

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 HOUSE BILL 2328

 By: Bennett

7 AS INTRODUCED

8 An Act relating to motor vehicles; amending 47 O.S.
9 2011, Section 14-103G, as amended by Section 1,
10 Chapter 221, O.S.L. 2013 (47 O.S. Supp. 2013, Section
11 14-103G), which relates to oversize annual permits;
12 providing for certain annual permit option; limiting
13 load size axles; requiring vehicle identification
14 number to be on permit; setting fee; providing for
15 certain delivery of permit; providing for certain
16 replacement; amending 47 O.S. 2011, Section 14-118,
17 as last amended by Section 30, Chapter 15, O.S.L.
18 2013 (47 O.S. Supp. 2013, Section 14-118), which
19 relates to the Oklahoma Load Limit Map; requiring map
20 be available on Internet; requiring periodic
21 revision; and declaring an emergency.

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

23 SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-103G, as
24 amended by Section 1, Chapter 221, O.S.L. 2013 (47 O.S. Supp. 2013,
25 Section 14-103G), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 C. 1. The Department of Public Safety may issue an annual
11 fleet permit under this subsection to an electric utility, regulated
12 by the Corporation Commission ~~of Oklahoma~~ or a rural electric
13 cooperative solely for the movement of poles. An annual fleet
14 permit issued under this subsection may be used by any vehicle in
15 the fleet of the permittee provided that a certified copy of the
16 permit is carried in each vehicle that is being operated under the
17 terms of the permit.

18 2. Oversize loads operating under an annual permit issued
19 pursuant to this subsection shall not exceed:

- 20 a. twelve (12) feet in width,
 - 21 b. fourteen (14) feet in height, or
 - 22 c. fifty-five (55) feet in length.
- 23
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1 3. The annual fee for an annual fleet permit issued pursuant to
2 this subsection shall be Four Thousand Dollars (\$4,000.00) and shall
3 be nonrefundable.

4 4. The annual fleet permit shall be issued for a one-calendar-
5 year period and shall commence upon the date specified on the
6 permit.

7 5. The annual fleet permit issued under this subsection shall
8 be sent to the permittee via first class, registered mail, or at the
9 request and expense of the permittee via overnight delivery service.
10 The annual permit shall be replaced only if:

11 a. the permittee did not receive the original permit
12 within seven (7) business days after the date of the
13 issuance,

14 b. a request for replacement is submitted to the
15 Department of Public Safety within ten (10) business
16 days after the original date of issuance of the
17 permit, and

18 c. the request for replacement is accompanied by a
19 notarized statement signed by an authorized person of
20 the permittee acknowledging that if the original
21 permit is located, the permittee shall either return
22 the original or replacement permit to the Department
23 of Public Safety.

1 6. A request for replacement of an annual permit issued under
2 the provisions of this subsection shall be denied if the Department
3 of Public Safety can verify the permittee received the original
4 annual permit.

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

8 8. For the purposes of paragraph 5 of subsection C of Section
9 14-103 of this title, the term "emergency" means any permitted
10 movement of poles pursuant to the provisions of this subsection that
11 is not for new construction of electric distribution facilities.

12 D. 1. The Department of Public Safety shall issue an annual
13 vehicle permit under this subsection to a transportation company or
14 manufacturer of portable buildings solely for the movement of
15 oversize portable buildings for a specific manufacturer of portable
16 buildings. An annual vehicle permit issued under this subsection
17 may not be transferred from one vehicle to another vehicle in the
18 fleet. The name of the manufacturer shall be on the permit and on
19 any portable building being moved. The original certified permit
20 shall be carried in the vehicle that is being operated under the
21 terms of the permit.

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

3 b. fourteen (14) feet in height.

4 3. The total gross weight of oversize loads operating under an
5 annual vehicle permit issued pursuant to this subsection shall not
6 exceed forty-five thousand (45,000) pounds.

7 4. The tow vehicle shall be limited to two axles, and the
8 vehicle identification number of the vehicle shall be on the permit.

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

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

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

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

1 c. the request for replacement is accompanied by a
2 notarized statement signed by a principal or officer
3 of the permittee acknowledging that the permittee
4 understands the permit may not be duplicated and that
5 if the original permit is located, the permittee shall
6 return either the original or replacement permit to
7 the Department of Public Safety.

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

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

15 SECTION 2. AMENDATORY 47 O.S. 2011, Section 14-118, as
16 last amended by Section 30, Chapter 15, O.S.L. 2013 (47 O.S. Supp.
17 2013, Section 14-118), is amended to read as follows:

18 Section 14-118. A. 1. Pursuant to such rules as may be
19 prescribed by Oklahoma agencies of jurisdiction, Oklahoma motor
20 carriers may engage in any activity in which carriers subject to the
21 jurisdiction of the federal government may be authorized by federal
22 legislation to engage. Provided further, the Transportation
23 Commission shall formulate, for the State Trunk Highway System,
24 including the National System of Interstate and Defense Highways,

1 and for all other highways or portions thereof, rules governing the
2 movement of vehicles or loads which exceed the size or weight
3 limitations specified by the provisions of this chapter.

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

15 3. The Department of Public Safety is authorized to charge a
16 fee of Two Dollars (\$2.00) for each permit requested to be issued by
17 facsimile machine or by any other means of electronic transmission,
18 transfer or delivery. The fee shall be in addition to any other fee
19 or fees assessed for the permit. The fee shall be deposited in the
20 State Treasury to the credit of the Department of Public Safety
21 Restricted Revolving Fund and the monies shall be expended by the
22 Department solely for the purposes provided for in this chapter.
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1 4. It is the purpose of this section to permit the movement of
2 necessary overweight and oversize vehicles or loads consistent with
3 the following obligations:

- 4 a. protection of the motoring public from potential
5 traffic hazards,
- 6 b. protection of highway surfaces, structures, and
7 private property, and
- 8 c. provision for normal flow of traffic with a minimum of
9 interference.

10 B. The Transportation Commission shall prepare and publish a
11 map of the State of Oklahoma showing by appropriate symbols the
12 various highway structures and bridges in terms of maximum size and
13 weight restrictions. This map shall be titled "Oklahoma Load Limit
14 Map" and shall be revised periodically to maintain a reasonably
15 current status and in no event shall a period of two (2) years lapse
16 between revisions and publication of ~~same~~ the printed version of the
17 Oklahoma Load Limit Map. This map shall also be made available by
18 the Department of Transportation on the Internet, and in no event
19 shall a period of six (6) months lapse between revisions of the
20 information provided on the Internet. Provided, further, the
21 Secretary of the Department of Transportation shall prepare and
22 publish a map of the State of Oklahoma showing the advantages of
23 this state as a marketing, warehousing and distribution network
24 center for motor transportation sensitive industries.

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

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

1 E. The Commissioner of Public Safety, upon application of any
2 person engaged in the transportation of forest products in the raw
3 state, which is defined to be tree-length logs moving from the
4 forest directly to the mill, or upon application of any person
5 engaged in the hauling for hire or for resale, of round baled hay
6 with a total outside width of eleven (11) feet or less, shall issue
7 an annual permit, upon payment of a fee of Twenty-five Dollars
8 (\$25.00) each year, authorizing the operation by such persons of
9 such motor vehicle load lengths and widths upon the highways of this
10 state except on the National System of Interstate and Defense
11 Highways. Provided, however, the restriction on use of the National
12 System of Interstate and Defense Highways shall not be applicable to
13 persons engaged in the hauling of round baled hay with a total
14 outside width of eleven (11) feet or less.

15 F. The Commissioner of Public Safety, upon application of any
16 person engaged in the transportation of overwidth or overheight
17 equipment used in soil conservation work with a total outside width
18 of twelve (12) feet or less, shall issue an annual permit, upon
19 payment of a fee of Twenty-five Dollars (\$25.00) each year,
20 authorizing the operation by such persons of such motor vehicle load
21 lengths and widths upon the highways of this state except on the
22 National System of Interstate and Defense Highways.

23 G. Farm equipment including, but not limited to, implements of
24 husbandry as defined in Section 1-125 of this title shall be

1 exempted from the requirement for special permits due to size. Such
2 equipment may move on any highway, except those highways which are
3 part of the National System of Interstate and Defense Highways,
4 during the hours of darkness and shall be subject to the
5 requirements as provided in Section 12-215 of this title. In
6 addition to those requirements, tractors pulling machinery over
7 thirteen (13) feet wide must have two amber flashing warning lamps
8 symmetrically mounted, laterally and widely spaced as practicable,
9 visible from both front and rear, mounted at least thirty-nine (39)
10 inches high.

11 H. Any rubber-tired road construction vehicle including rubber-
12 tired truck cranes and special mobilized machinery either self-
13 propelled or drawn carrying no load other than component parts
14 safely secured to the machinery and its own weight, but which is
15 overweight by any provisions of this chapter, shall be authorized to
16 move on the highways of the State of Oklahoma. Movement of such
17 vehicles shall be authorized on the Federal Interstate System of
18 Highways only by special permit secured from the Commissioner of
19 Public Safety or an authorized representative upon determination
20 that the objectives of this section will be served by such a permit
21 and that federal weight restrictions will not be violated. The
22 special permit shall be:

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

1 2. A special annual overweight permit which shall be issued for
2 one calendar year period upon payment of a fee of Sixty Dollars
3 (\$60.00).

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

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

23 2. Possession of a permit shall in no way be construed as
24 exempting such equipment from the authority of the Director of the

1 Department of Transportation to restrict use of particular highways,
2 nor shall it exempt owners or operators of such equipment from the
3 responsibility for damage to highways caused by movement of the
4 equipment. Nothing in this subsection shall apply to machinery used
5 in highway construction or road material production.

6 3. Upon the issuance of a special mobilized machinery driveway
7 permit as provided in this subsection, special mobilized machinery
8 manufactured in Oklahoma shall be permitted to move upon the
9 highways of this state from the place of manufacture to the state
10 line for delivery and exclusive use outside the state, and may be
11 temporarily returned to Oklahoma for modification and repair, with
12 subsequent movement back out of the state. Special driveway
13 permits for such movements shall be issued by the Commissioner of
14 Public Safety, who may act through designated agents, upon the
15 payment of a fee in the amount of Fifteen Dollars (\$15.00) for each
16 movement.

17 4. The size of the special mobilized machinery shall not be
18 such as to create a safety hazard in the judgment of the
19 Commissioner of Public Safety. Permits for such special mobilized
20 machinery shall specify a maximum permissible road speed of sixty
21 (60) miles per hour, designate safety equipment to be carried and
22 may exclude use of highways of the interstate system.

23 5. When such equipment has a width greater than eight and one-
24 half (8 1/2) feet, or a length exclusive of load of forty-five (45)

1 feet, or a height in excess of thirteen and one-half (13 1/2) feet,
2 the permit may designate highways to be traveled, hours of travel
3 and when flagmen may be required to precede or follow the equipment.

4 6. Possession of a special driveway permit shall in no way be
5 construed as exempting such equipment from the authority of the
6 Director of the Department of Transportation to restrict use of
7 particular highways, nor shall it exempt the owners or operators of
8 such equipment from the responsibility for damage to highways caused
9 by the movement of such equipment.

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

14
15 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/18/2014 -
16 DO PASS.