

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1952 _____ 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

Adopted: _____

Amendment submitted by: Skye McNeil

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 PROPOSED COMMITTEE
SUBSTITUTE
4 FOR
HOUSE BILL NO. 1952

5 By: McNiel

6

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; amending 47 O.S.
9 2001, Section 2-117.1, which relates to duties of the
Oklahoma Tax Commission; clarifying language;
10 amending 47 O.S. 2001, Section 14-110, as amended by
Section 6, Chapter 522, O.S.L. 2004 (47 O.S. Supp.
2010, Section 14-110), which relates to certain
vehicle registration certificate requirements;
11 providing authority to certain employees of the
Corporation Commission to demand presentment of
12 certain registration certificates; amending 47 O.S.
2001, Section 14-111, as last amended by Section 1,
Chapter 363, O.S.L. 2010 (47 O.S. Supp. 2010, Section
14-111), which relates to governmental authority to
13 weigh certain vehicles; clarifying authority of
certain Corporation Commission employees; amending 47
O.S. 2001, Section 116.13, as amended by Section 8,
Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2010, Section
14-111), which relates to uniform and badge
14 requirements of certain Corporation Commission
employees; modifying requirements; substituting
insignia for badge requirement; amending 47 O.S.
2001, Section 116.14, as amended by Section 9,
Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2010, Section
116.14), which relates to vehicles that are not
21 registered or are improperly registered; modifying
procedure for seizing and sale of certain vehicles;
amending 47 O.S. 2001, Section 162, as last amended
22 by Section 2, Chapter 183, O.S.L. 2009 (47 O.S. Supp.
2010, Section 162), which relates to powers and
duties of the Corporation Commission; providing
23 Corporation Commission authority to administratively
regulate and supervise certain motor carriers;

1 specifying certain facilities for use in regulation
2 of certain motor carriers; specifying that
3 jurisdiction of the Department of Public Safety shall
4 not be affected by this section; amending 47 O.S.
5 2001, Section 166.5, which relates to inconsistencies
6 between certain statutes and the state Constitution;
7 specifying that provisions of certain acts be
8 considered amendments and alterations of state
9 Constitution; amending 47 O.S. 2001, Sections 166a,
10 as amended by Section 6, Chapter 183, O.S.L. 2009,
11 and 170.1 (47 O.S. Supp. 2010, Section 166a), which
12 relate to the regulation of motor carriers; updating
13 agency designations; amending 47 O.S. 2001, Section
14 170.2, which relates to notification procedures for
15 certain motor carrier weight violations; modifying
16 information to be contained in notifications;
17 modifying what constitutes contempt; modifying
18 grounds for show-cause orders; amending 47 O.S. 2001,
19 Section 171, which relates to Corporation Commission
20 authority to hire certain personnel; changing
21 enforcement authority designation to administration
22 authority; amending 47 O.S. 2001, Section 171.1,
23 which relates to the expenditure of certain
24 Corporation Commission funds; changing designation of
enforcement officers and supervisors to
administrative officers and supervisors; limiting
duties of certain employees to the provisions of the
Oklahoma Motor Carrier Act; modifying requirements
for certain Corporation Commission vehicles; amending
47 O.S. 2001, Section 172, as amended by Section 3,
Chapter 238, O.S.L. 2006 (47 O.S. Supp. 2010, Section
172), which relates to certain violations; updating
agency and employee designations; removing
authorization for certain Corporation Commission
officers to be considered peace officers; providing
that certain state officials shall not have authority
to order certain employees not to perform certain
duties or services; amending 47 O.S. 2001, Sections
177.2 and 177.3, which relate to transporting of
deleterious substances; updating agency designations;
amending 47 O.S. 2001, Sections 180, 180a, 180b,
180c, 180d, 180e, 180f and 180g, which relate to the
regulation of motor carriers; updating agency
designations; amending 47 O.S. 2001, Section 180h, as
amended by Section 4, Chapter 238, O.S.L. 2006 (47
O.S. Supp. 2010, Section 180h), which relates to the
collection of certain fees; clarifying language;

1 amending 47 O.S. 2001, Section 180k, which relates to
2 Corporation Commission records; updating agency
3 designations; amending 47 O.S. 2001, Section 180l,
4 which relates to reciprocal compacts and agreements
5 with other states; updating agency designations;
6 providing that the authority of the Department of
7 Public Safety shall not be superseded or suspended by
8 certain compacts or agreements; amending 47 O.S.
9 2001, Section 180m, which relates to the duties of
10 certain governmental entities to enforce certain
11 motor vehicle provisions; modifying enforcement
12 authority; modifying requirements for notification;
13 amending 47 O.S. 2001, Sections 224 and 225, which
14 relate to the regulation of motor carriers;
15 clarifying language; amending 47 O.S. 2001, Section
16 228.3, which relates to intrastate fuel surcharges;
17 updating agency designations; modifying reference to
18 federal agency determining minimum surcharge;
19 amending 47 O.S. 2001, Section 228.4, which relates
20 to application of certain statutes to certain
21 certificates and permits; updating statutory
22 reference; amending 47 O.S. 2001, Sections 230.2,
23 230.3, 230.4, 230.5, 230.6, as last amended by
24 Section 14, Chapter 390, O.S.L. 2004, 230.7, 230.8,
230.9, as last amended by Section 15, Chapter 390,
O.S.L. 2004, 230.10, 230.11, 230.13, 230.14, 230.15,
as amended by Section 1, Chapter 64, O.S.L. 2004,
230.22, 230.23, as amended by Section 13, Chapter
190, O.S.L. 2005, 230.24, 230.25, 230.26, 230.27, as
amended by Section 5, Chapter 238, O.S.L. 2006,
230.28, as last amended by Section 3, Chapter 418,
O.S.L. 2005, 230.29, 230.30, 230.31 and 230.32 (47
O.S. Supp. 2010, Sections 230.6, 230.9, 230.15,
230.23, 230.27 and 230.28), which relate to the
Oklahoma Motor Carrier Safety and Hazardous Materials
Transportation Act and the Motor Carrier Act of 1995;
updating agency designations; clarifying language;
clarifying scope of certain violations; requiring
interagency agreements for certain cooperative
actions; modifying enforcement authority; specifying
how provisions shall be construed; updating statutory
reference; modifying power and authority of the
Corporation Commission; specifying the Department of
Public Safety as the primary enforcement agency;
authorizing the Corporation Commission to administer
law only if agreement is established with the
Department of Public Safety; amending Section 2,

1 Chapter 140, O.S.L. 2006 and Section 3, Chapter 140,
2 O.S.L. 2006, as amended by Section 1, Chapter 243,
3 O.S.L. 2006 (47 O.S. Supp. 2010, Sections 230.34a and
4 230.34b), which relate to the Motor Carrier Harvest
5 Permit Act of 2006; clarifying certain apportionment;
6 updating agency designations; amending 47 O.S. 2001,
7 Section 1115, as last amended by Section 18, Chapter
8 412, O.S.L. 2010 (47 O.S. Supp. 2010, Section 1115),
9 which relates to vehicle registration requirements;
10 updating agency and employee designations;
11 eliminating limitation on certain penalties;
12 modifying certain penalty; amending 47 O.S. 2001,
13 Section 1115.1, as last amended by Section 1, Chapter
14 181, O.S.L. 2009 (47 O.S. Supp. 2010, Section
15 1115.1), which relates to seizure of vehicles under
16 certain circumstances; removing Corporation
17 Commission authority to seize certain vehicles;
18 providing Corporation Commission employees authority
19 to notify law enforcement for the seizure of certain
20 vehicles; amending 47 O.S. 2001, Section 1123, which
21 relates to Tax Commission authority to enter into
22 reciprocal compacts and agreements; clarifying
23 language; amending 47 O.S. 2001, Section 1133, as
24 last amended by Section 6, Chapter 168, O.S.L. 2008
(47 O.S. Supp. 2010, Section 1133), which relates to
license fees for commercial vehicles; updating agency
employee designations; amending 47 O.S. 2001, Section
1133.2, as amended by Section 20, Chapter 522, O.S.L.
2004 (47 O.S. Supp. 2010, Section 1133.2), which
relates to the display of certain registration
information in certain circumstances; modifying
certain penalty; eliminating limitation on certain
penalty; modifying enforcement authority; amending 47
O.S. 2001, Section 1140, as last amended by Section
1, Chapter 386, O.S.L. 2009 (47 O.S. Supp. 2010,
Section 1140), which relates to qualifications and
requirements for certain agents; updating statutory
reference; amending 47 O.S. 2001, Section 1151, as
last amended by Section 20, Chapter 412, O.S.L. 2010
(47 O.S. Supp. 2010, Section 1151), which relates to
certain unlawful acts and penalties; removing
authority of Corporation Commission employees to
issue certain citations; amending Section 2, Chapter
522, O.S.L. 2004 (47 O.S. Supp. 2010, Section 1166),
which relates to the transfer of certain authority
from the Tax Commission to the Corporation
Commission; deleting obsolete language; amending

Section 3, Chapter 522, O.S.L. 2004, as last amended by Section 1, Chapter 102, O.S.L. 2008 (47 O.S. Supp. 2010, Section 1167), which relates to Corporation Commission authority to establish and administer certain fees, fines and penalties; limiting Corporation Commission authority to fees; specifying that the Corporation Commission shall adjudicate certain administrative actions; amending Section 4, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2010, Section 1168), which relates to the transfer of certain Tax Commission facilities and equipment to the Department of Transportation; clarifying language; amending Section 11, Chapter 238, O.S.L. 2006 (47 O.S. Supp. 2010, Section 1169), which relates to Corporation Commission authority to revoke certain licenses, permits, registrations or certificates; updating agency designations; modifying authority; amending Section 12, Chapter 238, O.S.L. 2006 (47 O.S. Supp. 2010, Section 1170), which relates to the confidentiality of certain reports; clarifying language; repealing 47 O.S. 2001, Section 171.2, which relates to authority of certain enforcement officers; repealing 47 O.S. 2001, Section 172.1, which relates to qualification requirements for enforcement officers; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-117.1, is amended to read as follows:

Section 2-117.1 A. It shall be the duty of the Oklahoma Tax Commission to investigate and report to the Corporation Commission and the Department of Public Safety violations of their rules and regulations and the laws governing the transportation of persons and

1 property by motor transportation companies and all other motor
2 carriers for hire.

3 B. It shall be the duty of the Corporation Commission to
4 investigate and report to the Oklahoma Tax Commission and the
5 Department of Public Safety violations of their rules ~~and~~
6 ~~regulations~~ and the laws governing the transportation of persons and
7 property by motor transportation companies and all other motor
8 carriers for hire.

9 SECTION 2. AMENDATORY 47 O.S. 2001, Section 14-110, as
10 amended by Section 6, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2010,
11 Section 14-110), is amended to read as follows:

12 Section 14-110. The registration certificate for any truck,
13 trailer, semitrailer or combination thereof shall be carried in or
14 on the vehicle at all times and shall be presented on demand of any:

15 1. Any officer of the Department of Public Safety, Oklahoma
16 ~~Corporation Commission~~, or any sheriff for inspection; and ~~it~~
17 2. Any employee of the Corporation Commission at a stationary
18 and permanent scale facility.

19 Such registration certificate shall be accepted in any court as
20 prima facie evidence of weight registration or legally authorized
21 load limit of the vehicle.

22 SECTION 3. AMENDATORY 47 O.S. 2001, Section 14-111, as
23 last amended by Section 1, Chapter 363, O.S.L. 2010 (47 O.S. Supp.
24 2010, Section 14-111), is amended to read as follows:

1 Section 14-111. A. In order to weigh a vehicle:

2 1. Any officer of the Department of Public Safety, ~~the~~
3 ~~Corporation Commission~~, any sheriff, or any salaried deputy sheriff
4 is authorized to stop any vehicle upon any road or highway ~~in order~~
5 ~~to and~~ weigh such vehicle by means of portable or stationary scales,
6 or cause the same to be weighed by any official weigher, or upon any
7 privately owned scales and may require that such vehicles be driven
8 to the nearest or most convenient available scales for the purpose
9 of weighing; or

10 2. Any employee of the Corporation Commission may stop and
11 weigh any vehicle while the vehicle is at a stationary and permanent
12 scale facility.

13 B. In the event that any axle weight or the gross weight of any
14 such vehicle be found to exceed the maximum weight authorized by
15 law, or by permit issued therefor, the officer or employee may
16 require, in the case of separable loads, the driver, operator or
17 owner thereof to unload at the site such portion of the load as may
18 be necessary to decrease the weight of such vehicle to the maximum
19 weight authorized by law. Provided, however, that if such load
20 consists of livestock, perishable merchandise, or merchandise that
21 may be destroyed by the weather, then the driver shall be permitted
22 to proceed to the nearest practical unloading point in the direction
23 of destination before discharging such excess cargo. All material

1 so unloaded shall be cared for by the owner or operator of such
2 vehicle at the risk of such owner or operator.

3 B. C. 1. The operator of any truck or other vehicle
4 transporting farm products for hire or other merchandise for hire
5 shall have in his or her possession a certificate carrying the
6 following information: name of the operator; driver license number;
7 vehicle registration number; Corporation Commission permit number;
8 and statement of owner authorizing transportation of the products by
9 above named operator. For the purposes of this section
10 "certificate" includes electronic manifests and other similar
11 documents that include all of the information required pursuant to
12 this section.

13 2. Should the vehicle be loaded with livestock, the certificate
14 shall include the number of animals, and should the livestock be the
15 property of more than one person, a certificate signed by each owner
16 carrying the above information including the number of animals owned
17 by each owner shall be carried by the operator. Should the operator
18 be the owner of the merchandise or livestock, the merchandise or
19 livestock having just been purchased, the operator shall have in his
20 or her possession a bill of sale for such merchandise or livestock.
21 Should the operator be the owner of livestock or other farm products
22 produced by the operator, the operator shall be required to show
23 satisfactory identification and ownership of the vehicle.

24

3. a. Any officer, as outlined in this chapter, on the road or highway shall have the authority to stop, or

b. Any employee of the Corporation Commission at a stationary and permanent scale facility shall have the authority to stop,

any vehicle loaded with livestock, merchandise or other farm products and investigate as to the ownership of the merchandise, livestock or other farm products. Should the operator of any vehicle be unable to establish to the satisfaction of the officer or the employee the ownership of the merchandise, livestock or other products, or shall not have the certificate as specified in this section for the transportation of such merchandise, livestock or other farm products, the merchandise, livestock or other farm products and the vehicle in which they are being transported shall be impounded by the officer, or the employee shall request the impoundment by an officer, and any expense as to the care of any livestock shall be the responsibility of the owner or operator of the vehicle, and any loss or damage of the merchandise, livestock or other farm products shall be the responsibility of the operator or owner, or both.

21 The provisions of this subsection shall not apply to a person
22 who is transporting horses or livestock; provided, the person shall
23 not have been hired to transport the horses or livestock and the
24 transporting vehicle displays on both sides in plainly visible

1 letters not less than two (2) inches in height the words "NOT FOR
2 HIRE".

3 SECTION 4. AMENDATORY 47 O.S. 2001, Section 116.13, as
4 amended by Section 8, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2010,
5 Section 116.13), is amended to read as follows:

6 Section 116.13 A. Each employee of the Corporation Commission
7 assigned as an enforcement officer, as herein provided, to a
8 stationary and permanent scale facility shall at all times while on
9 duty be required to be dressed in a distinctive uniform and display
10 a badge an insignia of office, both of which shall be completely
11 different and distinguishable from those of the Oklahoma Highway
12 Patrol Division, the Department of Public Safety, the Oklahoma
13 Department of Transportation, and the Oklahoma Tax Commission. All
14 such badges insignias shall be furnished by the Corporation
15 Commission and each badge shall display a distinctive serial number.
16 The type and detail of the uniforms shall be designated by the
17 Corporation Commission and the Corporation Commission shall furnish
18 the uniforms and replace them when necessary. An expense allowance
19 of One Hundred Dollars (\$100.00) per month for maintenance and
20 cleaning of uniforms shall be paid to each enforcement officer
21 employee of the Corporation Commission assigned to a stationary and
22 permanent scale facility.

23 B. Any person who without authority wears the badge insignia or
24 uniform of a Corporation Commission enforcement officer scale

1 facility employee, or who without authority impersonates such an
2 officer employee, with intent to deceive anyone, shall be guilty of
3 a misdemeanor.

4 SECTION 5. AMENDATORY 47 O.S. 2001, Section 116.14, as
5 amended by Section 9, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2010,
6 Section 116.14), is amended to read as follows:

7 Section 116.14 In the event any vehicle at a stationary and
8 permanent scale facility is found with no registration, not properly
9 registered for the load carried, or improperly registered in any
10 manner under the provisions of Section 116.2a et seq. of this title
11 or any provisions of the motor vehicle license and registration laws
12 of this state, Corporation Commission ~~enforcement officers scale~~
13 facility employees shall be authorized to notify a law enforcement
14 officer to seize and take such vehicle into custody until such time
15 as such vehicle is properly registered and the license fee thereon
16 is paid in full together with any penalty provided by law plus the
17 cost of seizure, including the reasonable cost of taking such
18 vehicle into custody and storing it. Any load on such vehicle shall
19 be disposed of by the owner or operator of such vehicle. In the
20 event such license fee and penalty together with the cost of seizure
21 and storage is not paid, the agency employing the law enforcement
22 officer shall proceed to sell such vehicle by posting not less than
23 five notices of sale in five different public places in the county
24 where such property is located, one of such notices to be posted at

1 the place where the vehicle is stored; provided, a copy of such
2 notice shall also be sent by registered mail, return receipt
3 requested, to the last-known address of the registered owner of such
4 vehicle in question. Such vehicle shall be sold at such sale
5 subject to the following terms and conditions:

6 1. In the event the sale price is equal to, or greater than,
7 the total cost of sale, seizure and the fee and penalty, the
8 purchaser shall be issued a certificate of purchase, license plate
9 and registration certificate;

10 2. In the event the sale price is less than the total costs of
11 sale, seizure, and the fee and penalty, such vehicle shall be sold
12 as junk to the highest bidder, whereupon the bidder shall receive a
13 certificate of purchase; and if such vehicle be dismantled, the
14 record to such junked vehicle shall be canceled. If not dismantled,
15 the same shall forthwith be registered anew; and

16 3. Any residual amount remaining unclaimed by the delinquent
17 owner shall be administered in accordance with the Uniform Unclaimed
18 Property Act (1981).

19 SECTION 6. AMENDATORY 47 O.S. 2001, Section 162, as last
20 amended by Section 2, Chapter 183, O.S.L. 2009 (47 O.S. Supp. 2010,
21 Section 162), is amended to read as follows:

22 Section 162. A. The Corporation Commission is authorized to:

23 1. Supervise and administratively regulate every motor carrier
24 of household goods;

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

4 3. Ensure motor carriers of household goods are complying with
5 applicable size and weight laws and safety requirements through the
6 use of stationary and permanent scale facilities;

7 4. Supervise and administratively regulate such motor carriers
8 in all other administrative matters affecting the relationship
9 between such carriers and the traveling and shipping public
10 including, but not limited to, consumer protection measures and loss
11 and damage claim procedures; and

12 5. Enforce the provisions of this act.

13 B. The Commission is authorized to promulgate rules applicable
14 to persons transporting household goods.

15 C. 1. The Commission is authorized to administer a hazardous
16 material transportation registration and permitting program for
17 motor carriers engaged in transporting hazardous material upon or
18 over the public highways and within the borders of the state.

19 2. The Commission shall promulgate rules implementing the
20 provisions of this subsection. Rules promulgated pursuant to this
21 subsection shall be consistent with, and equivalent in scope,
22 coverage, and content to requirements applicable to operators of
23 vehicles transporting hazardous materials contained in the report
24 submitted to the Secretary of the United States Department of

1 Transportation, pursuant to 49 U.S.C. 5119(b), by the Alliance for
2 Uniform Hazardous Material Transportation Procedures.

3 D. Nothing in this section shall be construed to remove or
4 affect the jurisdiction of the Department of Environmental Quality
5 to implement hazardous waste transportation requirements for federal
6 hazardous waste program delegation to this state under the federal
7 Resource Conservation and Recovery Act.

8 E. The Commission is authorized to promulgate rules and set
9 fees applicable to interstate motor carriers, pertaining to carrier
10 registration, operation of equipment and filing of proper proof of
11 liability insurance.

12 F. Nothing in this section shall be construed to remove or
13 affect the jurisdiction of the Department of Public Safety and its
14 authorities, responsibilities and duties prescribed by Section 2-117
15 and Sections 14-101 through 14-122 of this title.

16 SECTION 7. AMENDATORY 47 O.S. 2001, Section 166.5, is
17 amended to read as follows:

18 Section 166.5 If this act, or any provision hereof, or the
19 Motor Carrier Act of 1995 or any provision hereof thereof is, or may
20 be deemed to be, in conflict or inconsistent with any of the
21 provisions of Section 18 through Section 34, inclusive, of Article
22 IX of the Constitution of the State of Oklahoma, then, to the extent
23 of any such conflicts or inconsistencies, it is hereby expressly
24 declared that this entire act and this section are amendments to and

1 alterations of the sections of the Constitution, as authorized by
2 Section 35 of Article IX of said Constitution.

3 SECTION 8. AMENDATORY 47 O.S. 2001, Section 166a, as
4 amended by Section 6, Chapter 183, O.S.L. 2009 (47 O.S. Supp. 2010,
5 Section 166a), is amended to read as follows:

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

7 1. "Authorized carrier" means a motor carrier of household
8 goods;

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

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

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

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

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

24

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

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

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

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

10 2. The authorized carrier acquiring the use of equipment under
11 this section shall identify the equipment in accordance with the
12 ~~Commission's~~ requirements of the Corporation Commission; and

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

16 C. The written lease required pursuant to subsection B of this
17 section shall contain the following provisions. The required lease
18 provisions shall be adhered to and performed by the authorized
19 carrier as follows:

20 1. The lease shall be made between the authorized carrier and
21 the owner of the equipment. The lease shall be signed by these
22 parties or by their authorized representatives;

23 2. The lease shall specify the time and date or the
24 circumstances on which the lease begins and ends and include a

1 description of the equipment which shall be identified by vehicle
2 serial number, make, year, model and current license plate number;

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

6 4. The lease shall provide that the authorized carrier lessee
7 shall have exclusive possession, control and use of the equipment
8 for the duration of the lease. The lease shall further provide that
9 the authorized carrier lessee shall assume complete responsibility
10 for the operation of the equipment for the duration of the lease;

11 5. The amount to be paid by the authorized carrier for
12 equipment and driver's services shall be clearly stated on the face
13 of the lease or in an addendum which is attached to the lease. The
14 amount to be paid may be expressed as a percentage of gross revenue,
15 a flat rate per mile, a variable rate depending on the direction
16 traveled or the type of commodity transported, or by any other
17 method of compensation mutually agreed upon by the parties to the
18 lease. The compensation stated on the lease or in the attached
19 addendum may apply to equipment and driver's services either
20 separately or as a combined amount;

21 6. The lease shall clearly specify the responsibility of each
22 party with respect to the cost of fuel, fuel taxes, empty mileage,
23 permits of all types, tolls, detention and accessorial services,
24 base plates and licenses, and any unused portions of such items.

1 Except when the violation results from the acts or omissions of the
2 lessor, the authorized carrier lessee shall assume the risks and
3 costs of fines for overweight and oversize trailers when the
4 trailers are preloaded, sealed, or the load is containerized, or
5 when the trailer or lading is otherwise outside of the lessor's
6 control, and for improperly permitted over-dimension and overweight
7 loads and shall reimburse the lessor for any fines paid by the
8 lessor. If the authorized carrier is authorized to receive a refund
9 or a credit for base plates purchased by the lessor from, and issued
10 in the name of, the authorized carrier, or if the base plates are
11 authorized to be sold by the authorized carrier to another lessor,
12 the authorized carrier shall refund to the initial lessor on whose
13 behalf the base plate was first obtained a prorated share of the
14 amount received;

15 7. The lease shall specify that payment to the lessor shall be
16 made by the authorized carrier within fifteen (15) days after
17 submission of the necessary delivery documents and other paperwork
18 concerning a trip in the service of the authorized carrier. The
19 paperwork required before the lessor can receive payment is limited
20 to those documents necessary for the authorized carrier to secure
21 payment from the shipper. The authorized carrier may require the
22 submission of additional documents by the lessor but not as a
23 prerequisite to payment;

24

1 8. The lease shall clearly specify the right of those lessors
2 whose revenue is based on a percentage of the gross revenue for a
3 shipment to examine copies of the authorized carrier's freight bill
4 before or at the time of settlement. The lease shall clearly
5 specify the right of the lessor, regardless of method of
6 compensation, to examine copies of the carrier's tariff;

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

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

18 11. As it relates to insurance:

19 a. the lease shall clearly specify the legal obligation
20 of the authorized carrier to maintain insurance
21 coverage for the protection of the public, and
22 b. the lease shall clearly specify the conditions under
23 which deductions for cargo or property damage may be
24 made from the lessor's settlements. The lease shall

further specify that the authorized carrier must provide the lessor with a written explanation and itemization of any deductions for cargo or property damage made from any compensation of money owed to the lessor. The written explanation and itemization must be delivered to the lessor before any deductions are made; and

8 12. An original and two copies of each lease shall be signed by
9 the parties. The authorized carrier shall keep the original and
10 shall place a copy of the lease in the equipment during the period
11 of the lease. The owner of the equipment shall keep the other copy
12 of the lease.

13 D. The provisions of this section shall apply to the leasing of
14 equipment with which to perform household goods transportation by
15 motor carriers.

16 SECTION 9. AMENDATORY 47 O.S. 2001, Section 170.1, is
17 amended to read as follows:

18 Section 170.1 A. Upon any complaint in writing under oath
19 being made by any person, or by the Corporation Commission of its
20 own motion, setting forth any act or thing done or omitted to be
21 done by any person in violation, or claimed violation, of any
22 provision of law, or of any order or rule of the Commission, the
23 Commission shall enter same upon its docket and shall immediately
24 serve a copy thereof upon each defendant together with a notice

1 directed to each defendant requiring that the matter complained of
2 be answered, in writing, within ten (10) days of the date of service
3 of such notice, provided that the Commission may, in its discretion,
4 require particular cases to be answered within a shorter time, and
5 the Commission may, for good cause shown, extend the time in which
6 an answer may be filed.

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

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

19 C. In case of failure on the part of any person to comply with
20 any lawful order of the Commission, or of any Commissioner, or with
21 any subpoena or subpoena duces tecum, or to testify concerning any
22 matter on which he may be lawfully interrogated, the Commission may
23 compel obedience by proceedings for contempt as in the case of
24

1 disobedience of the requirements of a subpoena, or of the refusal to
2 testify.

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

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

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

19 G. After the conclusion of any hearing, the Commission shall,
20 within sixty (60) days, make and file its findings and order, with
21 its opinion. Its findings shall be in sufficient detail to enable
22 any court in which any action of the Commission is involved to
23 determine the controverted questions presented by the proceeding. A
24 copy of such order, certified under the seal of the Commission,

1 shall be served upon the person against whom it runs, or the
2 attorney of the person, and notice thereof shall be given to the
3 other parties to the proceedings or their attorneys. The order
4 shall take effect and become operative within fifteen (15) days
5 after the service thereof, unless otherwise provided. If an order
6 cannot, in the judgment of the Commission, be complied with within
7 fifteen (15) days, the Commission may grant and prescribe such
8 additional time as in its judgment is reasonably necessary to comply
9 with the order, and may, on application and for good cause shown,
10 extend the time for compliance fixed in the order.

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

19 I. Where a complaint is instituted by any person other than the
20 Commission of its own motion and in the event the Commission should
21 find that the complaint was not in good faith, the complaining party
22 shall be required to pay the defendant's attorney's fee, the fee to
23 be prescribed by the Commission in accordance with applicable
24 Oklahoma Bar Association standards.

1 J. Any person aggrieved by any findings and order of the
2 Commission may appeal to the Supreme Court in the way and manner now
3 or hereafter provided for appeals from the district court to the
4 Supreme Court.

5 SECTION 10. AMENDATORY 47 O.S. 2001, Section 170.2, is
6 amended to read as follows:

7 Section 170.2 A. The Department of Public Safety, monthly,
8 shall notify the ~~Oklahoma~~ Corporation Commission of any ~~ticket~~
9 ~~issued conviction~~ for a violation of the provisions of Section
10 14-119 of this title, or any provisions of Chapter 14 of this title
11 or the terms of any special permit authorized pursuant to the
12 provisions of Chapter 14 of this title concerning overweight or
13 overweight special permits.

14 B. Truck overweight ~~violations~~ convictions by motor carriers or
15 private carriers shall be considered contempt of Commission motor
16 carrier rules, tariffs and regulations. The Commission shall
17 establish a specific rule whereby such overweight ~~violations~~
18 convictions by motor carriers or private carriers shall be grounds
19 for issuance of a show-cause order for consideration of temporary or
20 permanent cancellation of operating authority or license. In
21 establishing the rule, consideration shall be given to the frequency
22 of ~~violations~~ convictions, pattern of ~~violations~~ convictions, fleet
23 size, type of operation, amount of overweight, and other such
24 factors that may indicate intent. Any person, firm, or corporation

1 that assists in the commission of such overweight violation which
2 leads to conviction or refuses to comply with any rule, regulation,
3 or order of the Commission relating thereto shall be guilty of
4 contempt of the Commission and shall be subject to a fine to be
5 imposed by said Commission in a sum not to exceed Five Hundred
6 Dollars (\$500.00) on each violation. In the specific instance of an
7 overweight violation conviction, the transportation of each load
8 shall constitute a separate violation conviction. The same fine
9 assessed against the motor carrier or private carrier shall apply to
10 any other person, firm, or corporation that aids or abets such
11 violations convictions. Provided however, no motor carrier, private
12 carrier, shipper or person loading or causing a motor vehicle to be
13 loaded shall be subject to a fine for contempt unless the gross
14 weight of the motor vehicle is more than five thousand (5,000)
15 pounds overweight.

16 C. The Commission, in its discretion and on its own motion, may
17 make a contempt complaint in writing under oath setting forth the
18 violation, enter the complaint on its docket, and proceed with the
19 matter in accordance with the provisions of Sections 161 et seq. of
20 this title or the Motor Carrier Act of 1995.

21 SECTION 11. AMENDATORY 47 O.S. 2001, Section 171, is
22 amended to read as follows:

23
24

1 Section 171. All monies accruing to the "Corporation Commission
2 Revolving Fund" are hereby appropriated to the Corporation
3 Commission.

4 The ~~Corporation~~ Commission is hereby authorized and empowered to
5 employ such extra help as may be necessary to carry out the
6 provisions of this act for the ~~enforcement~~ administration of the law
7 and the collection of taxes set forth herein, said employees to be
8 paid from the appropriations made in this section. Provided, such
9 employees shall be paid such salaries or compensation as is paid for
10 similar service in this state in the same or other departments of
11 the state. The ~~Corporation~~ Commission is hereby authorized to pay
12 from the "Corporation Commission Revolving Fund" such extra
13 operating expenses as may be attributable to the ~~enforcement~~
14 administration of this act, in the same manner and form as other
15 expenses are paid.

16 Provided further, such employees shall be such extra help as may
17 be in the judgment of the ~~Corporation~~ Commission necessary to aid in
18 the ~~enforcement~~ administration of this act in addition to the
19 positions hereinafter created; the salaries and expenses of the
20 positions hereinafter created shall be paid out of funds
21 appropriated by the general departmental appropriations act.

22 SECTION 12. AMENDATORY 47 O.S. 2001, Section 171.1, is
23 amended to read as follows:

24

1 Section 171.1 In addition to other uses authorized by law,
2 funds provided to the Corporation Commission Revolving Fund pursuant
3 to Sections 165, 177.2 and 180h of this title shall be expended as
4 follows:

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

21 2. The Commission shall purchase a sufficient number of motor
22 vehicles to provide each motor carrier ~~enforcement~~ administrative
23 officer employed in the Transportation Division a motor vehicle
24 suitable to carry out the ~~enforcement~~ provisions of applicable law.

1 Said vehicles shall be appropriately marked as official state
2 vehicles ~~and radio equipped~~. All costs for operation, maintenance
3 and replacement of the motor vehicles authorized in this section
4 shall be provided for from the Corporation Commission Revolving
5 Fund.

6 3. The Commission shall employ a hearing officer whose primary
7 responsibility shall be the adjudication of ~~enforcement~~ proceedings
8 and complaints brought against persons engaged in unauthorized
9 transportation or disposal of deleterious substances or other
10 unauthorized transportation in violation of the Oklahoma Motor
11 Carrier Act or the rules and regulations of motor carriers as
12 promulgated by the ~~Corporation~~ Commission.

13 SECTION 13. AMENDATORY 47 O.S. 2001, Section 172, as
14 amended by Section 3, Chapter 238, O.S.L. 2006 (47 O.S. Supp. 2010,
15 Section 172), is amended to read as follows:

16 Section 172. A. Every owner of any motor vehicle, the agents
17 or employees of the owner, and every other person who violates or
18 fails to comply with or procures, aids, or abets in the violation of
19 Sections 161 through 180m of this title or the Motor Carrier Act of
20 1995, or who fails to obey, observe, or comply with any order,
21 decision, rule or regulation, direction, demand, or requirement of
22 the Corporation Commission, or who procures, aids or abets any
23 corporation or person in the person's, or its, refusal or willful
24 failure to obey, observe or comply with any such order, decision,

1 rule, direction, demand, or regulation shall be deemed guilty of a
2 misdemeanor. Upon conviction in a criminal court of competent
3 jurisdiction, such misdemeanor is punishable by a fine of not
4 exceeding One Thousand Dollars (\$1,000.00).

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

23 C. Any person failing, neglecting or refusing to comply with
24 the provisions of Sections 161 through 180m of this title or the

1 Motor Carrier Act of 1995, or with any rule, regulation, or
2 requirement of the ~~Corporation~~ Commission promulgated pursuant to
3 the provisions of Sections 161 through 180m of this title or the
4 Motor Carrier Act of 1995, shall be guilty of contempt of the
5 ~~Corporation~~ Commission, and shall be subject to a fine to be imposed
6 by the ~~Corporation~~ Commission in a sum not exceeding Five Hundred
7 Dollars (\$500.00). Each day on which such contempt occurs shall be
8 deemed a separate and distinct offense. The maximum fine to be
9 assessed on each day shall be Five Hundred Dollars (\$500.00). All
10 fines collected pursuant to the provisions of this section shall be
11 deposited in the State Treasury to the credit of the ~~Corporation~~
12 ~~Commission~~ Trucking One-Stop Shop Fund, as created in Section 1167
13 of this title. This subsection shall not apply in the specific
14 instance of load capacity violations or violations applicable to the
15 transportation or discharge of deleterious substances provided for
16 by specific statutory provisions.

17 D. The ~~Corporation~~ Commission shall appoint a director of
18 transportation, a deputy director, an insurance supervisor, an
19 insurance clerk, two stenographers, a secretary to the director, an
20 identification device supervisor and an assistant identification
21 device supervisor at such salaries as the Legislature may from time
22 to time prescribe. The employees shall be allowed actual and
23 necessary travel expenses pursuant to the provisions of the State
24

1 Travel Reimbursement Act. All of the expense claims shall be
2 presented and paid monthly.

3 ~~E. Enforcement officers, appointed by the Corporation~~
4 ~~Commission, are hereby declared to be peace officers of this state.~~
5 ~~Such officers shall be vested with all powers of peace officers in~~
6 ~~enforcing the provisions of Sections 161 through 180m of this title~~
7 ~~and the Motor Carrier Act of 1995 in all parts of this state.~~

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

13 ~~F. The enforcement officers~~ A Commission employee when on duty
14 at a stationary and permanent scale facility, upon reasonable belief
15 that any motor vehicle is being operated in violation of any
16 provisions of Sections 161 through 180m of this title or the Motor
17 Carrier Act of 1995, shall be authorized to require the driver of
18 the vehicle to stop and submit to an inspection of the
19 identification device, or devices, in the vehicle, and to submit to
20 such ~~enforcement officer~~ employee bills of lading, waybills, or
21 other evidences of the character of the commerce being transported
22 in such vehicle, and to submit to an inspection of the contents of
23 such vehicle for the purpose of comparing same with bills of lading
24 or shipping documentation, waybills, or other evidences of

1 transportation carried by the driver of the vehicle. ~~The officers~~
2 ~~shall not have the right to plea bargain.~~

3 ~~G. The enforcement officers~~ F. Commission employees, as
4 appointed by the Commission, are authorized to serve all warrants,
5 writs, and notices issued by the ~~Corporation~~ Commission relating to
6 the ~~enforcement~~ administration of the provisions of Sections 161
7 through 180m of this title or the Motor Carrier Act of 1995 and the
8 rules, regulations, and requirements prescribed by the ~~Corporation~~
9 Commission promulgated pursuant to Sections 161 through 180m of this
10 title or the Motor Carrier Act of 1995.

11 ~~H. The enforcement officers~~ G. Commission employees shall not
12 have the power or right of search, nor shall they have the right of
13 power of seizure, except as provided in Sections 161 through 180m of
14 this title or the Motor Carrier Act of 1995. ~~The enforcement~~
15 ~~officers~~ Commission employees are authorized to hold and detain any
16 motor vehicle operating upon the highways of this state, if, the
17 ~~enforcement officer~~ employee has reason to believe that the vehicle
18 is being operated contrary to the provisions of Sections 161 through
19 180m of this title or the Motor Carrier Act of 1995, or the rules,
20 regulations, and requirements of the ~~Corporation~~ Commission
21 promulgated pursuant to Sections 161 through 180m of this title or
22 the Motor Carrier Act of 1995.

23 ~~I. H.~~ I. No state official, other than members of the Corporation
24 Commission, shall have any power, right, or authority to command,

1 order, or direct any ~~enforcement officer~~ Commission employee to
2 perform or not perform any duty or service authorized by Sections
3 161 through 180m of this title or the Motor Carrier Act of 1995.

4 J. I. Each ~~of the enforcement officers~~ Commission employee who
5 staffs a stationary and permanent scale facility shall, before
6 entering upon the discharge of their duties, take and subscribe to
7 the usual oath of office and shall execute to the State of Oklahoma
8 a bond in the sum of Twenty-five Thousand Dollars (\$25,000.00) each,
9 with sufficient surety for the faithful performance of their duty.

10 The bond shall be approved and filed as provided by law.

11 K. J. No ~~enforcement officer or~~ employee of the ~~Oklahoma~~
12 ~~Corporation~~ Commission shall have the right to plea bargain in motor
13 carrier or motor transportation matters except the chief legal
14 counsel of the Commission or an assign of the legal staff of the
15 chief legal counsel.

16 SECTION 14. AMENDATORY 47 O.S. 2001, Section 177.2, is
17 amended to read as follows:

18 Section 177.2 A. No motor carrier shall engage in the business
19 of transporting any salt water, mineral brines, waste oil and other
20 deleterious substances produced from or obtained or used in
21 connection with the drilling, development, producing and operating
22 of oil and gas wells and brine wells, for any valuable consideration
23 whatever, or in any quantity over twenty (20) gallons, without a
24 license authorizing such operation and a deleterious substance

1 | transport permit to be issued by the Corporation Commission.
2 | Provided, transportation of such substances by private carrier of
3 | property by motor vehicle shall require a deleterious substance
4 | transport permit.

5 | B. No carrier shall transport deleterious substances under a
6 | carrier license issued by the Commission until such time as the
7 | carrier has been issued a deleterious substance transport permit.

8 | C. No deleterious substance transport permit shall be issued to
9 | a motor carrier or private carrier until the carrier has furnished
10 | written proof of access to a Class II disposal well or wells. Said
11 | written proof of access shall be provided by the owner of such
12 | disposal well. Such disposal well must first be approved by the
13 | Corporation Commission as adequate to meet the need for proper
14 | disposal of all substances which the applicant may reasonably be
15 | expected to transport as a motor carrier or private carrier.

16 | Provided, that nothing in this section shall be construed as
17 | prohibiting the disposition of such deleterious substances in a
18 | disposal well that is owned by a person other than the transporter.

19 | D. The Commission shall maintain a current list of such
20 | permits. The Commission shall charge such annual deleterious
21 | substance transport permitting fees as will cover the cost of
22 | issuing such licenses and an annual fee of Two Hundred Fifty Dollars
23 | (\$250.00) for each such deleterious substance transport license.
24 | Proceeds from the fees shall be deposited by the Commission in the

1 State Treasury to the credit of the Corporation Commission Revolving
2 Fund. The provisions of this section are supplemental and are in
3 addition to the laws applicable to motor carriers.

4 SECTION 15. AMENDATORY 47 O.S. 2001, Section 177.3, is
5 amended to read as follows:

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

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

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

23 D. The ~~Oklahoma Corporation~~ Commission may initiate contempt
24 proceedings for any violation concerning disposal by a carrier of a

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

20 SECTION 16. AMENDATORY 47 O.S. 2001, Section 180, is
21 amended to read as follows:

22 Section 180. The following words and phrases, when used in this
23 act, shall have the meanings respectively ascribed to like words and
24

1 phrases by the motor carrier statutes of Oklahoma, except as herein
2 provided:

3 1. The term "identification application" shall mean the
4 application as provided by the Corporation Commission, 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 under
8 the provisions of this act for the purpose of identifying powered
9 motor carrier vehicles operated under and coming within the
10 provisions of this act or the Motor Carrier Act of 1995.

11 SECTION 17. AMENDATORY 47 O.S. 2001, Section 180a, is
12 amended to read as follows:

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

18 SECTION 18. AMENDATORY 47 O.S. 2001, Section 180b, is
19 amended to read as follows:

20 Section 180b. The identification device shall be the property
21 of the Corporation Commission at all times, and shall be subject to
22 seizure and confiscation by the Commission for any good cause and at
23 the will of the Commission.

24

1 SECTION 19. AMENDATORY 47 O.S. 2001, Section 180c, is
2 amended to read as follows:

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

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

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

21 3. Upon the cancellation or revocation of the certificate or
22 permit or IRC or license under which said identification device or
23 devices were issued; or

24

1 4. For operating any powered motor vehicle in violation of the
2 terms and provisions of this act or the Motor Carrier Act of 1995
3 and all applicable size and weight laws and safety standards of this
4 state.

5 SECTION 20. AMENDATORY 47 O.S. 2001, Section 180d, is
6 amended to read as follows:

7 Section 180d. The Corporation Commission shall have the power
8 and authority by general order or otherwise to promulgate rules and
9 regulations for the administration and enforcement of the provisions
10 of this act or the Motor Carrier Act of 1995.

11 SECTION 21. AMENDATORY 47 O.S. 2001, Section 180e, is
12 amended to read as follows:

13 Section 180e. The Corporation Commission, in its discretion, is
14 authorized to provide for decals, cab cards, or other suitable
15 methods of identification to be displayed on or carried in the truck
16 or powered motor vehicle.

17 SECTION 22. AMENDATORY 47 O.S. 2001, Section 180f, is
18 amended to read as follows:

19 Section 180f. The Corporation Commission is hereby authorized
20 to purchase said identification devices in sufficient amounts to
21 supply the demand, and to purchase such other officer supplies and
22 equipment as is necessary to administer and enforce the provisions
23 of this act or the Motor Carrier Act of 1995, and to pay for, or

24

1 cause the same to be paid for, out of the appropriation provided
2 therefor.

3 SECTION 23. AMENDATORY 47 O.S. 2001, Section 180g, is
4 amended to read as follows:

5 Section 180g. It shall be the duty of the Corporation
6 Commission to provide identification devices upon written
7 application of any authorized motor carrier.

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

19 It is hereby declared unlawful for any motor carrier, or agents
20 or employees of any motor carrier, to use or transfer an
21 identification device except as provided by rules of the Commission.

22 SECTION 24. AMENDATORY 47 O.S. 2001, Section 180h, as
23 amended by Section 4, Chapter 238, O.S.L. 2006 (47 O.S. Supp. 2010,
24 Section 180h), is amended to read as follows:

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

9 SECTION 25. AMENDATORY 47 O.S. 2001, Section 180k, is
10 amended to read as follows:

11 Section 180k. All records of the Corporation Commission under
12 this act shall be maintained in, and classified as all other
13 records, in the Transportation Division of the Corporation
14 Commission.

15 SECTION 26. AMENDATORY 47 O.S. 2001, Section 180l, is
16 amended to read as follows:

17 Section 180l. The Corporation Commission is hereby authorized
18 and empowered, on behalf of the State of Oklahoma, and when it shall
19 deem it to be in the best interest of the residents of this state so
20 to do, to enter into reciprocal compacts and agreements with other
21 states, or the authorized agencies thereof, when such states have
22 made provisions substantially similar to this section, respecting
23 the regulation of motor vehicles engaged in interstate or foreign
24 commerce upon and over the public highways. And such compacts and

1 agreements may provide for the granting, to the residents of such
2 states, privileges substantially similar to those granted thereby to
3 Oklahoma residents; provided: (1)

4 1. That no such compact or agreement shall supersede or suspend
5 the operation of any law, rule or regulation of the State of
6 Oklahoma which shall apply to vehicles operated intrastate in the
7 State of Oklahoma; (2)

8 2. That any privileges, the granting of which shall be provided
9 by any such compact or agreement, shall extend only in cases of full
10 compliance with the laws of the state joining in such compact or
11 agreement; (3)

12 3. That no such compact or agreement shall supersede or suspend
13 the operation of any law of the State of Oklahoma other than those
14 applying to the payment of fees for registration certificates or
15 identification devices; and (4)

16 4. That the powers and authority of the Oklahoma Tax Commission
17 to administer and enforce the tax laws of this state, pertaining to
18 the taxation of motor vehicles, shall be in no manner superseded or
19 suspended; and

20 5. That the powers, duties and authority of the Department of
21 Public Safety to enforce the laws of this state shall not be
22 superseded or suspended in any manner.

23 SECTION 27. AMENDATORY 47 O.S. 2001, 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 officers~~
4 ~~appointed by the Corporation Commission of the State of Oklahoma,~~
5 and all highway patrolmen within the State of Oklahoma:

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

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

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

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

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

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

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

9 SECTION 28. AMENDATORY 47 O.S. 2001, Section 224, is
10 amended to read as follows:

11 Section 224. Any city of this state may, by a duly-adopted
12 ordinance, in any manner deemed best for the interest of the city,
13 regulate the operation within the corporate limits of the city of
14 auto buses, not operated under a certificate of convenience and
15 necessity or permit or license issued by the Corporation Commission,
16 for the transportation of passengers for hire to or from a point or
17 points outside the corporate limits of the city, and to or from
18 points within the corporate limits of the city.

19 SECTION 29. AMENDATORY 47 O.S. 2001, Section 225, is
20 amended to read as follows:

21 Section 225. Any city of this state may, by a duly adopted
22 ordinance, prohibit any auto bus, being operated under a certificate
23 of convenience and necessity or permit or license issued by the
24 Corporation Commission ~~of Oklahoma~~ transporting passengers for hire

1 to, from or through said city from stopping, except in cases of
2 accident or other emergencies, on the streets or alleys within a
3 specified area of the city where the traffic is congested, and
4 loading and unloading passengers while so stopped; and also prohibit
5 the parking of any such automobile or auto bus on the streets or
6 alleys in such congested area. Nothing contained in this act shall
7 authorize any city or town to designate the location of passenger
8 terminals or bus stations.

9 SECTION 30. AMENDATORY 47 O.S. 2001, Section 228.3, is
10 amended to read as follows:

11 Section 228.3 The ~~Oklahoma~~ Corporation Commission shall
12 establish an intrastate motor transportation fuel surcharge for
13 common carriers of household goods or used emigrant movables by
14 motor vehicles over irregular routes that shall in no instance be
15 less than that established by the ~~Interstate Commerce Commission~~
16 United States Department of Transportation for interstate
17 transportation by like carriers.

18 SECTION 31. AMENDATORY 47 O.S. 2001, Section 228.4, is
19 amended to read as follows:

20 Section 228.4 Except as provided herein, the provisions of
21 Sections 161 through 180m of ~~Title 47 of the Oklahoma Statutes this~~
22 title are expressly made applicable to any certificate or permit
23 issued under this act.

24

1 SECTION 32. AMENDATORY 47 O.S. 2001, Section 230.2, is

2 amended to read as follows:

3 Section 230.2 A. The Legislature finds:

4 1. That the volume of hazardous and nonhazardous materials
5 transported by motor carriers within this state is substantial and
6 the need exists to improve the enforcement of safety-related aspects
7 of motor carrier transportation for both interstate and intrastate
8 motor carriers which is consistent with federal standards and
9 regulations-;

10 2. That hazardous materials are essential for various
11 industrial, commercial, and other purposes, that their
12 transportation is a necessary incident to their use, and that the
13 transportation is required for the economic prosperity of the people
14 of the State of Oklahoma-;

15 3. That the highway movement of hazardous and nonhazardous
16 materials poses a substantial danger to the health and safety of the
17 citizens of this state unless such materials are handled and
18 transported in a safe and prudent manner-; and

19 4. That it is in the public interest and within the police
20 power of the state to provide for the regulation of the safety-
21 related aspects of motor carrier transportation and the handling and
22 transportation of hazardous materials.

23 B. It is therefore declared to be the policy of the State of
24 Oklahoma to provide regulatory and enforcement authority to the

1 ~~Oklahoma~~ Department of Public Safety to improve safety-related
2 aspects of motor carrier transportation and to protect the people
3 against the risk to life and property inherent in the transportation
4 of property, including hazardous materials, over highways and the
5 handling and storage incidental thereto, by keeping such risk to a
6 minimum consistent with technical feasibility and economic
7 reasonableness and to provide uniform regulation of intrastate
8 transportation of property, including hazardous materials,
9 consistent with federal regulation of interstate transportation.

10 C. It is not the intent of the Legislature to regulate the
11 movement of hazardous materials in such quantities that would not
12 pose a substantial danger to the public health and safety, and the
13 Department may provide for exemptions as provided for in federal
14 regulations for farm use, and other appropriate exemptions
15 consistent with federal regulations.

16 SECTION 33. AMENDATORY 47 O.S. 2001, Section 230.3, is
17 amended to read as follows:

18 Section 230.3 As used in the Oklahoma Motor Carrier Safety and
19 Hazardous Materials Transportation Act:

20 1. "Commerce" means trade, traffic, commerce or transportation
21 within this state;

22 2. "Commissioner" means the Commissioner of Public Safety;

23 3. "Department" means the ~~Oklahoma~~ Department of Public Safety;

24

1 4. "Discharge" means leakage, seepage or other release of
2 hazardous materials;

3 5. "Hazardous material" means a substance or material in a
4 quantity and form determined by the United States Department of
5 Transportation to be capable of posing an unreasonable risk to
6 health and safety or property when transported in commerce;

7 6. "Person" means any natural person or individual,
8 governmental body, firm, association, partnership, copartnership,
9 joint venture, company, corporation, joint stock company, trust,
10 estate or any other legal entity or their legal representative,
11 agent or assigns; and

12 7. "Transports" or "transportation" means any movement of
13 property over the highway and any loading, unloading or storage
14 incidental to such movement.

15 SECTION 34. AMENDATORY 47 O.S. 2001, Section 230.4, is
16 amended to read as follows:

17 Section 230.4 To the extent necessary to administer the
18 Oklahoma Motor Carrier Safety and Hazardous Materials Transportation
19 Act, and consistent with budget and manpower limitations, the
20 Commissioner:

21 1. shall Shall adopt and promulgate rules and regulations in
22 order to carry out the provisions of the Oklahoma Motor Carrier
23 Safety and Hazardous Materials Transportation Act relating to motor
24 carrier safety in the transportation of property and hazardous

1 materials in intrastate and interstate commerce, and to coordinate
2 the implementation of a transportation emergency response system;

3 2. ~~may~~ May adopt by reference and enforce all or any portion of
4 the federal motor carrier safety regulations and the hazardous
5 materials regulations of the United States Department of
6 Transportation, as now or hereafter amended;

7 3. ~~shall~~ Shall conduct a continuing review of all aspects of
8 motor carrier safety and the transportation of property, including
9 hazardous materials, in order to determine and recommend appropriate
10 steps to assure safe transportation;

11 4. ~~may~~ May authorize any officer, employee or agent of the
12 Department to:

13 a. conduct investigations; make reports; issue subpoenas;
14 conduct hearings; require the production of relevant
15 documents, records and property; take depositions; and
16 conduct directly or indirectly research, development,
17 demonstration and training activities,
18 b. enter upon, inspect and examine at reasonable times
19 and in a reasonable manner, the records and properties
20 of persons to the extent such records and properties
21 relate to motor carrier safety or the transportation
22 or shipment of hazardous materials in commerce, and to
23 inspect and copy records and papers of carriers and
24 other persons to carry out the purposes of the

Oklahoma Motor Carrier Safety and Hazardous Materials
Transportation Act,

- c. stop and inspect any driver or commercial motor vehicle for any violation of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or rules and regulations issued pursuant thereto,
- d. declare and mark any transport vehicle or container as out of service if its condition, filling, equipment or protective devices would be hazardous to life or property during transportation, or if records thereof reflect such hazard, or if required records are incomplete,
- e. prohibit any commercial driver from transporting hazardous materials if such driver is unqualified or disqualified under any federal or department regulation, and
- f. administer and enforce the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and any rules and regulations issued pursuant thereto.

Any such officer, employee or agent shall, upon request,

22 display proper credentials prescribed or approved by the
23 Commissioner.

1 SECTION 35. AMENDATORY 47 O.S. 2001, Section 230.5, is
2 amended to read as follows:

3 Section 230.5 Motor carriers and other persons subject to the
4 Oklahoma Motor Carrier Safety and Hazardous Materials Transportation
5 Act shall make available for inspection and copying their accounts,
6 books, records, memoranda, correspondence, and other documents, and
7 shall allow their lands, buildings and equipment to be examined and
8 inspected by any officer, employee, or agent of the Department of
9 Public Safety, including ~~members~~ officers of the Oklahoma Highway
10 Patrol, upon demand and display of the credentials issued by the
11 Commissioner Corporation Commission.

12 SECTION 36. AMENDATORY 47 O.S. 2001, Section 230.6, as
13 last amended by Section 14, Chapter 390, O.S.L. 2004 (47 O.S. Supp.
14 2010, Section 230.6), is amended to read as follows:

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

20 B. No person shall operate, authorize, or require the operation
21 of any vehicle or the use of any container that has been marked out
22 of service until all required corrections have been made, except
23 upon approval of the Department of Public Safety such vehicle or

24

1 container may be moved to another location for the purpose of repair
2 or correction.

3 C. No person shall remove an out-of-service marking from a
4 transport vehicle or container unless all required corrections have
5 been made and the vehicle or container has been inspected and
6 approved by an authorized officer, employee, or agent of the
7 Department.

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

10 1. During any period in which the employee:

11 a. has had driving privileges to operate a commercial
12 motor vehicle suspended, revoked, canceled, denied or
13 disqualified,

14 b. has had driving privileges to operate a commercial
15 motor vehicle disqualified for life,

16 c. is not licensed to operate a commercial motor vehicle,
17 or

18 d. has more than one commercial driver license;

19 2. During any period in which the employee, the commercial
20 motor vehicle which the employee is operating, the motor carrier
21 business or operation, or the employer is subject to an out-of-
22 service order; or

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

1 E. An employer who is determined by the Commissioner to have
2 committed a violation of subsection D of this section shall be
3 subject to an administrative penalty of not less than Two Thousand
4 Five Hundred Dollars (\$2,500.00) nor more than Ten Thousand Dollars
5 (\$10,000.00).

6 F. An employee who is determined by the Commissioner to have
7 committed a violation of any provision of this section shall be
8 subject to an administrative penalty of not less than One Thousand
9 One Hundred Dollars (\$1,100.00) nor more than Two Thousand Seven
10 Hundred Fifty Dollars (\$2,750.00).

11 SECTION 37. AMENDATORY 47 O.S. 2001, Section 230.7, is
12 amended to read as follows:

13 Section 230.7 No person shall intentionally discharge or cause
14 to be discharged the contents of any transport vehicle containing
15 hazardous material between the points of origin and the points of
16 billed destination, except as may be authorized by the Department of
17 Public Safety or a representative of the Department.

18 SECTION 38. AMENDATORY 47 O.S. 2001, Section 230.8, is
19 amended to read as follows:

20 Section 230.8 A. Each person involved in an incident or
21 accident during the transportation, loading, unloading, or related
22 storage in any place of a hazardous material subject to the
23 provisions of Oklahoma Motor Carrier Safety and Hazardous Material

24

1 Transportation Act shall immediately report, by telephone, to the
2 Department if that incident or accident involves:

3 1. ~~a~~ A fatality due to fire, explosion, or exposure to any
4 hazardous material;

5 2. ~~the~~ The hospitalization of any person due to fire,
6 explosion, or exposure to any hazardous material;

7 3. ~~a~~ A continuing danger to life, health, or property at the
8 place of the incident or accident; or

9 4. ~~an~~ An estimated property damage of an amount to be
10 determined by the Commissioner by ~~regulation~~ rule.

11 B. A written report shall be submitted by the person to the
12 Department of Public Safety on a form prescribed by the Department,
13 or in lieu thereof, a copy of the written report submitted to the
14 United States Department of Transportation. Each report submitted
15 shall contain the time and date of the incident or accident, a
16 description of any injuries to persons or property, any continuing
17 danger to life at the place of the accident or incident, the
18 identity and classification of the material, and any other pertinent
19 details.

20 C. In the case of an incident or accident involving hazardous
21 materials which is not subject to the Oklahoma Motor Carrier Safety
22 and Hazardous Material Transportation Act but which is subject to
23 Title 46 or Title 49 of the Code of Federal Regulations, the carrier
24

1 shall send a copy of the report filed with the United States
2 Department of Transportation to the Department of Public Safety.

3 SECTION 39. AMENDATORY 47 O.S. 2001, Section 230.9, as
4 last amended by Section 15, Chapter 390, O.S.L. 2004 (47 O.S. Supp.
5 2010, Section 230.9), is amended to read as follows:

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

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

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

1 2. An act or acts other than recordkeeping requirements, which
2 evidences a serious pattern of safety violations, as determined by
3 the Commissioner, such person shall be liable to the State of
4 Oklahoma for an administrative penalty not to exceed Two Hundred
5 Dollars (\$200.00) for each offense, provided the maximum fine for
6 each pattern of safety violations shall not exceed One Thousand
7 Dollars (\$1,000.00). The Commissioner may consider present and
8 prior offenses in determining a serious pattern of safety
9 violations; or

10 3. An act or acts which evidences to the Commissioner, that a
11 substantial health or safety violation exists or has occurred which
12 could reasonably lead to or has resulted in serious personal injury
13 or death, such person shall be liable to the State of Oklahoma for
14 an administrative penalty not to exceed One Thousand Dollars
15 (\$1,000.00) for each offense.

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

18 D. Except for recordkeeping violations, no administrative
19 penalty shall be assessed pursuant to the provisions of this
20 section, against an employee of any person subject to the provisions
21 of the Oklahoma Motor Carrier Safety and Hazardous Materials
22 Transportation Act for a violation unless the Commissioner
23 determines that such actions of the employee constituted gross
24 negligence or reckless disregard for safety in which case such

1 employee shall be liable for an administrative penalty not to exceed
2 One Thousand Dollars (\$1,000.00).

3 E. In determining the amount of any administrative penalty and
4 the reasonable amount of time for abatement of the violation, the
5 Commissioner shall include, but not be limited to, consideration of
6 the nature, circumstances and gravity of the violation, and with
7 respect to the person found to have committed the violation, the
8 degree of culpability, history of prior offenses, effect on ability
9 to continue to do business and such other matters as justice and
10 public safety may require. In each case, the penalty shall be
11 calculated to induce further compliance.

12 F. The Commissioner or his designated representative shall
13 assess the amount of any administrative penalty, after notice and an
14 opportunity for hearing, by written notice to the violator together
15 with notice of findings in the case. An appeal therefrom may be
16 made to the district court of Oklahoma County pursuant to the
17 provisions of Sections 318 through 323 of Title 75 of the Oklahoma
18 Statutes.

19 G. An administrative penalty assessed by the Commissioner may
20 be recovered:

21 1. In an action brought by the Attorney General on behalf of
22 the State of Oklahoma. However, before referral to the Attorney
23 General, the administrative penalty may be compromised by the
24 Commissioner;

1 2. By the Commissioner in the appropriate district court of the
2 State of Oklahoma; or

3 3. By the Commissioner in an administrative hearing conducted
4 by the Department of Public Safety.

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

14 SECTION 40. AMENDATORY 47 O.S. 2001, Section 230.10, is
15 amended to read as follows:

16 Section 230.10 The Department of Public Safety shall exempt any
17 vehicle in which hazardous material is transported or any person who
18 transports any hazardous material if such exemption is identical to
19 an exemption issued by the Secretary of the United States Department
20 of Transportation and may exempt any person who transports any
21 hazardous material intrastate under similar provisions. The
22 Department may seek exemptions pursuant to federal law for
23 transportation of those quantities of hazardous materials which do
24 not pose a substantial danger to the public health and safety.

1 SECTION 41. AMENDATORY 47 O.S. 2001, Section 230.11, is
2 amended to read as follows:

3 Section 230.11 A. Other state agencies, departments and
4 bureaus shall cooperate with the Oklahoma Department of Public
5 Safety in regulating motor carrier safety and the transportation of
6 hazardous materials. Such agencies, departments and bureaus may
7 enter into interagency agreements with the Department for the
8 purpose of implementing, administering and enforcing any provision
9 of the Oklahoma Motor Carrier Safety and Hazardous Materials
10 Transportation Act and the rules and regulations of the Department
11 issued pursuant thereto; provided, such implementation,
12 administration, and enforcement shall not be authorized in the
13 absence of such interagency agreement.

14 B. The Department may enter into a cooperative agreement with
15 the United States Department of Transportation and any other federal
16 department or agency to enforce the provisions of the Oklahoma Motor
17 Carrier Safety and Hazardous Materials Transportation Act, or
18 regulations adopted pursuant thereto, federal motor carrier safety
19 regulations, and federal regulations governing the transportation of
20 hazardous material. The Department may receive grants, gifts and
21 other funds, equipment and services from the federal government or
22 other sources for this purpose.

23 C. All files, records and data gathered by the Department
24 pursuant to the Oklahoma Motor Carrier Safety and Hazardous

1 Materials Transportation Act may be made available to the Department
2 of Environmental Quality, other agencies of state government, the
3 United States Department of Transportation and other jurisdictions
4 in any cooperative effort relating to motor carrier safety or the
5 transportation of hazardous materials.

6 SECTION 42. AMENDATORY 47 O.S. 2001, Section 230.13, is
7 amended to read as follows:

8 Section 230.13 The Department of Public Safety ~~and the Oklahoma~~
9 ~~Highway Patrol Division~~ shall enforce the provisions of the Oklahoma
10 Motor Carrier Safety and Hazardous Materials Transportation Act and
11 the rules promulgated thereto.

12 SECTION 43. AMENDATORY 47 O.S. 2001, Section 230.14, is
13 amended to read as follows:

14 Section 230.14 The Oklahoma Motor Carrier Safety and Hazardous
15 Materials Transportation Act ~~is~~ shall not ~~intended~~ be construed to
16 affect any law of this state now in effect with respect to matters
17 relating to the transportation of hazardous materials ~~but~~; provided,
18 however, in the case of any conflict relating to motor carrier
19 safety involving the transportation of property, or the
20 transportation of hazardous materials, the provisions of the
21 Oklahoma Motor Carrier Safety and Hazardous Materials Transportation
22 Act shall prevail.

23
24

1 SECTION 44. AMENDATORY 47 O.S. 2001, Section 230.15, as
2 amended by Section 1, Chapter 64, O.S.L. 2004 (47 O.S. Supp. 2010,
3 Section 230.15), is amended to read as follows:

4 Section 230.15 A. Whenever the Department of Public Safety has
5 determined that any person who is regulated as a motor carrier
6 pursuant to Sections 166 through 180m of this title has violated any
7 provision of the Oklahoma Motor Carrier Safety and Hazardous
8 Materials Transportation Act or any rule promulgated thereto, the
9 Department of Public Safety shall report such violations to the
10 Corporation Commission for the purposes of determining if such
11 person has violated any provisions of the permit or certificate
12 issued by the Commission pursuant to any provision of Sections 166
13 through 180m of this title or of any rule promulgated thereto.

14 B. Every motor carrier subject to this section shall maintain
15 liability and property damage insurance covering each motor vehicle
16 operated by the motor carrier and file proof of that insurance with
17 the ~~Oklahoma Corporation~~ Commission. The Commission shall set the
18 amount of necessary insurance for the transportation of all
19 commodities other than hazardous materials. The Commission may
20 allow a motor carrier to meet its liability and property damage
21 insurance requirements through self-insurance if the motor carrier
22 has adequate financial assets to assume liability and is in
23 substantial compliance with all motor carrier safety regulations
24 adopted by the Department. Any person who transports or who causes

1 the transportation of any hazardous material shall be required to
2 comply with the financial responsibility requirements specified by
3 the federal motor carrier safety regulations and the hazardous
4 materials regulations of the United States Department of
5 Transportation provided that in no event shall the financial
6 responsibility requirement exceed One Million Dollars
7 (\$1,000,000.00) except as otherwise specifically required by federal
8 law, or any federal rule or regulation promulgated pursuant thereto.

9 C. Any person who causes or requires any person subject to the
10 provisions of the Oklahoma Motor Carrier Safety and Hazardous
11 Materials Transportation Act to drive at a speed or carry a load in
12 excess of those authorized by law pursuant to the Oklahoma Motor
13 Carrier Safety and Hazardous Materials Transportation Act shall be
14 subject to the administrative penalties pursuant to the provisions
15 of ~~this act~~ Section 230.9 of this title.

16 D. In adopting rules pursuant to the provisions of this act,
17 the Department of Public Safety shall establish limitations on
18 driving hours for motor vehicles subject thereto that are consistent
19 with the hours of service requirements adopted by the United States
20 Department of Transportation in the applicable part of Title 49 of
21 the Code of Federal Regulations, as those regulations now exist or
22 are hereafter amended. Driving hours and on-duty status shall not
23 begin following less than eight (8) consecutive hours off duty.
24 Drivers shall be regulated from the time a driver first reports for

1 duty for any employer. The rules adopted pursuant to this section
2 shall establish the following exception:

3 The maximum driving time within a work period is twelve (12)
4 hours if the vehicle is engaged solely in intrastate commerce and is
5 not transporting hazardous materials as defined by regulations of
6 the United States Department of Transportation in the applicable
7 section of Title 49 of the Code of Federal Regulations, as that
8 section now exists or is hereafter amended; except provided,
9 however, in the event of an emergency and upon notification of the
10 nearest Oklahoma Highway Patrol troop headquarters of the Department
11 of Public Safety, the Commissioner or his designated agent shall
12 declare an emergency and there shall be no hour restrictions for
13 rural electric cooperatives, public utilities, public service
14 corporations or municipal employees as long as an emergency exists
15 for providing service to restore heat, light, power, water,
16 telephone or other emergency restoration facilities that are
17 necessary to ensure the health, welfare and safety of the public.

18 E. Except as provided in subsection F of this section, any
19 regulation relating to motor carrier safety or to the transportation
20 of hazardous materials adopted by a local government, authority, or
21 state agency or office shall be consistent with corresponding
22 federal regulations. To the extent of any conflict between said
23 regulations and rules adopted by the Department of Public Safety
24 under this section, rules adopted by the Department shall control.

1 F. 1. Amendments to the hours of service regulations
2 promulgated on April 28, 2003, by the United States Department of
3 Transportation at Section 22456 of Volume 68 of the Federal Register
4 and effective June 27, 2003, shall not apply to utility service
5 vehicles as defined in Section 395.2 of Title 49 of the Code of
6 Federal Regulations, not including television cable or community
7 antenna service vehicles, which are owned or operated by utilities
8 regulated by the Corporation Commission or electric cooperatives and
9 which are engaged solely in intrastate commerce in this state until
10 June 27, 2006, provided the amendments are valid and remain in
11 effect as of that date. Hours of service regulations, which are
12 applicable in this state immediately prior to June 27, 2003, shall
13 remain applicable to utility service vehicles engaged solely in
14 intrastate commerce in this state until June 27, 2006. If the
15 United States Department of Transportation issues an official
16 finding that this provision may result in the loss of federal Motor
17 Carrier Safety Assistance Program funding, the Department of Public
18 Safety may promulgate rules providing for earlier implementation of
19 the amendments to the federal hours of service regulations. If
20 federal law or regulations are amended at any time to exempt utility
21 service vehicles from the hours of service requirements, any
22 exemption shall be effective in this state immediately for the
23 duration of the federal exemption.

24

1 2. The Department of Public Safety may promulgate rules
2 suspending the effective date for up to three (3) years after the
3 adoption of any motor carrier safety regulation by the United States
4 Department of Transportation as applied to vehicles engaged solely
5 in intrastate commerce in this state if the suspension does not
6 result in the loss of federal Motor Carrier Safety Assistance
7 Program funding.

8 3. The Department of Public Safety may enter into agreements
9 with state and local emergency management agencies and private
10 parties establishing procedures for complying with Section 31502(e)
11 of Title 49 of the United States Code and federal regulations
12 promulgated at Section 390.23 of Title 49 of the Code of Federal
13 Regulations, which provide an exemption from the hours of service
14 regulations during certain emergencies.

15 4. The Department of Public Safety may promulgate rules
16 granting any waiver, variance, or exemption permitted under Section
17 31104(h) of Title 49 of the United States Code and federal
18 regulations promulgated at Sections 350.339, 350.341, 350.343 and
19 350.345 of Title 49 of the Code of Federal Regulations if the
20 waiver, variance, or exemption does not result in the loss of
21 federal Motor Carrier Safety Assistance Program funding and does not
22 take effect unless approved by the United States Department of
23 Transportation, if approval is required.

24

1 SECTION 45. AMENDATORY 47 O.S. 2001, Section 230.22, is
2 amended to read as follows:

3 Section 230.22 A. It is hereby declared that it is necessary
4 in the public interest to regulate transportation by motor carriers
5 and private carriers in such manner as to recognize the need to
6 require all motor carriers and private carriers to have adequate
7 insurance; for motor carriers and private carriers to provide
8 service in a safe and efficient manner; and to establish that the
9 operations of motor carriers and private carriers will not have a
10 detrimental impact on the environment.

11 B. The public policy of this state, as declared by the
12 Legislature, requires that all existing intrastate certificates and
13 permits granted by the ~~Oklahoma~~ Corporation Commission, except
14 household goods and used emigrant movables, prior to January 1,
15 1995, are hereby revoked.

16 C. The provisions of the Motor Carrier Act of 1995, except as
17 hereinafter specifically limited, shall apply to the transportation
18 of passengers or property by motor carriers and private carriers,
19 except motor carriers of household goods and used emigrant movables,
20 over public highways of this state; and the regulations of such
21 transportation, and the procurement thereof and the provisions of
22 facilities therefor, are hereby vested in the ~~Oklahoma~~ Corporation
23 Commission.

24

1 D. Nothing herein shall be construed to interfere with the
2 exercise by agencies of the government of the United States of its
3 power of regulation of interstate commerce.

4 E. The terms and provisions of the Motor Carrier Act of 1995
5 shall apply to commerce with foreign nations, or commerce among the
6 several states of this Union, insofar as such application may be
7 permitted under the provisions of the Constitution of the United
8 States and the Acts of Congress.

9 SECTION 46. AMENDATORY 47 O.S. 2001, Section 230.23, as
10 amended by Section 13, Chapter 190, O.S.L. 2005 (47 O.S. Supp. 2010,
11 Section 230.23), is amended to read as follows:

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

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

17 2. "Commission" means the Oklahoma Corporation Commission;

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

21 4. "Interstate Registration Certificate" (IRC) means a document
22 issued by the Commission granting permission to operate upon the
23 highways of the State of Oklahoma in interstate commerce exempt from
24 federal motor carrier regulation;

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

4 6. "Motor carrier of persons or property" means any person,
5 except a carrier of household goods or used emigrant movables,
6 operating upon any public highway for the transportation of
7 passengers or property for compensation or for hire or for
8 commercial purposes, and not operating exclusively within the limits
9 of an incorporated city or town within this state. Provided, the
10 provisions of the Motor Carrier Act of 1995 shall not apply to the
11 following vehicles and equipment when such vehicles and equipment
12 are being used for the following:

13 a. taxicabs and bus companies engaged in the
14 transportation of passengers and their baggage, not
15 operated between two or more cities and towns, when
16 duly licensed by a municipal corporation in which they
17 might be doing business,

18 b. any person or governmental authority furnishing
19 transportation for school children to and from public
20 schools or to and from public-school-related
21 extracurricular activities under contract with, and
22 sponsored by, a public school board; provided, that
23 motor vehicles and equipment operated for the purposes
24 shall qualify in all respects for the transportation

of school children under the Oklahoma School Code and
the rules of the State Board of Education adopted
pursuant thereto.,

- c. transport trucks transporting liquefied petroleum gases intrastate which are owned or operated by a person subject to and licensed by the Oklahoma Liquefied Petroleum Gas Regulation Act, and
- d. transportation of livestock and farm products in the raw state, when any of such commodities move from farm to market or from market to farm on a vehicle or on vehicles owned and operated by a bona fide farmer not engaged in motor vehicle transportation on a commercial scale;

14 7. "Corporate family" means a group of corporations consisting
15 of a parent corporation and all subsidiaries in which the parent
16 corporation owns directly or indirectly one hundred percent (100%)
17 interest;

18 8. "Intercorporate hauling" means the transportation of
19 property, by motor vehicle, for compensation, by a carrier which is
20 a member of a corporate family, as defined in the Motor Carrier Act
21 of 1995, when the transportation for compensation is provided for
22 other members of the corporate family;

23 9. "Private carrier" means any person engaged in transportation
24 upon public highways, of persons or property, or both, but not as a

1 motor carrier, and includes any person who transports property by
2 motor vehicle where such transportation is incidental to or in
3 furtherance of any commercial enterprise of such person, other than
4 transportation;

5 10. "Market" means the point at which livestock and farm
6 products in the raw state were first delivered by the producer of
7 the livestock and farm products in the raw state, upon the sale
8 thereof;

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

13 12. "Commercial enterprise" means all undertakings entered into
14 for private gain or compensation, including all industrial pursuits,
15 whether the undertakings involve the handling of or dealing in
16 commodities for sale or otherwise.

17 SECTION 47. AMENDATORY 47 O.S. 2001, Section 230.24, is
18 amended to read as follows:

19 Section 230.24 A. The Corporation Commission is hereby vested
20 with power and authority, and it shall be its duty:

21 1. To supervise and regulate every motor carrier whether
22 operating between fixed termini or over a regular route or otherwise
23 and not operating exclusively within the limits of an incorporated
24 city or town in this state and all private carriers operating

1 vehicles having a gross registered weight of greater than 26,000
2 pounds and not operating exclusively within the limits of an
3 incorporated city or town in this state;

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

6 3. To ensure motor carriers and private carriers are complying
7 with the applicable size and weight laws of this state and safety
8 requirements which shall be accomplished at business locations of
9 the carriers or at stationary and permanent scale facilities;

10 4. To establish there will be no detrimental environmental
11 impact; and

12 5. To supervise and regulate motor carriers in all other
13 matters affecting the relationship between such carriers and the
14 traveling and shipping public provided those matters do not exceed
15 federal standards as they apply to this state.

16 B. The Commission shall have the power and authority by general
17 order or otherwise to prescribe rules applicable to any or all motor
18 carriers and private carriers as applicable.

19 C. The Commission shall cooperate and coordinate with the
20 Oklahoma Department of Public Safety, which is the primary
21 enforcement agency, in administratively regulating carrier safety,
22 size and weight regulations of motor vehicles and the transportation
23 of hazardous materials which shall be accomplished by the Commission
24 at the business location of carriers or at stationary and permanent

1 scale facilities. The Commission may enter into interagency
2 agreements with the Department of Public Safety for the purpose of
3 ~~implementing, administering and enforcing any specific provisions,~~
4 as determined by the Department, of the Oklahoma Motor Carrier
5 Safety and Hazardous Materials Transportation Act and the rules and
6 ~~regulations~~ of the Department of Public Safety issued pursuant
7 thereto; provided, the Commission shall have no authority to
8 implement or administer any provision or rule if no agreement
9 exists.

10 D. Any license issued by the Commission may be suspended or
11 revoked due to operations conducted in violation of any laws or
12 rules and regulations pertaining to motor carriers, private
13 carriers, carrier safety, size and weight regulations of motor
14 vehicles and the transportation of hazardous materials.

15 SECTION 48. AMENDATORY 47 O.S. 2001, Section 230.25, is
16 amended to read as follows:

17 Section 230.25 A. Every motor carrier, subject to the Motor
18 Carrier Act of 1995, receiving property for transportation in
19 intrastate commerce shall issue a receipt or bill of lading
20 therefor, the form of which shall be prescribed by the Corporation
21 Commission.

22 B. Any person, motor carrier, or shipper who shall willfully
23 violate any provisions of the Motor Carrier Act of 1995 by any means

1 shall be deemed guilty of a misdemeanor and upon conviction thereof
2 be fined as provided by law.

3 SECTION 49. AMENDATORY 47 O.S. 2001, Section 230.26, is
4 amended to read as follows:

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

12 SECTION 50. AMENDATORY 47 O.S. 2001, Section 230.27, as
13 amended by Section 5, Chapter 238, O.S.L. 2006 (47 O.S. Supp. 2010,
14 Section 230.27), is amended to read as follows:

15 Section 230.27 A. Upon the filing by an intrastate motor
16 carrier or private carrier of an application for a license, the
17 applicant shall pay to the Corporation Commission a filing fee in
18 the sum of One Hundred Dollars (\$100.00) with an original or
19 subapplication. Any valid license issued ~~will~~ shall remain in
20 force, unless otherwise revoked by the Commission in accordance with
21 the provisions of the Motor Carrier Act of 1995, for one (1) year
22 from date of issuance.

23 B. Every motor carrier or private carrier wishing to continue
24 operations under the original license, shall pay to the ~~Corporation~~

1 Commission an annual renewal fee of Fifty Dollars (\$50.00). An
2 intrastate license may be renewed for up to three (3) years.

3 C. The Commission shall, upon the receipt of any fee, deposit
4 the same in the State Treasury to the credit of the Trucking One-
5 Stop Shop Fund.

6 SECTION 51. AMENDATORY 47 O.S. 2001, Section 230.28, as
7 last amended by Section 3, Chapter 418, O.S.L. 2005 (47 O.S. Supp.
8 2010, Section 230.28), is amended to read as follows:

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

1 such a manner as to ensure there will be no detrimental
2 environmental impact. The Commission shall have power, and it shall
3 be its duty, to issue the license or set the application for hearing
4 within thirty (30) days of the Commission determining that the
5 application is complete. Any such hearing shall be scheduled to
6 occur on a date within an additional forty-five (45) business days
7 of such determination. The mere filing of an application does not
8 authorize any person to operate as a carrier.

9 B. In granting applications for licenses, the Commission shall
10 take into consideration the reliability of the applicant; the proper
11 equipment meeting minimum safety criteria as adequate to perform the
12 service; and the applicant's sense of responsibility toward the
13 public and the environment.

14 C. The Commission may, at any time after a public hearing and
15 for good cause, suspend or revoke any license. Provided, the record
16 owner of the license shall be entitled to have ten (10) days'
17 written notice by certified mail from the Commission of any hearing
18 affecting the license, except as otherwise provided in the Motor
19 Carrier Act of 1995. The right of appeal from such order or orders
20 shall be given as in other cases appealed from orders of the
21 Commission.

22 D. The Commission shall be authorized to exercise any
23 additional power that may from time to time be conferred upon the
24 state by any Act of Congress. The Commission shall adopt rules

1 prescribing the manner and form in which motor carriers and private
2 carriers shall apply for licenses required by the Motor Carrier Act
3 of 1995. Among other rules adopted, the application shall be in
4 writing and shall set forth the following facts:

- 5 1. The name and address of the applicant and the names and
6 addresses of its officers, if any;
- 7 2. Full information concerning the physical properties of the
8 applicant; and
- 9 3. Such other information as the Commission may consider
10 pertinent to the application.

11 SECTION 52. AMENDATORY 47 O.S. 2001, Section 230.29, is
12 amended to read as follows:

13 Section 230.29 A. As used in this section:

14 1. "Authorized carrier" means a person or persons authorized to
15 engage in the transportation of passengers or property as a licensed
16 motor carrier;

17 2. "Equipment" means a motor vehicle, straight truck, tractor,
18 semitrailer, full trailer, any combination of these and any other
19 type of equipment used by authorized carriers in the transportation
20 of passengers or property for hire;

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

24

1 4. "Lease" means a contract or arrangement in which the owner
2 grants the use of equipment, with or without driver, for a specified
3 period to an authorized carrier for use in the regulated
4 transportation of passengers or property, in exchange for
5 compensation;

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

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

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

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

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

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

19 2. The authorized carrier acquiring the use of equipment under
20 this section shall identify the equipment in accordance with the
21 requirements of the Corporation Commission; and

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

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

5 1. The lease shall be made between the authorized carrier and
6 the owner of the equipment. The lease shall be signed by these
7 parties or by their authorized representatives;

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

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

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

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

23 6. The lease shall clearly specify the responsibility of each
24 party with respect to the cost of fuel, fuel taxes, empty mileage,

1 | permits of all types, tolls, detention and accessorial services,
2 | base plates and licenses, and any unused portions of such items.
3 | Except when the violation results from the acts or omissions of the
4 | lessor, the authorized carrier lessee shall assume the risks and
5 | costs of fines for overweight and oversize trailers when the
6 | trailers are preloaded, sealed, or the load is containerized, or
7 | when the trailer or lading is otherwise outside of the lessor's
8 | control, and for improperly permitted overdimension and overweight
9 | loads and shall reimburse the lessor for any fines paid by the
10 | lessor. If the authorized carrier is authorized to receive a refund
11 | or a credit for base plates purchased by the lessor from, and issued
12 | in the name of, the authorized carrier, or if the base plates are
13 | authorized to be sold by the authorized carrier to another lessor
14 | the authorized carrier shall refund to the initial lessor on whose
15 | behalf the base plate was first obtained a prorated share of the
16 | amount received;

17 | 7. The lease shall specify that payment to the lessor shall be
18 | made by the authorized carrier within fifteen (15) days after
19 | submission of the necessary delivery documents and other paperwork
20 | concerning a trip in the service of the authorized carrier. The
21 | paperwork required before the lessor can receive payment is limited
22 | to those documents necessary for the authorized carrier to secure
23 | payment from the shipper. The authorized carrier may require the
24 |

1 submission of additional documents by the lessor but not as a
2 prerequisite to payment;

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

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

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

17 11. As it relates to insurance:

18 a. the lease shall clearly specify the legal obligation
19 of the authorized carrier to maintain insurance
20 coverage for the protection of the public, and

21 b. the lease shall clearly specify the conditions under
22 which deductions for cargo or property damage may be
23 made from the lessor's settlements. The lease shall
24 further specify that the authorized carrier must

1 provide the lessor with a written explanation and
2 itemization of any deductions for cargo or property
3 damage made from any compensation of money owed to the
4 lessor. The written explanation and itemization must
5 be delivered to the lessor before any deductions are
6 made; and

7 12. An original and two copies of each lease shall be signed by
8 the parties. The authorized carrier shall keep the original and
9 shall place a copy of the lease in the equipment during the period
10 of the lease. The owner of the equipment shall keep the other copy
11 of the lease.

12 D. The provisions of this section shall apply to the leasing of
13 equipment with which to perform transportation regulated by the
14 Corporation Commission by motor carriers holding a license from the
15 Commission to transport passengers or property.

16 SECTION 53. AMENDATORY 47 O.S. 2001, Section 230.30, is
17 amended to read as follows:

18 Section 230.30 A. No license shall be issued by the
19 Corporation Commission to any carrier until after the carrier shall
20 have filed with the Commission a liability insurance policy or bond
21 covering public liability and property damage, issued by some
22 insurance or bonding company or insurance carrier authorized
23 pursuant to this section and which has complied with all of the
24 requirements of the Commission, which bond or policy shall be

1 approved by the Commission, and shall be in a sum and amount as
2 fixed by a proper order of the Commission; and the liability and
3 property damage insurance policy or bond shall bind the obligor
4 thereunder to make compensation for injuries to, or death of,
5 persons, and loss or damage to property, resulting from the
6 operation of any carrier for which the carrier is legally liable. A
7 copy of the policy or bond shall be filed with the Commission, and,
8 after judgment against the carrier for any damage, the injured party
9 may maintain an action upon the policy or bond to recover the same,
10 and shall be a proper party to maintain such action.

11 B. Every motor carrier shall file with the Commission a cargo
12 insurance policy or bond covering any goods or property being
13 transported, issued by some insurance or bonding company or
14 insurance carrier authorized as set forth below, and which has
15 complied with all of the requirements of the Commission, which bond
16 or policy shall be approved by the Commission, and shall be in a sum
17 and amount as fixed by a proper order of the Commission. The cargo
18 insurance must be filed with the Commission prior to a license being
19 issued by the Commission, unless the motor carrier has been exempted
20 from this requirement.

21 Intrastate motor carriers of sand, rock, gravel, asphaltic
22 mixtures or other similar road building materials shall not be
23 required to file cargo insurance and shall be required to maintain
24

1 liability insurance limits of Three Hundred Fifty Thousand Dollars
2 (\$350,000.00) combined single limit.

3 No carrier, whose principal place of business is in Oklahoma,
4 shall conduct any operations in this state unless the operations are
5 covered by a valid primary bond or insurance policy issued by a
6 provider authorized or approved by the State Insurance Commissioner.
7 No carrier shall conduct any operations in this state unless the
8 operations are covered by a valid bond or insurance policy issued by
9 a provider authorized and approved by a National Association of
10 Insurance Commissioners and certified by the State Insurance
11 Commission.

12 C. Each carrier shall maintain on file, in full force, all
13 insurance required by the laws of this state and the rules of the
14 Commission during the operation of the carrier and that the failure
15 for any cause to maintain the coverage in full force and effect
16 shall immediately, without any notice from the Commission, suspend
17 the rights of the carrier to operate until proper insurance is
18 provided. Any carrier suspended for failure to maintain proper
19 insurance shall have a reasonable time, not exceeding sixty (60)
20 days, to have its license reactivated, and to provide proper
21 insurance upon showing:

22 1. No operation during the period in which it did not have
23 insurance; and
24 2. Furnishing of proper insurance coverage.

1 D. Any carrier who fails to reactivate its license within sixty
2 (60) days after the suspension, as above provided, shall have the
3 license canceled, by operation of law, without any notice from the
4 Commission. No license so canceled shall be reinstated or otherwise
5 made operative except that the Commission may reinstate the license
6 of a carrier upon proper showing that the carrier was actually
7 covered by proper insurance during the suspension or cancellation
8 period, and that failure to file with the Commission was not due to
9 the negligence of the carrier. Any carrier desiring to file for
10 reinstatement of its license shall do so within ninety (90) days of
11 its cancellation by law.

12 E. The Commission shall, in its discretion, permit the filing
13 of certificates of insurance coverage or such form as may be
14 prescribed by the Commission, in lieu of copies of insurance
15 policies or bonds, with the proviso that if the certificates are
16 authorized the insurance company or carrier so filing it, upon
17 request of the Commission, will, at any time, furnish an
18 authenticated copy of the policy which the certificate represents,
19 and further provided that thirty (30) days prior to effective
20 cancellation or termination of the policy of insurance for any
21 cause, the insurer shall so notify the Commission in writing of the
22 facts or as deemed necessary by the Commission.

23 SECTION 54. AMENDATORY 47 O.S. 2001, Section 230.31, is
24 amended to read as follows:

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

5 B. Any person who willfully advertises to perform
6 transportation services for which the person does not hold a license
7 shall be in violation of the Motor Carrier Act of 1995 and subject
8 to the penalties prescribed for contempt of the Corporation
9 Commission.

10 C. All licenses issued by the Commission under any law of the
11 state relating to motor carriers or private carriers shall contain
12 the provision that the Commission reserves to itself authority to
13 suspend or cancel any such license for the violation, on the part of
14 the applicant or any operator or operators of any motor vehicle to
15 be operated thereunder, of any law of this state or any rule adopted
16 by the Commission.

17 D. Licenses shall be considered personal to the holder of the
18 license and shall be issued only to some definite legal entity
19 operating motor vehicles as a motor carrier or private carrier, and
20 shall not be subject to lease, nor shall the holder of the license
21 sublet or permit the exercise, by another, of the rights or
22 privileges granted under the license.

23 SECTION 55. AMENDATORY 47 O.S. 2001, Section 230.32, is
24 amended to read as follows:

1 Section 230.32 The Corporation Commission shall have the power
2 and authority by general order or otherwise to promulgate rules and
3 regulations for the administration and enforcement of the provisions
4 of the Motor Carrier Act of 1995.

5 SECTION 56. AMENDATORY Section 2, Chapter 140, O.S.L.
6 2006 (47 O.S. Supp. 2010, Section 230.34a), is amended to read as
7 follows:

8 Section 230.34a A. Any person, firm, partnership, limited
9 liability company, or corporation owning or possessing a vehicle and
10 required to register the vehicle under the laws of this state for
11 the purpose of transporting farm products in a raw state may receive
12 a harvest permit from the ~~Oklahoma~~ Corporation Commission.

13 B. The harvest permit shall be recognized in lieu of
14 registration, fuel permit and intrastate operating authority in this
15 state. The harvest permit shall be issued to the operating motor
16 carrier.

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

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

24 1. Owner of the vehicle;

1 2. Vehicle registrant;

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

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

9 E. There shall be a fee of Twenty Dollars (\$20.00) per axle for
10 a thirty-day permit or Thirty-five Dollars (\$35.00) per axle for a
11 sixty-day permit, for each vehicle registered pursuant to the Motor
12 Carrier Harvest Permit Act of 2006. Revenue derived from this fee
13 shall be apportioned as follows:

14 1. One-half (1/2) of the revenue shall be deposited in the
15 Weigh Station Improvement Revolving Fund as set forth in Section
16 1167 of Title 47 of the Oklahoma Statutes; and

17 2. ~~The remaining amount~~ One-half (1/2) shall be deposited in
18 the One-Stop Trucking Fund as set forth in Section 1167 of ~~Title 47~~
19 ~~of the Oklahoma Statutes~~ this title.

20 F. A harvest permit may be extended in fifteen-day increments.

21 The permit holder shall be required to pay the additional prorated
22 portion of the tag fee at Eight Dollars and seventy-five cents
23 (\$8.75) per axle per fifteen-day extension.

1 G. An application for a harvest permit shall be made to the
2 ~~Corporation~~ Commission. The ~~Corporation~~ Commission shall allow
3 applications to be submitted by facsimile and electronically. The
4 Commission must provide reasonable access for persons to obtain a
5 harvest permit before taking enforcement action.

6 H. If found to be in violation of the Motor Carrier Harvest
7 Permit Act of 2006 for failure to obtain or maintain a current
8 harvest permit, the operating carrier shall post bond in the amount
9 of the cost of the harvest permit and shall be allowed seventy-two
10 (72) hours to apply for the permit. If the operating carrier makes
11 application within seventy-two (72) hours, the bond amount will be
12 applied toward the harvest permit fee.

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

16 J. The ~~Corporation~~ Commission may enter into an agreement with
17 any person or corporation located within or outside of the state for
18 transmission of harvest permits by way of facsimile or other device
19 when the Corporation Commission determines that such agreements are
20 in the best interest of the state.

21 K. The ~~Corporation~~ Commission may promulgate rules to
22 administer the provisions of the Motor Carrier Harvest Permit Act of
23 2006.

24

1 SECTION 57. AMENDATORY Section 3, Chapter 140, O.S.L.

2 2006, as amended by Section 1, Chapter 243, O.S.L. 2006 (47 O.S.

3 Supp. 2010, Section 230.34b), is amended to read as follows:

4 Section 230.34b A portable scale used at any location other
5 than an official weigh station by the Department of Public Safety or
6 ~~the Corporation Commission~~ to weigh any vehicle transporting grain
7 shall not be located within two (2) highway miles of any commercial
8 grain elevator. This section shall not apply if the vehicle is:

9 1. Involved in a collision;

10 2. Being subjected to a Commercial Vehicle Safety Alliance
11 (CVSA) inspection by the Department of Public Safety; or

12 3. Operated on any highway of the national defense highway
13 system.

14 SECTION 58. AMENDATORY 47 O.S. 2001, Section 1115, as

15 last amended by Section 18, Chapter 412, O.S.L. 2010 (47 O.S. Supp.
16 2010, Section 1115), is amended to read as follows:

17 Section 1115. A. Unless provided otherwise by statute, the
18 following vehicles shall be registered annually: manufactured
19 homes, vehicles registered with a permanent nonexpiring license
20 plate pursuant to Section 1113 of this title, and commercial
21 vehicles registered pursuant to the installment plan provided in
22 subsection H of Section 1133 of this title. The following schedule
23 shall apply for such vehicle purchased in this state or brought into
24 this state by residents of this state:

1 1. Between January 1 and March 31, the payment of the full
2 annual fee shall be required;

3 2. Between April 1 and June 30, the payment of three-fourths
4 (3/4) the annual fee shall be required;

5 3. Between July 1 and September 30, the payment of one-half
6 (1/2) the annual fee shall be required; and

7 4. Between October 1 and November 30, one-fourth (1/4) the
8 annual fee shall be required.

9 License plates or decals for each year shall be made available
10 on December 1 of each preceding year for such vehicles. Any person
11 who purchases such vehicle or manufactured home between December 1
12 and December 31 of any year shall register it within thirty (30)
13 days from date of purchase and obtain a license plate or
14 Manufactured Home License Registration Decal, as appropriate, for
15 the following calendar year upon payment of the full annual fee.
16 Unless provided otherwise by statute, all annual license,
17 registration and other fees for such vehicles shall be due and
18 payable on January 1 of each year and if not paid by February 1
19 shall be deemed delinquent.

20 B. 1. All vehicles, other than those required to be registered
21 pursuant to the provisions of subsection A of this section, shall be
22 registered on a staggered system of registration and licensing on a
23 monthly series basis to distribute the work of registering such
24 vehicles as uniformly and expeditiously as practicable throughout

1 the calendar year. After the end of the month following the
2 expiration date, the license and registration fees for the new
3 registration period shall become delinquent.

4 2. All fleet vehicles registered pursuant to new applications
5 approved pursuant to the provisions of Section 1120 of this title
6 shall be registered on a staggered system monthly basis.

7 3. Applicants seeking to establish Oklahoma as the base
8 jurisdiction for registering apportioned fleet vehicles shall have a
9 one-time option of registering for a period of not less than six (6)
10 months nor greater than eighteen (18) months. Subsequent renewals
11 for these registrants will be for twelve (12) months, expiring on
12 the last day of the month chosen by the registrant under the one-
13 time option as provided herein. In addition, registrants with
14 multiple fleets may designate a different registration month of
15 expiration for each fleet.

16 As used in this section, "fleet" shall have the same meaning as
17 set forth in the International Registration Plan.

18 4. Effective January 1, 2004, all motorcycles and mopeds shall
19 be registered on a staggered system of registration. The Oklahoma
20 Tax Commission shall notify in writing, prior to December 1, 2003,
21 all owners of motorcycles or mopeds registered as of such date, who
22 shall have a one-time option of registering for a period of not less
23 than three (3) months nor greater than fifteen (15) months.
24 Subsequent renewals for these registrants will be for twelve (12)

1 months, expiring on the last day of the month chosen by the
2 registrant under the one-time option as provided herein. All
3 motorcycles and mopeds registered pursuant to new applications
4 received on or after December 1, 2003, shall also be registered
5 pursuant to the provisions of this paragraph.

6 C. The following penalties shall apply for delinquent
7 registration fees:

8 1. For fleet vehicles required to be registered pursuant to the
9 provisions of Section 1120 of this title for which a properly
10 completed application for registration has not been received by the
11 Corporation Commission by the last day of the month following the
12 registration expiration date, a penalty of thirty percent (30%) of
13 the Oklahoma portion of the annual registration fee, or Two Hundred
14 Dollars (\$200.00), whichever is greater, shall be assessed. The
15 license and registration cards issued by the Corporation Commission
16 for each fleet vehicle shall be valid until two (2) months after the
17 registration expiration date;

18 2. For commercial vehicles registered under the provisions of
19 subsection B of this section, except those vehicles registered
20 pursuant to Section 1133.1 of this title, a penalty shall be
21 assessed after the last day of the month following the registration
22 expiration date. A penalty of twenty-five cents (\$0.25) per day
23 shall be added to the license fee of such vehicle and shall accrue
24 for one (1) month. Thereafter, the penalty shall be thirty percent

1 (30%) of the annual registration fee, or Two Hundred Dollars
2 (\$200.00), whichever is greater;

3 3. For new or used manufactured homes, not registered within
4 thirty (30) days from date of purchase or date such manufactured
5 home was brought into this state, a penalty equal to the
6 registration fee shall be assessed; or

7 4. Except as provided in subsection H of Section 1133 of this
8 title, for all other vehicles a penalty shall be assessed after the
9 last day of the month following the expiration date. A penalty of
10 One Dollar (\$1.00) per day shall be added to the license fee of such
11 vehicle, provided that the penalty shall not exceed One Hundred
12 Dollars (\$100.00). Of each dollar penalty collected pursuant to
13 this subsection:

- 14 a. twenty-five cents (\$0.25) shall be apportioned as
15 provided in Section 1104 of this title,
- 16 b. twenty-five cents (\$0.25) shall be retained by the
17 motor license agent, and
- 18 c. fifty cents (\$0.50) shall be deposited in the General
19 Revenue Fund for the fiscal year beginning on July 1,
20 2010, and for all subsequent fiscal years, shall be
21 deposited in the State Highway Construction and
22 Maintenance Fund.

23 D. In addition to all other penalties provided in the Oklahoma
24 Vehicle License and Registration Act, the following penalties shall

1 be imposed and collected by any Enforcement Officer an employee of
2 the Corporation Commission at a stationary and permanent scale
3 facility upon finding any commercial vehicle being operated in
4 violation of the provisions of the Oklahoma Vehicle License and
5 Registration Act.

6 The penalties shall apply to any commercial vehicle found to be
7 operating in violation of the following provisions:

8 1. A penalty of not less than Fifty Dollars (\$50.00) shall be
9 imposed upon any person found to be operating a commercial vehicle
10 sixty (60) days after the end of the month in which the license
11 plate or registration credentials expire without the current year
12 license plate or registration credential displayed. Such penalty
13 shall not exceed the amount established by the Corporation
14 Commission pursuant to the provisions of subsection A of Section
15 1167 of this title. Revenue from such penalties shall be
16 apportioned as provided in Section 1167 of this title;

17 2. A penalty of not less than Fifty Dollars (\$50.00) shall be
18 imposed for any person operating a commercial vehicle subject to the
19 provisions of Section 1120 or Section 1133 of this title without the
20 proper display of, or, carrying in such commercial vehicle, the
21 identification credentials issued by the Corporation Commission as
22 evidence of payment of the fee or tax as provided in Section 1120 or
23 Section 1133 of this title. Such penalty shall not exceed the
24 amount established by the Corporation Commission pursuant to the

1 provisions of subsection A of Section 1167 of this title. Revenue
2 from such penalties shall be apportioned as provided in Section 1167
3 of this title; and

4 3. A penalty of not less than One Hundred Dollars (\$100.00)
5 shall be imposed for any person that fails to register any
6 commercial vehicle subject to the Oklahoma Vehicle License and
7 Registration Act. Such penalty shall not exceed the amount
8 established by the Corporation Commission pursuant to the provisions
9 of subsection A of Section 1167 of this title. Revenue from such
10 penalties shall be apportioned as provided in Section 1167 of this
11 title.

12 E. The Tax Commission, or Corporation Commission with respect
13 to vehicles registered under Section 1120 or Section 1133 of this
14 title, shall assess the registration fees and penalties for the year
15 or years a vehicle was not registered. For vehicles not registered
16 for two (2) or more years, the registration fees and penalties shall
17 be due only for the current year and one (1) previous year.

18 F. In addition to any other penalty prescribed by law, there
19 shall be a penalty of not less than Twenty Dollars (\$20.00) upon a
20 finding by an ~~enforcement officer~~ employee of the Corporation
21 Commission at a stationary and permanent scale facility that:

22 1. The registration of a vehicle registered pursuant to Section
23 1132 of this title is expired and it is sixty (60) or more days
24 after the end of the month of expiration; or

1 2. The registration fees for a vehicle that is subject to the
2 registration fees pursuant to Section 1132 of this title have not
3 been paid.

4 Such penalty shall not exceed the amount established by the
5 Corporation Commission pursuant to the provisions of subsection A of
6 Section 1167 of this title. Revenue from such penalties shall be
7 apportioned as provided in Section 1167 of this title.

8 G. If a vehicle is donated to a nonprofit charitable
9 organization, the nonprofit charitable organization shall be exempt
10 from paying any current or past due registration fees, excise tax,
11 transfer fees, and penalties and interest. However, after the
12 donation, if the person donating the vehicle, or someone on behalf
13 of such person, purchases the same vehicle back from the nonprofit
14 charitable organization to which the vehicle was donated, such
15 person shall be liable for all current and past-due registration
16 fees, excise tax, title or transfer fees, and penalties and interest
17 on such vehicle.

18 SECTION 59. AMENDATORY 47 O.S. 2001, Section 1115.1, as
19 last amended by Section 1, Chapter 181, O.S.L. 2009 (47 O.S. Supp.
20 2010, Section 1115.1), is amended to read as follows:

21 Section 1115.1 In addition to the penalties provided in the
22 Oklahoma Vehicle License and Registration Act, after ninety (90)
23 days from the expiration date for annual registration of a vehicle,
24 the ~~Corporation Commission~~, Department of Public Safety, county

1 | sheriffs, and all other duly authorized peace officers of this state
2 | may seize and take into custody every, and any employee of the
3 | Corporation Commission may notify a law enforcement officer to seize
4 | and take into custody, any vehicle owned within this state not
5 | bearing or displaying a proper license plate required by the
6 | Oklahoma Vehicle License and Registration Act. The vehicle shall
7 | not be released to the owner until it is duly registered and the
8 | license, registration, or title fee and penalties due are paid in
9 | full, proof of security or an affidavit that the vehicle will not be
10 | used on public highways or public streets, as required pursuant to
11 | Section 7-600 et seq. of this title, is furnished, and the cost of
12 | seizure, including the reasonable cost of taking the vehicle into
13 | custody and storing the vehicle, have been paid. In the event the
14 | owner of any vehicle seized fails to pay such fees and penalties
15 | due, together with cost of seizure and storage, and fails to provide
16 | proof of security or an affidavit that the vehicle will not be used
17 | on public highways or public streets, the Department of Central
18 | Services shall proceed to sell the vehicle by posting not fewer than
19 | five notices of sale in five different public places in the county
20 | where the vehicle is located, one of such notices to be posted at
21 | the place where the vehicle is stored. A copy of the notice shall
22 | also be sent by certified mail, restricted delivery, with return
23 | receipt requested, to the last-known address of the registered owner
24 |

1 of the vehicle. The vehicle shall be sold at such sale subject to
2 the following terms and conditions:

3 1. In the event the sale price is equal to, or greater than,
4 the total costs of sale, seizure and the fee and penalty, the
5 purchaser shall be issued a certificate of purchase, license plate,
6 manufactured home registration receipt and decal and registration
7 certificate;

8 2. In the event the sale price is less than the total costs of
9 sale, seizure, and the fee and penalty, the vehicle shall be sold as
10 junk to the highest bidder, whereupon the bidder shall receive a
11 certificate of purchase; and if the vehicle be dismantled, the
12 record to the junked vehicle shall be canceled. If not dismantled,
13 the vehicle shall be immediately registered; and

14 3. Any residual amount remaining unclaimed by the delinquent
15 owner shall be administered in accordance with the Uniform Unclaimed
16 Property Act.

17 SECTION 60. AMENDATORY 47 O.S. 2001, Section 1123, is
18 amended to read as follows:

19 Section 1123. The Oklahoma Tax Commission is hereby authorized
20 and empowered to enter into and make reciprocal compacts and
21 agreements when the Commission deems same to be in the interest of
22 the residents of the State of Oklahoma, with the proper authorities
23 of other states, concerning all motor vehicles engaged in foreign
24 and interstate commerce upon and over the public highways.

1 Such compacts and agreements shall grant to the residents of
2 other states privileges substantially like and equal to those
3 granted by such states to Oklahoma residents; provided, that such
4 compacts and agreements shall not supersede or suspend any laws,
5 rules or regulations of this state applying to vehicles operated
6 intrastate in this state. Privileges so granted shall extend only
7 to persons who comply with the laws of the state of their residence.

8 Such compacts and agreements shall not operate to supersede or
9 suspend the application of any laws of this state, except insofar as
10 they apply to the payment of vehicle license fees or other motor
11 vehicle taxes charged residents of the states with which such
12 compacts and agreements are made; provided, however, that the power
13 and authority and discretion of the Corporation Commission to make
14 and ~~enforce~~ administer rules and regulations governing motor
15 carriers for hire, or to grant or deny certificates or permits to
16 motor carriers for hire shall not be superseded or suspended by any
17 such compact and agreement.

18 SECTION 61. AMENDATORY 47 O.S. 2001, Section 1133, as
19 last amended by Section 6, Chapter 168, O.S.L. 2008 (47 O.S. Supp.
20 2010, Section 1133), is amended to read as follows:

21 Section 1133. A. The following license fees shall be paid
22 annually to the Oklahoma Tax Commission or Corporation Commission,
23 as applicable, upon the registration of the following vehicles:

1 For each commercial vehicle over eight thousand (8,000) pounds
2 as defined in Section 1102 of this title, the license fee shall be
3 based on the combined laden weight of the vehicle or combination of
4 vehicles. The license fees shall be computed and assessed at the
5 following rates:

1	1. From 8,001 pounds to 15,000 pounds	\$ 95.00
2	2. From 15,001 pounds to 18,000 pounds	120.00
3	3. From 18,001 pounds to 21,000 pounds	155.00
4	4. From 21,001 pounds to 24,000 pounds	190.00
5	5. From 24,001 pounds to 27,000 pounds	225.00
6	6. From 27,001 pounds to 30,000 pounds	260.00
7	7. From 30,001 pounds to 33,000 pounds	295.00
8	8. From 33,001 pounds to 36,000 pounds	325.00
9	9. From 36,001 pounds to 39,000 pounds	350.00
10	10. From 39,001 pounds to 42,000 pounds	375.00
11	11. From 42,001 pounds to 45,000 pounds	400.00
12	12. From 45,001 pounds to 48,000 pounds	425.00
13	13. From 48,001 pounds to 51,000 pounds	450.00
14	14. From 51,001 pounds to 54,000 pounds	475.00
15	15. From 54,001 pounds to 57,000 pounds	648.00
16	16. From 57,001 pounds to 60,000 pounds	681.00
17	17. From 60,001 pounds to 63,000 pounds	713.00
18	18. From 63,001 pounds to 66,000 pounds	746.00
19	19. From 66,001 pounds to 69,000 pounds	778.00

1	20. From 69,001 pounds to 72,000 pounds	817.00
2	21. From 72,001 pounds to 73,280 pounds	857.00
3	22. From 73,281 pounds to 74,000 pounds	870.00
4	23. From 74,001 pounds to 75,000 pounds	883.00
5	24. From 75,001 pounds to 76,000 pounds	896.00
6	25. From 76,001 pounds to 77,000 pounds	909.00
7	26. From 77,001 pounds to 78,000 pounds	922.00
8	27. From 78,001 pounds to 79,000 pounds	935.00
9	28. From 79,001 pounds to 80,000 pounds	948.00
10	29. From 80,001 pounds to 81,000 pounds	961.00
11	30. From 81,001 pounds to 82,000 pounds	974.00
12	31. From 82,001 pounds to 83,000 pounds	987.00
13	32. From 83,001 pounds to 84,000 pounds	1000.00
14	33. From 84,001 pounds to 85,000 pounds	1013.00
15	34. From 85,001 pounds to 86,000 pounds	1026.00
16	35. From 86,001 pounds to 87,000 pounds	1039.00
17	36. From 87,001 pounds to 88,000 pounds	1052.00
18	37. From 88,001 pounds to 89,000 pounds	1065.00
19	38. From 89,001 pounds to 90,000 pounds	1078.00

20 B. After the fifth year's registration in this or any other
 21 state, the license fee upon any truck registered on a basis of the
 22 combined laden weight not in excess of fifteen thousand (15,000)
 23 pounds shall be assessed at fifty percent (50%) of the fee computed
 24 and assessed for each of the first five (5) years. On the seventh

1 and all subsequent years of registration in this or any other state,
2 on such truck, such license fees shall be assessed and computed at
3 fifty percent (50%) of the amount due on the sixth year's
4 registration. In no event shall such annual license fee on any
5 truck be less than Ten Dollars (\$10.00) nor shall the annual license
6 fee of any truck-tractor be less than Ninety-five Dollars (\$95.00).

7 C. In addition to the fees required by subsection A of this
8 section, there shall be paid a registration fee of Forty Dollars
9 (\$40.00) upon the first registration in this state after July 1,
10 1985, and upon the transfer of ownership of any frac tank, as
11 defined by Section 54 of Title 17 of the Oklahoma Statutes, rental
12 trailer, commercial trailer or semitrailer designed to be pulled and
13 usually pulled by a truck or truck-tractor.

14 Thereafter, a fee of Four Dollars (\$4.00) shall be paid annually
15 for each frac tank, rental trailer, commercial trailer or
16 semitrailer. The fee of Four Dollars (\$4.00) shall be due and
17 payable on January 1 of each year on any frac tank, rental trailer,
18 commercial trailer or semitrailer registered under this section.

19 Upon the payment of the registration fee of Forty Dollars
20 (\$40.00), a nonexpiring registration certificate and identification
21 plate shall be issued for each frac tank, rental trailer, commercial
22 trailer or semitrailer. The nonexpiring identification plate shall
23 remain displayed on the frac tank, rental trailer, commercial
24 trailer or semitrailer for which the identification plate is issued

1 until such frac tank, trailer or semitrailer is sold or removed from
2 service.

3 A receipt shall be issued upon the payment of the annual fee.

4 The receipt shall show the total fee paid for one or more frac
5 tanks, rental trailers, commercial trailers or semitrailers. The
6 receipt shall be retained by the owner of any frac tank, rental
7 trailer, commercial trailer or semitrailer for a period of three (3)
8 years and shall be subject to audit by the Tax Commission or
9 Corporation Commission.

10 Any frac tank, commercial trailer or semitrailer licensed
11 pursuant to this section shall not be permitted to be operated on
12 the highways of this state when such frac tank, commercial trailer
13 or semitrailer is being operated by a resident of this state, or is
14 being operated by a person operating a vehicle or vehicles domiciled
15 in this state and required by law to be licensed in Oklahoma, unless
16 the pulling truck or truck-tractor has been licensed pursuant to
17 this section. In no event shall any truck, truck-tractor, frac
18 tank, trailer, or semitrailer used in the furtherance of any
19 commercial enterprise be permitted to operate on the highways of
20 this state or register at a smaller license fee than that prescribed
21 in this section except as provided in this section.

22 D. For each fiscal year, notwithstanding the provisions of
23 Section 1104 of this title, the first Four Hundred Thousand Dollars
24 (\$400,000.00) of all monies collected pursuant to subsections A, B

1 and C of this section shall be paid by the Tax Commission to the
2 State Treasurer of the State of Oklahoma who shall deposit same each
3 fiscal year, or such lesser amount as may accrue each fiscal year,
4 under the provisions of this section to the credit of the General
5 Revenue Fund of the State Treasury. All monies collected in excess
6 of Four Hundred Thousand Dollars (\$400,000.00) each fiscal year
7 shall be apportioned as provided in Section 1104 of this title.

8 E. If any vehicle is used for a purpose other than that for
9 which it has been registered, the owner of the vehicle shall be
10 required to immediately reregister the vehicle at the appropriate
11 rate. If any vehicle is placed or operated upon any street, road or
12 highway of this state with a laden weight in excess of that for
13 which it is licensed, the license fee for such increased laden
14 weight shall become due, and the owner of the vehicle shall be
15 required to immediately reregister the vehicle at the increased
16 rate. Provided that, in either event there shall be credited upon
17 the increased license fee for such reregistration for any portion of
18 the year or period remaining after the change in use or increase in
19 laden weight shall have occurred a proportionate part of the license
20 fees previously paid. If this reregistration is made voluntarily by
21 the owner, the ratable proportion of the credit allowed shall be
22 determined as of the date the reregistration is voluntarily made.
23 If the reregistration is not voluntarily made but occurs as a result
24 of the discovery by any law enforcement officer of an improper

1 operation of the vehicle, that shall be considered *prima facie*
2 evidence that it has been improperly registered for the entire
3 portion of the year covered by the improper registration. Provided
4 further that the ratable credit shall be allowed only on the first
5 reregistration of any vehicle during any calendar year. If, during
6 the calendar year, subsequent changes of license plate are desired,
7 the ratable credit shall not be allowed but the owner of the vehicle
8 shall be required to pay the license fee due for that portion of the
9 calendar year remaining without benefit of any additional credits.
10 No owner of a motor vehicle shall possess at any time more than one
11 license plate for any vehicle owned by such person. No
12 reregistration shall be made until the current license plate
13 previously issued has been surrendered.

14 Any person who has paid a fee under the terms and provisions of
15 this subsection may at any time within one (1) year after the
16 payment of such fee file with the Tax Commission or Corporation
17 Commission a claim under oath for refund stating the grounds
18 therefor. However, the Tax Commission or Corporation Commission
19 shall allow refunds only where the amount of tax paid has been
20 erroneously computed or determined through clerical errors or
21 miscalculations. No refund shall be allowed by the Tax Commission
22 or Corporation Commission of a tax paid by the person where such
23 payment is made through a mistake as to the legal misinterpretation
24 or construction of the provisions of this section. Any refunds made

1 by the Tax Commission or Corporation Commission pursuant to this
2 subsection shall be made out of any monies collected pursuant to
3 this subsection and which have not been apportioned.

4 F. The annual license fee required by this section is intended
5 to cover only the motor vehicle for which it is issued. The Tax
6 Commission or Corporation Commission upon application, when a
7 licensed truck-tractor has been destroyed by fire or accident, shall
8 credit the unused portion of the annual license fee of the vehicle
9 toward the license fee of a replacement vehicle of equal registered
10 weight. The amount of credit shall not exceed the license fee due
11 on the replacement vehicle. The Tax Commission or Corporation
12 Commission shall not be required to make a refund. If the
13 replacement vehicle is to be registered at a greater weight, the
14 applicant shall pay an additional sum equivalent to the difference
15 between the unused portion of the annual license fee for the
16 original motor vehicle and the license fee due for the replacement
17 motor vehicle.

18 G. The license fees provided for in this section shall be paid
19 each year whether or not the vehicle is operated on the public
20 highway.

21 H. Notwithstanding the provision of any other statute in
22 respect to the time for payment of license fees on motor vehicles,
23 if the total amount of the annual license fees due from any resident
24 owner, either individual, partnership, or Oklahoma corporation, upon

1 the registration, on or before January 15 of any year, of commercial
2 trucks, truck-tractors, frac tanks, trailers or semitrailers exceeds
3 the sum of One Thousand Dollars (\$1,000.00), the license fees may be
4 paid in equal semiannual installments. The first installment shall
5 be paid at the time of the application for registration of the
6 vehicles and not later than January 15 of each year, and the second
7 installment shall be paid on or before the first day of July of such
8 year.

9 This subsection shall not operate to reduce the amount of the
10 license fees due. If any installment is not paid on or before the
11 date due, all unpaid installments of license fees for such year on
12 each vehicle shall be deemed delinquent and immediately due and
13 payable, and there shall be added a penalty of twenty-five cents
14 (\$0.25) per day to the balance of the license fee due on each
15 vehicle for each day the balance remains unpaid up to thirty (30)
16 days, after which the penalty due on each vehicle shall be Twenty-
17 five Dollars (\$25.00). The penalty for vehicles registered by
18 weight in excess of eight thousand (8,000) pounds shall be an amount
19 equal to the license fee. On and after the thirtieth day each such
20 vehicle involved shall be considered as improperly licensed and as
21 not currently registered, and all of the provisions of the Oklahoma
22 Vehicle License and Registration Act relating to enforcement,
23 including the provisions for the seizure and sale of vehicles not
24

1 registered and not displaying current license plates, shall apply to
2 the vehicles.

3 All fees and taxes levied by the Oklahoma Vehicle License and
4 Registration Act shall become and remain a first lien upon the
5 vehicle upon which the fees or taxes are due until paid. The lien
6 shall have priority to all other liens. No title to any vehicle may
7 be transferred until the unpaid balance on the vehicle has been paid
8 in full. Provided that any unpaid balance of the license fees shall
9 remain and become a lien against any and all property of the owner,
10 both real and personal, for so long as any license tag fee balance
11 shall remain unpaid. Any unpaid balance under these provisions
12 shall be immediately due and payable by the owner if any vehicle is
13 sold, wrecked, or otherwise retired from service.

14 Any person electing to pay license fees on a semiannual
15 installment basis, as herein authorized, shall be required to
16 purchase a new license tag for the last half and shall pay the sum
17 of Four Dollars (\$4.00) for each tag to cover the costs of the
18 license tags. The license tags for each half shall be plainly
19 marked in designating the half for which they were issued. A
20 validation sticker may be used in lieu of a metal tag where
21 appropriate. Such license tag fee shall be, in addition to the
22 license fees or any other fees, collected on each application as
23 provided by statute and shall be apportioned according to the
24 provisions of Section 1104 of this title.

1 I. Any person pulling or towing any vehicle intended to be
2 resold, into or through this state, shall pay a fee of Three Dollars
3 (\$3.00) for the vehicle towing and Three Dollars (\$3.00) for the one
4 being towed. It shall be unlawful to operate any series of such
5 units on the public highways of this state at a distance closer than
6 five hundred (500) feet from each other. All fees and taxes levied
7 by the terms and provisions of this section shall become and remain
8 a first lien upon the vehicle upon which the fees or taxes are due
9 until paid. The lien shall be prior, superior, and paramount to all
10 other liens of whatsoever kind or character.

11 J. In addition to any other penalties prescribed by law, the
12 following penalty shall be imposed ~~by enforcement officers~~ upon any
13 owner or operator of a commercial vehicle registered under the
14 provisions of this section when the laden weight or combined laden
15 weight of such vehicle is found to be in excess of that for which
16 registered. The penalty shall be imposed each and every time a
17 vehicle is found to be in violation of the registered laden weight
18 or combined laden weight.

19 The penalty shall be not less than Twenty Dollars (\$20.00) when
20 such vehicle exceeds the laden weight or combined laden weight by
21 two thousand one (2,001) pounds; thereafter, an additional penalty
22 of not less than Twenty Dollars (\$20.00) shall be imposed for each
23 additional one thousand (1,000) pounds or fraction thereof of weight
24 in excess of the registered laden weight or combined laden weight.

1 Such penalty shall not exceed the amount established by the
2 Corporation Commission pursuant to the provisions of subsection A of
3 Section 1167 of this title. Revenue from such penalties shall be
4 apportioned as provided in Section 1167 of this title.

5 SECTION 62. AMENDATORY 47 O.S. 2001, Section 1133.2, as
6 amended by Section 20, Chapter 522, O.S.L. 2004 (47 O.S. Supp. 2010,
7 Section 1133.2), is amended to read as follows:

8 Section 1133.2 A. Every commercial motor vehicle, whether
9 private, contract or for hire, of twenty-six thousand (26,000)
10 pounds or greater weight shall display the name of the vehicle
11 registrant on each side of the vehicle in two-inch letters or
12 greater which shall be legible from a distance of fifty (50) feet.
13 The city or town serving as the registrant's principal place of
14 business or postal address shall be displayed in two-inch letters or
15 greater on each side of the vehicle adjacent to the registrant's
16 name. Provided however, in the instance of an Interstate Motor
17 Carrier the address need not be displayed if the Interstate Commerce
18 Commission number is displayed on the vehicle.

19 B. Those not complying with the provisions of this section
20 shall be assessed a fine of not less than One Hundred Dollars
21 (\$100.00). Such penalty shall not exceed the amount established by
22 the Corporation Commission pursuant to the provisions of subsection
23 A of Section 3 of this act. Revenue from such fines shall be
24 apportioned as provided in Section 3 of this act. Any person in

1 violation of the provisions of this section may be cited by the
2 Oklahoma Highway Patrol, ~~the Corporation Commission~~, or any county
3 sheriff or municipal law enforcement officer. Any fines collected
4 by a county sheriff or municipal law enforcement officer shall be
5 deposited in the respective county or municipal treasury.

6 C. After a fine has been assessed pursuant to the provisions of
7 subsection B of this section, the offender shall have ten (10) days
8 to display the name of the registrant on the vehicle as provided in
9 subsection A of this section.

10 D. Out-of-state vehicles which have a base license plate from a
11 state other than Oklahoma shall be exempt from this section unless
12 such vehicle is being utilized in intrastate commerce.

13 E. The name on the side of the vehicle may differ from the name
14 on the vehicle registration only if a bona fide legal lease is in
15 the vehicle.

16 SECTION 63. AMENDATORY 47 O.S. 2001, Section 1140, as
17 last amended by Section 1, Chapter 386, O.S.L. 2009 (47 O.S. Supp.
18 2010, Section 1140), is amended to read as follows:

19 Section 1140. A. The Oklahoma Tax Commission shall adopt rules
20 prescribing minimum qualifications and requirements for locating
21 motor license agencies and for persons applying for appointment as a
22 motor license agent; provided, after the effective date of this act
23 such qualifications and requirements shall apply to agents in all
24

1 areas of this state. Such qualifications and requirements shall
2 include, but not be limited to, the following:

3 1. Necessary job skills and experience;

4 2. Minimum office hours;

5 3. Provision for sufficient staffing, equipment, office space
6 and parking to provide maximum efficiency and maximum convenience to
7 the public;

8 4. Obtainment of a faithful performance surety bond as provided
9 for by law;

10 5. A requirement that operation of a motor license agency be
11 the primary source of income for said agent;

12 6. That the applicant has not been convicted of a felony and
13 that no felony charges are pending against the applicant;

14 7. That a complete financial statement be submitted by the
15 applicant on forms provided by the Tax Commission;

16 8. That a report of the applicant's credit history be obtained
17 through the appropriate credit bureau; and

18 9. That the location specified in the application for
19 appointment as a motor license agent not be owned by a member of the
20 Oklahoma Legislature or any person related to a member of the
21 Oklahoma Legislature within the third degree by consanguinity or
22 affinity and that the location not be within a three-mile radius of
23 an existing motor license agency unless the applicant is assuming
24 the location of an operating agency. The Tax Commission may, at its

1 discretion, approve the relocation of an existing agency within a
2 three-mile radius of another existing agency only if a naturally
3 intervening geographic barrier within that radius causes the
4 locations to be separated by not less than three (3) miles of
5 roadway by the most direct route.

6 After the necessary information has been forwarded to the Tax
7 Commission, each applicant shall be interviewed by the Tax
8 Commission or its designees and each item of information shall be
9 reviewed.

10 Any person making application to the Tax Commission for the
11 purpose of becoming a motor license agent shall pay when submitting
12 the application, a nonrefundable application fee of One Hundred
13 Dollars (\$100.00). All such application fees shall be deposited in
14 the Oklahoma Tax Commission Revolving Fund.

15 Upon application by a person to serve as a motor license agent,
16 in such counties, the Tax Commission shall make a determination
17 whether such person and such location meets the qualifications and
18 requirements prescribed herein and, if such be the case, shall
19 appoint such person to serve as a motor license agent.

20 A motor license agent, appointed pursuant to this subsection
21 shall be permitted to operate a motor license agency at a single
22 location and shall be prohibited from operating subagencies or
23 branch agencies, unless such subagencies or branch agencies were
24 established prior to June 1, 1985.

1 Unless otherwise specifically provided, motor license agents
2 appointed pursuant to this subsection shall be subject to all laws
3 relating to motor license agents and shall be subject to removal at
4 the will of the Tax Commission.

5 B. Before the effective date of this act, in all counties of
6 this state having a population of less than one hundred thirty
7 thousand (130,000) and in municipalities having a population of less
8 than eight thousand five hundred (8,500) located in a county having
9 a population in excess of one hundred thirty thousand (130,000),
10 according to the latest Federal Decennial Census, the Tax Commission
11 shall appoint as many motor license agents as it deems necessary to
12 carry out the provisions of the ~~Motor~~ Oklahoma Vehicle License and
13 Registration Act. Provided, that in counties with a population in
14 excess of twenty-five thousand (25,000) persons, according to the
15 latest Federal Decennial Census, having only one motor license agent
16 serving the county, the Tax Commission shall establish at least one
17 additional agency to serve the county. Any motor license agent
18 appointed pursuant to this subsection before the effective date of
19 this act may continue to serve until such agent vacates the position
20 by reason of resignation, removal, death or otherwise.

21 All motor license agents shall be self-employed independent
22 contractors and shall be under the supervision of the Tax
23 Commission; provided, any agent authorized to issue registrations
24 pursuant to the International Registration Plan shall also be under

1 the supervision of the Corporation Commission, subject to rules
2 promulgated by the Corporation Commission pursuant to the provisions
3 of subsection E of Section 1166 of this title. Any such agent, upon
4 being appointed, shall furnish and file with the Tax Commission a
5 bond in such amount as may be fixed by the Tax Commission. Such
6 agent shall be removable at the will of the Tax Commission. Such
7 agent shall perform all duties and do such things in the
8 administration of the laws of this state as shall be enjoined upon
9 and required by the Tax Commission or the Corporation Commission.
10 Provided, the Tax Commission may operate a motor license agency in
11 any county where a vacancy occurs.

12 C. In the event of a vacancy existing by reason of resignation,
13 removal, death or otherwise, in the position of any motor license
14 agent, the Tax Commission is hereby empowered and authorized to take
15 any and all actions it deems appropriate in order to provide for the
16 orderly transition and for the maintenance of operations of the
17 motor license agency including but not limited to the designation of
18 one of its regular employees to serve as "acting agent" without
19 bond, and to receive and expend all fees or charges authorized or
20 provided by law and exercise the same powers and authority as a
21 regularly appointed motor license agent. An acting agent may be
22 authorized by the Tax Commission equally as the preceding agent to
23 make disbursements from any balances in the preceding motor license
24 agent's operating account and the agent's operating funds for the

1 payment of expenses of operations and salaries and other overhead.
2 If such funds are insufficient, the Tax Commission is authorized to
3 expend from funds appropriated for the operation of the Tax
4 Commission such amounts as are necessary to maintain and continue
5 the operation of any such motor license agency until a successor
6 agent is appointed and qualified. The Tax Commission may require a
7 blanket fiduciary bond of the agency employees.

8 D. Any motor license agency operated by a motor license agent
9 who has been charged with a felony shall be closed immediately. The
10 State Auditor and Inspector shall immediately conduct an audit of
11 such motor license agency and forward the report of the audit to the
12 Tax Commission for review. The Tax Commission shall determine
13 whether the motor license agency shall be reopened and operated by
14 the motor license agent or whether the agency shall be reopened and
15 operated by the Tax Commission. The review of the audit and the Tax
16 Commission determination shall be effected as soon as possible to
17 prevent additional inconvenience to the public.

18 E. When an application for registration is made with the Tax
19 Commission, Corporation Commission or a motor license agent, a
20 registration fee of One Dollar and seventy-five cents (\$1.75) shall
21 be collected for each license plate or decal issued. Such fees
22 shall be in addition to the registration fees on motor vehicles and
23 when an application for registration is made to the motor license
24 agent such motor license agent shall retain a fee as provided in

1 Section 1141.1 of this title. When the fee is paid by a person
2 making application directly with the Tax Commission or Corporation
3 Commission, as applicable, the registration fees shall be in the
4 same amount as provided for motor license agents and the fee
5 provided by Section 1141.1 of this title shall be deposited in the
6 Oklahoma Tax Commission Revolving Fund or as provided in Section
7 1167 of this title, as applicable. The Tax Commission shall prepare
8 schedules of registration fees and charges for titles which shall
9 include the fees for such agents and all fees and charges paid by a
10 person shall be listed separately on the application and
11 registration and totaled on the application and registration. The
12 motor license agents shall charge only such fees as are specifically
13 provided for by law, and all such authorized fees shall be posted in
14 such a manner that any person shall have notice of all fees that are
15 imposed by law.

16 F. No person shall be appointed as a motor license agent unless
17 the person has attested under oath that the person is not related by
18 affinity or consanguinity within the third degree to:

19 1. Any member of the Oklahoma Legislature;

20 2. Any person who has served as a member of the Oklahoma

21 Legislature within the two-year period preceding the date of
22 appointment as motor license agent; or

23 3. Any employee of the Tax Commission.

24

1 G. Any motor license agent appointed under the provisions of
2 this title shall be responsible for all costs incurred by the Tax
3 Commission when relocating an existing motor license agency. The
4 Tax Commission may waive payment of such costs in case of unforeseen
5 business or emergency conditions beyond the control of the agent.

6 SECTION 64. AMENDATORY 47 O.S. 2001, Section 1151, as
7 last amended by Section 20, Chapter 412, O.S.L. 2010 (47 O.S. Supp.
8 2010, Section 1151), is amended to read as follows:

9 Section 1151. A. It shall be unlawful for any person to commit
10 any of the following acts:

11 1. To lend or to sell to, or knowingly permit the use of by,
12 one not entitled thereto any certificate of title, license plate or
13 decal issued to or in the custody of the person so lending or
14 permitting the use thereof;

15 2. To alter or in any manner change a certificate of title,
16 registration certificate, license plate or decal issued under the
17 laws of this or any other state;

18 3. To procure from another state or country, or display upon
19 any vehicle owned by such person within this state, except as
20 otherwise provided in the Oklahoma Vehicle License and Registration
21 Act, any license plate issued by any state or country other than
22 this state, unless there shall be displayed upon such vehicle at all
23 times the current license plate and decal assigned to it by the
24 Oklahoma Tax Commission or the Corporation Commission or the vehicle

1 shall display evidence that the vehicle is registered as a
2 nonresident vehicle pursuant to rules promulgated by the Tax
3 Commission, with the concurrence of the Department of Public Safety.
4 A violation of the provisions of this paragraph shall be presumed to
5 have occurred if a person who is the holder of an Oklahoma driver
6 license operates a vehicle owned by such person on the public roads
7 or highways of this state and there is not displayed on the vehicle
8 a current Oklahoma license plate and decal, unless the vehicle is
9 owned by a member of the Armed Forces of the United States assigned
10 to duty in this state in compliance with official military or naval
11 orders or the spouse of such a member of the Armed Forces;

12 4. To drive, operate or move, or for the owner to cause or
13 permit to be driven or moved, upon the roads, streets or highways of
14 this state, any vehicle loaded in excess of its registered laden
15 weight, or which is licensed for a capacity less than the
16 manufacturer's rated capacity as provided for in the Oklahoma
17 Vehicle License and Registration Act;

18 5. To operate a vehicle without proper license plate or decal
19 or on which all taxes due the state have not been paid;

20 6. To buy, sell or dispose of, or possess for sale, use or
21 storage, any secondhand or used vehicle on which the registration or
22 license fee has not been paid, as required by law, and on which
23 vehicle the person neglects, fails or refuses to display at all
24 times the license plate or decal assigned to it;

1 7. To give a fictitious name or fictitious address or make any
2 misstatement of facts in application for certificate of title and
3 registration of a vehicle;

4 8. To purchase a license plate on an assigned certificate of
5 title. This particular paragraph shall be applicable to all persons
6 except a bona fide registered dealer in used cars who are holders of
7 a current and valid used car dealer license;

8 9. To operate a vehicle upon the highways of this state after
9 the registration deadline for that vehicle without a proper license
10 plate, as prescribed by the Oklahoma Vehicle License and
11 Registration Act, for the current year;

12 10. For any owner of a vehicle registered on the basis of laden
13 weight to fail or refuse to weigh or reweigh it when requested to do
14 so by any law enforcement officer charged with the duty of enforcing
15 this law;

16 11. To operate or possess any vehicle which bears a motor
17 number or serial number other than the original number placed
18 thereon by the factory except a number duly assigned and authorized
19 by the state;

20 12. For any motor license agent to release a license plate, a
21 manufactured home registration receipt, decal or excise tax receipt
22 to any unauthorized person or source, including any dealer in new or
23 used motor vehicles. Violation of this paragraph shall constitute

1 sufficient grounds for discharge of a motor license agent by the Tax
2 Commission;

3 13. To operate any vehicle registered as a commercial vehicle
4 without the lettering requirements of Section 1102 of this title; or

5 14. To operate any vehicle in violation of the provisions of
6 Sections 7-600 through 7-606 of this title while displaying a yearly
7 decal issued to the owner who has filed an affidavit with the
8 appropriate motor license agent in accordance with Section 7-607 of
9 this title.

10 Any person convicted of violating any provision of this
11 subsection, other than paragraph 3 of this subsection, shall be
12 deemed guilty of a misdemeanor and upon conviction shall be punished
13 by a fine not to exceed Five Hundred Dollars (\$500.00). Any person
14 convicted of violating the provisions of paragraph 3 of this
15 subsection shall be deemed guilty of a misdemeanor and, upon
16 conviction, shall be punished by a fine of not less than One Hundred
17 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00)
18 and shall be required to obtain an Oklahoma license plate.

19 ~~Employees of the Corporation Commission may be authorized by the~~
20 ~~Corporation Commission to issue citations to motor carriers or~~
21 ~~operators of commercial motor vehicles, pursuant to the jurisdiction~~
22 ~~of the Corporation Commission, for a violation of this subsection.~~
23 ~~If a person convicted of violating the provisions of this subsection~~
24 ~~was issued a citation by a duly authorized employee of the~~

1 ~~Corporation Commission, the fine herein levied shall be apportioned~~
2 ~~as provided in Section 1167 of this title.~~

3 B. Except as otherwise authorized by law, it shall be unlawful
4 to:

5 1. Lend or sell to, or knowingly permit the use of by, one not
6 entitled thereto any certificate of title issued for a manufactured
7 home, manufactured home registration receipt, manufactured home
8 registration decal or excise tax receipt;

9 2. Alter or in any manner change a certificate of title issued
10 for a manufactured home under the laws of this state or any other
11 state;

12 3. Remove or alter a manufactured home registration receipt,
13 manufactured home registration decal or excise tax receipt attached
14 to a certificate of title or attach such receipts to a certificate
15 of title with the intent to misrepresent the payment of the required
16 excise tax and registration fees;

17 4. Buy, sell, or dispose of, or possess for sale, use or
18 storage any used manufactured home on which the registration fees or
19 excise taxes have not been paid as required by law; or

20 5. Purchase identification, manufactured home registration
21 receipt, manufactured home registration decal or excise tax receipt
22 on an assigned certificate of title.

23 Anyone violating the provisions of this subsection, upon
24 conviction, shall be guilty of a felony.

1 C. In the event a new vehicle is not registered within thirty
2 (30) days from date of purchase, the penalty for the failure of the
3 owner of the vehicle to register the vehicle within thirty (30) days
4 shall be One Dollar (\$1.00) per day; provided, that in no event
5 shall the penalty exceed One Hundred Dollars (\$100.00). Of each
6 dollar penalty collected pursuant to this subsection:

7 1. Twenty-five cents (\$0.25) shall be apportioned as provided
8 in Section 1104 of this title;

9 2. Twenty-five cents (\$0.25) shall be retained by the motor
10 license agent; and

11 3. Fifty cents (\$0.50) shall be deposited in the General
12 Revenue Fund for the fiscal year beginning on July 1, 2010, and for
13 all subsequent fiscal years, shall be deposited in the State Highway
14 Construction and Maintenance Fund. The penalty for new commercial
15 vehicles shall be equal to the license fee for such vehicles.

16 If a used vehicle is brought into Oklahoma by a resident of this
17 state and is not registered within thirty (30) days, a penalty of
18 One Dollar (\$1.00) per day shall be charged from the date of entry
19 to the date of registration; provided, that in no event shall the
20 penalty exceed One Hundred Dollars (\$100.00). Of each dollar
21 penalty collected pursuant to this subsection:

22 1. Twenty-five cents (\$0.25) shall be apportioned as provided
23 in Section 1104 of this title;

1 2. Twenty-five cents (\$0.25) shall be retained by the motor
2 license agent; and

3 3. Fifty cents (\$0.50) shall be deposited in the General
4 Revenue Fund for the fiscal year beginning on July 1, 2010, and for
5 all subsequent fiscal years, shall be deposited in the State Highway
6 Construction and Maintenance Fund. The penalty for used commercial
7 vehicles shall be equal to the license fee for such vehicles.

8 D. Any owner who knowingly makes or causes to be made any false
9 statement of a fact required in this section to be shown in an
10 application for the registration of one or more vehicles shall be
11 deemed guilty of a misdemeanor and, upon conviction, shall be fined
12 not more than One Thousand Dollars (\$1,000.00), or shall be
13 imprisoned in the county jail for not more than one (1) year, or by
14 both such fine and imprisonment.

15 E. The following self-propelled or motor-driven and operated
16 vehicles shall not be registered under the provisions of the
17 Oklahoma Vehicle License and Registration Act or, except as provided
18 for in Section 11-1116 of this title, be permitted to be operated on
19 the streets or highways of this state:

20 1. Vehicles known and commonly referred to as "minibikes" and
21 other similar trade names; provided, minibikes may be registered and
22 operated in this state by food vendor services upon streets having a
23 speed limit of thirty (30) miles per hour or less;

24 2. Golf carts;

1 3. Go-carts; and

2 4. Other motor vehicles, except motorcycles, which are

3 manufactured principally for use off the streets and highways.

4 Transfers and sales of such vehicles shall be subject to sales
5 tax and not motor vehicle excise taxes.

6 F. Any person violating paragraph 3 or 6 of subsection A of
7 this section, in addition to the penal provisions provided in this
8 section, shall pay as additional penalty a sum equal to the amount
9 of license fees due on such vehicle or registration fees due on a
10 manufactured home known to be in violation and such amount is hereby
11 declared to be a lien upon the vehicle as provided in the Oklahoma
12 Vehicle License and Registration Act. In addition to the penalty
13 provisions provided in this section, any person violating paragraph
14 3 of subsection A of this section shall be deemed guilty of a
15 misdemeanor and shall, upon conviction, be punished by a fine of One
16 Hundred Dollars (\$100.00).

17 G. Each violation of any provision of the Oklahoma Vehicle
18 License and Registration Act for each and every day such violation
19 has occurred shall constitute a separate offense.

20 H. Anyone violating any of the provisions heretofore enumerated
21 in this section shall be guilty of a misdemeanor and upon conviction
22 shall be fined not less than Ten Dollars (\$10.00) and not to exceed
23 Three Hundred Dollars (\$300.00).

1 I. Any violation of any portion of the Oklahoma Vehicle License
2 and Registration Act where a specific penalty has not been imposed
3 shall constitute a misdemeanor and upon conviction thereof the
4 person having violated it shall be fined not less than Ten Dollars
5 (\$10.00) and not to exceed Three Hundred Dollars (\$300.00).

6 J. Any provision of Section 1101 et seq. of this title
7 providing for proportional registration under reciprocal agreements
8 and the International Registration Plan that relates to the
9 promulgation of rules and regulations shall not be subject to the
10 provisions of this section.

11 SECTION 65. AMENDATORY Section 2, Chapter 522, O.S.L.

12 2004 (47 O.S. Supp. 2010, Section 1166), is amended to read as
13 follows:

14 Section 1166. A. Effective July 1, 2004, all powers, duties
15 and responsibilities exercised by the Motor Vehicle Enforcement
16 Section shall be transferred from the Oklahoma Tax Commission to the
17 Corporation Commission. Beginning July 1, 2004, and effective July
18 1, 2005, all powers, duties and responsibilities exercised by the
19 International Registration Plan Section and the International Fuel
20 Tax Agreement Section shall be transferred from the Tax Commission
21 to the Corporation Commission. All records, property and matters
22 pending of the sections shall be transferred to the Corporation
23 Commission. ~~Funds sufficient to administer the powers, duties and~~
24 ~~responsibilities exercised by these sections shall be appropriated~~

1 or allocated to the Corporation Commission for fiscal year 2005 as
2 provided herein. Such funds appropriated or allocated to the
3 Corporation Commission shall not be subject to budgetary
4 limitations. The Director of State Finance is hereby authorized to
5 transfer such funds as may be necessary to effect such allocations.

6 B. The period of July 1, 2004, through June 30, 2005, shall be
7 a transitional period in which the Corporation Commission shall
8 gradually assume complete administration and management over the
9 powers, duties, responsibilities and staff currently carrying out
10 the administration of the International Registration Plan Section
11 and the International Fuel Tax Agreement Section. During this
12 transition period, the employees assigned to the International
13 Registration Plan Section and the International Fuel Tax Agreement
14 Section shall continue to be employees of the Tax Commission unless
15 otherwise agreed to by the Tax Commission and the Corporation
16 Commission. Effective July 1, 2005, the International Registration
17 Plan Section and the International Fuel Tax Agreement Section shall
18 be administered solely by the Corporation Commission. For the
19 period of July 1, 2004, through June 30, 2005, the Corporation
20 Commission and the Tax Commission shall enter into a contract
21 whereby funds shall be paid to the Tax Commission by the Corporation
22 Commission in exchange for the Tax Commission's agreement to
23 continue to operate the International Registration Plan Section and
24 the International Fuel Tax Agreement Section.

1 C. The powers, duties and responsibilities exercised by the
2 Motor Vehicle Enforcement Section of the Tax Commission shall be
3 fully transferred to the Corporation Commission on July 1, 2004.

4 D. All employees of the Tax Commission whose duties are
5 transferred under this act shall be transferred to the Corporation
6 Commission. Personnel transferred pursuant to the provisions of
7 this section shall not be required to accept a lesser salary than
8 presently received; provided, the provisions of this section shall
9 not operate to prohibit the Corporation Commission or the Tax
10 Commission from imposing furloughs or reductions-in-force with
11 respect to such personnel as allowed by law. Personnel transferred
12 shall be placed within the classification level in which they meet
13 qualifications without an entrance exam. All such persons shall
14 retain seniority, leave, sick and annual time earned and any
15 retirement benefits which have accrued during their tenure with the
16 Tax Commission. The transfer of personnel among the agencies shall
17 be coordinated with the Office of Personnel Management.

18 E. Effective July 1, 2004, any administrative rules promulgated
19 by the Tax Commission related to the administration of the
20 International Registration Plan authorized by Section 1120 of Title
21 ~~47 of the Oklahoma Statutes this title~~, the International Fuel Tax
22 Agreement authorized by Section 607 of Title 68 of the Oklahoma
23 Statutes, or ~~the enforcement of by~~ Section 1115.1 of ~~Title 47 of the~~
24 ~~Oklahoma Statutes this title~~ shall be transferred to and become a

1 part of the administrative rules of the Corporation Commission. The
2 Office of Administrative Rules in the Secretary of State's office
3 shall provide adequate notice in the Oklahoma Register of the
4 transfer of rules, and shall place the transferred rules under the
5 Administrative Code section of the Corporation Commission. From and
6 after July 1, 2004, any amendment, repeal or addition to the
7 transferred rules shall be under the jurisdiction of the Corporation
8 Commission. All documents issued by the sections transferred to the
9 Corporation Commission, including, but not limited to, vehicle
10 registrations and permits, shall be deemed to have been issued by
11 the Corporation Commission.

12 F. The Corporation Commission may promulgate rules necessary
13 for the utilization of motor license agents in the registration of
14 vehicles pursuant to Section 1120 of ~~Title 47 of the Oklahoma~~
15 Statutes this title.

16 SECTION 66. AMENDATORY Section 3, Chapter 522, O.S.L.
17 2004, as last amended by Section 1, Chapter 102, O.S.L. 2008 (47
18 O.S. Supp. 2010, Section 1167), is amended to read as follows:

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

1 provided herein and shall provide such parties an opportunity to be
2 heard prior to promulgation.

3 B. The Corporation Commission shall adjudicate ~~enforcement~~
4 administrative actions initiated by Corporation Commission
5 personnel.

6 C. Revenue derived from all fines and penalties collected or
7 received by the Corporation Commission pursuant to the provisions of
8 this act shall be apportioned as follows:

9 1. The first Eight Hundred Fifty Thousand Dollars (\$850,000.00)
10 collected or received each fiscal year shall be remitted to the
11 Oklahoma Tax Commission and apportioned as provided in Section 1104
12 of this title;

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

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

19 D. There is hereby created in the State Treasury a revolving
20 fund for the Corporation Commission to be known and designated as
21 the "Trucking One-Stop Shop Fund". The Trucking One-Stop Shop Fund
22 shall consist of:

23 1. All funds apportioned thereto in subsection C of this
24 section;

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

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

6 The fund shall be a continuing fund, not subject to fiscal year
7 limitations, and shall not be subject to legislative appropriation.

8 Monies in the Trucking One-Stop Shop Fund shall only be expended for
9 direct expenses relating to the Trucking One-Stop Shop Act.

10 Expenditures from the revolving fund shall be made pursuant to the
11 laws of this state. In addition, expenditures from the revolving
12 fund may be made pursuant to The Oklahoma Central Purchasing Act for
13 the purpose of immediately responding to emergency situations,
14 within the ~~Commission's~~ jurisdiction of the Commission, having
15 potentially critical environmental or public safety impact.

16 Warrants for expenditures from the fund shall be drawn by the State
17 Treasurer against claims filed as prescribed by law with the
18 Director of State Finance for approval and payment.

19 E. There is hereby created in the State Treasury a revolving
20 fund for the Department of Transportation to be designated the
21 "Weigh Station Improvement Revolving Fund". The fund shall be a
22 continuing fund, not subject to fiscal year limitations, and shall
23 consist of all monies deposited thereto. All monies accruing to the
24 credit of the fund are hereby appropriated and may be budgeted and

1 expended by the Department for the purpose of constructing,
2 equipping and maintaining facilities to determine the weight of
3 vehicles traveling on the roads and highways of this state.
4 Expenditures from the fund shall be made upon warrants issued by the
5 State Treasurer against claims filed as prescribed by law with the
6 Director of State Finance for approval and payment.

7 SECTION 67. AMENDATORY Section 4, Chapter 522, O.S.L.
8 2004 (47 O.S. Supp. 2010, Section 1168), is amended to read as
9 follows:

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

1 SECTION 68.

2 AMENDATORY

3 Section 11, Chapter 238, O.S.L.

4 2006 (47 O.S. Supp. 2010, Section 1169), is amended to read as
5 follows:6 Section 1169. A. The Corporation Commission is authorized to
7 revoke, suspend or deny the issuance, extension or reinstatement of
8 any Corporation Commission issued motor carrier or commercial motor
9 vehicle license, permit, registration, certificate or duplicate copy
10 thereof issued pursuant to the jurisdiction of the ~~Corporation~~
11 Commission, to any person who shall be guilty of:12 1. Violation of any of the provisions of applicable state law,
13 as determined by adjudication by a court of competent jurisdiction;14 2. Violation of rules promulgated by the ~~Corporation~~
15 Commission;16 3. Failure to observe or fulfill the conditions upon which the
17 license, permit, registration or certificate was issued;18 4. Nonpayment of any delinquent tax, fee or penalty to the
19 Commission or the State of Oklahoma; or20 5. Nonpayment of a uniform base state program delinquent tax,
21 fee or penalty to a state or province participating with the
22 ~~Corporation~~ Commission in that program.23 B. The interest or penalty or any portion thereof ordinarily
24 accruing by failure of the motor carrier, registrant or licensee to
properly file a report or return may be waived or reduced by the
Corporation Commission. No interest or penalties in excess of Ten

1 Thousand Dollars (\$10,000.00) shall be allowed except by order of
2 the Commission.

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

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

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

8 SECTION 69. AMENDATORY Section 12, Chapter 238, O.S.L.

9 2006 (47 O.S. Supp. 2010, Section 1170), is amended to read as
10 follows:

11 Section 1170. A. Reports and files of the Corporation
12 Commission concerning the administration of the International
13 Registration Plan and the International Fuel Tax Agreement, shall be
14 considered confidential and privileged, except as otherwise provided
15 for by law, and neither the Commission nor any employee engaged in
16 the administration of the International Registration Plan or
17 International Fuel Tax Agreement or charged with the custody of any
18 such reports or records nor any person who may have secured such
19 reports or records from the Commission shall disclose any
20 information obtained from the reports or records of any person.

21 B. The provisions of this section shall not prevent the
22 Commission from disclosing the following information and no
23 liability whatsoever, civil or criminal, shall attach to any member
24

1 of the Commission or any employee thereof for any error or omission
2 in the disclosure of such information:

3 1. The delivery to a taxpayer or a duly authorized
4 representative of the taxpayer of a copy of any report or any other
5 paper filed by the taxpayer pursuant to the provisions of the
6 International Registration Plan or the International Fuel Tax
7 Agreement;

8 2. The exchange of information that is not protected by the
9 federal Privacy Protection Act, 42 U.S.C., Section 2000aa et seq.,
10 pursuant to reciprocal agreements or compacts entered into by the
11 Commission and other state agencies or agencies of the federal
12 government;

13 3. The publication of statistics so classified as to prevent
14 the identification of a particular report and the items thereof;

15 4. The examination of records and files by the State Auditor
16 and Inspector or the duly authorized agents of the State Auditor and
17 Inspector;

18 5. The disclosing of information or evidence to the Oklahoma
19 State Bureau of Investigation, Attorney General, Oklahoma State
20 Bureau of Narcotics and Dangerous Drugs Control, any district
21 attorney, or agent of any federal law enforcement agency when the
22 information or evidence is to be used by such officials to
23 investigate or prosecute violations of the criminal provisions of
24 the Uniform Tax Procedure Code or of any state tax law or of any

1 federal crime committed against this state. Any information
2 disclosed to the Oklahoma State Bureau of Investigation, Attorney
3 General, Oklahoma State Bureau of Narcotics and Dangerous Drugs
4 Control, any district attorney, or agent of any federal law
5 enforcement agency shall be kept confidential by such person and not
6 be disclosed except when presented to a court in a prosecution for
7 violation of the tax laws of this state or except as specifically
8 authorized by law, and a violation by the Oklahoma State Bureau of
9 Investigation, Attorney General, Oklahoma State Bureau of Narcotics
10 and Dangerous Drugs Control, district attorney, or agent of any
11 federal law enforcement agency by otherwise releasing the
12 information shall be a felony;

13 6. The use by any division of the Commission of any information
14 or evidence in the possession of or contained in any report or
15 return filed or documents obtained by the Commission in the
16 administration of the International Fuel Tax Agreement or the
17 International Registration Plan;

18 7. The furnishing, at the discretion of the Commission, of any
19 information disclosed by its records or files to any official person
20 or body of this state, any other state, the United States, or
21 foreign country who is concerned with the administration or
22 assessment of any similar tax in this state, any other state or
23 province or the United States;

24

1 8. The furnishing of information as to the issuance or
2 revocation of any registration or license by the Commission as
3 provided for by law. Such information shall be limited to the name
4 of the person issued the permit or license, the name of the business
5 entity authorized to engage in business pursuant to the permit or
6 license, the address of the business entity, and the grounds for
7 revocation;

8 9. The disclosure of information to any person for a purpose as
9 authorized by the taxpayer pursuant to a waiver of confidentiality.
10 The waiver shall be in writing and shall be made upon such form as
11 the Commission may prescribe;

12 10. The disclosure of information directly involved in the
13 resolution of the protest by a taxpayer to an assessment of tax or
14 additional tax or the resolution of a claim for a refund filed by a
15 taxpayer, including the disclosure of the pendency of an
16 administrative proceeding involving such protest or claim, to a
17 person called by the Commission as an expert witness or as a witness
18 whose area of knowledge or expertise specifically addresses the
19 issue addressed in the protest or claim for refund. Such disclosure
20 to a witness shall be limited to information pertaining to the
21 specific knowledge of that witness as to the transaction or
22 relationship between taxpayer and witness;

23 11. The furnishing to a prospective purchaser of any business,
24 or his or her authorized representative, of information relating to

1 any liabilities, delinquencies, assessments or warrants of the
2 prospective seller of the business which have not been filed of
3 record, established, or become final and which relate solely to the
4 seller's business. Any disclosure under this paragraph shall only
5 be allowed upon the presentment by the prospective buyer, or the
6 buyer's authorized representative, of the purchase contract and a
7 written authorization between the parties; or

8 12. The furnishing of information as to the amount of state
9 revenue affected by the issuance or granting of any registration or
10 license or credit issued by the Corporation Commission as provided
11 for by law. Such information shall be limited to the type of
12 registration, license or credit issued or granted, the date and
13 duration of such registration, license or credit, and the amount of
14 such revenue. The provisions of this paragraph shall not authorize
15 the disclosure of the name of the person issued such registration,
16 license, exemption, credit, or the name of the business entity
17 authorized to engage in business pursuant to the registration,
18 license or credit.

19 SECTION 70. REPEALER 47 O.S. 2001, Section 171.2, is
20 hereby repealed.

21 SECTION 71. REPEALER 47 O.S. 2001, Section 172.1, is
22 hereby repealed.

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1 SECTION 72. This act shall become effective November 1, 2011.

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3 53-1-6690

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