

An Act

ENROLLED SENATE
BILL NO. 1059

By: Stanislawski of the Senate

and

Osborn of the House

An Act relating to port of entry operations; amending 47 O.S. 2011, Section 1167, as last amended by Section 1, Chapter 324, O.S.L. 2013 (47 O.S. Supp. 2015, Section 1167), which relates to overweight fees and fines; modifying certain revenue apportionment; amending Section 3, Chapter 262, O.S.L. 2012, as amended by Section 3 of Enrolled Senate Bill No. 1318 of the 2nd Session of the 55th Legislature (47 O.S. Supp. 2015, Section 1202), which relates to the operation of weigh stations; modifying operational hours; amending 47 O.S. 2011, Section 14-116, as last amended by Section 2 of Enrolled Senate Bill No. 982 of the 2nd Session of the 55th Oklahoma Legislature, which relates to permit fees; modifying the apportionment of certain fees to be remitted to the Department of Public Safety; providing an effective date; and declaring an emergency.

SUBJECT: Port of entry operations

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 1167, as last amended by Section 1, Chapter 324, O.S.L. 2013 (47 O.S. Supp. 2015, Section 1167), is amended to read as follows:

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

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

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

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

2. ~~One half (1/2) of the~~ The remaining amount shall be deposited to the Trucking One-Stop Shop Fund created in subsection D of this section; ~~and~~

3. ~~One half (1/2) of the remaining amount shall be deposited to the Weigh Station Improvement Revolving Fund created in subsection E of this section.~~

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

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

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

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

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

E. There is hereby created in the State Treasury a revolving fund for the Department of Transportation to be designated the "Weigh Station Improvement Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited thereto. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the purpose of constructing, equipping and maintaining facilities to determine the weight of vehicles traveling on the roads and highways of this state. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

SECTION 2. AMENDATORY Section 3, Chapter 262, O.S.L. 2012, as amended by Section 3 of Enrolled Senate Bill No. 1318 of the 2nd Session of the 55th Oklahoma Legislature (47 O.S. Supp. 2015, Section 1202), is amended to read as follows:

Section 1202. A. The Department of Transportation, the Oklahoma Turnpike Authority and the Corporation Commission may enter

into interagency agreements concerning the equipment, maintenance and operations of fixed facilities.

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

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

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

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

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

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

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

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

SECTION 3. AMENDATORY 47 O.S. 2011, Section 14-116, as last amended by Section 2 of Enrolled Senate Bill No. 982 of the 2nd Session of the 55th Oklahoma Legislature, is amended to read as follows:

Section 14-116. A. The Commissioner of Public Safety shall charge a minimum permit fee of 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 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 H 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 Restricted 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.

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

G. 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.

H. Except as provided in Section 14-122 of this title, 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 For the fiscal year beginning July 1, 2016, and ending June 30, 2017, the next Two Million One Hundred Fifty Thousand Dollars (\$2,150,000.00) of proceeds from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section collected monthly shall be remitted to the Department of Public Safety for the purpose of training the Department of Public Safety port of entry officers whose powers and duties shall be specified by the Department of Public Safety through

the promulgation of rules. For the fiscal year beginning July 1, 2017, and all subsequent years, the next One Million Five Hundred Thousand Dollars (\$1,500,000.00) of proceeds from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section collected monthly shall be remitted to the Department of Public Safety for the purpose of staffing the port of entry weigh stations with Department of Public Safety port of entry officers whose powers and duties shall be specified by the Department of Public Safety through the promulgation of rules. For the fiscal year beginning July 1, 2016, and ending June 30, 2017, 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)~~ Three Million Three Hundred Sixty-six Thousand Dollars (\$3,366,000.00) 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. For the fiscal year beginning July 1, 2017, and all subsequent years, all proceeds collected from both the permit fees and the overweight permit fees imposed pursuant to subsection A of this section in excess of Two Million Seven Hundred Sixteen Thousand Dollars (\$2,716,000.00) 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 4. This act shall become effective July 1, 2016.

SECTION 5. 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 26th day of May, 2016.

Eddie Field
Presiding Officer of the Senate

Passed the House of Representatives the 27th day of May, 2016.

Lee R. Doney, Jr.
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 27th

day of May, 20 16, at 5:57 o'clock P M.

By: Audrey Redwell

Approved by the Governor of the State of Oklahoma this 6th

day of June, 20 16, at 3:55 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th

day of June, 20 16, at 4:53 o'clock P. M.

By: Chris Benze