

1 ENGROSSED HOUSE  
2 BILL NO. 1972

By: Ford of the House

3 and

4 Bergstrom of the Senate

5  
6  
7 An Act relating to motor vehicles; amending 47 O.S.  
8 2011, Section 170.2, which relates to load capacity  
9 violations; specifying certain rule violations  
10 identified during compliance audits; directing  
11 Corporation Commission to establish certain schedule  
12 by rule; modifying certain fines; modifying certain  
13 procedures; amending 47 O.S. 2011, Section 171.1,  
14 which relates to the expenditure of funds; allowing  
15 for expenditure of certain funds; providing for  
16 employment of certain positions; stating duties for  
17 positions; providing for compensation and related  
18 expenses; authorizing purchase, costs and assignment  
19 of certain vehicles; providing for certain costs;  
20 authorizing employment of administrative law judges;  
21 stating responsibilities; amending 47 O.S. 2011,  
22 Section 172, which relates to violations; stating  
23 provisions of law within Commission jurisdiction;  
24 modifying certain penalties and fines; directing  
deposit of certain collected fines; deleting certain  
reporting requirement; requiring CLEET training of  
certain personnel; declaring certain employees to be  
peace officers; providing for duties and powers of  
certain employees; deleting certain oath and bond  
requirements; excepting certain employees from  
certain civil liability; requiring certain employees  
wear distinctive uniforms; providing for punishment  
for individuals impersonating Commission officers;  
amending 47 O.S. 2011, Section 180h, which relates to  
fees for registration; authorizing the collection of  
certain fees; amending 47 O.S. 2011, Section 230.23,  
which relates to the Motor Carrier Act of 1995;  
modifying definitions; deleting definition; amending  
47 O.S. 2011, Section 230.27, which relates to fees;  
directing Commission to set certain fees; amending 47  
O.S. 2011, Section 230.34a, which relates to harvest

1 permits; directing Commission to set certain fees;  
2 directing deposit of revenue received from certain  
3 fees; amending 47 O.S. 2011, Section 966, which  
4 relates to the Nonconsensual Towing Act of 2011;  
5 allowing for revocation of certain licenses for  
6 noncompliance; amending Section 2, Chapter 208,  
7 O.S.L. 2018 (47 O.S. Supp. 2018, Section 1112.2),  
8 which relates to the transferability of license  
9 plates; making certain exceptions; amending 47 O.S.  
10 2011, Section 1113, as last amended by Section 4,  
11 Chapter 208, O.S.L. 2018 (47 O.S. Supp. 2018, Section  
12 1113), which relates to the issuance of certificate  
13 of registration, license plates and decals; directing  
14 the design of certain license plates; directing  
15 license plate designs be submitted to Commission for  
16 approval; amending 47 O.S. 2011, Section 1170, which  
17 relates to confidentiality of reports; allowing for  
18 the disclosure of certain information; amending  
19 Section 3, Chapter 262, O.S.L. 2012, as last amended  
20 by Section 2, Chapter 373, O.S.L. 2016 (47 O.S. Supp.  
21 2018, Section 1202), which relates to maintenance and  
22 operation of fixed facilities; allowing for use of  
23 automated license plate readers; detailing use and  
24 sharing of data collected from automated license  
plate readers; repealing 47 O.S. 2011, Sections  
116.13 and 171.2, which relate to enforcement  
officers; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 170.2, is  
amended to read as follows:

Section 170.2 A. The Department of Public Safety, monthly,  
shall notify the Oklahoma Corporation Commission of any ticket  
issued for a violation of the provisions of Section 14-119 of this  
title, or any provisions of Chapter 14 of this title or the terms of  
any special permit authorized pursuant to the provisions of Chapter

1 14 of this title concerning overweight or overweight special  
2 permits.

3 B. Truck overweight violations by motor carriers or private  
4 carriers identified during size and weight compliance audits  
5 conducted by the Commission shall be considered contempt of  
6 Commission motor carrier rules, ~~tariffs and regulations~~. The  
7 Commission shall establish a specific rule whereby such overweight  
8 violations by motor carriers or private carriers shall be grounds  
9 for issuance of a show-cause order for consideration of temporary or  
10 permanent cancellation of operating authority or license. In  
11 establishing the rule, consideration shall be given to the frequency  
12 of violations, pattern of violations, fleet size, type of operation,  
13 amount of overweight, and other such factors that may indicate  
14 intent. Any person, firm, or corporation that assists in the  
15 commission of such overweight violation or refuses to comply with  
16 any rule, regulation, or order of the Commission relating thereto  
17 shall be guilty of contempt of the Commission and shall be subject  
18 to a fine to be imposed by said Commission ~~in a sum not to exceed~~  
19 ~~Five Hundred Dollars (\$500.00) on each violation~~ in accordance with  
20 a schedule set by the Commission by rule wherein the amount of the  
21 fine increases according to the extent of the oversize or overweight  
22 violations. In the ~~specific~~ instance of an oversize or overweight  
23 violation, the transportation of each load shall constitute a  
24 separate violation. The same fine assessed against the motor

1 carrier or private carrier shall apply to any other person, firm, or  
2 corporation that aids or abets such violations. ~~Provided however,~~  
3 ~~no motor carrier, private carrier, shipper or person loading or~~  
4 ~~causing a motor vehicle to be loaded shall be subject to a fine for~~  
5 ~~contempt unless the gross weight of the motor vehicle is more than~~  
6 ~~five thousand (5,000) pounds overweight.~~

7 C. The Commission, in its discretion and on its own motion, may  
8 make a contempt complaint in writing under oath setting forth the  
9 violation, enter the complaint on its docket, and proceed with the  
10 matter in accordance with the ~~provisions of Sections 161 et seq. of~~  
11 ~~this title or the Motor Carrier Act of 1995~~ Commission Rules of  
12 Practice, Chapter 5 of Title 165 of the Oklahoma Administrative  
13 Code.

14 SECTION 2. AMENDATORY 47 O.S. 2011, Section 171.1, is  
15 amended to read as follows:

16 Section 171.1 In addition to other uses authorized by law,  
17 funds provided to the Corporation Commission ~~Revolving Fund via~~  
18 appropriations or a Commission revolving fund pursuant to ~~Sections~~  
19 ~~165, 177.2 and 180h~~ of this title shall be expended as follows:

20 1. The Corporation Commission Transportation Division shall  
21 employ ~~four special~~ motor carrier enforcement officers (MCEOs),  
22 motor vehicle enforcement officers (MVEOs) and ~~one~~  
23 ~~supervisor-officer~~ enforcement managers who shall have the primary  
24 duty of ~~investigating and assisting in the prosecution of persons~~

1 ~~engaged in unauthorized transportation or disposal of deleterious~~  
2 ~~substances as contemplated under the provisions of the Oklahoma~~  
3 ~~Motor Carrier Act and any other applicable~~ investigation and  
4 regulatory enforcement of those provisions of law Titles 17, 47, 66  
5 and 68 of the Oklahoma Statutes relating to commercial  
6 transportation over which the Commission has been assigned  
7 jurisdiction and related Commission rules. ~~Such employees~~

8 a. MCEOs, MVEOs and enforcement managers shall be  
9 compensated as for similar service in the same or  
10 other departments of the state and ~~an~~ receive a  
11 monthly expense allowance of One Hundred Dollars  
12 ~~(\$100.00) per month~~ as determined by the Commission  
13 for maintenance and cleaning of uniforms and other  
14 related expenses shall be paid to such employees.

15 b. MCEOs, enforcement managers and MVEOs must be on duty  
16 and in uniform each month to qualify for the uniform  
17 maintenance, cleaning and other related expenses  
18 allowance.

19 c. Nothing in this section regarding expense allowances  
20 shall be construed to mean that such employees shall  
21 receive any additional compensation beyond what is  
22 provided for maintenance and cleaning of uniforms and  
23 other related expenses by the Corporation Commission  
24 on the effective date of this act.

1        2. The Commission shall purchase a sufficient number of motor  
2 vehicles to provide each motor carrier enforcement officer and  
3 enforcement manager employed in the Transportation Division a motor  
4 vehicle suitable to carry out ~~the enforcement provisions of~~  
5 ~~applicable law~~ assigned duties. Said vehicles assigned to MCEOs  
6 shall be appropriately marked as official vehicles ~~and radio~~. Said  
7 vehicles assigned to enforcement managers may be unmarked at the  
8 discretion of the Commission. All vehicles assigned to MCEOs or  
9 enforcement managers shall be equipped as determined by the  
10 Commission. All costs for operation, maintenance and replacement of  
11 the motor vehicles authorized in this section shall be provided for  
12 from ~~the Corporation~~ appropriations to the Commission or a  
13 Commission Revolving Fund. revolving fund; and

14        3. The Commission shall employ ~~a hearing officer~~ administrative  
15 law judges whose ~~primary responsibility~~ responsibilities shall ~~be~~  
16 include the adjudication of regulatory enforcement proceedings and  
17 complaints brought against persons ~~engaged in unauthorized~~  
18 ~~transportation or disposal of deleterious substances or other~~  
19 ~~unauthorized transportation~~ or motor carriers alleged to be in  
20 violation of the Oklahoma Motor Carrier Act or the rules and  
21 regulations of motor carriers as promulgated by the Corporation any  
22 provision of Titles 17, 47, 66 and 68 of the Oklahoma Statutes  
23 relating to commercial transportation over which the Commission has  
24 been assigned jurisdiction and related Commission rules.

1       SECTION 3.       AMENDATORY       47 O.S. 2011, Section 172, is  
2 amended to read as follows:

3       Section 172. A. Every owner of any motor vehicle, the agents  
4 or employees of the owner, and every other motor carrier or person  
5 who violates, or refuses or fails to comply with or procures, or  
6 aids, ~~or abets in,~~ the violation of ~~Sections 161 through 180m of~~  
7 ~~this title or the Motor Carrier Act of 1995, or who fails to obey,~~  
8 ~~observe, or comply with any order, decision, rule or regulation,~~  
9 ~~direction, demand, or requirement of the Corporation Commission, or~~  
10 ~~who procures, aids or abets any corporation or person in the~~  
11 ~~person's, or its, refusal or willful failure to obey, observe or~~  
12 ~~comply with any such order, decision, rule, direction, demand, or~~  
13 ~~regulation~~ any of those provisions of Titles 17, 47, 66 and 68 of  
14 the Oklahoma Statutes relating to commercial transportation over  
15 which the Corporation Commission has been assigned jurisdiction and  
16 related Commission rules shall be deemed guilty of ~~a misdemeanor.~~  
17 ~~Upon conviction in a criminal court of competent jurisdiction, such~~  
18 ~~misdemeanor is punishable by~~ contempt of the Commission and shall be  
19 subject to a civil fine of not exceeding One Thousand Dollars  
20 (\$1,000.00) per violation, per day unless otherwise specified by  
21 law. Each day on which such contempt occurs shall be deemed a  
22 separate and distinct offense. All roadside enforcement and fixed  
23 facility fines collected pursuant to the provisions of this section  
24 shall be deposited in the Trucking One-Stop Shop Fund, as created in

1 Section 1167 of this title, while fines paid as a result of a  
2 Commission enforcement order shall be deposited in the Commission's  
3 Revolving Fund. Fine limits in this subsection shall not apply to  
4 violations relating to deleterious substances set forth in Section  
5 177.3 of this title.

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

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

19       ~~D.~~ The Corporation Commission shall appoint a director of  
20 transportation, a deputy director, ~~an insurance supervisor, an~~  
21 ~~insurance clerk, two stenographers, a secretary to the director, an~~  
22 ~~identification device supervisor and an assistant identification~~  
23 ~~device supervisor at such salaries as the Legislature may from time~~  
24 ~~to time prescribe~~ and such other staff as necessary to fulfill the

1 duties and responsibilities assigned to the Transportation Division.

2 The employees shall be allowed actual and necessary travel expenses  
3 pursuant to the provisions of the State Travel Reimbursement Act.

4 All of the expense claims shall be presented and paid ~~monthly~~  
5 timely.

6 ~~E. Enforcement officers~~ C. Corporation Commission MCEOs and  
7 enforcement managers shall be certified by the Council on Law  
8 Enforcement Education and Training (CLEET) and shall have the  
9 primary duties of investigation and regulatory enforcement of those  
10 provisions of Titles 17, 47, 66 and 68 of the Oklahoma Statutes  
11 relating to commercial transportation over which the Commission has  
12 been assigned jurisdiction and related Commission rules.

13 D. MCEOs and enforcement managers, appointed by the Corporation  
14 Commission, are hereby declared to be peace officers of this state.  
15 Such officers and enforcement managers shall be vested with all  
16 powers of peace officers in ~~enforcing~~ the investigation and  
17 regulatory enforcement of those provisions of ~~Sections 161 through~~  
18 ~~180m of this title and the Motor Carrier Act of 1995~~ Titles 17, 47,  
19 66 and 68 of the Oklahoma Statutes relating to commercial  
20 transportation over which the Commission has been assigned  
21 jurisdiction and related Commission rules in all parts of this  
22 state. In addition to those powers granted to peace officers of the  
23 State of Oklahoma by Section 99a of Title 21 of the Oklahoma  
24 Statutes, MCEOs and enforcement managers shall be authorized to

1 enforce criminal laws of this state throughout the state if the  
2 unlawful activity is committed in the presence of the MCEO or  
3 enforcement manager during the course of performance of the primary  
4 regulatory duties set forth in this section.

5 The powers and duties conferred upon said MCEOs and enforcement  
6 ~~officers~~ managers shall in no way limit the powers and duties of  
7 sheriffs or other peace officers of the state, or any political  
8 subdivision thereof, or of members of the Division of Highway  
9 Patrol, subject to the Department of Public Safety.

10 E. Corporation Commission MVEOs shall not be required to be  
11 CLEET-certified and shall not be armed. MVEOs may perform  
12 investigation and regulatory enforcement duties and responsibilities  
13 assigned to MCEOs, but shall not perform law enforcement duties  
14 reserved to peace officers by Sections 99 and 99a of Title 21 Of the  
15 Oklahoma Statutes or other provisions of Oklahoma law.

16 F. ~~The enforcement officers~~ MCEOs, MVEOs and enforcement  
17 managers, when on duty, upon reasonable belief that any motor  
18 vehicle is being operated in violation of any provisions of ~~Sections~~  
19 ~~161 through 180m of this title or the Motor Carrier Act of 1995~~  
20 Titles 17, 47, 66 and 68 of the Oklahoma Statutes relating to  
21 commercial transportation over which the Commission has been  
22 assigned jurisdiction or related Commission rules, shall be  
23 authorized to direct the driver to the nearest weigh station or port  
24 of entry or to weigh the vehicle with portable scales. In addition,

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

12 G. ~~The~~ MCEOs and enforcement ~~officers~~ managers are authorized  
13 to serve all orders, subpoenas, warrants, writs, and notices issued  
14 by the Corporation Commission ~~relating to the enforcement of the~~  
15 ~~provisions of Sections 161 through 180m of this title or the Motor~~  
16 ~~Carrier Act of 1995 and the rules, regulations, and requirements~~  
17 ~~prescribed by the Corporation Commission promulgated pursuant to~~  
18 ~~Sections 161 through 180m of this title or the Motor Carrier Act of~~  
19 1995 within the territorial boundaries of this state.

20 H. ~~The~~ MCEOs, MVEOs and enforcement ~~officers~~ managers shall not  
21 have the power or right of search, nor shall they have the right of  
22 power of seizure, except as provided in ~~Sections 161 through 180m of~~  
23 ~~this title or the Motor Carrier Act of 1995~~ those provisions of  
24 Titles 17, 47, 66 and 68 of the Oklahoma Statutes relating to

1 commercial transportation over which the Commission has been  
2 assigned jurisdiction and related Commission rules. ~~The MCEOs,~~  
3 MVEOs and enforcement officers managers are authorized to hold and  
4 detain any motor vehicle operating upon the highways of this state,  
5 if, the MCEO, MVEO or enforcement officer manager has reason to  
6 believe that the vehicle is being operated contrary to ~~the~~ any of  
7 those provisions of Sections 161 through 180m of this title or the  
8 Motor Carrier Act of 1995, or the rules, regulations, and  
9 requirements of the Corporation Commission promulgated pursuant to  
10 Sections 161 through 180m of this title or the Motor Carrier Act of  
11 1995 Titles 17, 47, 66 and 68 of the Oklahoma Statutes relating to  
12 commercial transportation over which the Commission has been  
13 assigned jurisdiction and related Commission rules.

14 I. No state official, other than members of the Corporation  
15 Commission, shall have any power, right, or authority to command,  
16 order, or direct any enforcement officer to perform any duty or  
17 service authorized by ~~Sections 161 through 180m of this title or the~~  
18 ~~Motor Carrier Act of 1995~~ those provisions of Titles 17, 47, 66 and  
19 68 of the Oklahoma Statutes relating to commercial transportation  
20 over which the Commission has been assigned jurisdiction or related  
21 Commission rules.

22 J. ~~Each of the enforcement officers shall, before entering upon~~  
23 ~~the discharge of their duties, take and subscribe to the usual oath~~  
24 ~~of office and shall execute to the State of Oklahoma a bond in the~~

1 ~~sum of Twenty-five Thousand Dollars (\$25,000.00) each, with~~  
2 ~~sufficient surety for the faithful performance of their duty. The~~  
3 ~~bond shall be approved and filed as provided by law.~~

4 ~~K.~~ No enforcement officer or employee of the Oklahoma  
5 Corporation Commission shall have the right to plea bargain in motor  
6 carrier or motor transportation matters except the chief legal  
7 counsel of the Commission or an assign of the legal staff of the  
8 chief legal counsel.

9 K. If, in the judgment of an MCEO, MVEO or enforcement manager,  
10 a commercial motor vehicle poses an inherent risk to public health,  
11 public safety or welfare, the MCEO or MVEO, with the approval of an  
12 enforcement manager, or an enforcement manager may arrange for  
13 impoundment of the detained vehicle at the expense of the motor  
14 carrier.

15 L. MCEOs, MVEOs, enforcement managers, Corporation  
16 Commissioners and other employees of the Commission shall not be  
17 civilly liable for any damages arising from the administration of  
18 those provisions of Titles 17, 47, 66 and 68 of the Oklahoma  
19 Statutes relating to commercial transportation over which the  
20 Commission has been assigned, except as provided for in The  
21 Governmental Tort Claims Act.

22 M. Except when performing duties not related to fixed facility  
23 or roadside enforcement, each employee of the Corporation Commission  
24 assigned as an MCEO, enforcement manager or MVEO, as herein

1 provided, shall, while on duty in the field or in a weigh station or  
2 port of entry weigh station, wear a Commission-provided, distinctive  
3 uniform and display a badge of office, both of which shall be  
4 distinguishable from those of the Oklahoma Highway Patrol. Each  
5 badge shall display a distinctive serial number. The type and  
6 detail of the uniforms shall be designated by the Corporation  
7 Commission.

8 N. Any person who without authority wears the badge or uniform  
9 of a Corporation Commission enforcement officer, or who without  
10 authority impersonates such an officer, with intent to deceive  
11 anyone, shall be guilty of a misdemeanor.

12 SECTION 4. AMENDATORY 47 O.S. 2011, Section 180h, is  
13 amended to read as follows:

14 Section 180h. The Corporation Commission is hereby authorized  
15 to collect from applicants for household goods carrier, for-hire  
16 motor carrier and private carrier identification devices a fee of  
17 ~~Seven Dollars (\$7.00)~~ established by the Corporation Commission by  
18 rule for registration of each of its vehicles registered under the  
19 provisions of this ~~act or the Motor Carrier Act of 1995~~ title; and  
20 the fee shall be in addition to any other fees now provided for by  
21 law for the registration of said motor vehicles and shall be  
22 deposited in the State Treasury to the credit of the Trucking One-  
23 Stop Shop Fund.

1       SECTION 5.       AMENDATORY       47 O.S. 2011, Section 230.23, is  
2 amended to read as follows:

3       Section 230.23 As used in the Motor Carrier Act of 1995:

4       1. "Person" means any individual, firm, copartnership, limited  
5 partnership, corporation, limited liability corporation, company,  
6 association, or joint-stock association and includes any trustee,  
7 receiver, assignee, or personal representative thereof;

8       2. "Commission" means the Oklahoma Corporation Commission;

9       3. "License" means the license issued under authority of the  
10 laws of the State of Oklahoma to motor carriers and private  
11 carriers;

12       4. ~~"Interstate Registration Certificate" (IRC) means a document~~  
13 ~~issued by the Commission granting permission to operate upon the~~  
14 ~~highways of the State of Oklahoma in interstate commerce exempt from~~  
15 ~~federal motor carrier regulation;~~

16       ~~5.~~ "Motor vehicle" means any automobile, truck, truck-tractor,  
17 trailer or semitrailer or any motor bus or any self-propelled  
18 vehicle not operated or driven upon fixed rails or tracks;

19       ~~6.~~ 5. "Motor carrier of persons or property" means any person,  
20 except a carrier of household goods or used emigrant movables,  
21 operating upon any public highway for the transportation of  
22 passengers or property for compensation or for hire or for  
23 commercial purposes, and not operating exclusively within the limits  
24 of an incorporated city or town within this state. Provided, the

1 provisions of the Motor Carrier Act of 1995 shall not apply to the  
2 following vehicles and equipment when such vehicles and equipment  
3 are being used for the following:

4 a. ~~taxicabs and bus companies engaged in the~~  
5 ~~transportation of passengers and their baggage, not~~  
6 ~~operated between two or more cities and towns, when~~  
7 ~~duly licensed by a municipal corporation in which they~~  
8 ~~might be doing business,~~

9 ~~b.~~ any person or governmental authority furnishing  
10 transportation for school children to and from public  
11 schools or to and from public-school-related  
12 extracurricular activities under contract with, and  
13 sponsored by, a public school board; provided, that  
14 motor vehicles and equipment operated for the purposes  
15 shall qualify in all respects for the transportation  
16 of school children under the Oklahoma School Code and  
17 the rules of the State Board of Education adopted  
18 pursuant thereto. 1

19 ~~e.~~ b. transport trucks transporting liquefied petroleum  
20 gases intrastate which are owned or operated by a  
21 person subject to and licensed by the Oklahoma  
22 Liquefied Petroleum Gas Regulation Act, and

23 ~~d.~~ c. transportation of livestock and farm products in the  
24 raw state, when any of such commodities move from farm

1 to market or from market to farm on a vehicle or on  
2 vehicles owned and operated by a bona fide farmer not  
3 engaged in motor vehicle transportation on a  
4 commercial scale;

5 ~~7.~~ 6. "Corporate family" means a group of corporations  
6 consisting of a parent corporation and all subsidiaries in which the  
7 parent corporation owns directly or indirectly one hundred percent  
8 (100%) interest;

9 ~~8.~~ 7. "Intercorporate hauling" means the transportation of  
10 property, by motor vehicle, for compensation, by a carrier which is  
11 a member of a corporate family, as defined in the Motor Carrier Act  
12 of 1995, when the transportation for compensation is provided for  
13 other members of the corporate family;

14 ~~9.~~ 8. "Private carrier" means any person engaged in  
15 transportation upon public highways, of persons or property, or  
16 both, but not as a motor carrier, and includes any person who  
17 transports property by motor vehicle where such transportation is  
18 incidental to or in furtherance of any commercial enterprise of such  
19 person, other than transportation;

20 ~~10.~~ 9. "Market" means the point at which livestock and farm  
21 products in the raw state were first delivered by the producer of  
22 the livestock and farm products in the raw state, upon the sale  
23 thereof;

1       ~~11.~~ 10. "Public highway" means every public street, road or  
2 highway, or thoroughfare in this state, used by the public, whether  
3 actually dedicated to the public and accepted by the proper  
4 authorities or otherwise; and

5       ~~12.~~ 11. "Commercial enterprise" means all undertakings entered  
6 into for private gain or compensation, including all industrial  
7 pursuits, whether the undertakings involve the handling of or  
8 dealing in commodities for sale or otherwise.

9       SECTION 6.       AMENDATORY       47 O.S. 2011, Section 230.27, is  
10 amended to read as follows:

11       Section 230.27 A. Upon the filing by an intrastate motor  
12 carrier or private carrier of an application for a license, the  
13 applicant shall pay to the Corporation Commission a filing fee ~~in~~  
14 ~~the sum of One Hundred Dollars (\$100.00) with an original or~~  
15 ~~subapplication~~ as set by the Corporation Commission. Any valid  
16 license issued will remain in force, unless otherwise revoked by the  
17 Commission in accordance with the provisions of the Motor Carrier  
18 Act of 1995, for one (1) year from date of issuance.

19       B. Every motor carrier or private carrier wishing to continue  
20 operations under the original license, shall pay to the Corporation  
21 Commission an annual renewal fee ~~of Fifty Dollars (\$50.00)~~ as set by  
22 the Corporation Commission. ~~An intrastate license may be renewed~~  
23 ~~for up to three (3) years.~~

1 C. The Commission shall, upon the receipt of any fee, deposit  
2 the same in the State Treasury to the credit of the Trucking One-  
3 Stop Shop Fund.

4 SECTION 7. AMENDATORY 47 O.S. 2011, Section 230.34a, is  
5 amended to read as follows:

6 Section 230.34a A. Any person, firm, partnership, limited  
7 liability company, or corporation owning or possessing a vehicle and  
8 required to register the vehicle under the laws of this state for  
9 the purpose of transporting farm products in a raw state may receive  
10 a harvest permit from the Oklahoma Corporation Commission.

11 B. The harvest permit shall be recognized in lieu of  
12 registration, fuel permit and intrastate operating authority in this  
13 state. The harvest permit shall be issued to the operating motor  
14 carrier.

15 C. Each permit shall be valid for a period of thirty (30) or  
16 sixty (60) days. The permit shall identify the time and date of its  
17 issuance and shall additionally reflect its effective and expiration  
18 dates.

19 D. The following information shall be required of an applicant  
20 for a harvest permit and shall apply to each vehicle to be operated  
21 under the permit:

- 22 1. Owner of the vehicle;
- 23 2. Vehicle registrant;
- 24

1        3. Make, model, year, license plate number, state of  
2 registration and VIN of each vehicle which will be operated under  
3 the permit; and

4        4. The operating carrier must provide a certificate that each  
5 vehicle is operating under a liability insurance policy valid in  
6 Oklahoma for Three Hundred Fifty Thousand Dollars (\$350,000.00) or  
7 more.

8        E. There shall be a fee set by Commission rule of not less than  
9 Twenty Dollars (\$20.00) per axle for a thirty-day permit or Thirty-  
10 five Dollars (\$35.00) per axle for a sixty-day permit, for each  
11 vehicle registered pursuant to the Motor Carrier Harvest Permit Act  
12 of 2006. Revenue derived from this fee shall be ~~apportioned as~~  
13 ~~follows:~~

14        ~~1. One-half (1/2) of the revenue shall be deposited in the~~  
15 ~~Weigh Station Improvement Revolving Fund as set forth in Section~~  
16 ~~1167 of Title 47 of the Oklahoma Statutes; and~~

17        ~~2. The remaining amount shall be deposited in the Trucking One-~~  
18 ~~Stop Shop Trucking Fund as set forth in Section 1167 of Title 47 of~~  
19 ~~the Oklahoma Statutes this title.~~

20        F. A harvest permit may be extended in fifteen-day increments.  
21 The permit holder shall be required to pay the additional prorated  
22 portion of the tag fee ~~at~~ as set by the Commission of not less than  
23 Eight Dollars and seventy-five cents (\$8.75) per axle per fifteen-  
24 day extension.

1       G. An application for a harvest permit shall be made to the  
2 Corporation Commission. The Corporation Commission shall allow  
3 applications to be submitted by facsimile and electronically. The  
4 Commission must provide reasonable access for persons to obtain a  
5 harvest permit before taking enforcement action.

6       H. If found to be in violation of the Motor Carrier Harvest  
7 Permit Act of 2006 for failure to obtain or maintain a current  
8 harvest permit, the operating carrier shall post bond in the amount  
9 of the cost of the harvest permit and shall be allowed seventy-two  
10 (72) hours to apply for the permit. If the operating carrier makes  
11 application within seventy-two (72) hours, the bond amount will be  
12 applied toward the harvest permit fee.

13       I. A harvest permit does not exempt its holder from federal or  
14 state safety regulations nor from the state's size and weight laws  
15 or rules.

16       J. The Corporation Commission may enter into an agreement with  
17 any person or corporation located within or outside of the state for  
18 transmission of harvest permits by way of facsimile or other device  
19 when the Corporation Commission determines that such agreements are  
20 in the best interest of the state.

21       K. The Corporation Commission may promulgate rules to  
22 administer the provisions of the Motor Carrier Harvest Permit Act of  
23 2006.

1       SECTION 8.       AMENDATORY       47 O.S. 2011, Section 966, is  
2 amended to read as follows:

3       Section 966. A. ~~This act~~ Sections 966, 967 and 968 of this  
4 title shall be known and may be cited as the "Nonconsensual Towing  
5 Act of 2011".

6       B. The provisions of this act shall apply to every wrecker  
7 operating within the State of Oklahoma removing and storing vehicles  
8 from Oklahoma roads and highways or private property as a result of  
9 a nonconsensual tow.

10       C. The Corporation Commission, by Commission order, shall have  
11 the power and authority necessary:

12       1. To establish wrecker rates for the transportation and  
13 storage of motor vehicles removed due to a nonconsensual tow from  
14 Oklahoma roads and highways or private property;

15       2. To supervise and enforce such rates; and

16       3. To mediate and adjudicate complaints that may arise from  
17 charges assessed as a result of such vehicle removal.

18       D. Rates as specified in Sections 953.1 and 953.2 of ~~Title 47~~  
19 ~~of the Oklahoma Statutes~~ this title shall remain in effect until  
20 rates are established by order of the Commission.

21       E. Rates established by the Commission shall be fair and  
22 reasonable.

23       F. The Commission may assess fines or other penalties to any  
24 wrecker or towing service for failure to comply with prescribed

1 rates as established by the Commission, failure to pay a levied  
2 assessment or comply with any applicable order of the Commission.  
3 ~~Repeat violations by a wrecker or towing service are cause for~~  
4 ~~revocation of its license issued by.~~ Upon notice from the  
5 Commission, the Department of Public Safety shall revoke the license  
6 of any wrecker or towing service company that fails to comply with  
7 an order issued by the Commission.

8 G. The Department shall cooperate with the Commission to  
9 implement this act and may enter into agreements to facilitate this  
10 act.

11 SECTION 9. AMENDATORY Section 2, Chapter 208, O.S.L.  
12 2018 (47 O.S. Supp. 2018, Section 1112.2), is amended to read as  
13 follows:

14 Section 1112.2 A. Effective July 1, 2019, the registration  
15 license plate and certificate of registration shall be issued to,  
16 and remain in the name of, the owner of the vehicle registered and  
17 the license plates shall not be transferable between motor vehicle  
18 owners. When a vehicle is sold or transferred in the state, the  
19 following registration procedures shall apply:

20 1. When a current and valid Oklahoma motor vehicle license  
21 plate has been obtained for use on a motor vehicle and the vehicle  
22 has been sold or otherwise transferred to a new owner, the license  
23 plate shall be removed from the vehicle and retained by the original  
24 plate owner.

1        2. In the event an owner purchases, trades, exchanges, or  
2 otherwise acquires another vehicle of the same license registration  
3 classification, the Oklahoma Tax Commission shall authorize the  
4 transfer of the current and valid license plate previously obtained  
5 by the owner to the replacement vehicle for the remainder of the  
6 current registration period. In the event the owner acquires a  
7 vehicle requiring payment of additional registration fees, the owner  
8 shall request a transfer of the license plate to the newly acquired  
9 vehicle and pay the difference in registration fees. The fee shall  
10 be calculated on a monthly prorated basis. The owner shall not be  
11 entitled to a refund:

12            a. when the registration fee for the vehicle to which the  
13                plate(s) is to be assigned is less than the  
14                registration fee for that vehicle to which the license  
15                plate(s) was last assigned, or

16            b. if the owner does not have or does not acquire another  
17                vehicle to which the license plate may be transferred.

18        3. In the event the owner of a license plate purchases, trades,  
19 exchanges or otherwise acquires a vehicle for which a license plate  
20 has been issued during the current registration period, and the  
21 license plate has not been removed by the previous owner in  
22 accordance with this section, the new owner of the vehicle shall  
23 remove and return the license plate to the Tax Commission or a motor  
24

1 license agent. However, if the license plate has expired, the new  
2 owner shall not be required to surrender the license plate.

3 4. If a person purchases a motor vehicle from which the number  
4 plates have been removed pursuant to this section, the person may  
5 operate the motor vehicle for five (5) days from the date of  
6 purchase without number plates if a dated notarized bill of sale is  
7 carried in the motor vehicle.

8 B. 1. The new owner of a motor vehicle shall, within thirty  
9 (30) calendar days from the date of vehicle purchase or acquisition,  
10 make application to record the registration of the vehicle by the  
11 transfer to, or purchase of, a license plate for the newly acquired  
12 vehicle with the Tax Commission or motor license agent and shall pay  
13 all taxes and fees provided by law.

14 2. Any person failing to register a motor vehicle by timely  
15 transferring the license plate as provided by this section shall pay  
16 the penalty levied in Section 1132 of ~~Title 47 of the Oklahoma~~  
17 ~~Statutes~~ this title.

18 C. A surviving spouse, desiring to operate a vehicle devolving  
19 from a deceased spouse, shall present an application for certificate  
20 of title to the Tax Commission or motor license agent in his or her  
21 name within thirty (30) days of obtaining ownership. The Tax  
22 Commission or motor license agent shall then transfer the license  
23 plate to the surviving spouse.

1 D. The Oklahoma Tax Commission shall be authorized to  
2 promulgate such rules as may be required to implement the license  
3 plate transfers authorized by this section; including, but not  
4 limited to, such rules as may be required for a system under which  
5 the license plate is registered to an individual and not a vehicle  
6 for all license plates issued on or after July 1, 2019.

7 E. This section shall not apply to commercial vehicle or  
8 trailer registrations issued by the Oklahoma Corporation Commission.

9 SECTION 10. AMENDATORY 47 O.S. 2011, Section 1113, as  
10 last amended by Section 4, Chapter 208, O.S.L. 2018 (47 O.S. Supp.  
11 2018, Section 1113), is amended to read as follows:

12 Section 1113. A. 1. Except for all-terrain vehicles, utility  
13 vehicles and motorcycles used exclusively off roads and highways,  
14 upon the filing of a registration application and the payment of the  
15 fees provided for in the Oklahoma Vehicle License and Registration  
16 Act, the Oklahoma Tax Commission or Corporation Commission, as  
17 applicable, shall assign to the vehicle described in the application  
18 a distinctive number, and issue to the owner of the vehicle a  
19 certificate of registration, one license plate and a yearly decal.  
20 The Oklahoma Tax Commission shall assign an all-terrain vehicle,  
21 utility vehicle or motorcycle used exclusively off roads and  
22 highways a distinctive number and issue to the owner a certificate  
23 of registration and a decal but not a license plate. For each  
24 subsequent registration year, the Tax Commission shall issue a

1 yearly decal to be affixed to the license plate, except for an all-  
2 terrain vehicle, utility vehicle or motorcycle used exclusively off  
3 roads and highways. The initial decal for an all-terrain vehicle,  
4 utility vehicle or motorcycle shall be attached to the front of the  
5 vehicle and shall be in clear view. The decal shall be on the front  
6 or on the front fork of the motorcycle used exclusively off roads  
7 and highways and the decal shall be in clear view. The yearly decal  
8 shall have an identification number and the last two numbers of the  
9 registration year for which it shall expire. Except as provided by  
10 Section 1113A of this title, the license plate shall be affixed to  
11 the exterior of the vehicle until a replacement license plate is  
12 applied for. If the owner applies for a replacement license plate,  
13 the Tax Commission shall charge the fee provided for in Section 1114  
14 of this title. The yearly decal will validate the license plate for  
15 each registration period other than the year the license plate is  
16 issued. The license plate and decal shall be of such size, color,  
17 design and numbering as the Tax Commission may direct. However,  
18 yearly decals issued to the owner of a vehicle who has filed an  
19 affidavit with the appropriate motor license agent in accordance  
20 with Section 7-607 of this title shall be a separate and distinct  
21 color from all other decals issued under this section. Before the  
22 effective date of this act, the Tax Commission shall also issue a  
23 monthly decal which shall include a two-letter abbreviation  
24 corresponding to the county in which the vehicle is registered. The

1 Tax Commission shall issue all decals in the possession of the Tax  
2 Commission on the effective date of this act before issuing any  
3 decals which do not contain the county abbreviation.

4 2. The license plate shall be securely attached to the rear of  
5 the vehicle, except truck-tractor plates which shall be attached to  
6 the front of the vehicle. The Tax Commission may, with the  
7 concurrence of the Department of Public Safety, by Joint Rule,  
8 change and direct the manner, place and location of display of any  
9 vehicle license plate when such action is deemed in the public  
10 interest. The license plate, decal and all letters and numbers  
11 shall be clearly visible at all times. The operation of a vehicle  
12 in this state, regardless of where such vehicle is registered, upon  
13 which the license plate is covered, overlaid or otherwise screened  
14 with any material, whether such material be clear, translucent,  
15 tinted or opaque, shall be a violation of this paragraph.

16 3. Upon payment of the annual registration fee provided in  
17 Section 1133 of this title, the Tax Commission or Corporation  
18 Commission, as applicable, or a motor license agent may issue a  
19 permanent nonexpiring license plate to an owner of one hundred or  
20 more commercial motor vehicles and for vehicles registered under the  
21 provisions of Section 1120 of this title. Upon payment of the  
22 annual registration fee, the Tax Commission or Corporation  
23 Commission shall issue a certificate of registration that shall be  
24 carried at all times in the vehicle for which it is issued.

1 Provided, if the registrant submits its application through  
2 electronic means, such qualified owners of one hundred or more  
3 commercial motor vehicles, properly registered pursuant to the  
4 provisions of Section 1133 of this title, may elect to receive a  
5 permanent certificate of registration that shall be carried at all  
6 times in the vehicle for which it is issued.

7 4. Every vehicle owned by an agency of this state shall be  
8 exempt from the payment of registration fees required by this title.  
9 Provided, such vehicle shall be registered and shall otherwise  
10 comply with the provisions of the Oklahoma Vehicle License and  
11 Registration Act.

12 B. The license plates required under the provisions of this  
13 title shall conform to the requirements and specifications listed  
14 hereinafter:

15 1. Each license plate shall have a space for the placement of  
16 the yearly decals for each succeeding year of registration after the  
17 initial issue;

18 2. The provisions of the Oklahoma Vehicle License and  
19 Registration Act regarding the issuance of yearly decals shall not  
20 apply to the issuance of apportioned license plates, including  
21 license plates for state vehicles, and exempt plates for  
22 governmental entities and fire departments organized pursuant to  
23 Section 592 of Title 18 of the Oklahoma Statutes;

1        3. All license plates and decals shall be made with  
2 reflectorized material as a background to the letters, numbers and  
3 characters displayed thereon. The reflectorized material shall be  
4 of such a nature as to provide effective and dependable brightness  
5 during the service period for which the license plate or decal is  
6 issued;

7        4. Except as otherwise provided in this subsection, the Tax  
8 Commission shall design appropriate official license plates for all  
9 state vehicles. Such license plates shall be permanent in nature  
10 and designed in such manner as to remain with the vehicle for the  
11 duration of the vehicle's life span or until the title is  
12 transferred to a nongovernmental owner;

13        5. Within the limits prescribed in this section, the Tax  
14 Commission shall design appropriate official license plates for  
15 vehicles of the Oklahoma Highway Patrol. The license plates shall  
16 have the legend "Oklahoma OK" and shall contain the letters "OHP"  
17 followed by the state seal and the badge number of the Highway  
18 Patrol officer to whom the vehicle is assigned. The words "Oklahoma  
19 Highway Patrol" shall also be included on such license plates;

20        6. Within the limits prescribed in this section, the Tax  
21 Commission shall design appropriate official license plates for  
22 vehicles of the Oklahoma Military Department. Such license plates  
23 shall have the legend "Oklahoma OK" and shall contain the letters  
24 "OMD" followed by the state seal and three numbers or letters as

1 designated by the Adjutant General. The words "Oklahoma Military  
2 Department" shall also be included on such license plates;

3 7. Within the limits prescribed in this section, the Tax  
4 Commission shall design appropriate official license plates for  
5 vehicles of the Oklahoma Department of Corrections. Such license  
6 plates shall contain the letters "DOC" followed by the Department of  
7 Corrections badge and three numbers or letters or combination of  
8 both as designated by the Director of the agency. The words  
9 "Department of Corrections" shall also be included on such license  
10 plates; ~~and~~

11 8. Within the limits prescribed in this section, the Tax  
12 Commission shall design appropriate official license plates for  
13 vehicles of the Oklahoma Corporation Commission. Such license  
14 plates shall contain the letters "OCC" followed by the Osage  
15 warrior's shield and a minimum of three additional numbers or  
16 letters as designated by the Director of the Corporation Commission  
17 Transportation Division. The words "Oklahoma Corporation  
18 Commission" shall also be included on such license plates;

19 9. Within the limits prescribed in this section, the Oklahoma  
20 Tourism and Recreation Department shall design any license plates  
21 required by the initiation of a license plate reissuance by the  
22 Oklahoma Tax Commission at the request of the Department of Public  
23 Safety pursuant to the provisions of Section 1113.2 of this title.  
24 Any such new designs shall be submitted by the Oklahoma Tourism and

1 Recreation Department to the Department of Public Safety for its  
2 approval prior to being issued by the Oklahoma Tax Commission; and

3 10. The Tax Commission shall submit all commercial motor  
4 vehicle license plate designs to the Oklahoma Corporation Commission  
5 for its approval prior to being issued by the Oklahoma Tax  
6 Commission.

7 C. Where the applicant has satisfactorily shown that the  
8 applicant owns the vehicle sought to be registered but is unable to  
9 produce documentary evidence of the ownership, a license plate may  
10 be issued upon approval by the Tax Commission or Corporation  
11 Commission, as applicable. In such instances the reason for not  
12 issuing a certificate of title shall be indicated on the receipt  
13 given to the applicant. It shall still be the duty of the applicant  
14 to immediately take all necessary steps to obtain the Oklahoma  
15 certificate of title and it shall be unlawful for the applicant to  
16 sell the vehicle until the certificate has been obtained in the  
17 applicant's name.

18 D. The certificate of registration provided for in this section  
19 shall be in convenient form, and the certificate of registration, or  
20 a certified copy or photostatic copy thereof, duly authenticated by  
21 the Tax Commission or Corporation Commission, as applicable, shall  
22 be carried at all times in or upon all vehicles so registered, in  
23 such manner as to permit a ready examination thereof upon demand by  
24 any peace officer of the state or duly authorized employee of the

1 Department of Public Safety. Any such officer or agent may seize  
2 and hold such vehicle when the operator of the same does not have  
3 the registration certificate in the operator's possession or when  
4 any such officer or agent determines that the registration  
5 certificate has been obtained by misrepresentation of any essential  
6 or material fact or when any number or identifying information  
7 appearing on such certificate has been changed, altered, obliterated  
8 or concealed in any way, until the proper registration or  
9 identification of such vehicle has been made or produced by the  
10 owner thereof.

11 E. The purchaser of a new or used manufactured home shall,  
12 within thirty (30) days of the date of purchase, register the home  
13 with the Tax Commission or a motor license agent pursuant to the  
14 provisions of Section 1117 of this title. For a new manufactured  
15 home, it shall be the responsibility of the dealer selling the home  
16 to place a temporary license plate on the home in the same manner as  
17 provided in Section 1128 of this title for other new motor vehicles.  
18 For the first year that any manufactured home is registered in this  
19 state, the Tax Commission shall issue a metal license plate which  
20 shall be affixed to the manufactured home. The temporary dealer  
21 license plate or the metal license plate shall be displayed on the  
22 manufactured home at all times when upon a public roadway; provided,  
23 a repossession affidavit issued pursuant to Sections 1110 and 1126  
24 of this title shall be permissible in lieu of a current license

1 plate and decal for the purposes of removing a repossessed  
2 manufactured home to a secure location. Manufactured homes  
3 previously registered and subject to ad valorem taxation as provided  
4 by law shall have a decal affixed at the time ad valorem taxes are  
5 paid for such manufactured home; provided, for a manufactured home  
6 permanently affixed to real estate, no decal or license plate shall  
7 be required to be affixed and the owner thereof shall be given a  
8 receipt upon payment of ad valorem taxes due on the home. The Tax  
9 Commission shall make sufficient plates and decals available to the  
10 various motor license agents of the state in order for an owner of a  
11 manufactured home to acquire the plate or decal. A one-dollar fee  
12 shall be charged for issuance of any plate or decal. The fee shall  
13 be apportioned each month to the General Revenue Fund of the State  
14 Treasury.

15 F. The decal shall be easily visible for purposes of  
16 verification by a county assessor that the manufactured home is  
17 properly assessed for ad valorem taxation. In the first year of  
18 registration, a decal shall be issued for placement on the license  
19 plate indicating payment of applicable registration fees and excise  
20 taxes. A duplicate manufactured home registration decal shall be  
21 affixed inside the window nearest the front door of the manufactured  
22 home. In the second and all subsequent years for which the  
23 manufactured home is subject to ad valorem taxation, an annual decal  
24 shall be affixed inside the window nearest the front door as

1 evidence of payment of ad valorem taxes. The Tax Commission shall  
2 issue decals to the various county treasurers of the state in order  
3 for a manufactured home owner to obtain such decal each year. Upon  
4 presentation of a valid ad valorem tax receipt, the manufactured  
5 home owner shall be issued the annual decal.

6 G. Upon the registration of a manufactured home in this state  
7 for the first time or upon discovery of a manufactured home  
8 previously registered within this state for which the information  
9 required by this subsection is not known, the Tax Commission shall  
10 obtain:

- 11 1. The name of the owner of the manufactured home;
- 12 2. The serial number or identification number of the  
13 manufactured home;
- 14 3. A legal description or address of the location for the home;
- 15 4. The actual retail selling price of the manufactured home  
16 excluding Oklahoma taxes;
- 17 5. The certificate of title number for the home; and
- 18 6. Any other information which the Tax Commission deems to be  
19 necessary.

20 The application for registration shall also include the school  
21 district in which the manufactured home is located or is to be  
22 located. The information shall be entered into a computer data  
23 system which shall be used by the Tax Commission to provide  
24 information to county assessors upon request by the assessor. The

1 assessor may request any information from the system in order to  
2 properly assess a manufactured home for ad valorem taxation.

3 SECTION 11. AMENDATORY 47 O.S. 2011, Section 1170, is  
4 amended to read as follows:

5 Section 1170. A. Reports and files of the Corporation  
6 Commission concerning the administration of the International  
7 Registration Plan and the International Fuel Tax Agreement, shall be  
8 considered confidential and privileged, except as otherwise provided  
9 for by law, and neither the Commission nor any employee engaged in  
10 the administration of the International Registration Plan or  
11 International Fuel Tax Agreement or charged with the custody of any  
12 such reports or records nor any person who may have secured such  
13 reports or records from the Commission shall disclose any  
14 information obtained from the reports or records of any person.

15 B. The provisions of this section shall not prevent the  
16 Commission from disclosing the following information and no  
17 liability whatsoever, civil or criminal, shall attach to any member  
18 of the Commission or any employee thereof for any error or omission  
19 in the disclosure of such information:

20 1. The delivery to a taxpayer or a duly authorized  
21 representative of the taxpayer of a copy of any report or any other  
22 paper filed by the taxpayer pursuant to the provisions of the  
23 International Registration Plan or the International Fuel Tax  
24 Agreement;

1        2. The exchange of information that is not protected by the  
2 federal Privacy Protection Act, 42 U.S.C., Section 2000aa et seq.,  
3 pursuant to reciprocal agreements or compacts entered into by the  
4 Commission and other state agencies or agencies of the federal  
5 government;

6        3. The publication of statistics so classified as to prevent  
7 the identification of a particular report and the items thereof;

8        4. The examination of records and files by the State Auditor  
9 and Inspector or the duly authorized agents of the State Auditor and  
10 Inspector;

11       5. The disclosing of information or evidence to the Oklahoma  
12 State Bureau of Investigation, Attorney General, Oklahoma State  
13 Bureau of Narcotics and Dangerous Drugs Control, any district  
14 attorney, or agent of any federal law enforcement agency when the  
15 information or evidence is to be used by such officials to  
16 investigate or prosecute violations of the criminal provisions of  
17 the Uniform Tax Procedure Code or of any state tax law or of any  
18 federal crime committed against this state. Any information  
19 disclosed to the Oklahoma State Bureau of Investigation, Attorney  
20 General, Oklahoma State Bureau of Narcotics and Dangerous Drugs  
21 Control, any district attorney, or agent of any federal law  
22 enforcement agency shall be kept confidential by such person and not  
23 be disclosed except when presented to a court in a prosecution for  
24 violation of the tax laws of this state or except as specifically

1 authorized by law, and a violation by the Oklahoma State Bureau of  
2 Investigation, Attorney General, Oklahoma State Bureau of Narcotics  
3 and Dangerous Drugs Control, district attorney, or agent of any  
4 federal law enforcement agency by otherwise releasing the  
5 information shall be a felony;

6 6. The use by any division of the Commission of any information  
7 or evidence in the possession of or contained in any report or  
8 return filed or documents obtained by the Commission in the  
9 administration of the International Fuel Tax Agreement or the  
10 International Registration Plan;

11 7. The furnishing, at the discretion of the Commission, of any  
12 information disclosed by its records or files to any official person  
13 or body of this state, any other state, the United States, or  
14 foreign country who is concerned with the administration or  
15 assessment of any similar tax in this state, any other state or  
16 province or the United States;

17 8. The furnishing of information as to the issuance or  
18 revocation of any registration or license by the Commission as  
19 provided for by law. Such information shall be limited to the name  
20 of the person issued the permit or license, the name of the business  
21 entity authorized to engage in business pursuant to the permit or  
22 license, the address of the business entity, and the grounds for  
23 revocation;

1        9. The disclosure of information to any person for a purpose as  
2 authorized by the taxpayer pursuant to a waiver of confidentiality.  
3 The waiver shall be in writing and shall be made upon such form as  
4 the Commission may prescribe;

5        10. The disclosure of information directly involved in the  
6 resolution of the protest by a taxpayer to an assessment of tax or  
7 additional tax or the resolution of a claim for a refund filed by a  
8 taxpayer, including the disclosure of the pendency of an  
9 administrative proceeding involving such protest or claim, to a  
10 person called by the Commission as an expert witness or as a witness  
11 whose area of knowledge or expertise specifically addresses the  
12 issue addressed in the protest or claim for refund. Such disclosure  
13 to a witness shall be limited to information pertaining to the  
14 specific knowledge of that witness as to the transaction or  
15 relationship between taxpayer and witness;

16        11. The furnishing to a prospective purchaser of any business,  
17 or his or her authorized representative, of information relating to  
18 any liabilities, delinquencies, assessments or warrants of the  
19 prospective seller of the business which have not been filed of  
20 record, established, or become final and which relate solely to the  
21 seller's business. Any disclosure under this paragraph shall only  
22 be allowed upon the presentment by the prospective buyer, or the  
23 buyer's authorized representative, of the purchase contract and a  
24 written authorization between the parties;

1        12. The furnishing of information as to the amount of state  
2 revenue affected by the issuance or granting of any registration or  
3 license or credit issued by the Corporation Commission as provided  
4 for by law. Such information shall be limited to the type of  
5 registration, license or credit issued or granted, the date and  
6 duration of such registration, license or credit, and the amount of  
7 such revenue. The provisions of this paragraph shall not authorize  
8 the disclosure of the name of the person issued such registration,  
9 license, exemption, credit, or the name of the business entity  
10 authorized to engage in business pursuant to the registration,  
11 license or credit; and

12        13. The disclosure of information in a Corporation Commission  
13 administrative hearing for the purposes of an enforcement action or  
14 an appeal of an agency determination.

15        SECTION 12.        AMENDATORY        Section 3, Chapter 262, O.S.L.  
16 2012, as last amended by Section 2, Chapter 373, O.S.L. 2016 (47  
17 O.S. Supp. 2018, Section 1202), is amended to read as follows:

18        Section 1202. A. The Department of Transportation, the  
19 Oklahoma Turnpike Authority and the Corporation Commission may enter  
20 into interagency agreements concerning the equipment, maintenance  
21 and operations of fixed facilities.

22        B. The Department of Transportation, the Authority and the  
23 Commission shall endeavor to electronically upgrade weigh stations  
24

1 as practical to minimize the duplication of inspections for  
2 compliant commercial motor vehicles and motor carriers.

3 C. The Commission shall operate all current and future ports of  
4 entry weigh stations eighteen (18) to twenty (20) hours a day and  
5 seven (7) days a week upon the availability of funds.

6 D. The Commission shall continue to conduct roadside  
7 enforcement in the general area where a fixed facility is planned  
8 but no fixed facility currently exists until a fixed facility is  
9 located in the general area or July 1, 2016, whichever is earlier.

10 E. When a fixed facility is located in the general area,  
11 Commission motor carrier and commercial motor vehicle enforcement  
12 shall be limited to the fixed facility and a radius surrounding the  
13 facility. If the fixed facility is a weigh station as defined in  
14 Section 1201 of this title, the applicable radius shall be seven (7)  
15 miles. If the fixed facility is a port of entry weigh station as  
16 defined in Section 1201 of this title, the applicable radius shall  
17 be twenty-five (25) miles.

18 F. The Commission may assist in roadside enforcement in a joint  
19 effort at the request of the Oklahoma Highway Patrol.

20 G. The Commission is authorized to conduct audits, reviews,  
21 investigations, inspections or other enforcement actions by  
22 enforcement officers provided those activities are within the scope  
23 of the Commission's jurisdiction and are not conducted as roadside  
24

1 enforcement in accordance with the provisions of the Oklahoma Weigh  
2 Station Act of 2012.

3 H. The Commission may enter into interagency cooperative  
4 agreements with other state or federal agencies to jointly enforce  
5 federal and state laws or rules.

6 I. North American Standard Inspections shall be conducted only  
7 by individuals holding certification in the level or classification  
8 of inspection being conducted.

9 J. Automated license plate readers (ALPRs) may be used in the  
10 electronic screening of motor carriers and commercial motor vehicles  
11 for the purpose of credential checks, public safety and protection  
12 of infrastructure.

13 K. Data collected or retained through the use of an ALPR  
14 system:

15 1. Is confidential and not subject to disclosure under the  
16 Oklahoma Open Records Act;

17 2. Is available for use only by the Department, the Authority  
18 or the Commission in carrying out its functions or by a law  
19 enforcement agency conducting North American Standard Inspections or  
20 criminal investigations;

21 3. May be published and released as public information using  
22 aggregate data that does not reveal the activities or identify  
23 specific commercial motor vehicles or specific motor carriers; and  
24

4. May be shared with the Federal Motor Carrier Safety Administration for regulatory compliance purposes.

SECTION 13. REPEALER 47 O.S. 2011, Section 116.13, is hereby repealed.

SECTION 14. REPEALER 47 O.S. 2011, Section 171.2, is hereby repealed.

SECTION 15. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 13th day of March, 2019.

Presiding Officer of the House  
of Representatives

Passed the Senate the            day of            , 2019.

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Presiding Officer of the Senate