

1 ENGROSSED SENATE  
2 BILL NO. 1375

By: Allen of the Senate

3 and

4 Vaughan and Roberts  
5 (Dustin) of the House

6  
7 An Act relating to vehicle weight and load; amending  
8 47 O.S. 2011, Sections 14-101, as last amended by  
9 Section 1, Chapter 121, O.S.L. 2016 and 14-109, as  
10 last amended by Section 1, Chapter 52, O.S.L. 2015  
11 (47 O.S. Supp. 2017, Sections 14-101 and 14-109),  
12 which relate to certain penalties and axle and gross  
13 weights of certain vehicles; clarifying certain  
14 penalty; clarifying certain weights formula for  
15 permits for certain vehicles; providing penalties for  
16 operating certain vehicles or combination of vehicles  
17 in excess of certain weight limitations; establishing  
18 procedures for assessment of certain administrative  
19 penalty; directing deposit of certain fines; and  
20 prohibiting issuance of conflicting bond schedule.

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

22 SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-101, as  
23 last amended by Section 1, Chapter 121, O.S.L. 2016 (47 O.S. Supp.  
24 2017, Section 14-101), is amended to read as follows:

Section 14-101. A. It is a misdemeanor punishable pursuant to  
Section 14-109 of this title, for any person to drive or move or for  
the owner to cause or knowingly permit to be driven or moved on any  
highway any vehicle or vehicles of a size or weight exceeding the  
limitations stated in this chapter or otherwise in violation of this

1 chapter, and the maximum size and weight of vehicles herein  
2 specified shall be lawful throughout this state and local  
3 authorities shall have no power or authority to alter the  
4 limitations except as express authority may be granted in this  
5 chapter.

6 B. The Commissioner of Public Safety is directed to issue  
7 annual overweight permits to:

8 1. Municipalities and rural fire districts for the  
9 transportation of firefighting apparatus at no cost to the  
10 municipalities or rural fire districts;

11 2. Owners of implements of husbandry, which includes tractors  
12 that are temporarily moved upon a highway at no cost to the owner;

13 3. Retail implement dealers while hauling implements of  
14 husbandry at no cost to the dealer; and

15 4. Owners of certain vehicles as provided for in Section 14-  
16 103G of this title.

17 C. If a vehicle is issued a license pursuant to Section 1134.4  
18 of this title, the license shall also serve as the overweight permit  
19 required by this section.

20 D. All size, weight and load provisions covered by this chapter  
21 shall be subject to the limitations imposed by Title 23, United  
22 States Code, Section 127, and such other rules and regulations  
23 developed herein. Provided further that any size and weight  
24 provision authorized by the United States Congress for use on the

1 National System of Interstate and Defense Highways, including but  
2 not limited to height, axle weight, gross weight, combinations of  
3 vehicles or load thereon shall be authorized for immediate use on  
4 such segments of the National System of Interstate and Defense  
5 Highways and any other highways or portions thereof as designated by  
6 the Transportation Commission or their duly authorized  
7 representative.

8 E. All size, weight and load provisions covered by Sections 14-  
9 101 through 14-123 of this title shall be subject to a gross vehicle  
10 weight limit of ninety thousand (90,000) pounds when applied to a  
11 vehicle operating off the National System of Interstate and Defense  
12 Highways unless such vehicle is operating in full compliance with an  
13 overweight permit issued by the Commissioner of Public Safety.

14 F. Any vehicle permitted for movement on the highways of this  
15 state as provided in Section 14-101 et seq. of this title, other  
16 than a vehicle permitted solely for overweight movement, shall be  
17 moved only during daylight hours. As used in Section 14-101 et seq.  
18 of this title, "daylight hours" shall mean one-half (1/2) hour  
19 before sunrise to one-half (1/2) hour after sunset. The  
20 Commissioner of Public Safety, for good cause and consistent with  
21 the safe movement of the vehicle, may endorse a permit for the  
22 movement of an oversize vehicle to authorize night time travel under  
23 such terms and restrictions as the Commissioner may require.

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1 G. 1. Any vehicle permitted for movement on the highways of  
2 this state as provided in Section 14-101 et seq. of this title shall  
3 not be moved at any time on the following holidays:

- 4 a. New Year's Day (January 1),
- 5 b. Memorial Day (the last Monday in May),
- 6 c. The Fourth of July (Independence Day),
- 7 d. Labor Day (the first Monday in September),
- 8 e. Thanksgiving Day (the fourth Thursday in November),
- 9 and
- 10 f. Christmas Day (December 25).

11 2. Any vehicle permitted for movement on the highways of this  
12 state as provided in Section 14-101 et seq. of this title shall be  
13 allowed to move on the following holidays:

- 14 a. Martin Luther King, Jr.'s Birthday (the third Monday  
15 in January),
- 16 b. President's Day, also known as Washington's Birthday  
17 (the third Monday in February), and
- 18 c. Veteran's Day (November 11).

19 SECTION 2. AMENDATORY 47 O.S. 2011, Section 14-109, as  
20 last amended by Section 1, Chapter 52, O.S.L. 2015 (47 O.S. Supp.  
21 2017, Section 14-109), is amended to read as follows:

22 Section 14-109. A. On any road or highway:

- 23 1. No single axle weight shall exceed twenty thousand (20,000)  
24 pounds; and

1           2. The total gross weight in pounds imposed thereon by a  
2 vehicle or combination of vehicles shall not exceed the value  
3 calculated in accordance with the Federal Bridge formula imposed by  
4 23 U.S.C., Section 127.

5           B. Except as to gross limits, the formula of this section shall  
6 not apply to a truck-tractor and dump semitrailer when used as a  
7 combination unit. In no event shall the maximum load in pounds  
8 carried by any set of tandem axles exceed thirty-four thousand  
9 (34,000) pounds. Any vehicle operating with split tandem axles or  
10 tri-axles shall adhere to the formula.

11           C. Except for loads moving under special permits as provided in  
12 this title, no department or agency of this state or any county,  
13 city, or public entity thereof shall pay for any material that  
14 exceeds the legal weight limits moving in interstate or intrastate  
15 commerce in excess of the legal load limits of this state.

16           D. 1. An annual special overload permit may be purchased for  
17 vehicles transporting rock, sand, gravel, coal, flour, timber,  
18 pulpwood, and chips in their natural state, oil field fluids, oil  
19 field equipment or equipment used in oil and gas well drilling or  
20 exploration, and vehicles transporting grain, fertilizer,  
21 cottonseed, cotton, livestock, peanuts, canola, sunflowers,  
22 soybeans, feed, any other raw agricultural products, and any other  
23 unprocessed agricultural products, if the following conditions are  
24 met:

- a. the vehicles are registered for the maximum allowable rate,
- b. the vehicles do not exceed five percent (5%) of the gross limits set forth in subsection A of this section,
- c. the vehicles do not exceed eight percent (8%) of the axle limits set forth in subsection A of this section,
- d. no component of the vehicles exceeds the manufacturer's component weight rating as shown on the vehicle certification label or tag, and
- e. the vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.

2. Vehicles operating pursuant to this section must register for the maximum allowable rate and additionally shall purchase a nontransferrable annual special overload permit from the Department of Public Safety for a fee of Three Hundred Fifty Dollars (\$350.00). All monies collected shall be deposited to the credit of the Highway Construction and Maintenance Fund.

E. Exceptions to this section will be:

1. Utility or refuse collection vehicles used by counties, cities, or towns or by private companies contracted by counties, cities, or towns if the following conditions are met:

- 1 a. calculation of weight for a utility or refuse  
2 collection vehicle shall be "Gross Vehicle Weight".  
3 The "Gross Vehicle Weight" of a utility or refuse  
4 collection vehicle may not exceed the otherwise  
5 applicable weight by more than fifteen percent (15%).  
6 The weight on individual axles must not exceed the  
7 manufacturer's component rating which includes axle,  
8 suspension, wheels, rims, brakes, and tires as shown  
9 on the vehicle certification label or tag, and  
10 b. utility or refuse collection vehicles operated under  
11 these exceptions will not be allowed to operate on  
12 interstate highways;

13 2. A combination of a wrecker or tow vehicle and another  
14 vehicle or vehicle combination if:

- 15 a. the service provided by the wrecker or tow vehicle is  
16 needed to remove disabled, abandoned, or accident-  
17 damaged vehicles, and  
18 b. the wrecker or tow vehicle is towing the other vehicle  
19 or vehicle combination directly to the nearest  
20 authorized place of repair, terminal, or vehicle  
21 storage facility.

22 Vehicles operating pursuant to the provisions of this paragraph will  
23 not be allowed to operate on the National System of Interstate and  
24

1 Defense Highways unless it is a Covered Heavy-Duty Tow and Recovery  
2 Vehicle that:

3 a. is transporting a disabled vehicle from the place  
4 where the vehicle became disabled to the nearest  
5 appropriate repair facility, and

6 b. has a gross vehicle weight that is equal to or exceeds  
7 the gross vehicle weight of the disabled vehicle being  
8 transported; and

9 3. A vehicle designed to be used under emergency conditions to  
10 transport personnel and equipment and to support the suppression of  
11 fires and mitigation of other hazardous situations operating on the  
12 Interstate System with a vehicle weight limit up to a maximum gross  
13 vehicle weight of eighty-six thousand (86,000) pounds with less  
14 than:

15 a. twenty-four thousand (24,000) pounds on a single  
16 steering axle,

17 b. thirty-three thousand five hundred (33,500) pounds on  
18 a single drive axle,

19 c. sixty-two thousand (62,000) pounds on a tandem axle,  
20 or

21 d. fifty-two thousand (52,000) pounds on a tandem rear  
22 drive steer axle.

23 F. 1. Any vehicle utilizing an auxiliary power or idle  
24 reduction technology unit in order to promote reduction of fuel use

1 and emissions because of engine idling shall be allowed an  
2 additional four hundred (400) pounds total to the total gross weight  
3 limits set by this section.

4 2. To be eligible for the exception provided in this  
5 subsection, the operator of the vehicle must obtain written proof or  
6 certification of the weight of the auxiliary power or idle reduction  
7 technology unit and be able to demonstrate or certify that the idle  
8 reduction technology is fully functional.

9 3. Written proof or certification of the weight of the  
10 auxiliary power or idle reduction technology unit must be available  
11 to law enforcement officers if the vehicle is found in violation of  
12 applicable weight laws. The additional weight allowed cannot exceed  
13 four hundred (400) pounds or the actual proven or certified weight  
14 of the unit, whichever is less.

15 G. Utility, refuse collection vehicles or a combination of a  
16 wrecker or tow vehicle as described in paragraph 2 of subsection E  
17 of this section operating under exceptions shall purchase an annual  
18 special overload permit from the Department of Public Safety for One  
19 Hundred Dollars (\$100.00). All monies collected shall be deposited  
20 to the credit of the Highway Construction and Maintenance Fund.

21 H. For purposes of this section, "utility vehicle" shall mean  
22 any truck used by a private utility company, county, city, or town  
23 for the purpose of installing or maintaining electric, water, or  
24 sewer systems.

1 I. Any person who operates a vehicle or combination of vehicles  
2 which is seven hundred fifty (750) pounds or more in excess of the  
3 gross or axle weight limitations imposed by this section shall, upon  
4 conviction or assessment of an administrative penalty, be punished  
5 by a fine to be calculated from the amount of weight in excess of  
6 the top weight limitation authorized as follows:

7 1. A fine of Two Hundred Dollars (\$200.00), if overweight by  
8 seven hundred fifty (750) pounds but not more than three thousand  
9 (3,000) pounds;

10 2. A fine of Two Hundred Fifty Dollars (\$250.00), if overweight  
11 by three thousand one (3,001) pounds but not more than five thousand  
12 (5,000) pounds;

13 3. A fine of Four Hundred Fifty Dollars (\$450.00), if  
14 overweight by five thousand one (5,001) pounds but not more than  
15 seven thousand (7,000) pounds;

16 4. A fine of Six Hundred Fifty Dollars (\$650.00), if overweight  
17 by seven thousand one (7,001) pounds but not more than ten thousand  
18 (10,000) pounds; and

19 5. A fine of ten cents (\$0.10) per pound overweight, if  
20 overweight by ten thousand one (10,001) pounds or more.

21 J. Any person having multiple offenses as provided for in  
22 subsection I of this section within a calendar year shall be subject  
23 to the following fines:

1       1. A second offense within one (1) year of any fine pursuant to  
2 paragraphs 1 through 4 of subsection I shall receive a fine of one  
3 and one half (1 1/2) times the amount of the violation cited; and

4       2. A third and all subsequent offenses within one (1) year of  
5 any fine pursuant to paragraphs 1 through 4 of subsection I shall  
6 receive a fine of two (2) times the amount of the violation cited.

7       K. If a person commits a violation of the provisions of Section  
8 14-101 of this title, or of this section, but is not convicted and  
9 assessed a criminal penalty, the Commissioner of Public Safety or  
10 designated representative may assess an administrative penalty in an  
11 amount authorized by this section, after notice to the violator and  
12 an opportunity for hearing. An appeal of an assessment of such  
13 administrative penalty may be made to the district court of Oklahoma  
14 County pursuant to Sections 318 through 323 of Title 75 of the  
15 Oklahoma Statutes. In no event shall a fine be imposed as both a  
16 criminal conviction and an administrative penalty as a result of the  
17 same violation arising from the same incident.

18       L. In no event shall a fine, in compliance with this section,  
19 be imposed in both a criminal conviction and an administrative civil  
20 assessment as a result of the same violation arising from the same  
21 incident.

22       M. All fines collected pursuant to the provisions of subsection  
23 I of this section shall be deposited in the State Treasury to the  
24 credit of the Weigh Station Improvement Revolving Fund, as created

1 in Section 1167 of this title for the purpose of enforcing size,  
2 weight and load laws of this state.

3 N. No state agency, board, commission or political subdivision  
4 shall issue a bond schedule that conflicts with the provisions of  
5 this section.

6 Passed the Senate the 14th day of March, 2018.

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\_\_\_\_\_  
Presiding Officer of the Senate

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10 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
11 2018.

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Presiding Officer of the House  
of Representatives

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