

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1380, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Allen

Allen-JD-FS-Req#3490
3/12/2018 6:10 PM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1380

6 By: Allen of the Senate

7 and

8 Vaughan and Roberts
9 (Dustin) of the House

10 FLOOR SUBSTITUTE

11 [motor vehicles - regulation of motor carriers -
12 agency reference - requirements of certain
13 enforcement officers - Department of Public Safety -
14 Corporation Commission - certain contract - certain
15 employees - revocation or suspension of license -
16 Oklahoma Weigh Station Act of 2012 - repealers -
17 ~~effective date~~ emergency]

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

19 SECTION 1. AMENDATORY 47 O.S. 2011, Section 161A, is
20 amended to read as follows:

21 Section 161A. A. This act shall be known and may be cited as
22 the "Household Goods Act of 2009". The purpose of this act is to
23 regulate intrastate transportation by motor carriers of household
24 goods in such manner as to establish standards for public safety,
fair competitive practices, adequate and dependable service, and
protection of shippers from deceptive or unfair practices.

1 B. The provisions of this act, except as specifically limited
2 herein, shall apply to the intrastate transportation of household
3 goods by motor carriers over public highways of this state; and the
4 regulations of such transportation, and the procurement thereof and
5 the provisions of facilities therefor, are hereby vested in the
6 ~~Corporation Commission~~ Department of Public Safety.

7 Shipments contracted by the federal government, a state
8 government, a tribal government or any local government or political
9 subdivision thereof shall not be required to obtain a household
10 goods certificate, but shall be regulated by the ~~Commission~~
11 Department to achieve compliance with safety requirements and size
12 and weight limitations.

13 Nothing in this act shall be construed to interfere with the
14 exercise by agencies of the government of the United States of its
15 power of regulation of interstate commerce.

16 C. As used in this act:

17 1. "~~Commission~~" "Department" means the ~~Corporation Commission~~
18 Department of Public Safety;

19 2. "Corporate family" means a group of corporations consisting
20 of a parent corporation and all subsidiaries in which the parent
21 corporation owns directly or indirectly one hundred percent (100%)
22 interest;

23 3. "Household goods" means used personal effects and property
24 of a dwelling;

1 4. "Household goods certificate" means a certificate of
2 authority issued by the ~~Corporation Commission~~ Department of Public
3 Safety to transport household goods within this state;

4 5. "Intercorporate hauling" means the transportation of
5 household goods, by motor vehicle, for compensation, by a carrier
6 which is a member of a corporate family, as defined in this section,
7 when the transportation for compensation is provided for other
8 members of the corporate family;

9 6. "Motor carrier of household goods" means a person
10 transporting household goods for compensation or other
11 consideration, with an origin and destination within this state;

12 7. "Motor vehicle" means any automobile, truck, truck-tractor,
13 trailer or semitrailer or any motor bus or self-propelled vehicle
14 not operated or driven upon fixed rails or tracks;

15 8. "Person" means any individual, firm, copartnership, limited
16 partnership, corporation, limited liability corporation, company,
17 association, or joint-stock association and includes any trustee,
18 receiver, assignee, or personal representative thereof; and

19 9. "Public highway" means every public street, road, highway,
20 or thoroughfare in this state, used by the public, whether actually
21 dedicated to the public and accepted by the proper authorities or
22 otherwise.

23 D. The terms and provisions of this act shall apply to commerce
24 with foreign nations, or commerce among the several states of this

1 Union, insofar as such application may be permitted under the
2 provisions of the Constitution of the United States and the Acts of
3 Congress.

4 SECTION 2. AMENDATORY 47 O.S. 2011, Section 162, is
5 amended to read as follows:

6 Section 162. A. The ~~Corporation Commission~~ Department of
7 Public Safety is authorized to:

8 1. Supervise and regulate every motor carrier of household
9 goods;

10 2. Protect the shipping and general public by requiring
11 liability insurance and cargo insurance of all motor carriers of
12 household goods;

13 3. Ensure motor carriers of household goods are complying with
14 applicable size and weight laws and safety requirements;

15 4. Supervise and regulate such motor carriers in all other
16 matters affecting the relationship between such carriers and the
17 traveling and shipping public including, but not limited to,
18 consumer protection measures and loss and damage claim procedures;
19 and

20 5. Enforce the provisions of this act.

21 B. The ~~Commission~~ Department is authorized to promulgate rules
22 applicable to persons transporting household goods.

23 C. 1. The ~~Commission~~ Department is authorized to administer a
24 hazardous material transportation registration and permitting

1 program for motor carriers engaged in transporting hazardous
2 material upon or over the public highways and within the borders of
3 the state.

4 2. The ~~Commission~~ Department shall promulgate rules
5 implementing the provisions of this subsection. Rules promulgated
6 pursuant to this subsection shall be consistent with, and equivalent
7 in scope, coverage, and content to requirements applicable to
8 operators of vehicles transporting hazardous materials contained in
9 the report submitted to the Secretary of the United States
10 Department of Transportation, pursuant to 49 U.S.C. 5119(b), by the
11 Alliance for Uniform Hazardous Material Transportation Procedures.

12 D. Nothing in this section shall be construed to remove or
13 affect the jurisdiction of the Department of Environmental Quality
14 to implement hazardous waste transportation requirements for federal
15 hazardous waste program delegation to this state under the federal
16 Resource Conservation and Recovery Act.

17 E. The ~~Commission~~ Department is authorized to promulgate rules
18 and set fees applicable to interstate motor carriers, pertaining to
19 carrier registration, operation of equipment and filing of proper
20 proof of liability insurance.

21 SECTION 3. AMENDATORY 47 O.S. 2011, Section 162.1, is
22 amended to read as follows:

23 Section 162.1. The ~~Corporation-Commission~~ Department of Public
24 Safety is authorized to promulgate rules necessary to enable this

1 state to participate in the Unified Carrier Registration System for
2 interstate motor carriers, brokers, forwarders and leasing companies
3 and interstate motor carriers holding intrastate authority as set
4 forth in the Safe, Accountable, Flexible, Efficient Transportation
5 Equity Act: A Legacy for Users (SAFETEA-LU), Subtitle C-Unified
6 Carrier Registration Act of 2005.

7 SECTION 4. AMENDATORY 47 O.S. 2011, Section 163, is
8 amended to read as follows:

9 Section 163. A. No person shall transport household goods for
10 compensation or other consideration in intrastate commerce without a
11 valid certificate issued by the ~~Corporation Commission~~ Department of
12 Public Safety.

13 B. The ~~Commission~~ Department shall promulgate rules ensuring
14 consumer protection and loss and damage claim procedures.

15 C. Every motor carrier, subject to this act, receiving
16 household goods for transportation in intrastate commerce shall
17 issue a receipt or bill of lading therefor, the form of which shall
18 be prescribed by the ~~Commission~~ Department.

19 D. Record-keeping documents, as required by the ~~Commission~~
20 Department, shall be maintained by the motor carrier of household
21 goods for a minimum of three (3) years. The ~~Commission~~ Department
22 is authorized to require certain documents to be retained for a
23 longer period of time pending a claim for any other reason the
24 ~~Commission~~ Department deems necessary.

1 E. Any person, motor carrier, or shipper who shall willfully
2 violate any provision of this act or the ~~Commission's~~ Department's
3 rules pursuant thereto may be found in violation by the ~~Commission~~
4 Department. After proper notice and hearing, violators may be
5 assessed penalties in an amount not to exceed One Thousand Dollars
6 (\$1,000.00) for the first violation and for the second violation
7 within a year a penalty not to exceed Five Thousand Dollars
8 (\$5,000.00).

9 SECTION 5. AMENDATORY 47 O.S. 2011, Section 165, is
10 amended to read as follows:

11 Section 165. A. Upon the filing of an application to operate
12 as a motor carrier of household goods, the applicant shall pay to
13 the ~~Corporation Commission~~ Department of Public Safety a filing fee
14 as set by ~~Commission~~ Department rule.

15 B. Upon the filing by an interstate motor carrier of an
16 application to register interstate authority, or supplement thereto,
17 the applicant shall pay the ~~Commission~~ Department a filing fee as
18 established by the ~~Commission~~ Department and in full compliance with
19 applicable federal laws.

20 C. The ~~Commission~~ Department shall, upon the receipt of any
21 such fee, deposit the same in the State Treasury to the credit of
22 the ~~Corporation Commission~~ Revolving Trucking One-Stop Shop Fund.

23 SECTION 6. AMENDATORY 47 O.S. 2011, Section 166, is
24 amended to read as follows:

1 Section 166. A. It is hereby declared unlawful for any person
2 to transport household goods in intrastate commerce without a valid
3 certificate issued by the ~~Corporation Commission~~ Department of
4 Public Safety.

5 B. Motor carriers engaged in intercorporate hauling must obtain
6 a certificate in the motor carrier's name.

7 C. Applicants for intrastate authority to transport household
8 goods shall file an application as required by this act and as
9 prescribed by the ~~Commission~~ Department. A household goods
10 certificate shall be issued to the applicant upon completion of all
11 requirements.

12 D. The ~~Commission~~ Department may consider any written protests
13 or written complaints filed prior to granting or renewing a
14 household goods certificate. If the ~~Commission~~ Department elects
15 not to grant or renew a household goods certificate, the application
16 shall be set for public hearing in accordance with ~~Commission~~
17 Department rules.

18 E. Household goods certificates may not be assigned or
19 transferred.

20 F. The ~~Commission~~ Department shall exercise any additional
21 power that may from time to time be conferred upon the state by any
22 Act of Congress.

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1 G. The ~~Commission~~ Department shall adopt rules prescribing the
2 manner and form in which motor carriers shall apply for a household
3 goods certificate.

4 SECTION 7. AMENDATORY 47 O.S. 2011, Section 166.5, is
5 amended to read as follows:

6 Section 166.5. If ~~this act~~ Section 166.1 et seq. of this title
7 or the Motor Carrier Act of 1995 or any provision hereof is, or may
8 be deemed to be, in conflict or inconsistent with any of the
9 provisions of Section 18 through Section 34, inclusive, of Article
10 IX of the Constitution of the State of Oklahoma, then, to the extent
11 of any such conflicts or inconsistencies, it is hereby expressly
12 declared that this entire act and this section are amendments to and
13 alterations of the sections of the Constitution, as authorized by
14 Section 35 of Article IX of ~~said~~ the Constitution.

15 SECTION 8. AMENDATORY 47 O.S. 2011, Section 166a, is
16 amended to read as follows:

17 Section 166a. A. As used in this section:

18 1. "Authorized carrier" means a motor carrier of household
19 goods;

20 2. "Equipment" means a motor vehicle, straight truck, tractor,
21 semitrailer, full trailer, any combination of these and any other
22 type of equipment used by authorized carriers in the transportation
23 of household goods;

24

1 3. "Owner" means a person to whom title to equipment has been
2 issued, or who, without title, has the right to exclusive use of
3 equipment for a period longer than thirty (30) days;

4 4. "Lease" means a contract or arrangement in which the owner
5 grants the use of equipment, with or without driver, for a specified
6 period to an authorized carrier for use in the regulated
7 transportation of household goods in exchange for compensation;

8 5. "Lessor", in a lease, means the party granting the use of
9 equipment with or without driver to another;

10 6. "Lessee", in a lease, means the party acquiring the use of
11 equipment with or without driver from another;

12 7. "Addendum" means a supplement to an existing lease which is
13 not effective until signed by the lessor and lessee; and

14 8. "Shipper" means a person who sends or receives household
15 goods which are transported in intrastate commerce in this state.

16 B. An authorized carrier may perform authorized transportation
17 in equipment it does not own only under the following conditions:

18 1. There shall be a written lease granting the use of the
19 equipment and meeting the requirements as set forth in subsection C
20 of this section;

21 2. The authorized carrier acquiring the use of equipment under
22 this section shall identify the equipment in accordance with the
23 ~~Commission's~~ Department's requirements; and

24

1 3. Upon termination of the lease, the authorized carrier shall
2 remove all identification showing it as the operating carrier before
3 giving up possession of the equipment.

4 C. The written lease required pursuant to subsection B of this
5 section shall contain the following provisions. The required lease
6 provisions shall be adhered to and performed by the authorized
7 carrier as follows:

8 1. The lease shall be made between the authorized carrier and
9 the owner of the equipment. The lease shall be signed by these
10 parties or by their authorized representatives;

11 2. The lease shall specify the time and date or the
12 circumstances on which the lease begins and ends and include a
13 description of the equipment which shall be identified by vehicle
14 serial number, make, year, model and current license plate number;

15 3. The period for which the lease applies shall be for thirty
16 (30) days or more when the equipment is to be operated for the
17 authorized carrier by the owner or an employee of the owner;

18 4. The lease shall provide that the authorized carrier lessee
19 shall have exclusive possession, control and use of the equipment
20 for the duration of the lease. The lease shall further provide that
21 the authorized carrier lessee shall assume complete responsibility
22 for the operation of the equipment for the duration of the lease;

23 5. The amount to be paid by the authorized carrier for
24 equipment and driver's services shall be clearly stated on the face

1 of the lease or in an addendum which is attached to the lease. The
2 amount to be paid may be expressed as a percentage of gross revenue,
3 a flat rate per mile, a variable rate depending on the direction
4 traveled or the type of commodity transported, or by any other
5 method of compensation mutually agreed upon by the parties to the
6 lease. The compensation stated on the lease or in the attached
7 addendum may apply to equipment and driver's services either
8 separately or as a combined amount;

9 6. The lease shall clearly specify the responsibility of each
10 party with respect to the cost of fuel, fuel taxes, empty mileage,
11 permits of all types, tolls, detention and accessorial services,
12 base plates and licenses, and any unused portions of such items.
13 Except when the violation results from the acts or omissions of the
14 lessor, the authorized carrier lessee shall assume the risks and
15 costs of fines for overweight and oversize trailers when the
16 trailers are preloaded, sealed, or the load is containerized, or
17 when the trailer or lading is otherwise outside of the lessor's
18 control, and for improperly permitted over-dimension and overweight
19 loads and shall reimburse the lessor for any fines paid by the
20 lessor. If the authorized carrier is authorized to receive a refund
21 or a credit for base plates purchased by the lessor from, and issued
22 in the name of, the authorized carrier, or if the base plates are
23 authorized to be sold by the authorized carrier to another lessor,
24 the authorized carrier shall refund to the initial lessor on whose

1 behalf the base plate was first obtained a prorated share of the
2 amount received;

3 7. The lease shall specify that payment to the lessor shall be
4 made by the authorized carrier within fifteen (15) days after
5 submission of the necessary delivery documents and other paperwork
6 concerning a trip in the service of the authorized carrier. The
7 paperwork required before the lessor can receive payment is limited
8 to those documents necessary for the authorized carrier to secure
9 payment from the shipper. The authorized carrier may require the
10 submission of additional documents by the lessor but not as a
11 prerequisite to payment;

12 8. The lease shall clearly specify the right of those lessors
13 whose revenue is based on a percentage of the gross revenue for a
14 shipment to examine copies of the authorized carrier's freight bill
15 before or at the time of settlement. The lease shall clearly
16 specify the right of the lessor, regardless of method of
17 compensation, to examine copies of the carrier's tariff;

18 9. The lease shall clearly specify all items that may be
19 initially paid for by the authorized carrier, but ultimately
20 deducted from the lessor's compensation at the time of payment or
21 settlement together with a recitation as to how the amount of each
22 item is to be computed. The lessor shall be afforded copies of
23 those documents which are necessary to determine the validity of the
24 charge;

1 10. The lease shall specify that the lessor is not required to
2 purchase or rent any products, equipment, or services from the
3 authorized carrier as a condition of entering into the lease
4 arrangement;

5 11. As it relates to insurance:

6 a. the lease shall clearly specify the legal obligation
7 of the authorized carrier to maintain insurance
8 coverage for the protection of the public, and

9 b. the lease shall clearly specify the conditions under
10 which deductions for cargo or property damage may be
11 made from the lessor's settlements. The lease shall
12 further specify that the authorized carrier must
13 provide the lessor with a written explanation and
14 itemization of any deductions for cargo or property
15 damage made from any compensation of money owed to the
16 lessor. The written explanation and itemization must
17 be delivered to the lessor before any deductions are
18 made; and

19 12. An original and two copies of each lease shall be signed by
20 the parties. The authorized carrier shall keep the original and
21 shall place a copy of the lease in the equipment during the period
22 of the lease. The owner of the equipment shall keep the other copy
23 of the lease.

1 D. The provisions of this section shall apply to the leasing of
2 equipment with which to perform household goods transportation by
3 motor carriers.

4 SECTION 9. AMENDATORY 47 O.S. 2011, Section 169, is
5 amended to read as follows:

6 Section 169. A. No certificate shall be issued by the
7 ~~Corporation Commission~~ Department of Public Safety to any motor
8 carrier of household goods until after such motor carrier shall have
9 filed with the ~~Commission~~ Department a liability insurance policy or
10 bond covering public liability and property damage, issued by some
11 insurance or bonding company or insurance carrier authorized as set
12 forth below, and which has complied with all of the requirements of
13 the ~~Commission~~ Department, which bond or policy shall be approved by
14 the ~~Commission~~ Department, and shall be in such sum and amount as
15 fixed by a proper order of the ~~Commission~~ Department; and such
16 liability and property damage insurance policy or bond shall bind
17 the obligor thereunder to make compensation for injuries to, or
18 death of, persons, and loss or damage to property, resulting from
19 the operation of any such motor carrier for which such carrier is
20 legally liable. After judgment against the carrier for any damage,
21 the injured party may maintain an action upon the policy or bond to
22 recover the same, and shall be a proper party to maintain such
23 action.

1 B. Every motor carrier of household goods shall file with the
2 ~~Commission~~ Department a cargo insurance policy or bond covering any
3 goods or property being transported, issued by some insurance or
4 bonding company or insurance carrier authorized as set forth below,
5 and which has complied with all of the requirements of the
6 ~~Commission~~ Department, which bond or policy shall be approved by the
7 ~~Commission~~ Department, and shall be in a sum and amount as fixed by
8 ~~Commission~~ Department rule. The cargo insurance must be filed with
9 the ~~Commission~~ Department prior to a certificate being issued by the
10 ~~Commission~~ Department.

11 C. No carrier, whose principal place of business is in
12 Oklahoma, shall conduct any operations in this state unless the
13 operations are covered by a valid primary bond or insurance policy
14 issued by an insurer authorized or approved by the Oklahoma
15 Insurance Department. No carrier whose principal place of business
16 is not in Oklahoma shall conduct any operations in this state unless
17 the operations are covered by a valid bond or insurance policy
18 issued by an insurer licensed or approved by the insurance
19 regulatory authority of the state of their principal place of
20 business or the Oklahoma Insurance Department.

21 D. Each motor carrier shall maintain on file, in full force,
22 all insurance required by the laws of the State of Oklahoma and the
23 rules of the ~~Commission~~ Department during such motor carrier's
24 operation and that the failure for any cause to maintain such

1 coverage in full force and effect shall immediately, without any
2 notice from the ~~Commission~~ Department, suspend such carrier's rights
3 to operate until proper insurance is provided. Any carrier
4 suspended for failure to maintain proper insurance shall have a
5 reasonable time, not exceeding sixty (60) days, within which to
6 provide proper insurance and to have the carrier's authority
7 reactivated, upon showing:

8 1. No operation during the period in which the carrier did not
9 have insurance; and

10 2. Furnishing of proper insurance coverage.

11 E. Any carrier who fails to reactivate the carrier's
12 certificate within sixty (60) days after such suspension, as above
13 provided, shall have the certificate canceled, by operation of law,
14 without any notice from the ~~Commission~~ Department. No certificate
15 so canceled shall be reinstated or otherwise made operative except
16 that the ~~Commission~~ Department may reinstate the authority of a
17 motor carrier upon proper showing that the motor carrier was
18 actually covered by proper insurance during the suspension or
19 cancellation period, and that failure to file with the ~~Commission~~
20 Department was not due to the motor carrier's fault. Any carrier
21 desiring to file for reinstatement of the carrier's certificate
22 shall do so within ninety (90) days of its cancellation by law.

23 F. The ~~Commission~~ Department shall, in its discretion, permit
24 the filing of certificates of insurance coverage on such form as may

1 be prescribed by the ~~Commission~~ Department, in lieu of copies of
2 insurance policies or bonds, with the proviso that if the
3 certificates are authorized, the insurance company or carrier so
4 filing it, upon request of the ~~Commission~~ Department, shall, at any
5 time, furnish an authenticated copy of the policy which the
6 certificate represents, and further provided that thirty (30) days
7 prior to effective cancellation or termination of the policy of
8 insurance for any cause, the insurer shall so notify the ~~Commission~~
9 Department in writing of the facts or as deemed necessary by the
10 ~~Commission~~ Department.

11 SECTION 10. AMENDATORY 47 O.S. 2011, Section 169.5, is
12 amended to read as follows:

13 Section 169.5. If the carrier fails to process loss or damage
14 claims as provided in Sections 169.2 through 169.4 of this title, or
15 to express declinations of the claims in writing with proof of
16 nonliability, the carrier may be found in contempt by the
17 ~~Corporation Commission~~ Department of Public Safety after proper
18 notice and hearing. Failure to pay any fine or otherwise resolve
19 the complaint may result in a hearing by the ~~Corporation Commission~~
20 Department of Public Safety to determine if the operating authority
21 of the carrier shall be revoked.

22 SECTION 11. AMENDATORY 47 O.S. 2011, Section 170, is
23 amended to read as follows:

24

1 Section 170. A. Nothing contained in this act shall be
2 construed to authorize the operation of any freight vehicle in
3 excess of the gross weight, width, length or height authorized by
4 law.

5 B. Any person who willfully advertises to perform
6 transportation services for which the person does not hold a proper
7 certificate shall be in violation of this act and subject to the
8 penalties prescribed for contempt of the ~~Corporation Commission~~
9 Department of Public Safety.

10 C. Household goods certificates may be suspended or revoked for
11 any violation of state law or ~~Commission~~ Department rule.

12 D. Certificates shall be considered personal to the holder
13 thereof and shall be issued only to some definite legal entity
14 operating motor vehicles as a motor carrier of household goods, and
15 shall not be subject to lease, nor shall the holder thereof sublet
16 or permit the exercise, by another, in anywise, of the rights or
17 privileges granted thereunder.

18 SECTION 12. AMENDATORY 47 O.S. 2011, Section 170.1, is
19 amended to read as follows:

20 Section 170.1. A. Upon any complaint in writing under oath
21 being made by any person, or by the ~~Commission~~ Department of its own
22 motion, setting forth any act or thing done or omitted to be done by
23 any person in violation, or claimed violation, of any provision of
24 law, or of any order or rule of the ~~Commission~~ Department, the

1 ~~Commission~~ Department shall enter same upon its docket and shall
2 immediately serve a copy thereof upon each defendant together with a
3 notice directed to each defendant requiring that the matter
4 complained of be answered, in writing, within ten (10) days of the
5 date of service of such notice, provided that the ~~Commission~~
6 Department may, in its discretion, require particular cases to be
7 answered within a shorter time, and the ~~Commission~~ Department may,
8 for good cause shown, extend the time in which an answer may be
9 filed.

10 Upon the filing of the answer herein provided for, the
11 ~~Commission~~ Department shall set a time and place for the hearing,
12 and notice of the time and place of the hearing shall be served not
13 less than ten (10) days before the time set therefor, unless the
14 ~~Commission~~ Department shall find that public necessity requires the
15 hearing at an earlier date.

16 B. The ~~Commission~~ Department may, in all matters within its
17 jurisdiction, issue subpoenas, subpoenas duces tecum, and all
18 necessary process in proceedings pending before the ~~Commission~~
19 Department; may administer oaths, examine witnesses, compel the
20 production of records, books, papers, files, documents, contracts,
21 correspondence, agreements, or accounts necessary for any
22 investigation being conducted, and certify official acts.

23 C. In case of failure on the part of any person to comply with
24 any lawful order of the ~~Commission~~ Department, ~~or of any~~

1 ~~Commissioner~~, or with any subpoena or subpoena duces tecum, or to
2 testify concerning any matter on which he may be lawfully
3 interrogated, the ~~Commission~~ Department may compel obedience by
4 proceedings for contempt as in the case of disobedience of the
5 requirements of a subpoena, or of the refusal to testify.

6 D. Witnesses who are summoned before the ~~Commission~~ Department
7 shall be paid the same fees and mileage as are paid to witnesses in
8 courts of record. Any party to a proceeding at whose instance a
9 subpoena is issued and served shall pay the costs incident thereto
10 and the fees for mileage of all his witnesses.

11 E. In event any process shall be directed to any nonresident
12 who is authorized to do business in this state, the process may be
13 served upon the agent designated by the nonresident for the service
14 of process, and service upon the agent shall be as sufficient and as
15 effective as if served upon the nonresident.

16 F. All process issued by the ~~Commission~~ Department shall extend
17 to all parts of the state and any such process, together with the
18 service of all notices issued by the ~~Commission~~ Department, as well
19 as copies of complaints, rules, orders and regulations of the
20 ~~Commission~~ Department, may be served by any person authorized to
21 serve process issued out of courts of record, or by certified mail.

22 G. After the conclusion of any hearing, the ~~Commission~~
23 Department shall, within sixty (60) days, make and file its findings
24 and order, with its opinion. Its findings shall be in sufficient

1 detail to enable any court in which any action of the ~~Commission~~
2 Department is involved to determine the controverted questions
3 presented by the proceeding. A copy of such order, certified under
4 the seal of the ~~Commission~~ Department, shall be served upon the
5 person against whom it runs, or the attorney of the person, and
6 notice thereof shall be given to the other parties to the
7 proceedings or their attorneys. The order shall take effect and
8 become operative within fifteen (15) days after the service thereof,
9 unless otherwise provided. If an order cannot, in the judgment of
10 the ~~Commission~~ Department, be complied with within fifteen (15)
11 days, the ~~Commission~~ Department may grant and prescribe such
12 additional time as in its judgment is reasonably necessary to comply
13 with the order, and may, on application and for good cause shown,
14 extend the time for compliance fixed in the order.

15 H. In the event the ~~Commission~~ Department finds that the
16 defendant is guilty upon any complaint filed and proceeding had and
17 that the provisions of law, or the rules, regulations or orders of
18 this ~~Commission~~ Department have been willfully and knowingly
19 violated and the violator holds a permit or certificate or license
20 issued by the ~~Commission~~ Department authorizing it to engage in the
21 transportation of persons or property for hire, then such permit or
22 certificate or license may also be revoked by the ~~Commission~~
23 Department.

24

1 I. Where a complaint is instituted by any person other than the
2 ~~Commission~~ Department of its own motion and in the event the
3 ~~Commission~~ Department should find that the complaint was not in good
4 faith, the complaining party shall be required to pay the
5 defendant's attorney's fee, the fee to be prescribed by the
6 ~~Commission~~ Department in accordance with applicable Oklahoma Bar
7 Association standards.

8 J. Any person aggrieved by any findings and order of the
9 ~~Commission~~ Department may appeal to the Supreme Court in the way and
10 manner now or hereafter provided for appeals from the district court
11 to the Supreme Court.

12 SECTION 13. AMENDATORY 47 O.S. 2011, Section 170.2, is
13 amended to read as follows:

14 Section 170.2. A. ~~The Department of Public Safety, monthly,~~
15 ~~shall notify the Oklahoma Corporation Commission of any ticket~~
16 ~~issued for a violation of the provisions of Section 14-119 of this~~
17 ~~title, or any provisions of Chapter 14 of this title or the terms of~~
18 ~~any special permit authorized pursuant to the provisions of Chapter~~
19 ~~14 of this title concerning overweight or overweight special~~
20 ~~permits.~~

21 ~~B.~~ Truck overweight violations by motor carriers or private
22 carriers shall be considered contempt of ~~Commission~~ Department motor
23 carrier rules, tariffs and regulations. The ~~Commission~~ Department
24 shall establish a specific rule whereby such overweight violations

1 by motor carriers or private carriers shall be grounds for issuance
2 of a show-cause order for consideration of temporary or permanent
3 cancellation of operating authority or license. In establishing the
4 rule, consideration shall be given to the frequency of violations,
5 pattern of violations, fleet size, type of operation, amount of
6 overweight, and other such factors that may indicate intent. Any
7 person, firm, or corporation that assists in the commission of such
8 overweight violation or refuses to comply with any rule, regulation,
9 or order of the ~~Commission~~ Department relating thereto shall be
10 guilty of contempt of the ~~Commission~~ Department and shall be subject
11 to a fine ~~to be imposed by said Commission in a sum not to exceed~~
12 ~~Five Hundred Dollars (\$500.00) on~~ as prescribed by Section 14-109 of
13 this title for each violation. In the specific instance of an
14 overweight violation, the transportation of each load shall
15 constitute a separate violation. The same fine assessed against the
16 motor carrier or private carrier shall apply to any other person,
17 firm, or corporation that aids or abets such violations. Provided
18 however, no motor carrier, private carrier, shipper or person
19 loading or causing a motor vehicle to be loaded shall be subject to
20 a fine for contempt unless the gross weight of the motor vehicle is
21 more than five thousand (5,000) pounds overweight.

22 C. B. The ~~Commission~~ Department, in its discretion and on its
23 own motion, may make a contempt complaint in writing under oath
24 setting forth the violation, enter the complaint on its docket, and

1 proceed with the matter in accordance with the provisions of
2 Sections 161 et seq. of this title or the Motor Carrier Act of 1995.

3 SECTION 14. AMENDATORY 47 O.S. 2011, Section 171.1, is
4 amended to read as follows:

5 Section 171.1. In addition to other uses authorized by law,
6 funds provided to the ~~Corporation Commission~~ Weigh Station
7 Improvement Revolving Fund pursuant to Sections 165, 177.2 and 180h
8 of this title shall be expended as follows:

9 1. The ~~Corporation Commission Transportation Division~~ shall
10 Department of Public Safety may employ ~~four~~ special ~~motor carrier~~
11 ~~enforcement~~ Port of Entry officers and ~~one supervisor-officer~~
12 supervisor-officers who shall have the primary duty of investigating
13 and assisting in the prosecution of persons engaged in unauthorized
14 transportation or disposal of deleterious substances as contemplated
15 under the provisions of the Oklahoma Motor Carrier Act and any other
16 applicable provisions of law. Such employees shall be compensated
17 as for similar service in the same or other departments of the state
18 and an expense allowance of One Hundred Dollars (\$100.00) per month
19 for maintenance and cleaning of uniforms and other related expenses
20 shall be paid to such employees. Nothing in this section regarding
21 expense allowances shall be construed to mean that such employees
22 shall receive any additional compensation beyond what is provided
23 for maintenance and cleaning of uniforms and other related expenses

24

1 by the ~~Corporation Commission~~ Department of Public Safety on the
2 ~~effective date of this act~~ September 1, 1993.

3 2. The ~~Commission~~ Department shall ~~purchase~~ provide a
4 sufficient number of motor vehicles ~~to provide each motor carrier~~
5 ~~enforcement officer employed in the Transportation Division a motor~~
6 ~~vehicle suitable~~ as necessary for Port of Entry officers to carry
7 out the enforcement provisions of applicable law. ~~Said~~ The vehicles
8 shall be appropriately marked as official vehicles and radio
9 equipped. All costs for operation, maintenance and replacement of
10 the motor vehicles authorized in this section shall be provided for
11 from the ~~Corporation Commission~~ Weigh Station Improvement Revolving
12 Fund.

13 3. The ~~Commission shall~~ Department may employ a hearing ~~officer~~
14 officers as necessary whose primary responsibility shall be the
15 adjudication of enforcement proceedings and complaints brought
16 against persons engaged in unauthorized transportation or disposal
17 of deleterious substances or other unauthorized transportation in
18 violation of the Oklahoma Motor Carrier Act or the rules and
19 regulations of motor carriers as promulgated by the ~~Corporation~~
20 ~~Commission~~ Department of Public Safety.

21 SECTION 15. AMENDATORY 47 O.S. 2011, Section 171.2, is
22 amended to read as follows:

23 Section 171.2. ~~Motor carrier enforcement~~ Port of Entry officers
24 as authorized in Section 171.1 of this title shall have authority

1 and powers as provided for those ~~motor carrier~~ Port of Entry
2 officers authorized under the provisions of Section 172 of this
3 title.

4 SECTION 16. AMENDATORY 47 O.S. 2011, Section 172, is
5 amended to read as follows:

6 Section 172. A. Every owner of any motor vehicle, the agents
7 or employees of the owner, and every other person who violates or
8 fails to comply with or procures, aids, or abets in the violation of
9 Sections ~~161~~ 161A through 180m of this title or the Motor Carrier
10 Act of 1995, or who fails to obey, observe, or comply with any
11 order, decision, rule or regulation, direction, demand, or
12 requirement of the ~~Corporation Commission~~ Department of Public
13 Safety, or who procures, aids or abets any corporation or person in
14 the person's, or its, refusal or willful failure to obey, observe or
15 comply with any such order, decision, rule, direction, demand, or
16 regulation shall be deemed guilty of a misdemeanor. Upon conviction
17 in a criminal court of competent jurisdiction, such misdemeanor is
18 punishable by a fine of not exceeding One Thousand Dollars
19 (\$1,000.00).

20 B. The ~~Corporation Commission~~ Department of Public Safety shall
21 report to the Attorney General of this state and the district
22 attorney of the proper county having jurisdiction of such offense,
23 any violation of any of the provisions of Sections ~~161~~ 161A through
24 180m of this title or the Motor Carrier Act of 1995 or any rule of

1 the ~~Corporation Commission~~ Department of Public Safety promulgated
2 pursuant to the provisions of Sections ~~161~~ 161A through 180m of this
3 title or the Motor Carrier Act of 1995, by any motor vehicle owner,
4 agent or employee of such owner, or any other person. Upon receipt
5 of such report, the Attorney General or the district attorney of the
6 proper county having jurisdiction of such offense shall institute
7 criminal or civil proceedings against such offender in the proper
8 court having jurisdiction of such offense. Any willful failure on
9 the part of members of the ~~Corporation Commission~~ Department of
10 Public Safety, the Attorney General or any district attorney, to
11 comply with the provisions of this section, shall be deemed official
12 misconduct. The Corporation Commission shall report such complaints
13 so made to the Governor of this state who shall direct and cause the
14 laws of this state to be enforced.

15 C. Any person failing, neglecting or refusing to comply with
16 the provisions of Sections ~~161~~ 161A through 180m of this title or
17 the Motor Carrier Act of 1995, or with any rule, regulation, or
18 requirement of the ~~Corporation Commission~~ Department of Public
19 Safety promulgated pursuant to the provisions of Sections ~~161~~ 161A
20 through 180m of this title or the Motor Carrier Act of 1995, shall
21 be guilty of contempt of the ~~Corporation Commission~~ Department of
22 Public Safety, and shall be subject to a fine to be imposed by the
23 ~~Corporation Commission~~ Department of Public Safety in a sum not
24 exceeding Five Hundred Dollars (\$500.00). Each day on which such

1 contempt occurs shall be deemed a separate and distinct offense.
2 The maximum fine to be assessed on each day shall be Five Hundred
3 Dollars (\$500.00). All fines collected pursuant to the provisions
4 of this section shall be deposited in the State Treasury to the
5 credit of the ~~Corporation Commission~~ Department of Transportation
6 Trucking One-Stop Shop Fund, as created in Section 1167 of this
7 title. This subsection shall not apply in the specific instance of
8 load capacity violations or violations applicable to the
9 transportation or discharge of deleterious substances provided for
10 by specific statutory provisions.

11 D. The ~~Corporation Commission shall~~ Department of Public Safety
12 may appoint a director of transportation, ~~a deputy director, an~~
13 ~~insurance supervisor, an insurance clerk, two stenographers, a~~
14 ~~secretary to the director, an identification device supervisor and~~
15 ~~an assistant identification device supervisor at such salaries as~~
16 ~~the Legislature may from time to time prescribe~~ and additional
17 employees as necessary. The employees shall be allowed actual and
18 necessary travel expenses pursuant to the provisions of the State
19 Travel Reimbursement Act. All of the expense claims shall be
20 presented and paid monthly.

21 E. ~~Enforcement officers, appointed by the Corporation~~
22 ~~Commission, are hereby declared to be peace officers of this state.~~
23 ~~Such~~ There shall be two types of Port of Entry officers appointed by
24 the Department of Public Safety; commissioned officers and non-

1 commissioned officers. All officers shall be vested with all powers
2 of ~~peace officers in~~ enforcing the provisions of Sections ~~161~~ 161A
3 through 180m of this title, U.S. 49 CFR, and the Motor Carrier Act
4 of 1995 in all parts of this state.

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

10 F. ~~The enforcement officers when on duty, upon reasonable~~
11 ~~belief that any motor vehicle is being operated in violation of any~~
12 ~~provisions of Sections 161 through 180m of this title or the Motor~~
13 ~~Carrier Act of 1995, shall be authorized to require the driver of~~
14 ~~the vehicle to stop and submit to an inspection of the~~
15 ~~identification device, or devices, in the vehicle, and to submit to~~
16 ~~such enforcement officer bills of lading, waybills, or other~~
17 ~~evidences of the character of the commerce being transported in such~~
18 ~~vehicle, and to submit to an inspection of the contents of such~~
19 ~~vehicle for the purpose of comparing same with bills of lading or~~
20 ~~shipping documentation, waybills, or other evidences of~~
21 ~~transportation carried by the driver of the vehicle. The officers~~
22 ~~shall not have the right to plea bargain.~~

23 G. ~~The enforcement officers are authorized to serve all~~
24 ~~warrants, writs, and notices issued by the Corporation Commission~~

1 ~~relating to the enforcement of the provisions of Sections 161~~
2 ~~through 180m of this title or the Motor Carrier Act of 1995 and the~~
3 ~~rules, regulations, and requirements prescribed by the Corporation~~
4 ~~Commission promulgated pursuant to Sections 161 through 180m of this~~
5 ~~title or the Motor Carrier Act of 1995.~~

6 ~~H. The enforcement officers shall not have the power or right~~
7 ~~of search, nor shall they have the right of power of seizure, except~~
8 ~~as provided in Sections 161 through 180m of this title or the Motor~~
9 ~~Carrier Act of 1995. The enforcement officers are authorized to~~
10 ~~hold and detain any motor vehicle operating upon the highways of~~
11 ~~this state, if, the enforcement officer has reason to believe that~~
12 ~~the vehicle is being operated contrary to the provisions of Sections~~
13 ~~161 through 180m of this title or the Motor Carrier Act of 1995, or~~
14 ~~the rules, regulations, and requirements of the Corporation~~
15 ~~Commission promulgated pursuant to Sections 161 through 180m of this~~
16 ~~title or the Motor Carrier Act of 1995.~~

17 ~~I. No state official, other than members of the Corporation~~
18 ~~Commission Department of Public Safety, shall have any power, right,~~
19 ~~or authority to command, order, or direct any enforcement Port of~~
20 ~~Entry officer to perform any duty or service authorized by Sections~~
21 ~~~~161~~ 161A through 180m of this title, U.S. 49 CFR, or the Motor~~
22 ~~Carrier Act of 1995.~~

23 ~~J. Each of the enforcement officers shall, before entering upon~~
24 ~~the discharge of their duties, take and subscribe to the usual oath~~

1 ~~of office and shall execute to the State of Oklahoma a bond in the~~
2 ~~sum of Twenty-five Thousand Dollars (\$25,000.00) each, with~~
3 ~~sufficient surety for the faithful performance of their duty. The~~
4 ~~bond shall be approved and filed as provided by law.~~

5 K. G. No ~~enforcement~~ Port of Entry officer or employee of the
6 ~~Oklahoma Corporation Commission~~ Department of Public Safety shall
7 have the right to plea bargain in motor carrier or motor
8 transportation matters except the ~~chief legal counsel~~ division of
9 the ~~Commission or an assign of the legal staff of the chief legal~~
10 ~~counsel~~ Department.

11 SECTION 17. AMENDATORY 47 O.S. 2011, Section 177.2, is
12 amended to read as follows:

13 Section 177.2. A. No motor carrier shall engage in the
14 business of transporting any salt water, mineral brines, waste oil
15 and other deleterious substances produced from or obtained or used
16 in connection with the drilling, development, producing and
17 operating of oil and gas wells and brine wells, for any valuable
18 consideration whatever, or in any quantity over twenty (20) gallons,
19 without a license authorizing such operation and a deleterious
20 substance transport permit to be issued by the ~~Commission~~
21 Department. Provided, transportation of such substances by private
22 carrier of property by motor vehicle shall require a deleterious
23 substance transport permit.

24

1 B. No carrier shall transport deleterious substances under a
2 carrier license issued by the ~~Commission~~ Department until such time
3 as the carrier has been issued a deleterious substance transport
4 permit.

5 C. No deleterious substance transport permit shall be issued to
6 a motor carrier or private carrier until the carrier has furnished
7 written proof of access to a Class II disposal well or wells. ~~Said~~
8 The written proof of access shall be provided by the owner of such
9 disposal well. Such disposal well must first be approved by the
10 Corporation Commission as adequate to meet the need for proper
11 disposal of all substances which the applicant may reasonably be
12 expected to transport as a motor carrier or private carrier.
13 Provided that nothing in this section shall be construed as
14 prohibiting the disposition of such deleterious substances in a
15 disposal well that is owned by a person other than the transporter.

16 D. The ~~Commission~~ Department shall maintain a current list of
17 such permits. The ~~Commission~~ Department shall charge such annual
18 deleterious substance transport permitting fees as will cover the
19 cost of issuing such licenses and an annual fee of Two Hundred Fifty
20 Dollars (\$250.00) for each such deleterious substance transport
21 license. Proceeds from the fees shall be deposited by the
22 ~~Commission~~ Department in the State Treasury to the credit of the
23 ~~Corporation Commission~~ Department of Public Safety Revolving Fund.

1 The provisions of this section are supplemental and are in addition
2 to the laws applicable to motor carriers.

3 SECTION 18. AMENDATORY 47 O.S. 2011, Section 177.3, is
4 amended to read as follows:

5 Section 177.3. A. It shall be unlawful for a motor carrier,
6 whether private, common, or contract, to dump, disperse, or
7 otherwise release substances described in Section 177.2 of this
8 title upon a public highway or elsewhere except on property or in
9 wells, reservoirs, or other receptacles owned, held, leased, or
10 otherwise rightfully and legally available to the motor carrier for
11 such use and purpose.

12 B. It shall be unlawful for any motor truck or tank vehicle
13 used to transport substances described in Section 177.2 of this
14 title to have a release device located or operated in any manner
15 from within the cab of such a motor vehicle.

16 C. Any violation of the provisions of subsections A or B of
17 this section shall constitute a misdemeanor. It shall be the duty
18 of the prosecuting attorney of the county in which a violation of
19 the provisions of this section occurs to file and prosecute the
20 aforementioned misdemeanor charge and advise the ~~Commission~~
21 Department of such action and the results thereof.

22 D. The ~~Oklahoma Corporation Commission~~ Department of Public
23 Safety may initiate contempt proceedings for any violation
24 concerning disposal by a carrier of a substance described in Section

1 177.2 of this title. The first violation proven by the ~~Commission~~
2 Department in any calendar year shall result in a motor carrier or
3 private carrier being warned by the ~~Commission~~ Department and, upon
4 conviction, fined up to Two Thousand Five Hundred Dollars
5 (\$2,500.00). A second violation proven by the ~~Commission~~ Department
6 in any calendar year shall result in a motor carrier or private
7 carrier being placed on probation and fined up to Five Thousand
8 Dollars (\$5,000.00) by the ~~Commission~~ Department. A third violation
9 proven by the ~~Commission~~ Department in any calendar year shall
10 result in a fine of up to Twenty Thousand Dollars (\$20,000.00), and,
11 at the discretion of the ~~Commission~~ Department, cancellation of the
12 carrier's license for a period up to one (1) year and cancellation
13 of a motor carrier or private carrier deleterious substance
14 transport permit. The driver of a truck, who is not the owner of
15 the vehicle used in violation of this section or any of the rules
16 and regulations of the ~~Oklahoma Corporation Commission~~ Department of
17 Public Safety, shall be adjudicated a codefendant and subject to a
18 fine equal to ten percent (10%) of the fine assessed to the owner of
19 such vehicle, up to Five Hundred Dollars (\$500.00).

20 SECTION 19. AMENDATORY 47 O.S. 2011, Section 180, is
21 amended to read as follows:

22 Section 180. The following words and phrases, when used in ~~this~~
23 ~~act~~ Section 180 et seq. of this title, shall have the meanings
24

1 respectively ascribed to like words and phrases by the motor carrier
2 statutes of Oklahoma, except as herein provided:

3 1. The term "identification application" shall mean the
4 application as provided by the ~~Commission~~ Department, for making
5 application for motor carrier vehicle identification devices; and

6 2. The term "identification device" shall mean the motor
7 carrier vehicle identification device issued by the ~~Commission~~
8 Department under the provisions of ~~this act~~ Section 180 et seq. of
9 this title for the purpose of identifying powered motor carrier
10 vehicles operated under and coming within the provisions of ~~this act~~
11 Section 180 et seq. of this title or the Motor Carrier Act of 1995.

12 SECTION 20. AMENDATORY 47 O.S. 2011, Section 180a, is
13 amended to read as follows:

14 Section 180a. It is hereby declared unlawful for any motor
15 carrier, his or its agents or employees to operate any powered motor
16 vehicle, as a motor carrier for hire, within this state, without the
17 identification device issued by the ~~Commission~~ Department, ~~said the~~
18 device to be displayed as provided by the rules of the ~~Commission~~
19 Department.

20 SECTION 21. AMENDATORY 47 O.S. 2011, Section 180b, is
21 amended to read as follows:

22 Section 180b. The identification device shall be the property
23 of the ~~Commission~~ Department at all times, and shall be subject to
24

1 seizure and confiscation by the ~~Commission~~ Department for any good
2 cause and at the will of the ~~Commission~~ Department.

3 SECTION 22. AMENDATORY 47 O.S. 2011, Section 180c, is
4 amended to read as follows:

5 Section 180c. The ~~Commission~~ Department may issue an order for
6 the seizure and confiscation and return to the ~~Commission~~ Department
7 of any identification device or devices, for any of the following
8 reasons, and to direct ~~said~~ the order or orders to any officer of
9 the State of Oklahoma charged with the duties of enforcing the
10 provisions of this act and/or any other section of the motor carrier
11 law now in force or hereinafter enacted:

12 1. In all cases where the motor carrier has permitted the
13 insurance coverage, as required by law to be filed with the
14 ~~Commission~~ Department, to lapse or become cancelled or for any
15 reason to become void and fail to meet the requirements as provided
16 by law;

17 2. For failure on the part of any motor carrier, his or its
18 agents or employees to comply with any part or provision of this
19 act, or any other act or law or part or provision thereof relative
20 to the legal operation of a for-hire motor carrier or to obey,
21 observe or comply with any order, decision, rule or regulation,
22 direction, demand or requirement, or any part or provision thereof,
23 of the ~~Commission~~ Department;

24

1 3. Upon the cancellation or revocation of the certificate or
2 permit or IRC or license under which ~~said~~ the identification device
3 or devices were issued; or

4 4. For operating any powered motor vehicle in violation of the
5 terms and provisions of ~~this act~~ Section 180 et seq. of this title
6 or the Motor Carrier Act of 1995 and all applicable size and weight
7 laws and safety standards of this state.

8 SECTION 23. AMENDATORY 47 O.S. 2011, Section 180d, is
9 amended to read as follows:

10 Section 180d. The ~~Commission~~ Department shall have the power
11 and authority by general order or otherwise to promulgate rules and
12 regulations for the administration and enforcement of the provisions
13 of ~~this act~~ Section 180 et seq. of this title or the Motor Carrier
14 Act of 1995.

15 SECTION 24. AMENDATORY 47 O.S. 2011, Section 180e, is
16 amended to read as follows:

17 Section 180e. The ~~Commission~~ Department, in its discretion, is
18 authorized to provide for decals, cab cards, or other suitable
19 methods of identification to be displayed on or carried in the truck
20 or powered motor vehicle.

21 SECTION 25. AMENDATORY 47 O.S. 2011, Section 180f, is
22 amended to read as follows:

23 Section 180f. The ~~Commission~~ Department is hereby authorized to
24 purchase ~~said~~ the identification devices in sufficient amounts to

1 supply the demand, and to purchase such other officer supplies and
2 equipment as is necessary to administer and enforce the provisions
3 of ~~this act~~ Section 180 et seq. of this title or the Motor Carrier
4 Act of 1995, and to pay for, or cause the same to be paid for, out
5 of the appropriation provided therefor.

6 SECTION 26. AMENDATORY 47 O.S. 2011, Section 180g, is
7 amended to read as follows:

8 Section 180g. It shall be the duty of the ~~Commission~~ Department
9 to provide identification devices upon written application of any
10 authorized motor carrier.

11 Upon written application of any authorized motor carrier holding
12 a certificate or permit or license issued by the ~~Commission~~
13 Department, the ~~Commission~~ Department shall issue to the motor
14 carrier a sufficient number of identification devices so that each
15 powered vehicle owned or to be operated by the motor carrier in the
16 state shall bear one identification device. Identification devices
17 shall be issued on an annual basis, and applications shall be made
18 annually on the form prescribed by the ~~Commission~~ Department, and
19 any motor carrier operating a powered vehicle without a current
20 identification device shall be in violation of the provisions of
21 Sections 180 through 180m of this title or the Motor Carrier Act of
22 1995.

23 It is hereby declared unlawful for any motor carrier, or agents
24 or employees of any motor carrier, to use or transfer an

1 identification device except as provided by rules of the ~~Commission~~
2 Department.

3 SECTION 27. AMENDATORY 47 O.S. 2011, Section 180h, is
4 amended to read as follows:

5 Section 180h. The ~~Corporation Commission~~ Department of Public
6 Safety is hereby authorized to collect from applicants for motor
7 carrier and private carrier identification devices a fee of Seven
8 Dollars (\$7.00) for registration of each of its vehicles registered
9 under the provisions of ~~this act~~ Section 180 et seq. of this title
10 or the Motor Carrier Act of 1995; and the fee shall be in addition
11 to any other fees now provided for by law for the registration of
12 ~~said~~ the motor vehicles and shall be deposited in the State Treasury
13 to the credit of the Trucking One-Stop Shop Fund.

14 SECTION 28. AMENDATORY 47 O.S. 2011, Section 180k, is
15 amended to read as follows:

16 Section 180k. All records of the ~~Corporation Commission~~
17 Department of Public Safety under ~~this act~~ Section 180 et seq. of
18 this title shall be maintained in, and classified as all other
19 records in the Transportation Division of the ~~Corporation Commission~~
20 Department of Public Safety.

21 SECTION 29. AMENDATORY 47 O.S. 2011, Section 180l, is
22 amended to read as follows:

23 Section 180l. The ~~Commission~~ Department is hereby authorized
24 and empowered, on behalf of the State of Oklahoma, and when it shall

1 deem it to be in the best interest of the residents of this state so
2 to do, to enter into reciprocal compacts and agreements with other
3 states, or the authorized agencies thereof, when such states have
4 made provisions substantially similar to this section, respecting
5 the regulation of motor vehicles engaged in interstate or foreign
6 commerce upon and over the public highways. And such compacts and
7 agreements may provide for the granting, to the residents of such
8 states, privileges substantially similar to those granted thereby to
9 Oklahoma residents: Provided: (1) That no such compact or agreement
10 shall supersede or suspend the operation of any law, rule or
11 regulation of the State of Oklahoma which shall apply to vehicles
12 operated intrastate in the State of Oklahoma; (2) That any
13 privileges, the granting of which shall be provided by any such
14 compact or agreement, shall extend only in cases of full compliance
15 with the laws of the state joining in such compact or agreement; (3)
16 That no such compact or agreement shall supersede or suspend the
17 operation of any law of the State of Oklahoma other than those
18 applying to the payment of fees for registration certificates or
19 identification devices; and (4) That the powers and authority of the
20 Oklahoma Tax Commission to administer and enforce the tax laws of
21 this state, pertaining to the taxation of motor vehicles, shall be
22 in no manner superseded or suspended.

23 SECTION 30. AMENDATORY 47 O.S. 2011, Section 180m, is
24 amended to read as follows:

1 Section 180m. In addition to all other duties as provided by
2 law, it is hereby declared to be, and shall be the duty of all
3 sheriffs, deputy sheriffs, district attorneys, ~~enforcement~~ Port of
4 Entry officers appointed by the ~~Corporation Commission of the State~~
5 ~~of Oklahoma~~ Department of Public Safety, and all highway patrolmen
6 within the State of Oklahoma:

7 1. To enforce the provisions of Sections 180 through 180m of
8 this title or the Motor Carrier Act of 1995;

9 2. To apprehend and detain any motor vehicle or vehicles and
10 driver or operator and their aides who are operating any motor
11 vehicle, upon or along the highways of this state, for a reasonable
12 length of time, for the purpose of investigating and determining
13 whether such vehicle is being operated in violation of any of the
14 provisions of Sections 180 through 180m of this title or the Motor
15 Carrier Act of 1995;

16 3. To make arrests for the violation of the provisions of
17 Sections 180 through 180m of this title or the Motor Carrier Act of
18 1995, without the necessity of procuring a warrant;

19 4. To sign the necessary complaint and to cause the violator or
20 violators to be promptly arraigned before a court of competent
21 jurisdiction for trial;

22 5. To aid and assist in the prosecution of the violator or
23 violators in the name of the State of Oklahoma to the end that this
24 law shall be enforced;

1 6. To report all such arrests for violations of Sections 180
2 through 180m of this title to the ~~Corporation Commission of Oklahoma~~
3 Department of Public Safety within ten (10) days after making such
4 arrest and to furnish such information concerning same as the
5 ~~Commission~~ Department may request; and

6 7. At the request of the ~~Corporation Commission~~ Department of
7 Public Safety, to seize and confiscate any and all identification
8 devices and to forward the same to the ~~Corporation Commission~~
9 Department of Public Safety for cancellation.

10 SECTION 31. AMENDATORY 47 O.S. 2011, Section 230.22, is
11 amended to read as follows:

12 Section 230.22. A. It is hereby declared that it is necessary
13 in the public interest to regulate transportation by motor carriers
14 and private carriers in such manner as to recognize the need to
15 require all motor carriers and private carriers to have adequate
16 insurance; for motor carriers and private carriers to provide
17 service in a safe and efficient manner; and to establish that the
18 operations of motor carriers and private carriers will not have a
19 detrimental impact on the environment.

20 B. The public policy of this state, as declared by the
21 Legislature, requires that all existing intrastate certificates and
22 permits granted by the ~~Oklahoma Corporation Commission~~ Department of
23 Public Safety, except household goods and used emigrant movables,
24 prior to January 1, 1995, are hereby revoked.

1 C. The provisions of the Motor Carrier Act of 1995, except as
2 hereinafter specifically limited, shall apply to the transportation
3 of passengers or property by motor carriers and private carriers,
4 except motor carriers of household goods and used emigrant movables,
5 over public highways of this state; and the regulations of such
6 transportation, and the procurement thereof and the provisions of
7 facilities therefor, are hereby vested in the ~~Oklahoma Corporation~~
8 ~~Commission~~ Department of Public Safety.

9 D. Nothing herein shall be construed to interfere with the
10 exercise by agencies of the government of the United States of its
11 power of regulation of interstate commerce.

12 E. The terms and provisions of the Motor Carrier Act of 1995
13 shall apply to commerce with foreign nations, or commerce among the
14 several states of this Union, insofar as such application may be
15 permitted under the provisions of the Constitution of the United
16 States and the Acts of Congress.

17 SECTION 32. AMENDATORY 47 O.S. 2011, Section 230.23, is
18 amended to read as follows:

19 Section 230.23. As used in the Motor Carrier Act of 1995:

20 1. "Person" means any individual, firm, copartnership, limited
21 partnership, corporation, limited liability corporation, company,
22 association, or joint-stock association and includes any trustee,
23 receiver, assignee, or personal representative thereof;

24

1 2. "~~Commission~~" "Department" means the ~~Oklahoma Corporation~~
2 ~~Commission~~ Department of Public Safety;

3 3. "License" means the license issued under authority of the
4 laws of the State of Oklahoma to motor carriers and private
5 carriers;

6 4. "Interstate Registration Certificate" (IRC) means a document
7 issued by the ~~Commission~~ Department granting permission to operate
8 upon the highways of the State of Oklahoma in interstate commerce
9 exempt from federal motor carrier regulation;

10 5. "Motor vehicle" means any automobile, truck, truck-tractor,
11 trailer or semitrailer or any motor bus or any self-propelled
12 vehicle not operated or driven upon fixed rails or tracks;

13 6. "Motor carrier of persons or property" means any person,
14 except a carrier of household goods or used emigrant movables,
15 operating upon any public highway for the transportation of
16 passengers or property for compensation or for hire or for
17 commercial purposes, and not operating exclusively within the limits
18 of an incorporated city or town within this state. Provided, the
19 provisions of the Motor Carrier Act of 1995 shall not apply to the
20 following vehicles and equipment when such vehicles and equipment
21 are being used for the following:

- 22 a. taxicabs and bus companies engaged in the
23 transportation of passengers and their baggage, not
24 operated between two or more cities and towns, when

1 duly licensed by a municipal corporation in which they
2 might be doing business,

3 b. any person or governmental authority furnishing
4 transportation for school children to and from public
5 schools or to and from public-school-related
6 extracurricular activities under contract with, and
7 sponsored by, a public school board; provided, that
8 motor vehicles and equipment operated for the purposes
9 shall qualify in all respects for the transportation
10 of school children under the Oklahoma School Code and
11 the rules of the State Board of Education adopted
12 pursuant thereto.

13 c. transport trucks transporting liquefied petroleum
14 gases intrastate which are owned or operated by a
15 person subject to and licensed by the Oklahoma
16 Liquefied Petroleum Gas Regulation Act, and

17 d. transportation of livestock and farm products in the
18 raw state, when any of such commodities move from farm
19 to market or from market to farm on a vehicle or on
20 vehicles owned and operated by a bona fide farmer not
21 engaged in motor vehicle transportation on a
22 commercial scale;

23 7. "Corporate family" means a group of corporations consisting
24 of a parent corporation and all subsidiaries in which the parent

1 corporation owns directly or indirectly one hundred percent (100%)
2 interest;

3 8. "Intercompany hauling" means the transportation of
4 property, by motor vehicle, for compensation, by a carrier which is
5 a member of a corporate family, as defined in the Motor Carrier Act
6 of 1995, when the transportation for compensation is provided for
7 other members of the corporate family;

8 9. "Private carrier" means any person engaged in transportation
9 upon public highways, of persons or property, or both, but not as a
10 motor carrier, and includes any person who transports property by
11 motor vehicle where such transportation is incidental to or in
12 furtherance of any commercial enterprise of such person, other than
13 transportation;

14 10. "Market" means the point at which livestock and farm
15 products in the raw state were first delivered by the producer of
16 the livestock and farm products in the raw state, upon the sale
17 thereof;

18 11. "Public highway" means every public street, road or
19 highway, or thoroughfare in this state, used by the public, whether
20 actually dedicated to the public and accepted by the proper
21 authorities or otherwise; and

22 12. "Commercial enterprise" means all undertakings entered into
23 for private gain or compensation, including all industrial pursuits,
24

1 whether the undertakings involve the handling of or dealing in
2 commodities for sale or otherwise.

3 SECTION 33. AMENDATORY 47 O.S. 2011, Section 230.24, is
4 amended to read as follows:

5 Section 230.24. A. ~~The Corporation Commission~~ Department of
6 Public Safety is hereby vested with power and authority, and it
7 shall be its duty:

8 1. To supervise and regulate every motor carrier whether
9 operating between fixed termini or over a regular route ~~or otherwise~~
10 ~~and not operating exclusively within the limits of an incorporated~~
11 ~~city or town in this state and all private carriers operating~~
12 ~~vehicles having a gross registered weight of greater than 26,000~~
13 ~~pounds and not operating exclusively within the limits of an~~
14 ~~incorporated city or town in this state~~ in this state;

15 2. To protect the shipping and general public by supervising
16 and requiring insurance of all motor carriers and private carriers;

17 3. To ensure motor carriers and private carriers are complying
18 with the applicable size and weight laws of this state and safety
19 requirements;

20 4. To establish there will be no detrimental environmental
21 impact; and

22 5. To supervise and regulate motor carriers in all other
23 matters affecting the relationship between such carriers and the
24

1 traveling and shipping public provided those matters do not exceed
2 federal standards as they apply to this state.

3 B. The ~~Commission~~ Department shall have the power and authority
4 by general order or otherwise to prescribe rules applicable to any
5 or all motor carriers and private carriers as applicable.

6 C. ~~The Commission shall cooperate and coordinate with the~~
7 ~~Oklahoma Department of Public Safety in regulating carrier safety,~~
8 ~~size and weight regulations of motor vehicles and the transportation~~
9 ~~of hazardous materials. The Commission may enter into interagency~~
10 ~~agreements with the Department of Public Safety for the purpose of~~
11 ~~implementing, administering and enforcing any provisions of the~~
12 ~~Oklahoma Motor Carrier Safety and Hazardous Materials Transportation~~
13 ~~Act and the rules and regulations of the Department of Public Safety~~
14 ~~issued pursuant thereto.~~ Any license issued by the ~~Commission~~
15 Department may be suspended or revoked due to operations conducted
16 in violation of any laws or rules and regulations pertaining to
17 motor carriers, private carriers, carrier safety, size and weight
18 regulations of motor vehicles and the transportation of hazardous
19 materials.

20 SECTION 34. AMENDATORY 47 O.S. 2011, Section 230.25, is
21 amended to read as follows:

22 Section 230.25. A. Every motor carrier, subject to the Motor
23 Carrier Act of 1995, receiving property for transportation in
24 intrastate commerce shall issue a receipt or bill of lading

1 therefor, the form of which shall be prescribed by the ~~Commission~~
2 Department.

3 B. Any person, motor carrier, or shipper who shall willfully
4 violate any provisions of the Motor Carrier Act of 1995 by any means
5 shall be deemed guilty of a misdemeanor and upon conviction thereof
6 be fined as provided by law.

7 SECTION 35. AMENDATORY 47 O.S. 2011, Section 230.26, is
8 amended to read as follows:

9 Section 230.26. When the ~~Commission~~ Department, upon complaint,
10 has reason to believe that any person, motor carrier, or shipper is
11 violating or has willfully violated any provision of the Motor
12 Carrier Act of 1995, the ~~Commission~~ Department shall, upon its own
13 initiative, file a contempt proceeding and set a date for the
14 proceeding to be heard before the ~~Commission~~ Department, and upon
15 conviction the ~~Commission~~ Department shall invoke such contempt
16 penalties as provided herein.

17 SECTION 36. AMENDATORY 47 O.S. 2011, Section 230.27, is
18 amended to read as follows:

19 Section 230.27. A. Upon the filing by an intrastate motor
20 carrier or private carrier of an application for a license, the
21 applicant shall pay to the ~~Corporation-Commission~~ Department of
22 Public Safety a filing fee in the sum of One Hundred Dollars
23 (\$100.00) with an original or subapplication. Any valid license
24 issued will remain in force, unless otherwise revoked by the

1 ~~Commission~~ Department in accordance with the provisions of the Motor
2 Carrier Act of 1995, for one (1) year from date of issuance.

3 B. Every motor carrier or private carrier wishing to continue
4 operations under the original license, shall pay to the ~~Corporation~~
5 ~~Commission~~ Department of Public Safety an annual renewal fee of
6 Fifty Dollars (\$50.00). An intrastate license may be renewed for up
7 to three (3) years.

8 C. The ~~Commission~~ Department shall, upon the receipt of any
9 fee, deposit the same in the State Treasury to the credit of the
10 Trucking One-Stop Shop Fund.

11 SECTION 37. AMENDATORY 47 O.S. 2011, Section 230.28, is
12 amended to read as follows:

13 Section 230.28. A. It shall be unlawful for any motor carrier
14 to operate or furnish service within this state without first having
15 obtained from the ~~Commission~~ Department a license declaring that all
16 insurance requirements have been met and that the carrier will
17 operate within all existing rules and state laws pertaining to
18 safety standards, size and weight requirements and, when applicable,
19 lawful handling and disposal of hazardous materials and deleterious
20 substances, and will operate in such a manner as to ensure there
21 will be no detrimental environmental impact. It shall also be
22 unlawful for any private carrier to operate or furnish service
23 within this state without first having obtained from the ~~Corporation~~
24 ~~Commission~~ Department of Public Safety a license declaring that all

1 insurance requirements have been met and that the carrier will
2 operate within all existing rules and state laws pertaining to
3 safety standards, size and weight requirements and, when applicable,
4 lawful handling and disposal of hazardous materials and deleterious
5 substances, and will operate in such a manner as to ensure there
6 will be no detrimental environmental impact. The ~~Commission~~
7 Department shall have power, and it shall be its duty, to issue the
8 license or set the application for hearing within thirty (30) days
9 of the ~~Commission~~ Department determining that the application is
10 complete. Any such hearing shall be scheduled to occur on a date
11 within an additional forty-five (45) business days of such
12 determination. The mere filing of an application does not authorize
13 any person to operate as a carrier.

14 B. In granting applications for licenses, the ~~Commission~~
15 Department shall take into consideration the reliability of the
16 applicant; the proper equipment meeting minimum safety criteria as
17 adequate to perform the service; and the applicant's sense of
18 responsibility toward the public and the environment.

19 C. The ~~Commission~~ Department may, at any time after a public
20 hearing and for good cause, suspend or revoke any license.
21 Provided, the record owner of the license shall be entitled to have
22 ~~ten (10) days'~~ ten-days' written notice by certified mail from the
23 ~~Commission~~ Department of any hearing affecting the license, except
24 as otherwise provided in the Motor Carrier Act of 1995. The right

1 of appeal from such order or orders shall be given as in other cases
2 appealed from orders of the ~~Commission~~ Department.

3 D. The ~~Commission~~ Department shall be authorized to exercise
4 any additional power that may from time to time be conferred upon
5 the state by any Act of Congress. The ~~Commission~~ Department shall
6 adopt rules prescribing the manner and form in which motor carriers
7 and private carriers shall apply for licenses required by the Motor
8 Carrier Act of 1995. Among other rules adopted, the application
9 shall be in writing and shall set forth the following facts:

10 1. The name and address of the applicant and the names and
11 addresses of its officers, if any;

12 2. Full information concerning the physical properties of the
13 applicant; and

14 3. Such other information as the ~~Commission~~ Department may
15 consider pertinent to the application.

16 SECTION 38. AMENDATORY 47 O.S. 2011, Section 230.29, is
17 amended to read as follows:

18 Section 230.29. A. As used in this section:

19 1. "Authorized carrier" means a person or persons authorized to
20 engage in the transportation of passengers or property as a licensed
21 motor carrier;

22 2. "Equipment" means a motor vehicle, straight truck, tractor,
23 semitrailer, full trailer, any combination of these and any other
24

1 type of equipment used by authorized carriers in the transportation
2 of passengers or property for hire;

3 3. "Owner" means a person to whom title to equipment has been
4 issued, or who, without title, has the right to exclusive use of
5 equipment for a period longer than thirty (30) days;

6 4. "Lease" means a contract or arrangement in which the owner
7 grants the use of equipment, with or without driver, for a specified
8 period to an authorized carrier for use in the regulated
9 transportation of passengers or property, in exchange for
10 compensation;

11 5. "Lessor", in a lease, means the party granting the use of
12 equipment, with or without driver, to another;

13 6. "Lessee", in a lease, means the party acquiring the use of
14 equipment, with or without driver, from another;

15 7. "Addendum" means a supplement to an existing lease which is
16 not effective until signed by the lessor and lessee; and

17 8. "Shipper" means a person who sends or receives passengers or
18 property which is transported in intrastate commerce in this state.

19 B. An authorized carrier may perform authorized transportation
20 in equipment it does not own only under the following conditions:

21 1. There shall be a written lease granting the use of the
22 equipment and meeting the requirements as set forth in subsection C
23 of this section;

24

1 2. The authorized carrier acquiring the use of equipment under
2 this section shall identify the equipment in accordance with the
3 requirements of the ~~Commission~~ Department; and

4 3. Upon termination of the lease, the authorized carrier shall
5 remove all identification showing it as the operating carrier before
6 giving up possession of the equipment.

7 C. The written lease required pursuant to subsection B of this
8 section shall contain the following provisions. The required lease
9 provisions shall be adhered to and performed by the authorized
10 carrier as follows:

11 1. The lease shall be made between the authorized carrier and
12 the owner of the equipment. The lease shall be signed by these
13 parties or by their authorized representatives;

14 2. The lease shall specify the time and date or the
15 circumstances on which the lease begins and ends and include a
16 description of the equipment which shall be identified by vehicle
17 serial number, make, year model and current license plate number;

18 3. The period for which the lease applies shall be for thirty
19 (30) days or more when the equipment is to be operated for the
20 authorized carrier by the owner or an employee of the owner;

21 4. The lease shall provide that the authorized carrier lessee
22 shall have exclusive possession, control and use of the equipment
23 for the duration of the lease. The lease shall further provide that
24

1 the authorized carrier lessee shall assume complete responsibility
2 for the operation of the equipment for the duration of the lease;

3 5. The amount to be paid by the authorized carrier for
4 equipment and driver's services shall be clearly stated on the face
5 of the lease or in an addendum which is attached to the lease;

6 6. The lease shall clearly specify the responsibility of each
7 party with respect to the cost of fuel, fuel taxes, empty mileage,
8 permits of all types, tolls, detention and accessorial services,
9 base plates and licenses, and any unused portions of such items.
10 Except when the violation results from the acts or omissions of the
11 lessor, the authorized carrier lessee shall assume the risks and
12 costs of fines for overweight and oversize trailers when the
13 trailers are preloaded, sealed, or the load is containerized, or
14 when the trailer or lading is otherwise outside of the lessor's
15 control, and for improperly permitted overdimension and overweight
16 loads and shall reimburse the lessor for any fines paid by the
17 lessor. If the authorized carrier is authorized to receive a refund
18 or a credit for base plates purchased by the lessor from, and issued
19 in the name of, the authorized carrier, or if the base plates are
20 authorized to be sold by the authorized carrier to another lessor
21 the authorized carrier shall refund to the initial lessor on whose
22 behalf the base plate was first obtained a prorated share of the
23 amount received;

24

1 7. The lease shall specify that payment to the lessor shall be
2 made by the authorized carrier within fifteen (15) days after
3 submission of the necessary delivery documents and other paperwork
4 concerning a trip in the service of the authorized carrier. The
5 paperwork required before the lessor can receive payment is limited
6 to those documents necessary for the authorized carrier to secure
7 payment from the shipper. The authorized carrier may require the
8 submission of additional documents by the lessor but not as a
9 prerequisite to payment;

10 8. The lease shall clearly specify the right of the lessor,
11 regardless of method of compensation, to examine copies of the
12 documentation of the carrier upon which charges are assessed;

13 9. The lease shall clearly specify all items that may be
14 initially paid for by the authorized carrier, but ultimately
15 deducted from the compensation of the lessor at the time of payment
16 or settlement together with a recitation as to how the amount of
17 each item is to be computed. The lessor shall be afforded copies of
18 those documents which are necessary to determine the validity of the
19 charge;

20 10. The lease shall specify that the lessor is not required to
21 purchase or rent any products, equipment, or services from the
22 authorized carrier as a condition of entering into the lease
23 arrangement;

24 11. As it relates to insurance:

- 1 a. the lease shall clearly specify the legal obligation
2 of the authorized carrier to maintain insurance
3 coverage for the protection of the public, and
4 b. the lease shall clearly specify the conditions under
5 which deductions for cargo or property damage may be
6 made from the lessor's settlements. The lease shall
7 further specify that the authorized carrier must
8 provide the lessor with a written explanation and
9 itemization of any deductions for cargo or property
10 damage made from any compensation of money owed to the
11 lessor. The written explanation and itemization must
12 be delivered to the lessor before any deductions are
13 made; and

14 12. An original and two copies of each lease shall be signed by
15 the parties. The authorized carrier shall keep the original and
16 shall place a copy of the lease in the equipment during the period
17 of the lease. The owner of the equipment shall keep the other copy
18 of the lease.

19 D. The provisions of this section shall apply to the leasing of
20 equipment with which to perform transportation regulated by the
21 ~~Corporation Commission~~ Department of Public Safety by motor carriers
22 holding a license from the ~~Commission~~ Department to transport
23 passengers or property.

1 SECTION 39. AMENDATORY 47 O.S. 2011, Section 230.30, is
2 amended to read as follows:

3 Section 230.30. A. No license shall be issued by the
4 ~~Commission~~ Department to any carrier until after the carrier shall
5 have filed with the ~~Commission~~ Department a liability insurance
6 policy or bond covering public liability and property damage, issued
7 by some insurance or bonding company or insurance carrier authorized
8 pursuant to this section and which has complied with all of the
9 requirements of the ~~Commission~~ Department, which bond or policy
10 shall be approved by the ~~Commission~~ Department, and shall be in a
11 sum and amount as fixed by a proper order of the ~~Commission~~
12 Department; and the liability and property damage insurance policy
13 or bond shall bind the obligor thereunder to make compensation for
14 injuries to, or death of, persons, and loss or damage to property,
15 resulting from the operation of any carrier for which the carrier is
16 legally liable. A copy of the policy or bond shall be filed with
17 the ~~Commission~~ Department, and, after judgment against the carrier
18 for any damage, the injured party may maintain an action upon the
19 policy or bond to recover the same, and shall be a proper party to
20 maintain such action.

21 B. Every motor carrier shall file with the ~~Commission~~
22 Department a cargo insurance policy or bond covering any goods or
23 property being transported, issued by some insurance or bonding
24 company or insurance carrier authorized as set forth below, and

1 which has complied with all of the requirements of the ~~Commission~~
2 Department, which bond or policy shall be approved by the ~~Commission~~
3 Department, and shall be in a sum and amount as fixed by a proper
4 order of the ~~Commission~~ Department. The cargo insurance must be
5 filed with the ~~Commission~~ Department prior to a license being issued
6 by the ~~Commission~~ Department, unless the motor carrier has been
7 exempted from this requirement.

8 Intrastate motor carriers of sand, rock, gravel, asphaltic
9 mixtures or other similar road building materials shall not be
10 required to file cargo insurance and shall be required to maintain
11 liability insurance limits of Three Hundred Fifty Thousand Dollars
12 (\$350,000.00) combined single limit.

13 No carrier, whose principal place of business is in Oklahoma,
14 shall conduct any operations in this state unless the operations are
15 covered by a valid primary bond or insurance policy issued by a
16 provider authorized or approved by the State Insurance Commissioner.
17 No carrier shall conduct any operations in this state unless the
18 operations are covered by a valid bond or insurance policy issued by
19 a provider authorized and approved by a National Association of
20 Insurance Commissioners and certified by the State Insurance
21 Commission.

22 C. Each carrier shall maintain on file, in full force, all
23 insurance required by the laws of this state and the rules of the
24 ~~Commission~~ Department during the operation of the carrier and that

1 the failure for any cause to maintain the coverage in full force and
2 effect shall immediately, without any notice from the ~~Commission~~
3 Department, suspend the rights of the carrier to operate until
4 proper insurance is provided. Any carrier suspended for failure to
5 maintain proper insurance shall have a reasonable time, not
6 exceeding sixty (60) days, to have its license reactivated, and to
7 provide proper insurance upon showing:

8 1. No operation during the period in which it did not have
9 insurance; and

10 2. Furnishing of proper insurance coverage.

11 D. Any carrier who fails to reactivate its license within sixty
12 (60) days after the suspension, as above provided, shall have the
13 license canceled, by operation of law, without any notice from the
14 ~~Commission~~ Department. No license so canceled shall be reinstated
15 or otherwise made operative except that the ~~Commission~~ Department
16 may reinstate the license of a carrier upon proper showing that the
17 carrier was actually covered by proper insurance during the
18 suspension or cancellation period, and that failure to file with the
19 ~~Commission~~ Department was not due to the negligence of the carrier.
20 Any carrier desiring to file for reinstatement of its license shall
21 do so within ninety (90) days of its cancellation by law.

22 E. The ~~Commission~~ Department shall, in its discretion, permit
23 the filing of certificates of insurance coverage or such form as may
24 be prescribed by the ~~Commission~~ Department, in lieu of copies of

1 insurance policies or bonds, with the proviso that if the
2 certificates are authorized the insurance company or carrier so
3 filing it, upon request of the ~~Commission~~ Department, will, at any
4 time, furnish an authenticated copy of the policy which the
5 certificate represents, and further provided that thirty (30) days
6 prior to effective cancellation or termination of the policy of
7 insurance for any cause, the insurer shall so notify the ~~Commission~~
8 Department in writing of the facts or as deemed necessary by the
9 ~~Commission~~ Department.

10 SECTION 40. AMENDATORY 47 O.S. 2011, Section 230.31, is
11 amended to read as follows:

12 Section 230.31. A. Nothing contained in the Motor Carrier Act
13 of 1995 shall be construed to authorize the operation of any
14 passenger or freight vehicle in excess of the gross weight, width,
15 length or height authorized by law.

16 B. Any person who willfully advertises to perform
17 transportation services for which the person does not hold a license
18 shall be in violation of the Motor Carrier Act of 1995 and subject
19 to the penalties prescribed for contempt of the ~~Commission~~
20 Department.

21 C. All licenses issued by the ~~Commission~~ Department under any
22 law of the state relating to motor carriers or private carriers
23 shall contain the provision that the ~~Commission~~ Department reserves
24 to itself authority to suspend or cancel any such license for the

1 violation, on the part of the applicant or any operator or operators
2 of any motor vehicle to be operated thereunder, of any law of this
3 state or any rule adopted by the ~~Commission~~ Department.

4 D. Licenses shall be considered personal to the holder of the
5 license and shall be issued only to some definite legal entity
6 operating motor vehicles as a motor carrier or private carrier, and
7 shall not be subject to lease, nor shall the holder of the license
8 sublet or permit the exercise, by another, of the rights or
9 privileges granted under the license.

10 SECTION 41. AMENDATORY 47 O.S. 2011, Section 230.32, is
11 amended to read as follows:

12 Section 230.32. The ~~Commission~~ Department shall have the power
13 and authority by general order or otherwise to promulgate rules and
14 regulations for the administration and enforcement of the provisions
15 of the Motor Carrier Act of 1995.

16 SECTION 42. AMENDATORY 47 O.S. 2011, Section 230.34a, is
17 amended to read as follows:

18 Section 230.34a. A. Any person, firm, partnership, limited
19 liability company, or corporation owning or possessing a vehicle and
20 required to register the vehicle under the laws of this state for
21 the purpose of transporting farm products in a raw state may receive
22 a harvest permit from the ~~Oklahoma Corporation Commission~~ Department
23 of Public Safety.

24

1 B. The harvest permit shall be recognized in lieu of
2 registration, fuel permit and intrastate operating authority in this
3 state. The harvest permit shall be issued to the operating motor
4 carrier.

5 C. Each permit shall be valid for a period of thirty (30) or
6 sixty (60) days. The permit shall identify the time and date of its
7 issuance and shall additionally reflect its effective and expiration
8 dates.

9 D. The following information shall be required of an applicant
10 for a harvest permit and shall apply to each vehicle to be operated
11 under the permit:

12 1. Owner of the vehicle;

13 2. Vehicle registrant;

14 3. Make, model, year, license plate number, state of
15 registration and VIN of each vehicle which will be operated under
16 the permit; and

17 4. The operating carrier must provide a certificate that each
18 vehicle is operating under a liability insurance policy valid in
19 Oklahoma for Three Hundred Fifty Thousand Dollars (\$350,000.00) or
20 more.

21 E. There shall be a fee of Twenty Dollars (\$20.00) per axle for
22 a thirty-day permit or Thirty-five Dollars (\$35.00) per axle for a
23 sixty-day permit, for each vehicle registered pursuant to the Motor
24

1 Carrier Harvest Permit Act of 2006. Revenue derived from this fee
2 shall be apportioned as follows:

3 1. One-half (1/2) of the revenue shall be deposited in the
4 Weigh Station Improvement Revolving Fund as set forth in Section
5 1167 of Title 47 of the Oklahoma Statutes; and

6 2. The remaining amount shall be deposited in the One-Stop
7 Trucking Fund as set forth in Section 1167 of Title 47 of the
8 Oklahoma Statutes.

9 F. A harvest permit may be extended in fifteen-day increments.
10 The permit holder shall be required to pay the additional prorated
11 portion of the tag fee at Eight Dollars and seventy-five cents
12 (\$8.75) per axle per fifteen-day extension.

13 G. An application for a harvest permit shall be made to the
14 ~~Corporation Commission~~ Department of Public Safety. The ~~Corporation~~
15 ~~Commission~~ Department of Public Safety shall allow applications to
16 be submitted by facsimile and electronically. The ~~Commission~~
17 Department must provide reasonable access for persons to obtain a
18 harvest permit before taking enforcement action.

19 H. If found to be in violation of the Motor Carrier Harvest
20 Permit Act of 2006 for failure to obtain or maintain a current
21 harvest permit, the operating carrier shall post bond in the amount
22 of the cost of the harvest permit and shall be allowed seventy-two
23 (72) hours to apply for the permit. If the operating carrier makes
24

1 application within seventy-two (72) hours, the bond amount will be
2 applied toward the harvest permit fee.

3 I. A harvest permit does not exempt its holder from federal or
4 state safety regulations nor from the state's size and weight laws
5 or rules.

6 J. The ~~Corporation Commission~~ Department of Public Safety may
7 enter into an agreement with any person or corporation located
8 within or outside of the state for transmission of harvest permits
9 by way of facsimile or other device when the ~~Corporation Commission~~
10 Department of Public Safety determines that such agreements are in
11 the best interest of the state.

12 K. The ~~Corporation Commission~~ Department of Public Safety may
13 promulgate rules to administer the provisions of the Motor Carrier
14 Harvest Permit Act of 2006.

15 SECTION 43. AMENDATORY 47 O.S. 2011, Section 230.6, as
16 last amended by Section 8, Chapter 259, O.S.L. 2013 (47 O.S. Supp.
17 2017, Section 230.6), is amended to read as follows:

18 Section 230.6. A. No person prohibited from operating a
19 commercial vehicle shall operate such commercial motor vehicle, nor
20 shall any person authorize or require a person who has been
21 prohibited from such operation of a motor vehicle to operate a
22 commercial motor vehicle.

23 B. No person shall operate, authorize to operate, or require
24 the operation of any vehicle or the use of any container when the

1 person has been placed out-of-service or the vehicle or container
2 has been marked out-of-service until all requirements of the out-of-
3 service order of the person have been met or all required
4 corrections for the vehicle or container have been made; provided,
5 upon approval of the Department, the vehicle or container may be
6 moved to another location for the purpose of repair or correction.

7 C. No person shall remove an out-of-service marking from a
8 transport vehicle or container unless all required corrections have
9 been made and the vehicle or container has been inspected and
10 approved by an authorized officer, employee, or agent of the
11 Department. No person shall return to duty unless all requirements
12 of the out-of-service order have been met and the person has been
13 approved to return to duty by an authorized officer, employee or
14 agent of the Department.

15 D. No employer shall knowingly allow, require, permit or
16 authorize an employee to operate a commercial motor vehicle:

17 1. During any period in which the employee:

18 a. has had driving privileges to operate a commercial
19 motor vehicle suspended, revoked, canceled, denied or
20 disqualified,

21 b. has had driving privileges to operate a commercial
22 motor vehicle disqualified,

23 c. is not licensed to operate a commercial motor vehicle;
24 provided, this subparagraph shall not apply to any

1 person who is the holder of a valid commercial learner
2 permit issued by the Department in conjunction with a
3 Class D driver license,

4 d. has more than one commercial driver license; provided,
5 this subparagraph shall not apply to any person who is
6 the holder of a valid commercial learner permit issued
7 by the Department in conjunction with a Class A, B or
8 C driver license,

9 e. does not have the proper class or endorsements on the
10 driver license or commercial learner permit, or

11 f. is in violation of any restriction on the driver
12 license or commercial learner permit;

13 2. During any period in which the employee, the commercial
14 motor vehicle which the employee is operating, the motor carrier
15 business or operation, or the employer is subject to an out-of-
16 service order; or

17 3. In violation:

18 a. of a federal, state, or local law, regulation, or
19 ordinance pertaining to railroad-highway grade
20 crossings, or

21 b. of any restriction on the driver license or commercial
22 learner permit of the employee.

23 E. An employer who is determined by the Commissioner to have
24 committed a violation of subsection D of this section shall be

1 subject to an administrative penalty of not less than Two Thousand
2 Seven Hundred Fifty Dollars (\$2,750.00) nor more than Twenty-five
3 Thousand Dollars (\$25,000.00).

4 F. A determination by the Commissioner by issuance of a Notice
5 of Claim that a violation of any provision of this section shall be
6 a conviction for purposes of paragraph 2 of subsection A and
7 subsection G of Section 6-205.2 of this title, twenty-five (25) days
8 after issuance, unless dismissed by order following an
9 administrative hearing. The conviction shall be reported to CDLIS
10 in accordance with Section 18-101 of this title.

11 G. An employee who is determined by the Commissioner to have
12 committed a violation of any provision of this section shall be
13 subject to an administrative penalty of not less than Two Thousand
14 Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars
15 (\$5,000.00).

16 H. For any violation of any provision of this section
17 identified during a Compliance Review/Investigation the
18 administrative penalty amount shall be in accordance with federal
19 regulations and determined by utilizing the Uniform Fine Assessment
20 (UFA) software and any successor software now or hereafter used by
21 the Federal Motor Carrier Safety Administration. This will ensure
22 that the penalties promote prompt and sustained compliance, as well
23 as promoting uniformity and consistency in the assessment of civil
24 penalties.

1 SECTION 44. AMENDATORY 47 O.S. 2011, Section 230.9, as
2 amended by Section 13, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2017,
3 Section 230.9), is amended to read as follows:

4 Section 230.9. A. The transportation of any property in
5 commerce, including hazardous materials or the transportation of
6 passengers for compensation or for hire by bus, that is not in
7 compliance with the Oklahoma Motor Carrier Safety and Hazardous
8 Materials Transportation Act or the rules issued pursuant thereto,
9 is prohibited.

10 B. Pursuant to the provisions of this section and except as
11 otherwise provided by subsection D and E of this section, any person
12 who is determined by the Commissioner of Public Safety to have
13 committed:

14 1. An act which is a violation of a recordkeeping requirement
15 of this title or of any rule or regulation promulgated thereto or
16 the Federal Motor Carrier Safety Act of 1984, such person shall be
17 liable to the State of Oklahoma for an administrative penalty not to
18 exceed One Hundred Dollars (\$100.00) for each offense, provided that
19 the total of all administrative penalties assessed against any
20 violator pursuant to this paragraph for all offenses related to any
21 single violation shall not exceed Five Hundred Dollars (\$500.00);

22 2. An act or acts other than recordkeeping requirements, which
23 evidences a serious pattern of safety violations, as determined by
24 the Commissioner, such person shall be liable to the State of

1 Oklahoma for an administrative penalty not to exceed Two Hundred
2 Dollars (\$200.00) for each offense, provided the maximum fine for
3 each pattern of safety violations shall not exceed One Thousand
4 Dollars (\$1,000.00). The Commissioner may consider present and
5 prior offenses in determining a serious pattern of safety
6 violations; or

7 3. An act or acts which evidences to the Commissioner, that a
8 substantial health or safety violation exists or has occurred which
9 could reasonably lead to or has resulted in serious personal injury
10 or death, such person shall be liable to the State of Oklahoma for
11 an administrative penalty not to exceed One Thousand Dollars
12 (\$1,000.00) for each offense.

13 C. Each day of violation as specified in subsection B of this
14 section shall constitute a separate single violation/offense.

15 D. Except for recordkeeping violations, no administrative
16 penalty shall be assessed pursuant to the provisions of this
17 section, against an employee of any person subject to the provisions
18 of the Oklahoma Motor Carrier Safety and Hazardous Materials
19 Transportation Act for a violation unless the Commissioner
20 determines that such actions of the employee constituted gross
21 negligence or reckless disregard for safety in which case such
22 employee shall be liable for an administrative penalty not to exceed
23 One Thousand Dollars (\$1,000.00).

24

1 E. For violations identified during a Compliance
2 Review/Investigation the administrative penalty amount shall be in
3 accordance with federal regulations and determined by utilizing the
4 Uniform Fine Assessment (UFA) software and any successor software
5 now or hereafter used by the Federal Motor Carrier Safety
6 Administration. This will ensure that the penalties promote prompt
7 and sustained compliance, as well as promoting uniformity and
8 consistency in the assessment of civil penalties.

9 F. In determining the amount of any administrative penalty ~~and~~
10 ~~the reasonable amount of time for abatement of the violation,~~ the
11 Commissioner shall include, but not be limited to, consideration of
12 the nature of the violation, circumstances ~~and~~ of the violation,
13 extent of the violation, gravity of the violation, ~~and with respect~~
14 ~~to the person found to have committed the violation, the degree of~~
15 culpability, history of prior offenses, effect on ability to
16 continue to do business and such other matters as justice and public
17 safety may require. In each case, the penalty shall be calculated
18 to induce further compliance.

19 ~~F.~~ G. The Commissioner or his designated representative shall
20 assess the amount of any administrative penalty, after notice and an
21 opportunity for hearing, by written notice to the violator together
22 with notice of findings in the case. An appeal therefrom may be
23 made to the district court of Oklahoma County pursuant to the
24

1 provisions of Sections 318 through 323 of Title 75 of the Oklahoma
2 Statutes.

3 ~~G.~~ H. An administrative penalty assessed by the Commissioner
4 may be recovered:

5 1. In an action brought by the Attorney General on behalf of
6 the State of Oklahoma. However, before referral to the Attorney
7 General, the administrative penalty may be compromised by the
8 Commissioner;

9 2. By the Commissioner in the appropriate district court of the
10 State of Oklahoma; ~~or~~

11 3. By the Commissioner in an administrative hearing conducted
12 by the Department of Public Safety;

13 4. The Department may file an itemization of unpaid
14 administrative penalties, fees, and charges with the Oklahoma Tax
15 Commission for collection at the time of registration of the
16 vehicle. The Oklahoma Tax Commission shall not issue or renew a
17 vehicles registration upon receipt of an itemization of unpaid
18 administrative penalties, fees, and charges from the Department,
19 until paid;

20 5. The State Agency granted with the authority to issue
21 intrastate operating authority shall suspend the operating authority
22 of any intrastate carrier who fails to pay the administrative
23 penalties, fees, and charges imposed by the Department, until paid;
24 and

1 6. The Department may deny issuance of documentation needed for
2 operation of a commercial motor vehicle, including but not limited
3 to permits, certificates, and contracts, when an entity or person
4 has unpaid administrative penalties, fees, or charges, until paid.

5 I. The operating authority of any intrastate carrier on the
6 sixty-first day after the date of a notice of proposed
7 "unsatisfactory" safety rating issued by the Department following a
8 Compliance Review/Investigation, the Department shall issue an order
9 placing the carrier out-of-service. The Department shall use the
10 FMCSA safety rating methodology. The out-of-service
11 order/suspension of operating authority shall remain in place until
12 the Department determines that the carrier is fit.

13 J. The State Agency granted with the authority to issue
14 intrastate operating authority shall suspend the operating authority
15 of any intrastate carrier who receives an "unsatisfactory" rating
16 and the carrier is placed out-of-service, following a Compliance
17 Review/Investigation conducted by the Department or who fails to
18 allow a Compliance Review/Investigation.

19 K. If a motor carrier is found to be operating any vehicle
20 while operating authority is suspended, in violation of an out-of-
21 service order or with past due administrative penalties, fees, and
22 charges owed to the Department, the Department may hold the vehicle
23 until cleared.

1 ~~H.~~ L. The first One Hundred Thousand Dollars (\$100,000.00) of
2 the administrative penalties collected each fiscal year pursuant to
3 the provisions of the Oklahoma Motor Carrier Safety and Hazardous
4 Materials Transportation Act shall be deposited in the General
5 Revenue Fund of the State of Oklahoma. All other monies collected
6 in excess of One Hundred Thousand Dollars (\$100,000.00) each fiscal
7 year shall be deposited to the credit of the Department of Public
8 Safety Restricted Revolving Fund for the purpose of administering
9 the Oklahoma Motor Carrier Safety and Hazardous Materials
10 Transportation Act.

11 SECTION 45. AMENDATORY 47 O.S. 2011, Section 1120.1, is
12 amended to read as follows:

13 Section 1120.1. A. The ~~Corporation Commission~~ Department of
14 Public Safety, when in the interest of the State of Oklahoma and its
15 residents, may enter into the International Registration Plan or
16 other compacts or agreements with other states to permit motor
17 vehicle registration and license taxes on any motor vehicle to be
18 used as a rental motor vehicle as defined in the International
19 Registration Plan.

20 B. The Tax Commission or ~~Corporation Commission~~ Department of
21 Public Safety, as applicable, shall require that each rental motor
22 vehicle be assessed the following registration fees in lieu of the
23 fee schedule set forth in Section 1132 of this title:

24

1 1. A fee of Fifteen Dollars (\$15.00) shall be assessed for the
2 first year of registration in this or any other state; and

3 2. A fee of Ten Dollars (\$10.00) shall be assessed in the first
4 year and each subsequent year of registration in this or any other
5 state.

6 C. Upon registration and payment of the fees required by this
7 section, the owner shall receive a license plate which shall be
8 valid until the vehicle is permanently withdrawn from the rental
9 fleet of the owner.

10 SECTION 46. AMENDATORY 47 O.S. 2011, Section 1167, as
11 last amended by Section 1, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
12 2017, Section 1167), is amended to read as follows:

13 Section 1167. A. ~~The Corporation Commission~~ Department of
14 Public Safety is hereby authorized to promulgate rules pursuant to
15 the Administrative Procedures Act to establish the amounts of fees,
16 fines and penalties as set forth in Section 1166 et seq. of this
17 title. ~~The Corporation Commission~~ Department of Public Safety shall
18 notify all interested parties of any proposed rules to be
19 promulgated as provided herein and shall provide such parties an
20 opportunity to be heard prior to promulgation.

21 B. ~~The Corporation Commission~~ Department of Public Safety shall
22 adjudicate enforcement actions initiated by ~~Corporation Commission~~
23 Department of Public Safety personnel.

1 C. Revenue derived from all fines and penalties collected or
2 received by the ~~Corporation Commission~~ Department of Public Safety
3 pursuant to the provisions of the Trucking One-Stop Shop Act shall
4 be apportioned as follows:

5 1. ~~For~~ for the period beginning August 23, 2013, the first
6 ~~Three Hundred Thousand Dollars (\$300,000.00) collected or received~~
7 ~~each fiscal year shall be remitted to the Department of Public~~
8 ~~Safety for the purpose of staffing the port of entry weigh stations~~
9 ~~to conduct safety inspections. The next~~ Five Hundred Fifty Thousand
10 Dollars (\$550,000.00) shall be remitted to the Oklahoma Tax
11 Commission and apportioned as provided in Section 1104 of this
12 title; ~~and~~.

13 2. The remaining amount shall be deposited to the Trucking One-
14 Stop Shop Fund created in subsection D of this section.

15 D. There is hereby created in the State Treasury a revolving
16 fund for the ~~Corporation Commission~~ Department of Transportation to
17 be known and designated as the "Trucking One-Stop Shop Fund". The
18 Trucking One-Stop Shop Fund shall consist of:

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

21 2. Fees collected by the ~~Commission~~ Department of Public Safety
22 to be retained as a motor license agent or other ~~Corporation~~
23 ~~Commission~~ Department of Public Safety registration or motor fuel
24 fees as allowed by statute or rule; and

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

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

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

16 E. There is hereby created in the State Treasury a revolving
17 fund for the Department of Transportation to be designated the
18 "Weigh Station Improvement Revolving Fund". The fund shall be a
19 continuing fund, not subject to fiscal year limitations or
20 legislative appropriations, and shall consist of all monies
21 deposited thereto. All monies accruing to the credit of the fund
22 are hereby appropriated and may be budgeted and expended by the
23 Department for the purpose of constructing, equipping and
24 maintaining facilities to determine the weight of vehicles traveling

1 on the roads and highways of this state. Expenditures from the fund
2 shall be made upon warrants issued by the State Treasurer against
3 claims filed as prescribed by law with the Director of the Office of
4 Management and Enterprise Services for approval and payment.

5 SECTION 47. AMENDATORY 47 O.S. 2011, Section 1168, as
6 amended by Section 205, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
7 2017, Section 1168), is amended to read as follows:

8 Section 1168. All facilities and equipment under the
9 administrative control of the Oklahoma Tax Commission and used for
10 determining the weight of vehicles operated on the roads or highways
11 of this state are hereby transferred to the Department of
12 Transportation. Any funds appropriated to or any powers, duties and
13 responsibilities exercised by the Tax Commission for such purpose
14 shall be transferred to the Department. The Director of the Office
15 of Management and Enterprise Services is hereby authorized to
16 transfer such funds as may be necessary. The Department of of
17 Transportation is hereby authorized to enter into an agreement with
18 the ~~Corporation Commission~~ Department of Public Safety to operate
19 such facilities or equipment. The provisions of this section shall
20 not be construed to obligate the Department to incur expenses in
21 connection with the administration of such facilities and equipment
22 in an amount which exceeds deposits to the Weigh Station Improvement
23 Revolving Fund.

24

1 SECTION 48. AMENDATORY 47 O.S. 2011, Section 1169, is
2 amended to read as follows:

3 Section 1169. A. The ~~Corporation Commission~~ Department of
4 Public Safety is authorized to revoke, suspend or deny the issuance,
5 extension or reinstatement of any ~~Corporation Commission~~ Department
6 of Public Safety issued motor carrier or commercial motor vehicle
7 license, permit, registration, certificate or duplicate copy thereof
8 issued pursuant to the jurisdiction of the ~~Corporation Commission~~
9 Department of Public Safety, to any person who shall be guilty of:

- 10 1. Violation of any of the provisions of applicable state law;
- 11 2. Violation of rules promulgated by the ~~Corporation Commission~~
12 Department of Public Safety;
- 13 3. Failure to observe or fulfill the conditions upon which the
14 license, permit, registration or certificate was issued;
- 15 4. Nonpayment of any delinquent tax, fee or penalty to the
16 ~~Commission~~ Department or the State of Oklahoma; or
- 17 5. Nonpayment of a uniform base state program delinquent tax,
18 fee or penalty to a state or province participating with the
19 ~~Corporation Commission~~ Department of Public Safety in that program.

20 B. The interest or penalty or any portion thereof ordinarily
21 accruing by failure of the motor carrier, registrant or licensee to
22 properly file a report or return may be waived or reduced by the
23 ~~Corporation Commission~~ Department of Public Safety. No interest or
24

1 penalties in excess of Ten Thousand Dollars (\$10,000.00) shall be
2 allowed except by order of the ~~Commission~~ Department.

3 C. The ~~Corporation Commission~~ Department of Public Safety shall
4 promulgate rules setting forth the revocation, suspension or denial
5 of a motor carrier or commercial motor vehicle certificate,
6 registration, license or permit issued pursuant to the jurisdiction
7 of the ~~Corporation Commission~~ Department of Public Safety. The
8 ~~Corporation Commission~~ Department of Public Safety shall
9 additionally promulgate rules allowing for the collection and
10 remittance of financial liabilities owed by a motor carrier,
11 registrant, licensee or permittee to a state or province
12 participating with the ~~Corporation Commission~~ Department of Public
13 Safety in a uniform base state program or to another state agency.

14 D. Upon the revocation or expiration of any motor carrier or
15 commercial motor vehicle license, permit, registration or
16 certificate issued pursuant to the jurisdiction of the ~~Corporation~~
17 ~~Commission~~ Department of Public Safety, all accrued taxes, fees and
18 penalties due and payable under the terms of state law, rules or
19 order imposing or levying such tax, fee or penalty shall become due
20 and payable concurrently upon the revocation or expiration of the
21 license, permit, registration or certificate and the licensee,
22 permittee, registrant or certificate holder shall forthwith make a
23 report covering the period of time not covered by preceding reports
24

1 filed by ~~said~~ the person and ending with the date of the revocation
2 or expiration and shall pay all such taxes, fees or penalties owed.

3 E. No person shall knowingly, or intentionally, present an
4 altered or fraudulent credential or document to the ~~Corporation~~
5 ~~Commission~~ Department of Public Safety or to any duly authorized
6 peace officer. Any person or persons violating the provisions of
7 this subsection shall be found guilty of contempt of the ~~Commission~~
8 Department and shall, upon conviction thereof, be punished by a fine
9 of not more than Two Thousand Dollars (\$2,000.00) for each offense.

10 SECTION 49. AMENDATORY Section 2, Chapter 262, O.S.L.
11 2012 (47 O.S. Supp. 2017, Section 1201), is amended to read as
12 follows:

13 Section 1201. As used in the Oklahoma Weigh Station Act of
14 2012:

- 15 1. "Authority" means the Oklahoma Turnpike Authority;
- 16 2. ~~"Commission"~~ "Department" means the ~~Corporation~~ ~~Commission~~
17 Department of Public Safety;
- 18 3. "Fixed facility" means a weigh station or a port of entry;
- 19 4. "Port of entry" means a facility, in close proximity to a
20 state line, designed to electronically weigh and screen motor
21 carriers and commercial motor vehicles for compliance with federal
22 and state statutes and rules, allowing compliant carriers to proceed
23 with minimal or no delay;

24

1 5. "Roadside enforcement" means a temporary location, with or
2 without portable or semi-portable scales, used to randomly check
3 commercial motor vehicles or motor carriers for compliance with
4 federal or state statutes or rules;

5 6. "Weigh station" means a stationary and permanent weighing
6 facility with fixed scales owned by the state where commercial motor
7 vehicles are checked for compliance with weight and size standards.
8 Weigh stations are also utilized to enforce federal and state laws
9 and rules applicable to motor carriers and the operation of
10 commercial motor vehicles and their drivers; and

11 7. "North American Standard Inspection" means a Level I, Level
12 II, Level III, Hazardous Materials, Cargo Tank or Passenger Carrier
13 inspection conducted by an individual certified by the Federal Motor
14 Carrier Safety Administration to conduct such inspections.

15 SECTION 50. AMENDATORY Section 3, Chapter 262, O.S.L.
16 2012, as last amended by Section 2, Chapter 373, O.S.L. 2016 (47
17 O.S. Supp. 2017, Section 1202), is amended to read as follows:

18 Section 1202. A. The Department of Transportation, the
19 Oklahoma Turnpike Authority and the ~~Corporation Commission~~
20 Department of Public Safety may enter into interagency agreements
21 concerning the equipment, maintenance and operations of fixed
22 facilities. From July 1, 2018, to June 30, 2019, the Department of
23 Transportation and the Corporation Commission may enter into
24

1 interagency agreements concerning the equipment, maintenance and
2 operations of fixed facilities.

3 B. The Department of Transportation, the Authority and the
4 ~~Commission~~ Department shall endeavor to electronically upgrade weigh
5 stations as practical to minimize the duplication of inspections for
6 compliant commercial motor vehicles and motor carriers.

7 C. ~~The Commission~~ Effective July 1, 2019, all powers, duties
8 and responsibilities exercised by the International Registration
9 Plan Section, the International Fuel Tax Agreement, the Unified
10 Carrier Registration program, and the administration of trip
11 permits, temporary fuel permits and harvest permits shall be
12 transferred from the Corporation Commission to the Department of
13 Public Safety.

14 D. Beginning July 1, 2019, the Department shall operate all
15 current and future ports of entry weigh stations eighteen (18) to
16 twenty (20) hours a day and seven (7) days a week upon the
17 availability of funds.

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

22 ~~E. When a fixed facility is located in the general area,~~
23 ~~Commission motor carrier and commercial motor vehicle enforcement~~
24 ~~shall be limited to the fixed facility and a radius surrounding the~~

1 ~~facility. If the fixed facility is a weigh station as defined in~~
2 ~~Section 1201 of this title, the applicable radius shall be seven (7)~~
3 ~~miles. If the fixed facility is a port of entry weigh station as~~
4 ~~defined in Section 1201 of this title, the applicable radius shall~~
5 ~~be twenty-five (25) miles.~~

6 ~~F. The Commission may assist in roadside enforcement in a joint~~
7 ~~effort at the request of the Oklahoma Highway Patrol.~~

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

14 ~~H. E.~~ H. E. The ~~Commission~~ Department may enter into interagency
15 cooperative agreements with other state or federal agencies to
16 jointly enforce federal and state laws or rules.

17 ~~F.~~ F. North American Standard Inspections shall be conducted
18 only by individuals holding certification in the level or
19 classification of inspection being conducted.

20 SECTION 51. AMENDATORY Section 4, Chapter 262, O.S.L.
21 2012 (47 O.S. Supp. 2017, Section 1203), is amended to read as
22 follows:

23 Section 1203. A. A commercial motor vehicle, its driver or a
24 motor carrier may not be cited for the same violation of motor

1 carrier or commercial motor vehicle requirements on the same date by
2 any Oklahoma officer, provided neither the vehicle configuration nor
3 the load have changed. This subsection is not applicable to a
4 Commercial Vehicle Safety Alliance out-of-service violation.

5 B. ~~The Corporation Commission and the~~ Department of Public
6 Safety or other state or local agencies may enter into interagency
7 agreements to share information electronically to facilitate this
8 section.

9 SECTION 52. REPEALER 47 O.S. 2011, Sections 171 and
10 172.1, are hereby repealed.

11 ~~SECTION 53. This act shall become effective July 1, 2018.~~

12 ~~SECTION 54. It being immediately necessary for the preservation~~
13 ~~of the public peace, health or safety, an emergency is hereby~~
14 ~~declared to exist, by reason whereof this act shall take effect and~~
15 ~~be in full force from and after its passage and approval.~~

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