

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2657

By: Murdock

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 14-103G, as last amended by Section 1,
9 Chapter 239, O.S.L. 2014 (47 O.S. Supp. 2015, Section
10 14-103G), which relates to oversize or overweight
11 load vehicle permits; providing for certain annual
12 permit options; limiting eligibility; limiting
13 maximum load size; requiring certain information on
14 application; requiring certain designations on
15 certain permit; limiting validity of certain permit;
16 establishing fees; making fees nonrefundable;
17 establishing period of applicability; providing for
18 certain delivery of permit; providing for certain
19 replacement; directing fees be deposited in certain
20 fund; amending 47 O.S. 2011, Section 14-111, as
21 amended by Section 2, Chapter 249, O.S.L. 2012 (47
22 O.S. Supp. 2015, Section 14-111), which relates to
23 weighing vehicles; providing exemption; providing
24 criteria for exemption; defining term; and providing
an effective date.

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

19 SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-103G, as
20 last amended by Section 1, Chapter 239, O.S.L. 2014 (47 O.S. Supp.
21 2015, Section 14-103G), is amended to read as follows:

22 Section 14-103G. A. 1. The Department of Public Safety may
23 issue an annual vehicle permit under the provisions of this
24 subsection to a specific vehicle, for the movement of oversize or

1 overweight loads that cannot reasonably be dismantled. Unless
2 otherwise provided by law, permits issued under this subsection
3 shall be subject to the conditions described in paragraphs 2 through
4 8 of this subsection.

5 2. Oversize or overweight loads operating under an annual
6 vehicle permit shall not exceed:

- 7 a. twelve (12) feet in width,
- 8 b. fourteen (14) feet in height,
- 9 c. one hundred ten (110) feet in length, or
- 10 d. one hundred twenty thousand (120,000) pounds gross
11 weight.

12 3. Oversize or overweight loads operating under an annual
13 vehicle permit under this subsection shall not transport a load that
14 has more than a twenty-five-foot front overhang, or more than a
15 thirty-foot rear overhang.

16 4. The fee for an annual vehicle permit shall be Four Thousand
17 Dollars (\$4,000.00) and shall be nonrefundable.

18 5. The annual vehicle permit shall be issued for one (1)
19 calendar year period and shall commence upon the date specified on
20 the permit.

21 6. An annual vehicle permit issued pursuant to this subsection
22 shall be nontransferable between permittees.

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1 7. The permitted vehicle or vehicle combination shall be
2 registered in accordance with the provisions of Chapter 14 of this
3 title for maximum weight.

4 8. An annual vehicle permit issued pursuant to this subsection
5 may be transferred from one vehicle to another vehicle in the fleet
6 of the permittee provided:

7 a. the permitted vehicle is destroyed or otherwise
8 becomes permanently inoperable to the extent that the
9 vehicle will no longer be utilized, and the permittee
10 presents proof to the Department of Public Safety that
11 the negotiable certificate of title or other
12 qualifying documentation has been surrendered to the
13 Department of Public Safety, or

14 b. the certificate of title to the permitted vehicle is
15 transferred to someone other than the permittee, and
16 the permittee presents proof to the Department of
17 Public Safety that the negotiable certificate of title
18 or other qualifying documentation has been transferred
19 from the permittee.

20 9. A permit issued for loads specific to turbine blades, used
21 for the purpose of wind generation, may exceed a length of one
22 hundred ten (110) feet.

23 B. 1. The Department of Public Safety may issue an annual
24 vehicle permit under this subsection to a specific motor carrier,

1 for the movement of oversize or overweight loads that cannot
2 reasonably be dismantled. An annual vehicle permit issued under
3 this subsection may be transferred from one vehicle to another
4 vehicle in the fleet of the permittee provided:

- 5 a. that no more than one vehicle is operating at a time,
6 and
- 7 b. the original certified permit is carried in the
8 vehicle that is being operated under the terms of the
9 permit.

10 2. An annual vehicle permit issued under this subsection shall
11 be sent to the permittee via first-class, registered mail, or at the
12 request and expense of the permittee via overnight delivery service.
13 The annual vehicle permit shall not be duplicated. The annual
14 vehicle permit shall be replaced only if:

- 15 a. the permittee did not receive the original permit
16 within seven (7) business days after the date of
17 issuance,
- 18 b. a request for replacement is submitted to the
19 Department of Public Safety within ten (10) business
20 days after the original date of issuance of the
21 permit, and
- 22 c. the request for replacement is accompanied by a
23 notarized statement signed by a principal or officer
24 of the permittee acknowledging that the permittee

1 understands the permit may not be duplicated and that
2 if the original permit is located, the permittee shall
3 return either the original or replacement permit to
4 the Department of Public Safety.

5 3. A request for replacement of an annual vehicle permit issued
6 pursuant to the provisions of this subsection shall be denied if the
7 Department of Public Safety can verify that the permittee received
8 the original annual vehicle permit.

9 4. Lost, misplaced, damaged, destroyed, or otherwise unusable
10 annual vehicle permits shall not be replaced. A new permit shall be
11 required and shall be issued by the Department of Public Safety.

12 C. 1. The Department of Public Safety may issue an annual
13 fleet permit under this subsection to an electric utility, regulated
14 by the Corporation Commission or a rural electric cooperative solely
15 for the movement of poles. An annual fleet permit issued under this
16 subsection may be used by any vehicle in the fleet of the permittee
17 provided that a certified copy of the permit is carried in each
18 vehicle that is being operated under the terms of the permit.

19 2. Oversize loads operating under an annual permit issued
20 pursuant to this subsection shall not exceed:

- 21 a. twelve (12) feet in width,
- 22 b. fourteen (14) feet in height, or
- 23 c. fifty-five (55) feet in length.

1 3. The annual fee for an annual fleet permit issued pursuant to
2 this subsection shall be Four Thousand Dollars (\$4,000.00) and shall
3 be nonrefundable.

4 4. The annual fleet permit shall be issued for a one-calendar-
5 year period and shall commence upon the date specified on the
6 permit.

7 5. The annual fleet permit issued under this subsection shall
8 be sent to the permittee via first_class, registered mail, or at the
9 request and expense of the permittee via overnight delivery service.
10 The annual permit shall be replaced only if:

11 a. the permittee did not receive the original permit
12 within seven (7) business days after the date of the
13 issuance,

14 b. a request for replacement is submitted to the
15 Department of Public Safety within ten (10) business
16 days after the original date of issuance of the
17 permit, and

18 c. the request for replacement is accompanied by a
19 notarized statement signed by an authorized person of
20 the permittee acknowledging that if the original
21 permit is located, the permittee shall either return
22 the original or replacement permit to the Department
23 of Public Safety.

1 6. A request for replacement of an annual permit issued under
2 the provisions of this subsection shall be denied if the Department
3 of Public Safety can verify the permittee received the original
4 annual permit.

5 7. Lost, misplaced, damaged, destroyed or otherwise unusable
6 annual permits shall not be replaced. A new permit shall be
7 required and shall be issued by the Department of Public Safety.

8 8. For the purposes of paragraph 5 of subsection C of Section
9 14-103 of this title, the term "emergency" means any permitted
10 movement of poles pursuant to the provisions of this subsection that
11 is not for new construction of electric distribution facilities.

12 D. 1. The Department of Public Safety shall issue an annual
13 vehicle permit under this subsection to a transportation company or
14 manufacturer of portable buildings solely for the movement of
15 oversize portable buildings for a specific manufacturer of portable
16 buildings. An annual vehicle permit issued under this subsection
17 may not be transferred from one vehicle to another vehicle in the
18 fleet. The name of the manufacturer shall be on the permit and on
19 any portable building being moved. The original certified permit
20 shall be carried in the vehicle that is being operated under the
21 terms of the permit.

22 2. Oversize loads operating under an annual vehicle permit
23 issued pursuant to this subsection shall not exceed:
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1 a. twelve (12) feet in width at the wall with no more
2 than a three-inch-eave overhang, or

3 b. fourteen (14) feet in height.

4 3. The total gross weight of oversize loads operating under an
5 annual vehicle permit issued pursuant to this subsection shall not
6 exceed forty-five thousand (45,000) pounds.

7 4. The tow vehicle shall be limited to two axles, and the
8 vehicle identification number of the vehicle shall be on the permit.

9 5. The fee for an annual vehicle permit issued pursuant to this
10 subsection shall be Five Hundred Dollars (\$500.00) and shall be
11 nonrefundable.

12 6. An annual vehicle permit issued under this subsection shall
13 be sent to the permittee via first-class, registered mail, or at the
14 request and expense of the permittee via overnight delivery service.
15 The annual vehicle permit shall not be duplicated. The annual
16 vehicle permit shall be replaced only if:

17 a. the permittee did not receive the original permit
18 within seven (7) business days after the date of
19 issuance,

20 b. a request for replacement is submitted to the
21 Department of Public Safety within ten (10) business
22 days after the original date of issuance of the
23 permit, and
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1 c. the request for replacement is accompanied by a
2 notarized statement signed by a principal or officer
3 of the permittee acknowledging that the permittee
4 understands the permit may not be duplicated and that
5 if the original permit is located, the permittee shall
6 return either the original or replacement permit to
7 the Department of Public Safety.

8 7. A request for replacement of an annual vehicle permit issued
9 pursuant to the provisions of this subsection shall be denied if the
10 Department of Public Safety can verify that the permittee received
11 the original annual vehicle permit.

12 8. A lost, misplaced, damaged, destroyed, or otherwise unusable
13 annual vehicle permit shall be replaced for a fee of Twenty-five
14 Dollars (\$25.00).

15 E. 1. The Department of Public Safety shall issue annual
16 agricultural truck permits under the provisions of this subsection
17 to specific vehicles subject to the following conditions:

- 18 a. the vehicle is used exclusively for agricultural,
19 horticultural or livestock-raising operations,
20 b. the total gross weight of an oversized load operating
21 under the permit does not exceed eighty-eight thousand
22 (88,000) pounds, and
23 c. the permit is available as a:
24 (1) statewide permit, or

1 (2) designated county permit.

2 2. The applicant for a designated county permit as provided by
3 this subsection shall specify by name the counties to be designated
4 on the permit, and such counties shall be designated on each
5 designated county permit issued by the Department, as applicable.
6 The designated county permit shall only be valid as an overweight
7 permit for agricultural trucks operating within the boundaries of a
8 county designated on the permit.

9 3. The fee for an annual statewide agricultural truck permit
10 issued pursuant to this subsection shall be One Thousand One Hundred
11 Dollars (\$1,100.00) and shall be nonrefundable.

12 4. The fee for an annual designated county agricultural truck
13 permit issued pursuant to this subsection shall be Fifteen Dollars
14 (\$15.00) for each county specified on the permit and shall be
15 nonrefundable.

16 5. An annual agricultural truck permit issued pursuant to this
17 subsection shall be issued for a one (1) calendar year period and
18 shall commence upon the date specified on the permit.

19 6. An annual agricultural truck permit issued under this
20 subsection shall be sent to the permittee via first-class,
21 registered mail, or at the request and expense of the permittee via
22 overnight delivery service. The annual agricultural truck permit
23 shall not be duplicated. The annual agricultural truck permit shall
24 be replaced only if:

- 1 a. the permittee did not receive the original permit
2 within seven (7) business days after the date of
3 issuance,
- 4 b. a request for replacement is submitted to the
5 Department of Public Safety within ten (10) business
6 days after the original date of issuance of the
7 permit, and
- 8 c. the request for replacement is accompanied by a
9 notarized statement signed by a principal or officer
10 of the permittee acknowledging that the permittee
11 understands the permit may not be duplicated and that
12 if the original permit is located, the permittee shall
13 return either the original or replacement permit to
14 the Department of Public Safety.

15 7. A request for replacement of an annual agricultural truck
16 permit issued pursuant to the provisions of this subsection shall be
17 denied if the Department of Public Safety can verify that the
18 permittee received the original annual agricultural truck permit.

19 8. A lost, misplaced, damaged, destroyed or otherwise unusable
20 annual agricultural truck permit shall be replaced for a fee of
21 Twenty-five Dollars (\$25.00).

22 9. The fees charged pursuant to the provisions of this
23 subsection shall be deposited to the State Highway Construction and
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1 Maintenance Fund created in Section 1501 of Title 69 of the Oklahoma
2 Statutes.

3 SECTION 2. AMENDATORY 47 O.S. 2011, Section 14-111, as
4 amended by Section 2, Chapter 249, O.S.L. 2012 (47 O.S. Supp. 2015,
5 Section 14-111), is amended to read as follows:

6 Section 14-111. A. Any officer of the Department of Public
7 Safety, the Corporation Commission, any sheriff, or any salaried
8 deputy sheriff is authorized to stop any vehicle upon any road or
9 highway in order to weigh such vehicle by means of portable or
10 stationary scales, or cause the same to be weighed by any official
11 weigher, or upon any privately owned scales and may require that
12 such vehicles be driven to the nearest or most convenient available
13 scales for the purpose of weighing. Any officer weighing a vehicle
14 pursuant to this section by means of portable scales shall allow the
15 driver of the vehicle to move the vehicle to the most level weighing
16 area available within two (2) miles of the stop. In the event that
17 any axle weight or the gross weight of any such vehicle be found to
18 exceed the maximum weight authorized by law, or by permit issued
19 therefor, the officer may require, in the case of separable loads,
20 the driver, operator or owner thereof to unload at the site such
21 portion of the load as may be necessary to decrease the weight of
22 such vehicle to the maximum weight authorized by law. Provided,
23 however, that if such load consists of livestock, perishable
24 merchandise, or merchandise that may be destroyed by the weather,

1 then the driver shall be permitted to proceed to the nearest
2 practical unloading point in the direction of destination before
3 discharging such excess cargo. All material so unloaded shall be
4 cared for by the owner or operator of such vehicle at the risk of
5 such owner or operator. The provisions of this subsection shall not
6 apply to trucks carrying feed or water within a twenty-mile radius
7 of an animal feeding operation, as defined in Section 20-41 of Title
8 2 of the Oklahoma Statutes, if such trucks are owned by or performing
9 a service for the animal feeding operation.

10 B. The operator of any truck or other vehicle transporting farm
11 products for hire or other merchandise for hire shall have in his or
12 her possession a certificate carrying the following information:
13 name of the operator; driver license number; vehicle registration
14 number; Corporation Commission permit number; and statement of owner
15 authorizing transportation of the products by above named operator.
16 For the purposes of this section "certificate" includes electronic
17 manifests and other similar documents that include all of the
18 information required pursuant to this section.

19 Should the vehicle be loaded with livestock, the certificate
20 shall include the number of animals, and should the livestock be the
21 property of more than one person, a certificate signed by each owner
22 carrying the above information including the number of animals owned
23 by each owner shall be carried by the operator. Should the operator
24 be the owner of the merchandise or livestock, the merchandise or

1 livestock having just been purchased, the operator shall have in his
2 or her possession a bill of sale for such merchandise or livestock.
3 Should the operator be the owner of livestock or other farm products
4 produced by the operator, the operator shall be required to show
5 satisfactory identification and ownership of the vehicle. Any
6 officer as outlined in this chapter shall have the authority to stop
7 any vehicle loaded with livestock, merchandise or other farm
8 products and investigate as to the ownership of the merchandise,
9 livestock or other farm products. Should the operator of any
10 vehicle be unable to establish to the satisfaction of the officer
11 the ownership of the merchandise, livestock or other products, or
12 shall not have the certificate as specified in this section for the
13 transportation of such merchandise, livestock or other farm
14 products, the merchandise, livestock or other farm products and the
15 vehicle in which they are being transported shall be impounded by
16 the officer and any expense as to the care of any livestock shall be
17 the responsibility of the owner or operator of the vehicle, and any
18 loss or damage of the merchandise, livestock or other farm products
19 shall be the responsibility of the operator or owner, or both.

20 The provisions of this subsection shall not apply to a person
21 who is transporting horses or livestock; provided, the person shall
22 not have been hired to transport the horses or livestock.

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SECTION 3. This act shall become effective November 1, 2016.

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