

SUBCOMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1380 _____
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: Dustin Roberts

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

PROPOSED SUBCOMMITTEE
SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1380

By: Allen of the Senate

and

Vaughan and Roberts
(Dustin) of the House

PROPOSED SUBCOMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2011, Sections 161A, 162, 162.1, 163, 165, 166, 166.5, 166a, 169, 169.5, 170, 170.1, 170.2, 171.1, 171.2, 172, 177.2, 177.3, 180, 180a, 180b, 180c, 180d, 180e, 180f, 180g, 180h, 180k, 180l and 180m, which relate to the regulation of motor carriers; modifying agency reference; modifying fund reference; allowing for the employment of certain Port of Entry officers; establishing classes of certain officers; updating statutory references; amending 47 O.S. 2011, Sections 230.6, as last amended by Section 8, Chapter 259, O.S.L. 2013 and 230.9, as amended by Section 13, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2017, Sections 230.6 and 230.9), which relate to compliance with the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act; establishing procedural requirements for certain violations; requiring use of certain software in determining certain penalty; allowing for certain violation to be in compliance with certain federal regulations; adding methods of collection for certain administrative penalties; establishing procedures for certain safety ratings; amending 47 O.S. 2011, Sections 230.22, 230.23, 230.24, 230.25, 230.26, 230.27, 230.28, 230.29, 230.30, 230.31, 230.32 and 230.34a, which relate to

1 the Motor Carrier Act of 1995; modifying agency
2 reference; amending 47 O.S. 2011, Section 1120.1,
3 which relates to entry into the International
4 Registration Plan; modifying agency reference;
5 amending 47 O.S. 2011, Sections 1166, 1167, as last
6 amended by Section 1, Chapter 373, O.S.L. 2016, 1168,
7 as amended by Section 205, Chapter 304, O.S.L. 2012
8 and 1169 (47 O.S. Supp. 2017, Sections 1167 and 1168)
9 which relate to motor carrier enforcement; changing
10 effective date for transferring powers and duties of
11 the Motor Vehicle Enforcement Section to the
12 Department of Public Safety; modifying agency
13 reference; providing for the retention of certain
14 funds acquired by the Corporation Commission;
15 removing guidelines related to previous transition of
16 certain sections; deleting requirement to enter into
17 certain contract; providing that certain rules be
18 deemed promulgated by Department of Public Safety;
19 modifying agency reference relating to rules,
20 enforcement of actions and fund administration;
21 providing for the Department of Public Safety and
22 Department of Transportation to enter into certain
23 agreement; amending Sections 2, 3, as last amended by
24 Section 2, Chapter 373, O.S.L. 2016 and 4, Chapter
262, O.S.L. 2012 (47 O.S. Supp. 2017, Sections 1201,
1202 and 1203), which relate to the Oklahoma Weigh
Station Act of 2012; modifying agency reference;
providing for the Department of Public Safety and the
Corporation Commission to enter into certain
agreement; transferring certain powers and duties
from the Corporation Commission to the Department of
Public Safety; repealing 47 O.S. 2011, Sections 171
and 172.1, which relate to the regulation of motor
carriers.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 161A, is
amended to read as follows:

1 Section 161A. A. This act shall be known and may be cited as
2 the "Household Goods Act of 2009". The purpose of this act is to
3 regulate intrastate transportation by motor carriers of household
4 goods in such manner as to establish standards for public safety,
5 fair competitive practices, adequate and dependable service, and
6 protection of shippers from deceptive or unfair practices.

7 B. The provisions of this act, except as specifically limited
8 herein, shall apply to the intrastate transportation of household
9 goods by motor carriers over public highways of this state; and the
10 regulations of such transportation, and the procurement thereof and
11 the provisions of facilities therefor, are hereby vested in the
12 ~~Corporation Commission~~ Department of Public Safety.

13 Shipments contracted by the federal government, a state
14 government, a tribal government or any local government or political
15 subdivision thereof shall not be required to obtain a household
16 goods certificate, but shall be regulated by the ~~Commission~~
17 Department to achieve compliance with safety requirements and size
18 and weight limitations.

19 Nothing in this act shall be construed to interfere with the
20 exercise by agencies of the government of the United States of its
21 power of regulation of interstate commerce.

22 C. As used in this act:

23 1. ~~"Commission"~~ "Department" means the ~~Corporation Commission~~
24 Department of Public Safety;

1 2. "Corporate family" means a group of corporations consisting
2 of a parent corporation and all subsidiaries in which the parent
3 corporation owns directly or indirectly one hundred percent (100%)
4 interest;

5 3. "Household goods" means used personal effects and property
6 of a dwelling;

7 4. "Household goods certificate" means a certificate of
8 authority issued by the ~~Corporation Commission~~ Department of Public
9 Safety to transport household goods within this state;

10 5. "Intercompany hauling" means the transportation of
11 household goods, by motor vehicle, for compensation, by a carrier
12 which is a member of a corporate family, as defined in this section,
13 when the transportation for compensation is provided for other
14 members of the corporate family;

15 6. "Motor carrier of household goods" means a person
16 transporting household goods for compensation or other
17 consideration, with an origin and destination within this state;

18 7. "Motor vehicle" means any automobile, truck, truck-tractor,
19 trailer or semitrailer or any motor bus or self-propelled vehicle
20 not operated or driven upon fixed rails or tracks;

21 8. "Person" means any individual, firm, copartnership, limited
22 partnership, corporation, limited liability corporation, company,
23 association, or joint-stock association and includes any trustee,
24 receiver, assignee, or personal representative thereof; and

1 9. "Public highway" means every public street, road, highway,
2 or thoroughfare in this state, used by the public, whether actually
3 dedicated to the public and accepted by the proper authorities or
4 otherwise.

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

10 SECTION 2. AMENDATORY 47 O.S. 2011, Section 162, is
11 amended to read as follows:

12 Section 162. A. The ~~Corporation Commission~~ Department of
13 Public Safety is authorized to:

14 1. Supervise and regulate every motor carrier of household
15 goods;

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

19 3. Ensure motor carriers of household goods are complying with
20 applicable size and weight laws and safety requirements;

21 4. Supervise and regulate such motor carriers in all other
22 matters affecting the relationship between such carriers and the
23 traveling and shipping public including, but not limited to,
24

1 consumer protection measures and loss and damage claim procedures;
2 and

3 5. Enforce the provisions of this act.

4 B. The ~~Commission~~ Department is authorized to promulgate rules
5 applicable to persons transporting household goods.

6 C. 1. The ~~Commission~~ Department is authorized to administer a
7 hazardous material transportation registration and permitting
8 program for motor carriers engaged in transporting hazardous
9 material upon or over the public highways and within the borders of
10 the state.

11 2. The ~~Commission~~ Department shall promulgate rules
12 implementing the provisions of this subsection. Rules promulgated
13 pursuant to this subsection shall be consistent with, and equivalent
14 in scope, coverage, and content to requirements applicable to
15 operators of vehicles transporting hazardous materials contained in
16 the report submitted to the Secretary of the United States
17 Department of Transportation, pursuant to 49 U.S.C. 5119(b), by the
18 Alliance for Uniform Hazardous Material Transportation Procedures.

19 D. Nothing in this section shall be construed to remove or
20 affect the jurisdiction of the Department of Environmental Quality
21 to implement hazardous waste transportation requirements for federal
22 hazardous waste program delegation to this state under the federal
23 Resource Conservation and Recovery Act.

1 E. The ~~Commission~~ Department is authorized to promulgate rules
2 and set fees applicable to interstate motor carriers, pertaining to
3 carrier registration, operation of equipment and filing of proper
4 proof of liability insurance.

5 SECTION 3. AMENDATORY 47 O.S. 2011, Section 162.1, is
6 amended to read as follows:

7 Section 162.1 The ~~Corporation Commission~~ Department of Public
8 Safety is authorized to promulgate rules necessary to enable this
9 state to participate in the Unified Carrier Registration System for
10 interstate motor carriers, brokers, forwarders and leasing companies
11 and interstate motor carriers holding intrastate authority as set
12 forth in the Safe, Accountable, Flexible, Efficient Transportation
13 Equity Act: A Legacy for Users (SAFETEA-LU), Subtitle C-Unified
14 Carrier Registration Act of 2005.

15 SECTION 4. AMENDATORY 47 O.S. 2011, Section 163, is
16 amended to read as follows:

17 Section 163. A. No person shall transport household goods for
18 compensation or other consideration in intrastate commerce without a
19 valid certificate issued by the ~~Corporation Commission~~ Department of
20 Public Safety.

21 B. The ~~Commission~~ Department shall promulgate rules ensuring
22 consumer protection and loss and damage claim procedures.

23 C. Every motor carrier, subject to this act, receiving
24 household goods for transportation in intrastate commerce shall

1 issue a receipt or bill of lading therefor, the form of which shall
2 be prescribed by the ~~Commission~~ Department.

3 D. Record-keeping documents, as required by the ~~Commission~~
4 Department, shall be maintained by the motor carrier of household
5 goods for a minimum of three (3) years. The ~~Commission~~ Department
6 is authorized to require certain documents to be retained for a
7 longer period of time pending a claim for any other reason the
8 ~~Commission~~ Department deems necessary.

9 E. Any person, motor carrier, or shipper who shall willfully
10 violate any provision of this act or the ~~Commission's~~ Department's
11 rules pursuant thereto may be found in violation by the ~~Commission~~
12 Department. After proper notice and hearing, violators may be
13 assessed penalties in an amount not to exceed One Thousand Dollars
14 (\$1,000.00) for the first violation and for the second violation
15 within a year a penalty not to exceed Five Thousand Dollars
16 (\$5,000.00).

17 SECTION 5. AMENDATORY 47 O.S. 2011, Section 165, is
18 amended to read as follows:

19 Section 165. A. Upon the filing of an application to operate
20 as a motor carrier of household goods, the applicant shall pay to
21 the ~~Corporation-Commission~~ Department of Public Safety a filing fee
22 as set by ~~Commission~~ Department rule.

23 B. Upon the filing by an interstate motor carrier of an
24 application to register interstate authority, or supplement thereto,

1 the applicant shall pay the ~~Commission~~ Department a filing fee as
2 established by the ~~Commission~~ Department and in full compliance with
3 applicable federal laws.

4 C. The ~~Commission~~ Department shall, upon the receipt of any
5 such fee, deposit the same in the State Treasury to the credit of
6 the ~~Corporation Commission~~ Revolving Trucking One-Stop Shop Fund.

7 SECTION 6. AMENDATORY 47 O.S. 2011, Section 166, is
8 amended to read as follows:

9 Section 166. A. It is hereby declared unlawful for any person
10 to transport household goods in intrastate commerce without a valid
11 certificate issued by the ~~Corporation Commission~~ Department of
12 Public Safety.

13 B. Motor carriers engaged in intercorporate hauling must obtain
14 a certificate in the motor carrier's name.

15 C. Applicants for intrastate authority to transport household
16 goods shall file an application as required by this act and as
17 prescribed by the ~~Commission~~ Department. A household goods
18 certificate shall be issued to the applicant upon completion of all
19 requirements.

20 D. The ~~Commission~~ Department may consider any written protests
21 or written complaints filed prior to granting or renewing a
22 household goods certificate. If the ~~Commission~~ Department elects
23 not to grant or renew a household goods certificate, the application
24

1 shall be set for public hearing in accordance with ~~Commission~~
2 Department rules.

3 E. Household goods certificates may not be assigned or
4 transferred.

5 F. The ~~Commission~~ Department shall exercise any additional
6 power that may from time to time be conferred upon the state by any
7 Act of Congress.

8 G. The ~~Commission~~ Department shall adopt rules prescribing the
9 manner and form in which motor carriers shall apply for a household
10 goods certificate.

11 SECTION 7. AMENDATORY 47 O.S. 2011, Section 166.5, is
12 amended to read as follows:

13 Section 166.5 If ~~this act~~ the Household Goods Act of 2009 or
14 the Motor Carrier Act of 1995 or any provision hereof is, or may be
15 deemed to be, in conflict or inconsistent with any of the provisions
16 of Section 18 through Section 34, inclusive, of Article IX of the
17 Constitution of the State of Oklahoma, then, to the extent of any
18 such conflicts or inconsistencies, it is hereby expressly declared
19 that this entire act and this section are amendments to and
20 alterations of the sections of the Constitution, as authorized by
21 Section 35 of Article IX of ~~said~~ the Constitution.

22 SECTION 8. AMENDATORY 47 O.S. 2011, Section 166a, is
23 amended to read as follows:

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

- 1 1. "Authorized carrier" means a motor carrier of household
2 goods;
- 3 2. "Equipment" means a motor vehicle, straight truck, tractor,
4 semitrailer, full trailer, any combination of these and any other
5 type of equipment used by authorized carriers in the transportation
6 of household goods;
- 7 3. "Owner" means a person to whom title to equipment has been
8 issued, or who, without title, has the right to exclusive use of
9 equipment for a period longer than thirty (30) days;
- 10 4. "Lease" means a contract or arrangement in which the owner
11 grants the use of equipment, with or without driver, for a specified
12 period to an authorized carrier for use in the regulated
13 transportation of household goods in exchange for compensation;
- 14 5. "Lessor", in a lease, means the party granting the use of
15 equipment with or without driver to another;
- 16 6. "Lessee", in a lease, means the party acquiring the use of
17 equipment with or without driver from another;
- 18 7. "Addendum" means a supplement to an existing lease which is
19 not effective until signed by the lessor and lessee; and
- 20 8. "Shipper" means a person who sends or receives household
21 goods which are transported in intrastate commerce in this state.
- 22 B. An authorized carrier may perform authorized transportation
23 in equipment it does not own only under the following conditions:
24

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

4 2. The authorized carrier acquiring the use of equipment under
5 this section shall identify the equipment in accordance with the
6 ~~Commission's~~ requirements of the Department of Public Safety; and

7 3. Upon termination of the lease, the authorized carrier shall
8 remove all identification showing it as the operating carrier before
9 giving up possession of the equipment.

10 C. The written lease required pursuant to subsection B of this
11 section shall contain the following provisions. The required lease
12 provisions shall be adhered to and performed by the authorized
13 carrier as follows:

14 1. The lease shall be made between the authorized carrier and
15 the owner of the equipment. The lease shall be signed by these
16 parties or by their authorized representatives;

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

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

1 4. The lease shall provide that the authorized carrier lessee
2 shall have exclusive possession, control and use of the equipment
3 for the duration of the lease. The lease shall further provide that
4 the authorized carrier lessee shall assume complete responsibility
5 for the operation of the equipment for the duration of the lease;

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

16 6. The lease shall clearly specify the responsibility of each
17 party with respect to the cost of fuel, fuel taxes, empty mileage,
18 permits of all types, tolls, detention and accessorial services,
19 base plates and licenses, and any unused portions of such items.
20 Except when the violation results from the acts or omissions of the
21 lessor, the authorized carrier lessee shall assume the risks and
22 costs of fines for overweight and oversize trailers when the
23 trailers are preloaded, sealed, or the load is containerized, or
24 when the trailer or lading is otherwise outside of the lessor's

1 control, and for improperly permitted over-dimension and overweight
2 loads and shall reimburse the lessor for any fines paid by the
3 lessor. If the authorized carrier is authorized to receive a refund
4 or a credit for base plates purchased by the lessor from, and issued
5 in the name of, the authorized carrier, or if the base plates are
6 authorized to be sold by the authorized carrier to another lessor,
7 the authorized carrier shall refund to the initial lessor on whose
8 behalf the base plate was first obtained a prorated share of the
9 amount received;

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

19 8. The lease shall clearly specify the right of those lessors
20 whose revenue is based on a percentage of the gross revenue for a
21 shipment to examine copies of the authorized carrier's freight bill
22 before or at the time of settlement. The lease shall clearly
23 specify the right of the lessor, regardless of method of
24 compensation, to examine copies of the carrier's tariff;

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

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

12 11. As it relates to insurance:

- 13 a. the lease shall clearly specify the legal obligation
14 of the authorized carrier to maintain insurance
15 coverage for the protection of the public, and
- 16 b. the lease shall clearly specify the conditions under
17 which deductions for cargo or property damage may be
18 made from the lessor's settlements. The lease shall
19 further specify that the authorized carrier must
20 provide the lessor with a written explanation and
21 itemization of any deductions for cargo or property
22 damage made from any compensation of money owed to the
23 lessor. The written explanation and itemization must

1 be delivered to the lessor before any deductions are
2 made; and

3 12. An original and two copies of each lease shall be signed by
4 the parties. The authorized carrier shall keep the original and
5 shall place a copy of the lease in the equipment during the period
6 of the lease. The owner of the equipment shall keep the other copy
7 of the lease.

8 D. The provisions of this section shall apply to the leasing of
9 equipment with which to perform household goods transportation by
10 motor carriers.

11 SECTION 9. AMENDATORY 47 O.S. 2011, Section 169, is
12 amended to read as follows:

13 Section 169. A. No certificate shall be issued by the
14 ~~Corporation Commission~~ Department of Public Safety to any motor
15 carrier of household goods until after such motor carrier shall have
16 filed with the ~~Commission~~ Department a liability insurance policy or
17 bond covering public liability and property damage, issued by some
18 insurance or bonding company or insurance carrier authorized as set
19 forth below, and which has complied with all of the requirements of
20 the ~~Commission~~ Department, which bond or policy shall be approved by
21 the ~~Commission~~ Department, and shall be in such sum and amount as
22 fixed by a proper order of the ~~Commission~~ Department; and such
23 liability and property damage insurance policy or bond shall bind
24 the obligor thereunder to make compensation for injuries to, or

1 death of, persons, and loss or damage to property, resulting from
2 the operation of any such motor carrier for which such carrier is
3 legally liable. After judgment against the carrier for any damage,
4 the injured party may maintain an action upon the policy or bond to
5 recover the same, and shall be a proper party to maintain such
6 action.

7 B. Every motor carrier of household goods shall file with the
8 ~~Commission~~ Department a cargo insurance policy or bond covering any
9 goods or property being transported, issued by some insurance or
10 bonding company or insurance carrier authorized as set forth below,
11 and which has complied with all of the requirements of the
12 ~~Commission~~ Department, which bond or policy shall be approved by the
13 ~~Commission~~ Department, and shall be in a sum and amount as fixed by
14 ~~Commission~~ Department rule. The cargo insurance must be filed with
15 the ~~Commission~~ Department prior to a certificate being issued by the
16 ~~Commission~~ Department.

17 C. No carrier, whose principal place of business is in
18 Oklahoma, shall conduct any operations in this state unless the
19 operations are covered by a valid primary bond or insurance policy
20 issued by an insurer authorized or approved by the Oklahoma
21 Insurance Department. No carrier whose principal place of business
22 is not in Oklahoma shall conduct any operations in this state unless
23 the operations are covered by a valid bond or insurance policy
24 issued by an insurer licensed or approved by the insurance

1 regulatory authority of the state of their principal place of
2 business or the Oklahoma Insurance Department.

3 D. Each motor carrier shall maintain on file, in full force,
4 all insurance required by the laws of the State of Oklahoma and the
5 rules of the ~~Commission~~ Department during such motor carrier's
6 operation and that the failure for any cause to maintain such
7 coverage in full force and effect shall immediately, without any
8 notice from the ~~Commission~~ Department, suspend such carrier's rights
9 to operate until proper insurance is provided. Any carrier
10 suspended for failure to maintain proper insurance shall have a
11 reasonable time, not exceeding sixty (60) days, within which to
12 provide proper insurance and to have the carrier's authority
13 reactivated, upon showing:

14 1. No operation during the period in which the carrier did not
15 have insurance; and

16 2. Furnishing of proper insurance coverage.

17 E. Any carrier who fails to reactivate the carrier's
18 certificate within sixty (60) days after such suspension, as above
19 provided, shall have the certificate canceled, by operation of law,
20 without any notice from the ~~Commission~~ Department. No certificate
21 so canceled shall be reinstated or otherwise made operative except
22 that the ~~Commission~~ Department may reinstate the authority of a
23 motor carrier upon proper showing that the motor carrier was
24 actually covered by proper insurance during the suspension or

1 cancellation period, and that failure to file with the ~~Commission~~
2 Department was not due to the motor carrier's fault. Any carrier
3 desiring to file for reinstatement of the carrier's certificate
4 shall do so within ninety (90) days of its cancellation by law.

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

17 SECTION 10. AMENDATORY 47 O.S. 2011, Section 169.5, is
18 amended to read as follows:

19 Section 169.5 If the carrier fails to process loss or damage
20 claims as provided in Sections 169.2 through 169.4 of this title, or
21 to express declinations of the claims in writing with proof of
22 nonliability, the carrier may be found in contempt by the
23 ~~Corporation-Commission~~ Department of Public Safety after proper
24 notice and hearing. Failure to pay any fine or otherwise resolve

1 the complaint may result in a hearing by the ~~Corporation Commission~~
2 Department of Public Safety to determine if the operating authority
3 of the carrier shall be revoked.

4 SECTION 11. AMENDATORY 47 O.S. 2011, Section 170, is
5 amended to read as follows:

6 Section 170. A. Nothing contained in ~~this act~~ the Household
7 Goods Act of 2009 shall be construed to authorize the operation of
8 any freight vehicle in excess of the gross weight, width, length or
9 height authorized by law.

10 B. Any person who willfully advertises to perform
11 transportation services for which the person does not hold a proper
12 certificate shall be in violation of this act and subject to the
13 penalties prescribed for contempt of the ~~Corporation Commission~~
14 Department of Public Safety.

15 C. Household goods certificates may be suspended or revoked for
16 any violation of state law or ~~Commission~~ Department rule.

17 D. Certificates shall be considered personal to the holder
18 thereof and shall be issued only to some definite legal entity
19 operating motor vehicles as a motor carrier of household goods, and
20 shall not be subject to lease, nor shall the holder thereof sublet
21 or permit the exercise, by another, in anywise, of the rights or
22 privileges granted thereunder.

23 SECTION 12. AMENDATORY 47 O.S. 2011, Section 170.1, is
24 amended to read as follows:

1 Section 170.1 A. Upon any complaint in writing under oath
2 being made by any person, or by the ~~Commission~~ Department of Public
3 Safety of its own motion, setting forth any act or thing done or
4 omitted to be done by any person in violation, or claimed violation,
5 of any provision of law, or of any order or rule of the ~~Commission~~
6 Department, the ~~Commission~~ Department shall enter same upon its
7 docket and shall immediately serve a copy thereof upon each
8 defendant together with a notice directed to each defendant
9 requiring that the matter complained of be answered, in writing,
10 within ten (10) days of the date of service of such notice, provided
11 that the ~~Commission~~ Department may, in its discretion, require
12 particular cases to be answered within a shorter time, and the
13 ~~Commission~~ Department may, for good cause shown, extend the time in
14 which an answer may be filed.

15 Upon the filing of the answer herein provided for, the
16 ~~Commission~~ Department shall set a time and place for the hearing,
17 and notice of the time and place of the hearing shall be served not
18 less than ten (10) days before the time set therefor, unless the
19 ~~Commission~~ Department shall find that public necessity requires the
20 hearing at an earlier date.

21 B. The ~~Commission~~ Department may, in all matters within its
22 jurisdiction, issue subpoenas, subpoenas duces tecum, and all
23 necessary process in proceedings pending before the ~~Commission~~
24 Department; may administer oaths, examine witnesses, compel the

1 production of records, books, papers, files, documents, contracts,
2 correspondence, agreements, or accounts necessary for any
3 investigation being conducted, and certify official acts.

4 C. In case of failure on the part of any person to comply with
5 any lawful order of the ~~Commission~~ Department, ~~or of any~~
6 ~~Commissioner~~, or with any subpoena or subpoena duces tecum, or to
7 testify concerning any matter on which he may be lawfully
8 interrogated, the ~~Commission~~ Department may compel obedience by
9 proceedings for contempt as in the case of disobedience of the
10 requirements of a subpoena, or of the refusal to testify.

11 D. Witnesses who are summoned before the ~~Commission~~ Department
12 shall be paid the same fees and mileage as are paid to witnesses in
13 courts of record. Any party to a proceeding at whose instance a
14 subpoena is issued and served shall pay the costs incident thereto
15 and the fees for mileage of all his witnesses.

16 E. In event any process shall be directed to any nonresident
17 who is authorized to do business in this state, the process may be
18 served upon the agent designated by the nonresident for the service
19 of process, and service upon the agent shall be as sufficient and as
20 effective as if served upon the nonresident.

21 F. All process issued by the ~~Commission~~ Department shall extend
22 to all parts of the state and any such process, together with the
23 service of all notices issued by the ~~Commission~~ Department, as well
24 as copies of complaints, rules, orders and regulations of the

1 ~~Commission~~ Department, may be served by any person authorized to
2 serve process issued out of courts of record, or by certified mail.

3 G. After the conclusion of any hearing, the ~~Commission~~
4 Department shall, within sixty (60) days, make and file its findings
5 and order, with its opinion. Its findings shall be in sufficient
6 detail to enable any court in which any action of the ~~Commission~~
7 Department is involved to determine the controverted questions
8 presented by the proceeding. A copy of such order, certified under
9 the seal of the ~~Commission~~ Department, shall be served upon the
10 person against whom it runs, or the attorney of the person, and
11 notice thereof shall be given to the other parties to the
12 proceedings or their attorneys. The order shall take effect and
13 become operative within fifteen (15) days after the service thereof,
14 unless otherwise provided. If an order cannot, in the judgment of
15 the ~~Commission~~ Department, be complied with within fifteen (15)
16 days, the ~~Commission~~ Department may grant and prescribe such
17 additional time as in its judgment is reasonably necessary to comply
18 with the order, and may, on application and for good cause shown,
19 extend the time for compliance fixed in the order.

20 H. In the event the ~~Commission~~ Department finds that the
21 defendant is guilty upon any complaint filed and proceeding had and
22 that the provisions of law, or the rules, regulations or orders of
23 this ~~Commission~~ Department have been willfully and knowingly
24 violated and the violator holds a permit or certificate or license

1 issued by the ~~Commission~~ Department authorizing it to engage in the
2 transportation of persons or property for hire, then such permit or
3 certificate or license may also be revoked by the ~~Commission~~
4 Department.

5 I. Where a complaint is instituted by any person other than the
6 ~~Commission~~ Department of its own motion and in the event the
7 ~~Commission~~ Department should find that the complaint was not in good
8 faith, the complaining party shall be required to pay the
9 ~~defendant's attorney's fee~~ attorney fees of the defendant, the fee
10 to be prescribed by the ~~Commission~~ Department in accordance with
11 applicable Oklahoma Bar Association standards.

12 J. Any person aggrieved by any findings and order of the
13 ~~Commission~~ Department may appeal to the Supreme Court in the way and
14 manner now or hereafter provided for appeals from the district court
15 to the Supreme Court.

16 SECTION 13. AMENDATORY 47 O.S. 2011, Section 170.2, is
17 amended to read as follows:

18 Section 170.2 A. ~~The Department of Public Safety, monthly,~~
19 ~~shall notify the Oklahoma Corporation Commission of any ticket~~
20 ~~issued for a violation of the provisions of Section 14-119 of this~~
21 ~~title, or any provisions of Chapter 14 of this title or the terms of~~
22 ~~any special permit authorized pursuant to the provisions of Chapter~~
23 ~~14 of this title concerning overweight or overweight special~~
24 ~~permits.~~

1 ~~B.~~ Truck overweight violations by motor carriers or private
2 carriers shall be considered contempt of ~~Commission~~ Department of
3 Public Safety motor carrier rules, tariffs and regulations. The
4 ~~Commission~~ Department shall establish a specific rule whereby such
5 overweight violations by motor carriers or private carriers shall be
6 grounds for issuance of a show-cause order for consideration of
7 temporary or permanent cancellation of operating authority or
8 license. In establishing the rule, consideration shall be given to
9 the frequency of violations, pattern of violations, fleet size, type
10 of operation, amount of overweight, and other such factors that may
11 indicate intent. Any person, firm, or corporation that assists in
12 the commission of such overweight violation or refuses to comply
13 with any rule, regulation, or order of the ~~Commission~~ Department
14 relating thereto shall be guilty of contempt of the ~~Commission~~
15 Department and shall be subject to a fine ~~to be imposed by said~~
16 ~~Commission in a sum not to exceed Five Hundred Dollars (\$500.00) on~~
17 as prescribed by Section 14-119 of this title for each violation.
18 In the specific instance of an overweight violation, the
19 transportation of each load shall constitute a separate violation.
20 The same fine assessed against the motor carrier or private carrier
21 shall apply to any other person, firm, or corporation that aids or
22 abets such violations. Provided however, no motor carrier, private
23 carrier, shipper or person loading or causing a motor vehicle to be
24 loaded shall be subject to a fine for contempt unless the gross

1 weight of the motor vehicle is more than five thousand (5,000)
2 pounds overweight.

3 ~~C. B.~~ The Commission Department, in its discretion and on its
4 own motion, may make a contempt complaint in writing under oath
5 setting forth the violation, enter the complaint on its docket, and
6 proceed with the matter in accordance with the provisions of
7 Sections 161 et seq. of this title or the Motor Carrier Act of 1995.

8 SECTION 14. AMENDATORY 47 O.S. 2011, Section 171.1, is
9 amended to read as follows:

10 Section 171.1 In addition to other uses authorized by law,
11 funds provided to the ~~Corporation Commission~~ Weigh Station
12 Improvement Revolving Fund pursuant to Sections ~~165, 177.2 and 180h~~
13 14-116 and 230.34a of this title shall be expended as follows:

14 1. ~~The Corporation Commission Transportation Division shall~~
15 Department of Public Safety may employ ~~four~~ special ~~motor carrier~~
16 ~~enforcement~~ Port of Entry officers and ~~one supervisor-officer~~
17 supervisor-officers who shall have the primary duty of investigating
18 and assisting in the prosecution of persons engaged in unauthorized
19 transportation or disposal of deleterious substances as contemplated
20 under the provisions of the Oklahoma Motor Carrier Act and any other
21 applicable provisions of law. Such employees shall be compensated
22 as for similar service in the same or other departments of the state
23 and an expense allowance of One Hundred Dollars (\$100.00) per month
24 for maintenance and cleaning of uniforms and other related expenses

1 shall be paid to such employees. Nothing in this section regarding
2 expense allowances shall be construed to mean that such employees
3 shall receive any additional compensation beyond what is provided
4 for maintenance and cleaning of uniforms and other related expenses
5 by the ~~Corporation Commission~~ Department of Public Safety on the
6 ~~effective date of this act~~ September 1, 1993.

7 2. The ~~Commission~~ Department shall ~~purchase~~ provide a
8 sufficient number of motor vehicles ~~to provide each motor carrier~~
9 ~~enforcement officer employed in the Transportation Division a motor~~
10 ~~vehicle suitable~~ as necessary for Port of Entry officers to carry
11 out the enforcement provisions of applicable law. ~~Said~~ The vehicles
12 shall be appropriately marked as official vehicles and radio
13 equipped. All costs for operation, maintenance and replacement of
14 the motor vehicles authorized in this section shall be provided for
15 from the ~~Corporation Commission~~ Weigh Station Improvement Revolving
16 Fund.

17 3. The ~~Commission shall~~ Department may employ ~~a hearing officer~~
18 officers as necessary whose primary responsibility shall be the
19 adjudication of enforcement proceedings and complaints brought
20 against persons engaged in unauthorized transportation or disposal
21 of deleterious substances or other unauthorized transportation in
22 violation of the Oklahoma Motor Carrier Act or the rules and
23 regulations of motor carriers as promulgated by the ~~Corporation~~
24 ~~Commission~~ Department of Public Safety.

1 SECTION 15. AMENDATORY 47 O.S. 2011, Section 171.2, is
2 amended to read as follows:

3 Section 171.2 ~~Motor carrier enforcement~~ Port of Entry officers
4 as authorized in Section 171.1 of this title shall have authority
5 and powers as provided for those ~~motor carrier~~ Port of Entry
6 officers authorized under the provisions of Section 172 of this
7 title.

8 SECTION 16. AMENDATORY 47 O.S. 2011, Section 172, is
9 amended to read as follows:

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

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

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

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

16 D. The ~~Corporation Commission shall~~ Department of Public Safety
17 may appoint a director of transportation, ~~a deputy director, an~~
18 ~~insurance supervisor, an insurance clerk, two stenographers, a~~
19 ~~secretary to the director, an identification device supervisor and~~
20 ~~an assistant identification device supervisor at such salaries as~~
21 ~~the Legislature may from time to time prescribe~~ and additional
22 employees as necessary. 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~~ There shall be two types of Port of Entry officers appointed by
6 the Department of Public Safety; commissioned officers and
7 noncommissioned officers. All officers shall be vested with all
8 powers of ~~peace officers in~~ enforcing the provisions of Sections ~~161~~
9 161A through 180m of this title, U.S. 49 CFR, and the Motor Carrier
10 Act of 1995 in all parts of this state.

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

16 F. ~~The enforcement officers when on duty, upon reasonable~~
17 ~~belief that any motor vehicle is being operated in violation of any~~
18 ~~provisions of Sections 161 through 180m of this title or the Motor~~
19 ~~Carrier Act of 1995, shall be authorized to require the driver of~~
20 ~~the vehicle to stop and submit to an inspection of the~~
21 ~~identification device, or devices, in the vehicle, and to submit to~~
22 ~~such enforcement officer bills of lading, waybills, or other~~
23 ~~evidences of the character of the commerce being transported in such~~
24 ~~vehicle, and to submit to an inspection of the contents of such~~

1 ~~vehicle for the purpose of comparing same with bills of lading or~~
2 ~~shipping documentation, waybills, or other evidences of~~
3 ~~transportation carried by the driver of the vehicle. The officers~~
4 ~~shall not have the right to plea bargain.~~

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

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

23 ~~I. No state official, other than members of the Corporation~~
24 ~~Commission~~ Department of Public Safety, shall have any power, right,

1 or authority to command, order, or direct any ~~enforcement~~ Port of
2 Entry officer to perform any duty or service authorized by Sections
3 ~~161~~ 161A through 180m of this title, U.S. 49 CFR, or the Motor
4 Carrier Act of 1995.

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

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

17 SECTION 17. AMENDATORY 47 O.S. 2011, Section 177.2, is
18 amended to read as follows:

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

1 license authorizing such operation and a deleterious substance
2 transport permit to be issued by the ~~Commission~~ Department of Public
3 Safety. Provided, transportation of such substances by private
4 carrier of property by motor vehicle shall require a deleterious
5 substance transport permit.

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

10 C. No deleterious substance transport permit shall be issued to
11 a motor carrier or private carrier until the carrier has furnished
12 written proof of access to a Class II disposal well or wells. ~~Said~~
13 The written proof of access shall be provided by the owner of such
14 disposal well. Such disposal well must first be approved by the
15 Corporation Commission as adequate to meet the need for proper
16 disposal of all substances which the applicant may reasonably be
17 expected to transport as a motor carrier or private carrier.
18 Provided that nothing in this section shall be construed as
19 prohibiting the disposition of such deleterious substances in a
20 disposal well that is owned by a person other than the transporter.

21 D. The ~~Commission~~ Department shall maintain a current list of
22 such permits. The ~~Commission~~ Department shall charge such annual
23 deleterious substance transport permitting fees as will cover the
24 cost of issuing such licenses and an annual fee of Two Hundred Fifty

1 Dollars (\$250.00) for each such deleterious substance transport
2 license. Proceeds from the fees shall be deposited by the
3 ~~Commission~~ Department in the State Treasury to the credit of the
4 ~~Corporation-Commission~~ Department of Public Safety Revolving Fund.
5 The provisions of this section are supplemental and are in addition
6 to the laws applicable to motor carriers.

7 SECTION 18. AMENDATORY 47 O.S. 2011, Section 177.3, is
8 amended to read as follows:

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

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

20 C. Any violation of the provisions of subsections A or B of
21 this section shall constitute a misdemeanor. It shall be the duty
22 of the prosecuting attorney of the county in which a violation of
23 the provisions of this section occurs to file and prosecute the
24

1 aforementioned misdemeanor charge and advise the ~~Commission~~
2 Department of such action and the results thereof.

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

1 SECTION 19. AMENDATORY 47 O.S. 2011, Section 180, is
2 amended to read as follows:

3 Section 180. The following words and phrases, when used in ~~this~~
4 ~~act~~ Section 180 et seq. of this title, shall have the meanings
5 respectively ascribed to like words and phrases by the motor carrier
6 statutes of Oklahoma, except as herein provided:

7 1. The term "identification application" shall mean the
8 application as provided by the ~~Commission~~ Department of Public
9 Safety, for making application for motor carrier vehicle
10 identification devices; and

11 2. The term "identification device" shall mean the motor
12 carrier vehicle identification device issued by the ~~Commission~~
13 Department under the provisions of ~~this act~~ Section 180 et seq. of
14 this title for the purpose of identifying powered motor carrier
15 vehicles operated under and coming within the provisions of ~~this act~~
16 Section 180 et seq. of this title or the Motor Carrier Act of 1995.

17 SECTION 20. AMENDATORY 47 O.S. 2011, Section 180a, is
18 amended to read as follows:

19 Section 180a. It is hereby declared unlawful for any motor
20 carrier, his or its agents or employees to operate any powered motor
21 vehicle, as a motor carrier for hire, within this state, without the
22 identification device issued by the ~~Commission~~ Department of Public
23 Safety, ~~said the~~ the device to be displayed as provided by the rules of
24 the ~~Commission~~ Department.

1 SECTION 21. AMENDATORY 47 O.S. 2011, Section 180b, is
2 amended to read as follows:

3 Section 180b. The identification device shall be the property
4 of the ~~Commission~~ Department of Public Safety at all times, and
5 shall be subject to seizure and confiscation by the ~~Commission~~
6 Department for any good cause and at the will of the ~~Commission~~
7 Department.

8 SECTION 22. AMENDATORY 47 O.S. 2011, Section 180c, is
9 amended to read as follows:

10 Section 180c. The ~~Commission~~ Department of Public Safety may
11 issue an order for the seizure and confiscation and return to the
12 ~~Commission~~ Department of any identification device or devices, for
13 any of the following reasons, and to direct ~~said~~ the order or orders
14 to any officer of the State of Oklahoma charged with the duties of
15 enforcing the provisions of this act and/or any other section of the
16 motor carrier law now in force or hereinafter enacted:

17 1. In all cases where the motor carrier has permitted the
18 insurance coverage, as required by law to be filed with the
19 ~~Commission~~ Department, to lapse or become cancelled or for any
20 reason to become void and fail to meet the requirements as provided
21 by law;

22 2. For failure on the part of any motor carrier, his or its
23 agents or employees to comply with any part or provision of this
24 act, or any other act or law or part or provision thereof relative

1 to the legal operation of a for-hire motor carrier or to obey,
2 observe or comply with any order, decision, rule or regulation,
3 direction, demand or requirement, or any part or provision thereof,
4 of the ~~Commission~~ Department;

5 3. Upon the cancellation or revocation of the certificate or
6 permit or IRC or license under which ~~said~~ the identification device
7 or devices were issued; or

8 4. For operating any powered motor vehicle in violation of the
9 terms and provisions of ~~this act~~ Section 180 et seq. of this title
10 or the Motor Carrier Act of 1995 and all applicable size and weight
11 laws and safety standards of this state.

12 SECTION 23. AMENDATORY 47 O.S. 2011, Section 180d, is
13 amended to read as follows:

14 Section 180d. The ~~Commission~~ Department of Public Safety shall
15 have the power and authority by general order or otherwise to
16 promulgate rules and regulations for the administration and
17 enforcement of the provisions of ~~this act~~ Section 180 et seq. of
18 this title or the Motor Carrier Act of 1995.

19 SECTION 24. AMENDATORY 47 O.S. 2011, Section 180e, is
20 amended to read as follows:

21 Section 180e. The ~~Commission~~ Department of Public Safety, in
22 its discretion, is authorized to provide for decals, cab cards, or
23 other suitable methods of identification to be displayed on or
24 carried in the truck or powered motor vehicle.

1 SECTION 25. AMENDATORY 47 O.S. 2011, Section 180f, is
2 amended to read as follows:

3 Section 180f. The ~~Commission~~ Department of Public Safety is
4 hereby authorized to purchase ~~said~~ the identification devices in
5 sufficient amounts to supply the demand, and to purchase such other
6 officer supplies and equipment as is necessary to administer and
7 enforce the provisions of ~~this act~~ Section 180 et seq. of this title
8 or the Motor Carrier Act of 1995, and to pay for, or cause the same
9 to be paid for, out of the appropriation provided therefor.

10 SECTION 26. AMENDATORY 47 O.S. 2011, Section 180g, is
11 amended to read as follows:

12 Section 180g. It shall be the duty of the ~~Commission~~ Department
13 to provide identification devices upon written application of any
14 authorized motor carrier.

15 Upon written application of any authorized motor carrier holding
16 a certificate or permit or license issued by the ~~Commission~~
17 Department, the ~~Commission~~ Department shall issue to the motor
18 carrier a sufficient number of identification devices so that each
19 powered vehicle owned or to be operated by the motor carrier in the
20 state shall bear one identification device. Identification devices
21 shall be issued on an annual basis, and applications shall be made
22 annually on the form prescribed by the ~~Commission~~ Department, and
23 any motor carrier operating a powered vehicle without a current
24 identification device shall be in violation of the provisions of

1 Sections 180 through 180m of this title or the Motor Carrier Act of
2 1995.

3 It is hereby declared unlawful for any motor carrier, or agents
4 or employees of any motor carrier, to use or transfer an
5 identification device except as provided by rules of the ~~Commission~~
6 Department.

7 SECTION 27. AMENDATORY 47 O.S. 2011, Section 180h, is
8 amended to read as follows:

9 Section 180h. The ~~Corporation Commission~~ Department of Public
10 Safety is hereby authorized to collect from applicants for motor
11 carrier and private carrier identification devices a fee of Seven
12 Dollars (\$7.00) for registration of each of its vehicles registered
13 under the provisions of ~~this act~~ Section 180 et seq. of this title
14 or the Motor Carrier Act of 1995; and the fee shall be in addition
15 to any other fees now provided for by law for the registration of
16 ~~said~~ the motor vehicles and shall be deposited in the State Treasury
17 to the credit of the Trucking One-Stop Shop Fund.

18 SECTION 28. AMENDATORY 47 O.S. 2011, Section 180k, is
19 amended to read as follows:

20 Section 180k. All records of the ~~Corporation Commission~~
21 Department of Public Safety under ~~this act~~ Section 180 et seq. of
22 this title shall be maintained in, and classified as all other
23 records in the Transportation Division of the ~~Corporation Commission~~
24 Department of Public Safety.

1 SECTION 29. AMENDATORY 47 O.S. 2011, Section 1801, is
2 amended to read as follows:

3 Section 1801. The ~~Commission~~ Department of Public Safety is
4 hereby authorized and empowered, on behalf of the State of Oklahoma,
5 and when it shall deem it to be in the best interest of the
6 residents of this state so to do, to enter into reciprocal compacts
7 and agreements with other states, or the authorized agencies
8 thereof, when such states have made provisions substantially similar
9 to this section, respecting the regulation of motor vehicles engaged
10 in interstate or foreign commerce upon and over the public highways.
11 And such compacts and agreements may provide for the granting, to
12 the residents of such states, privileges substantially similar to
13 those granted thereby to Oklahoma residents: Provided: (1) That no
14 such compact or agreement shall supersede or suspend the operation
15 of any law, rule or regulation of the State of Oklahoma which shall
16 apply to vehicles operated intrastate in the State of Oklahoma; (2)
17 That any privileges, the granting of which shall be provided by any
18 such compact or agreement, shall extend only in cases of full
19 compliance with the laws of the state joining in such compact or
20 agreement; (3) That no such compact or agreement shall supersede or
21 suspend the operation of any law of the State of Oklahoma other than
22 those applying to the payment of fees for registration certificates
23 or identification devices; and (4) That the powers and authority of
24 the Oklahoma Tax Commission to administer and enforce the tax laws

1 of this state, pertaining to the taxation of motor vehicles, shall
2 be in no manner superseded or suspended.

3 SECTION 30. AMENDATORY 47 O.S. 2011, Section 180m, is
4 amended to read as follows:

5 Section 180m. In addition to all other duties as provided by
6 law, it is hereby declared to be, and shall be the duty of all
7 sheriffs, deputy sheriffs, district attorneys, ~~enforcement~~ Port of
8 Entry officers appointed by the ~~Corporation Commission of the State~~
9 ~~of Oklahoma~~ Department of Public Safety, and all highway patrolmen
10 within the State of Oklahoma:

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

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

20 3. To make arrests for the violation of the provisions of
21 Sections 180 through 180m of this title or the Motor Carrier Act of
22 1995, without the necessity of procuring a warrant;

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

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

7 6. To report all such arrests for violations of Sections 180
8 through 180m of this title to the ~~Corporation Commission of Oklahoma~~
9 Department of Public Safety within ten (10) days after making such
10 arrest and to furnish such information concerning same as the
11 ~~Commission~~ Department may request; and

12 7. At the request of the ~~Corporation Commission~~ Department of
13 Public Safety, to seize and confiscate any and all identification
14 devices and to forward the same to the ~~Corporation Commission~~
15 Department of Public Safety for cancellation.

16 SECTION 31. AMENDATORY 47 O.S. 2011, Section 230.6, as
17 last amended by Section 8, Chapter 259, O.S.L. 2013 (47 O.S. Supp.
18 2017, Section 230.6), is amended to read as follows:

19 Section 230.6 A. No person prohibited from operating a
20 commercial vehicle shall operate such commercial motor vehicle, nor
21 shall any person authorize or require a person who has been
22 prohibited from such operation of a motor vehicle to operate a
23 commercial motor vehicle.

1 B. No person shall operate, authorize to operate, or require
2 the operation of any vehicle or the use of any container when the
3 person has been placed out-of-service or the vehicle or container
4 has been marked out-of-service until all requirements of the out-of-
5 service order of the person have been met or all required
6 corrections for the vehicle or container have been made; provided,
7 upon approval of the Department of Public Safety, the vehicle or
8 container may be moved to another location for the purpose of repair
9 or correction.

10 C. No person shall remove an out-of-service marking from a
11 transport vehicle or container unless all required corrections have
12 been made and the vehicle or container has been inspected and
13 approved by an authorized officer, employee, or agent of the
14 Department. No person shall return to duty unless all requirements
15 of the out-of-service order have been met and the person has been
16 approved to return to duty by an authorized officer, employee or
17 agent of the Department.

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

20 1. During any period in which the employee:

21 a. has had driving privileges to operate a commercial
22 motor vehicle suspended, revoked, canceled, denied or
23 disqualified,
24

- b. has had driving privileges to operate a commercial motor vehicle disqualified,
- c. is not licensed to operate a commercial motor vehicle; provided, this subparagraph shall not apply to any person who is the holder of a valid commercial learner permit issued by the Department in conjunction with a Class D driver license,
- d. has more than one commercial driver license; provided, this subparagraph shall not apply to any person who is the holder of a valid commercial learner permit issued by the Department in conjunction with a Class A, B or C driver license,
- e. does not have the proper class or endorsements on the driver license or commercial learner permit, or
- f. is in violation of any restriction on the driver license or commercial learner permit;

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

3. In violation:

- a. of a federal, state, or local law, regulation, or ordinance pertaining to railroad-highway grade crossings, or

1 b. of any restriction on the driver license or commercial
2 learner permit of the employee.

3 E. An employer who is determined by the Commissioner to have
4 committed a violation of subsection D of this section shall be
5 subject to an administrative penalty of not less than Two Thousand
6 Seven Hundred Fifty Dollars (\$2,750.00) nor more than Twenty-five
7 Thousand Dollars (\$25,000.00).

8 F. A determination by the Commissioner by issuance of a Notice
9 of Claim that a violation of any provision of this section shall be
10 a conviction for purposes of paragraph 2 of subsection A and
11 subsection G of Section 6-205.2 of this title twenty-five (25) days
12 after issuance unless dismissed by order following an administrative
13 hearing. The conviction shall be reported to CDLIS in accordance
14 with Section 18-101 of this title.

15 G. An employee who is determined by the Commissioner to have
16 committed a violation of any provision of this section shall be
17 subject to an administrative penalty of not less than Two Thousand
18 Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars
19 (\$5,000.00).

20 H. For any violation of any provision of this section
21 identified during a compliance review or investigation, the
22 administrative penalty amount shall be in accordance with federal
23 regulations and determined by utilizing the Uniform Fine Assessment
24 (UFA) software and any successor software now or hereafter used by

1 the Federal Motor Carrier Safety Administration. This will ensure
2 that the penalties promote prompt and sustained compliance, as well
3 as promoting uniformity and consistency in the assessment of civil
4 penalties.

5 SECTION 32. AMENDATORY 47 O.S. 2011, Section 230.9, as
6 amended by Section 13, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2017,
7 Section 230.9), is amended to read as follows:

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

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

18 1. An act which is a violation of a recordkeeping requirement
19 of this title or of any rule or regulation promulgated thereto or
20 the Federal Motor Carrier Safety Act of 1984, such person shall be
21 liable to the State of Oklahoma for an administrative penalty not to
22 exceed One Hundred Dollars (\$100.00) for each offense, provided that
23 the total of all administrative penalties assessed against any
24

1 violator pursuant to this paragraph for all offenses related to any
2 single violation shall not exceed Five Hundred Dollars (\$500.00);

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

12 3. An act or acts which evidences to the Commissioner, that a
13 substantial health or safety violation exists or has occurred which
14 could reasonably lead to or has resulted in serious personal injury
15 or death, such person shall be liable to the State of Oklahoma for
16 an administrative penalty not to exceed One Thousand Dollars
17 (\$1,000.00) for each offense.

18 C. Each day of violation as specified in subsection B of this
19 section shall constitute a separate single ~~violation/offense~~
20 violation.

21 D. Except for recordkeeping violations, no administrative
22 penalty shall be assessed pursuant to the provisions of this
23 section, against an employee of any person subject to the provisions
24 of the Oklahoma Motor Carrier Safety and Hazardous Materials

1 Transportation Act for a violation unless the Commissioner
2 determines that such actions of the employee constituted gross
3 negligence or reckless disregard for safety in which case such
4 employee shall be liable for an administrative penalty not to exceed
5 One Thousand Dollars (\$1,000.00).

6 E. For violations identified during a compliance review or
7 investigation, the administrative penalty amount shall be in
8 accordance with federal regulations and determined by utilizing the
9 Uniform Fine Assessment (UFA) software and any successor software
10 now or hereafter used by the Federal Motor Carrier Safety
11 Administration. This will ensure that the penalties promote prompt
12 and sustained compliance, as well as promoting uniformity and
13 consistency in the assessment of civil penalties.

14 F. In determining the amount of any administrative penalty ~~and~~
15 ~~the reasonable amount of time for abatement of the violation,~~ the
16 Commissioner shall include, but not be limited to, consideration of
17 the nature of the violation, circumstances ~~and~~ of the violation,
18 extent of the violation, gravity of the violation, ~~and with respect~~
19 ~~to the person found to have committed the violation, the degree of~~
20 culpability, history of prior offenses, effect on ability to
21 continue to do business and such other matters as justice and public
22 safety may require. In each case, the penalty shall be calculated
23 to induce further compliance.

1 ~~F.~~ G. The Commissioner or ~~his~~ designated representative shall
2 assess the amount of any administrative penalty, after notice and an
3 opportunity for hearing, by written notice to the violator together
4 with notice of findings in the case. An appeal therefrom may be
5 made to the district court of Oklahoma County pursuant to the
6 provisions of Sections 318 through 323 of Title 75 of the Oklahoma
7 Statutes.

8 ~~G.~~ H. An administrative penalty assessed by the Commissioner
9 may be recovered:

10 1. In an action brought by the Attorney General on behalf of
11 the State of Oklahoma. However, before referral to the Attorney
12 General, the administrative penalty may be compromised by the
13 Commissioner;

14 2. By the Commissioner in the appropriate district court of the
15 State of Oklahoma; ~~or~~

16 3. By the Commissioner in an administrative hearing conducted
17 by the Department of Public Safety;

18 4. By the Department by filing an itemization of unpaid
19 administrative penalties, fees, and charges with the Oklahoma Tax
20 Commission for collection at the time of registration of the
21 vehicle. The Oklahoma Tax Commission shall not issue or renew the
22 registration of a vehicle upon receipt of an itemization of unpaid
23 administrative penalties, fees and charges from the Department,
24 until paid;

1 5. By the state agency granted with the authority to issue
2 intrastate operating authority by suspending the operating authority
3 of any intrastate carrier who fails to pay the administrative
4 penalties, fees and charges imposed by the Department, until paid;
5 and

6 6. By the Department by denying the issuance of documentation
7 needed for operation of a commercial motor vehicle including, but
8 not limited to, permits, certificates and contracts when an entity
9 or person has unpaid administrative penalties, fees or charges,
10 until paid.

11 I. The operating authority of any intrastate carrier on the
12 sixty-first day after the date of a notice of proposed
13 "unsatisfactory" safety rating issued by the Department following a
14 compliance review or investigation, shall be suspended by the
15 Department upon the issuance of an order placing the carrier out of
16 service. The Department shall use the safety rating methodology of
17 the Federal Motor Carrier Safety Administration. The out-of-service
18 order suspending the operating authority of the intrastate carrier
19 shall remain in place until the Department determines that the
20 carrier is fit.

21 J. The state agency granted with the authority to issue
22 intrastate operating authority shall suspend the operating authority
23 of any intrastate carrier that receives an "unsatisfactory" rating
24 and is placed out of service following a compliance review or

1 investigation conducted by the Department or that fails to allow a
2 compliance review or investigation.

3 K. If a motor carrier is found to be operating any vehicle
4 while its operating authority is suspended, in violation of an out-
5 of-service order or with past due administrative penalties, fees and
6 charges owed to the Department, the Department may hold the vehicle
7 until cleared.

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

18 SECTION 33. AMENDATORY 47 O.S. 2011, Section 230.22, is
19 amended to read as follows:

20 Section 230.22 A. It is hereby declared that it is necessary
21 in the public interest to regulate transportation by motor carriers
22 and private carriers in such manner as to recognize the need to
23 require all motor carriers and private carriers to have adequate
24 insurance; for motor carriers and private carriers to provide

1 service in a safe and efficient manner; and to establish that the
2 operations of motor carriers and private carriers will not have a
3 detrimental impact on the environment.

4 B. The public policy of this state, as declared by the
5 Legislature, requires that all existing intrastate certificates and
6 permits granted by the ~~Oklahoma Corporation Commission~~ Department of
7 Public Safety, except household goods and used emigrant movables,
8 prior to January 1, 1995, are hereby revoked.

9 C. The provisions of the Motor Carrier Act of 1995, except as
10 hereinafter specifically limited, shall apply to the transportation
11 of passengers or property by motor carriers and private carriers,
12 except motor carriers of household goods and used emigrant movables,
13 over public highways of this state; and the regulations of such
14 transportation, and the procurement thereof and the provisions of
15 facilities therefor, are hereby vested in the ~~Oklahoma Corporation~~
16 ~~Commission~~ Department of Public Safety.

17 D. Nothing herein shall be construed to interfere with the
18 exercise by agencies of the government of the United States of its
19 power of regulation of interstate commerce.

20 E. The terms and provisions of the Motor Carrier Act of 1995
21 shall apply to commerce with foreign nations, or commerce among the
22 several states of this Union, insofar as such application may be
23 permitted under the provisions of the Constitution of the United
24 States and the Acts of Congress.

1 SECTION 34. AMENDATORY 47 O.S. 2011, Section 230.23, is
2 amended to read as follows:

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

4 1. "Person" means any individual, firm, copartnership, limited
5 partnership, corporation, limited liability corporation, company,
6 association, or joint-stock association and includes any trustee,
7 receiver, assignee, or personal representative thereof;

8 2. ~~"Commission"~~ "Department" means the ~~Oklahoma Corporation~~
9 ~~Commission~~ Department of Public Safety;

10 3. "License" means the license issued under authority of the
11 laws of the State of Oklahoma to motor carriers and private
12 carriers;

13 4. "Interstate Registration Certificate" (IRC) means a document
14 issued by the ~~Commission~~ Department granting permission to operate
15 upon the highways of the State of Oklahoma in interstate commerce
16 exempt from federal motor carrier regulation;

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

20 6. "Motor carrier of persons or property" means any person,
21 except a carrier of household goods or used emigrant movables,
22 operating upon any public highway for the transportation of
23 passengers or property for compensation or for hire or for
24 commercial purposes, and not operating exclusively within the limits

1 of an incorporated city or town within this state. Provided, the
2 provisions of the Motor Carrier Act of 1995 shall not apply to the
3 following vehicles and equipment when such vehicles and equipment
4 are being used for the following:

- 5 a. taxicabs and bus companies engaged in the
6 transportation of passengers and their baggage, not
7 operated between two or more cities and towns, when
8 duly licensed by a municipal corporation in which they
9 might be doing business,
- 10 b. any person or governmental authority furnishing
11 transportation for school children to and from public
12 schools or to and from public-school-related
13 extracurricular activities under contract with, and
14 sponsored by, a public school board; provided, that
15 motor vehicles and equipment operated for the purposes
16 shall qualify in all respects for the transportation
17 of school children under the Oklahoma School Code and
18 the rules of the State Board of Education adopted
19 pursuant thereto, and
- 20 c. transport trucks transporting liquefied petroleum
21 gases intrastate which are owned or operated by a
22 person subject to and licensed by the Oklahoma
23 Liquefied Petroleum Gas Regulation Act, and
24

1 d. transportation of livestock and farm products in the
2 raw state, when any of such commodities move from farm
3 to market or from market to farm on a vehicle or on
4 vehicles owned and operated by a bona fide farmer not
5 engaged in motor vehicle transportation on a
6 commercial scale;

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

11 8. "Intercompany hauling" means the transportation of
12 property, by motor vehicle, for compensation, by a carrier which is
13 a member of a corporate family, as defined in the Motor Carrier Act
14 of 1995, when the transportation for compensation is provided for
15 other members of the corporate family;

16 9. "Private carrier" means any person engaged in transportation
17 upon public highways, of persons or property, or both, but not as a
18 motor carrier, and includes any person who transports property by
19 motor vehicle where such transportation is incidental to or in
20 furtherance of any commercial enterprise of such person, other than
21 transportation;

22 10. "Market" means the point at which livestock and farm
23 products in the raw state were first delivered by the producer of
24

1 the livestock and farm products in the raw state, upon the sale
2 thereof;

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

7 12. "Commercial enterprise" means all undertakings entered into
8 for private gain or compensation, including all industrial pursuits,
9 whether the undertakings involve the handling of or dealing in
10 commodities for sale or otherwise.

11 SECTION 35. AMENDATORY 47 O.S. 2011, Section 230.24, is
12 amended to read as follows:

13 Section 230.24 A. The ~~Corporation Commission~~ Department of
14 Public Safety is hereby vested with power and authority, and it
15 shall be its duty:

16 1. To supervise and regulate every motor carrier whether
17 operating between fixed termini or over a regular route ~~or otherwise~~
18 ~~and not operating exclusively within the limits of an incorporated~~
19 ~~city or town in this state and all private carriers operating~~
20 ~~vehicles having a gross registered weight of greater than 26,000~~
21 ~~pounds and not operating exclusively within the limits of an~~
22 ~~incorporated city or town~~ in this state;

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

1 3. To ensure motor carriers and private carriers are complying
2 with the applicable size and weight laws of this state and safety
3 requirements;

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

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

10 B. The ~~Commission~~ Department shall have the power and authority
11 by general order or otherwise to prescribe rules applicable to any
12 or all motor carriers and private carriers as applicable.

13 C. ~~The Commission shall cooperate and coordinate with the~~
14 ~~Oklahoma Department of Public Safety in regulating carrier safety,~~
15 ~~size and weight regulations of motor vehicles and the transportation~~
16 ~~of hazardous materials. The Commission may enter into interagency~~
17 ~~agreements with the Department of Public Safety for the purpose of~~
18 ~~implementing, administering and enforcing any provisions of the~~
19 ~~Oklahoma Motor Carrier Safety and Hazardous Materials Transportation~~
20 ~~Act and the rules and regulations of the Department of Public Safety~~
21 ~~issued pursuant thereto. Any license issued by the Commission~~
22 Department may be suspended or revoked due to operations conducted
23 in violation of any laws or rules and regulations pertaining to
24 motor carriers, private carriers, carrier safety, size and weight

1 regulations of motor vehicles and the transportation of hazardous
2 materials.

3 SECTION 36. AMENDATORY 47 O.S. 2011, Section 230.25, is
4 amended to read as follows:

5 Section 230.25 A. Every motor carrier, subject to the Motor
6 Carrier Act of 1995, receiving property for transportation in
7 intrastate commerce shall issue a receipt or bill of lading
8 therefor, the form of which shall be prescribed by the ~~Commission~~
9 Department of Public Safety.

10 B. Any person, motor carrier, or shipper who shall willfully
11 violate any provisions of the Motor Carrier Act of 1995 by any means
12 shall be deemed guilty of a misdemeanor and upon conviction thereof
13 be fined as provided by law.

14 SECTION 37. AMENDATORY 47 O.S. 2011, Section 230.26, is
15 amended to read as follows:

16 Section 230.26 When the ~~Commission~~ Department of Public Safety,
17 upon complaint, has reason to believe that any person, motor
18 carrier, or shipper is violating or has willfully violated any
19 provision of the Motor Carrier Act of 1995, the ~~Commission~~
20 Department shall, upon its own initiative, file a contempt
21 proceeding and set a date for the proceeding to be heard before the
22 ~~Commission~~ Department, and upon conviction the ~~Commission~~ Department
23 shall invoke such contempt penalties as provided herein.

1 SECTION 38. AMENDATORY 47 O.S. 2011, Section 230.27, is
2 amended to read as follows:

3 Section 230.27 A. Upon the filing by an intrastate motor
4 carrier or private carrier of an application for a license, the
5 applicant shall pay to the ~~Corporation Commission~~ Department of
6 Public Safety a filing fee in the sum of One Hundred Dollars
7 (\$100.00) with an original or subapplication. Any valid license
8 issued will remain in force, unless otherwise revoked by the
9 ~~Commission~~ Department in accordance with the provisions of the Motor
10 Carrier Act of 1995, for one (1) year from date of issuance.

11 B. Every motor carrier or private carrier wishing to continue
12 operations under the original license, shall pay to the ~~Corporation~~
13 ~~Commission~~ Department of Public Safety an annual renewal fee of
14 Fifty Dollars (\$50.00). An intrastate license may be renewed for up
15 to three (3) years.

16 C. The ~~Commission~~ Department shall, upon the receipt of any
17 fee, deposit the same in the State Treasury to the credit of the
18 Trucking One-Stop Shop Fund.

19 SECTION 39. AMENDATORY 47 O.S. 2011, Section 230.28, is
20 amended to read as follows:

21 Section 230.28 A. It shall be unlawful for any motor carrier
22 to operate or furnish service within this state without first having
23 obtained from the ~~Commission~~ Department of Public Safety a license
24 declaring that all insurance requirements have been met and that the

1 carrier will operate within all existing rules and state laws
2 pertaining to safety standards, size and weight requirements and,
3 when applicable, lawful handling and disposal of hazardous materials
4 and deleterious substances, and will operate in such a manner as to
5 ensure there will be no detrimental environmental impact. It shall
6 also be unlawful for any private carrier to operate or furnish
7 service within this state without first having obtained from the
8 ~~Corporation Commission~~ Department a license declaring that all
9 insurance requirements have been met and that the carrier will
10 operate within all existing rules and state laws pertaining to
11 safety standards, size and weight requirements and, when applicable,
12 lawful handling and disposal of hazardous materials and deleterious
13 substances, and will operate in such a manner as to ensure there
14 will be no detrimental environmental impact. The ~~Commission~~
15 Department shall have power, and it shall be its duty, to issue the
16 license or set the application for hearing within thirty (30) days
17 of the ~~Commission~~ Department determining that the application is
18 complete. Any such hearing shall be scheduled to occur on a date
19 within an additional forty-five (45) business days of such
20 determination. The mere filing of an application does not authorize
21 any person to operate as a carrier.

22 B. In granting applications for licenses, the ~~Commission~~
23 Department shall take into consideration the reliability of the
24 applicant; the proper equipment meeting minimum safety criteria as

1 adequate to perform the service; and the applicant's sense of
2 responsibility toward the public and the environment.

3 C. The ~~Commission~~ Department may, at any time after a public
4 hearing and for good cause, suspend or revoke any license.

5 Provided, the record owner of the license shall be entitled to have
6 ~~ten (10) days'~~ ten days of written notice by certified mail from the
7 ~~Commission~~ Department of any hearing affecting the license, except
8 as otherwise provided in the Motor Carrier Act of 1995. The right
9 of appeal from such order or orders shall be given as in other cases
10 appealed from orders of the ~~Commission~~ Department.

11 D. The ~~Commission~~ Department shall be authorized to exercise
12 any additional power that may from time to time be conferred upon
13 the state by any Act of Congress. The ~~Commission~~ Department shall
14 adopt rules prescribing the manner and form in which motor carriers
15 and private carriers shall apply for licenses required by the Motor
16 Carrier Act of 1995. Among other rules adopted, the application
17 shall be in writing and shall set forth the following facts:

18 1. The name and address of the applicant and the names and
19 addresses of its officers, if any;

20 2. Full information concerning the physical properties of the
21 applicant; and

22 3. Such other information as the ~~Commission~~ Department may
23 consider pertinent to the application.

1 SECTION 40. AMENDATORY 47 O.S. 2011, Section 230.29, is
2 amended to read as follows:

3 Section 230.29 A. As used in this section:

4 1. "Authorized carrier" means a person or persons authorized to
5 engage in the transportation of passengers or property as a licensed
6 motor carrier;

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

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

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

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

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

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

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

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

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

8 2. The authorized carrier acquiring the use of equipment under
9 this section shall identify the equipment in accordance with the
10 requirements of the ~~Commission~~ Department of Public Safety; and

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

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

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

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

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

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

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

12 6. The lease shall clearly specify the responsibility of each
13 party with respect to the cost of fuel, fuel taxes, empty mileage,
14 permits of all types, tolls, detention and accessorial services,
15 base plates and licenses, and any unused portions of such items.
16 Except when the violation results from the acts or omissions of the
17 lessor, the authorized carrier lessee shall assume the risks and
18 costs of fines for overweight and oversize trailers when the
19 trailers are preloaded, sealed, or the load is containerized, or
20 when the trailer or lading is otherwise outside of the lessor's
21 control, and for improperly permitted overdimension and overweight
22 loads and shall reimburse the lessor for any fines paid by the
23 lessor. If the authorized carrier is authorized to receive a refund
24 or a credit for base plates purchased by the lessor from, and issued

1 in the name of, the authorized carrier, or if the base plates are
2 authorized to be sold by the authorized carrier to another lessor
3 the authorized carrier shall refund to the initial lessor on whose
4 behalf the base plate was first obtained a prorated share of the
5 amount received;

6 7. The lease shall specify that payment to the lessor shall be
7 made by the authorized carrier within fifteen (15) days after
8 submission of the necessary delivery documents and other paperwork
9 concerning a trip in the service of the authorized carrier. The
10 paperwork required before the lessor can receive payment is limited
11 to those documents necessary for the authorized carrier to secure
12 payment from the shipper. The authorized carrier may require the
13 submission of additional documents by the lessor but not as a
14 prerequisite to payment;

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

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

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

5 11. As it relates to insurance:

6 a. the lease shall clearly specify the legal obligation
7 of the authorized carrier to maintain insurance
8 coverage for the protection of the public, and

9 b. the lease shall clearly specify the conditions under
10 which deductions for cargo or property damage may be
11 made from the lessor's settlements. The lease shall
12 further specify that the authorized carrier must
13 provide the lessor with a written explanation and
14 itemization of any deductions for cargo or property
15 damage made from any compensation of money owed to the
16 lessor. The written explanation and itemization must
17 be delivered to the lessor before any deductions are
18 made; and

19 12. An original and two copies of each lease shall be signed by
20 the parties. The authorized carrier shall keep the original and
21 shall place a copy of the lease in the equipment during the period
22 of the lease. The owner of the equipment shall keep the other copy
23 of the lease.

1 D. The provisions of this section shall apply to the leasing of
2 equipment with which to perform transportation regulated by the
3 ~~Corporation Commission~~ Department of Public Safety by motor carriers
4 holding a license from the ~~Commission~~ Department to transport
5 passengers or property.

6 SECTION 41. AMENDATORY 47 O.S. 2011, Section 230.30, is
7 amended to read as follows:

8 Section 230.30 A. No license shall be issued by the ~~Commission~~
9 Department of Public Safety to any carrier until after the carrier
10 shall have filed with the ~~Commission~~ Department a liability
11 insurance policy or bond covering public liability and property
12 damage, issued by some insurance or bonding company or insurance
13 carrier authorized pursuant to this section and which has complied
14 with all of the requirements of the ~~Commission~~ Department, which
15 bond or policy shall be approved by the ~~Commission~~ Department, and
16 shall be in a sum and amount as fixed by a proper order of the
17 ~~Commission~~ Department; and the liability and property damage
18 insurance policy or bond shall bind the obligor thereunder to make
19 compensation for injuries to, or death of, persons, and loss or
20 damage to property, resulting from the operation of any carrier for
21 which the carrier is legally liable. A copy of the policy or bond
22 shall be filed with the ~~Commission~~ Department, and, after judgment
23 against the carrier for any damage, the injured party may maintain
24

1 an action upon the policy or bond to recover the same, and shall be
2 a proper party to maintain such action.

3 B. Every motor carrier shall file with the ~~Commission~~
4 Department a cargo insurance policy or bond covering any goods or
5 property being transported, issued by some insurance or bonding
6 company or insurance carrier authorized as set forth below, and
7 which has complied with all of the requirements of the ~~Commission~~
8 Department, which bond or policy shall be approved by the ~~Commission~~
9 Department, and shall be in a sum and amount as fixed by a proper
10 order of the ~~Commission~~ Department. The cargo insurance must be
11 filed with the ~~Commission~~ Department prior to a license being issued
12 by the ~~Commission~~ Department, unless the motor carrier has been
13 exempted from this requirement.

14 Intrastate motor carriers of sand, rock, gravel, asphaltic
15 mixtures or other similar road building materials shall not be
16 required to file cargo insurance and shall be required to maintain
17 liability insurance limits of Three Hundred Fifty Thousand Dollars
18 (\$350,000.00) combined single limit.

19 No carrier, whose principal place of business is in Oklahoma,
20 shall conduct any operations in this state unless the operations are
21 covered by a valid primary bond or insurance policy issued by a
22 provider authorized or approved by the State Insurance Commissioner.
23 No carrier shall conduct any operations in this state unless the
24 operations are covered by a valid bond or insurance policy issued by

1 a provider authorized and approved by a National Association of
2 Insurance Commissioners and certified by the State Insurance
3 Commission.

4 C. Each carrier shall maintain on file, in full force, all
5 insurance required by the laws of this state and the rules of the
6 ~~Commission~~ Department during the operation of the carrier and that
7 the failure for any cause to maintain the coverage in full force and
8 effect shall immediately, without any notice from the ~~Commission~~
9 Department, suspend the rights of the carrier to operate until
10 proper insurance is provided. Any carrier suspended for failure to
11 maintain proper insurance shall have a reasonable time, not
12 exceeding sixty (60) days, to have its license reactivated, and to
13 provide proper insurance upon showing:

14 1. No operation during the period in which it did not have
15 insurance; and

16 2. Furnishing of proper insurance coverage.

17 D. Any carrier who fails to reactivate its license within sixty
18 (60) days after the suspension, as above provided, shall have the
19 license canceled, by operation of law, without any notice from the
20 ~~Commission~~ Department. No license so canceled shall be reinstated
21 or otherwise made operative except that the ~~Commission~~ Department
22 may reinstate the license of a carrier upon proper showing that the
23 carrier was actually covered by proper insurance during the
24 suspension or cancellation period, and that failure to file with the

1 ~~Commission~~ Department was not due to the negligence of the carrier.
2 Any carrier desiring to file for reinstatement of its license shall
3 do so within ninety (90) days of its cancellation by law.

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

16 SECTION 42. AMENDATORY 47 O.S. 2011, Section 230.31, is
17 amended to read as follows:

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

22 B. Any person who willfully advertises to perform
23 transportation services for which the person does not hold a license
24 shall be in violation of the Motor Carrier Act of 1995 and subject

1 to the penalties prescribed for contempt of the ~~Commission~~
2 Department of Public Safety.

3 C. All licenses issued by the ~~Commission~~ Department under any
4 law of the state relating to motor carriers or private carriers
5 shall contain the provision that the ~~Commission~~ Department reserves
6 to itself authority to suspend or cancel any such license for the
7 violation, on the part of the applicant or any operator or operators
8 of any motor vehicle to be operated thereunder, of any law of this
9 state or any rule adopted by the ~~Commission~~ Department.

10 D. Licenses shall be considered personal to the holder of the
11 license and shall be issued only to some definite legal entity
12 operating motor vehicles as a motor carrier or private carrier, and
13 shall not be subject to lease, nor shall the holder of the license
14 sublet or permit the exercise, by another, of the rights or
15 privileges granted under the license.

16 SECTION 43. AMENDATORY 47 O.S. 2011, Section 230.32, is
17 amended to read as follows:

18 Section 230.32 The ~~Commission~~ Department of Public Safety shall
19 have the power and authority by general order or otherwise to
20 promulgate rules and regulations for the administration and
21 enforcement of the provisions of the Motor Carrier Act of 1995.

22 SECTION 44. AMENDATORY 47 O.S. 2011, Section 230.34a, is
23 amended to read as follows:

1 Section 230.34a A. Any person, firm, partnership, limited
2 liability company, or corporation owning or possessing a vehicle and
3 required to register the vehicle under the laws of this state for
4 the purpose of transporting farm products in a raw state may receive
5 a harvest permit from the ~~Oklahoma Corporation Commission~~ Department
6 of Public Safety.

7 B. The harvest permit shall be recognized in lieu of
8 registration, fuel permit and intrastate operating authority in this
9 state. The harvest permit shall be issued to the operating motor
10 carrier.

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

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

- 18 1. Owner of the vehicle;
- 19 2. Vehicle registrant;
- 20 3. Make, model, year, license plate number, state of
21 registration and VIN of each vehicle which will be operated under
22 the permit; and
- 23 4. The operating carrier must provide a certificate that each
24 vehicle is operating under a liability insurance policy valid in

Oklahoma for Three Hundred Fifty Thousand Dollars (\$350,000.00) or more.

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

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

2. The remaining amount shall be deposited in the One-Stop Trucking Fund as set forth in Section 1167 of ~~Title 47 of the Oklahoma Statutes~~ this title.

F. A harvest permit may be extended in fifteen-day increments. The permit holder shall be required to pay the additional prorated portion of the tag fee at Eight Dollars and seventy-five cents (\$8.75) per axle per fifteen-day extension.

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

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

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

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

17 K. The ~~Corporation Commission~~ Department may promulgate rules
18 to administer the provisions of the Motor Carrier Harvest Permit Act
19 of 2006.

20 SECTION 45. AMENDATORY 47 O.S. 2011, Section 1120.1, is
21 amended to read as follows:

22 Section 1120.1 A. The ~~Corporation Commission~~ Department of
23 Public Safety, when in the interest of the State of Oklahoma and its
24 residents, may enter into the International Registration Plan or

1 other compacts or agreements with other states to permit motor
2 vehicle registration and license taxes on any motor vehicle to be
3 used as a rental motor vehicle as defined in the International
4 Registration Plan.

5 B. The Tax Commission or ~~Corporation Commission~~ Department of
6 Public Safety, as applicable, shall require that each rental motor
7 vehicle be assessed the following registration fees in lieu of the
8 fee schedule set forth in Section 1132 of this title:

9 1. A fee of Fifteen Dollars (\$15.00) shall be assessed for the
10 first year of registration in this or any other state; and

11 2. A fee of Ten Dollars (\$10.00) shall be assessed in the first
12 year and each subsequent year of registration in this or any other
13 state.

14 C. Upon registration and payment of the fees required by this
15 section, the owner shall receive a license plate which shall be
16 valid until the vehicle is permanently withdrawn from the rental
17 fleet of the owner.

18 SECTION 46. AMENDATORY 47 O.S. 2011, Section 1166, is
19 amended to read as follows:

20 Section 1166. A. Effective ~~July 1, 2004~~ July 1, 2019, all
21 powers, duties and responsibilities exercised by the Motor Vehicle
22 Enforcement Section shall be transferred from the ~~Oklahoma Tax~~
23 Corporation Commission to the ~~Corporation Commission~~ Department of
24 Public Safety. Beginning ~~July 1, 2004~~ July 1, 2019, and effective

1 ~~July 1, 2005,~~ all powers, duties and responsibilities exercised by
2 the International Registration Plan Section and the International
3 Fuel Tax Agreement Section shall be transferred from the ~~Tax~~
4 ~~Commission to the Corporation Commission~~ to the Department of Public
5 Safety. All records, property and matters pending of the sections
6 shall be transferred to the ~~Corporation Commission~~ Department of
7 Public Safety. Funds sufficient to administer the powers, duties
8 and responsibilities exercised by these sections shall be
9 appropriated or allocated to the ~~Corporation Commission~~ Department
10 of Public Safety for fiscal year ~~2005~~ 2019 as provided herein.
11 However, any such funds acquired by the Corporation Commission
12 through any grant shall be retained by the Commission and any
13 programs associated with any grant shall be completed by June 1,
14 2018. The Commission shall also be responsible for any potential
15 claims made on such funds. Such funds appropriated or allocated to
16 the ~~Corporation Commission~~ Department of Public Safety shall not be
17 subject to budgetary limitations. ~~The Director of State Finance is~~
18 ~~hereby authorized to transfer such funds as may be necessary to~~
19 ~~effect such allocations.~~

20 B. ~~The period of July 1, 2004, through June 30, 2005, shall be~~
21 ~~a transitional period in which the Corporation Commission shall~~
22 ~~gradually assume complete administration and management over the~~
23 ~~powers, duties, responsibilities and staff currently carrying out~~
24 ~~the administration of the International Registration Plan Section~~

1 ~~and the International Fuel Tax Agreement Section. During this~~
2 ~~transition period, the employees assigned to the International~~
3 ~~Registration Plan Section and the International Fuel Tax Agreement~~
4 ~~Section shall continue to be employees of the Tax Commission unless~~
5 ~~otherwise agreed to by the Tax Commission and the Corporation~~
6 ~~Commission. Effective July 1, 2005 July 1, 2019, the International~~
7 ~~Registration Plan Section and the International Fuel Tax Agreement~~
8 ~~Section shall be administered solely by the Corporation Commission~~
9 ~~Department of Public Safety. For the period of July 1, 2004,~~
10 ~~through June 30, 2005, the Corporation Commission and the Tax~~
11 ~~Commission shall enter into a contract whereby funds shall be paid~~
12 ~~to the Tax Commission by the Corporation Commission in exchange for~~
13 ~~the Tax Commission's agreement to continue to operate the~~
14 ~~International Registration Plan Section and the International Fuel~~
15 ~~Tax Agreement Section.~~

16 C. The powers, duties and responsibilities exercised by the
17 Motor Vehicle Enforcement Section of the ~~Tax~~ Corporation Commission
18 shall be fully transferred to the ~~Corporation Commission~~ Department
19 of Public Safety on ~~July 1, 2004~~ July 1, 2019.

20 D. All employees of the ~~Tax~~ Corporation Commission whose duties
21 are transferred under this ~~act~~ section shall be transferred to the
22 ~~Corporation Commission~~ Department of Public Safety. Personnel
23 transferred pursuant to the provisions of this section shall not be
24 required to accept a lesser salary than presently received;

1 provided, the provisions of this section shall not operate to
2 prohibit the ~~Corporation Commission~~ Department of Public Safety or
3 the ~~Tax~~ Corporation Commission from imposing furloughs or
4 reductions-in-force with respect to such personnel as allowed by
5 law. Personnel transferred shall be placed within the
6 classification level in which they meet qualifications without an
7 entrance exam. All such persons shall retain seniority, leave, sick
8 and annual time earned and any retirement benefits which have
9 accrued during their tenure with the ~~Tax~~ Corporation Commission.
10 The transfer of personnel among the agencies shall be coordinated
11 with the Office of ~~Personnel~~ Management and Enterprise Services.

12 E. Effective ~~July 1, 2004~~ July 1, 2019, any administrative rules
13 promulgated by the ~~Tax~~ Corporation Commission related to the
14 administration of the International Registration Plan authorized by
15 Section 1120 of ~~Title 47 of the Oklahoma Statutes~~ this title, the
16 International Fuel Tax Agreement authorized by Section 607 of Title
17 68 of the Oklahoma Statutes, or the enforcement of Section 1115.1 of
18 ~~Title 47 of the Oklahoma Statutes~~ this title shall be transferred to
19 and become a part of the administrative rules of the ~~Corporation~~
20 ~~Commission~~ Department of Public Safety. The Office of
21 Administrative Rules ~~in~~ of the Secretary of ~~State's office~~ State
22 shall provide adequate notice in the Oklahoma Register of the
23 transfer of rules, and shall place the transferred rules under the
24 Administrative Code section of the ~~Corporation Commission~~ Department

1 of Public Safety. From and after July 1, 2004, any amendment,
2 repeal or addition to the transferred rules shall be under the
3 jurisdiction of the ~~Corporation Commission~~ Department of Public
4 Safety. All documents issued by the sections transferred to the
5 ~~Corporation Commission~~, Department of Public Safety, including, but
6 not limited to, vehicle registrations and permits, shall be deemed
7 to have been issued by the ~~Corporation Commission~~ Department of
8 Public Safety.

9 F. The ~~Corporation Commission~~ Department of Public Safety may
10 promulgate rules necessary for the utilization of motor license
11 agents in the registration of vehicles pursuant to Section 1120 of
12 ~~Title 47 of the Oklahoma Statutes~~ this title.

13 SECTION 47. AMENDATORY 47 O.S. 2011, Section 1167, as
14 last amended by Section 1, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
15 2017, Section 1167), is amended to read as follows:

16 Section 1167. A. The ~~Corporation Commission~~ Department of
17 Public Safety is hereby authorized to promulgate rules pursuant to
18 the Administrative Procedures Act to establish the amounts of fees,
19 fines and penalties as set forth in Section 1166 et seq. of this
20 title. The ~~Corporation Commission~~ Department of Public Safety shall
21 notify all interested parties of any proposed rules to be
22 promulgated as provided herein and shall provide such parties an
23 opportunity to be heard prior to promulgation.

1 B. The ~~Corporation Commission~~ Department of Public Safety shall
2 adjudicate enforcement actions initiated by ~~Corporation Commission~~
3 Department of Public Safety personnel.

4 C. Revenue derived from all fines and penalties collected or
5 received by the ~~Corporation Commission~~ Department of Public Safety
6 pursuant to the provisions of the Trucking One-Stop Shop Act shall
7 be apportioned ~~as follows:~~

8 ~~1. For~~ for the period beginning August 23, 2013, the first
9 ~~Three Hundred Thousand Dollars (\$300,000.00) collected or received~~
10 ~~each fiscal year shall be remitted to the Department of Public~~
11 ~~Safety for the purpose of staffing the port of entry weigh stations~~
12 ~~to conduct safety inspections. The next~~ Five Hundred Fifty Thousand
13 Dollars (\$550,000.00) shall be remitted to the Oklahoma Tax
14 Commission and apportioned as provided in Section 1104 of this
15 title; ~~and.~~

16 ~~2.~~ The remaining amount shall be deposited to the Trucking One-
17 Stop Shop Fund created in subsection D of this section.

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

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

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

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

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

11 Expenditures from the revolving fund shall be made pursuant to the
12 laws of this state. ~~In addition, expenditures from the revolving~~
13 ~~fund may be made pursuant to The Oklahoma Central Purchasing Act for~~
14 ~~the purpose of immediately responding to emergency situations,~~
15 ~~within the Commission's jurisdiction, having potentially critical~~
16 ~~environmental or public safety impact. Warrants for expenditures~~
17 ~~from the fund shall be drawn by the State Treasurer against claims~~
18 ~~filed as prescribed by law with the Director of the Office of~~
19 ~~Management and Enterprise Services for approval and payment.~~

20 E. There is hereby created in the State Treasury a revolving
21 fund for the Department of Transportation to be designated the
22 "Weigh Station Improvement Revolving Fund". The fund shall be a
23 continuing fund, not subject to fiscal year limitations or
24 legislative appropriations, and shall consist of all monies

1 deposited thereto. All monies accruing to the credit of the fund
2 are hereby appropriated and may be budgeted and expended by the
3 Department for the purpose of constructing, equipping and
4 maintaining facilities to determine the weight of vehicles traveling
5 on the roads and highways of this state. Expenditures from the fund
6 shall be made upon warrants issued by the State Treasurer against
7 claims filed as prescribed by law with the Director of the Office of
8 Management and Enterprise Services for approval and payment.

9 SECTION 48. AMENDATORY 47 O.S. 2011, Section 1168, as
10 amended by Section 205, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
11 2017, Section 1168), is amended to read as follows:

12 Section 1168. All facilities and equipment under the
13 administrative control of the Oklahoma Tax Commission and used for
14 determining the weight of vehicles operated on the roads or highways
15 of this state are hereby transferred to the Department of
16 Transportation. Any funds appropriated to or any powers, duties and
17 responsibilities exercised by the Tax Commission for such purpose
18 shall be transferred to the Department. The Director of the Office
19 of Management and Enterprise Services is hereby authorized to
20 transfer such funds as may be necessary. The Department of
21 Transportation is hereby authorized to enter into an agreement with
22 the ~~Corporation Commission~~ Department of Public Safety to operate
23 such facilities or equipment. The provisions of this section shall
24 not be construed to obligate the Department of Transportation to

1 incur expenses in connection with the administration of such
2 facilities and equipment in an amount which exceeds deposits to the
3 Weigh Station Improvement Revolving Fund.

4 SECTION 49. AMENDATORY 47 O.S. 2011, Section 1169, is
5 amended to read as follows:

6 Section 1169. A. The ~~Corporation Commission~~ Department of
7 Public Safety is authorized to revoke, suspend or deny the issuance,
8 extension or reinstatement of any ~~Corporation Commission~~ Department-
9 of-Public-Safety-issued motor carrier or commercial motor vehicle
10 license, permit, registration, certificate or duplicate copy thereof
11 issued pursuant to the jurisdiction of the ~~Corporation Commission~~
12 Department of Public Safety, to any person who shall be guilty of:

13 1. Violation of any of the provisions of applicable state law;

14 2. Violation of rules promulgated by the ~~Corporation Commission~~
15 Department;

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~~ Department or the State of Oklahoma; or

20 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~~ Department 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

1 properly file a report or return may be waived or reduced by the
2 ~~Corporation Commission~~ Department. No interest or penalties in
3 excess of Ten Thousand Dollars (\$10,000.00) shall be allowed except
4 by order of the ~~Commission~~ Department.

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

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

1 filed by ~~said~~ the person and ending with the date of the revocation
2 or expiration and shall pay all such taxes, fees or penalties owed.

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

10 SECTION 50. AMENDATORY Section 2, Chapter 262, O.S.L.
11 2012 (47 O.S. Supp. 2017, Section 1201), is amended to read as
12 follows:

13 Section 1201. As used in the Oklahoma Weigh Station Act of
14 2012:

15 1. "Authority" means the Oklahoma Turnpike Authority;

16 2. ~~"Commission"~~ "Department" means the ~~Corporation Commission~~
17 Department of Public Safety;

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

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

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

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

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

15 SECTION 51. AMENDATORY Section 3, Chapter 262, O.S.L.
16 2012, as last amended by Section 2, Chapter 373, O.S.L. 2016 (47
17 O.S. Supp. 2017, Section 1202), is amended to read as follows:

18 Section 1202. A. The Department of Transportation, the
19 Oklahoma Turnpike Authority and the ~~Corporation Commission~~
20 Department of Public Safety may enter into interagency agreements
21 concerning the equipment, maintenance and operations of fixed
22 facilities. From July 1, 2018, to June 30, 2019, the Department of
23 Transportation and the Corporation Commission may enter into
24

1 interagency agreements concerning the equipment, maintenance and
2 operations of fixed facilities.

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

8 C. ~~The Commission~~ Effective July 1, 2019, all powers, duties
9 and responsibilities exercised by the International Registration
10 Plan Section, the International Fuel Tax Agreement, the Unified
11 Carrier Registration program, and the administration of trip
12 permits, temporary fuel permits and harvest permits shall be
13 transferred from the Corporation Commission to the Department of
14 Public Safety.

15 D. Beginning July 1, 2019, the Department of Public Safety
16 shall operate all current and future ports of entry weigh stations
17 eighteen (18) to twenty (20) hours a day and seven (7) days a week
18 upon the availability of funds.

19 ~~D. The Commission shall continue to conduct roadside~~
20 ~~enforcement in the general area where a fixed facility is planned~~
21 ~~but no fixed facility currently exists until a fixed facility is~~
22 ~~located in the general area or July 1, 2016, whichever is earlier.~~

23 ~~E. When a fixed facility is located in the general area,~~
24 ~~Commission motor carrier and commercial motor vehicle enforcement~~

1 ~~shall be limited to the fixed facility and a radius surrounding the~~
2 ~~facility. If the fixed facility is a weigh station as defined in~~
3 ~~Section 1201 of this title, the applicable radius shall be seven (7)~~
4 ~~miles. If the fixed facility is a port of entry weigh station as~~
5 ~~defined in Section 1201 of this title, the applicable radius shall~~
6 ~~be twenty-five (25) miles.~~

7 ~~F. The Commission may assist in roadside enforcement in a joint~~
8 ~~effort at the request of the Oklahoma Highway Patrol.~~

9 ~~G. The Commission is authorized to conduct audits, reviews,~~
10 ~~investigations, inspections or other enforcement actions by~~
11 ~~enforcement officers provided those activities are within the scope~~
12 ~~of the Commission's jurisdiction and are not conducted as roadside~~
13 ~~enforcement in accordance with the provisions of the Oklahoma Weigh~~
14 ~~Station Act of 2012.~~

15 ~~H. E.~~ The ~~Commission~~ Department of Public Safety may enter into
16 interagency cooperative agreements with other state or federal
17 agencies to jointly enforce federal and state laws or rules.

18 ~~I. F.~~ North American Standard Inspections shall be conducted
19 only by individuals holding certification in the level or
20 classification of inspection being conducted.

21 SECTION 52. AMENDATORY Section 4, Chapter 262, O.S.L.
22 2012 (47 O.S. Supp. 2017, Section 1203), is amended to read as
23 follows:
24

1 Section 1203. A. A commercial motor vehicle, its driver or a
2 motor carrier may not be cited for the same violation of motor
3 carrier or commercial motor vehicle requirements on the same date by
4 any Oklahoma officer, provided neither the vehicle configuration nor
5 the load have changed. This subsection is not applicable to a
6 Commercial Vehicle Safety Alliance out-of-service violation.

7 B. The ~~Corporation Commission and the~~ Department of Public
8 Safety or other state or local agencies may enter into interagency
9 agreements to share information electronically to facilitate this
10 section.

11 SECTION 53. REPEALER 47 O.S. 2011, Sections 171 and
12 172.1, are hereby repealed.

13
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