

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 591

By: Allen

6 AS INTRODUCED

7 An Act relating to vehicle weight and load; 47 O.S.  
8 2011, Sections 14-101, as last amended by Section 1,  
Chapter 121, O.S.L. 2016 and 14-109, as last amended  
9 by Section 1, Chapter 52, O.S.L. 2015 (47 O.S. Supp.  
2016, Sections 14-101 and 14-109), which relate to  
10 certain penalties and axle and gross weights of  
certain vehicles; clarifying certain penalty;  
11 clarifying certain weights formula for permits for  
certain vehicles; providing penalties for operating  
12 certain vehicles or combination of vehicles in excess  
of certain weight limitations; and providing an  
effective date.

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15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-101, as  
16 last amended by Section 1, Chapter 121, O.S.L. 2016 (47 O.S. Supp.  
17 2016, Section 14-101), is amended to read as follows:

18 Section 14-101. A. It is a misdemeanor, punishable pursuant to  
19 subsection I of Section 14-109 of this title, for any person to  
20 drive or move or for the owner to cause or knowingly permit to be  
21 driven or moved on any highway any vehicle or vehicles of a size or  
22 weight exceeding the limitations stated in this chapter or otherwise  
23 in violation of this chapter, and the maximum size and weight of  
24 vehicles herein specified shall be lawful throughout this state and

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

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

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

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

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

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

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

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

1 vehicles or load thereon shall be authorized for immediate use on  
2 such segments of the National System of Interstate and Defense  
3 Highways and any other highways or portions thereof as designated by  
4 the Transportation Commission or their duly authorized  
5 representative.

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

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

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

- 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

1 calculated in accordance with the Federal Bridge formula imposed by  
2 23 U.S.C., Section 127.

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

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

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

23 a. the vehicles are registered for the maximum allowable  
24 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:

- 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

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

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

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

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

12 a. the service provided by the wrecker or tow vehicle is  
13 needed to remove disabled, abandoned, or accident-  
14 damaged vehicles, and

15 b. the wrecker or tow vehicle is towing the other vehicle  
16 or vehicle combination directly to the nearest  
17 authorized place of repair, terminal, or vehicle  
18 storage facility.

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

22 F. 1. Any vehicle utilizing an auxiliary power or idle  
23 reduction technology unit in order to promote reduction of fuel use  
24 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.  
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1       I. Any person who purchases a permit for one of the axle weight  
2 categories specified in this section and who operates a vehicle or  
3 combination of vehicles which is seven hundred (700) pounds or more  
4 in excess of the gross and/or axle weight limitations imposed by  
5 this section shall, upon conviction, be punished by a fine to be  
6 calculated from the amount of weight in excess of the top weight  
7 limitation authorized by the permit as follows:

8       1. A fine of three cents (\$0.03) per pound overweight, if  
9 overweight by seven hundred (700) pounds but not more than two  
10 thousand (2,000) pounds;

11       2. A fine of five cents (\$0.05) per pound overweight, if  
12 overweight by two thousand one (2,001) pounds but not more than five  
13 thousand (5,000) pounds;

14       3. A fine of seven cents (\$0.07) per pound overweight, if  
15 overweight by five thousand one (5,001) pounds but not more than  
16 seven thousand five hundred (7,500) pounds;

17       4. A fine of nine cents (\$0.09) per pound overweight, if  
18 overweight by seven thousand five hundred one (7,501) pounds but not  
19 more than ten thousand (10,000) pounds;

20       5. A fine of eleven cents (\$0.11) per pound overweight, if  
21 overweight by ten thousand one (10,001) pounds but not more than  
22 twelve thousand five hundred (12,500) pounds;  
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1       6. A fine of thirteen cents (\$0.13) per pound overweight, if  
2 overweight by twelve thousand five hundred one (12,501) pounds but  
3 not more than fifteen thousand (15,000) pounds; or

4       7. A fine of fifteen cents (\$0.15) per pound overweight, if  
5 overweight by fifteen thousand one (15,001) pounds or more.

6       SECTION 3. This act shall become effective November 1, 2017.

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