

1 ENGROSSED SENATE  
2 BILL NO. 1433

By: Stanislawski of the Senate

3 and

4 Leewright of the House

5  
6 [ motor vehicles - overweight fines and penalties -  
7 administrative cap - ~~effective date~~ -  
8 emergency ]

9  
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 47 O.S. 2011, Section 1167, as  
12 last amended by Section 1, Chapter 324, O.S.L. 2013 (47 O.S. Supp.  
13 2015, Section 1167), is amended to read as follows:

14 Section 1167. A. The Corporation Commission is hereby  
15 authorized to promulgate rules pursuant to the Administrative  
16 Procedures Act to establish the amounts of fees, fines and penalties  
17 as set forth in this act. The Corporation Commission shall notify  
18 all interested parties of any proposed rules to be promulgated as  
19 provided herein and shall provide such parties an opportunity to be  
20 heard prior to promulgation.

21 B. Fines and penalties established by the Corporation  
22 Commission for violation of commercial vehicle weight limitations or  
23 violation of overweight permit requirements shall not be subject to  
24 the administrative cap on Corporation Commission fines as set forth

1 in Section 1 of Title 17 of the Oklahoma Statutes. The Commission  
2 is hereby authorized to apply a multiplier to any fine or penalty  
3 for repeat overweight violations by a carrier within a one-year  
4 period.

5 C. The Corporation Commission shall adjudicate enforcement  
6 actions initiated by Corporation Commission personnel.

7 ~~E.~~ D. Revenue derived from all fines and penalties collected or  
8 received by the Corporation Commission pursuant to the provisions of  
9 this act shall be apportioned as follows:

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

18 2. One-half (1/2) of the remaining amount shall be deposited to  
19 the Trucking One-Stop Shop Fund created in subsection D of this  
20 section; and

21 3. One-half (1/2) of the remaining amount shall be deposited to  
22 the Weigh Station Improvement Revolving Fund created in subsection E  
23 of this section.

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1       ~~D.~~ E. There is hereby created in the State Treasury a revolving  
2 fund for the Corporation Commission to be known and designated as  
3 the "Trucking One-Stop Shop Fund". The Trucking One-Stop Shop Fund  
4 shall consist of:

5           1. All funds apportioned thereto in subsection ~~E~~ D of this  
6 section;

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

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

12          The fund shall be a continuing fund, not subject to fiscal year  
13 limitations, and shall not be subject to legislative appropriation.  
14 Monies in the Trucking One-Stop Shop Fund shall only be expended for  
15 direct expenses relating to the Trucking One-Stop Shop Act.  
16 Expenditures from the revolving fund shall be made pursuant to the  
17 laws of this state. In addition, expenditures from the revolving  
18 fund may be made pursuant to The Oklahoma Central Purchasing Act for  
19 the purpose of immediately responding to emergency situations,  
20 within the Commission's jurisdiction, having potentially critical  
21 environmental or public safety impact. Warrants for expenditures  
22 from the fund shall be drawn by the State Treasurer against claims  
23 filed as prescribed by law with the Director of the Office of  
24 Management and Enterprise Services for approval and payment.

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

14        ~~SECTION 2. This act shall become effective July 1, 2016.~~

15        ~~SECTION 3. It being immediately necessary for the preservation~~  
16 ~~of the public peace, health and safety, an emergency is hereby~~  
17 ~~declared to exist, by reason whereof this act shall take effect and~~  
18 ~~be in full force from and after its passage and approval.~~

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1 Passed the Senate the 9th day of March, 2016.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2016.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives