~~Corporation Commission~~ Department of
12 Public Safety a filing fee in the sum of One Hundred Dollars
13 (\$100.00) with an original or subapplication. Any valid license
14 issued will remain in force, unless otherwise revoked by the
15 ~~Commission~~ Department in accordance with the provisions of the Motor
16 Carrier Act of 1995, for one (1) year from date of issuance.

17 B. Every motor carrier or private carrier wishing to continue
18 operations under the original license, shall pay to the ~~Corporation~~
19 ~~Commission~~ Department of Public Safety an annual renewal fee of
20 Fifty Dollars (\$50.00). An intrastate license may be renewed for up
21 to three (3) years.

22 C. The ~~Commission~~ Department shall, upon the receipt of any
23 fee, deposit the same in the State Treasury to the credit of the
24 Trucking One-Stop Shop Fund.

1 SECTION 4. AMENDATORY 47 O.S. 2011, Section 230.34a, is
2 amended to read as follows:

3 Section 230.34a. A. Any person, firm, partnership, limited
4 liability company, or corporation owning or possessing a vehicle and
5 required to register the vehicle under the laws of this state for
6 the purpose of transporting farm products in a raw state may receive
7 a harvest permit from the ~~Oklahoma Corporation Commission~~ Department
8 of Public Safety.

9 B. The harvest permit shall be recognized in lieu of
10 registration, fuel permit and intrastate operating authority in this
11 state. The harvest permit shall be issued to the operating motor
12 carrier.

13 C. Each permit shall be valid for a period of thirty (30) or
14 sixty (60) days. The permit shall identify the time and date of its
15 issuance and shall additionally reflect its effective and expiration
16 dates.

17 D. The following information shall be required of an applicant
18 for a harvest permit and shall apply to each vehicle to be operated
19 under the permit:

20 1. Owner of the vehicle;

21 2. Vehicle registrant;

22 3. Make, model, year, license plate number, state of

23 registration and VIN of each vehicle which will be operated under
24 the permit; and

1 4. The operating carrier must provide a certificate that each
2 vehicle is operating under a liability insurance policy valid in
3 Oklahoma for Three Hundred Fifty Thousand Dollars (\$350,000.00) or
4 more.

5 E. There shall be a fee of Twenty Dollars (\$20.00) per axle for
6 a thirty-day permit or Thirty-five Dollars (\$35.00) per axle for a
7 sixty-day permit, for each vehicle registered pursuant to the Motor
8 Carrier Harvest Permit Act of 2006. Revenue derived from this fee
9 shall be apportioned as follows:

10 1. One-half (1/2) of the revenue shall be deposited in the
11 Weigh Station Improvement Revolving Fund as set forth in Section
12 1167 of ~~Title 47 of the Oklahoma Statutes~~ this title; and

13 2. The remaining amount shall be deposited in the One-Stop
14 Trucking Fund as set forth in Section 1167 of ~~Title 47 of the~~
15 ~~Oklahoma Statutes~~ this title.

16 F. A harvest permit may be extended in fifteen-day increments.
17 The permit holder shall be required to pay the additional prorated
18 portion of the tag fee at Eight Dollars and seventy-five cents
19 (\$8.75) per axle per fifteen-day extension.

20 G. An application for a harvest permit shall be made to the
21 ~~Corporation Commission~~ Department of Public Safety. The ~~Corporation~~
22 ~~Commission~~ Department of Public Safety shall allow applications to
23 be submitted by facsimile and electronically. The ~~Commission~~

1 Department must provide reasonable access for persons to obtain a
2 harvest permit before taking enforcement action.

3 H. If found to be in violation of the Motor Carrier Harvest
4 Permit Act of 2006 for failure to obtain or maintain a current
5 harvest permit, the operating carrier shall post bond in the amount
6 of the cost of the harvest permit and shall be allowed seventy-two
7 (72) hours to apply for the permit. If the operating carrier makes
8 application within seventy-two (72) hours, the bond amount will be
9 applied toward the harvest permit fee.

10 I. A harvest permit does not exempt its holder from federal or
11 state safety regulations nor from the state's size and weight laws
12 or rules.

13 J. The ~~Corporation Commission~~ Department of Public Safety may
14 enter into an agreement with any person or corporation located
15 within or outside of the state for transmission of harvest permits
16 by way of facsimile or other device when the ~~Corporation Commission~~
17 Department of Public Safety determines that such agreements are in
18 the best interest of the state.

19 K. The ~~Corporation Commission~~ Department of Public Safety may
20 promulgate rules to administer the provisions of the Motor Carrier
21 Harvest Permit Act of 2006.

22 SECTION 5. AMENDATORY 47 O.S. 2011, Section 230.34b, is
23 amended to read as follows:

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1 Section 230.34b. A portable scale used at any location other
2 than an official weigh station by the Department of Public Safety ~~or~~
3 ~~the Corporation Commission~~ to weigh any vehicle transporting grain
4 shall not be located within two (2) highway miles of any commercial
5 grain elevator. This section shall not apply if the vehicle is:
6 1. Involved in a collision;
7 2. Being subjected to a Commercial Vehicle Safety Alliance
8 (CVSA) inspection by the Department of Public Safety; or
9 3. Operated on any highway of the national defense highway
10 system.

11 SECTION 6. This act shall become effective July 1, 2014.

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

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