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February 21, 2022

By: Allen of the Senate

and

Roberts (Dustin) of the  
House

An Act relating to motor carriers; amending 47 O.S. 2021, Section 172, which relates to enforcement officers; requiring approval of Department of Public Safety of certain enforcement officers; updating statutory references and language; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 172, is amended to read as follows:

Section 172. A. Every owner of any motor vehicle, the agents or employees of the owner, and every other person who violates or fails to comply with or procures, aids, or abets in the violation of Sections ~~161~~ 161A through 180m of this title or the Motor Carrier Act of 1995, or who fails to obey, observe, or comply with any order, decision, rule or regulation, direction, demand, or requirement of the Corporation Commission, or who procures, aids or abets any corporation or person in the person's, or its, refusal or willful failure to obey, observe or comply with any such order,

1 decision, rule, direction, demand, or regulation shall be deemed  
2 guilty of a misdemeanor. Upon conviction in a criminal court of  
3 competent jurisdiction, such misdemeanor is punishable by a fine ~~of~~  
4 not ~~exceeding~~ to exceed One Thousand Dollars (\$1,000.00).

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

23 C. Any person failing, neglecting or refusing to comply with  
24 the provisions of Sections ~~161~~ 161A through 180m of this title or

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

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

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

3 E. Enforcement officers, appointed by the Corporation  
4 Commission and approved by the Department of Public Safety, are  
5 hereby declared to be peace officers of this state. Such officers  
6 shall be vested with all powers of peace officers in enforcing the  
7 provisions of Sections ~~161~~ 161A through 180m of this title and the  
8 Motor Carrier Act of 1995 in all parts of this state.

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

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

1 transportation carried by the driver of the vehicle. The officers  
2 shall not have the right to plea bargain.

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

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

21 I. No state official, other than members of the Corporation  
22 Commission, shall have any power, right, or authority to command,  
23 order, or direct any enforcement officer to perform any duty or  
24

1 service authorized by Sections ~~161~~ 161A through 180m of this title  
2 or the Motor Carrier Act of 1995.

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

9 K. No enforcement officer or employee of the ~~Oklahoma~~  
10 Corporation Commission shall have the right to plea bargain in motor  
11 carrier or motor transportation matters except the chief legal  
12 counsel of the Commission or an assign of the legal staff of the  
13 chief legal counsel.

14 SECTION 2. This act shall become effective November 1, 2022.

15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
16 February 21, 2022 - DO PASS  
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