

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 610

By: Murdock

AS INTRODUCED

An Act relating to weigh stations; amending 47 O.S. 2021, Section 1201, which relates to definitions; defining term; allowing the Department of Transportation to establish a weigh station preclearance program under certain conditions; requiring Department to identify which weigh stations will participate in the preclearance program; requiring certain equality for devices and platforms; requiring the Department to establish certain criteria; allowing for use of a commercial mobile radio services network device or a short-range communications device under certain conditions; allowing the Department to adopt certain rules; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 1201, is amended to read as follows:

Section 1201. As used in the Oklahoma Weigh Station Act of 2012:

1. "Authority" means the Oklahoma Turnpike Authority;
2. "Commission" means the Corporation Commission;
3. "Department" means the Department of Transportation;

1 ~~3.~~ 4. "Fixed facility" means a weigh station or a port of
2 entry;

3 ~~4.~~ 5. "Port of entry" means a facility, in close proximity to a
4 state line, designed to electronically weigh and screen motor
5 carriers and commercial motor vehicles for compliance with federal
6 and state statutes and rules, allowing compliant carriers to proceed
7 with minimal or no delay;

8 ~~5.~~ 6. "Roadside enforcement" means a temporary location, with
9 or without portable or semi-portable scales, used to randomly check
10 commercial motor vehicles or motor carriers for compliance with
11 federal or state statutes or rules;

12 ~~6.~~ 7. "Weigh station" means a stationary and permanent weighing
13 facility with fixed scales owned by the state where commercial motor
14 vehicles are checked for compliance with weight and size standards.
15 Weigh stations are also utilized to enforce federal and state laws
16 and rules applicable to motor carriers and the operation of
17 commercial motor vehicles and their drivers; and

18 ~~7.~~ 8. "North American Standard Inspection" means a Level I,
19 Level II, Level III, Hazardous Materials, Cargo Tank or Passenger
20 Carrier inspection conducted by an individual certified by the
21 Federal Motor Carrier Safety Administration to conduct such
22 inspections.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1204 of Title 47, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Department of Transportation may administer a weigh
5 station preclearance program in accordance with the Commercial
6 Vehicle Information Systems and Networks electronic screening truck
7 inspection and weigh station preclearance standards authorized by
8 the Federal Motor Carrier Safety Administration of the United States
9 Department of Transportation. If the Department of Transportation
10 of this state administers a preclearance program, then the
11 Department shall determine which weigh stations shall participate in
12 the preclearance program and all preclearance system providers'
13 devices and platforms shall be treated equally and used concurrently
14 at participating weigh stations in accordance with this section.

15 B. The Department shall set the criteria for the preclearance
16 program and such criteria shall be applied equally to all
17 preclearance systems, devices, and platforms. Such criteria may
18 include but is not limited to information regarding safety history,
19 weight, and credential status.

20 C. For purposes of the preclearance program, a commercial
21 mobile radio services network device or a dedicated short-range
22 communications device may be used as a transponder, provided all of
23 the following conditions are met:
24

1 1. All software and hardware from the provider of the system
2 within which the device operates that is necessary for the use of
3 the system of the provider by the Department is made available to
4 the Department at no cost to the Department, and the provider is
5 responsible, either individually or collectively with other system
6 providers, as applicable, for all costs of operating and maintaining
7 the software and hardware;

8 2. The device software and hardware, as applicable, meet the
9 requirements of the Federal Motor Carrier Safety Administration for
10 core compliance with the Commercial Vehicle Information Systems and
11 Networks electronic screening truck inspection and weigh station
12 preclearance standards;

13 3. All in-vehicle equipment is operated in compliance with the
14 laws of this state, and applicable federal law and regulations
15 relating to distracted driving; and

16 4. The system within which the device operates is capable of
17 interfacing with applicable weigh-in-motion systems.

18 D. The Department may adopt rules to administer this section.
19 The rules adopted by the Department may include authorizations for
20 particular devices that meet the requirements of paragraph C for use
21 in the preclearance program.

22 SECTION 3. This act shall become effective November 1, 2023.
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