

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1574

By: Allen

AS INTRODUCED

An Act relating to the Corporation Commission;
amending 47 O.S. 2021, Section 162, which relates to
the powers and duties of the Corporation Commission;
requiring certain persons be approved by the
Department of Public Safety or designated agency;
amending 47 O.S. 2021, Section 230.4, which relates
to powers and duties of the Corporation Commissioner;
requiring certain persons be approved by the
Department of Public Safety or designated agency;
amending 47 O.S. 2021, Section 230.24, which relates
to the powers and duties of the Commission; requiring
certain persons be approved by the Department of
Public Safety or designated agency; updating
statutory 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 162, is
amended to read as follows:

Section 162. A. The Corporation Commission is authorized to:

1. Supervise and regulate every motor carrier of household
goods;
2. Protect the shipping and general public by requiring
liability insurance and cargo insurance of all motor carriers of
household goods;

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

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

8 5. Enforce the provisions of this act.

9 B. The Commission is authorized to promulgate rules applicable
10 to persons transporting household goods.

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

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

23 D. Nothing in this section shall be construed to remove or
24 affect the jurisdiction of the Department of Environmental Quality
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1 to implement hazardous waste transportation requirements for federal
2 hazardous waste program delegation to this state under the federal
3 Resource Conservation and Recovery Act.

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

8 F. An officer, employee, or agent of the Commission, prior to
9 undertaking the duties and responsibilities of his or her
10 employment, shall be approved by the Department of Public Safety or
11 any other agency as designated by the Governor.

12 SECTION 2. AMENDATORY 47 O.S. 2021, Section 230.4, is
13 amended to read as follows:

14 Section 230.4. A. To the extent necessary to administer the
15 Oklahoma Motor Carrier Safety and Hazardous Materials Transportation
16 Act, and consistent with budget and manpower limitations, the
17 Commissioner:

18 1. ~~shall~~ Shall adopt and promulgate rules and regulations in
19 order to carry out the provisions of the Oklahoma Motor Carrier
20 Safety and Hazardous Materials Transportation Act relating to motor
21 carrier safety in the transportation of property and hazardous
22 materials in intrastate and interstate commerce, and to coordinate
23 the implementation of a transportation emergency response system;
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1 2. ~~may~~ May adopt by reference and enforce all or any portion of
2 the federal motor carrier safety regulations and the hazardous
3 materials regulations of the United States Department of
4 Transportation, as now or hereafter amended;

5 3. ~~shall~~ Shall conduct a continuing review of all aspects of
6 motor carrier safety and the transportation of property, including
7 hazardous materials, in order to determine and recommend appropriate
8 steps to assure safe transportation; and

9 4. ~~may~~ May authorize any officer, employee or agent of the
10 Department to:

- 11 a. conduct investigations; make reports; issue subpoenas;
12 conduct hearings; require the production of relevant
13 documents, records and property; take depositions; and
14 conduct directly or indirectly research, development,
15 demonstration and training activities,
- 16 b. enter upon, inspect and examine at reasonable times
17 and in a reasonable manner, the records and properties
18 of persons to the extent such records and properties
19 relate to motor carrier safety or the transportation
20 or shipment of hazardous materials in commerce, and to
21 inspect and copy records and papers of carriers and
22 other persons to carry out the purposes of the
23 Oklahoma Motor Carrier Safety and Hazardous Materials
24 Transportation Act,

- 1 c. stop and inspect any driver or commercial motor
2 vehicle for any violation of the Oklahoma Motor
3 Carrier Safety and Hazardous Materials Transportation
4 Act or rules and regulations issued pursuant thereto,
5 d. declare and mark any transport vehicle or container as
6 out of service if its condition, filling, equipment or
7 protective devices would be hazardous to life or
8 property during transportation, or if records thereof
9 reflect such hazard, or if required records are
10 incomplete,
11 e. prohibit any commercial driver from transporting
12 hazardous materials if such driver is unqualified or
13 disqualified under any federal or department
14 regulation, and
15 f. administer and enforce the provisions of the Oklahoma
16 Motor Carrier Safety and Hazardous Materials
17 Transportation Act and any rules and regulations
18 issued pursuant thereto.

19 B. Any such officer, employee, or agent shall, upon request,
20 display proper credentials prescribed or approved by the
21 Commissioner.

22 C. An officer, employee, or agent of the Commission, prior to
23 undertaking the duties and responsibilities of his or her
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1 employment, shall be approved by the Department of the Public Safety
2 or any other agency as designated by the Governor.

3 SECTION 3. AMENDATORY 47 O.S. 2021, Section 230.24, is
4 amended to read as follows:

5 Section 230.24. A. The Corporation Commission is hereby vested
6 with power and authority, and it shall be its duty:

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

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

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

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

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

1 B. The Commission shall have the power and authority by general
2 order or otherwise to prescribe rules applicable to any or all motor
3 carriers and private carriers as applicable.

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

17 D. An officer, employee, or agent of the Commission, prior to
18 undertaking the duties and responsibilities of his or her
19 employment, shall be approved by the Department of Public Safety or
20 any other agency as designated by the Governor.

21 SECTION 4. This act shall become effective November 1, 2022.
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