

FLOOR 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 deleting Sections 3, 4, 5, 7, 12, 13, 14, 28, 48, 59, 61, 63, 65, 67 and 73 and inserting in lieu thereof new sections 3, 4, 5, 7, 12, 13, 14, 28, 48, 59, 61, 63, 65, 67 and 73 as follows:

"See attached.";

By deleting 6, 60, 71 and 72; and

By renumbering subsequent sections.

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Skye McNeil

Adopted: _____

Reading Clerk

1 "SECTION 3. AMENDATORY 47 O.S. 2011, Section 14-110, is
2 amended to read as follows:

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

6 1. Any officer of the Department of Public Safety, Oklahoma
7 ~~Corporation Commission,~~ or any sheriff for inspection, ~~and it; or~~
8 2. Any enforcement officer of the Corporation Commission at or
9 within seven (7) miles of a weigh station for inspection.

10 Such registration certificate shall be accepted in any court as
11 prima facie evidence of weight registration or legally authorized
12 load limit of the vehicle.

13 SECTION 4. AMENDATORY 47 O.S. 2011, Section 14-111, is
14 amended to read as follows:

15 Section 14-111. A. Any officer of the Department of Public
16 Safety, any enforcement officer of the Corporation Commission at or
17 within seven (7) miles of a weigh station, any sheriff, or any
18 salaried deputy sheriff is authorized to stop any vehicle upon any
19 road or highway ~~in order to~~ and weigh such vehicle by means of
20 portable or stationary scales, or cause the same to be weighed by
21 any official weigher, or upon any privately owned scales and may
22 require that such vehicles be driven to the nearest or most
23 convenient available scales for the purpose of weighing. In the
24 event that any axle weight or the gross weight of any such vehicle

1 be found to exceed the maximum weight authorized by law, or by
2 permit issued therefor, the officer may require, in the case of
3 separable loads, the driver, operator or owner thereof to unload at
4 the site such portion of the load as may be necessary to decrease
5 the weight of such vehicle to the maximum weight authorized by law.
6 Provided, however, that if such load consists of livestock,
7 perishable merchandise, or merchandise that may be destroyed by the
8 weather, then the driver shall be permitted to proceed to the
9 nearest practical unloading point in the direction of destination
10 before discharging such excess cargo. All material so unloaded
11 shall be cared for by the owner or operator of such vehicle at the
12 risk of such owner or operator.

13 B. The operator of any truck or other vehicle transporting farm
14 products for hire or other merchandise for hire shall have in his or
15 her possession a certificate carrying the following information:
16 name of the operator; driver license number; vehicle registration
17 number; Corporation Commission permit number; and statement of owner
18 authorizing transportation of the products by above named operator.
19 For the purposes of this section "certificate" includes electronic
20 manifests and other similar documents that include all of the
21 information required pursuant to this section.

22 Should the vehicle be loaded with livestock, the certificate
23 shall include the number of animals, and should the livestock be the
24 property of more than one person, a certificate signed by each owner

1 carrying the above information including the number of animals owned
2 by each owner shall be carried by the operator. Should the operator
3 be the owner of the merchandise or livestock, the merchandise or
4 livestock having just been purchased, the operator shall have in his
5 or her possession a bill of sale for such merchandise or livestock.
6 Should the operator be the owner of livestock or other farm products
7 produced by the operator, the operator shall be required to show
8 satisfactory identification and ownership of the vehicle. Any
9 officer as outlined in this chapter shall have the authority to stop
10 any vehicle loaded with livestock, merchandise or other farm
11 products and investigate as to the ownership of the merchandise,
12 livestock or other farm products. Should the operator of any
13 vehicle be unable to establish to the satisfaction of the officer
14 the ownership of the merchandise, livestock or other products, or
15 shall not have the certificate as specified in this section for the
16 transportation of such merchandise, livestock or other farm
17 products, the merchandise, livestock or other farm products and the
18 vehicle in which they are being transported shall be impounded by
19 the officer and any expense as to the care of any livestock shall be
20 the responsibility of the owner or operator of the vehicle, and any
21 loss or damage of the merchandise, livestock or other farm products
22 shall be the responsibility of the operator or owner, or both.

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1 The provisions of this subsection shall not apply to a person
2 who is transporting horses or livestock; provided, the person shall
3 not have been hired to transport the horses or livestock.

4 SECTION 5. AMENDATORY 47 O.S. 2011, Section 116.13, is
5 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 weigh
8 station shall at all times while on duty be required to be dressed
9 in a distinctive uniform and display a badge of office, both of
10 which shall be completely different and distinguishable from those
11 of the Oklahoma Highway Patrol Division, the Department of Public
12 Safety, the Department of Transportation, and the Oklahoma Tax
13 Commission. All such badges shall be furnished by the Corporation
14 Commission and each badge shall display a distinctive serial number.
15 The type and detail of the uniforms shall be designated by the
16 Corporation Commission and the Corporation Commission shall furnish
17 the uniforms and replace them when necessary. An expense allowance
18 of One Hundred Dollars (\$100.00) per month for maintenance and
19 cleaning of uniforms shall be paid to each enforcement officer of
20 the Corporation Commission assigned to a weigh station.

21 B. Any person who without authority wears the badge or uniform
22 of a Corporation Commission enforcement officer, or who without
23 authority impersonates such an officer, with intent to deceive
24 anyone, shall be guilty of a misdemeanor.

1 SECTION 7. AMENDATORY 47 O.S. 2011, Section 162, is

2 amended to read as follows:

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

4 1. Supervise and regulate every motor carrier of household
5 goods;

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

9 3. Ensure motor carriers of household goods are complying with
10 applicable size and weight laws and safety requirements through the
11 use of weigh stations;

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

17 5. Enforce the provisions of this act.

18 B. The Commission is authorized to promulgate rules applicable
19 to persons transporting household goods.

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

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

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

14 E. The Commission is authorized to promulgate rules and set
15 fees applicable to interstate motor carriers, pertaining to carrier
16 registration, operation of equipment and filing of proper proof of
17 liability insurance.

18 F. Nothing in this section shall be construed to remove or
19 affect the jurisdiction of the Department of Public Safety and its
20 authorities, responsibilities and duties prescribed by Section 2-117
21 and Sections 14-101 through 14-123 of this title.

22 SECTION 12. AMENDATORY 47 O.S. 2011, Section 171, is
23 amended to read as follows:

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

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

21 SECTION 13. AMENDATORY 47 O.S. 2011, Section 171.1, is
22 amended to read as follows:

23 Section 171.1 In addition to other uses authorized by law,
24 funds provided to the Corporation Commission Revolving Fund pursuant

1 to Sections 165, 177.2 and 180h of this title shall be expended as
2 follows:

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

18 2. The Commission shall purchase a sufficient number of motor
19 vehicles to provide each motor carrier enforcement officer employed
20 in the Transportation Division a motor vehicle suitable to carry out
21 the enforcement provisions of applicable law. Said vehicles shall
22 be appropriately marked as official state vehicles and radio-
23 equipped. All costs for operation, maintenance and replacement of
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1 the motor vehicles authorized in this section shall be provided for
2 from the Corporation Commission Revolving Fund.

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

10 SECTION 14. AMENDATORY 47 O.S. 2011, Section 172, is
11 amended to read as follows:

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

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

19 C. Any person failing, neglecting or refusing to comply with
20 the provisions of Sections 161 through 180m of this title or the
21 Motor Carrier Act of 1995, or with any rule, regulation, or
22 requirement of the ~~Corporation~~ Commission promulgated pursuant to
23 the provisions of Sections 161 through 180m of this title or the
24 Motor Carrier Act of 1995, shall be guilty of contempt of the

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

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

22 E. Enforcement officers, appointed by the ~~Corporation~~
23 ~~Commission~~, and assigned to a weigh station are hereby declared to
24 be peace officers of this state. Such officers assigned to a weigh

1 station shall be vested with all powers of peace officers in
2 enforcing the provisions of Sections 161 through 180m of this title
3 and the Motor Carrier Act of 1995 ~~in all parts of this state when on~~
4 duty at or within seven (7) miles of a weigh station.

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

10 F. The enforcement officers when on duty at or within seven (7)
11 miles of a weigh station, upon reasonable belief that any motor
12 vehicle is being operated in violation of any provisions of Sections
13 161 through 180m of this title or the Motor Carrier Act of 1995,
14 shall be authorized to require the driver of the vehicle to stop and
15 submit to an inspection of the identification device, or devices, in
16 the vehicle, and to submit to such enforcement officer bills of
17 lading, waybills, or other evidences of the character of the
18 commerce being transported in such vehicle, and to submit to an
19 inspection of the contents of such vehicle for the purpose of
20 comparing same with bills of lading or shipping documentation,
21 waybills, or other evidences of transportation carried by the driver
22 of the vehicle. ~~The officers shall not have the right to plea~~
23 ~~bargain.~~

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

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

20 I. No state official, other than members of the Corporation
21 Commission, shall have any power, right, or authority to command,
22 order, or direct any enforcement officer to perform or not perform
23 any duty or service authorized by Sections 161 through 180m of this
24 title or the Motor Carrier Act of 1995.

1 J. Each of the enforcement Enforcement officers who staff a
2 weigh station shall, before entering upon the discharge of their
3 duties, take and subscribe to the usual oath of office and shall
4 execute to the State of Oklahoma a bond in the sum of Twenty-five
5 Thousand Dollars (\$25,000.00) each, with sufficient surety for the
6 faithful performance of their duty. The bond shall be approved and
7 filed as provided by law.

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

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

15 Section 180m. In addition to all other duties as provided by
16 law, it is hereby declared to be, and shall be the duty of all
17 sheriffs, deputy sheriffs, district attorneys, enforcement officers
18 appointed by the Corporation Commission ~~of the State of Oklahoma,~~
19 assigned to weigh stations and at or within seven (7) miles of a
20 weigh station and all highway patrolmen within the State of
21 Oklahoma:

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

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

8 3. To make arrests for the violation of the provisions of
9 Sections 180 through 180m of this title or the Motor Carrier Act of
10 1995, without the necessity of procuring a warrant;

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

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

17 6. To report all such arrests for violations of Sections 180
18 through 180m of this title to the Corporation Commission ~~of Oklahoma~~
19 within ten (10) days after making such arrest and to furnish such
20 information concerning same as the Commission may request; and

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

24

1 SECTION 48.

AMENDATORY

47 O.S. 2011, Section 230.24, is

2 amended to read as follows:

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

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

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

14 3. To ensure motor carriers and private carriers are complying
15 with the applicable size and weight laws of this state and safety
16 requirements which shall be accomplished at business locations of
17 the carriers or at or within seven (7) miles of a weigh station;

18 4. To establish there will be no detrimental environmental
19 impact; and

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

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

4 C. The Commission shall cooperate and coordinate with the
5 ~~Oklahoma~~ Department of Public Safety, which is the primary
6 enforcement agency, in regulating carrier safety, size and weight
7 regulations of motor vehicles and the transportation of hazardous
8 materials which shall be accomplished by the Commission at the
9 business location of carriers or at or within seven (7) miles of a
10 weigh station. The Commission may enter into interagency agreements
11 with the Department of Public Safety for the purpose of
12 implementing, administering and enforcing any provisions of the
13 Oklahoma Motor Carrier Safety and Hazardous Materials Transportation
14 Act and the rules ~~and regulations~~ of the Department of Public Safety
15 issued pursuant thereto.

16 D. Any license issued by the Commission may be suspended or
17 revoked due to operations conducted in violation of any laws or
18 rules and regulations pertaining to motor carriers, private
19 carriers, carrier safety, size and weight regulations of motor
20 vehicles and the transportation of hazardous materials.

21 SECTION 59. AMENDATORY 47 O.S. 2011, Section 1115, is
22 amended to read as follows:

23 Section 1115. A. Unless provided otherwise by statute, the
24 following vehicles shall be registered annually: manufactured

1 homes, vehicles registered with a permanent nonexpiring license
2 plate pursuant to Section 1113 of this title, and commercial
3 vehicles registered pursuant to the installment plan provided in
4 subsection H of Section 1133 of this title. The following schedule
5 shall apply for such vehicle purchased in this state or brought into
6 this state by residents of this state:

- 7 1. Between January 1 and March 31, the payment of the full
8 annual fee shall be required;
- 9 2. Between April 1 and June 30, the payment of three-fourths
10 (3/4) the annual fee shall be required;
- 11 3. Between July 1 and September 30, the payment of one-half
12 (1/2) the annual fee shall be required; and
- 13 4. Between October 1 and November 30, one-fourth (1/4) the
14 annual fee shall be required.

15 License plates or decals for each year shall be made available
16 on December 1 of each preceding year for such vehicles. Any person
17 who purchases such vehicle or manufactured home between December 1
18 and December 31 of any year shall register it within thirty (30)
19 days from date of purchase and obtain a license plate or
20 Manufactured Home License Registration Decal, as appropriate, for
21 the following calendar year upon payment of the full annual fee.
22 Unless provided otherwise by statute, all annual license,
23 registration and other fees for such vehicles shall be due and
24

1 payable on January 1 of each year and if not paid by February 1
2 shall be deemed delinquent.

3 B. 1. All vehicles, other than those required to be registered
4 pursuant to the provisions of subsection A of this section, shall be
5 registered on a staggered system of registration and licensing on a
6 monthly series basis to distribute the work of registering such
7 vehicles as uniformly and expeditiously as practicable throughout
8 the calendar year. After the end of the month following the
9 expiration date, the license and registration fees for the new
10 registration period shall become delinquent.

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

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

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

1 4. Effective January 1, 2004, all motorcycles and mopeds shall
2 be registered on a staggered system of registration. The Oklahoma
3 Tax Commission shall notify in writing, prior to December 1, 2003,
4 all owners of motorcycles or mopeds registered as of such date, who
5 shall have a one-time option of registering for a period of not less
6 than three (3) months nor greater than fifteen (15) months.
7 Subsequent renewals for these registrants will be for twelve (12)
8 months, expiring on the last day of the month chosen by the
9 registrant under the one-time option as provided herein. All
10 motorcycles and mopeds registered pursuant to new applications
11 received on or after December 1, 2003, shall also be registered
12 pursuant to the provisions of this paragraph.

13 C. The following penalties shall apply for delinquent
14 registration fees:

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

1 2. For commercial vehicles registered under the provisions of
2 subsection B of this section, except those vehicles registered
3 pursuant to Section 1133.1 of this title, a penalty shall be
4 assessed after the last day of the month following the registration
5 expiration date. A penalty of twenty-five cents (\$0.25) per day
6 shall be added to the license fee of such vehicle and shall accrue
7 for one (1) month. Thereafter, the penalty shall be thirty percent
8 (30%) of the annual registration fee, or Two Hundred Dollars
9 (\$200.00), whichever is greater;

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

14 4. Except as provided in subsection H of Section 1133 and
15 subsection C of Section 1127 of this title, for all other vehicles a
16 penalty shall be assessed after the last day of the month following
17 the expiration date. A penalty of One Dollar (\$1.00) per day shall
18 be added to the license fee of such vehicle, provided that the
19 penalty shall not exceed One Hundred Dollars (\$100.00). Of each
20 dollar penalty collected pursuant to this subsection:

21 a. twenty-five cents (\$0.25) shall be apportioned as
22 provided in Section 1104 of this title,
23 b. twenty-five cents (\$0.25) shall be retained by the
24 motor license agent, and

1 c. fifty cents (\$0.50) shall be deposited in the General
2 Revenue Fund for the fiscal year beginning on July 1,
3 2011, and for all subsequent fiscal years, shall be
4 deposited in the State Highway Construction and
5 Maintenance Fund.

6 D. In addition to all other penalties provided in the Oklahoma
7 Vehicle License and Registration Act, the following penalties shall
8 be imposed and collected by any ~~Enforcement Officer~~ enforcement
9 officer of the Corporation Commission at or within seven (7) miles
10 of a weigh station upon finding any commercial vehicle being
11 operated in violation of the provisions of the Oklahoma Vehicle
12 License and Registration Act.

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

15 1. A penalty of not less than Fifty Dollars (\$50.00) shall be
16 imposed upon any person found to be operating a commercial vehicle
17 sixty (60) days after the end of the month in which the license
18 plate or registration credentials expire without the current year
19 license plate or registration credential displayed. Such penalty
20 shall not exceed the amount established by the Corporation
21 Commission pursuant to the provisions of subsection A of Section
22 1167 of this title. Revenue from such penalties shall be
23 apportioned as provided in Section 1167 of this title;

1 2. A penalty of not less than Fifty Dollars (\$50.00) shall be
2 imposed for any person operating a commercial vehicle subject to the
3 provisions of Section 1120 or Section 1133 of this title without the
4 proper display of, or, carrying in such commercial vehicle, the
5 identification credentials issued by the Corporation Commission as
6 evidence of payment of the fee or tax as provided in Section 1120 or
7 Section 1133 of this title. Such penalty shall not exceed the
8 amount established by the Corporation Commission pursuant to the
9 provisions of subsection A of Section 1167 of this title. Revenue
10 from such penalties shall be apportioned as provided in Section 1167
11 of this title; and

12 3. A penalty of not less than One Hundred Dollars (\$100.00)
13 shall be imposed for any person that fails to register any
14 commercial vehicle subject to the Oklahoma Vehicle License and
15 Registration Act. Such penalty shall not exceed the amount
16 established by the Corporation Commission pursuant to the provisions
17 of subsection A of Section 1167 of this title. Revenue from such
18 penalties shall be apportioned as provided in Section 1167 of this
19 title.

20 E. The Tax Commission, or Corporation Commission with respect
21 to vehicles registered under Section 1120 or Section 1133 of this
22 title, shall assess the registration fees and penalties for the year
23 or years a vehicle was not registered. For vehicles not registered
24

1 for two (2) or more years, the registration fees and penalties shall
2 be due only for the current year and one (1) previous year.

3 F. In addition to any other penalty prescribed by law, there
4 shall be a penalty of not less than Twenty Dollars (\$20.00) upon a
5 finding by an enforcement officer of the Corporation Commission at
6 or within seven (7) miles of a weigh station that:

7 1. The registration of a vehicle registered pursuant to Section
8 1132 of this title is expired and it is sixty (60) or more days
9 after the end of the month of expiration; or

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

13 Such penalty shall not exceed the amount established by the
14 Corporation Commission pursuant to the provisions of subsection A of
15 Section 1167 of this title. Revenue from such penalties shall be
16 apportioned as provided in Section 1167 of this title.

17 G. If a vehicle is donated to a nonprofit charitable
18 organization, the nonprofit charitable organization shall be exempt
19 from paying any current or past due registration fees, excise tax,
20 transfer fees, and penalties and interest. However, after the
21 donation, if the person donating the vehicle, or someone on behalf
22 of such person, purchases the same vehicle back from the nonprofit
23 charitable organization to which the vehicle was donated, such
24 person shall be liable for all current and past-due registration

1 fees, excise tax, title or transfer fees, and penalties and interest
2 on such vehicle.

3 SECTION 61. AMENDATORY 47 O.S. 2011, Section 1123, is
4 amended to read as follows:

5 Section 1123. The Oklahoma Tax Commission is hereby authorized
6 and empowered to enter into and make reciprocal compacts and
7 agreements when the Commission deems same to be in the interest of
8 the residents of the State of Oklahoma, with the proper authorities
9 of other states, concerning all motor vehicles engaged in foreign
10 and interstate commerce upon and over the public highways.

11 Such compacts and agreements shall grant to the residents of
12 other states privileges substantially like and equal to those
13 granted by such states to Oklahoma residents; provided, that such
14 compacts and agreements shall not supersede or suspend any laws,
15 rules or regulations of this state applying to vehicles operated
16 intrastate in this state. Privileges so granted shall extend only
17 to persons who comply with the laws of the state of their residence.

18 Such compacts and agreements shall not operate to supersede or
19 suspend the application of any laws of this state, except insofar as
20 they apply to the payment of vehicle license fees or other motor
21 vehicle taxes charged residents of the states with which such
22 compacts and agreements are made; provided, however, that the power
23 and authority and discretion of the Corporation Commission to make
24 and enforce rules ~~and regulations~~ governing motor carriers for hire,

1 or to grant or deny certificates or permits to motor carriers for
2 hire shall not be superseded or suspended by any such compact and
3 agreement.

4 SECTION 63. AMENDATORY 47 O.S. 2011, Section 1133.2, is
5 amended to read as follows:

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

17 B. Those not complying with the provisions of this section
18 shall be assessed a fine of not less than One Hundred Dollars
19 (\$100.00). Such penalty shall not exceed the amount established by
20 the Corporation Commission pursuant to the provisions of subsection
21 A of Section 3 1167 of this ~~act~~ title. Revenue from such fines
22 shall be apportioned as provided in Section 3 1167 of this ~~act~~
23 title. Any person in violation of the provisions of this section
24 may be cited by the Oklahoma Highway Patrol, ~~the~~ a Corporation

1 Commission enforcement officer assigned to a weigh station, or any
2 county sheriff or municipal law enforcement officer. Any fines
3 collected by a county sheriff or municipal law enforcement officer
4 shall be deposited in the respective county or municipal treasury.

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

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

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

15 SECTION 65. AMENDATORY 47 O.S. 2011, Section 1151, is
16 amended to read as follows:

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

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

23
24

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

4 3. To procure from another state or country, or display upon
5 any vehicle owned by such person within this state, except as
6 otherwise provided in the Oklahoma Vehicle License and Registration
7 Act, any license plate issued by any state or country other than
8 this state, unless there shall be displayed upon such vehicle at all
9 times the current license plate and decal assigned to it by the
10 Oklahoma Tax Commission or the Corporation Commission or the vehicle
11 shall display evidence that the vehicle is registered as a
12 nonresident vehicle pursuant to rules promulgated by the Tax
13 Commission, with the concurrence of the Department of Public Safety.
14 A violation of the provisions of this paragraph shall be presumed to
15 have occurred if a person who is the holder of an Oklahoma driver
16 license operates a vehicle owned by such person on the public roads
17 or highways of this state and there is not displayed on the vehicle
18 a current Oklahoma license plate and decal, unless the vehicle is
19 owned by a member of the Armed Forces of the United States assigned
20 to duty in this state in compliance with official military or naval
21 orders or the spouse of such a member of the Armed Forces;

22 4. To drive, operate or move, or for the owner to cause or
23 permit to be driven or moved, upon the roads, streets or highways of
24 this state, any vehicle loaded in excess of its registered laden

1 weight, or which is licensed for a capacity less than the
2 manufacturer's rated capacity as provided for in the Oklahoma
3 Vehicle License and Registration Act;

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

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

11 7. To give a fictitious name or fictitious address or make any
12 misstatement of facts in application for certificate of title and
13 registration of a vehicle;

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

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

22 10. For any owner of a vehicle registered on the basis of laden
23 weight to fail or refuse to weigh or reweigh it when requested to do
24 so by any law enforcement officer or enforcement officer of the

1 Corporation Commission at or within seven (7) miles of a weigh
2 station charged with the duty of enforcing this law;

3 11. To operate or possess any vehicle which bears a motor
4 number or serial number other than the original number placed
5 thereon by the factory except a number duly assigned and authorized
6 by the state;

7 12. For any motor license agent to release a license plate, a
8 manufactured home registration receipt, decal or excise tax receipt
9 to any unauthorized person or source, including any dealer in new or
10 used motor vehicles. Violation of this paragraph shall constitute
11 sufficient grounds for discharge of a motor license agent by the Tax
12 Commission;

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

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

20 Any person convicted of violating any provision of this
21 subsection, other than paragraph 3 of this subsection, shall be
22 deemed guilty of a misdemeanor and upon conviction shall be punished
23 by a fine not to exceed Five Hundred Dollars (\$500.00). Any person
24 convicted of violating the provisions of paragraph 3 of this

1 subsection shall be deemed guilty of a misdemeanor and, upon
2 conviction, shall be punished by a fine of not less than One Hundred
3 Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00)
4 and shall be required to obtain an Oklahoma license plate.

5 Employees Enforcement officers of the Corporation Commission
6 assigned to weigh stations may be authorized by the Corporation
7 Commission to issue citations at or within seven (7) miles of a
8 weigh station to motor carriers or operators of commercial motor
9 vehicles, pursuant to the jurisdiction of the Corporation
10 Commission, for a violation of this subsection. If a person
11 convicted of violating the provisions of this subsection was issued
12 a citation by a duly authorized employee of the Corporation
13 Commission, the fine herein levied shall be apportioned as provided
14 in Section 1167 of this title.

15 B. Except as otherwise authorized by law, it shall be unlawful
16 to:

17 1. Lend or sell to, or knowingly permit the use of by, one not
18 entitled thereto any certificate of title issued for a manufactured
19 home, manufactured home registration receipt, manufactured home
20 registration decal or excise tax receipt;

21 2. Alter or in any manner change a certificate of title issued
22 for a manufactured home under the laws of this state or any other
23 state;

24

1 3. Remove or alter a manufactured home registration receipt,
2 manufactured home registration decal or excise tax receipt attached
3 to a certificate of title or attach such receipts to a certificate
4 of title with the intent to misrepresent the payment of the required
5 excise tax and registration fees;

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

9 5. Purchase identification, manufactured home registration
10 receipt, manufactured home registration decal or excise tax receipt
11 on an assigned certificate of title.

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

14 C. Except as provided in subsection C of Section 1127 of this
15 title, in the event a new vehicle is not registered within thirty
16 (30) days from date of purchase, the penalty for the failure of the
17 owner of the vehicle to register the vehicle within thirty (30) days
18 shall be One Dollar (\$1.00) per day; provided, that in no event
19 shall the penalty exceed One Hundred Dollars (\$100.00). Of each
20 dollar penalty collected pursuant to this subsection:

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

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

1 3. Fifty cents (\$0.50) shall be deposited in the General
2 Revenue Fund for the fiscal year beginning on July 1, 2011, and for
3 all subsequent fiscal years, shall be deposited in the State Highway
4 Construction and Maintenance Fund. The penalty for new commercial
5 vehicles shall be equal to the license fee for such vehicles.

6 Except as provided in subsection C of Section 1127 of this
7 title, if a used vehicle is brought into Oklahoma by a resident of
8 this state and is not registered within thirty (30) days, a penalty
9 of One Dollar (\$1.00) per day shall be charged from the date of
10 entry to the date of registration; provided, that in no event shall
11 the penalty exceed One Hundred Dollars (\$100.00). Of each dollar
12 penalty collected pursuant to this subsection:

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

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

17 3. Fifty cents (\$0.50) shall be deposited in the General
18 Revenue Fund for the fiscal year beginning on July 1, 2011, and for
19 all subsequent fiscal years, shall be deposited in the State Highway
20 Construction and Maintenance Fund. The penalty for used commercial
21 vehicles shall be equal to the license fee for such vehicles.

22 D. Any owner who knowingly makes or causes to be made any false
23 statement of a fact required in this section to be shown in an
24 application for the registration of one or more vehicles shall be

1 deemed guilty of a misdemeanor and, upon conviction, shall be fined
2 not more than One Thousand Dollars (\$1,000.00), or shall be
3 imprisoned in the county jail for not more than one (1) year, or by
4 both such fine and imprisonment.

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

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

14 2. Golf carts;

15 3. Go-carts; and

16 4. Other motor vehicles, except motorcycles, which are
17 manufactured principally for use off the streets and highways.

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

20 F. Any person violating paragraph 3 or 6 of subsection A of
21 this section, in addition to the penal provisions provided in this
22 section, shall pay as additional penalty a sum equal to the amount
23 of license fees due on such vehicle or registration fees due on a
24 manufactured home known to be in violation and such amount is hereby

1 declared to be a lien upon the vehicle as provided in the Oklahoma
2 Vehicle License and Registration Act. In addition to the penalty
3 provisions provided in this section, any person violating paragraph
4 3 of subsection A of this section shall be deemed guilty of a
5 misdemeanor and shall, upon conviction, be punished by a fine of One
6 Hundred Dollars (\$100.00).

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

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

14 I. Any violation of any portion of the Oklahoma Vehicle License
15 and Registration Act where a specific penalty has not been imposed
16 shall constitute a misdemeanor and upon conviction thereof the
17 person having violated it shall be fined not less than Ten Dollars
18 (\$10.00) and not to exceed Three Hundred Dollars (\$300.00).

19 J. Any provision of Section 1101 et seq. of this title
20 providing for proportional registration under reciprocal agreements
21 and the International Registration Plan that relates to the
22 promulgation of rules and regulations shall not be subject to the
23 provisions of this section.

24

1 SECTION 67. AMENDATORY 47 O.S. 2011, Section 1167, is
2 amended to read as follows:

3 Section 1167. A. The Corporation Commission is hereby
4 authorized to promulgate rules pursuant to the Administrative
5 Procedures Act to establish the amounts of fees, ~~fines and penalties~~
6 as set forth in this act. The Corporation Commission shall notify
7 all interested parties of any proposed rules to be promulgated as
8 provided herein and shall provide such parties an opportunity to be
9 heard prior to promulgation.

10 B. The Corporation Commission shall adjudicate enforcement
11 actions initiated by Corporation Commission personnel.

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

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

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

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

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

5 1. All funds apportioned thereto in subsection C of this
6 section;

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

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

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

16 Expenditures from the revolving fund shall be made pursuant to the
17 laws of this state. In addition, expenditures from the revolving
18 fund may be made pursuant to The Oklahoma Central Purchasing Act for
19 the purpose of immediately responding to emergency situations,
20 within the ~~Commission's~~ jurisdiction of the Commission, having
21 potentially critical environmental or public safety impact.

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

1 E. There is hereby created in the State Treasury a revolving
2 fund for the Department of Transportation to be designated the
3 "Weigh Station Improvement Revolving Fund". The fund shall be a
4 continuing fund, not subject to fiscal year limitations, and shall
5 consist of all monies deposited thereto. All monies accruing to the
6 credit of the fund are hereby appropriated and may be budgeted and
7 expended by the Department for the purpose of constructing,
8 equipping and maintaining facilities to determine the weight of
9 vehicles traveling on the roads and highways of this state.
10 Expenditures from the fund shall be made upon warrants issued by the
11 State Treasurer against claims filed as prescribed by law with the
12 Director of the Office of State Finance for approval and payment.

13 SECTION 73. Sections 1 through 4 and Sections 6 through 72 of
14 this act shall become effective July 1, 2014."

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