

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 391

By: Allen

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 172, which relates to the regulation of motor carriers; modifying term; defining certain personnel; modifying certain officer enforcement powers; removing penalty for certain noncompliance; removing certain reporting requirements; clarifying persons subject to act; modifying certain statutory reference; modifying authority to appoint certain staff; modifying certain enforcement powers; deleting oath and bond request; providing duties and responsibilities of motor carrier enforcement officers; providing an effective date; and declaring an emergency.

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

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

Section 172. A. ~~Every owner of any motor vehicle, the agents or employees of the owner, and every other person who violates or fails to comply with or procures, aids, or abets in the violation of Sections 161 through 180m of this title or the Motor Carrier Act of 1995, or who fails to obey, observe, or comply with any order,~~

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

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

1 ~~so made to the Governor of this state who shall direct and cause the~~
2 ~~laws of this state to be enforced.~~

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

23 ~~D.~~ B. The Corporation Commission shall appoint a director of
24 transportation, a deputy director, ~~an insurance supervisor, an~~

1 ~~insurance clerk, two stenographers, a secretary to the director, an~~
2 ~~identification device supervisor and an assistant identification~~
3 ~~device supervisor~~ and additional staff sufficient to carry out the
4 statutory responsibilities of the Transportation Division at such
5 salaries as the Legislature may from time to time prescribe. The
6 employees shall be allowed actual and necessary travel expenses
7 pursuant to the provisions of the State Travel Reimbursement Act.
8 All of the expense claims shall be presented and paid monthly.

9 ~~E. Enforcement~~ C. Motor carrier enforcement officers,
10 appointed by the Corporation Commission, are hereby declared to be
11 peace officers of this state. Such officers shall be vested with
12 all powers of peace officers in enforcing the provisions of Sections
13 6-301 through 6-308 of this title as they pertain to commercial
14 motor vehicle drivers, Sections 11-901 through 11-906.4 of this
15 title, Sections ~~161~~ 161A through 180m of this title, and the Motor
16 Carrier Act of 1995 in ~~all parts~~ those areas of this state set forth
17 in Section 1202 of this title.

18 The powers and duties conferred upon ~~said~~ the motor carrier
19 enforcement officers shall in no way limit the powers and duties of
20 sheriffs or other peace officers of the state, or any political
21 subdivision thereof, or of members of the Division of Highway
22 Patrol, subject to the Department of Public Safety.

23 ~~F. D.~~ The motor carrier enforcement officers when on duty, upon
24 reasonable belief that any motor vehicle is being operated in

1 violation of any provisions of Sections ~~161~~ 161A through 180m of
2 this title or the Motor Carrier Act of 1995, shall be authorized to
3 require the driver of the vehicle to stop and submit to an
4 inspection of the identification device, or devices, in the vehicle,
5 and to submit to such enforcement officer bills of lading, waybills,
6 or other evidences of the character of the commerce being
7 transported in such vehicle, and to submit to an inspection of the
8 contents of such vehicle for the purpose of comparing same with
9 bills of lading or shipping documentation, waybills, or other
10 evidences of transportation carried by the driver of the vehicle.
11 The officers shall not have the right to plea bargain.

12 ~~G. E.~~ E. The motor carrier enforcement officers are authorized to
13 serve all warrants, ~~writes~~ citations, orders, and notices issued by
14 the Corporation Commission ~~relating to the enforcement of the~~
15 ~~provisions of Sections 161 through 180m of this title or the Motor~~
16 ~~Carrier Act of 1995 and the rules, regulations, and requirements~~
17 ~~prescribed by the Corporation Commission promulgated pursuant to~~
18 ~~Sections 161 through 180m of this title or the Motor Carrier Act of~~
19 1995 in all parts of this state.

20 H. F. The motor carrier enforcement officers shall not have the
21 power or right of search, nor shall they have the right of power of
22 seizure, except as provided in Sections ~~161~~ 161A through 180m of
23 this title ~~or~~, the Motor Carrier Act of 1995 or as provided in other
24 subsections of this section. The enforcement officers are

1 authorized to hold and detain any motor vehicle operating upon the
2 highways of this state, if, the enforcement officer has reason to
3 believe that the vehicle is being operated contrary to the
4 provisions of Sections ~~161~~ 161A through 180m of this title or the
5 Motor Carrier Act of 1995~~7~~, or the rules, regulations, and
6 requirements of the Corporation Commission promulgated pursuant to
7 Sections ~~161~~ 161A through 180m of this title or the Motor Carrier
8 Act of 1995.

9 ~~I. G.~~ G. No state official, other than members of the Corporation
10 Commission, shall have any power, right~~7~~ or authority to command,
11 order~~7~~ or direct any enforcement officer to perform any duty or
12 service authorized by ~~Sections 161 through 180m of this title or the~~
13 ~~Motor Carrier Act of 1995.~~

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

20 K. H. No enforcement officer or employee of the Oklahoma
21 Corporation Commission shall have the right to plea bargain in motor
22 carrier or motor transportation matters except the chief legal
23 counsel of the Commission or an assign of the legal staff of the
24 chief legal counsel.

1 I. While on duty in those areas of this state set forth in
2 Section 1202 of this title, motor carrier enforcement officers, upon
3 reasonable belief that any motor vehicle is being operated in
4 violation of any provisions of Sections 11-901 through 11-906.4 of
5 this title, are authorized to hold and detain the vehicle and to
6 enforce those provisions as provided in Chapter 67 of this title and
7 applicable administrative rules. The Corporation Commission may
8 enter into interagency agreements with the Department of Public
9 Safety and with county or municipal law enforcement agencies to
10 facilitate the testing and/or detention of any driver suspected of
11 operating a commercial motor vehicle in violation of Sections 11-901
12 through 11-906.4 of this title.

13 J. While on duty in those areas of this state set forth in
14 Section 1202 of this title, motor carrier enforcement officers are
15 authorized to enforce Sections 6-301 through 6-309 of this title as
16 they pertain to commercial drivers as defined in Section 1-108 of
17 this title. Pursuant to this authority, motor carrier enforcement
18 officers are authorized to require the driver of a commercial motor
19 vehicle to submit to an inspection of the driver's license to
20 determine if the driver is operating pursuant to a valid Class A, B
21 or C commercial license as defined by Sections 1-107.1 through 1-
22 107.3 of this title. The Department of Public Safety shall
23 coordinate with the Corporation Commission to facilitate performance
24

1 of commercial driver license inspections by motor carrier
2 enforcement officers.

3 K. While on duty in those areas of this state set forth in
4 Section 1202 of this title, motor carrier enforcement officers
5 appointed by the Corporation Commission are authorized to enforce
6 Federal Motor Carrier Safety Regulations contained in 47 CFR Part 40
7 and Parts 300-399 by performing Level II and Level III North
8 American Standard Inspections as defined by Section 1201 of this
9 title. The Department of Public Safety shall coordinate with the
10 Corporation Commission to facilitate performance of such inspections
11 by enforcement officers appointed by the Corporation Commission and
12 to facilitate certification of enforcement officers to perform such
13 inspections according to Federal Motor Carrier Safety Administration
14 standards.

15 SECTION 2. This act shall become effective July 1, 2015.

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

20
21 55-1-1485 JD 2/18/2016 4:34:47 PM
22
23
24