An Act

ENROLLED SENATE
BILL NO. 1574

By: Johnson (Mike) and Myers of the Senate

and

Miller of the House

An Act relating to motor vehicle fees; amending 47 O.S. 2001, Sections 14-116, as last amended by Section 1, Chapter 144, O.S.L. 2007, 14-120, and 14-121 (47 O.S. Supp. 2009, Section 14-116), which relate to size, weight and load; modifying certain fees; providing for apportionment of money; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 14-116, as last amended by Section 1, Chapter 144, O.S.L. 2007 (47 O.S. Supp. 2009, Section 14-116), is amended to read as follows:

Section 14-116. A. The Commissioner of Public Safety shall charge a minimum permit fee of ~~Twenty Dollars ($20.00)~~ Forty Dollars ($40.00) for any permit issued pursuant to the provisions of Section 14-101 et seq. of this title. In addition to the permit fee, the Commissioner shall charge a fee of ~~Five Dollars ($5.00)~~ Ten Dollars ($10.00) for each thousand pounds in excess of the legal load limit. The Commissioner of Public Safety shall establish any necessary rules for collecting the fees.

B. The Department of Public Safety is authorized to establish an escrow account system for the payment of permit fees. Authorized motor carriers meeting established credit requirements may participate in the escrow account system for permits purchased from all size and weight permit offices in this state. Carriers not

choosing to participate in the escrow account system shall be required to make payment of the required fee or fees upon purchase of each permit as required by law. All monies collected through the escrow account system shall be deposited to a special account of the Department of Public Safety and placed in the custody of the State Treasurer. Proceeds from permits purchased using the escrow account system shall be distributed as provided for in subsection G of this section. However, fees collected through such accounts for the electronic transmission, transfer or delivery of permits, as provided for in Section 14-118 of this title, shall be credited to the Department of Public Safety Revolving Fund.

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

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

3. The Commissioner of Public Safety shall develop a system for provisional permits for authorized carriers which may be used in lieu of a regular permit for the movement of oversize and overweight loads when issued an authorization number by the Department of Public Safety. Such provisional permits shall include date of movement, general load description, estimated weight, oversize notation, route of travel, truck or truck-tractor license number, and permit authorization number.

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

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

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

G. ~~The~~ Except as provided in Section 4 of this act, the first One Million Two Hundred Sixteen Thousand Dollars ($1,216,000.00) of proceeds from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section collected monthly shall be apportioned as provided in Section 1104 of this title. All proceeds collected from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section in excess of One Million Two Hundred Sixteen Thousand Dollars ($1,216,000.00) shall be deposited in the Weigh Station Improvement Revolving Fund as provided in Section 1167 of this title for the purpose set forth in that section and may be used for motor carrier permitting systems and motor carrier safety and enforcement.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 14-120, is amended to read as follows:

Section 14-120. A. Manufactured items, with the exception of manufactured homes as defined in Section 1102 of this title and industrialized housing as defined in subsection B of Section 14-103A of this title, exceeding sixteen (16) feet but not exceeding twenty-three (23) feet in width traveling:

1. From a point of manufacture in the State of Oklahoma to a point of delivery in the State of Oklahoma or to a point of delivery in another state; or

2. From a point of manufacture outside the State of Oklahoma to a point of delivery in the State of Oklahoma or to a point of delivery in another state shall be permitted, upon receipt of a special movement permit issued under the provisions of subsection B of this section, to travel on any state or U.S. highway in Oklahoma. Provided, however, the Commissioner of Public Safety is authorized to allow such items in excess of twenty-three (23) feet in width to travel on such highway if it is in the best interest of the state and a special moving permit has been issued. Provided, further, that no such load in excess of the limitations set forth in the applicable United States Code shall be permitted to travel upon any portion of the National System of Interstate and Defense Highways.

B. Every person desiring to transport manufactured items pursuant to the provisions of this section shall apply to the Department of Public Safety for a special movement permit on an

application form prescribed by the Department. Upon approval of the application by the Department, a special movement permit shall be issued for a fee of ~~Two Hundred Fifty Dollars ($250.00)~~ Five Hundred Dollars ($500.00). ~~All~~ Except as provided in Section 4 of this act, monies received from such special movement permit fees shall be deposited in the State Treasury to the credit of the General Revenue Fund. A permit issued pursuant to the provisions of this subsection shall expire upon the completion of one trip specified in subsection A of this section. The special movement permit, and fee related thereto, shall be in addition to the permit and fees required by Section 14-116 of this title.

C. Highway escorts shall be required for transportation of items pursuant to the provisions of this section according to rules and regulations prescribed by the Department of Public Safety.

SECTION 3. AMENDATORY 47 O.S. 2001, Section 14-121, is amended to read as follows:

Section 14-121. A. No person shall operate a special combination vehicle within this state without a special combination vehicle permit for the vehicle issued by the Department of Public Safety. Such permit may be issued for operation upon Federal Aid Interstate Highways or four-lane divided Federal Aid Primary Highways and for access or egress between points of origin or destination.

B. The Commissioner of Public Safety shall promulgate rules for the issuance of special combination vehicle permits and shall collect an annual fee of ~~One Hundred Twenty Dollars ($120.00)~~ Two Hundred Forty Dollars ($240.00) for each such permit issued. ~~Fees~~ Except as provided in Section 4 of this act, fees collected pursuant to this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury.

C. For the purposes of this section, a special combination vehicle shall consist of a truck-tractor semitrailer combination towing two complete trailers or semitrailers. No semitrailer or trailer used in such a combination shall have a length greater than twenty-nine (29) feet nor shall a special combination vehicle exceed the weight limitations imposed by Sections 14-109 and 14-116 of this title.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14-122 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding the provisions of Section 1104 of Title 47 of the Oklahoma Statutes, the first Twenty Million Dollars ($20,000,000.00) of the following fees shall be deposited in the General Revenue Fund to be apportioned as follows:

1. Twenty Dollars ($20.00) of any fee collected for a minimum permit fee pursuant to Section 14-116 of Title 47 of the Oklahoma Statutes;

2. Five Dollars ($5.00) of any fee collected for excess weight pursuant to Section 14-116 of Title 47 of the Oklahoma Statutes;

3. Two Hundred Fifty Dollars ($250.00) of any fee collected pursuant to Section 14-120 of Title 47 of the Oklahoma Statutes; and

4. One Hundred Twenty Dollars ($120.00) of any fee collected pursuant to Section 14-121 of Title 47 of the Oklahoma Statutes.

B. Any fees collected pursuant to Sections 14-116, 14-120 and 14-121 of Title 47 of the Oklahoma Statutes that are in excess of Twenty Million Dollars ($20,000,000.00) shall be apportioned as otherwise provided for in the sections specified in this subsection.

SECTION 5. This act shall become effective July 1, 2010.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 25th day of May, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 28th day of May, 2010.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 28th
day of May, **20** 10,
at 6:45 **o'clock** P **M.**

By:

Approved by the Governor of the State of Oklahoma the 9th **day of**
June, **20** 10, **at** 6:06 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
10th **day of** June, **20** 10,
at 3:08 **o'clock** P **M.**

By: