

1 ENGROSSED HOUSE
2 BILL NO. 2680

By: Frix of the House

and

Bergstrom of the Senate

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6
7 [Oklahoma Corporation Commission - creating the
8 Oklahoma Commercial Motor Carrier (CMC) Safety
9 Enhancement Act - transferring certain size and
10 weight enforcement duties from the Department of
11 Public Safety to the Corporation Commission -
12 transferring administration of certain act from
13 Commissioner of Public Safety to Corporation
14 Commission - providing for certain cooperative and
15 interagency agreements - allowing Commission to
16 enter into certain agreements -
17 emergency]

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 1-140.2 of Title 47, unless
24 there is created a duplication in numbering, reads as follows:

1 For purposes of this title, "over-dimension" means any type of
2 vehicle that exceeds the legal height, weight or length dimensions
3 as specified in this title.

4 SECTION 2. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 230.50 of Title 47, unless there
6 is created a duplication in numbering, reads as follows:

7 Sections 2 through 6 of this act shall be known and may be cited
8 as the "Oklahoma Commercial Motor Carrier (CMC) Safety Enhancement
9 Act".

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 230.51 of Title 47, unless there
12 is created a duplication in numbering, reads as follows:

13 The purpose of the Oklahoma Commercial Motor Carrier (CMC)
14 Safety Enhancement Act is to consolidate operations of state
15 agencies relating to enforcement of federal and state laws and rules
16 regarding motor carriers, commercial motor vehicles and drivers of
17 commercial motor vehicles by transferring the commercial motor
18 vehicle inspection duties and responsibilities of the Department of
19 Public Safety (Department) Size and Weight Enforcement Section
20 (Troop S) of the Oklahoma Highway Patrol to the Oklahoma Corporation
21 Commission (Commission). Department of Oklahoma Highway Patrol
22 troopers assigned to Troop S, and their equipment, shall remain with
23 the Department in order to assist with Highway Patrol officer
24 shortages. Department port of entry officers and the vehicles,

1 computers and all other equipment assigned to them shall be
2 transferred to the Commission effective January 1, 2020.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 230.52 of Title 47, unless there
5 is created a duplication in numbering, reads as follows:

6 The Oklahoma Commercial Motor Carrier (CMC) Safety Enhancement
7 Act shall be implemented in two phases:

8 1. Phase I shall begin upon the effective date of this act and
9 be completed by October 1, 2019. Phase I shall include, at a
10 minimum:

- 11 a. the Oklahoma Corporation Commission and the Department
12 of Public Safety developing a transfer plan,
- 13 b. the Department training and certifying Commission-
14 designated officers to perform all levels of North
15 American Standard Inspection (NASI),
- 16 c. the Commission and the Department coordinating with
17 the Federal Motor Carrier Safety Administration to
18 execute a transfer of Motor Carrier Safety Assistance
19 Program (MCSAP) grant funds to the Commission on or
20 before January 1, 2020,
- 21 d. the Department providing a listing of the personnel,
22 salary, benefits, vehicles, computers and all other
23 equipment of the Department's port of entry officers
24 as of the effective date of this act,

1 e. the Department providing a list of its records,
2 equipment and administrative rules associated with the
3 NASI/MCSAP and the Federal Highway Administration
4 (FHWA) State Enforcement Plan encompassing over-
5 dimension commercial motor vehicles (CMVs). Portable
6 scales assigned to the Department's Oklahoma Highway
7 Patrol officers as of the effective date of this act
8 may be retained by the Department for use in roadside
9 enforcement, and

10 f. any other needs or requirements identified by the
11 Commission or the Department; and

12 2. Phase II becomes effective January 1, 2020, at which time:

13 a. the primary duty and responsibility to perform NASI of
14 motor carrier and commercial motor vehicles and to
15 administer the MCSAP shall be vested with the Oklahoma
16 Corporation Commission,

17 b. the primary duty and responsibility to cooperate with
18 the FHWA on the State Enforcement Plan encompassing
19 over-dimension CMVs shall be vested with the Oklahoma
20 Corporation Commission. The Department shall supply
21 required information to the Commission for inclusion
22 in the State Enforcement Plan. The Commission shall
23 enforce federal and state commercial motor vehicle
24

1 size and weight requirements (hereinafter referred to
2 as over-dimension),

3 c. all records associated with the NASI/MCSAP and the
4 over-dimension program, and all vehicles and equipment
5 assigned to the Department's port of entry officers
6 shall transfer from the Department to the Commission,

7 d. all administrative rules promulgated by the Department
8 related to the administration of the NASI/MCSAP
9 program and the over-dimension program shall be
10 transferred to and become a part of the administrative
11 rules of the Commission. The Office of Administrative
12 Rules in the Secretary of State's office shall provide
13 adequate notice in the Oklahoma Register of the
14 transfer of rules and shall place the transferred
15 rules under the Oklahoma Corporation Commission. From
16 and after January 1, 2020, any amendment, repeal or
17 addition to the transferred rules shall be under the
18 jurisdiction of the Corporation Commission,

19 e. funds sufficient to exercise the transferred duties,
20 responsibilities and personnel shall be appropriated
21 or allocated to the Commission for fiscal year 2020
22 and beyond. Such funds shall not be subject to
23 budgetary limitations. The Office of Management and
24 Enterprise Services (OMES) is hereby authorized to

1 transfer such funds as may be necessary to effect such
2 allocations,

3 f. personnel transferred pursuant to the provisions of
4 this section shall not be required to accept a lesser
5 salary than presently received; provided, the
6 provisions of this section shall not prohibit the
7 Commission or the Department from imposing furloughs
8 or reductions-in-force with respect to such personnel
9 as allowed by law. Personnel transferred shall be
10 placed within the classification level in which they
11 meet qualifications. All such persons shall retain
12 seniority, sick and annual time and retirement
13 benefits which have accrued with their tenure with the
14 Department. The transfer of personnel shall be
15 coordinated with OMES, and

16 g. all enforcement matters pending as of January 1, 2020,
17 relating to the NASI or over-dimension program shall
18 remain with the Department.

19 SECTION 5. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 230.53 of Title 47, unless there
21 is created a duplication in numbering, reads as follows:

22 The Department of Public Safety shall retain certified North
23 American Standard Inspection inspectors to investigate commercial
24 motor vehicle (CMV) accidents. An interagency cooperative agreement

1 between the Oklahoma Corporation Commission and the Department to
2 identify the Department's commercial motor vehicle accident
3 investigation allowable reimbursable expenses under the Motor
4 Carrier Safety Assistance Program (MCSAP), and for the Commission to
5 provide assistance to the Department, as needed, may be executed.
6 The Commission is not obligated to reimburse the Department any
7 allowable expenses in excess of those obtained under the MCSAP
8 grant. The Department may request assistance from the Commission
9 when investigating CMV accidents.

10 SECTION 6. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 230.54 of Title 47, unless there
12 is created a duplication in numbering, reads as follows:

13 A. The Oklahoma Corporation Commission is hereby authorized to
14 promulgate rules to establish the amounts of fines or penalties
15 associated with the Oklahoma Commercial Motor Carrier Safety
16 Enhancement Act.

17 B. The Commission shall adjudicate civil enforcement actions
18 initiated by Commission personnel.

19 C. There is hereby created in the State Treasury a revolving
20 fund to be known and designated as the "Safety Enhancement Act
21 Fund". All funds derived from fines and penalties collected, funds
22 received by the Commission pursuant to the provisions of the
23 Oklahoma Commercial Motor Carrier (CMC) Safety Enhancement Act shall
24 be deposited in the fund. The fund shall be a continuing fund not

1 subject to fiscal year limitations. All monies accruing to the
2 credit of the fund are hereby appropriated and may be budgeted and
3 expended by the Commission. Expenditures from the fund shall be
4 made upon warrants issued by the State Treasurer against claims
5 filed as prescribed by law with the Director of the Office of
6 Management and Enterprise Services for approval and payment.

7 SECTION 7. AMENDATORY 47 O.S. 2011, Section 2-105.4A, as
8 amended by Section 1, Chapter 99, O.S.L. 2015 (47 O.S. Supp. 2018,
9 Section 2-105.4A), is amended to read as follows:

10 Section 2-105.4A ~~There is hereby created within the Oklahoma~~
11 ~~Highway Patrol Division the Size and Weight Enforcement Section.~~
12 ~~The Commissioner of Public Safety shall employ a minimum of twenty-~~
13 ~~five additional members of the Oklahoma Highway Patrol, one Captain~~
14 ~~and eight Lieutenants and shall assign the twenty-five members of~~
15 ~~the Oklahoma Highway Patrol, one Captain and eight Lieutenants to~~
16 ~~the Size and Weight Enforcement Section. The Size and Weight~~
17 ~~Enforcement Section~~ Motor Carrier/Vehicle Enforcement Section of the
18 Oklahoma Corporation Commission's Transportation Division shall have
19 the primary duty of the enforcement of the provisions of Section 14-
20 101 et seq. of this title.

21 ~~Said Commissioner~~ The Commission shall purchase and maintain the
22 necessary motor vehicle equipment, portable scales and other items
23 of equipment and supplies and shall provide proper training
24 necessary for the enforcement of the provisions of Section 14-101 et

1 seq. of this title. At the discretion of the Commissioner of Public
2 Safety, the Department of Public Safety may assign duties to an
3 Oklahoma Highway Patrol Trooper relating to size and weight
4 enforcement and may purchase and maintain the necessary motor
5 vehicle equipment, portable scales and other items of equipment and
6 supplies and provide proper training necessary for the supplemental
7 enforcement of the provisions of Section 14-101 et seq. of this
8 title. The Department shall ensure that any such supplemental
9 enforcement by the Department is consistent with enforcement by the
10 Commission.

11 SECTION 8. AMENDATORY 47 O.S. 2011, Section 2-124, as
12 amended by Section 165, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
13 2018, Section 2-124), is amended to read as follows:

14 Section 2-124. A. There is hereby created within the
15 Department of Public Safety an Oklahoma Law Enforcement
16 Telecommunication Systems Division.

17 B. The Division shall:

18 1. Operate and maintain an ~~on-line, real-time~~ online, real-time
19 computer system and a statewide law enforcement data communication
20 network;

21 2. Utilize and distribute information on vehicle registration,
22 driver records, criminals and the commission of crimes;

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1 3. Be responsible for the coordination of user agencies with
2 the National Crime Information Center in Washington, D.C., and the
3 National Law Enforcement Telecommunication System, or its successor;

4 4. Be the central access and control point for Oklahoma's
5 input, retrieval and exchange of law enforcement information in the
6 National Crime Information Center and the National Law Enforcement
7 Telecommunication System; and

8 5. Provide user agencies a data communication network, in order
9 to exchange and distribute law enforcement data rapidly, and
10 training in the use of the Oklahoma Law Enforcement
11 Telecommunication Systems.

12 C. The statewide law enforcement data communications network
13 shall be a part of the Oklahoma Government Telecommunications
14 Network (OGTN) created in Section 34.23 of Title 62 of the Oklahoma
15 Statutes; provided, however, the Department of Public Safety may
16 continue to operate, maintain and enhance the statewide law
17 enforcement data communications network; provided, however, the
18 Department of Public Safety shall submit all plans for the
19 enhancement of the statewide law enforcement communications network
20 to the Office of Management and Enterprise Services for review and
21 approval. The Department of Public Safety shall participate with
22 the Office of Management and Enterprise Services in joint efforts to
23 provide services for the OGTN.

1 D. All criminal justice agencies disseminating criminal history
2 information derived from the National Crime Information Center's
3 criminal history file shall maintain a record of dissemination in
4 accordance with federal law as well as rules promulgated by the
5 National Crime Information Center and the Commissioner of Public
6 Safety.

7 E. North American Standard Inspection-certified motor carrier
8 enforcement officers (MCEOs) and certified enforcement managers
9 employed by the Oklahoma Corporation Commission shall be granted
10 access to the National Law Enforcement Telecommunication System to
11 perform functions required as a result of statutory duties related
12 to motor carriers, commercial motor vehicles, trailers and drivers
13 of commercial motor vehicles.

14 F. The Oklahoma Law Enforcement Telecommunication Systems
15 Division shall have the authority to audit state and local law
16 enforcement and criminal justice agencies to ensure compliance with
17 federal laws as well as rules of the Department of Public Safety
18 which pertain to the Oklahoma Law Enforcement Telecommunication
19 Systems.

20 SECTION 9. AMENDATORY 47 O.S. 2011, Section 14-111, as
21 amended by Section 2, Chapter 249, O.S.L. 2012 (47 O.S. Supp. 2018,
22 Section 14-111), is amended to read as follows:

23 Section 14-111. A. Any officer of the Department of Public
24 Safety, the Oklahoma Corporation Commission, any sheriff, or any

1 | salaried deputy sheriff is authorized to stop any vehicle upon any
2 | road or highway in order to weigh such vehicle by means of portable
3 | or stationary scales, or cause the same to be weighed by any
4 | official weigher, or upon any privately owned scales and may require
5 | that such vehicles be driven to the nearest or most convenient
6 | available scales for the purpose of weighing. Any officer weighing
7 | a vehicle pursuant to this section by means of portable scales shall
8 | allow the driver of the vehicle to move the vehicle to the most
9 | level weighing area available within two (2) miles of the stop. In
10 | the event that any axle weight or the gross weight of any such
11 | vehicle be found to exceed the maximum weight authorized by law, or
12 | by permit issued therefor, the officer may require, in the case of
13 | separable loads, the driver, operator or owner thereof to unload at
14 | the site such portion of the load as may be necessary to decrease
15 | the weight of such vehicle to the maximum weight authorized by law.
16 | Provided, however, that if such load consists of livestock,
17 | perishable merchandise, or merchandise that may be destroyed by the
18 | weather, then the driver shall be permitted to proceed to the
19 | nearest practical unloading point in the direction of destination
20 | before discharging such excess cargo. All material so unloaded
21 | shall be cared for by the owner or operator of such vehicle at the
22 | risk of such owner or operator.

23 | B. The operator of any truck or other vehicle transporting farm
24 | products for hire or other merchandise for hire shall have in his or

1 her possession a certificate carrying the following information:
2 name of the operator; driver license number; vehicle registration
3 number; Corporation Commission permit number; and statement of owner
4 authorizing transportation of the products by above named operator.
5 For the purposes of this section "certificate" includes electronic
6 manifests and other similar documents that include all of the
7 information required pursuant to this section.

8 Should the vehicle be loaded with livestock, the certificate or
9 a bill of lading shall accompany the load and shall include the
10 number of animals, and should the livestock be the property of more
11 than one person, a certificate signed by each owner carrying the
12 above information including the number of animals owned by each
13 owner shall be carried by the operator. Should the operator be the
14 owner of the merchandise or livestock, the merchandise or livestock
15 having just been purchased, the operator shall have in his or her
16 possession a bill of sale for such merchandise or livestock. Should
17 the operator be the owner of livestock or other farm products
18 produced by the operator, the operator shall be required to show
19 satisfactory identification and ownership of the vehicle. Any
20 officer as outlined in this chapter shall have the authority to stop
21 any vehicle loaded with livestock, merchandise or other farm
22 products and investigate as to the ownership of the merchandise,
23 livestock or other farm products. Should the operator of any
24 vehicle be unable to establish to the satisfaction of the officer

1 the ownership of the merchandise, livestock or other products, or
2 shall not have the certificate as specified in this section for the
3 transportation of such merchandise, livestock or other farm
4 products, the merchandise, livestock or other farm products and the
5 vehicle in which they are being transported shall be impounded by
6 the officer and any expense as to the care of any livestock shall be
7 the responsibility of the owner or operator of the vehicle, and any
8 loss or damage of the merchandise, livestock or other farm products
9 shall be the responsibility of the operator or owner, or both.

10 The provisions of this subsection shall not apply to a person
11 who is transporting horses or livestock; provided, the person shall
12 not have been hired to transport the horses or livestock.

13 SECTION 10. AMENDATORY 47 O.S. 2011, Section 14-113, is
14 amended to read as follows:

15 Section 14-113. The Director of the Department of
16 Transportation with respect to highways on the state highway system,
17 or local authorities with respect to highways under their
18 jurisdiction, as defined in Title 69 of the Oklahoma Statutes, may
19 prohibit the operation of vehicles on any such highways, or impose
20 restrictions as to the weights of vehicles to be operated upon any
21 state or federal highway or any detour established for such
22 highways, or for any bridge located upon such highways or detours,
23 whenever any such highway, detour or bridge by reason of
24 deterioration, rain, snow or other climatic conditions will be

1 seriously damaged or destroyed unless the use of vehicles thereon is
2 prohibited or the permissible weight reduced. Such restrictions
3 shall be effective when signs giving notice thereof are erected upon
4 the highway, detour, bridge, or portion thereof affected by such
5 action, and the Department of Public Safety ~~has~~ and the Oklahoma
6 Corporation Commission have been notified. The purpose of this
7 provision with respect to local authorities is to give such
8 authorities an opportunity to prevent or minimize an immediate
9 threat of serious harm or destruction to any highway, detour or
10 bridge under their jurisdiction due to rain, snow or other climatic
11 conditions. Nothing stated herein shall be construed to grant local
12 authorities the right to issue permits designed to regulate the use
13 of overweight vehicles upon highways subject to their jurisdiction,
14 and the issuance of such permits is expressly prohibited.

15 SECTION 11. AMENDATORY 47 O.S. 2011, Section 14-116, as
16 last amended by Section 3, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
17 2018, Section 14-116), is amended to read as follows:

18 Section 14-116. A. The Commissioner of Public Safety shall
19 charge a minimum permit fee of Forty Dollars (\$40.00) for any permit
20 issued pursuant to the provisions of Section 14-101 et seq. of this
21 title. In addition to the permit fee, the Commissioner shall charge
22 a fee of Ten Dollars (\$10.00) for each thousand pounds in excess of
23 the legal load limit. The Commissioner of Public Safety shall
24 establish any necessary rules for collecting the fees.

1 B. The Department of Public Safety is authorized to establish
2 an escrow account system for the payment of permit fees. Authorized
3 motor carriers meeting established credit requirements may
4 participate in the escrow account system for permits purchased from
5 all size and weight permit offices in this state. Carriers not
6 choosing to participate in the escrow account system shall be
7 required to make payment of the required fee or fees upon purchase
8 of each permit as required by law. All monies collected through the
9 escrow account system shall be deposited to a special account of the
10 Department of Public Safety and placed in the custody of the State
11 Treasurer. Proceeds from permits purchased using the escrow account
12 system shall be distributed as provided for in subsection H of this
13 section. However, fees collected through such accounts for the
14 electronic transmission, transfer or delivery of permits, as
15 provided for in Section 14-118 of this title, shall be credited to
16 the Department of Public Safety Restricted Revolving Fund.

17 C. 1. Application for permits shall be made a reasonable time
18 in advance of the expected time of movement of such vehicles. For
19 emergencies affecting the health or safety of persons or a
20 community, permits may be issued for immediate movement.

21 2. Size and weight permit offices in all districts where
22 applicable shall issue permits to authorize carriers by telephone
23 during weekdays.

24

1 D. No overweight permit shall be valid until all license taxes
2 due the State of Oklahoma have been paid.

3 E. No permit violation shall be deemed to have occurred when an
4 oversize or overweight movement is made pursuant to a permit whose
5 stated weight or size exceeds the actual load.

6 F. Any permit issued for a truck or truck-tractor operating in
7 combination with a trailer or a semitrailer shall contain only the
8 license plate number for the truck or truck-tractor if the permittee
9 provides to the Department a list containing the license plate
10 number, and such other information as the Department may prescribe
11 by rule, for each trailer or semitrailer which may be used for
12 movement with the permit. When the permittee provides the list
13 described in this subsection, the license plate number for any
14 trailer or semitrailer to be moved with the permit shall not be
15 included on the permit; provided, a trailer or semitrailer which is
16 not on the list shall not be authorized to be used for movement with
17 the permit. It shall be the responsibility of the permittee to
18 ensure the list provided to the Department is maintained and updated
19 with any fleet changes. The Department shall adopt any rules deemed
20 necessary to administer the provisions of this subsection.

21 G. The first deliverer of motor vehicles designated truck
22 carriers or well service carriers manufactured in Oklahoma shall not
23 be required to purchase an overweight permit when being delivered to
24 the first purchaser.

1 H. Except as provided in Section 14-122 of this title, the
2 first One Million Two Hundred Sixteen Thousand Dollars
3 (\$1,216,000.00) of proceeds from both the permit fees and the
4 overweight permit fees imposed pursuant to subsection A of this
5 section collected monthly shall be apportioned as provided in
6 Section 1104 of this title. For the fiscal year beginning July 1,
7 ~~2016~~ 2019, and ~~ending June 30, 2017,~~ the next ~~Two Million One~~
8 ~~Hundred Fifty Thousand Dollars (\$2,150,000.00)~~ Seven Hundred Fifty
9 Thousand Dollars (\$750,000.00) of proceeds from both the permit fees
10 and the overweight permit fees imposed pursuant to subsection A of
11 this section collected monthly shall be remitted to the ~~Department~~
12 ~~of Public Safety~~ Enhancement Act Fund for the purpose of ~~training~~
13 ~~the Department of Public Safety~~ Oklahoma Corporation Commission
14 staffing and equipping the port of entry ~~officers whose powers and~~
15 ~~duties shall be specified by the Department of Public Safety through~~
16 ~~the promulgation of rules~~ weigh stations with North American
17 Standard Inspection-certified motor carrier enforcement officers,
18 which begins January 1, 2020. For the fiscal year beginning July 1,
19 ~~2017~~ 2020, and all subsequent years, the next One Million Five
20 Hundred Thousand Dollars (\$1,500,000.00) of proceeds from both the
21 permit fees and the overweight permit fees imposed pursuant to
22 subsection A of this section collected monthly shall be remitted to
23 the ~~Department of Public Safety~~ Enhancement Act Fund for the purpose
24 of the Oklahoma Corporation Commission staffing and equipping the

1 port of entry weigh stations with ~~Department of Public Safety port~~
2 ~~of entry~~ North American Standard Inspection-certified motor carrier
3 enforcement officers ~~whose powers and duties shall be specified by~~
4 ~~the Department of Public Safety through the promulgation of rules.~~

5 For the fiscal year beginning July 1, ~~2016~~ 2019, and ending June 30,
6 ~~2017~~ 2020, all proceeds collected from both the permit fees and the
7 overweight permit fees imposed pursuant to subsection A of this
8 section in excess of ~~Three Million Three Hundred Sixty-six Thousand~~
9 ~~Dollars (\$3,366,000.00)~~ One Million Nine Hundred Sixty-six Thousand
10 Dollars (\$1,966,000.00) shall be deposited in the Weigh Station
11 Improvement Revolving Fund as provided in Section 1167 of this title
12 for the purpose set forth in that section and may be used for motor
13 carrier permitting systems and motor carrier safety and enforcement.

14 For the fiscal year beginning July 1, ~~2017~~ 2020, and all subsequent
15 years, all proceeds collected from both the permit fees and the
16 overweight permit fees imposed pursuant to subsection A of this
17 section in excess of Two Million Seven Hundred Sixteen Thousand
18 Dollars (\$2,716,000.00) shall be deposited in the Weigh Station
19 Improvement Revolving Fund as provided in Section 1167 of this title
20 for the purpose set forth in that section and may be used for motor
21 carrier permitting systems and motor carrier safety and enforcement.

22 SECTION 12. AMENDATORY 47 O.S. 2011, Section 14-119, is
23 amended to read as follows:

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1 Section 14-119. Any common, contract, or private motor carrier
2 or any shipper, firm, corporation, or other person who willfully or
3 knowingly transports a load having a capacity greater than the axle
4 or gross weights authorized by statute or by special permit pursuant
5 to the provisions of Sections 14-116 and 14-118 of this title, or
6 who loads or causes or requires a vehicle to be loaded to said
7 capacity, upon criminal conviction, is guilty of a misdemeanor and
8 shall be subject to ~~the penalties and fines provided for in Section~~
9 ~~172 of Title 47 of the Oklahoma Statutes or to~~ a fine in the amount
10 provided for in Sections 1115.2 and 1115.3 of Title 22 of the
11 Oklahoma Statutes or, if found in contempt by the Oklahoma
12 Corporation Commission, shall be subject to the applicable fines set
13 by law or by the Commission.

14 SECTION 13. AMENDATORY 47 O.S. 2011, Section 230.2, is
15 amended to read as follows:

16 Section 230.2 A. The Legislature finds:

17 1. That the volume of hazardous and nonhazardous materials
18 transported by motor carriers within this state is substantial and
19 the need exists to improve the enforcement of safety-related aspects
20 of motor carrier transportation for both interstate and intrastate
21 motor carriers which is consistent with federal standards and
22 regulations.

23 2. That hazardous materials are essential for various
24 industrial, commercial, and other purposes, that their

1 transportation is a necessary incident to their use, and that the
2 transportation is required for the economic prosperity of the people
3 of the State of Oklahoma-;

4 3. That the highway movement of hazardous and nonhazardous
5 materials poses a substantial danger to the health and safety of the
6 citizens of this state unless such materials are handled and
7 transported in a safe and prudent manner-; and

8 4. That it is in the public interest and within the police
9 power of the state to provide for the regulation of the safety-
10 related aspects of motor carrier transportation and the handling and
11 transportation of hazardous materials.

12 B. It is therefore declared to be the policy of the State of
13 Oklahoma to provide regulatory and enforcement authority to the
14 Oklahoma ~~Department of Public Safety~~ Corporation Commission to
15 improve safety-related aspects of motor carrier transportation and
16 to protect the people against the risk to life and property inherent
17 in the transportation of passengers and property, including
18 hazardous materials, over highways and the handling and storage
19 incidental thereto, by keeping such risk to a minimum consistent
20 with technical feasibility and economic reasonableness and to
21 provide uniform regulation of intrastate transportation of property,
22 including hazardous materials, consistent with federal regulation of
23 interstate transportation.

24

1 C. It is not the intent of the Legislature to regulate the
2 movement of hazardous materials in such quantities that would not
3 pose a substantial danger to the public health and safety, and the
4 ~~Department~~ Commission may provide for exemptions as provided for in
5 federal regulations for farm use, and other appropriate exemptions
6 consistent with federal regulations.

7 SECTION 14. AMENDATORY 47 O.S. 2011, Section 230.3, is
8 amended to read as follows:

9 Section 230.3 As used in the Oklahoma Motor Carrier Safety and
10 Hazardous Materials Transportation Act:

11 1. "Commerce" means trade, traffic, commerce or transportation
12 within or through this state;

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

15 3. ~~"Department"~~ means the ~~Oklahoma Department of Public Safety~~;

16 4. "Discharge" means leakage, seepage or other release of
17 hazardous materials;

18 ~~5.~~ 4. "Hazardous material" means a substance or material in a
19 quantity and form determined by the United States Department of
20 Transportation to be capable of posing an unreasonable risk to
21 health and safety or property when transported in commerce;

22 ~~6.~~ 5. "Person" means any natural person or individual,
23 governmental body, firm, association, partnership, copartnership,
24 joint venture, company, corporation, joint stock company, trust,

1 estate or any other legal entity or their legal representative,
2 agent or assigns; and

3 ~~7.~~ 6. "Transports" or "transportation" means any movement of
4 passengers or property over the highway and any loading, unloading
5 or storage incidental to such movement.

6 SECTION 15. AMENDATORY 47 O.S. 2011, Section 230.4, is
7 amended to read as follows:

8 Section 230.4 To the extent necessary to administer the
9 Oklahoma Motor Carrier Safety and Hazardous Materials Transportation
10 Act, and consistent with budget and manpower limitations, the
11 ~~Commissioner~~ Oklahoma Corporation Commission:

12 1. Shall adopt and promulgate rules and regulations in order to
13 carry out the provisions of the Oklahoma Motor Carrier Safety and
14 Hazardous Materials Transportation Act relating to motor carrier
15 safety in the transportation of passengers, property and hazardous
16 materials in intrastate and interstate commerce, and to ~~coordinate~~
17 assist in coordinating the implementation of a transportation
18 emergency response system;

19 2. May adopt by reference and enforce all or any portion of the
20 federal motor carrier safety regulations and the hazardous materials
21 regulations of the United States Department of Transportation, as
22 now or hereafter amended;

23 3. Shall conduct a continuing review of all aspects of motor
24 carrier safety and the transportation of passengers, property,

1 ~~including~~ and hazardous materials, in order to determine and
2 recommend appropriate steps to assure safe transportation; and

3 4. May authorize any officer, employee or agent of the
4 Department to:

5 a. conduct investigations; make reports; issue subpoenas;
6 conduct hearings; require the production of relevant
7 documents, records and property; take depositions; and
8 conduct directly or indirectly research, development,
9 demonstration and training activities,

10 b. enter upon, inspect and examine at reasonable times
11 and in a reasonable manner, the records and properties
12 of persons to the extent such records and properties
13 relate to motor carrier safety or the transportation
14 or shipment of hazardous materials in commerce, and to
15 inspect and copy records and papers of carriers and
16 other persons to carry out the purposes of the
17 Oklahoma Motor Carrier Safety and Hazardous Materials
18 Transportation Act,

19 c. stop and inspect any driver or commercial motor
20 vehicle for any violation of the Oklahoma Motor
21 Carrier Safety and Hazardous Materials Transportation
22 Act or rules and regulations issued pursuant thereto,

23 d. declare and mark any transport vehicle or container as
24 out of service if its condition, filling, equipment or

1 protective devices would be hazardous to life or
2 property during transportation, or if records thereof
3 reflect such hazard, or if required records are
4 incomplete,

5 e. prohibit any commercial driver from transporting
6 hazardous materials if such driver is unqualified or
7 disqualified under any federal or ~~department~~
8 Commission regulation, and

9 f. administer and enforce the provisions of the Oklahoma
10 Motor Carrier Safety and Hazardous Materials
11 Transportation Act and any rules and regulations
12 issued pursuant thereto.

13 Any such officer, employee or agent shall, upon request, display
14 proper credentials prescribed or approved by the ~~Commissioner~~
15 Commission.

16 SECTION 16. AMENDATORY 47 O.S. 2011, Section 230.5, is
17 amended to read as follows:

18 Section 230.5 Motor carriers and other persons subject to the
19 Oklahoma Motor Carrier Safety and Hazardous Materials Transportation
20 Act shall make available for inspection and copying their accounts,
21 books, records, memoranda, correspondence, and other documents, and
22 shall allow their lands, buildings and equipment to be examined and
23 inspected by any officer, employee, or agent of the ~~Department of~~
24 ~~Public Safety, including members of the Oklahoma Highway Patrol~~

1 Oklahoma Corporation Commission, upon demand and display of the
2 official credentials issued by the ~~Commissioner~~ Commission.

3 SECTION 17. AMENDATORY 47 O.S. 2011, Section 230.6, as
4 last amended by Section 8, Chapter 259, O.S.L. 2013 (47 O.S. Supp.
5 2018, Section 230.6), is amended to read as follows:

6 Section 230.6 A. No person prohibited from operating a
7 commercial vehicle shall operate such commercial motor vehicle, nor
8 shall any person authorize or require a person who has been
9 prohibited from such operation of a motor vehicle to operate a
10 commercial motor vehicle.

11 B. No person shall operate, authorize to operate, or require
12 the operation of any vehicle or the use of any container when the
13 person has been placed out-of-service or the vehicle or container
14 has been marked out-of-service until all requirements of the out-of-
15 service order of the person have been met or all required
16 corrections for the vehicle or container have been made; provided,
17 upon approval of the ~~Department~~ Oklahoma Corporation Commission, the
18 vehicle or container may be moved to another location for the
19 purpose of repair or correction.

20 C. No person shall remove an out-of-service marking from a
21 transport vehicle or container unless all required corrections have
22 been made and the vehicle or container has been inspected and
23 approved by an authorized officer, employee, or agent of the
24 ~~Department~~ Commission. No person shall return to duty unless all

1 requirements of the out-of-service order have been met and the
2 person has been approved to return to duty by an authorized officer,
3 employee or agent of the ~~Department~~ Commission.

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

6 1. During any period in which the employee:

7 a. has had driving privileges to operate a commercial
8 motor vehicle suspended, revoked, canceled, denied or
9 disqualified,

10 b. has had driving privileges to operate a commercial
11 motor vehicle disqualified,

12 c. is not licensed to operate a commercial motor vehicle;
13 provided, this subparagraph shall not apply to any
14 person who is the holder of a valid commercial learner
15 permit issued ~~by the Department~~ in conjunction with a
16 Class D driver license,

17 d. has more than one commercial driver license; provided,
18 this subparagraph shall not apply to any person who is
19 the holder of a valid commercial learner permit issued
20 ~~by the Department~~ in conjunction with a Class A, B or
21 C driver license,

22 e. does not have the proper class or endorsements on the
23 driver license or commercial learner permit, or
24

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

3 2. During any period in which the employee, the commercial
4 motor vehicle which the employee is operating, the motor carrier
5 business or operation, or the employer is subject to an out-of-
6 service order; or

7 3. In violation:

8 a. of a federal, state, or local law, regulation, or
9 ordinance pertaining to railroad-highway grade
10 crossings, or

11 b. of any restriction on the driver license or commercial
12 learner permit of the employee.

13 E. An employer who is determined by the ~~Commissioner~~ Commission
14 to have committed a violation of subsection D of this section shall
15 be subject to an administrative penalty of not less than Two
16 Thousand Seven Hundred Fifty Dollars (\$2,750.00) nor more than
17 Twenty-five Thousand Dollars (\$25,000.00).

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

23 SECTION 18. AMENDATORY 47 O.S. 2011, Section 230.7, is
24 amended to read as follows:

1 Section 230.7 No person shall intentionally discharge or cause
2 to be discharged the contents of any transport vehicle containing
3 hazardous material between the points of origin and the points of
4 billed destination, except as may be authorized by the ~~Department~~
5 Oklahoma Corporation Commission or a representative of the
6 ~~Department~~ Commission.

7 SECTION 19. AMENDATORY 47 O.S. 2011, Section 230.8, is
8 amended to read as follows:

9 Section 230.8 A. Each person involved in an incident or
10 accident during the transportation, loading, unloading, or related
11 storage in any place of a hazardous material subject to the
12 provisions of Oklahoma Motor Carrier Safety and Hazardous Material
13 Transportation Act shall immediately report, by telephone, to the
14 ~~Department~~ Oklahoma Corporation Commission if that incident or
15 accident involves:

- 16 1. A fatality due to fire, explosion, or exposure to any
17 hazardous material;
- 18 2. The hospitalization of any person due to fire, explosion, or
19 exposure to any hazardous material;
- 20 3. A continuing danger to life, health, or property at the
21 place of the incident or accident; or
- 22 4. An estimated property damage of an amount to be determined
23 by the ~~Commissioner~~ Commission by regulation.

24

1 B. A written report shall be submitted by the person to the
2 ~~Department~~ Commission on a form prescribed by the ~~Department~~
3 Commission, or in lieu thereof, a copy of the written report
4 submitted to the United States Department of Transportation. Each
5 report submitted shall contain the time and date of the incident or
6 accident, a description of any injuries to persons or property, any
7 continuing danger to life at the place of the accident or incident,
8 the identity and classification of the material, and any other
9 pertinent details.

10 C. In the case of an incident or accident involving hazardous
11 materials which is not subject to the Oklahoma Motor Carrier Safety
12 and Hazardous Material Transportation Act but which is subject to
13 Title 46 or Title 49 of the Code of Federal Regulations, the carrier
14 shall send a copy of the report filed with the United States
15 Department of Transportation to the ~~Department of Public Safety~~
16 Oklahoma Corporation Commission.

17 SECTION 20. AMENDATORY 47 O.S. 2011, Section 230.9, as
18 amended by Section 13, Chapter 283, O.S.L. 2012 (47 O.S. Supp. 2018,
19 Section 230.9), is amended to read as follows:

20 Section 230.9 A. The transportation of any property in
21 commerce, including hazardous materials or the transportation of
22 passengers for compensation or for hire by bus, that is not in
23 compliance with the Oklahoma Motor Carrier Safety and Hazardous
24

1 Materials Transportation Act or the rules issued pursuant thereto,
2 is prohibited.

3 B. Pursuant to the provisions of this section and except as
4 otherwise provided by subsection D of this section, any person who
5 is determined by the ~~Commissioner of Public Safety~~ Oklahoma
6 Corporation Commission to have committed:

7 1. An act which is a violation of a recordkeeping requirement
8 of this title or of any rule or regulation promulgated thereto or
9 the Federal Motor Carrier Safety Act of 1984, such person shall be
10 liable to the ~~State of Oklahoma~~ Commission for an administrative
11 penalty not ~~to exceed~~ less than One Hundred Dollars (\$100.00) for
12 each offense, provided that the total of all administrative
13 penalties assessed against any violator pursuant to this paragraph
14 for all offenses related to any single violation shall not exceed
15 Five Hundred Dollars (\$500.00);

16 2. An act or acts other than recordkeeping requirements, which
17 evidences a serious pattern of safety violations, as determined by
18 the ~~Commissioner~~ Commission, such person shall be liable to the
19 State of Oklahoma for an administrative penalty not ~~to exceed~~ less
20 than Two Hundred Dollars (\$200.00) for each offense, provided the
21 maximum fine for each pattern of safety violations shall not exceed
22 One Thousand Dollars (\$1,000.00). The ~~Commissioner~~ Commission may
23 consider present and prior offenses in determining a serious pattern
24 of safety violations; or

1 3. An act or acts which evidences to the ~~Commissioner~~
2 Commission, that a substantial health or safety violation exists or
3 has occurred which could reasonably lead to or has resulted in
4 serious personal injury or death, such person shall be liable to the
5 ~~State of Oklahoma~~ Commission for an administrative penalty not to
6 exceed ~~One Thousand Dollars (\$1,000.00)~~ Ten Thousand Dollars
7 (\$10,000.00) for each offense.

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

10 D. Except for recordkeeping violations, no administrative
11 penalty shall be assessed pursuant to the provisions of this
12 section, against an employee of any person subject to the provisions
13 of the Oklahoma Motor Carrier Safety and Hazardous Materials
14 Transportation Act for a violation unless the ~~Commissioner~~
15 Commission determines that such actions of the employee constituted
16 gross negligence or reckless disregard for safety in which case such
17 employee shall be liable for an administrative penalty not to exceed
18 One Thousand Dollars (\$1,000.00).

19 E. In determining the amount of any administrative penalty and
20 the reasonable amount of time for abatement of the violation, the
21 ~~Commissioner~~ Commission shall include, but not be limited to,
22 consideration of the nature, circumstances and gravity of the
23 violation, and with respect to the person found to have committed
24 the violation, the degree of culpability, history of prior offenses,

1 effect on ability to continue to do business and such other matters
2 as justice and public safety may require. In each case, the penalty
3 shall be calculated to induce further compliance.

4 F. ~~The Commissioner or his designated representative~~ Commission
5 shall assess the amount of any administrative penalty, after notice
6 and an opportunity for hearing, by written notice to the violator
7 together with notice of findings in the case. An appeal therefrom
8 may be made to the ~~district court of Oklahoma County pursuant to the~~
9 ~~provisions of Sections 318 through 323 of Title 75 of the Oklahoma~~
10 ~~Statutes~~ Supreme Court pursuant to Section 20 of Article IX of the
11 Constitution of the State of Oklahoma.

12 G. ~~An administrative penalty assessed by the Commissioner may~~
13 ~~be recovered:~~

14 1. ~~In an action brought by the Attorney General on behalf of~~
15 ~~the State of Oklahoma. However, before referral to the Attorney~~
16 ~~General, the administrative penalty may be compromised by the~~
17 ~~Commissioner;~~

18 2. ~~By the Commissioner in the appropriate district court of the~~
19 ~~State of Oklahoma; or~~

20 3. ~~By the Commissioner in an administrative hearing conducted~~
21 ~~by the Department of Public Safety.~~

22 H. The first One Hundred Thousand Dollars (\$100,000.00) of the
23 administrative penalties collected each fiscal year pursuant to the
24 provisions of the Oklahoma Motor Carrier Safety and Hazardous

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

8 SECTION 21. AMENDATORY 47 O.S. 2011, Section 230.10, is
9 amended to read as follows:

10 Section 230.10 The ~~Department~~ Oklahoma Corporation Commission
11 shall exempt any vehicle in which hazardous material is transported
12 or any person who transports any hazardous material if such
13 exemption is identical to an exemption issued by the Secretary of
14 the United States Department of Transportation and may exempt any
15 person who transports any hazardous material intrastate under
16 similar provisions. The ~~Department~~ Commission may seek exemptions
17 pursuant to federal law for transportation of those quantities of
18 hazardous materials which do not pose a substantial danger to the
19 public health and safety.

20 SECTION 22. AMENDATORY 47 O.S. 2011, Section 230.11, is
21 amended to read as follows:

22 Section 230.11 A. Other state agencies, departments and
23 bureaus shall cooperate with the Oklahoma ~~Department of Public~~
24 ~~Safety~~ Corporation Commission in regulating motor carrier safety and

1 the transportation of hazardous materials. Such agencies,
2 departments and bureaus may enter into interagency agreements with
3 the ~~Department~~ Commission for the purpose of implementing,
4 administering and enforcing any provision of the Oklahoma Motor
5 Carrier Safety and Hazardous Materials Transportation Act and the
6 rules and regulations of the ~~Department~~ Commission issued pursuant
7 thereto.

8 B. The ~~Department~~ Commission may enter into a cooperative
9 agreement with the United States Department of Transportation and
10 any other federal department or agency to enforce the provisions of
11 the Oklahoma Motor Carrier Safety and Hazardous Materials
12 Transportation Act, or regulations adopted pursuant thereto, federal
13 motor carrier safety regulations, and federal regulations governing
14 the transportation of hazardous material. The ~~Department~~ Commission
15 may receive grants, gifts and other funds, equipment and services
16 from the federal government or other sources for this purpose.

17 C. All files, records and data gathered by the ~~Department~~
18 Commission pursuant to the Oklahoma Motor Carrier Safety and
19 Hazardous Materials Transportation Act may be made available to the
20 Department of Environmental Quality, other agencies of state
21 government, the United States Department of Transportation and other
22 jurisdictions in any cooperative effort relating to motor carrier
23 safety or the transportation of hazardous materials.

24

1 SECTION 23. AMENDATORY 47 O.S. 2011, Section 230.13, is
2 amended to read as follows:

3 Section 230.13 ~~The Department of Public Safety and the Oklahoma~~
4 ~~Highway Patrol Division~~ Oklahoma Corporation Commission shall
5 enforce the provisions of the Oklahoma Motor Carrier Safety and
6 Hazardous Materials Transportation Act and the rules promulgated
7 thereto.

8 SECTION 24. AMENDATORY 47 O.S. 2011, Section 230.15, as
9 amended by Section 1, Chapter 182, O.S.L. 2016 (47 O.S. Supp. 2018,
10 Section 230.15), is amended to read as follows:

11 Section 230.15 A. ~~Whenever the Department of Public Safety has~~
12 ~~determined that any person who is regulated as a motor carrier~~
13 ~~pursuant to Sections 166 through 180m of this title has violated any~~
14 ~~provision of the Oklahoma Motor Carrier Safety and Hazardous~~
15 ~~Materials Transportation Act or any rule promulgated thereto, the~~
16 ~~Department of Public Safety shall report such violations to the~~
17 ~~Corporation Commission for the purposes of determining if such~~
18 ~~person has violated any provisions of the permit or certificate~~
19 ~~issued by the Commission pursuant to any provision of Sections 166~~
20 ~~through 180m of this title or of any rule promulgated thereto.~~

21 B. ~~Every motor carrier subject to this section shall maintain~~
22 ~~liability and property damage insurance covering each motor vehicle~~
23 ~~operated by the motor carrier and file proof of that insurance with~~
24 ~~the Oklahoma Corporation Commission. The Commission shall set the~~

1 ~~amount of necessary insurance for the transportation of all~~
2 ~~commodities other than hazardous materials. The Commission may~~
3 ~~allow a motor carrier to meet its liability and property damage~~
4 ~~insurance requirements through self-insurance if the motor carrier~~
5 ~~has adequate financial assets to assume liability and is in~~
6 ~~substantial compliance with all motor carrier safety regulations~~
7 ~~adopted by the Department. Any person who transports or who causes~~
8 ~~the transportation of any hazardous material shall be required to~~
9 ~~comply with the financial responsibility requirements specified by~~
10 ~~the federal motor carrier safety regulations and the hazardous~~
11 ~~materials regulations of the United States Department of~~
12 ~~Transportation provided that in no event shall the financial~~
13 ~~responsibility requirement exceed One Million Dollars~~
14 ~~(\$1,000,000.00) except as otherwise specifically required by federal~~
15 ~~law, or any federal rule or regulation promulgated thereto.~~

16 ~~C. Any person who causes or requires any person subject to the~~
17 ~~provisions of the Oklahoma Motor Carrier Safety and Hazardous~~
18 ~~Materials Transportation Act to drive at a speed or carry a load in~~
19 ~~excess of those authorized by law pursuant to the Oklahoma Motor~~
20 ~~Carrier Safety and Hazardous Materials Transportation Act shall be~~
21 ~~subject to the administrative penalties pursuant to the provisions~~
22 ~~of this act.~~

23 ~~D. B.~~ In adopting rules pursuant to the provisions of this act,
24 the ~~Department of Public Safety~~ Oklahoma Corporation Commission

1 shall establish limitations on driving hours for motor vehicles
2 subject thereto that are consistent with the hours of service
3 requirements adopted by the United States Department of
4 Transportation in the applicable part of Title 49 of the Code of
5 Federal Regulations, as those regulations now exist or are hereafter
6 amended. ~~Driving hours and on-duty status shall not begin following~~
7 ~~less than eight (8) consecutive hours off duty. Drivers shall be~~
8 ~~regulated from the time a driver first reports for duty for any~~
9 ~~employer.~~ The rules adopted pursuant to this section shall
10 establish the following exceptions:

11 1. The maximum driving time within a work period is twelve (12)
12 hours if the vehicle is engaged solely in intrastate commerce and is
13 not transporting hazardous materials as defined by regulations of
14 the United States Department of Transportation in the applicable
15 section of Title 49 of the Code of Federal Regulations, as that
16 section now exists or is hereafter amended; except in the event of
17 an emergency and upon ~~notification of the nearest Oklahoma Highway~~
18 ~~Patrol troop headquarters of the Department of Public Safety, the~~
19 ~~Commissioner or his designated agent shall declare official~~
20 ~~declaration of an emergency and there shall be no hour restrictions~~
21 for rural electric cooperatives, public utilities, public service
22 corporations or municipal employees as long as an emergency exists
23 for providing service to restore heat, light, power, water,
24 telephone or other emergency restoration facilities that are

1 necessary to ensure the health, welfare and safety of the public;
2 and

3 2. No rule shall be adopted that enforces the provisions of 49
4 CFR Section 395.3(a)(3)(ii) relating to rest breaks, if the driver
5 or motor carrier is engaged solely in intrastate commerce.

6 ~~E.~~ C. Except as provided in subsection ~~F.~~ D. of this section, any
7 regulation relating to motor carrier safety or to the transportation
8 of hazardous materials adopted by a local government, authority, or
9 state agency or office shall be consistent with corresponding
10 federal regulations. To the extent of any conflict between said
11 regulations and rules adopted by the ~~Department of Public Safety~~
12 Commission under this section, rules adopted by the ~~Department~~
13 Commission shall control.

14 ~~F.~~ D. 1. Amendments to the hours of service regulations
15 promulgated on April 28, 2003, by the United States Department of
16 Transportation at Section 22456 of Volume 68 of the Federal Register
17 and effective June 27, 2003, shall not apply to utility service
18 vehicles as defined in Section 395.2 of Title 49 of the Code of
19 Federal Regulations, not including television cable or community
20 antenna service vehicles, which are owned or operated by utilities
21 regulated by the ~~Corporation~~ Commission or electric cooperatives and
22 which are engaged solely in intrastate commerce in this state until
23 June 27, 2006, provided the amendments are valid and remain in
24 effect as of that date. Hours of service regulations, which are

1 applicable in this state immediately prior to June 27, 2003, shall
2 remain applicable to utility service vehicles engaged solely in
3 intrastate commerce in this state until June 27, 2006. If the
4 United States Department of Transportation issues an official
5 finding that this provision may result in the loss of federal Motor
6 Carrier Safety Assistance Program funding, the ~~Department of Public~~
7 ~~Safety~~ Commission may promulgate rules providing for earlier
8 implementation of the amendments to the federal hours of service
9 regulations. If federal law or regulations are amended at any time
10 to exempt utility service vehicles from the hours of service
11 requirements, any exemption shall be effective in this state
12 immediately for the duration of the federal exemption.

13 2. The ~~Department of Public Safety~~ Commission may promulgate
14 rules suspending the effective date for up to three (3) years after
15 the adoption of any motor carrier safety regulation by the United
16 States Department of Transportation as applied to vehicles engaged
17 solely in intrastate commerce in this state if the suspension does
18 not result in the loss of federal Motor Carrier Safety Assistance
19 Program funding.

20 3. The ~~Department of Public Safety~~ Commission may enter into
21 agreements with state and local emergency management agencies and
22 private parties establishing procedures for complying with Section
23 31502(e) of Title 49 of the United States Code and federal
24 regulations promulgated at Section 390.23 of Title 49 of the Code of

1 Federal Regulations, which provide an exemption from the hours of
2 service regulations during certain emergencies.

3 4. The ~~Department of Public Safety~~ Commission may promulgate
4 rules granting any waiver, variance, or exemption permitted under
5 Section 31104(h) of Title 49 of the United States Code and federal
6 regulations promulgated at Sections 350.339, 350.341, 350.343 and
7 350.345 of Title 49 of the Code of Federal Regulations if the
8 waiver, variance, or exemption does not result in the loss of
9 federal Motor Carrier Safety Assistance Program funding and does not
10 take effect unless approved by the United States Department of
11 Transportation, if approval is required.

12 SECTION 25. AMENDATORY 47 O.S. 2011, Section 1167, as
13 last amended by Section 1, Chapter 373, O.S.L. 2016 (47 O.S. Supp.
14 2018, Section 1167), is amended to read as follows:

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

22 B. The Corporation Commission shall adjudicate enforcement
23 actions initiated by Corporation Commission personnel.

24

1 C. Revenue derived from all fines and penalties collected or
2 received by the Corporation Commission pursuant to the provisions of
3 the Trucking One-Stop Shop Act shall ~~be apportioned as follows:~~

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

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

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

22 3. Any other monies to be utilized for the Trucking One-Stop
23 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 or the
5 Oklahoma Commercial Motor Carrier Safety Enhancement Act.

6 Expenditures from the revolving fund shall be made pursuant to the
7 laws of this state. In addition, expenditures from the revolving
8 fund may be made pursuant to The Oklahoma Central Purchasing Act for
9 the purpose of immediately responding to emergency situations,
10 within the Commission's jurisdiction, having potentially critical
11 environmental or public safety impact. Warrants for expenditures
12 from the fund shall be drawn by the State Treasurer against claims
13 filed as prescribed by law with the Director of the Office of
14 Management and Enterprise Services for approval and payment.

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

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

4 SECTION 26. AMENDATORY Section 2, Chapter 262, O.S.L.
5 2012 (47 O.S. Supp. 2018, Section 1201), is amended to read as
6 follows:

7 Section 1201. As used in the Oklahoma Weigh Station Act of
8 2012:

- 9 1. "Authority" means the Oklahoma Turnpike Authority;
- 10 2. "Automated License Plate Reader" (ALPR) means a system of
11 one or more mobile or fixed high-speed cameras combined with
12 computer algorithms to convert images of registration plates or U.S.
13 Department of Transportation numbers on sides of commercial motor
14 vehicles into computer-readable data;
- 15 3. "Commission" means the Oklahoma Corporation Commission;
- 16 ~~3.~~ 4. "Department" means the Department of Transportation;
- 17 5. "Fixed facility" means a weigh station or a port of entry;
- 18 ~~4.~~ 6. "Port of entry" means a facility, in close proximity to a
19 state line, designed to electronically weigh and screen motor
20 carriers and commercial motor vehicles for compliance with federal
21 and state statutes and rules, allowing compliant carriers to proceed
22 with minimal or no delay;
- 23 ~~5.~~ 7. "Roadside enforcement" means a temporary location, with
24 or without portable or semi-portable scales, used to randomly check

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

3 ~~6.~~ 8. "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.~~ 9. "North American Standard Inspection" means a Level I,
10 Level II, Level III, Hazardous Materials, Cargo Tank or Passenger
11 Carrier inspection conducted by an individual certified by the
12 Federal Motor Carrier Safety Administration to conduct such
13 inspections.

14 SECTION 27. AMENDATORY Section 3, Chapter 262, O.S.L.
15 2012, as last amended by Section 2, Chapter 373, O.S.L. 2016 (47
16 O.S. Supp. 2018, Section 1202), is amended to read as follows:

17 Section 1202. A. The Department of Transportation, the
18 Oklahoma Turnpike Authority and the Corporation Commission may enter
19 into interagency agreements concerning the equipment, maintenance
20 and operations of fixed facilities.

21 B. The Department of Transportation, the Authority and the
22 Commission shall endeavor to electronically upgrade weigh stations
23 as practical to minimize the duplication of inspections for
24 compliant commercial motor vehicles and motor carriers.

1 C. The Commission shall operate all current and future ports of
2 entry weigh stations eighteen (18) to ~~twenty (20)~~ twenty-four (24)
3 hours a day and seven (7) days a week upon the availability of
4 funds.

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

9 ~~E. When a fixed facility is located in the general area,~~
10 ~~Commission motor carrier and commercial motor vehicle enforcement~~
11 ~~shall be limited to the fixed facility and a radius surrounding the~~
12 ~~facility. If the fixed facility is a weigh station as defined in~~
13 ~~Section 1201 of this title, the applicable radius shall be seven (7)~~
14 ~~miles. If the fixed facility is a port of entry weigh station as~~
15 ~~defined in Section 1201 of this title, the applicable radius shall~~
16 ~~be twenty-five (25) miles.~~

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

19 ~~G. The Commission is authorized to conduct audits, reviews,~~
20 ~~investigations, inspections or other enforcement actions by~~
21 ~~enforcement officers provided those activities are within the scope~~
22 ~~of the Commission's jurisdiction and are not conducted as roadside~~
23 ~~enforcement in accordance with the provisions of the Oklahoma Weigh~~
24 ~~Station Act of 2012.~~

1 ~~H.~~ The Commission may enter into interagency cooperative
2 agreements with other state or federal agencies to jointly enforce
3 federal and state laws or rules.

4 ~~F.~~ E. North American Standard Inspections shall be conducted
5 only by individuals holding certification in the level or
6 classification of inspection being conducted.

7 F. To process motor carriers and commercial motor vehicles
8 Automatic License Plate Readers may be used in electronic screening
9 operations for the purpose of credential checks, public safety and
10 protection of infrastructure.

11 G. Data collected or retained through the use of an ALPR
12 system:

13 1. Is confidential and not subject to disclosure under the
14 Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the
15 Oklahoma Statutes;

16 2. Is available for use only by the Department, the Authority
17 or the Commission in carrying out its functions or by a law
18 enforcement agency conducting North American Standard Inspections or
19 criminal investigations;

20 3. May be published and released as public information using
21 aggregate data that does not reveal the activities or identify
22 specific commercial motor vehicles or specific motor carriers; and

23 4. May be shared with the Federal Motor Carrier Safety
24 Administration for regulatory compliance purposes.

