

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1972

By: Ford

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; amending 47 O.S.
9 2011, Section 170.2, which relates to load capacity
10 violations; specifying certain rule violations
11 identified during compliance audits; directing
12 Corporation Commission to establish certain schedule
13 by rule; modifying certain fines; modifying certain
14 procedures; amending 47 O.S. 2011, Section 171.1,
15 which relates to the expenditure of funds; allowing
16 for expenditure of certain funds; providing for
17 employment of certain positions; stating duties for
18 positions; providing for compensation and related
19 expenses; authorizing purchase, costs and assignment
20 of certain vehicles; providing for certain costs;
21 authorizing employment of administrative law judges;
22 stating responsibilities; amending 47 O.S. 2011,
23 Section 172, which relates to violations; stating
24 provisions of law within Commission jurisdiction;
modifying certain penalties and fines; directing
deposit of certain collected fines; deleting certain
reporting requirement; requiring CLEET training of
certain personnel; declaring certain employees to be
peace officers; providing for duties and powers of
certain employees; deleting certain oath and bond
requirements; excepting certain employees from
certain civil liability; requiring certain employees
wear distinct uniforms; providing for punishment for
individuals impersonating Commission officers;
amending 47 O.S. 2011, Section 180h, which relates to
fees for registration; authorizing the collection of
certain fees; amending 47 O.S. 2011, Section 230.23,
which relates to the Motor Carrier Act of 1995;
modifying definitions; defining terms; requiring
courier application services companies (CASC) to

1 obtain permit by certain date; requiring payment of
2 certain annual fee; directing the Commission to
3 promulgate certain emergency rules; stating
4 Commission authority and jurisdiction in relation to
5 CASC; stating CASC drivers need not hold certain
6 license; directing Commission not to promulgate
7 certain rules; amending 47 O.S. 2011, Section 230.27,
8 which relates to fees; directing Commission to set
9 certain fees; amending 47 O.S. 2011, Section 230.34a,
10 which relates to harvest permits; directing
11 Commission to set certain fees; directing deposit of
12 revenue received from certain fees; amending 47 O.S.
13 2011, Section 966, which relates to the Nonconsensual
14 Towing Act of 2011; allowing for revocation of
15 certain licenses for noncompliance; amending Section
16 4, Chapter 279, O.S.L. 2015 (47 O.S. Supp. 2018,
17 Section 1013), which relates to Commission authority;
18 directing Commission to set certain fees; amending
19 Section 2, Chapter 208, O.S.L. 2018 (47 O.S. Supp.
20 2018, Section 1112.2), which relates to the
21 transferability of license plates; making certain
22 exceptions; amending 47 O.S. 2011, Section 1113, as
23 last amended by Section 4, Chapter 208, O.S.L. 2018
24 (47 O.S. Supp. 2018, Section 1113), which relates to
the issuance of certificate of registration, license
plates and decals; directing the design of certain
license plates; directing license plates designs be
submitted to Commission for approval; amending 47
O.S. 2011, Section 1170, which relates to
confidentiality of reports; allowing for the
disclosure of certain information; 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; allowing for use of
automated license plate readers; detailing use and
sharing of data collected from automated license
plate readers; repealing 47 O.S. 2011, Sections
116.13 and 171.2, which relate to enforcement
officers; providing for codification; and declaring
an emergency.

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

1 SECTION 1. AMENDATORY 47 O.S. 2011, Section 170.2, is
2 amended to read as follows:

3 Section 170.2 A. The Department of Public Safety, monthly,
4 shall notify the Oklahoma Corporation Commission of any ticket
5 issued for a violation of the provisions of Section 14-119 of this
6 title, or any provisions of Chapter 14 of this title or the terms of
7 any special permit authorized pursuant to the provisions of Chapter
8 14 of this title concerning overweight or overweight special
9 permits.

10 B. Truck overweight violations by motor carriers or private
11 carriers identified during size and weight compliance audits
12 conducted by the Commission shall be considered contempt of
13 Commission motor carrier rules, ~~tariffs and regulations~~. The
14 Commission shall establish a specific rule whereby such overweight
15 violations by motor carriers or private carriers shall be grounds
16 for issuance of a show-cause order for consideration of temporary or
17 permanent cancellation of operating authority or license. In
18 establishing the rule, consideration shall be given to the frequency
19 of violations, pattern of violations, fleet size, type of operation,
20 amount of overweight, and other such factors that may indicate
21 intent. Any person, firm, or corporation that assists in the
22 commission of such overweight violation or refuses to comply with
23 any rule, regulation, or order of the Commission relating thereto
24 shall be guilty of contempt of the Commission and shall be subject

1 to a fine to be imposed by said Commission ~~in a sum not to exceed~~
2 ~~Five Hundred Dollars (\$500.00) on each violation~~ in accordance with
3 a schedule set by the Commission by rule wherein the amount of the
4 fine increases according to the extent of the oversize or overweight
5 violations. In the ~~specific~~ instance of an oversize or overweight
6 violation, the transportation of each load shall constitute a
7 separate violation. The same fine assessed against the motor
8 carrier or private carrier shall apply to any other person, firm, or
9 corporation that aids or abets such violations. ~~Provided however,~~
10 ~~no motor carrier, private carrier, shipper or person loading or~~
11 ~~causing a motor vehicle to be loaded shall be subject to a fine for~~
12 ~~contempt unless the gross weight of the motor vehicle is more than~~
13 ~~five thousand (5,000) pounds overweight.~~

14 C. The Commission, in its discretion and on its own motion, may
15 make a contempt complaint in writing under oath setting forth the
16 violation, enter the complaint on its docket, and proceed with the
17 matter in accordance with the ~~provisions of Sections 161 et seq. of~~
18 ~~this title or the Motor Carrier Act of 1995~~ Commission Rules of
19 Practice, Chapter 5 of Title 165 of the Oklahoma Administrative
20 Code.

21 SECTION 2. AMENDATORY 47 O.S. 2011, Section 171.1, is
22 amended to read as follows:

23 Section 171.1 In addition to other uses authorized by law,
24 funds provided to the Corporation Commission ~~Revolving Fund~~ via

1 appropriations or a Commission revolving fund pursuant to Sections
2 165, 177.2 and 180h of this title shall be expended as follows:

3 1. The Corporation Commission Transportation Division shall
4 employ ~~four special~~ motor carrier enforcement officers (MCEOs),
5 motor vehicle enforcement officers (MVEOs) and one
6 ~~supervisor-officer~~ enforcement managers who shall have the primary
7 duty of ~~investigating and assisting in the prosecution of persons~~
8 ~~engaged in unauthorized transportation or disposal of deleterious~~
9 ~~substances as contemplated under the provisions of the Oklahoma~~
10 ~~Motor Carrier Act and any other applicable~~ investigation and
11 regulatory enforcement of those provisions of law Titles 17, 47, 66
12 and 68 of the Oklahoma Statutes relating to commercial
13 transportation over which the Commission has been assigned
14 jurisdiction and related Commission rules. ~~Such employees~~

15 a. MCEOs, MVEOs and enforcement managers shall be
16 compensated as for similar service in the same or
17 other departments of the state and ~~an~~ receive a
18 monthly expense allowance of One Hundred Dollars
19 ~~(\$100.00) per month~~ as determined by the Commission
20 for maintenance and cleaning of uniforms and other
21 related expenses ~~shall be paid to such employees.~~

22 b. MCEOs, enforcement managers and MVEOs must be on duty
23 and in uniform each month to qualify for the uniform
24

1 maintenance, cleaning and other related expenses
2 allowance.

3 c. Nothing in this section regarding expense allowances
4 shall be construed to mean that such employees shall
5 receive any additional compensation beyond what is
6 provided for maintenance and cleaning of uniforms and
7 other related expenses by the Corporation Commission
8 on the effective date of this act.;

9 2. The Commission shall purchase a sufficient number of motor
10 vehicles to provide each motor carrier enforcement officer and
11 enforcement manager employed in the Transportation Division a motor
12 vehicle suitable to carry out ~~the enforcement provisions of~~
13 ~~applicable law~~ assigned duties. Said vehicles assigned to MCEOs
14 shall be appropriately marked as official vehicles. Said vehicles
15 assigned to enforcement managers may be unmarked at the discretion
16 of the Commission. All vehicles assigned to MCEOs or enforcement
17 managers and radio shall be equipped as determined by the
18 Commission. All costs for operation, maintenance and replacement of
19 the motor vehicles authorized in this section shall be provided for
20 from ~~the Corporation~~ appropriations to the Commission or a
21 Commission Revolving Fund. revolving fund; and

22 3. The Commission shall employ a ~~hearing officer~~ administrative
23 law judges whose ~~primary responsibility~~ responsibilities shall be
24 include the adjudication of regulatory enforcement proceedings and

1 complaints brought against persons ~~engaged in unauthorized~~
2 ~~transportation or disposal of deleterious substances or other~~
3 ~~unauthorized transportation~~ or motor carriers alleged to be in
4 ~~violation of the Oklahoma Motor Carrier Act or the rules and~~
5 ~~regulations of motor carriers as promulgated by the Corporation~~ any
6 provision of Titles 17, 47, 66 and 68 of the Oklahoma Statutes
7 relating to commercial transportation over which the Commission has
8 been assigned jurisdiction and related Commission rules.

9 SECTION 3. AMENDATORY 47 O.S. 2011, Section 172, is
10 amended to read as follows:

11 Section 172. A. Every owner of any motor vehicle, the agents
12 or employees of the owner, and every other motor carrier or person
13 who violates, or refuses or fails to comply with or procures, or
14 aids, or abets in, the violation of ~~Sections 161 through 180m of~~
15 ~~this title or the Motor Carrier Act of 1995, or who fails to obey,~~
16 ~~observe, or comply with any order, decision, rule or regulation,~~
17 ~~direction, demand, or requirement of the Corporation Commission, or~~
18 ~~who procures, aids or abets any corporation or person in the~~
19 ~~person's, or its, refusal or willful failure to obey, observe or~~
20 ~~comply with any such order, decision, rule, direction, demand, or~~
21 ~~regulation~~ any of those provisions of Titles 17, 47, 66 and 68 of
22 the Oklahoma Statutes relating to commercial transportation over
23 which the Corporation Commission has been assigned jurisdiction and
24 related Commission rules shall be deemed guilty of a ~~misdemeanor.~~

1 ~~Upon conviction in a criminal court of competent jurisdiction, such~~
2 ~~misdemeanor is punishable by contempt of the Commission and shall be~~
3 ~~subject to a civil fine of not exceeding One Thousand Dollars~~
4 ~~(\$1,000.00) per violation, per day unless otherwise specified by~~
5 ~~law. Each day on which such contempt occurs shall be deemed a~~
6 ~~separate and distinct offense. All roadside enforcement and fixed~~
7 ~~facility fines collected pursuant to the provisions of this section~~
8 ~~shall be deposited in the Trucking One-Stop Shop Fund, as created in~~
9 ~~Section 1167 of this title, while fines paid as a result of a~~
10 ~~Commission enforcement order shall be deposited in the Commission's~~
11 ~~Revolving Fund. Fine limits in this subsection shall not apply to~~
12 ~~violations relating to deleterious substances set forth in Section~~
13 ~~177.3 of this title.~~

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

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

8 ~~C. Any person failing, neglecting or refusing to comply with~~
9 ~~the provisions of Sections 161 through 180m of this title or the~~
10 ~~Motor Carrier Act of 1995, or with any rule, regulation, or~~
11 ~~requirement of the Corporation Commission promulgated pursuant to~~
12 ~~the provisions of Sections 161 through 180m of this title or the~~
13 ~~Motor Carrier Act of 1995, shall be guilty of contempt of the~~
14 ~~Corporation Commission, and shall be subject to a fine to be imposed~~
15 ~~by the Corporation Commission in a sum not exceeding Five Hundred~~
16 ~~Dollars (\$500.00). Each day on which such contempt occurs shall be~~
17 ~~deemed a separate and distinct offense. The maximum fine to be~~
18 ~~assessed on each day shall be Five Hundred Dollars (\$500.00). All~~
19 ~~finances collected pursuant to the provisions of this section shall be~~
20 ~~deposited in the State Treasury to the credit of the Corporation~~
21 ~~Commission Trucking One-Stop Shop Fund, as created in Section 1167~~
22 ~~of this title. This subsection shall not apply in the specific~~
23 ~~instance of load capacity violations or violations applicable to the~~
24

1 ~~transportation or discharge of deleterious substances provided for~~
2 ~~by specific statutory provisions.~~

3 ~~D.~~ The Corporation Commission shall appoint a director of
4 transportation, a deputy director, ~~an insurance supervisor, an~~
5 ~~insurance clerk, two stenographers, a secretary to the director, an~~
6 ~~identification device supervisor and an assistant identification~~
7 ~~device supervisor at such salaries as the Legislature may from time~~
8 ~~to time prescribe~~ and such other staff as necessary to fulfill the
9 duties and responsibilities assigned to the Transportation Division.

10 The employees shall be allowed actual and necessary travel expenses
11 pursuant to the provisions of the State Travel Reimbursement Act.

12 All of the expense claims shall be presented and paid ~~monthly~~
13 timely.

14 ~~E. Enforcement officers~~ C. Corporation Commission MCEOs and
15 enforcement managers shall be certified by the Council on Law
16 Enforcement Education and Training (CLEET) and shall have the
17 primary duties of investigation and regulatory enforcement of those
18 provisions of Titles 17, 47, 66 and 68 of the Oklahoma Statutes
19 relating to commercial transportation over which the Commission has
20 been assigned jurisdiction and related Commission rules.

21 D. MCEOs and enforcement managers, appointed by the Corporation
22 Commission, are hereby declared to be peace officers of this state.
23 Such officers and enforcement managers shall be vested with all
24 powers of peace officers in ~~enforcing~~ the investigation and

1 regulatory enforcement of those provisions of Sections 161 through
2 180m of this title and the Motor Carrier Act of 1995 Titles 17, 47,
3 66 and 68 of the Oklahoma Statutes relating to commercial
4 transportation over which the Commission has been assigned
5 jurisdiction and related Commission rules in all parts of this
6 state. In addition to those powers granted to peace officers of the
7 State of Oklahoma by Section 99a of Title 21 of the Oklahoma
8 Statutes, MCEOs and enforcement managers shall be authorized to
9 enforce criminal laws of this state throughout the state if the
10 unlawful activity is committed in the presence of the MCEO or
11 enforcement manager during the course of performance of the primary
12 regulatory duties set forth in this section.

13 The powers and duties conferred upon said MCEOs and enforcement
14 ~~officers~~ managers shall in no way limit the powers and duties of
15 sheriffs or other peace officers of the state, or any political
16 subdivision thereof, or of members of the Division of Highway
17 Patrol, subject to the Department of Public Safety.

18 E. Corporation Commission MVEOs shall not be required to be
19 CLEET-certified and shall not be armed. MVEOs may perform
20 investigation and regulatory enforcement duties and responsibilities
21 assigned to MCEOs, but shall not perform law enforcement duties
22 reserved to peace officers by Sections 99 and 99a of Title 21 Of the
23 Oklahoma Statutes or other provisions of Oklahoma law.

24

1 F. ~~The enforcement officers~~ MCEOs, MVEOs and enforcement
2 managers, when on duty, upon reasonable belief that any motor
3 vehicle is being operated in violation of any provisions ~~of Sections~~
4 ~~161 through 180m of this title or the Motor Carrier Act of 1995 of~~ of
5 Titles 17, 47, 66 and 68 of the Oklahoma Statutes relating to
6 commercial transportation over which the Commission has been
7 assigned jurisdiction or related Commission rules, shall be
8 authorized to direct the driver to the nearest weigh station or port
9 of entry or to weigh the vehicle with portable scales. In addition,
10 MCEOs, MVEOs and enforcement managers are authorized to require the
11 driver of the vehicle to stop and submit to an inspection of the
12 identification device, or devices, in the vehicle, and to submit to
13 such ~~enforcement officer~~ MCEOs, MVEOs and enforcement managers bills
14 of lading, waybills, or other evidences of the character of the
15 commerce being transported in such vehicle, and to submit to an
16 inspection of the contents of such vehicle for the purpose of
17 comparing same with bills of lading or shipping documentation,
18 waybills, or other evidences of transportation carried by the driver
19 of the vehicle. The officers shall not have the right to plea
20 bargain.

21 G. ~~The~~ MCEOs and enforcement ~~officers~~ managers are authorized
22 to serve all orders, subpoenas, warrants, writs, and notices issued
23 by the Corporation Commission ~~relating to the enforcement of the~~
24 ~~provisions of Sections 161 through 180m of this title or the Motor~~

1 ~~Carrier Act of 1995 and the rules, regulations, and requirements~~
2 ~~prescribed by the Corporation Commission promulgated pursuant to~~
3 ~~Sections 161 through 180m of this title or the Motor Carrier Act of~~
4 ~~1995 within the territorial boundaries of this state.~~

5 H. ~~The MCEOs, MVEOs and enforcement officers~~ managers shall not
6 have the power or right of search, nor shall they have the right of
7 power of seizure, except as provided in ~~Sections 161 through 180m of~~
8 ~~this title or the Motor Carrier Act of 1995~~ those provisions of
9 Titles 17, 47, 66 and 68 of the Oklahoma Statutes relating to
10 commercial transportation over which the Commission has been
11 assigned jurisdiction and related Commission rules. ~~The MCEOs,~~
12 ~~MVEOs and enforcement officers~~ managers are authorized to hold and
13 detain any motor vehicle operating upon the highways of this state,
14 if, the MCEO, MVEO or enforcement officer manager has reason to
15 believe that the vehicle is being operated contrary to ~~the~~ any of
16 those provisions of Sections 161 through 180m of this title or the
17 ~~Motor Carrier Act of 1995, or the rules, regulations, and~~
18 ~~requirements of the Corporation Commission promulgated pursuant to~~
19 ~~Sections 161 through 180m of this title or the Motor Carrier Act of~~
20 ~~1995~~ Titles 17, 47, 66 and 68 of the Oklahoma Statutes relating to
21 commercial transportation over which the Commission has been
22 assigned jurisdiction and related Commission rules.

23 I. No state official, other than members of the Corporation
24 Commission, shall have any power, right, or authority to command,

1 order, or direct any enforcement officer to perform any duty or
2 service authorized by ~~Sections 161 through 180m of this title or the~~
3 ~~Motor Carrier Act of 1995~~ those provisions of Titles 17, 47, 66 and
4 68 of the Oklahoma Statutes relating to commercial transportation
5 over which the Commission has been assigned jurisdiction or related
6 Commission rules.

7 J. ~~Each of the enforcement officers shall, before entering upon~~
8 ~~the discharge of their duties, take and subscribe to the usual oath~~
9 ~~of office and shall execute to the State of Oklahoma a bond in the~~
10 ~~sum of Twenty-five Thousand Dollars (\$25,000.00) each, with~~
11 ~~sufficient surety for the faithful performance of their duty. The~~
12 ~~bond shall be approved and filed as provided by law.~~

13 ~~K.~~ No enforcement officer or employee of the Oklahoma
14 Corporation Commission shall have the right to plea bargain in motor
15 carrier or motor transportation matters except the chief legal
16 counsel of the Commission or an assign of the legal staff of the
17 chief legal counsel.

18 K. If, in the judgment of an MCEO, MVEO or enforcement manager,
19 a commercial motor vehicle poses an inherent risk to public health,
20 public safety or welfare, the MCEO or MVEO, with the approval of an
21 enforcement manager, or an enforcement manager may arrange for
22 impoundment of the detained vehicle at the expense of the motor
23 carrier.

24

1 L. MCEOs, MVEOs, enforcement managers, Corporation

2 Commissioners and other employees of the Commission shall not be
3 civilly liable for any damages arising from the administration of
4 those provisions of Titles 17, 47, 66 and 68 of the Oklahoma
5 Statutes relating to commercial transportation over which the
6 Commission has been assigned, except as provided for in The
7 Governmental Tort Claims Act.

8 M. Except when performing duties not related to fixed facility
9 or roadside enforcement, each employee of the Corporation Commission
10 assigned as an MCEO, enforcement manager or MVEO, as herein
11 provided, shall, while on duty in the field or in a weigh station or
12 port of entry weigh station, wear a Commission-provided, distinctive
13 uniform and display a badge of office, both of which shall be
14 distinguishable from those of the Oklahoma Highway Patrol. Each
15 badge shall display a distinctive serial number. The type and
16 detail of the uniforms shall be designated by the Corporation
17 Commission.

18 N. Any person who without authority wears the badge or uniform
19 of a Corporation Commission enforcement officer, or who without
20 authority impersonates such an officer, with intent to deceive
21 anyone, shall be guilty of a misdemeanor.

22 SECTION 4. AMENDATORY 47 O.S. 2011, Section 180h, is
23 amended to read as follows:

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

11 SECTION 5. AMENDATORY 47 O.S. 2011, Section 230.23, is
12 amended to read as follows:

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

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

18 2. "Commission" means the Oklahoma Corporation Commission;

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

22 4. "Interstate Registration Certificate" (IRC) means a document
23 issued by the Commission granting permission to operate upon the
24

1 highways of the State of Oklahoma in interstate commerce exempt from
2 federal motor carrier regulation;

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

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

15 a. ~~taxicabs and bus companies engaged in the~~
16 ~~transportation of passengers and their baggage, not~~
17 ~~operated between two or more cities and towns, when~~
18 ~~duly licensed by a municipal corporation in which they~~
19 ~~might be doing business,~~

20 b. any person or governmental authority furnishing
21 transportation for school children to and from public
22 schools or to and from public-school-related
23 extracurricular activities under contract with, and
24 sponsored by, a public school board; provided, that

1 motor vehicles and equipment operated for the purposes
2 shall qualify in all respects for the transportation
3 of school children under the Oklahoma School Code and
4 the rules of the State Board of Education adopted
5 pursuant thereto.,

6 ~~e.~~ b. transport trucks transporting liquefied petroleum
7 gases intrastate which are owned or operated by a
8 person subject to and licensed by the Oklahoma
9 Liquefied Petroleum Gas Regulation Act, and

10 ~~d.~~ c. transportation of livestock and farm products in the
11 raw state, when any of such commodities move from farm
12 to market or from market to farm on a vehicle or on
13 vehicles owned and operated by a bona fide farmer not
14 engaged in motor vehicle transportation on a
15 commercial scale;

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

20 8. "Intercorporate hauling" means the transportation of
21 property, by motor vehicle, for compensation, by a carrier which is
22 a member of a corporate family, as defined in the Motor Carrier Act
23 of 1995, when the transportation for compensation is provided for
24 other members of the corporate family;

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

7 10. "Market" means the point at which livestock and farm
8 products in the raw state were first delivered by the producer of
9 the livestock and farm products in the raw state, upon the sale
10 thereof;

11 11. "Public highway" means every public street, road or
12 highway, or thoroughfare in this state, used by the public, whether
13 actually dedicated to the public and accepted by the proper
14 authorities or otherwise; ~~and~~

15 12. "Commercial enterprise" means all undertakings entered into
16 for private gain or compensation, including all industrial pursuits,
17 whether the undertakings involve the handling of or dealing in
18 commodities for sale or otherwise; and

19 13. "Courier application services company" (CASC or CAS
20 company) means a business entity licensed pursuant to Section 6 of
21 this act and operating in Oklahoma that uses a digital network or
22 software application (app) to arrange for delivery of packages by
23 drivers using personal vehicles with a manufacturer's gross weight
24 rating of eight thousand (8,000) pounds or less. A CASC shall not

1 be deemed to control, direct or manage the personal vehicles or
2 participating drivers that connect to its digital network, except
3 where agreed to by written contract.

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 230.24a of Title 47, unless
6 there is created a duplication in numbering, reads as follows:

7 A. Beginning January 1, 2020, no person shall operate a CASC in
8 Oklahoma without first having obtained a Courier Application
9 Services Permit (CASC Permit) from the Oklahoma Corporation
10 Commission.

11 B. The Commission shall issue a CASC Permit to each applicant
12 that presents proof, in a form prescribed by the Commission, that
13 the applicant meets the requirements for a CASC set forth in this
14 section and by rules promulgated by the Commission, and pays to the
15 Commission an annual fee of not less than Fifteen Thousand Dollars
16 (\$15,000.00) as set by the Commission.

17 C. The Commission shall promulgate emergency rules, including
18 fees and fines, and permanent rules to implement the provisions of
19 this section. The Commission may also set additional fees and
20 assess fines for noncompliance with this section or with promulgated
21 rules.

22 D. The authority of the Commission shall be limited to
23 permitting and regulation of CAS companies to ensure compliance with
24 the provisions of this act and shall not include jurisdiction to set

1 rates or fees charged by CAS companies, order refunds or adjudicate
2 private causes of action, for damages or otherwise, arising from the
3 provision of package deliveries.

4 E. CASC drivers shall not be required to hold an intrastate
5 for-hire motor carrier license as otherwise required under Section
6 230.28 of Title 47 of the Oklahoma Statutes.

7 F. The Commission shall promulgate rules which:

8 1. Set liability insurance requirements for CAS companies;

9 2. Require policies for CASC drivers addressing driving under
10 the influence of drugs or alcohol, driving records, age and
11 equipment standards;

12 3. Set CASC records retention schedules and audit timelines;

13 4. Require certain CASC application or website requirements be
14 available and/or disclosed to its customers including customers'
15 personally identifiable information; and

16 5. Require CAS companies to conduct driver background checks.

17 G. The rules promulgated pursuant to subsection F shall not
18 include requirements exceeding the same or substantially similar
19 requirements for Transportation Network Companies (TNCs) or TNC
20 drivers under the Oklahoma Transportation Network Company Services
21 Act.

22 SECTION 7. AMENDATORY 47 O.S. 2011, Section 230.27, is
23 amended to read as follows:

24

1 Section 230.27 A. Upon the filing by an intrastate motor
2 carrier or private carrier of an application for a license, the
3 applicant shall pay to the Corporation Commission a filing fee ~~in~~
4 ~~the sum of One Hundred Dollars (\$100.00) with an original or~~
5 ~~subapplication~~ as set by the Corporation Commission. Any valid
6 license issued will remain in force, unless otherwise revoked by the
7 Commission in accordance with the provisions of the Motor Carrier
8 Act of 1995, for one (1) year from date of issuance.

9 B. Every motor carrier or private carrier wishing to continue
10 operations under the original license, shall pay to the Corporation
11 Commission an annual renewal fee ~~of Fifty Dollars (\$50.00)~~ as set by
12 the Corporation Commission. ~~An intrastate license may be renewed~~
13 ~~for up to three (3) years.~~

14 C. The Commission shall, upon the receipt of any fee, deposit
15 the same in the State Treasury to the credit of the Trucking One-
16 Stop Shop Fund.

17 SECTION 8. AMENDATORY 47 O.S. 2011, Section 230.34a, is
18 amended to read as follows:

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

24

1 B. The harvest permit shall be recognized in lieu of
2 registration, fuel permit and intrastate operating authority in this
3 state. The harvest permit shall be issued to the operating motor
4 carrier.

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

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

12 1. Owner of the vehicle;

13 2. Vehicle registrant;

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

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

21 E. There shall be a fee set by Commission rule of not less than
22 Twenty Dollars (\$20.00) per axle for a thirty-day permit or Thirty-
23 five Dollars (\$35.00) per axle for a sixty-day permit, for each
24 vehicle registered pursuant to the Motor Carrier Harvest Permit Act

1 of 2006. Revenue derived from this fee shall be ~~apportioned as~~
2 ~~follows:~~

3 ~~1. One half (1/2) of the revenue shall be deposited in the~~
4 ~~Weigh Station Improvement Revolving Fund as set forth in Section~~
5 ~~1167 of Title 47 of the Oklahoma Statutes; and~~

6 ~~2. The remaining amount shall be deposited in the Trucking One-~~
7 ~~Stop Shop Trucking Fund as set forth in Section 1167 of Title 47 of~~
8 ~~the Oklahoma Statutes.~~

9 F. A harvest permit may be extended in fifteen-day increments.
10 The permit holder shall be required to pay the additional prorated
11 portion of the tag fee as set by the Commission of not less than at
12 Eight Dollars and seventy-five cents (\$8.75) per axle per fifteen-
13 day extension.

14 G. An application for a harvest permit shall be made to the
15 Corporation Commission. The Corporation Commission shall allow
16 applications to be submitted by facsimile and electronically. The
17 Commission must provide reasonable access for persons to obtain a
18 harvest permit before taking enforcement action.

19 H. If found to be in violation of the Motor Carrier Harvest
20 Permit Act of 2006 for failure to obtain or maintain a current
21 harvest permit, the operating carrier shall post bond in the amount
22 of the cost of the harvest permit and shall be allowed seventy-two
23 (72) hours to apply for the permit. If the operating carrier makes
24

1 application within seventy-two (72) hours, the bond amount will be
2 applied toward the harvest permit fee.

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

6 J. The Corporation Commission may enter into an agreement with
7 any person or corporation located within or outside of the state for
8 transmission of harvest permits by way of facsimile or other device
9 when the Corporation Commission determines that such agreements are
10 in the best interest of the state.

11 K. The Corporation Commission may promulgate rules to
12 administer the provisions of the Motor Carrier Harvest Permit Act of
13 2006.

14 SECTION 9. AMENDATORY 47 O.S. 2011, Section 966, is
15 amended to read as follows:

16 Section 966. A. ~~This act~~ Sections 966, 967 and 968 of this
17 title shall be known and may be cited as the "Nonconsensual Towing
18 Act of 2011".

19 B. The provisions of this act shall apply to every wrecker
20 operating within the State of Oklahoma removing and storing vehicles
21 from Oklahoma roads and highways or private property as a result of
22 a nonconsensual tow.

23 C. The Corporation Commission, by Commission order, shall have
24 the power and authority necessary:

1 1. To establish wrecker rates for the transportation and
2 storage of motor vehicles removed due to a nonconsensual tow from
3 Oklahoma roads and highways or private property;

4 2. To supervise and enforce such rates; and

5 3. To mediate and adjudicate complaints that may arise from
6 charges assessed as a result of such vehicle removal.

7 D. Rates as specified in Sections 953.1 and 953.2 of Title 47
8 of the Oklahoma Statutes shall remain in effect until rates are
9 established by order of the Commission.

10 E. Rates established by the Commission shall be fair and
11 reasonable.

12 F. The Commission may assess fines or other penalties to any
13 wrecker or towing service for failure to comply with prescribed
14 rates as established by the Commission, failure to pay a levied
15 assessment or comply with any applicable order of the Commission.

16 ~~Repeat violations by a wrecker or towing service are cause for~~
17 ~~revocation of its license issued by the Department of Public Safety~~
18 Upon notice from the Commission, the Department of Public Safety
19 shall revoke the license of any wrecker or towing service company
20 that fails to comply with an order issued by the Commission.

21 G. The Department shall cooperate with the Commission to
22 implement this act and may enter into agreements to facilitate this
23 act.

24

1 SECTION 10. AMENDATORY Section 4, Chapter 279, O.S.L.
2 2015 (47 O.S. Supp. 2018, Section 1013), is amended to read as
3 follows:

4 Section 1013. A. A person shall not operate a transportation
5 network company in Oklahoma without first having obtained a permit
6 from the Oklahoma Corporation Commission (Commission).

7 B. The Commission shall issue a permit to each applicant that
8 presents proof, in a form prescribed by the Commission, that the
9 applicant meets the requirements for a TNC set forth in this act,
10 and proof of insurance required by this act and pays to the
11 Commission an annual permit fee ~~of Five Thousand Dollars (\$5,000.00)~~
12 as set by the Commission.

13 C. The Commission shall promulgate rules as needed to implement
14 the provisions of this act. The Commission may also set additional
15 fees and assess fines for noncompliance with this act or with
16 promulgated rules.

17 D. The authority of the Commission shall be limited to
18 permitting and regulation of TNCs to ensure compliance by TNCs with
19 the provisions of this act and shall not include jurisdiction to
20 adjudicate private causes of action arising from the provision of
21 prearranged rides.

22 E. The Commission shall have the authority to examine the
23 records of TNCs for the purpose of enforcement of this act,
24 including a random sample of the TNC's records related to

1 prearranged rides and TNC drivers at the Oklahoma City offices of
2 the Commission, unless an alternative location is agreed to by the
3 Commission and the TNC. Such examinations shall not occur more than
4 two times per year unless necessary to investigate a complaint.
5 Records obtained by the Commission pursuant to this act shall not be
6 subject to disclosure under the Oklahoma Open Records Act and shall
7 be kept confidential by the Commission, except as may be required in
8 a Commission proceeding.

9 F. Failure of a TNC to comply with the provisions of this act
10 may result in the denial or revocation of the TNC permit or fines as
11 assessed by the Commission.

12 SECTION 11. AMENDATORY Section 2, Chapter 208, O.S.L.
13 2018 (47 O.S. Supp. 2018, Section 1112.2), is amended to read as
14 follows:

15 Section 1112.2 A. Effective July 1, 2019, the registration
16 license plate and certificate of registration shall be issued to,
17 and remain in the name of, the owner of the vehicle registered and
18 the license plates shall not be transferable between motor vehicle
19 owners. When a vehicle is sold or transferred in the state, the
20 following registration procedures shall apply:

21 1. When a current and valid Oklahoma motor vehicle license
22 plate has been obtained for use on a motor vehicle and the vehicle
23 has been sold or otherwise transferred to a new owner, the license
24

1 plate shall be removed from the vehicle and retained by the original
2 plate owner.

3 2. In the event an owner purchases, trades, exchanges, or
4 otherwise acquires another vehicle of the same license registration
5 classification, the Oklahoma Tax Commission shall authorize the
6 transfer of the current and valid license plate previously obtained
7 by the owner to the replacement vehicle for the remainder of the
8 current registration period. In the event the owner acquires a
9 vehicle requiring payment of additional registration fees, the owner
10 shall request a transfer of the license plate to the newly acquired
11 vehicle and pay the difference in registration fees. The fee shall
12 be calculated on a monthly prorated basis. The owner shall not be
13 entitled to a refund:

14 a. when the registration fee for the vehicle to which the
15 plate(s) is to be assigned is less than the
16 registration fee for that vehicle to which the license
17 plate(s) was last assigned, or

18 b. if the owner does not have or does not acquire another
19 vehicle to which the license plate may be transferred.

20 3. In the event the owner of a license plate purchases, trades,
21 exchanges or otherwise acquires a vehicle for which a license plate
22 has been issued during the current registration period, and the
23 license plate has not been removed by the previous owner in
24 accordance with this section, the new owner of the vehicle shall

1 remove and return the license plate to the Tax Commission or a motor
2 license agent. However, if the license plate has expired, the new
3 owner shall not be required to surrender the license plate.

4 4. If a person purchases a motor vehicle from which the number
5 plates have been removed pursuant to this section, the person may
6 operate the motor vehicle for five (5) days from the date of
7 purchase without number plates if a dated notarized bill of sale is
8 carried in the motor vehicle.

9 B. 1. The new owner of a motor vehicle shall, within thirty
10 (30) calendar days from the date of vehicle purchase or acquisition,
11 make application to record the registration of the vehicle by the
12 transfer to, or purchase of, a license plate for the newly acquired
13 vehicle with the Tax Commission or motor license agent and shall pay
14 all taxes and fees provided by law.

15 2. Any person failing to register a motor vehicle by timely
16 transferring the license plate as provided by this section shall pay
17 the penalty levied in Section 1132 of Title 47 of the Oklahoma
18 Statutes.

19 C. A surviving spouse, desiring to operate a vehicle devolving
20 from a deceased spouse, shall present an application for certificate
21 of title to the Tax Commission or motor license agent in his or her
22 name within thirty (30) days of obtaining ownership. The Tax
23 Commission or motor license agent shall then transfer the license
24 plate to the surviving spouse.

1 D. The Oklahoma Tax Commission shall be authorized to
2 promulgate such rules as may be required to implement the license
3 plate transfers authorized by this section; including, but not
4 limited to, such rules as may be required for a system under which
5 the license plate is registered to an individual and not a vehicle
6 for all license plates issued on or after July 1, 2019.

7 E. This section shall not apply to commercial vehicle or
8 trailer registrations issued by the Oklahoma Corporation Commission.

9 SECTION 12. AMENDATORY 47 O.S. 2011, Section 1113, as
10 last amended by Section 4, Chapter 208, O.S.L. 2018 (47 O.S. Supp.
11 2018, Section 1113), is amended to read as follows:

12 Section 1113. A. 1. Except for all-terrain vehicles, utility
13 vehicles and motorcycles used exclusively off roads and highways,
14 upon the filing of a registration application and the payment of the
15 fees provided for in the Oklahoma Vehicle License and Registration
16 Act, the Oklahoma Tax Commission or Corporation Commission, as
17 applicable, shall assign to the vehicle described in the application
18 a distinctive number, and issue to the owner of the vehicle a
19 certificate of registration, one license plate and a yearly decal.
20 The Oklahoma Tax Commission shall assign an all-terrain vehicle,
21 utility vehicle or motorcycle used exclusively off roads and
22 highways a distinctive number and issue to the owner a certificate
23 of registration and a decal but not a license plate. For each
24 subsequent registration year, the Tax Commission shall issue a

1 yearly decal to be affixed to the license plate, except for an all-
2 terrain vehicle, utility vehicle or motorcycle used exclusively off
3 roads and highways. The initial decal for an all-terrain vehicle,
4 utility vehicle or motorcycle shall be attached to the front of the
5 vehicle and shall be in clear view. The decal shall be on the front
6 or on the front fork of the motorcycle used exclusively off roads
7 and highways and the decal shall be in clear view. The yearly decal
8 shall have an identification number and the last two numbers of the
9 registration year for which it shall expire. Except as provided by
10 Section 1113A of this title, the license plate shall be affixed to
11 the exterior of the vehicle until a replacement license plate is
12 applied for. If the owner applies for a replacement license plate,
13 the Tax Commission shall charge the fee provided for in Section 1114
14 of this title. The yearly decal will validate the license plate for
15 each registration period other than the year the license plate is
16 issued. The license plate and decal shall be of such size, color,
17 design and numbering as the Tax Commission may direct. However,
18 yearly decals issued to the owner of a vehicle who has filed an
19 affidavit with the appropriate motor license agent in accordance
20 with Section 7-607 of this title shall be a separate and distinct
21 color from all other decals issued under this section. Before the
22 effective date of this act, the Tax Commission shall also issue a
23 monthly decal which shall include a two-letter abbreviation
24 corresponding to the county in which the vehicle is registered. The

1 Tax Commission shall issue all decals in the possession of the Tax
2 Commission on the effective date of this act before issuing any
3 decals which do not contain the county abbreviation.

4 2. The license plate shall be securely attached to the rear of
5 the vehicle, except truck-tractor plates which shall be attached to
6 the front of the vehicle. The Tax Commission may, with the
7 concurrence of the Department of Public Safety, by Joint Rule,
8 change and direct the manner, place and location of display of any
9 vehicle license plate when such action is deemed in the public
10 interest. The license plate, decal and all letters and numbers
11 shall be clearly visible at all times. The operation of a vehicle
12 in this state, regardless of where such vehicle is registered, upon
13 which the license plate is covered, overlaid or otherwise screened
14 with any material, whether such material be clear, translucent,
15 tinted or opaque, shall be a violation of this paragraph.

16 3. Upon payment of the annual registration fee provided in
17 Section 1133 of this title, the Tax Commission or Corporation
18 Commission, as applicable, or a motor license agent may issue a
19 permanent nonexpiring license plate to an owner of one hundred or
20 more commercial motor vehicles and for vehicles registered under the
21 provisions of Section 1120 of this title. Upon payment of the
22 annual registration fee, the Tax Commission or Corporation
23 Commission shall issue a certificate of registration that shall be
24 carried at all times in the vehicle for which it is issued.

1 Provided, if the registrant submits its application through
2 electronic means, such qualified owners of one hundred or more
3 commercial motor vehicles, properly registered pursuant to the
4 provisions of Section 1133 of this title, may elect to receive a
5 permanent certificate of registration that shall be carried at all
6 times in the vehicle for which it is issued.

7 4. Every vehicle owned by an agency of this state shall be
8 exempt from the payment of registration fees required by this title.

9 Provided, such vehicle shall be registered and shall otherwise
10 comply with the provisions of the Oklahoma Vehicle License and
11 Registration Act.

12 B. The license plates required under the provisions of this
13 title shall conform to the requirements and specifications listed
14 hereinafter:

15 1. Each license plate shall have a space for the placement of
16 the yearly decals for each succeeding year of registration after the
17 initial issue;

18 2. The provisions of the Oklahoma Vehicle License and
19 Registration Act regarding the issuance of yearly decals shall not
20 apply to the issuance of apportioned license plates, including
21 license plates for state vehicles, and exempt plates for
22 governmental entities and fire departments organized pursuant to
23 Section 592 of Title 18 of the Oklahoma Statutes;

24

1 3. All license plates and decals shall be made with
2 reflectorized material as a background to the letters, numbers and
3 characters displayed thereon. The reflectorized material shall be
4 of such a nature as to provide effective and dependable brightness
5 during the service period for which the license plate or decal is
6 issued;

7 4. Except as otherwise provided in this subsection, the Tax
8 Commission shall design appropriate official license plates for all
9 state vehicles. Such license plates shall be permanent in nature
10 and designed in such manner as to remain with the vehicle for the
11 duration of the vehicle's life span or until the title is
12 transferred to a nongovernmental owner;

13 5. Within the limits prescribed in this section, the Tax
14 Commission shall design appropriate official license plates for
15 vehicles of the Oklahoma Highway Patrol. The license plates shall
16 have the legend "Oklahoma OK" and shall contain the letters "OHP"
17 followed by the state seal and the badge number of the Highway
18 Patrol officer to whom the vehicle is assigned. The words "Oklahoma
19 Highway Patrol" shall also be included on such license plates;

20 6. Within the limits prescribed in this section, the Tax
21 Commission shall design appropriate official license plates for
22 vehicles of the Oklahoma Military Department. Such license plates
23 shall have the legend "Oklahoma OK" and shall contain the letters
24 "OMD" followed by the state seal and three numbers or letters as

1 designated by the Adjutant General. The words "Oklahoma Military
2 Department" shall also be included on such license plates;

3 7. Within the limits prescribed in this section, the Tax
4 Commission shall design appropriate official license plates for
5 vehicles of the Oklahoma Department of Corrections. Such license
6 plates shall contain the letters "DOC" followed by the Department of
7 Corrections badge and three numbers or letters or combination of
8 both as designated by the Director of the agency. The words
9 "Department of Corrections" shall also be included on such license
10 plates; ~~and~~

11 8. Within the limits prescribed in this section, the Tax
12 Commission shall design appropriate official license plates for
13 vehicles of the Oklahoma Corporation Commission. Such license
14 plates shall contain the letters "OCC" followed by the Osage
15 warrior's shield and a minimum of three additional numbers or
16 letters as designated by the Director of the Corporation Commission
17 Transportation Division. The words "Oklahoma Corporation
18 Commission" shall also be included on such license plates;

19 9. Within the limits prescribed in this section, the Oklahoma
20 Tourism and Recreation Department shall design any license plates
21 required by the initiation of a license plate reissuance by the
22 Oklahoma Tax Commission at the request of the Department of Public
23 Safety pursuant to the provisions of Section 1113.2 of this title.
24 Any such new designs shall be submitted by the Oklahoma Tourism and

1 Recreation Department to the Department of Public Safety for its
2 approval prior to being issued by the Oklahoma Tax Commission; and

3 10. The Tax Commission shall submit all commercial motor
4 vehicle license plate designs to the Oklahoma Corporation Commission
5 for its approval prior to being issued by the Oklahoma Tax
6 Commission.

7 C. Where the applicant has satisfactorily shown that the
8 applicant owns the vehicle sought to be registered but is unable to
9 produce documentary evidence of the ownership, a license plate may
10 be issued upon approval by the Tax Commission or Corporation
11 Commission, as applicable. In such instances the reason for not
12 issuing a certificate of title shall be indicated on the receipt
13 given to the applicant. It shall still be the duty of the applicant
14 to immediately take all necessary steps to obtain the Oklahoma
15 certificate of title and it shall be unlawful for the applicant to
16 sell the vehicle until the certificate has been obtained in the
17 applicant's name.

18 D. The certificate of registration provided for in this section
19 shall be in convenient form, and the certificate of registration, or
20 a certified copy or photostatic copy thereof, duly authenticated by
21 the Tax Commission or Corporation Commission, as applicable, shall
22 be carried at all times in or upon all vehicles so registered, in
23 such manner as to permit a ready examination thereof upon demand by
24 any peace officer of the state or duly authorized employee of the

1 Department of Public Safety. Any such officer or agent may seize
2 and hold such vehicle when the operator of the same does not have
3 the registration certificate in the operator's possession or when
4 any such officer or agent determines that the registration
5 certificate has been obtained by misrepresentation of any essential
6 or material fact or when any number or identifying information
7 appearing on such certificate has been changed, altered, obliterated
8 or concealed in any way, until the proper registration or
9 identification of such vehicle has been made or produced by the
10 owner thereof.

11 E. The purchaser of a new or used manufactured home shall,
12 within thirty (30) days of the date of purchase, register the home
13 with the Tax Commission or a motor license agent pursuant to the
14 provisions of Section 1117 of this title. For a new manufactured
15 home, it shall be the responsibility of the dealer selling the home
16 to place a temporary license plate on the home in the same manner as
17 provided in Section 1128 of this title for other new motor vehicles.
18 For the first year that any manufactured home is registered in this
19 state, the Tax Commission shall issue a metal license plate which
20 shall be affixed to the manufactured home. The temporary dealer
21 license plate or the metal license plate shall be displayed on the
22 manufactured home at all times when upon a public roadway; provided,
23 a repossession affidavit issued pursuant to Sections 1110 and 1126
24 of this title shall be permissible in lieu of a current license

1 plate and decal for the purposes of removing a repossessed
2 manufactured home to a secure location. Manufactured homes
3 previously registered and subject to ad valorem taxation as provided
4 by law shall have a decal affixed at the time ad valorem taxes are
5 paid for such manufactured home; provided, for a manufactured home
6 permanently affixed to real estate, no decal or license plate shall
7 be required to be affixed and the owner thereof shall be given a
8 receipt upon payment of ad valorem taxes due on the home. The Tax
9 Commission shall make sufficient plates and decals available to the
10 various motor license agents of the state in order for an owner of a
11 manufactured home to acquire the plate or decal. A one-dollar fee
12 shall be charged for issuance of any plate or decal. The fee shall
13 be apportioned each month to the General Revenue Fund of the State
14 Treasury.

15 F. The decal shall be easily visible for purposes of
16 verification by a county assessor that the manufactured home is
17 properly assessed for ad valorem taxation. In the first year of
18 registration, a decal shall be issued for placement on the license
19 plate indicating payment of applicable registration fees and excise
20 taxes. A duplicate manufactured home registration decal shall be
21 affixed inside the window nearest the front door of the manufactured
22 home. In the second and all subsequent years for which the
23 manufactured home is subject to ad valorem taxation, an annual decal
24 shall be affixed inside the window nearest the front door as

1 evidence of payment of ad valorem taxes. The Tax Commission shall
2 issue decals to the various county treasurers of the state in order
3 for a manufactured home owner to obtain such decal each year. Upon
4 presentation of a valid ad valorem tax receipt, the manufactured
5 home owner shall be issued the annual decal.

6 G. Upon the registration of a manufactured home in this state
7 for the first time or upon discovery of a manufactured home
8 previously registered within this state for which the information
9 required by this subsection is not known, the Tax Commission shall
10 obtain:

- 11 1. The name of the owner of the manufactured home;
- 12 2. The serial number or identification number of the
13 manufactured home;
- 14 3. A legal description or address of the location for the home;
- 15 4. The actual retail selling price of the manufactured home
16 excluding Oklahoma taxes;
- 17 5. The certificate of title number for the home; and
- 18 6. Any other information which the Tax Commission deems to be
19 necessary.

20 The application for registration shall also include the school
21 district in which the manufactured home is located or is to be
22 located. The information shall be entered into a computer data
23 system which shall be used by the Tax Commission to provide
24 information to county assessors upon request by the assessor. The

1 | assessor may request any information from the system in order to
2 | properly assess a manufactured home for ad valorem taxation.

3 | SECTION 13. AMENDATORY 47 O.S. 2011, Section 1170, is
4 | amended to read as follows:

5 | Section 1170. A. Reports and files of the Corporation
6 | Commission concerning the administration of the International
7 | Registration Plan and the International Fuel Tax Agreement, shall be
8 | considered confidential and privileged, except as otherwise provided
9 | for by law, and neither the Commission nor any employee engaged in
10 | the administration of the International Registration Plan or
11 | International Fuel Tax Agreement or charged with the custody of any
12 | such reports or records nor any person who may have secured such
13 | reports or records from the Commission shall disclose any
14 | information obtained from the reports or records of any person.

15 | B. The provisions of this section shall not prevent the
16 | Commission from disclosing the following information and no
17 | liability whatsoever, civil or criminal, shall attach to any member
18 | of the Commission or any employee thereof for any error or omission
19 | in the disclosure of such information:

20 | 1. The delivery to a taxpayer or a duly authorized
21 | representative of the taxpayer of a copy of any report or any other
22 | paper filed by the taxpayer pursuant to the provisions of the
23 | International Registration Plan or the International Fuel Tax
24 | Agreement;

1 2. The exchange of information that is not protected by the
2 federal Privacy Protection Act, 42 U.S.C., Section 2000aa et seq.,
3 pursuant to reciprocal agreements or compacts entered into by the
4 Commission and other state agencies or agencies of the federal
5 government;

6 3. The publication of statistics so classified as to prevent
7 the identification of a particular report and the items thereof;

8 4. The examination of records and files by the State Auditor
9 and Inspector or the duly authorized agents of the State Auditor and
10 Inspector;

11 5. The disclosing of information or evidence to the Oklahoma
12 State Bureau of Investigation, Attorney General, Oklahoma State
13 Bureau of Narcotics and Dangerous Drugs Control, any district
14 attorney, or agent of any federal law enforcement agency when the
15 information or evidence is to be used by such officials to
16 investigate or prosecute violations of the criminal provisions of
17 the Uniform Tax Procedure Code or of any state tax law or of any
18 federal crime committed against this state. Any information
19 disclosed to the Oklahoma State Bureau of Investigation, Attorney
20 General, Oklahoma State Bureau of Narcotics and Dangerous Drugs
21 Control, any district attorney, or agent of any federal law
22 enforcement agency shall be kept confidential by such person and not
23 be disclosed except when presented to a court in a prosecution for
24 violation of the tax laws of this state or except as specifically

1 authorized by law, and a violation by the Oklahoma State Bureau of
2 Investigation, Attorney General, Oklahoma State Bureau of Narcotics
3 and Dangerous Drugs Control, district attorney, or agent of any
4 federal law enforcement agency by otherwise releasing the
5 information shall be a felony;

6 6. The use by any division of the Commission of any information
7 or evidence in the possession of or contained in any report or
8 return filed or documents obtained by the Commission in the
9 administration of the International Fuel Tax Agreement or the
10 International Registration Plan;

11 7. The furnishing, at the discretion of the Commission, of any
12 information disclosed by its records or files to any official person
13 or body of this state, any other state, the United States, or
14 foreign country who is concerned with the administration or
15 assessment of any similar tax in this state, any other state or
16 province or the United States;

17 8. The furnishing of information as to the issuance or
18 revocation of any registration or license by the Commission as
19 provided for by law. Such information shall be limited to the name
20 of the person issued the permit or license, the name of the business
21 entity authorized to engage in business pursuant to the permit or
22 license, the address of the business entity, and the grounds for
23 revocation;

24

1 9. The disclosure of information to any person for a purpose as
2 authorized by the taxpayer pursuant to a waiver of confidentiality.
3 The waiver shall be in writing and shall be made upon such form as
4 the Commission may prescribe;

5 10. The disclosure of information directly involved in the
6 resolution of the protest by a taxpayer to an assessment of tax or
7 additional tax or the resolution of a claim for a refund filed by a
8 taxpayer, including the disclosure of the pendency of an
9 administrative proceeding involving such protest or claim, to a
10 person called by the Commission as an expert witness or as a witness
11 whose area of knowledge or expertise specifically addresses the
12 issue addressed in the protest or claim for refund. Such disclosure
13 to a witness shall be limited to information pertaining to the
14 specific knowledge of that witness as to the transaction or
15 relationship between taxpayer and witness;

16 11. The furnishing to a prospective purchaser of any business,
17 or his or her authorized representative, of information relating to
18 any liabilities, delinquencies, assessments or warrants of the
19 prospective seller of the business which have not been filed of
20 record, established, or become final and which relate solely to the
21 seller's business. Any disclosure under this paragraph shall only
22 be allowed upon the presentment by the prospective buyer, or the
23 buyer's authorized representative, of the purchase contract and a
24 written authorization between the parties;

1 12. The furnishing of information as to the amount of state
2 revenue affected by the issuance or granting of any registration or
3 license or credit issued by the Corporation Commission as provided
4 for by law. Such information shall be limited to the type of
5 registration, license or credit issued or granted, the date and
6 duration of such registration, license or credit, and the amount of
7 such revenue. The provisions of this paragraph shall not authorize
8 the disclosure of the name of the person issued such registration,
9 license, exemption, credit, or the name of the business entity
10 authorized to engage in business pursuant to the registration,
11 license or credit; and

12 13. The disclosure of information in a Corporation Commission
13 administrative hearing for the purposes of an enforcement action or
14 an appeal of an agency determination.

15 SECTION 14. AMENDATORY Section 3, Chapter 262, O.S.L.
16 2012, as last amended by Section 2, Chapter 373, O.S.L. 2016 (47
17 O.S. Supp. 2018, Section 1202), is amended to read as follows:

18 Section 1202. A. The Department of Transportation, the
19 Oklahoma Turnpike Authority and the Corporation Commission may enter
20 into interagency agreements concerning the equipment, maintenance
21 and operations of fixed facilities.

22 B. The Department of Transportation, the Authority and the
23 Commission shall endeavor to electronically upgrade weigh stations
24

1 as practical to minimize the duplication of inspections for
2 compliant commercial motor vehicles and motor carriers.

3 C. The Commission shall operate all current and future ports of
4 entry weigh stations eighteen (18) to twenty (20) hours a day and
5 seven (7) days a week upon the availability of funds.

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

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

18 F. The Commission may assist in roadside enforcement in a joint
19 effort at the request of the Oklahoma Highway Patrol.

20 G. The Commission is authorized to conduct audits, reviews,
21 investigations, inspections or other enforcement actions by
22 enforcement officers provided those activities are within the scope
23 of the Commission's jurisdiction and are not conducted as roadside
24

1 enforcement in accordance with the provisions of the Oklahoma Weigh
2 Station Act of 2012.

3 H. The Commission may enter into interagency cooperative
4 agreements with other state or federal agencies to jointly enforce
5 federal and state laws or rules.

6 I. North American Standard Inspections shall be conducted only
7 by individuals holding certification in the level or classification
8 of inspection being conducted.

9 J. Automated license plate readers (ALPRs) may be used in the
10 electronic screening of motor carriers and commercial motor vehicles
11 for the purpose of credential checks, public safety and protection
12 of infrastructure.

13 K. Data collected or retained through the use of an ALPR
14 system:

15 1. Is confidential and not subject to disclosure under the
16 Oklahoma Open Records Act;

17 2. Is available for use only by the Department, the Authority
18 or the Commission in carrying out its functions or by a law
19 enforcement agency conducting North American Standard Inspections or
20 criminal investigations;

21 3. May be published and released as public information using
22 aggregate data that does not reveal the activities or identify
23 specific commercial motor vehicles or specific motor carriers; and
24

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

3 SECTION 15. REPEALER 47 O.S. 2011, Section 116.13, is
4 hereby repealed.

5 SECTION 16. REPEALER 47 O.S. 2011, Section 171.2, is
6 hereby repealed.

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

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