

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2264

By: Christian

COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; making certain acts unlawful; amending 47 O.S. 2001, Section 12-417, as last amended by Section 10, Chapter 190, O.S.L. 2005 (47 O.S. Supp. 2008, Section 12-417), which relates to the Oklahoma Mandatory Seat Belt Use Act; clarifying scope of certain prohibited act; modifying definition of certain term; amending 47 O.S. 2001, Section 14-118, as last amended by Section 1, Chapter 55, O.S.L. 2007 (47 O.S. Supp. 2008, Section 14-118), which relates to size, weight and load restrictions on state highways; deleting length limitation for saddlemount tow combinations; amending 47 O.S. 2001, Section 230.6, as last amended by Section 14, Chapter 390, O.S.L. 2004 (47 O.S. Supp. 2008, Section 230.6), which relates to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act; clarifying scope of certain prohibited acts; increasing amount of administrative penalties; levying certain fee on motorcycles; stating amount of fee; providing for collection of fee; providing for transfer of collected revenue to the Motorcycle Safety and Education Program Revolving Fund; requiring collection and payment of fee as prerequisite to licensing or registration of motorcycle; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-801.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

It shall be unlawful for any person to:

1. Possess, operate or use a radar detector while operating or as a passenger in a commercial motor vehicle;

2. Operate a commercial motor vehicle in which a radar detector is installed or present; or

3. Install or have installed a radar detector in a commercial motor vehicle.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 12-417, as last amended by Section 10, Chapter 190, O.S.L. 2005 (47 O.S. Supp. 2008, Section 12-417), is amended to read as follows:

Section 12-417. A. 1. Every operator and front seat passenger of a Class A commercial motor vehicle, Class B commercial motor vehicle, Class C commercial motor vehicle, or passenger car vehicle operated in this state shall wear a properly adjusted and fastened safety seat belt system, required to be installed in the motor vehicle when manufactured pursuant to 49 C.F.R., Section 571.208.

2. For the purposes of this section, "passenger ~~car~~ vehicle" shall mean ~~"vehicle" as defined in Section 1102 of this title.~~

~~"Passenger car" shall include the passenger compartment of pickups, vans, minivans, and sport utility vehicles. "Passenger car" a Class D motor vehicle, but shall not include trucks, truck tractors,~~

1 recreational vehicles, motorcycles, ~~or~~ motorized bicycles-

2 ~~"Passenger car" shall not include,~~ or a vehicle used primarily for
3 farm use which is registered and licensed pursuant to the provisions
4 of Section 1134 of this title.

5 B. The Commissioner of Public Safety, upon application from a
6 person who, for medical reasons, is unable to wear a safety seat
7 belt system supported by written attestation of such fact from a
8 physician licensed pursuant to Section 495 of Title 59 of the
9 Oklahoma Statutes, may issue to the person an exemption from the
10 provisions of this section. The exemption shall be in the form of a
11 restriction appearing on the driver license of the person and shall
12 remain in effect until the expiration date of the driver license.
13 Nothing in this subsection shall be construed to prevent the person
14 from applying for another exemption as provided for in this section.
15 The issuance of an attestation by a physician and the subsequent
16 issuance of an exemption by the Commissioner, in good faith, shall
17 not give rise to, nor shall the physician and the state thereby
18 incur, any liability whatsoever in damages or otherwise, to any
19 person injured by reason of failure of the person to wear a safety
20 seat belt system.

21 C. This section shall not apply to an operator of a motor
22 vehicle while performing official duties as a route carrier of the
23 U.S. Postal Service.

1 D. The Department of Public Safety shall not record or assess
2 points for violations of this section on any license holder's
3 traffic record maintained by the Department.

4 E. Fine and court costs for violating the provisions of this
5 section shall not exceed Twenty Dollars (\$20.00).

6 F. Municipalities may enact and municipal police officers may
7 enforce ordinances prohibiting and penalizing conduct under
8 provisions of this section, but the provisions of those ordinances
9 shall be the same as provided for in this section, and the
10 enforcement provisions under those ordinances shall not be more
11 stringent than those of this section.

12 SECTION 3. AMENDATORY 47 O.S. 2001, Section 14-118, as
13 last amended by Section 1, Chapter 55, O.S.L. 2007 (47 O.S. Supp.
14 2008, Section 14-118), is amended to read as follows:

15 Section 14-118. A. 1. Pursuant to such rules as may be
16 prescribed by Oklahoma agencies of jurisdiction, Oklahoma motor
17 carriers may engage in any activity in which carriers subject to the
18 jurisdiction of the federal government may be authorized by federal
19 legislation to engage. Provided further, the Transportation
20 Commission shall formulate, for the State Trunk Highway System,
21 including the National System of Interstate and Defense Highways,
22 and for all other highways or portions thereof, rules governing the
23 movement of vehicles or loads which exceed the size or weight
24 limitations specified by the provisions of this chapter.

1 2. Such rules shall be the basis for the development of a
2 system by the Commissioner of Public Safety for the issuance of
3 permits for the movement of oversize or overweight vehicles or
4 loads. Such system shall include, but not be limited to, provisions
5 for duration, seasonal factors, hours of the day or days when valid,
6 special requirements as to flags, flagmen and warning or safety
7 devices, and other such items as may be consistent with the intent
8 of this section. The permit system shall include provisions for the
9 collection of permit fees as well as for the issuance of the permits
10 by telephone, electronic transfer or such other methods of issuance
11 as may be deemed feasible.

12 3. The Department of Public Safety is authorized to charge a
13 fee of Two Dollars (\$2.00) for each permit requested to be issued by
14 facsimile machine or by any other means of electronic transmission,
15 transfer or delivery. The fee shall be in addition to any other fee
16 or fees assessed for the permit. The fee shall be deposited in the
17 State Treasury to the credit of the Department of Public Safety
18 Revolving Fund and the monies shall be expended by the Department
19 solely for the purposes provided for in this chapter.

20 4. It is the purpose of this section to permit the movement of
21 necessary overweight and oversize vehicles or loads consistent with
22 the following obligations:

- 23 a. protection of the motoring public from potential
24 traffic hazards,

1 b. protection of highway surfaces, structures, and
2 private property, and

3 c. provision for normal flow of traffic with a minimum of
4 interference.

5 B. The Transportation Commission shall prepare and publish a
6 map of the State of Oklahoma showing by appropriate symbols the
7 various highway structures and bridges in terms of maximum size and
8 weight restrictions. This map shall be titled "Oklahoma Load Limit
9 Map" and shall be revised periodically to maintain a reasonably
10 current status and in no event shall a period of two (2) years lapse
11 between revisions and publication of same. Provided, further, the
12 Secretary of the Department of Transportation shall prepare and
13 publish a map of the State of Oklahoma showing the advantages of
14 this state as a marketing, warehousing and distribution network
15 center for motor transportation sensitive industries.

16 C. The Commissioner of Public Safety, or an authorized
17 representative, shall have the authority, within the limitations
18 formulated under provisions of this chapter, to issue, withhold or
19 revoke special permits for the operation of vehicles or combinations
20 of vehicles or loads which exceed the size or weight limitations of
21 this chapter. Every such permit shall be carried in the vehicle or
22 combination of vehicles to which it refers and shall be open to
23 inspection by any law enforcement officer or authorized agent of any
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1 authority granting such permit, and no person shall violate any of
2 the terms or conditions of such special permit.

3 D. It shall be permissible in the transportation of empty
4 trucks on any road or highway to tow by use of saddlemounts; i.e.,
5 mounting the front wheels of one vehicle on the bed of another
6 leaving the rear wheels only of such towed vehicle in contact with
7 the roadway. One vehicle may be fullmounted on the towing or towed
8 vehicles engaged in any driveaway or towaway operation. No more
9 than three saddlemounts may be permitted in such combinations. The
10 towed vehicles shall be securely fastened and operated under the
11 applicable safety requirements of the United States Department of
12 Transportation ~~and such combinations shall not exceed an overall~~
13 ~~length of seventy-five (75) feet.~~ Provided, a driveaway saddlemount
14 with or without fullmount vehicle transporter combination may reach
15 an overall length of ninety-seven (97) feet on the National Network
16 of Highways.

17 E. The Commissioner of Public Safety, upon application of any
18 person engaged in the transportation of forest products in the raw
19 state, which is defined to be tree-length logs moving from the
20 forest directly to the mill, or upon application of any person
21 engaged in the transportation of overwidth or overheight equipment
22 used in soil conservation work, or upon application of any person
23 engaged in the hauling for hire or for resale, of round baled hay
24 with a total outside width of eleven (11) feet or less, shall issue

1 an annual permit, upon payment of a fee of Twenty-five Dollars
2 (\$25.00) each year, authorizing the operation by such persons of
3 such motor vehicle load lengths and widths upon the highways of this
4 state except on the National System of Interstate and Defense
5 Highways. Provided, however, the restriction on use of the National
6 System of Interstate and Defense Highways shall not be applicable to
7 persons engaged in the hauling of round baled hay with a total
8 outside width of eleven (11) feet or less.

9 F. Farm equipment including, but not limited to, implements of
10 husbandry as defined in Section 1-125 of this title shall be
11 exempted from the requirement for special permits due to size. Such
12 equipment may move on any highway, except those highways which are
13 part of the National System of Interstate and Defense Highways,
14 during the hours of darkness and shall be subject to the
15 requirements as provided in Section 12-215 of this title. In
16 addition to those requirements, tractors pulling machinery over
17 thirteen (13) feet wide must have two amber flashing warning lamps
18 symmetrically mounted, laterally and widely spaced as practicable,
19 visible from both front and rear, mounted at least thirty-nine (39)
20 inches high.

21 G. Any rubber-tired road construction vehicle including rubber-
22 tired truck cranes and special mobilized machinery either self-
23 propelled or drawn carrying no load other than component parts
24 safely secured to the machinery and its own weight, but which is

1 overweight by any provisions of this chapter, shall be authorized to
2 move on the highways of the State of Oklahoma. Movement of such
3 vehicles shall be authorized on the Federal Interstate System of
4 Highways only by special permit secured from the Commissioner of
5 Public Safety or an authorized representative upon determination
6 that the objectives of this section will be served by such a permit
7 and that federal weight restrictions will not be violated. The
8 special permit shall be:

9 1. A single-trip permit issued under the provisions of this
10 section and Section 14-116 of this title; or

11 2. A special annual overweight permit which shall be issued for
12 one calendar year period upon payment of a fee of Sixty Dollars
13 (\$60.00).

14 The weight of any such vehicle shall not exceed six hundred
15 fifty (650) pounds multiplied by the nominal width of the tire. The
16 vehicle shall be required to carry the safety equipment adjudged
17 necessary for the health and welfare of the driving public. If any
18 oversized vehicle does not come under the other limitations of the
19 present laws, it shall be deemed that the same shall travel only
20 between the hours of sunrise and sunset. The vehicle, being
21 overweight but of legal dimension, shall be allowed continuous
22 travel. The vehicles, except special mobilized machinery, shall be
23 exempt from the laws of this state relating to motor vehicle
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1 registration, licensing or other fees or taxes in lieu of ad valorem
2 taxes.

3 H. 1. When such machinery has a width greater than eight and
4 one-half (8 1/2) feet, or a length, exclusive of load, of forty-five
5 (45) feet, or a height in excess of thirteen and one-half (13 1/2)
6 feet, then the permit may restrict movement to a fifty-mile radius
7 from an established operating base, and may designate highways to be
8 traveled, hours of travel and when flagmen may be required to
9 precede or follow the equipment.

10 2. Possession of a permit shall in no way be construed as
11 exempting such equipment from the authority of the Director of the
12 Department of Transportation to restrict use of particular highways,
13 nor shall it exempt owners or operators of such equipment from the
14 responsibility for damage to highways caused by movement of the
15 equipment. Nothing in this subsection shall apply to machinery used
16 in highway construction or road material production.

17 3. Upon the issuance of a special mobilized machinery driveway
18 permit as provided in this subsection, special mobilized machinery
19 manufactured in Oklahoma shall be permitted to move upon the
20 highways of this state from the place of manufacture to the state
21 line for delivery and exclusive use outside the state, and may be
22 temporarily returned to Oklahoma for modification and repair, with
23 subsequent movement back out of the state. Special driveway
24 permits for such movements shall be issued by the Commissioner of

1 Public Safety, who may act through designated agents, upon the
2 payment of a fee in the amount of Fifteen Dollars (\$15.00) for each
3 movement.

4 4. The size of the special mobilized machinery shall not be
5 such as to create a safety hazard in the judgment of the
6 Commissioner of Public Safety. Permits for such special mobilized
7 machinery shall specify a maximum permissible road speed of the
8 lesser of fifty (50) miles per hour or the posted speed limit,
9 designate safety equipment to be carried and may exclude use of
10 highways of the interstate system.

11 5. When such equipment has a width greater than eight and one-
12 half (8 1/2) feet, or a length exclusive of load of forty-five (45)
13 feet, or a height in excess of thirteen and one-half (13 1/2) feet,
14 the permit may designate highways to be traveled, hours of travel
15 and when flagmen may be required to precede or follow the equipment.

16 6. Possession of a special driveaway permit shall in no way be
17 construed as exempting such equipment from the authority of the
18 Director of the Department of Transportation to restrict use of
19 particular highways, nor shall it exempt the owners or operators of
20 such equipment from the responsibility for damage to highways caused
21 by the movement of such equipment.

22 SECTION 4. AMENDATORY 47 O.S. 2001, Section 230.6, as
23 last amended by Section 14, Chapter 390, O.S.L. 2004 (47 O.S. Supp.
24 2008, Section 230.6), is amended to read as follows:

1 Section 230.6 A. No person prohibited from operating a
2 commercial vehicle shall operate such commercial motor vehicle, nor
3 shall any person authorize or require a person who has been
4 prohibited from such operation of a motor vehicle to operate a
5 commercial motor vehicle.

6 B. No person shall operate, authorize to operate, or require
7 the operation of any vehicle or the use of any container ~~that~~ when
8 the person has been placed out-of-service or the vehicle or
9 container has been marked ~~out-of-service~~ out-of-service until all
10 requirements of the out-of-service order of the person have been met
11 or all required corrections for the vehicle or container have been
12 made, ~~except~~; provided, upon approval of the Department ~~such~~, the
13 vehicle or container may be moved to another location for the
14 purpose of repair or correction.

15 C. No person shall remove an out-of-service marking from a
16 ~~transport~~ vehicle or container unless all required corrections have
17 been made and the vehicle or container has been inspected and
18 approved by an authorized officer, employee, or agent of the
19 Department. No person shall return to duty unless all requirements
20 of the out-of-service order have been met and the person has been
21 approved to return to duty by an authorized officer, employee, or
22 agent of the Department.

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

1 1. During any period in which the employee:

- 2 a. has had driving privileges to operate a commercial
3 motor vehicle suspended, revoked, canceled, denied or
4 disqualified,
5 b. has had driving privileges to operate a commercial
6 motor vehicle disqualified for life,
7 c. is not licensed to operate a commercial motor vehicle,
8 or
9 d. has more than one commercial driver license;

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

14 3. In violation of a federal, state, or local law, regulation,
15 or ordinance pertaining to railroad-highway grade crossings.

16 E. An employer who is determined by the Commissioner to have
17 committed a violation of subsection D of this section shall be
18 subject to an administrative penalty of not less than ~~Two Thousand~~
19 ~~Five Hundred Dollars (\$2,500.00)~~ Two Thousand Seven Hundred Fifty
20 Dollars (\$2,750.00) nor more than ~~Ten Thousand Dollars (\$10,000.00)~~
21 Twenty-five Thousand Dollars (\$25,000.00).

22 F. An employee who is determined by the Commissioner to have
23 committed a violation of any provision of this section shall be
24 subject to an administrative penalty of not less than ~~One Thousand~~

1 ~~One Hundred Dollars (\$1,100.00)~~ Two Thousand Five Hundred Dollars
2 (\$2,500.00) nor more than ~~Two Thousand Seven Hundred Fifty Dollars~~
3 ~~(\$2,750.00)~~ Five Thousand Dollars (\$5,000.00).

4 SECTION 5. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1132.6 of Title 47, unless there
6 is created a duplication in numbering, reads as follows:

7 A. In addition to other vehicle registration fees specified by
8 law, there is levied and there shall be paid to the Oklahoma Tax
9 Commission a fee of Five Dollars (\$5.00) upon every motorcycle
10 registered pursuant to Section 1132 of Title 47 of the Oklahoma
11 Statutes for use on roads and highways. The fee shall accrue and
12 shall be collectible upon each motorcycle registered for use on
13 roads and highways under the same circumstances and shall be payable
14 in the same manner and times as apply to the registration of
15 motorcycles for use on roads and highways under the provisions of
16 the Oklahoma Vehicle License and Registration Act; provided, the fee
17 shall be paid in full for the then current year at the time any
18 vehicle is first registered in a calendar year.

19 B. Revenue from the fee levied in subsection A of this section
20 shall be transferred each month to the Department of Public Safety
21 for deposit in the Motorcycle Safety and Education Program Revolving
22 Fund created pursuant to Section 40-123 of Title 47 of the Oklahoma
23 Statutes.

1 C. The collection and payment of the fee specified in this
2 section shall be a prerequisite to licensing or registration of any
3 motorcycle.

4 SECTION 6. This act shall become effective November 1, 2009.
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