

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend House Bill No. 1972, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Bergstrom

Bergstrom-JD-FS-Req#2224
4/17/2019 3:41 PM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 HOUSE BILL NO. 1972

By: Ford of the House

and

Bergstrom of the Senate

7
8
9 FLOOR SUBSTITUTE

10 [motor vehicles - load capacity violations -
11 expenditure of funds - fees - Corporation Commission
12 collection authorization - Motor Carrier Act of 1995
13 - Nonconsensual Towing Act of 2011 - transferability
14 of license plates - issuance of certificate of
registration, license plates and decals -
confidentiality of reports - maintenance and
operation of fixed facilities - repealers -
emergency]

15
16
17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

20 Section 170.2. A. The Department of Public Safety, monthly,
21 shall notify the Oklahoma Corporation Commission of any ticket
22 issued for a violation of the provisions of Section 14-119 of this
23 title, or any provisions of Chapter 14 of this title or the terms of
24 any special permit authorized pursuant to the provisions of Chapter

1 14 of this title concerning overweight or overweight special
2 permits.

3 B. Truck overweight violations by motor carriers or private
4 carriers identified during weight compliance audits conducted by the
5 Commission shall be considered contempt of Commission motor carrier
6 rules, ~~tariffs and regulations~~. The Commission shall establish a
7 specific rule whereby such overweight violations by motor carriers
8 or private carriers shall be grounds for issuance of a show-cause
9 order for consideration of temporary or permanent cancellation of
10 operating authority or license. In establishing the rule,
11 consideration shall be given to the frequency of violations, pattern
12 of violations, fleet size, type of operation, amount of overweight,
13 and other such factors that may indicate intent. Any person, firm,
14 or corporation that assists in the commission of such overweight
15 violation or refuses to comply with any rule, regulation, or order
16 of the Commission relating thereto shall be guilty of contempt of
17 the Commission and shall be subject to a fine to be imposed by said
18 Commission in a sum not to exceed Five Hundred Dollars (\$500.00) on
19 each violation. In the ~~specific~~ instance of an overweight
20 violation, the transportation of each load shall constitute a
21 separate violation. The same fine assessed against the motor
22 carrier or private carrier shall apply to any other person, firm, or
23 corporation that aids or abets such violations. ~~Provided however,~~
24 ~~no motor carrier, private carrier, shipper or person loading or~~

1 ~~causing a motor vehicle to be loaded shall be subject to a fine for~~
2 ~~contempt unless the gross weight of the motor vehicle is more than~~
3 ~~five thousand (5,000) pounds overweight.~~

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

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

13 Section 171.1. In addition to other uses authorized by law,
14 funds provided to the Corporation Commission ~~Revolving Fund via~~
15 appropriations or a Commission revolving fund pursuant to ~~Sections~~
16 ~~165, 177.2 and 180h~~ of this title shall be expended as follows:

17 1. The Corporation Commission Transportation Division shall
18 employ ~~four special~~ motor carrier enforcement officers (MCEOs),
19 motor vehicle enforcement officers (MVEOs) and ~~one~~
20 ~~supervisor-officer who shall have the primary duty of investigating~~
21 ~~and assisting in the prosecution of persons engaged in unauthorized~~
22 ~~transportation or disposal of deleterious substances as contemplated~~
23 ~~under the provisions of the Oklahoma Motor Carrier Act and any other~~
24 ~~applicable provisions of law.~~ Such employees enforcement managers.

1 a. MCEOs, MVEOs and enforcement managers shall be
2 compensated as for similar service in the same or
3 other departments of the state and ~~an~~ receive a
4 monthly expense allowance ~~of One Hundred Dollars~~
5 ~~(\$100.00) per month~~ as determined by the Commission
6 for maintenance and cleaning of uniforms and other
7 related expenses ~~shall be paid to such employees.~~

8 b. MCEOs, enforcement managers and MVEOs must be on duty
9 and in uniform each month to qualify for the uniform
10 maintenance, cleaning and other related expenses
11 allowance.

12 c. Nothing in this section regarding expense allowances
13 shall be construed to mean that such employees shall
14 receive any additional compensation beyond what is
15 provided for maintenance and cleaning of uniforms and
16 other related expenses by the Corporation Commission
17 on the effective date of this act.;

18 2. The Commission shall purchase a sufficient number of motor
19 vehicles to provide each motor carrier enforcement officer and
20 enforcement manager employed in the Transportation Division a motor
21 vehicle suitable to carry out ~~the enforcement provisions of~~
22 ~~applicable law~~ assigned duties. Said vehicles assigned to MCEOs
23 shall be appropriately marked as official vehicles ~~and radio~~. Said
24 vehicles assigned to enforcement managers may be unmarked at the

1 discretion of the Commission. All vehicles assigned to MCEOs or
2 enforcement managers shall be equipped as determined by the
3 Commission. All costs for operation, maintenance and replacement of
4 the motor vehicles authorized in this section shall be provided for
5 from the Corporation Commission Revolving Fund.; and

6 3. The Commission shall employ ~~a hearing officer~~ administrative
7 law judges whose ~~primary responsibility~~ responsibilities shall ~~be~~
8 include the adjudication of regulatory enforcement proceedings and
9 complaints brought against persons ~~engaged in unauthorized~~
10 ~~transportation or disposal of deleterious substances or other~~
11 ~~unauthorized transportation~~ or motor carriers alleged to be in
12 violation of ~~the Oklahoma Motor Carrier Act or the rules and~~
13 ~~regulations of motor carriers as promulgated by the Corporation~~
14 Commission rules.

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

17 Section 172. A. Every owner of any motor vehicle, the agents
18 or employees of the owner, and every other motor carrier or person
19 who violates, or refuses or fails to comply with or procures, or
20 ~~aids,~~ or abets in, the violation of Sections 161 through 180m of
21 this title or the Motor Carrier Act of 1995, or who fails to obey,
22 observe, or comply with any order, decision, rule or regulation,
23 direction, demand, or requirement of the Corporation Commission, or
24 who procures, aids or abets any corporation or person in the

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

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

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

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

1 ~~instance of load capacity violations or violations applicable to the~~
2 ~~transportation or discharge of deleterious substances provided for~~
3 ~~by specific statutory provisions.~~

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

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

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

15 ~~E. Enforcement officers~~

16 C. MCEOs and enforcement managers, appointed by the Corporation
17 Commission, are hereby declared to be peace officers of this state.
18 Such officers and enforcement managers shall be vested with all
19 powers of peace officers in enforcing the provisions of Sections 161
20 through 180m of this title and the Motor Carrier Act of 1995 in all
21 parts of this state.

22 The powers and duties conferred upon said MCEOs and enforcement
23 ~~officers~~ managers shall in no way limit the powers and duties of
24 sheriffs or other peace officers of the state, or any political

1 subdivision thereof, or of members of the Division of Highway
2 Patrol, subject to the Department of Public Safety.

3 D. Corporation Commission MVEOs shall not be required to be
4 CLEET-certified and shall not be armed. MVEOs may perform
5 investigation and regulatory enforcement duties and responsibilities
6 assigned to MCEOs, but shall not perform law enforcement duties
7 reserved to peace officers by Sections 99 and 99a of Title 21 of the
8 Oklahoma Statutes or other provisions of Oklahoma law.

9 ~~F. The enforcement officers~~ E. MCEOs, MVEOs and enforcement
10 managers, when on duty, upon reasonable belief that any motor
11 vehicle is being operated in violation of any provisions of Sections
12 161 through 180m of this title or the Motor Carrier Act of 1995,
13 shall be authorized to direct the driver to the nearest weigh
14 station or port of entry. In addition, MCEOs, MVEOs and enforcement
15 managers are authorized to require the driver of the vehicle to stop
16 and submit to an inspection of the identification device, or
17 devices, in the vehicle, and to submit to such ~~enforcement officer~~
18 MCEOs, MVEOs and enforcement managers bills of lading, waybills, or
19 other evidences of the character of the commerce being transported
20 in such vehicle, and to submit to an inspection of the contents of
21 such vehicle for the purpose of comparing same with bills of lading
22 or shipping documentation, waybills, or other evidences of
23 transportation carried by the driver of the vehicle. The officers
24 shall not have the right to plea bargain.

1 ~~G.~~ F. MCEOs and enforcement officers managers are
2 authorized to serve all orders, subpoenas, warrants, writs, and
3 notices issued by the Corporation Commission relating to the
4 enforcement of the provisions of Sections 161 through 180m of this
5 title or the Motor Carrier Act of 1995 and the rules, regulations,
6 and requirements prescribed by the Corporation Commission
7 promulgated pursuant to Sections 161 through 180m of this title or
8 the Motor Carrier Act of 1995 within the territorial boundaries of
9 this state.

10 ~~H.~~ G. MCEOs, MVEOs and enforcement officers managers shall
11 not have the power or right of search, nor shall they have the right
12 of power of seizure, except as provided in Sections 161 through 180m
13 of this title or the Motor Carrier Act of 1995. ~~The~~ MCEOs, MVEOs
14 and enforcement officers managers are authorized to hold and detain
15 any motor vehicle operating upon the highways of this state, ~~if,~~ the
16 MCEO, MVEO or enforcement officer manager has reason to believe that
17 the vehicle is being operated contrary to ~~the~~ any of those
18 provisions of Sections 161 through 180m of this title or the Motor
19 Carrier Act of 1995, or the rules, regulations, and requirements of
20 the Corporation Commission promulgated pursuant to Sections 161
21 through 180m of this title or the Motor Carrier Act of 1995.

22 ~~I.~~ H. No state official, other than members of the Corporation
23 Commission, shall have any power, right, or authority to command,
24 order, or direct any enforcement officer to perform any duty or

1 service authorized by Sections 161 through 180m of this title or the
2 Motor Carrier Act of 1995.

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

9 ~~K.~~ J. No enforcement officer or employee of the Oklahoma
10 Corporation Commission shall have the right to plea bargain in motor
11 carrier or motor transportation matters except the chief legal
12 counsel of the Commission or an assign of the legal staff of the
13 chief legal counsel.

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

24

1 L. Any person who without authority wears the badge or uniform
2 of a Corporation Commission enforcement officer, or who without
3 authority impersonates such an officer, with intent to deceive
4 anyone, shall be guilty of a misdemeanor.

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

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

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

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

19 1. "Person" means any individual, firm, copartnership, limited
20 partnership, corporation, limited liability corporation, company,
21 association, or joint-stock association and includes any trustee,
22 receiver, assignee, or personal representative thereof;

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

24

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

4 4. ~~"Interstate Registration Certificate" (IRC) means a document~~
5 ~~issued by the Commission granting permission to operate upon the~~
6 ~~highways of the State of Oklahoma in interstate commerce exempt from~~
7 ~~federal motor carrier regulation;~~

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

11 ~~6.~~ 5. "Motor carrier of persons or property" means any person,
12 except a carrier of household goods or used emigrant movables,
13 operating upon any public highway for the transportation of
14 passengers or property for compensation or for hire or for
15 commercial purposes, and not operating exclusively within the limits
16 of an incorporated city or town within this state. Provided, the
17 provisions of the Motor Carrier Act of 1995 shall not apply to the
18 following vehicles and equipment when such vehicles and equipment
19 are being used for the following:

20 a. ~~taxicabs and bus companies engaged in the~~
21 ~~transportation of passengers and their baggage, not~~
22 ~~operated between two or more cities and towns, when~~
23 ~~duly licensed by a municipal corporation in which they~~
24 ~~might be doing business,~~

~~b.~~ any person or governmental authority furnishing transportation for school children to and from public schools or to and from public-school-related extracurricular activities under contract with, and sponsored by, a public school board; provided, that motor vehicles and equipment operated for the purposes shall qualify in all respects for the transportation of school children under the Oklahoma School Code and the rules of the State Board of Education adopted pursuant thereto~~.,~~

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

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

~~7.~~ 6. "Corporate family" means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly one hundred percent (100%) interest;

1 ~~8.~~ 7. "Intercorporate hauling" means the transportation of
2 property, by motor vehicle, for compensation, by a carrier which is
3 a member of a corporate family, as defined in the Motor Carrier Act
4 of 1995, when the transportation for compensation is provided for
5 other members of the corporate family;

6 ~~9.~~ 8. "Private carrier" means any person engaged in
7 transportation upon public highways, of persons or property, or
8 both, but not as a motor carrier, and includes any person who
9 transports property by motor vehicle where such transportation is
10 incidental to or in furtherance of any commercial enterprise of such
11 person, other than transportation;

12 ~~10.~~ 9. "Market" means the point at which livestock and farm
13 products in the raw state were first delivered by the producer of
14 the livestock and farm products in the raw state, upon the sale
15 thereof;

16 ~~11.~~ 10. "Public highway" means every public street, road or
17 highway, or thoroughfare in this state, used by the public, whether
18 actually dedicated to the public and accepted by the proper
19 authorities or otherwise; and

20 ~~12.~~ 11. "Commercial enterprise" means all undertakings entered
21 into for private gain or compensation, including all industrial
22 pursuits, whether the undertakings involve the handling of or
23 dealing in commodities for sale or otherwise.

1 SECTION 6. AMENDATORY 47 O.S. 2011, Section 230.27, is
2 amended to read as follows:

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

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

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

18 SECTION 7. AMENDATORY 47 O.S. 2011, Section 966, is
19 amended to read as follows:

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

23 B. The provisions of this act shall apply to every wrecker
24 operating within the State of Oklahoma removing and storing vehicles

1 from Oklahoma roads and highways or private property as a result of
2 a nonconsensual tow.

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

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

8 2. To supervise and enforce such rates; and

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

11 D. Rates as specified in Sections 953.1 and 953.2 of ~~Title 47~~
12 ~~of the Oklahoma Statutes~~ this title shall remain in effect until
13 rates are established by order of the Commission.

14 E. Rates established by the Commission shall be fair and
15 reasonable.

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

20 ~~Repeat violations by a wrecker or towing service are cause for~~
21 ~~revocation of its license issued by.~~ Upon notice from the

22 Commission that the Commission has issued an order finding that any
23 wrecker or towing company has failed to comply with an order by the
24 Commission, the Department of Public Safety shall revoke the license

1 of any wrecker or towing service company that fails to comply with
2 an order issued by the Commission.

3 G. The Department shall cooperate with the Commission to
4 implement this act and may enter into agreements to facilitate this
5 act.

6 SECTION 8. AMENDATORY Section 2, Chapter 208, O.S.L.
7 2018 (47 O.S. Supp. 2018, Section 1112.2), is amended to read as
8 follows:

9 Section 1112.2. A. Effective July 1, 2019, the registration
10 license plate and certificate of registration shall be issued to,
11 and remain in the name of, the owner of the vehicle registered and
12 the license plates shall not be transferable between motor vehicle
13 owners. When a vehicle is sold or transferred in the state, the
14 following registration procedures shall apply:

15 1. When a current and valid Oklahoma motor vehicle license
16 plate has been obtained for use on a motor vehicle and the vehicle
17 has been sold or otherwise transferred to a new owner, the license
18 plate shall be removed from the vehicle and retained by the original
19 plate owner.

20 2. In the event an owner purchases, trades, exchanges, or
21 otherwise acquires another vehicle of the same license registration
22 classification, the Oklahoma Tax Commission shall authorize the
23 transfer of the current and valid license plate previously obtained
24 by the owner to the replacement vehicle for the remainder of the

1 current registration period. In the event the owner acquires a
2 vehicle requiring payment of additional registration fees, the owner
3 shall request a transfer of the license plate to the newly acquired
4 vehicle and pay the difference in registration fees. The fee shall
5 be calculated on a monthly prorated basis. The owner shall not be
6 entitled to a refund:

7 a. when the registration fee for the vehicle to which the
8 plate(s) is to be assigned is less than the
9 registration fee for that vehicle to which the license
10 plate(s) was last assigned, or

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

13 3. In the event the owner of a license plate purchases, trades,
14 exchanges or otherwise acquires a vehicle for which a license plate
15 has been issued during the current registration period, and the
16 license plate has not been removed by the previous owner in
17 accordance with this section, the new owner of the vehicle shall
18 remove and return the license plate to the Tax Commission or a motor
19 license agent. However, if the license plate has expired, the new
20 owner shall not be required to surrender the license plate.

21 4. If a person purchases a motor vehicle from which the number
22 plates have been removed pursuant to this section, the person may
23 operate the motor vehicle for five (5) days from the date of
24

1 purchase without number plates if a dated notarized bill of sale is
2 carried in the motor vehicle.

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

9 2. Any person failing to register a motor vehicle by timely
10 transferring the license plate as provided by this section shall pay
11 the penalty levied in Section 1132 of ~~Title 47 of the Oklahoma~~
12 ~~Statutes~~ this title.

13 C. A surviving spouse, desiring to operate a vehicle devolving
14 from a deceased spouse, shall present an application for certificate
15 of title to the Tax Commission or motor license agent in his or her
16 name within thirty (30) days of obtaining ownership. The Tax
17 Commission or motor license agent shall then transfer the license
18 plate to the surviving spouse.

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

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

3 SECTION 9. AMENDATORY 47 O.S. 2011, Section 1113, as
4 last amended by Section 4, Chapter 208, O.S.L. 2018 (47 O.S. Supp.
5 2018, Section 1113), is amended to read as follows:

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

1 and highways and the decal shall be in clear view. The yearly decal
2 shall have an identification number and the last two numbers of the
3 registration year for which it shall expire. Except as provided by
4 Section 1113A of this title, the license plate shall be affixed to
5 the exterior of the vehicle until a replacement license plate is
6 applied for. If the owner applies for a replacement license plate,
7 the Tax Commission shall charge the fee provided for in Section 1114
8 of this title. The yearly decal will validate the license plate for
9 each registration period other than the year the license plate is
10 issued. The license plate and decal shall be of such size, color,
11 design and numbering as the Tax Commission may direct. However,
12 yearly decals issued to the owner of a vehicle who has filed an
13 affidavit with the appropriate motor license agent in accordance
14 with Section 7-607 of this title shall be a separate and distinct
15 color from all other decals issued under this section. Before the
16 effective date of this act, the Tax Commission shall also issue a
17 monthly decal which shall include a two-letter abbreviation
18 corresponding to the county in which the vehicle is registered. The
19 Tax Commission shall issue all decals in the possession of the Tax
20 Commission on the effective date of this act before issuing any
21 decals which do not contain the county abbreviation.

22 2. The license plate shall be securely attached to the rear of
23 the vehicle, except truck-tractor plates which shall be attached to
24 the front of the vehicle. The Tax Commission may, with the

1 concurrence of the Department of Public Safety, by Joint Rule,
2 change and direct the manner, place and location of display of any
3 vehicle license plate when such action is deemed in the public
4 interest. The license plate, decal and all letters and numbers
5 shall be clearly visible at all times. The operation of a vehicle
6 in this state, regardless of where such vehicle is registered, upon
7 which the license plate is covered, overlaid or otherwise screened
8 with any material, whether such material be clear, translucent,
9 tinted or opaque, shall be a violation of this paragraph.

10 3. Upon payment of the annual registration fee provided in
11 Section 1133 of this title, the Tax Commission or Corporation
12 Commission, as applicable, or a motor license agent may issue a
13 permanent nonexpiring license plate to an owner of one hundred or
14 more commercial motor vehicles and for vehicles registered under the
15 provisions of Section 1120 of this title. Upon payment of the
16 annual registration fee, the Tax Commission or Corporation
17 Commission shall issue a certificate of registration that shall be
18 carried at all times in the vehicle for which it is issued.
19 Provided, if the registrant submits its application through
20 electronic means, such qualified owners of one hundred or more
21 commercial motor vehicles, properly registered pursuant to the
22 provisions of Section 1133 of this title, may elect to receive a
23 permanent certificate of registration that shall be carried at all
24 times in the vehicle for which it is issued.

1 4. Every vehicle owned by an agency of this state shall be
2 exempt from the payment of registration fees required by this title.
3 Provided, such vehicle shall be registered and shall otherwise
4 comply with the provisions of the Oklahoma Vehicle License and
5 Registration Act.

6 B. The license plates required under the provisions of this
7 title shall conform to the requirements and specifications listed
8 hereinafter:

9 1. Each license plate shall have a space for the placement of
10 the yearly decals for each succeeding year of registration after the
11 initial issue;

12 2. The provisions of the Oklahoma Vehicle License and
13 Registration Act regarding the issuance of yearly decals shall not
14 apply to the issuance of apportioned license plates, including
15 license plates for state vehicles, and exempt plates for
16 governmental entities and fire departments organized pursuant to
17 Section 592 of Title 18 of the Oklahoma Statutes;

18 3. All license plates and decals shall be made with
19 reflectorized material as a background to the letters, numbers and
20 characters displayed thereon. The reflectorized material shall be
21 of such a nature as to provide effective and dependable brightness
22 during the service period for which the license plate or decal is
23 issued;

24

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

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

14 6. Within the limits prescribed in this section, the Tax
15 Commission shall design appropriate official license plates for
16 vehicles of the Oklahoma Military Department. Such license plates
17 shall have the legend "Oklahoma OK" and shall contain the letters
18 "OMD" followed by the state seal and three numbers or letters as
19 designated by the Adjutant General. The words "Oklahoma Military
20 Department" shall also be included on such license plates;

21 7. Within the limits prescribed in this section, the Tax
22 Commission shall design appropriate official license plates for
23 vehicles of the Oklahoma Department of Corrections. Such license
24 plates shall contain the letters "DOC" followed by the Department of

1 Corrections badge and three numbers or letters or combination of
2 both as designated by the Director of the agency. The words
3 "Department of Corrections" shall also be included on such license
4 plates; and

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

13 9. Within the limits prescribed in this section, the Oklahoma
14 Tourism and Recreation Department shall design any license plates
15 required by the initiation of a license plate reissuance by the
16 Oklahoma Tax Commission at the request of the Department of Public
17 Safety pursuant to the provisions of Section 1113.2 of this title.
18 Any such new designs shall be submitted by the Oklahoma Tourism and
19 Recreation Department to the Department of Public Safety for its
20 approval prior to being issued by the Oklahoma Tax Commission.

21 C. Where the applicant has satisfactorily shown that the
22 applicant owns the vehicle sought to be registered but is unable to
23 produce documentary evidence of the ownership, a license plate may
24 be issued upon approval by the Tax Commission or Corporation

1 Commission, as applicable. In such instances the reason for not
2 issuing a certificate of title shall be indicated on the receipt
3 given to the applicant. It shall still be the duty of the applicant
4 to immediately take all necessary steps to obtain the Oklahoma
5 certificate of title and it shall be unlawful for the applicant to
6 sell the vehicle until the certificate has been obtained in the
7 applicant's name.

8 D. The certificate of registration provided for in this section
9 shall be in convenient form, and the certificate of registration, or
10 a certified copy or photostatic copy thereof, duly authenticated by
11 the Tax Commission or Corporation Commission, as applicable, shall
12 be carried at all times in or upon all vehicles so registered, in
13 such manner as to permit a ready examination thereof upon demand by
14 any peace officer of the state or duly authorized employee of the
15 Department of Public Safety. Any such officer or agent may seize
16 and hold such vehicle when the operator of the same does not have
17 the registration certificate in the operator's possession or when
18 any such officer or agent determines that the registration
19 certificate has been obtained by misrepresentation of any essential
20 or material fact or when any number or identifying information
21 appearing on such certificate has been changed, altered, obliterated
22 or concealed in any way, until the proper registration or
23 identification of such vehicle has been made or produced by the
24 owner thereof.

1 E. The purchaser of a new or used manufactured home shall,
2 within thirty (30) days of the date of purchase, register the home
3 with the Tax Commission or a motor license agent pursuant to the
4 provisions of Section 1117 of this title. For a new manufactured
5 home, it shall be the responsibility of the dealer selling the home
6 to place a temporary license plate on the home in the same manner as
7 provided in Section 1128 of this title for other new motor vehicles.
8 For the first year that any manufactured home is registered in this
9 state, the Tax Commission shall issue a metal license plate which
10 shall be affixed to the manufactured home. The temporary dealer
11 license plate or the metal license plate shall be displayed on the
12 manufactured home at all times when upon a public roadway; provided,
13 a repossession affidavit issued pursuant to Sections 1110 and 1126
14 of this title shall be permissible in lieu of a current license
15 plate and decal for the purposes of removing a repossessed
16 manufactured home to a secure location. Manufactured homes
17 previously registered and subject to ad valorem taxation as provided
18 by law shall have a decal affixed at the time ad valorem taxes are
19 paid for such manufactured home; provided, for a manufactured home
20 permanently affixed to real estate, no decal or license plate shall
21 be required to be affixed and the owner thereof shall be given a
22 receipt upon payment of ad valorem taxes due on the home. The Tax
23 Commission shall make sufficient plates and decals available to the
24 various motor license agents of the state in order for an owner of a

1 manufactured home to acquire the plate or decal. A one-dollar fee
2 shall be charged for issuance of any plate or decal. The fee shall
3 be apportioned each month to the General Revenue Fund of the State
4 Treasury.

5 F. The decal shall be easily visible for purposes of
6 verification by a county assessor that the manufactured home is
7 properly assessed for ad valorem taxation. In the first year of
8 registration, a decal shall be issued for placement on the license
9 plate indicating payment of applicable registration fees and excise
10 taxes. A duplicate manufactured home registration decal shall be
11 affixed inside the window nearest the front door of the manufactured
12 home. In the second and all subsequent years for which the
13 manufactured home is subject to ad valorem taxation, an annual decal
14 shall be affixed inside the window nearest the front door as
15 evidence of payment of ad valorem taxes. The Tax Commission shall
16 issue decals to the various county treasurers of the state in order
17 for a manufactured home owner to obtain such decal each year. Upon
18 presentation of a valid ad valorem tax receipt, the manufactured
19 home owner shall be issued the annual decal.

20 G. Upon the registration of a manufactured home in this state
21 for the first time or upon discovery of a manufactured home
22 previously registered within this state for which the information
23 required by this subsection is not known, the Tax Commission shall
24 obtain:

- 1 1. The name of the owner of the manufactured home;
- 2 2. The serial number or identification number of the
- 3 manufactured home;
- 4 3. A legal description or address of the location for the home;
- 5 4. The actual retail selling price of the manufactured home
- 6 excluding Oklahoma taxes;
- 7 5. The certificate of title number for the home; and
- 8 6. Any other information which the Tax Commission deems to be
- 9 necessary.

10 The application for registration shall also include the school
11 district in which the manufactured home is located or is to be
12 located. The information shall be entered into a computer data
13 system which shall be used by the Tax Commission to provide
14 information to county assessors upon request by the assessor. The
15 assessor may request any information from the system in order to
16 properly assess a manufactured home for ad valorem taxation.

17 SECTION 10. AMENDATORY 47 O.S. 2011, Section 1170, is
18 amended to read as follows:

19 Section 1170. A. Reports and files of the Corporation
20 Commission concerning the administration of the International
21 Registration Plan and the International Fuel Tax Agreement, shall be
22 considered confidential and privileged, except as otherwise provided
23 for by law, and neither the Commission nor any employee engaged in
24 the administration of the International Registration Plan or

1 International Fuel Tax Agreement or charged with the custody of any
2 such reports or records nor any person who may have secured such
3 reports or records from the Commission shall disclose any
4 information obtained from the reports or records of any person.

5 B. The provisions of this section shall not prevent the
6 Commission from disclosing the following information and no
7 liability whatsoever, civil or criminal, shall attach to any member
8 of the Commission or any employee thereof for any error or omission
9 in the disclosure of such information:

10 1. The delivery to a taxpayer or a duly authorized
11 representative of the taxpayer of a copy of any report or any other
12 paper filed by the taxpayer pursuant to the provisions of the
13 International Registration Plan or the International Fuel Tax
14 Agreement;

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

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

22 4. The examination of records and files by the State Auditor
23 and Inspector or the duly authorized agents of the State Auditor and
24 Inspector;

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

20 6. The use by any division of the Commission of any information
21 or evidence in the possession of or contained in any report or
22 return filed or documents obtained by the Commission in the
23 administration of the International Fuel Tax Agreement or the
24 International Registration Plan;

1 7. The furnishing, at the discretion of the Commission, of any
2 information disclosed by its records or files to any official person
3 or body of this state, any other state, the United States, or
4 foreign country who is concerned with the administration or
5 assessment of any similar tax in this state, any other state or
6 province or the United States;

7 8. The furnishing of information as to the issuance or
8 revocation of any registration or license by the Commission as
9 provided for by law. Such information shall be limited to the name
10 of the person issued the permit or license, the name of the business
11 entity authorized to engage in business pursuant to the permit or
12 license, the address of the business entity, and the grounds for
13 revocation;

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

18 10. The disclosure of information directly involved in the
19 resolution of the protest by a taxpayer to an assessment of tax or
20 additional tax or the resolution of a claim for a refund filed by a
21 taxpayer, including the disclosure of the pendency of an
22 administrative proceeding involving such protest or claim, to a
23 person called by the Commission as an expert witness or as a witness
24 whose area of knowledge or expertise specifically addresses the

1 issue addressed in the protest or claim for refund. Such disclosure
2 to a witness shall be limited to information pertaining to the
3 specific knowledge of that witness as to the transaction or
4 relationship between taxpayer and witness;

5 11. The furnishing to a prospective purchaser of any business,
6 or his or her authorized representative, of information relating to
7 any liabilities, delinquencies, assessments or warrants of the
8 prospective seller of the business which have not been filed of
9 record, established, or become final and which relate solely to the
10 seller's business. Any disclosure under this paragraph shall only
11 be allowed upon the presentment by the prospective buyer, or the
12 buyer's authorized representative, of the purchase contract and a
13 written authorization between the parties;

14 12. The furnishing of information as to the amount of state
15 revenue affected by the issuance or granting of any registration or
16 license or credit issued by the Corporation Commission as provided
17 for by law. Such information shall be limited to the type of
18 registration, license or credit issued or granted, the date and
19 duration of such registration, license or credit, and the amount of
20 such revenue. The provisions of this paragraph shall not authorize
21 the disclosure of the name of the person issued such registration,
22 license, exemption, credit, or the name of the business entity
23 authorized to engage in business pursuant to the registration,
24 license or credit; and

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

4 SECTION 11. AMENDATORY Section 3, Chapter 262, O.S.L.
5 2012, as last amended by Section 2, Chapter 373, O.S.L. 2016 (47
6 O.S. Supp. 2018, Section 1202), is amended to read as follows:

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

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

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

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

22 E. When a fixed facility is located in the general area,
23 Commission motor carrier and commercial motor vehicle enforcement
24 shall be limited to the fixed facility and a radius surrounding the

1 facility. If the fixed facility is a weigh station as defined in
2 Section 1201 of this title, the applicable radius shall be seven (7)
3 miles. If the fixed facility is a port of entry weigh station as
4 defined in Section 1201 of this title, the applicable radius shall
5 be twenty-five (25) miles.

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

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

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

17 I. North American Standard Inspections shall be conducted only
18 by individuals holding certification in the level or classification
19 of inspection being conducted.

20 J. Automated license plate readers (ALPRs) may be used in the
21 electronic screening of motor carriers and commercial motor vehicles
22 for the purpose of credential checks, public safety and protection
23 of infrastructure.

24

1 K. Data collected or retained through the use of an ALPR
2 system:

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

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

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

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

14 SECTION 12. REPEALER 47 O.S. 2011, Section 116.13, is
15 hereby repealed.

16 SECTION 13. REPEALER 47 O.S. 2011, Section 171.2, is
17 hereby repealed.

18 ~~SECTION 14. It being immediately necessary for the preservation~~
19 ~~of the public peace, health or safety, an emergency is hereby~~
20 ~~declared to exist, by reason whereof this act shall take effect and~~
21 ~~be in full force from and after its passage and approval.~~

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