

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 405

By: Paxton

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5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2011, Section 230.15, as amended by Section 1,  
9 Chapter 182, O.S.L. 2016 (47 O.S. Supp. 2018, Section  
10 230.15), which relates to driving hours; modifying  
allowable hours; deleting certain prohibition;  
11 updating statutory references; and providing an  
effective date.

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

13 SECTION 1. AMENDATORY 47 O.S. 2011, Section 230.15, as  
14 amended by Section 1, Chapter 182, O.S.L. 2016 (47 O.S. Supp. 2018,  
15 Section 230.15), is amended to read as follows:

16 Section 230.15. A. Whenever the Department of Public Safety  
17 has determined that any person who is regulated as a motor carrier  
18 pursuant to Sections 166 through 180m of this title has violated any  
19 provision of the Oklahoma Motor Carrier Safety and Hazardous  
20 Materials Transportation Act or any rule promulgated thereto, the  
21 Department of Public Safety shall report such violations to the  
22 Corporation Commission for the purposes of determining if such  
23 person has violated any provisions of the permit or certificate  
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1 issued by the Commission pursuant to any provision of Sections 166  
2 through 180m of this title or of any rule promulgated thereto.

3 B. Every motor carrier subject to this section shall maintain  
4 liability and property damage insurance covering each motor vehicle  
5 operated by the motor carrier and file proof of that insurance with  
6 the Oklahoma Corporation Commission. The Commission shall set the  
7 amount of necessary insurance for the transportation of all  
8 commodities other than hazardous materials. The Commission may  
9 allow a motor carrier to meet its liability and property damage  
10 insurance requirements through self-insurance if the motor carrier  
11 has adequate financial assets to assume liability and is in  
12 substantial compliance with all motor carrier safety regulations  
13 adopted by the Department. Any person who transports or who causes  
14 the transportation of any hazardous material shall be required to  
15 comply with the financial responsibility requirements specified by  
16 the federal motor carrier safety regulations and the hazardous  
17 materials regulations of the United States Department of  
18 Transportation provided that in no event shall the financial  
19 responsibility requirement exceed One Million Dollars  
20 (\$1,000,000.00) except as otherwise specifically required by federal  
21 law, or any federal rule or regulation promulgated thereto.

22 C. Any person who causes or requires any person subject to the  
23 provisions of the Oklahoma Motor Carrier Safety and Hazardous  
24 Materials Transportation Act to drive at a speed or carry a load in

1 excess of those authorized by law pursuant to the Oklahoma Motor  
2 Carrier Safety and Hazardous Materials Transportation Act shall be  
3 subject to the administrative penalties pursuant to the provisions  
4 of ~~this act~~ Section 230.1 et seq. of this title.

5 D. In adopting rules pursuant to the provisions of ~~this act~~  
6 Section 230.1 et seq. of this title, the Department of Public Safety  
7 shall establish limitations on driving hours for motor vehicles  
8 subject thereto that are consistent with the hours of service  
9 requirements adopted by the United States Department of  
10 Transportation in the applicable part of Title 49 of the Code of  
11 Federal Regulations, as those regulations now exist or are hereafter  
12 amended. Driving hours and on-duty status shall not begin following  
13 less than ~~eight (8)~~ ten (10) consecutive hours off duty. Drivers  
14 shall be regulated from the time a driver first reports for duty for  
15 any employer. The rules adopted pursuant to this section shall  
16 establish the following ~~exceptions~~ exception:

17 ~~1.~~ The maximum driving time within a work period is twelve (12)  
18 hours if the vehicle is engaged solely in intrastate commerce and is  
19 not transporting hazardous materials as defined by regulations of  
20 the United States Department of Transportation in the applicable  
21 section of Title 49 of the Code of Federal Regulations, as that  
22 section now exists or is hereafter amended; except in the event of  
23 an emergency and upon notification of the nearest Oklahoma Highway  
24 Patrol troop headquarters of the Department of Public Safety, the

1 Commissioner or his designated agent shall declare an emergency and  
2 there shall be no hour restrictions for rural electric cooperatives,  
3 public utilities, public service corporations or municipal employees  
4 as long as an emergency exists for providing service to restore  
5 heat, light, power, water, telephone or other emergency restoration  
6 facilities that are necessary to ensure the health, welfare and  
7 safety of the public; ~~and~~

8 ~~2. No rule shall be adopted that enforces the provisions of 49~~  
9 ~~CFR Section 395.3(a)(3)(ii) relating to rest breaks, if the driver~~  
10 ~~or motor carrier is engaged solely in intrastate commerce.~~

11 E. Except as provided in subsection F of this section, any  
12 regulation relating to motor carrier safety or to the transportation  
13 of hazardous materials adopted by a local government, authority, or  
14 state agency or office shall be consistent with corresponding  
15 federal regulations. To the extent of any conflict between ~~said~~ the  
16 regulations and rules adopted by the Department of Public Safety  
17 under this section, rules adopted by the Department shall control.

18 F. 1. Amendments to the hours of service regulations  
19 promulgated on April 28, 2003, by the United States Department of  
20 Transportation at Section 22456 of Volume 68 of the Federal Register  
21 and effective June 27, 2003, shall not apply to utility service  
22 vehicles as defined in Section 395.2 of Title 49 of the Code of  
23 Federal Regulations, not including television cable or community  
24 antenna service vehicles, which are owned or operated by utilities

1 regulated by the Corporation Commission or electric cooperatives and  
2 which are engaged solely in intrastate commerce in this state until  
3 June 27, 2006, provided the amendments are valid and remain in  
4 effect as of that date. Hours of service regulations, which are  
5 applicable in this state immediately prior to June 27, 2003, shall  
6 remain applicable to utility service vehicles engaged solely in  
7 intrastate commerce in this state until June 27, 2006. If the  
8 United States Department of Transportation issues an official  
9 finding that this provision may result in the loss of federal Motor  
10 Carrier Safety Assistance Program funding, the Department of Public  
11 Safety may promulgate rules providing for earlier implementation of  
12 the amendments to the federal hours of service regulations. If  
13 federal law or regulations are amended at any time to exempt utility  
14 service vehicles from the hours of service requirements, any  
15 exemption shall be effective in this state immediately for the  
16 duration of the federal exemption.

17 2. The Department of Public Safety may promulgate rules  
18 suspending the effective date for up to three (3) years after the  
19 adoption of any motor carrier safety regulation by the United States  
20 Department of Transportation as applied to vehicles engaged solely  
21 in intrastate commerce in this state if the suspension does not  
22 result in the loss of federal Motor Carrier Safety Assistance  
23 Program funding.

1           3. The Department of Public Safety may enter into agreements  
2 with state and local emergency management agencies and private  
3 parties establishing procedures for complying with Section 31502(e)  
4 of Title 49 of the United States Code and federal regulations  
5 promulgated at Section 390.23 of Title 49 of the Code of Federal  
6 Regulations, which provide an exemption from the hours of service  
7 regulations during certain emergencies.

8           4. The Department of Public Safety may promulgate rules  
9 granting any waiver, variance, or exemption permitted under Section  
10 31104(h) of Title 49 of the United States Code and federal  
11 regulations promulgated at Sections 350.339, 350.341, 350.343 and  
12 350.345 of Title 49 of the Code of Federal Regulations if the  
13 waiver, variance, or exemption does not result in the loss of  
14 federal Motor Carrier Safety Assistance Program funding and does not  
15 take effect unless approved by the United States Department of  
16 Transportation, if approval is required.

17           SECTION 2. This act shall become effective November 1, 2019.

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