

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2680 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Avery Frix _____

Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2680

By: Frix

7 PROPOSED COMMITTEE SUBSTITUTE

8
9 An Act relating to the Corporation Commission;
10 defining term; creating the Oklahoma Commercial Motor
11 Carrier (CMC) Safety Enhancement Act; stating
12 purpose; transferring commercial motor vehicle
13 inspection duties and responsibilities from the
14 Department of Public Safety to the Oklahoma
15 Corporation Commission; directing certain employees,
16 vehicle and equipment assignments; providing for two-
17 phase implementation; requiring plan for transfer;
18 providing for training; providing for transfer of
19 funds; providing for certain inventory; vesting
20 certain duties with the Corporation Commission;
21 transferring certain records; transferring certain
22 rules; requiring sufficient appropriation of funds;
23 providing for the transfer of personnel; specifying
24 certain enforcement matters remain with Department of
Public Safety; providing for retention of certain
inspectors; providing for certain interagency
cooperative agreement; authorizing the promulgation
of certain rules; creating certain revolving fund;
amending 47 O.S. 2011, Section 2-124, as amended by
Section 165, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
2018, Section 2-124), which relates to the Oklahoma
Law Enforcement Telecommunications System; granting
certain access to OLETS; amending 47 O.S. 2011,
Section 2-105.4A, as amended by Section 1, Chapter
99, O.S.L. 2015 (47 O.S. Supp. 2018, Section 2-
105.4A), which relates to size and weight vehicle
enforcement; transferring certain size and weight
enforcement duties from the Department of Public
Safety to the Corporation Commission; allowing
Department of Public Safety certain assignment of

1 duties relating to size and weight enforcement;
2 amending 47 O.S. 2011, Section 14-111, as amended by
3 Section 2, Chapter 249, O.S.L. 2012 (47 O.S. Supp.
4 2018, Section 14-111), which relates to weighing
5 vehicles; requiring bill of lading accompany vehicles
6 loaded with livestock; amending 47 O.S. 2011, Section
7 14-113, which relates to the restriction of highways;
8 requiring certain notification to Corporation
9 Commission; amending 47 O.S. 2011, Section 14-116, as
10 last amended by Section 3, Chapter 373, O.S.L. 2016
11 (47 O.S. Supp. 2018, Section 14-116), which relates
12 to permit fees and allocation of proceeds; allocating
13 certain funds; amending 47 O.S. 2011, Section 14-119,
14 which relates to load-capacity violations; modifying
15 certain fines and penalties; amending 47 O.S. 2011,
16 Section 230.2, which relates to legislative intent;
17 reassigning certain authority; amending 47 O.S. 2011,
18 Section 230.3, which relates to definitions; defining
19 terms; amending 47 O.S. 2011, Section 230.4, which
20 relates to powers and duties of the Commissioner;
21 transferring administration of certain act from
22 Commissioner of Public Safety to Corporation
23 Commission; amending 47 O.S. 2011, Section 230.5,
24 which relates to examination of records and
inspections; transferring certain duties to
Corporation Commission; amending 47 O.S. 2011,
Section 230.6, as last amended by Section 8, Chapter
259, O.S.L. 2013 (47 O.S. Supp. 2018, Section 230.6),
which relates to the prohibition of certain vehicles
and uses; requiring certain approval of Commission;
allowing certain fines to be issued by Commission;
amending 47 O.S. 2011, Section 230.7, which relates
to the prohibition of discharge of hazardous
material; allowing Commission certain authorization;
amending 47 O.S. 2011, Section 230.8, which relates
to the reporting of incidents and accidents;
requiring certain reports be made to Commission;
requiring certain estimate by the Commission;
amending 47 O.S. 2011, Section 230.9, as amended by
Section 13, Chapter 283, O.S.L. 2012 (47 O.S. Supp.
2018, Section 230.9), which relates to compliance
with the act; authorizing Commission to determine
certain violations; providing for certain fines and
violations; requiring Commission to make certain
considerations; providing for certain appeals;
deleting administrative penalty; directing funds
received from administrative penalties to certain

1 fund; amending 47 O.S. 2011, Section 230.10, which
2 relates to exemptions; allowing Commission to seek
3 certain exemptions; amending 47 O.S. 2011, Section
4 230.11, which relates to cooperation with other
5 agencies; providing for certain cooperative and
6 interagency agreements; allowing for the sharing of
7 certain information; amending 47 O.S. 2011, Section
8 230.13, which relates to enforcement; requiring
9 Commission enforce act; amending 47 O.S. 2011,
10 Section 230.15, as amended by Section 1, Chapter 182,
11 O.S.L. 2016 (47 O.S. Supp. 2018, Section 230.15),
12 which relates to reporting violations; terminating
13 certain reporting requirements; terminating certain
14 insurance requirements; terminating certain penalty;
15 requiring Commission establish certain driving
16 limitations; deleting certain driving regulations;
17 deleting certain notification; making certain
18 exception; clarifying applicability of certain rules
19 and regulations; allowing for the adoption of rules;
20 allowing Commission to enter into certain agreements;
21 amending 47 O.S. 2011, Section 1167, as last amended
22 by Section 1, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
23 2018, Section 1167), which relates to rules that
24 establish fees and fines; deleting certain
apportionment requirements; requiring certain revenue
collected be deposited in specific fund; allowing for
certain expenditures; amending Section 2, Chapter
262, O.S.L. 2012 (47 O.S. Supp. 2018, Section 1201),
which relates to definitions; defining terms;
amending Section 3, Chapter 262, O.S.L. 2012, as last
amended by Section 2, Chapter 373, O.S.L. 2016 (47
O.S. Supp. 2018, Section 1202), which relates to
maintenance and operation of fixed facilities;
requiring certain operation hours; deleting certain
enforcement requirements; allowing for the use of
automated license plate readers; providing for
confidentiality and use of certain collected data;
repealing 47 O.S. 2011, Section 1-141.1, which
relates to enforcement officers; repealing 47 O.S.
2011, Section 2-117.1, which relates to enforcement
officers; providing for codification; and declaring
an emergency.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 1-140.2 of Title 47, unless
4 there is created a duplication in numbering, reads as follows:

5 For purposes of this title, "over-dimension" means any type of
6 vehicle that exceeds the legal height, weight or length dimensions
7 as specified in this title.

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 230.50 of Title 47, unless there
10 is created a duplication in numbering, reads as follows:

11 Sections 2 through 6 of this act shall be known and may be cited
12 as the "Oklahoma Commercial Motor Carrier (CMC) Safety Enhancement
13 Act".

14 SECTION 3. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 230.51 of Title 47, unless there
16 is created a duplication in numbering, reads as follows:

17 The purpose of the Oklahoma Commercial Motor Carrier Safety
18 Enhancement Act is to consolidate operations of state agencies
19 relating to enforcement of federal and state laws and rules
20 regarding motor carriers, commercial motor vehicles and drivers of
21 commercial motor vehicles by transferring the commercial motor
22 vehicle inspection duties and responsibilities of the Department of
23 Public Safety (Department) Size and Weight Enforcement Section
24 (Troop S) of the Oklahoma Highway Patrol to the Oklahoma Corporation

1 Commission (Commission). Department Oklahoma Highway Patrol
2 troopers assigned to Troop S, and their equipment, shall remain with
3 the Department in order to assist with Highway Patrol officer
4 shortages. Department port of entry officers and the vehicles,
5 computers and all other equipment assigned to them shall be
6 transferred to the Commission effective January 1, 2020.

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 230.52 of Title 47, unless there
9 is created a duplication in numbering, reads as follows:

10 The Oklahoma Commercial Motor Carrier (CMC) Safety Enhancement
11 Act shall be implemented in two phases:

12 1. Phase I shall begin upon the effective date of this act and
13 be completed by October 1, 2019. Phase I shall include, at a
14 minimum:

15 a. the Oklahoma Corporation Commission and the Oklahoma
16 Department of Public Safety developing a transfer
17 plan,

18 b. the Department training and certifying Commission-
19 designated officers to perform all levels of North
20 American Standard Inspections (NASI),

21 c. the Commission and the Department coordinating with
22 the Federal Motor Carrier Safety Administration to
23 execute a transfer of Motor Carrier Safety Assistance
24

1 Program (MCSAP) grant(s) funds to the Commission on or
2 before January 1, 2020,

3 d. the Department providing a listing of the personnel,
4 salary, benefits, vehicles, computers and all other
5 equipment of the Department's port of entry officers
6 as of the effective date of this act,

7 e. the Department providing a list of its records,
8 equipment and administrative rules associated with the
9 NASI/MCSAP and the Federal Highway Administration
10 (FHWA) State Enforcement Plan encompassing over-
11 dimension commercial motor vehicles (CMV). Portable
12 scales assigned to the Department's Oklahoma Highway
13 Patrol officers as of the effective date of this act
14 may be retained by the Department for use in roadside
15 enforcement, and

16 f. any other needs or requirements identified by the
17 Commission or the Department; and

18 2. Phase II becomes effective January 1, 2020, at which time:

19 a. the primary duty and responsibility to perform NASI of
20 motor carrier and commercial motor vehicles and to
21 administer the MCSAP shall be vested with the Oklahoma
22 Corporation Commission,

23 b. the primary duty and responsibility to cooperate with
24 the FHWA on the State Enforcement Plan encompassing

1 over-dimension CMVs shall be vested with the Oklahoma
2 Corporation Commission. The Department shall supply
3 required information to the Commission for inclusion
4 in the State Enforcement Plan. The Commission shall
5 enforce federal and state commercial motor vehicle
6 size and weight requirements (hereinafter referred to
7 as over-dimension),

8 c. all records associated with the NASI/MCSAP and the
9 over-dimension program, and all vehicles and equipment
10 assigned to the Department's port of entry officers
11 shall transfer from the Department to the Commission,

12 d. all administrative rules promulgated by the Department
13 related to the administration of the NASI/MCSAP
14 program and the over-dimension program shall be
15 transferred to and become a part of the administrative
16 rules of the Commission. The Office of Administrative
17 Rules in the Secretary of State's office shall provide
18 adequate notice in the Oklahoma Register of the
19 transfer of rules and shall place the transferred
20 rules under the Oklahoma Corporation Commission. From
21 and after January 1, 2020, any amendment, repeal or
22 addition to the transferred rules shall be under the
23 jurisdiction of the Corporation Commission,

24

- 1 e. funds sufficient to exercise the transferred duties,
2 responsibilities and personnel shall be appropriated
3 or allocated to the Commission for fiscal year 2020
4 and beyond. Such funds shall not be subject to
5 budgetary limitations. The Office of Management and
6 Enterprise Services (OMES) is hereby authorized to
7 transfer such funds as may be necessary to effect such
8 allocations,
- 9 f. personnel transferred pursuant to the provisions of
10 this section shall not be required to accept a lesser
11 salary than presently received; provided, the
12 provisions of this section shall not prohibit the
13 Commission or the Department from imposing furloughs
14 or reductions-in-force with respect to such personnel
15 as allowed by law. Personnel transferred shall be
16 placed within the classification level in which they
17 meet qualifications. All such persons shall retain
18 seniority, sick and annual time and retirement
19 benefits which have accrued with their tenure with the
20 Department. The transfer of personnel shall be
21 coordinated with OMES, and
- 22 g. all enforcement matters pending as of January 1, 2020,
23 relating to the NASI or over-dimension program shall
24 remain with the Department.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 230.53 of Title 47, unless there
3 is created a duplication in numbering, reads as follows:

4 The Oklahoma Department of Public Safety shall retain certified
5 North American Standard Inspection inspectors to investigate
6 commercial motor vehicle (CMV) accidents. An interagency
7 cooperative agreement between the Oklahoma Corporation Commission
8 and the Department to identify the Department's commercial motor
9 vehicle accident investigation allowable reimbursable expenses under
10 the Motor Carrier Safety Assistance Program, and for the Commission
11 to provide assistance to the Department, as needed, may be executed.
12 The Commission is not obligated to reimburse the Department any
13 allowable expenses in excess of those obtained under the MCSAP
14 grant. The Department may request assistance from the Commission
15 when investigating CMV accidents.

16 SECTION 6. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 230.54 of Title 47, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The Oklahoma Corporation Commission is hereby authorized to
20 promulgate rules to establish the amounts of fines or penalties
21 associated with the Oklahoma Commercial Motor Carrier Safety
22 Enhancement Act.

23 B. The Commission shall adjudicate civil enforcement actions
24 initiated by Commission personnel.

1 C. There is hereby created in the State Treasury a revolving
2 fund to be known and designated as the "Safety Enhancement Act
3 Fund". All funds derived from fines and penalties collected, funds
4 received by the Commission pursuant to the provisions of the
5 Oklahoma Commercial Motor Carrier (CMC) Safety Enhancement Act shall
6 be deposited in the fund. The fund shall be a continuing fund not
7 subject to fiscal year limitations. All monies accruing to the
8 credit of the fund are hereby appropriated and may be budgeted and
9 expended by the Commission. Expenditures from the fund shall be
10 made upon warrants issued by the State Treasurer against claims
11 filed as prescribed by law with the Director of the Office of
12 Management and Enterprise Services for approval and payment.

13 SECTION 7. AMENDATORY 47 O.S. 2011, Section 2-124, as
14 amended by Section 165, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
15 2018, Section 2-124), is amended to read as follows:

16 Section 2-124. A. There is hereby created within the
17 Department of Public Safety an Oklahoma Law Enforcement
18 Telecommunication Systems Division.

19 B. The Division shall:

20 1. Operate and maintain an ~~on-line, real-time~~ online real-time
21 computer system and a statewide law enforcement data communication
22 network;

23 2. Utilize and distribute information on vehicle registration,
24 driver records, criminals and the commission of crimes;

1 3. Be responsible for the coordination of user agencies with
2 the National Crime Information Center in Washington, D.C., and the
3 National Law Enforcement Telecommunication System, or its successor;

4 4. Be the central access and control point for Oklahoma's
5 input, retrieval and exchange of law enforcement information in the
6 National Crime Information Center and the National Law Enforcement
7 Telecommunication System; and

8 5. Provide user agencies a data communication network, in order
9 to exchange and distribute law enforcement data rapidly, and
10 training in the use of the Oklahoma Law Enforcement
11 Telecommunication Systems.

12 C. The statewide law enforcement data communications network
13 shall be a part of the Oklahoma Government Telecommunications
14 Network (OGTN) created in Section 34.23 of Title 62 of the Oklahoma
15 Statutes; provided, however, the Department of Public Safety may
16 continue to operate, maintain and enhance the statewide law
17 enforcement data communications network; provided, however, the
18 Department of Public Safety shall submit all plans for the
19 enhancement of the statewide law enforcement communications network
20 to the Office of Management and Enterprise Services for review and
21 approval. The Department of Public Safety shall participate with
22 the Office of Management and Enterprise Services in joint efforts to
23 provide services for the OGTN.

1 D. All criminal justice agencies disseminating criminal history
2 information derived from the National Crime Information Center's
3 criminal history file shall maintain a record of dissemination in
4 accordance with federal law as well as rules promulgated by the
5 National Crime Information Center and the Commissioner of Public
6 Safety.

7 E. North American Standard Inspection Program certified motor
8 carrier enforcement officers (MCEOs) and certified enforcement
9 managers employed by the Oklahoma Corporation Commission shall be
10 granted access to the National Law Enforcement Telecommunication
11 System to perform functions required as a result of statutory duties
12 related to motor carriers, commercial motor vehicles, trailers and
13 drivers of commercial motor vehicles.

14 F. The Oklahoma Law Enforcement Telecommunication Systems
15 Division shall have the authority to audit state and local law
16 enforcement and criminal justice agencies to ensure compliance with
17 federal laws as well as rules of the Department of Public Safety
18 which pertain to the Oklahoma Law Enforcement Telecommunication
19 Systems.

20 SECTION 8. AMENDATORY 47 O.S. 2011, Section 2-105.4A, as
21 amended by Section 1, Chapter 99, O.S.L. 2015 (47 O.S. Supp. 2018,
22 Section 2-105.4A), is amended to read as follows:

23 Section 2-105.4A ~~There is hereby created within the Oklahoma~~
24 ~~Highway Patrol Division the Size and Weight Enforcement Section.~~

1 ~~The Commissioner of Public Safety shall employ a minimum of twenty-~~
2 ~~five additional members of the Oklahoma Highway Patrol, one Captain~~
3 ~~and eight Lieutenants and shall assign the twenty-five members of~~
4 ~~the Oklahoma Highway Patrol, one Captain and eight Lieutenants to~~
5 ~~the Size and Weight Enforcement Section. The Size and Weight~~
6 ~~Enforcement Section~~ Motor Carrier/Vehicle Enforcement Department of
7 the Oklahoma Corporation Commission's Transportation Division shall
8 have the primary duty of the enforcement of the provisions of
9 Section 14-101 et seq. of this title.

10 ~~Said Commissioner~~ The Commission shall purchase and maintain the
11 necessary motor vehicle equipment, portable scales and other items
12 of equipment and supplies and shall provide proper training
13 necessary for the enforcement of the provisions of Section 14-101 et
14 seq. of this title. At the discretion of the Commissioner of Public
15 Safety, the Oklahoma Department of Public Safety may assign duties
16 to an Oklahoma Highway Patrol Trooper relating to size and weight
17 enforcement and may purchase and maintain the necessary motor
18 vehicle equipment, portable scales and other items of equipment and
19 supplies and provide proper training necessary for the supplemental
20 enforcement of the provisions of Section 14-101 et seq. of this
21 title. The Department shall ensure that any such supplemental
22 enforcement by the Department is consistent with enforcement by the
23 Commission.

24

1 SECTION 9. AMENDATORY 47 O.S. 2011, Section 14-111, as
2 amended by Section 2, Chapter 249, O.S.L. 2012 (47 O.S. Supp. 2018,
3 Section 14-111), is amended to read as follows:

4 Section 14-111. A. Any officer of the Department of Public
5 Safety, the Corporation Commission, any sheriff, or any salaried
6 deputy sheriff is authorized to stop any vehicle upon any road or
7 highway in order to weigh such vehicle by means of portable or
8 stationary scales, or cause the same to be weighed by any official
9 weigher, or upon any privately owned scales and may require that
10 such vehicles be driven to the nearest or most convenient available
11 scales for the purpose of weighing. Any officer weighing a vehicle
12 pursuant to this section by means of portable scales shall allow the
13 driver of the vehicle to move the vehicle to the most level weighing
14 area available within two (2) miles of the stop. In the event that
15 any axle weight or the gross weight of any such vehicle be found to
16 exceed the maximum weight authorized by law, or by permit issued
17 therefor, the officer may require, in the case of separable loads,
18 the driver, operator or owner thereof to unload at the site such
19 portion of the load as may be necessary to decrease the weight of
20 such vehicle to the maximum weight authorized by law. Provided,
21 however, that if such load consists of livestock, perishable
22 merchandise, or merchandise that may be destroyed by the weather,
23 then the driver shall be permitted to proceed to the nearest
24 practical unloading point in the direction of destination before

1 discharging such excess cargo. All material so unloaded shall be
2 cared for by the owner or operator of such vehicle at the risk of
3 such owner or operator.

4 B. The operator of any truck or other vehicle transporting farm
5 products for hire or other merchandise for hire shall have in his or
6 her possession a certificate carrying the following information:
7 name of the operator; driver license number; vehicle registration
8 number; Corporation Commission permit number; and statement of owner
9 authorizing transportation of the products by above named operator.
10 For the purposes of this section "certificate" includes electronic
11 manifests and other similar documents that include all of the
12 information required pursuant to this section.

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

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

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

18 SECTION 10. AMENDATORY 47 O.S. 2011, Section 14-113, is
19 amended to read as follows:

20 Section 14-113. The Director of the Department of
21 Transportation with respect to highways on the state highway system,
22 or local authorities with respect to highways under their
23 jurisdiction, as defined in Title 69 of the Oklahoma Statutes, may
24 prohibit the operation of vehicles on any such highways, or impose

1 restrictions as to the weights of vehicles to be operated upon any
2 state or federal highway or any detour established for such
3 highways, or for any bridge located upon such highways or detours,
4 whenever any such highway, detour or bridge by reason of
5 deterioration, rain, snow or other climatic conditions will be
6 seriously damaged or destroyed unless the use of vehicles thereon is
7 prohibited or the permissible weight reduced. Such restrictions
8 shall be effective when signs giving notice thereof are erected upon
9 the highway, detour, bridge, or portion thereof affected by such
10 action, and the Department of Public Safety ~~has~~ and the Corporation
11 Commission have been notified. The purpose of this provision with
12 respect to local authorities is to give such authorities an
13 opportunity to prevent or minimize an immediate threat of serious
14 harm or destruction to any highway, detour or bridge under their
15 jurisdiction due to rain, snow or other climatic conditions.
16 Nothing stated herein shall be construed to grant local authorities
17 the right to issue permits designed to regulate the use of
18 overweight vehicles upon highways subject to their jurisdiction, and
19 the issuance of such permits is expressly prohibited.

20 SECTION 11. AMENDATORY 47 O.S. 2011, Section 14-116, as
21 last amended by Section 3, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
22 2018, Section 14-116), is amended to read as follows:

23 Section 14-116. A. The Commissioner of Public Safety shall
24 charge a minimum permit fee of Forty Dollars (\$40.00) for any permit

1 issued pursuant to the provisions of Section 14-101 et seq. of this
2 title. In addition to the permit fee, the Commissioner shall charge
3 a fee of Ten Dollars (\$10.00) for each thousand pounds in excess of
4 the legal load limit. The Commissioner of Public Safety shall
5 establish any necessary rules for collecting the fees.

6 B. The Department of Public Safety is authorized to establish
7 an escrow account system for the payment of permit fees. Authorized
8 motor carriers meeting established credit requirements may
9 participate in the escrow account system for permits purchased from
10 all size and weight permit offices in this state. Carriers not
11 choosing to participate in the escrow account system shall be
12 required to make payment of the required fee or fees upon purchase
13 of each permit as required by law. All monies collected through the
14 escrow account system shall be deposited to a special account of the
15 Department of Public Safety and placed in the custody of the State
16 Treasurer. Proceeds from permits purchased using the escrow account
17 system shall be distributed as provided for in subsection H of this
18 section. However, fees collected through such accounts for the
19 electronic transmission, transfer or delivery of permits, as
20 provided for in Section 14-118 of this title, shall be credited to
21 the Department of Public Safety Restricted Revolving Fund.

22 C. 1. Application for permits shall be made a reasonable time
23 in advance of the expected time of movement of such vehicles. For
24

1 emergencies affecting the health or safety of persons or a
2 community, permits may be issued for immediate movement.

3 2. Size and weight permit offices in all districts where
4 applicable shall issue permits to authorize carriers by telephone
5 during weekdays.

6 D. No overweight permit shall be valid until all license taxes
7 due the State of Oklahoma have been paid.

8 E. No permit violation shall be deemed to have occurred when an
9 oversize or overweight movement is made pursuant to a permit whose
10 stated weight or size exceeds the actual load.

11 F. Any permit issued for a truck or truck-tractor operating in
12 combination with a trailer or a semitrailer shall contain only the
13 license plate number for the truck or truck-tractor if the permittee
14 provides to the Department a list containing the license plate
15 number, and such other information as the Department may prescribe
16 by rule, for each trailer or semitrailer which may be used for
17 movement with the permit. When the permittee provides the list
18 described in this subsection, the license plate number for any
19 trailer or semitrailer to be moved with the permit shall not be
20 included on the permit; provided, a trailer or semitrailer which is
21 not on the list shall not be authorized to be used for movement with
22 the permit. It shall be the responsibility of the permittee to
23 ensure the list provided to the Department is maintained and updated

24

1 with any fleet changes. The Department shall adopt any rules deemed
2 necessary to administer the provisions of this subsection.

3 G. The first deliverer of motor vehicles designated truck
4 carriers or well service carriers manufactured in Oklahoma shall not
5 be required to purchase an overweight permit when being delivered to
6 the first purchaser.

7 H. Except as provided in Section 14-122 of this title, the
8 first One Million Two Hundred Sixteen Thousand Dollars
9 (\$1,216,000.00) of proceeds from both the permit fees and the
10 overweight permit fees imposed pursuant to subsection A of this
11 section collected monthly shall be apportioned as provided in
12 Section 1104 of this title. For the fiscal year beginning July 1,
13 ~~2016~~ 2019, and ~~ending June 30, 2017~~, the next ~~Two Million One~~
14 ~~Hundred Fifty Thousand Dollars (\$2,150,000.00)~~ Seven Hundred Fifty
15 Thousand Dollars (\$750,000.00) of proceeds from both the permit fees
16 and the overweight permit fees imposed pursuant to subsection A of
17 this section collected monthly shall be remitted to the ~~Department~~
18 ~~of Public Safety~~ Enhancement Act Fund for the purpose of ~~training~~
19 ~~the Department of Public Safety~~ Oklahoma Corporation Commission
20 staffing and equipping the port of entry officers whose powers and
21 duties shall be specified by the Department of Public Safety through
22 the promulgation of rules weigh stations with North American
23 Standard Inspection Program certified motor carrier enforcement
24 officers, which begins January 1, 2020. For the fiscal year

1 beginning July 1, ~~2017~~ 2020, and all subsequent years, the next One
2 Million Five Hundred Thousand Dollars (\$1,500,000.00) of proceeds
3 from both the permit fees and the overweight permit fees imposed
4 pursuant to subsection A of this section collected monthly shall be
5 remitted to the ~~Department of Public Safety~~ Enhancement Act Fund for
6 the purpose of the Oklahoma Corporation Commission staffing and
7 equipping the port of entry weigh stations with ~~Department of Public~~
8 ~~Safety port of entry~~ NASI-certified motor carrier enforcement
9 officers ~~whose powers and duties shall be specified by the~~
10 ~~Department of Public Safety through the promulgation of rules.~~ For
11 the fiscal year beginning July 1, ~~2016~~ 2019, and ending June 30,
12 ~~2017~~ 2020, all proceeds collected from both the permit fees and the
13 overweight permit fees imposed pursuant to subsection A of this
14 section in excess of ~~Three Million Three Hundred Sixty-six Thousand~~
15 ~~Dollars (\$3,366,000.00)~~ One Million Nine Hundred Sixty-six Thousand
16 Dollars (\$1,966,000.00) shall be deposited in the Weigh Station
17 Improvement Revolving Fund as provided in Section 1167 of this title
18 for the purpose set forth in that section and may be used for motor
19 carrier permitting systems and motor carrier safety and enforcement.
20 For the fiscal year beginning July 1, ~~2017~~ 2020, and all subsequent
21 years, all proceeds collected from both the permit fees and the
22 overweight permit fees imposed pursuant to subsection A of this
23 section in excess of Two Million Seven Hundred Sixteen Thousand
24 Dollars (\$2,716,000.00) shall be deposited in the Weigh Station

1 Improvement Revolving Fund as provided in Section 1167 of this title
2 for the purpose set forth in that section and may be used for motor
3 carrier permitting systems and motor carrier safety and enforcement.

4 SECTION 12. AMENDATORY 47 O.S. 2011, Section 14-119, is
5 amended to read as follows:

6 Section 14-119. Any common, contract, or private motor carrier
7 or any shipper, firm, corporation, or other person who willfully or
8 knowingly transports a load having a capacity greater than the axle
9 or gross weights authorized by statute or by special permit pursuant
10 to the provisions of Sections 14-116 and 14-118 of this title, or
11 who loads or causes or requires a vehicle to be loaded to said
12 capacity, upon criminal conviction, is guilty of a misdemeanor and
13 shall be subject to ~~the penalties and fines provided for in Section~~
14 ~~172 of Title 47 of the Oklahoma Statutes or to~~ a fine in the amount
15 provided for in Sections 1115.2 and 1115.3 of Title 22 of the
16 Oklahoma Statutes or, if found in contempt by the Corporation
17 Commission, shall be subject to the applicable fines set by law or
18 by the Commission.

19 SECTION 13. AMENDATORY 47 O.S. 2011, Section 230.2, is
20 amended to read as follows:

21 Section 230.2 A. The Legislature finds:

22 1. That the volume of hazardous and nonhazardous materials
23 transported by motor carriers within this state is substantial and
24 the need exists to improve the enforcement of safety-related aspects

1 of motor carrier transportation for both interstate and intrastate
2 motor carriers which is consistent with federal standards and
3 regulations-;

4 2. That hazardous materials are essential for various
5 industrial, commercial, and other purposes, that their
6 transportation is a necessary incident to their use, and that the
7 transportation is required for the economic prosperity of the people
8 of the State of Oklahoma-;

9 3. That the highway movement of hazardous and nonhazardous
10 materials poses a substantial danger to the health and safety of the
11 citizens of this state unless such materials are handled and
12 transported in a safe and prudent manner-; and

13 4. That it is in the public interest and within the police
14 power of the state to provide for the regulation of the safety-
15 related aspects of motor carrier transportation and the handling and
16 transportation of hazardous materials.

17 B. It is therefore declared to be the policy of the State of
18 Oklahoma to provide regulatory and enforcement authority to the
19 Oklahoma ~~Department of Public Safety~~ Corporation Commission to
20 improve safety-related aspects of motor carrier transportation and
21 to protect the people against the risk to life and property inherent
22 in the transportation of passengers and property, including
23 hazardous materials, over highways and the handling and storage
24 incidental thereto, by keeping such risk to a minimum consistent

1 with technical feasibility and economic reasonableness and to
2 provide uniform regulation of intrastate transportation of property,
3 including hazardous materials, consistent with federal regulation of
4 interstate transportation.

5 C. It is not the intent of the Legislature to regulate the
6 movement of hazardous materials in such quantities that would not
7 pose a substantial danger to the public health and safety, and the
8 ~~Department~~ Commission may provide for exemptions as provided for in
9 federal regulations for farm use, and other appropriate exemptions
10 consistent with federal regulations.

11 SECTION 14. AMENDATORY 47 O.S. 2011, Section 230.3, is
12 amended to read as follows:

13 Section 230.3 As used in the Oklahoma Motor Carrier Safety and
14 Hazardous Materials Transportation Act:

15 1. "Commerce" means trade, traffic, commerce or transportation
16 within or through this state;

17 2. "~~Commissioner~~" "Commission" means the ~~Commissioner of Public~~
18 ~~Safety~~ Oklahoma Corporation Commission;

19 3. "~~Department~~" means the ~~Oklahoma Department of Public Safety~~;

20 4. "Discharge" means leakage, seepage or other release of
21 hazardous materials;

22 ~~5.~~ 4. "Hazardous material" means a substance or material in a
23 quantity and form determined by the United States Department of
24

1 Transportation to be capable of posing an unreasonable risk to
2 health and safety or property when transported in commerce;

3 ~~6.~~ 5. "Person" means any natural person or individual,
4 governmental body, firm, association, partnership, copartnership,
5 joint venture, company, corporation, joint stock company, trust,
6 estate or any other legal entity or their legal representative,
7 agent or assigns; and

8 ~~7.~~ 6. "Transports" or "transportation" means any movement of
9 passengers or property over the highway and any loading, unloading
10 or storage incidental to such movement.

11 SECTION 15. AMENDATORY 47 O.S. 2011, Section 230.4, is
12 amended to read as follows:

13 Section 230.4 To the extent necessary to administer the
14 Oklahoma Motor Carrier Safety and Hazardous Materials Transportation
15 Act, and consistent with budget and manpower limitations, the
16 ~~Commissioner~~ Oklahoma Corporation Commission:

17 1. Shall adopt and promulgate rules and regulations in order to
18 carry out the provisions of the Oklahoma Motor Carrier Safety and
19 Hazardous Materials Transportation Act relating to motor carrier
20 safety in the transportation of passengers, property and hazardous
21 materials in intrastate and interstate commerce, and to ~~coordinate~~
22 assist in coordinating the implementation of a transportation
23 emergency response system;

24

1 2. May adopt by reference and enforce all or any portion of the
2 federal motor carrier safety regulations and the hazardous materials
3 regulations of the United States Department of Transportation, as
4 now or hereafter amended;

5 3. Shall conduct a continuing review of all aspects of motor
6 carrier safety and the transportation of passengers, property,
7 ~~including~~ and hazardous materials, in order to determine and
8 recommend appropriate steps to assure safe transportation; and

9 4. May authorize any officer, employee or agent of the
10 Department to:

11 a. conduct investigations; make reports; issue subpoenas;
12 conduct hearings; require the production of relevant
13 documents, records and property; take depositions; and
14 conduct directly or indirectly research, development,
15 demonstration and training activities,

16 b. enter upon, inspect and examine at reasonable times
17 and in a reasonable manner, the records and properties
18 of persons to the extent such records and properties
19 relate to motor carrier safety or the transportation
20 or shipment of hazardous materials in commerce, and to
21 inspect and copy records and papers of carriers and
22 other persons to carry out the purposes of the
23 Oklahoma Motor Carrier Safety and Hazardous Materials
24 Transportation Act,

- 1 c. stop and inspect any driver or commercial motor
2 vehicle for any violation of the Oklahoma Motor
3 Carrier Safety and Hazardous Materials Transportation
4 Act or rules and regulations issued pursuant thereto,
5 d. declare and mark any transport vehicle or container as
6 out of service if its condition, filling, equipment or
7 protective devices would be hazardous to life or
8 property during transportation, or if records thereof
9 reflect such hazard, or if required records are
10 incomplete,
11 e. prohibit any commercial driver from transporting
12 hazardous materials if such driver is unqualified or
13 disqualified under any federal or ~~department~~
14 Commission regulation, and
15 f. administer and enforce the provisions of the Oklahoma
16 Motor Carrier Safety and Hazardous Materials
17 Transportation Act and any rules and regulations
18 issued pursuant thereto.

19 Any such officer, employee or agent shall, upon request, display
20 proper credentials prescribed or approved by the ~~Commissioner~~
21 Commission.

22 SECTION 16. AMENDATORY 47 O.S. 2011, Section 230.5, is
23 amended to read as follows:
24

1 Section 230.5 Motor carriers and other persons subject to the
2 Oklahoma Motor Carrier Safety and Hazardous Materials Transportation
3 Act shall make available for inspection and copying their accounts,
4 books, records, memoranda, correspondence, and other documents, and
5 shall allow their lands, buildings and equipment to be examined and
6 inspected by any officer, employee, or agent of the ~~Department of~~
7 ~~Public Safety, including members of the Oklahoma Highway Patrol~~
8 Oklahoma Corporation Commission, upon demand and display of the
9 official credentials issued by the ~~Commissioner~~ Commission.

10 SECTION 17. 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 2018, 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 upon approval of the ~~Department~~ Oklahoma Corporation Commission, the

1 vehicle or container may be moved to another location for the
2 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~~ Commission. No person shall return to duty unless all
8 requirements of the out-of-service order have been met and the
9 person has been approved to return to duty by an authorized officer,
10 employee or agent of the ~~Department~~ Commission.

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~~ Commission
21 to have committed a violation of subsection D of this section shall
22 be subject to an administrative penalty of not less than Two
23 Thousand Seven Hundred Fifty Dollars (\$2,750.00) nor more than
24 Twenty-five Thousand Dollars (\$25,000.00).

1 F. An employee who is determined by the ~~Commissioner~~ Commission
2 to have committed a violation of any provision of this section shall
3 be subject to an administrative penalty of not less than Two
4 Thousand Five Hundred Dollars (\$2,500.00) nor more than Five
5 Thousand Dollars (\$5,000.00).

6 SECTION 18. AMENDATORY 47 O.S. 2011, Section 230.7, is
7 amended to read as follows:

8 Section 230.7 No person shall intentionally discharge or cause
9 to be discharged the contents of any transport vehicle containing
10 hazardous material between the points of origin and the points of
11 billed destination, except as may be authorized by the ~~Department~~
12 Corporation Commission or a representative of the ~~Department~~
13 Commission.

14 SECTION 19. AMENDATORY 47 O.S. 2011, Section 230.8, is
15 amended to read as follows:

16 Section 230.8 A. Each person involved in an incident or
17 accident during the transportation, loading, unloading, or related
18 storage in any place of a hazardous material subject to the
19 provisions of Oklahoma Motor Carrier Safety and Hazardous Material
20 Transportation Act shall immediately report, by telephone, to the
21 ~~Department~~ Corporation Commission if that incident or accident
22 involves:

23 1. A fatality due to fire, explosion, or exposure to any
24 hazardous material;

1 2. The hospitalization of any person due to fire, explosion, or
2 exposure to any hazardous material;

3 3. A continuing danger to life, health, or property at the
4 place of the incident or accident; or

5 4. An estimated property damage of an amount to be determined
6 by the ~~Commissioner~~ Commission by regulation.

7 B. A written report shall be submitted by the person to the
8 ~~Department~~ Commission on a form prescribed by the ~~Department~~
9 Commission, or in lieu thereof, a copy of the written report
10 submitted to the United States Department of Transportation. Each
11 report submitted shall contain the time and date of the incident or
12 accident, a description of any injuries to persons or property, any
13 continuing danger to life at the place of the accident or incident,
14 the identity and classification of the material, and any other
15 pertinent details.

16 C. In the case of an incident or accident involving hazardous
17 materials which is not subject to the Oklahoma Motor Carrier Safety
18 and Hazardous Material Transportation Act but which is subject to
19 Title 46 or Title 49 of the Code of Federal Regulations, the carrier
20 shall send a copy of the report filed with the United States
21 Department of Transportation to the ~~Department of Public Safety~~
22 Oklahoma Corporation Commission.

23
24

1 SECTION 20. AMENDATORY 47 O.S. 2011, Section 230.9, as
2 amended by Section 13, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2018,
3 Section 230.9), is amended to read as follows:

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

10 B. Pursuant to the provisions of this section and except as
11 otherwise provided by subsection D of this section, any person who
12 is determined by the ~~Commissioner of Public Safety~~ Oklahoma
13 Corporation Commission to have committed:

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

23 2. An act or acts other than recordkeeping requirements, which
24 evidences a serious pattern of safety violations, as determined by

1 the ~~Commissioner~~ Commission, such person shall be liable to the
2 State of Oklahoma for an administrative penalty not ~~to exceed~~ less
3 than Two Hundred Dollars (\$200.00) for each offense, provided the
4 maximum fine for each pattern of safety violations shall not exceed
5 One Thousand Dollars (\$1,000.00). The ~~Commissioner~~ Commission may
6 consider present and prior offenses in determining a serious pattern
7 of safety violations; or

8 3. An act or acts which evidences to the ~~Commissioner~~
9 Commission, that a substantial health or safety violation exists or
10 has occurred which could reasonably lead to or has resulted in
11 serious personal injury or death, such person shall be liable to the
12 ~~State of Oklahoma~~ Commission for an administrative penalty not to
13 exceed ~~One Thousand Dollars (\$1,000.00)~~ Ten Thousand Dollars
14 (\$10,000.00) for each offense.

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

17 D. Except for recordkeeping violations, no administrative
18 penalty shall be assessed pursuant to the provisions of this
19 section, against an employee of any person subject to the provisions
20 of the Oklahoma Motor Carrier Safety and Hazardous Materials
21 Transportation Act for a violation unless the ~~Commissioner~~
22 Commission determines that such actions of the employee constituted
23 gross negligence or reckless disregard for safety in which case such
24

1 employee shall be liable for an administrative penalty not to exceed
2 One Thousand Dollars (\$1,000.00).

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

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

20 G. ~~An administrative penalty assessed by the Commissioner may~~
21 ~~be recovered:~~

22 1. ~~In an action brought by the Attorney General on behalf of~~
23 ~~the State of Oklahoma. However, before referral to the Attorney~~
24

1 ~~General, the administrative penalty may be compromised by the~~
2 ~~Commissioner;~~

3 ~~2. By the Commissioner in the appropriate district court of the~~
4 ~~State of Oklahoma; or~~

5 ~~3. By the Commissioner in an administrative hearing conducted~~
6 ~~by the Department of Public Safety.~~

7 H. The first One Hundred Thousand Dollars (\$100,000.00) of the
8 administrative penalties collected each fiscal year pursuant to the
9 provisions of the Oklahoma Motor Carrier Safety and Hazardous
10 Materials Transportation Act shall be deposited in the General
11 Revenue Fund of the State of Oklahoma. All other monies collected
12 in excess of One Hundred Thousand Dollars (\$100,000.00) each fiscal
13 year shall be deposited to the credit of the ~~Department of Public~~
14 ~~Safety Restricted Revolving~~ Safety Enhancement Act Fund for the
15 purpose of administering the Oklahoma Motor Carrier Safety and
16 Hazardous Materials Transportation Act.

17 SECTION 21. AMENDATORY 47 O.S. 2011, Section 230.10, is
18 amended to read as follows:

19 Section 230.10 The ~~Department~~ Corporation Commission shall
20 exempt any vehicle in which hazardous material is transported or any
21 person who transports any hazardous material if such exemption is
22 identical to an exemption issued by the Secretary of the United
23 States Department of Transportation and may exempt any person who
24 transports any hazardous material intrastate under similar

1 provisions. The ~~Department~~ Commission may seek exemptions pursuant
2 to federal law for transportation of those quantities of hazardous
3 materials which do not pose a substantial danger to the public
4 health and safety.

5 SECTION 22. AMENDATORY 47 O.S. 2011, Section 230.11, is
6 amended to read as follows:

7 Section 230.11 A. Other state agencies, departments and
8 bureaus shall cooperate with the Oklahoma ~~Department of Public~~
9 ~~Safety~~ Corporation Commission in regulating motor carrier safety and
10 the transportation of hazardous materials. Such agencies,
11 departments and bureaus may enter into interagency agreements with
12 the ~~Department~~ Commission for the purpose of implementing,
13 administering and enforcing any provision of the Oklahoma Motor
14 Carrier Safety and Hazardous Materials Transportation Act and the
15 rules and regulations of the ~~Department~~ Commission issued pursuant
16 thereto.

17 B. The ~~Department~~ Commission may enter into a cooperative
18 agreement with the United States Department of Transportation and
19 any other federal department or agency to enforce the provisions of
20 the Oklahoma Motor Carrier Safety and Hazardous Materials
21 Transportation Act, or regulations adopted pursuant thereto, federal
22 motor carrier safety regulations, and federal regulations governing
23 the transportation of hazardous material. The ~~Department~~ Commission
24

1 may receive grants, gifts and other funds, equipment and services
2 from the federal government or other sources for this purpose.

3 C. All files, records and data gathered by the ~~Department~~
4 Commission pursuant to the Oklahoma Motor Carrier Safety and
5 Hazardous Materials Transportation Act may be made available to the
6 Department of Environmental Quality, other agencies of state
7 government, the United States Department of Transportation and other
8 jurisdictions in any cooperative effort relating to motor carrier
9 safety or the transportation of hazardous materials.

10 SECTION 23. AMENDATORY 47 O.S. 2011, Section 230.13, is
11 amended to read as follows:

12 Section 230.13 ~~The Department of Public Safety and the Oklahoma~~
13 ~~Highway Patrol Division~~ Oklahoma Corporation Commission shall
14 enforce the provisions of the Oklahoma Motor Carrier Safety and
15 Hazardous Materials Transportation Act and the rules promulgated
16 thereto.

17 SECTION 24. AMENDATORY 47 O.S. 2011, Section 230.15, as
18 amended by Section 1, Chapter 182, O.S.L. 2016 (47 O.S. Supp. 2018,
19 Section 230.15), is amended to read as follows:

20 Section 230.15 A. ~~Whenever the Department of Public Safety has~~
21 ~~determined that any person who is regulated as a motor carrier~~
22 ~~pursuant to Sections 166 through 180m of this title has violated any~~
23 ~~provision of the Oklahoma Motor Carrier Safety and Hazardous~~
24 ~~Materials Transportation Act or any rule promulgated thereto, the~~

1 ~~Department of Public Safety shall report such violations to the~~
2 ~~Corporation Commission for the purposes of determining if such~~
3 ~~person has violated any provisions of the permit or certificate~~
4 ~~issued by the Commission pursuant to any provision of Sections 166~~
5 ~~through 180m of this title or of any rule promulgated thereto.~~

6 ~~B. Every motor carrier subject to this section shall maintain~~
7 ~~liability and property damage insurance covering each motor vehicle~~
8 ~~operated by the motor carrier and file proof of that insurance with~~
9 ~~the Oklahoma Corporation Commission. The Commission shall set the~~
10 ~~amount of necessary insurance for the transportation of all~~
11 ~~commodities other than hazardous materials. The Commission may~~
12 ~~allow a motor carrier to meet its liability and property damage~~
13 ~~insurance requirements through self-insurance if the motor carrier~~
14 ~~has adequate financial assets to assume liability and is in~~
15 ~~substantial compliance with all motor carrier safety regulations~~
16 ~~adopted by the Department. Any person who transports or who causes~~
17 ~~the transportation of any hazardous material shall be required to~~
18 ~~comply with the financial responsibility requirements specified by~~
19 ~~the federal motor carrier safety regulations and the hazardous~~
20 ~~materials regulations of the United States Department of~~
21 ~~Transportation provided that in no event shall the financial~~
22 ~~responsibility requirement exceed One Million Dollars~~
23 ~~(\$1,000,000.00) except as otherwise specifically required by federal~~
24 ~~law, or any federal rule or regulation promulgated thereto.~~

1 ~~C. Any person who causes or requires any person subject to the~~
2 ~~provisions of the Oklahoma Motor Carrier Safety and Hazardous~~
3 ~~Materials Transportation Act to drive at a speed or carry a load in~~
4 ~~excess of those authorized by law pursuant to the Oklahoma Motor~~
5 ~~Carrier Safety and Hazardous Materials Transportation Act shall be~~
6 ~~subject to the administrative penalties pursuant to the provisions~~
7 ~~of this act.~~

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

20 1. The maximum driving time within a work period is twelve (12)
21 hours if the vehicle is engaged solely in intrastate commerce and is
22 not transporting hazardous materials as defined by regulations of
23 the United States Department of Transportation in the applicable
24 section of Title 49 of the Code of Federal Regulations, as that

1 section now exists or is hereafter amended; except in the event of
2 an emergency and upon ~~notification of the nearest Oklahoma Highway~~
3 ~~Patrol troop headquarters of the Department of Public Safety, the~~
4 ~~Commissioner or his designated agent shall declare~~ official
5 declaration of an emergency and there shall be no hour restrictions
6 for rural electric cooperatives, public utilities, public service
7 corporations or municipal employees as long as an emergency exists
8 for providing service to restore heat, light, power, water,
9 telephone or other emergency restoration facilities that are
10 necessary to ensure the health, welfare and safety of the public;
11 and

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

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

23 ~~F.~~ D. 1. Amendments to the hours of service regulations
24 promulgated on April 28, 2003, by the United States Department of

1 Transportation at Section 22456 of Volume 68 of the Federal Register
2 and effective June 27, 2003, shall not apply to utility service
3 vehicles as defined in Section 395.2 of Title 49 of the Code of
4 Federal Regulations, not including television cable or community
5 antenna service vehicles, which are owned or operated by utilities
6 regulated by the ~~Corporation~~ Commission or electric cooperatives and
7 which are engaged solely in intrastate commerce in this state until
8 June 27, 2006, provided the amendments are valid and remain in
9 effect as of that date. Hours of service regulations, which are
10 applicable in this state immediately prior to June 27, 2003, shall
11 remain applicable to utility service vehicles engaged solely in
12 intrastate commerce in this state until June 27, 2006. If the
13 United States Department of Transportation issues an official
14 finding that this provision may result in the loss of federal Motor
15 Carrier Safety Assistance Program funding, the ~~Department of Public~~
16 ~~Safety~~ Commission may promulgate rules providing for earlier
17 implementation of the amendments to the federal hours of service
18 regulations. If federal law or regulations are amended at any time
19 to exempt utility service vehicles from the hours of service
20 requirements, any exemption shall be effective in this state
21 immediately for the duration of the federal exemption.

22 2. The ~~Department of Public Safety~~ Commission may promulgate
23 rules suspending the effective date for up to three (3) years after
24 the adoption of any motor carrier safety regulation by the United

1 States Department of Transportation as applied to vehicles engaged
2 solely in intrastate commerce in this state if the suspension does
3 not result in the loss of federal Motor Carrier Safety Assistance
4 Program funding.

5 3. The ~~Department of Public Safety~~ Commission may enter into
6 agreements with state and local emergency management agencies and
7 private parties establishing procedures for complying with Section
8 31502(e) of Title 49 of the United States Code and federal
9 regulations promulgated at Section 390.23 of Title 49 of the Code of
10 Federal Regulations, which provide an exemption from the hours of
11 service regulations during certain emergencies.

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

21 SECTION 25. AMENDATORY 47 O.S. 2011, Section 1167, as
22 last amended by Section 1, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
23 2018, Section 1167), is amended to read as follows:

24

1 Section 1167. A. The Corporation Commission is hereby
2 authorized to promulgate rules pursuant to the Administrative
3 Procedures Act to establish the amounts of fees, fines and penalties
4 as set forth in Section 1166 et seq. of this title. The Corporation
5 Commission shall notify all interested parties of any proposed rules
6 to be promulgated as provided herein and shall provide such parties
7 an opportunity to be heard prior to promulgation.

8 B. The Corporation Commission shall adjudicate enforcement
9 actions initiated by Corporation Commission personnel.

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

13 ~~1. For the period beginning August 23, 2013, the first Three~~
14 ~~Hundred Thousand Dollars (\$300,000.00) collected or received each~~
15 ~~fiscal year shall be remitted to the Department of Public Safety for~~
16 ~~the purpose of staffing the port of entry weigh stations to conduct~~
17 ~~safety inspections. The next Five Hundred Fifty Thousand Dollars~~
18 ~~(\$550,000.00) shall be remitted to the Oklahoma Tax Commission and~~
19 ~~apportioned as provided in Section 1104 of this title; and~~

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

22 D. There is hereby created in the State Treasury a revolving
23 fund for the Corporation Commission to be known and designated as

24

1 the "Trucking One-Stop Shop Fund". The Trucking One-Stop Shop Fund
2 shall consist of:

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

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

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

10 The fund shall be a continuing fund, not subject to fiscal year
11 limitations, and shall not be subject to legislative appropriation.
12 Monies in the Trucking One-Stop Shop Fund shall only be expended for
13 direct expenses relating to the Trucking One-Stop Shop Act or the
14 Oklahoma Commercial Motor Carrier Safety Enhancement Act.

15 Expenditures from the revolving fund shall be made pursuant to the
16 laws of this state. In addition, expenditures from the revolving
17 fund may be made pursuant to The Oklahoma Central Purchasing Act for
18 the purpose of immediately responding to emergency situations,
19 within the Commission's jurisdiction, having potentially critical
20 environmental or public safety impact. Warrants for expenditures
21 from the fund shall be drawn by the State Treasurer against claims
22 filed as prescribed by law with the Director of the Office of
23 Management and Enterprise Services for approval and payment.

24

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

14 SECTION 26. AMENDATORY Section 2, Chapter 262, O.S.L.
15 2012 (47 O.S. Supp. 2018, Section 1201), is amended to read as
16 follows:

17 Section 1201. As used in the Oklahoma Weigh Station Act of
18 2012:

- 19 1. "Authority" means the Oklahoma Turnpike Authority;
- 20 2. "Automated license plate reader" (ALPR) means a system of
21 one or more mobile or fixed high-speed cameras combined with
22 computer algorithms to convert images of registration plates or U.S.
23 Department of Transportation numbers on sides of commercial motor
24 vehicles into computer-readable data;

1 3. "Commission" means the Corporation Commission;

2 ~~3.~~ 4. "Department" means the Department of Transportation;

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

4 ~~4.~~ 6. "Port of entry" means a facility, in close proximity to a
5 state line, designed to electronically weigh and screen motor
6 carriers and commercial motor vehicles for compliance with federal
7 and state statutes and rules, allowing compliant carriers to proceed
8 with minimal or no delay;

9 ~~5.~~ 7. "Roadside enforcement" means a temporary location, with
10 or without portable or semi-portable scales, used to randomly check
11 commercial motor vehicles or motor carriers for compliance with
12 federal or state statutes or rules;

13 ~~6.~~ 8. "Weigh station" means a stationary and permanent weighing
14 facility with fixed scales owned by the state where commercial motor
15 vehicles are checked for compliance with weight and size standards.
16 Weigh stations are also utilized to enforce federal and state laws
17 and rules applicable to motor carriers and the operation of
18 commercial motor vehicles and their drivers; and

19 ~~7.~~ 9. "North American Standard Inspection" means a Level I,
20 Level II, Level III, Hazardous Materials, Cargo Tank or Passenger
21 Carrier inspection conducted by an individual certified by the
22 Federal Motor Carrier Safety Administration to conduct such
23 inspections.

1 SECTION 27. AMENDATORY Section 3, Chapter 262, O.S.L.
2 2012, as last amended by Section 2, Chapter 373, O.S.L. 2016 (47
3 O.S. Supp. 2018, Section 1202), is amended to read as follows:

4 Section 1202. A. The Department of Transportation, the
5 Oklahoma Turnpike Authority and the Corporation Commission may enter
6 into interagency agreements concerning the equipment, maintenance
7 and operations of fixed facilities.

8 B. The Department of Transportation, the Authority and the
9 Commission shall endeavor to electronically upgrade weigh stations
10 as practical to minimize the duplication of inspections for
11 compliant commercial motor vehicles and motor carriers.

12 C. The Commission shall operate all current and future ports of
13 entry weigh stations eighteen (18) to ~~twenty (20)~~ twenty-four (24)
14 hours a day and seven (7) days a week upon the availability of
15 funds.

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

20 E. ~~When a fixed facility is located in the general area,
21 Commission motor carrier and commercial motor vehicle enforcement
22 shall be limited to the fixed facility and a radius surrounding the
23 facility. If the fixed facility is a weigh station as defined in
24 Section 1201 of this title, the applicable radius shall be seven (7)~~

1 ~~miles. If the fixed facility is a port of entry weigh station as~~
2 ~~defined in Section 1201 of this title, the applicable radius shall~~
3 ~~be twenty-five (25) miles.~~

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

6 ~~G. The Commission is authorized to conduct audits, reviews,~~
7 ~~investigations, inspections or other enforcement actions by~~
8 ~~enforcement officers provided those activities are within the scope~~
9 ~~of the Commission's jurisdiction and are not conducted as roadside~~
10 ~~enforcement in accordance with the provisions of the Oklahoma Weigh~~
11 ~~Station Act of 2012.~~

12 ~~H. The Commission may enter into interagency cooperative~~
13 ~~agreements with other state or federal agencies to jointly enforce~~
14 ~~federal and state laws or rules.~~

15 ~~F.~~ E. North American Standard Inspections shall be conducted
16 only by individuals holding certification in the level or
17 classification of inspection being conducted.

18 F. To process motor carriers and commercial motor vehicles
19 Automatic License Plate Readers may be used in electronic screening
20 operations for the purpose of credential checks, public safety and
21 protection of infrastructure.

22 G. Data collected or retained through the use of an ALPR
23 system:
24

1 1. Is confidential and not subject to disclosure under the
2 Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the
3 Oklahoma Statutes;

4 2. Is available for use only by the Department, the Authority
5 or the Commission in carrying out its functions or by a law
6 enforcement agency conducting North American Standard Inspections or
7 criminal investigations;

8 3. May be published and released as public information using
9 aggregate data that does not reveal the activities or identify
10 specific commercial motor vehicles or specific motor carriers; and

11 4. May be shared with the Federal Motor Carrier Safety
12 Administration for regulatory compliance purposes.

13 SECTION 28. REPEALER 47 O.S. 2011, Section 1-141.1, is
14 hereby repealed.

15 SECTION 29. REPEALER 47 O.S. 2011, Section 2-117.1, is
16 hereby repealed.

17 SECTION 30. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

21
22 57-1-7845 JBH 02/12/19

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