

1 **SENATE FLOOR VERSION**

2 February 14, 2017

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 203

6 By: Allen

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 14-111, as amended by Section 2,
9 Chapter 249, O.S.L. 2012 (47 O.S. Supp. 2016, Section
10 14-111), which relates to weighing vehicles;
11 modifying certain authority to stop and weigh
12 vehicles; requiring certain adherence to scope of
13 authority and standards for size and weight
14 enforcement; providing an effective date; and
15 declaring an emergency.

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

17 SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-111, as
18 amended by Section 2, Chapter 249, O.S.L. 2012 (47 O.S. Supp. 2016,
19 Section 14-111), is amended to read as follows:

20 Section 14-111. A. Any officer of the Department of Public
21 Safety, ~~the Corporation Commission, any sheriff, or any salaried~~
22 ~~deputy sheriff~~ is authorized to stop any vehicle upon any road or
23 highway, and any sheriff trained by the Size and Weight Division of
24 the Department of Public Safety is authorized to stop and weigh any
vehicle with a scale certified by the Department of Public Safety
upon any county road, in order to weigh such vehicle by means of

1 portable or stationary scales, or cause the same to be weighed by
2 any official weigher, or upon any privately owned scales and may
3 require that such vehicles be driven to the nearest or most
4 convenient available scales for the purpose of weighing. Any
5 officer weighing a vehicle pursuant to this section by means of
6 portable scales shall allow the driver of the vehicle to move the
7 vehicle to the most level weighing area available within two (2)
8 miles of the stop. In the event that any axle weight or the gross
9 weight of any such vehicle be found to exceed the maximum weight
10 authorized by law, or by permit issued therefor, the officer may
11 require, in the case of separable loads, the driver, operator or
12 owner thereof to unload at the site such portion of the load as may
13 be necessary to decrease the weight of such vehicle to the maximum
14 weight authorized by law. Provided, however, that if such load
15 consists of livestock, perishable merchandise, or merchandise that
16 may be destroyed by the weather, then the driver shall be permitted
17 to proceed to the nearest practical unloading point in the direction
18 of destination before discharging such excess cargo. All material
19 so unloaded shall be cared for by the owner or operator of such
20 vehicle at the risk of such owner or operator. The sheriff
21 department receiving training and/or scale certification shall be
22 charged by and pay to the Department of Public Safety for the
23 training and scale certification.
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1 B. The operator of any truck or other vehicle transporting farm
2 products for hire or other merchandise for hire shall have in his or
3 her possession a certificate carrying the following information:
4 name of the operator; driver license number; vehicle registration
5 number; Corporation Commission permit number; and statement of owner
6 authorizing transportation of the products by above-named operator.
7 For the purposes of this section "certificate" includes electronic
8 manifests and other similar documents that include all of the
9 information required pursuant to this section.

10 Should the vehicle be loaded with livestock, the certificate
11 shall include the number of animals, and should the livestock be the
12 property of more than one person, a certificate signed by each owner
13 carrying the above information including the number of animals owned
14 by each owner shall be carried by the operator. Should the operator
15 be the owner of the merchandise or livestock, the merchandise or
16 livestock having just been purchased, the operator shall have in his
17 or her possession a bill of sale for such merchandise or livestock.
18 Should the operator be the owner of livestock or other farm products
19 produced by the operator, the operator shall be required to show
20 satisfactory identification and ownership of the vehicle. Any
21 officer ~~as outlined in this chapter~~ shall have the authority to stop
22 any vehicle loaded with livestock, merchandise or other farm
23 products and investigate as to the ownership of the merchandise,
24 livestock or other farm products. Should the operator of any

1 vehicle be unable to establish to the satisfaction of the officer
2 the ownership of the merchandise, livestock or other products, or
3 shall not have the certificate as specified in this section for the
4 transportation of such merchandise, livestock or other farm
5 products, the merchandise, livestock or other farm products and the
6 vehicle in which they are being transported shall be impounded by
7 the officer and any expense as to the care of any livestock shall be
8 the responsibility of the owner or operator of the vehicle, and any
9 loss or damage of the merchandise, livestock or other farm products
10 shall be the responsibility of the operator or owner, or both.

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

14 SECTION 2. This act shall become effective July 1, 2017.

15 SECTION 3. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

19 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION
20 February 14, 2017 - DO PASS AS AMENDED
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