STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SENATE BILL 1432 By: Marlatt

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 172, which relates to overweight violations; adding certain penalty for certain overweight violation; 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~~ 161A through 180m of this title or the Motor Carrier Act of 1995, or who fails to obey, observe, or comply with any order, decision, rule or regulation, direction, demand, or requirement of the Corporation Commission, or who procures, aids or abets any corporation or person in the person's, or its, refusal or willful failure to obey, observe or comply with any such order, decision, rule, direction, demand, or regulation shall be deemed guilty of a misdemeanor. Upon conviction in a criminal court of

competent jurisdiction, such misdemeanor is punishable by a fine of not exceeding One Thousand Dollars ($1,000.00).

B. For purposes of compliance with the permits issued pursuant to Section 14-103G of this title, an owner that operates a motor vehicle in excess of one hundred twenty thousand (120,000) pounds gross weight and in violation of Section 14-103G of this title shall be deemed guilty of a misdemeanor. Upon conviction in a criminal court of competent jurisdiction, such misdemeanor is punishable by a fine of not exceeding Three Thousand Dollars ($3,000.00).

~~B.~~ C. The Corporation Commission shall report to the Attorney General of this state and the district attorney of the proper county having jurisdiction of such offense, any violation of any of the provisions of Sections ~~161~~ 161A through 180m of this title or the Motor Carrier Act of 1995 or any rule of the Corporation Commission promulgated pursuant to the provisions of Sections ~~161~~ 161A through 180m of this title or the Motor Carrier Act of 1995, by any motor vehicle owner, agent or employee of such owner, or any other person. Upon receipt of such report, the Attorney General or the district attorney of the proper county having jurisdiction of such offense shall institute criminal or civil proceedings against such offender in the proper court having jurisdiction of such offense. Any willful failure on the part of members of the Corporation Commission, the Attorney General or any district attorney, to comply with the provisions of this section, shall be deemed official

misconduct. The Corporation Commission shall report such complaints so made to the Governor of this state who shall direct and cause the laws of this state to be enforced.

~~C.~~ D. Any person failing, neglecting or refusing to comply with the provisions of Sections ~~161~~ 161A through 180m of this title or the Motor Carrier Act of 1995, or with any rule, regulation, or requirement of the Corporation Commission promulgated pursuant to the provisions of Sections ~~161~~ 161A through 180m of this title or the Motor Carrier Act of 1995, shall be guilty of contempt of the Corporation Commission, and shall be subject to a fine to be imposed by the Corporation Commission in a sum not exceeding Five Hundred Dollars ($500.00). Each day on which such contempt occurs shall be deemed a separate and distinct offense. The maximum fine to be assessed on each day shall be Five Hundred Dollars ($500.00). All fines collected pursuant to the provisions of this section shall be deposited in the State Treasury to the credit of the Corporation Commission Trucking One-Stop Shop Fund, as created in Section 1167 of this title. This subsection shall not apply in the specific instance of load capacity violations or violations applicable to the transportation or discharge of deleterious substances provided for by specific statutory provisions.

~~D.~~ E. The Corporation Commission shall appoint a director of transportation, a deputy director, an insurance supervisor, an insurance clerk, two stenographers, a secretary to the director, an

identification device supervisor and an assistant identification device supervisor at such salaries as the Legislature may from time to time prescribe. The employees shall be allowed actual and necessary travel expenses pursuant to the provisions of the State Travel Reimbursement Act. All of the expense claims shall be presented and paid monthly.

~~E.~~ F. Enforcement officers, appointed by the Corporation Commission, are hereby declared to be peace officers of this state. Such officers shall be vested with all powers of peace officers in enforcing the provisions of Sections ~~161~~ 161A through 180m of this title and the Motor Carrier Act of 1995 in all parts of this state.

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

~~F.~~ G. The enforcement officers when on duty, upon reasonable belief that any motor vehicle is being operated in violation of any provisions of Sections ~~161~~ 161A through 180m of this title or the Motor Carrier Act of 1995, shall be authorized to require the driver of the vehicle to stop and submit to an inspection of the identification device, or devices, in the vehicle, and to submit to such enforcement officer bills of lading, waybills, or other evidences of the character of the commerce being transported in such

vehicle, and to submit to an inspection of the contents of such vehicle for the purpose of comparing same with bills of lading or shipping documentation, waybills, or other evidences of transportation carried by the driver of the vehicle. The officers shall not have the right to plea bargain.

~~G.~~ H. The enforcement officers are authorized to serve all warrants, writs, and notices issued by the Corporation Commission relating to the enforcement of the provisions of Sections ~~161~~ 161A through 180m of this title or the Motor Carrier Act of 1995 and the rules, regulations, and requirements prescribed by the Corporation Commission promulgated pursuant to Sections ~~161~~ 161A through 180m of this title or the Motor Carrier Act of 1995.

~~H.~~ I. The enforcement officers shall not have the power or right of search, nor shall they have the right of power of seizure, except as provided in Sections ~~161~~ 161A through 180m of this title or the Motor Carrier Act of 1995. The enforcement officers are authorized to hold and detain any motor vehicle operating upon the highways of this state, if, the enforcement officer has reason to believe that the vehicle is being operated contrary to the provisions of Sections ~~161~~ 161A through 180m of this title or the Motor Carrier Act of 1995, or the rules, regulations, and requirements of the Corporation Commission promulgated pursuant to Sections ~~161~~ 161A through 180m of this title or the Motor Carrier Act of 1995.

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

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

~~K.~~ L. No enforcement officer or employee of the Oklahoma Corporation Commission shall have the right to plea bargain in motor carrier or motor transportation matters except the chief legal counsel of the Commission or an assign of the legal staff of the chief legal counsel.

SECTION 2. This act shall become effective July 1, 2016.

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

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