

1 STATE OF OKLAHOMA

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

3 SENATE BILL 982

By: Stanislawski

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 14-101, as last amended by Section 3,
9 Chapter 294, O.S.L. 2015 (47 O.S. Supp. 2015, Section
10 14-101), which relates to issuance of overweight
11 permits; permitting issuance of night time travel
12 permit under certain terms and restrictions; amending
13 47 O.S. 2011, Section 14-116, as last amended by
14 Section 10, Chapter 283, O.S.L. 2012 (47 O.S. Supp.
15 2015, Section 14-116), which relates to permit fees;
16 deleting certain language; providing an effective
17 date; and declaring an emergency.

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

19 SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-101, as
20 last amended by Section 3, Chapter 294, O.S.L. 2015 (47 O.S. Supp.
21 2015, Section 14-101), is amended to read as follows:

22 Section 14-101. A. It is a misdemeanor for any person to drive
23 or move or for the owner to cause or knowingly permit to be driven
24 or moved on any highway any vehicle or vehicles of a size or weight
exceeding the limitations stated in this chapter or otherwise in
violation of this chapter, and the maximum size and weight of
vehicles herein specified shall be lawful throughout this state and

1 local authorities shall have no power or authority to alter the
2 limitations except as express authority may be granted in this
3 chapter.

4 B. The Commissioner of Public Safety is directed to issue
5 annual overweight permits to:

6 1. Municipalities and rural fire districts for the
7 transportation of firefighting apparatus at no cost to the
8 municipalities or rural fire districts;

9 2. Owners of implements of husbandry, which includes tractors
10 that are temporarily moved upon a highway at no cost to the owner;

11 3. Retail implement dealers while hauling implements of
12 husbandry at no cost to the dealer; and

13 4. Owners of certain vehicles as provided for in Section 14-
14 103G of this title.

15 C. If a vehicle is issued a license pursuant to Section ~~4~~
16 1134.4 of this ~~act~~ title, the license shall also serve as the
17 overweight permit required by this section.

18 D. All size, weight and load provisions covered by this chapter
19 shall be subject to the limitations imposed by Title 23, United
20 States Code, Section 127, and such other rules and regulations
21 developed herein. Provided further that any size and weight
22 provision authorized by the United States Congress for use on the
23 National System of Interstate and Defense Highways, including but
24 not limited to height, axle weight, gross weight, combinations of

1 vehicles or load thereon shall be authorized for immediate use on
2 such segments of the National System of Interstate and Defense
3 Highways and any other highways or portions thereof as designated by
4 the Transportation Commission or their duly authorized
5 representative.

6 E. All size, weight and load provisions covered by Sections 14-
7 101 through 14-123 of this title shall be subject to a gross vehicle
8 weight limit of ninety thousand (90,000) pounds when applied to a
9 vehicle operating off the National System of Interstate and Defense
10 Highways unless such vehicle is operating in full compliance with an
11 overweight permit issued by the Commissioner of Public Safety.

12 F. Any vehicle permitted for movement on the highways of this
13 state as provided in Section 14-101 et seq. of this title, other
14 than a vehicle permitted solely for overweight movement, shall be
15 moved only during daylight hours. As used in Section 14-101 et seq.
16 of this title, "daylight hours" shall mean one-half (1/2) hour
17 before sunrise to one-half (1/2) hour after sunset. The
18 Commissioner, for good cause and consistent with the safe movement
19 of the vehicle, may endorse a permit for the movement of an oversize
20 vehicle to authorize night time travel under such terms and
21 restrictions as the Commissioner may require.

22 G. 1. Any vehicle permitted for movement on the highways of
23 this state as provided in Section 14-101 et seq. of this title shall
24 not be moved at any time on the following holidays:

- 1 a. New Year's Day (January 1),
- 2 b. Memorial Day (the last Monday in May),
- 3 c. The Fourth of July (Independence Day),
- 4 d. Labor Day (the first Monday in September),
- 5 e. Thanksgiving Day (the fourth Thursday in November),
- 6 and
- 7 f. Christmas Day (December 25).

8 2. Any vehicle permitted for movement on the highways of this
9 state as provided in Section 14-101 et seq. of this title shall be
10 allowed to move on the following holidays:

- 11 a. Martin Luther King, Jr.'s Birthday (the third Monday
12 in January),
- 13 b. President's Day, also known as Washington's Birthday
14 (the third Monday in February), and
- 15 c. Veteran's Day (November 11).

16 SECTION 2. AMENDATORY 47 O.S. 2011, Section 14-116, as
17 last amended by Section 10, Chapter 283, O.S.L. 2012 (47 O.S. Supp.
18 2015, Section 14-116), is amended to read as follows:

19 Section 14-116. A. The Commissioner of Public Safety shall
20 charge a minimum permit fee of Forty Dollars (\$40.00) for any permit
21 issued pursuant to the provisions of Section 14-101 et seq. of this
22 title. In addition to the permit fee, the Commissioner shall charge
23 a fee of Ten Dollars (\$10.00) for each thousand pounds in excess of
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1 the legal load limit. The Commissioner of Public Safety shall
2 establish any necessary rules for collecting the fees.

3 B. The Department of Public Safety is authorized to establish
4 an escrow account system for the payment of permit fees. Authorized
5 motor carriers meeting established credit requirements may
6 participate in the escrow account system for permits purchased from
7 all size and weight permit offices in this state. Carriers not
8 choosing to participate in the escrow account system shall be
9 required to make payment of the required fee or fees upon purchase
10 of each permit as required by law. All monies collected through the
11 escrow account system shall be deposited to a special account of the
12 Department of Public Safety and placed in the custody of the State
13 Treasurer. Proceeds from permits purchased using the escrow account
14 system shall be distributed as provided for in subsection H of this
15 section. However, fees collected through such accounts for the
16 electronic transmission, transfer or delivery of permits, as
17 provided for in Section 14-118 of this title, shall be credited to
18 the Department of Public Safety Restricted Revolving Fund.

19 C. 1. Application for permits shall be made a reasonable time
20 in advance of the expected time of movement of such vehicles. For
21 emergencies affecting the health or safety of persons or a
22 community, permits may be issued for immediate movement.

1 2. Size and weight permit offices in all districts where
2 applicable shall issue permits to authorize carriers by telephone
3 during weekdays.

4 ~~3. The Commissioner of Public Safety shall develop a system for
5 provisional permits for authorized carriers which may be used in
6 lieu of a regular permit for the movement of oversize and overweight
7 loads when issued an authorization number by the Department of
8 Public Safety. Such provisional permits shall include date of
9 movement, general load description, estimated weight, oversize
10 notation, route of travel, truck or truck-tractor license number,
11 and permit authorization number.~~

12 D. No overweight permit shall be valid until all license taxes
13 due the State of Oklahoma have been paid.

14 E. No permit violation shall be deemed to have occurred when an
15 oversize or overweight movement is made pursuant to a permit whose
16 stated weight or size exceeds the actual load.

17 F. Any permit issued for a truck or truck-tractor operating in
18 combination with a trailer or a semitrailer shall contain only the
19 license plate number for the truck or truck-tractor if the permittee
20 provides to the Department a list containing the license plate
21 number, and such other information as the Department may prescribe
22 by rule, for each trailer or semitrailer which may be used for
23 movement with the permit. When the permittee provides the list
24 described in this subsection, the license plate number for any

1 trailer or semitrailer to be moved with the permit shall not be
2 included on the permit; provided, a trailer or semitrailer which is
3 not on the list shall not be authorized to be used for movement with
4 the permit. It shall be the responsibility of the permittee to
5 ensure the list provided to the Department is maintained and updated
6 with any fleet changes. The Department shall adopt any rules deemed
7 necessary to administer the provisions of this subsection.

8 G. The first deliverer of motor vehicles designated truck
9 carriers or well service carriers manufactured in Oklahoma shall not
10 be required to purchase an overweight permit when being delivered to
11 the first purchaser.

12 H. Except as provided in Section 14-122 of this title, the
13 first One Million Two Hundred Sixteen Thousand Dollars
14 (\$1,216,000.00) of proceeds from both the permit fees and the
15 overweight permit fees imposed pursuant to subsection A of this
16 section collected monthly shall be apportioned as provided in
17 Section 1104 of this title. All proceeds collected from both the
18 permit fees and the overweight permit fees imposed pursuant to
19 subsection A of this section in excess of One Million Two Hundred
20 Sixteen Thousand Dollars (\$1,216,000.00) shall be deposited in the
21 Weigh Station Improvement Revolving Fund as provided in Section 1167
22 of this title for the purpose set forth in that section and may be
23 used for motor carrier permitting systems and motor carrier safety
24 and enforcement.

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

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

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