

1 **SENATE FLOOR VERSION**

2 April 7, 2016

3 ENGROSSED HOUSE
4 BILL NO. 2325

By: Sanders of the House

and

Schulz of the Senate

5
6
7
8
9 An Act relating to motor vehicles; amending 47 O.S.
10 2011, Section 230.15, which relates to administrative
11 penalties for motor carriers; prohibiting adoption of
certain rules related to intrastate commerce; and
declaring an emergency.

12
13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 230.15, is
16 amended to read as follows:

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

1 issued by the Commission pursuant to any provision of Sections 166
2 through 180m of this title or of any rule promulgated thereto.

3 B. Every motor carrier subject to this section shall maintain
4 liability and property damage insurance covering each motor vehicle
5 operated by the motor carrier and file proof of that insurance with
6 the Oklahoma Corporation Commission. The Commission shall set the
7 amount of necessary insurance for the transportation of all
8 commodities other than hazardous materials. The Commission may
9 allow a motor carrier to meet its liability and property damage
10 insurance requirements through self-insurance if the motor carrier
11 has adequate financial assets to assume liability and is in
12 substantial compliance with all motor carrier safety regulations
13 adopted by the Department. Any person who transports or who causes
14 the transportation of any hazardous material shall be required to
15 comply with the financial responsibility requirements specified by
16 the federal motor carrier safety regulations and the hazardous
17 materials regulations of the United States Department of
18 Transportation provided that in no event shall the financial
19 responsibility requirement exceed One Million Dollars
20 (\$1,000,000.00) except as otherwise specifically required by federal
21 law, or any federal rule or regulation promulgated thereto.

22 C. Any person who causes or requires any person subject to the
23 provisions of the Oklahoma Motor Carrier Safety and Hazardous
24 Materials Transportation Act to drive at a speed or carry a load in

1 excess of those authorized by law pursuant to the Oklahoma Motor
2 Carrier Safety and Hazardous Materials Transportation Act shall be
3 subject to the administrative penalties pursuant to the provisions
4 of this act.

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

16 1. The maximum driving time within a work period is twelve (12)
17 hours if the vehicle is engaged solely in intrastate commerce and is
18 not transporting hazardous materials as defined by regulations of
19 the United States Department of Transportation in the applicable
20 section of Title 49 of the Code of Federal Regulations, as that
21 section now exists or is hereafter amended; except in the event of
22 an emergency and upon notification of the nearest Oklahoma Highway
23 Patrol troop headquarters of the Department of Public Safety, the
24 Commissioner or his designated agent shall declare an emergency and

1 there shall be no hour restrictions for rural electric cooperatives,
2 public utilities, public service corporations or municipal employees
3 as long as an emergency exists for providing service to restore
4 heat, light, power, water, telephone or other emergency restoration
5 facilities that are necessary to ensure the health, welfare and
6 safety of the public; and

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

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

17 F. 1. Amendments to the hours of service regulations
18 promulgated on April 28, 2003, by the United States Department of
19 Transportation at Section 22456 of Volume 68 of the Federal Register
20 and effective June 27, 2003, shall not apply to utility service
21 vehicles as defined in Section 395.2 of Title 49 of the Code of
22 Federal Regulations, not including television cable or community
23 antenna service vehicles, which are owned or operated by utilities
24 regulated by the Corporation Commission or electric cooperatives and

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

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

23 3. The Department of Public Safety may enter into agreements
24 with state and local emergency management agencies and private

1 parties establishing procedures for complying with Section 31502(e)
2 of Title 49 of the United States Code and federal regulations
3 promulgated at Section 390.23 of Title 49 of the Code of Federal
4 Regulations, which provide an exemption from the hours of service
5 regulations during certain emergencies.

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

15 SECTION 2. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
20 April 7, 2016 - DO PASS

21
22
23
24