

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 617

By: Allen

4
5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Sections 161A, 162, 162.1, 163, 165, 166,
9 166.5, 166a, 169, 169.5, 170, 170.1, 170.2, 171.1,
10 171.2, 172, 177.2, 177.3, 180, 180a, 180b, 180c,
11 180d, 180e, 180f, 180g, 180h, 180k, 180l and 180m,
12 which relate to the regulation of motor carriers;
13 removing notification requirement for the Department
14 of Public Safety; modifying fund providing payment
15 for certain motor vehicles; modifying employees
16 certain agencies may appoint; specifying type of
17 officers appointed by Department; eliminating duties
18 of certain employee; modifying agency reference;
19 modifying fund reference; allowing for the employment
20 of certain Port of Entry officers; establishing
21 classes of certain officers; updating statutory
22 references; amending 47 O.S. 2011, Sections 230.22,
23 230.23, 230.24, 230.25, 230.26, 230.27, 230.28,
24 230.29, 230.30, 230.31, 230.32 and 230.34a, which
relate to the Motor Carrier Act of 1995; modifying
agency reference; transferring certain duties from
the Corporation Commission to the Department of
Public Safety; removing requirement of cooperation by
certain agencies; allowing for the regulation of
motor carriers by the Department of Public Safety;
amending 47 O.S. 2011, Section 230.6, as last amended
by Section 8, Chapter 259, O.S.L. 2013 (47 O.S. Supp.
2020, Section 230.6), which relates to use and
activities of commercial vehicles; establishing
procedural requirements for certain violations;
requiring use of certain software in determining
certain penalty; amending 47 O.S. 2011, Section
230.9, as amended by Section 13, Chapter 283, O.S.L.
2012 (47 O.S. Supp. 2020, Section 230.9), which
relates to compliance with the Oklahoma Motor Carrier
Safety and Hazardous Materials Transportation Act;

1 requiring certain violation to be in compliance with
2 certain federal regulations; modifying factors
3 considered by Commissioners of Public Safety
4 assessing penalty; adding methods of collection for
5 certain administrative penalties; establishing
6 procedures for certain safety ratings; authorizing
7 Department to hold vehicles in certain circumstances;
8 amending 47 O.S. 2011, Section 1120.1, which relates
9 to entry into the International Registration Plan;
10 modifying agency reference; amending 47 O.S. 2011,
11 Sections 1167, as last amended by Section 1, Chapter
12 373, O.S.L. 2016, 1168, as amended by Section 205,
13 Chapter 304, O.S.L. 2012, and Section 1169 (47 O.S.
14 Supp. 2020, Sections 1167 and 1168), which relate to
15 motor carrier enforcement; providing that certain
16 rules be deemed promulgated by Department of Public
17 Safety; modifying agency reference relating to rules,
18 enforcement of actions and fund administration;
19 providing for the Department of Public Safety and
20 Department of Transportation to enter into certain
21 agreement; amending Section 2, Chapter 262, O.S.L.
22 2012 (47 O.S. Supp. 2020, Section 1201) and Section
23 3, Chapter 262, O.S.L. 2012, as last amended by
24 Section 2, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
25 2020, Section 1202) and Section 4, Chapter 262,
26 O.S.L. 2012 (47 O.S. Supp. 2020, Section 1203), which
27 relate to the Oklahoma Weigh Station Act of 2012;
28 modifying agency reference; providing for the
29 Department of Public Safety and the Corporation
30 Commission to enter into certain agreement;
31 transferring certain powers and duties from the
32 Corporation Commission to the Department of Public
33 Safety; removing requirement of roadside enforcement
34 in certain circumstances; removing authorization to
35 conduct certain activities related to roadside
36 enforcement; repealing 47 O.S. 2011, Sections 171 and
37 172.1, which relate to the regulation of motor
38 carriers; updating statutory language; providing an
39 effective date; and declaring an emergency.

40
41
42
43 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:
44
45

1 SECTION 1. AMENDATORY 47 O.S. 2011, Section 161A, is

2 amended to read as follows:

3 Section 161A. A. This act shall be known and may be cited as
4 the "Household Goods Act of 2009". The purpose of ~~this act~~ the
5 Household Goods Act of 2009 is to regulate intrastate transportation
6 by motor carriers of household goods in such manner as to establish
7 standards for public safety, fair competitive practices, adequate
8 and dependable service, and protection of shippers from deceptive or
9 unfair practices.

10 B. The provisions of ~~this act~~ the Household Goods Act of 2009,
11 except as specifically limited herein, shall apply to the intrastate
12 transportation of household goods by motor carriers over public
13 highways of this state; and the regulations of such transportation,
14 and the procurement thereof and the provisions of facilities
15 therefor, are hereby vested in the ~~Corporation Commission~~ Department
16 of Public Safety.

17 Shipments contracted by the federal government, a state
18 government, a tribal government or any local government or political
19 subdivision thereof shall not be required to obtain a household
20 goods certificate, but shall be regulated by the ~~Commission~~
21 Department to achieve compliance with safety requirements and size
22 and weight limitations.

23 Nothing in ~~this act~~ the Household Goods Act of 2009 shall be
24 construed to interfere with the exercise by agencies of the

1 government of the United States of its power of regulation of
2 interstate commerce.

3 C. As used in this act:

4 1. "~~Commission~~" "Department" means the ~~Corporation Commission~~
5 Department of Public Safety;

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

10 3. "Household goods" means used personal effects and property
11 of a dwelling;

12 4. "Household goods certificate" means a certificate of
13 authority issued by the ~~Corporation Commission~~ Department of Public
14 Safety to transport household goods within this state;

15 5. "Intercompany hauling" means the transportation of
16 household goods, by motor vehicle, for compensation, by a carrier
17 which is a member of a corporate family, as defined in this section,
18 when the transportation for compensation is provided for other
19 members of the corporate family;

20 6. "Motor carrier of household goods" means a person
21 transporting household goods for compensation or other
22 consideration, with an origin and destination within this state;

1 7. "Motor vehicle" means any automobile, truck, truck-tractor,
2 trailer or semitrailer or any motor bus or self-propelled vehicle
3 not operated or driven upon fixed rails or tracks;

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

8 9. "Public highway" means every public street, road, highway,
9 or thoroughfare in this state, used by the public, whether actually
10 dedicated to the public and accepted by the proper authorities or
11 otherwise.

12 D. The terms and provisions of ~~this act~~ the Household Goods Act
13 of 2009 shall apply to commerce with foreign nations, or commerce
14 among the several states of this Union, insofar as such application
15 may be permitted under the provisions of the Constitution of the
16 United States and the Acts of Congress.

17 SECTION 2. AMENDATORY 47 O.S. 2011, Section 162, is
18 amended to read as follows:

19 Section 162. A. The ~~Corporation Commission~~ Department of
20 Public Safety is authorized to:

21 1. Supervise and regulate every motor carrier of household
22 goods;

1 2. Protect the shipping and general public by requiring
2 liability insurance and cargo insurance of all motor carriers of
3 household goods;

4 3. Ensure motor carriers of household goods are complying with
5 applicable size and weight laws and safety requirements;

6 4. Supervise and regulate such motor carriers in all other
7 matters affecting the relationship between such carriers and the
8 traveling and shipping public including, but not limited to,
9 consumer protection measures and loss and damage claim procedures;
10 and

11 5. Enforce the provisions of ~~this act~~ the Household Goods Act
12 of 2009.

13 B. The ~~Commission~~ Department is authorized to promulgate rules
14 applicable to persons transporting household goods.

15 C. 1. The ~~Commission~~ Department is authorized to administer a
16 hazardous material transportation registration and permitting
17 program for motor carriers engaged in transporting hazardous
18 material upon or over the public highways and within the borders of
19 the state.

20 2. The ~~Commission~~ Department shall promulgate rules
21 implementing the provisions of this subsection. Rules promulgated
22 pursuant to this subsection shall be consistent with, and equivalent
23 in scope, coverage, and content to requirements applicable to
24 operators of vehicles transporting hazardous materials contained in

1 the report submitted to the Secretary of the United States
2 Department of Transportation, pursuant to 49 U.S.C. 5119(b), by the
3 Alliance for Uniform Hazardous Material Transportation Procedures.

4 D. Nothing in this section shall be construed to remove or
5 affect the jurisdiction of the Department of Environmental Quality
6 to implement hazardous waste transportation requirements for federal
7 hazardous waste program delegation to this state under the federal
8 Resource Conservation and Recovery Act.

9 E. The ~~Commission~~ Department is authorized to promulgate rules
10 and set fees applicable to interstate motor carriers, pertaining to
11 carrier registration, operation of equipment and filing of proper
12 proof of liability insurance.

13 SECTION 3. AMENDATORY 47 O.S. 2011, Section 162.1, is
14 amended to read as follows:

15 Section 162.1. The ~~Corporation Commission~~ Department of Public
16 Safety is authorized to promulgate rules necessary to enable this
17 state to participate in the Unified Carrier Registration System for
18 interstate motor carriers, brokers, forwarders and leasing companies
19 and interstate motor carriers holding intrastate authority as set
20 forth in the Safe, Accountable, Flexible, Efficient Transportation
21 Equity Act: A Legacy for Users (SAFETEA-LU), Subtitle C-Unified
22 Carrier Registration Act of 2005.

23 SECTION 4. AMENDATORY 47 O.S. 2011, Section 163, is
24 amended to read as follows:

1 Section 163. A. No person shall transport household goods for
2 compensation or other consideration in intrastate commerce without a
3 valid certificate issued by the ~~Corporation Commission~~ Department of
4 Public Safety.

5 B. The ~~Commission~~ Department shall promulgate rules ensuring
6 consumer protection and loss and damage claim procedures.

7 C. Every motor carrier, subject to ~~this act~~ the Household Goods
8 Act of 2009, receiving household goods for transportation in
9 intrastate commerce shall issue a receipt or bill of lading
10 therefor, the form of which shall be prescribed by the ~~Commission~~
11 Department.

12 D. Record-keeping documents, as required by the ~~Commission~~
13 Department, shall be maintained by the motor carrier of household
14 goods for a minimum of three (3) years. The ~~Commission~~ Department
15 is authorized to require certain documents to be retained for a
16 longer period of time pending a claim for any other reason the
17 ~~Commission~~ Department deems necessary.

18 E. Any person, motor carrier, or shipper who shall willfully
19 violate any provision of ~~this act~~ the Household Goods Act of 2009 or
20 the ~~Commission's~~ Department's rules pursuant thereto may be found in
21 violation by the ~~Commission~~ Department. After proper notice and
22 hearing, violators may be assessed penalties in an amount not to
23 exceed One Thousand Dollars (\$1,000.00) for the first violation and
24

1 for the second violation within a year a penalty not to exceed Five
2 Thousand Dollars (\$5,000.00).

3 SECTION 5. AMENDATORY 47 O.S. 2011, Section 165, is
4 amended to read as follows:

5 Section 165. A. Upon the filing of an application to operate
6 as a motor carrier of household goods, the applicant shall pay to
7 the ~~Corporation Commission~~ Department of Public Safety a filing fee
8 as set by ~~Commission~~ Department rule.

9 B. Upon the filing by an interstate motor carrier of an
10 application to register interstate authority, or supplement thereto,
11 the applicant shall pay the ~~Commission~~ Department a filing fee as
12 established by the ~~Commission~~ Department and in full compliance with
13 applicable federal laws.

14 C. The ~~Commission~~ Department shall, upon the receipt of any
15 such fee, deposit the same in the State Treasury to the credit of
16 the ~~Corporation Commission~~ Revolving Trucking One-Stop Shop Fund.

17 SECTION 6. AMENDATORY 47 O.S. 2011, Section 166, is
18 amended to read as follows:

19 Section 166. A. It is hereby declared unlawful for any person
20 to transport household goods in intrastate commerce without a valid
21 certificate issued by the ~~Corporation Commission~~ Department of
22 Public Safety.

23 B. Motor carriers engaged in intercorporate hauling must obtain
24 a certificate in the motor carrier's name.

1 C. Applicants for intrastate authority to transport household
2 goods shall file an application as required by ~~this act~~ the
3 Household Goods Act of 2009 and as prescribed by the ~~Commission~~
4 Department. A household goods certificate shall be issued to the
5 applicant upon completion of all requirements.

6 D. The ~~Commission~~ Department may consider any written protests
7 or written complaints filed prior to granting or renewing a
8 household goods certificate. If the ~~Commission~~ Department elects
9 not to grant or renew a household goods certificate, the application
10 shall be set for public hearing in accordance with ~~Commission~~
11 Department rules.

12 E. Household goods certificates may not be assigned or
13 transferred.

14 F. The ~~Commission~~ Department shall exercise any additional
15 power that may from time to time be conferred upon the state by any
16 Act of Congress.

17 G. The ~~Commission~~ Department shall adopt rules prescribing the
18 manner and form in which motor carriers shall apply for a household
19 goods certificate.

20 SECTION 7. AMENDATORY 47 O.S. 2011, Section 166.5, is
21 amended to read as follows:

22 Section 166.5. If ~~this act~~ Section 161A et seq. of this title
23 or the Motor Carrier Act of 1995 or any provision hereof is, or may
24 be deemed to be, in conflict or inconsistent with any of the
25

1 provisions of Section 18 through Section 34, inclusive, of Article
2 IX of the Constitution of the State of Oklahoma, then, to the extent
3 of any such conflicts or inconsistencies, it is hereby expressly
4 declared that this entire act and this section are amendments to and
5 alterations of the sections of the Constitution, as authorized by
6 Section 35 of Article IX of ~~said~~ the Constitution.

7 SECTION 8. AMENDATORY 47 O.S. 2011, Section 166a, is
8 amended to read as follows:

9 Section 166a. A. As used in this section:

10 1. "Authorized carrier" means a motor carrier of household
11 goods;

12 2. "Equipment" means a motor vehicle, straight truck, tractor,
13 semitrailer, full trailer, any combination of these and any other
14 type of equipment used by authorized carriers in the transportation
15 of household goods;

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

19 4. "Lease" means a contract or arrangement in which the owner
20 grants the use of equipment, with or without driver, for a specified
21 period to an authorized carrier for use in the regulated
22 transportation of household goods in exchange for compensation;

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

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

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

5 8. "Shipper" means a person who sends or receives household
6 goods which are transported in intrastate commerce in this state.

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

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

12 2. The authorized carrier acquiring the use of equipment under
13 this section shall identify the equipment in accordance with the
14 ~~Commission's~~ Department of Public Safety's requirements; and

15 3. Upon termination of the lease, the authorized carrier shall
16 remove all identification showing it as the operating carrier before
17 giving up possession of the equipment.

18 C. The written lease required pursuant to subsection B of this
19 section shall contain the following provisions. The required lease
20 provisions shall be adhered to and performed by the authorized
21 carrier as follows:

22 1. The lease shall be made between the authorized carrier and
23 the owner of the equipment. The lease shall be signed by these
24 parties or by their authorized representatives;

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

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

8 4. The lease shall provide that the authorized carrier lessee
9 shall have exclusive possession, control and use of the equipment
10 for the duration of the lease. The lease shall further provide that
11 the authorized carrier lessee shall assume complete responsibility
12 for the operation of the equipment for the duration of the lease;

13 5. The amount to be paid by the authorized carrier for
14 equipment and driver's services shall be clearly stated on the face
15 of the lease or in an addendum which is attached to the lease. The
16 amount to be paid may be expressed as a percentage of gross revenue,
17 a flat rate per mile, a variable rate depending on the direction
18 traveled or the type of commodity transported, or by any other
19 method of compensation mutually agreed upon by the parties to the
20 lease. The compensation stated on the lease or in the attached
21 addendum may apply to equipment and driver's services either
22 separately or as a combined amount;

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 over-dimension 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
24

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 those lessors
4 whose revenue is based on a percentage of the gross revenue for a
5 shipment to examine copies of the authorized carrier's freight bill
6 before or at the time of settlement. The lease shall clearly
7 specify the right of the lessor, regardless of method of
8 compensation, to examine copies of the carrier's tariff;

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

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

20 11. As it relates to insurance:

- 21 a. the lease shall clearly specify the legal obligation
22 of the authorized carrier to maintain insurance
23 coverage for the protection of the public, and
24

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 household goods transportation by
18 motor carriers.

19 SECTION 9. AMENDATORY 47 O.S. 2011, Section 169, is
20 amended to read as follows:

21 Section 169. A. No certificate shall be issued by the
22 ~~Corporation Commission~~ Department of Public Safety to any motor
23 carrier of household goods until after such motor carrier shall have
24 filed with the ~~Commission~~ Department a liability insurance policy or

1 bond covering public liability and property damage, issued by some
2 insurance or bonding company or insurance carrier authorized as set
3 forth below, and which has complied with all of the requirements of
4 the ~~Commission~~ Department, which bond or policy shall be approved by
5 the ~~Commission~~ Department, and shall be in such sum and amount as
6 fixed by a proper order of the ~~Commission~~ Department; and such
7 liability and property damage insurance policy or bond shall bind
8 the obligor thereunder to make compensation for injuries to, or
9 death of, persons, and loss or damage to property, resulting from
10 the operation of any such motor carrier for which such carrier is
11 legally liable. After judgment against the carrier for any damage,
12 the injured party may maintain an action upon the policy or bond to
13 recover the same, and shall be a proper party to maintain such
14 action.

15 B. Every motor carrier of household goods shall file with the
16 ~~Commission~~ Department a cargo insurance policy or bond covering any
17 goods or property being transported, issued by some insurance or
18 bonding company or insurance carrier authorized as set forth below,
19 and which has complied with all of the requirements of the
20 ~~Commission~~ Department, which bond or policy shall be approved by the
21 ~~Commission~~ Department, and shall be in a sum and amount as fixed by
22 ~~Commission~~ Department rule. The cargo insurance must be filed with
23 the ~~Commission~~ Department prior to a certificate being issued by the
24 ~~Commission~~ Department.

1 C. No carrier, whose principal place of business is in
2 Oklahoma, shall conduct any operations in this state unless the
3 operations are covered by a valid primary bond or insurance policy
4 issued by an insurer authorized or approved by the Oklahoma
5 Insurance Department. No carrier whose principal place of business
6 is not in Oklahoma shall conduct any operations in this state unless
7 the operations are covered by a valid bond or insurance policy
8 issued by an insurer licensed or approved by the insurance
9 regulatory authority of the state of their principal place of
10 business or the Oklahoma Insurance Department.

11 D. Each motor carrier shall maintain on file, in full force,
12 all insurance required by the laws of the State of Oklahoma and the
13 rules of the ~~Commission~~ Department during such motor carrier's
14 operation and that the failure for any cause to maintain such
15 coverage in full force and effect shall immediately, without any
16 notice from the ~~Commission~~ Department, suspend such carrier's rights
17 to operate until proper insurance is provided. Any carrier
18 suspended for failure to maintain proper insurance shall have a
19 reasonable time, not exceeding sixty (60) days, within which to
20 provide proper insurance and to have the carrier's authority
21 reactivated, upon showing:

22 1. No operation during the period in which the carrier did not
23 have insurance; and

24 2. Furnishing of proper insurance coverage.

1 E. Any carrier who fails to reactivate the carrier's
2 certificate within sixty (60) days after such suspension, as above
3 provided, shall have the certificate canceled, by operation of law,
4 without any notice from the ~~Commission~~ Department. No certificate
5 so canceled shall be reinstated or otherwise made operative except
6 that the ~~Commission~~ Department may reinstate the authority of a
7 motor carrier upon proper showing that the motor carrier was
8 actually covered by proper insurance during the suspension or
9 cancellation period, and that failure to file with the ~~Commission~~
10 Department was not due to the motor carrier's fault. Any carrier
11 desiring to file for reinstatement of the carrier's certificate
12 shall do so within ninety (90) days of its cancellation by law.

13 F. The ~~Commission~~ Department shall, in its discretion, permit
14 the filing of certificates of insurance coverage on such form as may
15 be prescribed by the ~~Commission~~ Department, in lieu of copies of
16 insurance policies or bonds, with the proviso that if the
17 certificates are authorized, the insurance company or carrier so
18 filing it, upon request of the ~~Commission~~ Department, shall, at any
19 time, furnish an authenticated copy of the policy which the
20 certificate represents, and further provided that thirty (30) days
21 prior to effective cancellation or termination of the policy of
22 insurance for any cause, the insurer shall so notify the ~~Commission~~
23 Department in writing of the facts or as deemed necessary by the
24 ~~Commission~~ Department.

1 SECTION 10. AMENDATORY 47 O.S. 2011, Section 169.5, is
2 amended to read as follows:

3 Section 169.5. If the carrier fails to process loss or damage
4 claims as provided in Sections 169.2 through 169.4 of this title, or
5 to express declinations of the claims in writing with proof of
6 nonliability, the carrier may be found in contempt by the
7 ~~Corporation Commission~~ Department of Public Safety after proper
8 notice and hearing. Failure to pay any fine or otherwise resolve
9 the complaint may result in a hearing by the ~~Corporation Commission~~
10 Department of Public Safety to determine if the operating authority
11 of the carrier shall be revoked.

12 SECTION 11. AMENDATORY 47 O.S. 2011, Section 170, is
13 amended to read as follows:

14 Section 170. A. Nothing contained in ~~this act~~ the Household
15 Goods Act of 2009 shall be construed to authorize the operation of
16 any freight vehicle in excess of the gross weight, width, length or
17 height authorized by law.

18 B. Any person who willfully advertises to perform
19 transportation services for which the person does not hold a proper
20 certificate shall be in violation of ~~this act~~ the Household Goods
21 Act of 2009 and subject to the penalties prescribed for contempt of
22 the ~~Corporation Commission~~ Department of Public Safety.

23 C. Household goods certificates may be suspended or revoked for
24 any violation of state law or ~~Commission~~ Department rule.

1 D. Certificates shall be considered personal to the holder
2 thereof and shall be issued only to some definite legal entity
3 operating motor vehicles as a motor carrier of household goods, and
4 shall not be subject to lease, nor shall the holder thereof sublet
5 or permit the exercise, by another, in anywise, of the rights or
6 privileges granted thereunder.

7 SECTION 12. AMENDATORY 47 O.S. 2011, Section 170.1, is
8 amended to read as follows:

9 Section 170.1. A. Upon any complaint in writing under oath
10 being made by any person, or by the ~~Commission~~ Department of its own
11 motion, setting forth any act or thing done or omitted to be done by
12 any person in violation, or claimed violation, of any provision of
13 law, or of any order or rule of the ~~Commission~~ Department, the
14 ~~Commission~~ Department shall enter same upon its docket and shall
15 immediately serve a copy thereof upon each defendant together with a
16 notice directed to each defendant requiring that the matter
17 complained of be answered, in writing, within ten (10) days of the
18 date of service of such notice; provided that, the ~~Commission~~
19 Department may, in its discretion, require particular cases to be
20 answered within a shorter time, and the ~~Commission~~ Department may,
21 for good cause shown, extend the time in which an answer may be
22 filed.

23 Upon the filing of the answer herein provided for, the
24 ~~Commission~~ Department shall set a time and place for the hearing,

1 and notice of the time and place of the hearing shall be served not
2 less than ten (10) days before the time set therefor, unless the
3 ~~Commission~~ Department shall find that public necessity requires the
4 hearing at an earlier date.

5 B. The ~~Commission~~ Department may, in all matters within its
6 jurisdiction, issue subpoenas, subpoenas duces tecum, and all
7 necessary process in proceedings pending before the ~~Commission~~
8 Department; may administer oaths, examine witnesses, compel the
9 production of records, books, papers, files, documents, contracts,
10 correspondence, agreements, or accounts necessary for any
11 investigation being conducted, and certify official acts.

12 C. In case of failure on the part of any person to comply with
13 any lawful order of the ~~Commission, or of any Commissioner~~
14 Department, or with any subpoena or subpoena duces tecum, or to
15 testify concerning any matter on which he or she may be lawfully
16 interrogated, the ~~Commission~~ Department may compel obedience by
17 proceedings for contempt as in the case of disobedience of the
18 requirements of a subpoena, or of the refusal to testify.

19 D. Witnesses who are summoned before the ~~Commission~~ Department
20 shall be paid the same fees and mileage as are paid to witnesses in
21 courts of record. Any party to a proceeding at whose instance a
22 subpoena is issued and served shall pay the costs incident thereto
23 and the fees for mileage of all his witnesses.

1 E. In event any process shall be directed to any nonresident
2 who is authorized to do business in this state, the process may be
3 served upon the agent designated by the nonresident for the service
4 of process, and service upon the agent shall be as sufficient and as
5 effective as if served upon the nonresident.

6 F. All process issued by the ~~Commission~~ Department shall extend
7 to all parts of the state and any such process, together with the
8 service of all notices issued by the ~~Commission~~ Department, as well
9 as copies of complaints, rules, orders and regulations of the
10 ~~Commission~~ Department, may be served by any person authorized to
11 serve process issued out of courts of record, or by certified mail.

12 G. After the conclusion of any hearing, the ~~Commission~~
13 Department shall, within sixty (60) days, make and file its findings
14 and order, with its opinion. Its findings shall be in sufficient
15 detail to enable any court in which any action of the ~~Commission~~
16 Department is involved to determine the controverted questions
17 presented by the proceeding. A copy of such order, certified under
18 the seal of the ~~Commission~~ Department, shall be served upon the
19 person against whom it runs, or the attorney of the person, and
20 notice thereof shall be given to the other parties to the
21 proceedings or their attorneys. The order shall take effect and
22 become operative within fifteen (15) days after the service thereof,
23 unless otherwise provided. If an order cannot, in the judgment of
24 the ~~Commission~~ Department, be complied with within fifteen (15)

1 days, the ~~Commission~~ Department may grant and prescribe such
2 additional time as in its judgment is reasonably necessary to comply
3 with the order, and may, on application and for good cause shown,
4 extend the time for compliance fixed in the order.

5 H. In the event the ~~Commission~~ Department finds that the
6 defendant is guilty upon any complaint filed and proceeding had and
7 that the provisions of law, or the rules, regulations or orders of
8 this ~~Commission~~ Department have been willfully and knowingly
9 violated and the violator holds a permit or certificate or license
10 issued by the ~~Commission~~ Department authorizing it to engage in the
11 transportation of persons or property for hire, then such permit or
12 certificate or license may also be revoked by the ~~Commission~~
13 Department.

14 I. Where a complaint is instituted by any person other than the
15 ~~Commission~~ Department of its own motion and in the event the
16 ~~Commission~~ Department should find that the complaint was not in good
17 faith, the complaining party shall be required to pay the
18 defendant's ~~attorney's~~ attorney fee, the fee to be prescribed by the
19 ~~Commission~~ Department in accordance with applicable Oklahoma Bar
20 Association standards.

21 J. Any person aggrieved by any findings and order of the
22 ~~Commission~~ Department may appeal to the Supreme Court in the way and
23 manner now or hereafter provided for appeals from the district court
24 to the Supreme Court.

1 SECTION 13. AMENDATORY 47 O.S. 2011, Section 170.2, is

2 amended to read as follows:

3 Section 170.2. A. ~~The Department of Public Safety, monthly,~~
4 ~~shall notify the Oklahoma Corporation Commission of any ticket~~
5 ~~issued for a violation of the provisions of Section 14-119 of this~~
6 ~~title, or any provisions of Chapter 14 of this title or the terms of~~
7 ~~any special permit authorized pursuant to the provisions of Chapter~~
8 ~~14 of this title concerning overweight or overweight special~~
9 ~~permits.~~

10 B. Truck overweight violations by motor carriers or private
11 carriers shall be considered contempt of ~~Commission~~ Department motor
12 carrier rules, tariffs and regulations. The ~~Commission~~ Department
13 shall establish a specific rule whereby such overweight violations
14 by motor carriers or private carriers shall be grounds for issuance
15 of a show-cause order for consideration of temporary or permanent
16 cancellation of operating authority or license. In establishing the
17 rule, consideration shall be given to the frequency of violations,
18 pattern of violations, fleet size, type of operation, amount of
19 overweight, and other such factors that may indicate intent. Any
20 person, firm, or corporation that assists in the commission of such
21 overweight violation or refuses to comply with any rule, regulation,
22 or order of the ~~Commission~~ Department relating thereto shall be
23 guilty of contempt of the ~~Commission~~ Department and shall be subject
24 to a fine ~~to be imposed by said Commission in a sum not to exceed~~

1 ~~Five Hundred Dollars (\$500.00) on~~ as prescribed by Section 14-101 et
2 seq. of this title for each violation. In the specific instance of
3 an overweight violation, the transportation of each load shall
4 constitute a separate violation. The same fine assessed against the
5 motor carrier or private carrier shall apply to any other person,
6 firm, or corporation that aids or abets such violations. Provided
7 however, no motor carrier, private carrier, shipper or person
8 loading or causing a motor vehicle to be loaded shall be subject to
9 a fine for contempt unless the gross weight of the motor vehicle is
10 more than five thousand (5,000) pounds overweight.

11 ~~C. B. The Commission~~ Department, in its discretion and on its
12 own motion, may make a contempt complaint in writing under oath
13 setting forth the violation, enter the complaint on its docket, and
14 proceed with the matter in accordance with the provisions of
15 Sections 161 et seq. of this title or the Motor Carrier Act of 1995.

16 SECTION 14. AMENDATORY 47 O.S. 2011, Section 171.1, is
17 amended to read as follows:

18 Section 171.1. In addition to other uses authorized by law,
19 funds provided to the ~~Corporation Commission~~ Weigh Station
20 Improvement Revolving Fund ~~pursuant to Sections 165, 177.2 and 180h~~
21 ~~of this title~~ shall be expended as follows:

22 1. ~~The Corporation Commission Transportation Division shall~~
23 Department of Public Safety may employ ~~four~~ special motor carrier
24 ~~enforcement~~ Port of Entry officers and ~~one supervisor-officer~~

1 supervisor-officers who shall have the primary duty of investigating
2 and assisting in the prosecution of persons engaged in unauthorized
3 transportation or disposal of deleterious substances as contemplated
4 under the provisions of the Oklahoma Motor Carrier Act and any other
5 applicable provisions of law. Such employees shall be compensated
6 as for similar service in the same or other departments of the state
7 and an expense allowance of One Hundred Dollars (\$100.00) per month
8 for maintenance and cleaning of uniforms and other related expenses
9 shall be paid to such employees. Nothing in this section regarding
10 expense allowances shall be construed to mean that such employees
11 shall receive any additional compensation beyond what is provided
12 for maintenance and cleaning of uniforms and other related expenses
13 by the ~~Corporation Commission~~ Department of Public Safety on the
14 ~~effective date of this act~~ September 1, 1993.

15 2. The ~~Commission~~ Department shall ~~purchase~~ provide a
16 sufficient number of motor vehicles ~~to provide each motor carrier~~
17 ~~enforcement officer employed in the Transportation Division a motor~~
18 ~~vehicle suitable~~ as necessary for Port of Entry officers to carry
19 out the enforcement provisions of applicable law. ~~Said~~ The vehicles
20 shall be appropriately marked as official vehicles and radio
21 equipped. All costs for operation, maintenance and replacement of
22 the motor vehicles authorized in this section shall be provided for
23 from the ~~Corporation Commission~~ Weigh Station Improvement Revolving
24 Fund.

1 3. The ~~Commission shall~~ Department may employ ~~a hearing officer~~
2 officers as necessary whose primary responsibility shall be the
3 adjudication of enforcement proceedings and complaints brought
4 against persons engaged in unauthorized transportation or disposal
5 of deleterious substances or other unauthorized transportation in
6 violation of the Oklahoma Motor Carrier Act or the rules and
7 regulations of motor carriers as promulgated by the ~~Corporation~~
8 ~~Commission~~ Department of Public Safety.

9 SECTION 15. AMENDATORY 47 O.S. 2011, Section 171.2, is
10 amended to read as follows:

11 Section 171.2. ~~Motor carrier enforcement~~ Port of Entry officers
12 as authorized in Section 171.1 of this title shall have authority
13 and powers as provided for those ~~motor carrier~~ Port of Entry
14 officers authorized under the provisions of Section 172 of this
15 title.

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

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

1 Safety, or who procures, aids or abets any corporation or person in
2 the person's, or its, refusal or willful failure to obey, observe or
3 comply with any such order, decision, rule, direction, demand, or
4 regulation shall be deemed guilty of a misdemeanor. Upon conviction
5 in a criminal court of competent jurisdiction, such misdemeanor is
6 punishable by a fine of not exceeding One Thousand Dollars
7 (\$1,000.00).

8 B. The ~~Corporation Commission~~ Department of Public Safety shall
9 report to the Attorney General of this state and the district
10 attorney of the proper county having jurisdiction of such offense,
11 any violation of any of the provisions of Sections ~~161~~ 161A through
12 180m of this title or the Motor Carrier Act of 1995 or any rule of
13 the ~~Corporation Commission~~ Department of Public Safety promulgated
14 pursuant to the provisions of Sections ~~161~~ 161A through 180m of this
15 title or the Motor Carrier Act of 1995, by any motor vehicle owner,
16 agent or employee of such owner, or any other person. Upon receipt
17 of such report, the Attorney General or the district attorney of the
18 proper county having jurisdiction of such offense shall institute
19 criminal or civil proceedings against such offender in the proper
20 court having jurisdiction of such offense. Any willful failure on
21 the part of members of the ~~Corporation Commission~~ Department of
22 Public Safety, the Attorney General or any district attorney, to
23 comply with the provisions of this section, shall be deemed official
24 misconduct. The ~~Corporation Commission~~ Department of Public Safety

1 shall report such complaints so made to the Governor of this state
2 who shall direct and cause the laws of this state to be enforced.

3 C. Any person failing, neglecting or refusing to comply with
4 the provisions of Sections ~~161~~ 161A through 180m of this title or
5 the Motor Carrier Act of 1995, or with any rule, regulation, or
6 requirement of the ~~Corporation Commission~~ Department of Public
7 Safety promulgated pursuant to the provisions of Sections ~~161~~ 161A
8 through 180m of this title or the Motor Carrier Act of 1995, shall
9 be guilty of contempt of the ~~Corporation Commission~~ Department of
10 Public Safety, and shall be subject to a fine to be imposed by the
11 ~~Corporation Commission~~ Department of Public Safety in a sum not
12 exceeding Five Hundred Dollars (\$500.00). Each day on which such
13 contempt occurs shall be deemed a separate and distinct offense.
14 The maximum fine to be assessed on each day shall be Five Hundred
15 Dollars (\$500.00). All fines collected pursuant to the provisions
16 of this section shall be deposited in the State Treasury to the
17 credit of the ~~Corporation Commission~~ Department of Transportation
18 Trucking One-Stop Shop Fund, as created in Section 1167 of this
19 title. This subsection shall not apply in the specific instance of
20 load capacity violations or violations applicable to the
21 transportation or discharge of deleterious substances provided for
22 by specific statutory provisions.

23 D. The ~~Corporation Commission shall~~ Department of Public Safety
24 may appoint a director of transportation, ~~a deputy director, an~~

1 ~~insurance supervisor, an insurance clerk, two stenographers, a~~
2 ~~secretary to the director, an identification device supervisor and~~
3 ~~an assistant identification device supervisor at such salaries as~~
4 ~~the Legislature may from time to time prescribe~~ and additional
5 employees as necessary. The employees shall be allowed actual and
6 necessary travel expenses pursuant to the provisions of the State
7 Travel Reimbursement Act. All of the expense claims shall be
8 presented and paid monthly.

9 E. ~~Enforcement officers, appointed by the Corporation~~
10 ~~Commission, are hereby declared to be peace officers of this state.~~
11 ~~Such~~ There shall be two types of Port of Entry officers appointed by
12 the Department of Public Safety: commissioned officers and non-
13 commissioned officers. All officers shall be vested with all powers
14 of ~~peace officers in~~ enforcing the provisions of Sections ~~161~~ 161A
15 through 180m of this title, U.S. 49 CFR, and the Motor Carrier Act
16 of 1995 in all parts of this state.

17 The powers and duties conferred upon ~~said enforcement~~ the Port
18 of Entry officers shall in no way limit the powers and duties of
19 sheriffs or other peace officers of the state, or any political
20 subdivision thereof, or of members of the Division of Highway
21 Patrol, subject to the Department of Public Safety.

22 F. ~~The enforcement officers when on duty, upon reasonable~~
23 ~~belief that any motor vehicle is being operated in violation of any~~
24 ~~provisions of Sections 161 through 180m of this title or the Motor~~

1 ~~Carrier Act of 1995, shall be authorized to require the driver of~~
2 ~~the vehicle to stop and submit to an inspection of the~~
3 ~~identification device, or devices, in the vehicle, and to submit to~~
4 ~~such enforcement officer bills of lading, waybills, or other~~
5 ~~evidences of the character of the commerce being transported in such~~
6 ~~vehicle, and to submit to an inspection of the contents of such~~
7 ~~vehicle for the purpose of comparing same with bills of lading or~~
8 ~~shipping documentation, waybills, or other evidences of~~
9 ~~transportation carried by the driver of the vehicle. The officers~~
10 ~~shall not have the right to plea bargain.~~

11 ~~G. The enforcement officers are authorized to serve all~~
12 ~~warrants, writs, and notices issued by the Corporation Commission~~
13 ~~relating to the enforcement of the provisions of Sections 161~~
14 ~~through 180m of this title or the Motor Carrier Act of 1995 and the~~
15 ~~rules, regulations, and requirements prescribed by the Corporation~~
16 ~~Commission promulgated pursuant to Sections 161 through 180m of this~~
17 ~~title or the Motor Carrier Act of 1995.~~

18 ~~H. The enforcement officers shall not have the power or right~~
19 ~~of search, nor shall they have the right of power of seizure, except~~
20 ~~as provided in Sections 161 through 180m of this title or the Motor~~
21 ~~Carrier Act of 1995. The enforcement officers are authorized to~~
22 ~~hold and detain any motor vehicle operating upon the highways of~~
23 ~~this state, if, the enforcement officer has reason to believe that~~
24 ~~the vehicle is being operated contrary to the provisions of Sections~~

1 ~~161 through 180m of this title or the Motor Carrier Act of 1995, or~~
2 ~~the rules, regulations, and requirements of the Corporation~~
3 ~~Commission promulgated pursuant to Sections 161 through 180m of this~~
4 ~~title or the Motor Carrier Act of 1995.~~

5 ~~I.~~ No state official, other than members of the ~~Corporation~~
6 ~~Commission~~ Department of Public Safety, shall have any power, right,
7 or authority to command, order, or direct any ~~enforcement~~ Port of
8 Entry officer to perform any duty or service authorized by Sections
9 ~~161~~ 161A through 180m of this title, U.S. 49 CFR, or the Motor
10 Carrier Act of 1995.

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

17 ~~K.~~ G. No ~~enforcement~~ Port of Entry officer or employee of the
18 ~~Oklahoma Corporation Commission~~ Department of Public Safety shall
19 have the right to plea bargain in motor carrier or motor
20 transportation matters except the ~~chief legal counsel~~ division of
21 the ~~Commission or an assign of the legal staff of the chief legal~~
22 ~~counsel~~ Department.

23 SECTION 17. AMENDATORY 47 O.S. 2011, Section 177.2, is
24 amended to read as follows:

1 Section 177.2. A. No motor carrier shall engage in the
2 business of transporting any salt water, mineral brines, waste oil
3 and other deleterious substances produced from or obtained or used
4 in connection with the drilling, development, producing and
5 operating of oil and gas wells and brine wells, for any valuable
6 consideration whatever, or in any quantity over twenty (20) gallons,
7 without a license authorizing such operation and a deleterious
8 substance transport permit to be issued by the ~~Commission~~ Department
9 of Public Safety. Provided, transportation of such substances by
10 private carrier of property by motor vehicle shall require a
11 deleterious substance transport permit.

12 B. No carrier shall transport deleterious substances under a
13 carrier license issued by the ~~Commission~~ Department until such time
14 as the carrier has been issued a deleterious substance transport
15 permit.

16 C. No deleterious substance transport permit shall be issued to
17 a motor carrier or private carrier until the carrier has furnished
18 written proof of access to a Class II disposal well or wells. ~~Said~~
19 The written proof of access shall be provided by the owner of such
20 disposal well. Such disposal well must first be approved by the
21 ~~Corporation Commission~~ Department as adequate to meet the need for
22 proper disposal of all substances which the applicant may reasonably
23 be expected to transport as a motor carrier or private carrier.
24 Provided that nothing in this section shall be construed as

1 prohibiting the disposition of such deleterious substances in a
2 disposal well that is owned by a person other than the transporter.

3 D. The ~~Commission~~ Department shall maintain a current list of
4 such permits. The ~~Commission~~ Department shall charge such annual
5 deleterious substance transport permitting fees as will cover the
6 cost of issuing such licenses and an annual fee of Two Hundred Fifty
7 Dollars (\$250.00) for each such deleterious substance transport
8 license. Proceeds from the fees shall be deposited by the
9 ~~Commission~~ Department in the State Treasury to the credit of the
10 ~~Corporation-Commission~~ Department of Public Safety Revolving Fund.
11 The provisions of this section are supplemental and are in addition
12 to the laws applicable to motor carriers.

13 SECTION 18. AMENDATORY 47 O.S. 2011, Section 177.3, is
14 amended to read as follows:

15 Section 177.3. A. It shall be unlawful for a motor carrier,
16 whether private, common, or contract, to dump, disperse, or
17 otherwise release substances described in Section 177.2 of this
18 title upon a public highway or elsewhere except on property or in
19 wells, reservoirs, or other receptacles owned, held, leased, or
20 otherwise rightfully and legally available to the motor carrier for
21 such use and purpose.

22 B. It shall be unlawful for any motor truck or tank vehicle
23 used to transport substances described in Section 177.2 of this
24

1 title to have a release device located or operated in any manner
2 from within the cab of such a motor vehicle.

3 C. Any violation of the provisions of ~~subsections~~ subsection A
4 or B of this section shall constitute a misdemeanor. It shall be
5 the duty of the prosecuting attorney of the county in which a
6 violation of the provisions of this section occurs to file and
7 prosecute the aforementioned misdemeanor charge and advise the
8 ~~Commission~~ Department of such action and the results thereof.

9 D. The ~~Oklahoma Corporation Commission~~ Department of Public
10 Safety may initiate contempt proceedings for any violation
11 concerning disposal by a carrier of a substance described in Section
12 177.2 of this title. The first violation proven by the ~~Commission~~
13 Department in any calendar year shall result in a motor carrier or
14 private carrier being warned by the ~~Commission~~ Department and, upon
15 conviction, fined up to Two Thousand Five Hundred Dollars
16 (\$2,500.00). A second violation proven by the ~~Commission~~ Department
17 in any calendar year shall result in a motor carrier or private
18 carrier being placed on probation and fined up to Five Thousand
19 Dollars (\$5,000.00) by the ~~Commission~~ Department. A third violation
20 proven by the ~~Commission~~ Department in any calendar year shall
21 result in a fine of up to Twenty Thousand Dollars (\$20,000.00), and,
22 at the discretion of the ~~Commission~~ Department, cancellation of the
23 carrier's license for a period up to one (1) year and cancellation
24 of a motor carrier or private carrier deleterious substance

1 transport permit. The driver of a truck, who is not the owner of
2 the vehicle used in violation of this section or any of the rules
3 and regulations of the ~~Oklahoma Corporation Commission~~ Department of
4 Public Safety, shall be adjudicated a codefendant and subject to a
5 fine equal to ten percent (10%) of the fine assessed to the owner of
6 such vehicle, up to Five Hundred Dollars (\$500.00).

7 SECTION 19. AMENDATORY 47 O.S. 2011, Section 180, is
8 amended to read as follows:

9 Section 180. The following words and phrases, when used in ~~this~~
10 ~~act~~ Section 180 et seq. of this title, shall have the meanings
11 respectively ascribed to like words and phrases by the motor carrier
12 statutes of Oklahoma, except as herein provided:

13 1. The term "identification application" shall mean the
14 application as provided by the ~~Commission~~ Department, for making
15 application for motor carrier vehicle identification devices; and

16 2. The term "identification device" shall mean the motor
17 carrier vehicle identification device issued by the ~~Commission~~
18 Department under the provisions of ~~this act~~ Section 180 et seq. of
19 this title for the purpose of identifying powered motor carrier
20 vehicles operated under and coming within the provisions of ~~this act~~
21 Section 180 et seq. of this title or the Motor Carrier Act of 1995.

22 SECTION 20. AMENDATORY 47 O.S. 2011, Section 180a, is
23 amended to read as follows:

1 Section 180a. It is hereby declared unlawful for any motor
2 carrier, his or its agents or employees to operate any powered motor
3 vehicle, as a motor carrier for hire, within this state, without the
4 identification device issued by the ~~Commission~~ Department, ~~said the~~
5 device to be displayed as provided by the rules of the ~~Commission~~
6 Department.

7 SECTION 21. AMENDATORY 47 O.S. 2011, Section 180b, is
8 amended to read as follows:

9 Section 180b. The identification device shall be the property
10 of the ~~Commission~~ Department of Public Safety at all times, and
11 shall be subject to seizure and confiscation by the ~~Commission~~
12 Department for any good cause and at the will of the ~~Commission~~
13 Department.

14 SECTION 22. AMENDATORY 47 O.S. 2011, Section 180c, is
15 amended to read as follows:

16 Section 180c. The ~~Commission~~ Department of Public Safety may
17 issue an order for the seizure and confiscation and return to the
18 ~~Commission~~ Department of any identification device or devices, for
19 any of the following reasons, and to direct ~~said the~~ order or orders
20 to any officer of the State of Oklahoma charged with the duties of
21 enforcing the provisions of this act and/or any other section of the
22 motor carrier law now in force or hereinafter enacted:

- 23 1. In all cases where the motor carrier has permitted the
24 insurance coverage, as required by law to be filed with the

1 ~~Commission~~ Department, to lapse or become cancelled or for any
2 reason to become void and fail to meet the requirements as provided
3 by law;

4 2. For failure on the part of any motor carrier, his or its
5 agents or employees to comply with any part or provision of this
6 act, or any other act or law or part or provision thereof relative
7 to the legal operation of a for-hire motor carrier or to obey,
8 observe or comply with any order, decision, rule or regulation,
9 direction, demand or requirement, or any part or provision thereof,
10 of the ~~Commission~~ Department;

11 3. Upon the cancellation or revocation of the certificate or
12 permit or IRC or license under which ~~said~~ the identification device
13 or devices were issued; or

14 4. For operating any powered motor vehicle in violation of the
15 terms and provisions of ~~this act~~ Section 180 et seq. of this title
16 or the Motor Carrier Act of 1995 and all applicable size and weight
17 laws and safety standards of this state.

18 SECTION 23. AMENDATORY 47 O.S. 2011, Section 180d, is
19 amended to read as follows:

20 Section 180d. The ~~Commission~~ Department of Public Safety shall
21 have the power and authority by general order or otherwise to
22 promulgate rules and regulations for the administration and
23 enforcement of the provisions of ~~this act~~ Section 180 et seq. of
24 this title or the Motor Carrier Act of 1995.

1 SECTION 24. AMENDATORY 47 O.S. 2011, Section 180e, is
2 amended to read as follows:

3 Section 180e. The ~~Commission~~ Department of Public Safety, in
4 its discretion, is authorized to provide for decals, cab cards, or
5 other suitable methods of identification to be displayed on or
6 carried in the truck or powered motor vehicle.

7 SECTION 25. AMENDATORY 47 O.S. 2011, Section 180f, is
8 amended to read as follows:

9 Section 180f. The ~~Commission~~ Department of Public Safety is
10 hereby authorized to purchase ~~said~~ the identification devices in
11 sufficient amounts to supply the demand, and to purchase such other
12 officer supplies and equipment as is necessary to administer and
13 enforce the provisions of ~~this act~~ Section 180 et seq. of this title
14 or the Motor Carrier Act of 1995, and to pay for, or cause the same
15 to be paid for, out of the appropriation provided therefor.

16 SECTION 26. AMENDATORY 47 O.S. 2011, Section 180g, is
17 amended to read as follows:

18 Section 180g. It shall be the duty of the ~~Commission~~ Department
19 of Public Safety to provide identification devices upon written
20 application of any authorized motor carrier.

21 Upon written application of any authorized motor carrier holding
22 a certificate or permit or license issued by the ~~Commission~~
23 Department, the ~~Commission~~ Department shall issue to the motor
24 carrier a sufficient number of identification devices so that each

1 powered vehicle owned or to be operated by the motor carrier in the
2 state shall bear one identification device. Identification devices
3 shall be issued on an annual basis, and applications shall be made
4 annually on the form prescribed by the ~~Commission~~ Department, and
5 any motor carrier operating a powered vehicle without a current
6 identification device shall be in violation of the provisions of
7 Sections 180 through 180m of this title or the Motor Carrier Act of
8 1995.

9 It is hereby declared unlawful for any motor carrier, or agents
10 or employees of any motor carrier, to use or transfer an
11 identification device except as provided by rules of the ~~Commission~~
12 Department.

13 SECTION 27. AMENDATORY 47 O.S. 2011, Section 180h, is
14 amended to read as follows:

15 Section 180h. The ~~Corporation Commission~~ Department of Public
16 Safety is hereby authorized to collect from applicants for motor
17 carrier and private carrier identification devices a fee of Seven
18 Dollars (\$7.00) for registration of each of its vehicles registered
19 under the provisions of ~~this act~~ Section 180 et seq. of this title
20 or the Motor Carrier Act of 1995; and the fee shall be in addition
21 to any other fees now provided for by law for the registration of
22 ~~said~~ the motor vehicles and shall be deposited in the State Treasury
23 to the credit of the Trucking One-Stop Shop Fund.

1 SECTION 28. AMENDATORY 47 O.S. 2011, Section 180k, is
2 amended to read as follows:

3 Section 180k. All records of the ~~Corporation Commission~~
4 Department of Public Safety under ~~this act~~ Section 180 et seq. of
5 this title shall be maintained in, and classified as all other
6 records in the ~~Transportation Division of the Corporation Commission~~
7 Department of Public Safety.

8 SECTION 29. AMENDATORY 47 O.S. 2011, Section 180l, is
9 amended to read as follows:

10 Section 180l. The ~~Commission~~ Department of Public Safety is
11 hereby authorized and empowered, on behalf of the State of Oklahoma,
12 and when it shall deem it to be in the best interest of the
13 residents of this state so to do, to enter into reciprocal compacts
14 and agreements with other states, or the authorized agencies
15 thereof, when such states have made provisions substantially similar
16 to this section, respecting the regulation of motor vehicles engaged
17 in interstate or foreign commerce upon and over the public highways.
18 And such compacts and agreements may provide for the granting, to
19 the residents of such states, privileges substantially similar to
20 those granted thereby to Oklahoma residents: Provided: (1) That no
21 such compact or agreement shall supersede or suspend the operation
22 of any law, rule or regulation of the State of Oklahoma which shall
23 apply to vehicles operated intrastate in the ~~State of Oklahoma~~ this
24 state; (2) That any privileges, the granting of which shall be

1 provided by any such compact or agreement, shall extend only in
2 cases of full compliance with the laws of the state joining in such
3 compact or agreement; (3) That no such compact or agreement shall
4 supersede or suspend the operation of any law of the State of
5 Oklahoma other than those applying to the payment of fees for
6 registration certificates or identification devices; and (4) That
7 the powers and authority of the Oklahoma Tax Commission to
8 administer and enforce the tax laws of this state, pertaining to the
9 taxation of motor vehicles, shall be in no manner superseded or
10 suspended.

11 SECTION 30. AMENDATORY 47 O.S. 2011, Section 180m, is
12 amended to read as follows:

13 Section 180m. In addition to all other duties as provided by
14 law, it is hereby declared to be, and shall be the duty of all
15 sheriffs, deputy sheriffs, district attorneys, ~~enforcement~~ Port of
16 Entry officers appointed by the ~~Corporation Commission of the State~~
17 ~~of Oklahoma~~ Department of Public Safety, and all highway patrolmen
18 within the State of Oklahoma:

19 1. To enforce the provisions of Sections 180 through 180m of
20 this title or the Motor Carrier Act of 1995;

21 2. To apprehend and detain any motor vehicle or vehicles and
22 driver or operator and their aides who are operating any motor
23 vehicle, upon or along the highways of this state, for a reasonable
24 length of time, for the purpose of investigating and determining

1 whether such vehicle is being operated in violation of any of the
2 provisions of Sections 180 through 180m of this title or the Motor
3 Carrier Act of 1995;

4 3. To make arrests for the violation of the provisions of
5 Sections 180 through 180m of this title or the Motor Carrier Act of
6 1995, without the necessity of procuring a warrant;

7 4. To sign the necessary complaint and to cause the violator or
8 violators to be promptly arraigned before a court of competent
9 jurisdiction for trial;

10 5. To aid and assist in the prosecution of the violator or
11 violators in the name of the State of Oklahoma to the end that this
12 law shall be enforced;

13 6. To report all such arrests for violations of Sections 180
14 through 180m of this title to the ~~Corporation Commission of Oklahoma~~
15 Department of Public Safety within ten (10) days after making such
16 arrest and to furnish such information concerning same as the
17 ~~Commission~~ Department may request; and

18 7. At the request of the ~~Corporation Commission~~ Department of
19 Public Safety, to seize and confiscate any and all identification
20 devices and to forward the same to the ~~Corporation Commission~~
21 Department of Public Safety for cancellation.

22 SECTION 31. AMENDATORY 47 O.S. 2011, Section 230.22, is
23 amended to read as follows:

1 Section 230.22. A. It is hereby declared that it is necessary
2 in the public interest to regulate transportation by motor carriers
3 and private carriers in such manner as to recognize the need to
4 require all motor carriers and private carriers to have adequate
5 insurance; for motor carriers and private carriers to provide
6 service in a safe and efficient manner; and to establish that the
7 operations of motor carriers and private carriers will not have a
8 detrimental impact on the environment.

9 B. The public policy of this state, as declared by the
10 Legislature, requires that all existing intrastate certificates and
11 permits granted by the Oklahoma Corporation Commission, except
12 household goods and used emigrant movables, prior to January 1,
13 1995, are hereby revoked.

14 C. The provisions of the Motor Carrier Act of 1995, except as
15 hereinafter specifically limited, shall apply to the transportation
16 of passengers or property by motor carriers and private carriers,
17 except motor carriers of household goods and used emigrant movables,
18 over public highways of this state; and the regulations of such
19 transportation, and the procurement thereof and the provisions of
20 facilities therefor, are hereby vested in the ~~Oklahoma Corporation~~
21 ~~Commission~~ Department of Public Safety.

22 D. Nothing herein shall be construed to interfere with the
23 exercise by agencies of the government of the United States of its
24 power of regulation of interstate commerce.

1 E. The terms and provisions of the Motor Carrier Act of 1995
2 shall apply to commerce with foreign nations, or commerce among the
3 several states of this Union, insofar as such application may be
4 permitted under the provisions of the Constitution of the United
5 States and the Acts of Congress.

6 SECTION 32. AMENDATORY 47 O.S. 2011, Section 230.23, is
7 amended to read as follows:

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

9 1. "Person" means any individual, firm, copartnership, limited
10 partnership, corporation, limited liability corporation, company,
11 association, or joint-stock association and includes any trustee,
12 receiver, assignee, or personal representative thereof;

13 2. ~~"Commission"~~ "Department" means the ~~Oklahoma Corporation~~
14 ~~Commission~~ Department of Public Safety;

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

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

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

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

- 10 a. taxicabs and bus companies engaged in the
11 transportation of passengers and their baggage, not
12 operated between two or more cities and towns, when
13 duly licensed by a municipal corporation in which they
14 might be doing business,
- 15 b. any person or governmental authority furnishing
16 transportation for school children to and from public
17 schools or to and from public-school-related
18 extracurricular activities under contract with, and
19 sponsored by, a public school board; provided, that
20 motor vehicles and equipment operated for the purposes
21 shall qualify in all respects for the transportation
22 of school children under the Oklahoma School Code and
23 the rules of the State Board of Education adopted
24 pursuant thereto.

1 c. transport trucks transporting liquefied petroleum
2 gases intrastate which are owned or operated by a
3 person subject to and licensed by the Oklahoma
4 Liquefied Petroleum Gas Regulation Act, and

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

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

15 8. "Intercorporate hauling" means the transportation of
16 property, by motor vehicle, for compensation, by a carrier which is
17 a member of a corporate family, as defined in the Motor Carrier Act
18 of 1995, when the transportation for compensation is provided for
19 other members of the corporate family;

20 9. "Private carrier" means any person engaged in transportation
21 upon public highways, of persons or property, or both, but not as a
22 motor carrier, and includes any person who transports property by
23 motor vehicle where such transportation is incidental to or in
24

1 furtherance of any commercial enterprise of such person, other than
2 transportation;

3 10. "Market" means the point at which livestock and farm
4 products in the raw state were first delivered by the producer of
5 the livestock and farm products in the raw state, upon the sale
6 thereof;

7 11. "Public highway" means every public street, road or
8 highway, or thoroughfare in this state, used by the public, whether
9 actually dedicated to the public and accepted by the proper
10 authorities or otherwise; and

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

15 SECTION 33. AMENDATORY 47 O.S. 2011, Section 230.24, is
16 amended to read as follows:

17 Section 230.24. A. ~~The Corporation Commission~~ Department of
18 Public Safety is hereby vested with power and authority, and it
19 shall be its duty:

20 1. To supervise and regulate every motor carrier whether
21 operating between fixed termini or over a regular route ~~or otherwise~~
22 ~~and not operating exclusively within the limits of an incorporated~~
23 ~~city or town in this state and all private carriers operating~~
24 ~~vehicles having a gross registered weight of greater than 26,000~~

1 ~~pounds and not operating exclusively within the limits of an~~
2 ~~incorporated city or town in this state~~ in this state;

3 2. To protect the shipping and general public by supervising
4 and requiring insurance of all motor carriers and private carriers;

5 3. To ensure motor carriers and private carriers are complying
6 with the applicable size and weight laws of this state and safety
7 requirements;

8 4. To establish there will be no detrimental environmental
9 impact; and

10 5. To supervise and regulate motor carriers in all other
11 matters affecting the relationship between such carriers and the
12 traveling and shipping public provided those matters do not exceed
13 federal standards as they apply to this state.

14 B. ~~The Commission~~ Department shall have the power and authority
15 by general order or otherwise to prescribe rules applicable to any
16 or all motor carriers and private carriers as applicable.

17 C. ~~The Commission shall cooperate and coordinate with the~~
18 ~~Oklahoma Department of Public Safety in regulating carrier safety,~~
19 ~~size and weight regulations of motor vehicles and the transportation~~
20 ~~of hazardous materials. The Commission may enter into interagency~~
21 ~~agreements with the Department of Public Safety for the purpose of~~
22 ~~implementing, administering and enforcing any provisions of the~~
23 ~~Oklahoma Motor Carrier Safety and Hazardous Materials Transportation~~
24 ~~Act and the rules and regulations of the Department of Public Safety~~

1 ~~issued pursuant thereto.~~ Any license issued by the ~~Commission~~
2 Department may be suspended or revoked due to operations conducted
3 in violation of any laws or rules and regulations pertaining to
4 motor carriers, private carriers, carrier safety, size and weight
5 regulations of motor vehicles and the transportation of hazardous
6 materials.

7 SECTION 34. AMENDATORY 47 O.S. 2011, Section 230.25, is
8 amended to read as follows:

9 Section 230.25. A. Every motor carrier, subject to the Motor
10 Carrier Act of 1995, receiving property for transportation in
11 intrastate commerce shall issue a receipt or bill of lading
12 therefor, the form of which shall be prescribed by the ~~Commission~~
13 Department of Public Safety.

14 B. Any person, motor carrier, or shipper who shall willfully
15 violate any provisions of the Motor Carrier Act of 1995 by any means
16 shall be deemed guilty of a misdemeanor and upon conviction thereof
17 be fined as provided by law.

18 SECTION 35. AMENDATORY 47 O.S. 2011, Section 230.26, is
19 amended to read as follows:

20 Section 230.26. When the ~~Commission~~ Department of Public
21 Safety, upon complaint, has reason to believe that any person, motor
22 carrier, or shipper is violating or has willfully violated any
23 provision of the Motor Carrier Act of 1995, the ~~Commission~~
24 Department shall, upon its own initiative, file a contempt

1 proceeding and set a date for the proceeding to be heard before the
2 ~~Commission~~ Department, and upon conviction, the ~~Commission~~
3 Department shall invoke such contempt penalties as provided herein.

4 SECTION 36. AMENDATORY 47 O.S. 2011, Section 230.27, is
5 amended to read as follows:

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

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

19 C. The ~~Commission~~ Department shall, upon the receipt of any
20 fee, deposit the same in the State Treasury to the credit of the
21 Trucking One-Stop Shop Fund.

22 SECTION 37. AMENDATORY 47 O.S. 2011, Section 230.28, is
23 amended to read as follows:

1 Section 230.28. A. It shall be unlawful for any motor carrier
2 to operate or furnish service within this state without first having
3 obtained from the ~~Commission~~ Department a license declaring that all
4 insurance requirements have been met and that the carrier will
5 operate within all existing rules and state laws pertaining to
6 safety standards, size and weight requirements and, when applicable,
7 lawful handling and disposal of hazardous materials and deleterious
8 substances, and will operate in such a manner as to ensure there
9 will be no detrimental environmental impact. It shall also be
10 unlawful for any private carrier to operate or furnish service
11 within this state without first having obtained from the ~~Corporation~~
12 ~~Commission~~ Department of Public Safety a license declaring that all
13 insurance requirements have been met and that the carrier will
14 operate within all existing rules and state laws pertaining to
15 safety standards, size and weight requirements and, when applicable,
16 lawful handling and disposal of hazardous materials and deleterious
17 substances, and will operate in such a manner as to ensure there
18 will be no detrimental environmental impact. The ~~Commission~~
19 Department shall have power, and it shall be its duty, to issue the
20 license or set the application for hearing within thirty (30) days
21 of the ~~Commission~~ Department determining that the application is
22 complete. Any such hearing shall be scheduled to occur on a date
23 within an additional forty-five (45) business days of such
24

1 determination. The mere filing of an application does not authorize
2 any person to operate as a carrier.

3 B. In granting applications for licenses, the ~~Commission~~
4 Department shall take into consideration the reliability of the
5 applicant; the proper equipment meeting minimum safety criteria as
6 adequate to perform the service; and the applicant's sense of
7 responsibility toward the public and the environment.

8 C. The ~~Commission~~ Department may, at any time after a public
9 hearing and for good cause, suspend or revoke any license.

10 Provided, the record owner of the license shall be entitled to have
11 ~~ten (10) days'~~ ten-days' written notice by certified mail from the
12 ~~Commission~~ Department of any hearing affecting the license, except
13 as otherwise provided in the Motor Carrier Act of 1995. The right
14 of appeal from such order or orders shall be given as in other cases
15 appealed from orders of the ~~Commission~~ Department.

16 D. The ~~Commission~~ Department shall be authorized to exercise
17 any additional power that may from time to time be conferred upon
18 the state by any Act of Congress. The ~~Commission~~ Department shall
19 adopt rules prescribing the manner and form in which motor carriers
20 and private carriers shall apply for licenses required by the Motor
21 Carrier Act of 1995. Among other rules adopted, the application
22 shall be in writing and shall set forth the following facts:

23 1. The name and address of the applicant and the names and
24 addresses of its officers, if any;

1 2. Full information concerning the physical properties of the
2 applicant; and

3 3. Such other information as the ~~Commission~~ Department may
4 consider pertinent to the application.

5 SECTION 38. AMENDATORY 47 O.S. 2011, Section 230.29, is
6 amended to read as follows:

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

8 1. "Authorized carrier" means a person or persons authorized to
9 engage in the transportation of passengers or property as a licensed
10 motor carrier;

11 2. "Equipment" means a motor vehicle, straight truck, tractor,
12 semitrailer, full trailer, any combination of these and any other
13 type of equipment used by authorized carriers in the transportation
14 of passengers or property for hire;

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

18 4. "Lease" means a contract or arrangement in which the owner
19 grants the use of equipment, with or without driver, for a specified
20 period to an authorized carrier for use in the regulated
21 transportation of passengers or property, in exchange for
22 compensation;

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

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

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

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

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

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

12 2. The authorized carrier acquiring the use of equipment under
13 this section shall identify the equipment in accordance with the
14 requirements of the ~~Commission~~ Department of Public Safety; and

15 3. Upon termination of the lease, the authorized carrier shall
16 remove all identification showing it as the operating carrier before
17 giving up possession of the equipment.

18 C. The written lease required pursuant to subsection B of this
19 section shall contain the following provisions. The required lease
20 provisions shall be adhered to and performed by the authorized
21 carrier as follows:

22 1. The lease shall be made between the authorized carrier and
23 the owner of the equipment. The lease shall be signed by these
24 parties or by their authorized representatives;

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

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

8 4. The lease shall provide that the authorized carrier lessee
9 shall have exclusive possession, control and use of the equipment
10 for the duration of the lease. The lease shall further provide that
11 the authorized carrier lessee shall assume complete responsibility
12 for the operation of the equipment for the duration of the lease;

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

16 6. The lease shall clearly specify the responsibility of each
17 party with respect to the cost of fuel, fuel taxes, empty mileage,
18 permits of all types, tolls, detention and accessorial services,
19 base plates and licenses, and any unused portions of such items.
20 Except when the violation results from the acts or omissions of the
21 lessor, the authorized carrier lessee shall assume the risks and
22 costs of fines for overweight and oversize trailers when the
23 trailers are preloaded, sealed, or the load is containerized, or
24 when the trailer or lading is otherwise outside of the lessor's

1 control, and for improperly permitted overdimension and overweight
2 loads and shall reimburse the lessor for any fines paid by the
3 lessor. If the authorized carrier is authorized to receive a refund
4 or a credit for base plates purchased by the lessor from, and issued
5 in the name of, the authorized carrier, or if the base plates are
6 authorized to be sold by the authorized carrier to another lessor
7 the authorized carrier shall refund to the initial lessor on whose
8 behalf the base plate was first obtained a prorated share of the
9 amount received;

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

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

22 9. The lease shall clearly specify all items that may be
23 initially paid for by the authorized carrier, but ultimately
24 deducted from the compensation of the lessor at the time of payment

1 or settlement together with a recitation as to how the amount of
2 each item is to be computed. The lessor shall be afforded copies of
3 those documents which are necessary to determine the validity of the
4 charge;

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

9 11. As it relates to insurance:

- 10 a. the lease shall clearly specify the legal obligation
11 of the authorized carrier to maintain insurance
12 coverage for the protection of the public, and
13 b. the lease shall clearly specify the conditions under
14 which deductions for cargo or property damage may be
15 made from the lessor's settlements. The lease shall
16 further specify that the authorized carrier must
17 provide the lessor with a written explanation and
18 itemization of any deductions for cargo or property
19 damage made from any compensation of money owed to the
20 lessor. The written explanation and itemization must
21 be delivered to the lessor before any deductions are
22 made; and

23 12. An original and two copies of each lease shall be signed by
24 the parties. The authorized carrier shall keep the original and

1 shall place a copy of the lease in the equipment during the period
2 of the lease. The owner of the equipment shall keep the other copy
3 of the lease.

4 D. The provisions of this section shall apply to the leasing of
5 equipment with which to perform transportation regulated by the
6 ~~Corporation Commission~~ Department of Public Safety by motor carriers
7 holding a license from the ~~Commission~~ Department to transport
8 passengers or property.

9 SECTION 39. AMENDATORY 47 O.S. 2011, Section 230.30, is
10 amended to read as follows:

11 Section 230.30. A. No license shall be issued by the
12 ~~Commission~~ Department of Public Safety to any carrier until after
13 the carrier shall have filed with the ~~Commission~~ Department a
14 liability insurance policy or bond covering public liability and
15 property damage, issued by some insurance or bonding company or
16 insurance carrier authorized pursuant to this section and which has
17 complied with all of the requirements of the ~~Commission~~ Department,
18 which bond or policy shall be approved by the ~~Commission~~ Department,
19 and shall be in a sum and amount as fixed by a proper order of the
20 ~~Commission~~ Department; and the liability and property damage
21 insurance policy or bond shall bind the obligor thereunder to make
22 compensation for injuries to, or death of, persons, and loss or
23 damage to property, resulting from the operation of any carrier for
24 which the carrier is legally liable. A copy of the policy or bond

1 shall be filed with the ~~Commission~~ Department, and, after judgment
2 against the carrier for any damage, the injured party may maintain
3 an action upon the policy or bond to recover the same, and shall be
4 a proper party to maintain such action.

5 B. Every motor carrier shall file with the ~~Commission~~
6 Department a cargo insurance policy or bond covering any goods or
7 property being transported, issued by some insurance or bonding
8 company or insurance carrier authorized as set forth below, and
9 which has complied with all of the requirements of the ~~Commission~~
10 Department, which bond or policy shall be approved by the ~~Commission~~
11 Department, and shall be in a sum and amount as fixed by a proper
12 order of the ~~Commission~~ Department. The cargo insurance must be
13 filed with the ~~Commission~~ Department prior to a license being issued
14 by the ~~Commission~~ Department, unless the motor carrier has been
15 exempted from this requirement.

16 Intrastate motor carriers of sand, rock, gravel, asphaltic
17 mixtures or other similar road building materials shall not be
18 required to file cargo insurance and shall be required to maintain
19 liability insurance limits of Three Hundred Fifty Thousand Dollars
20 (\$350,000.00) combined single limit.

21 No carrier, whose principal place of business is in Oklahoma,
22 shall conduct any operations in this state unless the operations are
23 covered by a valid primary bond or insurance policy issued by a
24 provider authorized or approved by the State Insurance Commissioner.

1 No carrier shall conduct any operations in this state unless the
2 operations are covered by a valid bond or insurance policy issued by
3 a provider authorized and approved by a National Association of
4 Insurance Commissioners and certified by the ~~State~~ Insurance
5 ~~Commission~~ Commissioner.

6 C. Each carrier shall maintain on file, in full force, all
7 insurance required by the laws of this state and the rules of the
8 ~~Commission~~ Department during the operation of the carrier and that
9 the failure for any cause to maintain the coverage in full force and
10 effect shall immediately, without any notice from the ~~Commission~~
11 Department, suspend the rights of the carrier to operate until
12 proper insurance is provided. Any carrier suspended for failure to
13 maintain proper insurance shall have a reasonable time, not
14 exceeding sixty (60) days, to have its license reactivated, and to
15 provide proper insurance upon showing:

16 1. No operation during the period in which it did not have
17 insurance; and

18 2. Furnishing of proper insurance coverage.

19 D. Any carrier who fails to reactivate its license within sixty
20 (60) days after the suspension, as above provided, shall have the
21 license canceled, by operation of law, without any notice from the
22 ~~Commission~~ Department. No license so canceled shall be reinstated
23 or otherwise made operative except that the ~~Commission~~ Department
24 may reinstate the license of a carrier upon proper showing that the

1 carrier was actually covered by proper insurance during the
2 suspension or cancellation period, and that failure to file with the
3 ~~Commission~~ Department was not due to the negligence of the carrier.
4 Any carrier desiring to file for reinstatement of its license shall
5 do so within ninety (90) days of its cancellation by law.

6 E. The ~~Commission~~ Department shall, in its discretion, permit
7 the filing of certificates of insurance coverage or such form as may
8 be prescribed by the ~~Commission~~ Department, in lieu of copies of
9 insurance policies or bonds, with the proviso that if the
10 certificates are authorized the insurance company or carrier so
11 filing it, upon request of the ~~Commission~~ Department, will, at any
12 time, furnish an authenticated copy of the policy which the
13 certificate represents, and further provided that thirty (30) days
14 prior to effective cancellation or termination of the policy of
15 insurance for any cause, the insurer shall so notify the ~~Commission~~
16 Department in writing of the facts or as deemed necessary by the
17 ~~Commission~~ Department.

18 SECTION 40. AMENDATORY 47 O.S. 2011, Section 230.31, is
19 amended to read as follows:

20 Section 230.31. A. Nothing contained in the Motor Carrier Act
21 of 1995 shall be construed to authorize the operation of any
22 passenger or freight vehicle in excess of the gross weight, width,
23 length or height authorized by law.

1 B. Any person who willfully advertises to perform
2 transportation services for which the person does not hold a license
3 shall be in violation of the Motor Carrier Act of 1995 and subject
4 to the penalties prescribed for contempt of the ~~Commission~~
5 Department of Public Safety.

6 C. All licenses issued by the ~~Commission~~ Department under any
7 law of the state relating to motor carriers or private carriers
8 shall contain the provision that the ~~Commission~~ Department reserves
9 to itself authority to suspend or cancel any such license for the
10 violation, on the part of the applicant or any operator or operators
11 of any motor vehicle to be operated thereunder, of any law of this
12 state or any rule adopted by the ~~Commission~~ Department.

13 D. Licenses shall be considered personal to the holder of the
14 license and shall be issued only to some definite legal entity
15 operating motor vehicles as a motor carrier or private carrier, and
16 shall not be subject to lease, nor shall the holder of the license
17 sublet or permit the exercise, by another, of the rights or
18 privileges granted under the license.

19 SECTION 41. AMENDATORY 47 O.S. 2011, Section 230.32, is
20 amended to read as follows:

21 Section 230.32. The ~~Commission~~ Department of Public Safety
22 shall have the power and authority by general order or otherwise to
23 promulgate rules and regulations for the administration and
24 enforcement of the provisions of the Motor Carrier Act of 1995.

1 SECTION 42. AMENDATORY 47 O.S. 2011, Section 230.34a, is

2 amended to read as follows:

3 Section 230.34a. A. Any person, firm, partnership, limited
4 liability company, or corporation owning or possessing a vehicle and
5 required to register the vehicle under the laws of this state for
6 the purpose of transporting farm products in a raw state may receive
7 a harvest permit from the ~~Oklahoma Corporation Commission~~ Department
8 of Public Safety.

9 B. The harvest permit shall be recognized in lieu of
10 registration, fuel permit and intrastate operating authority in this
11 state. The harvest permit shall be issued to the operating motor
12 carrier.

13 C. Each permit shall be valid for a period of thirty (30) or
14 sixty (60) days. The permit shall identify the time and date of its
15 issuance and shall additionally reflect its effective and expiration
16 dates.

17 D. The following information shall be required of an applicant
18 for a harvest permit and shall apply to each vehicle to be operated
19 under the permit:

- 20 1. Owner of the vehicle;
- 21 2. Vehicle registrant;
- 22 3. Make, model, year, license plate number, state of
23 registration and VIN of each vehicle which will be operated under
24 the permit; and

1 4. The operating carrier must provide a certificate that each
2 vehicle is operating under a liability insurance policy valid in
3 Oklahoma for Three Hundred Fifty Thousand Dollars (\$350,000.00) or
4 more.

5 E. There shall be a fee of Twenty Dollars (\$20.00) per axle for
6 a thirty-day permit or Thirty-five Dollars (\$35.00) per axle for a
7 sixty-day permit, for each vehicle registered pursuant to the Motor
8 Carrier Harvest Permit Act of 2006. Revenue derived from this fee
9 shall be apportioned as follows:

10 1. One-half (1/2) of the revenue shall be deposited in the
11 Weigh Station Improvement Revolving Fund as set forth in Section
12 1167 of Title 47 of the Oklahoma Statutes; and

13 2. The remaining amount shall be deposited in the One-Stop
14 Trucking Fund as set forth in Section 1167 of Title 47 of the
15 Oklahoma Statutes.

16 F. A harvest permit may be extended in fifteen-day increments.
17 The permit holder shall be required to pay the additional prorated
18 portion of the tag fee at Eight Dollars and seventy-five cents
19 (\$8.75) per axle per fifteen-day extension.

20 G. An application for a harvest permit shall be made to the
21 ~~Corporation Commission~~ Department of Public Safety. The ~~Corporation~~
22 ~~Commission~~ Department of Public Safety shall allow applications to
23 be submitted by facsimile and electronically. The ~~Commission~~
24

1 Department must provide reasonable access for persons to obtain a
2 harvest permit before taking enforcement action.

3 H. If found to be in violation of the Motor Carrier Harvest
4 Permit Act of 2006 for failure to obtain or maintain a current
5 harvest permit, the operating carrier shall post bond in the amount
6 of the cost of the harvest permit and shall be allowed seventy-two
7 (72) hours to apply for the permit. If the operating carrier makes
8 application within seventy-two (72) hours, the bond amount will be
9 applied toward the harvest permit fee.

10 I. A harvest permit does not exempt its holder from federal or
11 state safety regulations nor from the state's size and weight laws
12 or rules.

13 J. The ~~Corporation Commission~~ Department of Public Safety may
14 enter into an agreement with any person or corporation located
15 within or outside of the state for transmission of harvest permits
16 by way of facsimile or other device when the ~~Corporation Commission~~
17 Department of Public Safety determines that such agreements are in
18 the best interest of the state.

19 K. The ~~Corporation Commission~~ Department of Public Safety may
20 promulgate rules to administer the provisions of the Motor Carrier
21 Harvest Permit Act of 2006.

22 SECTION 43. AMENDATORY 47 O.S. 2011, Section 230.6, as
23 last amended by Section 8, Chapter 259, O.S.L. 2013 (47 O.S. Supp.
24 2020, Section 230.6), is amended to read as follows:

1 Section 230.6. A. No person prohibited from operating a
2 commercial vehicle shall operate such commercial motor vehicle, nor
3 shall any person authorize or require a person who has been
4 prohibited from such operation of a motor vehicle to operate a
5 commercial motor vehicle.

6 B. No person shall operate, authorize to operate, or require
7 the operation of any vehicle or the use of any container when the
8 person has been placed out-of-service or the vehicle or container
9 has been marked out-of-service until all requirements of the out-of-
10 service order of the person have been met or all required
11 corrections for the vehicle or container have been made; provided,
12 upon approval of the Department of Public Safety, the vehicle or
13 container may be moved to another location for the purpose of repair
14 or correction.

15 C. No person shall remove an out-of-service marking from a
16 transport vehicle or container unless all required corrections have
17 been made and the vehicle or container has been inspected and
18 approved by an authorized officer, employee, or agent of the
19 Department. No person shall return to duty unless all requirements
20 of the out-of-service order have been met and the person has been
21 approved to return to duty by an authorized officer, employee or
22 agent of the Department.

23 D. No employer shall knowingly allow, require, permit or
24 authorize an employee to operate a commercial motor vehicle:

1 1. During any period in which the employee:

2 a. has had driving privileges to operate a commercial
3 motor vehicle suspended, revoked, canceled, denied or
4 disqualified,

5 b. has had driving privileges to operate a commercial
6 motor vehicle disqualified,

7 c. is not licensed to operate a commercial motor vehicle;
8 provided, this subparagraph shall not apply to any
9 person who is the holder of a valid commercial learner
10 permit issued by the Department in conjunction with a
11 Class D driver license,

12 d. has more than one commercial driver license; provided,
13 this subparagraph shall not apply to any person who is
14 the holder of a valid commercial learner permit issued
15 by the Department in conjunction with a Class A, B or
16 C driver license,

17 e. does not have the proper class or endorsements on the
18 driver license or commercial learner permit, or

19 f. is in violation of any restriction on the driver
20 license or commercial learner permit;

21 2. During any period in which the employee, the commercial
22 motor vehicle which the employee is operating, the motor carrier
23 business or operation, or the employer is subject to an out-of-
24 service order; or

1 3. In violation:

2 a. of a federal, state, or local law, regulation, or
3 ordinance pertaining to railroad-highway grade
4 crossings, or

5 b. of any restriction on the driver license or commercial
6 learner permit of the employee.

7 E. An employer who is determined by the Commissioner of Public
8 Safety to have committed a violation of subsection D of this section
9 shall be subject to an administrative penalty of not less than Two
10 Thousand Seven Hundred Fifty Dollars (\$2,750.00) nor more than
11 Twenty-five Thousand Dollars (\$25,000.00).

12 F. A determination by the Commissioner by issuance of a Notice
13 of Claim that a violation of any provision of this section shall be
14 a conviction for purposes of paragraph 2 of subsection A and
15 subsection G of Section 6-205.2 of this title, twenty-five (25) days
16 after issuance, unless dismissed by order following an
17 administrative hearing. The conviction shall be reported to CDLIS
18 in accordance with Section 18-101 of this title.

19 G. An employee who is determined by the Commissioner to have
20 committed a violation of any provision of this section shall be
21 subject to an administrative penalty of not less than Two Thousand
22 Five Hundred Dollars (\$2,500.00) nor more than Five Thousand Dollars
23 (\$5,000.00).

1 H. For any violation of a provision of this section identified
2 during a Compliance Review/Investigation, the administrative penalty
3 amount shall be in accordance with federal regulations and
4 determined by utilizing the Uniform Fine Assessment (UFA) software
5 and any successor software now or hereafter used by the Federal
6 Motor Carrier Safety Administration.

7 SECTION 44. AMENDATORY 47 O.S. 2011, Section 230.9, as
8 amended by Section 13, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2020,
9 Section 230.9), is amended to read as follows:

10 Section 230.9. A. The transportation of any property in
11 commerce, including hazardous materials or the transportation of
12 passengers for compensation or for hire by bus, that is not in
13 compliance with the Oklahoma Motor Carrier Safety and Hazardous
14 Materials Transportation Act or the rules issued pursuant thereto,
15 is prohibited.

16 B. Pursuant to the provisions of this section and except as
17 otherwise provided by ~~subsection~~ subsections D and E of this
18 section, any person who is determined by the Commissioner of Public
19 Safety to have committed:

20 1. An act which is a violation of a recordkeeping requirement
21 of this title or of any rule or regulation promulgated thereto or
22 the Federal Motor Carrier Safety Act of 1984, such person shall be
23 liable to the State of Oklahoma for an administrative penalty not to
24 exceed One Hundred Dollars (\$100.00) for each offense; provided

1 that the total of all administrative penalties assessed against any
2 violator pursuant to this paragraph for all offenses related to any
3 single violation shall not exceed Five Hundred Dollars (\$500.00);

4 2. An act or acts other than recordkeeping requirements, which
5 evidences a serious pattern of safety violations, as determined by
6 the Commissioner, such person shall be liable to the State of
7 Oklahoma for an administrative penalty not to exceed Two Hundred
8 Dollars (\$200.00) for each offense; provided, the maximum fine for
9 each pattern of safety violations shall not exceed One Thousand
10 Dollars (\$1,000.00). The Commissioner may consider present and
11 prior offenses in determining a serious pattern of safety
12 violations; or

13 3. An act or acts which evidences to the Commissioner that a
14 substantial health or safety violation exists or has occurred which
15 could reasonably lead to or has resulted in serious personal injury
16 or death, such person shall be liable to the State of Oklahoma for
17 an administrative penalty not to exceed One Thousand Dollars
18 (\$1,000.00) for each offense.

19 C. Each day of violation as specified in subsection B of this
20 section shall constitute a separate single violation/offense.

21 D. Except for recordkeeping violations, no administrative
22 penalty shall be assessed pursuant to the provisions of this
23 section, against an employee of any person subject to the provisions
24 of the Oklahoma Motor Carrier Safety and Hazardous Materials

1 Transportation Act for a violation unless the Commissioner
2 determines that such actions of the employee constituted gross
3 negligence or reckless disregard for safety in which case such
4 employee shall be liable for an administrative penalty not to exceed
5 One Thousand Dollars (\$1,000.00).

6 E. For violations identified during a Compliance
7 Review/Investigation, the administrative penalty amount shall be in
8 accordance with federal regulations and determined by utilizing the
9 Uniform Fine Assessment (UFA) software and any successor software
10 now or hereafter used by the Federal Motor Carrier Safety
11 Administration.

12 F. In determining the amount of any administrative penalty ~~and~~
13 ~~the reasonable amount of time for abatement of the violation,~~ the
14 Commissioner shall include, but not be limited to, consideration of
15 the nature of the violation, circumstances ~~and~~ of the violation,
16 extent of the violation, gravity of the violation, and with respect
17 to the person found to have committed the violation, the degree of
18 culpability, history of prior offenses, effect on ability to
19 continue to do business and such other matters as justice and public
20 safety may require. In each case, the penalty shall be calculated
21 to induce further compliance.

22 ~~F.~~ G. The Commissioner or his or her designated representative
23 shall assess the amount of any administrative penalty, after notice
24 and an opportunity for hearing, by written notice to the violator

1 together with notice of findings in the case. An appeal therefrom
2 may be made to the district court of Oklahoma County pursuant to the
3 provisions of Sections 318 through 323 of Title 75 of the Oklahoma
4 Statutes.

5 ~~G.~~ H. An administrative penalty assessed by the Commissioner
6 may be recovered:

7 1. In an action brought by the Attorney General on behalf of
8 the State of Oklahoma. However, before referral to the Attorney
9 General, the administrative penalty may be compromised by the
10 Commissioner;

11 2. By the Commissioner in the appropriate district court of the
12 State of Oklahoma; ~~or~~

13 3. By the Commissioner in an administrative hearing conducted
14 by the Department of Public Safety.

15 I. The Department may file an itemization of unpaid
16 administrative penalties, fees and charges with the Oklahoma Tax
17 Commission for collection at the time of registration of the
18 vehicle. The Oklahoma Tax Commission shall not issue or renew a
19 vehicle's registration upon receipt of an itemization of unpaid
20 administrative penalties, fees and charges from the Department until
21 paid.

22 J. The state agency granted with the authority to issue
23 intrastate operating authority shall suspend the operating authority
24

1 of any intrastate carrier who fails to pay the administrative
2 penalties, fees and charges imposed by this subsection until paid.

3 K. The Department may deny issuance of documentation needed for
4 operation of a commercial motor vehicle including but not limited to
5 permits, certificates and contracts, when an entity or person has
6 unpaid administrative penalties, fees or charges, until paid.

7 L. The Department shall issue an order placing the operating
8 authority of any intrastate carrier out-of-service on the sixty-
9 first day after the date of a notice of proposed "unsatisfactory"
10 safety rating issued by the Department following a Compliance Review
11 or Investigation. The Department shall use the Federal Motor
12 Carrier Safety Administration safety rating methodology. The out-
13 of-service order or suspension of operating authority shall remain
14 in place until the Department determines that the carrier has
15 remedied the safety issue as determined by the Department. The
16 carrier shall also be placed out of service if it does not allow the
17 Department to conduct a compliance review/investigation.

18 M. If a motor carrier is found to be operating any vehicle
19 while operating authority is suspended, in violation of an out-of-
20 service order or with past due administrative penalties, fees and
21 charges owed to the Department, the Department may hold the vehicle
22 until cleared.

23 ~~H.~~ N. The first One Hundred Thousand Dollars (\$100,000.00) of
24 the administrative penalties collected each fiscal year pursuant to

1 the provisions of the Oklahoma Motor Carrier Safety and Hazardous
2 Materials Transportation Act shall be deposited in the General
3 Revenue Fund of the State of Oklahoma. All other monies collected
4 in excess of One Hundred Thousand Dollars (\$100,000.00) each fiscal
5 year shall be deposited to the credit of the Department of Public
6 Safety Restricted Revolving Fund for the purpose of administering
7 the Oklahoma Motor Carrier Safety and Hazardous Materials
8 Transportation Act.

9 SECTION 45. AMENDATORY 47 O.S. 2011, Section 1120.1, is
10 amended to read as follows:

11 Section 1120.1. A. ~~The Corporation Commission~~ Department of
12 Public Safety, when in the interest of the State of Oklahoma and its
13 residents, may enter into the International Registration Plan or
14 other compacts or agreements with other states to permit motor
15 vehicle registration and license taxes on any motor vehicle to be
16 used as a rental motor vehicle as defined in the International
17 Registration Plan.

18 B. The Tax Commission or ~~Corporation Commission~~ the Department
19 of Public Safety, as applicable, shall require that each rental
20 motor vehicle be assessed the following registration fees in lieu of
21 the fee schedule set forth in Section 1132 of this title:

22 1. A fee of Fifteen Dollars (\$15.00) shall be assessed for the
23 first year of registration in this or any other state; and
24

1 2. A fee of Ten Dollars (\$10.00) shall be assessed in the first
2 year and each subsequent year of registration in this or any other
3 state.

4 C. Upon registration and payment of the fees required by this
5 section, the owner shall receive a license plate which shall be
6 valid until the vehicle is permanently withdrawn from the rental
7 fleet of the owner.

8 SECTION 46. AMENDATORY 47 O.S. 2011, Section 1167, as
9 last amended by Section 1, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
10 2020, Section 1167), is amended to read as follows:

11 Section 1167. A. The ~~Corporation Commission~~ Department of
12 Public Safety is hereby authorized to promulgate rules pursuant to
13 the Administrative Procedures Act to establish the amounts of fees,
14 fines and penalties as set forth in Section 1166 et seq. of this
15 title. The ~~Corporation Commission~~ Department of Public Safety shall
16 notify all interested parties of any proposed rules to be
17 promulgated as provided herein and shall provide such parties an
18 opportunity to be heard prior to promulgation.

19 B. The ~~Corporation Commission~~ Department of Public Safety shall
20 adjudicate enforcement actions initiated by ~~Corporation Commission~~
21 Department of Public Safety personnel.

22 C. Revenue derived from all fines and penalties collected or
23 received by the ~~Corporation Commission~~ Department of Public Safety
24

1 pursuant to the provisions of the Trucking One-Stop Shop Act shall
2 be apportioned ~~as follows:~~

3 ~~1. For~~ for the period beginning August 23, 2013, the first
4 ~~Three Hundred Thousand Dollars (\$300,000.00) collected or received~~
5 ~~each fiscal year shall be remitted to the Department of Public~~
6 ~~Safety for the purpose of staffing the port of entry weigh stations~~
7 ~~to conduct safety inspections. The next~~ Five Hundred Fifty Thousand
8 Dollars (\$550,000.00) shall be remitted to the Oklahoma Tax
9 Commission and apportioned as provided in Section 1104 of this
10 title; ~~and.~~

11 ~~2.~~ The remaining amount shall be deposited to the Trucking One-
12 Stop Shop Fund created in subsection D of this section.

13 D. There is hereby created in the State Treasury a revolving
14 fund for the ~~Corporation Commission~~ Department of Transportation to
15 be known and designated as the "Trucking One-Stop Shop Fund". The
16 Trucking One-Stop Shop Fund shall consist of:

17 1. All funds apportioned thereto in subsection C of this
18 section;

19 2. Fees collected by the ~~Commission~~ Department of Public Safety
20 to be retained as a motor license agent or other ~~Corporation~~
21 ~~Commission~~ Department of Public Safety registration or motor fuel
22 fees as allowed by statute or rule; and

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

1 The fund shall be a continuing fund, not subject to fiscal year
2 limitations, and shall not be subject to legislative appropriation.
3 Monies in the Trucking One-Stop Shop Fund shall only be expended for
4 direct expenses relating to the Trucking One-Stop Shop Act.
5 Expenditures from the revolving fund shall be made pursuant to the
6 laws of this state. ~~In addition, expenditures from the revolving
7 fund may be made pursuant to The Oklahoma Central Purchasing Act for
8 the purpose of immediately responding to emergency situations,
9 within the Commission's jurisdiction, having potentially critical
10 environmental or public safety impact. Warrants for expenditures
11 from the fund shall be drawn by the State Treasurer against claims
12 filed as prescribed by law with the Director of the Office of
13 Management and Enterprise Services for approval and payment.~~

14 E. There is hereby created in the State Treasury a revolving
15 fund for the Department of Transportation to be designated the
16 "Weigh Station Improvement Revolving Fund". The fund shall be a
17 continuing fund, not subject to fiscal year limitations or
18 legislative appropriations, and shall consist of all monies
19 deposited thereto. All monies accruing to the credit of the fund
20 are hereby appropriated and may be budgeted and expended by the
21 Department for the purpose of constructing, equipping and
22 maintaining facilities to determine the weight of vehicles traveling
23 on the roads and highways of this state. Expenditures from the fund
24 shall be made upon warrants issued by the State Treasurer against

1 claims filed as prescribed by law with the Director of the Office of
2 Management and Enterprise Services for approval and payment.

3 SECTION 47. AMENDATORY 47 O.S. 2011, Section 1168, as
4 amended by Section 205, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
5 2020, Section 1168), is amended to read as follows:

6 Section 1168. All facilities and equipment under the
7 administrative control of the Oklahoma Tax Commission and used for
8 determining the weight of vehicles operated on the roads or highways
9 of this state are hereby transferred to the Department of
10 Transportation. Any funds appropriated to or any powers, duties and
11 responsibilities exercised by the Tax Commission for such purpose
12 shall be transferred to the Department. The Director of the Office
13 of Management and Enterprise Services is hereby authorized to
14 transfer such funds as may be necessary. The Department of
15 Transportation is hereby authorized to enter into an agreement with
16 the ~~Corporation Commission~~ Department of Public Safety to operate
17 such facilities or equipment. The provisions of this section shall
18 not be construed to obligate the Department to incur expenses in
19 connection with the administration of such facilities and equipment
20 in an amount which exceeds deposits to the Weigh Station Improvement
21 Revolving Fund.

22 SECTION 48. AMENDATORY 47 O.S. 2011, Section 1169, is
23 amended to read as follows:
24

1 Section 1169. A. The ~~Corporation Commission~~ Department of
2 Public Safety is authorized to revoke, suspend or deny the issuance,
3 extension or reinstatement of any ~~Corporation Commission~~ Department
4 of Public Safety issued motor carrier or commercial motor vehicle
5 license, permit, registration, certificate or duplicate copy thereof
6 issued pursuant to the jurisdiction of the ~~Corporation Commission~~
7 Department of Public Safety, to any person who shall be guilty of:

8 1. Violation of any of the provisions of applicable state law;

9 2. Violation of rules promulgated by the ~~Corporation Commission~~
10 Department of Public Safety;

11 3. Failure to observe or fulfill the conditions upon which the
12 license, permit, registration or certificate was issued;

13 4. Nonpayment of any delinquent tax, fee or penalty to the
14 ~~Commission~~ Department or the State of Oklahoma; or

15 5. Nonpayment of a uniform base state program delinquent tax,
16 fee or penalty to a state or province participating with the
17 ~~Corporation Commission~~ Department of Public Safety in that program.

18 B. The interest or penalty or any portion thereof ordinarily
19 accruing by failure of the motor carrier, registrant or licensee to
20 properly file a report or return may be waived or reduced by the
21 ~~Corporation Commission~~ Department of Public Safety. No interest or
22 penalties in excess of Ten Thousand Dollars (\$10,000.00) shall be
23 allowed except by order of the ~~Commission~~ Department.

1 C. The ~~Corporation Commission~~ Department of Public Safety shall
2 promulgate rules setting forth the revocation, suspension or denial
3 of a motor carrier or commercial motor vehicle certificate,
4 registration, license or permit issued pursuant to the jurisdiction
5 of the ~~Corporation Commission~~ Department of Public Safety. The
6 ~~Corporation Commission~~ Department of Public Safety shall
7 additionally promulgate rules allowing for the collection and
8 remittance of financial liabilities owed by a motor carrier,
9 registrant, licensee or permittee to a state or province
10 participating with the ~~Corporation Commission~~ Department of Public
11 Safety in a uniform base state program or to another state agency.

12 D. Upon the revocation or expiration of any motor carrier or
13 commercial motor vehicle license, permit, registration or
14 certificate issued pursuant to the jurisdiction of the ~~Corporation~~
15 ~~Commission~~ Department of Public Safety, all accrued taxes, fees and
16 penalties due and payable under the terms of state law, rules or
17 order imposing or levying such tax, fee or penalty shall become due
18 and payable concurrently upon the revocation or expiration of the
19 license, permit, registration or certificate and the licensee,
20 permittee, registrant or certificate holder shall forthwith make a
21 report covering the period of time not covered by preceding reports
22 filed by ~~said~~ the person and ending with the date of the revocation
23 or expiration and shall pay all such taxes, fees or penalties owed.

1 E. No person shall knowingly⁷ or intentionally⁷ present an
2 altered or fraudulent credential or document to the ~~Corporation~~
3 ~~Commission~~ Department of Public Safety or to any duly authorized
4 peace officer. Any person or persons violating the provisions of
5 this subsection shall be found guilty of contempt of the ~~Commission~~
6 Department and shall, upon conviction thereof, be punished by a fine
7 of not more than Two Thousand Dollars (\$2,000.00) for each offense.

8 SECTION 49. AMENDATORY Section 2, Chapter 262, O.S.L.
9 2012 (47 O.S. Supp. 2020, Section 1201), is amended to read as
10 follows:

11 Section 1201. As used in the Oklahoma Weigh Station Act of
12 2012:

13 1. "Authority" means the Oklahoma Turnpike Authority;

14 2. "~~Commission~~" "Department" means the ~~Corporation~~ Commission
15 Department of Public Safety;

16 3. "Fixed facility" means a weigh station or a port of entry;

17 4. "Port of entry" means a facility, in close proximity to a
18 state line, designed to electronically weigh and screen motor
19 carriers and commercial motor vehicles for compliance with federal
20 and state statutes and rules, allowing compliant carriers to proceed
21 with minimal or no delay;

22 5. "Roadside enforcement" means a temporary location, with or
23 without portable or semi-portable scales, used to randomly check
24

1 commercial motor vehicles or motor carriers for compliance with
2 federal or state statutes or rules;

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

9 7. "North American Standard Inspection" means a Level I, Level
10 II, Level III, Hazardous Materials, Cargo Tank or Passenger Carrier
11 inspection conducted by an individual certified by the Federal Motor
12 Carrier Safety Administration to conduct such inspections.

13 SECTION 50. AMENDATORY Section 3, Chapter 262, O.S.L.
14 2012, as last amended by Section 2, Chapter 373, O.S.L. 2016 (47
15 O.S. Supp. 2020, Section 1202), is amended to read as follows:

16 Section 1202. A. The Department of Transportation, the
17 Oklahoma Turnpike Authority and the ~~Corporation Commission~~
18 Department of Public Safety may enter into interagency agreements
19 concerning the equipment, maintenance and operations of fixed
20 facilities. From July 1, 2021, to June 30, 2022, the Department of
21 Transportation and the Corporation Commission may enter into
22 interagency agreements concerning the equipment, maintenance and
23 operations of fixed facilities.

1 B. The Department of Transportation, the Authority and the
2 ~~Commission~~ Department shall endeavor to electronically upgrade weigh
3 stations as practical to minimize the duplication of inspections for
4 compliant commercial motor vehicles and motor carriers.

5 C. ~~The Commission~~ Effective July 1, 2021, all powers, duties
6 and responsibilities exercised by the International Registration
7 Plan Section, the International Fuel Tax Agreement, the Unified
8 Carrier Registration program, and the administration of trip
9 permits, temporary fuel permits and harvest permits shall be
10 transferred from the Corporation Commission to the Department of
11 Public Safety.

12 D. Beginning July 1, 2021, the Department shall operate all
13 current and future ports of entry weigh stations eighteen (18) to
14 twenty (20) hours a day and seven (7) days a week upon the
15 availability of funds.

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

20 ~~E. When a fixed facility is located in the general area,~~
21 ~~Commission motor carrier and commercial motor vehicle enforcement~~
22 ~~shall be limited to the fixed facility and a radius surrounding the~~
23 ~~facility. If the fixed facility is a weigh station as defined in~~
24 ~~Section 1201 of this title, the applicable radius shall be seven (7)~~

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

4 ~~F. The Commission may assist in roadside enforcement in a joint~~
5 ~~effort at the request of the Oklahoma Highway Patrol.~~

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

12 ~~H. E.~~ The ~~Commission~~ Department may enter into interagency
13 cooperative agreements with other state or federal agencies to
14 jointly enforce federal and state laws or rules.

15 ~~I. F.~~ North American Standard Inspections shall be conducted
16 only by individuals holding certification in the level or
17 classification of inspection being conducted.

18 SECTION 51. AMENDATORY Section 4, Chapter 262, O.S.L.
19 2012 (47 O.S. Supp. 2020, Section 1203), is amended to read as
20 follows:

21 Section 1203. A. A commercial motor vehicle, its driver or a
22 motor carrier may not be cited for the same violation of motor
23 carrier or commercial motor vehicle requirements on the same date by
24 any Oklahoma officer, provided neither the vehicle configuration nor

1 the load has changed. This subsection is not applicable to a
2 Commercial Vehicle Safety Alliance out-of-service violation.

3 B. ~~The Corporation Commission and the~~ Department of Public
4 Safety or other state or local agencies may enter into interagency
5 agreements to share information electronically to facilitate this
6 section.

7 SECTION 52. REPEALER 47 O.S. 2011, Sections 171 and
8 172.1, are hereby repealed.

9 SECTION 53. This act shall become effective July 1, 2021.

10 SECTION 54. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14
15 58-1-184 APW 1/21/2021 8:46:42 AM
16
17
18
19
20
21
22
23
24
25