

STATE OF OKLAHOMA

1st Extraordinary Session of the 56th Legislature (2017)

HOUSE BILL 1061

By: Roberts (Dustin)

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2011, Sections 161A, 162, 162.1, 163, 165, 166, 166.5, 166a, 169, 169.5, 170, 170.1, 170.2, 171, 171.1, 171.2, 172, 172.1, 177.2, 177.3, 180, 180a, 180b, 180c, 180d, 180e, 180f, 180g, 180h, 180k, 180l and 180m, which relate to the regulation of motor carriers; modifying agency reference; modifying requirements of certain enforcement officers; updating statutory references; amending 47 O.S. 2011, Sections 230.22, 230.23, 230.24, 230.25, 230.26, 230.27, 230.28, 230.29, 230.30, 230.31 and 230.32, which relate to the Motor Carrier Act of 1995; modifying agency reference; amending 47 O.S. 2011, Sections 1166, 1167, as last amended by Section 1, Chapter 373, O.S.L. 2016, 1168, as amended by Section 205, Chapter 304, O.S.L. 2012 and 1169 (47 O.S. Supp. 2017, Sections 1167 and 1168), which relate to motor carrier enforcement; transferring certain divisions and sections of Corporation Commission to the Department of Public Safety; transferring associated powers, duties, responsibilities, documents, employees, property, pending matters, funds and authority; providing for allocation of certain funds; providing that certain funds not be subject to budgetary limitations; providing for certain transitional period and requirements related thereto; requiring Department of Public Safety and Corporation Commission to enter into certain contract and specifying certain requirements related thereto; providing procedures and requirements for transfer of certain employees; providing that certain rules be deemed promulgated by Department of Public Safety; modifying agency reference relating to rules, enforcement of actions and fund administration; providing for the Department of Public Safety and

1 Department of Transportation to enter into certain
2 agreement; modifying agency reference relating to the
3 revocation or suspension of license; amending
4 Sections 2, 3, as last amended by Section 2, Chapter
5 373, O.S.L. 2016 and 4, Chapter 262, O.S.L. 2012 (47
6 O.S. Supp. 2017, Sections 1201, 1202 and 1203), which
7 relate to the Oklahoma Weigh Station Act of 2012;
8 modifying agency reference; and declaring an
9 emergency.

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

11 SECTION 1. AMENDATORY 47 O.S. 2011, Section 161A, is
12 amended to read as follows:

13 Section 161A. A. This act shall be known and may be cited as
14 the "Household Goods Act of 2009". The purpose of this act is to
15 regulate intrastate transportation by motor carriers of household
16 goods in such manner as to establish standards for public safety,
17 fair competitive practices, adequate and dependable service, and
18 protection of shippers from deceptive or unfair practices.

19 B. The provisions of this act, except as specifically limited
20 herein, shall apply to the intrastate transportation of household
21 goods by motor carriers over public highways of this state; and the
22 regulations of such transportation, and the procurement thereof and
23 the provisions of facilities therefor, are hereby vested in the
24 ~~Corporation Commission~~ Department of Public Safety.

Shipments contracted by the federal government, a state
government, a tribal government or any local government or political

1 subdivision thereof shall not be required to obtain a household
2 goods certificate, but shall be regulated by the ~~Commission~~
3 Department to achieve compliance with safety requirements and size
4 and weight limitations.

5 Nothing in this act shall be construed to interfere with the
6 exercise by agencies of the government of the United States of its
7 power of regulation of interstate commerce.

8 C. As used in this act:

9 1. "~~Commission~~" "Department" means the ~~Corporation Commission~~
10 Department of Public Safety;

11 2. "Corporate family" means a group of corporations consisting
12 of a parent corporation and all subsidiaries in which the parent
13 corporation owns directly or indirectly one hundred percent (100%)
14 interest;

15 3. "Household goods" means used personal effects and property
16 of a dwelling;

17 4. "Household goods certificate" means a certificate of
18 authority issued by the ~~Corporation Commission~~ Department of Public
19 Safety to transport household goods within this state;

20 5. "Intercompany hauling" means the transportation of
21 household goods, by motor vehicle, for compensation, by a carrier
22 which is a member of a corporate family, as defined in this section,
23 when the transportation for compensation is provided for other
24 members of the corporate family;

1 6. "Motor carrier of household goods" means a person
2 transporting household goods for compensation or other
3 consideration, with an origin and destination within this state;

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

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

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

15 D. The terms and provisions of this act shall apply to commerce
16 with foreign nations, or commerce among the several states of this
17 Union, insofar as such application may be permitted under the
18 provisions of the Constitution of the United States and the Acts of
19 Congress.

20 SECTION 2. AMENDATORY 47 O.S. 2011, Section 162, is
21 amended to read as follows:

22 Section 162. A. The ~~Corporation Commission~~ Department of
23 Public Safety is authorized to:

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1 1. Supervise and regulate every motor carrier of household
2 goods;

3 2. Protect the shipping and general public by requiring
4 liability insurance and cargo insurance of all motor carriers of
5 household goods;

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

8 4. Supervise and regulate such motor carriers in all other
9 matters affecting the relationship between such carriers and the
10 traveling and shipping public including, but not limited to,
11 consumer protection measures and loss and damage claim procedures;
12 and

13 5. Enforce the provisions of this act.

14 B. The ~~Commission~~ Department is authorized to promulgate rules
15 applicable to persons transporting household goods.

16 C. 1. The ~~Commission~~ Department is authorized to administer a
17 hazardous material transportation registration and permitting
18 program for motor carriers engaged in transporting hazardous
19 material upon or over the public highways and within the borders of
20 the state.

21 2. The ~~Commission~~ Department shall promulgate rules
22 implementing the provisions of this subsection. Rules promulgated
23 pursuant to this subsection shall be consistent with, and equivalent
24 in scope, coverage, and content to requirements applicable to

1 operators of vehicles transporting hazardous materials contained in
2 the report submitted to the Secretary of the United States
3 Department of Transportation, pursuant to 49 U.S.C. 5119(b), by the
4 Alliance for Uniform Hazardous Material Transportation Procedures.

5 D. Nothing in this section shall be construed to remove or
6 affect the jurisdiction of the Department of Environmental Quality
7 to implement hazardous waste transportation requirements for federal
8 hazardous waste program delegation to this state under the federal
9 Resource Conservation and Recovery Act.

10 E. The ~~Commission~~ Department is authorized to promulgate rules
11 and set fees applicable to interstate motor carriers, pertaining to
12 carrier registration, operation of equipment and filing of proper
13 proof of liability insurance.

14 SECTION 3. AMENDATORY 47 O.S. 2011, Section 162.1, is
15 amended to read as follows:

16 Section 162.1 The ~~Corporation-Commission~~ Department of Public
17 Safety is authorized to promulgate rules necessary to enable this
18 state to participate in the Unified Carrier Registration System for
19 interstate motor carriers, brokers, forwarders and leasing companies
20 and interstate motor carriers holding intrastate authority as set
21 forth in the Safe, Accountable, Flexible, Efficient Transportation
22 Equity Act: A Legacy for Users (SAFETEA-LU), Subtitle C-Unified
23 Carrier Registration Act of 2005.

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1 SECTION 4. AMENDATORY 47 O.S. 2011, Section 163, is
2 amended to read as follows:

3 Section 163. A. No person shall transport household goods for
4 compensation or other consideration in intrastate commerce without a
5 valid certificate issued by the ~~Corporation Commission~~ Department of
6 Public Safety.

7 B. The ~~Commission~~ Department shall promulgate rules ensuring
8 consumer protection and loss and damage claim procedures.

9 C. Every motor carrier, subject to this act, receiving
10 household goods for transportation in intrastate commerce shall
11 issue a receipt or bill of lading therefor, the form of which shall
12 be prescribed by the ~~Commission~~ Department.

13 D. Record-keeping documents, as required by the ~~Commission~~
14 Department, shall be maintained by the motor carrier of household
15 goods for a minimum of three (3) years. The ~~Commission~~ Department
16 is authorized to require certain documents to be retained for a
17 longer period of time pending a claim for any other reason the
18 ~~Commission~~ Department deems necessary.

19 E. Any person, motor carrier, or shipper who shall willfully
20 violate any provision of this act or the ~~Commission's~~ Department's
21 rules pursuant thereto may be found in violation by the ~~Commission~~
22 Department. After proper notice and hearing, violators may be
23 assessed penalties in an amount not to exceed One Thousand Dollars
24 (\$1,000.00) for the first violation and for the second violation

1 within a year a penalty not to exceed Five Thousand Dollars
2 (\$5,000.00).

3 SECTION 5. AMENDATORY 47 O.S. 2011, Section 165, is
4 amended to read as follows:

5 Section 165. A. Upon the filing of an application to operate
6 as a motor carrier of household goods, the applicant shall pay to
7 the ~~Corporation Commission~~ Department of Public Safety a filing fee
8 as set by ~~Commission~~ Department rule.

9 B. Upon the filing by an interstate motor carrier of an
10 application to register interstate authority, or supplement thereto,
11 the applicant shall pay the ~~Commission~~ Department a filing fee as
12 established by the ~~Commission~~ Department and in full compliance with
13 applicable federal laws.

14 C. The ~~Commission~~ Department shall, upon the receipt of any
15 such fee, deposit the same in the State Treasury to the credit of
16 the ~~Corporation Commission~~ Department of Public Safety Revolving
17 Fund.

18 SECTION 6. AMENDATORY 47 O.S. 2011, Section 166, is
19 amended to read as follows:

20 Section 166. A. It is hereby declared unlawful for any person
21 to transport household goods in intrastate commerce without a valid
22 certificate issued by the ~~Corporation Commission~~ Department of
23 Public Safety.

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1 B. Motor carriers engaged in intercorporate hauling must obtain
2 a certificate in the motor carrier's name.

3 C. Applicants for intrastate authority to transport household
4 goods shall file an application as required by this act and as
5 prescribed by the ~~Commission~~ Department. A household goods
6 certificate shall be issued to the applicant upon completion of all
7 requirements.

8 D. The ~~Commission~~ Department may consider any written protests
9 or written complaints filed prior to granting or renewing a
10 household goods certificate. If the ~~Commission~~ Department elects
11 not to grant or renew a household goods certificate, the application
12 shall be set for public hearing in accordance with ~~Commission~~
13 Department rules.

14 E. Household goods certificates may not be assigned or
15 transferred.

16 F. The ~~Commission~~ Department shall exercise any additional
17 power that may from time to time be conferred upon the state by any
18 Act of Congress.

19 G. The ~~Commission~~ Department shall adopt rules prescribing the
20 manner and form in which motor carriers shall apply for a household
21 goods certificate.

22 SECTION 7. AMENDATORY 47 O.S. 2011, Section 166.5, is
23 amended to read as follows:

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1 Section 166.5 If ~~this act~~ Section 166.1 et seq. of this title
2 or the Motor Carrier Act of 1995 or any provision hereof is, or may
3 be deemed to be, in conflict or inconsistent with any of the
4 provisions of Section 18 through Section 34, inclusive, of Article
5 IX of the Constitution of the State of Oklahoma, then, to the extent
6 of any such conflicts or inconsistencies, it is hereby expressly
7 declared that this entire act and this section are amendments to and
8 alterations of the sections of the Constitution, as authorized by
9 Section 35 of Article IX of ~~said~~ the Constitution.

10 SECTION 8. AMENDATORY 47 O.S. 2011, Section 166a, is
11 amended to read as follows:

12 Section 166a. A. As used in this section:

13 1. "Authorized carrier" means a motor carrier of household
14 goods;

15 2. "Equipment" means a motor vehicle, straight truck, tractor,
16 semitrailer, full trailer, any combination of these and any other
17 type of equipment used by authorized carriers in the transportation
18 of household goods;

19 3. "Owner" means a person to whom title to equipment has been
20 issued, or who, without title, has the right to exclusive use of
21 equipment for a period longer than thirty (30) days;

22 4. "Lease" means a contract or arrangement in which the owner
23 grants the use of equipment, with or without driver, for a specified
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1 period to an authorized carrier for use in the regulated
2 transportation of household goods in exchange for compensation;

3 5. "Lessor", in a lease, means the party granting the use of
4 equipment with or without driver to another;

5 6. "Lessee", in a lease, means the party acquiring the use of
6 equipment with or without driver from another;

7 7. "Addendum" means a supplement to an existing lease which is
8 not effective until signed by the lessor and lessee; and

9 8. "Shipper" means a person who sends or receives household
10 goods which are transported in intrastate commerce in this state.

11 B. An authorized carrier may perform authorized transportation
12 in equipment it does not own only under the following conditions:

13 1. There shall be a written lease granting the use of the
14 equipment and meeting the requirements as set forth in subsection C
15 of this section;

16 2. The authorized carrier acquiring the use of equipment under
17 this section shall identify the equipment in accordance with the
18 ~~Commission's~~ Department's requirements; and

19 3. Upon termination of the lease, the authorized carrier shall
20 remove all identification showing it as the operating carrier before
21 giving up possession of the equipment.

22 C. The written lease required pursuant to subsection B of this
23 section shall contain the following provisions. The required lease
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1 provisions shall be adhered to and performed by the authorized
2 carrier as follows:

3 1. The lease shall be made between the authorized carrier and
4 the owner of the equipment. The lease shall be signed by these
5 parties or by their authorized representatives;

6 2. The lease shall specify the time and date or the
7 circumstances on which the lease begins and ends and include a
8 description of the equipment which shall be identified by vehicle
9 serial number, make, year, model and current license plate number;

10 3. The period for which the lease applies shall be for thirty
11 (30) days or more when the equipment is to be operated for the
12 authorized carrier by the owner or an employee of the owner;

13 4. The lease shall provide that the authorized carrier lessee
14 shall have exclusive possession, control and use of the equipment
15 for the duration of the lease. The lease shall further provide that
16 the authorized carrier lessee shall assume complete responsibility
17 for the operation of the equipment for the duration of the lease;

18 5. The amount to be paid by the authorized carrier for
19 equipment and driver's services shall be clearly stated on the face
20 of the lease or in an addendum which is attached to the lease. The
21 amount to be paid may be expressed as a percentage of gross revenue,
22 a flat rate per mile, a variable rate depending on the direction
23 traveled or the type of commodity transported, or by any other
24 method of compensation mutually agreed upon by the parties to the

1 lease. The compensation stated on the lease or in the attached
2 addendum may apply to equipment and driver's services either
3 separately or as a combined amount;

4 6. The lease shall clearly specify the responsibility of each
5 party with respect to the cost of fuel, fuel taxes, empty mileage,
6 permits of all types, tolls, detention and accessorial services,
7 base plates and licenses, and any unused portions of such items.
8 Except when the violation results from the acts or omissions of the
9 lessor, the authorized carrier lessee shall assume the risks and
10 costs of fines for overweight and oversize trailers when the
11 trailers are preloaded, sealed, or the load is containerized, or
12 when the trailer or lading is otherwise outside of the lessor's
13 control, and for improperly permitted over-dimension and overweight
14 loads and shall reimburse the lessor for any fines paid by the
15 lessor. If the authorized carrier is authorized to receive a refund
16 or a credit for base plates purchased by the lessor from, and issued
17 in the name of, the authorized carrier, or if the base plates are
18 authorized to be sold by the authorized carrier to another lessor,
19 the authorized carrier shall refund to the initial lessor on whose
20 behalf the base plate was first obtained a prorated share of the
21 amount received;

22 7. The lease shall specify that payment to the lessor shall be
23 made by the authorized carrier within fifteen (15) days after
24 submission of the necessary delivery documents and other paperwork

1 concerning a trip in the service of the authorized carrier. The
2 paperwork required before the lessor can receive payment is limited
3 to those documents necessary for the authorized carrier to secure
4 payment from the shipper. The authorized carrier may require the
5 submission of additional documents by the lessor but not as a
6 prerequisite to payment;

7 8. The lease shall clearly specify the right of those lessors
8 whose revenue is based on a percentage of the gross revenue for a
9 shipment to examine copies of the authorized carrier's freight bill
10 before or at the time of settlement. The lease shall clearly
11 specify the right of the lessor, regardless of method of
12 compensation, to examine copies of the carrier's tariff;

13 9. The lease shall clearly specify all items that may be
14 initially paid for by the authorized carrier, but ultimately
15 deducted from the lessor's compensation at the time of payment or
16 settlement together with a recitation as to how the amount of each
17 item is to be computed. The lessor shall be afforded copies of
18 those documents which are necessary to determine the validity of the
19 charge;

20 10. The lease shall specify that the lessor is not required to
21 purchase or rent any products, equipment, or services from the
22 authorized carrier as a condition of entering into the lease
23 arrangement;

24 11. As it relates to insurance:

- 1 a. the lease shall clearly specify the legal obligation
2 of the authorized carrier to maintain insurance
3 coverage for the protection of the public, and
4 b. the lease shall clearly specify the conditions under
5 which deductions for cargo or property damage may be
6 made from the lessor's settlements. The lease shall
7 further specify that the authorized carrier must
8 provide the lessor with a written explanation and
9 itemization of any deductions for cargo or property
10 damage made from any compensation of money owed to the
11 lessor. The written explanation and itemization must
12 be delivered to the lessor before any deductions are
13 made; and

14 12. An original and two copies of each lease shall be signed by
15 the parties. The authorized carrier shall keep the original and
16 shall place a copy of the lease in the equipment during the period
17 of the lease. The owner of the equipment shall keep the other copy
18 of the lease.

19 D. The provisions of this section shall apply to the leasing of
20 equipment with which to perform household goods transportation by
21 motor carriers.

22 SECTION 9. AMENDATORY 47 O.S. 2011, Section 169, is
23 amended to read as follows:
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1 Section 169. A. No certificate shall be issued by the
2 ~~Corporation Commission~~ Department of Public Safety to any motor
3 carrier of household goods until after such motor carrier shall have
4 filed with the ~~Commission~~ Department a liability insurance policy or
5 bond covering public liability and property damage, issued by some
6 insurance or bonding company or insurance carrier authorized as set
7 forth below, and which has complied with all of the requirements of
8 the ~~Commission~~ Department, which bond or policy shall be approved by
9 the ~~Commission~~ Department, and shall be in such sum and amount as
10 fixed by a proper order of the ~~Commission~~ Department; and such
11 liability and property damage insurance policy or bond shall bind
12 the obligor thereunder to make compensation for injuries to, or
13 death of, persons, and loss or damage to property, resulting from
14 the operation of any such motor carrier for which such carrier is
15 legally liable. After judgment against the carrier for any damage,
16 the injured party may maintain an action upon the policy or bond to
17 recover the same, and shall be a proper party to maintain such
18 action.

19 B. Every motor carrier of household goods shall file with the
20 ~~Commission~~ Department a cargo insurance policy or bond covering any
21 goods or property being transported, issued by some insurance or
22 bonding company or insurance carrier authorized as set forth below,
23 and which has complied with all of the requirements of the
24 ~~Commission~~ Department, which bond or policy shall be approved by the

1 ~~Commission~~ Department, and shall be in a sum and amount as fixed by
2 ~~Commission~~ Department rule. The cargo insurance must be filed with
3 the ~~Commission~~ Department prior to a certificate being issued by the
4 ~~Commission~~ Department.

5 C. No carrier, whose principal place of business is in
6 Oklahoma, shall conduct any operations in this state unless the
7 operations are covered by a valid primary bond or insurance policy
8 issued by an insurer authorized or approved by the Oklahoma
9 Insurance Department. No carrier whose principal place of business
10 is not in Oklahoma shall conduct any operations in this state unless
11 the operations are covered by a valid bond or insurance policy
12 issued by an insurer licensed or approved by the insurance
13 regulatory authority of the state of their principal place of
14 business or the Oklahoma Insurance Department.

15 D. Each motor carrier shall maintain on file, in full force,
16 all insurance required by the laws of the State of Oklahoma and the
17 rules of the ~~Commission~~ Department during such motor carrier's
18 operation and that the failure for any cause to maintain such
19 coverage in full force and effect shall immediately, without any
20 notice from the ~~Commission~~ Department, suspend such carrier's rights
21 to operate until proper insurance is provided. Any carrier
22 suspended for failure to maintain proper insurance shall have a
23 reasonable time, not exceeding sixty (60) days, within which to
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1 provide proper insurance and to have the carrier's authority
2 reactivated, upon showing:

- 3 1. No operation during the period in which the carrier did not
4 have insurance; and
- 5 2. Furnishing of proper insurance coverage.

6 E. Any carrier who fails to reactivate the carrier's
7 certificate within sixty (60) days after such suspension, as above
8 provided, shall have the certificate canceled, by operation of law,
9 without any notice from the ~~Commission~~ Department. No certificate
10 so canceled shall be reinstated or otherwise made operative except
11 that the ~~Commission~~ Department may reinstate the authority of a
12 motor carrier upon proper showing that the motor carrier was
13 actually covered by proper insurance during the suspension or
14 cancellation period, and that failure to file with the ~~Commission~~
15 Department was not due to the motor carrier's fault. Any carrier
16 desiring to file for reinstatement of the carrier's certificate
17 shall do so within ninety (90) days of its cancellation by law.

18 F. The ~~Commission~~ Department shall, in its discretion, permit
19 the filing of certificates of insurance coverage on such form as may
20 be prescribed by the ~~Commission~~ Department, in lieu of copies of
21 insurance policies or bonds, with the proviso that if the
22 certificates are authorized, the insurance company or carrier so
23 filing it, upon request of the ~~Commission~~ Department, shall, at any
24 time, furnish an authenticated copy of the policy which the

1 certificate represents, and further provided that thirty (30) days
2 prior to effective cancellation or termination of the policy of
3 insurance for any cause, the insurer shall so notify the ~~Commission~~
4 Department in writing of the facts or as deemed necessary by the
5 ~~Commission~~ Department.

6 SECTION 10. AMENDATORY 47 O.S. 2011, Section 169.5, is
7 amended to read as follows:

8 Section 169.5 If the carrier fails to process loss or damage
9 claims as provided in Sections 169.2 through 169.4 of this title, or
10 to express declinations of the claims in writing with proof of
11 nonliability, the carrier may be found in contempt by the
12 ~~Corporation Commission~~ Department of Public Safety after proper
13 notice and hearing. Failure to pay any fine or otherwise resolve
14 the complaint may result in a hearing by the ~~Corporation Commission~~
15 Department of Public Safety to determine if the operating authority
16 of the carrier shall be revoked.

17 SECTION 11. AMENDATORY 47 O.S. 2011, Section 170, is
18 amended to read as follows:

19 Section 170. A. Nothing contained in this act shall be
20 construed to authorize the operation of any freight vehicle in
21 excess of the gross weight, width, length or height authorized by
22 law.

23 B. Any person who willfully advertises to perform
24 transportation services for which the person does not hold a proper

1 certificate shall be in violation of this act and subject to the
2 penalties prescribed for contempt of the ~~Corporation Commission~~
3 Department of Public Safety.

4 C. Household goods certificates may be suspended or revoked for
5 any violation of state law or ~~Commission~~ Department rule.

6 D. Certificates shall be considered personal to the holder
7 thereof and shall be issued only to some definite legal entity
8 operating motor vehicles as a motor carrier of household goods, and
9 shall not be subject to lease, nor shall the holder thereof sublet
10 or permit the exercise, by another, in anywise, of the rights or
11 privileges granted thereunder.

12 SECTION 12. AMENDATORY 47 O.S. 2011, Section 170.1, is
13 amended to read as follows:

14 Section 170.1 A. Upon any complaint in writing under oath
15 being made by any person, or by the ~~Commission~~ Department of its own
16 motion, setting forth any act or thing done or omitted to be done by
17 any person in violation, or claimed violation, of any provision of
18 law, or of any order or rule of the ~~Commission~~ Department, the
19 ~~Commission~~ Department shall enter same upon its docket and shall
20 immediately serve a copy thereof upon each defendant together with a
21 notice directed to each defendant requiring that the matter
22 complained of be answered, in writing, within ten (10) days of the
23 date of service of such notice, provided that the ~~Commission~~
24 Department may, in its discretion, require particular cases to be

1 answered within a shorter time, and the ~~Commission~~ Department may,
2 for good cause shown, extend the time in which an answer may be
3 filed.

4 Upon the filing of the answer herein provided for, the
5 ~~Commission~~ Department shall set a time and place for the hearing,
6 and notice of the time and place of the hearing shall be served not
7 less than ten (10) days before the time set therefor, unless the
8 ~~Commission~~ Department shall find that public necessity requires the
9 hearing at an earlier date.

10 B. The ~~Commission~~ Department may, in all matters within its
11 jurisdiction, issue subpoenas, subpoenas duces tecum, and all
12 necessary process in proceedings pending before the ~~Commission~~
13 Department; may administer oaths, examine witnesses, compel the
14 production of records, books, papers, files, documents, contracts,
15 correspondence, agreements, or accounts necessary for any
16 investigation being conducted, and certify official acts.

17 C. In case of failure on the part of any person to comply with
18 any lawful order of the ~~Commission~~ Department, ~~or of any~~
19 ~~Commissioner~~, or with any subpoena or subpoena duces tecum, or to
20 testify concerning any matter on which he may be lawfully
21 interrogated, the ~~Commission~~ Department may compel obedience by
22 proceedings for contempt as in the case of disobedience of the
23 requirements of a subpoena, or of the refusal to testify.

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1 D. Witnesses who are summoned before the ~~Commission~~ Department
2 shall be paid the same fees and mileage as are paid to witnesses in
3 courts of record. Any party to a proceeding at whose instance a
4 subpoena is issued and served shall pay the costs incident thereto
5 and the fees for mileage of all his witnesses.

6 E. In event any process shall be directed to any nonresident
7 who is authorized to do business in this state, the process may be
8 served upon the agent designated by the nonresident for the service
9 of process, and service upon the agent shall be as sufficient and as
10 effective as if served upon the nonresident.

11 F. All process issued by the ~~Commission~~ Department shall extend
12 to all parts of the state and any such process, together with the
13 service of all notices issued by the ~~Commission~~ Department, as well
14 as copies of complaints, rules, orders and regulations of the
15 ~~Commission~~ Department, may be served by any person authorized to
16 serve process issued out of courts of record, or by certified mail.

17 G. After the conclusion of any hearing, the ~~Commission~~
18 Department shall, within sixty (60) days, make and file its findings
19 and order, with its opinion. Its findings shall be in sufficient
20 detail to enable any court in which any action of the ~~Commission~~
21 Department is involved to determine the controverted questions
22 presented by the proceeding. A copy of such order, certified under
23 the seal of the ~~Commission~~ Department, shall be served upon the
24 person against whom it runs, or the attorney of the person, and

1 notice thereof shall be given to the other parties to the
2 proceedings or their attorneys. The order shall take effect and
3 become operative within fifteen (15) days after the service thereof,
4 unless otherwise provided. If an order cannot, in the judgment of
5 the ~~Commission~~ Department, be complied with within fifteen (15)
6 days, the ~~Commission~~ Department may grant and prescribe such
7 additional time as in its judgment is reasonably necessary to comply
8 with the order, and may, on application and for good cause shown,
9 extend the time for compliance fixed in the order.

10 H. In the event the ~~Commission~~ Department finds that the
11 defendant is guilty upon any complaint filed and proceeding had and
12 that the provisions of law, or the rules, regulations or orders of
13 this ~~Commission~~ Department have been willfully and knowingly
14 violated and the violator holds a permit or certificate or license
15 issued by the ~~Commission~~ Department authorizing it to engage in the
16 transportation of persons or property for hire, then such permit or
17 certificate or license may also be revoked by the ~~Commission~~
18 Department.

19 I. Where a complaint is instituted by any person other than the
20 ~~Commission~~ Department of its own motion and in the event the
21 ~~Commission~~ Department should find that the complaint was not in good
22 faith, the complaining party shall be required to pay the
23 defendant's attorney's fee, the fee to be prescribed by the
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1 ~~Commission~~ Department in accordance with applicable Oklahoma Bar
2 Association standards.

3 J. Any person aggrieved by any findings and order of the
4 ~~Commission~~ Department may appeal to the Supreme Court in the way and
5 manner now or hereafter provided for appeals from the district court
6 to the Supreme Court.

7 SECTION 13. AMENDATORY 47 O.S. 2011, Section 170.2, is
8 amended to read as follows:

9 Section 170.2 A. ~~The Department of Public Safety, monthly,~~
10 ~~shall notify the Oklahoma Corporation Commission of any ticket~~
11 ~~issued for a violation of the provisions of Section 14-119 of this~~
12 ~~title, or any provisions of Chapter 14 of this title or the terms of~~
13 ~~any special permit authorized pursuant to the provisions of Chapter~~
14 ~~14 of this title concerning overweight or overweight special~~
15 ~~permits.~~

16 B. Truck overweight violations by motor carriers or private
17 carriers shall be considered contempt of ~~Commission~~ Department motor
18 carrier rules, tariffs and regulations. The ~~Commission~~ Department
19 shall establish a specific rule whereby such overweight violations
20 by motor carriers or private carriers shall be grounds for issuance
21 of a show-cause order for consideration of temporary or permanent
22 cancellation of operating authority or license. In establishing the
23 rule, consideration shall be given to the frequency of violations,
24 pattern of violations, fleet size, type of operation, amount of

1 overweight, and other such factors that may indicate intent. Any
2 person, firm, or corporation that assists in the commission of such
3 overweight violation or refuses to comply with any rule, regulation,
4 or order of the ~~Commission~~ Department relating thereto shall be
5 guilty of contempt of the ~~Commission~~ Department and shall be subject
6 to a fine to be imposed by said ~~Commission~~ Department in a sum not
7 to exceed Five Hundred Dollars (\$500.00) on each violation. In the
8 specific instance of an overweight violation, the transportation of
9 each load shall constitute a separate violation. The same fine
10 assessed against the motor carrier or private carrier shall apply to
11 any other person, firm, or corporation that aids or abets such
12 violations. Provided however, no motor carrier, private carrier,
13 shipper or person loading or causing a motor vehicle to be loaded
14 shall be subject to a fine for contempt unless the gross weight of
15 the motor vehicle is more than five thousand (5,000) pounds
16 overweight.

17 ~~C.~~ B. The ~~Commission~~ Department, in its discretion and on its
18 own motion, may make a contempt complaint in writing under oath
19 setting forth the violation, enter the complaint on its docket, and
20 proceed with the matter in accordance with the provisions of
21 ~~Sections~~ Section 161 et seq. of this title or the Motor Carrier Act
22 of 1995.

23 SECTION 14. AMENDATORY 47 O.S. 2011, Section 171, is
24 amended to read as follows:

1 Section 171. All monies accruing to the "~~Corporation Commission~~
2 Department of Public Safety Revolving Fund" are hereby appropriated
3 to the ~~Corporation Commission~~ Department of Public Safety.

4 The ~~Corporation Commission~~ is hereby authorized and empowered to
5 employ such extra help as may be necessary to carry out the
6 provisions of this act for the enforcement of the law and the
7 collection of taxes set forth herein, said employees to be paid from
8 the appropriations made in this section. Provided, such employees
9 shall be paid such salaries or compensation as is paid for similar
10 service in this state in the same or other departments of the state.
11 The ~~Corporation Commission~~ is hereby authorized to pay from the
12 "~~Corporation Commission Revolving Fund~~" such extra operating
13 expenses as may be attributable to the enforcement of this act, in
14 the same manner and form as other expenses are paid.

15 Provided further, such employees shall be such extra help as may
16 be in the judgment of the ~~Corporation Commission~~ necessary to aid in
17 the enforcement of this act in addition to the positions hereinafter
18 created; the salaries and expenses of the positions hereinafter
19 created shall be paid out of funds appropriated by the general
20 departmental appropriations act.

21 SECTION 15. AMENDATORY 47 O.S. 2011, Section 171.1, is
22 amended to read as follows:

23 Section 171.1 In addition to other uses authorized by law,
24 funds provided to the ~~Corporation Commission~~ Department of Public

1 Safety Revolving Fund pursuant to Sections 165, 177.2 and 180h of
2 this title shall be expended as follows:

3 1. The ~~Corporation Commission Transportation Division~~ shall
4 Department of Public Safety may employ four special ~~motor carrier~~
5 ~~enforcement~~ Port of Entry officers and one supervisor-officer who
6 shall have the primary duty of investigating and assisting in the
7 prosecution of persons engaged in unauthorized transportation or
8 disposal of deleterious substances as contemplated under the
9 provisions of the Oklahoma Motor Carrier Act and any other
10 applicable provisions of law. Such employees shall be compensated
11 as for similar service in the same or other departments of the state
12 and an expense allowance of One Hundred Dollars (\$100.00) per month
13 for maintenance and cleaning of uniforms and other related expenses
14 shall be paid to such employees. Nothing in this section regarding
15 expense allowances shall be construed to mean that such employees
16 shall receive any additional compensation beyond what is provided
17 for maintenance and cleaning of uniforms and other related expenses
18 by the ~~Corporation Commission~~ Department of Public Safety on the
19 ~~effective date of this act~~ September 1, 1993.

20 2. The ~~Commission~~ Department shall purchase a sufficient number
21 of motor vehicles to provide each ~~motor carrier enforcement~~ Port of
22 Entry officer employed on January 1, 2018, in the ~~Transportation~~
23 ~~Division~~ Department a motor vehicle suitable to carry out the
24 enforcement provisions of applicable law. ~~Said~~ The vehicles shall

1 be appropriately marked as official vehicles and radio equipped.
2 All costs for operation, maintenance and replacement of the motor
3 vehicles authorized in this section shall be provided for from the
4 ~~Corporation Commission~~ Department of Public Safety Revolving Fund.

5 3. The ~~Commission~~ Department shall employ a hearing officer
6 whose primary responsibility shall be the adjudication of
7 enforcement proceedings and complaints brought against persons
8 engaged in unauthorized transportation or disposal of deleterious
9 substances or other unauthorized transportation in violation of the
10 Oklahoma Motor Carrier Act or the rules and regulations of motor
11 carriers as promulgated by the Corporation Commission.

12 SECTION 16. AMENDATORY 47 O.S. 2011, Section 171.2, is
13 amended to read as follows:

14 Section 171.2 ~~Motor carrier enforcement~~ Port of Entry officers
15 as authorized in Section 171.1 of this title shall have authority
16 and powers as provided for those ~~motor carrier~~ Port of Entry
17 officers authorized under the provisions of Section 172 of this
18 title.

19 SECTION 17. AMENDATORY 47 O.S. 2011, Section 172, is
20 amended to read as follows:

21 Section 172. A. Every owner of any motor vehicle, the agents
22 or employees of the owner, and every other person who violates or
23 fails to comply with or procures, aids, or abets in the violation of
24 Sections ~~161~~ 161A through 180m of this title or the Motor Carrier

1 Act of 1995, or who fails to obey, observe, or comply with any
2 order, decision, rule or regulation, direction, demand, or
3 requirement of the ~~Corporation Commission~~ Department of Public
4 Safety, or who procures, aids or abets any corporation or person in
5 the person's, or its, refusal or willful failure to obey, observe or
6 comply with any such order, decision, rule, direction, demand, or
7 regulation shall be deemed guilty of a misdemeanor. Upon conviction
8 in a criminal court of competent jurisdiction, such misdemeanor is
9 punishable by a fine of not exceeding One Thousand Dollars
10 (\$1,000.00).

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

1 Public Safety, the Attorney General or any district attorney, to
2 comply with the provisions of this section, shall be deemed official
3 misconduct. ~~The Corporation Commission shall report such complaints~~
4 ~~so made to the Governor of this state who shall direct and cause the~~
5 ~~laws of this state to be enforced.~~

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

24

1 transportation or discharge of deleterious substances provided for
2 by specific statutory provisions.

3 D. ~~The Corporation Commission shall~~ Department of Public Safety
4 may appoint a director of transportation, a deputy director, an
5 insurance supervisor, an insurance clerk, two stenographers, a
6 secretary to the director, an identification device supervisor and
7 an assistant identification device supervisor at such salaries as
8 the Legislature may from time to time prescribe. The employees
9 shall be allowed actual and necessary travel expenses pursuant to
10 the provisions of the State Travel Reimbursement Act. All of the
11 expense claims shall be presented and paid monthly.

12 E. ~~Enforcement~~ Port of Entry officers, appointed by the
13 ~~Corporation Commission~~ Department of Public Safety, are hereby
14 declared to be peace officers of this state. ~~Such~~ There shall be
15 two types of Port of Entry officers: Port of Entry officers that are
16 commissioned peace officers and Weigh Station officers that are not
17 peace officers. All officers shall be vested with all powers of
18 peace officers in enforcing the provisions of Sections ~~161~~ 161A
19 through 180m of this title, U.S. 49 CFR, and the Motor Carrier Act
20 of 1995 in all parts of this state.

21 The powers and duties conferred upon ~~said enforcement~~ the
22 officers shall in no way limit the powers and duties of sheriffs or
23 other peace officers of the state, or any political subdivision
24

1 thereof, or of members of the Division of Highway Patrol, subject to
2 the Department of Public Safety.

3 F. The ~~enforcement~~ Port of Entry officers when on duty, ~~upon~~
4 ~~reasonable belief that~~ may stop and inspect any commercial motor
5 vehicle ~~is being operated in~~ for any violation of ~~any provisions of~~
6 Sections ~~161~~ 161A through 180m of this title, U.S. 49 CFR, or the
7 Motor Carrier Act of 1995, ~~shall be authorized to require the driver~~
8 ~~of the vehicle to stop and submit to an inspection of the~~
9 ~~identification device, or devices, in the vehicle, and to submit to~~
10 ~~such enforcement officer bills of lading, waybills, or other~~
11 ~~evidences of the character of the commerce being transported in such~~
12 ~~vehicle, and to submit to an inspection of the contents of such~~
13 ~~vehicle for the purpose of comparing same with bills of lading or~~
14 ~~shipping documentation, waybills, or other evidences of~~
15 ~~transportation carried by the driver of the vehicle.~~ The officers
16 shall not have the right to plea bargain.

17 G. The ~~enforcement~~ Port of Entry officers are authorized to
18 serve all warrants, writs, and notices issued by the ~~Corporation~~
19 ~~Commission~~ Department of Public Safety relating to the enforcement
20 of the provisions of Sections ~~161~~ 161A through 180m of this title or
21 the Motor Carrier Act of 1995 and the rules, regulations, and
22 requirements prescribed by the ~~Corporation Commission~~ Department of
23 Public Safety promulgated pursuant to Sections ~~161~~ 161A through 180m
24 of this title, U.S. 49 CFR or the Motor Carrier Act of 1995.

1 H. The ~~enforcement~~ Port of Entry officers ~~shall not have the~~
2 ~~power or right of search, nor shall they have the right of power of~~
3 ~~seizure, except as provided in Sections 161 through 180m of this~~
4 ~~title or the Motor Carrier Act of 1995. The enforcement officers~~
5 are authorized to hold and detain any motor vehicle operating upon
6 the highways of this state, if, the ~~enforcement~~ officer has reason
7 to believe that the vehicle is being operated contrary to the
8 provisions of Sections ~~161~~ 161A through 180m of this title or the
9 Motor Carrier Act of 1995, or the rules, regulations, and
10 requirements of the ~~Corporation Commission~~ Department of Public
11 Safety promulgated pursuant to Sections ~~161~~ 161A through 180m of
12 this title or the Motor Carrier Act of 1995. The Port of Entry
13 officers are authorized to place a commercial motor vehicle or
14 driver, or both, out-of-service if found to be in violation of U.S.
15 49 CFR.

16 I. No state official, other than members of the ~~Corporation~~
17 ~~Commission~~ Department of Public Safety, shall have any power, right,
18 or authority to command, order, or direct any ~~enforcement~~ Port of
19 Entry officer to perform any duty or service authorized by Sections
20 ~~161~~ 161A through 180m of this title, U.S. 49 CFR, or the Motor
21 Carrier Act of 1995.

22 J. ~~Each of the enforcement officers shall, before entering upon~~
23 ~~the discharge of their duties, take and subscribe to the usual oath~~
24 ~~of office and shall execute to the State of Oklahoma a bond in the~~

1 ~~sum of Twenty five Thousand Dollars (\$25,000.00) each, with~~
2 ~~sufficient surety for the faithful performance of their duty. The~~
3 ~~bond shall be approved and filed as provided by law.~~

4 K. No enforcement Port of Entry officer or employee of the
5 ~~Oklahoma Corporation Commission~~ Department of Public Safety shall
6 have the right to plea bargain in motor carrier or motor
7 transportation matters except the ~~chief~~ legal ~~counsel~~ division of
8 the ~~Commission or an assign of the legal staff of the chief legal~~
9 ~~counsel~~ Department.

10 SECTION 18. AMENDATORY 47 O.S. 2011, Section 172.1, is
11 amended to read as follows:

12 Section 172.1 A. Future applicants for the position of
13 ~~enforcement~~ Port of Entry officer shall be high school graduates and
14 shall have had at least three (3) years' practical experience in the
15 transportation industry or in the field of law enforcement and be
16 certified by the Council on Law Enforcement Education and Training
17 (CLEET) within twelve (12) months from the date of employment.

18 Applicants shall have attained the age of twenty-one (21) years.

19 B. The applicants shall pass a written test or examination on
20 motor carrier law and the rules of the ~~Commission~~ Department
21 pertaining thereto, for the purpose of establishing the applicant's
22 fitness and ability to perform the duties of ~~an enforcement~~ a Port
23 of Entry officer.

24

1 SECTION 19. AMENDATORY 47 O.S. 2011, Section 177.2, is
2 amended to read as follows:

3 Section 177.2 A. No motor carrier shall engage in the business
4 of transporting any salt water, mineral brines, waste oil and other
5 deleterious substances produced from or obtained or used in
6 connection with the drilling, development, producing and operating
7 of oil and gas wells and brine wells, for any valuable consideration
8 whatever, or in any quantity over twenty (20) gallons, without a
9 license authorizing such operation and a deleterious substance
10 transport permit to be issued by the ~~Commission~~ Department of Public
11 Safety. Provided, transportation of such substances by private
12 carrier of property by motor vehicle shall require a deleterious
13 substance transport permit.

14 B. No carrier shall transport deleterious substances under a
15 carrier license issued by the ~~Commission~~ Department until such time
16 as the carrier has been issued a deleterious substance transport
17 permit.

18 C. No deleterious substance transport permit shall be issued to
19 a motor carrier or private carrier until the carrier has furnished
20 written proof of access to a Class II disposal well or wells. ~~Said~~
21 The written proof of access shall be provided by the owner of such
22 disposal well. Such disposal well must first be approved by the
23 ~~Corporation-Commission~~ Department as adequate to meet the need for
24 proper disposal of all substances which the applicant may reasonably

1 be expected to transport as a motor carrier or private carrier.
2 Provided, that nothing in this section shall be construed as
3 prohibiting the disposition of such deleterious substances in a
4 disposal well that is owned by a person other than the transporter.

5 D. The ~~Commission~~ Department shall maintain a current list of
6 such permits. The ~~Commission~~ Department shall charge such annual
7 deleterious substance transport permitting fees as will cover the
8 cost of issuing such licenses and an annual fee of Two Hundred Fifty
9 Dollars (\$250.00) for each such deleterious substance transport
10 license. Proceeds from the fees shall be deposited by the
11 ~~Commission~~ Department in the State Treasury to the credit of the
12 ~~Corporation-Commission~~ Department of Public Safety Revolving Fund.
13 The provisions of this section are supplemental and are in addition
14 to the laws applicable to motor carriers.

15 SECTION 20. AMENDATORY 47 O.S. 2011, Section 177.3, is
16 amended to read as follows:

17 Section 177.3 A. It shall be unlawful for a motor carrier,
18 whether private, common, or contract, to dump, disperse, or
19 otherwise release substances described in Section 177.2 of this
20 title upon a public highway or elsewhere except on property or in
21 wells, reservoirs, or other receptacles owned, held, leased, or
22 otherwise rightfully and legally available to the motor carrier for
23 such use and purpose.

24

1 B. It shall be unlawful for any motor truck or tank vehicle
2 used to transport substances described in Section 177.2 of this
3 title to have a release device located or operated in any manner
4 from within the cab of such a motor vehicle.

5 C. Any violation of the provisions of subsections A or B of
6 this section shall constitute a misdemeanor. It shall be the duty
7 of the prosecuting attorney of the county in which a violation of
8 the provisions of this section occurs to file and prosecute the
9 aforementioned misdemeanor charge and advise the ~~Commission~~
10 Department of such action and the results thereof.

11 D. The ~~Oklahoma Corporation Commission~~ Department of Public
12 Safety may initiate contempt proceedings for any violation
13 concerning disposal by a carrier of a substance described in Section
14 177.2 of this title. The first violation proven by the ~~Commission~~
15 Department in any calendar year shall result in a motor carrier or
16 private carrier being warned by the ~~Commission~~ Department and, upon
17 conviction, fined up to Two Thousand Five Hundred Dollars
18 (\$2,500.00). A second violation proven by the ~~Commission~~ Department
19 in any calendar year shall result in a motor carrier or private
20 carrier being placed on probation and fined up to Five Thousand
21 Dollars (\$5,000.00) by the ~~Commission~~ Department. A third violation
22 proven by the ~~Commission~~ Department in any calendar year shall
23 result in a fine of up to Twenty Thousand Dollars (\$20,000.00), and,
24 at the discretion of the ~~Commission~~ Department, cancellation of the

1 carrier's license for a period up to one (1) year and cancellation
2 of a motor carrier or private carrier deleterious substance
3 transport permit. The driver of a truck, who is not the owner of
4 the vehicle used in violation of this section or any of the rules
5 and regulations of the ~~Oklahoma Corporation Commission~~ Department of
6 Public Safety, shall be adjudicated a codefendant and subject to a
7 fine equal to ten percent (10%) of the fine assessed to the owner of
8 such vehicle, up to Five Hundred Dollars (\$500.00).

9 SECTION 21. AMENDATORY 47 O.S. 2011, Section 180, is
10 amended to read as follows:

11 Section 180. The following words and phrases, when used in ~~this~~
12 ~~act~~ Section 180 et seq. of this title, shall have the meanings
13 respectively ascribed to like words and phrases by the motor carrier
14 statutes of Oklahoma, except as herein provided:

15 1. The term "identification application" shall mean the
16 application as provided by the ~~Commission~~ Department of Public
17 Safety, for making application for motor carrier vehicle
18 identification devices; and

19 2. The term "identification device" shall mean the motor
20 carrier vehicle identification device issued by the ~~Commission~~
21 Department under the provisions of ~~this act~~ Section 180 et seq. of
22 this title for the purpose of identifying powered motor carrier
23 vehicles operated under and coming within the provisions of ~~this act~~
24 Section 180 et seq. of this title or the Motor Carrier Act of 1995.

1 SECTION 22. AMENDATORY 47 O.S. 2011, Section 180a, is
2 amended to read as follows:

3 Section 180a. It is hereby declared unlawful for any motor
4 carrier, his or its agents or employees to operate any powered motor
5 vehicle, as a motor carrier for hire, within this state, without the
6 identification device issued by the ~~Commission~~ Department of Public
7 Safety, ~~said the~~ device to be displayed as provided by the rules of
8 the ~~Commission~~ Department.

9 SECTION 23. AMENDATORY 47 O.S. 2011, Section 180b, is
10 amended to read as follows:

11 Section 180b. The identification device shall be the property
12 of the ~~Commission~~ Department of Public Safety at all times, and
13 shall be subject to seizure and confiscation by the ~~Commission~~
14 Department for any good cause and at the will of the ~~Commission~~
15 Department.

16 SECTION 24. AMENDATORY 47 O.S. 2011, Section 180c, is
17 amended to read as follows:

18 Section 180c. The ~~Commission~~ Department of Public Safety may
19 issue an order for the seizure and confiscation and return to the
20 ~~Commission~~ Department of any identification device or devices, for
21 any of the following reasons, and to direct ~~said the~~ order or orders
22 to any officer of the State of Oklahoma charged with the duties of
23 enforcing the provisions of this act and/or any other section of the
24 motor carrier law now in force or hereinafter enacted:

1 1. In all cases where the motor carrier has permitted the
2 insurance coverage, as required by law to be filed with the
3 ~~Commission~~ Department, to lapse or become cancelled or for any
4 reason to become void and fail to meet the requirements as provided
5 by law;

6 2. For failure on the part of any motor carrier, his or its
7 agents or employees to comply with any part or provision of this
8 act, or any other act or law or part or provision thereof relative
9 to the legal operation of a for-hire motor carrier or to obey,
10 observe or comply with any order, decision, rule or regulation,
11 direction, demand or requirement, or any part or provision thereof,
12 of the ~~Commission~~ Department;

13 3. Upon the cancellation or revocation of the certificate or
14 permit or IRC or license under which ~~said~~ the identification device
15 or devices were issued; or

16 4. For operating any powered motor vehicle in violation of the
17 terms and provisions of ~~this act~~ Section 180 et seq. of this title
18 or the Motor Carrier Act of 1995 and all applicable size and weight
19 laws and safety standards of this state.

20 SECTION 25. AMENDATORY 47 O.S. 2011, Section 180d, is
21 amended to read as follows:

22 Section 180d. The ~~Commission~~ Department of Public Safety shall
23 have the power and authority by general order or otherwise to
24 promulgate rules and regulations for the administration and

1 enforcement of the provisions of ~~this act~~ Section 180 et seq. of
2 this title or the Motor Carrier Act of 1995.

3 SECTION 26. AMENDATORY 47 O.S. 2011, Section 180e, is
4 amended to read as follows:

5 Section 180e. The ~~Commission~~ Department of Public Safety, in
6 its discretion, is authorized to provide for decals, cab cards, or
7 other suitable methods of identification to be displayed on or
8 carried in the truck or powered motor vehicle.

9 SECTION 27. AMENDATORY 47 O.S. 2011, Section 180f, is
10 amended to read as follows:

11 Section 180f. The ~~Commission~~ Department of Public Safety is
12 hereby authorized to purchase ~~said~~ the identification devices in
13 sufficient amounts to supply the demand, and to purchase such other
14 officer supplies and equipment as is necessary to administer and
15 enforce the provisions of ~~this act~~ Section 180 et seq. of this title
16 or the Motor Carrier Act of 1995, and to pay for, or cause the same
17 to be paid for, out of the appropriation provided therefor.

18 SECTION 28. AMENDATORY 47 O.S. 2011, Section 180g, is
19 amended to read as follows:

20 Section 180g. It shall be the duty of the ~~Commission~~ Department
21 of Public Safety to provide identification devices upon written
22 application of any authorized motor carrier.

23 Upon written application of any authorized motor carrier holding
24 a certificate or permit or license issued by the ~~Commission~~

1 Department, the ~~Commission~~ Department shall issue to the motor
2 carrier a sufficient number of identification devices so that each
3 powered vehicle owned or to be operated by the motor carrier in the
4 state shall bear one identification device. Identification devices
5 shall be issued on an annual basis, and applications shall be made
6 annually on the form prescribed by the ~~Commission~~ Department, and
7 any motor carrier operating a powered vehicle without a current
8 identification device shall be in violation of the provisions of
9 Sections 180 through 180m of this title or the Motor Carrier Act of
10 1995.

11 It is hereby declared unlawful for any motor carrier, or agents
12 or employees of any motor carrier, to use or transfer an
13 identification device except as provided by rules of the ~~Commission~~
14 Department.

15 SECTION 29. AMENDATORY 47 O.S. 2011, Section 180h, is
16 amended to read as follows:

17 Section 180h. The ~~Corporation Commission~~ Department of Public
18 Safety is hereby authorized to collect from applicants for motor
19 carrier and private carrier identification devices a fee of Seven
20 Dollars (\$7.00) for registration of each of its vehicles registered
21 under the provisions of ~~this act~~ Section 180 et seq. of this title
22 or the Motor Carrier Act of 1995; and the fee shall be in addition
23 to any other fees now provided for by law for the registration of
24

1 ~~said~~ the motor vehicles and shall be deposited in the State Treasury
2 to the credit of the Trucking One-Stop Shop Fund.

3 SECTION 30. AMENDATORY 47 O.S. 2011, Section 180k, is
4 amended to read as follows:

5 Section 180k. All records of the ~~Corporation Commission~~
6 Department of Public Safety under ~~this act~~ Section 180 et seq. of
7 this title shall be maintained in, and classified as all other
8 records in the Transportation Division of the ~~Corporation Commission~~
9 Department of Public Safety.

10 SECTION 31. AMENDATORY 47 O.S. 2011, Section 180l, is
11 amended to read as follows:

12 Section 180l. The ~~Commission~~ Department of Public Safety is
13 hereby authorized and empowered, on behalf of the State of Oklahoma,
14 and when it shall deem it to be in the best interest of the
15 residents of this state so to do, to enter into reciprocal compacts
16 and agreements with other states, or the authorized agencies
17 thereof, when such states have made provisions substantially similar
18 to this section, respecting the regulation of motor vehicles engaged
19 in interstate or foreign commerce upon and over the public highways.
20 And such compacts and agreements may provide for the granting, to
21 the residents of such states, privileges substantially similar to
22 those granted thereby to Oklahoma residents: Provided: (1) That no
23 such compact or agreement shall supersede or suspend the operation
24 of any law, rule or regulation of the State of Oklahoma which shall

1 apply to vehicles operated intrastate in the State of Oklahoma; (2)
2 That any privileges, the granting of which shall be provided by any
3 such compact or agreement, shall extend only in cases of full
4 compliance with the laws of the state joining in such compact or
5 agreement; (3) That no such compact or agreement shall supersede or
6 suspend the operation of any law of the State of Oklahoma other than
7 those applying to the payment of fees for registration certificates
8 or identification devices; and (4) That the powers and authority of
9 the Oklahoma Tax Commission to administer and enforce the tax laws
10 of this state, pertaining to the taxation of motor vehicles, shall
11 be in no manner superseded or suspended.

12 SECTION 32. AMENDATORY 47 O.S. 2011, Section 180m, is
13 amended to read as follows:

14 Section 180m. In addition to all other duties as provided by
15 law, it is hereby declared to be, and shall be the duty of all
16 sheriffs, deputy sheriffs, district attorneys, ~~enforcement~~ Port of
17 Entry officers appointed by the ~~Corporation Commission of the State~~
18 ~~of Oklahoma~~ Department of Public Safety, and all highway patrolmen
19 within the State of Oklahoma:

20 1. To enforce the provisions of Sections 180 through 180m of
21 this title or the Motor Carrier Act of 1995;

22 2. To apprehend and detain any motor vehicle or vehicles and
23 driver or operator and their aides who are operating any motor
24 vehicle, upon or along the highways of this state, for a reasonable

1 length of time, for the purpose of investigating and determining
2 whether such vehicle is being operated in violation of any of the
3 provisions of Sections 180 through 180m of this title or the Motor
4 Carrier Act of 1995;

5 3. To make arrests for the violation of the provisions of
6 Sections 180 through 180m of this title or the Motor Carrier Act of
7 1995, without the necessity of procuring a warrant;

8 4. To sign the necessary complaint and to cause the violator or
9 violators to be promptly arraigned before a court of competent
10 jurisdiction for trial;

11 5. To aid and assist in the prosecution of the violator or
12 violators in the name of the State of Oklahoma to the end that this
13 law shall be enforced;

14 6. To report all such arrests for violations of Sections 180
15 through 180m of this title to the ~~Corporation Commission of Oklahoma~~
16 Department of Public Safety within ten (10) days after making such
17 arrest and to furnish such information concerning same as the
18 ~~Commission~~ Department may request; and

19 7. At the request of the ~~Corporation Commission~~ Department of
20 Public Safety, to seize and confiscate any and all identification
21 devices and to forward the same to the ~~Corporation Commission~~
22 Department of Public Safety for cancellation.

23 SECTION 33. AMENDATORY 47 O.S. 2011, Section 230.22, is
24 amended to read as follows:

1 Section 230.22 A. It is hereby declared that it is necessary
2 in the public interest to regulate transportation by motor carriers
3 and private carriers in such manner as to recognize the need to
4 require all motor carriers and private carriers to have adequate
5 insurance; for motor carriers and private carriers to provide
6 service in a safe and efficient manner; and to establish that the
7 operations of motor carriers and private carriers will not have a
8 detrimental impact on the environment.

9 B. The public policy of this state, as declared by the
10 Legislature, requires that all existing intrastate certificates and
11 permits granted by the ~~Oklahoma Corporation Commission~~ Department of
12 Public Safety, except household goods and used emigrant movables,
13 prior to January 1, 1995, are hereby revoked.

14 C. The provisions of the Motor Carrier Act of 1995, except as
15 hereinafter specifically limited, shall apply to the transportation
16 of passengers or property by motor carriers and private carriers,
17 except motor carriers of household goods and used emigrant movables,
18 over public highways of this state; and the regulations of such
19 transportation, and the procurement thereof and the provisions of
20 facilities therefor, are hereby vested in the ~~Oklahoma Corporation~~
21 ~~Commission~~ Department of Public Safety.

22 D. Nothing herein shall be construed to interfere with the
23 exercise by agencies of the government of the United States of its
24 power of regulation of interstate commerce.

1 E. The terms and provisions of the Motor Carrier Act of 1995
2 shall apply to commerce with foreign nations, or commerce among the
3 several states of this Union, insofar as such application may be
4 permitted under the provisions of the Constitution of the United
5 States and the Acts of Congress.

6 SECTION 34. AMENDATORY 47 O.S. 2011, Section 230.23, is
7 amended to read as follows:

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

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

13 2. "~~Commission~~" "Department" means the ~~Oklahoma Corporation~~
14 ~~Commission~~ Department of Public Safety;

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~~ Department granting permission to operate
20 upon the highways of the State of Oklahoma in interstate commerce
21 exempt from 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. "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 c. transport trucks transporting liquefied petroleum
2 gases intrastate which are owned or operated by a
3 person subject to and licensed by the Oklahoma
4 Liquefied Petroleum Gas Regulation Act, and

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

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

15 8. "Intercorporate hauling" means the transportation of
16 property, by motor vehicle, for compensation, by a carrier which is
17 a member of a corporate family, as defined in the Motor Carrier Act
18 of 1995, when the transportation for compensation is provided for
19 other members of the corporate family;

20 9. "Private carrier" means any person engaged in transportation
21 upon public highways, of persons or property, or both, but not as a
22 motor carrier, and includes any person who transports property by
23 motor vehicle where such transportation is incidental to or in
24

1 furtherance of any commercial enterprise of such person, other than
2 transportation;

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

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

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

15 SECTION 35. AMENDATORY 47 O.S. 2011, Section 230.24, is
16 amended to read as follows:

17 Section 230.24 A. The ~~Corporation Commission~~ Department of
18 Public Safety is hereby vested with power and authority, and it
19 shall be its duty:

20 1. To supervise and regulate every motor carrier whether
21 operating between fixed termini or over a regular route or otherwise
22 and not operating exclusively within the limits of an incorporated
23 city or town in this state and all private carriers operating
24 vehicles having a gross registered weight of greater than 26,000

1 pounds and not operating exclusively within the limits of an
2 incorporated city or town in this state;

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

5 3. To ensure motor carriers and private carriers are complying
6 with the applicable size and weight laws of this state and safety
7 requirements;

8 4. To establish there will be no detrimental environmental
9 impact; and

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

14 B. The ~~Commission~~ Department shall have the power and authority
15 by general order or otherwise to prescribe rules applicable to any
16 or all motor carriers and private carriers as applicable.

17 C. ~~The Commission shall cooperate and coordinate with the~~
18 ~~Oklahoma Department of Public Safety in regulating carrier safety,~~
19 ~~size and weight regulations of motor vehicles and the transportation~~
20 ~~of hazardous materials. The Commission may enter into interagency~~
21 ~~agreements with the Department of Public Safety for the purpose of~~
22 ~~implementing, administering and enforcing any provisions of the~~
23 ~~Oklahoma Motor Carrier Safety and Hazardous Materials Transportation~~
24 ~~Act and the rules and regulations of the Department of Public Safety~~

1 ~~issued pursuant thereto.~~ Any license issued by the ~~Commission~~
2 Department may be suspended or revoked due to operations conducted
3 in violation of any laws or rules and regulations pertaining to
4 motor carriers, private carriers, carrier safety, size and weight
5 regulations of motor vehicles and the transportation of hazardous
6 materials.

7 SECTION 36. AMENDATORY 47 O.S. 2011, Section 230.25, is
8 amended to read as follows:

9 Section 230.25 A. Every motor carrier, subject to the Motor
10 Carrier Act of 1995, receiving property for transportation in
11 intrastate commerce shall issue a receipt or bill of lading
12 therefor, the form of which shall be prescribed by the ~~Commission~~
13 Department of Public Safety.

14 B. Any person, motor carrier, or shipper who shall willfully
15 violate any provisions of the Motor Carrier Act of 1995 by any means
16 shall be deemed guilty of a misdemeanor and upon conviction thereof
17 be fined as provided by law.

18 SECTION 37. AMENDATORY 47 O.S. 2011, Section 230.26, is
19 amended to read as follows:

20 Section 230.26 When the ~~Commission~~ Department of Public Safety,
21 upon complaint, has reason to believe that any person, motor
22 carrier, or shipper is violating or has willfully violated any
23 provision of the Motor Carrier Act of 1995, the ~~Commission~~
24 Department shall, upon its own initiative, file a contempt

1 proceeding and set a date for the proceeding to be heard before the
2 ~~Commission~~ Department, and upon conviction the ~~Commission~~ Department
3 shall invoke such contempt penalties as provided herein.

4 SECTION 38. AMENDATORY 47 O.S. 2011, Section 230.27, is
5 amended to read as follows:

6 Section 230.27 A. Upon the filing by an intrastate motor
7 carrier or private carrier of an application for a license, the
8 applicant shall pay to the ~~Corporation~~ Commission Department of
9 Public Safety a filing fee in the sum of One Hundred Dollars
10 (\$100.00) with an original or subapplication. Any valid license
11 issued will remain in force, unless otherwise revoked by the
12 ~~Commission~~ Department in accordance with the provisions of the Motor
13 Carrier Act of 1995, for one (1) year from date of issuance.

14 B. Every motor carrier or private carrier wishing to continue
15 operations under the original license, shall pay to the ~~Corporation~~
16 ~~Commission~~ Department of Public Safety an annual renewal fee of
17 Fifty Dollars (\$50.00). An intrastate license may be renewed for up
18 to three (3) years.

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

22 SECTION 39. AMENDATORY 47 O.S. 2011, Section 230.28, is
23 amended to read as follows:

24

1 Section 230.28 A. It shall be unlawful for any motor carrier
2 to operate or furnish service within this state without first having
3 obtained from the ~~Commission~~ Department a license declaring that all
4 insurance requirements have been met and that the carrier will
5 operate within all existing rules and state laws pertaining to
6 safety standards, size and weight requirements and, when applicable,
7 lawful handling and disposal of hazardous materials and deleterious
8 substances, and will operate in such a manner as to ensure there
9 will be no detrimental environmental impact. It shall also be
10 unlawful for any private carrier to operate or furnish service
11 within this state without first having obtained from the ~~Corporation~~
12 ~~Commission~~ Department of Public Safety a license declaring that all
13 insurance requirements have been met and that the carrier will
14 operate within all existing rules and state laws pertaining to
15 safety standards, size and weight requirements and, when applicable,
16 lawful handling and disposal of hazardous materials and deleterious
17 substances, and will operate in such a manner as to ensure there
18 will be no detrimental environmental impact. The ~~Commission~~
19 Department shall have power, and it shall be its duty, to issue the
20 license or set the application for hearing within thirty (30) days
21 of the ~~Commission~~ Department determining that the application is
22 complete. Any such hearing shall be scheduled to occur on a date
23 within an additional forty-five (45) business days of such

24

1 determination. The mere filing of an application does not authorize
2 any person to operate as a carrier.

3 B. In granting applications for licenses, the ~~Commission~~
4 Department shall take into consideration the reliability of the
5 applicant; the proper equipment meeting minimum safety criteria as
6 adequate to perform the service; and the applicant's sense of
7 responsibility toward the public and the environment.

8 C. The ~~Commission~~ Department may, at any time after a public
9 hearing and for good cause, suspend or revoke any license.
10 Provided, the record owner of the license shall be entitled to have
11 ten (10) days' written notice by certified mail from the ~~Commission~~
12 Department of any hearing affecting the license, except as otherwise
13 provided in the Motor Carrier Act of 1995. The right of appeal from
14 such order or orders shall be given as in other cases appealed from
15 orders of the ~~Commission~~ Department.

16 D. The ~~Commission~~ Department shall be authorized to exercise
17 any additional power that may from time to time be conferred upon
18 the state by any Act of Congress. The ~~Commission~~ Department shall
19 adopt rules prescribing the manner and form in which motor carriers
20 and private carriers shall apply for licenses required by the Motor
21 Carrier Act of 1995. Among other rules adopted, the application
22 shall be in writing and shall set forth the following facts:

23 1. The name and address of the applicant and the names and
24 addresses of its officers, if any;

1 2. Full information concerning the physical properties of the
2 applicant; and

3 3. Such other information as the ~~Commission~~ Department may
4 consider pertinent to the application.

5 SECTION 40. AMENDATORY 47 O.S. 2011, Section 230.29, is
6 amended to read as follows:

7 Section 230.29 A. As used in this section:

8 1. "Authorized carrier" means a person or persons authorized to
9 engage in the transportation of passengers or property as a licensed
10 motor carrier;

11 2. "Equipment" means a motor vehicle, straight truck, tractor,
12 semitrailer, full trailer, any combination of these and any other
13 type of equipment used by authorized carriers in the transportation
14 of passengers or property for hire;

15 3. "Owner" means a person to whom title to equipment has been
16 issued, or who, without title, has the right to exclusive use of
17 equipment for a period longer than thirty (30) days;

18 4. "Lease" means a contract or arrangement in which the owner
19 grants the use of equipment, with or without driver, for a specified
20 period to an authorized carrier for use in the regulated
21 transportation of passengers or property, in exchange for
22 compensation;

23 5. "Lessor", in a lease, means the party granting the use of
24 equipment, with or without driver, to another;

1 6. "Lessee", in a lease, means the party acquiring the use of
2 equipment, with or without driver, from another;

3 7. "Addendum" means a supplement to an existing lease which is
4 not effective until signed by the lessor and lessee; and

5 8. "Shipper" means a person who sends or receives passengers or
6 property which is transported in intrastate commerce in this state.

7 B. An authorized carrier may perform authorized transportation
8 in equipment it does not own only under the following conditions:

9 1. There shall be a written lease granting the use of the
10 equipment and meeting the requirements as set forth in subsection C
11 of this section;

12 2. The authorized carrier acquiring the use of equipment under
13 this section shall identify the equipment in accordance with the
14 requirements of the ~~Commission~~ Department of Public Safety; and

15 3. Upon termination of the lease, the authorized carrier shall
16 remove all identification showing it as the operating carrier before
17 giving up possession of the equipment.

18 C. The written lease required pursuant to subsection B of this
19 section shall contain the following provisions. The required lease
20 provisions shall be adhered to and performed by the authorized
21 carrier as follows:

22 1. The lease shall be made between the authorized carrier and
23 the owner of the equipment. The lease shall be signed by these
24 parties or by their authorized representatives;

1 2. The lease shall specify the time and date or the
2 circumstances on which the lease begins and ends and include a
3 description of the equipment which shall be identified by vehicle
4 serial number, make, year model and current license plate number;

5 3. The period for which the lease applies shall be for thirty
6 (30) days or more when the equipment is to be operated for the
7 authorized carrier by the owner or an employee of the owner;

8 4. The lease shall provide that the authorized carrier lessee
9 shall have exclusive possession, control and use of the equipment
10 for the duration of the lease. The lease shall further provide that
11 the authorized carrier lessee shall assume complete responsibility
12 for the operation of the equipment for the duration of the lease;

13 5. The amount to be paid by the authorized carrier for
14 equipment and driver's services shall be clearly stated on the face
15 of the lease or in an addendum which is attached to the lease;

16 6. The lease shall clearly specify the responsibility of each
17 party with respect to the cost of fuel, fuel taxes, empty mileage,
18 permits of all types, tolls, detention and accessorial services,
19 base plates and licenses, and any unused portions of such items.
20 Except when the violation results from the acts or omissions of the
21 lessor, the authorized carrier lessee shall assume the risks and
22 costs of fines for overweight and oversize trailers when the
23 trailers are preloaded, sealed, or the load is containerized, or
24 when the trailer or lading is otherwise outside of the lessor's

1 control, and for improperly permitted overdimension and overweight
2 loads and shall reimburse the lessor for any fines paid by the
3 lessor. If the authorized carrier is authorized to receive a refund
4 or a credit for base plates purchased by the lessor from, and issued
5 in the name of, the authorized carrier, or if the base plates are
6 authorized to be sold by the authorized carrier to another lessor
7 the authorized carrier shall refund to the initial lessor on whose
8 behalf the base plate was first obtained a prorated share of the
9 amount received;

10 7. The lease shall specify that payment to the lessor shall be
11 made by the authorized carrier within fifteen (15) days after
12 submission of the necessary delivery documents and other paperwork
13 concerning a trip in the service of the authorized carrier. The
14 paperwork required before the lessor can receive payment is limited
15 to those documents necessary for the authorized carrier to secure
16 payment from the shipper. The authorized carrier may require the
17 submission of additional documents by the lessor but not as a
18 prerequisite to payment;

19 8. The lease shall clearly specify the right of the lessor,
20 regardless of method of compensation, to examine copies of the
21 documentation of the carrier upon which charges are assessed;

22 9. The lease shall clearly specify all items that may be
23 initially paid for by the authorized carrier, but ultimately
24 deducted from the compensation of the lessor at the time of payment

1 or settlement together with a recitation as to how the amount of
2 each item is to be computed. The lessor shall be afforded copies of
3 those documents which are necessary to determine the validity of the
4 charge;

5 10. The lease shall specify that the lessor is not required to
6 purchase or rent any products, equipment, or services from the
7 authorized carrier as a condition of entering into the lease
8 arrangement;

9 11. As it relates to insurance:

- 10 a. the lease shall clearly specify the legal obligation
11 of the authorized carrier to maintain insurance
12 coverage for the protection of the public, and
13 b. the lease shall clearly specify the conditions under
14 which deductions for cargo or property damage may be
15 made from the lessor's settlements. The lease shall
16 further specify that the authorized carrier must
17 provide the lessor with a written explanation and
18 itemization of any deductions for cargo or property
19 damage made from any compensation of money owed to the
20 lessor. The written explanation and itemization must
21 be delivered to the lessor before any deductions are
22 made; and

23 12. An original and two copies of each lease shall be signed by
24 the parties. The authorized carrier shall keep the original and

1 shall place a copy of the lease in the equipment during the period
2 of the lease. The owner of the equipment shall keep the other copy
3 of the lease.

4 D. The provisions of this section shall apply to the leasing of
5 equipment with which to perform transportation regulated by the
6 ~~Corporation Commission~~ Department of Public Safety by motor carriers
7 holding a license from the ~~Commission~~ Department to transport
8 passengers or property.

9 SECTION 41. AMENDATORY 47 O.S. 2011, Section 230.30, is
10 amended to read as follows:

11 Section 230.30 A. No license shall be issued by the ~~Commission~~
12 Department of Public Safety to any carrier until after the carrier
13 shall have filed with the ~~Commission~~ Department a liability
14 insurance policy or bond covering public liability and property
15 damage, issued by some insurance or bonding company or insurance
16 carrier authorized pursuant to this section and which has complied
17 with all of the requirements of the ~~Commission~~ Department, which
18 bond or policy shall be approved by the ~~Commission~~ Department, and
19 shall be in a sum and amount as fixed by a proper order of the
20 ~~Commission~~ Department; and the liability and property damage
21 insurance policy or bond shall bind the obligor thereunder to make
22 compensation for injuries to, or death of, persons, and loss or
23 damage to property, resulting from the operation of any carrier for
24 which the carrier is legally liable. A copy of the policy or bond

1 shall be filed with the ~~Commission~~ Department, and, after judgment
2 against the carrier for any damage, the injured party may maintain
3 an action upon the policy or bond to recover the same, and shall be
4 a proper party to maintain such action.

5 B. Every motor carrier shall file with the ~~Commission~~
6 Department a cargo insurance policy or bond covering any goods or
7 property being transported, issued by some insurance or bonding
8 company or insurance carrier authorized as set forth below, and
9 which has complied with all of the requirements of the ~~Commission~~
10 Department, which bond or policy shall be approved by the ~~Commission~~
11 Department, and shall be in a sum and amount as fixed by a proper
12 order of the ~~Commission~~ Department. The cargo insurance must be
13 filed with the ~~Commission~~ Department prior to a license being issued
14 by the ~~Commission~~ Department, unless the motor carrier has been
15 exempted from this requirement.

16 Intrastate motor carriers of sand, rock, gravel, asphaltic
17 mixtures or other similar road building materials shall not be
18 required to file cargo insurance and shall be required to maintain
19 liability insurance limits of Three Hundred Fifty Thousand Dollars
20 (\$350,000.00) combined single limit.

21 No carrier, whose principal place of business is in Oklahoma,
22 shall conduct any operations in this state unless the operations are
23 covered by a valid primary bond or insurance policy issued by a
24 provider authorized or approved by the State Insurance Commissioner.

1 No carrier shall conduct any operations in this state unless the
2 operations are covered by a valid bond or insurance policy issued by
3 a provider authorized and approved by a National Association of
4 Insurance Commissioners and certified by the State Insurance
5 Commission.

6 C. Each carrier shall maintain on file, in full force, all
7 insurance required by the laws of this state and the rules of the
8 ~~Commission~~ Department during the operation of the carrier and that
9 the failure for any cause to maintain the coverage in full force and
10 effect shall immediately, without any notice from the ~~Commission~~
11 Department, suspend the rights of the carrier to operate until
12 proper insurance is provided. Any carrier suspended for failure to
13 maintain proper insurance shall have a reasonable time, not
14 exceeding sixty (60) days, to have its license reactivated, and to
15 provide proper insurance upon showing:

16 1. No operation during the period in which it did not have
17 insurance; and

18 2. Furnishing of proper insurance coverage.

19 D. Any carrier who fails to reactivate its license within sixty
20 (60) days after the suspension, as above provided, shall have the
21 license canceled, by operation of law, without any notice from the
22 ~~Commission~~ Department. No license so canceled shall be reinstated
23 or otherwise made operative except that the ~~Commission~~ Department
24 may reinstate the license of a carrier upon proper showing that the

1 carrier was actually covered by proper insurance during the
2 suspension or cancellation period, and that failure to file with the
3 ~~Commission~~ Department was not due to the negligence of the carrier.
4 Any carrier desiring to file for reinstatement of its license shall
5 do so within ninety (90) days of its cancellation by law.

6 E. The ~~Commission~~ Department shall, in its discretion, permit
7 the filing of certificates of insurance coverage or such form as may
8 be prescribed by the ~~Commission~~ Department, in lieu of copies of
9 insurance policies or bonds, with the proviso that if the
10 certificates are authorized the insurance company or carrier so
11 filing it, upon request of the ~~Commission~~ Department, will, at any
12 time, furnish an authenticated copy of the policy which the
13 certificate represents, and further provided that thirty (30) days
14 prior to effective cancellation or termination of the policy of
15 insurance for any cause, the insurer shall so notify the ~~Commission~~
16 Department in writing of the facts or as deemed necessary by the
17 ~~Commission~~ Department.

18 SECTION 42. AMENDATORY 47 O.S. 2011, Section 230.31, is
19 amended to read as follows:

20 Section 230.31 A. Nothing contained in the Motor Carrier Act
21 of 1995 shall be construed to authorize the operation of any
22 passenger or freight vehicle in excess of the gross weight, width,
23 length or height authorized by law.

24

1 B. Any person who willfully advertises to perform
2 transportation services for which the person does not hold a license
3 shall be in violation of the Motor Carrier Act of 1995 and subject
4 to the penalties prescribed for contempt of the ~~Commission~~
5 Department of Public Safety.

6 C. All licenses issued by the ~~Commission~~ Department under any
7 law of the state relating to motor carriers or private carriers
8 shall contain the provision that the ~~Commission~~ Department reserves
9 to itself authority to suspend or cancel any such license for the
10 violation, on the part of the applicant or any operator or operators
11 of any motor vehicle to be operated thereunder, of any law of this
12 state or any rule adopted by the ~~Commission~~ Department.

13 D. Licenses shall be considered personal to the holder of the
14 license and shall be issued only to some definite legal entity
15 operating motor vehicles as a motor carrier or private carrier, and
16 shall not be subject to lease, nor shall the holder of the license
17 sublet or permit the exercise, by another, of the rights or
18 privileges granted under the license.

19 SECTION 43. AMENDATORY 47 O.S. 2011, Section 230.32, is
20 amended to read as follows:

21 Section 230.32 The ~~Commission~~ Department of Public Safety shall
22 have the power and authority by general order or otherwise to
23 promulgate rules and regulations for the administration and
24 enforcement of the provisions of the Motor Carrier Act of 1995.

1 SECTION 44. AMENDATORY 47 O.S. 2011, Section 1166, is
2 amended to read as follows:
3 Section 1166. A. Effective ~~July 1, 2004~~ January 1, 2018, all
4 powers, duties and responsibilities exercised by the Motor Vehicle
5 Enforcement Section shall be transferred from the ~~Oklahoma Tax~~
6 Corporation Commission to the ~~Corporation Commission~~ Department of
7 Public Safety. Beginning ~~July 1, 2004~~ January 1, 2018, and
8 ~~effective July 1, 2005~~, all powers, duties and responsibilities
9 exercised by the International Registration Plan Section and the
10 International Fuel Tax Agreement Section shall be transferred from
11 the ~~Tax Commission to the Corporation Commission~~ to the Department
12 of Public Safety. All records, property and matters pending of the
13 sections shall be transferred to the ~~Corporation Commission~~
14 Department of Public Safety. Funds sufficient to administer the
15 powers, duties and responsibilities exercised by these sections
16 shall be appropriated or allocated to the ~~Corporation Commission~~
17 Department of Public Safety for fiscal year ~~2005~~ 2018 as provided
18 herein. However, any such funds acquired by the Corporation
19 Commission through any grant shall be retained by the Commission and
20 any programs associated with any grant shall be completed by June 1,
21 2018. The Commission shall also be responsible for any potential
22 claims made on such funds. Such funds appropriated or allocated to
23 the ~~Corporation Commission~~ Department of Public Safety shall not be
24 subject to budgetary limitations. ~~The Director of State Finance is~~

1 ~~hereby authorized to transfer such funds as may be necessary to~~
2 ~~effect such allocations.~~

3 B. ~~The period of July 1, 2004, through June 30, 2005, shall be~~
4 ~~a transitional period in which the Corporation Commission shall~~
5 ~~gradually assume complete administration and management over the~~
6 ~~powers, duties, responsibilities and staff currently carrying out~~
7 ~~the administration of the International Registration Plan Section~~
8 ~~and the International Fuel Tax Agreement Section. During this~~
9 ~~transition period, the employees assigned to the International~~
10 ~~Registration Plan Section and the International Fuel Tax Agreement~~
11 ~~Section shall continue to be employees of the Tax Commission unless~~
12 ~~otherwise agreed to by the Tax Commission and the Corporation~~
13 ~~Commission. Effective July 1, 2005 January 1, 2018, the~~
14 ~~International Registration Plan Section and the International Fuel~~
15 ~~Tax Agreement Section shall be administered solely by the~~
16 ~~Corporation Commission Department of Public Safety. For the period~~
17 ~~of July 1, 2004, through June 30, 2005, the Corporation Commission~~
18 ~~and the Tax Commission shall enter into a contract whereby funds~~
19 ~~shall be paid to the Tax Commission by the Corporation Commission in~~
20 ~~exchange for the Tax Commission's agreement to continue to operate~~
21 ~~the International Registration Plan Section and the International~~
22 ~~Fuel Tax Agreement Section.~~

23 C. The powers, duties and responsibilities exercised by the
24 Motor Vehicle Enforcement Section of the ~~Tax~~ Corporation Commission

1 shall be fully transferred to the ~~Corporation Commission~~ Department
2 of Public Safety on ~~July 1, 2004~~ January 1, 2018.

3 D. All employees of the ~~Tax~~ Corporation Commission whose duties
4 are transferred under this ~~act~~ section shall be transferred to the
5 ~~Corporation Commission~~ Department of Public Safety. Personnel
6 transferred pursuant to the provisions of this section shall not be
7 required to accept a lesser salary than presently received;
8 provided, the provisions of this section shall not operate to
9 prohibit the ~~Corporation Commission~~ Department of Public Safety or
10 the ~~Tax~~ Corporation Commission from imposing furloughs or
11 reductions-in-force with respect to such personnel as allowed by
12 law. Personnel transferred shall be placed within the
13 classification level in which they meet qualifications without an
14 entrance exam. All such persons shall retain seniority, leave, sick
15 and annual time earned and any retirement benefits which have
16 accrued during their tenure with the ~~Tax~~ Corporation Commission.
17 The transfer of personnel among the agencies shall be coordinated
18 with the Office of ~~Personnel~~ Management and Enterprise Services.

19 E. Effective ~~July 1, 2004~~ January 1, 2018, any administrative
20 rules promulgated by the ~~Tax~~ Corporation Commission related to the
21 administration of the International Registration Plan authorized by
22 Section 1120 of ~~Title 47 of the Oklahoma Statutes~~ this title, the
23 International Fuel Tax Agreement authorized by Section 607 of Title
24 68 of the Oklahoma Statutes, or the enforcement of Section 1115.1 of

1 ~~Title 47 of the Oklahoma Statutes~~ this title shall be transferred to
2 and become a part of the administrative rules of the ~~Corporation~~
3 ~~Commission~~ Department of Public Safety. The Office of
4 Administrative Rules in the Secretary of State's office shall
5 provide adequate notice in the Oklahoma Register of the transfer of
6 rules, and shall place the transferred rules under the
7 Administrative Code section of the ~~Corporation Commission~~ Department
8 of Public Safety. From and after ~~July 1, 2004~~ January 1, 2018, any
9 amendment, repeal or addition to the transferred rules shall be
10 under the jurisdiction of the ~~Corporation Commission~~ Department of
11 Public Safety. All documents issued by the sections transferred to
12 the ~~Corporation Commission~~ Department of Public Safety, including,
13 but not limited to, vehicle registrations and permits, shall be
14 deemed to have been issued by the ~~Corporation Commission~~ Department
15 of Public Safety.

16 F. The ~~Corporation Commission~~ Department of Public Safety may
17 promulgate rules necessary for the utilization of motor license
18 agents in the registration of vehicles pursuant to Section 1120 of
19 ~~Title 47 of the Oklahoma Statutes~~ this title.

20 SECTION 45. AMENDATORY 47 O.S. 2011, Section 1167, as
21 last amended by Section 1, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
22 2017, Section 1167), is amended to read as follows:

23 Section 1167. A. The ~~Corporation Commission~~ Department of
24 Public Safety is hereby authorized to promulgate rules pursuant to

1 the Administrative Procedures Act to establish the amounts of fees,
2 fines and penalties as set forth in Section 1166 et seq. of this
3 title. The ~~Corporation Commission~~ Department of Public Safety shall
4 notify all interested parties of any proposed rules to be
5 promulgated as provided herein and shall provide such parties an
6 opportunity to be heard prior to promulgation.

7 B. The ~~Corporation Commission~~ Department of Public Safety shall
8 adjudicate enforcement actions initiated by ~~Corporation Commission~~
9 Department of Public Safety personnel.

10 C. ~~Revenue~~ Of the revenue derived from all fines and penalties
11 collected or received by the ~~Corporation Commission~~ Department of
12 Public Safety pursuant to the provisions of the Trucking One-Stop
13 Shop Act ~~shall be apportioned as follows:~~

14 1. ~~For the period beginning August 23, 2013, the first Three~~
15 ~~Hundred Thousand Dollars (\$300,000.00) collected or received each~~
16 ~~fiscal year shall be remitted to the Department of Public Safety for~~
17 ~~the purpose of staffing the port of entry weigh stations to conduct~~
18 ~~safety inspections. The next~~ Five Hundred Fifty Thousand Dollars
19 ~~(\$550,000.00)~~ collected or received each fiscal year shall be
20 remitted to the Oklahoma Tax Commission and apportioned as provided
21 in Section 1104 of this title~~7~~, and

22 2. ~~The~~ the remaining amount each fiscal year shall be deposited
23 to the Trucking One-Stop Shop Fund created in subsection D of this
24 section.

1 D. There is hereby created in the State Treasury a revolving
2 fund for the ~~Corporation Commission~~ Department of Public Safety to
3 be known and designated as the "Trucking One-Stop Shop Fund". The
4 Trucking One-Stop Shop Fund shall consist of:

5 1. All funds apportioned thereto in subsection C of this
6 section;

7 2. Fees collected by the ~~Commission~~ Department to be retained
8 as a motor license agent or other ~~Corporation Commission~~ Department
9 of Public Safety registration or motor fuel fees as allowed by
10 statute or rule; and

11 3. Any other monies to be utilized for the Trucking One-Stop
12 Shop Act.

13 The fund shall be a continuing fund, not subject to fiscal year
14 limitations, and shall not be subject to legislative appropriation.
15 Monies in the Trucking One-Stop Shop Fund shall only be expended for
16 direct expenses relating to the Trucking One-Stop Shop Act.

17 Expenditures from the revolving fund shall be made pursuant to the
18 laws of this state. In addition, expenditures from the revolving
19 fund may be made pursuant to The Oklahoma Central Purchasing Act for
20 the purpose of immediately responding to emergency situations,
21 within the ~~Commission's~~ Department's jurisdiction, having
22 potentially critical environmental or public safety impact.

23 Warrants for expenditures from the fund shall be drawn by the State
24 Treasurer against claims filed as prescribed by law with the

1 Director of the Office of Management and Enterprise Services for
2 approval and payment.

3 E. There is hereby created in the State Treasury a revolving
4 fund for the Department of Transportation to be designated the
5 "Weigh Station Improvement Revolving Fund". The fund shall be a
6 continuing fund, not subject to fiscal year limitations, and shall
7 consist of all monies deposited thereto. All monies accruing to the
8 credit of the fund are hereby appropriated and may be budgeted and
9 expended by the Department for the purpose of constructing,
10 equipping and maintaining facilities to determine the weight of
11 vehicles traveling on the roads and highways of this state.
12 Expenditures from the fund shall be made upon warrants issued by the
13 State Treasurer against claims filed as prescribed by law with the
14 Director of the Office of Management and Enterprise Services for
15 approval and payment.

16 SECTION 46. AMENDATORY 47 O.S. 2011, Section 1168, as
17 amended by Section 205, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
18 2017, Section 1168), is amended to read as follows:

19 Section 1168. All facilities and equipment under the
20 administrative control of the Oklahoma Tax Commission and used for
21 determining the weight of vehicles operated on the roads or highways
22 of this state are hereby transferred to the Department of
23 Transportation. Any funds appropriated to or any powers, duties and
24 responsibilities exercised by the Tax Commission for such purpose

1 shall be transferred to the Department of Transportation. The
2 Director of the Office of Management and Enterprise Services is
3 hereby authorized to transfer such funds as may be necessary. The
4 Department of Transportation is hereby authorized to enter into an
5 agreement with the ~~Corporation Commission~~ Department of Public
6 Safety to operate such facilities or equipment. The provisions of
7 this section shall not be construed to obligate the Department of
8 Transportation to incur expenses in connection with the
9 administration of such facilities and equipment in an amount which
10 exceeds deposits to the Weigh Station Improvement Revolving Fund.

11 SECTION 47. AMENDATORY 47 O.S. 2011, Section 1169, is
12 amended to read as follows:

13 Section 1169. A. The ~~Corporation Commission~~ Department of
14 Public Safety is authorized to revoke, suspend or deny the issuance,
15 extension or reinstatement of any ~~Corporation Commission~~ Department-
16 of-Public-Safety- issued motor carrier or commercial motor vehicle
17 license, permit, registration, certificate or duplicate copy thereof
18 issued pursuant to the jurisdiction of the ~~Corporation Commission~~
19 Department of Public Safety, to any person who shall be guilty of:

- 20 1. Violation of any of the provisions of applicable state law;
- 21 2. Violation of rules promulgated by the ~~Corporation Commission~~
22 Department of Public Safety;
- 23 3. Failure to observe or fulfill the conditions upon which the
24 license, permit, registration or certificate was issued;

1 4. Nonpayment of any delinquent tax, fee or penalty to the
2 ~~Commission~~ Department or the State of Oklahoma; or

3 5. Nonpayment of a uniform base state program delinquent tax,
4 fee or penalty to a state or province participating with the
5 ~~Corporation Commission~~ Department of Public Safety in that program.

6 B. The interest or penalty or any portion thereof ordinarily
7 accruing by failure of the motor carrier, registrant or licensee to
8 properly file a report or return may be waived or reduced by the
9 ~~Corporation Commission~~ Department of Public Safety. No interest or
10 penalties in excess of Ten Thousand Dollars (\$10,000.00) shall be
11 allowed except by order of the ~~Commission~~ Department.

12 C. The ~~Corporation Commission~~ Department of Public Safety shall
13 promulgate rules setting forth the revocation, suspension or denial
14 of a motor carrier or commercial motor vehicle certificate,
15 registration, license or permit issued pursuant to the jurisdiction
16 of the ~~Corporation Commission~~ Department of Public Safety. The
17 ~~Corporation Commission~~ Department of Public Safety shall
18 additionally promulgate rules allowing for the collection and
19 remittance of financial liabilities owed by a motor carrier,
20 registrant, licensee or permittee to a state or province
21 participating with the ~~Corporation Commission~~ Department of Public
22 Safety in a uniform base state program or to another state agency.

23 D. Upon the revocation or expiration of any motor carrier or
24 commercial motor vehicle license, permit, registration or

1 certificate issued pursuant to the jurisdiction of the ~~Corporation~~
2 ~~Commission~~ Department of Public Safety, all accrued taxes, fees and
3 penalties due and payable under the terms of state law, rules or
4 order imposing or levying such tax, fee or penalty shall become due
5 and payable concurrently upon the revocation or expiration of the
6 license, permit, registration or certificate and the licensee,
7 permittee, registrant or certificate holder shall forthwith make a
8 report covering the period of time not covered by preceding reports
9 filed by said person and ending with the date of the revocation or
10 expiration and shall pay all such taxes, fees or penalties owed.

11 E. No person shall knowingly, or intentionally, present an
12 altered or fraudulent credential or document to the ~~Corporation~~
13 ~~Commission~~ Department of Public Safety or to any duly authorized
14 peace officer. Any person or persons violating the provisions of
15 this subsection shall be found guilty of contempt of the ~~Commission~~
16 Department and shall, upon conviction thereof, be punished by a fine
17 of not more than Two Thousand Dollars (\$2,000.00) for each offense.

18 SECTION 48. AMENDATORY Section 2, Chapter 262, O.S.L.
19 2012 (47 O.S. Supp. 2017, Section 1201), is amended to read as
20 follows:

21 Section 1201. As used in the Oklahoma Weigh Station Act of
22 2012:

23 1. "Authority" means the Oklahoma Turnpike Authority;

24

1 2. ~~"Commission"~~ "Department" means the ~~Corporation Commission~~
2 Department of Public Safety;

3 3. "Fixed facility" means a weigh station or a port of entry;

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

9 5. "Roadside enforcement" means a temporary location, with or
10 without portable or semi-portable scales, used to randomly check
11 commercial motor vehicles or motor carriers for compliance with
12 federal or state statutes or rules;

13 6. "Weigh station" means a stationary and permanent weighing
14 facility with fixed scales owned by the state where commercial motor
15 vehicles are checked for compliance with weight and size standards.
16 Weigh stations are also utilized to enforce federal and state laws
17 and rules applicable to motor carriers and the operation of
18 commercial motor vehicles and their drivers; and

19 7. "North American Standard Inspection" means a Level I, Level
20 II, Level III, Hazardous Materials, Cargo Tank or Passenger Carrier
21 inspection conducted by an individual certified by the Federal Motor
22 Carrier Safety Administration to conduct such inspections.

1 SECTION 49. 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. 2017, 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~~
6 Department of Public Safety may enter into interagency agreements
7 concerning the equipment, maintenance and operations of fixed
8 facilities.

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

14 C. The ~~Commission~~ Department of Public Safety shall operate all
15 current and future ports of entry weigh stations eighteen (18) to
16 twenty (20) hours a day and seven (7) days a week upon the
17 availability of funds.

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

22 E. ~~When a fixed facility is located in the general area,~~
23 ~~Commission motor carrier and commercial motor vehicle enforcement~~
24 ~~shall be limited to the fixed facility and a radius surrounding the~~

1 ~~facility. If the fixed facility is a weigh station as defined in~~
2 ~~Section 1201 of this title, the applicable radius shall be seven (7)~~
3 ~~miles. If the fixed facility is a port of entry weigh station as~~
4 ~~defined in Section 1201 of this title, the applicable radius shall~~
5 ~~be twenty-five (25) miles.~~

6 ~~F. The Commission may assist in roadside enforcement in a joint~~
7 ~~effort at the request of the Oklahoma Highway Patrol.~~

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

14 ~~H. The Commission~~ Department of Public Safety may enter into
15 interagency cooperative agreements with other state or federal
16 agencies to jointly enforce federal and state laws or rules.

17 ~~F.~~ E. North American Standard Inspections shall be conducted
18 only by individuals holding certification in the level or
19 classification of inspection being conducted.

20 SECTION 50. AMENDATORY Section 4, Chapter 262, O.S.L.
21 2012 (47 O.S. Supp. 2016, Section 1203), is amended to read as
22 follows:

23 Section 1203. A. A commercial motor vehicle, its driver or a
24 motor carrier may not be cited for the same violation of motor

1 carrier or commercial motor vehicle requirements on the same date by
2 any Oklahoma officer, provided neither the vehicle configuration nor
3 the load have changed. This subsection is not applicable to a
4 Commercial Vehicle Safety Alliance out-of-service violation.

5 B. ~~The Corporation Commission and the~~ Department of Public
6 Safety or other state or local agencies may enter into interagency
7 agreements to share information electronically to facilitate this
8 section.

9 SECTION 51. It being immediately necessary for the preservation
10 of the public peace, health or safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13

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