

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1375

By: Allen

4
5
6 AS INTRODUCED

7 An Act relating to vehicle weight and load; amending
8 47 O.S. 2011, Sections 14-101, as last amended by
9 Section 1, Chapter 121, O.S.L. 2016 and 14-109, as
10 last amended by Section 1, Chapter 52, O.S.L. 2015
11 (47 O.S. Supp. 2017, Sections 14-101 and 14-109),
12 which relate to certain penalties and axle and gross
13 weights of certain vehicles; clarifying certain
14 penalty; clarifying certain weights formula for
15 permits for certain vehicles; providing penalties for
16 operating certain vehicles or combination of vehicles
17 in excess of certain weight limitations; amending 47
18 O.S. 2011, Section 1167, as last amended by Section
19 1, Chapter 373, O.S.L. 2016 (47 O.S. Supp. 2017,
20 Section 1167), which relate to apportionment of
21 revenue; clarifying uses for certain funds; and
22 declaring an emergency.

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

24 SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-101, as
last amended by Section 1, Chapter 121, O.S.L. 2016 (47 O.S. Supp.
2017, Section 14-101), is amended to read as follows:

Section 14-101. A. It is a misdemeanor, punishable pursuant to
Section 14-109 of this title, for any person to drive or move or for
the owner to cause or knowingly permit to be driven or moved on any
highway any vehicle or vehicles of a size or weight exceeding the

1 limitations stated in this chapter or otherwise in violation of this
2 chapter, and the maximum size and weight of vehicles herein
3 specified shall be lawful throughout this state and local
4 authorities shall have no power or authority to alter the
5 limitations except as express authority may be granted in this
6 chapter.

7 B. The Commissioner of Public Safety is directed to issue
8 annual overweight permits to:

9 1. Municipalities and rural fire districts for the
10 transportation of firefighting apparatus at no cost to the
11 municipalities or rural fire districts;

12 2. Owners of implements of husbandry, which includes tractors
13 that are temporarily moved upon a highway at no cost to the owner;

14 3. Retail implement dealers while hauling implements of
15 husbandry at no cost to the dealer; and

16 4. Owners of certain vehicles as provided for in Section 14-
17 103G of this title.

18 C. If a vehicle is issued a license pursuant to Section 1134.4
19 of this title, the license shall also serve as the overweight permit
20 required by this section.

21 D. All size, weight and load provisions covered by this chapter
22 shall be subject to the limitations imposed by Title 23, United
23 States Code, Section 127, and such other rules and regulations
24 developed herein. Provided further that any size and weight

1 provision authorized by the United States Congress for use on the
2 National System of Interstate and Defense Highways, including but
3 not limited to height, axle weight, gross weight, combinations of
4 vehicles or load thereon shall be authorized for immediate use on
5 such segments of the National System of Interstate and Defense
6 Highways and any other highways or portions thereof as designated by
7 the Transportation Commission or their duly authorized
8 representative.

9 E. All size, weight and load provisions covered by Sections 14-
10 101 through 14-123 of this title shall be subject to a gross vehicle
11 weight limit of ninety thousand (90,000) pounds when applied to a
12 vehicle operating off the National System of Interstate and Defense
13 Highways unless such vehicle is operating in full compliance with an
14 overweight permit issued by the Commissioner of Public Safety.

15 F. Any vehicle permitted for movement on the highways of this
16 state as provided in Section 14-101 et seq. of this title, other
17 than a vehicle permitted solely for overweight movement, shall be
18 moved only during daylight hours. As used in Section 14-101 et seq.
19 of this title, "daylight hours" shall mean one-half (1/2) hour
20 before sunrise to one-half (1/2) hour after sunset. The
21 Commissioner of Public Safety, for good cause and consistent with
22 the safe movement of the vehicle, may endorse a permit for the
23 movement of an oversize vehicle to authorize night time travel under
24 such terms and restrictions as the Commissioner may require.

1 G. 1. Any vehicle permitted for movement on the highways of
2 this state as provided in Section 14-101 et seq. of this title shall
3 not be moved at any time on the following holidays:

- 4 a. New Year's Day (January 1),
- 5 b. Memorial Day (the last Monday in May),
- 6 c. The Fourth of July (Independence Day),
- 7 d. Labor Day (the first Monday in September),
- 8 e. Thanksgiving Day (the fourth Thursday in November),
- 9 and
- 10 f. Christmas Day (December 25).

11 2. Any vehicle permitted for movement on the highways of this
12 state as provided in Section 14-101 et seq. of this title shall be
13 allowed to move on the following holidays:

- 14 a. Martin Luther King, Jr.'s Birthday (the third Monday
15 in January),
- 16 b. President's Day, also known as Washington's Birthday
17 (the third Monday in February), and
- 18 c. Veteran's Day (November 11).

19 SECTION 2. AMENDATORY 47 O.S. 2011, Section 14-109, as
20 last amended by Section 1, Chapter 52, O.S.L. 2015 (47 O.S. Supp.
21 2017, Section 14-109), is amended to read as follows:

22 Section 14-109. A. On any road or highway:

23 1. No single axle weight shall exceed twenty thousand (20,000)
24 pounds; and

1 2. The total gross weight in pounds imposed thereon by a
2 vehicle or combination of vehicles shall not exceed the value
3 calculated in accordance with the Federal Bridge formula imposed by
4 23 U.S.C., Section 127.

5 B. Except as to gross limits, the formula of this section shall
6 not apply to a truck-tractor and dump semitrailer when used as a
7 combination unit. In no event shall the maximum load in pounds
8 carried by any set of tandem axles exceed thirty-four thousand
9 (34,000) pounds. Any vehicle operating with split tandem axles or
10 tri-axles shall adhere to the formula.

11 C. Except for loads moving under special permits as provided in
12 this title, no department or agency of this state or any county,
13 city, or public entity thereof shall pay for any material that
14 exceeds the legal weight limits moving in interstate or intrastate
15 commerce in excess of the legal load limits of this state.

16 D. 1. An annual special overload permit may be purchased for
17 vehicles transporting rock, sand, gravel, coal, flour, timber,
18 pulpwood, and chips in their natural state, oil field fluids, oil
19 field equipment or equipment used in oil and gas well drilling or
20 exploration, and vehicles transporting grain, fertilizer,
21 cottonseed, cotton, livestock, peanuts, canola, sunflowers,
22 soybeans, feed, any other raw agricultural products, and any other
23 unprocessed agricultural products, if the following conditions are
24 met:

- a. the vehicles are registered for the maximum allowable rate,
- b. the vehicles do not exceed five percent (5%) of the gross limits set forth in subsection A of this section,
- c. the vehicles do not exceed eight percent (8%) of the axle limits set forth in subsection A of this section,
- d. no component of the vehicles exceeds the manufacturer's component weight rating as shown on the vehicle certification label or tag, and
- e. the vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.

2. Vehicles operating pursuant to this section must register for the maximum allowable rate and additionally shall purchase a nontransferrable annual special overload permit from the Department of Public Safety for a fee of Three Hundred Fifty Dollars (\$350.00). All monies collected shall be deposited to the credit of the Highway Construction and Maintenance Fund.

E. Exceptions to this section will be:

1. Utility or refuse collection vehicles used by counties, cities, or towns or by private companies contracted by counties, cities, or towns if the following conditions are met:

- 1 a. calculation of weight for a utility or refuse
2 collection vehicle shall be "Gross Vehicle Weight".
3 The "Gross Vehicle Weight" of a utility or refuse
4 collection vehicle may not exceed the otherwise
5 applicable weight by more than fifteen percent (15%).
6 The weight on individual axles must not exceed the
7 manufacturer's component rating which includes axle,
8 suspension, wheels, rims, brakes, and tires as shown
9 on the vehicle certification label or tag, and
10 b. utility or refuse collection vehicles operated under
11 these exceptions will not be allowed to operate on
12 interstate highways; and

13 2. A combination of a wrecker or tow vehicle and another
14 vehicle or vehicle combination if:

- 15 a. the service provided by the wrecker or tow vehicle is
16 needed to remove disabled, abandoned, or accident-
17 damaged vehicles, and
18 b. the wrecker or tow vehicle is towing the other vehicle
19 or vehicle combination directly to the nearest
20 authorized place of repair, terminal, or vehicle
21 storage facility.

22 Vehicles operating pursuant to the provisions of this paragraph will
23 not be allowed to operate on the National System of Interstate and
24

1 Defense Highways unless it is a Covered Heavy-Duty Tow and Recovery
2 Vehicle that:

3 a. is transporting a disabled vehicle from the place
4 where the vehicle became disabled to the nearest
5 appropriate repair facility; and

6 b. has a gross vehicle weight that is equal to or exceeds
7 the gross vehicle weight of the disabled vehicle being
8 transported.

9 3. A vehicle designed to be used under emergency conditions to
10 transport personnel and equipment and to support the suppression of
11 fires and mitigation of other hazardous situations operating on the
12 Interstate System with a vehicle weight limit up to a maximum gross
13 vehicle weight of eighty-six thousand (86,000) pounds with less
14 than:

15 a. twenty-four thousand (24,000) pounds on a single
16 steering axle;

17 b. thirty-three thousand five hundred (33,500) pounds on
18 a single drive axle;

19 c. sixty-two thousand (62,000) pounds on a tandem axle;
20 or

21 d. fifty-two thousand (52,000) pounds on a tandem rear
22 drive steer axle.

23 F. 1. Any vehicle utilizing an auxiliary power or idle
24 reduction technology unit in order to promote reduction of fuel use

1 and emissions because of engine idling shall be allowed an
2 additional four hundred (400) pounds total to the total gross weight
3 limits set by this section.

4 2. To be eligible for the exception provided in this
5 subsection, the operator of the vehicle must obtain written proof or
6 certification of the weight of the auxiliary power or idle reduction
7 technology unit and be able to demonstrate or certify that the idle
8 reduction technology is fully functional.

9 3. Written proof or certification of the weight of the
10 auxiliary power or idle reduction technology unit must be available
11 to law enforcement officers if the vehicle is found in violation of
12 applicable weight laws. The additional weight allowed cannot exceed
13 four hundred (400) pounds or the actual proven or certified weight
14 of the unit, whichever is less.

15 G. Utility, refuse collection vehicles or a combination of a
16 wrecker or tow vehicle as described in paragraph 2 of subsection E
17 of this section operating under exceptions shall purchase an annual
18 special overload permit from the Department of Public Safety for One
19 Hundred Dollars (\$100.00). All monies collected shall be deposited
20 to the credit of the Highway Construction and Maintenance Fund.

21 H. For purposes of this section, "utility vehicle" shall mean
22 any truck used by a private utility company, county, city, or town
23 for the purpose of installing or maintaining electric, water, or
24 sewer systems.

1 I. Any person who operates a vehicle or combination of vehicles
2 which is seven hundred fifty (750) pounds or more in excess of the
3 gross or axle weight limitations imposed by this section shall, upon
4 conviction, be punished by a fine to be calculated from the amount
5 of weight in excess of the top weight limitation authorized as
6 follows:

7 1. A fine of Two Hundred Dollars (\$200.00), if overweight by
8 seven hundred fifty (750) pounds but not more than three thousand
9 (3,000) pounds;

10 2. A fine of Two Hundred Fifty Dollars (\$250.00), if overweight
11 by three thousand one (3,001) pounds but not more than five thousand
12 (5,000) pounds;

13 3. A fine of Four Hundred Fifty Dollars (\$450.00), if
14 overweight by five thousand one (5,001) pounds but not more than
15 seven thousand (7,000) pounds;

16 4. A fine of Six Hundred Fifty Dollars (\$650.00), if overweight
17 by seven thousand one (7,001) pounds but not more than ten thousand
18 (10,000) pounds; and

19 5. A fine of ten cents (\$0.10) per pound overweight, if
20 overweight by ten thousand one (10,001) pounds or more.

21 J. Any person having multiple offenses as provided for in
22 subsection I of this section within a calendar year shall be subject
23 to the following fines:

24

1 1. A second offense within one (1) year of any fine pursuant to
2 paragraphs 1 through 4 of this subsection shall receive a fine of
3 one and one half (1 1/2) times the amount of the violation cited;
4 and

5 2. A third and all subsequent offenses within one (1) year of
6 any fine pursuant to paragraphs 1 through 4 of this subsection shall
7 receive a fine of two (2) times the amount of the violation cited.

8 K. All fines collected pursuant to the provisions of subsection
9 I of this section shall be deposited in the State Treasury to the
10 credit of the Weigh Station Improvement Revolving Fund, as created
11 in Section 1167 of this title for the purpose of enforcing size,
12 weight and load laws of this state.

13 L. The bond schedule as prescribed by subsection I of this
14 section shall be a civil assessment and shall supercede any bond
15 schedule from any state agency, board, commission or political
16 subdivision concerning oversize and overweight vehicles.

17 SECTION 3. AMENDATORY 47 O.S. 2011, Section 1167, as
18 last amended by Section 1, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
19 2017, Section 1167), is amended to read as follows:

20 Section 1167. A. ~~The Corporation Commission~~ Department of
21 Public Safety is hereby authorized to promulgate rules pursuant to
22 the Administrative Procedures Act to establish the amounts of fees,
23 fines and penalties as set forth in Section 1166 et seq. of this
24 title. ~~The Corporation Commission~~ Department of Public Safety shall

1 notify all interested parties of any proposed rules to be
2 promulgated as provided herein and shall provide such parties an
3 opportunity to be heard prior to promulgation.

4 B. The ~~Corporation Commission~~ Department of Public Safety shall
5 adjudicate enforcement actions initiated by ~~Corporation Commission~~
6 Department of Public Safety personnel.

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

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

18 2. The remaining amount shall be deposited to the Trucking One-
19 Stop Shop Fund created in subsection D of this section

20 D. There is hereby created in the State Treasury a revolving
21 fund for the Corporation Commission to be known and designated as
22 the "Trucking One-Stop Shop Fund". The Trucking One-Stop Shop Fund
23 shall consist of:

24

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

3 2. Fees collected by the Commission to be retained as a motor
4 license agent or other Corporation Commission registration or motor
5 fuel fees as allowed by statute or rule; and

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

8 The fund shall be a continuing fund, not subject to fiscal year
9 limitations, and shall not be subject to legislative appropriation.
10 Monies in the Trucking One-Stop Shop Fund shall only be expended for
11 direct expenses relating to the Trucking One-Stop Shop Act.
12 Expenditures from the revolving fund shall be made pursuant to the
13 laws of this state. In addition, expenditures from the revolving
14 fund may be made pursuant to The Oklahoma Central Purchasing Act for
15 the purpose of immediately responding to emergency situations,
16 within the Commission's jurisdiction, having potentially critical
17 environmental or public safety impact. Warrants for expenditures
18 from the fund shall be drawn by the State Treasurer against claims
19 filed as prescribed by law with the Director of the Office of
20 Management and Enterprise Services for approval and payment.

21 E. There is hereby created in the State Treasury a revolving
22 fund for the Department of Transportation to be designated the
23 "Weigh Station Improvement Revolving Fund". The fund shall be a
24 continuing fund, not subject to fiscal year limitations, and shall

1 consist of all monies deposited thereto. All monies accruing to the
2 credit of the fund are hereby appropriated and may be budgeted and
3 expended by the Department for the purpose of constructing,
4 equipping and maintaining facilities to determine the weight of
5 vehicles traveling on the roads and highways of this state, and for
6 enforcing size, weight and load laws of this state. Expenditures
7 from the fund shall be made upon warrants issued by the State
8 Treasurer against claims filed as prescribed by law with the
9 Director of the Office of Management and Enterprise Services for
10 approval and payment.

11 SECTION 4. It being immediately necessary for the preservation
12 of the public peace, health or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

15

16 56-2-2078 JD 1/18/2018 2:46:51 PM

17

18

19

20

21

22

23

24