

1 STATE OF OKLAHOMA

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

3 SENATE BILL 607

By: Allen

4
5
6
7 AS INTRODUCED

8 An Act relating to motor vehicle enforcement;
9 amending 47 O.S. 2011, Section 172, which relates to
10 motor carrier enforcement officers; updating
11 statutory reference; modifying authority of
12 enforcement officers; providing for certain training;
13 creating the Port-of-Entry Officer Unit within the
14 Transportation Division of the Oklahoma Corporation
15 Commission; providing certain authority and duties;
16 providing uniform requirements; authorizing certain
17 purchase authority; authorizing the promulgation of
18 rules; providing for codification; and providing an
19 effective date.

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

21 SECTION 1. AMENDATORY 47 O.S. 2011, Section 172, is
22 amended to read as follows:

23 Section 172. A. Every owner of any motor vehicle, the agents
24 or employees of the owner, and every other person who violates or
fails to comply with or procures, aids, or abets in the violation of
Sections ~~161~~ 161A through 180m of this title or the Motor Carrier
Act of 1995, or who fails to obey, observe, or comply with any
order, decision, rule or regulation, direction, demand, or

1 requirement of the Corporation Commission, or who procures, aids or
2 abets any corporation or person in the person's, or its, refusal or
3 willful failure to obey, observe or comply with any such order,
4 decision, rule, direction, demand, or regulation shall be deemed
5 guilty of a misdemeanor. Upon conviction in a criminal court of
6 competent jurisdiction, such misdemeanor is punishable by a fine of
7 not exceeding One Thousand Dollars (\$1,000.00).

8 B. The Corporation Commission shall report to the Attorney
9 General of this state and the district attorney of the proper county
10 having jurisdiction of such offense, any violation of any of the
11 provisions of Sections ~~161~~ 161A through 180m of this title or the
12 Motor Carrier Act of 1995 or any rule of the Corporation Commission
13 promulgated pursuant to the provisions of Sections ~~161~~ 161A through
14 180m of this title or the Motor Carrier Act of 1995, by any motor
15 vehicle owner, agent or employee of such owner, or any other person.
16 Upon receipt of such report, the Attorney General or the district
17 attorney of the proper county having jurisdiction of such offense
18 shall institute criminal or civil proceedings against such offender
19 in the proper court having jurisdiction of such offense. Any
20 willful failure on the part of members of the Corporation
21 Commission, the Attorney General or any district attorney, to comply
22 with the provisions of this section, shall be deemed official
23 misconduct. The Corporation Commission shall report such complaints

24

1 so made to the Governor of this state who shall direct and cause the
2 laws of this state to be enforced.

3 C. Any person failing, neglecting or refusing to comply with
4 the provisions of Sections ~~161~~ 161A through 180m of this title or
5 the Motor Carrier Act of 1995, or with any rule, regulation, or
6 requirement of the Corporation Commission promulgated pursuant to
7 the provisions of Sections ~~161~~ 161A through 180m of this title or
8 the Motor Carrier Act of 1995, shall be guilty of contempt of the
9 Corporation Commission, and shall be subject to a fine to be imposed
10 by the Corporation Commission in a sum not exceeding Five Hundred
11 Dollars (\$500.00). Each day on which such contempt occurs shall be
12 deemed a separate and distinct offense. The maximum fine to be
13 assessed on each day shall be Five Hundred Dollars (\$500.00). All
14 fines collected pursuant to the provisions of this section shall be
15 deposited in the State Treasury to the credit of the Corporation
16 Commission Trucking One-Stop Shop Fund, as created in Section 1167
17 of this title. This subsection shall not apply in the specific
18 instance of load capacity violations or violations applicable to the
19 transportation or discharge of deleterious substances provided for
20 by specific statutory provisions.

21 D. The Corporation Commission shall appoint a director of
22 transportation, a deputy director, an insurance supervisor, an
23 insurance clerk, two stenographers, a secretary to the director, an
24 identification device supervisor and an assistant identification

1 device supervisor at such salaries as the Legislature may from time
2 to time prescribe. The employees shall be allowed actual and
3 necessary travel expenses pursuant to the provisions of the State
4 Travel Reimbursement Act. All of the expense claims shall be
5 presented and paid monthly.

6 E. ~~Enforcement~~ Motor carrier enforcement officers, appointed by
7 the Corporation Commission, are hereby declared to be peace officers
8 of this state. Such officers shall be vested with all powers of
9 peace officers in enforcing the provisions of ~~Sections 161 through~~
10 ~~180m~~ of this title, U.S. 49 CFR, and the Motor Carrier Act of 1995
11 under the direction of the Department of Public Safety in all parts
12 of this state. Motor carrier officers and port of entry officers
13 created pursuant to Section 2 of this act shall not have enforcement
14 powers that are exclusive or separate from other peace officers
15 enforcing the provisions of this act.

16 The powers and duties conferred upon ~~said~~ the motor carrier
17 enforcement officers shall in no way limit the powers and duties of
18 sheriffs or other peace officers of the state, or any political
19 subdivision thereof, or of members of the Division of Highway
20 Patrol, subject to the Department of Public Safety.

21 F. The motor carrier enforcement officers when on duty, upon
22 reasonable belief that any motor vehicle is being operated in
23 violation of any provisions of ~~Sections 161 through 180m~~ of this
24 title, U.S. 49 CFR, or the Motor Carrier Act of 1995, shall be

1 authorized to require the driver of the vehicle to stop and submit
2 to an inspection of the identification device, or devices, in the
3 vehicle, and to submit to such enforcement officer bills of lading,
4 waybills, or other evidences of the character of the commerce being
5 transported in such vehicle, and to submit to an inspection of the
6 contents of such vehicle for the purpose of comparing same with
7 bills of lading or shipping documentation, waybills, or other
8 evidences of transportation carried by the driver of the vehicle.
9 The officers shall not have the right to plea bargain.

10 G. The motor carrier enforcement officers are authorized to
11 serve all warrants, writs, and notices issued by the Corporation
12 Commission relating to the enforcement of the provisions ~~of Sections~~
13 ~~161 through 180m~~ of this title, U.S. 49 CFR, or the Motor Carrier
14 Act of 1995 and the rules, regulations, and requirements prescribed
15 by the Corporation Commission promulgated pursuant to ~~Sections 161~~
16 ~~through 180m~~ of this title, U.S. 49 CFR, or the Motor Carrier Act of
17 1995.

18 H. ~~The enforcement officers shall not have the power or right~~
19 ~~of search, nor shall they have the right of power of seizure, except~~
20 ~~as provided in Sections 161 through 180m of this title or the Motor~~
21 ~~Carrier Act of 1995. The enforcement officers are authorized to~~
22 ~~hold and detain any motor vehicle operating upon the highways of~~
23 ~~this state, if, the enforcement officer has reason to believe that~~
24 ~~the vehicle is being operated contrary to the provisions of Sections~~

1 ~~161 through 180m of this title or the Motor Carrier Act of 1995, or~~
2 ~~the rules, regulations, and requirements of the Corporation~~
3 ~~Commission promulgated pursuant to Sections 161 through 180m of this~~
4 ~~title or the Motor Carrier Act of 1995.~~

5 ~~I.~~ No state official, other than members of the Corporation
6 Commission and the Department of Public Safety, shall have any
7 power, right, or authority to command, order, or direct any
8 enforcement officer to perform any duty or service authorized by
9 ~~Sections 161 through 180m of this title, U.S. 49 CFR,~~ or the Motor
10 Carrier Act of 1995.

11 ~~J.~~ Each of the enforcement officers shall, before entering upon
12 ~~the discharge of their duties, take and subscribe to the usual oath~~
13 ~~of office and shall execute to the State of Oklahoma a bond in the~~
14 ~~sum of Twenty-five Thousand Dollars (\$25,000.00) each, with~~
15 ~~sufficient surety for the faithful performance of their duty. The~~
16 ~~bond shall be approved and filed as provided by law.~~

17 ~~K.~~ I. No motor carrier enforcement officer or employee of the
18 Oklahoma Corporation Commission shall have the right to plea bargain
19 in motor carrier or motor transportation matters except the chief
20 legal counsel of the Commission or an assign of the legal staff of
21 the chief legal counsel.

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1204 of Title 47, unless there
24 is created a duplication in numbering, reads as follows:

1 A. There is hereby created within the Transportation Division
2 of the Corporation Commission the Port-of-Entry Officer Unit which
3 shall consist of such employees the Commission deems necessary to
4 carry out the provisions of this act.

5 B. The officers of the unit shall be stationed at all port-of-
6 entry weigh stations, as defined by Section 1201 of Title 47 of the
7 Oklahoma Statutes, and have the authority, responsibilities, powers
8 and duties to enforce the provisions of Sections 161A through 180m
9 of this title or the Motor Carrier Act of 1995.

10 C. All port-of-entry officers shall at all times while on duty
11 be required to be dressed in a distinctive uniform and display a
12 badge of office, both of which shall be completely different and
13 distinguishable from those of the Oklahoma Highway Patrol and other
14 motor carrier enforcement officers within the Corporation
15 Commission. All such badges shall be furnished by the Commission,
16 and each badge shall display a distinctive serial number. The type
17 and detail of the uniforms shall be designated by the Commission,
18 and the Commission shall furnish the uniforms and replace them when
19 necessary.

20 D. The Corporation Commission is authorized to purchase and
21 maintain necessary equipment and supplies and shall provide proper
22 training necessary for the enforcement of the provisions of this
23 section. The Commission is also authorized to promulgate rules to
24

1 carry out the provisions of this act. However, the Commission shall
2 not adopt any administrative rules that duplicate U.S. 49 CFR.

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

4

5 56-1-4 JD 1/19/2017 7:36:28 PM

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24