

1 ENGROSSED SENATE
2 BILL NO. 691

By: Allen of the Senate

3 and

4 Frix of the House

5
6
7 [vehicle weight and load - penalties and axle and
8 gross weights - weights formula - penalties - fines -
bond schedule - ~~effective date~~ -
9 emergency]

10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-101, as
13 last amended by Section 1, Chapter 121, O.S.L. 2016 (47 O.S. Supp.
14 2018, Section 14-101), is amended to read as follows:

15 Section 14-101. A. It is a misdemeanor, punishable pursuant to
16 Section 14-109 of this title, for any person to drive or move or for
17 the owner to cause or knowingly permit to be driven or moved on any
18 highway any vehicle or vehicles of a size or weight exceeding the
19 limitations stated in this chapter or otherwise in violation of this
20 chapter, and the maximum size and weight of vehicles herein
21 specified shall be lawful throughout this state and local
22 authorities shall have no power or authority to alter the
23 limitations except as express authority may be granted in this
24 chapter.

1 B. The Commissioner of Public Safety is directed to issue
2 annual overweight permits to:

3 1. Municipalities and rural fire districts for the
4 transportation of firefighting apparatus at no cost to the
5 municipalities or rural fire districts;

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

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

10 4. Owners of certain vehicles as provided for in Section 14-
11 103G of this title.

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

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

1 the Transportation Commission or their duly authorized
2 representative.

3 E. All size, weight and load provisions covered by Sections 14-
4 101 through 14-123 of this title shall be subject to a gross vehicle
5 weight limit of ninety thousand (90,000) pounds when applied to a
6 vehicle operating off the National System of Interstate and Defense
7 Highways unless such vehicle is operating in full compliance with an
8 overweight permit issued by the Commissioner of Public Safety.

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

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

- 22 a. New Year's Day (January 1),
- 23 b. Memorial Day (the last Monday in May),
- 24 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. 2018 (47 O.S. Supp. 2018, Section 14-109), is amended to read as follows:

Section 14-109. A. On any interstate 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 calculated in accordance with the Federal Bridge formula imposed by 23 U.S.C., Section 127.

B. 1. Except as to gross limits, the formula of this section shall not apply to a truck-tractor and dump semitrailer when used as

1 a combination unit. In no event shall the maximum load in pounds
2 carried by any set of tandem axles exceed thirty-four thousand
3 (34,000) pounds. Any vehicle operating with split tandem axles or
4 tri-axles shall adhere to the formula.

5 2. For vehicles operating under special permits as provided in
6 this title:

7 a. dual wheels shall be required for any vehicle moving
8 loads between twenty-two thousand (22,000) and twenty-
9 three thousand (23,000) pounds, and

10 b. a minimum weight capacity rating of twenty thousand
11 (20,000) pounds shall be required for the steering
12 axle of any vehicle moving loads greater than twenty-
13 three thousand (23,000) pounds.

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

19 D. 1. An annual special overload permit may be purchased for
20 vehicles transporting rock, sand, gravel, coal, flour, timber,
21 pulpwood, and chips in their natural state, oil field fluids, oil
22 field equipment or equipment used in oil and gas well drilling or
23 exploration, and vehicles transporting grain, fertilizer,
24 cottonseed, cotton, livestock, peanuts, canola, sunflowers,

1 soybeans, feed, any other raw agricultural products, and any other
2 unprocessed agricultural products, if the following conditions are
3 met:

4 a. the vehicles are registered for the maximum allowable
5 rate,

6 b. the vehicles do not exceed five percent (5%) of the
7 gross limits set forth in subsection A of this
8 section,

9 c. the vehicles do not exceed eight percent (8%) of the
10 axle limits set forth in subsection A of this section,

11 d. no component of the vehicles exceeds the
12 manufacturer's component weight rating as shown on the
13 vehicle certification label or tag, and

14 e. the vehicles operating pursuant to the provisions of
15 this paragraph will not be allowed to operate on the
16 National System of Interstate and Defense Highways.

17 2. Vehicles operating pursuant to this section must register
18 for the maximum allowable rate and additionally shall purchase a
19 nontransferrable annual special overload permit from the Department
20 of Public Safety for a fee of Three Hundred Fifty Dollars (\$350.00).
21 All monies collected shall be deposited to the credit of the Highway
22 Construction and Maintenance Fund.

23 E. 1. Oversize or overweight vehicles used for specialized
24 transportation if the maximum weight does not exceed twenty-three

1 thousand (23,000) pounds on any single axle or forty-six thousand
2 (46,000) pounds on any tandem axle; and:

3 a. the width of the transport vehicle or trailer exceeds
4 twelve (12) feet in width, or

5 b. the overall gross vehicle weight meets or exceeds
6 three hundred thousand (300,000) pounds, originates or
7 terminates at the Tulsa Port of Catoosa, and the trip
8 is confined within a thirty-mile radius of the Port.

9 2. Permit fees for oversize or overweight vehicles used for
10 specialized transportation shall be in accordance with subsection A
11 of Section 14-116 of Title 47.

12 3. Vehicles operating pursuant to the provisions of this
13 paragraph will not be allowed to operate on the National System of
14 Interstate and Defense Highways.

15 F. Exceptions to this section will be:

16 1. Utility or refuse collection vehicles used by counties,
17 cities, or towns or by private companies contracted by counties,
18 cities, or towns if the following conditions are met:

19 a. calculation of weight for a utility or refuse
20 collection vehicle shall be "Gross Vehicle Weight".
21 The "Gross Vehicle Weight" of a utility or refuse
22 collection vehicle may not exceed the otherwise
23 applicable weight by more than fifteen percent (15%).
24 The weight on individual axles must not exceed the

1 manufacturer's component rating which includes axle,
2 suspension, wheels, rims, brakes, and tires as shown
3 on the vehicle certification label or tag, and

4 b. utility or refuse collection vehicles operated under
5 these exceptions will not be allowed to operate on
6 interstate highways;

7 2. A combination of a wrecker or tow vehicle and another
8 vehicle or vehicle combination if:

9 a. the service provided by the wrecker or tow vehicle is
10 needed to remove disabled, abandoned, or accident-
11 damaged vehicles, and

12 b. the wrecker or tow vehicle is towing the other vehicle
13 or vehicle combination directly to the nearest
14 authorized place of repair, terminal, or vehicle
15 storage facility; and

16 ~~Vehicles operating pursuant to the provisions of this paragraph will~~
17 ~~not be allowed to operate on the National System of Interstate and~~
18 ~~Defense Highways~~

19 3. A vehicle designed to be used under emergency conditions to
20 transport personnel and equipment and to support the suppression of
21 fires and mitigation of other hazardous situations operating on the
22 Interstate System with a vehicle weight limit up to a maximum gross
23 vehicle weight of eighty-six thousand (86,000) pounds with less
24 than:

- a. twenty-four thousand (24,000) pounds on a single steering axle,
- b. thirty-three thousand five hundred (33,500) pounds on a single drive axle,
- c. sixty-two thousand (62,000) pounds on a tandem axle,
or
- d. fifty-two thousand (52,000) pounds on a tandem rear drive steer axle.

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

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

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

1 H. 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 I. 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 J. 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 or assessment of an administrative penalty, be punished
15 by a fine to be calculated from the amount of weight in excess of
16 the top weight limitation authorized as follows:

17 1. A fine of Two Hundred Dollars (\$200.00), if overweight by
18 seven hundred fifty (750) pounds but not more than three thousand
19 (3,000) pounds;

20 2. A fine of Two Hundred Fifty Dollars (\$250.00), if overweight
21 by three thousand one (3,001) pounds but not more than five thousand
22 (5,000) pounds;
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24

1 3. A fine of Four Hundred Fifty Dollars (\$450.00), if
2 overweight by five thousand one (5,001) pounds but not more than
3 seven thousand (7,000) pounds;

4 4. A fine of Six Hundred Fifty Dollars (\$650.00), if overweight
5 by seven thousand one (7,001) pounds but not more than ten thousand
6 (10,000) pounds; and

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

9 K. Any person having multiple offenses as provided for in
10 subsection J of this section within a calendar year shall be subject
11 to the following fines:

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

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

18 L. If a person commits a violation of the provisions of Section
19 14-101 of this title, or of this section, but is not convicted and
20 assessed a criminal penalty, the Commissioner of Public Safety or
21 designated representative may assess an administrative penalty in an
22 amount authorized by this section, after notice to the violator and
23 an opportunity for hearing. An appeal of an assessment of such
24 administrative penalty may be made to the district court of Oklahoma

1 County pursuant to Sections 318 through 323 of Title 75 of the
2 Oklahoma Statutes. In no event shall a fine be imposed as both a
3 criminal conviction and an administrative penalty as a result of the
4 same violation arising from the same incident.

5 M. In no event shall a fine, in compliance with this section,
6 be imposed in both a criminal conviction and an administrative civil
7 assessment as a result of the same violation arising from the same
8 incident.

9 N. All fines collected pursuant to the provisions of subsection
10 J of this section shall be deposited in the State Treasury to the
11 credit of the Weigh Station Improvement Revolving Fund, as created
12 in Section 1167 of this title for the purpose of enforcing size,
13 weight and load laws of this state.

14 O. No state agency, board, commission or political subdivision
15 shall issue a bond schedule that conflicts with the provisions of
16 this section.

17 ~~SECTION 3. This act shall become effective July 1, 2019.~~

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.~~

1 Passed the Senate the 13th day of March, 2019.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2019.

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8 _____
9 Presiding Officer of the House
10 of Representatives