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February 20, 2018

AS AMENDED

SENATE BILL NO. 913

By: Allen

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 14-111, as amended by Section 2, Chapter 249, O.S.L. 2012 (47 O.S. Supp. 2017, Section 14-111), which relates to weighing vehicles; modifying certain authority to stop and weigh vehicles; requiring certain adherence to scope of authority and standards for size and weight enforcement; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-111, as amended by Section 2, Chapter 249, O.S.L. 2012 (47 O.S. Supp. 2017, Section 14-111), is amended to read as follows:

Section 14-111. A. Any officer of the Department of Public Safety, ~~the Corporation Commission, any sheriff, or any salaried deputy sheriff~~ **or the Corporation Commission** is authorized to stop any vehicle upon any road or highway, and any sheriff or salaried deputy trained by the Size and Weight Permit Division of the Department of Public Safety is authorized to stop and weigh any vehicle with a scale certified by the Department of Public Safety upon any county road, in order to weigh such vehicle by means of portable or stationary scales, or cause the same to be weighed by

1 any official weigher, or upon any privately owned scales and may
2 require that such vehicles be driven to the nearest or most
3 convenient available scales for the purpose of weighing. Any
4 officer weighing a vehicle pursuant to this section by means of
5 portable scales shall allow the driver of the vehicle to move the
6 vehicle to the most level weighing area available within two (2)
7 miles of the stop. In the event that any axle weight or the gross
8 weight of any such vehicle be found to exceed the maximum weight
9 authorized by law, or by permit issued therefor, the officer may
10 require, in the case of separable loads, the driver, operator or
11 owner thereof to unload at the site such portion of the load as may
12 be necessary to decrease the weight of such vehicle to the maximum
13 weight authorized by law. Provided, however, that if such load
14 consists of livestock, perishable merchandise, or merchandise that
15 may be destroyed by the weather, then the driver shall be permitted
16 to proceed to the nearest practical unloading point in the direction
17 of destination before discharging such excess cargo. All material
18 so unloaded shall be cared for by the owner or operator of such
19 vehicle at the risk of such owner or operator.

20 B. The operator of any truck or other vehicle transporting farm
21 products for hire or other merchandise for hire shall have in his or
22 her possession a certificate carrying the following information:
23 name of the operator; driver license number; vehicle registration
24 number; Corporation Commission permit number; and statement of owner

1 authorizing transportation of the products by ~~above named~~ above-
2 named operator. For the purposes of this section "certificate"
3 includes electronic manifests and other similar documents that
4 include all of the information required pursuant to this section.

5 Should the vehicle be loaded with livestock, the certificate
6 shall include the number of animals, and should the livestock be the
7 property of more than one person, a certificate signed by each owner
8 carrying the above information including the number of animals owned
9 by each owner shall be carried by the operator. Should the operator
10 be the owner of the merchandise or livestock, the merchandise or
11 livestock having just been purchased, the operator shall have in his
12 or her possession a bill of sale for such merchandise or livestock.
13 Should the operator be the owner of livestock or other farm products
14 produced by the operator, the operator shall be required to show
15 satisfactory identification and ownership of the vehicle. Any
16 county sheriff or police officer ~~as outlined in this chapter~~ shall
17 have the authority to stop any vehicle loaded with livestock,
18 merchandise or other farm products and investigate as to the
19 ownership of the merchandise, livestock or other farm products.
20 Should the operator of any vehicle be unable to establish to the
21 satisfaction of the officer the ownership of the merchandise,
22 livestock or other products, or shall not have the certificate as
23 specified in this section for the transportation of such
24 merchandise, livestock or other farm products, the merchandise,

1 livestock or other farm products and the vehicle in which they are
2 being transported shall be impounded by the officer and any expense
3 as to the care of any livestock shall be the responsibility of the
4 owner or operator of the vehicle, and any loss or damage of the
5 merchandise, livestock or other farm products shall be the
6 responsibility of the operator or owner, or both.

7 The provisions of this subsection shall not apply to a person
8 who is transporting horses or livestock; provided, the person shall
9 not have been hired to transport the horses or livestock.

10 C. Any county sheriff or deputy sheriff enforcing the
11 provisions of this section or any other size and weight provisions
12 for motor vehicles shall not exceed the scope of authority of
13 standards for size and weight enforcement established by the
14 Department of Public Safety, which includes but is not limited to
15 the number of citations issued per offense. The sheriff department
16 receiving training and/or scale certification shall be charged by
17 and pay to the Department of Public Safety for the training and
18 scale certification.

19 SECTION 2. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION
24 February 20, 2018 - DO PASS AS AMENDED