

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

SENATE BILL 203

By: Allen

AS INTRODUCED

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. 2016, 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; 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 14-111, as amended by Section 2, Chapter 249, O.S.L. 2012 (47 O.S. Supp. 2016, 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 is authorized to stop any vehicle upon any road or highway, and any sheriff 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

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

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

1 number; Corporation Commission permit number; and statement of owner
2 authorizing transportation of the products by above-named operator.
3 For the purposes of this section "certificate" includes electronic
4 manifests and other similar documents that include all of the
5 information required pursuant to this section.

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

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

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

11 C. Any county sheriff or deputy sheriff enforcing the
12 provisions of this section or any other size and weight provisions
13 for motor vehicles shall not exceed the scope of authority of
14 standards for size and weight enforcement established by the
15 Department of Public Safety, which includes but is not limited to
16 the number of citations issued per offense.

17 SECTION 2. This act shall become effective July 1, 2017.

18 SECTION 3. 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.

22
23 56-1-793

JD

1/17/2017 10:22:21 AM