

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 1376

By: Scott

AS INTRODUCED

An Act relating to vehicle weight and load; amending 47 O.S. 2011, Sections 14-101, as last amended by Section 1, Chapter 121, O.S.L. 2016 and 14-109, as last amended by Section 1, Chapter 52, O.S.L. 2015 (47 O.S. Supp. 2017, Sections 14-101 and 14-109), which relate to certain penalties and axle and gross weights of certain vehicles; clarifying certain penalty; clarifying certain weights formula for permits for certain vehicles; providing penalties for operating certain vehicles or combination of vehicles in excess of certain weight limitations; providing an effective date; and declaring an 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. 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 chapter, and the maximum size and weight of vehicles herein

1 specified shall be lawful throughout this state and local
2 authorities shall have no power or authority to alter the
3 limitations except as express authority may be granted in this
4 chapter.

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

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

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

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

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

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

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

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

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

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

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; and

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 Defense Highways.

1 F. 1. Any vehicle utilizing an auxiliary power or idle
2 reduction technology unit in order to promote reduction of fuel use
3 and emissions because of engine idling shall be allowed an
4 additional four hundred (400) pounds total to the total gross weight
5 limits set by this section.

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

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

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

23 H. For purposes of this section, "utility vehicle" shall mean
24 any truck used by a private utility company, county, city, or town

1 for the purpose of installing or maintaining electric, water, or
2 sewer systems.

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

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

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

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

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

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

23 1. A second offense within one (1) year of any fine pursuant to
24 paragraphs 1 through 4 of subsection I of this section shall receive

1 a fine one and one half (1 1/2) times the amount of the violation
2 cited; and

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

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

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

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

17 SECTION 3. This act shall become effective July 1, 2018.

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

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23 56-2-1965

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