

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 1934

7 By: Sterling

8 POLICY COMMITTEE RECOMMENDATION

9 An Act relating to motor vehicles; creating the Jamie
10 Lea Pearl Act; requiring medical needs motor carriers
11 to have certain tax exempt status; requiring
12 transport of certain passengers at certain cost;
13 allowing the use of certain vehicles and drivers;
14 providing nondiscrimination policy; setting minimum
15 insurance requirements; requiring certain vehicle
16 inspections; limiting working hours; requiring drug
17 testing and certain background and motor vehicle
18 record checks; requiring retention of certain records
19 and files; authorizing the promulgation of certain
20 emergency and permanent rules; amending 47 O.S. 2021,
21 Section 230.23, which relates to definitions;
22 defining term; amending 47 O.S. 2021, Section 230.29,
23 which relates to operation of vehicles not owned by a
24 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 26 U.S.C., Section 501(c)(3);

6 2. Be engaged in the transportation of passengers and their
7 baggage in vehicles with not more than two axles, a gross vehicle
8 weight rating (GVWR) of not more than five thousand (5,000) pounds,
9 and capable of transporting five or fewer occupants including the
10 driver, at little or no cost for nonemergency medical needs,
11 including, but not limited to, dialysis, cancer treatments,
12 prosthetics, pain management, and physical rehabilitation;

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

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

19 5. Require every driver and vehicle used in its medical needs
20 motor carrier operations to carry commercial insurance in the amount
21 of at least One Hundred Thousand Dollars (\$100,000.00) for death and
22 bodily injury per person, Three Hundred Thousand Dollars
23 (\$300,000.00) for death and bodily injury per incident, and One
24 Hundred Thousand Dollars (\$100,000.00) for property damage;

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-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. Within sixty (60) days of the passage and approval of this
12 act, the Oklahoma Corporation Commission shall promulgate emergency
13 rules and regulations necessary to carry out the provisions of this
14 bill, and thereafter promulgate permanent rules as necessary.

15 SECTION 3. AMENDATORY 47 O.S. 2021, Section 230.23, is
16 amended to read as follows:

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

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

22 2. "Commission" means the Oklahoma Corporation Commission;
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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. "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,

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

11 c. transport trucks transporting liquefied petroleum
12 gases intrastate which are owned or operated by a
13 person subject to and licensed by the Oklahoma
14 Liquefied Petroleum Gas Regulation Act, and

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

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

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

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

1 13. "Medical needs motor carrier of persons or property" means
2 a company formed under 26 U.S.C., Section 501(c) (3), engaged in the
3 transportation of passengers and their baggage in vehicles with not
4 more than two axles, a gross vehicle weight rating (GVWR) of not
5 more than five thousand (5,000) pounds, and capable of transporting
6 five or fewer occupants including the driver, at little or no cost
7 throughout the State of Oklahoma for medical needs, including, but
8 not limited to, dialysis, cancer treatments, prosthetics, pain
9 management, and physical rehabilitation.

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

12 Section 230.29. A. As used in this section:

13 1. "Authorized carrier" means a person or persons authorized to
14 engage in the transportation of passengers or property as a licensed
15 motor carrier;

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

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

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

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

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

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

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

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

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

19 2. The authorized carrier acquiring the use of equipment under
20 this section shall identify the equipment in accordance with the
21 requirements of the Commission; and

22 3. Upon termination of the lease, the authorized carrier shall
23 remove all identification showing it as the operating carrier before
24 giving up possession of the equipment.

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

5 1. The lease shall be made between the authorized carrier and
6 the owner of the equipment. The lease shall be signed by these
7 parties or by their authorized representatives;

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

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

15 4. The lease shall provide that the authorized carrier lessee
16 shall have exclusive possession, control and use of the equipment
17 for the duration of the lease. The lease shall further provide that
18 the authorized carrier lessee shall assume complete responsibility
19 for the operation of the equipment for the duration of the lease;

20 5. The amount to be paid by the authorized carrier for
21 equipment and driver's services shall be clearly stated on the face
22 of the lease or in an addendum which is attached to the lease;

23 6. The lease shall clearly specify the responsibility of each
24 party with respect to the cost of fuel, fuel taxes, empty mileage,

1 permits of all types, tolls, detention and accessorial services,
2 base plates and licenses, and any unused portions of such items.
3 Except when the violation results from the acts or omissions of the
4 lessor, the authorized carrier lessee shall assume the risks and
5 costs of fines for overweight and oversize trailers when the
6 trailers are preloaded, sealed, or the load is containerized, or
7 when the trailer or lading is otherwise outside of the lessor's
8 control, and for improperly permitted overdimension and overweight
9 loads and shall reimburse the lessor for any fines paid by the
10 lessor. If the authorized carrier is authorized to receive a refund
11 or a credit for base plates purchased by the lessor from, and issued
12 in the name of, the authorized carrier, or if the base plates are
13 authorized to be sold by the authorized carrier to another lessor
14 the authorized carrier shall refund to the initial lessor on whose
15 behalf the base plate was first obtained a prorated share of the
16 amount received;

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

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

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

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

17 11. As it relates to insurance:

18 a. the lease shall clearly specify the legal obligation
19 of the authorized carrier to maintain insurance
20 coverage for the protection of the public, and

21 b. the lease shall clearly specify the conditions under
22 which deductions for cargo or property damage may be
23 made from the lessor's settlements. The lease shall
24 further specify that the authorized carrier must

1 provide the lessor with a written explanation and
2 itemization of any deductions for cargo or property
3 damage made from any compensation of money owed to the
4 lessor. The written explanation and itemization must
5 be delivered to the lessor before any deductions are
6 made; and

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

12 D. The provisions of this section shall apply to the leasing of
13 equipment with which to perform transportation regulated by the
14 Corporation Commission by motor carriers holding a license from the
15 Commission to transport passengers or property.

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

20 SECTION 6. This act shall become effective November 1, 2025.

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