

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1059 By: Stanislawski of the Senate
3 and
4 Osborn of the House
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7 [motor vehicles - overweight fees and fines -
8 operation of weigh stations - ~~effective date~~ -
9 emergency]

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11 AMENDMENT NO. 1. Page 1, Line 10, strike the enacting clause
12 Passed the House of Representatives the 13th day of April, 2016.

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16 Presiding Officer of the House of
Representatives

17 Passed the Senate the ____ day of _____, 2016.

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21 Presiding Officer of the Senate
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ENGROSSED SENATE
BILL NO. 1059

By: Stanislawski of the Senate

and

Osborn of the House

[motor vehicles - overweight fees and fines -
operation of weigh stations - ~~effective date~~ -

~~emergency~~]

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 1167, as last amended by Section 1, Chapter 324, O.S.L. 2013 (47 O.S. Supp. 2015, Section 1167), is amended to read as follows:

Section 1167. A. The Corporation Commission is hereby authorized to promulgate rules pursuant to the Administrative Procedures Act to establish the amounts of fees, fines and penalties as set forth in this act. The Corporation Commission shall notify all interested parties of any proposed rules to be promulgated as provided herein and shall provide such parties an opportunity to be heard prior to promulgation.

B. The Corporation Commission shall adjudicate enforcement actions initiated by Corporation Commission personnel.

1 C. Revenue derived from all fines and penalties collected or
2 received by the Corporation Commission pursuant to the provisions of
3 this act shall be apportioned as follows:

4 1. For the period beginning with the effective date of this
5 act, the first Three Hundred Thousand Dollars (\$300,000.00)
6 collected or received each fiscal year shall be remitted to the
7 Department of Public Safety for the purpose of staffing the port of
8 entry weigh stations to conduct safety inspections. The next Five
9 Hundred Fifty Thousand Dollars (\$550,000.00) shall be remitted to
10 the Oklahoma Tax Commission and apportioned as provided in Section
11 1104 of this title; and

12 2. ~~One-half (1/2) of the~~ The remaining amount shall be
13 deposited to the Trucking One-Stop Shop Fund created in subsection D
14 of this section; ~~and~~

15 3. ~~One-half (1/2) of the remaining amount shall be deposited to~~
16 ~~the Weigh Station Improvement Revolving Fund created in subsection E~~
17 ~~of this section.~~

18 D. There is hereby created in the State Treasury a revolving
19 fund for the Corporation Commission to be known and designated as
20 the "Trucking One-Stop Shop Fund". The Trucking One-Stop Shop Fund
21 shall consist of:

22 1. All funds apportioned thereto in subsection C of this
23 section;

1 2. Fees collected by the Commission to be retained as a motor
2 license agent or other Corporation Commission registration or motor
3 fuel fees as allowed by statute or rule; and

4 3. Any other monies to be utilized for the Trucking One-Stop
5 Shop Act.

6 The fund shall be a continuing fund, not subject to fiscal year
7 limitations, and shall not be subject to legislative appropriation.
8 Monies in the Trucking One-Stop Shop Fund shall only be expended for
9 direct expenses relating to the Trucking One-Stop Shop Act.

10 Expenditures from the revolving fund shall be made pursuant to the
11 laws of this state. In addition, expenditures from the revolving
12 fund may be made pursuant to The Oklahoma Central Purchasing Act for
13 the purpose of immediately responding to emergency situations,
14 within the Commission's jurisdiction, having potentially critical
15 environmental or public safety impact. Warrants for expenditures
16 from the fund shall be drawn by the State Treasurer against claims
17 filed as prescribed by law with the Director of the Office of
18 Management and Enterprise Services for approval and payment.

19 E. There is hereby created in the State Treasury a revolving
20 fund for the Department of Transportation to be designated the
21 "Weigh Station Improvement Revolving Fund". The fund shall be a
22 continuing fund, not subject to fiscal year limitations, and shall
23 consist of all monies deposited thereto. All monies accruing to the
24 credit of the fund are hereby appropriated and may be budgeted and

1 expended by the Department for the purpose of constructing,
2 equipping and maintaining facilities to determine the weight of
3 vehicles traveling on the roads and highways of this state.
4 Expenditures from the fund shall be made upon warrants issued by the
5 State Treasurer against claims filed as prescribed by law with the
6 Director of the Office of Management and Enterprise Services for
7 approval and payment.

8 SECTION 2. AMENDATORY Section 3, Chapter 262, O.S.L.
9 2012 (47 O.S. Supp. 2015, Section 1202), is amended to read as
10 follows:

11 Section 1202. A. The Department of Transportation, the
12 Oklahoma Turnpike Authority and the Corporation Commission may enter
13 into interagency agreements concerning the equipment, maintenance
14 and operations of fixed facilities.

15 B. The Department of Transportation, the Authority and the
16 Commission shall endeavor to electronically upgrade weigh stations
17 as practical to minimize the duplication of inspections for
18 compliant commercial motor vehicles and motor carriers.

19 C. The Commission shall operate all current and future ports of
20 entry weigh stations ~~twenty-four (24)~~ eighteen (18) to twenty (20)
21 hours a day and seven (7) days a week upon the availability of
22 funds.

23 D. The Commission shall continue to conduct roadside
24 enforcement in the general area where a fixed facility is planned

1 but no fixed facility currently exists until a fixed facility is
2 located in the general area or July 1, 2016, whichever is earlier.

3 E. When a fixed facility is located in the general area,
4 Commission motor carrier and commercial motor vehicle enforcement
5 shall be limited to the fixed facility and a seven-mile radius of
6 the facility.

7 F. The Commission may assist in roadside enforcement in a joint
8 effort at the request of the Oklahoma Highway Patrol.

9 G. The Commission is authorized to conduct audits, reviews,
10 investigations, inspections or other enforcement actions by
11 enforcement officers provided those activities are within the scope
12 of the Commission's jurisdiction and are not conducted as roadside
13 enforcement in accordance with the provisions of the Oklahoma Weigh
14 Station Act of 2012.

15 H. The Commission may enter into interagency cooperative
16 agreements with other state or federal agencies to jointly enforce
17 federal and state laws or rules.

18 I. North American Standard Inspections shall be conducted only
19 by individuals holding certification in the level or classification
20 of inspection being conducted.

21 ~~SECTION 3. This act shall become effective July 1, 2016.~~

22 ~~SECTION 4. 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.~~

3 Passed the Senate the 8th day of March, 2016.

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Presiding Officer of the Senate

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7 Passed the House of Representatives the ____ day of _____,
8 2016.

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Presiding Officer of the House
of Representatives

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