

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1433

By: Stanislawski

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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 fines and
11 penalties; providing that certain penalties not be
12 subject to certain administrative cap; providing for
13 certain multiplier of fines and penalties; providing
14 an effective date; and declaring an emergency.

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

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

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

1 B. Fines and penalties established by the Corporation

2 Commission for violation of commercial vehicle weight limitations or
3 violation of overweight permit requirements shall not be subject to
4 the administrative cap on Corporation Commission fines as set forth
5 in Section 1 of Title 17 of the Oklahoma Statutes. The Commission
6 is hereby authorized to apply a multiplier to any fine or penalty
7 for repeat overweight violations by a carrier within a one-year
8 period; provided, however, that the fine or penalty for any single
9 violation subject to a multiplier shall not exceed a sum of Two
10 Thousand Five Hundred Dollars (\$2,500.00).

11 C. The Corporation Commission shall adjudicate enforcement
12 actions initiated by Corporation Commission personnel.

13 ~~C.~~ D. Revenue derived from all fines and penalties collected or
14 received by the Corporation Commission pursuant to the provisions of
15 this act shall be apportioned as follows:

16 1. For the period beginning with the effective date of this
17 act, the first Three Hundred Thousand Dollars (\$300,000.00)
18 collected or received each fiscal year shall be remitted to the
19 Department of Public Safety for the purpose of staffing the port of
20 entry weigh stations to conduct safety inspections. The next Five
21 Hundred Fifty Thousand Dollars (\$550,000.00) shall be remitted to
22 the Oklahoma Tax Commission and apportioned as provided in Section
23 1104 of this title;

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

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

7 ~~D.~~ E. There is hereby created in the State Treasury a revolving
8 fund for the Corporation Commission to be known and designated as
9 the "Trucking One-Stop Shop Fund". The Trucking One-Stop Shop Fund
10 shall consist of:

11 1. All funds apportioned thereto in subsection ~~E~~ D of this
12 section;

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

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

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

22 Expenditures from the revolving fund shall be made pursuant to the
23 laws of this state. In addition, expenditures from the revolving
24 fund may be made pursuant to The Oklahoma Central Purchasing Act for

1 the purpose of immediately responding to emergency situations,
2 within the Commission's jurisdiction, having potentially critical
3 environmental or public safety impact. Warrants for expenditures
4 from the fund shall be drawn by the State Treasurer against claims
5 filed as prescribed by law with the Director of the Office of
6 Management and Enterprise Services for approval and payment.

7 E. F. There is hereby created in the State Treasury a revolving
8 fund for the Department of Transportation to be designated the
9 "Weigh Station Improvement Revolving Fund". The fund shall be a
10 continuing fund, not subject to fiscal year limitations, and shall
11 consist of all monies deposited thereto. All monies accruing to the
12 credit of the fund are hereby appropriated and may be budgeted and
13 expended by the Department for the purpose of constructing,
14 equipping and maintaining facilities to determine the weight of
15 vehicles traveling on the roads and highways of this state.
16 Expenditures from the fund shall be made upon warrants issued by the
17 State Treasurer against claims filed as prescribed by law with the
18 Director of the Office of Management and Enterprise Services for
19 approval and payment.

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

21 SECTION 3. It being immediately necessary for the preservation
22 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.

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