

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1059

By: Stanislawski

4
5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 1167, as last amended by Section 1,
9 Chapter 324, O.S.L. 2013 (47 O.S. Supp. 2015, Section
10 1167), which relates to overweight fees and fines;
11 modifying certain revenue apportionment; amending
12 Section 3, Chapter 262, O.S.L. 2012 (47 O.S. Supp.
13 2015, Section 1202), which relates to the operation
14 of weigh stations; modifying operational hours;
15 providing an effective date; and declaring an
16 emergency.

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

18 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1167, as
19 last amended by Section 1, Chapter 324, O.S.L. 2013 (47 O.S. Supp.
20 2015, Section 1167), is amended to read as follows:

21 Section 1167. A. The Corporation Commission is hereby
22 authorized to promulgate rules pursuant to the Administrative
23 Procedures Act to establish the amounts of fees, fines and penalties
24 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.

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

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

6 1. For the period beginning with the effective date of this
7 act, the first Three Hundred Thousand Dollars (\$300,000.00)
8 collected or received each fiscal year shall be remitted to the
9 Department of Public Safety for the purpose of staffing the port of
10 entry weigh stations to conduct safety inspections. The next Five
11 Hundred Fifty Thousand Dollars (\$550,000.00) shall be remitted to
12 the Oklahoma Tax Commission and apportioned as provided in Section
13 1104 of this title; and

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

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

20 D. There is hereby created in the State Treasury a revolving
21 fund for the Corporation Commission to be known and designated as
22 the "Trucking One-Stop Shop Fund". The Trucking One-Stop Shop Fund
23 shall consist of:
24

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

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

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

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

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

21 E. There is hereby created in the State Treasury a revolving
22 fund for the Department of Transportation to be designated the
23 "Weigh Station Improvement Revolving Fund". The fund shall be a
24 continuing fund, not subject to fiscal year limitations, and shall

1 consist of all monies deposited thereto. All monies accruing to the
2 credit of the fund are hereby appropriated and may be budgeted and
3 expended by the Department for the purpose of constructing,
4 equipping and maintaining facilities to determine the weight of
5 vehicles traveling on the roads and highways of this state.
6 Expenditures from the fund shall be made upon warrants issued by the
7 State Treasurer against claims filed as prescribed by law with the
8 Director of the Office of Management and Enterprise Services for
9 approval and payment.

10 SECTION 2. AMENDATORY Section 3, Chapter 262, O.S.L.
11 2012 (47 O.S. Supp. 2015, Section 1202), is amended to read as
12 follows:

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

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

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

1 D. The Commission shall continue to conduct roadside
2 enforcement in the general area where a fixed facility is planned
3 but no fixed facility currently exists until a fixed facility is
4 located in the general area or July 1, 2016, whichever is earlier.

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

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

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

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

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

23 SECTION 3. This act shall become effective July 1, 2016.
24

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

5
6 55-2-2795

JD

2/18/2016 6:50:23 PM