

1 ENGROSSED SENATE
2 BILL NO. 591

By: Allen of the Senate

and

3
4 Roberts (Dustin) of the
House

5
6 [vehicle weight and load - certain penalties and
7 axle and gross weights - ~~effective date~~ -
8 emergency]

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

10 SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-101, as
11 last amended by Section 1, Chapter 121, O.S.L. 2016 (47 O.S. Supp.
12 2016, Section 14-101), is amended to read as follows:

13 Section 14-101. A. It is a misdemeanor, punishable pursuant to
14 Section 14-109 of this title, for any person to drive or move or for
15 the owner to cause or knowingly permit to be driven or moved on any
16 highway any vehicle or vehicles of a size or weight exceeding the
17 limitations stated in this chapter or otherwise in violation of this
18 chapter, and the maximum size and weight of vehicles herein
19 specified shall be lawful throughout this state and local
20 authorities shall have no power or authority to alter the
21 limitations except as express authority may be granted in this
22 chapter.

23 B. The Commissioner of Public Safety is directed to issue
24 annual overweight permits to:

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

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

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

8 4. Owners of certain vehicles as provided for in Section 14-
9 103G of this title.

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

13 D. All size, weight and load provisions covered by this chapter
14 shall be subject to the limitations imposed by Title 23, United
15 States Code, Section 127, and such other rules and regulations
16 developed herein. Provided further that any size and weight
17 provision authorized by the United States Congress for use on the
18 National System of Interstate and Defense Highways, including but
19 not limited to height, axle weight, gross weight, combinations of
20 vehicles or load thereon shall be authorized for immediate use on
21 such segments of the National System of Interstate and Defense
22 Highways and any other highways or portions thereof as designated by
23 the Transportation Commission or their duly authorized
24 representative.

1 E. All size, weight and load provisions covered by Sections 14-
2 101 through 14-123 of this title shall be subject to a gross vehicle
3 weight limit of ninety thousand (90,000) pounds when applied to a
4 vehicle operating off the National System of Interstate and Defense
5 Highways unless such vehicle is operating in full compliance with an
6 overweight permit issued by the Commissioner of Public Safety.

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

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

- 20 a. New Year's Day (January 1),
- 21 b. Memorial Day (the last Monday in May),
- 22 c. The Fourth of July (Independence Day),
- 23 d. Labor Day (the first Monday in September),

24

- 1 e. Thanksgiving Day (the fourth Thursday in November),
2 and
3 f. Christmas Day (December 25).

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

- 7 a. Martin Luther King, Jr.'s Birthday (the third Monday
8 in January),
9 b. President's Day, also known as Washington's Birthday
10 (the third Monday in February), and
11 c. Veteran's Day (November 11).

12 SECTION 2. AMENDATORY 47 O.S. 2011, Section 14-109, as
13 last amended by Section 1, Chapter 52, O.S.L. 2015 (47 O.S. Supp.
14 2016, Section 14-109), is amended to read as follows:

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

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

18 2. The total gross weight in pounds imposed thereon by a
19 vehicle or combination of vehicles shall not exceed the value
20 calculated in accordance with the Federal Bridge formula imposed by
21 23 U.S.C., Section 127.

22 B. Except as to gross limits, the formula of this section shall
23 not apply to a truck-tractor and dump semitrailer when used as a
24 combination unit. In no event shall the maximum load in pounds

1 carried by any set of tandem axles exceed thirty-four thousand
2 (34,000) pounds. Any vehicle operating with split tandem axles or
3 tri-axles shall adhere to the formula.

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

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

- 18 a. the vehicles are registered for the maximum allowable
19 rate,
- 20 b. the vehicles do not exceed five percent (5%) of the
21 gross limits set forth in subsection A of this
22 section,
- 23 c. the vehicles do not exceed eight percent (8%) of the
24 axle limits set forth in subsection A of this section,

1 d. no component of the vehicles exceeds the
2 manufacturer's component weight rating as shown on the
3 vehicle certification label or tag, and

4 e. the vehicles operating pursuant to the provisions of
5 this paragraph will not be allowed to operate on the
6 National System of Interstate and Defense Highways.

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

13 E. Exceptions to this section will be:

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

17 a. calculation of weight for a utility or refuse
18 collection vehicle shall be "Gross Vehicle Weight".
19 The "Gross Vehicle Weight" of a utility or refuse
20 collection vehicle may not exceed the otherwise
21 applicable weight by more than fifteen percent (15%).
22 The weight on individual axles must not exceed the
23 manufacturer's component rating which includes axle,
24

1 suspension, wheels, rims, brakes, and tires as shown
2 on the vehicle certification label or tag, and

- 3 b. utility or refuse collection vehicles operated under
4 these exceptions will not be allowed to operate on
5 interstate highways; and

6 2. A combination of a wrecker or tow vehicle and another
7 vehicle or vehicle combination if:

- 8 a. the service provided by the wrecker or tow vehicle is
9 needed to remove disabled, abandoned, or accident-
10 damaged vehicles, and

- 11 b. the wrecker or tow vehicle is towing the other vehicle
12 or vehicle combination directly to the nearest
13 authorized place of repair, terminal, or vehicle
14 storage facility.

15 Vehicles operating pursuant to the provisions of this paragraph will
16 not be allowed to operate on the National System of Interstate and
17 Defense Highways.

18 F. 1. Any vehicle utilizing an auxiliary power or idle
19 reduction technology unit in order to promote reduction of fuel use
20 and emissions because of engine idling shall be allowed an
21 additional four hundred (400) pounds total to the total gross weight
22 limits set by this section.

23 2. To be eligible for the exception provided in this
24 subsection, the operator of the vehicle must obtain written proof or

1 certification of the weight of the auxiliary power or idle reduction
2 technology unit and be able to demonstrate or certify that the idle
3 reduction technology is fully functional.

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

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

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

20 I. Any person who operates a vehicle or combination of vehicles
21 which is seven hundred fifty (750) pounds or more in excess of the
22 gross or axle weight limitations imposed by this section shall, upon
23 conviction, be punished by a fine to be calculated from the amount
24

1 of weight in excess of the top weight limitation authorized as
2 follows:

3 1. A fine of One Hundred Dollars (\$100.00) plus court costs, if
4 overweight by seven hundred fifty (750) pounds but not more than
5 three thousand (3,000) pounds;

6 2. A fine of Two Hundred Dollars (\$200.00) plus court costs, if
7 overweight by three thousand one (3,001) pounds but not more than
8 six thousand (6,000) pounds;

9 3. A fine of Four Hundred Fifty Dollars (\$450.00) plus court
10 costs, if overweight by six thousand one (6,001) pounds but not more
11 than ten thousand (10,000) pounds; and

12 4. A fine of ten cents (\$0.10) per pound overweight plus court
13 costs, if overweight by ten thousand one (10,001) pounds or more.

14 J. Any person having multiple offenses as provided in
15 subsection I of this section within a calendar year shall be subject
16 to the following fines:

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

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

23 K. In no event shall court costs exceed the amount of any fine
24 imposed pursuant to the provisions of this section.

1 L. All fines collected pursuant to the provisions of subsection
2 I of this section shall be deposited in the State Treasury to the
3 credit of the Department of Public Safety Revolving Fund, as created
4 in Section 2-144.1 of this title.

5 M. The bond schedule and costs as prescribed by subsection I of
6 this section shall supercede any bond schedule and costs from any
7 state agency, board, commission or political subdivision concerning
8 oversize and overweight vehicles.

9 ~~SECTION 3. This act shall become effective July 1, 2017.~~

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

14 Passed the Senate the 20th day of March, 2017.

15

16

Presiding Officer of the Senate

17

18 Passed the House of Representatives the ____ day of _____,
19 2017.

20

21

Presiding Officer of the House
of Representatives

22

23

24