

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 10, 2017

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 591

By: Allen of the Senate and Roberts (Dustin) of the House

Title: Vehicle weight and load; weight formula for permits; providing penalties for operating overweight vehicles.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

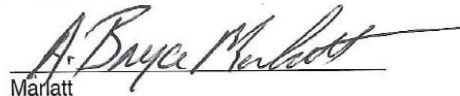
SENATE CONFEREES:


Allen

Fry

Quinn

Simpson


Marlatt

Bass

Dossett

HOUSE CONFEREES:

Conference Committee on General Conference Committee on Appropriations

Senate Action _____ Date _____ House Action _____ Date _____

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STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 591

By: Allen of the Senate

and

Roberts (Dustin) of the
House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to vehicle weight and load; 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. 2016, 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; transferring certain divisions of Corporation Commission to the Department of Public Safety; transferring associated powers, duties, responsibilities, employees, property, funds and authority; providing for transfer of certain funds; providing that certain funds not be subject to budgetary limitations; providing for codification; and providing an effective date.

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

1 SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-101, as
2 last amended by Section 1, Chapter 121, O.S.L. 2016 (47 O.S. Supp.
3 2016, Section 14-101), is amended to read as follows:

4 Section 14-101. A. It is a misdemeanor, punishable pursuant to
5 Section 14-109 of this title, for any person to drive or move or for
6 the owner to cause or knowingly permit to be driven or moved on any
7 highway any vehicle or vehicles of a size or weight exceeding the
8 limitations stated in this chapter or otherwise in violation of this
9 chapter, and the maximum size and weight of vehicles herein
10 specified shall be lawful throughout this state and local
11 authorities shall have no power or authority to alter the
12 limitations except as express authority may be granted in this
13 chapter.

14 B. The Commissioner of Public Safety is directed to issue
15 annual overweight permits to:

16 1. Municipalities and rural fire districts for the
17 transportation of firefighting apparatus at no cost to the
18 municipalities or rural fire districts;

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

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

23 4. Owners of certain vehicles as provided for in Section 14-
24 103G of this title.

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

4 D. All size, weight and load provisions covered by this chapter
5 shall be subject to the limitations imposed by Title 23, United
6 States Code, Section 127, and such other rules and regulations
7 developed herein. Provided further that any size and weight
8 provision authorized by the United States Congress for use on the
9 National System of Interstate and Defense Highways, including but
10 not limited to height, axle weight, gross weight, combinations of
11 vehicles or load thereon shall be authorized for immediate use on
12 such segments of the National System of Interstate and Defense
13 Highways and any other highways or portions thereof as designated by
14 the Transportation Commission or their duly authorized
15 representative.

16 E. All size, weight and load provisions covered by Sections 14-
17 101 through 14-123 of this title shall be subject to a gross vehicle
18 weight limit of ninety thousand (90,000) pounds when applied to a
19 vehicle operating off the National System of Interstate and Defense
20 Highways unless such vehicle is operating in full compliance with an
21 overweight permit issued by the Commissioner of Public Safety.

22 F. Any vehicle permitted for movement on the highways of this
23 state as provided in Section 14-101 et seq. of this title, other
24 than a vehicle permitted solely for overweight movement, shall be

1 moved only during daylight hours. As used in Section 14-101 et seq.
2 of this title, "daylight hours" shall mean one-half (1/2) hour
3 before sunrise to one-half (1/2) hour after sunset. The
4 Commissioner of Public Safety, for good cause and consistent with
5 the safe movement of the vehicle, may endorse a permit for the
6 movement of an oversize vehicle to authorize night time travel under
7 such terms and restrictions as the Commissioner may require.

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

- 11 a. New Year's Day (January 1),
- 12 b. Memorial Day (the last Monday in May),
- 13 c. The Fourth of July (Independence Day),
- 14 d. Labor Day (the first Monday in September),
- 15 e. Thanksgiving Day (the fourth Thursday in November),
- 16 and
- 17 f. Christmas Day (December 25).

18 2. Any vehicle permitted for movement on the highways of this
19 state as provided in Section 14-101 et seq. of this title shall be
20 allowed to move on the following holidays:

- 21 a. Martin Luther King, Jr.'s Birthday (the third Monday
22 in January),
- 23 b. President's Day, also known as Washington's Birthday
24 (the third Monday in February), and

1 c. Veteran's Day (November 11).

2 SECTION 2. AMENDATORY 47 O.S. 2011, Section 14-109, as
3 last amended by Section 1, Chapter 52, O.S.L. 2015 (47 O.S. Supp.
4 2016, Section 14-109), is amended to read as follows:

5 Section 14-109. A. On any road or highway:

6 1. No single axle weight shall exceed twenty thousand (20,000)
7 pounds; and

8 2. The total gross weight in pounds imposed thereon by a
9 vehicle or combination of vehicles shall not exceed the value
10 calculated in accordance with the Federal Bridge formula imposed by
11 23 U.S.C., Section 127.

12 B. Except as to gross limits, the formula of this section shall
13 not apply to a truck-tractor and dump semitrailer when used as a
14 combination unit. In no event shall the maximum load in pounds
15 carried by any set of tandem axles exceed thirty-four thousand
16 (34,000) pounds. Any vehicle operating with split tandem axles or
17 tri-axles shall adhere to the formula.

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

23 D. 1. An annual special overload permit may be purchased for
24 vehicles transporting rock, sand, gravel, coal, flour, timber,

1 pulpwood, and chips in their natural state, oil field fluids, oil
2 field equipment or equipment used in oil and gas well drilling or
3 exploration, and vehicles transporting grain, fertilizer,
4 cottonseed, cotton, livestock, peanuts, canola, sunflowers,
5 soybeans, feed, any other raw agricultural products, and any other
6 unprocessed agricultural products, if the following conditions are
7 met:

- 8 a. the vehicles are registered for the maximum allowable
9 rate,
- 10 b. the vehicles do not exceed five percent (5%) of the
11 gross limits set forth in subsection A of this
12 section,
- 13 c. the vehicles do not exceed eight percent (8%) of the
14 axle limits set forth in subsection A of this section,
- 15 d. no component of the vehicles exceeds the
16 manufacturer's component weight rating as shown on the
17 vehicle certification label or tag, and
- 18 e. the vehicles operating pursuant to the provisions of
19 this paragraph will not be allowed to operate on the
20 National System of Interstate and Defense Highways.

21 2. Vehicles operating pursuant to this section must register
22 for the maximum allowable rate and additionally shall purchase a
23 nontransferrable annual special overload permit from the Department
24 of Public Safety for a fee of Three Hundred Fifty Dollars (\$350.00).

1 All monies collected shall be deposited to the credit of the Highway
2 Construction and Maintenance Fund.

3 E. Exceptions to this section will be:

4 1. Utility or refuse collection vehicles used by counties,
5 cities, or towns or by private companies contracted by counties,
6 cities, or towns if the following conditions are met:

7 a. calculation of weight for a utility or refuse
8 collection vehicle shall be "Gross Vehicle Weight".
9 The "Gross Vehicle Weight" of a utility or refuse
10 collection vehicle may not exceed the otherwise
11 applicable weight by more than fifteen percent (15%).

12 The weight on individual axles must not exceed the
13 manufacturer's component rating which includes axle,
14 suspension, wheels, rims, brakes, and tires as shown
15 on the vehicle certification label or tag, and

16 b. utility or refuse collection vehicles operated under
17 these exceptions will not be allowed to operate on
18 interstate highways; and

19 2. A combination of a wrecker or tow vehicle and another
20 vehicle or vehicle combination if:

21 a. the service provided by the wrecker or tow vehicle is
22 needed to remove disabled, abandoned, or accident-
23 damaged vehicles, and
24

1 b. the wrecker or tow vehicle is towing the other vehicle
2 or vehicle combination directly to the nearest
3 authorized place of repair, terminal, or vehicle
4 storage facility.

5 Vehicles operating pursuant to the provisions of this paragraph will
6 not be allowed to operate on the National System of Interstate and
7 Defense Highways.

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

13 2. To be eligible for the exception provided in this
14 subsection, the operator of the vehicle must obtain written proof or
15 certification of the weight of the auxiliary power or idle reduction
16 technology unit and be able to demonstrate or certify that the idle
17 reduction technology is fully functional.

18 3. Written proof or certification of the weight of the
19 auxiliary power or idle reduction technology unit must be available
20 to law enforcement officers if the vehicle is found in violation of
21 applicable weight laws. The additional weight allowed cannot exceed
22 four hundred (400) pounds or the actual proven or certified weight
23 of the unit, whichever is less.
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1 G. Utility, refuse collection vehicles or a combination of a
2 wrecker or tow vehicle as described in paragraph 2 of subsection E
3 of this section operating under exceptions shall purchase an annual
4 special overload permit from the Department of Public Safety for One
5 Hundred Dollars (\$100.00). All monies collected shall be deposited
6 to the credit of the Highway Construction and Maintenance Fund.

7 H. For purposes of this section, "utility vehicle" shall mean
8 any truck used by a private utility company, county, city, or town
9 for the purpose of installing or maintaining electric, water, or
10 sewer systems.

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

17 1. A fine of One Hundred Dollars and forty cents (\$100.40) plus
18 court costs, if overweight by seven hundred fifty (750) pounds but
19 not more than three thousand (3,000) pounds;

20 2. A fine of Two Hundred Dollars and seventy five cents
21 (\$200.75) plus court costs, if overweight by three thousand one
22 (3,001) pounds but not more than six thousand (6,000) pounds;
23
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1 3. A fine of Four Hundred Fifty Dollars (\$450.00) plus court
2 costs, if overweight by six thousand one (6,001) pounds but not more
3 than ten thousand (10,000) pounds; and

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

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

9 1. A second offense within one (1) year of any fine pursuant to
10 paragraphs 1 through 4 of this subsection shall receive a fine one
11 and one half (1 1/2) times the amount of the violation cited; and

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

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

17 L. Court costs shall be assessed pursuant to paragraph 1 of
18 subsection A of Section 153 of Title 28 of the Oklahoma Statutes.

19 M. All fines collected pursuant to the provisions of subsection
20 I of this section shall be deposited in the State Treasury to the
21 credit of the Department of Public Safety Revolving Fund, as created
22 in Section 2-144.1 of this title.

23 N. The bond schedule and costs as prescribed by subsection I of
24 this section shall supercede any bond schedule and costs from any

1 state agency, board, commission or political subdivision concerning
2 oversize and overweight vehicles.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 172.2 of Title 47, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Upon the effective date of this act, all motor carrier
7 officers within the Transportation Division of the Corporation
8 Commission, whose duty is to enforce size and weights laws of this
9 state, shall be transferred to the Department of Public Safety.

10 B. Personnel transferred pursuant to the provisions of this
11 section shall not be required to accept a lesser salary than
12 presently received; provided, the provisions of this section shall
13 not prohibit the Department of Public Safety from imposing furloughs
14 or reductions-in-force with respect to such personnel as allowed by
15 law. Personnel transferred shall be placed within the
16 classification level in which they meet qualifications without an
17 entrance exam. All such persons shall retain seniority, leave, sick
18 and annual time earned and any retirement benefits which have
19 accrued during their tenure with the Corporation Commission. The
20 transfer of personnel among the agencies shall be coordinated with
21 the Office of Management and Enterprise Services.

22 C. All funds sufficient to administer the powers, duties and
23 responsibilities exercised by this section shall be transferred to
24 the Department of Public Safety for fiscal year 2018 as provided

1 herein. Such funds transferred to the Department of Public Safety
2 shall not be subject to budgetary limitations. The Director of the
3 Office of Management and Enterprise Services is hereby authorized to
4 transfer such funds as may be necessary as authorized by this
5 section.

6 D. All motor vehicles used for motor carrier enforcement
7 provisions within the Transportation Division of the Corporation
8 Commission shall be transferred to the Department of Public Safety.
9 Said vehicles shall be appropriately marked as official vehicles of
10 the Department of Public Safety and radio equipped.

11 E. After such transfer is completed, the Department of Public
12 Safety shall be the sole agency for enforcing the size and weights
13 laws of this state.

14 SECTION 4. This act shall become effective in accordance with
15 the provisions of Section 58 of Article V of the Oklahoma
16 Constitution.

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