

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend House Bill No. 1952, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

Senator Stanislawski

Stanislawski-JD-FS-Req#3383
4/11/2012 11:28 AM

STATE OF OKLAHOMA
2nd Session of the 53rd Legislature (2012)

FLOOR SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1952

By: McNiel, Hickman, Walker and
Marlatt of the House

and

Stanislowski of the Senate

FLOOR SUBSTITUTE

[motor vehicles - governmental authority to weigh
vehicles - modifying Corporation Commission authority
- codification - effective dates -
emergency]

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1200 of Title 47, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Weigh
Station Act of 2012."

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1201 of Title 47, unless there
is created a duplication in numbering, reads as follows:

As used in the Oklahoma Weigh Station Act of 2012:

1. "Authority" means the Oklahoma Turnpike Authority;
2. "Commission" means the Corporation Commission;

1 3. "Fixed facility" means a weigh station or a port of entry;

2 4. "Port of entry" means a facility, in close proximity to a
3 state line, designed to electronically weigh and screen motor
4 carriers and commercial motor vehicles for compliance with federal
5 and state statutes and rules, allowing compliant carriers to proceed
6 with minimal or no delay;

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

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

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

21 SECTION 3. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1202 of Title 47, unless there
23 is created a duplication in numbering, reads as follows:

1 A. The Department of Transportation, the Oklahoma Turnpike
2 Authority and the Corporation Commission may enter into interagency
3 agreements concerning the equipment, maintenance and operations of
4 fixed facilities.

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

9 C. The Commission shall operate all current and future ports of
10 entry weigh stations twenty-four (24) hours a day and seven (7) days
11 a week.

12 D. The Commission shall continue to conduct roadside
13 enforcement in the general area where a fixed facility is planned
14 but no fixed facility currently exists until a fixed facility is
15 located in the general area or July 1, 2016, whichever is earlier.

16 E. When a fixed facility is located in the general area,
17 Commission motor carrier and commercial motor vehicle enforcement
18 shall be limited to the fixed facility and a seven-mile radius of
19 the facility.

20 F. The Commission may assist in roadside enforcement in a joint
21 effort at the request of the Oklahoma Highway Patrol.

22 G. The Commission is authorized to conduct audits, reviews,
23 investigations, inspections or other enforcement actions by
24 enforcement officers provided those activities are within the scope

1 of the Commission's jurisdiction and are not conducted as roadside
2 enforcement in accordance with the provisions of the Oklahoma Weigh
3 Station Act of 2012.

4 H. The Commission may enter into interagency cooperative
5 agreements with other state or federal agencies to jointly enforce
6 federal and state laws or rules.

7 I. North American Standard Inspections shall be conducted only
8 by individuals holding certification in the level or classification
9 of inspection being conducted.

10 SECTION 4. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1203 of Title 47, unless there
12 is created a duplication in numbering, reads as follows:

13 A. A commercial motor vehicle, its driver or a motor carrier
14 may not be cited for the same violation of motor carrier or
15 commercial motor vehicle requirements on the same date by any
16 Oklahoma officer, provided neither the vehicle configuration nor the
17 load have changed. This subsection is not applicable to a
18 Commercial Vehicle Safety Alliance out-of-service violation.

19 B. The Corporation Commission and the Department of Public
20 Safety or other state or local agencies may enter into interagency
21 agreements to share information electronically to facilitate this
22 section.

23 SECTION 5. This act shall become effective July 1, 2012.
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1 SECTION 6. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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