

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 995

By: Bergstrom

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 170.2, which relates to load capacity violations; specifying certain rule violations identified during compliance audits; directing Corporation Commission to establish certain fine schedule by rule; modifying certain fines; modifying certain procedures; amending 47 O.S. 2011, Section 171.1, which relates to the expenditure of funds; allowing for expenditure of certain funds; providing for employment of certain positions; stating duties for positions; providing for compensation and related expenses; authorizing purchase, costs and assignment of certain vehicles; providing for certain costs; authorizing employment of administrative law judges; stating responsibilities; amending 47 O.S. 2011, Section 172, which relates to violations; stating provisions of law within Commission jurisdiction; modifying certain penalties and fines; directing deposit of certain collected fines; deleting certain reporting requirement; deleting authority for certain fines related to violations; requiring CLEET training of certain personnel; declaring certain employees to be peace officers; providing for duties and powers of certain employees; deleting certain oath and bond requirements; providing authority to impound certain vehicles; excepting certain employees from certain civil liability; requiring certain employees wear distinctive uniforms; providing for punishment for individuals impersonating Commission officers; amending 47 O.S. 2011, Section 180h, which relates to fees for registration; authorizing the collection of certain fees; amending 47 O.S. 2011, Section 230.23, which relates to the Motor Carrier Act of 1995; modifying definitions; deleting definition; amending 47 O.S. 2011, Section 230.27, which relates to fees;

1 directing Commission to set certain fees; amending 47
2 O.S. 2011, Section 230.34a, which relates to harvest
3 permits; directing Commission to set certain fees;
4 modifying deposit of revenue received from certain
5 fees; amending 47 O.S. 2011, Section 966, which
6 relates to the Nonconsensual Towing Act of 2011;
7 allowing for revocation of certain licenses for
8 noncompliance; amending Section 2, Chapter 208,
9 O.S.L. 2018, as amended by Section 1, Chapter 29,
10 O.S.L. 2020 (47 O.S. Supp. 2020, Section 1112.2),
11 which relates to the transferability of license
12 plates; making certain exception to applicability of
13 act; amending 47 O.S. 2011, Section 1113, as last
14 amended by Section 4, Chapter 208, O.S.L. 2018 (47
15 O.S. Supp. 2020, Section 1113), which relates to the
16 issuance of certificate of registration, license
17 plates and decals; directing Tax Commission to design
18 certain license plates; directing certain license
19 plate designs be submitted to Commission for
20 approval; amending 47 O.S. 2011, Section 1170, which
21 relates to confidentiality of reports; allowing for
22 the disclosure of certain information; amending
23 Section 3, Chapter 262, O.S.L. 2012, as last amended
24 by Section 2, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
25 2020, Section 1202), which relates to maintenance and
operation of fixed facilities; allowing for use of
automated license plate readers; detailing use and
sharing of data collected from automated license
plate readers; repealing 47 O.S. 2011, Sections
116.13 and 171.2, which relate to enforcement
officers; providing for codification; providing an
effective date; and declaring an emergency.

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

20 SECTION 1. AMENDATORY 47 O.S. 2011, Section 170.2, is
21 amended to read as follows:

22 Section 170.2 A. The Department of Public Safety, monthly,
23 shall notify the Oklahoma Corporation Commission of any ticket
24 issued for a violation of the provisions of Section 14-119 of this
25

1 title, or any provisions of Chapter 14 of this title or the terms of
2 any special permit authorized pursuant to the provisions of Chapter
3 14 of this title concerning overweight or overweight special
4 permits.

5 B. Truck overweight violations by motor carriers or private
6 carriers identified during size and weight compliance audits shall
7 be considered contempt of Commission motor carrier rules, ~~tariffs~~
8 ~~and regulations~~ and may be subject to an enforcement action. The
9 Commission shall establish a specific rule whereby such overweight
10 violations by motor carriers or private carriers shall be grounds
11 for issuance of a show-cause order for consideration of temporary or
12 permanent cancellation of operating authority or license. In
13 establishing the rule, consideration shall be given to the frequency
14 of violations, pattern of violations, fleet size, type of operation,
15 amount of overweight, and other such factors that may indicate
16 intent. Any person, firm, or corporation that assists in the
17 commission of such overweight violation or refuses to comply with
18 any rule, regulation, or order of the Commission relating thereto
19 shall be guilty of contempt of the Commission and shall be subject
20 to a fine to be imposed by said Commission ~~in a sum not to exceed~~
21 ~~Five Hundred Dollars (\$500.00) on each violation~~ in accordance with
22 a schedule set by the Commission by rule wherein the amount of the
23 fine increases according to the severity of the oversize or
24 overweight violations. In the ~~specific~~ instance of an oversize or

1 overweight violation, the transportation of each load shall
2 constitute a separate violation. The same fine assessed against the
3 motor carrier or private carrier shall apply to any other person,
4 firm, or corporation that aids or abets such violations. ~~Provided~~
5 ~~however, no motor carrier, private carrier, shipper or person~~
6 ~~loading or causing a motor vehicle to be loaded shall be subject to~~
7 ~~a fine for contempt unless the gross weight of the motor vehicle is~~
8 ~~more than five thousand (5,000) pounds overweight.~~

9 C. The Corporation Commission Transportation Division, in its
10 discretion and on its own motion, may make a contempt complaint in
11 writing under oath setting forth the violation, enter the complaint
12 on its docket, and proceed with the matter in accordance with the
13 ~~provisions of Sections 161 et seq. of this title or the Motor~~
14 ~~Carrier Act of 1995~~ Commission Rules of Practice, Chapter 5 of Title
15 165 of the Oklahoma Administrative Code.

16 SECTION 2. AMENDATORY 47 O.S. 2011, Section 171.1, is
17 amended to read as follows:

18 Section 171.1. In addition to other uses authorized by law,
19 funds provided to the Corporation Commission ~~Revolving Fund from~~
20 appropriations or a Commission revolving fund pursuant to ~~Sections~~
21 ~~165, 177.2 and 180h~~ of this title shall be expended as follows:

22 1. The Corporation Commission ~~Transportation Division~~ shall
23 employ ~~four special~~ motor carrier enforcement officers (MCEOs),
24 motor vehicle enforcement officers (MVEOs) and ~~one supervisor~~

1 ~~officer~~ enforcement managers who shall have the primary duty of
2 ~~investigating and assisting in the prosecution of persons engaged in~~
3 ~~unauthorized transportation or disposal of deleterious substances as~~
4 ~~contemplated under the provisions of the Oklahoma Motor Carrier Act~~
5 ~~and any other applicable~~ investigation and regulatory enforcement of
6 those provisions of law Titles 17, 47, 66 and 68 of the Oklahoma
7 Statutes relating to commercial transportation over which the
8 Commission has been granted jurisdiction or related Commission
9 rules.

10 Such employees

11 a. MCEOs, MVEOs and enforcement managers shall be
12 compensated as for similar service in the same or
13 other departments of the state and ~~an~~ receive a
14 monthly expense allowance ~~of One Hundred Dollars~~
15 ~~(\$100.00)~~ as determined by the Commission's
16 Transportation Division per month for maintenance and
17 cleaning of uniforms and other related expenses ~~shall~~
18 ~~be paid to such employees.~~

19 b. MCEOs, enforcement managers and MVEOs shall be on
20 duty and in uniform for a minimum of one day each
21 month to qualify for the uniform maintenance, cleaning
22 and other related expenses allowance.

23 c. Nothing in this section regarding expense allowances
24 shall be construed to mean that such employees shall

1 receive any additional compensation beyond what is
2 provided for maintenance and cleaning of uniforms and
3 other related expenses by the Corporation Commission
4 on ~~the effective date of this act~~ September 1, 1993.

5 2. The Commission shall purchase a sufficient number of motor
6 vehicles to provide each motor carrier enforcement officer and
7 enforcement manager employed in the Transportation Division a motor
8 vehicle suitable to carry out ~~the enforcement provisions of~~
9 ~~applicable law~~ assigned duties. ~~Said vehicles~~ Vehicles assigned to
10 MCEOs shall be appropriately marked as official vehicles ~~and radio~~
11 ~~equipped.~~ Vehicles assigned to enforcement managers may be unmarked
12 at the discretion of the Commission's Transportation Division. All
13 vehicles assigned to MCEOs or enforcement managers shall be equipped
14 as determined by the Commission's Transportation Division. All
15 costs for operation, maintenance and replacement of the motor
16 vehicles authorized in this section shall be provided for from ~~the~~
17 ~~Corporation~~ appropriations to the Commission or a Commission
18 ~~Revolving Fund~~ revolving fund.

19 3. The Commission shall employ ~~a hearing officer~~ administrative
20 law judges whose ~~primary responsibility~~ responsibilities shall ~~be~~
21 include the adjudication of regulatory enforcement proceedings and
22 complaints brought against persons ~~engaged in unauthorized~~
23 ~~transportation or disposal of deleterious substances or other~~
24 ~~unauthorized transportation~~ or motor carriers alleged to be in

1 violation of ~~the Oklahoma Motor Carrier Act or the rules and~~
2 ~~regulations of motor carriers as promulgated by the Corporation~~ any
3 provision of Titles 17, 47, 66 or 68 of the Oklahoma Statutes
4 relating to commercial transportation over which the Commission has
5 been granted jurisdiction or related Commission rules.

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

8 Section 172. A. Every owner of any motor vehicle, the agents
9 or employees of the owner, and every other motor carrier or person
10 who violates or refuses or fails to comply with or procures, aids,
11 or abets in the violation of ~~Sections 161 through 180m of this title~~
12 ~~or the Motor Carrier Act of 1995, or who fails to obey, observe, or~~
13 ~~comply with any order, decision, rule or regulation, direction,~~
14 ~~demand, or requirement of the Corporation Commission, or who~~
15 ~~procures, aids or abets any corporation or person in the person's,~~
16 ~~or its, refusal or willful failure to obey, observe or comply with~~
17 ~~any such order, decision, rule, direction, demand, or regulation~~ any
18 provisions of Titles 17, 47, 66 or 68 of the Oklahoma Statutes
19 relating to commercial transportation over which the Commission has
20 been granted jurisdiction or related Commission rules shall be
21 deemed guilty of a ~~misdemeanor. Upon conviction in a criminal court~~
22 ~~of competent jurisdiction, such misdemeanor is punishable by~~
23 contempt of the Commission and shall be subject to a civil fine of
24 not exceeding One Thousand Dollars (\$1,000.00) per violation, per

1 day unless otherwise specified by law. Each day on which such
2 contempt occurs shall be deemed a separate and distinct offense.

3 All roadside enforcement and fixed facility fines collected pursuant
4 to the provisions of this section shall be deposited in the Trucking
5 One-Stop Shop Fund, as created in Section 1167 of this title, while
6 fines paid as a result of a Commission enforcement order shall be
7 deposited in the Commission's Revolving Fund. Fine limits in this
8 subsection shall not apply to violations relating to deleterious
9 substances set forth in section 177.3 of this title.

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

1 ~~misconduct. The Corporation Commission shall report such complaints~~
2 ~~so made to the Governor of this state who shall direct and cause the~~
3 ~~laws of this state to be enforced.~~

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

22 ~~D. The Corporation Commission shall appoint a director of~~
23 ~~transportation, a deputy director, an insurance supervisor, an~~
24 ~~insurance clerk, two stenographers, a secretary to the director, an~~

1 ~~identification device supervisor and an assistant identification~~
2 ~~device supervisor at such salaries as the Legislature may from time~~
3 ~~to time prescribe~~ and such other staff as necessary to fulfill the
4 duties and responsibilities assigned to the Transportation Division.

5 The employees shall be allowed actual and necessary travel expenses
6 pursuant to the provisions of the State Travel Reimbursement Act.

7 All of the expense claims shall be presented and paid ~~monthly~~
8 timely.

9 ~~E. Enforcement officers,~~

10 C. Motor carrier enforcement officers and enforcement managers
11 shall be certified by the Council on Law Enforcement Education and
12 Training (CLEET) and shall have the primary duties of investigation
13 and regulatory enforcement of those provisions of Titles 17, 47, 66
14 and 68 of the Oklahoma Statutes relating to commercial
15 transportation over which the Commission has been granted
16 jurisdiction or related Commission rules.

17 D. MCEOs and enforcement managers appointed by the Corporation
18 Commission, are hereby declared to be peace officers of this state.
19 Such officers and enforcement managers shall be vested with all
20 powers of peace officers in ~~enforcing~~ the investigation and
21 regulatory enforcement of those provisions of Sections 161 through
22 ~~180m of this title and the Motor Carrier Act of 1995~~ Titles 17, 47,
23 66 and 68 of the Oklahoma Statutes relating to commercial
24 transportation over which the Commission has been granted

1 jurisdiction or related Commission rules in all parts of this state.
2 In addition to those powers granted to peace officers of the State
3 of Oklahoma in section 99a of Title 21 of the Oklahoma Statutes,
4 MCEOs and enforcement managers shall be authorized to enforce
5 criminal laws of this state throughout the state if the unlawful
6 activity is committed in the presence of the MCEO or enforcement
7 manager during the course of performance of the primary regulatory
8 duties set forth in this section.

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

14 E. Motor vehicle enforcement operators shall not be required to
15 be CLEET certified and shall not be armed. MVEOs may perform
16 investigation and regulatory enforcement duties and responsibilities
17 assigned to MCEOs, but shall not perform law enforcement duties
18 reserved to peace officers by Sections 99 and 99a of Title 21 or
19 other provisions of Oklahoma law.

20 F. ~~The enforcement officers~~ MCEOs, MVEOs and enforcement
21 managers, when on duty, upon reasonable belief that any motor
22 vehicle is being operated in violation of any provisions of ~~Sections~~
23 ~~161 through 180m of this title or the Motor Carrier Act of 1995~~
24 Titles 17, 47, 66 or 68 of the Oklahoma Statutes relating to

1 commercial transportation over which the Commission has been granted
2 jurisdiction or related Commission rules, shall be authorized to
3 direct the driver to the nearest weigh station or port of entry or
4 to weigh the vehicle with portable scales. In addition, MCEOs,
5 MVEOs and enforcement managers are authorized to require the driver
6 of the vehicle to stop and submit to an inspection of the
7 identification device, or devices, in the vehicle, and to submit to
8 such ~~enforcement officer~~ MCEOs, MVEOs and enforcement managers,
9 bills of lading, waybills, or other evidences of the character of
10 the commerce being transported in such vehicle, and to submit to an
11 inspection of the contents of such vehicle for the purpose of
12 comparing same with bills of lading or shipping documentation,
13 waybills, or other evidences of transportation carried by the driver
14 of the vehicle. The officers shall not have the right to plea
15 bargain.

16 G. ~~The MCEOs and enforcement officers managers~~ are authorized
17 to serve all warrants, writs, orders, subpoenas, and notices issued
18 by the Corporation Commission ~~relating to the enforcement of the~~
19 ~~provisions of Sections 161 through 180m of this title or the Motor~~
20 ~~Carrier Act of 1995 and the rules, regulations, and requirements~~
21 ~~prescribed by the Corporation Commission promulgated pursuant to~~
22 ~~Sections 161 through 180m of this title or the Motor Carrier Act of~~
23 1995 within the territorial boundaries of this state.
24

1 H. ~~The MCEOs, MVEOs and enforcement officers~~ managers shall not
2 have the power or right of search, nor shall they have the right of
3 power of seizure, except as provided in ~~Sections 161 through 180m of~~
4 ~~this title or the Motor Carrier Act of 1995~~ those provisions of
5 Titles 17, 47, 66 and 68 of the Oklahoma Statutes relating to
6 commercial transportation over which the Commission has been granted
7 jurisdiction or related Commission rules. ~~The MCEOs, MVEOs and~~
8 ~~enforcement officers~~ managers are authorized to hold and detain any
9 motor vehicle operating upon the highways of this state, if, the
10 MCEO, MVEO or ~~enforcement officer~~ manager has reason to believe that
11 the vehicle is being operated contrary to ~~the~~ any of those
12 ~~provisions of Sections 161 through 180m of this title or the Motor~~
13 ~~Carrier Act of 1995, or the rules, regulations, and requirements of~~
14 ~~the Corporation Commission promulgated pursuant to Sections 161~~
15 ~~through 180m of this title or the Motor Carrier Act of 1995~~ Titles
16 17, 47, 66 or 68 of the Oklahoma Statutes relating to commercial
17 transportation over which the Commission has been granted
18 jurisdiction or related Commission rules.

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 through 180m of this title or the~~
23 ~~Motor Carrier Act of 1995~~ those provisions of Titles 17, 47, 66 and
24 68 of the Oklahoma Statutes relating to commercial transportation

1 over which the Commission has been granted jurisdiction or related
2 Commission rules.

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 a bond in the~~
6 ~~sum of Twenty-five Thousand Dollars (\$25,000.00) each, with~~
7 ~~sufficient surety for the faithful performance of their duty. The~~
8 ~~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~~ Commission's Transportation Division or an
13 ~~assign~~ an assigned member of the legal staff of the Transportation
14 Division's chief legal counsel.

15 K. If, in the judgment of an MCEO, MVEO or enforcement manager,
16 a commercial motor vehicle poses an inherent risk to public health
17 and safety or welfare, the MCEO or MVEO, with the approval of an
18 enforcement manager or an enforcement manager assignee may arrange
19 for impoundment of the detained vehicle at the expense of the motor
20 carrier.

21 L. MCEOs, MVEOs, enforcement managers, Corporation
22 Commissioners and other employees of the Commission shall be not be
23 civilly liable for any damages arising from the administration of
24 those provisions of Titles 17, 47, 66 and 68 of the Oklahoma

1 Statutes relating to commercial transportation over which the
2 Commission has been assigned, except as provided for in the
3 Governmental Tort Claims Act, Section 151 et seq. of the Oklahoma
4 Statutes.

5 M. Except when performing duties not related to fixed facility
6 or roadside enforcement, each employee of the Corporation Commission
7 assigned as a MCEO, enforcement manager or MVEO, as herein provided,
8 shall, while on duty in the field or in a weigh station or port of
9 entry, wear a Commission-provided distinctive uniform and display a
10 badge of office, both of which shall be distinguishable from those
11 of the Oklahoma Highway Patrol. Each badge shall display a
12 distinctive serial number. The type and detail of the uniforms
13 shall be designated by the Corporation Commission's Transportation
14 Division.

15 N. Any person who wears the badge or uniform of a Corporation
16 Commission enforcement officer, or who without authority
17 impersonates such an officer, with intent to deceive anyone, shall
18 be guilty of a misdemeanor without authority.

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

21 Section 180h. The Corporation Commission is hereby authorized
22 to collect from applicants for household goods carriers, for-hire
23 motor carrier and private carrier identification devices a fee of
24 ~~Seven Dollars (\$7.00)~~ established by the Corporation Commission by

1 rule for registration of each of its vehicles registered under the
2 provisions of this ~~act or the Motor Carrier Act of 1995~~ title; and
3 the fee shall be in addition to any other fees now provided for by
4 law for the registration of said motor vehicles and shall be
5 deposited in the State Treasury to the credit of the Trucking One-
6 Stop Shop Fund.

7 SECTION 5. AMENDATORY 47 O.S. 2011, Section 230.23, is
8 amended to read as follows:

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

10 1. "Person" means any individual, firm, copartnership, limited
11 partnership, corporation, limited liability corporation, company,
12 association, or joint-stock association and includes any trustee,
13 receiver, assignee, or personal representative thereof;

14 2. "Commission" means the Oklahoma Corporation Commission;

15 3. "License" means the license issued under authority of the
16 laws of the State of Oklahoma to motor carriers and private
17 carriers;

18 4. ~~"Interstate Registration Certificate" (IRC) means a document~~
19 ~~issued by the Commission granting permission to operate upon the~~
20 ~~highways of the State of Oklahoma in interstate commerce exempt from~~
21 ~~federal motor carrier regulation;~~

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

1 ~~6.~~ 5. "Motor carrier of persons or property" means any person,
2 except a carrier of household goods or used emigrant movables,
3 operating upon any public highway for the transportation of
4 passengers or property for compensation or for hire or for
5 commercial purposes, and not operating exclusively within the limits
6 of an incorporated city or town within this state. Provided, the
7 provisions of the Motor Carrier Act of 1995 shall not apply to the
8 following vehicles and equipment when such vehicles and equipment
9 are being used for the following:

10 a. ~~taxicabs and bus companies engaged in the~~
11 ~~transportation of passengers and their baggage, not~~
12 ~~operated between two or more cities and towns, when~~
13 ~~duly licensed by a municipal corporation in which they~~
14 ~~might be doing business,~~

15 ~~b.~~ any person or governmental authority furnishing
16 transportation for school children to and from public
17 schools or to and from public-school-related
18 extracurricular activities under contract with, and
19 sponsored by, a public school board; provided, that
20 motor vehicles and equipment operated for the purposes
21 shall qualify in all respects for the transportation
22 of school children under the Oklahoma School Code and
23 the rules of the State Board of Education adopted
24 pursuant thereto. 1

~~e.~~

b. transport trucks transporting liquefied petroleum gases intrastate which are owned or operated by a person subject to and licensed by the Oklahoma Liquefied Petroleum Gas Regulation Act, ~~and~~

~~d.~~

c. transportation of livestock and farm products in the raw state, when any of such commodities move from farm to market or from market to farm on a vehicle or on vehicles owned and operated by a bona fide farmer not engaged in motor vehicle transportation on a commercial scale;

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

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

~~9.~~ 8. "Private carrier" means any person engaged in transportation upon public highways, of persons or property, or both, but not as a motor carrier, and includes any person who

1 transports property by motor vehicle where such transportation is
2 incidental to or in furtherance of any commercial enterprise of such
3 person, other than transportation;

4 ~~10.~~ 9. "Market" means the point at which livestock and farm
5 products in the raw state were first delivered by the producer of
6 the livestock and farm products in the raw state, upon the sale
7 thereof;

8 ~~11.~~ 10. "Public highway" means every public street, road or
9 highway, or thoroughfare in this state, used by the public, whether
10 actually dedicated to the public and accepted by the proper
11 authorities or otherwise; and

12 ~~12.~~ 11. "Commercial enterprise" means all undertakings entered
13 into for private gain or compensation, including all industrial
14 pursuits, whether the undertakings involve the handling of or
15 dealing in commodities for sale or otherwise.

16 SECTION 6. AMENDATORY 47 O.S. 2011, Section 230.27, is
17 amended to read as follows:

18 Section 230.27. A. Upon the filing by an intrastate motor
19 carrier or private carrier of an application for a license, the
20 applicant shall pay to the Corporation Commission a filing fee ~~in~~
21 ~~the sum of One Hundred Dollars (\$100.00) with an original or~~
22 ~~subapplication~~ as set by the Corporation Commission. Any valid
23 license issued will remain in force, unless otherwise revoked by the
24

Commission in accordance with the provisions of the Motor Carrier Act of 1995, for one (1) year from date of issuance.

B. Every motor carrier or private carrier wishing to continue operations under the original license, shall pay to the Corporation Commission an annual renewal fee ~~of Fifty Dollars (\$50.00). An intrastate license may be renewed for up to three (3) years as set~~ by the Corporation Commission.

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

SECTION 7. AMENDATORY 47 O.S. 2011, Section 230.34a, is amended to read as follows:

Section 340.34a. A. Any person, firm, partnership, limited liability company, or corporation owning or possessing a vehicle and required to register the vehicle under the laws of this state for the purpose of transporting farm products in a raw state may receive a harvest permit from the Oklahoma Corporation Commission.

B. The harvest permit shall be recognized in lieu of registration, fuel permit and intrastate operating authority in this state. The harvest permit shall be issued to the operating motor carrier.

C. Each permit shall be valid for a period of thirty (30) or sixty (60) days. The permit shall identify the time and date of its

1 issuance and shall additionally reflect its effective and expiration
2 dates.

3 D. The following information shall be required of an applicant
4 for a harvest permit and shall apply to each vehicle to be operated
5 under the permit:

6 1. Owner of the vehicle;

7 2. Vehicle registrant;

8 3. Make, model, year, license plate number, state of
9 registration and VIN of each vehicle which will be operated under
10 the permit; and

11 4. The operating carrier must provide a certificate that each
12 vehicle is operating under a liability insurance policy valid in
13 Oklahoma for Three Hundred Fifty Thousand Dollars (\$350,000.00) or
14 more.

15 E. There shall be a fee set by Commission rule of not less than
16 Twenty Dollars (\$20.00) per axle for a thirty-day permit or Thirty-
17 five Dollars (\$35.00) per axle for a sixty-day permit, for each
18 vehicle registered pursuant to the Motor Carrier Harvest Permit Act
19 of 2006. Revenue derived from this fee shall be ~~apportioned as~~
20 ~~follows:~~

21 ~~1. One-half (1/2) of the revenue shall be deposited in the~~
22 ~~Weigh Station Improvement Revolving Fund as set forth in Section~~
23 ~~1167 of Title 47 of the Oklahoma Statutes; and~~

1 ~~2. The remaining amount shall be deposited in the Trucking One-~~
2 Stop Shop Trucking Fund as set forth in Section 1167 of Title 47 of
3 ~~the Oklahoma Statutes~~ this title.

4 F. A harvest permit may be extended in fifteen-day increments.
5 The permit holder shall be required to pay the additional prorated
6 portion of the tag fee ~~at~~ as set by the Commission of not less than
7 Eight Dollars and seventy-five cents (\$8.75) per axle per fifteen-
8 day extension.

9 G. An application for a harvest permit shall be made to the
10 Corporation Commission. The Corporation Commission shall allow
11 applications to be submitted by facsimile and electronically. The
12 Commission must provide reasonable access for persons to obtain a
13 harvest permit before taking enforcement action.

14 H. If found to be in violation of the Motor Carrier Harvest
15 Permit Act of 2006 for failure to obtain or maintain a current
16 harvest permit, the operating carrier shall post bond in the amount
17 of the cost of the harvest permit and shall be allowed seventy-two
18 (72) hours to apply for the permit. If the operating carrier makes
19 application within seventy-two (72) hours, the bond amount will be
20 applied toward the harvest permit fee.

21 I. A harvest permit does not exempt its holder from federal or
22 state safety regulations nor from the state's size and weight laws
23 or rules.

1 J. The Corporation Commission may enter into an agreement with
2 any person or corporation located within or outside of the state for
3 transmission of harvest permits by way of facsimile or other device
4 when the Corporation Commission determines that such agreements are
5 in the best interest of the state.

6 K. The Corporation Commission may promulgate rules to
7 administer the provisions of the Motor Carrier Harvest Permit Act of
8 2006.

9 SECTION 8. AMENDATORY 47 O.S. 2011, Section 966, is
10 amended to read as follows:

11 Section 966. A. ~~This act~~ Sections 966, 967 and 968 of this
12 title shall be known and may be cited as the "Nonconsensual Towing
13 Act of 2011".

14 B. The provisions of ~~this act~~ the Nonconsensual Towing Act of
15 2011 shall apply to every wrecker operating within the State of
16 Oklahoma removing and storing vehicles from Oklahoma roads and
17 highways or private property as a result of a nonconsensual tow.

18 C. The Corporation Commission, by Commission order, shall have
19 the power and authority necessary:

20 1. To establish wrecker rates for the transportation and
21 storage of motor vehicles removed due to a nonconsensual tow from
22 Oklahoma roads and highways or private property;

23 2. To supervise and enforce such rates; and
24
25

1 3. To mediate and adjudicate complaints that may arise from
2 charges assessed as a result of such vehicle removal.

3 D. Rates as specified in Sections 953.1 and 953.2 of ~~Title 47~~
4 ~~of the Oklahoma Statutes~~ this title shall remain in effect until
5 rates are established by order of the Commission.

6 E. Rates established by the Commission shall be fair and
7 reasonable.

8 F. The Commission may assess fines or other penalties to any
9 wrecker or towing service for failure to comply with prescribed
10 rates as established by the Commission, failure to pay a levied
11 assessment or comply with any applicable order of the Commission.
12 ~~Repeat violations by a wrecker or towing service are cause for~~
13 ~~revocation of its license issued by~~ Upon notice from the Commission,
14 the Department of Public Safety shall revoke the license of any
15 wrecker or towing service company that fails to comply with an order
16 issued by the Commission.

17 G. The Department shall cooperate with the Commission to
18 implement this act and may enter into agreements to facilitate this
19 act.

20 SECTION 9. AMENDATORY Section 2, Chapter 208, O.S.L.
21 2018, as amended by Section 1, Chapter 29, O.S.L. 2020 (47 O.S.
22 Supp. 2020, Section 1112.2), is amended to read as follows:

23 Section 1112.2. A. Effective July 1, 2019, the license plate
24 and certificate of registration shall be issued to, and remain in

1 the name of, the owner of the vehicle registered and the license
2 plates shall not be transferable between motor vehicle owners. When
3 a vehicle is sold or transferred in the state, the following
4 registration procedures shall apply:

5 1. When a current and valid Oklahoma motor vehicle license
6 plate has been obtained for use on a motor vehicle and the vehicle
7 has been sold or otherwise transferred to a new owner, the license
8 plate shall be removed from the vehicle and retained by the original
9 plate owner;

10 2. In the event an owner purchases, trades, exchanges, or
11 otherwise acquires another vehicle of the same license registration
12 classification, the Oklahoma Tax Commission shall authorize the
13 transfer of the current and valid license plate previously obtained
14 by the owner to the replacement vehicle for the remainder of the
15 current registration period. In the event the owner acquires a
16 vehicle requiring payment of additional registration fees, the owner
17 shall request a transfer of the license plate to the newly acquired
18 vehicle and pay the difference in registration fees. The fee shall
19 be calculated on a monthly prorated basis. The owner shall not be
20 entitled to a refund:

21 a. when the registration fee for the vehicle to which the
22 plate(s) is to be assigned is less than the
23 registration fee for that vehicle to which the license
24 plate(s) was last assigned, or

1 b. if the owner does not have or does not acquire another
2 vehicle to which the license plate may be transferred;

3 3. In the event the owner of a license plate purchases, trades,
4 exchanges or otherwise acquires a vehicle for which a license plate
5 has been issued during the current registration period, and the
6 license plate has not been removed by the previous owner in
7 accordance with this section, the new owner of the vehicle shall
8 remove and return the license plate to the Tax Commission or a motor
9 license agent. However, if the license plate has expired, the new
10 owner shall not be required to surrender the license plate; and

11 4. If a person purchases a motor vehicle from which the number
12 plates have been removed pursuant to this section, the person may
13 operate the motor vehicle for fifteen (15) calendar days from the
14 date of purchase without number plates if a dated, notarized bill of
15 sale is carried in the motor vehicle.

16 B. 1. The new owner of a motor vehicle shall, within thirty
17 (30) calendar days from the date of vehicle purchase or acquisition,
18 make application to record the registration of the vehicle by the
19 transfer to, or purchase of, a license plate for the newly acquired
20 vehicle with the Tax Commission or motor license agent and shall pay
21 all taxes and fees provided by law.

22 2. Any person failing to register a motor vehicle by timely
23 transferring the license plate as provided by this section shall pay
24 the penalty levied in Section 1132 of this title.

1 C. A surviving spouse, desiring to operate a vehicle devolving
2 from a deceased spouse, shall present an application for certificate
3 of title to the Tax Commission or motor license agent in his or her
4 name within thirty (30) days of obtaining ownership. The Tax
5 Commission or motor license agent shall then transfer the license
6 plate to the surviving spouse.

7 D. The Oklahoma Tax Commission shall be authorized to
8 promulgate such rules as may be required to implement the license
9 plate transfers authorized by this section, including, but not
10 limited to, such rules as may be required for a system under which
11 the license plate is registered to an individual and not a vehicle
12 for all license plates issued on or after July 1, 2019.

13 E. This section shall not apply to commercial vehicle or
14 trailer registrations issued by the Oklahoma Corporation Commission.

15 SECTION 10. AMENDATORY 47 O.S. 2011, Section 1113, as
16 last amended by Section 4, Chapter 208, O.S.L. 2018 (47 O.S. Supp.
17 2020, Section 1113), is amended to read as follows:

18 Section 1113. A. 1. Except for all-terrain vehicles, utility
19 vehicles and motorcycles used exclusively off roads and highways,
20 upon the filing of a registration application and the payment of the
21 fees provided for in the Oklahoma Vehicle License and Registration
22 Act, the Oklahoma Tax Commission or Corporation Commission, as
23 applicable, shall assign to the vehicle described in the application
24 a distinctive number, and issue to the owner of the vehicle a

1 certificate of registration, one license plate and a yearly decal.
2 The Oklahoma Tax Commission shall assign an all-terrain vehicle,
3 utility vehicle or motorcycle used exclusively off roads and
4 highways a distinctive number and issue to the owner a certificate
5 of registration and a decal but not a license plate. For each
6 subsequent registration year, the Tax Commission shall issue a
7 yearly decal to be affixed to the license plate, except for an all-
8 terrain vehicle, utility vehicle or motorcycle used exclusively off
9 roads and highways. The initial decal for an all-terrain vehicle,
10 utility vehicle or motorcycle shall be attached to the front of the
11 vehicle and shall be in clear view. The decal shall be on the front
12 or on the front fork of the motorcycle used exclusively off roads
13 and highways and the decal shall be in clear view. The yearly decal
14 shall have an identification number and the last two numbers of the
15 registration year for which it shall expire. Except as provided by
16 Section 1113A of this title, the license plate shall be affixed to
17 the exterior of the vehicle until a replacement license plate is
18 applied for. If the owner applies for a replacement license plate,
19 the Tax Commission shall charge the fee provided for in Section 1114
20 of this title. The yearly decal will validate the license plate for
21 each registration period other than the year the license plate is
22 issued. The license plate and decal shall be of such size, color,
23 design and numbering as the Tax Commission may direct. However,
24 yearly decals issued to the owner of a vehicle who has filed an

1 affidavit with the appropriate motor license agent in accordance
2 with Section 7-607 of this title shall be a separate and distinct
3 color from all other decals issued under this section. Before the
4 effective date of this act, the Tax Commission shall also issue a
5 monthly decal which shall include a two-letter abbreviation
6 corresponding to the county in which the vehicle is registered. The
7 Tax Commission shall issue all decals in the possession of the Tax
8 Commission on the effective date of this act before issuing any
9 decals which do not contain the county abbreviation.

10 2. The license plate shall be securely attached to the rear of
11 the vehicle, except truck-tractor plates which shall be attached to
12 the front of the vehicle. The Tax Commission may, with the
13 concurrence of the Department of Public Safety, by Joint Rule,
14 change and direct the manner, place and location of display of any
15 vehicle license plate when such action is deemed in the public
16 interest. The license plate, decal and all letters and numbers
17 shall be clearly visible at all times. The operation of a vehicle
18 in this state, regardless of where such vehicle is registered, upon
19 which the license plate is covered, overlaid or otherwise screened
20 with any material, whether such material be clear, translucent,
21 tinted or opaque, shall be a violation of this paragraph.

22 3. Upon payment of the annual registration fee provided in
23 Section 1133 of this title, the Tax Commission or Corporation
24 Commission, as applicable, or a motor license agent may issue a
25

1 permanent nonexpiring license plate to an owner of one hundred or
2 more commercial motor vehicles and for vehicles registered under the
3 provisions of Section 1120 of this title. Upon payment of the
4 annual registration fee, the Tax Commission or Corporation
5 Commission shall issue a certificate of registration that shall be
6 carried at all times in the vehicle for which it is issued.
7 Provided, if the registrant submits its application through
8 electronic means, such qualified owners of one hundred or more
9 commercial motor vehicles, properly registered pursuant to the
10 provisions of Section 1133 of this title, may elect to receive a
11 permanent certificate of registration that shall be carried at all
12 times in the vehicle for which it is issued.

13 4. Every vehicle owned by an agency of this state shall be
14 exempt from the payment of registration fees required by this title.
15 Provided, such vehicle shall be registered and shall otherwise
16 comply with the provisions of the Oklahoma Vehicle License and
17 Registration Act.

18 B. The license plates required under the provisions of this
19 title shall conform to the requirements and specifications listed
20 hereinafter:

21 1. Each license plate shall have a space for the placement of
22 the yearly decals for each succeeding year of registration after the
23 initial issue;

1 2. The provisions of the Oklahoma Vehicle License and
2 Registration Act regarding the issuance of yearly decals shall not
3 apply to the issuance of apportioned license plates, including
4 license plates for state vehicles, and exempt plates for
5 governmental entities and fire departments organized pursuant to
6 Section 592 of Title 18 of the Oklahoma Statutes;

7 3. All license plates and decals shall be made with
8 reflectorized material as a background to the letters, numbers and
9 characters displayed thereon. The reflectorized material shall be
10 of such a nature as to provide effective and dependable brightness
11 during the service period for which the license plate or decal is
12 issued;

13 4. Except as otherwise provided in this subsection, the Tax
14 Commission shall design appropriate official license plates for all
15 state vehicles. Such license plates shall be permanent in nature
16 and designed in such manner as to remain with the vehicle for the
17 duration of the vehicle's life span or until the title is
18 transferred to a nongovernmental owner;

19 5. Within the limits prescribed in this section, the Tax
20 Commission shall design appropriate official license plates for
21 vehicles of the Oklahoma Highway Patrol. The license plates shall
22 have the legend "Oklahoma OK" and shall contain the letters "OHP"
23 followed by the state seal and the badge number of the Highway
24

1 Patrol officer to whom the vehicle is assigned. The words "Oklahoma
2 Highway Patrol" shall also be included on such license plates;

3 6. Within the limits prescribed in this section, the Tax
4 Commission shall design appropriate official license plates for
5 vehicles of the Oklahoma Military Department. Such license plates
6 shall have the legend "Oklahoma OK" and shall contain the letters
7 "OMD" followed by the state seal and three numbers or letters as
8 designated by the Adjutant General. The words "Oklahoma Military
9 Department" shall also be included on such license plates;

10 7. Within the limits prescribed in this section, the Tax
11 Commission shall design appropriate official license plates for
12 vehicles of the Oklahoma Department of Corrections. Such license
13 plates shall contain the letters "DOC" followed by the Department of
14 Corrections badge and three numbers or letters or combination of
15 both as designated by the Director of the agency. The words
16 "Department of Corrections" shall also be included on such license
17 plates; ~~and~~

18 8. Within the limits prescribed in this section, the Tax
19 Commission shall design appropriate official license plates for
20 vehicles of the Corporation Commission. Such license plates shall
21 contain the letters "OCC" followed by the Osage warrior's shield and
22 a minimum of three additional numbers or letters as designated by
23 the Director of the Corporation Commission's Transportation
24

1 Division. The words "Oklahoma Corporation Commission" shall also be
2 included on such license plates;

3 9. Within the limits prescribed in this section, the Oklahoma
4 Tourism and Recreation Department shall design any license plates
5 required by the initiation of a license plate reissuance by the
6 Oklahoma Tax Commission at the request of the Department of Public
7 Safety pursuant to the provisions of Section 1113.2 of this title.
8 Any such new designs shall be submitted by the Oklahoma Tourism and
9 Recreation Department to the Department of Public Safety for its
10 approval prior to being issued by the Oklahoma Tax Commission; and

11 10. The Oklahoma Tourism and Recreation Department shall submit
12 all commercial motor vehicle license plate designs to the Oklahoma
13 Corporation Commission for its approval prior to being issued by the
14 Oklahoma Tax Commission for the purposes of ensuring compatibility
15 with commercial license plate reader technology.

16 C. Where the applicant has satisfactorily shown that the
17 applicant owns the vehicle sought to be registered but is unable to
18 produce documentary evidence of the ownership, a license plate may
19 be issued upon approval by the Tax Commission or Corporation
20 Commission, as applicable. In such instances the reason for not
21 issuing a certificate of title shall be indicated on the receipt
22 given to the applicant. It shall still be the duty of the applicant
23 to immediately take all necessary steps to obtain the Oklahoma
24 certificate of title and it shall be unlawful for the applicant to

1 sell the vehicle until the certificate has been obtained in the
2 applicant's name.

3 D. The certificate of registration provided for in this section
4 shall be in convenient form, and the certificate of registration, or
5 a certified copy or photostatic copy thereof, duly authenticated by
6 the Tax Commission or Corporation Commission, as applicable, shall
7 be carried at all times in or upon all vehicles so registered, in
8 such manner as to permit a ready examination thereof upon demand by
9 any peace officer of the state or duly authorized employee of the
10 Department of Public Safety. Any such officer or agent may seize
11 and hold such vehicle when the operator of the same does not have
12 the registration certificate in the operator's possession or when
13 any such officer or agent determines that the registration
14 certificate has been obtained by misrepresentation of any essential
15 or material fact or when any number or identifying information
16 appearing on such certificate has been changed, altered, obliterated
17 or concealed in any way, until the proper registration or
18 identification of such vehicle has been made or produced by the
19 owner thereof.

20 E. The purchaser of a new or used manufactured home shall,
21 within thirty (30) days of the date of purchase, register the home
22 with the Tax Commission or a motor license agent pursuant to the
23 provisions of Section 1117 of this title. For a new manufactured
24 home, it shall be the responsibility of the dealer selling the home

1 to place a temporary license plate on the home in the same manner as
2 provided in Section 1128 of this title for other new motor vehicles.
3 For the first year that any manufactured home is registered in this
4 state, the Tax Commission shall issue a metal license plate which
5 shall be affixed to the manufactured home. The temporary dealer
6 license plate or the metal license plate shall be displayed on the
7 manufactured home at all times when upon a public roadway; provided,
8 a repossession affidavit issued pursuant to Sections 1110 and 1126
9 of this title shall be permissible in lieu of a current license
10 plate and decal for the purposes of removing a repossessed
11 manufactured home to a secure location. Manufactured homes
12 previously registered and subject to ad valorem taxation as provided
13 by law shall have a decal affixed at the time ad valorem taxes are
14 paid for such manufactured home; provided, for a manufactured home
15 permanently affixed to real estate, no decal or license plate shall
16 be required to be affixed and the owner thereof shall be given a
17 receipt upon payment of ad valorem taxes due on the home. The Tax
18 Commission shall make sufficient plates and decals available to the
19 various motor license agents of the state in order for an owner of a
20 manufactured home to acquire the plate or decal. A one-dollar fee
21 shall be charged for issuance of any plate or decal. The fee shall
22 be apportioned each month to the General Revenue Fund of the State
23 Treasury.

1 F. The decal shall be easily visible for purposes of
2 verification by a county assessor that the manufactured home is
3 properly assessed for ad valorem taxation. In the first year of
4 registration, a decal shall be issued for placement on the license
5 plate indicating payment of applicable registration fees and excise
6 taxes. A duplicate manufactured home registration decal shall be
7 affixed inside the window nearest the front door of the manufactured
8 home. In the second and all subsequent years for which the
9 manufactured home is subject to ad valorem taxation, an annual decal
10 shall be affixed inside the window nearest the front door as
11 evidence of payment of ad valorem taxes. The Tax Commission shall
12 issue decals to the various county treasurers of the state in order
13 for a manufactured home owner to obtain such decal each year. Upon
14 presentation of a valid ad valorem tax receipt, the manufactured
15 home owner shall be issued the annual decal.

16 G. Upon the registration of a manufactured home in this state
17 for the first time or upon discovery of a manufactured home
18 previously registered within this state for which the information
19 required by this subsection is not known, the Tax Commission shall
20 obtain:

- 21 1. The name of the owner of the manufactured home;
- 22 2. The serial number or identification number of the
23 manufactured home;
- 24 3. A legal description or address of the location for the home;

1 4. The actual retail selling price of the manufactured home
2 excluding Oklahoma taxes;

3 5. The certificate of title number for the home; and

4 6. Any other information which the Tax Commission deems to be
5 necessary.

6 The application for registration shall also include the school
7 district in which the manufactured home is located or is to be
8 located. The information shall be entered into a computer data
9 system which shall be used by the Tax Commission to provide
10 information to county assessors upon request by the assessor. The
11 assessor may request any information from the system in order to
12 properly assess a manufactured home for ad valorem taxation.

13 SECTION 11. AMENDATORY 47 O.S. 2011, Section 1170, is
14 amended to read as follows:

15 Section 1170. A. Reports and files of the Corporation
16 Commission concerning the administration of the International
17 Registration Plan and the International Fuel Tax Agreement, shall be
18 considered confidential and privileged, except as otherwise provided
19 for by law, and neither the Commission nor any employee engaged in
20 the administration of the International Registration Plan or
21 International Fuel Tax Agreement or charged with the custody of any
22 such reports or records nor any person who may have secured such
23 reports or records from the Commission shall disclose any
24 information obtained from the reports or records of any person.

1 B. The provisions of this section shall not prevent the
2 Commission from disclosing the following information and no
3 liability whatsoever, civil or criminal, shall attach to any member
4 of the Commission or any employee thereof for any error or omission
5 in the disclosure of such information:

6 1. The delivery to a taxpayer or a duly authorized
7 representative of the taxpayer of a copy of any report or any other
8 paper filed by the taxpayer pursuant to the provisions of the
9 International Registration Plan or the International Fuel Tax
10 Agreement;

11 2. The exchange of information that is not protected by the
12 federal Privacy Protection Act, 42 U.S.C., Section 2000aa et seq.,
13 pursuant to reciprocal agreements or compacts entered into by the
14 Commission and other state agencies or agencies of the federal
15 government;

16 3. The publication of statistics so classified as to prevent
17 the identification of a particular report and the items thereof;

18 4. The examination of records and files by the State Auditor
19 and Inspector or the duly authorized agents of the State Auditor and
20 Inspector;

21 5. The disclosing of information or evidence to the Oklahoma
22 State Bureau of Investigation, Attorney General, Oklahoma State
23 Bureau of Narcotics and Dangerous Drugs Control, any district
24 attorney, or agent of any federal law enforcement agency when the

1 information or evidence is to be used by such officials to
2 investigate or prosecute violations of the criminal provisions of
3 the Uniform Tax Procedure Code or of any state tax law or of any
4 federal crime committed against this state. Any information
5 disclosed to the Oklahoma State Bureau of Investigation, Attorney
6 General, Oklahoma State Bureau of Narcotics and Dangerous Drugs
7 Control, any district attorney, or agent of any federal law
8 enforcement agency shall be kept confidential by such person and not
9 be disclosed except when presented to a court in a prosecution for
10 violation of the tax laws of this state or except as specifically
11 authorized by law, and a violation by the Oklahoma State Bureau of
12 Investigation, Attorney General, Oklahoma State Bureau of Narcotics
13 and Dangerous Drugs Control, district attorney, or agent of any
14 federal law enforcement agency by otherwise releasing the
15 information shall be a felony;

16 6. The use by any division of the Commission of any information
17 or evidence in the possession of or contained in any report or
18 return filed or documents obtained by the Commission in the
19 administration of the International Fuel Tax Agreement or the
20 International Registration Plan;

21 7. The furnishing, at the discretion of the Commission, of any
22 information disclosed by its records or files to any official person
23 or body of this state, any other state, the United States, or
24 foreign country who is concerned with the administration or
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1 assessment of any similar tax in this state, any other state or
2 province or the United States;

3 8. The furnishing of information as to the issuance or
4 revocation of any registration or license by the Commission as
5 provided for by law. Such information shall be limited to the name
6 of the person issued the permit or license, the name of the business
7 entity authorized to engage in business pursuant to the permit or
8 license, the address of the business entity, and the grounds for
9 revocation;

10 9. The disclosure of information to any person for a purpose as
11 authorized by the taxpayer pursuant to a waiver of confidentiality.
12 The waiver shall be in writing and shall be made upon such form as
13 the Commission may prescribe;

14 10. The disclosure of information directly involved in the
15 resolution of the protest by a taxpayer to an assessment of tax or
16 additional tax or the resolution of a claim for a refund filed by a
17 taxpayer, including the disclosure of the pendency of an
18 administrative proceeding involving such protest or claim, to a
19 person called by ~~the~~ a Commission Division as an expert witness or
20 as a witness whose area of knowledge or expertise specifically
21 addresses the issue addressed in the protest or claim for refund.
22 Such disclosure to a witness shall be limited to information
23 pertaining to the specific knowledge of that witness as to the
24 transaction or relationship between taxpayer and witness;

1 11. The furnishing to a prospective purchaser of any business,
2 or his or her authorized representative, of information relating to
3 any liabilities, delinquencies, assessments or warrants of the
4 prospective seller of the business which have not been filed of
5 record, established, or become final and which relate solely to the
6 seller's business. Any disclosure under this paragraph shall only
7 be allowed upon the presentment by the prospective buyer, or the
8 buyer's authorized representative, of the purchase contract and a
9 written authorization between the parties;

10 12. The furnishing of information as to the amount of state
11 revenue affected by the issuance or granting of any registration or
12 license or credit issued by the Corporation Commission as provided
13 for by law. Such information shall be limited to the type of
14 registration, license or credit issued or granted, the date and
15 duration of such registration, license or credit, and the amount of
16 such revenue. The provisions of this paragraph shall not authorize
17 the disclosure of the name of the person issued such registration,
18 license, exemption, credit, or the name of the business entity
19 authorized to engage in business pursuant to the registration,
20 license or credit; and

21 13. The disclosure of information in a Corporation Commission
22 administrative hearing for the purposes of an enforcement action or
23 an appeal of an agency determination.

1 SECTION 12. AMENDATORY Section 3, Chapter 262, O.S.L.

2 2012, as last amended by Section 2, Chapter 373, O.S.L. 2016 (47
3 O.S. Supp. 2020, Section 1202), is amended to read as follows:

4 Section 1202. A. The Department of Transportation, the
5 Oklahoma Turnpike Authority and the Corporation Commission may enter
6 into interagency agreements concerning the equipment, maintenance
7 and operations of fixed facilities.

8 B. The Department of Transportation, the Authority and the
9 Commission shall endeavor to electronically upgrade weigh stations
10 as practical to minimize the duplication of inspections for
11 compliant commercial motor vehicles and motor carriers.

12 C. The Commission shall operate all current and future ports of
13 entry weigh stations eighteen (18) to twenty (20) hours a day and
14 seven (7) days a week upon the availability of funds.

15 D. The Commission shall continue to conduct roadside
16 enforcement in the general area where a fixed facility is planned
17 but no fixed facility currently exists until a fixed facility is
18 located in the general area or July 1, 2016, whichever is earlier.

19 E. When a fixed facility is located in the general area,
20 Commission motor carrier and commercial motor vehicle enforcement
21 shall be limited to the fixed facility and a radius surrounding the
22 facility. If the fixed facility is a weigh station as defined in
23 Section 1201 of this title, the applicable radius shall be seven (7)
24 miles. If the fixed facility is a port of entry weigh station as

1 defined in Section 1201 of this title, the applicable radius shall
2 be twenty-five (25) miles.

3 F. The Commission may assist in roadside enforcement in a joint
4 effort at the request of the Oklahoma Highway Patrol.

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

11 H. The Commission may enter into interagency cooperative
12 agreements with other state or federal agencies to jointly enforce
13 federal and state laws or rules.

14 I. North American Standard Inspections shall be conducted only
15 by individuals holding certification in the level or classification
16 of inspection being conducted.

17 J. Automated license plate readers (ALPR) may be used in the
18 electronic screening of motor carriers and commercial motor vehicles
19 for the purpose of credential checks, public safety and protection
20 of infrastructure.

21 K. Data collected or retained through the use of an ALPR
22 system:

23 1. Is confidential and not subject to disclosure under the
24 Oklahoma Open Records Act;

1 2. Shall be available for use only by the Department, the
2 Authority or the Commission in carrying out its functions or by a
3 law enforcement agency conducting North American Standard
4 Inspections or criminal investigations;

5 3. May be published and released as public information using
6 aggregate data that does not reveal the activities or identify
7 specific commercial motor vehicles or specific motor carriers; and,

8 4. May be shared with the Federal Motor Carrier Safety
9 Administration for regulatory compliance purposes.

10 SECTION 13. REPEALER 47 O.S. 2011, Section 116.13, is
11 hereby repealed.

12 SECTION 14. REPEALER 47 O.S. 2011, Section 171.2, is
13 hereby repealed.

14 SECTION 15. This act shall become effective July 1, 2021.

15 SECTION 16. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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