

1 ENGROSSED SENATE  
2 BILL NO. 1380

By: Allen of the Senate

3 and

4 Vaughan and Roberts  
5 (Dustin) of the House

6 An Act relating to motor vehicles; amending 47 O.S.  
7 2011, Sections 161A, 162, 162.1, 163, 165, 166,  
8 166.5, 166a, 169, 169.5, 170, 170.1, 170.2, 171.1,  
9 171.2, 172, 177.2, 177.3, 180, 180a, 180b, 180c,  
10 180d, 180e, 180f, 180g, 180h, 180k, 180l and 180m,  
11 which relate to the regulation of motor carriers;  
12 modifying agency reference; modifying fund reference;  
13 allowing for the employment of certain Port of Entry  
14 officers; establishing classes of certain officers;  
15 updating statutory references; amending 47 O.S. 2011,  
16 Sections 230.22, 230.23, 230.24, 230.25, 230.26,  
17 230.27, 230.28, 230.29, 230.30, 230.31, 230.32 and  
18 230.34a, which relate to the Motor Carrier Act of  
19 1995; modifying agency reference; amending 47 O.S.  
20 2011, Section 230.6, as last amended by Section 8,  
21 Chapter 259, O.S.L. 2013 (47 O.S. Supp. 2017, Section  
22 230.6), which relates to use and activities of  
23 commercial vehicles; establishing procedural  
24 requirements for certain violations; requiring use of  
certain software in determining certain penalty;  
amending 47 O.S. 2011, Section 230.9, as amended by  
Section 13, Chapter 283, O.S.L. 2012 (47 O.S. Supp.  
2017, Section 230.9), which relates to compliance  
with the Oklahoma Motor Carrier Safety and Hazardous  
Materials Transportation Act; allowing for certain  
violation to be in compliance with certain federal  
regulations; adding methods of collection for certain  
administrative penalties; establishing procedures for  
certain safety ratings; amending 47 O.S. 2011,  
Section 1120.1, which relates to entry into the  
International Registration Plan; modifying agency  
reference; amending 47 O.S. 2011, Sections 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 Section 1169 (47 O.S. Supp. 2017, Sections  
1167 and 1168) which relate to motor carrier  
enforcement; providing that certain rules be deemed

1 promulgated by Department of Public Safety; modifying  
2 agency reference relating to rules, enforcement of  
3 actions and fund administration; providing for the  
4 Department of Public Safety and Department of  
5 Transportation to enter into certain agreement;  
6 amending Sections 2, 3, as last amended by Section 2,  
7 Chapter 373, O.S.L. 2016 and 4, Chapter 262, O.S.L.  
8 2012 (47 O.S. Supp. 2017, Sections 1201, 1202 and  
9 1203), which relate to the Oklahoma Weigh Station Act  
of 2012; modifying agency reference; providing for  
the Department of Public Safety and the Corporation  
Commission to enter into certain agreement;  
transferring certain powers and duties from the  
Corporation Commission to the Department of Public  
Safety; repealing 47 O.S. 2011, Sections 171 and  
172.1, which relate to the regulation of motor  
carriers.

10  
11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

21 B. The provisions of this act, except as specifically limited  
22 herein, shall apply to the intrastate transportation of household  
23 goods by motor carriers over public highways of this state; and the  
24 regulations of such transportation, and the procurement thereof and

1 the provisions of facilities therefor, are hereby vested in the  
2 ~~Corporation Commission~~ Department of Public Safety.

3 Shipments contracted by the federal government, a state  
4 government, a tribal government or any local government or political  
5 subdivision thereof shall not be required to obtain a household  
6 goods certificate, but shall be regulated by the ~~Commission~~  
7 Department to achieve compliance with safety requirements and size  
8 and weight limitations.

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

12 C. As used in this act:

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

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

19 3. "Household goods" means used personal effects and property  
20 of a dwelling;

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

24

1       5. "Intercompany hauling" means the transportation of  
2 household goods, by motor vehicle, for compensation, by a carrier  
3 which is a member of a corporate family, as defined in this section,  
4 when the transportation for compensation is provided for other  
5 members of the corporate family;

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

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

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

16       9. "Public highway" means every public street, road, highway,  
17 or thoroughfare in this state, used by the public, whether actually  
18 dedicated to the public and accepted by the proper authorities or  
19 otherwise.

20       D. The terms and provisions of this act shall apply to commerce  
21 with foreign nations, or commerce among the several states of this  
22 Union, insofar as such application may be permitted under the  
23 provisions of the Constitution of the United States and the Acts of  
24 Congress.

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

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

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

7 2. Protect the shipping and general public by requiring  
8 liability insurance and cargo insurance of all motor carriers of  
9 household goods;

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

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

17 5. Enforce the provisions of this act.

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

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

1           2. The ~~Commission~~ Department shall promulgate rules  
2 implementing the provisions of this subsection. Rules promulgated  
3 pursuant to this subsection shall be consistent with, and equivalent  
4 in scope, coverage, and content to requirements applicable to  
5 operators of vehicles transporting hazardous materials contained in  
6 the report submitted to the Secretary of the United States  
7 Department of Transportation, pursuant to 49 U.S.C. 5119(b), by the  
8 Alliance for Uniform Hazardous Material Transportation Procedures.

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

14           E. The ~~Commission~~ Department is authorized to promulgate rules  
15 and set fees applicable to interstate motor carriers, pertaining to  
16 carrier registration, operation of equipment and filing of proper  
17 proof of liability insurance.

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

20           Section 162.1. The ~~Corporation-Commission~~ Department of Public  
21 Safety is authorized to promulgate rules necessary to enable this  
22 state to participate in the Unified Carrier Registration System for  
23 interstate motor carriers, brokers, forwarders and leasing companies  
24 and interstate motor carriers holding intrastate authority as set

1 forth in the Safe, Accountable, Flexible, Efficient Transportation  
2 Equity Act: A Legacy for Users (SAFETEA-LU), Subtitle C-Unified  
3 Carrier Registration Act of 2005.

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

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

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

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

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

22 E. Any person, motor carrier, or shipper who shall willfully  
23 violate any provision of this act or the ~~Commission's~~ Department's  
24 rules pursuant thereto may be found in violation by the ~~Commission~~

1 Department. After proper notice and hearing, violators may be  
2 assessed penalties in an amount not to exceed One Thousand Dollars  
3 (\$1,000.00) for the first violation and for the second violation  
4 within a year a penalty not to exceed Five Thousand Dollars  
5 (\$5,000.00).

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

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

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

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

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

22 Section 166. A. It is hereby declared unlawful for any person  
23 to transport household goods in intrastate commerce without a valid  
24



1 certificate issued by the ~~Corporation Commission~~ Department of  
2 Public Safety.

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

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

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

16 E. Household goods certificates may not be assigned or  
17 transferred.

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

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

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

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

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

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

15 1. "Authorized carrier" means a motor carrier of household  
16 goods;

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

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

24

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

20 5. The amount to be paid by the authorized carrier for  
21 equipment and driver's services shall be clearly stated on the face  
22 of the lease or in an addendum which is attached to the lease. The  
23 amount to be paid may be expressed as a percentage of gross revenue,  
24 a flat rate per mile, a variable rate depending on the direction

1 traveled or the type of commodity transported, or by any other  
2 method of compensation mutually agreed upon by the parties to the  
3 lease. The compensation stated on the lease or in the attached  
4 addendum may apply to equipment and driver's services either  
5 separately or as a combined amount;

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

24

1           7. The lease shall specify that payment to the lessor shall be  
2 made by the authorized carrier within fifteen (15) days after  
3 submission of the necessary delivery documents and other paperwork  
4 concerning a trip in the service of the authorized carrier. The  
5 paperwork required before the lessor can receive payment is limited  
6 to those documents necessary for the authorized carrier to secure  
7 payment from the shipper. The authorized carrier may require the  
8 submission of additional documents by the lessor but not as a  
9 prerequisite to payment;

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

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

23           10. The lease shall specify that the lessor is not required to  
24 purchase or rent any products, equipment, or services from the

1 authorized carrier as a condition of entering into the lease  
2 arrangement;

3 11. As it relates to insurance:

4 a. the lease shall clearly specify the legal obligation  
5 of the authorized carrier to maintain insurance  
6 coverage for the protection of the public, and

7 b. the lease shall clearly specify the conditions under  
8 which deductions for cargo or property damage may be  
9 made from the lessor's settlements. The lease shall  
10 further specify that the authorized carrier must  
11 provide the lessor with a written explanation and  
12 itemization of any deductions for cargo or property  
13 damage made from any compensation of money owed to the  
14 lessor. The written explanation and itemization must  
15 be delivered to the lessor before any deductions are  
16 made; and

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

22 D. The provisions of this section shall apply to the leasing of  
23 equipment with which to perform household goods transportation by  
24 motor carriers.

1 SECTION 9. AMENDATORY 47 O.S. 2011, Section 169, is  
2 amended to read as follows:

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

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



1 and which has complied with all of the requirements of the  
2 ~~Commission~~ Department, which bond or policy shall be approved by the  
3 ~~Commission~~ Department, and shall be in a sum and amount as fixed by  
4 ~~Commission~~ Department rule. The cargo insurance must be filed with  
5 the ~~Commission~~ Department prior to a certificate being issued by the  
6 ~~Commission~~ Department.

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

17 D. Each motor carrier shall maintain on file, in full force,  
18 all insurance required by the laws of the State of Oklahoma and the  
19 rules of the ~~Commission~~ Department during such motor carrier's  
20 operation and that the failure for any cause to maintain such  
21 coverage in full force and effect shall immediately, without any  
22 notice from the ~~Commission~~ Department, suspend such carrier's rights  
23 to operate until proper insurance is provided. Any carrier  
24 suspended for failure to maintain proper insurance shall have a

1 reasonable time, not exceeding sixty (60) days, within which to  
2 provide proper insurance and to have the carrier's authority  
3 reactivated, upon showing:

4 1. No operation during the period in which the carrier did not  
5 have insurance; and

6 2. Furnishing of proper insurance coverage.

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

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

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

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

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

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

20 Section 170. A. Nothing contained in this act shall be  
21 construed to authorize the operation of any freight vehicle in  
22 excess of the gross weight, width, length or height authorized by  
23 law.  
24

1 B. Any person who willfully advertises to perform  
2 transportation services for which the person does not hold a proper  
3 certificate shall be in violation of this act and subject to the  
4 penalties prescribed for contempt of the ~~Corporation Commission~~  
5 Department of Public Safety.

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

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

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

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

1 date of service of such notice, provided that the ~~Commission~~  
2 Department may, in its discretion, require particular cases to be  
3 answered within a shorter time, and the ~~Commission~~ Department may,  
4 for good cause shown, extend the time in which an answer may be  
5 filed.

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

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

19 C. In case of failure on the part of any person to comply with  
20 any lawful order of the ~~Commission~~ Department, ~~or of any~~  
21 ~~Commissioner~~, or with any subpoena or subpoena duces tecum, or to  
22 testify concerning any matter on which he may be lawfully  
23 interrogated, the ~~Commission~~ Department may compel obedience by  
24

1 proceedings for contempt as in the case of disobedience of the  
2 requirements of a subpoena, or of the refusal to testify.

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

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

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

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

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

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

21 I. Where a complaint is instituted by any person other than the  
22 ~~Commission~~ Department of its own motion and in the event the  
23 ~~Commission~~ Department should find that the complaint was not in good  
24 faith, the complaining party shall be required to pay the

1 defendant's attorney's fee, the fee to be prescribed by the  
2 ~~Commission~~ Department in accordance with applicable Oklahoma Bar  
3 Association standards.

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

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

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

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



1 pattern of violations, fleet size, type of operation, amount of  
2 overweight, and other such factors that may indicate intent. Any  
3 person, firm, or corporation that assists in the commission of such  
4 overweight violation or refuses to comply with any rule, regulation,  
5 or order of the ~~Commission~~ Department relating thereto shall be  
6 guilty of contempt of the ~~Commission~~ Department and shall be subject  
7 to a fine ~~to be imposed by said Commission in a sum not to exceed~~  
8 ~~Five Hundred Dollars (\$500.00) on~~ as prescribed by Section 14-109 of  
9 this title for each violation. In the specific instance of an  
10 overweight violation, the transportation of each load shall  
11 constitute a separate violation. The same fine assessed against the  
12 motor carrier or private carrier shall apply to any other person,  
13 firm, or corporation that aids or abets such violations. Provided  
14 however, no motor carrier, private carrier, shipper or person  
15 loading or causing a motor vehicle to be loaded shall be subject to  
16 a fine for contempt unless the gross weight of the motor vehicle is  
17 more than five thousand (5,000) pounds overweight.

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

23 SECTION 14. AMENDATORY 47 O.S. 2011, Section 171.1, is  
24 amended to read as follows:

1 Section 171.1. In addition to other uses authorized by law,  
2 funds provided to the ~~Corporation Commission~~ Weigh Station  
3 Improvement Revolving Fund pursuant to Sections 165, 177.2 and 180h  
4 of this title shall be expended as follows:

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

22 2. The ~~Commission~~ Department shall ~~purchase~~ provide a  
23 sufficient number of motor vehicles ~~to provide each motor carrier~~  
24 ~~enforcement officer employed in the Transportation Division a motor~~

1 ~~vehicle suitable~~ as necessary for Port of Entry officers to carry  
2 out the enforcement provisions of applicable law. ~~Said~~ The vehicles  
3 shall be appropriately marked as official vehicles and radio  
4 equipped. All costs for operation, maintenance and replacement of  
5 the motor vehicles authorized in this section shall be provided for  
6 from the ~~Corporation Commission~~ Weigh Station Improvement Revolving  
7 Fund.

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

16 SECTION 15. AMENDATORY 47 O.S. 2011, Section 171.2, is  
17 amended to read as follows:

18 Section 171.2. ~~Motor carrier enforcement~~ Port of Entry officers  
19 as authorized in Section 171.1 of this title shall have authority  
20 and powers as provided for those ~~motor carrier~~ Port of Entry  
21 officers authorized under the provisions of Section 172 of this  
22 title.

23 SECTION 16. AMENDATORY 47 O.S. 2011, Section 172, is  
24 amended to read as follows:

1 Section 172. A. Every owner of any motor vehicle, the agents  
2 or employees of the owner, and every other person who violates or  
3 fails to comply with or procures, aids, or abets in the violation of  
4 Sections ~~161~~ 161A through 180m of this title or the Motor Carrier  
5 Act of 1995, or who fails to obey, observe, or comply with any  
6 order, decision, rule or regulation, direction, demand, or  
7 requirement of the ~~Corporation Commission~~ Department of Public  
8 Safety, or who procures, aids or abets any corporation or person in  
9 the person's, or its, refusal or willful failure to obey, observe or  
10 comply with any such order, decision, rule, direction, demand, or  
11 regulation shall be deemed guilty of a misdemeanor. Upon conviction  
12 in a criminal court of competent jurisdiction, such misdemeanor is  
13 punishable by a fine of not exceeding One Thousand Dollars  
14 (\$1,000.00).

15 B. The ~~Corporation Commission~~ Department of Public Safety shall  
16 report to the Attorney General of this state and the district  
17 attorney of the proper county having jurisdiction of such offense,  
18 any violation of any of the provisions of Sections ~~161~~ 161A through  
19 180m of this title or the Motor Carrier Act of 1995 or any rule of  
20 the ~~Corporation Commission~~ Department of Public Safety promulgated  
21 pursuant to the provisions of Sections ~~161~~ 161A through 180m of this  
22 title or the Motor Carrier Act of 1995, by any motor vehicle owner,  
23 agent or employee of such owner, or any other person. Upon receipt  
24 of such report, the Attorney General or the district attorney of the

1 proper county having jurisdiction of such offense shall institute  
2 criminal or civil proceedings against such offender in the proper  
3 court having jurisdiction of such offense. Any willful failure on  
4 the part of members of the ~~Corporation Commission~~ Department of  
5 Public Safety, the Attorney General or any district attorney, to  
6 comply with the provisions of this section, shall be deemed official  
7 misconduct. The Corporation Commission shall report such complaints  
8 so made to the Governor of this state who shall direct and cause the  
9 laws of this state to be enforced.

10 C. Any person failing, neglecting or refusing to comply with  
11 the provisions of Sections ~~161~~ 161A through 180m of this title or  
12 the Motor Carrier Act of 1995, or with any rule, regulation, or  
13 requirement of the ~~Corporation Commission~~ Department of Public  
14 Safety promulgated pursuant to the provisions of Sections ~~161~~ 161A  
15 through 180m of this title or the Motor Carrier Act of 1995, shall  
16 be guilty of contempt of the ~~Corporation Commission~~ Department of  
17 Public Safety, and shall be subject to a fine to be imposed by the  
18 ~~Corporation Commission~~ Department of Public Safety in a sum not  
19 exceeding Five Hundred Dollars (\$500.00). Each day on which such  
20 contempt occurs shall be deemed a separate and distinct offense.  
21 The maximum fine to be assessed on each day shall be Five Hundred  
22 Dollars (\$500.00). All fines collected pursuant to the provisions  
23 of this section shall be deposited in the State Treasury to the  
24 credit of the ~~Corporation Commission~~ Department of Transportation

1 Trucking One-Stop Shop Fund, as created in Section 1167 of this  
2 title. This subsection shall not apply in the specific instance of  
3 load capacity violations or violations applicable to the  
4 transportation or discharge of deleterious substances provided for  
5 by specific statutory provisions.

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

16 E. ~~Enforcement officers, appointed by the Corporation~~  
17 ~~Commission, are hereby declared to be peace officers of this state.~~  
18 ~~Such~~ There shall be two types of Port of Entry officers appointed by  
19 the Department of Public Safety; commissioned officers and non-  
20 commissioned officers. All officers shall be vested with all powers  
21 of ~~peace officers in~~ enforcing the provisions of Sections ~~161~~ 161A  
22 through 180m of this title, U.S. 49 CFR, and the Motor Carrier Act  
23 of 1995 in all parts of this state.

24

1       The powers and duties conferred upon ~~said enforcement~~ the Port  
2 of Entry officers shall in no way limit the powers and duties of  
3 sheriffs or other peace officers of the state, or any political  
4 subdivision thereof, or of members of the Division of Highway  
5 Patrol, subject to the Department of Public Safety.

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

19       ~~G. The enforcement officers are authorized to serve all~~  
20 ~~warrants, writs, and notices issued by the Corporation Commission~~  
21 ~~relating to the enforcement of the provisions of Sections 161~~  
22 ~~through 180m of this title or the Motor Carrier Act of 1995 and the~~  
23 ~~rules, regulations, and requirements prescribed by the Corporation~~

24

1 ~~Commission promulgated pursuant to Sections 161 through 180m of this~~  
2 ~~title or the Motor Carrier Act of 1995.~~

3 ~~H. The enforcement officers shall not have the power or right~~  
4 ~~of search, nor shall they have the right of power of seizure, except~~  
5 ~~as provided in Sections 161 through 180m of this title or the Motor~~  
6 ~~Carrier Act of 1995. The enforcement officers are authorized to~~  
7 ~~hold and detain any motor vehicle operating upon the highways of~~  
8 ~~this state, if, the enforcement officer has reason to believe that~~  
9 ~~the vehicle is being operated contrary to the provisions of Sections~~  
10 ~~161 through 180m of this title or the Motor Carrier Act of 1995, or~~  
11 ~~the rules, regulations, and requirements of the Corporation~~  
12 ~~Commission promulgated pursuant to Sections 161 through 180m of this~~  
13 ~~title or the Motor Carrier Act of 1995.~~

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

20 ~~J. Each of the enforcement officers shall, before entering upon~~  
21 ~~the discharge of their duties, take and subscribe to the usual oath~~  
22 ~~of office and shall execute to the State of Oklahoma a bond in the~~  
23 ~~sum of Twenty five Thousand Dollars (\$25,000.00) each, with~~  
24



1 ~~sufficient surety for the faithful performance of their duty. The~~  
2 ~~bond shall be approved and filed as provided by law.~~

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

9 SECTION 17. AMENDATORY 47 O.S. 2011, Section 177.2, is  
10 amended to read as follows:

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

22 B. No carrier shall transport deleterious substances under a  
23 carrier license issued by the ~~Commission~~ Department until such time  
24

1 as the carrier has been issued a deleterious substance transport  
2 permit.

3 C. No deleterious substance transport permit shall be issued to  
4 a motor carrier or private carrier until the carrier has furnished  
5 written proof of access to a Class II disposal well or wells. ~~Said~~  
6 The written proof of access shall be provided by the owner of such  
7 disposal well. Such disposal well must first be approved by the  
8 Corporation Commission as adequate to meet the need for proper  
9 disposal of all substances which the applicant may reasonably be  
10 expected to transport as a motor carrier or private carrier.

11 Provided that nothing in this section shall be construed as  
12 prohibiting the disposition of such deleterious substances in a  
13 disposal well that is owned by a person other than the transporter.

14 D. The ~~Commission~~ Department shall maintain a current list of  
15 such permits. The ~~Commission~~ Department shall charge such annual  
16 deleterious substance transport permitting fees as will cover the  
17 cost of issuing such licenses and an annual fee of Two Hundred Fifty  
18 Dollars (\$250.00) for each such deleterious substance transport  
19 license. Proceeds from the fees shall be deposited by the  
20 ~~Commission~~ Department in the State Treasury to the credit of the  
21 ~~Corporation Commission~~ Department of Public Safety Revolving Fund.  
22 The provisions of this section are supplemental and are in addition  
23 to the laws applicable to motor carriers.

24

1 SECTION 18. AMENDATORY 47 O.S. 2011, Section 177.3, is  
2 amended to read as follows:

3 Section 177.3. A. It shall be unlawful for a motor carrier,  
4 whether private, common, or contract, to dump, disperse, or  
5 otherwise release substances described in Section 177.2 of this  
6 title upon a public highway or elsewhere except on property or in  
7 wells, reservoirs, or other receptacles owned, held, leased, or  
8 otherwise rightfully and legally available to the motor carrier for  
9 such use and purpose.

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

14 C. Any violation of the provisions of subsections A or B of  
15 this section shall constitute a misdemeanor. It shall be the duty  
16 of the prosecuting attorney of the county in which a violation of  
17 the provisions of this section occurs to file and prosecute the  
18 aforementioned misdemeanor charge and advise the ~~Commission~~  
19 Department of such action and the results thereof.

20 D. The ~~Oklahoma Corporation Commission~~ Department of Public  
21 Safety may initiate contempt proceedings for any violation  
22 concerning disposal by a carrier of a substance described in Section  
23 177.2 of this title. The first violation proven by the ~~Commission~~  
24 Department in any calendar year shall result in a motor carrier or

1 private carrier being warned by the ~~Commission~~ Department and, upon  
2 conviction, fined up to Two Thousand Five Hundred Dollars  
3 (\$2,500.00). A second violation proven by the ~~Commission~~ Department  
4 in any calendar year shall result in a motor carrier or private  
5 carrier being placed on probation and fined up to Five Thousand  
6 Dollars (\$5,000.00) by the ~~Commission~~ Department. A third violation  
7 proven by the ~~Commission~~ Department in any calendar year shall  
8 result in a fine of up to Twenty Thousand Dollars (\$20,000.00), and,  
9 at the discretion of the ~~Commission~~ Department, cancellation of the  
10 carrier's license for a period up to one (1) year and cancellation  
11 of a motor carrier or private carrier deleterious substance  
12 transport permit. The driver of a truck, who is not the owner of  
13 the vehicle used in violation of this section or any of the rules  
14 and regulations of the ~~Oklahoma Corporation Commission~~ Department of  
15 Public Safety, shall be adjudicated a codefendant and subject to a  
16 fine equal to ten percent (10%) of the fine assessed to the owner of  
17 such vehicle, up to Five Hundred Dollars (\$500.00).

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

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

24

1           1. The term "identification application" shall mean the  
2 application as provided by the ~~Commission~~ Department, for making  
3 application for motor carrier vehicle identification devices; and

4           2. The term "identification device" shall mean the motor  
5 carrier vehicle identification device issued by the ~~Commission~~  
6 Department under the provisions of ~~this act~~ Section 180 et seq. of  
7 this title for the purpose of identifying powered motor carrier  
8 vehicles operated under and coming within the provisions of ~~this act~~  
9 Section 180 et seq. of this title or the Motor Carrier Act of 1995.

10           SECTION 20.           AMENDATORY           47 O.S. 2011, Section 180a, is  
11 amended to read as follows:

12           Section 180a. It is hereby declared unlawful for any motor  
13 carrier, his or its agents or employees to operate any powered motor  
14 vehicle, as a motor carrier for hire, within this state, without the  
15 identification device issued by the ~~Commission~~ Department, ~~said the~~  
16 device to be displayed as provided by the rules of the ~~Commission~~  
17 Department.

18           SECTION 21.           AMENDATORY           47 O.S. 2011, Section 180b, is  
19 amended to read as follows:

20           Section 180b. The identification device shall be the property  
21 of the ~~Commission~~ Department at all times, and shall be subject to  
22 seizure and confiscation by the ~~Commission~~ Department for any good  
23 cause and at the will of the ~~Commission~~ Department.

24

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

3 Section 180c. The ~~Commission~~ Department may issue an order for  
4 the seizure and confiscation and return to the ~~Commission~~ Department  
5 of any identification device or devices, for any of the following  
6 reasons, and to direct ~~said~~ the order or orders to any officer of  
7 the State of Oklahoma charged with the duties of enforcing the  
8 provisions of this act and/or any other section of the motor carrier  
9 law now in force or hereinafter enacted:

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

15 2. For failure on the part of any motor carrier, his or its  
16 agents or employees to comply with any part or provision of this  
17 act, or any other act or law or part or provision thereof relative  
18 to the legal operation of a for-hire motor carrier or to obey,  
19 observe or comply with any order, decision, rule or regulation,  
20 direction, demand or requirement, or any part or provision thereof,  
21 of the ~~Commission~~ Department;

22 3. Upon the cancellation or revocation of the certificate or  
23 permit or IRC or license under which ~~said~~ the identification device  
24 or devices were issued; or

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

5 SECTION 23. AMENDATORY 47 O.S. 2011, Section 180d, is  
6 amended to read as follows:

7 Section 180d. The ~~Commission~~ Department shall have the power  
8 and authority by general order or otherwise to promulgate rules and  
9 regulations for the administration and enforcement of the provisions  
10 of ~~this act~~ Section 180 et seq. of this title or the Motor Carrier  
11 Act of 1995.

12 SECTION 24. AMENDATORY 47 O.S. 2011, Section 180e, is  
13 amended to read as follows:

14 Section 180e. The ~~Commission~~ Department, in its discretion, is  
15 authorized to provide for decals, cab cards, or other suitable  
16 methods of identification to be displayed on or carried in the truck  
17 or powered motor vehicle.

18 SECTION 25. AMENDATORY 47 O.S. 2011, Section 180f, is  
19 amended to read as follows:

20 Section 180f. The ~~Commission~~ Department is hereby authorized to  
21 purchase ~~said~~ the identification devices in sufficient amounts to  
22 supply the demand, and to purchase such other officer supplies and  
23 equipment as is necessary to administer and enforce the provisions  
24 of ~~this act~~ Section 180 et seq. of this title or the Motor Carrier

1 Act of 1995, and to pay for, or cause the same to be paid for, out  
2 of the appropriation provided therefor.

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

5 Section 180g. It shall be the duty of the ~~Commission~~ Department  
6 to provide identification devices upon written application of any  
7 authorized motor carrier.

8 Upon written application of any authorized motor carrier holding  
9 a certificate or permit or license issued by the ~~Commission~~  
10 Department, the ~~Commission~~ Department shall issue to the motor  
11 carrier a sufficient number of identification devices so that each  
12 powered vehicle owned or to be operated by the motor carrier in the  
13 state shall bear one identification device. Identification devices  
14 shall be issued on an annual basis, and applications shall be made  
15 annually on the form prescribed by the ~~Commission~~ Department, and  
16 any motor carrier operating a powered vehicle without a current  
17 identification device shall be in violation of the provisions of  
18 Sections 180 through 180m of this title or the Motor Carrier Act of  
19 1995.

20 It is hereby declared unlawful for any motor carrier, or agents  
21 or employees of any motor carrier, to use or transfer an  
22 identification device except as provided by rules of the ~~Commission~~  
23 Department.

24



1 SECTION 27. AMENDATORY 47 O.S. 2011, Section 180h, is  
2 amended to read as follows:

3 Section 180h. The ~~Corporation Commission~~ Department of Public  
4 Safety is hereby authorized to collect from applicants for motor  
5 carrier and private carrier identification devices a fee of Seven  
6 Dollars (\$7.00) for registration of each of its vehicles registered  
7 under the provisions of ~~this act~~ Section 180 et seq. of this title  
8 or the Motor Carrier Act of 1995; and the fee shall be in addition  
9 to any other fees now provided for by law for the registration of  
10 ~~said~~ the motor vehicles and shall be deposited in the State Treasury  
11 to the credit of the Trucking One-Stop Shop Fund.

12 SECTION 28. AMENDATORY 47 O.S. 2011, Section 180k, is  
13 amended to read as follows:

14 Section 180k. All records of the ~~Corporation Commission~~  
15 Department of Public Safety under ~~this act~~ Section 180 et seq. of  
16 this title shall be maintained in, and classified as all other  
17 records in the Transportation Division of the ~~Corporation Commission~~  
18 Department of Public Safety.

19 SECTION 29. AMENDATORY 47 O.S. 2011, Section 180l, is  
20 amended to read as follows:

21 Section 180l. The ~~Commission~~ Department is hereby authorized  
22 and empowered, on behalf of the State of Oklahoma, and when it shall  
23 deem it to be in the best interest of the residents of this state so  
24 to do, to enter into reciprocal compacts and agreements with other

1 states, or the authorized agencies thereof, when such states have  
2 made provisions substantially similar to this section, respecting  
3 the regulation of motor vehicles engaged in interstate or foreign  
4 commerce upon and over the public highways. And such compacts and  
5 agreements may provide for the granting, to the residents of such  
6 states, privileges substantially similar to those granted thereby to  
7 Oklahoma residents: Provided: (1) That no such compact or agreement  
8 shall supersede or suspend the operation of any law, rule or  
9 regulation of the State of Oklahoma which shall apply to vehicles  
10 operated intrastate in the State of Oklahoma; (2) That any  
11 privileges, the granting of which shall be provided by any such  
12 compact or agreement, shall extend only in cases of full compliance  
13 with the laws of the state joining in such compact or agreement; (3)  
14 That no such compact or agreement shall supersede or suspend the  
15 operation of any law of the State of Oklahoma other than those  
16 applying to the payment of fees for registration certificates or  
17 identification devices; and (4) That the powers and authority of the  
18 Oklahoma Tax Commission to administer and enforce the tax laws of  
19 this state, pertaining to the taxation of motor vehicles, shall be  
20 in no manner superseded or suspended.

21 SECTION 30. AMENDATORY 47 O.S. 2011, Section 180m, is  
22 amended to read as follows:

23 Section 180m. In addition to all other duties as provided by  
24 law, it is hereby declared to be, and shall be the duty of all

1 sheriffs, deputy sheriffs, district attorneys, ~~enforcement~~ Port of  
2 Entry officers appointed by the ~~Corporation Commission of the State~~  
3 ~~of Oklahoma~~ Department of Public Safety, and all highway patrolmen  
4 within the State of Oklahoma:

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

7 2. To apprehend and detain any motor vehicle or vehicles and  
8 driver or operator and their aides who are operating any motor  
9 vehicle, upon or along the highways of this state, for a reasonable  
10 length of time, for the purpose of investigating and determining  
11 whether such vehicle is being operated in violation of any of the  
12 provisions of Sections 180 through 180m of this title or the Motor  
13 Carrier Act of 1995;

14 3. To make arrests for the violation of the provisions of  
15 Sections 180 through 180m of this title or the Motor Carrier Act of  
16 1995, without the necessity of procuring a warrant;

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

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

23 6. To report all such arrests for violations of Sections 180  
24 through 180m of this title to the ~~Corporation Commission of Oklahoma~~

1 Department of Public Safety within ten (10) days after making such  
2 arrest and to furnish such information concerning same as the  
3 ~~Commission~~ Department may request; and

4 7. At the request of the ~~Corporation Commission~~ Department of  
5 Public Safety, to seize and confiscate any and all identification  
6 devices and to forward the same to the ~~Corporation Commission~~  
7 Department of Public Safety for cancellation.

8 SECTION 31. AMENDATORY 47 O.S. 2011, Section 230.22, is  
9 amended to read as follows:

10 Section 230.22. A. It is hereby declared that it is necessary  
11 in the public interest to regulate transportation by motor carriers  
12 and private carriers in such manner as to recognize the need to  
13 require all motor carriers and private carriers to have adequate  
14 insurance; for motor carriers and private carriers to provide  
15 service in a safe and efficient manner; and to establish that the  
16 operations of motor carriers and private carriers will not have a  
17 detrimental impact on the environment.

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

23 C. The provisions of the Motor Carrier Act of 1995, except as  
24 hereinafter specifically limited, shall apply to the transportation

1 of passengers or property by motor carriers and private carriers,  
2 except motor carriers of household goods and used emigrant movables,  
3 over public highways of this state; and the regulations of such  
4 transportation, and the procurement thereof and the provisions of  
5 facilities therefor, are hereby vested in the ~~Oklahoma Corporation~~  
6 ~~Commission~~ Department of Public Safety.

7 D. Nothing herein shall be construed to interfere with the  
8 exercise by agencies of the government of the United States of its  
9 power of regulation of interstate commerce.

10 E. The terms and provisions of the Motor Carrier Act of 1995  
11 shall apply to commerce with foreign nations, or commerce among the  
12 several states of this Union, insofar as such application may be  
13 permitted under the provisions of the Constitution of the United  
14 States and the Acts of Congress.

15 SECTION 32. AMENDATORY 47 O.S. 2011, Section 230.23, is  
16 amended to read as follows:

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

18 1. "Person" means any individual, firm, copartnership, limited  
19 partnership, corporation, limited liability corporation, company,  
20 association, or joint-stock association and includes any trustee,  
21 receiver, assignee, or personal representative thereof;

22 2. "~~Commission~~" "Department" means the ~~Oklahoma Corporation~~  
23 ~~Commission~~ Department of Public Safety;

24

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

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

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

11           6. "Motor carrier of persons or property" means any person,  
12 except a carrier of household goods or used emigrant movables,  
13 operating upon any public highway for the transportation of  
14 passengers or property for compensation or for hire or for  
15 commercial purposes, and not operating exclusively within the limits  
16 of an incorporated city or town within this state. Provided, the  
17 provisions of the Motor Carrier Act of 1995 shall not apply to the  
18 following vehicles and equipment when such vehicles and equipment  
19 are being used for the following:

20           a. taxicabs and bus companies engaged in the  
21 transportation of passengers and their baggage, not  
22 operated between two or more cities and towns, when  
23 duly licensed by a municipal corporation in which they  
24 might be doing business,

1           b. any person or governmental authority furnishing  
2           transportation for school children to and from public  
3           schools or to and from public-school-related  
4           extracurricular activities under contract with, and  
5           sponsored by, a public school board; provided, that  
6           motor vehicles and equipment operated for the purposes  
7           shall qualify in all respects for the transportation  
8           of school children under the Oklahoma School Code and  
9           the rules of the State Board of Education adopted  
10          pursuant thereto.

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

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

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

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

6 9. "Private carrier" means any person engaged in transportation  
7 upon public highways, of persons or property, or both, but not as a  
8 motor carrier, and includes any person who transports property by  
9 motor vehicle where such transportation is incidental to or in  
10 furtherance of any commercial enterprise of such person, other than  
11 transportation;

12 10. "Market" means the point at which livestock and farm  
13 products in the raw state were first delivered by the producer of  
14 the livestock and farm products in the raw state, upon the sale  
15 thereof;

16 11. "Public highway" means every public street, road or  
17 highway, or thoroughfare in this state, used by the public, whether  
18 actually dedicated to the public and accepted by the proper  
19 authorities or otherwise; and

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



1 SECTION 33. AMENDATORY 47 O.S. 2011, Section 230.24, is  
2 amended to read as follows:

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

6 1. To supervise and regulate every motor carrier whether  
7 operating between fixed termini or over a regular route ~~or otherwise~~  
8 ~~and not operating exclusively within the limits of an incorporated~~  
9 ~~city or town in this state and all private carriers operating~~  
10 ~~vehicles having a gross registered weight of greater than 26,000~~  
11 ~~pounds and not operating exclusively within the limits of an~~  
12 ~~incorporated city or town in this state~~ in this state;

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

15 3. To ensure motor carriers and private carriers are complying  
16 with the applicable size and weight laws of this state and safety  
17 requirements;

18 4. To establish there will be no detrimental environmental  
19 impact; and

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

24

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

4 C. ~~The Commission shall cooperate and coordinate with the~~  
5 ~~Oklahoma Department of Public Safety in regulating carrier safety,~~  
6 ~~size and weight regulations of motor vehicles and the transportation~~  
7 ~~of hazardous materials. The Commission may enter into interagency~~  
8 ~~agreements with the Department of Public Safety for the purpose of~~  
9 ~~implementing, administering and enforcing any provisions of the~~  
10 ~~Oklahoma Motor Carrier Safety and Hazardous Materials Transportation~~  
11 ~~Act and the rules and regulations of the Department of Public Safety~~  
12 ~~issued pursuant thereto.~~ Any license issued by the ~~Commission~~  
13 Department may be suspended or revoked due to operations conducted  
14 in violation of any laws or rules and regulations pertaining to  
15 motor carriers, private carriers, carrier safety, size and weight  
16 regulations of motor vehicles and the transportation of hazardous  
17 materials.

18 SECTION 34. AMENDATORY 47 O.S. 2011, Section 230.25, is  
19 amended to read as follows:

20 Section 230.25. A. Every motor carrier, subject to the Motor  
21 Carrier Act of 1995, receiving property for transportation in  
22 intrastate commerce shall issue a receipt or bill of lading  
23 therefor, the form of which shall be prescribed by the ~~Commission~~  
24 Department.

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

5 SECTION 35. AMENDATORY 47 O.S. 2011, Section 230.26, is  
6 amended to read as follows:

7 Section 230.26. When the ~~Commission~~ Department, upon complaint,  
8 has reason to believe that any person, motor carrier, or shipper is  
9 violating or has willfully violated any provision of the Motor  
10 Carrier Act of 1995, the ~~Commission~~ Department shall, upon its own  
11 initiative, file a contempt proceeding and set a date for the  
12 proceeding to be heard before the ~~Commission~~ Department, and upon  
13 conviction the ~~Commission~~ Department shall invoke such contempt  
14 penalties as provided herein.

15 SECTION 36. AMENDATORY 47 O.S. 2011, Section 230.27, is  
16 amended to read as follows:

17 Section 230.27. A. Upon the filing by an intrastate motor  
18 carrier or private carrier of an application for a license, the  
19 applicant shall pay to the ~~Corporation Commission~~ Department of  
20 Public Safety a filing fee in the sum of One Hundred Dollars  
21 (\$100.00) with an original or subapplication. Any valid license  
22 issued will remain in force, unless otherwise revoked by the  
23 ~~Commission~~ Department in accordance with the provisions of the Motor  
24 Carrier Act of 1995, for one (1) year from date of issuance.

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

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

9 SECTION 37. AMENDATORY 47 O.S. 2011, Section 230.28, is  
10 amended to read as follows:

11 Section 230.28. A. It shall be unlawful for any motor carrier  
12 to operate or furnish service within this state without first having  
13 obtained from the ~~Commission~~ Department a license declaring that all  
14 insurance requirements have been met and that the carrier will  
15 operate within all existing rules and state laws pertaining to  
16 safety standards, size and weight requirements and, when applicable,  
17 lawful handling and disposal of hazardous materials and deleterious  
18 substances, and will operate in such a manner as to ensure there  
19 will be no detrimental environmental impact. It shall also be  
20 unlawful for any private carrier to operate or furnish service  
21 within this state without first having obtained from the ~~Corporation~~  
22 ~~Commission~~ Department of Public Safety a license declaring that all  
23 insurance requirements have been met and that the carrier will  
24 operate within all existing rules and state laws pertaining to

1 safety standards, size and weight requirements and, when applicable,  
2 lawful handling and disposal of hazardous materials and deleterious  
3 substances, and will operate in such a manner as to ensure there  
4 will be no detrimental environmental impact. The ~~Commission~~  
5 Department shall have power, and it shall be its duty, to issue the  
6 license or set the application for hearing within thirty (30) days  
7 of the ~~Commission~~ Department determining that the application is  
8 complete. Any such hearing shall be scheduled to occur on a date  
9 within an additional forty-five (45) business days of such  
10 determination. The mere filing of an application does not authorize  
11 any person to operate as a carrier.

12 B. In granting applications for licenses, the ~~Commission~~  
13 Department shall take into consideration the reliability of the  
14 applicant; the proper equipment meeting minimum safety criteria as  
15 adequate to perform the service; and the applicant's sense of  
16 responsibility toward the public and the environment.

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

1 D. The ~~Commission~~ Department shall be authorized to exercise  
2 any additional power that may from time to time be conferred upon  
3 the state by any Act of Congress. The ~~Commission~~ Department shall  
4 adopt rules prescribing the manner and form in which motor carriers  
5 and private carriers shall apply for licenses required by the Motor  
6 Carrier Act of 1995. Among other rules adopted, the application  
7 shall be in writing and shall set forth the following facts:

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

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

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

14 SECTION 38. AMENDATORY 47 O.S. 2011, Section 230.29, is  
15 amended to read as follows:

16 Section 230.29. A. As used in this section:

17 1. "Authorized carrier" means a person or persons authorized to  
18 engage in the transportation of passengers or property as a licensed  
19 motor carrier;

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

24

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

4 4. "Lease" means a contract or arrangement in which the owner  
5 grants the use of equipment, with or without driver, for a specified  
6 period to an authorized carrier for use in the regulated  
7 transportation of passengers or property, in exchange for  
8 compensation;

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

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

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

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

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

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

22 2. The authorized carrier acquiring the use of equipment under  
23 this section shall identify the equipment in accordance with the  
24 requirements of the ~~Commission~~ Department; and

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

4           C. The written lease required pursuant to subsection B of this  
5 section shall contain the following provisions. The required lease  
6 provisions shall be adhered to and performed by the authorized  
7 carrier as follows:

8           1. The lease shall be made between the authorized carrier and  
9 the owner of the equipment. The lease shall be signed by these  
10 parties or by their authorized representatives;

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

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

18           4. The lease shall provide that the authorized carrier lessee  
19 shall have exclusive possession, control and use of the equipment  
20 for the duration of the lease. The lease shall further provide that  
21 the authorized carrier lessee shall assume complete responsibility  
22 for the operation of the equipment for the duration of the lease;



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

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 overdimension 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 the lessor,  
8 regardless of method of compensation, to examine copies of the  
9 documentation of the carrier upon which charges are assessed;

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

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

21 11. As it relates to insurance:

22 a. the lease shall clearly specify the legal obligation  
23 of the authorized carrier to maintain insurance  
24 coverage for the protection of the public, and

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

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

16           D.  The provisions of this section shall apply to the leasing of  
17           equipment with which to perform transportation regulated by the  
18           ~~Corporation Commission~~ Department of Public Safety by motor carriers  
19           holding a license from the ~~Commission~~ Department to transport  
20           passengers or property.

21           SECTION 39.        AMENDATORY        47 O.S. 2011, Section 230.30, is  
22           amended to read as follows:

23           Section 230.30.  A.  No license shall be issued by the  
24           ~~Commission~~ Department to any carrier until after the carrier shall

1 have filed with the ~~Commission~~ Department a liability insurance  
2 policy or bond covering public liability and property damage, issued  
3 by some insurance or bonding company or insurance carrier authorized  
4 pursuant to this section and which has complied with all of the  
5 requirements of the ~~Commission~~ Department, which bond or policy  
6 shall be approved by the ~~Commission~~ Department, and shall be in a  
7 sum and amount as fixed by a proper order of the ~~Commission~~  
8 Department; and the liability and property damage insurance policy  
9 or bond shall bind the obligor thereunder to make compensation for  
10 injuries to, or death of, persons, and loss or damage to property,  
11 resulting from the operation of any carrier for which the carrier is  
12 legally liable. A copy of the policy or bond shall be filed with  
13 the ~~Commission~~ Department, and, after judgment against the carrier  
14 for any damage, the injured party may maintain an action upon the  
15 policy or bond to recover the same, and shall be a proper party to  
16 maintain such action.

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

1 filed with the ~~Commission~~ Department prior to a license being issued  
2 by the ~~Commission~~ Department, unless the motor carrier has been  
3 exempted from this requirement.

4 Intrastate motor carriers of sand, rock, gravel, asphaltic  
5 mixtures or other similar road building materials shall not be  
6 required to file cargo insurance and shall be required to maintain  
7 liability insurance limits of Three Hundred Fifty Thousand Dollars  
8 (\$350,000.00) combined single limit.

9 No carrier, whose principal place of business is in Oklahoma,  
10 shall conduct any operations in this state unless the operations are  
11 covered by a valid primary bond or insurance policy issued by a  
12 provider authorized or approved by the State Insurance Commissioner.  
13 No carrier shall conduct any operations in this state unless the  
14 operations are covered by a valid bond or insurance policy issued by  
15 a provider authorized and approved by a National Association of  
16 Insurance Commissioners and certified by the State Insurance  
17 Commission.

18 C. Each carrier shall maintain on file, in full force, all  
19 insurance required by the laws of this state and the rules of the  
20 ~~Commission~~ Department during the operation of the carrier and that  
21 the failure for any cause to maintain the coverage in full force and  
22 effect shall immediately, without any notice from the ~~Commission~~  
23 Department, suspend the rights of the carrier to operate until  
24 proper insurance is provided. Any carrier suspended for failure to

1 maintain proper insurance shall have a reasonable time, not  
2 exceeding sixty (60) days, to have its license reactivated, and to  
3 provide proper insurance upon showing:

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

6 2. Furnishing of proper insurance coverage.

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

18 E. The ~~Commission~~ Department shall, in its discretion, permit  
19 the filing of certificates of insurance coverage or 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, will, 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 40. AMENDATORY 47 O.S. 2011, Section 230.31, is  
7 amended to read as follows:

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

12 B. Any person who willfully advertises to perform  
13 transportation services for which the person does not hold a license  
14 shall be in violation of the Motor Carrier Act of 1995 and subject  
15 to the penalties prescribed for contempt of the ~~Commission~~  
16 Department.

17 C. All licenses issued by the ~~Commission~~ Department under any  
18 law of the state relating to motor carriers or private carriers  
19 shall contain the provision that the ~~Commission~~ Department reserves  
20 to itself authority to suspend or cancel any such license for the  
21 violation, on the part of the applicant or any operator or operators  
22 of any motor vehicle to be operated thereunder, of any law of this  
23 state or any rule adopted by the ~~Commission~~ Department.

1 D. Licenses shall be considered personal to the holder of the  
2 license and shall be issued only to some definite legal entity  
3 operating motor vehicles as a motor carrier or private carrier, and  
4 shall not be subject to lease, nor shall the holder of the license  
5 sublet or permit the exercise, by another, of the rights or  
6 privileges granted under the license.

7 SECTION 41. AMENDATORY 47 O.S. 2011, Section 230.32, is  
8 amended to read as follows:

9 Section 230.32. The ~~Commission~~ Department shall have the power  
10 and authority by general order or otherwise to promulgate rules and  
11 regulations for the administration and enforcement of the provisions  
12 of the Motor Carrier Act of 1995.

13 SECTION 42. AMENDATORY 47 O.S. 2011, Section 230.34a, is  
14 amended to read as follows:

15 Section 230.34a. A. Any person, firm, partnership, limited  
16 liability company, or corporation owning or possessing a vehicle and  
17 required to register the vehicle under the laws of this state for  
18 the purpose of transporting farm products in a raw state may receive  
19 a harvest permit from the ~~Oklahoma Corporation Commission~~ Department  
20 of Public Safety.

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



1 C. Each permit shall be valid for a period of thirty (30) or  
2 sixty (60) days. The permit shall identify the time and date of its  
3 issuance and shall additionally reflect its effective and expiration  
4 dates.

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

8 1. Owner of the vehicle;

9 2. Vehicle registrant;

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

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

17 E. There shall be a fee of Twenty Dollars (\$20.00) per axle for  
18 a thirty-day permit or Thirty-five Dollars (\$35.00) per axle for a  
19 sixty-day permit, for each vehicle registered pursuant to the Motor  
20 Carrier Harvest Permit Act of 2006. Revenue derived from this fee  
21 shall be apportioned as follows:

22 1. One-half (1/2) of the revenue shall be deposited in the  
23 Weigh Station Improvement Revolving Fund as set forth in Section  
24 1167 of Title 47 of the Oklahoma Statutes; and

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

4           F. A harvest permit may be extended in fifteen-day increments.  
5 The permit holder shall be required to pay the additional prorated  
6 portion of the tag fee at Eight Dollars and seventy-five cents  
7 (\$8.75) per axle per fifteen-day extension.

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

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

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

24

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

7 K. The ~~Corporation Commission~~ Department of Public Safety may  
8 promulgate rules to administer the provisions of the Motor Carrier  
9 Harvest Permit Act of 2006.

10 SECTION 43. AMENDATORY 47 O.S. 2011, Section 230.6, as  
11 last amended by Section 8, Chapter 259, O.S.L. 2013 (47 O.S. Supp.  
12 2017, Section 230.6), is amended to read as follows:

13 Section 230.6. A. No person prohibited from operating a  
14 commercial vehicle shall operate such commercial motor vehicle, nor  
15 shall any person authorize or require a person who has been  
16 prohibited from such operation of a motor vehicle to operate a  
17 commercial motor vehicle.

18 B. No person shall operate, authorize to operate, or require  
19 the operation of any vehicle or the use of any container when the  
20 person has been placed out-of-service or the vehicle or container  
21 has been marked out-of-service until all requirements of the out-of-  
22 service order of the person have been met or all required  
23 corrections for the vehicle or container have been made; provided,  
24

1 upon approval of the Department, the vehicle or container may be  
2 moved to another location for the purpose of repair or correction.

3 C. No person shall remove an out-of-service marking from a  
4 transport vehicle or container unless all required corrections have  
5 been made and the vehicle or container has been inspected and  
6 approved by an authorized officer, employee, or agent of the  
7 Department. No person shall return to duty unless all requirements  
8 of the out-of-service order have been met and the person has been  
9 approved to return to duty by an authorized officer, employee or  
10 agent of the Department.

11 D. No employer shall knowingly allow, require, permit or  
12 authorize an employee to operate a commercial motor vehicle:

13 1. During any period in which the employee:

- 14 a. has had driving privileges to operate a commercial  
15 motor vehicle suspended, revoked, canceled, denied or  
16 disqualified,
- 17 b. has had driving privileges to operate a commercial  
18 motor vehicle disqualified,
- 19 c. is not licensed to operate a commercial motor vehicle;  
20 provided, this subparagraph shall not apply to any  
21 person who is the holder of a valid commercial learner  
22 permit issued by the Department in conjunction with a  
23 Class D driver license,

24

1           d.    has more than one commercial driver license; provided,  
2                    this subparagraph shall not apply to any person who is  
3                    the holder of a valid commercial learner permit issued  
4                    by the Department in conjunction with a Class A, B or  
5                    C driver license,

6           e.    does not have the proper class or endorsements on the  
7                    driver license or commercial learner permit, or

8           f.    is in violation of any restriction on the driver  
9                    license or commercial learner permit;

10           2.    During any period in which the employee, the commercial  
11 motor vehicle which the employee is operating, the motor carrier  
12 business or operation, or the employer is subject to an out-of-  
13 service order; or

14           3.    In violation:

15           a.    of a federal, state, or local law, regulation, or  
16                    ordinance pertaining to railroad-highway grade  
17                    crossings, or

18           b.    of any restriction on the driver license or commercial  
19                    learner permit of the employee.

20           E.    An employer who is determined by the Commissioner to have  
21 committed a violation of subsection D of this section shall be  
22 subject to an administrative penalty of not less than Two Thousand  
23 Seven Hundred Fifty Dollars (\$2,750.00) nor more than Twenty-five  
24 Thousand Dollars (\$25,000.00).

1        F. A determination by the Commissioner by issuance of a Notice  
2 of Claim that a violation of any provision of this section shall be  
3 a conviction for purposes of paragraph 2 of subsection A and  
4 subsection G of Section 6-205.2 of this title, twenty-five (25) days  
5 after issuance, unless dismissed by order following an  
6 administrative hearing. The conviction shall be reported to CDLIS  
7 in accordance with Section 18-101 of this title.

8        G. An employee who is determined by the Commissioner to have  
9 committed a violation of any provision of this section shall be  
10 subject to an administrative penalty of not less than Two Thousand  
11 Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars  
12 (\$5,000.00).

13        H. For any violation of any provision of this section  
14 identified during a Compliance Review/Investigation the  
15 administrative penalty amount shall be in accordance with federal  
16 regulations and determined by utilizing the Uniform Fine Assessment  
17 (UFA) software and any successor software now or hereafter used by  
18 the Federal Motor Carrier Safety Administration. This will ensure  
19 that the penalties promote prompt and sustained compliance, as well  
20 as promoting uniformity and consistency in the assessment of civil  
21 penalties.

22        SECTION 44.        AMENDATORY        47 O.S. 2011, Section 230.9, as  
23 amended by Section 13, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2017,  
24 Section 230.9), is amended to read as follows:

1 Section 230.9. A. The transportation of any property in  
2 commerce, including hazardous materials or the transportation of  
3 passengers for compensation or for hire by bus, that is not in  
4 compliance with the Oklahoma Motor Carrier Safety and Hazardous  
5 Materials Transportation Act or the rules issued pursuant thereto,  
6 is prohibited.

7 B. Pursuant to the provisions of this section and except as  
8 otherwise provided by subsection D and E of this section, any person  
9 who is determined by the Commissioner of Public Safety to have  
10 committed:

11 1. An act which is a violation of a recordkeeping requirement  
12 of this title or of any rule or regulation promulgated thereto or  
13 the Federal Motor Carrier Safety Act of 1984, such person shall be  
14 liable to the State of Oklahoma for an administrative penalty not to  
15 exceed One Hundred Dollars (\$100.00) for each offense, provided that  
16 the total of all administrative penalties assessed against any  
17 violator pursuant to this paragraph for all offenses related to any  
18 single violation shall not exceed Five Hundred Dollars (\$500.00);

19 2. An act or acts other than recordkeeping requirements, which  
20 evidences a serious pattern of safety violations, as determined by  
21 the Commissioner, such person shall be liable to the State of  
22 Oklahoma for an administrative penalty not to exceed Two Hundred  
23 Dollars (\$200.00) for each offense, provided the maximum fine for  
24 each pattern of safety violations shall not exceed One Thousand

1 Dollars (\$1,000.00). The Commissioner may consider present and  
2 prior offenses in determining a serious pattern of safety  
3 violations; or

4 3. An act or acts which evidences to the Commissioner, that a  
5 substantial health or safety violation exists or has occurred which  
6 could reasonably lead to or has resulted in serious personal injury  
7 or death, such person shall be liable to the State of Oklahoma for  
8 an administrative penalty not to exceed One Thousand Dollars  
9 (\$1,000.00) for each offense.

10 C. Each day of violation as specified in subsection B of this  
11 section shall constitute a separate single violation/offense.

12 D. Except for recordkeeping violations, no administrative  
13 penalty shall be assessed pursuant to the provisions of this  
14 section, against an employee of any person subject to the provisions  
15 of the Oklahoma Motor Carrier Safety and Hazardous Materials  
16 Transportation Act for a violation unless the Commissioner  
17 determines that such actions of the employee constituted gross  
18 negligence or reckless disregard for safety in which case such  
19 employee shall be liable for an administrative penalty not to exceed  
20 One Thousand Dollars (\$1,000.00).

21 E. For violations identified during a Compliance  
22 Review/Investigation the administrative penalty amount shall be in  
23 accordance with federal regulations and determined by utilizing the  
24 Uniform Fine Assessment (UFA) software and any successor software



1 now or hereafter used by the Federal Motor Carrier Safety  
2 Administration. This will ensure that the penalties promote prompt  
3 and sustained compliance, as well as promoting uniformity and  
4 consistency in the assessment of civil penalties.

5 F. In determining the amount of any administrative penalty ~~and~~  
6 ~~the reasonable amount of time for abatement of the violation,~~ the  
7 Commissioner shall include, but not be limited to, consideration of  
8 the nature of the violation, circumstances ~~and~~ of the violation,  
9 extent of the violation, gravity of the violation, ~~and with respect~~  
10 ~~to the person found to have committed the violation, the degree of~~  
11 culpability, history of prior offenses, effect on ability to  
12 continue to do business and such other matters as justice and public  
13 safety may require. In each case, the penalty shall be calculated  
14 to induce further compliance.

15 ~~F.~~ G. The Commissioner or his designated representative shall  
16 assess the amount of any administrative penalty, after notice and an  
17 opportunity for hearing, by written notice to the violator together  
18 with notice of findings in the case. An appeal therefrom may be  
19 made to the district court of Oklahoma County pursuant to the  
20 provisions of Sections 318 through 323 of Title 75 of the Oklahoma  
21 Statutes.

22 ~~G.~~ H. An administrative penalty assessed by the Commissioner  
23 may be recovered:  
24

1           1. In an action brought by the Attorney General on behalf of  
2 the State of Oklahoma. However, before referral to the Attorney  
3 General, the administrative penalty may be compromised by the  
4 Commissioner;

5           2. By the Commissioner in the appropriate district court of the  
6 State of Oklahoma; ~~or~~

7           3. By the Commissioner in an administrative hearing conducted  
8 by the Department of Public Safety;

9           4. The Department may file an itemization of unpaid  
10 administrative penalties, fees, and charges with the Oklahoma Tax  
11 Commission for collection at the time of registration of the  
12 vehicle. The Oklahoma Tax Commission shall not issue or renew a  
13 vehicles registration upon receipt of an itemization of unpaid  
14 administrative penalties, fees, and charges from the Department,  
15 until paid;

16           5. The State Agency granted with the authority to issue  
17 intrastate operating authority shall suspend the operating authority  
18 of any intrastate carrier who fails to pay the administrative  
19 penalties, fees, and charges imposed by the Department, until paid;  
20 and

21           6. The Department may deny issuance of documentation needed for  
22 operation of a commercial motor vehicle, including but not limited  
23 to permits, certificates, and contracts, when an entity or person  
24 has unpaid administrative penalties, fees, or charges, until paid.

1        I. The operating authority of any intrastate carrier on the  
2 sixty-first day after the date of a notice of proposed  
3 "unsatisfactory" safety rating issued by the Department following a  
4 Compliance Review/Investigation, the Department shall issue an order  
5 placing the carrier out-of-service. The Department shall use the  
6 FMCSA safety rating methodology. The out-of-service  
7 order/suspension of operating authority shall remain in place until  
8 the Department determines that the carrier is fit.

9        J. The State Agency granted with the authority to issue  
10 intrastate operating authority shall suspend the operating authority  
11 of any intrastate carrier who receives an "unsatisfactory" rating  
12 and the carrier is placed out-of-service, following a Compliance  
13 Review/Investigation conducted by the Department or who fails to  
14 allow a Compliance Review/Investigation.

15        K. If a motor carrier is found to be operating any vehicle  
16 while operating authority is suspended, in violation of an out-of-  
17 service order or with past due administrative penalties, fees, and  
18 charges owed to the Department, the Department may hold the vehicle  
19 until cleared.

20        ~~H.~~ L. The first One Hundred Thousand Dollars (\$100,000.00) of  
21 the administrative penalties collected each fiscal year pursuant to  
22 the provisions of the Oklahoma Motor Carrier Safety and Hazardous  
23 Materials Transportation Act shall be deposited in the General  
24 Revenue Fund of the State of Oklahoma. All other monies collected

1 in excess of One Hundred Thousand Dollars (\$100,000.00) each fiscal  
2 year shall be deposited to the credit of the Department of Public  
3 Safety Restricted Revolving Fund for the purpose of administering  
4 the Oklahoma Motor Carrier Safety and Hazardous Materials  
5 Transportation Act.

6 SECTION 45. AMENDATORY 47 O.S. 2011, Section 1120.1, is  
7 amended to read as follows:

8 Section 1120.1. A. The ~~Corporation Commission~~ Department of  
9 Public Safety, when in the interest of the State of Oklahoma and its  
10 residents, may enter into the International Registration Plan or  
11 other compacts or agreements with other states to permit motor  
12 vehicle registration and license taxes on any motor vehicle to be  
13 used as a rental motor vehicle as defined in the International  
14 Registration Plan.

15 B. The Tax Commission or ~~Corporation Commission~~ Department of  
16 Public Safety, as applicable, shall require that each rental motor  
17 vehicle be assessed the following registration fees in lieu of the  
18 fee schedule set forth in Section 1132 of this title:

19 1. A fee of Fifteen Dollars (\$15.00) shall be assessed for the  
20 first year of registration in this or any other state; and

21 2. A fee of Ten Dollars (\$10.00) shall be assessed in the first  
22 year and each subsequent year of registration in this or any other  
23 state.

24

1 C. Upon registration and payment of the fees required by this  
2 section, the owner shall receive a license plate which shall be  
3 valid until the vehicle is permanently withdrawn from the rental  
4 fleet of the owner.

5 SECTION 46. AMENDATORY 47 O.S. 2011, Section 1167, as  
6 last amended by Section 1, Chapter 373, O.S.L. 2016 (47 O.S. Supp.  
7 2017, Section 1167), is amended to read as follows:

8 Section 1167. A. The ~~Corporation Commission~~ Department of  
9 Public Safety is hereby authorized to promulgate rules pursuant to  
10 the Administrative Procedures Act to establish the amounts of fees,  
11 fines and penalties as set forth in Section 1166 et seq. of this  
12 title. The ~~Corporation Commission~~ Department of Public Safety shall  
13 notify all interested parties of any proposed rules to be  
14 promulgated as provided herein and shall provide such parties an  
15 opportunity to be heard prior to promulgation.

16 B. The ~~Corporation Commission~~ Department of Public Safety shall  
17 adjudicate enforcement actions initiated by ~~Corporation Commission~~  
18 Department of Public Safety personnel.

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

23 1. ~~For~~ for the period beginning August 23, 2013, the first  
24 ~~Three Hundred Thousand Dollars (\$300,000.00) collected or received~~

1 ~~each fiscal year shall be remitted to the Department of Public~~  
2 ~~Safety for the purpose of staffing the port of entry weigh stations~~  
3 ~~to conduct safety inspections. The next~~ Five Hundred Fifty Thousand  
4 Dollars (\$550,000.00) shall be remitted to the Oklahoma Tax  
5 Commission and apportioned as provided in Section 1104 of this  
6 title; ~~and.~~

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

9 D. There is hereby created in the State Treasury a revolving  
10 fund for the ~~Corporation Commission~~ Department of Transportation to  
11 be known and designated as the "Trucking One-Stop Shop Fund". The  
12 Trucking One-Stop Shop Fund shall consist of:

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

15 2. Fees collected by the ~~Commission~~ Department of Public Safety  
16 to be retained as a motor license agent or other ~~Corporation~~  
17 ~~Commission~~ Department of Public Safety registration or motor fuel  
18 fees as allowed by statute or rule; and

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

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

1 Expenditures from the revolving fund shall be made pursuant to the  
2 laws of this state. ~~In addition, expenditures from the revolving~~  
3 ~~fund may be made pursuant to The Oklahoma Central Purchasing Act for~~  
4 ~~the purpose of immediately responding to emergency situations,~~  
5 ~~within the Commission's jurisdiction, having potentially critical~~  
6 ~~environmental or public safety impact. Warrants for expenditures~~  
7 ~~from the fund shall be drawn by the State Treasurer against claims~~  
8 ~~filed as prescribed by law with the Director of the Office of~~  
9 ~~Management and Enterprise Services for approval and payment.~~

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

23

24

1 SECTION 47. AMENDATORY 47 O.S. 2011, Section 1168, as  
2 amended by Section 205, Chapter 304, O.S.L. 2012 (47 O.S. Supp.  
3 2017, Section 1168), is amended to read as follows:

4 Section 1168. All facilities and equipment under the  
5 administrative control of the Oklahoma Tax Commission and used for  
6 determining the weight of vehicles operated on the roads or highways  
7 of this state are hereby transferred to the Department of  
8 Transportation. Any funds appropriated to or any powers, duties and  
9 responsibilities exercised by the Tax Commission for such purpose  
10 shall be transferred to the Department. The Director of the Office  
11 of Management and Enterprise Services is hereby authorized to  
12 transfer such funds as may be necessary. The Department of of  
13 Transportation is hereby authorized to enter into an agreement with  
14 the ~~Corporation Commission~~ Department of Public Safety to operate  
15 such facilities or equipment. The provisions of this section shall  
16 not be construed to obligate the Department to incur expenses in  
17 connection with the administration of such facilities and equipment  
18 in an amount which exceeds deposits to the Weigh Station Improvement  
19 Revolving Fund.

20 SECTION 48. AMENDATORY 47 O.S. 2011, Section 1169, is  
21 amended to read as follows:

22 Section 1169. A. The ~~Corporation Commission~~ Department of  
23 Public Safety is authorized to revoke, suspend or deny the issuance,  
24 extension or reinstatement of any ~~Corporation Commission~~ Department



1 of Public Safety issued motor carrier or commercial motor vehicle  
2 license, permit, registration, certificate or duplicate copy thereof  
3 issued pursuant to the jurisdiction of the ~~Corporation Commission~~  
4 Department of Public Safety, to any person who shall be guilty of:

5 1. Violation of any of the provisions of applicable state law;  
6 2. Violation of rules promulgated by the ~~Corporation Commission~~  
7 Department of Public Safety;

8 3. Failure to observe or fulfill the conditions upon which the  
9 license, permit, registration or certificate was issued;

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

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

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

21 C. The ~~Corporation Commission~~ Department of Public Safety shall  
22 promulgate rules setting forth the revocation, suspension or denial  
23 of a motor carrier or commercial motor vehicle certificate,  
24 registration, license or permit issued pursuant to the jurisdiction

1 of the ~~Corporation Commission~~ Department of Public Safety. The  
2 ~~Corporation Commission~~ Department of Public Safety shall  
3 additionally promulgate rules allowing for the collection and  
4 remittance of financial liabilities owed by a motor carrier,  
5 registrant, licensee or permittee to a state or province  
6 participating with the ~~Corporation Commission~~ Department of Public  
7 Safety in a uniform base state program or to another state agency.

8 D. Upon the revocation or expiration of any motor carrier or  
9 commercial motor vehicle license, permit, registration or  
10 certificate issued pursuant to the jurisdiction of the ~~Corporation~~  
11 ~~Commission~~ Department of Public Safety, all accrued taxes, fees and  
12 penalties due and payable under the terms of state law, rules or  
13 order imposing or levying such tax, fee or penalty shall become due  
14 and payable concurrently upon the revocation or expiration of the  
15 license, permit, registration or certificate and the licensee,  
16 permittee, registrant or certificate holder shall forthwith make a  
17 report covering the period of time not covered by preceding reports  
18 filed by ~~said~~ the person and ending with the date of the revocation  
19 or expiration and shall pay all such taxes, fees or penalties owed.

20 E. No person shall knowingly, or intentionally, present an  
21 altered or fraudulent credential or document to the ~~Corporation~~  
22 ~~Commission~~ Department of Public Safety or to any duly authorized  
23 peace officer. Any person or persons violating the provisions of  
24 this subsection shall be found guilty of contempt of the ~~Commission~~

1 Department and shall, upon conviction thereof, be punished by a fine  
2 of not more than Two Thousand Dollars (\$2,000.00) for each offense.

3 SECTION 49. AMENDATORY Section 2, Chapter 262, O.S.L.  
4 2012 (47 O.S. Supp. 2017, Section 1201), is amended to read as  
5 follows:

6 Section 1201. As used in the Oklahoma Weigh Station Act of  
7 2012:

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

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

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

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

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

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

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

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

7 SECTION 50. AMENDATORY Section 3, Chapter 262, O.S.L.  
8 2012, as last amended by Section 2, Chapter 373, O.S.L. 2016 (47  
9 O.S. Supp. 2017, Section 1202), is amended to read as follows:

10 Section 1202. A. The Department of Transportation, the  
11 Oklahoma Turnpike Authority and the ~~Corporation Commission~~  
12 Department of Public Safety may enter into interagency agreements  
13 concerning the equipment, maintenance and operations of fixed  
14 facilities. From July 1, 2018, to June 30, 2019, the Department of  
15 Transportation and the Corporation Commission may enter into  
16 interagency agreements concerning the equipment, maintenance and  
17 operations of fixed facilities.

18 B. The Department of Transportation, the Authority and the  
19 ~~Commission~~ Department shall endeavor to electronically upgrade weigh  
20 stations as practical to minimize the duplication of inspections for  
21 compliant commercial motor vehicles and motor carriers.

22 C. ~~The Commission~~ Effective July 1, 2019, all powers, duties  
23 and responsibilities exercised by the International Registration  
24 Plan Section, the International Fuel Tax Agreement, the Unified

1 Carrier Registration program, and the administration of trip  
2 permits, temporary fuel permits and harvest permits shall be  
3 transferred from the Corporation Commission to the Department of  
4 Public Safety.

5 D. Beginning July 1, 2019, the Department shall operate all  
6 current and future ports of entry weigh stations eighteen (18) to  
7 twenty (20) hours a day and seven (7) days a week upon the  
8 availability of funds.

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

13 ~~E. When a fixed facility is located in the general area,~~  
14 ~~Commission motor carrier and commercial motor vehicle enforcement~~  
15 ~~shall be limited to the fixed facility and a radius surrounding the~~  
16 ~~facility. If the fixed facility is a weigh station as defined in~~  
17 ~~Section 1201 of this title, the applicable radius shall be seven (7)~~  
18 ~~miles. If the fixed facility is a port of entry weigh station as~~  
19 ~~defined in Section 1201 of this title, the applicable radius shall~~  
20 ~~be twenty-five (25) miles.~~

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

23 ~~G. The Commission is authorized to conduct audits, reviews,~~  
24 ~~investigations, inspections or other enforcement actions by~~

1 ~~enforcement officers provided those activities are within the scope~~  
2 ~~of the Commission's jurisdiction and are not conducted as roadside~~  
3 ~~enforcement in accordance with the provisions of the Oklahoma Weigh~~  
4 ~~Station Act of 2012.~~

5 H. E. The ~~Commission~~ Department may enter into interagency  
6 cooperative agreements with other state or federal agencies to  
7 jointly enforce federal and state laws or rules.

8 ~~I. F.~~ F. North American Standard Inspections shall be conducted  
9 only by individuals holding certification in the level or  
10 classification of inspection being conducted.

11 SECTION 51. AMENDATORY Section 4, Chapter 262, O.S.L.  
12 2012 (47 O.S. Supp. 2017, Section 1203), is amended to read as  
13 follows:

14 Section 1203. A. A commercial motor vehicle, its driver or a  
15 motor carrier may not be cited for the same violation of motor  
16 carrier or commercial motor vehicle requirements on the same date by  
17 any Oklahoma officer, provided neither the vehicle configuration nor  
18 the load have changed. This subsection is not applicable to a  
19 Commercial Vehicle Safety Alliance out-of-service violation.

20 B. The ~~Corporation Commission and the~~ Department of Public  
21 Safety or other state or local agencies may enter into interagency  
22 agreements to share information electronically to facilitate this  
23 section.

24

1 SECTION 52. REPEALER 47 O.S. 2011, Sections 171 and  
2 172.1, are hereby repealed.

3 Passed the Senate the 13th day of March, 2018.

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\_\_\_\_\_  
Presiding Officer of the Senate

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7 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
8 2018.

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Presiding Officer of the House  
of Representatives

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