

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1154

By: Allen

AS INTRODUCED

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; 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, decision, rule, direction, demand, or regulation shall be deemed

1 guilty of a misdemeanor. Upon conviction in a criminal court of
2 competent jurisdiction, such misdemeanor is punishable by a fine ~~of~~
3 not ~~exceeding~~ to exceed One Thousand Dollars (\$1,000.00).

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

22 C. Any person failing, neglecting or refusing to comply with
23 the provisions of Sections ~~161~~ 161A through 180m of this title or
24 the Motor Carrier Act of 1995, or with any rule, regulation, or

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

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

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

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

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

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

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

19 I. No state official, other than members of the Corporation
20 Commission, shall have any power, right, or authority to command,
21 order, or direct any enforcement officer to perform any duty or
22 service authorized by Sections ~~161~~ 161A through 180m of this title
23 or the Motor Carrier Act of 1995.
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1 J. Each of the enforcement officers shall, before entering upon
2 the discharge of their duties, take and subscribe to the usual oath
3 of office and shall execute to ~~the State of Oklahoma~~ this state a
4 bond in the sum of Twenty-five Thousand Dollars (\$25,000.00) each,
5 with sufficient surety for the faithful performance of their duty.
6 The bond shall be approved and filed as provided by law.

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

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

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