

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1972

By: Ford

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to motor vehicles; amending 47 O.S.
10 2011, Section 170.2, which relates to load capacity
11 violations; specifying certain rule violations
12 identified during compliance audits; directing
13 Corporation Commission to establish certain schedule
14 by rule; modifying certain fines; modifying certain
15 procedures; amending 47 O.S. 2011, Section 171.1,
16 which relates to the expenditure of funds; allowing
17 for expenditure of certain funds; providing for
18 employment of certain positions; stating duties for
19 positions; providing for compensation and related
20 expenses; authorizing purchase, costs and assignment
21 of certain vehicles; providing for certain costs;
22 authorizing employment of administrative law judges;
23 stating responsibilities; amending 47 O.S. 2011,
24 Section 172, which relates to violations; stating
 provisions of law within Commission jurisdiction;
 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 distinct 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;

1 modifying definitions; defining terms; requiring
2 courier application services companies (CASC) to
3 obtain permit by certain date; requiring payment of
4 certain annual fee; directing the Commission to
5 promulgate certain emergency rules; stating
6 Commission authority and jurisdiction in relation to
7 CASC; stating CASC drivers need not hold certain
8 license; directing Commission not to promulgate
9 certain rules; amending 47 O.S. 2011, Section 230.27,
10 which relates to fees; directing Commission to set
11 certain fees; amending 47 O.S. 2011, Section 230.34a,
12 which relates to harvest permits; directing
13 Commission to set certain fees; directing deposit of
14 revenue received from certain fees; amending 47 O.S.
15 2011, Section 966, which relates to the Nonconsensual
16 Towing Act of 2011; allowing for revocation of
17 certain licenses for noncompliance; amending Section
18 4, Chapter 279, O.S.L. 2015 (47 O.S. Supp. 2018,
19 Section 1013), which relates to Commission authority;
20 directing Commission to set certain fees; amending
21 Section 2, Chapter 208, O.S.L. 2018 (47 O.S. Supp.
22 2018, Section 1112.2), which relates to the
23 transferability of license plates; making certain
24 exceptions; amending 47 O.S. 2011, Section 1113, as
last amended by Section 4, Chapter 208, O.S.L. 2018
(47 O.S. Supp. 2018, Section 1113), which relates to
the issuance of certificate of registration, license
plates and decals; directing the design of certain
license plates; directing license plates designs be
submitted to Commission for approval; amending 47
O.S. 2011, Section 1170, which relates to
confidentiality of reports; allowing for the
disclosure of certain information; amending Section
3, Chapter 262, O.S.L. 2012, as last amended by
Section 2, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
2018, Section 1202), which relates to maintenance and
operation of fixed facilities; allowing for use of
automated license plate readers; detailing use and
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; providing for codification; and declaring
an emergency.

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

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

4 Section 170.2 A. The Department of Public Safety, monthly,
5 shall notify the Oklahoma Corporation Commission of any ticket
6 issued for a violation of the provisions of Section 14-119 of this
7 title, or any provisions of Chapter 14 of this title or the terms of
8 any special permit authorized pursuant to the provisions of Chapter
9 14 of this title concerning overweight or overweight special
10 permits.

11 B. Truck overweight violations by motor carriers or private
12 carriers identified during size and weight compliance audits
13 conducted by the Commission shall be considered contempt of
14 Commission motor carrier rules, ~~tariffs and regulations~~. The
15 Commission shall establish a specific rule whereby such overweight
16 violations by motor carriers or private carriers shall be grounds
17 for issuance of a show-cause order for consideration of temporary or
18 permanent cancellation of operating authority or license. In
19 establishing the rule, consideration shall be given to the frequency
20 of violations, pattern of violations, fleet size, type of operation,
21 amount of overweight, and other such factors that may indicate
22 intent. Any person, firm, or corporation that assists in the
23 commission of such overweight violation or refuses to comply with
24 any rule, regulation, or order of the Commission relating thereto

1 shall be guilty of contempt of the Commission and shall be subject
2 to a fine to be imposed by said Commission ~~in a sum not to exceed~~
3 ~~Five Hundred Dollars (\$500.00) on each violation~~ in accordance with
4 a schedule set by the Commission by rule wherein the amount of the
5 fine increases according to the extent of the oversize or overweight
6 violations. In the ~~specific~~ instance of an oversize or overweight
7 violation, the transportation of each load shall constitute a
8 separate violation. The same fine assessed against the motor
9 carrier or private carrier shall apply to any other person, firm, or
10 corporation that aids or abets such violations. ~~Provided however,~~
11 ~~no motor carrier, private carrier, shipper or person loading or~~
12 ~~causing a motor vehicle to be loaded shall be subject to a fine for~~
13 ~~contempt unless the gross weight of the motor vehicle is more than~~
14 ~~five thousand (5,000) pounds overweight.~~

15 C. The Commission, in its discretion and on its own motion, may
16 make a contempt complaint in writing under oath setting forth the
17 violation, enter the complaint on its docket, and proceed with the
18 matter in accordance with the ~~provisions of Sections 161 et seq. of~~
19 ~~this title or the Motor Carrier Act of 1995~~ Commission Rules of
20 Practice, Chapter 5 of Title 165 of the Oklahoma Administrative
21 Code.

22 SECTION 2. AMENDATORY 47 O.S. 2011, Section 171.1, is
23 amended to read as follows:
24

1 Section 171.1 In addition to other uses authorized by law,
2 funds provided to the Corporation Commission ~~Revolving Fund~~ via
3 appropriations or a Commission revolving fund pursuant to ~~Sections~~
4 ~~165, 177.2 and 180h~~ of this title shall be expended as follows:

5 1. The Corporation Commission Transportation Division shall
6 employ ~~four special~~ motor carrier enforcement officers (MCEOs),
7 motor vehicle enforcement officers (MVEOs) and ~~one~~
8 ~~supervisor-officer~~ enforcement managers who shall have the primary
9 duty of ~~investigating and assisting in the prosecution of persons~~
10 ~~engaged in unauthorized transportation or disposal of deleterious~~
11 ~~substances as contemplated under the provisions of the Oklahoma~~
12 ~~Motor Carrier Act and any other applicable~~ investigation and
13 regulatory enforcement of those provisions of law Titles 17, 47, 66
14 and 68 of the Oklahoma Statutes relating to commercial
15 transportation over which the Commission has been assigned
16 jurisdiction and related Commission rules. ~~Such employees~~

17 a. MCEOs, MVEOs and enforcement managers shall be
18 compensated as for similar service in the same or
19 other departments of the state and ~~an~~ receive a
20 monthly expense allowance ~~of One Hundred Dollars~~
21 ~~(\$100.00) per month~~ as determined by the Commission
22 for maintenance and cleaning of uniforms and other
23 related expenses ~~shall be paid to such employees.~~

1 **b.** MCEOs, enforcement managers and MVEOs must be on duty
2 and in uniform each month to qualify for the uniform
3 maintenance, cleaning and other related expenses
4 allowance.

5 **c.** Nothing in this section regarding expense allowances
6 shall be construed to mean that such employees shall
7 receive any additional compensation beyond what is
8 provided for maintenance and cleaning of uniforms and
9 other related expenses by the Corporation Commission
10 on the effective date of this act.;

11 2. The Commission shall purchase a sufficient number of motor
12 vehicles to provide each motor carrier enforcement officer and
13 enforcement manager employed in the Transportation Division a motor
14 vehicle suitable to carry out ~~the enforcement provisions of~~
15 ~~applicable law~~ assigned duties. Said vehicles assigned to MCEOs
16 shall be appropriately marked as official vehicles. Said vehicles
17 assigned to enforcement managers may be unmarked at the discretion
18 of the Commission. All vehicles assigned to MCEOs or enforcement
19 managers and radio shall be equipped as determined by the
20 Commission. All costs for operation, maintenance and replacement of
21 the motor vehicles authorized in this section shall be provided for
22 from ~~the Corporation~~ appropriations to the Commission or a
23 ~~Commission Revolving Fund.~~ revolving fund; and

1 3. The Commission shall employ a ~~hearing officer~~ administrative
2 law judges whose ~~primary responsibility~~ responsibilities shall ~~be~~
3 include the adjudication of regulatory enforcement proceedings and
4 complaints brought against persons ~~engaged in unauthorized~~
5 ~~transportation or disposal of deleterious substances or other~~
6 ~~unauthorized transportation~~ or motor carriers alleged to be in
7 violation of the Oklahoma Motor Carrier Act or the rules and
8 regulations of motor carriers as promulgated by the Corporation any
9 provision of Titles 17, 47, 66 and 68 of the Oklahoma Statutes
10 relating to commercial transportation over which the Commission has
11 been assigned jurisdiction and related Commission rules.

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

14 Section 172. A. Every owner of any motor vehicle, the agents
15 or employees of the owner, and every other motor carrier or person
16 who violates, or refuses or fails to comply with or procures, or
17 ~~aids, or abets in,~~ the violation of ~~Sections 161 through 180m of~~
18 ~~this title or the Motor Carrier Act of 1995, or who fails to obey,~~
19 ~~observe, or comply with any order, decision, rule or regulation,~~
20 ~~direction, demand, or requirement of the Corporation Commission, or~~
21 ~~who procures, aids or abets any corporation or person in the~~
22 ~~person's, or its, refusal or willful failure to obey, observe or~~
23 ~~comply with any such order, decision, rule, direction, demand, or~~
24 ~~regulation~~ any of those provisions of Titles 17, 47, 66 and 68 of

1 the Oklahoma Statutes relating to commercial transportation over
2 which the Corporation Commission has been assigned jurisdiction and
3 related Commission rules shall be deemed guilty of ~~a misdemeanor.~~
4 ~~Upon conviction in a criminal court of competent jurisdiction, such~~
5 ~~misdemeanor is punishable by~~ contempt of the Commission and shall be
6 subject to a civil fine of not exceeding One Thousand Dollars
7 (\$1,000.00) per violation, per day unless otherwise specified by
8 law. Each day on which such contempt occurs shall be deemed a
9 separate and distinct offense. All roadside enforcement and fixed
10 facility fines collected pursuant to the provisions of this section
11 shall be deposited in the Trucking One-Stop Shop Fund, as created in
12 Section 1167 of this title, while fines paid as a result of a
13 Commission enforcement order shall be deposited in the Commission's
14 Revolving Fund. Fine limits in this subsection shall not apply to
15 violations relating to deleterious substances set forth in Section
16 177.3 of this title.

17 B. ~~The Corporation Commission shall report to the Attorney~~
18 ~~General of this state and the district attorney of the proper county~~
19 ~~having jurisdiction of such offense, any violation of any of the~~
20 ~~provisions of Sections 161 through 180m of this title or the Motor~~
21 ~~Carrier Act of 1995 or any rule of the Corporation Commission~~
22 ~~promulgated pursuant to the provisions of Sections 161 through 180m~~
23 ~~of this title or the Motor Carrier Act of 1995, by any motor vehicle~~
24 ~~owner, agent or employee of such owner, or any other person. Upon~~

1 ~~receipt of such report, the Attorney General or the district~~
2 ~~attorney of the proper county having jurisdiction of such offense~~
3 ~~shall institute criminal or civil proceedings against such offender~~
4 ~~in the proper court having jurisdiction of such offense. Any~~
5 ~~willful failure on the part of members of the Corporation~~
6 ~~Commission, the Attorney General or any district attorney, to comply~~
7 ~~with the provisions of this section, shall be deemed official~~
8 ~~misconduct. The Corporation Commission shall report such complaints~~
9 ~~so made to the Governor of this state who shall direct and cause the~~
10 ~~laws of this state to be enforced.~~

11 ~~C. Any person failing, neglecting or refusing to comply with~~
12 ~~the provisions of Sections 161 through 180m of this title or the~~
13 ~~Motor Carrier Act of 1995, or with any rule, regulation, or~~
14 ~~requirement of the Corporation Commission promulgated pursuant to~~
15 ~~the provisions of Sections 161 through 180m of this title or the~~
16 ~~Motor Carrier Act of 1995, shall be guilty of contempt of the~~
17 ~~Corporation Commission, and shall be subject to a fine to be imposed~~
18 ~~by the Corporation Commission in a sum not exceeding Five Hundred~~
19 ~~Dollars (\$500.00). Each day on which such contempt occurs shall be~~
20 ~~deemed a separate and distinct offense. The maximum fine to be~~
21 ~~assessed on each day shall be Five Hundred Dollars (\$500.00). All~~
22 ~~finances collected pursuant to the provisions of this section shall be~~
23 ~~deposited in the State Treasury to the credit of the Corporation~~
24 ~~Commission Trucking One-Stop Shop Fund, as created in Section 1167~~

1 ~~of this title. This subsection shall not apply in the specific~~
2 ~~instance of load capacity violations or violations applicable to the~~
3 ~~transportation or discharge of deleterious substances provided for~~
4 ~~by specific statutory provisions.~~

5 ~~D.~~ The Corporation Commission shall appoint a director of
6 transportation, a deputy director, ~~an insurance supervisor, an~~
7 ~~insurance clerk, two stenographers, a secretary to the director, an~~
8 ~~identification device supervisor and an assistant identification~~
9 ~~device supervisor at such salaries as the Legislature may from time~~
10 ~~to time prescribe~~ and such other staff as necessary to fulfill the
11 duties and responsibilities assigned to the Transportation Division.

12 The employees shall be allowed actual and necessary travel expenses
13 pursuant to the provisions of the State Travel Reimbursement Act.
14 All of the expense claims shall be presented and paid ~~monthly~~
15 timely.

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

23 D. MCEOs and enforcement managers, appointed by the Corporation
24 Commission, are hereby declared to be peace officers of this state.

1 Such officers and enforcement managers shall be vested with all
2 powers of peace officers in ~~enforcing~~ the investigation and
3 regulatory enforcement of those provisions of ~~Sections 161 through~~
4 ~~180m of this title and the Motor Carrier Act of 1995~~ Titles 17, 47,
5 66 and 68 of the Oklahoma Statutes relating to commercial
6 transportation over which the Commission has been assigned
7 jurisdiction and related Commission rules in all parts of this
8 state. In addition to those powers granted to peace officers of the
9 State of Oklahoma by Section 99a of Title 21 of the Oklahoma
10 Statutes, MCEOs and enforcement managers shall be authorized to
11 enforce criminal laws of this state throughout the state if the
12 unlawful activity is committed in the presence of the MCEO or
13 enforcement manager during the course of performance of the primary
14 regulatory duties set forth in this section.

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

20 E. Corporation Commission MVEOs shall not be required to be
21 CLEET-certified and shall not be armed. MVEOs may perform
22 investigation and regulatory enforcement duties and responsibilities
23 assigned to MCEOs, but shall not perform law enforcement duties
24

1 reserved to peace officers by Sections 99 and 99a of Title 21 Of the
2 Oklahoma Statutes or other provisions of Oklahoma law.

3 F. ~~The enforcement officers~~ MCEOs, MVEOs and enforcement
4 managers, when on duty, upon reasonable belief that any motor
5 vehicle is being operated in violation of any provisions ~~of Sections~~
6 ~~161 through 180m of this title or the Motor Carrier Act of 1995 of~~ of
7 Titles 17, 47, 66 and 68 of the Oklahoma Statutes relating to
8 commercial transportation over which the Commission has been
9 assigned jurisdiction or related Commission rules, shall be
10 authorized to direct the driver to the nearest weigh station or port
11 of entry or to weigh the vehicle with portable scales. In addition,
12 MCEOs, MVEOs and enforcement managers are authorized to require the
13 driver of the vehicle to stop and submit to an inspection of the
14 identification device, or devices, in the vehicle, and to submit to
15 such ~~enforcement officer~~ MCEOs, MVEOs and enforcement managers bills
16 of lading, waybills, or other evidences of the character of the
17 commerce being transported in such vehicle, and to submit to an
18 inspection of the contents of such vehicle for the purpose of
19 comparing same with bills of lading or shipping documentation,
20 waybills, or other evidences of transportation carried by the driver
21 of the vehicle. The officers shall not have the right to plea
22 bargain.

23 G. ~~The~~ MCEOs and enforcement ~~officers~~ managers are authorized
24 to serve all orders, subpoenas, warrants, writs, and notices issued

1 by the Corporation Commission ~~relating to the enforcement of the~~
2 ~~provisions of Sections 161 through 180m of this title or the Motor~~
3 ~~Carrier Act of 1995 and the rules, regulations, and requirements~~
4 ~~prescribed by the Corporation Commission promulgated pursuant to~~
5 ~~Sections 161 through 180m of this title or the Motor Carrier Act of~~
6 ~~1995 within the territorial boundaries of this state.~~

7 H. The MCEOs, MVEOs and enforcement officers managers shall not
8 have the power or right of search, nor shall they have the right of
9 power of seizure, except as provided in ~~Sections 161 through 180m of~~
10 ~~this title or the Motor Carrier Act of 1995~~ those provisions of
11 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. ~~The MCEOs,~~
14 ~~MVEOs and enforcement officers managers~~ are authorized to hold and
15 detain any motor vehicle operating upon the highways of this state,
16 if, the MCEO, MVEO or enforcement officer manager has reason to
17 believe that the vehicle is being operated contrary to ~~the~~ any of
18 those provisions of Sections 161 through 180m of this title or the
19 ~~Motor Carrier Act of 1995, or the rules, regulations, and~~
20 ~~requirements of the Corporation Commission promulgated pursuant to~~
21 ~~Sections 161 through 180m of this title or the Motor Carrier Act of~~
22 ~~1995~~ Titles 17, 47, 66 and 68 of the Oklahoma Statutes relating to
23 commercial transportation over which the Commission has been
24 assigned jurisdiction and related Commission rules.

1 I. No state official, other than members of the Corporation
2 Commission, shall have any power, right, or authority to command,
3 order, or direct any enforcement officer to perform any duty or
4 service authorized by ~~Sections 161 through 180m of this title or the~~
5 ~~Motor Carrier Act of 1995~~ those provisions of Titles 17, 47, 66 and
6 68 of the Oklahoma Statutes relating to commercial transportation
7 over which the Commission has been assigned jurisdiction or related
8 Commission rules.

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

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

20 K. If, in the judgment of an MCEO, MVEO or enforcement manager,
21 a commercial motor vehicle poses an inherent risk to public health,
22 public safety or welfare, the MCEO or MVEO, with the approval of an
23 enforcement manager, or an enforcement manager may arrange for
24

1 impoundment of the detained vehicle at the expense of the motor
2 carrier.

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

10 M. Except when performing duties not related to fixed facility
11 or roadside enforcement, each employee of the Corporation Commission
12 assigned as an MCEO, enforcement manager or MVEO, as herein
13 provided, shall, while on duty in the field or in a weigh station or
14 port of entry weigh station, wear a Commission-provided, distinctive
15 uniform and display a badge of office, both of which shall be
16 distinguishable from those of the Oklahoma Highway Patrol. Each
17 badge shall display a distinctive serial number. The type and
18 detail of the uniforms shall be designated by the Corporation
19 Commission.

20 N. Any person who without authority wears the badge or uniform
21 of a Corporation Commission enforcement officer, or who without
22 authority impersonates such an officer, with intent to deceive
23 anyone, shall be guilty of a misdemeanor.

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

3 Section 180h. The Corporation Commission is hereby authorized
4 to collect from applicants for household goods carrier, for-hire
5 motor carrier and private carrier identification devices a fee ~~of~~
6 ~~Seven Dollars (\$7.00)~~ established by the Corporation Commission by
7 rule for registration of each of its vehicles registered under the
8 provisions of this ~~act or the Motor Carrier Act of 1995~~ title; and
9 the fee shall be in addition to any other fees now provided for by
10 law for the registration of said motor vehicles and shall be
11 deposited in the State Treasury to the credit of the Trucking One-
12 Stop Shop Fund.

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

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

16 1. "Person" means any individual, firm, copartnership, limited
17 partnership, corporation, limited liability corporation, company,
18 association, or joint-stock association and includes any trustee,
19 receiver, assignee, or personal representative thereof;

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

21 3. "License" means the license issued under authority of the
22 laws of the State of Oklahoma to motor carriers and private
23 carriers;

24

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

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

8 6. "Motor carrier of persons or property" means any person,
9 except a carrier of household goods or used emigrant movables,
10 operating upon any public highway for the transportation of
11 passengers or property for compensation or for hire or for
12 commercial purposes, and not operating exclusively within the limits
13 of an incorporated city or town within this state. Provided, the
14 provisions of the Motor Carrier Act of 1995 shall not apply to the
15 following vehicles and equipment when such vehicles and equipment
16 are being used for the following:

17 a. ~~taxicabs and bus companies engaged in the~~
18 ~~transportation of passengers and their baggage, not~~
19 ~~operated between two or more cities and towns, when~~
20 ~~duly licensed by a municipal corporation in which they~~
21 ~~might be doing business,~~

22 b. any person or governmental authority furnishing
23 transportation for school children to and from public
24 schools or to and from public-school-related

1 extracurricular activities under contract with, and
2 sponsored by, a public school board; provided, that
3 motor vehicles and equipment operated for the purposes
4 shall qualify in all respects for the transportation
5 of school children under the Oklahoma School Code and
6 the rules of the State Board of Education adopted
7 pursuant thereto.

8 ~~e.~~ b. transport trucks transporting liquefied petroleum
9 gases intrastate which are owned or operated by a
10 person subject to and licensed by the Oklahoma
11 Liquefied Petroleum Gas Regulation Act, and

12 ~~d.~~ c. transportation of livestock and farm products in the
13 raw state, when any of such commodities move from farm
14 to market or from market to farm on a vehicle or on
15 vehicles owned and operated by a bona fide farmer not
16 engaged in motor vehicle transportation on a
17 commercial scale;

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

22 8. "Intercompany hauling" means the transportation of
23 property, by motor vehicle, for compensation, by a carrier which is
24 a member of a corporate family, as defined in the Motor Carrier Act

1 of 1995, when the transportation for compensation is provided for
2 other members of the corporate family;

3 9. "Private carrier" means any person engaged in transportation
4 upon public highways, of persons or property, or both, but not as a
5 motor carrier, and includes any person who transports property by
6 motor vehicle where such transportation is incidental to or in
7 furtherance of any commercial enterprise of such person, other than
8 transportation;

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

13 11. "Public highway" means every public street, road or
14 highway, or thoroughfare in this state, used by the public, whether
15 actually dedicated to the public and accepted by the proper
16 authorities or otherwise; ~~and~~

17 12. "Commercial enterprise" means all undertakings entered into
18 for private gain or compensation, including all industrial pursuits,
19 whether the undertakings involve the handling of or dealing in
20 commodities for sale or otherwise; and

21 13. "Courier application services company" (CASC or CAS
22 company) means a business entity licensed pursuant to Section 6 of
23 this act and operating in Oklahoma that uses a digital network or
24 software application (app) to arrange for delivery of packages by

1 drivers using personal vehicles with a manufacturer's gross weight
2 rating of eight thousand (8,000) pounds or less. A CASC shall not
3 be deemed to control, direct or manage the personal vehicles or
4 participating drivers that connect to its digital network, except
5 where agreed to by written contract.

6 SECTION 6. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 230.24a of Title 47, unless
8 there is created a duplication in numbering, reads as follows:

9 A. Beginning January 1, 2020, no person shall operate a CASC in
10 Oklahoma without first having obtained a Courier Application
11 Services Permit (CASC Permit) from the Oklahoma Corporation
12 Commission.

13 B. The Commission shall issue a CASC Permit to each applicant
14 that presents proof, in a form prescribed by the Commission, that
15 the applicant meets the requirements for a CASC set forth in this
16 section and by rules promulgated by the Commission, and pays to the
17 Commission an annual fee of not less than Fifteen Thousand Dollars
18 (\$15,000.00) as set by the Commission.

19 C. The Commission shall promulgate emergency rules, including
20 fees and fines, and permanent rules to implement the provisions of
21 this section. The Commission may also set additional fees and
22 assess fines for noncompliance with this section or with promulgated
23 rules.

1 D. The authority of the Commission shall be limited to
2 permitting and regulation of CAS companies to ensure compliance with
3 the provisions of this act and shall not include jurisdiction to set
4 rates or fees charged by CAS companies, order refunds or adjudicate
5 private causes of action, for damages or otherwise, arising from the
6 provision of package deliveries.

7 E. CASC drivers shall not be required to hold an intrastate
8 for-hire motor carrier license as otherwise required under Section
9 230.28 of Title 47 of the Oklahoma Statutes.

10 F. The Commission shall promulgate rules which:

11 1. Set liability insurance requirements for CAS companies;

12 2. Require policies for CASC drivers addressing driving under
13 the influence of drugs or alcohol, driving records, age and
14 equipment standards;

15 3. Set CASC records retention schedules and audit timelines;

16 4. Require certain CASC application or website requirements be
17 available and/or disclosed to its customers including customers'
18 personally identifiable information; and

19 5. Require CAS companies to conduct driver background checks.

20 G. The rules promulgated pursuant to subsection F shall not
21 include requirements exceeding the same or substantially similar
22 requirements for Transportation Network Companies (TNCs) or TNC
23 drivers under the Oklahoma Transportation Network Company Services
24 Act.

1 SECTION 7. AMENDATORY 47 O.S. 2011, Section 230.27, is
2 amended to read as follows:

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

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

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

19 SECTION 8. AMENDATORY 47 O.S. 2011, Section 230.34a, is
20 amended to read as follows:

21 Section 230.34a A. Any person, firm, partnership, limited
22 liability company, or corporation owning or possessing a vehicle and
23 required to register the vehicle under the laws of this state for
24

1 the purpose of transporting farm products in a raw state may receive
2 a harvest permit from the Oklahoma Corporation Commission.

3 B. The harvest permit shall be recognized in lieu of
4 registration, fuel permit and intrastate operating authority in this
5 state. The harvest permit shall be issued to the operating motor
6 carrier.

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

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

14 1. Owner of the vehicle;

15 2. Vehicle registrant;

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

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

23 E. There shall be a fee set by Commission rule of not less than
24 Twenty Dollars (\$20.00) per axle for a thirty-day permit or Thirty-

1 five Dollars (\$35.00) per axle for a sixty-day permit, for each
2 vehicle registered pursuant to the Motor Carrier Harvest Permit Act
3 of 2006. Revenue derived from this fee shall be ~~apportioned as~~
4 ~~follows:~~

5 ~~1. One-half (1/2) of the revenue shall be deposited in the~~
6 ~~Weigh Station Improvement Revolving Fund as set forth in Section~~
7 ~~1167 of Title 47 of the Oklahoma Statutes; and~~

8 ~~2. The remaining amount shall be deposited in the Trucking One-~~
9 ~~Stop Shop Trucking Fund as set forth in Section 1167 of Title 47 of~~
10 ~~the Oklahoma Statutes.~~

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

16 G. An application for a harvest permit shall be made to the
17 Corporation Commission. The Corporation Commission shall allow
18 applications to be submitted by facsimile and electronically. The
19 Commission must provide reasonable access for persons to obtain a
20 harvest permit before taking enforcement action.

21 H. If found to be in violation of the Motor Carrier Harvest
22 Permit Act of 2006 for failure to obtain or maintain a current
23 harvest permit, the operating carrier shall post bond in the amount
24 of the cost of the harvest permit and shall be allowed seventy-two

1 (72) hours to apply for the permit. If the operating carrier makes
2 application within seventy-two (72) hours, the bond amount will be
3 applied toward the harvest permit fee.

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

7 J. The Corporation Commission may enter into an agreement with
8 any person or corporation located within or outside of the state for
9 transmission of harvest permits by way of facsimile or other device
10 when the Corporation Commission determines that such agreements are
11 in the best interest of the state.

12 K. The Corporation Commission may promulgate rules to
13 administer the provisions of the Motor Carrier Harvest Permit Act of
14 2006.

15 SECTION 9. AMENDATORY 47 O.S. 2011, Section 966, is
16 amended to read as follows:

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

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

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

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

6 2. To supervise and enforce such rates; and

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

9 D. Rates as specified in Sections 953.1 and 953.2 of Title 47
10 of the Oklahoma Statutes shall remain in effect until rates are
11 established by order of the Commission.

12 E. Rates established by the Commission shall be fair and
13 reasonable.

14 F. The Commission may assess fines or other penalties to any
15 wrecker or towing service for failure to comply with prescribed
16 rates as established by the Commission, failure to pay a levied
17 assessment or comply with any applicable order of the Commission.

18 ~~Repeat violations by a wrecker or towing service are cause for~~
19 ~~revocation of its license issued by the Department of Public Safety~~
20 Upon notice from the Commission, the Department of Public Safety
21 shall revoke the license of any wrecker or towing service company
22 that fails to comply with an order issued by the Commission.
23
24

1 G. The Department shall cooperate with the Commission to
2 implement this act and may enter into agreements to facilitate this
3 act.

4 SECTION 10. AMENDATORY Section 4, Chapter 279, O.S.L.
5 2015 (47 O.S. Supp. 2018, Section 1013), is amended to read as
6 follows:

7 Section 1013. A. A person shall not operate a transportation
8 network company in Oklahoma without first having obtained a permit
9 from the Oklahoma Corporation Commission (Commission).

10 B. The Commission shall issue a permit to each applicant that
11 presents proof, in a form prescribed by the Commission, that the
12 applicant meets the requirements for a TNC set forth in this act,
13 and proof of insurance required by this act and pays to the
14 Commission an annual permit fee ~~of Five Thousand Dollars (\$5,000.00)~~
15 as set by the Commission.

16 C. The Commission shall promulgate rules as needed to implement
17 the provisions of this act. The Commission may also set additional
18 fees and assess fines for noncompliance with this act or with
19 promulgated rules.

20 D. The authority of the Commission shall be limited to
21 permitting and regulation of TNCs to ensure compliance by TNCs with
22 the provisions of this act and shall not include jurisdiction to
23 adjudicate private causes of action arising from the provision of
24 prearranged rides.

1 E. The Commission shall have the authority to examine the
2 records of TNCs for the purpose of enforcement of this act,
3 including a random sample of the TNC's records related to
4 prearranged rides and TNC drivers at the Oklahoma City offices of
5 the Commission, unless an alternative location is agreed to by the
6 Commission and the TNC. Such examinations shall not occur more than
7 two times per year unless necessary to investigate a complaint.
8 Records obtained by the Commission pursuant to this act shall not be
9 subject to disclosure under the Oklahoma Open Records Act and shall
10 be kept confidential by the Commission, except as may be required in
11 a Commission proceeding.

12 F. Failure of a TNC to comply with the provisions of this act
13 may result in the denial or revocation of the TNC permit or fines as
14 assessed by the Commission.

15 SECTION 11. AMENDATORY Section 2, Chapter 208, O.S.L.
16 2018 (47 O.S. Supp. 2018, Section 1112.2), is amended to read as
17 follows:

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

24

1 1. When a current and valid Oklahoma motor vehicle license
2 plate has been obtained for use on a motor vehicle and the vehicle
3 has been sold or otherwise transferred to a new owner, the license
4 plate shall be removed from the vehicle and retained by the original
5 plate owner.

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

17 a. when the registration fee for the vehicle to which the
18 plate(s) is to be assigned is less than the
19 registration fee for that vehicle to which the license
20 plate(s) was last assigned, or

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

23 3. In the event the owner of a license plate purchases, trades,
24 exchanges or otherwise acquires a vehicle for which a license plate

1 has been issued during the current registration period, and the
2 license plate has not been removed by the previous owner in
3 accordance with this section, the new owner of the vehicle shall
4 remove and return the license plate to the Tax Commission or a motor
5 license agent. However, if the license plate has expired, the new
6 owner shall not be required to surrender the license plate.

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

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

18 2. Any person failing to register a motor vehicle by timely
19 transferring the license plate as provided by this section shall pay
20 the penalty levied in Section 1132 of Title 47 of the Oklahoma
21 Statutes.

22 C. A surviving spouse, desiring to operate a vehicle devolving
23 from a deceased spouse, shall present an application for certificate
24 of title to the Tax Commission or motor license agent in his or her

1 name within thirty (30) days of obtaining ownership. The Tax
2 Commission or motor license agent shall then transfer the license
3 plate to the surviving spouse.

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

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

12 SECTION 12. AMENDATORY 47 O.S. 2011, Section 1113, as
13 last amended by Section 4, Chapter 208, O.S.L. 2018 (47 O.S. Supp.
14 2018, Section 1113), is amended to read as follows:

15 Section 1113. A. 1. Except for all-terrain vehicles, utility
16 vehicles and motorcycles used exclusively off roads and highways,
17 upon the filing of a registration application and the payment of the
18 fees provided for in the Oklahoma Vehicle License and Registration
19 Act, the Oklahoma Tax Commission or Corporation Commission, as
20 applicable, shall assign to the vehicle described in the application
21 a distinctive number, and issue to the owner of the vehicle a
22 certificate of registration, one license plate and a yearly decal.
23 The Oklahoma Tax Commission shall assign an all-terrain vehicle,
24 utility vehicle or motorcycle used exclusively off roads and

1 highways a distinctive number and issue to the owner a certificate
2 of registration and a decal but not a license plate. For each
3 subsequent registration year, the Tax Commission shall issue a
4 yearly decal to be affixed to the license plate, except for an all-
5 terrain vehicle, utility vehicle or motorcycle used exclusively off
6 roads and highways. The initial decal for an all-terrain vehicle,
7 utility vehicle or motorcycle shall be attached to the front of the
8 vehicle and shall be in clear view. The decal shall be on the front
9 or on the front fork of the motorcycle used exclusively off roads
10 and highways and the decal shall be in clear view. The yearly decal
11 shall have an identification number and the last two numbers of the
12 registration year for which it shall expire. Except as provided by
13 Section 1113A of this title, the license plate shall be affixed to
14 the exterior of the vehicle until a replacement license plate is
15 applied for. If the owner applies for a replacement license plate,
16 the Tax Commission shall charge the fee provided for in Section 1114
17 of this title. The yearly decal will validate the license plate for
18 each registration period other than the year the license plate is
19 issued. The license plate and decal shall be of such size, color,
20 design and numbering as the Tax Commission may direct. However,
21 yearly decals issued to the owner of a vehicle who has filed an
22 affidavit with the appropriate motor license agent in accordance
23 with Section 7-607 of this title shall be a separate and distinct
24 color from all other decals issued under this section. Before the

1 effective date of this act, the Tax Commission shall also issue a
2 monthly decal which shall include a two-letter abbreviation
3 corresponding to the county in which the vehicle is registered. The
4 Tax Commission shall issue all decals in the possession of the Tax
5 Commission on the effective date of this act before issuing any
6 decals which do not contain the county abbreviation.

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

19 3. Upon payment of the annual registration fee provided in
20 Section 1133 of this title, the Tax Commission or Corporation
21 Commission, as applicable, or a motor license agent may issue a
22 permanent nonexpiring license plate to an owner of one hundred or
23 more commercial motor vehicles and for vehicles registered under the
24 provisions of Section 1120 of this title. Upon payment of the

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

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

15 B. The license plates required under the provisions of this
16 title shall conform to the requirements and specifications listed
17 hereinafter:

18 1. Each license plate shall have a space for the placement of
19 the yearly decals for each succeeding year of registration after the
20 initial issue;

21 2. The provisions of the Oklahoma Vehicle License and
22 Registration Act regarding the issuance of yearly decals shall not
23 apply to the issuance of apportioned license plates, including
24 license plates for state vehicles, and exempt plates for

1 governmental entities and fire departments organized pursuant to
2 Section 592 of Title 18 of the Oklahoma Statutes;

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

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

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

22 6. Within the limits prescribed in this section, the Tax
23 Commission shall design appropriate official license plates for
24 vehicles of the Oklahoma Military Department. Such license plates

1 shall have the legend "Oklahoma OK" and shall contain the letters
2 "OMD" followed by the state seal and three numbers or letters as
3 designated by the Adjutant General. The words "Oklahoma Military
4 Department" shall also be included on such license plates;

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

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

21 9. Within the limits prescribed in this section, the Oklahoma
22 Tourism and Recreation Department shall design any license plates
23 required by the initiation of a license plate reissuance by the
24 Oklahoma Tax Commission at the request of the Department of Public

1 Safety pursuant to the provisions of Section 1113.2 of this title.

2 Any such new designs shall be submitted by the Oklahoma Tourism and
3 Recreation Department to the Department of Public Safety for its
4 approval prior to being issued by the Oklahoma Tax Commission; and

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

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

20 D. The certificate of registration provided for in this section
21 shall be in convenient form, and the certificate of registration, or
22 a certified copy or photostatic copy thereof, duly authenticated by
23 the Tax Commission or Corporation Commission, as applicable, shall
24 be carried at all times in or upon all vehicles so registered, in

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

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

1 a repossession affidavit issued pursuant to Sections 1110 and 1126
2 of this title shall be permissible in lieu of a current license
3 plate and decal for the purposes of removing a repossessed
4 manufactured home to a secure location. Manufactured homes
5 previously registered and subject to ad valorem taxation as provided
6 by law shall have a decal affixed at the time ad valorem taxes are
7 paid for such manufactured home; provided, for a manufactured home
8 permanently affixed to real estate, no decal or license plate shall
9 be required to be affixed and the owner thereof shall be given a
10 receipt upon payment of ad valorem taxes due on the home. The Tax
11 Commission shall make sufficient plates and decals available to the
12 various motor license agents of the state in order for an owner of a
13 manufactured home to acquire the plate or decal. A one-dollar fee
14 shall be charged for issuance of any plate or decal. The fee shall
15 be apportioned each month to the General Revenue Fund of the State
16 Treasury.

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

1 manufactured home is subject to ad valorem taxation, an annual decal
2 shall be affixed inside the window nearest the front door as
3 evidence of payment of ad valorem taxes. The Tax Commission shall
4 issue decals to the various county treasurers of the state in order
5 for a manufactured home owner to obtain such decal each year. Upon
6 presentation of a valid ad valorem tax receipt, the manufactured
7 home owner shall be issued the annual decal.

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

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

22 The application for registration shall also include the school
23 district in which the manufactured home is located or is to be
24 located. The information shall be entered into a computer data

1 system which shall be used by the Tax Commission to provide
2 information to county assessors upon request by the assessor. The
3 assessor may request any information from the system in order to
4 properly assess a manufactured home for ad valorem taxation.

5 SECTION 13. AMENDATORY 47 O.S. 2011, Section 1170, is
6 amended to read as follows:

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

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

22 1. The delivery to a taxpayer or a duly authorized
23 representative of the taxpayer of a copy of any report or any other
24 paper filed by the taxpayer pursuant to the provisions of the

1 International Registration Plan or the International Fuel Tax
2 Agreement;

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

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

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

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

1 be disclosed except when presented to a court in a prosecution for
2 violation of the tax laws of this state or except as specifically
3 authorized by law, and a violation by the Oklahoma State Bureau of
4 Investigation, Attorney General, Oklahoma State Bureau of Narcotics
5 and Dangerous Drugs Control, district attorney, or agent of any
6 federal law enforcement agency by otherwise releasing the
7 information shall be a felony;

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

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

19 8. The furnishing of information as to the issuance or
20 revocation of any registration or license by the Commission as
21 provided for by law. Such information shall be limited to the name
22 of the person issued the permit or license, the name of the business
23 entity authorized to engage in business pursuant to the permit or
24

1 license, the address of the business entity, and the grounds for
2 revocation;

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

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

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

1 buyer's authorized representative, of the purchase contract and a
2 written authorization between the parties;

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

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

17 SECTION 14. AMENDATORY Section 3, Chapter 262, O.S.L.
18 2012, as last amended by Section 2, Chapter 373, O.S.L. 2016 (47
19 O.S. Supp. 2018, Section 1202), is amended to read as follows:

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

1 B. The Department of Transportation, the Authority and the
2 Commission shall endeavor to electronically upgrade weigh stations
3 as practical to minimize the duplication of inspections for
4 compliant commercial motor vehicles and motor carriers.

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

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

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

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

22 G. The Commission is authorized to conduct audits, reviews,
23 investigations, inspections or other enforcement actions by
24 enforcement officers provided those activities are within the scope

1 of the Commission's jurisdiction and are not conducted as roadside
2 enforcement in accordance with the provisions of the Oklahoma Weigh
3 Station Act of 2012.

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

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

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

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

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

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

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

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

3 SECTION 15. REPEALER 47 O.S. 2011, Section 116.13, is
4 hereby repealed.

5 SECTION 16. REPEALER 47 O.S. 2011, Section 171.2, is
6 hereby repealed.

7 SECTION 17. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

11
12 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/27/2019 -
13 DO PASS, As Amended.
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