

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 CONFERENCE COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL 1059

6 By: Stanislawski of the Senate

7 and

8 Osborn of the House

9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to port of entry operations; amending  
11 47 O.S. 2011, Section 1167, as last amended by  
12 Section 1, Chapter 324, O.S.L. 2013 (47 O.S. Supp.  
13 2015, Section 1167), which relates to overweight fees  
14 and fines; modifying certain revenue apportionment;  
15 amending Section 3, Chapter 262, O.S.L. 2012, as  
16 amended by Section 3 of Enrolled Senate Bill No. 1318  
17 of the 2nd Session of the 55th Legislature (47 O.S.  
18 Supp. 2015, Section 1202), which relates to the  
19 operation of weigh stations; modifying operational  
20 hours; amending 47 O.S. 2011, Section 14-116, as last  
21 amended by Section 2 of Enrolled Senate Bill No. 982  
22 of the 2nd Session of the 55th Oklahoma Legislature,  
23 which relates to permit fees; modifying the  
24 apportionment of certain fees to be remitted to the  
Department of Public Safety; 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. 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

1 Procedures Act to establish the amounts of fees, fines and penalties  
2 as set forth in ~~this act~~ Section 1166 et seq. of this title. The  
3 Corporation Commission shall notify all interested parties of any  
4 proposed rules to be promulgated as provided herein and shall  
5 provide such parties an opportunity to be heard prior to  
6 promulgation.

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

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

13 1. For the period beginning ~~with the effective date of this act~~  
14 August 23, 2013, the first Three Hundred Thousand Dollars  
15 (\$300,000.00) collected or received each fiscal year shall be  
16 remitted to the Department of Public Safety for the purpose of  
17 staffing the port of entry weigh stations to conduct safety  
18 inspections. The next Five Hundred Fifty Thousand Dollars  
19 (\$550,000.00) shall be remitted to the Oklahoma Tax Commission and  
20 apportioned as provided in Section 1104 of this title; and

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

24

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

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

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

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

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

15       The fund shall be a continuing fund, not subject to fiscal year  
16 limitations, and shall not be subject to legislative appropriation.  
17 Monies in the Trucking One-Stop Shop Fund shall only be expended for  
18 direct expenses relating to the Trucking One-Stop Shop Act.

19 Expenditures from the revolving fund shall be made pursuant to the  
20 laws of this state. In addition, expenditures from the revolving  
21 fund may be made pursuant to The Oklahoma Central Purchasing Act for  
22 the purpose of immediately responding to emergency situations,  
23 within the Commission's jurisdiction, having potentially critical  
24 environmental or public safety impact. Warrants for expenditures

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

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

17 SECTION 2. AMENDATORY Section 3, Chapter 262, O.S.L.  
18 2012, as amended by Section 3 of Enrolled Senate Bill No. 1318 of  
19 the 2nd Session of the 55th Oklahoma Legislature (47 O.S. Supp.  
20 2015, Section 1202), is amended to read as follows:

21 Section 1202. A. The Department of Transportation, the  
22 Oklahoma Turnpike Authority and the Corporation Commission may enter  
23 into interagency agreements concerning the equipment, maintenance  
24 and operations of fixed facilities.

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

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

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

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

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

23 G. The Commission is authorized to conduct audits, reviews,  
24 investigations, inspections or other enforcement actions by

1 enforcement officers provided those activities are within the scope  
2 of the Commission's jurisdiction and are not conducted as roadside  
3 enforcement in accordance with the provisions of the Oklahoma Weigh  
4 Station Act of 2012.

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

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

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

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

22 B. The Department of Public Safety is authorized to establish  
23 an escrow account system for the payment of permit fees. Authorized  
24 motor carriers meeting established credit requirements may

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

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

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

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

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

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

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

23 H. Except as provided in Section 14-122 of this title, the  
24 first One Million Two Hundred Sixteen Thousand Dollars



1 (\$1,216,000.00) of proceeds from both the permit fees and the  
2 overweight permit fees imposed pursuant to subsection A of this  
3 section collected monthly shall be apportioned as provided in  
4 Section 1104 of this title. All For the fiscal year beginning July  
5 1, 2016, and ending June 30, 2017, the next Two Million One Hundred  
6 Fifty Thousand Dollars (\$2,150,000.00) of proceeds from both the  
7 permit fees and the overweight permit fees imposed pursuant to  
8 subsection A of this section collected monthly shall be remitted to  
9 the Department of Public Safety for the purpose of training the  
10 Department of Public Safety port of entry officers whose powers and  
11 duties shall be specified by the Department of Public Safety through  
12 the promulgation of rules. For the fiscal year beginning July 1,  
13 2017, and all subsequent years, the next One Million Five Hundred  
14 Thousand Dollars (\$1,500,000.00) of proceeds from both the permit  
15 fees and the overweight permit fees imposed pursuant to subsection A  
16 of this section collected monthly shall be remitted to the  
17 Department of Public Safety for the purpose of staffing the port of  
18 entry weigh stations with Department of Public Safety port of entry  
19 officers whose powers and duties shall be specified by the  
20 Department of Public Safety through the promulgation of rules. For  
21 the fiscal year beginning July 1, 2016, and ending June 30, 2017,  
22 all proceeds collected from both the permit fees and the overweight  
23 permit fees imposed pursuant to subsection A of this section in  
24 excess of ~~One Million Two Hundred Sixteen Thousand Dollars~~

1 ~~(\$1,216,000.00)~~ Three Million Three Hundred Sixty-six Thousand  
2 Dollars (\$3,366,000.00) shall be deposited in the Weigh Station  
3 Improvement Revolving Fund as provided in Section 1167 of this title  
4 for the purpose set forth in that section and may be used for motor  
5 carrier permitting systems and motor carrier safety and enforcement.  
6 For the fiscal year beginning July 1, 2017, and all subsequent  
7 years, all proceeds collected from both the permit fees and the  
8 overweight permit fees imposed pursuant to subsection A of this  
9 section in excess of Two Million Seven Hundred Sixteen Thousand  
10 Dollars (\$2,716,000.00) 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 SECTION 4. This act shall become effective July 1, 2016.

15 SECTION 5. 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.

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