

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1087 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: John Bennett

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1087

By: Bennett

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending Section 2, Chapter 59, O.S.L. 2009, as amended by Section 1, Chapter 293, O.S.L. 2009 (47 O.S. Supp. 2010, Section 14-103G), which relates to oversize annual permits; providing for annual permit option; limiting load size; setting fee; amending 47 O.S. 2001, Section 14-118, as last amended by Section 1, Chapter 55, O.S.L. 2007 (47 O.S. Supp. 2010, Section 14-118), which relates to the Oklahoma Load Limit Map; requiring map be available on Internet; requiring periodic revision; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 2, Chapter 59, O.S.L. 2009, as amended by Section 1, Chapter 293, O.S.L. 2009 (47 O.S. Supp. 2010, Section 14-103G), is amended to read as follows:

Section 14-103G. A. 1. The Department of Public Safety may issue an annual vehicle permit under the provisions of this subsection to a specific vehicle, for the movement of oversize or overweight loads that cannot reasonably be dismantled. Unless

1 otherwise provided by law, permits issued under this subsection
2 shall be subject to the conditions described in paragraphs 2 through
3 8 of this subsection.

4 2. Oversize or overweight loads operating under an annual
5 vehicle permit shall not exceed:

- 6 a. twelve (12) feet in width,
- 7 b. fourteen (14) feet in height,
- 8 c. one hundred ten (110) feet in length, or
- 9 d. one hundred twenty thousand (120,000) pounds gross
10 weight.

11 3. Oversize or overweight loads operating under an annual
12 vehicle permit under this subsection shall not transport a load that
13 has more than a twenty-five-foot front overhang, or more than a
14 thirty-foot rear overhang.

15 4. The fee for an annual vehicle permit shall be Four Thousand
16 Dollars (\$4,000.00) and shall be nonrefundable.

17 5. The annual vehicle permit shall be issued for one (1)
18 calendar year period and shall commence upon the date specified on
19 the permit.

20 6. An annual vehicle permit issued pursuant to this subsection
21 shall be nontransferable between permittees.

22 7. The permitted vehicle or vehicle combination shall be
23 registered in accordance with the provisions of Chapter 14 of Title
24 47 of the Oklahoma Statutes for maximum weight.

1 8. An annual vehicle permit issued pursuant to this subsection
2 may be transferred from one vehicle to another vehicle in the fleet
3 of the permittee provided:

4 a. the permitted vehicle is destroyed or otherwise
5 becomes permanently inoperable to the extent that the
6 vehicle will no longer be utilized, and the permittee
7 presents proof to the Department of Public Safety that
8 the negotiable certificate of title or other
9 qualifying documentation has been surrendered to the
10 Department of Public Safety, or

11 b. the certificate of title to the permitted vehicle is
12 transferred to someone other than the permittee, and
13 the permittee presents proof to the Department of
14 Public Safety that the negotiable certificate of title
15 or other qualifying documentation has been transferred
16 from the permittee.

17 9. A permit issued for loads specific to turbine blades, used
18 for the purpose of wind generation, may exceed a length of one
19 hundred ten (110) feet.

20 B. 1. The Department of Public Safety may issue an annual
21 vehicle permit under this subsection to a specific motor carrier,
22 for the movement of oversize or overweight loads that cannot
23 reasonably be dismantled. An annual vehicle permit issued under
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1 this subsection may be transferred from one vehicle to another
2 vehicle in the fleet of the permittee provided:

- 3 a. that no more than one vehicle is operating at a time,
4 and
- 5 b. the original certified permit is carried in the
6 vehicle that is being operated under the terms of the
7 permit.

8 2. An annual vehicle permit issued under this subsection shall
9 be sent to the permittee via first-class, registered mail, or at the
10 request and expense of the permittee via overnight delivery service.
11 The annual vehicle permit shall not be duplicated. The annual
12 vehicle permit shall be replaced only if:

- 13 a. the permittee did not receive the original permit
14 within seven (7) business days after the date of
15 issuance,
- 16 b. a request for replacement is submitted to the
17 Department of Public Safety within ten (10) business
18 days after the original date of issuance of the
19 permit, and
- 20 c. the request for replacement is accompanied by a
21 notarized statement signed by a principal or officer
22 of the permittee acknowledging that the permittee
23 understands the permit may not be duplicated and that
24 if the original permit is located, the permittee shall

1 return either the original or replacement permit to
2 the Department of Public Safety.

3 3. A request for replacement of an annual vehicle permit issued
4 pursuant to the provisions of this subsection shall be denied if the
5 Department of Public Safety can verify that the permittee received
6 the original annual vehicle permit.

7 4. Lost, misplaced, damaged, destroyed, or otherwise unusable
8 annual vehicle permits shall not be replaced. A new permit shall be
9 required and shall be issued by the Department of Public Safety.

10 C. 1. The Department of Public Safety shall issue an annual
11 vehicle permit under this subsection to a transportation company or
12 manufacturer of portable buildings solely for the movement of
13 oversize portable buildings for a specific manufacturer of portable
14 buildings. An annual vehicle permit issued under this subsection
15 may be transferred from one vehicle to another vehicle in the fleet
16 of the permittee provided:

17 a. that no more than one vehicle is operating at a time,

18 and

19 b. the original certified permit is carried in the
20 vehicle that is being operated under the terms of the
21 permit.

22 2. Oversize loads operating under an annual vehicle permit
23 issued pursuant to this subsection shall not exceed:
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1 a. twelve (12) feet in width at the wall with no more
2 than a three-inch-eave overhang, or

3 b. fourteen (14) feet in height.

4 3. The total gross weight of oversize loads operating under an
5 annual vehicle permit issued pursuant to this subsection shall not
6 exceed fifty-six thousand (56,000) pounds.

7 4. The fee for an annual vehicle permit issued pursuant to this
8 subsection shall be Five Hundred Dollars (\$500.00) and shall be
9 nonrefundable.

10 5. An annual vehicle permit issued under this subsection shall
11 be sent to the permittee via first-class, registered mail, or at the
12 request and expense of the permittee via overnight delivery service.
13 The annual vehicle permit shall not be duplicated. The annual
14 vehicle permit shall be replaced only if:

15 a. the permittee did not receive the original permit
16 within seven (7) business days after the date of
17 issuance,

18 b. a request for replacement is submitted to the
19 Department of Public Safety within ten (10) business
20 days after the original date of issuance of the
21 permit, and

22 c. the request for replacement is accompanied by a
23 notarized statement signed by a principal or officer
24 of the permittee acknowledging that the permittee

1 understands the permit may not be duplicated and that
2 if the original permit is located, the permittee shall
3 return either the original or replacement permit to
4 the Department of Public Safety.

5 6. A request for replacement of an annual vehicle permit issued
6 pursuant to the provisions of this subsection shall be denied if the
7 Department of Public Safety can verify that the permittee received
8 the original annual vehicle permit.

9 7. Lost, misplaced, damaged, destroyed, or otherwise unusable
10 annual vehicle permits shall not be replaced. A new permit shall be
11 required and shall be issued by the Department of Public Safety.

12 SECTION 2. 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 2010, 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~~ the printed version of the
12 Oklahoma Load Limit Map. This map shall also be made available by
13 the Department of Transportation on the Internet and in no event
14 shall a period of six (6) months lapse between revisions of the
15 information provided on the Internet. Provided, further, the
16 Secretary of the Department of Transportation shall prepare and
17 publish a map of the State of Oklahoma showing the advantages of
18 this state as a marketing, warehousing and distribution network
19 center for motor transportation sensitive industries.

20 C. The Commissioner of Public Safety, or an authorized
21 representative, shall have the authority, within the limitations
22 formulated under provisions of this chapter, to issue, withhold or
23 revoke special permits for the operation of vehicles or combinations
24 of vehicles or loads which exceed the size or weight limitations of

1 this chapter. Every such permit shall be carried in the vehicle or
2 combination of vehicles to which it refers and shall be open to
3 inspection by any law enforcement officer or authorized agent of any
4 authority granting such permit, and no person shall violate any of
5 the terms or conditions of such special permit.

6 D. It shall be permissible in the transportation of empty
7 trucks on any road or highway to tow by use of saddlemounts; i.e.,
8 mounting the front wheels of one vehicle on the bed of another
9 leaving the rear wheels only of such towed vehicle in contact with
10 the roadway. One vehicle may be fullmounted on the towing or towed
11 vehicles engaged in any driveaway or towaway operation. No more
12 than three saddlemounts may be permitted in such combinations. The
13 towed vehicles shall be securely fastened and operated under the
14 applicable safety requirements of the United States Department of
15 Transportation and such combinations shall not exceed an overall
16 length of seventy-five (75) feet. Provided, a driveaway saddlemount
17 with fullmount vehicle transporter combination may reach an overall
18 length of ninety-seven (97) feet on the National Network of
19 Highways.

20 E. The Commissioner of Public Safety, upon application of any
21 person engaged in the transportation of forest products in the raw
22 state, which is defined to be tree-length logs moving from the
23 forest directly to the mill, or upon application of any person
24 engaged in the transportation of overwidth or overheight equipment

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

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

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1 G. Any rubber-tired road construction vehicle including rubber-
2 tired truck cranes and special mobilized machinery either self-
3 propelled or drawn carrying no load other than component parts
4 safely secured to the machinery and its own weight, but which is
5 overweight by any provisions of this chapter, shall be authorized to
6 move on the highways of the State of Oklahoma. Movement of such
7 vehicles shall be authorized on the Federal Interstate System of
8 Highways only by special permit secured from the Commissioner of
9 Public Safety or an authorized representative upon determination
10 that the objectives of this section will be served by such a permit
11 and that federal weight restrictions will not be violated. The
12 special permit shall be:

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

15 2. A special annual overweight permit which shall be issued for
16 one calendar year period upon payment of a fee of Sixty Dollars
17 (\$60.00).

18 The weight of any such vehicle shall not exceed six hundred fifty
19 (650) pounds multiplied by the nominal width of the tire. The
20 vehicle shall be required to carry the safety equipment adjudged
21 necessary for the health and welfare of the driving public. If any
22 oversized vehicle does not come under the other limitations of the
23 present laws, it shall be deemed that the same shall travel only
24 between the hours of sunrise and sunset. The vehicle, being

1 overweight but of legal dimension, shall be allowed continuous
2 travel. The vehicles, except special mobilized machinery, shall be
3 exempt from the laws of this state relating to motor vehicle
4 registration, licensing or other fees or taxes in lieu of ad valorem
5 taxes.

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

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

20 3. Upon the issuance of a special mobilized machinery driveaway
21 permit as provided in this subsection, special mobilized machinery
22 manufactured in Oklahoma shall be permitted to move upon the
23 highways of this state from the place of manufacture to the state
24 line for delivery and exclusive use outside the state, and may be

1 temporarily returned to Oklahoma for modification and repair, with
2 subsequent movement back out of the state. Special driveway
3 permits for such movements shall be issued by the Commissioner of
4 Public Safety, who may act through designated agents, upon the
5 payment of a fee in the amount of Fifteen Dollars (\$15.00) for each
6 movement.

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

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

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

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

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