

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3548

By: Sterling

AS INTRODUCED

An Act relating to motor vehicles; creating the Jamie Lea Pearl Act; requiring medical needs motor carriers to have certain tax exempt status; requiring transport of certain passengers at certain cost; allowing the use of certain vehicles and drivers; providing nondiscrimination policy; setting minimum insurance requirements; stating certain insurance policy not required; requiring certain vehicle inspections; limiting working hours; requiring drug testing and certain background and motor vehicle record checks; requiring retention of certain records and files; authorizing transportation of persons for non-medical needs; authorizing the promulgation of certain emergency and permanent rules; amending 47 O.S. 2021, Section 230.23, which relates to definitions; defining term; amending 47 O.S. 2021, Section 230.29, which relates to operation of vehicles not owned by a motor carrier; modifying definitions; providing for noncodification; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Jamie Lea Pearl Act".

1 SECTION 2. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 230.33a of Title 47, unless
3 there is created a duplication in numbering, reads as follows:

4 A. A medical needs motor carrier shall:

5 1. Be formed under 28 U.S.C. § 501 (c) (3);

6 2. Be engaged in the transportation of passengers and their
7 baggage at little or no cost for medical needs, including, but not
8 limited to, dialysis, cancer treatments, prosthetics, pain
9 management, and physical rehabilitation;

10 3. The medical needs motor carrier engaged in the
11 transportation of passengers and their baggage may be accomplished
12 by use of vehicles owned or leased by the company or vehicles owned
13 or leased by drivers of the company.

14 4. Not deny transportation for medical needs based on
15 ethnicity, age, sex, or disability;

16 5. Require every driver and vehicle used in its medical needs
17 motor carrier operations to carry a primary liability insurance in
18 the amount of at least One Hundred Thousand Dollars (\$100,000.00)
19 for death and bodily injury per person, Three Hundred Thousand
20 Dollars (\$300,000.00) for death and bodily injury per incident, and
21 One Hundred Thousand Dollars (\$100,000.00) for property damage, but
22 shall not be required to carry a general liability policy;

1 6. Have all drivers' vehicles inspected on a quarterly basis to
2 confirm that all vehicles meet all state and federal guidelines for
3 safety;

4 7. Not allow its drivers to operate a motor vehicle more than
5 ten (10) hours in each 24-hour period; and

6 8. Retain in their files records showing that all drivers have
7 five-year clean motor vehicle records, federal and state background
8 checks, ten (10) panel drug testing results, and fingerprint cards.
9 Records must be retained by the company for a period of at least two
10 (2) years after the driver is no longer driving for the company.

11 B. A medical needs motor carrier may engage in the
12 transportation of passengers and their baggage, by use of vehicles
13 as described in paragraph 3 of subsection A of this section, for
14 hire as necessary for the company to generate sufficient revenue to
15 cover their cost of operations, including, but not limited to, fuel,
16 insurance, uniforms, a reasonable compensation for the owners of the
17 company, drug testing, fingerprinting, tag or badges, vehicle
18 inspection, vehicle maintenance, and repair.

19 C. Within sixty (60) days of the passage and approval of this
20 act, the Oklahoma Corporation Commission shall promulgate emergency
21 rules and regulations necessary to carry out the provisions of this
22 bill, and thereafter promulgate permanent rules as necessary.

23 SECTION 3. AMENDATORY 47 O.S. 2021, Section 230.23, is
24 amended to read as follows:
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1 Section 230.23 As used in the Motor Carrier Act of 1995:

2 1. "Person" means any individual, firm, copartnership, limited
3 partnership, corporation, limited liability corporation, company,
4 association, or joint-stock association and includes any trustee,
5 receiver, assignee, or personal representative thereof;

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

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

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

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

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

- 3 a. taxicabs and bus companies engaged in the
4 transportation of passengers and their baggage, not
5 operated between two or more cities and towns, when
6 duly licensed by a municipal corporation in which they
7 might be doing business,
- 8 b. any person or governmental authority furnishing
9 transportation for school children to and from public
10 schools or to and from public-school-related
11 extracurricular activities under contract with, and
12 sponsored by, a public school board; provided, that
13 motor vehicles and equipment operated for the purposes
14 shall qualify in all respects for the transportation
15 of school children under the Oklahoma School Code and
16 the rules of the State Board of Education adopted
17 pursuant thereto.
- 18 c. transport trucks transporting liquefied petroleum
19 gases intrastate which are owned or operated by a
20 person subject to and licensed by the Oklahoma
21 Liquefied Petroleum Gas Regulation Act, and
- 22 d. transportation of livestock and farm products in the
23 raw state, when any of such commodities move from farm
24 to market or from market to farm on a vehicle or on

1 vehicles owned and operated by a bona fide farmer not
2 engaged in motor vehicle transportation on a
3 commercial scale;

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

8 8. "Intercompany hauling" means the transportation of
9 property, by motor vehicle, for compensation, by a carrier which is
10 a member of a corporate family, as defined in the Motor Carrier Act
11 of 1995, when the transportation for compensation is provided for
12 other members of the corporate family;

13 9. "Private carrier" means any person engaged in transportation
14 upon public highways, of persons or property, or both, but not as a
15 motor carrier, and includes any person who transports property by
16 motor vehicle where such transportation is incidental to or in
17 furtherance of any commercial enterprise of such person, other than
18 transportation;

19 10. "Market" means the point at which livestock and farm
20 products in the raw state were first delivered by the producer of
21 the livestock and farm products in the raw state, upon the sale
22 thereof;

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

3 12. "Commercial enterprise" means all undertakings entered into
4 for private gain or compensation, including all industrial pursuits,
5 whether the undertakings involve the handling of or dealing in
6 commodities for sale or otherwise; and

7 13. "Medical needs motor carrier of persons or property" means
8 a company formed under 28 U.S.C § 501 (c) (3) engaged in the
9 transportation of passengers and their baggage at little or no cost
10 throughout the state of Oklahoma for medical needs, including, but
11 not limited to, dialysis, cancer treatments, prosthetics, pain
12 management, and physical rehabilitation.

13 SECTION 4. AMENDATORY 47 O.S. 2021, Section 230.29, is
14 amended to read as follows:

15 Section 230.29 A. As used in this section:

16 1. "Authorized carrier" means a person or persons authorized to
17 engage in the transportation of passengers or property as a licensed
18 motor carrier;

19 2. "Equipment" means a motor vehicle, straight truck, tractor,
20 semitrailer, full trailer, any combination of these and any other
21 type of equipment used by authorized carriers in the transportation
22 of passengers or property for hire or property for hire by a medical
23 needs motor carrier;

1 3. "Owner" means a person to whom title to equipment has been
2 issued, or who, without title, has the right to exclusive use of
3 equipment for a period longer than thirty (30) days;

4 4. "Lease" means a contract or arrangement in which the owner
5 grants the use of equipment, with or without driver, for a specified
6 period to an authorized carrier for use in the regulated
7 transportation of passengers or property, in exchange for
8 compensation;

9 5. "Lessor", in a lease, means the party granting the use of
10 equipment, with or without driver, to another;

11 6. "Lessee", in a lease, means the party acquiring the use of
12 equipment, with or without driver, from another;

13 7. "Addendum" means a supplement to an existing lease which is
14 not effective until signed by the lessor and lessee; and

15 8. "Shipper" means a person who sends or receives passengers or
16 property which is transported in intrastate commerce in this state.

17 B. An authorized carrier may perform authorized transportation
18 in equipment it does not own only under the following conditions:

19 1. There shall be a written lease granting the use of the
20 equipment and meeting the requirements as set forth in subsection C
21 of this section;

22 2. The authorized carrier acquiring the use of equipment under
23 this section shall identify the equipment in accordance with the
24 requirements of the Commission; and
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1 3. Upon termination of the lease, the authorized carrier shall
2 remove all identification showing it as the operating carrier before
3 giving up possession of the equipment.

4 C. The written lease required pursuant to subsection B of this
5 section shall contain the following provisions. The required lease
6 provisions shall be adhered to and performed by the authorized
7 carrier as follows:

8 1. The lease shall be made between the authorized carrier and
9 the owner of the equipment. The lease shall be signed by these
10 parties or by their authorized representatives;

11 2. The lease shall specify the time and date or the
12 circumstances on which the lease begins and ends and include a
13 description of the equipment which shall be identified by vehicle
14 serial number, make, year model and current license plate number;

15 3. The period for which the lease applies shall be for thirty
16 (30) days or more when the equipment is to be operated for the
17 authorized carrier by the owner or an employee of the owner;

18 4. The lease shall provide that the authorized carrier lessee
19 shall have exclusive possession, control and use of the equipment
20 for the duration of the lease. The lease shall further provide that
21 the authorized carrier lessee shall assume complete responsibility
22 for the operation of the equipment for the duration of the lease;
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1 5. The amount to be paid by the authorized carrier for
2 equipment and driver's services shall be clearly stated on the face
3 of the lease or in an addendum which is attached to the lease;

4 6. The lease shall clearly specify the responsibility of each
5 party with respect to the cost of fuel, fuel taxes, empty mileage,
6 permits of all types, tolls, detention and accessorial services,
7 base plates and licenses, and any unused portions of such items.

8 Except when the violation results from the acts or omissions of the
9 lessor, the authorized carrier lessee shall assume the risks and
10 costs of fines for overweight and oversize trailers when the
11 trailers are preloaded, sealed, or the load is containerized, or
12 when the trailer or lading is otherwise outside of the lessor's
13 control, and for improperly permitted overdimension and overweight
14 loads and shall reimburse the lessor for any fines paid by the
15 lessor. If the authorized carrier is authorized to receive a refund
16 or a credit for base plates purchased by the lessor from, and issued
17 in the name of, the authorized carrier, or if the base plates are
18 authorized to be sold by the authorized carrier to another lessor
19 the authorized carrier shall refund to the initial lessor on whose
20 behalf the base plate was first obtained a prorated share of the
21 amount received;

22 7. The lease shall specify that payment to the lessor shall be
23 made by the authorized carrier within fifteen (15) days after
24 submission of the necessary delivery documents and other paperwork
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1 concerning a trip in the service of the authorized carrier. The
2 paperwork required before the lessor can receive payment is limited
3 to those documents necessary for the authorized carrier to secure
4 payment from the shipper. The authorized carrier may require the
5 submission of additional documents by the lessor but not as a
6 prerequisite to payment;

7 8. The lease shall clearly specify the right of the lessor,
8 regardless of method of compensation, to examine copies of the
9 documentation of the carrier upon which charges are assessed;

10 9. The lease shall clearly specify all items that may be
11 initially paid for by the authorized carrier, but ultimately
12 deducted from the compensation of the lessor at the time of payment
13 or settlement together with a recitation as to how the amount of
14 each item is to be computed. The lessor shall be afforded copies of
15 those documents which are necessary to determine the validity of the
16 charge;

17 10. The lease shall specify that the lessor is not required to
18 purchase or rent any products, equipment, or services from the
19 authorized carrier as a condition of entering into the lease
20 arrangement;

21 11. As it relates to insurance:

- 22 a. the lease shall clearly specify the legal obligation
23 of the authorized carrier to maintain insurance
24 coverage for the protection of the public, and
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1 b. the lease shall clearly specify the conditions under
2 which deductions for cargo or property damage may be
3 made from the lessor's settlements. The lease shall
4 further specify that the authorized carrier must
5 provide the lessor with a written explanation and
6 itemization of any deductions for cargo or property
7 damage made from any compensation of money owed to the
8 lessor. The written explanation and itemization must
9 be delivered to the lessor before any deductions are
10 made; and

11 12. An original and two copies of each lease shall be signed by
12 the parties. The authorized carrier shall keep the original and
13 shall place a copy of the lease in the equipment during the period
14 of the lease. The owner of the equipment shall keep the other copy
15 of the lease.

16 D. The provisions of this section shall apply to the leasing of
17 equipment with which to perform transportation regulated by the
18 Corporation Commission by motor carriers holding a license from the
19 Commission to transport passengers or property.

20 SECTION 5. It being immediately necessary for the preservation
21 of the public peace, health or safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect
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1 and be in full force from and after its passage and approval.

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