

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1597

By: Murdock

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6 AS INTRODUCED

7 An Act relating to weigh stations; allowing the  
8 Department of Transportation to establish a weigh  
9 station preclearance program under certain  
10 conditions; requiring the Department to identify  
11 which weigh stations will participate in the  
12 preclearance program; requiring certain equality for  
13 devices and platforms; requiring the Department to  
14 establish certain criteria; allowing for use of a  
15 commercial mobile radio services network device or a  
16 short-range communications device under certain  
17 conditions; requiring the Department to be considered  
18 the owner of certain data; prohibiting certain data  
19 from being proprietary; requiring certain  
20 accessibility to existing or future weigh-in-motion  
21 systems; allowing the Department to adopt certain  
22 rules; amending 47 O.S. 2021, Section 1201, which  
23 relates to definitions; providing definition;  
24 providing for codification; and providing an  
effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 1204 of Title 47, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. The Department of Transportation may administer a weigh  
24 station preclearance program in accordance with the commercial  
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1 vehicle information system and networks electronic screening truck  
2 inspection and weigh station preclearance standards authorized by  
3 the Federal Motor Carrier Safety Administration of the United States  
4 Department of Transportation. If the Oklahoma Department of  
5 Transportation administers a preclearance program, then the  
6 Department shall determine which weigh stations shall participate in  
7 the preclearance program and all preclearance system providers'  
8 devices and platforms shall be treated equally and used concurrently  
9 at participating weigh stations in accordance with this section.

10 B. The Department shall set the criteria for the preclearance  
11 program and such criteria shall be applied equally to all  
12 preclearance systems, devices, and platforms. Such criteria may  
13 include but is not limited to information regarding safety history,  
14 weight, and credential status.

15 C. For purposes of the preclearance program, a commercial  
16 mobile radio services network device or a dedicated short-range  
17 communications device may be used as a transponder provided all of  
18 the following conditions are met:

19 1. All software and hardware from the provider of the system  
20 within which the device operates that is necessary for the use of  
21 the system of the provider by the Department is made available to  
22 the Department at no cost to the Department, and the provider is  
23 responsible, either individually or collectively with other system  
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1 providers, as applicable, for all costs of operating and maintaining  
2 the software and hardware.

3 2. The device software and hardware, as applicable, meets the  
4 requirements of the Federal Motor Carrier Safety Administration for  
5 core compliance with the commercial vehicle information systems and  
6 networks electronic screening truck inspection and weigh station  
7 preclearance standards.

8 3. All in-vehicle equipment is operated in compliance with the  
9 laws of this state, and applicable federal law and regulations  
10 relating to distracted driving.

11 4. The system within which the device operates is capable of  
12 interfacing with applicable weigh-in-motion systems.

13 D. The Department shall be considered the owner of any data  
14 provided by the preclearance system or platform providers as part of  
15 the preclearance program or weigh-in-motion system. If required for  
16 preclearance services, real-time data from weigh-in-motion systems  
17 shall not be considered proprietary. Existing and future weigh-in-  
18 motion systems provided to or procured by the Department, whether  
19 gifted or purchased at or below market rates, and associated weigh-  
20 in-motion data shall be accessible by preclearance system providers  
21 as needed to obtain real-time weight data for vehicles participating  
22 in the respective preclearance system of a provider.

23 E. The Department may adopt rules to administer this section.  
24 The rules adopted by the Department may include authorizations for

1 particular devices that meet the requirements of paragraph C for use  
2 in the preclearance program.

3 SECTION 2. AMENDATORY 47 O.S. 2021, Section 1201, is  
4 amended to read as follows:

5 Section 1201. As used in the Oklahoma Weigh Station Act of  
6 2012:

- 7 1. "Authority" means the Oklahoma Turnpike Authority;
- 8 2. "Commission" means the Corporation Commission;
- 9 3. "Department" means the Department of Transportation;

10 ~~3.~~ 4. "Fixed facility" means a weigh station or a port of  
11 entry;

12 ~~4.~~ 5. "Port of entry" means a facility, in close proximity to a  
13 state line, designed to electronically weigh and screen motor  
14 carriers and commercial motor vehicles for compliance with federal  
15 and state statutes and rules, allowing compliant carriers to proceed  
16 with minimal or no delay;

17 ~~5.~~ 6. "Roadside enforcement" means a temporary location, with  
18 or without portable or semi-portable scales, used to randomly check  
19 commercial motor vehicles or motor carriers for compliance with  
20 federal or state statutes or rules;

21 ~~6.~~ 7. "Weigh station" means a stationary and permanent weighing  
22 facility with fixed scales owned by the state where commercial motor  
23 vehicles are checked for compliance with weight and size standards.  
24 Weigh stations are also utilized to enforce federal and state laws

1 and rules applicable to motor carriers and the operation of  
2 commercial motor vehicles and their drivers; and

3 ~~7.~~ 8. "North American Standard Inspection" means a Level I,  
4 Level II, Level III, Hazardous Materials, Cargo Tank or Passenger  
5 Carrier inspection conducted by an individual certified by the  
6 Federal Motor Carrier Safety Administration to conduct such  
7 inspections.

8 SECTION 3. This act shall become effective November 1, 2022.

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