

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 617, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Allen

Allen-BG-FS-Req#1940

3/9/2021 3:04 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

FLOOR SUBSTITUTE

FOR

SENATE BILL NO. 617

By: Allen of the Senate

and

Frix of the House

FLOOR SUBSTITUTE

[motor vehicles - regulation of motor carriers -
methods of collection for certain administrative
penalties - noncodification - repealer - effective
date -
emergency]

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Safe Highway
Commerce Act".

SECTION 2. AMENDATORY 47 O.S. 2011, Section 2-106.1, is
amended to read as follows:

Section 2-106.1. ~~Subject to the Merit System laws, the
Commissioner of Public Safety is hereby authorized to employ a
supervisor of permit clerks, headquarters permit clerks and~~

1 ~~additional permit clerks, who shall have the duty to issue oversize~~
2 ~~and/or overweight permits in accordance with the terms of Chapter 14~~
3 ~~of this title and to collect the fees therefor and to remit the same~~
4 ~~to the Oklahoma Tax Commission.~~

5 A. Effective November 1, 2021, all powers, duties and
6 responsibilities exercised by the Department of Public Safety Size
7 and Weights Permits Division shall be transferred from the
8 Department of Public Safety to the Department of Transportation.

9 All records, property and matters pending of the division shall be
10 transferred to the Department of Transportation. Funds sufficient
11 to administer the powers, duties and responsibilities exercised by
12 the division shall be appropriated or allocated to the Department of
13 Transportation for fiscal year 2022 as provided herein. Such funds
14 appropriated or allocated to the Department of Transportation shall
15 not be subject to budgetary limitations. The Director of Office of
16 Management and Enterprise Services is hereby authorized to transfer
17 such funds as may be necessary to affect such allocations.

18 B. The period of July 1, 2021, through October 31, 2021, shall
19 be a transitional period in which the Department of Transportation
20 shall gradually assume complete administration and management over
21 the powers, duties, responsibilities and staff currently carrying
22 out the administration of the Size and Weights Permits division.
23 During this transition period, the employees assigned to the Size
24 and Weights Permits division shall continue to be employees of the

Department of Public Safety unless otherwise agreed to by the
Department of Public Safety and the Department of Transportation.
Effective November 1, 2021, the Size and Weights Permits division
shall be administered solely by the Department of Transportation.
For the period of July 1, 2021, through October 31, 2021, the
Department of Public Safety and the Department of Transportation
shall develop and implement a reasonable and expeditious method for
the expenditure of funds in support of Size and Weights Permits
division.

C. The powers, duties and responsibilities exercised by the
Size and Weights Permits division of the Department of Public Safety
shall be fully transferred to the Department of Transportation on
November 1, 2021.

D. All personnel of the Department of Public Safety whose
duties are transferred under this act shall be transferred to the
Department of Transportation at the discretion of the Executive
Director. Personnel transferred pursuant to the provisions of this
section shall not be required to accept a lesser salary than
presently received; provided, the provisions of this section shall
not operate to prohibit the Department of Public Safety or the
Department of Transportation from imposing furloughs or reductions-
in-force with respect to such personnel as allowed by law.
Personnel transferred shall be placed within the classification
level in which they meet qualifications without an entrance exam.

1 All such persons transferred shall retain seniority, leave, sick and
2 annual time earned and any retirement benefits which have accrued
3 during their tenure with the Department of Public Safety. The
4 transfer of personnel among the agencies shall be coordinated with
5 the Office of Management and Enterprise Services.

6 E. Effective July 1, 2021, any administrative rules promulgated
7 by the Department of Public Safety related to the administration of
8 the Size and Weights Permits division shall be transferred to and
9 become a part of the administrative rules of the Department of
10 Transportation. The Office of Administrative Rules in the Secretary
11 of State's office shall provide adequate notice in the Oklahoma
12 Register of the transfer of rules and shall place the transferred
13 rules under the Administrative Code section of the Department of
14 Transportation. From and after July 1, 2021, any amendment, repeal
15 or addition to the transferred rules shall be under the jurisdiction
16 of the Department of Transportation. All documents issued by the
17 division transferred to the Department of Transportation shall be
18 deemed to have been issued by the Department of Transportation.

19 SECTION 3. AMENDATORY 47 O.S. 2011, Section 14-101, as
20 last amended by Section 1, Chapter 121, O.S.L. 2016 (47 O.S. Supp.
21 2020, Section 14-101), is amended to read as follows:

22 Section 14-101. A. It is a misdemeanor for any person to drive
23 or move or for the owner to cause or knowingly permit to be driven
24 or moved on any highway any vehicle or vehicles of a size or weight

1 exceeding the limitations stated in this chapter or otherwise in
2 violation of this chapter, and the maximum size and weight of
3 vehicles herein specified shall be lawful throughout this state and
4 local authorities shall have no power or authority to alter the
5 limitations except as express authority may be granted in this
6 chapter.

7 B. The ~~Commissioner of Public Safety~~ Department of
8 Transportation is directed to issue annual overweight permits to:

- 9 1. Municipalities and rural fire districts for the
10 transportation of firefighting apparatus at no cost to the
11 municipalities or rural fire districts;
- 12 2. Owners of implements of husbandry, which includes tractors
13 that are temporarily moved upon a highway at no cost to the owner;
- 14 3. Retail implement dealers while hauling implements of
15 husbandry at no cost to the dealer; and
- 16 4. Owners of certain vehicles as provided for in Section 14-
17 103G of this title.

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

21 D. All size, weight and load provisions covered by this chapter
22 shall be subject to the limitations imposed by Title 23, United
23 States Code, Section 127, and such other rules and regulations
24 developed herein. Provided further that any size and weight

1 provision authorized by the United States Congress for use on the
2 National System of Interstate and Defense Highways, including but
3 not limited to height, axle weight, gross weight, combinations of
4 vehicles or load thereon shall be authorized for immediate use on
5 such segments of the National System of Interstate and Defense
6 Highways and any other highways or portions thereof as designated by
7 the Transportation Commission or their duly authorized
8 representative.

9 E. All size, weight and load provisions covered by Sections 14-
10 101 through 14-123 of this title shall be subject to a gross vehicle
11 weight limit of ninety thousand (90,000) pounds when applied to a
12 vehicle operating off the National System of Interstate and Defense
13 Highways unless such vehicle is operating in full compliance with an
14 overweight permit issued by the ~~Commissioner of Public Safety~~
15 Department of Transportation.

16 F. Any vehicle permitted for movement on the highways of this
17 state as provided in Section 14-101 et seq. of this title, other
18 than a vehicle permitted solely for overweight movement, shall be
19 moved only during daylight hours. As used in Section 14-101 et seq.
20 of this title, "daylight hours" shall mean one-half (1/2) hour
21 before sunrise to one-half (1/2) hour after sunset. The
22 ~~Commissioner of Public Safety~~ Department of Transportation, for good
23 cause and consistent with the safe movement of the vehicle, may
24 endorse a permit for the movement of an oversize vehicle to

1 authorize ~~night-time~~ nighttime travel under such terms and
2 restrictions as the ~~Commissioner~~ Department of Transportation may
3 require.

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

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

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

- 17 a. Martin Luther King, Jr.'s Birthday (the third Monday
- 18 in January),
- 19 b. President's Day, also known as Washington's Birthday
- 20 (the third Monday in February), and
- 21 c. Veteran's Day (November 11).

22 SECTION 4. AMENDATORY 47 O.S. 2011, Section 14-103, as
23 last amended by Section 1, Chapter 335, O.S.L. 2019 (47 O.S. Supp.
24 2020, Section 14-103), is amended to read as follows:

1 Section 14-103. A. Except as otherwise provided for by this
2 chapter, no vehicle, with or without load, shall have a total
3 outside width in excess of one hundred two (102) inches excluding:

4 1. Tire bulge;

5 2. Approved safety devices;

6 3. A retracted awning with a width of eight (8) inches or less
7 or other appurtenance of four (4) inches or less which is attached
8 to the side of a recreational vehicle, as defined in Section 1102 of
9 this title; and

10 4. Pins used as a safety precaution or as a load-assisting
11 device if the pins do not extend the overall width of the vehicle
12 beyond nine (9) feet. The State of Oklahoma hereby declares it has
13 determined, in accordance with 23 C.F.R., Section 658.15, that such
14 pins are necessary for the safe and efficient operation of motor
15 vehicles.

16 The provisions of this subsection shall not apply to any person
17 engaged in the hauling of round baled hay with a total outside width
18 of eleven (11) feet or less when the hay is owned by such person and
19 is being hauled for any purpose other than resale. The provisions
20 of this subsection shall also not apply to any county official or
21 employee engaged in the hauling or pulling of a trailer or equipment
22 owned by the county on the county roads of such county.

23 B. Except as otherwise provided for by this chapter:
24

1 1. No vehicle, with or without load, shall exceed a height of
2 thirteen and one-half (13 1/2) feet on any county road, or fourteen
3 (14) feet on any turnpike, interstate, U.S. or state highway, unless
4 a greater height is authorized by a special permit issued by the
5 ~~Commissioner of Public Safety~~ Department of Transportation or an
6 authorized representative of the ~~Commissioner in consultation with~~
7 ~~the~~ Department of Transportation specifying the highways to be used,
8 consistent with public convenience and safety. The prohibitions on
9 movement as prescribed in subsection F of Section 14-101 of this
10 title and paragraph 1 of subsection G of Section 14-101 of this
11 title shall not apply to vehicles operated pursuant to such permits;

12 2. An official state bridge vertical clearance map providing
13 clearance heights as posted for bridges on the interstate, U.S. and
14 state highway systems shall be available on the Oklahoma Department
15 of Transportation website; and

16 3. Operators and owners of vehicles which exceed or have loads
17 which exceed thirteen and one-half (13 1/2) feet shall be held
18 liable for all damages to any part of structures spanning the
19 highway or damages suffered by other affected parties caused by the
20 vehicle or load exceeding the posted height;

21 C. Except as otherwise provided for by this chapter:

22 1. No single truck, with or without load, shall have an overall
23 length, inclusive of front and rear bumpers, in excess of forty-five
24 (45) feet;

1 2. No single bus, with or without load, shall have an overall
2 length, inclusive of front and rear bumpers, in excess of forty-five
3 (45) feet;

4 3. a. On the National Network of Highways which includes the
5 National System of Interstate and Defense Highways and
6 four-lane divided Federal Aid Primary System Highways,
7 no semitrailer operating in a truck-
8 tractor/semitrailer combination shall have a length
9 greater than fifty-three (53) feet, except as provided
10 in subsection C of Section 14-118 of this title which
11 shall apply to semitrailers exceeding fifty-three (53)
12 feet but not exceeding fifty-nine (59) feet six (6)
13 inches. On the National System of Interstate and
14 Defense Highways and four-lane divided Federal Aid
15 Primary System Highways, no semitrailer or trailer
16 operating in a truck-tractor/semitrailer and trailer
17 combination shall have a length greater than fifty-
18 three (53) feet;

19 b. On roads and highways not a part of the National
20 System of Interstate and Defense Highways or four-lane
21 divided Federal Aid Primary System Highways, no
22 semitrailer operating in a truck-tractor/semitrailer
23 combination shall have a length greater than fifty-
24 three (53) feet and no semitrailer or trailer

1 operating in a truck-tractor/semitrailer and trailer
2 combination shall have a length greater than twenty-
3 nine (29) feet. Except as provided for in subsection
4 D of Section 14-118 of this title, no other
5 combination of vehicles shall have an overall length,
6 inclusive of front and rear bumpers, in excess of
7 seventy (70) feet on all roads and highways. For the
8 purposes of this paragraph, oil field rig-up trucks
9 shall be considered to be truck-tractors, when towing
10 a trailer or semitrailer;

11 c. On the National Network of Highways the overall length
12 limitation of a towaway trailer transporter
13 combination may exceed length restrictions up to
14 eighty-two (82) feet;

15 d. As used in this section:

16 (1) The term "trailer transporter towing unit" shall
17 mean a power unit that is not used to carry
18 property when operating in a towaway trailer
19 transporter combination, and

20 (2) The term "towaway trailer transporter
21 combination" shall mean a combination of vehicles
22 consisting of a trailer transporter towing unit
23 and two (2) trailers or semitrailers with a total
24 weight that does not exceed twenty-six thousand

(26,000) pounds; and in which the trailers or semitrailers carry no property and constitute inventory property of a manufacturer, distributor or dealer of such trailers or semitrailers;

4. No combination of vehicles shall consist of more than two units, except:

a. one truck and semitrailer or truck-tractor/semitrailer combination may tow one complete trailer or semitrailer, or

b. vans, suburbans, blazers or other similar types of vehicles and self-propelled recreational vehicles with a three-quarter (3/4) ton or more rated capacity may tow a semitrailer and one complete trailer or semitrailer for recreational purposes only, provided the overall length, inclusive of the front and rear bumpers, does not exceed sixty-five (65) feet;

5. Poles and gas lines used to maintain public utility services, not to include new construction, may be moved during daylight hours, and during nighttime hours only in an emergency, subject to traffic and road restrictions promulgated by the ~~Commissioner of Public Safety~~ Department of Transportation, when the overall length does not exceed eighty (80) feet. When this length is exceeded, these loads are subject to the requirements of Section 14-118 of this title;

1 6. For the purposes of paragraphs 1, 3~~7~~ and 4 of this
2 subsection, the length of unitized equipment, which is defined to be
3 equipment so constructed and attached to a rubber-tired vehicle that
4 the vehicle and load become a unit and are for all practical
5 purposes inseparable, shall be the length of the vehicle itself, and
6 shall not include any protrusion of the equipment load so
7 constructed or attached. The equipment shall not protrude for a
8 distance greater than two-thirds (2/3) of the wheel base of the
9 vehicle, shall not impair the driver's vision, and if less than
10 seven (7) feet above the roadway, shall be safely marked, flagged or
11 illuminated. Any such protruding structure shall be securely held
12 in place to prevent dropping or swaying. Unitized equipment shall
13 carry such safety equipment as shall be determined to be necessary
14 for the safety, health~~7~~ and welfare of the driving public by the
15 ~~Commissioner of Public Safety~~ Department of Transportation;

16 7. For the purposes of paragraphs 1, 3~~7~~ and 4 of this
17 subsection, a truck-tractor, when being towed by another vehicle
18 with the wheels of its steering axle raised off the roadway, shall
19 be considered to be a semitrailer as defined in Section 1-162 of
20 this title;

21 8. The provisions of paragraphs 1 and 3 of this subsection
22 shall not apply to any contractor or subcontractor, or agents or
23 employees of any contractor or subcontractor, while engaged in
24 transporting material to the site of a project being constructed by,

1 for~~7~~ or on behalf of this state or any city, town, county~~7~~ or
2 subdivision of this state; and

3 9. Special mobilized machinery, as defined in Section 1102 of
4 this title, which exceeds the size provisions of this section shall
5 only use the highways of ~~the State of Oklahoma~~ this state by special
6 permit issued by the ~~Commissioner of Public Safety~~ Department of
7 Transportation or an authorized representative of the ~~Commissioner~~
8 Department of Transportation. Such special permit shall be:

9 a. a single-trip permit issued under the provisions of
10 Section 14-116 of this title, or

11 b. a special annual oversize permit issued for one (1)
12 calendar year period upon payment of a fee of Ten
13 Dollars (\$10.00) plus any amount as provided by
14 subsection H of Section 14-118 of this title.

15 SECTION 5. AMENDATORY 47 O.S. 2011, Section 14-103C, is
16 amended to read as follows:

17 Section 14-103C. A. The ~~Commissioner of Public Safety~~
18 Department of Transportation shall upon proper application issue a
19 special permit to any person allowing the movement on state and
20 federal highways of a structure in the form of a house or building~~7~~
21 including but not limited to industrialized housing as defined in
22 Section 14-103A of this title, not exceeding thirty-two (32) feet in
23 width at the base, and thirty-four (34) feet in width at the top and
24 twenty-one (21) feet in height. The permit shall specify the

1 highways to be used, consistent with public convenience and safety,
2 as determined by the ~~Commissioner of Public Safety, in consultation~~
3 ~~with the~~ Department of Transportation. In addition to the
4 prohibitions on movement as prescribed in Section 14-101 et seq. of
5 this title, such structures shall not be moved on Saturday or
6 Sunday.

7 B. If any structure or housing described in subsection A of
8 this section has a width in excess of sixteen (16) feet, the towing
9 vehicle shall be a tandem-axle vehicle of no less than two hundred
10 twenty (220) horsepower.

11 SECTION 6. AMENDATORY 47 O.S. 2011, Section 14-103D, as
12 amended by Section 1, Chapter 269, O.S.L. 2012 (47 O.S. Supp. 2020,
13 Section 14-103D), is amended to read as follows:

14 Section 14-103D. A. No person shall transport or move a
15 manufactured home on any public road or highway in this state,
16 except as otherwise provided by law, without a permit issued
17 pursuant to the provisions of Sections 14-103A and 14-103C of this
18 title and subsection B of this section, and without a current
19 calendar year decal or current registration or a repossession
20 affidavit issued pursuant to Sections 1110 and 1126 of this title.

21 B. In addition to the permit information required by the
22 provisions of Sections 14-103A and 14-103C of this title, the permit
23 shall also include the following:

24 1. The name of the owner of the manufactured home;

1 2. The serial number or identification number of the
2 manufactured home;

3 3. A legal description or the physical address of the location
4 from which the manufactured home is to be moved;

5 4. A legal description or the physical address of the location
6 to which the manufactured home is to be moved; and

7 5. The name of the firm or individual repossessing the
8 manufactured home as it appears on the repossession affidavit, if
9 the movement is for repossession purposes and the repossession
10 affidavit is being used in lieu of current license plate and decal,
11 as provided in subsection E of Section 1113 of this title.

12 C. Except as otherwise provided by law, the Department of
13 ~~Public Safety~~ Transportation shall not issue a permit to any person
14 to transport or move a manufactured home without a current calendar
15 year decal or current registration; provided:

16 1. Upon proof of possession of a dealer or in-transit license
17 plate, issued by the Oklahoma Tax Commission according to the
18 provisions of subsection D of Section 1128 of this title, the
19 Department of ~~Public Safety~~ Transportation shall issue a permit to
20 the holder of such license;

21 2. The Department of Transportation shall issue a permit to the
22 holder of a perfected security interest in a manufactured home, or a
23 licensed representative thereof, pursuant to a lawful repossession
24 of the manufactured home, if the holder or representative is bonded

1 by the state, to move the manufactured home to a secure location
2 with a repossession affidavit; provided, all registration fees,
3 excise taxes or ad valorem taxes due on such home shall be required
4 to be paid within thirty (30) days of the issuance of the permit;
5 and

6 3. The Department of Transportation shall issue a permit to
7 transport or move a manufactured home used for commercial purposes
8 during the second through the sixth day of the first month of the
9 following calendar year if the applicant can provide a special
10 waiver and a commercial move affidavit authorized pursuant to
11 Section 2813 of Title 68 of the Oklahoma Statutes. As used in this
12 paragraph, "manufactured home used for commercial purposes" means a
13 manufactured home owned by any lawfully recognized business entity
14 the primary purpose of which is to provide temporary housing for the
15 employees or contractors of such business entity.

16 D. For the purposes of subsections A and C of this section, a
17 manufactured home registration receipt and Manufactured Home
18 Registration Decal attached to a certificate of title for a
19 manufactured home or receipts and decal as authorized by subsection
20 C of Section 1117 of this title shall be evidence of payment of the
21 excise tax and registration fees required pursuant to the provisions
22 of Section 1135 of this title and the Ad Valorem Tax Code.

23 E. The Department of ~~Public Safety~~ Transportation shall notify
24 the Oklahoma Tax Commission, the county assessor of the county from

1 which the manufactured home is to be moved and the county assessor
2 of the county in which the manufactured home is to be moved of any
3 permits issued pursuant to the provisions of this section.

4 SECTION 7. AMENDATORY 47 O.S. 2011, Section 14-103E, is
5 amended to read as follows:

6 Section 14-103E. A. Upon issuance of a permit pursuant to the
7 provisions of Section 14-103D of Title 47 of the Oklahoma Statutes,
8 the Department of ~~Public Safety~~ Transportation shall notify the
9 Oklahoma Tax Commission of the issuance of such permit. The
10 notification shall include the permit information required by
11 subsection B of Section 14-103D of Title 47 of the Oklahoma
12 Statutes.

13 B. Upon notification of issuance of the permit pursuant to
14 subsection A of this section, the Tax Commission shall notify the
15 county assessor of the county in which the manufactured home is to
16 be located, of the issuance of the permit. Such notification shall
17 include the permit information required by subsection B of Section
18 14-103D of Title 47 of the Oklahoma Statutes.

19 SECTION 8. AMENDATORY 47 O.S. 2011, Section 14-103G, as
20 last amended by Section 1, Chapter 239, O.S.L. 2014 (47 O.S. Supp.
21 2020, Section 14-103G), is amended to read as follows:

22 Section 14-103G. A. 1. The Department of ~~Public Safety~~
23 Transportation may issue an annual vehicle permit under the
24 provisions of this subsection to a specific vehicle, for the

1 movement of oversize or overweight loads that cannot reasonably be
2 dismantled. Unless otherwise provided by law, permits issued under
3 this subsection shall be subject to the conditions described in
4 paragraphs 2 through 8 of this subsection.

5 2. Oversize or overweight loads operating under an annual
6 vehicle permit shall not exceed:

- 7 a. twelve (12) feet in width,
- 8 b. fourteen (14) feet in height,
- 9 c. one hundred ten (110) feet in length, or
- 10 d. one hundred twenty thousand (120,000) pounds gross
11 weight.

12 3. Oversize or overweight loads operating under an annual
13 vehicle permit under this subsection shall not transport a load that
14 has more than a twenty-five-foot front overhang, or more than a
15 thirty-foot rear overhang.

16 4. The fee for an annual vehicle permit shall be Four Thousand
17 Dollars (\$4,000.00) and shall be nonrefundable.

18 5. The annual vehicle permit shall be issued for one (1)
19 calendar year period and shall commence upon the date specified on
20 the permit.

21 6. An annual vehicle permit issued pursuant to this subsection
22 shall be nontransferable between permittees.

1 7. The permitted vehicle or vehicle combination shall be
2 registered in accordance with the provisions of Chapter 14 of this
3 title for maximum weight.

4 8. An annual vehicle permit issued pursuant to this subsection
5 may be transferred from one vehicle to another vehicle in the fleet
6 of the permittee provided:

7 a. the permitted vehicle is destroyed or otherwise
8 becomes permanently inoperable to the extent that the
9 vehicle will no longer be utilized, and the permittee
10 presents proof to the Department of Public Safety that
11 the negotiable certificate of title or other
12 qualifying documentation has been surrendered to the
13 Department of Public Safety, or

14 b. the certificate of title to the permitted vehicle is
15 transferred to someone other than the permittee, and
16 the permittee presents proof to the Department of
17 ~~Public Safety~~ Transportation that the negotiable
18 certificate of title or other qualifying documentation
19 has been transferred from the permittee.

20 9. A permit issued for loads specific to turbine blades, used
21 for the purpose of wind generation, may exceed a length of one
22 hundred ten (110) feet.

23 B. 1. The Department of ~~Public Safety~~ Transportation may issue
24 an annual vehicle permit under this subsection to a specific motor

1 carrier, for the movement of oversize or overweight loads that
2 cannot reasonably be dismantled. An annual vehicle permit issued
3 under this subsection may be transferred from one vehicle to another
4 vehicle in the fleet of the permittee provided:

- 5 a. that no more than one vehicle is operating at a time,
6 and
- 7 b. the original certified permit is carried in the
8 vehicle that is being operated under the terms of the
9 permit.

10 2. An annual vehicle permit issued under this subsection shall
11 be sent to the permittee via first-class, registered mail, or at the
12 request and expense of the permittee via overnight delivery service.
13 The annual vehicle permit shall not be duplicated. The annual
14 vehicle permit shall be replaced only if:

- 15 a. the permittee did not receive the original permit
16 within seven (7) business days after the date of
17 issuance,
- 18 b. a request for replacement is submitted to the
19 Department of ~~Public Safety~~ Transportation within ten
20 (10) business days after the original date of issuance
21 of the permit, and
- 22 c. the request for replacement is accompanied by a
23 notarized statement signed by a principal or officer
24 of the permittee acknowledging that the permittee

1 understands the permit may not be duplicated and that
2 if the original permit is located, the permittee shall
3 return either the original or replacement permit to
4 the Department of ~~Public Safety~~ Transportation.

5 3. A request for replacement of an annual vehicle permit issued
6 pursuant to the provisions of this subsection shall be denied if the
7 Department of ~~Public Safety~~ Transportation can verify that the
8 permittee received the original annual vehicle permit.

9 4. Lost, misplaced, damaged, destroyed, or otherwise unusable
10 annual vehicle permits shall not be replaced. A new permit shall be
11 required and shall be issued by the Department of ~~Public Safety~~
12 Transportation.

13 C. 1. The Department of ~~Public Safety~~ Transportation may issue
14 an annual fleet permit under this subsection to an electric utility,
15 regulated by the Corporation Commission or a rural electric
16 cooperative solely for the movement of poles. An annual fleet
17 permit issued under this subsection may be used by any vehicle in
18 the fleet of the permittee provided that a certified copy of the
19 permit is carried in each vehicle that is being operated under the
20 terms of the permit.

21 2. Oversize loads operating under an annual permit issued
22 pursuant to this subsection shall not exceed:

- 23 a. twelve (12) feet in width,
24 b. fourteen (14) feet in height, or

1 c. fifty-five (55) feet in length.

2 3. The annual fee for an annual fleet permit issued pursuant to
3 this subsection shall be Four Thousand Dollars (\$4,000.00) and shall
4 be nonrefundable.

5 4. The annual fleet permit shall be issued for a one-calendar-
6 year period and shall commence upon the date specified on the
7 permit.

8 5. The annual fleet permit issued under this subsection shall
9 be sent to the permittee via first class, registered mail, or at the
10 request and expense of the permittee via overnight delivery service.
11 The annual permit shall be replaced only if:

12 a. the permittee did not receive the original permit
13 within seven (7) business days after the date of the
14 issuance,

15 b. a request for replacement is submitted to the
16 Department of ~~Public Safety~~ Transportation within ten
17 (10) business days after the original date of issuance
18 of the permit, and

19 c. the request for replacement is accompanied by a
20 notarized statement signed by an authorized person of
21 the permittee acknowledging that if the original
22 permit is located, the permittee shall either return
23 the original or replacement permit to the Department
24 of ~~Public Safety~~ Transportation.

1 6. A request for replacement of an annual permit issued under
2 the provisions of this subsection shall be denied if the Department
3 of ~~Public Safety~~ Transportation can verify the permittee received
4 the original annual permit.

5 7. Lost, misplaced, damaged, destroyed or otherwise unusable
6 annual permits shall not be replaced. A new permit shall be
7 required and shall be issued by the Department of ~~Public Safety~~
8 Transportation.

9 8. For the purposes of paragraph 5 of subsection C of Section
10 14-103 of this title, the term "emergency" means any permitted
11 movement of poles pursuant to the provisions of this subsection that
12 is not for new construction of electric distribution facilities.

13 D. 1. The Department of ~~Public Safety~~ Transportation shall
14 issue an annual vehicle permit under this subsection to a
15 transportation company or manufacturer of portable buildings solely
16 for the movement of oversize portable buildings for a specific
17 manufacturer of portable buildings. An annual vehicle permit issued
18 under this subsection may not be transferred from one vehicle to
19 another vehicle in the fleet. The name of the manufacturer shall be
20 on the permit and on any portable building being moved. The
21 original certified permit shall be carried in the vehicle that is
22 being operated under the terms of the permit.

23 2. Oversize loads operating under an annual vehicle permit
24 issued pursuant to this subsection shall not exceed:

1 a. twelve (12) feet in width at the wall with no more
2 than a three-inch-eave overhang, or

3 b. fourteen (14) feet in height.

4 3. The total gross weight of oversize loads operating under an
5 annual vehicle permit issued pursuant to this subsection shall not
6 exceed forty-five thousand (45,000) pounds.

7 4. The tow vehicle shall be limited to two axles, and the
8 vehicle identification number of the vehicle shall be on the permit.

9 5. The fee for an annual vehicle permit issued pursuant to this
10 subsection shall be Five Hundred Dollars (\$500.00) and shall be
11 nonrefundable.

12 6. An annual vehicle permit issued under this subsection shall
13 be sent to the permittee via first-class, registered mail, or at the
14 request and expense of the permittee via overnight delivery service.
15 The annual vehicle permit shall not be duplicated. The annual
16 vehicle permit shall be replaced only if:

17 a. the permittee did not receive the original permit
18 within seven (7) business days after the date of
19 issuance,

20 b. a request for replacement is submitted to the
21 Department of ~~Public Safety~~ Transportation within ten
22 (10) business days after the original date of issuance
23 of the permit, and
24

1 c. the request for replacement is accompanied by a
2 notarized statement signed by a principal or officer
3 of the permittee acknowledging that the permittee
4 understands the permit may not be duplicated and that
5 if the original permit is located, the permittee shall
6 return either the original or replacement permit to
7 the Department of ~~Public Safety~~ Transportation.

8 7. A request for replacement of an annual vehicle permit issued
9 pursuant to the provisions of this subsection shall be denied if the
10 Department of ~~Public Safety~~ Transportation can verify that the
11 permittee received the original annual vehicle permit.

12 8. A lost, misplaced, damaged, destroyed, or otherwise unusable
13 annual vehicle permit shall be replaced for a fee of Twenty-five
14 Dollars (\$25.00).

15 SECTION 9. AMENDATORY 47 O.S. 2011, Section 14-109, as
16 last amended by Section 2, Chapter 317, O.S.L. 2019 (47 O.S. Supp.
17 2020, Section 14-109), is amended to read as follows:

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

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

21 2. The total gross weight in pounds imposed thereon by a
22 vehicle or combination of vehicles shall not exceed the value
23 calculated in accordance with the Federal Bridge formula imposed by
24 23 U.S.C., Section 127.

1 B. Except as to gross limits, the formula of this section shall
2 not apply to a truck-tractor and dump semitrailer when used as a
3 combination unit. In no event shall the maximum load in pounds
4 carried by any set of tandem axles exceed thirty-four thousand
5 (34,000) pounds. Any vehicle operating with split tandem axles or
6 tri-axles shall adhere to the formula.

7 C. Except for loads moving under special permits as provided in
8 this title, no department or agency of this state or any county,
9 city~~7~~ or public entity thereof shall pay for any material that
10 exceeds the legal weight limits moving in interstate or intrastate
11 commerce in excess of the legal load limits of this state.

12 D. 1. An annual special overload permit may be purchased for
13 vehicles transporting rock, sand, gravel, coal, flour, timber,
14 pulpwood~~7~~ and chips in their natural state, oil field fluids, oil
15 field equipment or equipment used in oil and gas well drilling or
16 exploration, and vehicles transporting grain, fertilizer,
17 cottonseed, cotton, livestock, peanuts, canola, sunflowers,
18 soybeans, feed, any other raw agricultural products~~7~~ and any other
19 unprocessed agricultural products, if the following conditions are
20 met:

- 21 a. the vehicles are registered for the maximum allowable
22 rate,
23
24

- b. the vehicles do not exceed five percent (5%) of the gross limits set forth in subsection A of this section,
- c. the vehicles do not exceed eight percent (8%) of the axle limits set forth in subsection A of this section,
- d. no component of the vehicles exceeds the manufacturer's component weight rating as shown on the vehicle certification label or tag, and
- e. the vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.

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

E. 1. Oversize or overweight vehicles used for specialized transportation if the maximum weight does not exceed twenty-three thousand (23,000) pounds on any single axle and:

- a. is a dual lane trailer with dual lane axles and the width of the transport vehicle or trailer exceeds twelve (12) feet in width, or

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

6 2. Permit fees for oversize or overweight vehicles used for
7 specialized transportation shall be in accordance with subsection A
8 of Section 14-116 of this title.

9 3. Vehicles operating pursuant to the provisions of this
10 paragraph will not be allowed to operate on the National System of
11 Interstate and Defense Highways.

12 F. Exceptions to this section will be:

13 1. Utility or refuse collection vehicles used by counties,
14 cities, or towns or by private companies contracted by counties,
15 cities, or towns if the following conditions are met:

16 a. calculation of weight for a utility or refuse
17 collection vehicle shall be "Gross Vehicle Weight".
18 The "Gross Vehicle Weight" of a utility or refuse
19 collection vehicle may not exceed the otherwise
20 applicable weight by more than fifteen percent (15%).
21 The weight on individual axles must not exceed the
22 manufacturer's component rating which includes axle,
23 suspension, wheels, rims, brakes, and tires as shown
24 on the vehicle certification label or tag, and

1 b. utility or refuse collection vehicles operated under
2 these exceptions will not be allowed to operate on
3 interstate highways;

4 2. A combination of a wrecker or tow vehicle and another
5 vehicle or vehicle combination if:

6 a. the service provided by the wrecker or tow vehicle is
7 needed to remove disabled, abandoned, or accident-
8 damaged vehicles, and

9 b. the wrecker or tow vehicle is towing the other vehicle
10 or vehicle combination directly to the nearest
11 appropriate place of repair, terminal, or vehicle
12 storage facility;

13 3. A vehicle operating pursuant to the provisions of paragraph
14 2 of this subsection will not be allowed to operate on the National
15 System of Interstate and Defense Highways unless it is a covered
16 heavy-duty tow and recovery vehicle that:

17 a. is transporting a disabled vehicle from the place
18 where the vehicle became disabled to the nearest
19 appropriate repair facility, and

20 b. has a gross vehicle weight that is equal to or exceeds
21 the gross vehicle weight of the disabled vehicle being
22 transported; and

23 4. On the interstate highway system a vehicle designed to be
24 used under emergency conditions to transport personnel and equipment

1 and to support the suppression of fires and mitigation of other
2 hazardous situations with a vehicle weight limit up to a maximum
3 gross vehicle weight of eighty-six thousand (86,000) pounds with
4 less than:

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

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

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

23 3. Written proof or certification of the weight of the
24 auxiliary power or idle reduction technology unit must be available

1 to law enforcement officers if the vehicle is found in violation of
2 applicable weight laws. The additional weight allowed cannot exceed
3 four hundred (400) pounds or the actual proven or certified weight
4 of the unit, whichever is less.

5 H. On the Interstate Highway System, a vehicle carrying fluid
6 milk products shall be considered a load that cannot be easily
7 dismantled or divided, or "nondivisible".

8 I. Utility, refuse collection vehicles or a combination of a
9 wrecker or tow vehicle as described in paragraphs 1 and 2 of
10 subsection F of this section operating under exceptions shall
11 purchase an annual special overload permit from the Department of
12 ~~Public Safety~~ Transportation for One Hundred Dollars (\$100.00). All
13 monies collected shall be deposited to the credit of the Highway
14 Construction and Maintenance Fund.

15 SECTION 10. AMENDATORY 47 O.S. 2011, Section 14-110, is
16 amended to read as follows:

17 Section 14-110. The registration certificate for any truck,
18 trailer, semitrailer or combination thereof shall be carried in or
19 on the vehicle at all times and shall be presented on demand of any
20 officer of the Department of Public Safety, ~~Oklahoma Corporation~~
21 ~~Commission~~, or any sheriff for inspection, and it shall be accepted
22 in any court as prima facie evidence of weight registration or
23 legally authorized load limit of the vehicle.

1 SECTION 11. AMENDATORY 47 O.S. 2011, Section 14-111, as
2 amended by Section 2, Chapter 249, O.S.L. 2012 (47 O.S. Supp. 2020,
3 Section 14-111), is amended to read as follows:

4 Section 14-111. A. Any officer of the Department of Public
5 Safety, ~~the Corporation Commission~~, any sheriff, or any salaried
6 deputy sheriff is authorized to stop any vehicle upon any road or
7 highway in order to weigh such vehicle by means of portable or
8 stationary scales, or cause the same to be weighed by any official
9 weigher, or upon any privately owned scales and may require that
10 such vehicles be driven to the nearest or most convenient available
11 scales for the purpose of weighing. Any officer weighing a vehicle
12 pursuant to this section by means of portable scales shall allow the
13 driver of the vehicle to move the vehicle to the most level weighing
14 area available within two (2) miles of the stop. In the event that
15 any axle weight or the gross weight of any such vehicle be found to
16 exceed the maximum weight authorized by law, or by permit issued
17 therefor, the officer may require, in the case of separable loads,
18 the driver, operator or owner thereof to unload at the site such
19 portion of the load as may be necessary to decrease the weight of
20 such vehicle to the maximum weight authorized by law. Provided,
21 however, that if such load consists of livestock, perishable
22 merchandise, or merchandise that may be destroyed by the weather,
23 then the driver shall be permitted to proceed to the nearest
24 practical unloading point in the direction of destination before

1 discharging such excess cargo. All material so unloaded shall be
2 cared for by the owner or operator of such vehicle at the risk of
3 such owner or operator.

4 B. The operator of any truck or other vehicle transporting farm
5 products for hire or other merchandise for hire shall have in his or
6 her possession a certificate carrying the following information:
7 name of the operator; driver license number; vehicle registration
8 number; ~~Corporation Commission~~ Department of Transportation permit
9 number; and statement of owner authorizing transportation of the
10 products by above named operator. For the purposes of this section
11 "certificate" includes electronic manifests and other similar
12 documents that include all of the information required pursuant to
13 this section.

14 Should the vehicle be loaded with livestock, the certificate
15 shall include the number of animals, and should the livestock be the
16 property of more than one person, a certificate signed by each owner
17 carrying the above information including the number of animals owned
18 by each owner shall be carried by the operator. Should the operator
19 be the owner of the merchandise or livestock, the merchandise or
20 livestock having just been purchased, the operator shall have in his
21 or her possession a bill of sale for such merchandise or livestock.
22 Should the operator be the owner of livestock or other farm products
23 produced by the operator, the operator shall be required to show
24 satisfactory identification and ownership of the vehicle. Any

1 officer as outlined in this chapter shall have the authority to stop
2 any vehicle loaded with livestock, merchandise or other farm
3 products and investigate as to the ownership of the merchandise,
4 livestock or other farm products. Should the operator of any
5 vehicle be unable to establish to the satisfaction of the officer
6 the ownership of the merchandise, livestock or other products, or
7 shall not have the certificate as specified in this section for the
8 transportation of such merchandise, livestock or other farm
9 products, the merchandise, livestock or other farm products and the
10 vehicle in which they are being transported shall be impounded by
11 the officer and any expense as to the care of any livestock shall be
12 the responsibility of the owner or operator of the vehicle, and any
13 loss or damage of the merchandise, livestock or other farm products
14 shall be the responsibility of the operator or owner, or both.

15 The provisions of this subsection shall not apply to a person
16 who is transporting horses or livestock; provided, the person shall
17 not have been hired to transport the horses or livestock.

18 SECTION 12. AMENDATORY 47 O.S. 2011, Section 14-113, is
19 amended to read as follows:

20 Section 14-113. The Director of the Department of
21 Transportation with respect to highways on the state highway system,
22 or local authorities with respect to highways under their
23 jurisdiction, as defined in Title 69 of the Oklahoma Statutes, may
24 prohibit the operation of vehicles on any such highways, or impose

1 restrictions as to the weights of vehicles to be operated upon any
2 state or federal highway or any detour established for such
3 highways, or for any bridge located upon such highways or detours,
4 whenever any such highway, detour or bridge by reason of
5 deterioration, rain, snow or other climatic conditions will be
6 seriously damaged or destroyed unless the use of vehicles thereon is
7 prohibited or the permissible weight reduced. Such restrictions
8 shall be effective when signs giving notice thereof are erected upon
9 the highway, detour, bridge, or portion thereof affected by such
10 action, ~~and the Department of Public Safety has been notified.~~ The
11 purpose of this provision with respect to local authorities is to
12 give such authorities an opportunity to prevent or minimize an
13 immediate threat of serious harm or destruction to any highway,
14 detour or bridge under their jurisdiction due to rain, snow or other
15 climatic conditions. Nothing stated herein shall be construed to
16 grant local authorities the right to issue permits designed to
17 regulate the use of overweight vehicles upon highways subject to
18 their jurisdiction, and the issuance of such permits is expressly
19 prohibited.

20 SECTION 13. AMENDATORY 47 O.S. 2011, Section 14-116, as
21 last amended by Section 3, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
22 2020, Section 14-116), is amended to read as follows:

23 Section 14-116. A. ~~The Commissioner of Public Safety~~
24 Department of Transportation shall charge a minimum permit fee of

1 Forty Dollars (\$40.00) for any permit issued pursuant to the
2 provisions of Section 14-101 et seq. of this title. In addition to
3 the permit fee, the ~~Commissioner~~ Department of Transportation shall
4 charge a fee of Ten Dollars (\$10.00) for each thousand pounds in
5 excess of the legal load limit. The ~~Commissioner of Public Safety~~
6 Department of Transportation shall establish any necessary rules for
7 collecting the fees.

8 B. The Department of ~~Public Safety~~ Transportation is authorized
9 to establish an escrow account system for the payment of permit
10 fees. Authorized motor carriers meeting established credit
11 requirements may participate in the escrow account system for
12 permits purchased from all size and weight permit offices in this
13 state. Carriers not choosing to participate in the escrow account
14 system shall be required to make payment of the required fee or fees
15 upon purchase of each permit as required by law. All monies
16 collected through the escrow account system shall be deposited to a
17 special account of the Department of ~~Public Safety~~ Transportation
18 and placed in the custody of the State Treasurer. Proceeds from
19 permits purchased using the escrow account system shall be
20 distributed as provided for in subsection H of this section.

21 However, fees collected through such accounts for the electronic
22 transmission, transfer or delivery of permits, as provided for in
23 Section 14-118 of this title, shall be credited to the Department of
24

1 ~~Public Safety Restricted Revolving Fund~~ Transportation Weigh Station
2 Improvement Revolving Fund.

3 C. 1. Application for permits shall be made a reasonable time
4 in advance of the expected time of movement of such vehicles. For
5 emergencies affecting the health or safety of persons or a
6 community, permits may be issued for immediate movement.

7 2. Size and weight permit offices in all districts where
8 applicable shall issue permits to authorize carriers by telephone
9 during weekdays.

10 D. No overweight permit shall be valid until all license taxes
11 due the State of Oklahoma have been paid.

12 E. No permit violation shall be deemed to have occurred when an
13 oversize or overweight movement is made pursuant to a permit whose
14 stated weight or size exceeds the actual load.

15 F. Any permit issued for a truck or truck-tractor operating in
16 combination with a trailer or a semitrailer shall contain only the
17 license plate number for the truck or truck-tractor if the permittee
18 provides to the Department of Transportation a list containing the
19 license plate number, and such other information as the Department
20 of Transportation may prescribe by rule, for each trailer or
21 semitrailer which may be used for movement with the permit. When
22 the permittee provides the list described in this subsection, the
23 license plate number for any trailer or semitrailer to be moved with
24 the permit shall not be included on the permit; provided, a trailer

1 or semitrailer which is not on the list shall not be authorized to
2 be used for movement with the permit. It shall be the
3 responsibility of the permittee to ensure the list provided to the
4 Department of Transportation is maintained and updated with any
5 fleet changes. The Department of Transportation shall adopt any
6 rules deemed necessary to administer the provisions of this
7 subsection.

8 G. The first deliverer of motor vehicles designated truck
9 carriers or well service carriers manufactured in Oklahoma shall not
10 be required to purchase an overweight permit when being delivered to
11 the first purchaser.

12 H. Except as provided in Section 14-122 of this title, the
13 first One Million Two Hundred Sixteen Thousand Dollars
14 (\$1,216,000.00) of proceeds from both the permit fees and the
15 overweight permit fees imposed pursuant to subsection A of this
16 section collected monthly shall be apportioned as provided in
17 Section 1104 of this title. ~~For the fiscal year beginning July 1,~~
18 ~~2016, and ending June 30, 2017, the next Two Million One Hundred~~
19 ~~Fifty Thousand Dollars (\$2,150,000.00) of proceeds from both the~~
20 ~~permit fees and the overweight permit fees imposed pursuant to~~
21 ~~subsection A of this section collected monthly shall be remitted to~~
22 ~~the Department of Public Safety for the purpose of training the~~
23 ~~Department of Public Safety port of entry officers whose powers and~~
24 ~~duties shall be specified by the Department of Public Safety through~~

1 ~~the promulgation of rules.~~ For the fiscal year beginning July 1,
2 2017, and all subsequent years, the next One Million Five Hundred
3 Thousand Dollars (\$1,500,000.00) of proceeds from both the permit
4 fees and the overweight permit fees imposed pursuant to subsection A
5 of this section collected monthly shall be remitted to the
6 Department of Public Safety for the purpose of staffing the port of
7 entry weigh stations with Department of Public Safety port of entry
8 officers whose powers and duties shall be specified by the
9 Department of Public Safety through the promulgation of rules. ~~For~~
10 ~~the fiscal year beginning July 1, 2016, and ending June 30, 2017,~~
11 ~~all proceeds collected from both the permit fees and the overweight~~
12 ~~permit fees imposed pursuant to subsection A of this section in~~
13 ~~excess of Three Million Three Hundred Sixty-six Thousand Dollars~~
14 ~~(\$3,366,000.00) shall be deposited in the Weigh Station Improvement~~
15 ~~Revolving Fund as provided in Section 1167 of this title for the~~
16 ~~purpose set forth in that section and may be used for motor carrier~~
17 ~~permitting systems and motor carrier safety and enforcement.~~ For
18 the fiscal year beginning July 1, 2017, and all subsequent years,
19 all proceeds collected from both the permit fees and the overweight
20 permit fees imposed pursuant to subsection A of this section in
21 excess of Two Million Seven Hundred Sixteen Thousand Dollars
22 (\$2,716,000.00) shall be deposited in the Weigh Station Improvement
23 Revolving Fund as provided in Section 1167 of this title for the
24

1 purpose set forth in that section and may be used for motor carrier
2 permitting systems and motor carrier safety and enforcement.

3 SECTION 14. AMENDATORY 47 O.S. 2011, Section 14-116a, is
4 amended to read as follows:

5 Section 14-116a. Any person, firm, or corporation who moves or
6 transports any load or manufactured home without a permit issued by
7 the Department of ~~Public Safety~~ Transportation as required by the
8 provisions of this chapter shall be deemed guilty of a misdemeanor
9 and upon conviction thereof shall be punished as follows:

10 1. For the first such violation, by a fine of Five Hundred
11 Dollars (\$500.00);

12 2. For the second such violation, by a fine of One Thousand
13 Dollars (\$1,000.00); and

14 3. For the third and subsequent violations, by a fine of not
15 less than One Thousand Dollars (\$1,000.00) nor more than Five
16 Thousand Dollars (\$5,000.00).

17 The permit shall be carried by the operator of the vehicle
18 moving or transporting the load or manufactured home and shall be
19 available for inspection by any law enforcement officer. If said
20 operator is found not to possess a permit, the load or manufactured
21 home shall not continue to be moved or transported. Thereafter, the
22 load or manufactured home shall not be moved or transported further
23 except by the operator of a vehicle moving or transporting the load
24

1 or manufactured home who is in possession of a permit authorizing
2 the movement of the load or manufactured home.

3 SECTION 15. AMENDATORY 47 O.S. 2011, Section 14-118, as
4 last amended by Section 2, Chapter 239, O.S.L. 2014 (47 O.S. Supp.
5 2020, Section 14-118), is amended to read as follows:

6 Section 14-118. A. 1. Pursuant to such rules as may be
7 prescribed by Oklahoma agencies of jurisdiction, Oklahoma motor
8 carriers may engage in any activity in which carriers subject to the
9 jurisdiction of the federal government may be authorized by federal
10 legislation to engage. Provided further, the Transportation
11 Commission shall formulate, for the State Trunk Highway System,
12 including the National System of Interstate and Defense Highways,
13 and for all other highways or portions thereof, rules governing the
14 movement of vehicles or loads which exceed the size or weight
15 limitations specified by the provisions of this chapter.

16 2. Such rules shall be the basis for the development of a
17 system by the ~~Commissioner of Public Safety~~ Department of
18 Transportation for the issuance of permits for the movement of
19 oversize or overweight vehicles or loads. Such system shall
20 include, but not be limited to, provisions for duration, seasonal
21 factors, hours of the day or days when valid, special requirements
22 as to flags, flagmen and warning or safety devices, and other such
23 items as may be consistent with the intent of this section. The
24 permit system shall include provisions for the collection of permit

1 fees as well as for the issuance of the permits by telephone,
2 electronic transfer or such other methods of issuance as may be
3 deemed feasible.

4 3. The Department of ~~Public Safety~~ Transportation is authorized
5 to charge a fee of Two Dollars (\$2.00) for each permit requested to
6 be issued by facsimile machine or by any other means of electronic
7 transmission, transfer or delivery. The fee shall be in addition to
8 any other fee or fees assessed for the permit. The fee shall be
9 deposited in the State Treasury to the credit of the Department of
10 ~~Public Safety Restricted Revolving Fund~~ Transportation and the
11 monies shall be expended by the Department solely for the purposes
12 provided for in this chapter.

13 4. It is the purpose of this section to permit the movement of
14 necessary overweight and oversize vehicles or loads consistent with
15 the following obligations:

- 16 a. protection of the motoring public from potential
17 traffic hazards,
- 18 b. protection of highway surfaces, structures, and
19 private property, and
- 20 c. provision for normal flow of traffic with a minimum of
21 interference.

22 B. The Transportation Commission shall prepare and publish a
23 map of ~~the State of Oklahoma~~ this state showing by appropriate
24 symbols the various highway structures and bridges in terms of

1 maximum size and weight restrictions. This map shall be titled
2 "Oklahoma Load Limit Map" and shall be revised periodically to
3 maintain a reasonably current status and in no event shall a period
4 of two (2) years lapse between revisions and publication of the
5 printed version of the Oklahoma Load Limit Map. This map shall also
6 be made available by the Department of Transportation on the
7 Internet, and in no event shall a period of six (6) months lapse
8 between revisions of the information provided on the Internet.

9 Provided, further, the Secretary of the Department of Transportation
10 shall prepare and publish a map of ~~the State of Oklahoma~~ this state
11 showing the advantages of this state as a marketing, warehousing and
12 distribution network center for motor transportation sensitive
13 industries.

14 C. The ~~Commissioner of Public Safety~~ Department of
15 Transportation, or an authorized representative, shall have the
16 authority, within the limitations formulated under provisions of
17 this chapter, to issue, withhold or revoke special permits for the
18 operation of vehicles or combinations of vehicles or loads which
19 exceed the size or weight limitations of this chapter. Every such
20 permit shall be carried in the vehicle or combination of vehicles to
21 which it refers and shall be open to inspection by any law
22 enforcement officer or authorized agent of any authority granting
23 such permit, and no person shall violate any of the terms or
24 conditions of such special permit.

1 D. It shall be permissible in the transportation of empty
2 trucks on any road or highway to tow by use of saddlemounts; i.e.,
3 mounting the front wheels of one vehicle on the bed of another
4 leaving the rear wheels only of such towed vehicle in contact with
5 the roadway. One vehicle may be fullmounted on the towing or towed
6 vehicles engaged in any driveaway or towaway operation. No more
7 than three saddlemounts may be permitted in such combinations. The
8 towed vehicles shall be securely fastened and operated under the
9 applicable safety requirements of the United States Department of
10 Transportation and such combinations shall not exceed an overall
11 length of seventy-five (75) feet. Provided, a driveaway saddlemount
12 with fullmount vehicle transporter combination may reach an overall
13 length of ninety-seven (97) feet on the National Network of
14 Highways.

15 E. ~~The Commissioner of Public Safety~~ Department of
16 Transportation, upon application of any person engaged in the
17 transportation of forest products in the raw state, which is defined
18 to be tree-length logs moving from the forest directly to the mill,
19 or upon application of any person engaged in the hauling for hire or
20 for resale, of round baled hay with a total outside width of eleven
21 (11) feet or less, shall issue an annual permit, upon payment of a
22 fee of Twenty-five Dollars (\$25.00) each year, authorizing the
23 operation by such persons of such motor vehicle load lengths and
24 widths upon the highways of this state except on the National System

1 of Interstate and Defense Highways. Provided, however, the
2 restriction on use of the National System of Interstate and Defense
3 Highways shall not be applicable to persons engaged in the hauling
4 of round baled hay with a total outside width of eleven (11) feet or
5 less.

6 F. The ~~Commissioner of Public Safety~~ Department of
7 Transportation, upon application of any person engaged in the
8 transportation of overwidth or overheight equipment used in soil
9 conservation work with a total outside width of twelve (12) feet or
10 less, shall issue an annual permit, upon payment of a fee of Twenty-
11 five Dollars (\$25.00) each year, authorizing the operation by such
12 persons of such motor vehicle load lengths and widths upon the
13 highways of this state except on the National System of Interstate
14 and Defense Highways.

15 G. Farm equipment including, but not limited to, implements of
16 husbandry as defined in Section 1-125 of this title shall be
17 exempted from the requirement for special permits due to size. Such
18 equipment may move on any highway, except those highways which are
19 part of the National System of Interstate and Defense Highways,
20 during the hours of darkness and shall be subject to the
21 requirements as provided in Section 12-215 of this title. In
22 addition to those requirements, tractors pulling machinery over
23 thirteen (13) feet wide must have two amber flashing warning lamps
24 symmetrically mounted, laterally and widely spaced as practicable,

1 visible from both front and rear, mounted at least thirty-nine (39)
2 inches high.

3 H. Any rubber-tired road construction vehicle including rubber-
4 tired truck cranes and special mobilized machinery either self-
5 propelled or drawn carrying no load other than component parts
6 safely secured to the machinery and its own weight, but which is
7 overweight by any provisions of this chapter, shall be authorized to
8 move on the highways of ~~the State of Oklahoma~~ this state. Movement
9 of such vehicles shall be authorized on the Federal Interstate
10 System of Highways only by special permit secured from the
11 ~~Commissioner of Public Safety~~ Department of Transportation or an
12 authorized representative upon determination that the objectives of
13 this section will be served by such a permit and that federal weight
14 restrictions will not be violated. The special permit shall be:

15 1. A single-trip permit issued under the provisions of this
16 section and Section 14-116 of this title; or

17 2. A special annual overweight permit which shall be issued for
18 one calendar year period upon payment of a fee of Sixty Dollars
19 (\$60.00).

20 The weight of any such vehicle shall not exceed six hundred
21 fifty (650) pounds multiplied by the nominal width of the tire. The
22 vehicle shall be required to carry the safety equipment adjudged
23 necessary for the health and welfare of the driving public. If any
24 oversized vehicle does not come under the other limitations of the

1 present laws, it shall be deemed that the same shall travel only
2 between the hours of sunrise and sunset. The vehicle, being
3 overweight but of legal dimension, shall be allowed continuous
4 travel. The vehicles, except special mobilized machinery, shall be
5 exempt from the laws of this state relating to motor vehicle
6 registration, licensing or other fees or taxes in lieu of ad valorem
7 taxes.

8 I. 1. When such machinery has a width greater than eight and
9 one-half (8 1/2) feet, or a length, exclusive of load, of forty-five
10 (45) feet, or a height in excess of thirteen and one-half (13 1/2)
11 feet, then the permit may restrict movement to a fifty-mile radius
12 from an established operating base, and may designate highways to be
13 traveled, hours of travel and when flagmen may be required to
14 precede or follow the equipment.

15 2. Possession of a permit shall in no way be construed as
16 exempting such equipment from the authority of the Director of the
17 Department of Transportation to restrict use of particular highways,
18 nor shall it exempt owners or operators of such equipment from the
19 responsibility for damage to highways caused by movement of the
20 equipment. Nothing in this subsection shall apply to machinery used
21 in highway construction or road material production.

22 3. Upon the issuance of a special mobilized machinery driveway
23 permit as provided in this subsection, special mobilized machinery
24 manufactured in Oklahoma shall be permitted to move upon the

1 highways of this state from the place of manufacture to the state
2 line for delivery and exclusive use outside the state, and may be
3 temporarily returned to Oklahoma for modification and repair, with
4 subsequent movement back out of the state. Special driveway
5 permits for such movements shall be issued by the ~~Commissioner of~~
6 ~~Public Safety~~ Department of Transportation, who may act through
7 designated agents, upon the payment of a fee in the amount of
8 Fifteen Dollars (\$15.00) for each movement.

9 4. The size of the special mobilized machinery shall not be
10 such as to create a safety hazard in the judgment of the
11 ~~Commissioner of Public Safety~~ Department of Transportation. Permits
12 for such special mobilized machinery shall specify a maximum
13 permissible road speed of sixty (60) miles per hour, designate
14 safety equipment to be carried and may exclude use of highways of
15 the interstate system.

16 5. When such equipment has a width greater than eight and one-
17 half (8 1/2) feet, or a length exclusive of load of forty-five (45)
18 feet, or a height in excess of thirteen and one-half (13 1/2) feet,
19 the permit may designate highways to be traveled, hours of travel
20 and when flagmen may be required to precede or follow the equipment.

21 6. Possession of a special driveway permit shall in no way be
22 construed as exempting such equipment from the authority of the
23 Director of the Department of Transportation to restrict use of
24 particular highways, nor shall it exempt the owners or operators of

1 such equipment from the responsibility for damage to highways caused
2 by the movement of such equipment.

3 SECTION 16. AMENDATORY 47 O.S. 2011, Section 14-118.1,
4 is amended to read as follows:

5 Section 14-118.1. The Department of Transportation is
6 authorized to enter into agreements with governmental entities
7 outside this state for the issuance of regional and national
8 oversize and overweight permits for single-trip nondivisible loads.
9 The ~~Commissioner of Public Safety~~ Department of Transportation shall
10 adopt rules necessary to implement the agreements and shall issue
11 multi-state permits for single-trip nondivisible loads in accordance
12 with the terms of the agreements and shall receive and remit permit
13 fees from a Department of ~~Public Safety~~ Transportation special
14 account in accordance with the agreements and state law.

15 SECTION 17. AMENDATORY 47 O.S. 2011, Section 14-120, is
16 amended to read as follows:

17 Section 14-120. A. Manufactured items, with the exception of
18 manufactured homes as defined in Section 1102 of this title and
19 industrialized housing as defined in subsection B of Section 14-103A
20 of this title, exceeding sixteen (16) feet but not exceeding twenty-
21 three (23) feet in width traveling:

22 1. From a point of manufacture in ~~the State of Oklahoma~~ this
23 state to a point of delivery in ~~the State of Oklahoma~~ this state or
24 to a point of delivery in another state; or

1 2. From a point of manufacture outside ~~the State of Oklahoma~~
2 this state to a point of delivery in ~~the State of Oklahoma~~ this
3 state or to a point of delivery in another state shall be permitted,
4 upon receipt of a special movement permit issued under the
5 provisions of subsection B of this section, to travel on any state
6 or U.S. highway in Oklahoma. Provided, however, the ~~Commissioner of~~
7 ~~Public Safety~~ Department of Transportation is authorized to allow
8 such items in excess of twenty-three (23) feet in width to travel on
9 such highway if it is in the best interest of the state and a
10 special moving permit has been issued. Provided, further, that no
11 such load in excess of the limitations set forth in the applicable
12 United States Code shall be permitted to travel upon any portion of
13 the National System of Interstate and Defense Highways.

14 B. Every person desiring to transport manufactured items
15 pursuant to the provisions of this section shall apply to the
16 Department of ~~Public Safety~~ Transportation for a special movement
17 permit on an application form prescribed by the Department. Upon
18 approval of the application by the Department of Transportation, a
19 special movement permit shall be issued for a fee of Five Hundred
20 Dollars (\$500.00). Except as provided in Section ~~4 of this act~~ 14-
21 122 of this title, monies received from such special movement permit
22 fees shall be deposited in the State Treasury to the credit of the
23 General Revenue Fund. A permit issued pursuant to the provisions of
24 this subsection shall expire upon the completion of one trip

1 specified in subsection A of this section. The special movement
2 permit, and fee related thereto, shall be in addition to the permit
3 and fees required by Section 14-116 of this title.

4 C. Highway escorts shall be required for transportation of
5 items pursuant to the provisions of this section according to rules
6 and regulations prescribed by the Department of ~~Public Safety~~
7 Transportation.

8 SECTION 18. AMENDATORY 47 O.S. 2011, Section 14-120.1,
9 is amended to read as follows:

10 Section 14-120.1. A. Any vehicle or combination of vehicles
11 with an outside width that exceeds twelve (12) feet operating on
12 highways in the state, including the National System of Interstate
13 and Defense Highways, shall, in addition to being in compliance with
14 provisions of Section 14-101 et seq. of this title, be accompanied
15 by an escort vehicle or vehicles, as prescribed by the Department of
16 ~~Public Safety~~ Transportation.

17 B. No person shall operate an escort vehicle for hire, as
18 required by this section, unless the person has been certified by
19 the Department of ~~Public Safety~~ Transportation as an escort vehicle
20 operator.

21 C. Any person not required to be certified by the Department of
22 ~~Public Safety~~ Transportation as an escort vehicle operator may tow a
23 trailer when escorting a manufactured home. Such trailer shall not
24 exceed eight and one-half (8 1/2) feet in width and twenty (20) feet

1 in length with siding not to exceed four (4) feet in height measured
2 from the bed of the trailer.

3 The trailer may only be used to transport supplies and equipment
4 necessary to carry out the mission of escort vehicle operators.

5 D. The ~~Commissioner of Public Safety~~ Department of
6 Transportation shall promulgate rules for the certification of
7 operators of escort vehicles and the use of escort vehicles, as
8 required by this section.

9 E. The ~~Commissioner of Public Safety~~ Department of
10 Transportation is hereby authorized to enter into reciprocal
11 compacts and agreements with other states for the purpose of
12 recognizing escort vehicle operator certifications issued by those
13 states.

14 SECTION 19. AMENDATORY 47 O.S. 2011, Section 14-120.2,
15 as amended by Section 12, Chapter 283, O.S.L. 2012 (47 O.S. Supp.
16 2020, Section 14-120.2), is amended to read as follows:

17 Section 14-120.2. A. Every person required by the Department
18 of Transportation, the Oklahoma Turnpike Authority⁷ or any federal
19 agency or commission to have a law enforcement escort provided by
20 the Oklahoma Highway Patrol Division of the Department of Public
21 Safety for the transport of any oversized load or hazardous shipment
22 by road or rail shall pay to the Department of ~~Public Safety~~
23 Transportation a fee covering the full cost to administer, plan⁷ and
24 carry out the escort within this state.

1 B. If the Highway Patrol provides an escort to accompany the
2 transport of an oversized load or hazardous shipment by road or rail
3 at the request of any person that is not required to have a law
4 enforcement escort pursuant to subsection A of this section, then
5 the requestor shall pay to the Department of ~~Public Safety~~
6 Transportation a fee covering the full cost to administer, plan, and
7 carry out the escort within this state.

8 C. The Department of ~~Public Safety~~ Transportation shall adopt a
9 schedule of fees necessary to implement this section.

10 D. All fees collected by the Department pursuant to this
11 section shall be deposited to the credit of the Department of ~~Public~~
12 ~~Safety~~ Transportation Restricted Revolving Fund.

13 SECTION 20. AMENDATORY 47 O.S. 2011, Section 14-121, is
14 amended to read as follows:

15 Section 14-121. A. No person shall operate a special
16 combination vehicle within this state without a special combination
17 vehicle permit for the vehicle issued by the Department of ~~Public~~
18 ~~Safety~~ Transportation. Such permit may be issued for operation upon
19 Federal Aid Interstate Highways or four-lane divided Federal Aid
20 Primary Highways and for access or egress between points of origin
21 or destination.

22 B. The ~~Commissioner of Public Safety~~ Department of
23 Transportation shall promulgate rules for the issuance of special
24 combination vehicle permits and shall collect an annual fee of Two

1 Hundred Forty Dollars (\$240.00) for each such permit issued. Except
2 as provided in Section 4 of this act, fees collected pursuant to
3 this section shall be remitted to the State Treasurer to be credited
4 to the General Revenue Fund in the State Treasury.

5 C. For the purposes of this section, a special combination
6 vehicle shall consist of a truck-tractor semitrailer combination
7 towing two complete trailers or semitrailers. No semitrailer or
8 trailer used in such a combination shall have a length greater than
9 twenty-nine (29) feet nor shall a special combination vehicle exceed
10 the weight limitations imposed by Sections 14-109 and 14-116 of this
11 title.

12 SECTION 21. AMENDATORY Section 1, Chapter 53, O.S.L.
13 2018 (47 O.S. Supp. 2020, Section 14-126), is amended to read as
14 follows:

15 Section 14-126. A. As used in this section:

16 1. "Affected area" means the entire width of the right-of-way
17 of the route extended to a height of twenty-three (23) feet above
18 the roadway;

19 2. "High-wide load" means a motor vehicle transporting property
20 on any portion of a route where the vehicle exceeds the limitations
21 on size imposed by Section 14-103 of Title 47 of the Oklahoma
22 Statutes and no portion of the motor vehicle or the transported
23 property has a greater width than twenty-eight (28) feet or a
24 greater height than twenty-three (23) feet; and

1 3. "Political subdivision" means a city, village, town or
2 county.

3 B. The following routes through Oklahoma are designated as
4 Oklahoma high-wide corridors:

5 1. US-83, commencing at the Texas border and ending at the
6 Kansas border; and

7 2. a. commencing at the intersection of US-83 and US-270,
8 proceeding east on US-270 to SH-51,

9 b. at the intersection of US-270 and SH-51, proceeding
10 east on SH-51 to US-77,

11 c. at the intersection of SH-51 and US-77, proceeding
12 north on US-77 to US-64,

13 d. at the intersection of US-77 and US-64, proceeding
14 east on US-64 to SH-108,

15 e. at the intersection of US-64 and SH-108, proceeding
16 south on SH-108 to SH-51,

17 f. at the intersection of SH-108 and SH-51, proceeding
18 east on SH-51 to SH-97, and

19 g. at the intersection of SH-51 and SH-97, proceeding
20 north on SH-97 and ending at East 21st Street; and

21 3. a. commencing at the intersection of SH-51 and SH-99,
22 proceeding north on SH-99 to US-60,

23 b. at the intersection of SH-99 and US-60, proceeding
24 west on US-60 to SH-18, and

- c. at the intersection of US-60 and SH-18, proceeding north on SH-18 and ending at the Kansas border; and
4.
 - a. US-169, commencing at the Kansas border and proceeding south on US-169 to SH-266, and
 - b. at the intersection of US-169 and SH-266, proceeding east on SH-266 and ending at SH-66; and
5.
 - a. commencing at the intersection of SH-51 and SH-351, proceeding south and east on SH-51 to US-69,
 - b. at the intersection of SH-51 and US-69, proceeding north on US-69 to US-60, and
 - c. at the intersection of US-69 and US-60 (2.5 mi. NE of Afton), proceeding east on US-60 and ending at the Arkansas border; and
6. US-183, commencing at the Texas border and proceeding north on US-183 and ending at the intersection of SH-51; and
7.
 - a. commencing at the intersection of US-183 and SH-9, proceeding east on SH-9 to SH-146,
 - b. at the intersection of SH-9 and SH-146, proceeding north on SH-146 to SH-152,
 - c. at the intersection of SH-146 and SH-152, proceeding east on SH-152 to US-81,
 - d. at the intersection of SH-152 and US-81, proceeding south on US-81 to SH-37,

- e. at the intersection of US-81 and SH-37, proceeding east on SH-37 to SH-4,
 - f. at the intersection of SH-37 and SH-4, proceeding north on SH-4 to SH-152, and
 - g. at the intersection of SH-152 and SH-4, proceeding east on SH-152 and ending at MacArthur Boulevard; and
- 8.
- a. commencing at the intersection of US-270 and US-412, proceeding east on US-412 to SH-132,
 - b. at the intersection of US-412 and SH-132, proceeding north on SH-132 to SH-45,
 - c. at the intersection of SH-132 and SH-45, proceeding east on SH-45 to US-64,
 - d. at the intersection of SH-45 and US-64, proceeding north on US-64 to US-60,
 - e. at the intersection of US-64 and US-60, proceeding east on US-60 to SH-74,
 - f. at the intersection of US-60 and SH-74, proceeding south on SH-74 to SH-15,
 - g. at the intersection of SH-74 and SH-15, proceeding east on SH-15 to US-77,
 - h. at the intersection of SH-15 and US-77, proceeding south on US-77 to SH-15,
 - i. at the intersection of US-77 and SH-15, proceeding east on SH-15 to US-177,

- j. at the intersection of SH-15 and US-177, proceeding south on US-177 to US-64,
- k. at the intersection of US-177 and US-64, proceeding east on US-64 to SH-108, and
- l. at the intersection of US-64 and SH-108, proceeding south on SH-108 and ending at SH-51.

C. No person shall operate a high-wide load on the route described without a permit from the Department of ~~Public Safety~~ Transportation.

D. Exclusive of incorporated municipal limits, no person may install any structure within the affected area without a permit from the Department of Transportation.

E. Upon the effective date of this section, and exclusive of incorporated municipal limits, no person may do any of the following within the affected area:

1. Install any permanent structure without the authorization of the Department of Transportation; or
2. Take any action that would make any portion of the affected area permanently unavailable for use by a high-wide load.

F. The Department of Transportation shall create additional design standards for improvements to the Oklahoma high-wide routes to prevent interference from permanent structures. These standards shall:

1 1. Maintain a minimum eighteen feet and zero inches (18'-0")
2 vertical clearance above the road surface for all future overhead
3 obstructions. Where bridges cross over the Oklahoma high-wide
4 routes, they shall be designed, where possible, to allow for high-
5 wide loads to quickly egress and ingress around the bridge utilizing
6 on- and off-ramps;

7 2. Require all future overhead signage to be of cantilever
8 design, where possible, to allow high-wide loads to shift lanes to
9 prevent interference; and

10 3. Require all future bridge design or construction on the
11 Oklahoma high-wide routes to accommodate a three hundred fifteen
12 thousand (315,000) pound gross vehicle weight, single-lane design
13 vehicle.

14 G. Political subdivisions in which any portion of the Oklahoma
15 high-wide route is located shall attempt to reach agreements among
16 the affected parties and with persons using the high-wide route for
17 high-wide loads regarding the allocation of costs and provision of
18 services related to removing permanent structures that interfere
19 with the use of any portion of the affected area by high-wide loads.

20 H. Political subdivisions in which any portion of the Oklahoma
21 high-wide route is located shall attempt to reach agreements among
22 the affected parties and with persons using the high-wide route for
23 high-wide loads to provide timely vehicle escorts for persons using
24 the high-wide route for high-wide loads.

1 SECTION 22. AMENDATORY 47 O.S. 2011, Section 161A, is
2 amended to read as follows:

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

10 B. The provisions of this act, except as specifically limited
11 herein, shall apply to the intrastate transportation of household
12 goods by motor carriers over public highways of this state; and the
13 regulations of such transportation, and the procurement thereof and
14 the provisions of facilities therefor, are hereby vested in the
15 ~~Corporation Commission~~ Department of Public Safety.

16 Shipments contracted by the federal government, a state
17 government, a tribal government or any local government or political
18 subdivision thereof shall not be required to obtain a household
19 goods certificate, but shall be regulated by the ~~Commission~~
20 Department to achieve compliance with safety requirements and size
21 and weight limitations.

22 Nothing in this act shall be construed to interfere with the
23 exercise by agencies of the government of the United States of its
24 power of regulation of interstate commerce.

1 C. As used in this act:

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

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

8 3. "Household goods" means used personal effects and property
9 of a dwelling;

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

13 5. "Intercompany hauling" means the transportation of
14 household goods, by motor vehicle, for compensation, by a carrier
15 which is a member of a corporate family, as defined in this section,
16 when the transportation for compensation is provided for other
17 members of the corporate family;

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

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

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

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

9 D. The terms and provisions of this act shall apply to commerce
10 with foreign nations, or commerce among the several states of this
11 Union, insofar as such application may be permitted under the
12 provisions of the Constitution of the United States and the Acts of
13 Congress.

14 SECTION 23. AMENDATORY 47 O.S. 2011, Section 162, is
15 amended to read as follows:

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

18 1. Supervise and regulate every motor carrier of household
19 goods;

20 2. Protect the shipping and general public by requiring
21 liability insurance and cargo insurance of all motor carriers of
22 household goods;

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

1 4. Supervise and regulate such motor carriers in all other
2 matters affecting the relationship between such carriers and the
3 traveling and shipping public including, but not limited to,
4 consumer protection measures and loss and damage claim procedures;
5 and

6 5. Enforce the provisions of this act.

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

9 C. 1. The ~~Commission~~ Department is authorized to administer a
10 hazardous material transportation registration and permitting
11 program for motor carriers engaged in transporting hazardous
12 material upon or over the public highways and within the borders of
13 the state.

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

22 D. Nothing in this section shall be construed to remove or
23 affect the jurisdiction of the Department of Environmental Quality
24 to implement hazardous waste transportation requirements for federal

1 hazardous waste program delegation to this state under the federal
2 Resource Conservation and Recovery Act.

3 E. The ~~Commission~~ Department is authorized to promulgate rules
4 and set fees applicable to interstate motor carriers, pertaining to
5 carrier registration, operation of equipment and filing of proper
6 proof of liability insurance.

7 SECTION 24. AMENDATORY 47 O.S. 2011, Section 162.1, is
8 amended to read as follows:

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

17 SECTION 25. AMENDATORY 47 O.S. 2011, Section 163, is
18 amended to read as follows:

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

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

1 C. Every motor carrier, subject to this act, receiving
2 household goods for transportation in intrastate commerce shall
3 issue a receipt or bill of lading therefor, the form of which shall
4 be prescribed by the ~~Commission~~ Department.

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

11 E. Any person, motor carrier, or shipper who shall willfully
12 violate any provision of this act or the ~~Commission's~~ Department's
13 rules pursuant thereto may be found in violation by the ~~Commission~~
14 Department. After proper notice and hearing, violators may be
15 assessed penalties in an amount not to exceed One Thousand Dollars
16 (\$1,000.00) for the first violation and for the second violation
17 within a year a penalty not to exceed Five Thousand Dollars
18 (\$5,000.00).

19 SECTION 26. AMENDATORY 47 O.S. 2011, Section 165, is
20 amended to read as follows:

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

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

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

9 SECTION 27. AMENDATORY 47 O.S. 2011, Section 166, is
10 amended to read as follows:

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

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

17 C. Applicants for intrastate authority to transport household
18 goods shall file an application as required by this act and as
19 prescribed by the ~~Commission~~ Department. A household goods
20 certificate shall be issued to the applicant upon completion of all
21 requirements.

22 D. The ~~Commission~~ Department may consider any written protests
23 or written complaints filed prior to granting or renewing a
24 household goods certificate. If the ~~Commission~~ Department elects

1 not to grant or renew a household goods certificate, the application
2 shall be set for public hearing in accordance with ~~Commission~~
3 Department rules.

4 E. Household goods certificates may not be assigned or
5 transferred.

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

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

12 SECTION 28. AMENDATORY 47 O.S. 2011, Section 166.5, is
13 amended to read as follows:

14 Section 166.5. If ~~this act~~ Section 161A et seq. of this title
15 or the Motor Carrier Act of 1995 or any provision hereof is, or may
16 be deemed to be, in conflict or inconsistent with any of the
17 provisions of Section 18 through Section 34, inclusive, of Article
18 IX of the Constitution of the State of Oklahoma, then, to the extent
19 of any such conflicts or inconsistencies, it is hereby expressly
20 declared that this entire act and this section are amendments to and
21 alterations of the sections of the Constitution, as authorized by
22 Section 35 of Article IX of ~~said~~ the Constitution.

23 SECTION 29. AMENDATORY 47 O.S. 2011, Section 166a, is
24 amended to read as follows:

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

2 1. "Authorized carrier" means a motor carrier of household
3 goods;

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

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

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

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

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

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

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

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

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

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

7 3. Upon termination of the lease, the authorized carrier shall
8 remove all identification showing it as the operating carrier before
9 giving up possession of the equipment.

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

14 1. The lease shall be made between the authorized carrier and
15 the owner of the equipment. The lease shall be signed by these
16 parties or by their authorized representatives;

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

21 3. The period for which the lease applies shall be for thirty
22 (30) days or more when the equipment is to be operated for the
23 authorized carrier by the owner or an employee of the owner;
24

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

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

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

1 control, and for improperly permitted over-dimension and overweight
2 loads and shall reimburse the lessor for any fines paid by the
3 lessor. If the authorized carrier is authorized to receive a refund
4 or a credit for base plates purchased by the lessor from, and issued
5 in the name of, the authorized carrier, or if the base plates are
6 authorized to be sold by the authorized carrier to another lessor,
7 the authorized carrier shall refund to the initial lessor on whose
8 behalf the base plate was first obtained a prorated share of the
9 amount received;

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

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

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

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

12 11. As it relates to insurance:

13 a. the lease shall clearly specify the legal obligation
14 of the authorized carrier to maintain insurance
15 coverage for the protection of the public, and

16 b. the lease shall clearly specify the conditions under
17 which deductions for cargo or property damage may be
18 made from the lessor's settlements. The lease shall
19 further specify that the authorized carrier must
20 provide the lessor with a written explanation and
21 itemization of any deductions for cargo or property
22 damage made from any compensation of money owed to the
23 lessor. The written explanation and itemization must
24

1 be delivered to the lessor before any deductions are
2 made; and

3 12. An original and two copies of each lease shall be signed by
4 the parties. The authorized carrier shall keep the original and
5 shall place a copy of the lease in the equipment during the period
6 of the lease. The owner of the equipment shall keep the other copy
7 of the lease.

8 D. The provisions of this section shall apply to the leasing of
9 equipment with which to perform household goods transportation by
10 motor carriers.

11 SECTION 30. AMENDATORY 47 O.S. 2011, Section 169, is
12 amended to read as follows:

13 Section 169. A. No certificate shall be issued by the
14 ~~Corporation Commission~~ Department of Public Safety to any motor
15 carrier of household goods until after such motor carrier shall have
16 filed with the ~~Commission~~ Department a liability insurance policy or
17 bond covering public liability and property damage, issued by some
18 insurance or bonding company or insurance carrier authorized as set
19 forth below, and which has complied with all of the requirements of
20 the ~~Commission~~ Department, which bond or policy shall be approved by
21 the ~~Commission~~ Department, and shall be in such sum and amount as
22 fixed by a proper order of the ~~Commission~~ Department; and such
23 liability and property damage insurance policy or bond shall bind
24 the obligor thereunder to make compensation for injuries to, or

1 death of, persons, and loss or damage to property, resulting from
2 the operation of any such motor carrier for which such carrier is
3 legally liable. After judgment against the carrier for any damage,
4 the injured party may maintain an action upon the policy or bond to
5 recover the same, and shall be a proper party to maintain such
6 action.

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

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

1 regulatory authority of the state of their principal place of
2 business or the Oklahoma Insurance Department.

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

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

16 2. Furnishing of proper insurance coverage.

17 E. Any carrier who fails to reactivate the carrier's
18 certificate within sixty (60) days after such suspension, as above
19 provided, shall have the certificate canceled, by operation of law,
20 without any notice from the ~~Commission~~ Department. No certificate
21 so canceled shall be reinstated or otherwise made operative except
22 that the ~~Commission~~ Department may reinstate the authority of a
23 motor carrier upon proper showing that the motor carrier was
24 actually covered by proper insurance during the suspension or

1 cancellation period, and that failure to file with the ~~Commission~~
2 Department was not due to the motor carrier's fault. Any carrier
3 desiring to file for reinstatement of the carrier's certificate
4 shall do so within ninety (90) days of its cancellation by law.

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

17 SECTION 31. AMENDATORY 47 O.S. 2011, Section 169.5, is
18 amended to read as follows:

19 Section 169.5. If the carrier fails to process loss or damage
20 claims as provided in Sections 169.2 through 169.4 of this title, or
21 to express declinations of the claims in writing with proof of
22 nonliability, the carrier may be found in contempt by the
23 ~~Corporation-Commission~~ Department of Public Safety after proper
24 notice and hearing. Failure to pay any fine or otherwise resolve

1 the complaint may result in a hearing by the ~~Corporation Commission~~
2 Department of Public Safety to determine if the operating authority
3 of the carrier shall be revoked.

4 SECTION 32. AMENDATORY 47 O.S. 2011, Section 170, is
5 amended to read as follows:

6 Section 170. A. Nothing contained in ~~this act~~ Section 161 et
7 seq. of this title shall be construed to authorize the operation of
8 any freight vehicle in excess of the gross weight, width, length or
9 height authorized by law.

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

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

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

23 SECTION 33. AMENDATORY 47 O.S. 2011, Section 170.1, is
24 amended to read as follows:

1 Section 170.1. A. Upon any complaint in writing under oath
2 being made by any person, or by the ~~Commission~~ Department of its own
3 motion, setting forth any act or thing done or omitted to be done by
4 any person in violation, or claimed violation, of any provision of
5 law, or of any order or rule of the ~~Commission~~ Department, the
6 ~~Commission~~ Department shall enter same upon its docket and shall
7 immediately serve a copy thereof upon each defendant together with a
8 notice directed to each defendant requiring that the matter
9 complained of be answered, in writing, within ten (10) days of the
10 date of service of such notice⁷; provided that, the ~~Commission~~
11 Department may, in its discretion, require particular cases to be
12 answered within a shorter time, and the ~~Commission~~ Department may,
13 for good cause shown, extend the time in which an answer may be
14 filed.

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

21 B. The ~~Commission~~ Department may, in all matters within its
22 jurisdiction, issue subpoenas, subpoenas duces tecum, and all
23 necessary process in proceedings pending before the ~~Commission~~
24 Department; may administer oaths, examine witnesses, compel the

1 production of records, books, papers, files, documents, contracts,
2 correspondence, agreements, or accounts necessary for any
3 investigation being conducted, and certify official acts.

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

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

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

21 F. All process issued by the ~~Commission~~ Department shall extend
22 to all parts of the state and any such process, together with the
23 service of all notices issued by the ~~Commission~~ Department, as well
24 as copies of complaints, rules, orders and regulations of the

1 ~~Commission~~ Department, may be served by any person authorized to
2 serve process issued out of courts of record, or by certified mail.

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

20 H. In the event the ~~Commission~~ Department finds that the
21 defendant is guilty upon any complaint filed and proceeding had and
22 that the provisions of law, or the rules, regulations or orders of
23 this ~~Commission~~ Department have been willfully and knowingly
24 violated and the violator holds a permit or certificate or license

1 issued by the ~~Commission~~ Department authorizing it to engage in the
2 transportation of persons or property for hire, then such permit or
3 certificate or license may also be revoked by the ~~Commission~~
4 Department.

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

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

16 SECTION 34. AMENDATORY 47 O.S. 2011, Section 170.2, is
17 amended to read as follows:

18 Section 170.2. A. ~~The Department of Public Safety, monthly,~~
19 ~~shall notify the Oklahoma Corporation Commission of any ticket~~
20 ~~issued for a violation of the provisions of Section 14-119 of this~~
21 ~~title, or any provisions of Chapter 14 of this title or the terms of~~
22 ~~any special permit authorized pursuant to the provisions of Chapter~~
23 ~~14 of this title concerning overweight or overweight special~~
24 ~~permits.~~

1 ~~B.~~ Truck overweight violations by motor carriers or private
2 carriers shall be considered contempt of ~~Commission~~ Department motor
3 carrier rules, tariffs and regulations. The ~~Commission~~ Department
4 shall establish a specific rule whereby such overweight violations
5 by motor carriers or private carriers shall be grounds for issuance
6 of a show-cause order for consideration of temporary or permanent
7 cancellation of operating authority or license. In establishing the
8 rule, consideration shall be given to the frequency of violations,
9 pattern of violations, fleet size, type of operation, amount of
10 overweight, and other such factors that may indicate intent. Any
11 person, firm, or corporation that assists in the commission of such
12 overweight violation or refuses to comply with any rule, regulation,
13 or order of the ~~Commission~~ Department relating thereto shall be
14 guilty of contempt of the ~~Commission~~ Department and shall be subject
15 to a fine ~~to be imposed by said Commission in a sum not to exceed~~
16 ~~Five Hundred Dollars (\$500.00) on~~ as prescribed by Section 14-101 et
17 seq. of this title for each violation. In the specific instance of
18 an overweight violation, the transportation of each load shall
19 constitute a separate violation. The same fine assessed against the
20 motor carrier or private carrier shall apply to any other person,
21 firm, or corporation that aids or abets such violations. Provided,
22 however, no motor carrier, private carrier, shipper or person
23 loading or causing a motor vehicle to be loaded shall be subject to
24

1 a fine for contempt unless the gross weight of the motor vehicle is
2 more than five thousand (5,000) pounds overweight.

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

8 SECTION 35. AMENDATORY 47 O.S. 2011, Section 171.1, is
9 amended to read as follows:

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

14 1. ~~The Corporation Commission Transportation Division shall~~
15 Department of Public Safety may employ ~~four special motor carrier~~
16 ~~enforcement~~ Port of Entry commissioned and noncommissioned officers
17 ~~and one supervisor officer~~ who shall have the primary duty of
18 investigating and assisting in the prosecution of persons engaged in
19 unauthorized transportation or disposal of deleterious substances as
20 contemplated under the provisions of the Oklahoma Motor Carrier Act
21 and any other applicable provisions of law. Port of Entry officers
22 shall have authority and powers as authorized under the provisions
23 of Section 172 of this title. Such employees shall be compensated
24 as for similar service in the same or other departments of the state

1 and an expense allowance of One Hundred Dollars (\$100.00) per month
2 for maintenance and cleaning of uniforms and other related expenses
3 shall be paid to such employees. Nothing in this section regarding
4 expense allowances shall be construed to mean that such employees
5 shall receive any additional compensation beyond what is provided
6 for maintenance and cleaning of uniforms and other related expenses
7 by the ~~Corporation Commission~~ Department of Public Safety on ~~the~~
8 ~~effective date of this act~~ September 1, 1993.

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

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

1 regulations of motor carriers as promulgated by the ~~Corporation~~
2 ~~Commission~~ Department of Public Safety.

3 SECTION 36. AMENDATORY 47 O.S. 2011, Section 172, is
4 amended to read as follows:

5 Section 172. A. Every owner of any motor vehicle, the agents
6 or employees of the owner~~7~~ and every other person who violates or
7 fails to comply with or procures, aids~~7~~ or abets in the violation of
8 Sections ~~161~~ 161A through 180m of this title or the Motor Carrier
9 Act of 1995, or who fails to obey, observe~~7~~ or comply with any
10 order, decision, rule or regulation, direction, demand~~7~~ or
11 requirement of the ~~Corporation-Commission~~ Department of Public
12 Safety, or who procures, aids or abets any corporation or person in
13 the person's, or its, refusal or willful failure to obey, observe or
14 comply with any such order, decision, rule, direction, demand~~7~~ or
15 regulation shall be deemed guilty of a misdemeanor. Upon conviction
16 in a criminal court of competent jurisdiction, such misdemeanor is
17 punishable by a fine of not exceeding One Thousand Dollars
18 (\$1,000.00).

19 B. The ~~Corporation-Commission~~ Department of Public Safety shall
20 report to the Attorney General of this state and the district
21 attorney of the proper county having jurisdiction of such offense,
22 any violation of any of the provisions of Sections ~~161~~ 161A through
23 180m of this title or the Motor Carrier Act of 1995 or any rule of
24 the ~~Corporation-Commission~~ Department of Public Safety promulgated

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

14 C. Any person failing, neglecting or refusing to comply with
15 the provisions of Sections ~~161~~ 161A through 180m of this title or
16 the Motor Carrier Act of 1995, or with any rule, regulation, or
17 requirement of the ~~Corporation Commission~~ Department of Public
18 Safety promulgated pursuant to the provisions of Sections ~~161~~ 161A
19 through 180m of this title or the Motor Carrier Act of 1995, shall
20 be guilty of contempt of the ~~Corporation Commission~~ Department of
21 Public Safety, and shall be subject to a fine to be imposed by the
22 ~~Corporation Commission~~ Department of Public Safety in a sum not
23 exceeding Five Hundred Dollars (\$500.00). Each day on which such
24 contempt occurs shall be deemed a separate and distinct offense.

1 The maximum fine to be assessed on each day shall be Five Hundred
2 Dollars (\$500.00). All fines collected pursuant to the provisions
3 of this section shall be deposited in the State Treasury to the
4 credit of the ~~Corporation Commission~~ Department of Public Safety
5 Trucking One-Stop Shop Fund, as created in Section 1167 of this
6 title. This subsection shall not apply in the specific instance of
7 load capacity violations or violations applicable to the
8 transportation or discharge of deleterious substances provided for
9 by specific statutory provisions.

10 D. ~~The Corporation Commission shall appoint a director of~~
11 ~~transportation, a deputy director, an insurance supervisor, an~~
12 ~~insurance clerk, two stenographers, a secretary to the director, an~~
13 ~~identification device supervisor and an assistant identification~~
14 ~~device supervisor at such salaries as the Legislature may from time~~
15 ~~to time prescribe. The employees shall be allowed actual and~~
16 ~~necessary travel expenses pursuant to the provisions of the State~~
17 ~~Travel Reimbursement Act. All of the expense claims shall be~~
18 ~~presented and paid monthly.~~

19 E. ~~Enforcement officers, appointed by the Corporation~~
20 ~~Commission, are hereby declared to be peace officers of this state.~~
21 ~~Such~~ There shall be two types of Port of Entry officers appointed by
22 the Department of Public Safety: commissioned officers and non-
23 commissioned officers. All officers shall be vested with all powers
24 of ~~peace officers in~~ enforcing the provisions of Sections ~~161~~ 161A

1 through 180m of this title, Title 49 of the Code of Federal
2 Regulations, and the Motor Carrier Act of 1995 in all parts of this
3 state.

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

9 ~~F. The enforcement officers when on duty, upon reasonable~~
10 ~~belief that any motor vehicle is being operated in violation of any~~
11 ~~provisions of Sections 161 through 180m of this title or the Motor~~
12 ~~Carrier Act of 1995, shall be authorized to require the driver of~~
13 ~~the vehicle to stop and submit to an inspection of the~~
14 ~~identification device, or devices, in the vehicle, and to submit to~~
15 ~~such enforcement officer bills of lading, waybills, or other~~
16 ~~evidences of the character of the commerce being transported in such~~
17 ~~vehicle, and to submit to an inspection of the contents of such~~
18 ~~vehicle for the purpose of comparing same with bills of lading or~~
19 ~~shipping documentation, waybills, or other evidences of~~
20 ~~transportation carried by the driver of the vehicle. The officers~~
21 ~~shall not have the right to plea bargain.~~

22 ~~G. The enforcement officers are authorized to serve all~~
23 ~~warrants, writs, and notices issued by the Corporation Commission~~
24 ~~relating to the enforcement of the provisions of Sections 161~~

1 ~~through 180m of this title or the Motor Carrier Act of 1995 and the~~
2 ~~rules, regulations, and requirements prescribed by the Corporation~~
3 ~~Commission promulgated pursuant to Sections 161 through 180m of this~~
4 ~~title or the Motor Carrier Act of 1995.~~

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

16 ~~I. E.~~ No state official, other than members of the ~~Corporation~~
17 ~~Commission~~ Department of Public Safety, shall have any power, right,
18 or authority to command, order, or direct any ~~enforcement~~ Port of
19 Entry officer to perform any duty or service authorized by Sections
20 ~~161~~ 161A through 180m of this title, Title 49 of the Code of Federal
21 Regulations, or the Motor Carrier Act of 1995.

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

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

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

10 SECTION 37. AMENDATORY 47 O.S. 2011, Section 177.2, is
11 amended to read as follows:

12 Section 177.2. A. No motor carrier shall engage in the
13 business of transporting any salt water, mineral brines, waste oil
14 and other deleterious substances produced from or obtained or used
15 in connection with the drilling, development, producing and
16 operating of oil and gas wells and brine wells, for any valuable
17 consideration whatever, or in any quantity over twenty (20) gallons,
18 without a license authorizing such operation and a deleterious
19 substance transport permit to be issued by the ~~Commission~~ Department
20 of Public Safety. Provided, transportation of such substances by
21 private carrier of property by motor vehicle shall require a
22 deleterious substance transport permit.

23 B. No carrier shall transport deleterious substances under a
24 carrier ~~license~~ permit issued by the ~~Commission~~ Department until

1 such time as the carrier has been issued a deleterious substance
2 transport permit.

3 C. No deleterious substance transport permit shall be issued to
4 a motor carrier or private carrier until the carrier has furnished
5 written proof of access to a Class II disposal well or wells. ~~Said~~
6 The written proof of access shall be provided by the owner of such
7 disposal well. Such disposal well must first be approved by the
8 ~~Corporation Commission~~ Department as adequate to meet the need for
9 proper disposal of all substances which the applicant may reasonably
10 be expected to transport as a motor carrier or private carrier.

11 Provided that nothing in this section shall be construed as
12 prohibiting the disposition of such deleterious substances in a
13 disposal well that is owned by a person other than the transporter.

14 D. The ~~Commission~~ Department shall maintain a current list of
15 such permits. The ~~Commission~~ Department shall charge such annual
16 deleterious substance transport permitting fees as will cover the
17 cost of issuing such ~~licenses~~ permit and an annual fee of Two
18 Hundred Fifty Dollars (\$250.00) for each such deleterious substance
19 transport ~~license~~ permit. Proceeds from the fees shall be deposited
20 by the ~~Commission~~ Department in the State Treasury to the credit of
21 the ~~Corporation Commission~~ Department of Public Safety Revolving
22 Fund. The provisions of this section are supplemental and are in
23 addition to the laws applicable to motor carriers.

1 SECTION 38. AMENDATORY 47 O.S. 2011, Section 177.3, is
2 amended to read as follows:

3 Section 177.3. A. It shall be unlawful for a motor carrier,
4 whether private, common~~7~~ or contract, to dump, disperse~~7~~ or
5 otherwise release substances described in Section 177.2 of this
6 title upon a public highway or elsewhere except on property or in
7 wells, reservoirs~~7~~ or other receptacles owned, held, leased~~7~~ or
8 otherwise rightfully and legally available to the motor carrier for
9 such use and purpose.

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

14 C. Any violation of the provisions of ~~subsections~~ subsection A
15 or B of this section shall constitute a misdemeanor. It shall be
16 the duty of the prosecuting attorney of the county in which a
17 violation of the provisions of this section occurs to file and
18 prosecute the aforementioned misdemeanor charge and advise the
19 ~~Commission~~ Department of such action and the results thereof.

20 D. The ~~Oklahoma Corporation Commission~~ Department of Public
21 Safety may initiate contempt proceedings for any violation
22 concerning disposal by a carrier of a substance described in Section
23 177.2 of this title. The first violation proven by the ~~Commission~~
24 Department in any calendar year shall result in a motor carrier or

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

18 SECTION 39. AMENDATORY 47 O.S. 2011, Section 180, is
19 amended to read as follows:

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

24

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

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

10 SECTION 40. AMENDATORY 47 O.S. 2011, Section 180a, is
11 amended to read as follows:

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

18 SECTION 41. AMENDATORY 47 O.S. 2011, Section 180b, is
19 amended to read as follows:

20 Section 180b. The identification device shall be the property
21 of the ~~Commission~~ Department of Public Safety at all times, and
22 shall be subject to seizure and confiscation by the ~~Commission~~
23 Department for any good cause and at the will of the ~~Commission~~
24 Department.

1 SECTION 42. AMENDATORY 47 O.S. 2011, Section 180c, is
2 amended to read as follows:

3 Section 180c. The ~~Commission~~ Department of Public Safety may
4 issue an order for the seizure and confiscation and return to the
5 ~~Commission~~ Department of any identification device or devices, for
6 any of the following reasons, and to direct ~~said~~ the order or orders
7 to any officer of ~~the State of Oklahoma~~ this state charged with the
8 duties of enforcing the provisions of ~~this act~~ Section 180 et seq.
9 of this title and/or any other section of the motor carrier law now
10 in force or hereinafter enacted:

11 1. In all cases where the motor carrier has permitted the
12 insurance coverage, as required by law to be filed with the
13 ~~Commission~~ Department, to lapse or become cancelled or for any
14 reason to become void and fail to meet the requirements as provided
15 by law;

16 2. For failure on the part of any motor carrier, his or its
17 agents or employees to comply with any part or provision of this
18 act, or any other act or law or part or provision thereof relative
19 to the legal operation of a for-hire motor carrier or to obey,
20 observe or comply with any order, decision, rule or regulation,
21 direction, demand or requirement, or any part or provision thereof,
22 of the ~~Commission~~ Department;

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

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

8 SECTION 43. AMENDATORY 47 O.S. 2011, Section 180d, is
9 amended to read as follows:

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

15 SECTION 44. AMENDATORY 47 O.S. 2011, Section 180e, is
16 amended to read as follows:

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

21 SECTION 45. AMENDATORY 47 O.S. 2011, Section 180f, is
22 amended to read as follows:

23 Section 180f. The ~~Commission~~ Department of Public Safety is
24 hereby authorized to purchase ~~said~~ the identification devices in

1 sufficient amounts to supply the demand, and to purchase such other
2 officer supplies and equipment as is necessary to administer and
3 enforce the provisions of ~~this act~~ Section 180 et seq. of this title
4 or the Motor Carrier Act of 1995, and to pay for, or cause the same
5 to be paid for, out of the appropriation provided therefor.

6 SECTION 46. AMENDATORY 47 O.S. 2011, Section 180g, is
7 amended to read as follows:

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

11 Upon written application of any authorized motor carrier holding
12 a certificate or permit or license issued by the ~~Commission~~
13 Department, the ~~Commission~~ Department shall issue to the motor
14 carrier a sufficient number of identification devices so that each
15 powered vehicle owned or to be operated by the motor carrier in the
16 state shall bear one identification device. Identification devices
17 shall be issued on an annual basis, and applications shall be made
18 annually on the form prescribed by the ~~Commission~~ Department, and
19 any motor carrier operating a powered vehicle without a current
20 identification device shall be in violation of the provisions of
21 Sections 180 through 180m of this title or the Motor Carrier Act of
22 1995.

23 It is hereby declared unlawful for any motor carrier, or agents
24 or employees of any motor carrier, to use or transfer an

1 identification device except as provided by rules of the ~~Commission~~
2 Department.

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

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

14 SECTION 48. AMENDATORY 47 O.S. 2011, Section 180k, is
15 amended to read as follows:

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

21 SECTION 49. AMENDATORY 47 O.S. 2011, Section 180l, is
22 amended to read as follows:

23 Section 180l. The ~~Commission~~ Department of Public Safety is
24 hereby authorized and empowered, on behalf of the State of Oklahoma,

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

24

1 SECTION 50. AMENDATORY 47 O.S. 2011, Section 180m, is
2 amended to read as follows:

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

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

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

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

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

24

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

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

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

13 SECTION 51. AMENDATORY 47 O.S. 2011, Section 230.22, is
14 amended to read as follows:

15 Section 230.22. A. It is hereby declared that it is necessary
16 in the public interest to regulate transportation by motor carriers
17 and private carriers in such manner as to recognize the need to
18 require all motor carriers and private carriers to have adequate
19 insurance; for motor carriers and private carriers to provide
20 service in a safe and efficient manner; and to establish that the
21 operations of motor carriers and private carriers will not have a
22 detrimental impact on the environment.

23 B. The public policy of this state, as declared by the
24 Legislature, requires that all existing intrastate certificates and

1 permits granted by the Oklahoma Corporation Commission, except
2 household goods and used emigrant movables, prior to January 1,
3 1995, are hereby revoked.

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

12 D. Nothing herein shall be construed to interfere with the
13 exercise by agencies of the government of the United States of its
14 power of regulation of interstate commerce.

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

20 SECTION 52. AMENDATORY 47 O.S. 2011, Section 230.23, is
21 amended to read as follows:

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

23 1. "Person" means any individual, firm, copartnership, limited
24 partnership, corporation, limited liability corporation, company,

1 association, or joint-stock association and includes any trustee,
2 receiver, assignee, or personal representative thereof;

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

5 3. "License" means the license issued under authority of the
6 laws of ~~the State of Oklahoma~~ this state to motor carriers and
7 private carriers;

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

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

15 6. "Motor carrier of persons or property" means any person,
16 except a carrier of household goods or used emigrant movables,
17 operating upon any public highway for the transportation of
18 passengers or property for compensation or for hire or for
19 commercial purposes, and not operating exclusively within the limits
20 of an incorporated city or town within this state. Provided, the
21 provisions of the Motor Carrier Act of 1995 shall not apply to the
22 following vehicles and equipment when such vehicles and equipment
23 are being used for the following:
24

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

1 engaged in motor vehicle transportation on a
2 commercial scale;

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

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

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

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

22 11. "Public highway" means every public street, road or
23 highway, or thoroughfare in this state, used by the public, whether
24

1 actually dedicated to the public and accepted by the proper
2 authorities or otherwise; and

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

7 SECTION 53. AMENDATORY 47 O.S. 2011, Section 230.24, is
8 amended to read as follows:

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

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

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

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

24

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

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

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

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

1 SECTION 54. AMENDATORY 47 O.S. 2011, Section 230.25, is
2 amended to read as follows:

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

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

12 SECTION 55. AMENDATORY 47 O.S. 2011, Section 230.26, is
13 amended to read as follows:

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

22 SECTION 56. AMENDATORY 47 O.S. 2011, Section 230.27, is
23 amended to read as follows:
24

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

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

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

17 SECTION 57. AMENDATORY 47 O.S. 2011, Section 230.28, is
18 amended to read as follows:

19 Section 230.28. A. It shall be unlawful for any motor carrier
20 to operate or furnish service within this state without first having
21 obtained from the ~~Commission~~ Department a license declaring that all
22 insurance requirements have been met and that the carrier will
23 operate within all existing rules and state laws pertaining to
24 safety standards, size and weight requirements and, when applicable,

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

20 B. In granting applications for licenses, the ~~Commission~~
21 Department shall take into consideration the reliability of the
22 applicant; the proper equipment meeting minimum safety criteria as
23 adequate to perform the service; and the applicant's sense of
24 responsibility toward the public and the environment.

1 C. The ~~Commission~~ Department may, at any time after a public
2 hearing and for good cause, suspend or revoke any license.
3 Provided, the record owner of the license shall be entitled to have
4 ~~ten (10) days'~~ ten-days' written notice by certified mail from the
5 ~~Commission~~ Department of any hearing affecting the license, except
6 as otherwise provided in the Motor Carrier Act of 1995. The right
7 of appeal from such order or orders shall be given as in other cases
8 appealed from orders of the ~~Commission~~ Department.

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

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

18 2. Full information concerning the physical properties of the
19 applicant; and

20 3. Such other information as the ~~Commission~~ Department may
21 consider pertinent to the application.

22 SECTION 58. AMENDATORY 47 O.S. 2011, Section 230.29, is
23 amended to read as follows:

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

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

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

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

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

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

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

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

22 8. "Shipper" means a person who sends or receives passengers or
23 property which is transported in intrastate commerce in this state.
24

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

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

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

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

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

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

19 2. The lease shall specify the time and date or the
20 circumstances on which the lease begins and ends and include a
21 description of the equipment which shall be identified by vehicle
22 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

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 59. 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~~ Commissioner.

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 60. 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

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 61. 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 62. 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 or by mail. 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~~ electronically or by mail when
15 the ~~Corporation Commission~~ Department of Public Safety determines
16 that such agreements are in 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 63. 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 2020, 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

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~~r~~ 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~~r~~ 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

- 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~~7~~ or local law, regulation~~7~~ 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 of Public
7 Safety to have committed a violation of subsection D of this section
8 shall be subject to an administrative penalty of not less than Two
9 Thousand Seven Hundred Fifty Dollars (\$2,750.00) nor more than
10 Twenty-five 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 a provision of this section identified
24 during a Compliance Review/Investigation, the administrative penalty

1 amount shall be in accordance with federal regulations and
2 determined by utilizing the Uniform Fine Assessment (UFA) software
3 and any successor software now or hereafter used by the Federal
4 Motor Carrier Safety Administration.

5 SECTION 64. AMENDATORY 47 O.S. 2011, Section 230.9, as
6 amended by Section 13, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2020,
7 Section 230.9), is amended to read as follows:

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

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

18 1. An act which is a violation of a recordkeeping requirement
19 of this title or of any rule or regulation promulgated thereto or
20 the Federal Motor Carrier Safety Act of 1984, such person shall be
21 liable to the State of Oklahoma for an administrative penalty not to
22 exceed One Hundred Dollars (\$100.00) for each offense; provided
23 that the total of all administrative penalties assessed against any
24

1 violator pursuant to this paragraph for all offenses related to any
2 single violation shall not exceed Five Hundred Dollars (\$500.00);

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

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

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

20 D. Except for recordkeeping violations, no administrative
21 penalty shall be assessed pursuant to the provisions of this
22 section, against an employee of any person subject to the provisions
23 of the Oklahoma Motor Carrier Safety and Hazardous Materials
24 Transportation Act for a violation unless the Commissioner

1 determines that such actions of the employee constituted gross
2 negligence or reckless disregard for safety in which case such
3 employee shall be liable for an administrative penalty not to exceed
4 One Thousand Dollars (\$1,000.00).

5 E. For violations identified during a Compliance
6 Review/Investigation, the administrative penalty amount shall be in
7 accordance with federal regulations and determined by utilizing the
8 Uniform Fine Assessment (UFA) software and any successor software
9 now or hereafter used by the Federal Motor Carrier Safety
10 Administration.

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

21 ~~F.~~ G. The Commissioner or his or her designated representative
22 shall assess the amount of any administrative penalty, after notice
23 and an opportunity for hearing, by written notice to the violator
24 together with notice of findings in the case. An appeal therefrom

1 may be made to the district court of Oklahoma County pursuant to the
2 provisions of Sections 318 through 323 of Title 75 of the Oklahoma
3 Statutes.

4 ~~G.~~ H. An administrative penalty assessed by the Commissioner
5 may be recovered:

6 1. In an action brought by the Attorney General on behalf of
7 the State of Oklahoma. However, before referral to the Attorney
8 General, the administrative penalty may be compromised by the
9 Commissioner;

10 2. By the Commissioner in the appropriate district court of ~~the~~
11 ~~State of Oklahoma~~ this state; ~~or~~

12 3. By the Commissioner in an administrative hearing conducted
13 by the Department of Public Safety.

14 I. The Department may deny issuance of documentation needed for
15 operation of a commercial motor vehicle including but not limited to
16 permits, certificates and contracts, when an entity or person has
17 unpaid administrative penalties, fees or charges, until paid.

18 J. The Department shall issue an order placing the operating
19 authority of any intrastate carrier out-of-service on the sixty-
20 first day after the date of a notice of proposed "unsatisfactory"
21 safety rating issued by the Department following a Compliance Review
22 or Investigation. The out-of-service order or suspension of
23 operating authority shall remain in place until the Department
24 determines that the carrier has remedied the safety issue as

1 determined by the Department. The carrier shall also be placed out
2 of service if it does not allow the Department to conduct a
3 compliance review/investigation. The Department shall use the
4 Federal Motor Carrier Safety Administration safety rating
5 methodology.

6 K. If a motor carrier is found to be operating any vehicle
7 while operating authority is suspended, in violation of an out-of-
8 service order or with past due administrative penalties, fees and
9 charges owed to the Department, the Department may hold the vehicle
10 until cleared.

11 ~~H.~~ L. The first One Hundred Thousand Dollars (\$100,000.00) of
12 the administrative penalties collected each fiscal year pursuant to
13 the provisions of the Oklahoma Motor Carrier Safety and Hazardous
14 Materials Transportation Act shall be deposited in the General
15 Revenue Fund of the State of Oklahoma. All other monies collected
16 in excess of One Hundred Thousand Dollars (\$100,000.00) each fiscal
17 year shall be deposited to the credit of the Department of Public
18 Safety Restricted Revolving Fund for the purpose of administering
19 the Oklahoma Motor Carrier Safety and Hazardous Materials
20 Transportation Act.

21 SECTION 65. AMENDATORY 47 O.S. 2011, Section 1120, as
22 amended by Section 2, Chapter 235, O.S.L. 2016 (47 O.S. Supp. 2020,
23 Section 1120), is amended to read as follows:
24

1 Section 1120. A. The ~~Corporation Commission~~ Department of
2 Public Safety may, when in the interest of ~~the State of Oklahoma~~
3 this state and its residents, enter into the International
4 Registration Plan or other compacts or agreements with other states
5 to permit motor vehicle registration and license taxes on any truck,
6 bus, or truck-tractor on a proportional basis commensurate with the
7 use of Oklahoma highways. Proportional registration under such
8 plans may be permitted for vehicles engaged in interstate commerce
9 or combined interstate and intrastate commerce. Any action taken by
10 the ~~Oklahoma Tax~~ Corporation Commission with respect to the
11 International Registration Plan or other such compacts or agreements
12 prior to ~~July 1, 2004~~ January 1, 2023, shall remain in effect unless
13 altered by the ~~Corporation Commission~~ Department of Public Safety
14 pursuant to its authority to do so after ~~the effective date of this~~
15 ~~act~~ July 1, 2004.

16 B. The ~~Corporation Commission~~ Department of Public Safety shall
17 require that such proportional registration be based on the
18 percentage of miles actually operated by such vehicles or fleets of
19 vehicles in ~~the State of Oklahoma~~ this state in the reporting period
20 in proportion to the total fleet miles operated both within and
21 without Oklahoma. If the registrant did not incur mileage during
22 the preceding reporting period, the registrant shall pay fees for
23 its future operations in accordance with the International
24 Registration Plan. Such percentage figure, so determined by the

1 ~~Corporation Commission~~ Department of Public Safety, shall be the
2 Oklahoma mileage factor. In computing the taxes under the foregoing
3 formula, the ~~Corporation Commission~~ Department of Public Safety
4 shall first compute the license fees for the entire fleet and then
5 multiply the amount by the Oklahoma mileage factor on a dollar
6 basis.

7 C. Upon receipt of the Oklahoma license and registration tax,
8 which shall be paid by cash and/or certified funds, as computed
9 under the provisions of the Oklahoma Vehicle License and
10 Registration Act, the ~~Corporation Commission~~ Department of Public
11 Safety shall register all such fleet vehicles, and shall issue a
12 license plate, cab card or decal for each of such vehicles
13 identifying it as part of an interstate fleet. The ~~Corporation~~
14 ~~Commission~~ Department of Public Safety may, upon satisfactory review
15 of the payment history of an applicant, waive the requirement for
16 payment in cash or certified funds.

17 D. Vehicles so registered on a prorated basis shall be
18 considered fully licensed in Oklahoma and shall be exempt from all
19 further registration or license fees under the provisions of the
20 Oklahoma Vehicle License and Registration Act; provided that such
21 fleet vehicles are proportionally licensed in some other state,
22 territory or possession of the United States or some foreign
23 province, state or country with which the ~~Corporation Commission~~

1 Department of Public Safety has entered into a prorationing compact
2 or agreement.

3 If a vehicle is permanently withdrawn from a proportionally
4 registered fleet and a replacement vehicle is added to the fleet in
5 the same calendar month, the replacement vehicle shall be considered
6 fully registered as provided in Section 1133 of this title and
7 Section 14-109 of this title, if the replacement vehicle is
8 registered for a weight equal to or less than the vehicle
9 permanently withdrawn, or if additional registration fees are paid
10 when the replacement vehicle is registered for a weight greater than
11 the vehicle withdrawn. If a vehicle is permanently withdrawn from a
12 proportionally registered fleet and is not replaced by another
13 vehicle in the same calendar month, credit shall be allowed as
14 otherwise provided in this section.

15 E. Vehicles subsequently added to a proportionally registered
16 fleet after commencement of the registration year shall be
17 proportionally registered by applying the mileage percentage used in
18 the original application for such fleet for such registration period
19 to the regular registration fees due with respect to such vehicle
20 for the remainder of the registration year.

21 F. If a vehicle is permanently withdrawn from a proportionally
22 registered fleet because it has been destroyed, sold or otherwise
23 completely removed from service, credit shall be allowed. Such
24 credit shall be a sum equal to the amount paid with respect to such

1 vehicle when it was first proportionally registered in the
2 registration year, reduced by those months elapsing since the
3 beginning of the registration year. The credit may be applied
4 against subsequent additions to the fleet, with the exception of
5 vehicles removed from a renewal fleet and later added back to the
6 same fleet, to be prorated or for other additional registration fees
7 assessed. In no event shall credit be allowed for fees beyond such
8 registration year, nor shall any such amount be subject to refund.
9 Provided, further, that vehicles removed from a prorated fleet or
10 sold to a nonprorated fleet for operation in Oklahoma shall be
11 registered in Oklahoma for the remaining portion of the year.

12 G. The records of total mileage operated in all states upon
13 which the application is made for a period of three (3) years
14 following the year upon which the application is based shall be
15 preserved. Upon request of the ~~Corporation Commission~~ Department of
16 Public Safety, such records shall be made available for audit as to
17 accuracy of computation and payments. The ~~Corporation Commission~~
18 Department of Public Safety may enter into agreements with agencies
19 of other states administering motor vehicle registration laws for
20 joint audits of any such records.

21 H. The ~~Corporation Commission~~ Department of Public Safety may
22 enter into compacts or agreements with other states or other
23 countries or subdivisions of such countries allowing reciprocal
24

1 privileges to vehicles based in such other states and operating in
2 interstate commerce if the vehicles are properly registered therein.

3 I. Interchanged vehicles properly registered in another state
4 may be granted reciprocal privileges when engaged in a continuous
5 movement in interstate commerce, but must register in this state if
6 used in intrastate commerce.

7 J. In addition to those taxes or fees imposed by the Oklahoma
8 Vehicle License and Registration Act, the same or substantially the
9 same type or category of tax or fee may be imposed upon an out-of-
10 state resident as is imposed upon residents of Oklahoma for the same
11 or substantially similar use of a vehicle in such other state in the
12 amount, or approximate total amount, of any fee or tax, including
13 property, motor fuel, excise, sales, use or mileage tax required by
14 the laws of such other state to be paid by a resident of this state
15 making the same or similar use of a like vehicle in such state.

16 The ~~Corporation Commission~~ Department of Public Safety shall
17 have the authority to promulgate rules which provide procedures for
18 implementation of comparable regulatory fees and taxes for vehicles
19 used in this state by residents of other states.

20 Any revenue derived from this subsection shall be apportioned in
21 the same manner as provided in Section 1104 of this title.

22 It is the intention of the Legislature that the motor vehicle
23 registration and licensing fees assessed against residents of other
24 states operating similar vehicles in Oklahoma be comparably the same

1 as the motor vehicle registration and licensing fees assessed
2 against residents of Oklahoma operating a similar vehicle for a
3 similar purpose in such other state; and that the ~~Corporation~~
4 ~~Commission~~ Department of Public Safety diligently monitor the motor
5 vehicle registration and licensing fees assessed against residents
6 of Oklahoma by other states and to provide for uniform treatment of
7 Oklahoma residents operating vehicles in other states and for
8 residents of other states operating vehicles in Oklahoma.

9 SECTION 66. AMENDATORY 47 O.S. 2011, Section 1120.1, is
10 amended to read as follows:

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

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

22 1. A fee of Fifteen Dollars (\$15.00) shall be assessed for the
23 first year of registration in this or any other state; and
24

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

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

8 SECTION 67. AMENDATORY 47 O.S. 2011, Section 1166, is
9 amended to read as follows:

10 Section 1166. A. Effective ~~July 1, 2004~~ January 1, 2023, all
11 powers, duties and responsibilities exercised by the Motor Vehicle
12 Enforcement Section ~~shall be~~ previously transferred from the
13 Oklahoma Tax Commission to the Corporation Commission shall be
14 transferred to the Department of Public Safety. Beginning July 1,
15 ~~2004~~ 2021, and effective ~~July 1, 2005~~ January 1, 2023, all powers,
16 duties and responsibilities exercised by the International
17 Registration Plan Section and the International Fuel Tax Agreement
18 Section shall be transferred from the ~~Tax Commission to the~~
19 Corporation Commission to the Department of Public Safety. All
20 records, property and matters pending of the sections shall be
21 transferred to the ~~Corporation Commission~~ Department of Public
22 Safety. Funds sufficient to administer the powers, duties and
23 responsibilities exercised by these sections shall be appropriated
24 or allocated to the ~~Corporation Commission~~ Department of Public

1 Safety for fiscal ~~year 2005~~ years 2023 and 2024 as provided herein.
2 Such funds appropriated or allocated to the ~~Corporation Commission~~
3 Department of Public Safety shall not be subject to budgetary
4 limitations. The Director of ~~State Finance~~ the Office of Management
5 and Enterprise Services is hereby authorized to transfer such funds
6 as may be necessary to effect such allocations.

7 B. The period of July 1, ~~2004~~ 2021, through ~~June 30, 2005~~
8 December 31, 2022, shall be a transitional period in which the
9 ~~Corporation Commission~~ Department of Public Safety shall gradually
10 assume complete administration and management over the powers,
11 duties, responsibilities and staff currently carrying out the
12 administration of the International Registration Plan Section and
13 the International Fuel Tax Agreement Section. During this
14 transition period, the employees assigned to the International
15 Registration Plan Section and the International Fuel Tax Agreement
16 Section shall continue to be employees of the ~~Tax~~ Corporation
17 Commission unless otherwise agreed to by the ~~Tax Commission~~
18 Department of Public Safety and the Corporation Commission.

19 Effective ~~July 1, 2005~~ January 1, 2023, the International
20 Registration Plan Section and the International Fuel Tax Agreement
21 Section shall be administered solely by the Corporation Commission.
22 For the period of July 1, ~~2004~~ 2021, through ~~June 30, 2005~~ December
23 31, 2022, the Corporation Commission and the ~~Tax Commission~~ shall
24 ~~enter into a contract whereby funds shall be paid to the Tax~~

1 ~~Commission by the Corporation Commission in exchange for the Tax~~
2 ~~Commission's agreement to continue to operate~~ Department of Public
3 Safety shall develop and implement a reasonable and expeditious
4 method for expenditure of funds in support of the International
5 Registration Plan Section and the International Fuel Tax Agreement
6 Section.

7 C. The powers, duties and responsibilities exercised by the
8 Motor Vehicle Enforcement Section of the Tax Commission previously
9 transferred to the Corporation Commission shall be fully transferred
10 to the ~~Corporation Commission~~ Department of Public Safety on ~~July 1,~~
11 ~~2004~~ January 1, 2023.

12 D. All employees of the ~~Tax~~ Corporation Commission whose duties
13 are transferred under this act shall be transferred to the
14 ~~Corporation Commission~~ Department of Public Safety at the discretion
15 of the Commissioner of Public Safety. Personnel transferred
16 pursuant to the provisions of this section shall not be required to
17 accept a lesser salary than presently received; provided, the
18 provisions of this section shall not operate to prohibit the
19 Corporation Commission or the ~~Tax Commission~~ Department of Public
20 Safety from imposing furloughs or reductions-in-force with respect
21 to such personnel as allowed by law. Personnel transferred shall be
22 placed within the classification level in which they meet
23 qualifications without an entrance exam. All such persons shall
24 retain seniority, leave, sick and annual time earned and any

1 retirement benefits which have accrued during their tenure with the
2 ~~Tax~~ Corporation Commission. The transfer of personnel among the
3 agencies shall be coordinated with the Office of ~~Personnel~~
4 Management and Enterprise Services.

5 E. Effective ~~July 1, 2004~~ January 1, 2023, any administrative
6 rules promulgated by the ~~Tax~~ Corporation Commission related to the
7 administration of the International Registration Plan authorized by
8 Section 1120 of Title 47 of the Oklahoma Statutes, the International
9 Fuel Tax Agreement authorized by Section 607 of Title 68 of the
10 Oklahoma Statutes, or the enforcement of Section 1115.1 of Title 47
11 of the Oklahoma Statutes shall be transferred to and become a part
12 of the administrative rules of the ~~Corporation Commission~~ Department
13 of Public Safety. The Office of Administrative Rules in the
14 Secretary of State's office shall provide adequate notice in the
15 Oklahoma Register of the transfer of rules, and shall place the
16 transferred rules under the Administrative Code section of the
17 ~~Corporation Commission~~ Department of Public Safety. From and after
18 ~~July 1, 2004~~ January 1, 2023, any amendment, repeal or addition to
19 the transferred rules shall be under the jurisdiction of the
20 Corporation Commission. All documents issued by the sections
21 transferred to the ~~Corporation Commission~~ Department of Public
22 Safety, including, but not limited to, vehicle registrations and
23 permits, shall be deemed to have been issued by the ~~Corporation~~
24 ~~Commission~~ Department of Public Safety.

1 F. ~~The Corporation Commission~~ Department of Public Safety may
2 promulgate rules necessary for the utilization of motor license
3 agents in the registration of vehicles pursuant to Section 1120 of
4 Title 47 of the Oklahoma Statutes.

5 G. For the period of July 1, 2021 through December 31, 2022,
6 the Corporation Commission and the Department of Public Safety shall
7 cooperate to develop and implement a reasonable and expeditious
8 method to transfer powers and duties from the Corporation Commission
9 to the Department of Public Safety including but not limited to the
10 expenditure of funds in support of the International Registration
11 Plan Section and the International Fuel Tax Agreement Section.
12 After July 1, 2021, the Corporation Commission shall not increase
13 the number of personnel or the salary of personnel transferred
14 pursuant to the provisions of this section unless otherwise agreed
15 upon by the Department of Public Safety.

16 SECTION 68. AMENDATORY 47 O.S. 2011, Section 1167, as
17 last amended by Section 1, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
18 2020, Section 1167), is amended to read as follows:

19 Section 1167. A. ~~The Corporation Commission~~ Department of
20 Public Safety is hereby authorized to promulgate rules pursuant to
21 the Administrative Procedures Act to establish the amounts of fees,
22 fines and penalties as set forth in Section 1166 et seq. of this
23 title. ~~The Corporation Commission~~ Department of Public Safety shall
24 notify all interested parties of any proposed rules to be

1 promulgated as provided herein and shall provide such parties an
2 opportunity to be heard prior to promulgation.

3 B. The ~~Corporation Commission~~ Department of Public Safety shall
4 adjudicate enforcement actions initiated by ~~Corporation Commission~~
5 Department of Public Safety personnel.

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

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

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

20 D. There is hereby created in the State Treasury a revolving
21 fund for the ~~Corporation Commission~~ Department of Public Safety to
22 be known and designated as the "Trucking One-Stop Shop Fund". The
23 Trucking One-Stop Shop Fund shall consist of:

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

3 2. Fees collected by the ~~Commission~~ Department of Public Safety
4 to be retained as a motor license agent or other ~~Corporation~~
5 ~~Commission~~ Department of Public Safety registration or motor fuel
6 fees as allowed by statute or rule; and

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

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

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

22 E. There is hereby created in the State Treasury a revolving
23 fund for the Department of Transportation to be designated the
24 "Weigh Station Improvement Revolving Fund". The fund shall be a

1 continuing fund, not subject to fiscal year limitations, and shall
2 consist of all monies deposited thereto. All monies accruing to the
3 credit of the fund are hereby appropriated and may be budgeted and
4 expended by the Department for the purpose of constructing,
5 equipping and maintaining facilities to determine the weight of
6 vehicles traveling on the roads and highways of this state.
7 Expenditures from the fund shall be made upon warrants issued by the
8 State Treasurer against claims filed as prescribed by law with the
9 Director of the Office of Management and Enterprise Services for
10 approval and payment.

11 SECTION 69. AMENDATORY 47 O.S. 2011, Section 1168, as
12 amended by Section 205, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
13 2020, Section 1168), is amended to read as follows:

14 Section 1168. All facilities and equipment under the
15 administrative control of the Oklahoma Tax Commission and used for
16 determining the weight of vehicles operated on the roads or highways
17 of this state are hereby transferred to the Department of
18 Transportation. Any funds appropriated to or any powers, duties and
19 responsibilities exercised by the Tax Commission for such purpose
20 shall be transferred to the Department of Transportation. The
21 Director of the Office of Management and Enterprise Services is
22 hereby authorized to transfer such funds as may be necessary. The
23 Department of Transportation is hereby authorized to enter into an
24 agreement with the ~~Corporation Commission~~ Department of Public

1 Safety to operate such facilities or equipment. The provisions of
2 this section shall not be construed to obligate the Department of
3 Transportation to incur expenses in connection with the
4 administration of such facilities and equipment in an amount which
5 exceeds deposits to the Weigh Station Improvement Revolving Fund.

6 SECTION 70. AMENDATORY 47 O.S. 2011, Section 1169, is
7 amended to read as follows:

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

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

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

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

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

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

1 B. The interest or penalty or any portion thereof ordinarily
2 accruing by failure of the motor carrier, registrant or licensee to
3 properly file a report or return may be waived or reduced by the
4 ~~Corporation Commission~~ Department of Public Safety. No interest or
5 penalties in excess of Ten Thousand Dollars (\$10,000.00) shall be
6 allowed except by order of the ~~Commission~~ Department.

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

18 D. Upon the revocation or expiration of any motor carrier or
19 commercial motor vehicle license, permit, registration or
20 certificate issued pursuant to the jurisdiction of the ~~Corporation~~
21 ~~Commission~~ Department of Public Safety, all accrued taxes, fees and
22 penalties due and payable under the terms of state law, rules or
23 order imposing or levying such tax, fee or penalty shall become due
24 and payable concurrently upon the revocation or expiration of the

1 license, permit, registration or certificate and the licensee,
2 permittee, registrant or certificate holder shall forthwith make a
3 report covering the period of time not covered by preceding reports
4 filed by ~~said~~ the person and ending with the date of the revocation
5 or expiration and shall pay all such taxes, fees or penalties owed.

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

13 SECTION 71. AMENDATORY Section 2, Chapter 262, O.S.L.
14 2012 (47 O.S. Supp. 2020, Section 1201), is amended to read as
15 follows:

16 Section 1201. As used in the Oklahoma Weigh Station Act of
17 2012:

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

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

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

22 4. "Port of entry" means a facility, in close proximity to a
23 state line, designed to electronically weigh and screen motor
24 carriers and commercial motor vehicles for compliance with federal

1 and state statutes and rules, allowing compliant carriers to proceed
2 with minimal or no delay;

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

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

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

17 SECTION 72. AMENDATORY Section 3, Chapter 262, O.S.L.
18 2012, as last amended by Section 2, Chapter 373, O.S.L. 2016 (47
19 O.S. Supp. 2020, Section 1202), is amended to read as follows:

20 Section 1202. A. The Department of Transportation, the
21 Oklahoma Turnpike Authority and the ~~Corporation Commission~~
22 Department of Public Safety may enter into interagency agreements
23 concerning the equipment, maintenance and operations of fixed
24 facilities. From July 1, 2021, to January 1, 2023, the Department

1 of Transportation and the Corporation Commission may enter into
2 interagency agreements concerning the equipment, maintenance and
3 operations of fixed facilities.

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

8 C. ~~The Commission~~ Effective January 1, 2023, all powers, duties
9 and responsibilities exercised by the International Registration
10 Plan Section, the International Fuel Tax Agreement, the Unified
11 Carrier Registration program, and the administration of trip
12 permits, temporary fuel permits and harvest permits shall be
13 transferred from the Corporation Commission to the Department of
14 Public Safety.

15 D. Beginning January 1, 2023, the Department shall operate all
16 current and future ports of entry weigh stations eighteen (18) to
17 twenty (20) hours a day and seven (7) days a week upon the
18 availability of funds.

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

23 ~~E. When a fixed facility is located in the general area,~~
24 ~~Commission motor carrier and commercial motor vehicle enforcement~~

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

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

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

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

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

21 SECTION 73. AMENDATORY Section 4, Chapter 262, O.S.L.
22 2012 (47 O.S. Supp. 2020, Section 1203), is amended to read as
23 follows:
24

1 Section 1203. A. A commercial motor vehicle, its driver or a
2 motor carrier may not be cited for the same violation of motor
3 carrier or commercial motor vehicle requirements on the same date by
4 any Oklahoma officer, provided neither the vehicle configuration nor
5 the load have changed. This subsection is not applicable to a
6 Commercial Vehicle Safety Alliance out-of-service violation.

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

11 SECTION 74. AMENDATORY 69 O.S. 2011, Section 306, as
12 amended by Section 571, Chapter 304, O.S.L. 2012 (69 O.S. Supp.
13 2020, Section 306), is amended to read as follows:

14 Section 306. Immediately upon the election and qualification of
15 the Director, he or she shall become vested with the duties and
16 powers of the management and control of the Department, under such
17 orders, rules and regulations as may be prescribed by the
18 Commission; and in addition thereto he or she shall have the
19 following specific powers and duties:

20 ~~(a)~~ 1. To supervise the state highway system under rules and
21 regulations prescribed by the Commission;

22 ~~(b)~~ 2. To appoint and employ, supervise and discharge such
23 professional, clerical, skilled and semiskilled help, labor and
24 other employees as may be deemed necessary for the proper discharge

1 of the duties of the Department and to fix and determine the
2 salaries or wages to be paid subject to all such rules and
3 regulations as may be promulgated by the Commission, and subject to
4 the policies, rules and regulations of the Office of Management and
5 Enterprise Services and the State Merit System of Personnel
6 Administration;

7 ~~(e)~~ 3. To investigate and determine upon the various methods of
8 road and bridge construction and maintenance in the different
9 sections of the state;

10 ~~(d)~~ 4. To aid at all times in promoting highway improvements
11 and maintenance throughout the state;

12 ~~(e)~~ 5. To make recommendations to the Commission in the letting
13 of all contracts for construction or improvements of state highways
14 or any contract for road or bridge construction or improvement where
15 the work is being done in whole or in part with state or federal
16 monies; and to act for the Commission in the purchase of all
17 materials, equipment and supplies as provided for in this Code;

18 ~~(f)~~ 6. To place on the state highway system any road he or she
19 deems necessary and to the best interest of the state, when approved
20 by a majority of the entire Commission, and to eliminate from the
21 state highway system any road when approved by a majority of the
22 entire Commission;

23 ~~(g)~~ 7. To approve and pay claims for the services of
24 professional, clerical, skilled and semiskilled help, laborers and

1 other employees, for the Commission, when the salary or wages of
2 such help and employees shall have been previously approved by the
3 Commission; and to approve and pay progressive estimates on work
4 done or contracts performed, where such work or contracts have
5 theretofore been approved by the Commission; and to approve and pay
6 claims for the purchase of equipment, materials and supplies
7 theretofore authorized by the Commission;

8 ~~(h)~~ 8. To make emergency purchases of equipment, materials, and
9 supplies, and emergency contracts for construction and repairs,
10 under rules and regulations prescribed by the Commission;

11 ~~(i)~~ 9. To grant permission to state agencies, municipalities
12 and water companies or districts to lay any water pipeline within
13 the rights-of-way of state highways, when approved by the
14 Commission; ~~and~~

15 ~~(j)~~ 10. To act for the Department in all matters except as
16 otherwise provided in this Code; and

17 11. Subject to the Merit System laws, the Director is hereby
18 authorized to employ a supervisor of permit clerks, headquarters
19 permit clerks and additional permit clerks, who shall have the duty
20 to issue oversize and overweight permits in accordance with the
21 provisions of Chapter 14 of Title 47 of the Oklahoma Statutes and to
22 collect the fees therefor and to remit the same to the Oklahoma Tax
23 Commission.
24

1 SECTION 75. REPEALER 47 O.S. 2011, Sections 171, 171.2
2 and 172.1, are hereby repealed.

3 SECTION 76. This act shall become effective July 1, 2021.

4 SECTION 77. It being immediately necessary for the preservation
5 of the public peace, health or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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