

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 591, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Allen

Allen-JD-FS-Req#1582
3/13/2017 10:07 AM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 591

By: Allen of the Senate

and

Roberts (Dustin) of the
House

FLOOR SUBSTITUTE

[vehicle weight and load - certain penalties and
axle and gross weights - ~~effective date~~ -
emergency]

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-101, as
last amended by Section 1, Chapter 121, O.S.L. 2016 (47 O.S. Supp.
2016, 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
chapter, and the maximum size and weight of vehicles herein
specified shall be lawful throughout this state and local
authorities shall have no power or authority to alter the

1 limitations except as express authority may be granted in this
2 chapter.

3 B. The Commissioner of Public Safety is directed to issue
4 annual overweight permits to:

5 1. Municipalities and rural fire districts for the
6 transportation of firefighting apparatus at no cost to the
7 municipalities or rural fire districts;

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

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

12 4. Owners of certain vehicles as provided for in Section 14-
13 103G of this title.

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

17 D. All size, weight and load provisions covered by this chapter
18 shall be subject to the limitations imposed by Title 23, United
19 States Code, Section 127, and such other rules and regulations
20 developed herein. Provided further that any size and weight
21 provision authorized by the United States Congress for use on the
22 National System of Interstate and Defense Highways, including but
23 not limited to height, axle weight, gross weight, combinations of
24 vehicles or load thereon shall be authorized for immediate use on

1 such segments of the National System of Interstate and Defense
2 Highways and any other highways or portions thereof as designated by
3 the Transportation Commission or their duly authorized
4 representative.

5 E. All size, weight and load provisions covered by Sections 14-
6 101 through 14-123 of this title shall be subject to a gross vehicle
7 weight limit of ninety thousand (90,000) pounds when applied to a
8 vehicle operating off the National System of Interstate and Defense
9 Highways unless such vehicle is operating in full compliance with an
10 overweight permit issued by the Commissioner of Public Safety.

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

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

24 a. New Year's Day (January 1),

- b. Memorial Day (the last Monday in May),
- c. The Fourth of July (Independence Day),
- d. Labor Day (the first Monday in September),
- e. Thanksgiving Day (the fourth Thursday in November),
- and
- f. Christmas Day (December 25).

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

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

SECTION 2. AMENDATORY 47 O.S. 2011, Section 14-109, as last amended by Section 1, Chapter 52, O.S.L. 2015 (47 O.S. Supp. 2016, Section 14-109), is amended to read as follows:

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

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

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

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

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

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

- 21 a. the vehicles are registered for the maximum allowable
22 rate,
23
24

- 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:

- a. calculation of weight for a utility or refuse collection vehicle shall be "Gross Vehicle Weight".
The "Gross Vehicle Weight" of a utility or refuse

collection vehicle may not exceed the otherwise applicable weight by more than fifteen percent (15%).

The weight on individual axles must not exceed the manufacturer's component rating which includes axle, suspension, wheels, rims, brakes, and tires as shown on the vehicle certification label or tag, and

- b. utility or refuse collection vehicles operated under these exceptions will not be allowed to operate on interstate highways; and

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

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

Vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.

F. 1. Any vehicle utilizing an auxiliary power or idle reduction technology unit in order to promote reduction of fuel use and emissions because of engine idling shall be allowed an

1 additional four hundred (400) pounds total to the total gross weight
2 limits set by this section.

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

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

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

20 H. For purposes of this section, "utility vehicle" shall mean
21 any truck used by a private utility company, county, city, or town
22 for the purpose of installing or maintaining electric, water, or
23 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, be punished by a fine to be calculated from the amount
5 of weight in excess of the top weight limitation authorized as
6 follows:

7 1. A fine of One Hundred Dollars (\$100.00) plus court costs, if
8 overweight by seven hundred fifty (750) pounds but not more than
9 three thousand (3,000) pounds;

10 2. A fine of Two Hundred Dollars (\$200.00) plus court costs, if
11 overweight by three thousand one (3,001) pounds but not more than
12 six thousand (6,000) pounds;

13 3. A fine of Four Hundred Fifty Dollars (\$450.00) plus court
14 costs, if overweight by six thousand one (6,001) pounds but not more
15 than ten thousand (10,000) pounds; and

16 4. A fine of ten cents (\$0.10) per pound overweight plus court
17 costs, if overweight by ten thousand one (10,001) pounds or more.

18 J. Any person having multiple offenses as provided in
19 subsection I of this section within a calendar year shall be subject
20 to the following fines:

21 1. A second offense within one (1) year of any fine pursuant to
22 paragraphs 1 through 4 of this subsection shall receive a fine one
23 and one half (1 1/2) times the amount of the violation cited; and
24

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

4 K. In no event shall court costs exceed the amount of any fine
5 imposed pursuant to the provisions of this section.

6 L. All fines collected pursuant to the provisions of subsection
7 I of this section shall be deposited in the State Treasury to the
8 credit of the Department of Public Safety Revolving Fund, as created
9 in Section 2-144.1 of this title.

10 M. The bond schedule and costs as prescribed by subsection I of
11 this section shall supercede any bond schedule and costs from any
12 state agency, board, commission or political subdivision concerning
13 oversize and overweight vehicles.

14 ~~SECTION 3. This act shall become effective July 1, 2017.~~

15 ~~SECTION 4. It being immediately necessary for the preservation~~
16 ~~of the public peace, health or safety, an emergency is hereby~~
17 ~~declared to exist, by reason whereof this act shall take effect and~~
18 ~~be in full force from and after its passage and approval.~~

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