

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 687

By: Allen

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2011, Sections 161A, 162, 162.1, 163, 165, 166, 166.5, 166a, 169, 169.5, 170, 170.1, 170.2, 171.1, 171.2, 172, 177.2, 177.3, 180, 180a, 180b, 180c, 180d, 180e, 180f, 180g, 180h, 180k, 180l and 180m, which relate to the regulation of motor carriers; modifying agency reference; modifying fund reference; allowing for the employment of certain Port of Entry officers; establishing classes of certain officers; updating statutory references; amending 47 O.S. 2011, Sections 230.22, 230.23, 230.24, 230.25, 230.26, 230.27, 230.28, 230.29, 230.30, 230.31, 230.32 and 230.34a, which relate to the Motor Carrier Act of 1995; modifying agency reference; transferring certain duties from the Corporation Commission to the Department of Public Safety; allowing for the regulation of motor carriers by the Department of Public Safety; amending 47 O.S. 2011, Section 230.6, as last amended by Section 8, Chapter 259, O.S.L. 2013 (47 O.S. Supp. 2018, Section 230.6), which relates to use and activities of commercial vehicles; establishing procedural requirements for certain violations; requiring use of certain software in determining certain penalty; amending 47 O.S. 2011, Section 230.9, as amended by Section 13, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2018, Section 230.9), which relates to compliance with the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act; allowing for certain violation to be in compliance with certain federal regulations; adding methods of collection for certain administrative penalties; establishing procedures for certain safety ratings; amending 47 O.S. 2011, Section 1120.1, which relates to entry into the International Registration Plan; modifying agency reference; amending 47 O.S.

2011, Sections 1167, as last amended by Section 1, Chapter 373, O.S.L. 2016, 1168, as amended by Section 205, Chapter 304, O.S.L. 2012, and Section 1169 (47 O.S. Supp. 2018, Sections 1167 and 1168), which relate to motor carrier enforcement; providing that certain rules be deemed promulgated by Department of Public Safety; modifying agency reference relating to rules, enforcement of actions and fund administration; providing for the Department of Public Safety and Department of Transportation to enter into certain agreement; amending Sections 2, 3, as last amended by Section 2, Chapter 373, O.S.L. 2016 and 4, Chapter 262, O.S.L. 2012 (47 O.S. Supp. 2018, Sections 1201, 1202 and 1203), which relate to the Oklahoma Weigh Station Act of 2012; modifying agency reference; providing for the Department of Public Safety and the Corporation Commission to enter into certain agreement; transferring certain powers and duties from the Corporation Commission to the Department of Public Safety; repealing 47 O.S. 2011, Sections 171 and 172.1, which relate to the regulation of motor carriers; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 161A, is amended to read as follows:

Section 161A. A. This act shall be known and may be cited as the "Household Goods Act of 2009". The purpose of ~~this act~~ the Household Goods Act of 2009 is to regulate intrastate transportation by motor carriers of household goods in such manner as to establish standards for public safety, fair competitive practices, adequate and dependable service, and protection of shippers from deceptive or unfair practices.

1 B. The provisions of ~~this act~~ the Household Goods Act of 2009,
2 except as specifically limited herein, shall apply to the intrastate
3 transportation of household goods by motor carriers over public
4 highways of this state; and the regulations of such transportation,
5 and the procurement thereof and the provisions of facilities
6 therefor, are hereby vested in the ~~Corporation Commission~~ Department
7 of Public Safety.

8 Shipments contracted by the federal government, a state
9 government, a tribal government or any local government or political
10 subdivision thereof shall not be required to obtain a household
11 goods certificate, but shall be regulated by the ~~Commission~~
12 Department to achieve compliance with safety requirements and size
13 and weight limitations.

14 Nothing in ~~this act~~ the Household Goods Act of 2009 shall be
15 construed to interfere with the exercise by agencies of the
16 government of the United States of its power of regulation of
17 interstate commerce.

18 C. As used in this act:

19 1. ~~"Commission"~~ "Department" means the ~~Corporation Commission~~
20 Department of Public Safety;

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

1 3. "Household goods" means used personal effects and property
2 of a dwelling;

3 4. "Household goods certificate" means a certificate of
4 authority issued by the ~~Corporation Commission~~ Department of Public
5 Safety to transport household goods within this state;

6 5. "Intercompany hauling" means the transportation of
7 household goods, by motor vehicle, for compensation, by a carrier
8 which is a member of a corporate family, as defined in this section,
9 when the transportation for compensation is provided for other
10 members of the corporate family;

11 6. "Motor carrier of household goods" means a person
12 transporting household goods for compensation or other
13 consideration, with an origin and destination within this state;

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

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

21 9. "Public highway" means every public street, road, highway,
22 or thoroughfare in this state, used by the public, whether actually
23 dedicated to the public and accepted by the proper authorities or
24 otherwise.

1 D. The terms and provisions of ~~this act~~ the Household Goods Act
2 of 2009 shall apply to commerce with foreign nations, or commerce
3 among the several states of this Union, insofar as such application
4 may be permitted under the provisions of the Constitution of the
5 United States and the Acts of Congress.

6 SECTION 2. AMENDATORY 47 O.S. 2011, Section 162, is
7 amended to read as follows:

8 Section 162. A. The ~~Corporation Commission~~ Department of
9 Public Safety is authorized to:

10 1. Supervise and regulate every motor carrier of household
11 goods;

12 2. Protect the shipping and general public by requiring
13 liability insurance and cargo insurance of all motor carriers of
14 household goods;

15 3. Ensure motor carriers of household goods are complying with
16 applicable size and weight laws and safety requirements;

17 4. Supervise and regulate such motor carriers in all other
18 matters affecting the relationship between such carriers and the
19 traveling and shipping public including, but not limited to,
20 consumer protection measures and loss and damage claim procedures;
21 and

22 5. Enforce the provisions of ~~this act~~ the Household Goods Act
23 of 2009.

1 B. The ~~Commission~~ Department is authorized to promulgate rules
2 applicable to persons transporting household goods.

3 C. 1. The ~~Commission~~ Department is authorized to administer a
4 hazardous material transportation registration and permitting
5 program for motor carriers engaged in transporting hazardous
6 material upon or over the public highways and within the borders of
7 the state.

8 2. The ~~Commission~~ Department shall promulgate rules
9 implementing the provisions of this subsection. Rules promulgated
10 pursuant to this subsection shall be consistent with, and equivalent
11 in scope, coverage, and content to requirements applicable to
12 operators of vehicles transporting hazardous materials contained in
13 the report submitted to the Secretary of the United States
14 Department of Transportation, pursuant to 49 U.S.C. 5119(b), by the
15 Alliance for Uniform Hazardous Material Transportation Procedures.

16 D. Nothing in this section shall be construed to remove or
17 affect the jurisdiction of the Department of Environmental Quality
18 to implement hazardous waste transportation requirements for federal
19 hazardous waste program delegation to this state under the federal
20 Resource Conservation and Recovery Act.

21 E. The ~~Commission~~ Department is authorized to promulgate rules
22 and set fees applicable to interstate motor carriers, pertaining to
23 carrier registration, operation of equipment and filing of proper
24 proof of liability insurance.

1 SECTION 3. AMENDATORY 47 O.S. 2011, Section 162.1, is
2 amended to read as follows:

3 Section 162.1. The ~~Corporation Commission~~ Department of Public
4 Safety is authorized to promulgate rules necessary to enable this
5 state to participate in the Unified Carrier Registration System for
6 interstate motor carriers, brokers, forwarders and leasing companies
7 and interstate motor carriers holding intrastate authority as set
8 forth in the Safe, Accountable, Flexible, Efficient Transportation
9 Equity Act: A Legacy for Users (SAFETEA-LU), Subtitle C-Unified
10 Carrier Registration Act of 2005.

11 SECTION 4. AMENDATORY 47 O.S. 2011, Section 163, is
12 amended to read as follows:

13 Section 163. A. No person shall transport household goods for
14 compensation or other consideration in intrastate commerce without a
15 valid certificate issued by the ~~Corporation Commission~~ Department of
16 Public Safety.

17 B. The ~~Commission~~ Department shall promulgate rules ensuring
18 consumer protection and loss and damage claim procedures.

19 C. Every motor carrier, subject to ~~this act~~ the Household Goods
20 Act of 2009, receiving household goods for transportation in
21 intrastate commerce shall issue a receipt or bill of lading
22 therefor, the form of which shall be prescribed by the ~~Commission~~
23 Department.

1 D. Record-keeping documents, as required by the ~~Commission~~
2 Department, shall be maintained by the motor carrier of household
3 goods for a minimum of three (3) years. The ~~Commission~~ Department
4 is authorized to require certain documents to be retained for a
5 longer period of time pending a claim for any other reason the
6 ~~Commission~~ Department deems necessary.

7 E. Any person, motor carrier, or shipper who shall willfully
8 violate any provision of ~~this act~~ the Household Goods Act of 2009 or
9 the ~~Commission's~~ Department's rules pursuant thereto may be found in
10 violation by the ~~Commission~~ Department. After proper notice and
11 hearing, violators may be assessed penalties in an amount not to
12 exceed One Thousand Dollars (\$1,000.00) for the first violation and
13 for the second violation within a year a penalty not to exceed Five
14 Thousand Dollars (\$5,000.00).

15 SECTION 5. AMENDATORY 47 O.S. 2011, Section 165, is
16 amended to read as follows:

17 Section 165. A. Upon the filing of an application to operate
18 as a motor carrier of household goods, the applicant shall pay to
19 the ~~Corporation-Commission~~ Department of Public Safety a filing fee
20 as set by ~~Commission~~ Department rule.

21 B. Upon the filing by an interstate motor carrier of an
22 application to register interstate authority, or supplement thereto,
23 the applicant shall pay the ~~Commission~~ Department a filing fee as
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1 established by the ~~Commission~~ Department and in full compliance with
2 applicable federal laws.

3 C. The ~~Commission~~ Department shall, upon the receipt of any
4 such fee, deposit the same in the State Treasury to the credit of
5 the ~~Corporation-Commission~~ Revolving Trucking One-Stop Shop Fund.

6 SECTION 6. AMENDATORY 47 O.S. 2011, Section 166, is
7 amended to read as follows:

8 Section 166. A. It is hereby declared unlawful for any person
9 to transport household goods in intrastate commerce without a valid
10 certificate issued by the ~~Corporation-Commission~~ Department of
11 Public Safety.

12 B. Motor carriers engaged in intercorporate hauling must obtain
13 a certificate in the motor carrier's name.

14 C. Applicants for intrastate authority to transport household
15 goods shall file an application as required by ~~this act~~ the
16 Household Goods Act of 2009 and as prescribed by the ~~Commission~~
17 Department. A household goods certificate shall be issued to the
18 applicant upon completion of all requirements.

19 D. The ~~Commission~~ Department may consider any written protests
20 or written complaints filed prior to granting or renewing a
21 household goods certificate. If the ~~Commission~~ Department elects
22 not to grant or renew a household goods certificate, the application
23 shall be set for public hearing in accordance with ~~Commission~~
24 Department rules.

1 E. Household goods certificates may not be assigned or
2 transferred.

3 F. The ~~Commission~~ Department shall exercise any additional
4 power that may from time to time be conferred upon the state by any
5 Act of Congress.

6 G. The ~~Commission~~ Department shall adopt rules prescribing the
7 manner and form in which motor carriers shall apply for a household
8 goods certificate.

9 SECTION 7. AMENDATORY 47 O.S. 2011, Section 166.5, is
10 amended to read as follows:

11 Section 166.5. If ~~this act~~ Section 166.1 et seq. of this title
12 or the Motor Carrier Act of 1995 or any provision hereof is, or may
13 be deemed to be, in conflict or inconsistent with any of the
14 provisions of Section 18 through Section 34, inclusive, of Article
15 IX of the Constitution of the State of Oklahoma, then, to the extent
16 of any such conflicts or inconsistencies, it is hereby expressly
17 declared that this entire act and this section are amendments to and
18 alterations of the sections of the Constitution, as authorized by
19 Section 35 of Article IX of ~~said~~ the Constitution.

20 SECTION 8. AMENDATORY 47 O.S. 2011, Section 166a, is
21 amended to read as follows:

22 Section 166a. A. As used in this section:

23 1. "Authorized carrier" means a motor carrier of household
24 goods;

1 2. "Equipment" means a motor vehicle, straight truck, tractor,
2 semitrailer, full trailer, any combination of these and any other
3 type of equipment used by authorized carriers in the transportation
4 of household goods;

5 3. "Owner" means a person to whom title to equipment has been
6 issued, or who, without title, has the right to exclusive use of
7 equipment for a period longer than thirty (30) days;

8 4. "Lease" means a contract or arrangement in which the owner
9 grants the use of equipment, with or without driver, for a specified
10 period to an authorized carrier for use in the regulated
11 transportation of household goods in exchange for compensation;

12 5. "Lessor", in a lease, means the party granting the use of
13 equipment with or without driver to another;

14 6. "Lessee", in a lease, means the party acquiring the use of
15 equipment with or without driver from another;

16 7. "Addendum" means a supplement to an existing lease which is
17 not effective until signed by the lessor and lessee; and

18 8. "Shipper" means a person who sends or receives household
19 goods which are transported in intrastate commerce in this state.

20 B. An authorized carrier may perform authorized transportation
21 in equipment it does not own only under the following conditions:

22 1. There shall be a written lease granting the use of the
23 equipment and meeting the requirements as set forth in subsection C
24 of this section;

1 2. The authorized carrier acquiring the use of equipment under
2 this section shall identify the equipment in accordance with the
3 ~~Commission's~~ Department of Public Safety's requirements; and

4 3. Upon termination of the lease, the authorized carrier shall
5 remove all identification showing it as the operating carrier before
6 giving up possession of the equipment.

7 C. The written lease required pursuant to subsection B of this
8 section shall contain the following provisions. The required lease
9 provisions shall be adhered to and performed by the authorized
10 carrier as follows:

11 1. The lease shall be made between the authorized carrier and
12 the owner of the equipment. The lease shall be signed by these
13 parties or by their authorized representatives;

14 2. The lease shall specify the time and date or the
15 circumstances on which the lease begins and ends and include a
16 description of the equipment which shall be identified by vehicle
17 serial number, make, year, model and current license plate number;

18 3. The period for which the lease applies shall be for thirty
19 (30) days or more when the equipment is to be operated for the
20 authorized carrier by the owner or an employee of the owner;

21 4. The lease shall provide that the authorized carrier lessee
22 shall have exclusive possession, control and use of the equipment
23 for the duration of the lease. The lease shall further provide that
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1 the authorized carrier lessee shall assume complete responsibility
2 for the operation of the equipment for the duration of the lease;

3 5. The amount to be paid by the authorized carrier for
4 equipment and driver's services shall be clearly stated on the face
5 of the lease or in an addendum which is attached to the lease. The
6 amount to be paid may be expressed as a percentage of gross revenue,
7 a flat rate per mile, a variable rate depending on the direction
8 traveled or the type of commodity transported, or by any other
9 method of compensation mutually agreed upon by the parties to the
10 lease. The compensation stated on the lease or in the attached
11 addendum may apply to equipment and driver's services either
12 separately or as a combined amount;

13 6. The lease shall clearly specify the responsibility of each
14 party with respect to the cost of fuel, fuel taxes, empty mileage,
15 permits of all types, tolls, detention and accessorial services,
16 base plates and licenses, and any unused portions of such items.
17 Except when the violation results from the acts or omissions of the
18 lessor, the authorized carrier lessee shall assume the risks and
19 costs of fines for overweight and oversize trailers when the
20 trailers are preloaded, sealed, or the load is containerized, or
21 when the trailer or lading is otherwise outside of the lessor's
22 control, and for improperly permitted over-dimension and overweight
23 loads and shall reimburse the lessor for any fines paid by the
24 lessor. If the authorized carrier is authorized to receive a refund

1 or a credit for base plates purchased by the lessor from, and issued
2 in the name of, the authorized carrier, or if the base plates are
3 authorized to be sold by the authorized carrier to another lessor,
4 the authorized carrier shall refund to the initial lessor on whose
5 behalf the base plate was first obtained a prorated share of the
6 amount received;

7 7. The lease shall specify that payment to the lessor shall be
8 made by the authorized carrier within fifteen (15) days after
9 submission of the necessary delivery documents and other paperwork
10 concerning a trip in the service of the authorized carrier. The
11 paperwork required before the lessor can receive payment is limited
12 to those documents necessary for the authorized carrier to secure
13 payment from the shipper. The authorized carrier may require the
14 submission of additional documents by the lessor but not as a
15 prerequisite to payment;

16 8. The lease shall clearly specify the right of those lessors
17 whose revenue is based on a percentage of the gross revenue for a
18 shipment to examine copies of the authorized carrier's freight bill
19 before or at the time of settlement. The lease shall clearly
20 specify the right of the lessor, regardless of method of
21 compensation, to examine copies of the carrier's tariff;

22 9. The lease shall clearly specify all items that may be
23 initially paid for by the authorized carrier, but ultimately
24 deducted from the lessor's compensation at the time of payment or
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1 settlement together with a recitation as to how the amount of each
2 item is to be computed. The lessor shall be afforded copies of
3 those documents which are necessary to determine the validity of the
4 charge;

5 10. The lease shall specify that the lessor is not required to
6 purchase or rent any products, equipment, or services from the
7 authorized carrier as a condition of entering into the lease
8 arrangement;

9 11. As it relates to insurance:

- 10 a. the lease shall clearly specify the legal obligation
11 of the authorized carrier to maintain insurance
12 coverage for the protection of the public, and
13 b. the lease shall clearly specify the conditions under
14 which deductions for cargo or property damage may be
15 made from the lessor's settlements. The lease shall
16 further specify that the authorized carrier must
17 provide the lessor with a written explanation and
18 itemization of any deductions for cargo or property
19 damage made from any compensation of money owed to the
20 lessor. The written explanation and itemization must
21 be delivered to the lessor before any deductions are
22 made; and

23 12. An original and two copies of each lease shall be signed by
24 the parties. The authorized carrier shall keep the original and
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1 shall place a copy of the lease in the equipment during the period
2 of the lease. The owner of the equipment shall keep the other copy
3 of the lease.

4 D. The provisions of this section shall apply to the leasing of
5 equipment with which to perform household goods transportation by
6 motor carriers.

7 SECTION 9. AMENDATORY 47 O.S. 2011, Section 169, is
8 amended to read as follows:

9 Section 169. A. No certificate shall be issued by the
10 ~~Corporation Commission~~ Department of Public Safety to any motor
11 carrier of household goods until after such motor carrier shall have
12 filed with the ~~Commission~~ Department a liability insurance policy or
13 bond covering public liability and property damage, issued by some
14 insurance or bonding company or insurance carrier authorized as set
15 forth below, and which has complied with all of the requirements of
16 the ~~Commission~~ Department, which bond or policy shall be approved by
17 the ~~Commission~~ Department, and shall be in such sum and amount as
18 fixed by a proper order of the ~~Commission~~ Department; and such
19 liability and property damage insurance policy or bond shall bind
20 the obligor thereunder to make compensation for injuries to, or
21 death of, persons, and loss or damage to property, resulting from
22 the operation of any such motor carrier for which such carrier is
23 legally liable. After judgment against the carrier for any damage,
24 the injured party may maintain an action upon the policy or bond to

1 recover the same, and shall be a proper party to maintain such
2 action.

3 B. Every motor carrier of household goods shall file with the
4 ~~Commission~~ Department a cargo insurance policy or bond covering any
5 goods or property being transported, issued by some insurance or
6 bonding company or insurance carrier authorized as set forth below,
7 and which has complied with all of the requirements of the
8 ~~Commission~~ Department, which bond or policy shall be approved by the
9 ~~Commission~~ Department, and shall be in a sum and amount as fixed by
10 ~~Commission~~ Department rule. The cargo insurance must be filed with
11 the ~~Commission~~ Department prior to a certificate being issued by the
12 ~~Commission~~ Department.

13 C. No carrier, whose principal place of business is in
14 Oklahoma, shall conduct any operations in this state unless the
15 operations are covered by a valid primary bond or insurance policy
16 issued by an insurer authorized or approved by the Oklahoma
17 Insurance Department. No carrier whose principal place of business
18 is not in Oklahoma shall conduct any operations in this state unless
19 the operations are covered by a valid bond or insurance policy
20 issued by an insurer licensed or approved by the insurance
21 regulatory authority of the state of their principal place of
22 business or the Oklahoma Insurance Department.

23 D. Each motor carrier shall maintain on file, in full force,
24 all insurance required by the laws of the State of Oklahoma and the
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1 rules of the ~~Commission~~ Department during such motor carrier's
2 operation and that the failure for any cause to maintain such
3 coverage in full force and effect shall immediately, without any
4 notice from the ~~Commission~~ Department, suspend such carrier's rights
5 to operate until proper insurance is provided. Any carrier
6 suspended for failure to maintain proper insurance shall have a
7 reasonable time, not exceeding sixty (60) days, within which to
8 provide proper insurance and to have the carrier's authority
9 reactivated, upon showing:

10 1. No operation during the period in which the carrier did not
11 have insurance; and

12 2. Furnishing of proper insurance coverage.

13 E. Any carrier who fails to reactivate the carrier's
14 certificate within sixty (60) days after such suspension, as above
15 provided, shall have the certificate canceled, by operation of law,
16 without any notice from the ~~Commission~~ Department. No certificate
17 so canceled shall be reinstated or otherwise made operative except
18 that the ~~Commission~~ Department may reinstate the authority of a
19 motor carrier upon proper showing that the motor carrier was
20 actually covered by proper insurance during the suspension or
21 cancellation period, and that failure to file with the ~~Commission~~
22 Department was not due to the motor carrier's fault. Any carrier
23 desiring to file for reinstatement of the carrier's certificate
24 shall do so within ninety (90) days of its cancellation by law.

1 F. The ~~Commission~~ Department shall, in its discretion, permit
2 the filing of certificates of insurance coverage on such form as may
3 be prescribed by the ~~Commission~~ Department, in lieu of copies of
4 insurance policies or bonds, with the proviso that if the
5 certificates are authorized, the insurance company or carrier so
6 filing it, upon request of the ~~Commission~~ Department, shall, at any
7 time, furnish an authenticated copy of the policy which the
8 certificate represents, and further provided that thirty (30) days
9 prior to effective cancellation or termination of the policy of
10 insurance for any cause, the insurer shall so notify the ~~Commission~~
11 Department in writing of the facts or as deemed necessary by the
12 ~~Commission~~ Department.

13 SECTION 10. AMENDATORY 47 O.S. 2011, Section 169.5, is
14 amended to read as follows:

15 Section 169.5. If the carrier fails to process loss or damage
16 claims as provided in Sections 169.2 through 169.4 of this title, or
17 to express declinations of the claims in writing with proof of
18 nonliability, the carrier may be found in contempt by the
19 ~~Corporation-Commission~~ Department of Public Safety after proper
20 notice and hearing. Failure to pay any fine or otherwise resolve
21 the complaint may result in a hearing by the ~~Corporation-Commission~~
22 Department of Public Safety to determine if the operating authority
23 of the carrier shall be revoked.
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SECTION 11. AMENDATORY 47 O.S. 2011, Section 170, is

amended to read as follows:

Section 170. A. Nothing contained in ~~this act~~ the Household Goods Act of 2009 shall be construed to authorize the operation of any freight vehicle in excess of the gross weight, width, length or height authorized by law.

B. Any person who willfully advertises to perform transportation services for which the person does not hold a proper certificate shall be in violation of ~~this act~~ the Household Goods Act of 2009 and subject to the penalties prescribed for contempt of the ~~Corporation Commission~~ Department of Public Safety.

C. Household goods certificates may be suspended or revoked for any violation of state law or ~~Commission~~ Department rule.

D. Certificates shall be considered personal to the holder thereof and shall be issued only to some definite legal entity operating motor vehicles as a motor carrier of household goods, and shall not be subject to lease, nor shall the holder thereof sublet or permit the exercise, by another, in anywise, of the rights or privileges granted thereunder.

SECTION 12. AMENDATORY 47 O.S. 2011, Section 170.1, is

amended to read as follows:

Section 170.1. A. Upon any complaint in writing under oath being made by any person, or by the ~~Commission~~ Department of its own motion, setting forth any act or thing done or omitted to be done by

1 any person in violation, or claimed violation, of any provision of
2 law, or of any order or rule of the ~~Commission~~ Department, the
3 ~~Commission~~ Department shall enter same upon its docket and shall
4 immediately serve a copy thereof upon each defendant together with a
5 notice directed to each defendant requiring that the matter
6 complained of be answered, in writing, within ten (10) days of the
7 date of service of such notice, provided that the ~~Commission~~
8 Department may, in its discretion, require particular cases to be
9 answered within a shorter time, and the ~~Commission~~ Department may,
10 for good cause shown, extend the time in which an answer may be
11 filed.

12 Upon the filing of the answer herein provided for, the
13 ~~Commission~~ Department shall set a time and place for the hearing,
14 and notice of the time and place of the hearing shall be served not
15 less than ten (10) days before the time set therefor, unless the
16 ~~Commission~~ Department shall find that public necessity requires the
17 hearing at an earlier date.

18 B. The ~~Commission~~ Department may, in all matters within its
19 jurisdiction, issue subpoenas, subpoenas duces tecum, and all
20 necessary process in proceedings pending before the ~~Commission~~
21 Department; may administer oaths, examine witnesses, compel the
22 production of records, books, papers, files, documents, contracts,
23 correspondence, agreements, or accounts necessary for any
24 investigation being conducted, and certify official acts.

1 C. In case of failure on the part of any person to comply with
2 any lawful order of the ~~Commission~~ Department, ~~or of any~~
3 ~~Commissioner~~, or with any subpoena or subpoena duces tecum, or to
4 testify concerning any matter on which he or she may be lawfully
5 interrogated, the ~~Commission~~ Department may compel obedience by
6 proceedings for contempt as in the case of disobedience of the
7 requirements of a subpoena, or of the refusal to testify.

8 D. Witnesses who are summoned before the ~~Commission~~ Department
9 shall be paid the same fees and mileage as are paid to witnesses in
10 courts of record. Any party to a proceeding at whose instance a
11 subpoena is issued and served shall pay the costs incident thereto
12 and the fees for mileage of all his witnesses.

13 E. In event any process shall be directed to any nonresident
14 who is authorized to do business in this state, the process may be
15 served upon the agent designated by the nonresident for the service
16 of process, and service upon the agent shall be as sufficient and as
17 effective as if served upon the nonresident.

18 F. All process issued by the ~~Commission~~ Department shall extend
19 to all parts of the state and any such process, together with the
20 service of all notices issued by the ~~Commission~~ Department, as well
21 as copies of complaints, rules, orders and regulations of the
22 ~~Commission~~ Department, may be served by any person authorized to
23 serve process issued out of courts of record, or by certified mail.
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1 G. After the conclusion of any hearing, the ~~Commission~~
2 Department shall, within sixty (60) days, make and file its findings
3 and order, with its opinion. Its findings shall be in sufficient
4 detail to enable any court in which any action of the ~~Commission~~
5 Department is involved to determine the controverted questions
6 presented by the proceeding. A copy of such order, certified under
7 the seal of the ~~Commission~~ Department, shall be served upon the
8 person against whom it runs, or the attorney of the person, and
9 notice thereof shall be given to the other parties to the
10 proceedings or their attorneys. The order shall take effect and
11 become operative within fifteen (15) days after the service thereof,
12 unless otherwise provided. If an order cannot, in the judgment of
13 the ~~Commission~~ Department, be complied with within fifteen (15)
14 days, the ~~Commission~~ Department may grant and prescribe such
15 additional time as in its judgment is reasonably necessary to comply
16 with the order, and may, on application and for good cause shown,
17 extend the time for compliance fixed in the order.

18 H. In the event the ~~Commission~~ Department finds that the
19 defendant is guilty upon any complaint filed and proceeding had and
20 that the provisions of law, or the rules, regulations or orders of
21 this ~~Commission~~ Department have been willfully and knowingly
22 violated and the violator holds a permit or certificate or license
23 issued by the ~~Commission~~ Department authorizing it to engage in the
24 transportation of persons or property for hire, then such permit or

1 certificate or license may also be revoked by the ~~Commission~~
2 Department.

3 I. Where a complaint is instituted by any person other than the
4 ~~Commission~~ Department of its own motion and in the event the
5 ~~Commission~~ Department should find that the complaint was not in good
6 faith, the complaining party shall be required to pay the
7 defendant's ~~attorney's~~ attorney fee, the fee to be prescribed by the
8 ~~Commission~~ Department in accordance with applicable Oklahoma Bar
9 Association standards.

10 J. Any person aggrieved by any findings and order of the
11 ~~Commission~~ Department may appeal to the Supreme Court in the way and
12 manner now or hereafter provided for appeals from the district court
13 to the Supreme Court.

14 SECTION 13. AMENDATORY 47 O.S. 2011, Section 170.2, is
15 amended to read as follows:

16 Section 170.2. A. ~~The Department of Public Safety, monthly,~~
17 ~~shall notify the Oklahoma Corporation Commission of any ticket~~
18 ~~issued for a violation of the provisions of Section 14-119 of this~~
19 ~~title, or any provisions of Chapter 14 of this title or the terms of~~
20 ~~any special permit authorized pursuant to the provisions of Chapter~~
21 ~~14 of this title concerning overweight or overweight special~~
22 ~~permits.~~

23 ~~B.~~ Truck overweight violations by motor carriers or private
24 carriers shall be considered contempt of ~~Commission~~ Department motor

1 carrier rules, tariffs and regulations. The ~~Commission~~ Department
2 shall establish a specific rule whereby such overweight violations
3 by motor carriers or private carriers shall be grounds for issuance
4 of a show-cause order for consideration of temporary or permanent
5 cancellation of operating authority or license. In establishing the
6 rule, consideration shall be given to the frequency of violations,
7 pattern of violations, fleet size, type of operation, amount of
8 overweight, and other such factors that may indicate intent. Any
9 person, firm, or corporation that assists in the commission of such
10 overweight violation or refuses to comply with any rule, regulation,
11 or order of the ~~Commission~~ Department relating thereto shall be
12 guilty of contempt of the ~~Commission~~ Department and shall be subject
13 to a fine ~~to be imposed by said Commission in a sum not to exceed~~
14 ~~Five Hundred Dollars (\$500.00) on~~ as prescribed by Section 14-101 of
15 this title for each violation. In the specific instance of an
16 overweight violation, the transportation of each load shall
17 constitute a separate violation. The same fine assessed against the
18 motor carrier or private carrier shall apply to any other person,
19 firm, or corporation that aids or abets such violations. Provided
20 however, no motor carrier, private carrier, shipper or person
21 loading or causing a motor vehicle to be loaded shall be subject to
22 a fine for contempt unless the gross weight of the motor vehicle is
23 more than five thousand (5,000) pounds overweight.

1 ~~C. B.~~ The Commission Department, in its discretion and on its
2 own motion, may make a contempt complaint in writing under oath
3 setting forth the violation, enter the complaint on its docket, and
4 proceed with the matter in accordance with the provisions of
5 Sections 161 et seq. of this title or the Motor Carrier Act of 1995.

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

8 Section 171.1. In addition to other uses authorized by law,
9 modifying agency reference; funds provided to the ~~Corporation~~
10 ~~Commission~~ Weigh Station Improvement Revolving Fund ~~pursuant to~~
11 ~~Sections 165, 177.2 and 180h of this title~~ shall be expended as
12 follows:

13 1. The ~~Corporation Commission Transportation Division~~ shall
14 Department of Public Safety may employ ~~four~~ special ~~motor carrier~~
15 ~~enforcement~~ Port of Entry officers and ~~one supervisor-officer~~
16 supervisor-officers who shall have the primary duty of investigating
17 and assisting in the prosecution of persons engaged in unauthorized
18 transportation or disposal of deleterious substances as contemplated
19 under the provisions of the Oklahoma Motor Carrier Act and any other
20 applicable provisions of law. Such employees shall be compensated
21 as for similar service in the same or other departments of the state
22 and an expense allowance of One Hundred Dollars (\$100.00) per month
23 for maintenance and cleaning of uniforms and other related expenses
24 shall be paid to such employees. Nothing in this section regarding

1 expense allowances shall be construed to mean that such employees
2 shall receive any additional compensation beyond what is provided
3 for maintenance and cleaning of uniforms and other related expenses
4 by the ~~Corporation Commission~~ Department of Public Safety on the
5 ~~effective date of this act~~ September 1, 1993.

6 2. The ~~Commission~~ Department shall ~~purchase~~ provide a
7 sufficient number of motor vehicles ~~to provide each motor carrier~~
8 ~~enforcement officer employed in the Transportation Division a motor~~
9 ~~vehicle suitable~~ as necessary for Port of Entry officers to carry
10 out the enforcement provisions of applicable law. ~~Said~~ The vehicles
11 shall be appropriately marked as official vehicles and radio
12 equipped. All costs for operation, maintenance and replacement of
13 the motor vehicles authorized in this section shall be provided for
14 from the ~~Corporation Commission~~ Weigh Station Improvement Revolving
15 Fund.

16 3. The ~~Commission shall~~ Department may employ ~~a hearing officer~~
17 officers as necessary whose primary responsibility shall be the
18 adjudication of enforcement proceedings and complaints brought
19 against persons engaged in unauthorized transportation or disposal
20 of deleterious substances or other unauthorized transportation in
21 violation of the Oklahoma Motor Carrier Act or the rules and
22 regulations of motor carriers as promulgated by the ~~Corporation~~
23 ~~Commission~~ Department of Public Safety.

1 SECTION 15. AMENDATORY 47 O.S. 2011, Section 171.2, is
2 amended to read as follows:

3 Section 171.2. ~~Motor carrier enforcement~~ Port of Entry officers
4 as authorized in Section 171.1 of this title shall have authority
5 and powers as provided for those ~~motor carrier~~ Port of Entry
6 officers authorized under the provisions of Section 172 of this
7 title.

8 SECTION 16. AMENDATORY 47 O.S. 2011, Section 172, is
9 amended to read as follows:

10 Section 172. A. Every owner of any motor vehicle, the agents
11 or employees of the owner, and every other person who violates or
12 fails to comply with or procures, aids, or abets in the violation of
13 Sections ~~161~~ 161A through 180m of this title or the Motor Carrier
14 Act of 1995, or who fails to obey, observe, or comply with any
15 order, decision, rule or regulation, direction, demand, or
16 requirement of the ~~Corporation Commission~~ Department of Public
17 Safety, or who procures, aids or abets any corporation or person in
18 the person's, or its, refusal or willful failure to obey, observe or
19 comply with any such order, decision, rule, direction, demand, or
20 regulation shall be deemed guilty of a misdemeanor. Upon conviction
21 in a criminal court of competent jurisdiction, such misdemeanor is
22 punishable by a fine of not exceeding One Thousand Dollars
23 (\$1,000.00).
24

1 B. The ~~Corporation Commission~~ Department of Public Safety shall
2 report to the Attorney General of this state and the district
3 attorney of the proper county having jurisdiction of such offense,
4 any violation of any of the provisions of Sections ~~161~~ 161A through
5 180m of this title or the Motor Carrier Act of 1995 or any rule of
6 the ~~Corporation Commission~~ Department of Public Safety promulgated
7 pursuant to the provisions of Sections ~~161~~ 161A through 180m of this
8 title or the Motor Carrier Act of 1995, by any motor vehicle owner,
9 agent or employee of such owner, or any other person. Upon receipt
10 of such report, the Attorney General or the district attorney of the
11 proper county having jurisdiction of such offense shall institute
12 criminal or civil proceedings against such offender in the proper
13 court having jurisdiction of such offense. Any willful failure on
14 the part of members of the ~~Corporation Commission~~ Department of
15 Public Safety, the Attorney General or any district attorney, to
16 comply with the provisions of this section, shall be deemed official
17 misconduct. The ~~Corporation Commission~~ Department of Public Safety
18 shall report such complaints so made to the Governor of this state
19 who shall direct and cause the laws of this state to be enforced.

20 C. Any person failing, neglecting or refusing to comply with
21 the provisions of Sections ~~161~~ 161A through 180m of this title or
22 the Motor Carrier Act of 1995, or with any rule, regulation, or
23 requirement of the ~~Corporation Commission~~ Department of Public
24 Safety promulgated pursuant to the provisions of Sections ~~161~~ 161A

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

16 D. The ~~Corporation Commission shall~~ Department of Public Safety
17 may appoint a director of transportation, ~~a deputy director, an~~
18 ~~insurance supervisor, an insurance clerk, two stenographers, a~~
19 ~~secretary to the director, an identification device supervisor and~~
20 ~~an assistant identification device supervisor at such salaries as~~
21 ~~the Legislature may from time to time prescribe~~ and additional
22 employees as necessary. The employees shall be allowed actual and
23 necessary travel expenses pursuant to the provisions of the State
24

1 Travel Reimbursement Act. All of the expense claims shall be
2 presented and paid monthly.

3 E. ~~Enforcement officers, appointed by the Corporation~~
4 ~~Commission, are hereby declared to be peace officers of this state.~~
5 ~~Such~~ There shall be two types of Port of Entry officers appointed by
6 the Department of Public Safety; commissioned officers and non-
7 commissioned officers. All officers shall be vested with all powers
8 ~~of peace officers in~~ enforcing the provisions of Sections ~~161~~ 161A
9 through 180m of this title, U.S. 49 CFR, and the Motor Carrier Act
10 of 1995 in all parts of this state.

11 The powers and duties conferred upon ~~said enforcement~~ the Port
12 of Entry officers shall in no way limit the powers and duties of
13 sheriffs or other peace officers of the state, or any political
14 subdivision thereof, or of members of the Division of Highway
15 Patrol, subject to the Department of Public Safety.

16 F. ~~The enforcement officers when on duty, upon reasonable~~
17 ~~belief that any motor vehicle is being operated in violation of any~~
18 ~~provisions of Sections 161 through 180m of this title or the Motor~~
19 ~~Carrier Act of 1995, shall be authorized to require the driver of~~
20 ~~the vehicle to stop and submit to an inspection of the~~
21 ~~identification device, or devices, in the vehicle, and to submit to~~
22 ~~such enforcement officer bills of lading, waybills, or other~~
23 ~~evidences of the character of the commerce being transported in such~~
24 ~~vehicle, and to submit to an inspection of the contents of such~~

1 ~~vehicle for the purpose of comparing same with bills of lading or~~
2 ~~shipping documentation, waybills, or other evidences of~~
3 ~~transportation carried by the driver of the vehicle. The officers~~
4 ~~shall not have the right to plea bargain.~~

5 ~~G. The enforcement officers are authorized to serve all~~
6 ~~warrants, writs, and notices issued by the Corporation Commission~~
7 ~~relating to the enforcement of the provisions of Sections 161~~
8 ~~through 180m of this title or the Motor Carrier Act of 1995 and the~~
9 ~~rules, regulations, and requirements prescribed by the Corporation~~
10 ~~Commission promulgated pursuant to Sections 161 through 180m of this~~
11 ~~title or the Motor Carrier Act of 1995.~~

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

23 ~~I.~~ No state official, other than members of the Corporation
24 ~~Commission~~ Department of Public Safety, shall have any power, right,

1 or authority to command, order, or direct any ~~enforcement~~ Port of
2 Entry officer to perform any duty or service authorized by Sections
3 ~~161~~ 161A through 180m of this title, U.S. 49 CFR, or the Motor
4 Carrier Act of 1995.

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

11 ~~K. G. No enforcement~~ Port of Entry officer or employee of the
12 ~~Oklahoma Corporation Commission~~ Department of Public Safety shall
13 have the right to plea bargain in motor carrier or motor
14 transportation matters except the ~~chief legal counsel~~ division of
15 the ~~Commission or an assign of the legal staff of the chief legal~~
16 ~~counsel~~ Department.

17 SECTION 17. AMENDATORY 47 O.S. 2011, Section 177.2, is
18 amended to read as follows:

19 Section 177.2. A. No motor carrier shall engage in the
20 business of transporting any salt water, mineral brines, waste oil
21 and other deleterious substances produced from or obtained or used
22 in connection with the drilling, development, producing and
23 operating of oil and gas wells and brine wells, for any valuable
24 consideration whatever, or in any quantity over twenty (20) gallons,

1 without a license authorizing such operation and a deleterious
2 substance transport permit to be issued by the ~~Commission~~ Department
3 of Public Safety. Provided, transportation of such substances by
4 private carrier of property by motor vehicle shall require a
5 deleterious substance transport permit.

6 B. No carrier shall transport deleterious substances under a
7 carrier license issued by the ~~Commission~~ Department until such time
8 as the carrier has been issued a deleterious substance transport
9 permit.

10 C. No deleterious substance transport permit shall be issued to
11 a motor carrier or private carrier until the carrier has furnished
12 written proof of access to a Class II disposal well or wells. ~~Said~~
13 The written proof of access shall be provided by the owner of such
14 disposal well. Such disposal well must first be approved by the
15 Corporation Commission as adequate to meet the need for proper
16 disposal of all substances which the applicant may reasonably be
17 expected to transport as a motor carrier or private carrier.
18 Provided that nothing in this section shall be construed as
19 prohibiting the disposition of such deleterious substances in a
20 disposal well that is owned by a person other than the transporter.

21 D. The ~~Commission~~ Department shall maintain a current list of
22 such permits. The ~~Commission~~ Department shall charge such annual
23 deleterious substance transport permitting fees as will cover the
24 cost of issuing such licenses and an annual fee of Two Hundred Fifty

1 Dollars (\$250.00) for each such deleterious substance transport
2 license. Proceeds from the fees shall be deposited by the
3 ~~Commission~~ Department in the State Treasury to the credit of the
4 ~~Corporation-Commission~~ Department of Public Safety Revolving Fund.
5 The provisions of this section are supplemental and are in addition
6 to the laws applicable to motor carriers.

7 SECTION 18. AMENDATORY 47 O.S. 2011, Section 177.3, is
8 amended to read as follows:

9 Section 177.3. A. It shall be unlawful for a motor carrier,
10 whether private, common, or contract, to dump, disperse, or
11 otherwise release substances described in Section 177.2 of this
12 title upon a public highway or elsewhere except on property or in
13 wells, reservoirs, or other receptacles owned, held, leased, or
14 otherwise rightfully and legally available to the motor carrier for
15 such use and purpose.

16 B. It shall be unlawful for any motor truck or tank vehicle
17 used to transport substances described in Section 177.2 of this
18 title to have a release device located or operated in any manner
19 from within the cab of such a motor vehicle.

20 C. Any violation of the provisions of ~~subsections~~ subsection A
21 or B of this section shall constitute a misdemeanor. It shall be
22 the duty of the prosecuting attorney of the county in which a
23 violation of the provisions of this section occurs to file and
24

1 prosecute the aforementioned misdemeanor charge and advise the
2 ~~Commission~~ Department of such action and the results thereof.

3 D. The ~~Oklahoma Corporation Commission~~ Department of Public
4 Safety may initiate contempt proceedings for any violation
5 concerning disposal by a carrier of a substance described in Section
6 177.2 of this title. The first violation proven by the ~~Commission~~
7 Department in any calendar year shall result in a motor carrier or
8 private carrier being warned by the ~~Commission~~ Department and, upon
9 conviction, fined up to Two Thousand Five Hundred Dollars
10 (\$2,500.00). A second violation proven by the ~~Commission~~ Department
11 in any calendar year shall result in a motor carrier or private
12 carrier being placed on probation and fined up to Five Thousand
13 Dollars (\$5,000.00) by the ~~Commission~~ Department. A third violation
14 proven by the ~~Commission~~ Department in any calendar year shall
15 result in a fine of up to Twenty Thousand Dollars (\$20,000.00), and,
16 at the discretion of the ~~Commission~~ Department, cancellation of the
17 carrier's license for a period up to one (1) year and cancellation
18 of a motor carrier or private carrier deleterious substance
19 transport permit. The driver of a truck, who is not the owner of
20 the vehicle used in violation of this section or any of the rules
21 and regulations of the ~~Oklahoma Corporation Commission~~ Department of
22 Public Safety, shall be adjudicated a codefendant and subject to a
23 fine equal to ten percent (10%) of the fine assessed to the owner of
24 such vehicle, up to Five Hundred Dollars (\$500.00).

SECTION 19. AMENDATORY 47 O.S. 2011, Section 180, is

amended to read as follows:

Section 180. The following words and phrases, when used in ~~this act~~ Section 180 et seq. of this title, shall have the meanings respectively ascribed to like words and phrases by the motor carrier statutes of Oklahoma, except as herein provided:

1. The term "identification application" shall mean the application as provided by the ~~Commission~~ Department, for making application for motor carrier vehicle identification devices; and

2. The term "identification device" shall mean the motor carrier vehicle identification device issued by the ~~Commission~~ Department under the provisions of ~~this act~~ Section 180 et seq. of this title for the purpose of identifying powered motor carrier vehicles operated under and coming within the provisions of ~~this act~~ Section 180 et seq. of this title or the Motor Carrier Act of 1995.

SECTION 20. AMENDATORY 47 O.S. 2011, Section 180a, is

amended to read as follows:

Section 180a. It is hereby declared unlawful for any motor carrier, his or its agents or employees to operate any powered motor vehicle, as a motor carrier for hire, within this state, without the identification device issued by the ~~Commission~~ Department, ~~said the~~ device to be displayed as provided by the rules of the ~~Commission~~ Department.

1 SECTION 21. AMENDATORY 47 O.S. 2011, Section 180b, is
2 amended to read as follows:

3 Section 180b. The identification device shall be the property
4 of the ~~Commission~~ Department of Public Safety at all times, and
5 shall be subject to seizure and confiscation by the ~~Commission~~
6 Department for any good cause and at the will of the ~~Commission~~
7 Department.

8 SECTION 22. AMENDATORY 47 O.S. 2011, Section 180c, is
9 amended to read as follows:

10 Section 180c. The ~~Commission~~ Department of Public Safety may
11 issue an order for the seizure and confiscation and return to the
12 ~~Commission~~ Department of any identification device or devices, for
13 any of the following reasons, and to direct ~~said~~ the order or orders
14 to any officer of the State of Oklahoma charged with the duties of
15 enforcing the provisions of this act and/or any other section of the
16 motor carrier law now in force or hereinafter enacted:

17 1. In all cases where the motor carrier has permitted the
18 insurance coverage, as required by law to be filed with the
19 ~~Commission~~ Department, to lapse or become cancelled or for any
20 reason to become void and fail to meet the requirements as provided
21 by law;

22 2. For failure on the part of any motor carrier, his or its
23 agents or employees to comply with any part or provision of this
24 act, or any other act or law or part or provision thereof relative
25

1 to the legal operation of a for-hire motor carrier or to obey,
2 observe or comply with any order, decision, rule or regulation,
3 direction, demand or requirement, or any part or provision thereof,
4 of the ~~Commission~~ Department;

5 3. Upon the cancellation or revocation of the certificate or
6 permit or IRC or license under which ~~said~~ the identification device
7 or devices were issued; or

8 4. For operating any powered motor vehicle in violation of the
9 terms and provisions of ~~this act~~ Section 180 et seq. of this title
10 or the Motor Carrier Act of 1995 and all applicable size and weight
11 laws and safety standards of this state.

12 SECTION 23. AMENDATORY 47 O.S. 2011, Section 180d, is
13 amended to read as follows:

14 Section 180d. The ~~Commission~~ Department of Public Safety shall
15 have the power and authority by general order or otherwise to
16 promulgate rules and regulations for the administration and
17 enforcement of the provisions of ~~this act~~ Section 180 et seq. of
18 this title or the Motor Carrier Act of 1995.

19 SECTION 24. AMENDATORY 47 O.S. 2011, Section 180e, is
20 amended to read as follows:

21 Section 180e. The ~~Commission~~ Department of Public Safety, in
22 its discretion, is authorized to provide for decals, cab cards, or
23 other suitable methods of identification to be displayed on or
24 carried in the truck or powered motor vehicle.

1 SECTION 25. AMENDATORY 47 O.S. 2011, Section 180f, is
2 amended to read as follows:

3 Section 180f. The ~~Commission~~ Department of Public Safety is
4 hereby authorized to purchase ~~said~~ the identification devices in
5 sufficient amounts to supply the demand, and to purchase such other
6 officer supplies and equipment as is necessary to administer and
7 enforce the provisions of ~~this act~~ Section 180 et seq. of this title
8 or the Motor Carrier Act of 1995, and to pay for, or cause the same
9 to be paid for, out of the appropriation provided therefor.

10 SECTION 26. AMENDATORY 47 O.S. 2011, Section 180g, is
11 amended to read as follows:

12 Section 180g. It shall be the duty of the ~~Commission~~ Department
13 of Public Safety to provide identification devices upon written
14 application of any authorized motor carrier.

15 Upon written application of any authorized motor carrier holding
16 a certificate or permit or license issued by the ~~Commission~~
17 Department, the ~~Commission~~ Department shall issue to the motor
18 carrier a sufficient number of identification devices so that each
19 powered vehicle owned or to be operated by the motor carrier in the
20 state shall bear one identification device. Identification devices
21 shall be issued on an annual basis, and applications shall be made
22 annually on the form prescribed by the ~~Commission~~ Department, and
23 any motor carrier operating a powered vehicle without a current
24 identification device shall be in violation of the provisions of

1 Sections 180 through 180m of this title or the Motor Carrier Act of
2 1995.

3 It is hereby declared unlawful for any motor carrier, or agents
4 or employees of any motor carrier, to use or transfer an
5 identification device except as provided by rules of the ~~Commission~~
6 Department.

7 SECTION 27. AMENDATORY 47 O.S. 2011, Section 180h, is
8 amended to read as follows:

9 Section 180h. The ~~Corporation Commission~~ Department of Public
10 Safety is hereby authorized to collect from applicants for motor
11 carrier and private carrier identification devices a fee of Seven
12 Dollars (\$7.00) for registration of each of its vehicles registered
13 under the provisions of ~~this act~~ Section 180 et seq. of this title
14 or the Motor Carrier Act of 1995; and the fee shall be in addition
15 to any other fees now provided for by law for the registration of
16 ~~said~~ the motor vehicles and shall be deposited in the State Treasury
17 to the credit of the Trucking One-Stop Shop Fund.

18 SECTION 28. AMENDATORY 47 O.S. 2011, Section 180k, is
19 amended to read as follows:

20 Section 180k. All records of the ~~Corporation Commission~~
21 Department of Public Safety under ~~this act~~ Section 180 et seq. of
22 this title shall be maintained in, and classified as all other
23 records in the Transportation Division of the ~~Corporation Commission~~
24 Department of Public Safety.

1 SECTION 29. AMENDATORY 47 O.S. 2011, Section 1801, is

2 amended to read as follows:

3 Section 1801. The ~~Commission~~ Department of Public Safety is
4 hereby authorized and empowered, on behalf of the State of Oklahoma,
5 and when it shall deem it to be in the best interest of the
6 residents of this state so to do, to enter into reciprocal compacts
7 and agreements with other states, or the authorized agencies
8 thereof, when such states have made provisions substantially similar
9 to this section, respecting the regulation of motor vehicles engaged
10 in interstate or foreign commerce upon and over the public highways.
11 And such compacts and agreements may provide for the granting, to
12 the residents of such states, privileges substantially similar to
13 those granted thereby to Oklahoma residents: Provided: (1) That no
14 such compact or agreement shall supersede or suspend the operation
15 of any law, rule or regulation of the State of Oklahoma which shall
16 apply to vehicles operated intrastate in the State of Oklahoma; (2)
17 That any privileges, the granting of which shall be provided by any
18 such compact or agreement, shall extend only in cases of full
19 compliance with the laws of the state joining in such compact or
20 agreement; (3) That no such compact or agreement shall supersede or
21 suspend the operation of any law of the State of Oklahoma other than
22 those applying to the payment of fees for registration certificates
23 or identification devices; and (4) That the powers and authority of
24 the Oklahoma Tax Commission to administer and enforce the tax laws

1 of this state, pertaining to the taxation of motor vehicles, shall
2 be in no manner superseded or suspended.

3 SECTION 30. AMENDATORY 47 O.S. 2011, Section 180m, is
4 amended to read as follows:

5 Section 180m. In addition to all other duties as provided by
6 law, it is hereby declared to be, and shall be the duty of all
7 sheriffs, deputy sheriffs, district attorneys, ~~enforcement~~ Port of
8 Entry officers appointed by the ~~Corporation Commission of the State~~
9 ~~of Oklahoma~~ Department of Public Safety, and all highway patrolmen
10 within the State of Oklahoma:

11 1. To enforce the provisions of Sections 180 through 180m of
12 this title or the Motor Carrier Act of 1995;

13 2. To apprehend and detain any motor vehicle or vehicles and
14 driver or operator and their aides who are operating any motor
15 vehicle, upon or along the highways of this state, for a reasonable
16 length of time, for the purpose of investigating and determining
17 whether such vehicle is being operated in violation of any of the
18 provisions of Sections 180 through 180m of this title or the Motor
19 Carrier Act of 1995;

20 3. To make arrests for the violation of the provisions of
21 Sections 180 through 180m of this title or the Motor Carrier Act of
22 1995, without the necessity of procuring a warrant;

1 4. To sign the necessary complaint and to cause the violator or
2 violators to be promptly arraigned before a court of competent
3 jurisdiction for trial;

4 5. To aid and assist in the prosecution of the violator or
5 violators in the name of the State of Oklahoma to the end that this
6 law shall be enforced;

7 6. To report all such arrests for violations of Sections 180
8 through 180m of this title to the ~~Corporation Commission of Oklahoma~~
9 Department of Public Safety within ten (10) days after making such
10 arrest and to furnish such information concerning same as the
11 ~~Commission~~ Department may request; and

12 7. At the request of the ~~Corporation Commission~~ Department of
13 Public Safety, to seize and confiscate any and all identification
14 devices and to forward the same to the ~~Corporation Commission~~
15 Department of Public Safety for cancellation.

16 SECTION 31. AMENDATORY 47 O.S. 2011, Section 230.22, is
17 amended to read as follows:

18 Section 230.22. A. It is hereby declared that it is necessary
19 in the public interest to regulate transportation by motor carriers
20 and private carriers in such manner as to recognize the need to
21 require all motor carriers and private carriers to have adequate
22 insurance; for motor carriers and private carriers to provide
23 service in a safe and efficient manner; and to establish that the
24

1 operations of motor carriers and private carriers will not have a
2 detrimental impact on the environment.

3 B. The public policy of this state, as declared by the
4 Legislature, requires that all existing intrastate certificates and
5 permits granted by the ~~Oklahoma Corporation Commission~~ Department of
6 Public Safety, except household goods and used emigrant movables,
7 prior to January 1, 1995, are hereby revoked.

8 C. The provisions of the Motor Carrier Act of 1995, except as
9 hereinafter specifically limited, shall apply to the transportation
10 of passengers or property by motor carriers and private carriers,
11 except motor carriers of household goods and used emigrant movables,
12 over public highways of this state; and the regulations of such
13 transportation, and the procurement thereof and the provisions of
14 facilities therefor, are hereby vested in the ~~Oklahoma Corporation~~
15 ~~Commission~~ Department of Public Safety.

16 D. Nothing herein shall be construed to interfere with the
17 exercise by agencies of the government of the United States of its
18 power of regulation of interstate commerce.

19 E. The terms and provisions of the Motor Carrier Act of 1995
20 shall apply to commerce with foreign nations, or commerce among the
21 several states of this Union, insofar as such application may be
22 permitted under the provisions of the Constitution of the United
23 States and the Acts of Congress.

SECTION 32. AMENDATORY 47 O.S. 2011, Section 230.23, is amended to read as follows:

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

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

2. ~~"Commission"~~ "Department" means the ~~Oklahoma Corporation Commission~~ Department of Public Safety;

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

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

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

6. "Motor carrier of persons or property" means any person, except a carrier of household goods or used emigrant movables, operating upon any public highway for the transportation of passengers or property for compensation or for hire or for commercial purposes, and not operating exclusively within the limits

1 of an incorporated city or town within this state. Provided, the
2 provisions of the Motor Carrier Act of 1995 shall not apply to the
3 following vehicles and equipment when such vehicles and equipment
4 are being used for the following:

- 5 a. taxicabs and bus companies engaged in the
6 transportation of passengers and their baggage, not
7 operated between two or more cities and towns, when
8 duly licensed by a municipal corporation in which they
9 might be doing business,
- 10 b. any person or governmental authority furnishing
11 transportation for school children to and from public
12 schools or to and from public-school-related
13 extracurricular activities under contract with, and
14 sponsored by, a public school board; provided, that
15 motor vehicles and equipment operated for the purposes
16 shall qualify in all respects for the transportation
17 of school children under the Oklahoma School Code and
18 the rules of the State Board of Education adopted
19 pursuant thereto.
- 20 c. transport trucks transporting liquefied petroleum
21 gases intrastate which are owned or operated by a
22 person subject to and licensed by the Oklahoma
23 Liquefied Petroleum Gas Regulation Act, and
24

1 d. transportation of livestock and farm products in the
2 raw state, when any of such commodities move from farm
3 to market or from market to farm on a vehicle or on
4 vehicles owned and operated by a bona fide farmer not
5 engaged in motor vehicle transportation on a
6 commercial scale;

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

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

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

22 10. "Market" means the point at which livestock and farm
23 products in the raw state were first delivered by the producer of
24

1 the livestock and farm products in the raw state, upon the sale
2 thereof;

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

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

11 SECTION 33. AMENDATORY 47 O.S. 2011, Section 230.24, is
12 amended to read as follows:

13 Section 230.24. A. The ~~Corporation Commission~~ Department of
14 Public Safety is hereby vested with power and authority, and it
15 shall be its duty:

16 1. To supervise and regulate every motor carrier whether
17 operating between fixed termini or over a regular route ~~or otherwise~~
18 ~~and not operating exclusively within the limits of an incorporated~~
19 ~~city or town in this state and all private carriers operating~~
20 ~~vehicles having a gross registered weight of greater than 26,000~~
21 ~~pounds and not operating exclusively within the limits of an~~
22 ~~incorporated city or town in this state~~ in this state;

23 2. To protect the shipping and general public by supervising
24 and requiring insurance of all motor carriers and private carriers;

1 3. To ensure motor carriers and private carriers are complying
2 with the applicable size and weight laws of this state and safety
3 requirements;

4 4. To establish there will be no detrimental environmental
5 impact; and

6 5. To supervise and regulate motor carriers in all other
7 matters affecting the relationship between such carriers and the
8 traveling and shipping public provided those matters do not exceed
9 federal standards as they apply to this state.

10 B. ~~The Commission~~ Department shall have the power and authority
11 by general order or otherwise to prescribe rules applicable to any
12 or all motor carriers and private carriers as applicable.

13 C. ~~The Commission shall cooperate and coordinate with the~~
14 ~~Oklahoma Department of Public Safety in regulating carrier safety,~~
15 ~~size and weight regulations of motor vehicles and the transportation~~
16 ~~of hazardous materials. The Commission may enter into interagency~~
17 ~~agreements with the Department of Public Safety for the purpose of~~
18 ~~implementing, administering and enforcing any provisions of the~~
19 ~~Oklahoma Motor Carrier Safety and Hazardous Materials Transportation~~
20 ~~Act and the rules and regulations of the Department of Public Safety~~
21 ~~issued pursuant thereto. Any license issued by the Commission~~
22 Department may be suspended or revoked due to operations conducted
23 in violation of any laws or rules and regulations pertaining to
24 motor carriers, private carriers, carrier safety, size and weight

1 regulations of motor vehicles and the transportation of hazardous
2 materials.

3 SECTION 34. AMENDATORY 47 O.S. 2011, Section 230.25, is
4 amended to read as follows:

5 Section 230.25. A. Every motor carrier, subject to the Motor
6 Carrier Act of 1995, receiving property for transportation in
7 intrastate commerce shall issue a receipt or bill of lading
8 therefor, the form of which shall be prescribed by the ~~Commission~~
9 Department of Public Safety.

10 B. Any person, motor carrier, or shipper who shall willfully
11 violate any provisions of the Motor Carrier Act of 1995 by any means
12 shall be deemed guilty of a misdemeanor and upon conviction thereof
13 be fined as provided by law.

14 SECTION 35. AMENDATORY 47 O.S. 2011, Section 230.26, is
15 amended to read as follows:

16 Section 230.26. When the ~~Commission~~ Department of Public
17 Safety, upon complaint, has reason to believe that any person, motor
18 carrier, or shipper is violating or has willfully violated any
19 provision of the Motor Carrier Act of 1995, the ~~Commission~~
20 Department shall, upon its own initiative, file a contempt
21 proceeding and set a date for the proceeding to be heard before the
22 ~~Commission~~ Department, and upon conviction, the ~~Commission~~
23 Department shall invoke such contempt penalties as provided herein.
24

1 SECTION 36. 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~~ Department of
6 Public Safety a filing fee in the sum of One Hundred Dollars
7 (\$100.00) with an original or subapplication. Any valid license
8 issued will remain in force, unless otherwise revoked by the
9 ~~Commission~~ Department in accordance with the provisions of the Motor
10 Carrier 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~~ Department of Public Safety an annual renewal fee of
14 Fifty Dollars (\$50.00). An intrastate license may be renewed for up
15 to three (3) years.

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

19 SECTION 37. AMENDATORY 47 O.S. 2011, Section 230.28, is
20 amended to read as follows:

21 Section 230.28. A. It shall be unlawful for any motor carrier
22 to operate or furnish service within this state without first having
23 obtained from the ~~Commission~~ Department a license declaring that all
24 insurance requirements have been met and that the carrier will

1 operate within all existing rules and state laws pertaining to
2 safety standards, size and weight requirements and, when applicable,
3 lawful handling and disposal of hazardous materials and deleterious
4 substances, and will operate in such a manner as to ensure there
5 will be no detrimental environmental impact. It shall also be
6 unlawful for any private carrier to operate or furnish service
7 within this state without first having obtained from the ~~Corporation~~
8 ~~Commission~~ Department of Public Safety a license declaring that all
9 insurance requirements have been met and that the carrier will
10 operate within all existing rules and state laws pertaining to
11 safety standards, size and weight requirements and, when applicable,
12 lawful handling and disposal of hazardous materials and deleterious
13 substances, and will operate in such a manner as to ensure there
14 will be no detrimental environmental impact. The ~~Commission~~
15 Department shall have power, and it shall be its duty, to issue the
16 license or set the application for hearing within thirty (30) days
17 of the ~~Commission~~ Department determining that the application is
18 complete. Any such hearing shall be scheduled to occur on a date
19 within an additional forty-five (45) business days of such
20 determination. The mere filing of an application does not authorize
21 any person to operate as a carrier.

22 B. In granting applications for licenses, the ~~Commission~~
23 Department shall take into consideration the reliability of the
24 applicant; the proper equipment meeting minimum safety criteria as
25

1 adequate to perform the service; and the applicant's sense of
2 responsibility toward the public and the environment.

3 C. The ~~Commission~~ Department may, at any time after a public
4 hearing and for good cause, suspend or revoke any license.

5 Provided, the record owner of the license shall be entitled to have
6 ~~ten (10) days'~~ ten-days' written notice by certified mail from the
7 ~~Commission~~ Department of any hearing affecting the license, except
8 as otherwise provided in the Motor Carrier Act of 1995. The right
9 of appeal from such order or orders shall be given as in other cases
10 appealed from orders of the ~~Commission~~ Department.

11 D. The ~~Commission~~ Department shall be authorized to exercise
12 any additional power that may from time to time be conferred upon
13 the state by any Act of Congress. The ~~Commission~~ Department shall
14 adopt rules prescribing the manner and form in which motor carriers
15 and private carriers shall apply for licenses required by the Motor
16 Carrier Act of 1995. Among other rules adopted, the application
17 shall be in writing and shall set forth the following facts:

18 1. The name and address of the applicant and the names and
19 addresses of its officers, if any;

20 2. Full information concerning the physical properties of the
21 applicant; and

22 3. Such other information as the ~~Commission~~ Department may
23 consider pertinent to the application.

1 SECTION 38. AMENDATORY 47 O.S. 2011, Section 230.29, is

2 amended to read as follows:

3 Section 230.29. A. As used in this section:

4 1. "Authorized carrier" means a person or persons authorized to
5 engage in the transportation of passengers or property as a licensed
6 motor carrier;

7 2. "Equipment" means a motor vehicle, straight truck, tractor,
8 semitrailer, full trailer, any combination of these and any other
9 type of equipment used by authorized carriers in the transportation
10 of passengers or property for hire;

11 3. "Owner" means a person to whom title to equipment has been
12 issued, or who, without title, has the right to exclusive use of
13 equipment for a period longer than thirty (30) days;

14 4. "Lease" means a contract or arrangement in which the owner
15 grants the use of equipment, with or without driver, for a specified
16 period to an authorized carrier for use in the regulated
17 transportation of passengers or property, in exchange for
18 compensation;

19 5. "Lessor", in a lease, means the party granting the use of
20 equipment, with or without driver, to another;

21 6. "Lessee", in a lease, means the party acquiring the use of
22 equipment, with or without driver, from another;

23 7. "Addendum" means a supplement to an existing lease which is
24 not effective until signed by the lessor and lessee; and
25

1 8. "Shipper" means a person who sends or receives passengers or
2 property which is transported in intrastate commerce in this state.

3 B. An authorized carrier may perform authorized transportation
4 in equipment it does not own only under the following conditions:

5 1. There shall be a written lease granting the use of the
6 equipment and meeting the requirements as set forth in subsection C
7 of this section;

8 2. The authorized carrier acquiring the use of equipment under
9 this section shall identify the equipment in accordance with the
10 requirements of the ~~Commission~~ Department of Public Safety; and

11 3. Upon termination of the lease, the authorized carrier shall
12 remove all identification showing it as the operating carrier before
13 giving up possession of the equipment.

14 C. The written lease required pursuant to subsection B of this
15 section shall contain the following provisions. The required lease
16 provisions shall be adhered to and performed by the authorized
17 carrier as follows:

18 1. The lease shall be made between the authorized carrier and
19 the owner of the equipment. The lease shall be signed by these
20 parties or by their authorized representatives;

21 2. The lease shall specify the time and date or the
22 circumstances on which the lease begins and ends and include a
23 description of the equipment which shall be identified by vehicle
24 serial number, make, year model and current license plate number;

1 3. The period for which the lease applies shall be for thirty
2 (30) days or more when the equipment is to be operated for the
3 authorized carrier by the owner or an employee of the owner;

4 4. The lease shall provide that the authorized carrier lessee
5 shall have exclusive possession, control and use of the equipment
6 for the duration of the lease. The lease shall further provide that
7 the authorized carrier lessee shall assume complete responsibility
8 for the operation of the equipment for the duration of the lease;

9 5. The amount to be paid by the authorized carrier for
10 equipment and driver's services shall be clearly stated on the face
11 of the lease or in an addendum which is attached to the lease;

12 6. The lease shall clearly specify the responsibility of each
13 party with respect to the cost of fuel, fuel taxes, empty mileage,
14 permits of all types, tolls, detention and accessorial services,
15 base plates and licenses, and any unused portions of such items.
16 Except when the violation results from the acts or omissions of the
17 lessor, the authorized carrier lessee shall assume the risks and
18 costs of fines for overweight and oversize trailers when the
19 trailers are preloaded, sealed, or the load is containerized, or
20 when the trailer or lading is otherwise outside of the lessor's
21 control, and for improperly permitted overdimension and overweight
22 loads and shall reimburse the lessor for any fines paid by the
23 lessor. If the authorized carrier is authorized to receive a refund
24 or a credit for base plates purchased by the lessor from, and issued

1 in the name of, the authorized carrier, or if the base plates are
2 authorized to be sold by the authorized carrier to another lessor
3 the authorized carrier shall refund to the initial lessor on whose
4 behalf the base plate was first obtained a prorated share of the
5 amount received;

6 7. The lease shall specify that payment to the lessor shall be
7 made by the authorized carrier within fifteen (15) days after
8 submission of the necessary delivery documents and other paperwork
9 concerning a trip in the service of the authorized carrier. The
10 paperwork required before the lessor can receive payment is limited
11 to those documents necessary for the authorized carrier to secure
12 payment from the shipper. The authorized carrier may require the
13 submission of additional documents by the lessor but not as a
14 prerequisite to payment;

15 8. The lease shall clearly specify the right of the lessor,
16 regardless of method of compensation, to examine copies of the
17 documentation of the carrier upon which charges are assessed;

18 9. The lease shall clearly specify all items that may be
19 initially paid for by the authorized carrier, but ultimately
20 deducted from the compensation of the lessor at the time of payment
21 or settlement together with a recitation as to how the amount of
22 each item is to be computed. The lessor shall be afforded copies of
23 those documents which are necessary to determine the validity of the
24 charge;

1 10. The lease shall specify that the lessor is not required to
2 purchase or rent any products, equipment, or services from the
3 authorized carrier as a condition of entering into the lease
4 arrangement;

5 11. As it relates to insurance:

- 6 a. the lease shall clearly specify the legal obligation
7 of the authorized carrier to maintain insurance
8 coverage for the protection of the public, and
9 b. the lease shall clearly specify the conditions under
10 which deductions for cargo or property damage may be
11 made from the lessor's settlements. The lease shall
12 further specify that the authorized carrier must
13 provide the lessor with a written explanation and
14 itemization of any deductions for cargo or property
15 damage made from any compensation of money owed to the
16 lessor. The written explanation and itemization must
17 be delivered to the lessor before any deductions are
18 made; and

19 12. An original and two copies of each lease shall be signed by
20 the parties. The authorized carrier shall keep the original and
21 shall place a copy of the lease in the equipment during the period
22 of the lease. The owner of the equipment shall keep the other copy
23 of the lease.
24
25

1 D. The provisions of this section shall apply to the leasing of
2 equipment with which to perform transportation regulated by the
3 ~~Corporation Commission~~ Department of Public Safety by motor carriers
4 holding a license from the ~~Commission~~ Department to transport
5 passengers or property.

6 SECTION 39. AMENDATORY 47 O.S. 2011, Section 230.30, is
7 amended to read as follows:

8 Section 230.30. A. No license shall be issued by the
9 ~~Commission~~ Department of Public Safety to any carrier until after
10 the carrier shall have filed with the ~~Commission~~ Department a
11 liability insurance policy or bond covering public liability and
12 property damage, issued by some insurance or bonding company or
13 insurance carrier authorized pursuant to this section and which has
14 complied with all of the requirements of the ~~Commission~~ Department,
15 which bond or policy shall be approved by the ~~Commission~~ Department,
16 and shall be in a sum and amount as fixed by a proper order of the
17 ~~Commission~~ Department; and the liability and property damage
18 insurance policy or bond shall bind the obligor thereunder to make
19 compensation for injuries to, or death of, persons, and loss or
20 damage to property, resulting from the operation of any carrier for
21 which the carrier is legally liable. A copy of the policy or bond
22 shall be filed with the ~~Commission~~ Department, and, after judgment
23 against the carrier for any damage, the injured party may maintain
24

1 an action upon the policy or bond to recover the same, and shall be
2 a proper party to maintain such action.

3 B. Every motor carrier shall file with the ~~Commission~~
4 Department a cargo insurance policy or bond covering any goods or
5 property being transported, issued by some insurance or bonding
6 company or insurance carrier authorized as set forth below, and
7 which has complied with all of the requirements of the ~~Commission~~
8 Department, which bond or policy shall be approved by the ~~Commission~~
9 Department, and shall be in a sum and amount as fixed by a proper
10 order of the ~~Commission~~ Department. The cargo insurance must be
11 filed with the ~~Commission~~ Department prior to a license being issued
12 by the ~~Commission~~ Department, unless the motor carrier has been
13 exempted from this requirement.

14 Intrastate motor carriers of sand, rock, gravel, asphaltic
15 mixtures or other similar road building materials shall not be
16 required to file cargo insurance and shall be required to maintain
17 liability insurance limits of Three Hundred Fifty Thousand Dollars
18 (\$350,000.00) combined single limit.

19 No carrier, whose principal place of business is in Oklahoma,
20 shall conduct any operations in this state unless the operations are
21 covered by a valid primary bond or insurance policy issued by a
22 provider authorized or approved by the State Insurance Commissioner.
23 No carrier shall conduct any operations in this state unless the
24 operations are covered by a valid bond or insurance policy issued by

1 a provider authorized and approved by a National Association of
2 Insurance Commissioners and certified by the State Insurance
3 Commission.

4 C. Each carrier shall maintain on file, in full force, all
5 insurance required by the laws of this state and the rules of the
6 ~~Commission~~ Department during the operation of the carrier and that
7 the failure for any cause to maintain the coverage in full force and
8 effect shall immediately, without any notice from the ~~Commission~~
9 Department, suspend the rights of the carrier to operate until
10 proper insurance is provided. Any carrier suspended for failure to
11 maintain proper insurance shall have a reasonable time, not
12 exceeding sixty (60) days, to have its license reactivated, and to
13 provide proper insurance upon showing:

14 1. No operation during the period in which it did not have
15 insurance; and

16 2. Furnishing of proper insurance coverage.

17 D. Any carrier who fails to reactivate its license within sixty
18 (60) days after the suspension, as above provided, shall have the
19 license canceled, by operation of law, without any notice from the
20 ~~Commission~~ Department. No license so canceled shall be reinstated
21 or otherwise made operative except that the ~~Commission~~ Department
22 may reinstate the license of a carrier upon proper showing that the
23 carrier was actually covered by proper insurance during the
24 suspension or cancellation period, and that failure to file with the

1 ~~Commission~~ Department was not due to the negligence of the carrier.
2 Any carrier desiring to file for reinstatement of its license shall
3 do so within ninety (90) days of its cancellation by law.

4 E. The ~~Commission~~ Department shall, in its discretion, permit
5 the filing of certificates of insurance coverage or such form as may
6 be prescribed by the ~~Commission~~ Department, in lieu of copies of
7 insurance policies or bonds, with the proviso that if the
8 certificates are authorized the insurance company or carrier so
9 filing it, upon request of the ~~Commission~~ Department, will, at any
10 time, furnish an authenticated copy of the policy which the
11 certificate represents, and further provided that thirty (30) days
12 prior to effective cancellation or termination of the policy of
13 insurance for any cause, the insurer shall so notify the ~~Commission~~
14 Department in writing of the facts or as deemed necessary by the
15 ~~Commission~~ Department.

16 SECTION 40. AMENDATORY 47 O.S. 2011, Section 230.31, is
17 amended to read as follows:

18 Section 230.31. A. Nothing contained in the Motor Carrier Act
19 of 1995 shall be construed to authorize the operation of any
20 passenger or freight vehicle in excess of the gross weight, width,
21 length or height authorized by law.

22 B. Any person who willfully advertises to perform
23 transportation services for which the person does not hold a license
24 shall be in violation of the Motor Carrier Act of 1995 and subject
25

1 to the penalties prescribed for contempt of the ~~Commission~~
2 Department of Public Safety.

3 C. All licenses issued by the ~~Commission~~ Department under any
4 law of the state relating to motor carriers or private carriers
5 shall contain the provision that the ~~Commission~~ Department reserves
6 to itself authority to suspend or cancel any such license for the
7 violation, on the part of the applicant or any operator or operators
8 of any motor vehicle to be operated thereunder, of any law of this
9 state or any rule adopted by the ~~Commission~~ Department.

10 D. Licenses shall be considered personal to the holder of the
11 license and shall be issued only to some definite legal entity
12 operating motor vehicles as a motor carrier or private carrier, and
13 shall not be subject to lease, nor shall the holder of the license
14 sublet or permit the exercise, by another, of the rights or
15 privileges granted under the license.

16 SECTION 41. AMENDATORY 47 O.S. 2011, Section 230.32, is
17 amended to read as follows:

18 Section 230.32. The ~~Commission~~ Department of Public Safety
19 shall have the power and authority by general order or otherwise to
20 promulgate rules and regulations for the administration and
21 enforcement of the provisions of the Motor Carrier Act of 1995.

22 SECTION 42. AMENDATORY 47 O.S. 2011, Section 230.34a, is
23 amended to read as follows:

1 Section 230.34a. A. Any person, firm, partnership, limited
2 liability company, or corporation owning or possessing a vehicle and
3 required to register the vehicle under the laws of this state for
4 the purpose of transporting farm products in a raw state may receive
5 a harvest permit from the ~~Oklahoma Corporation Commission~~ Department
6 of Public Safety.

7 B. The harvest permit shall be recognized in lieu of
8 registration, fuel permit and intrastate operating authority in this
9 state. The harvest permit shall be issued to the operating motor
10 carrier.

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

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

- 18 1. Owner of the vehicle;
- 19 2. Vehicle registrant;
- 20 3. Make, model, year, license plate number, state of
21 registration and VIN of each vehicle which will be operated under
22 the permit; and
- 23 4. The operating carrier must provide a certificate that each
24 vehicle is operating under a liability insurance policy valid in

Oklahoma for Three Hundred Fifty Thousand Dollars (\$350,000.00) or more.

E. There shall be a fee of Twenty Dollars (\$20.00) per axle for a thirty-day permit or Thirty-five Dollars (\$35.00) per axle for a sixty-day permit, for each vehicle registered pursuant to the Motor Carrier Harvest Permit Act of 2006. Revenue derived from this fee shall be apportioned as follows:

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

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

F. A harvest permit may be extended in fifteen-day increments. The permit holder shall be required to pay the additional prorated portion of the tag fee at Eight Dollars and seventy-five cents (\$8.75) per axle per fifteen-day extension.

G. An application for a harvest permit shall be made to the ~~Corporation Commission~~ Department of Public Safety. The ~~Corporation Commission~~ Department of Public Safety shall allow applications to be submitted by facsimile and electronically. The ~~Commission~~ Department must provide reasonable access for persons to obtain a harvest permit before taking enforcement action.

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

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

11 J. The ~~Corporation Commission~~ Department of Public Safety may
12 enter into an agreement with any person or corporation located
13 within or outside of the state for transmission of harvest permits
14 by way of facsimile or other device when the ~~Corporation Commission~~
15 Department of Public Safety determines that such agreements are in
16 the best interest of the state.

17 K. The ~~Corporation Commission~~ Department of Public Safety may
18 promulgate rules to administer the provisions of the Motor Carrier
19 Harvest Permit Act of 2006.

20 SECTION 43. AMENDATORY 47 O.S. 2011, Section 230.6, as
21 last amended by Section 8, Chapter 259, O.S.L. 2013 (47 O.S. Supp.
22 2018, Section 230.6), is amended to read as follows:

23 Section 230.6. A. No person prohibited from operating a
24 commercial vehicle shall operate such commercial motor vehicle, nor
25

1 shall any person authorize or require a person who has been
2 prohibited from such operation of a motor vehicle to operate a
3 commercial motor vehicle.

4 B. No person shall operate, authorize to operate, or require
5 the operation of any vehicle or the use of any container when the
6 person has been placed out-of-service or the vehicle or container
7 has been marked out-of-service until all requirements of the out-of-
8 service order of the person have been met or all required
9 corrections for the vehicle or container have been made; provided,
10 upon approval of the Department of Public Safety, the vehicle or
11 container may be moved to another location for the purpose of repair
12 or correction.

13 C. No person shall remove an out-of-service marking from a
14 transport vehicle or container unless all required corrections have
15 been made and the vehicle or container has been inspected and
16 approved by an authorized officer, employee, or agent of the
17 Department. No person shall return to duty unless all requirements
18 of the out-of-service order have been met and the person has been
19 approved to return to duty by an authorized officer, employee or
20 agent of the Department.

21 D. No employer shall knowingly allow, require, permit or
22 authorize an employee to operate a commercial motor vehicle:

23 1. During any period in which the employee:
24
25

- a. has had driving privileges to operate a commercial motor vehicle suspended, revoked, canceled, denied or disqualified,
- b. has had driving privileges to operate a commercial motor vehicle disqualified,
- c. is not licensed to operate a commercial motor vehicle; provided, this subparagraph shall not apply to any person who is the holder of a valid commercial learner permit issued by the Department in conjunction with a Class D driver license,
- d. has more than one commercial driver license; provided, this subparagraph shall not apply to any person who is the holder of a valid commercial learner permit issued by the Department in conjunction with a Class A, B or C driver license,
- e. does not have the proper class or endorsements on the driver license or commercial learner permit, or
- f. is in violation of any restriction on the driver license or commercial learner permit;

2. During any period in which the employee, the commercial motor vehicle which the employee is operating, the motor carrier business or operation, or the employer is subject to an out-of-service order; or

3. In violation:

1 a. of a federal, state, or local law, regulation, or
2 ordinance pertaining to railroad-highway grade
3 crossings, or

4 b. of any restriction on the driver license or commercial
5 learner permit of the employee.

6 E. An employer who is determined by the Commissioner to have
7 committed a violation of subsection D of this section shall be
8 subject to an administrative penalty of not less than Two Thousand
9 Seven Hundred Fifty Dollars (\$2,750.00) nor more than Twenty-five
10 Thousand Dollars (\$25,000.00).

11 F. A determination by the Commissioner by issuance of a Notice
12 of Claim that a violation of any provision of this section shall be
13 a conviction for purposes of paragraph 2 of subsection A and
14 subsection G of Section 6-205.2 of this title, twenty-five (25) days
15 after issuance, unless dismissed by order following an
16 administrative hearing. The conviction shall be reported to CDLIS
17 in accordance with Section 18-101 of this title.

18 G. An employee who is determined by the Commissioner to have
19 committed a violation of any provision of this section shall be
20 subject to an administrative penalty of not less than Two Thousand
21 Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars
22 (\$5,000.00).

23 H. For any violation of any provision of this section
24 identified during a Compliance Review/Investigation, the

1 administrative penalty amount shall be in accordance with federal
2 regulations and determined by utilizing the Uniform Fine Assessment
3 (UFA) software and any successor software now or hereafter used by
4 the Federal Motor Carrier Safety Administration. This will ensure
5 that the penalties promote prompt and sustained compliance, as well
6 as promoting uniformity and consistency in the assessment of civil
7 penalties.

8 SECTION 44. AMENDATORY 47 O.S. 2011, Section 230.9, as
9 amended by Section 13, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2018,
10 Section 230.9), is amended to read as follows:

11 Section 230.9. A. The transportation of any property in
12 commerce, including hazardous materials or the transportation of
13 passengers for compensation or for hire by bus, that is not in
14 compliance with the Oklahoma Motor Carrier Safety and Hazardous
15 Materials Transportation Act or the rules issued pursuant thereto,
16 is prohibited.

17 B. Pursuant to the provisions of this section and except as
18 otherwise provided by ~~subsection~~ subsections D and E of this
19 section, any person who is determined by the Commissioner of Public
20 Safety to have committed:

21 1. An act which is a violation of a recordkeeping requirement
22 of this title or of any rule or regulation promulgated thereto or
23 the Federal Motor Carrier Safety Act of 1984, such person shall be
24 liable to the State of Oklahoma for an administrative penalty not to
25

1 exceed One Hundred Dollars (\$100.00) for each offense⁷; provided
2 that the total of all administrative penalties assessed against any
3 violator pursuant to this paragraph for all offenses related to any
4 single violation shall not exceed Five Hundred Dollars (\$500.00);

5 2. An act or acts other than recordkeeping requirements, which
6 evidences a serious pattern of safety violations, as determined by
7 the Commissioner, such person shall be liable to the State of
8 Oklahoma for an administrative penalty not to exceed Two Hundred
9 Dollars (\$200.00) for each offense, provided the maximum fine for
10 each pattern of safety violations shall not exceed One Thousand
11 Dollars (\$1,000.00). The Commissioner may consider present and
12 prior offenses in determining a serious pattern of safety
13 violations; or

14 3. An act or acts which evidences to the Commissioner, that a
15 substantial health or safety violation exists or has occurred which
16 could reasonably lead to or has resulted in serious personal injury
17 or death, such person shall be liable to the State of Oklahoma for
18 an administrative penalty not to exceed One Thousand Dollars
19 (\$1,000.00) for each offense.

20 C. Each day of violation as specified in subsection B of this
21 section shall constitute a separate single violation/offense.

22 D. Except for recordkeeping violations, no administrative
23 penalty shall be assessed pursuant to the provisions of this
24 section, against an employee of any person subject to the provisions

1 of the Oklahoma Motor Carrier Safety and Hazardous Materials
2 Transportation Act for a violation unless the Commissioner
3 determines that such actions of the employee constituted gross
4 negligence or reckless disregard for safety in which case such
5 employee shall be liable for an administrative penalty not to exceed
6 One Thousand Dollars (\$1,000.00).

7 E. For violations identified during a Compliance
8 Review/Investigation the administrative penalty amount shall be in
9 accordance with federal regulations and determined by utilizing the
10 Uniform Fine Assessment (UFA) software and any successor software
11 now or hereafter used by the Federal Motor Carrier Safety
12 Administration. This will ensure that the penalties promote prompt
13 and sustained compliance, as well as promoting uniformity and
14 consistency in the assessment of civil penalties.

15 F. In determining the amount of any administrative penalty ~~and~~
16 ~~the reasonable amount of time for abatement of the violation,~~ the
17 Commissioner shall include, but not be limited to, consideration of
18 the nature of the violation, circumstances ~~and~~ of the violation,
19 extent of the violation, gravity of the violation, ~~and with respect~~
20 ~~to the person found to have committed the violation, the degree of~~
21 culpability, history of prior offenses, effect on ability to
22 continue to do business and such other matters as justice and public
23 safety may require. In each case, the penalty shall be calculated
24 to induce further compliance.

1 ~~F.~~ G. The Commissioner or his or her designated representative
2 shall assess the amount of any administrative penalty, after notice
3 and an opportunity for hearing, by written notice to the violator
4 together with notice of findings in the case. An appeal therefrom
5 may be made to the district court of Oklahoma County pursuant to the
6 provisions of Sections 318 through 323 of Title 75 of the Oklahoma
7 Statutes.

8 ~~G.~~ H. An administrative penalty assessed by the Commissioner
9 may be recovered:

10 1. In an action brought by the Attorney General on behalf of
11 the State of Oklahoma. However, before referral to the Attorney
12 General, the administrative penalty may be compromised by the
13 Commissioner;

14 2. By the Commissioner in the appropriate district court of the
15 State of Oklahoma; ~~or~~

16 3. By the Commissioner in an administrative hearing conducted
17 by the Department of Public Safety.

18 I. The Department may file an itemization of unpaid
19 administrative penalties, fees, and charges with the Oklahoma Tax
20 Commission for collection at the time of registration of the
21 vehicle. The Oklahoma Tax Commission shall not issue or renew a
22 vehicles registration upon receipt of an itemization of unpaid
23 administrative penalties, fees, and charges from the Department,
24 until paid.

1 J. The state agency granted with the authority to issue
2 intrastate operating authority shall suspend the operating authority
3 of any intrastate carrier who fails to pay the administrative
4 penalties, fees, and charges imposed by the Department, until paid.

5 K. The Department may deny issuance of documentation needed for
6 operation of a commercial motor vehicle, including but not limited
7 to permits, certificates, and contracts, when an entity or person
8 has unpaid administrative penalties, fees, or charges, until paid.

9 L. The operating authority of any intrastate carrier on the
10 sixty-first day after the date of a notice of proposed
11 "unsatisfactory" safety rating issued by the Department following a
12 Compliance Review/Investigation, the Department shall issue an order
13 placing the carrier out-of-service. The Department shall use the
14 FMCSA safety rating methodology. The out-of-service
15 order/suspension of operating authority shall remain in place until
16 the Department determines that the carrier is fit. The carrier
17 shall also be placed out of service if it does not allow the
18 Department to conduct a compliance review/investigation.

19 M. If a motor carrier is found to be operating any vehicle
20 while operating authority is suspended, in violation of an out-of-
21 service order or with past due administrative penalties, fees, and
22 charges owed to the Department, the Department may hold the vehicle
23 until cleared.

1 ~~H.~~ N. The first One Hundred Thousand Dollars (\$100,000.00) of
2 the administrative penalties collected each fiscal year pursuant to
3 the provisions of the Oklahoma Motor Carrier Safety and Hazardous
4 Materials Transportation Act shall be deposited in the General
5 Revenue Fund of the State of Oklahoma. All other monies collected
6 in excess of One Hundred Thousand Dollars (\$100,000.00) each fiscal
7 year shall be deposited to the credit of the Department of Public
8 Safety Restricted Revolving Fund for the purpose of administering
9 the Oklahoma Motor Carrier Safety and Hazardous Materials
10 Transportation Act.

11 SECTION 45. AMENDATORY 47 O.S. 2011, Section 1120.1, is
12 amended to read as follows:

13 Section 1120.1. A. The ~~Corporation Commission~~ Department of
14 Public Safety, when in the interest of the State of Oklahoma and its
15 residents, may enter into the International Registration Plan or
16 other compacts or agreements with other states to permit motor
17 vehicle registration and license taxes on any motor vehicle to be
18 used as a rental motor vehicle as defined in the International
19 Registration Plan.

20 B. The Tax Commission or ~~Corporation Commission~~ the Department
21 of Public Safety, as applicable, shall require that each rental
22 motor vehicle be assessed the following registration fees in lieu of
23 the fee schedule set forth in Section 1132 of this title:
24

1 1. A fee of Fifteen Dollars (\$15.00) shall be assessed for the
2 first year of registration in this or any other state; and

3 2. A fee of Ten Dollars (\$10.00) shall be assessed in the first
4 year and each subsequent year of registration in this or any other
5 state.

6 C. Upon registration and payment of the fees required by this
7 section, the owner shall receive a license plate which shall be
8 valid until the vehicle is permanently withdrawn from the rental
9 fleet of the owner.

10 SECTION 46. AMENDATORY 47 O.S. 2011, Section 1167, as
11 last amended by Section 1, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
12 2018, Section 1167), is amended to read as follows:

13 Section 1167. A. The ~~Corporation Commission~~ Department of
14 Public Safety is hereby authorized to promulgate rules pursuant to
15 the Administrative Procedures Act to establish the amounts of fees,
16 fines and penalties as set forth in Section 1166 et seq. of this
17 title. The ~~Corporation Commission~~ Department of Public Safety shall
18 notify all interested parties of any proposed rules to be
19 promulgated as provided herein and shall provide such parties an
20 opportunity to be heard prior to promulgation.

21 B. The ~~Corporation Commission~~ Department of Public Safety shall
22 adjudicate enforcement actions initiated by ~~Corporation Commission~~
23 Department of Public Safety personnel.

1 C. Revenue derived from all fines and penalties collected or
2 received by the ~~Corporation Commission~~ Department of Public Safety
3 pursuant to the provisions of the Trucking One-Stop Shop Act shall
4 be apportioned ~~as follows:~~

5 1. ~~For~~ for the period beginning August 23, 2013, the first
6 ~~Three Hundred Thousand Dollars (\$300,000.00) collected or received~~
7 ~~each fiscal year shall be remitted to the Department of Public~~
8 ~~Safety for the purpose of staffing the port of entry weigh stations~~
9 ~~to conduct safety inspections. The next~~ Five Hundred Fifty Thousand
10 Dollars (\$550,000.00) shall be remitted to the Oklahoma Tax
11 Commission and apportioned as provided in Section 1104 of this
12 title; ~~and.~~

13 2. The remaining amount shall be deposited to the Trucking One-
14 Stop Shop Fund created in subsection D of this section.

15 D. There is hereby created in the State Treasury a revolving
16 fund for the ~~Corporation Commission~~ Department of Transportation to
17 be known and designated as the "Trucking One-Stop Shop Fund". The
18 Trucking One-Stop Shop Fund shall consist of:

19 1. All funds apportioned thereto in subsection C of this
20 section;

21 2. Fees collected by the ~~Commission~~ Department of Public Safety
22 to be retained as a motor license agent or other ~~Corporation~~
23 ~~Commission~~ Department of Public Safety registration or motor fuel
24 fees as allowed by statute or rule; and

1 3. Any other monies to be utilized for the Trucking One-Stop
2 Shop Act.

3 The fund shall be a continuing fund, not subject to fiscal year
4 limitations, and shall not be subject to legislative appropriation.
5 Monies in the Trucking One-Stop Shop Fund shall only be expended for
6 direct expenses relating to the Trucking One-Stop Shop Act.

7 Expenditures from the revolving fund shall be made pursuant to the
8 laws of this state. ~~In addition, expenditures from the revolving~~
9 ~~fund may be made pursuant to The Oklahoma Central Purchasing Act for~~
10 ~~the purpose of immediately responding to emergency situations,~~
11 ~~within the Commission's jurisdiction, having potentially critical~~
12 ~~environmental or public safety impact. Warrants for expenditures~~
13 ~~from the fund shall be drawn by the State Treasurer against claims~~
14 ~~filed as prescribed by law with the Director of the Office of~~
15 ~~Management and Enterprise Services for approval and payment.~~

16 E. There is hereby created in the State Treasury a revolving
17 fund for the Department of Transportation to be designated the
18 "Weigh Station Improvement Revolving Fund". The fund shall be a
19 continuing fund, not subject to fiscal year limitations or
20 legislative appropriations, and shall consist of all monies
21 deposited thereto. All monies accruing to the credit of the fund
22 are hereby appropriated and may be budgeted and expended by the
23 Department for the purpose of constructing, equipping and
24 maintaining facilities to determine the weight of vehicles traveling

1 on the roads and highways of this state. Expenditures from the fund
2 shall be made upon warrants issued by the State Treasurer against
3 claims filed as prescribed by law with the Director of the Office of
4 Management and Enterprise Services for approval and payment.

5 SECTION 47. AMENDATORY 47 O.S. 2011, Section 1168, as
6 amended by Section 205, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
7 2018, Section 1168), is amended to read as follows:

8 Section 1168. All facilities and equipment under the
9 administrative control of the Oklahoma Tax Commission and used for
10 determining the weight of vehicles operated on the roads or highways
11 of this state are hereby transferred to the Department of
12 Transportation. Any funds appropriated to or any powers, duties and
13 responsibilities exercised by the Tax Commission for such purpose
14 shall be transferred to the Department. The Director of the Office
15 of Management and Enterprise Services is hereby authorized to
16 transfer such funds as may be necessary. The Department of
17 Transportation is hereby authorized to enter into an agreement with
18 the ~~Corporation Commission~~ Department of Public Safety to operate
19 such facilities or equipment. The provisions of this section shall
20 not be construed to obligate the Department to incur expenses in
21 connection with the administration of such facilities and equipment
22 in an amount which exceeds deposits to the Weigh Station Improvement
23 Revolving Fund.
24

SECTION 48. AMENDATORY 47 O.S. 2011, Section 1169, is

amended to read as follows:

Section 1169. A. The ~~Corporation Commission~~ Department of Public Safety is authorized to revoke, suspend or deny the issuance, extension or reinstatement of any ~~Corporation Commission~~ Department of Public Safety issued motor carrier or commercial motor vehicle license, permit, registration, certificate or duplicate copy thereof issued pursuant to the jurisdiction of the ~~Corporation Commission~~ Department of Public Safety, to any person who shall be guilty of:

1. Violation of any of the provisions of applicable state law;

2. Violation of rules promulgated by the ~~Corporation Commission~~ Department of Public Safety;

3. Failure to observe or fulfill the conditions upon which the license, permit, registration or certificate was issued;

4. Nonpayment of any delinquent tax, fee or penalty to the ~~Commission~~ Department or the State of Oklahoma; or

5. Nonpayment of a uniform base state program delinquent tax, fee or penalty to a state or province participating with the ~~Corporation Commission~~ Department of Public Safety in that program.

B. The interest or penalty or any portion thereof ordinarily accruing by failure of the motor carrier, registrant or licensee to properly file a report or return may be waived or reduced by the ~~Corporation Commission~~ Department of Public Safety. No interest or

1 penalties in excess of Ten Thousand Dollars (\$10,000.00) shall be
2 allowed except by order of the ~~Commission~~ Department.

3 C. The ~~Corporation Commission~~ Department of Public Safety shall
4 promulgate rules setting forth the revocation, suspension or denial
5 of a motor carrier or commercial motor vehicle certificate,
6 registration, license or permit issued pursuant to the jurisdiction
7 of the ~~Corporation Commission~~ Department of Public Safety. The
8 ~~Corporation Commission~~ Department of Public Safety shall
9 additionally promulgate rules allowing for the collection and
10 remittance of financial liabilities owed by a motor carrier,
11 registrant, licensee or permittee to a state or province
12 participating with the ~~Corporation Commission~~ Department of Public
13 Safety in a uniform base state program or to another state agency.

14 D. Upon the revocation or expiration of any motor carrier or
15 commercial motor vehicle license, permit, registration or
16 certificate issued pursuant to the jurisdiction of the ~~Corporation~~
17 ~~Commission~~ Department of Public Safety, all accrued taxes, fees and
18 penalties due and payable under the terms of state law, rules or
19 order imposing or levying such tax, fee or penalty shall become due
20 and payable concurrently upon the revocation or expiration of the
21 license, permit, registration or certificate and the licensee,
22 permittee, registrant or certificate holder shall forthwith make a
23 report covering the period of time not covered by preceding reports
24

1 filed by ~~said~~ the person and ending with the date of the revocation
2 or expiration and shall pay all such taxes, fees or penalties owed.

3 E. No person shall knowingly, or intentionally, present an
4 altered or fraudulent credential or document to the ~~Corporation~~
5 ~~Commission~~ Department of Public Safety or to any duly authorized
6 peace officer. Any person or persons violating the provisions of
7 this subsection shall be found guilty of contempt of the ~~Commission~~
8 Department and shall, upon conviction thereof, be punished by a fine
9 of not more than Two Thousand Dollars (\$2,000.00) for each offense.

10 SECTION 49. AMENDATORY Section 2, Chapter 262, O.S.L.
11 2012 (47 O.S. Supp. 2018, Section 1201), is amended to read as
12 follows:

13 Section 1201. As used in the Oklahoma Weigh Station Act of
14 2012:

15 1. "Authority" means the Oklahoma Turnpike Authority;

16 2. ~~"Commission"~~ "Department" means the ~~Corporation~~ ~~Commission~~
17 Department of Public Safety;

18 3. "Fixed facility" means a weigh station or a port of entry;

19 4. "Port of entry" means a facility, in close proximity to a
20 state line, designed to electronically weigh and screen motor
21 carriers and commercial motor vehicles for compliance with federal
22 and state statutes and rules, allowing compliant carriers to proceed
23 with minimal or no delay;

1 5. "Roadside enforcement" means a temporary location, with or
2 without portable or semi-portable scales, used to randomly check
3 commercial motor vehicles or motor carriers for compliance with
4 federal or state statutes or rules;

5 6. "Weigh station" means a stationary and permanent weighing
6 facility with fixed scales owned by the state where commercial motor
7 vehicles are checked for compliance with weight and size standards.
8 Weigh stations are also utilized to enforce federal and state laws
9 and rules applicable to motor carriers and the operation of
10 commercial motor vehicles and their drivers; and

11 7. "North American Standard Inspection" means a Level I, Level
12 II, Level III, Hazardous Materials, Cargo Tank or Passenger Carrier
13 inspection conducted by an individual certified by the Federal Motor
14 Carrier Safety Administration to conduct such inspections.

15 SECTION 50. 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~~
20 Department of Public Safety may enter into interagency agreements
21 concerning the equipment, maintenance and operations of fixed
22 facilities. From July 1, 2019, to June 30, 2020, the Department of
23 Transportation and the Corporation Commission may enter into
24

1 interagency agreements concerning the equipment, maintenance and
2 operations of fixed facilities.

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

7 C. ~~The Commission~~ Effective July 1, 2020, all powers, duties
8 and responsibilities exercised by the International Registration
9 Plan Section, the International Fuel Tax Agreement, the Unified
10 Carrier Registration program, and the administration of trip
11 permits, temporary fuel permits and harvest permits shall be
12 transferred from the Corporation Commission to the Department of
13 Public Safety.

14 D. Beginning July 1, 2020, the Department shall operate all
15 current and future ports of entry weigh stations eighteen (18) to
16 twenty (20) hours a day and seven (7) days a week upon the
17 availability of funds.

18 ~~D. The Commission shall continue to conduct roadside~~
19 ~~enforcement in the general area where a fixed facility is planned~~
20 ~~but no fixed facility currently exists until a fixed facility is~~
21 ~~located in the general area or July 1, 2016, whichever is earlier.~~

22 ~~E. When a fixed facility is located in the general area,~~
23 ~~Commission motor carrier and commercial motor vehicle enforcement~~
24 ~~shall be limited to the fixed facility and a radius surrounding the~~

1 ~~facility. If the fixed facility is a weigh station as defined in~~
2 ~~Section 1201 of this title, the applicable radius shall be seven (7)~~
3 ~~miles. If the fixed facility is a port of entry weigh station as~~
4 ~~defined in Section 1201 of this title, the applicable radius shall~~
5 ~~be twenty-five (25) miles.~~

6 ~~F. The Commission may assist in roadside enforcement in a joint~~
7 ~~effort at the request of the Oklahoma Highway Patrol.~~

8 ~~G. The Commission is authorized to conduct audits, reviews,~~
9 ~~investigations, inspections or other enforcement actions by~~
10 ~~enforcement officers provided those activities are within the scope~~
11 ~~of the Commission's jurisdiction and are not conducted as roadside~~
12 ~~enforcement in accordance with the provisions of the Oklahoma Weigh~~
13 ~~Station Act of 2012.~~

14 ~~H. E.~~ The ~~Commission~~ Department may enter into interagency
15 cooperative agreements with other state or federal agencies to
16 jointly enforce federal and state laws or rules.

17 ~~I. F.~~ North American Standard Inspections shall be conducted
18 only by individuals holding certification in the level or
19 classification of inspection being conducted.

20 SECTION 51. AMENDATORY Section 4, Chapter 262, O.S.L.
21 2012 (47 O.S. Supp. 2018, Section 1203), is amended to read as
22 follows:

23 Section 1203. A. A commercial motor vehicle, its driver or a
24 motor carrier may not be cited for the same violation of motor
25

1 carrier or commercial motor vehicle requirements on the same date by
2 any Oklahoma officer, provided neither the vehicle configuration nor
3 the load have changed. This subsection is not applicable to a
4 Commercial Vehicle Safety Alliance out-of-service violation.

5 B. ~~The Corporation Commission and the~~ Department of Public
6 Safety or other state or local agencies may enter into interagency
7 agreements to share information electronically to facilitate this
8 section.

9 SECTION 52. REPEALER 47 O.S. 2011, Sections 171 and
10 172.1, are hereby repealed.

11 SECTION 53. This act shall become effective July 1, 2019.

12 SECTION 54. It being immediately necessary for the preservation
13 of the public peace, health or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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