

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 1711

By: Bennett

AS INTRODUCED

An Act relating to railroads; stating certain intent; placing certain restrictions on driver duty times; making certain exception; requiring maintenance and retention of certain records; stating requirements for certain file; providing for disqualification of certain drivers; defining term; requiring certain alcohol and drug testing for qualification and disqualification for driving; requiring certain testing immediately after accidents; requiring results be sent to the Oklahoma Corporation Commission; requiring certain vehicle inspections by qualified individual; requiring certain driver reports; requiring establishment of certain program; detailing program contents; stating vehicle requirements; requiring certain lights; prohibiting operation of certain vehicles; requiring maintenance of certain records for program; detailing contents of records; requiring maintenance of records at principal place of business for certain time; requiring employees comply and be knowledgeable of program; requiring certain access; requiring certain insurance coverage; establishing fine for violations; requiring each violation be separate and distinct offense; stating provisions are not intended to limit certain contracts; stating provisions shall be considered minimum standards; providing for codification; and providing an effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 104 of Title 66, unless there is
4 created a duplication in numbering, reads as follows:

5 A. This section applies to a contract carrier that transports
6 an operating employee of a railroad on a road or highway of this
7 state in a vehicle designed to carry fifteen (15) or fewer
8 passengers.

9 B. A contract carrier shall not allow or require a driver to
10 drive or remain on duty for more than:

11 1. Ten (10) hours after eight (8) consecutive hours
12 uninterrupted rest off-duty. For the purposes of this subsection,
13 "uninterrupted rest" shall mean that the contract carrier shall not
14 communicate with the driver by telephone, pager, or in any other
15 manner that could reasonably be expected to disrupt the driver's
16 rest;

17 2. Fifteen (15) hours of combined on-duty time and drive time
18 since last obtaining eight (8) consecutive hours of off-duty time;
19 or

20 3. Seventy (70) hours of on-duty and drive time in any period
21 of seven (7) consecutive days.

22 C. After twenty-four (24) hours off-duty, a driver begins a new
23 seven (7) consecutive day period and on-duty time is reset to zero
24 hours.

1 D. A contract carrier driver who encounters an emergency and
2 cannot, because of that emergency, safely complete a transportation
3 assignment within the ten-hour maximum driving time permitted under
4 this section may drive and be permitted or required to drive a
5 transport motor vehicle for not more than two (2) additional hours
6 in order to complete that transportation assignment or to reach a
7 place offering safety for the occupants of the transport motor
8 vehicle and security for the transport motor vehicle if the
9 transportation assignment reasonably could have been completed
10 within the ten-hour period absent the emergency.

11 E. A contract carrier shall maintain and retain for a period of
12 six (6) months accurate time records that show:

- 13 1. The time the driver reports for duty each day;
- 14 2. The total number of hours of on-duty time for each driver
15 for each day;
- 16 3. The time the driver is released from duty each day; and
- 17 4. The total number of hours driven each day.

18 F. A contract carrier shall maintain a driver qualification
19 file for each driver it employs. The driver qualification file may
20 be combined with the personnel file of the employee. The driver
21 qualification file shall include:

- 22 1. A certificate of physical examination conducted by a
23 physician every two (2) years that certifies the physical ability of
24 the driver to operate a motor vehicle;

1 2. Documentation that establishes that the driver's driving
2 record has been reviewed at least one time per year;

3 3. Documentation related to the driver's violation of
4 applicable motor vehicle laws or ordinances;

5 4. Other documentation related to the driver's qualification or
6 ability to drive a motor vehicle;

7 5. The driver's application for employment as provided by 49
8 C.F.R. 391.21, as amended;

9 6. Responses from previous employers, if required by the
10 current employer; and

11 7. A copy of the driver's current driver license showing the
12 driver's qualification or the equivalent thereof.

13 F. A driver shall be disqualified from driving for a contract
14 carrier if the driver has committed two or more serious traffic
15 violations within a three-year period. As used in this section, the
16 term "serious traffic violations" shall mean any violation where the
17 driver license or privilege to operate a motor vehicle has been
18 suspended or revoked by the Commissioner of Railroads or other
19 administrative agency, including if such suspension or revocation
20 occurred in another state, or any violation in which a driver has
21 been found guilty of:

22 1. Any intoxication related traffic offense;

23 2. Any seat belt violation;

24 3. Any commercial motor vehicle violation;

- 1 4. Driving fifteen (15) or more miles per hour over the speed
- 2 limit;
- 3 5. Negligent homicide;
- 4 6. Using a vehicle to commit a felony;
- 5 7. Failure to maintain proof of financial responsibility as
- 6 required by law;
- 7 8. Leaving the scene of an accident;
- 8 9. Evading arrest;
- 9 10. Fleeing by use of a motor vehicle;
- 10 11. Careless and imprudent driving;
- 11 12. Prohibited passing of another vehicle;
- 12 13. Passing a stopped school bus;
- 13 14. Failure to obey a traffic signal or device;
- 14 15. Failure to obey a railroad crossing barrier;
- 15 16. Driving with a suspended, revoked, or cancelled license; or
- 16 17. Driving the wrong way down a one-way street.
- 17 G. 1. Before a driver performs any duties for a contract
- 18 carrier, the driver shall undergo testing for alcohol and controlled
- 19 substances as provided by 49 C.F.R. Part 40 and Part 382, as
- 20 amended.
- 21 2. A driver shall be qualified to drive for a contract carrier
- 22 if:
- 23 a. the alcohol test result indicates an alcohol
- 24 concentration of zero, and

1 b. the controlled substances test result from the medical
2 review officer as defined in 49 C.F.R. Part 40.3, as
3 amended, indicates a verified negative test result.

4 3. A driver shall be disqualified from driving for a contract
5 carrier if:

6 a. the alcohol test result and the controlled substances
7 test result are not in compliance with paragraph 1 of
8 this subsection,

9 b. the driver refuses to provide a specimen for an
10 alcohol test result or the controlled substances test
11 result or both, or

12 c. the driver submits an adulterated specimen, a dilute
13 positive specimen, or a substituted specimen on an
14 alcohol test result or the controlled substances test
15 result that is performed.

16 4. As soon as practicable after an accident involving a motor
17 vehicle owned or operated by a contract carrier, the contract
18 carrier shall test each surviving driver for alcohol and controlled
19 substances if:

20 a. the accident involved the loss of human life, or

21 b. the driver received a citation for a moving traffic
22 violation arising from the accident and the accident
23 involved:

- 1 (1) bodily injury to a person who immediately
2 received medical treatment after the accident, or
3 (2) disabling damage occurs to one or more motor
4 vehicles involved in a motor vehicle accident.

5 5. Alcohol testing and controlled substances testing shall be
6 completed immediately following the accident. If alcohol testing
7 cannot be conducted immediately following the accident, it shall be
8 conducted within eight (8) hours of the accident. If controlled
9 substances testing cannot be conducted immediately following the
10 accident, it shall be administered within thirty-two (32) hours of
11 the accident. The results of such testing shall be submitted to the
12 Oklahoma Corporation Commission.

13 6. The contract carrier of a driver shall maintain records of
14 the alcohol testing and controlled substances testing of each driver
15 for five (5) years. The records shall be maintained in a secure
16 location.

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 105 of Title 66, unless there is
19 created a duplication in numbering, reads as follows:

20 A. 1. A contract carrier shall inspect or cause to be
21 inspected a motor vehicle that it operates for passenger
22 transportation.

23 2. If a contract carrier uses a motor vehicle for passenger
24 transportation, the contract carrier shall perform an inspection on

1 the motor vehicle and its components at least one time in every
2 twelve-month period in compliance with the rules promulgated by the
3 United States Department of Transportation as provided under 49
4 C.F.R. 396.17, Appendix G. The inspection under this section shall
5 be performed by an individual who is qualified to perform the
6 inspection as prescribed in 49 C.F.R, Part 396.19, as amended.

7 3. A contract carrier shall require each of its drivers to
8 complete a written motor vehicle report upon completion of each
9 day's work on the motor vehicle that the driver operated as
10 prescribed under 49 C.F.R. Part 396.11, as amended.

11 B. 1. A contract carrier shall establish a maintenance and
12 repair program to include at least weekly inspections under this
13 section.

14 2. The contract carrier's maintenance and repair program shall
15 include checking parts and accessories for safety and proper
16 operation at all times, including the items pursuant to subparagraph
17 c of paragraph 6 of this subsection, and overall cleanliness of the
18 motor vehicle.

19 3. A motor vehicle used by a contract carrier shall have:

- 20 a. tires with sufficient tread as prescribed under 49
- 21 C.F.R.S 393.75, as amended,
- 22 b. a spare tire that is fully inflated,
- 23 c. a secured location for personal baggage, including
- 24 proper restraints,

- d. fully-operational seatbelts for all passenger seats,
- e. if the weather requires it, traction devices, studs, or chains,
- f. a heater and air conditioner that is properly working with properly working fans,
- g. an emergency road kit that contains at least a tire inflating aerosol can, flares or reflective triangles, jumper cables, and a fire extinguisher, and
- h. a readily available first aid kit complying with the standards set forth in 29 Code of Federal Regulations, Section 1910.151, as amended. The first aid kit shall contain, at a minimum, those articles described in the most recent American National Standards Institute (ANSI) Z308.1 as recommended by Appendix A to 29 CFR 1910.151, as amended.

4. All vehicles in a contract carrier's fleet shall be equipped with an operable amber light or strobe light which shall be mounted to the roof of the vehicle in the rear one-third portion in order to provide warning to other motorists whenever said vehicle has slowed or stopped on or near the roadway.

5. A vehicle shall not be operated in a condition that is likely to cause an accident or mechanical breakdown.

1 6. A contract carrier shall maintain records for its
2 maintenance and repair program for each motor vehicle. The records
3 shall include:

- 4 a. identifying information for the motor vehicle to
5 include the vehicle identification number, make, year
6 manufactured, and company identification number if one
7 is provided,
- 8 b. owner information if the contract carrier is not the
9 owner of the vehicle, and
- 10 c. the history of inspections, repairs, and maintenance
11 that describe the activity and the date the activity
12 was performed.

13 7. The records required to be maintained under this section
14 shall be maintained by the contract carrier at its principal place
15 of business for one (1) year. If the motor vehicle leaves the
16 contract carrier's control, the records shall be maintained by the
17 contract carrier at its principal place of business for six (6)
18 months.

19 8. A contract carrier and its officers, drivers, agents, and
20 employees who are concerned with the inspection or maintenance of
21 motor vehicles shall comply with and be knowledgeable of the
22 contract carrier's maintenance and repair program under this
23 section.

1 9. A contract carrier shall allow an employee of the Oklahoma
2 Corporation Commission, or its designee, access to its facility to
3 determine compliance with this section and its records or
4 information related to an accident investigation.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 106 of Title 66, unless there is
7 created a duplication in numbering, reads as follows:

8 A. A contract carrier shall obtain and maintain an insurance
9 policy of One Million Dollars (\$1,000,000.00) per person for bodily
10 injury or death up to a maximum of Five Million Dollars
11 (\$5,000,000.00) for each motor vehicle that transports railroad
12 employees.

13 B. The contract carrier shall obtain and maintain uninsured and
14 underinsured insurance coverage for each passenger in each motor
15 vehicle in a minimum amount of One Million Dollars (\$1,000,000.00).

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 107 of Title 66, unless there is
18 created a duplication in numbering, reads as follows:

19 A. Any person, corporation, or entity that violates the
20 provisions of this act shall be subject to a civil penalty in an
21 amount of not more than Two Thousand Dollars (\$2,000.00) for each
22 offense or violation.

23 B. Each violation of the provisions of this act shall
24 constitute a separate and distinct offense, and in the case of a

1 continuing violation, each day's continuance thereof shall be deemed
2 to be a separate and distinct offense.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 108 of Title 66, unless there is
5 created a duplication in numbering, reads as follows:

6 A. The provisions of this act are not intended to limit, and
7 shall not be construed as limiting, the right of a railroad to
8 contract with a contract carrier or entity that certifies to the
9 railroad that it is in compliance with the provisions of this act or
10 any applicable federal requirements.

11 B. The provisions established in this act shall be considered
12 minimum standards and shall not be construed to supersede or
13 abrogate any law, rule, or regulation that imposes stricter
14 standards or regulations upon the operation of contract carriers
15 that transport railroad employees.

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

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