

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 691

By: Allen

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5
6 AS INTRODUCED

7 An Act relating to vehicle weight and load; amending
8 47 O.S. 2011, Sections 14-101, as last amended by
9 Section 1, Chapter 121, O.S.L. 2016 and 14-109, as
10 last amended by Section 2, Chapter 317, O.S.L. 2019
11 (47 O.S. Supp. 2020, Sections 14-101 and 14-109),
12 which relate to certain penalties and axle and gross
13 weights of certain vehicles; clarifying certain
14 penalty; clarifying certain weights formula for
15 permits for certain vehicles; providing penalties for
16 operating certain vehicles or combination of vehicles
17 in excess of certain weight limitations; establishing
18 procedures for assessment of certain administrative
19 penalty; directing deposit of certain fines;
20 prohibiting issuance of conflicting bond schedule;
21 providing an effective date; and declaring an
22 emergency.

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

24 SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-101, as
last amended by Section 1, Chapter 121, O.S.L. 2016 (47 O.S. Supp.
2020, Section 14-101), is amended to read as follows:

21 Section 14-101. A. It is a misdemeanor, punishable pursuant to
22 Section 14-109 of this title, for any person to drive or move or for
23 the owner to cause or knowingly permit to be driven or moved on any
24 highway any vehicle or vehicles of a size or weight exceeding the

1 limitations stated in this chapter or otherwise in violation of this
2 chapter, and the maximum size and weight of vehicles herein
3 specified shall be lawful throughout this state and local
4 authorities shall have no power or authority to alter the
5 limitations except as express authority may be granted in this
6 chapter.

7 B. The Commissioner of Public Safety is directed to issue
8 annual overweight permits to:

9 1. Municipalities and rural fire districts for the
10 transportation of firefighting apparatus at no cost to the
11 municipalities or rural fire districts;

12 2. Owners of implements of husbandry, which includes tractors
13 that are temporarily moved upon a highway at no cost to the owner;

14 3. Retail implement dealers while hauling implements of
15 husbandry at no cost to the dealer; and

16 4. Owners of certain vehicles as provided for in Section 14-
17 103G of this title.

18 C. If a vehicle is issued a license pursuant to Section 1134.4
19 of this title, the license shall also serve as the overweight permit
20 required by this section.

21 D. All size, weight and load provisions covered by this chapter
22 shall be subject to the limitations imposed by Title 23, United
23 States Code, Section 127, and such other rules and regulations
24 developed herein. Provided further that any size and weight

1 provision authorized by the United States Congress for use on the
2 National System of Interstate and Defense Highways, including but
3 not limited to height, axle weight, gross weight, combinations of
4 vehicles or load thereon shall be authorized for immediate use on
5 such segments of the National System of Interstate and Defense
6 Highways and any other highways or portions thereof as designated by
7 the Transportation Commission or their duly authorized
8 representative.

9 E. All size, weight and load provisions covered by Sections 14-
10 101 through 14-123 of this title shall be subject to a gross vehicle
11 weight limit of ninety thousand (90,000) pounds when applied to a
12 vehicle operating off the National System of Interstate and Defense
13 Highways unless such vehicle is operating in full compliance with an
14 overweight permit issued by the Commissioner of Public Safety.

15 F. Any vehicle permitted for movement on the highways of this
16 state as provided in Section 14-101 et seq. of this title, other
17 than a vehicle permitted solely for overweight movement, shall be
18 moved only during daylight hours. As used in Section 14-101 et seq.
19 of this title, "daylight hours" shall mean one-half (1/2) hour
20 before sunrise to one-half (1/2) hour after sunset. The
21 Commissioner of Public Safety, for good cause and consistent with
22 the safe movement of the vehicle, may endorse a permit for the
23 movement of an oversize vehicle to authorize night time travel under
24 such terms and restrictions as the Commissioner may require.

1 G. 1. Any vehicle permitted for movement on the highways of
2 this state as provided in Section 14-101 et seq. of this title shall
3 not be moved at any time on the following holidays:

- 4 a. New Year's Day (January 1),
- 5 b. Memorial Day (the last Monday in May),
- 6 c. The Fourth of July (Independence Day),
- 7 d. Labor Day (the first Monday in September),
- 8 e. Thanksgiving Day (the fourth Thursday in November),
- 9 and
- 10 f. Christmas Day (December 25).

11 2. Any vehicle permitted for movement on the highways of this
12 state as provided in Section 14-101 et seq. of this title shall be
13 allowed to move on the following holidays:

- 14 a. Martin Luther King, Jr.'s Birthday (the third Monday
15 in January),
- 16 b. President's Day, also known as Washington's Birthday
17 (the third Monday in February), and
- 18 c. Veteran's Day (November 11).

19 SECTION 2. AMENDATORY 47 O.S. 2011, Section 14-109, as
20 last amended by Section 2, Chapter 317, O.S.L. 2019 (47 O.S. Supp.
21 2020, Section 14-109), is amended to read as follows:

22 Section 14-109. A. On any road or highway:

23 1. No single axle weight shall exceed twenty thousand (20,000)
24 pounds; and

1 2. The total gross weight in pounds imposed thereon by a
2 vehicle or combination of vehicles shall not exceed the value
3 calculated in accordance with the Federal Bridge formula imposed by
4 23 U.S.C., Section 127.

5 B. Except as to gross limits, the formula of this section shall
6 not apply to a truck-tractor and dump semitrailer when used as a
7 combination unit. In no event shall the maximum load in pounds
8 carried by any set of tandem axles exceed thirty-four thousand
9 (34,000) pounds. Any vehicle operating with split tandem axles or
10 tri-axles shall adhere to the formula.

11 C. Except for loads moving under special permits as provided in
12 this title, no department or agency of this state or any county,
13 city, or public entity thereof shall pay for any material that
14 exceeds the legal weight limits moving in interstate or intrastate
15 commerce in excess of the legal load limits of this state.

16 D. 1. An annual special overload permit may be purchased for
17 vehicles transporting rock, sand, gravel, coal, flour, timber,
18 pulpwood, and chips in their natural state, oil field fluids, oil
19 field equipment or equipment used in oil and gas well drilling or
20 exploration, and vehicles transporting grain, fertilizer,
21 cottonseed, cotton, livestock, peanuts, canola, sunflowers,
22 soybeans, feed, any other raw agricultural products, and any other
23 unprocessed agricultural products, if the following conditions are
24 met:

- a. the vehicles are registered for the maximum allowable rate,
- b. the vehicles do not exceed five percent (5%) of the gross limits set forth in subsection A of this section,
- c. the vehicles do not exceed eight percent (8%) of the axle limits set forth in subsection A of this section,
- d. no component of the vehicles exceeds the manufacturer's component weight rating as shown on the vehicle certification label or tag, and
- e. the vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.

2. Vehicles operating pursuant to this section must register for the maximum allowable rate and additionally shall purchase a nontransferable annual special overload permit from the Department of Public Safety for a fee of Three Hundred Fifty Dollars (\$350.00). All monies collected shall be deposited to the credit of the Highway Construction and Maintenance Fund.

E. 1. Oversize or overweight vehicles used for specialized transportation if the maximum weight does not exceed twenty-three thousand (23,000) pounds on any single axle and:

- a. is a dual lane trailer with dual lane axles and the width of the transport vehicle or trailer exceeds twelve (12) feet in width, or
- b. the overall gross vehicle weight of a single trailer meets or exceeds three hundred thousand (300,000) pounds, originates or terminates at the Tulsa Port of Catoosa, and the trip is confined within a thirty-mile radius of the Port.

2. Permit fees for oversize or overweight vehicles used for specialized transportation shall be in accordance with subsection A of Section 14-116 of this title.

3. Vehicles operating pursuant to the provisions of this paragraph will not be allowed to operate on the National System of Interstate and Defense Highways.

F. Exceptions to this section will be:

1. Utility or refuse collection vehicles used by counties, cities, or towns or by private companies contracted by counties, cities, or towns if the following conditions are met:

- a. calculation of weight for a utility or refuse collection vehicle shall be "Gross Vehicle Weight". The "Gross Vehicle Weight" of a utility or refuse collection vehicle may not exceed the otherwise applicable weight by more than fifteen percent (15%). The weight on individual axles must not exceed the

1 manufacturer's component rating which includes axle,
2 suspension, wheels, rims, brakes, and tires as shown
3 on the vehicle certification label or tag, and

4 b. utility or refuse collection vehicles operated under
5 these exceptions will not be allowed to operate on
6 interstate highways;

7 2. A combination of a wrecker or tow vehicle and another
8 vehicle or vehicle combination if:

9 a. the service provided by the wrecker or tow vehicle is
10 needed to remove disabled, abandoned, or accident-
11 damaged vehicles, and

12 b. the wrecker or tow vehicle is towing the other vehicle
13 or vehicle combination directly to the nearest
14 appropriate place of repair, terminal, or vehicle
15 storage facility;

16 3. A vehicle operating pursuant to the provisions of paragraph
17 2 of this subsection will not be allowed to operate on the National
18 System of Interstate and Defense Highways unless it is a covered
19 heavy-duty tow and recovery vehicle that:

20 a. is transporting a disabled vehicle from the place
21 where the vehicle became disabled to the nearest
22 appropriate repair facility, and

1 b. has a gross vehicle weight that is equal to or exceeds
2 the gross vehicle weight of the disabled vehicle being
3 transported; and

4 4. On the interstate highway system a vehicle designed to be
5 used under emergency conditions to transport personnel and equipment
6 and to support the suppression of fires and mitigation of other
7 hazardous situations with a vehicle weight limit up to a maximum
8 gross vehicle weight of eighty-six thousand (86,000) pounds with
9 less than:

10 a. twenty-four thousand (24,000) pounds on a single
11 steering axle,

12 b. thirty-three thousand five hundred (33,500) pounds on
13 a single drive axle,

14 c. sixty-two thousand (62,000) pounds on a tandem axle,
15 or

16 d. fifty-two thousand (52,000) pounds on a tandem rear
17 drive steer axle.

18 G. 1. Any vehicle utilizing an auxiliary power or idle
19 reduction technology unit in order to promote reduction of fuel use
20 and emissions because of engine idling shall be allowed an
21 additional four hundred (400) pounds total to the total gross weight
22 limits set by this section.

23 2. To be eligible for the exception provided in this
24 subsection, the operator of the vehicle must obtain written proof or
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1 certification of the weight of the auxiliary power or idle reduction
2 technology unit and be able to demonstrate or certify that the idle
3 reduction technology is fully functional.

4 3. Written proof or certification of the weight of the
5 auxiliary power or idle reduction technology unit must be available
6 to law enforcement officers if the vehicle is found in violation of
7 applicable weight laws. The additional weight allowed cannot exceed
8 four hundred (400) pounds or the actual proven or certified weight
9 of the unit, whichever is less.

10 H. On the Interstate Highway System, a vehicle carrying fluid
11 milk products shall be considered a load that cannot be easily
12 dismantled or divided, or "nondivisible".

13 I. Utility, refuse collection vehicles or a combination of a
14 wrecker or tow vehicle as described in paragraphs 1 and 2 of
15 subsection F of this section operating under exceptions shall
16 purchase an annual special overload permit from the Department of
17 Public Safety for One Hundred Dollars (\$100.00). All monies
18 collected shall be deposited to the credit of the Highway
19 Construction and Maintenance Fund.

20 J. Any person who operates a vehicle or combination of vehicles
21 which is seven hundred fifty (750) pounds or more in excess of the
22 gross or axle weight limitations imposed by this section shall, upon
23 conviction or assessment of an administrative penalty, be punished by

1 a fine to be calculated from the amount of weight in excess of the
2 top weight limitation authorized as follows:

3 1. A fine of Two Hundred Dollars (\$200.00), if overweight by
4 seven hundred fifty (750) pounds but not more than three thousand
5 (3,000) pounds;

6 2. A fine of Two Hundred Fifty Dollars (\$250.00), if overweight
7 by three thousand one (3,001) pounds but not more than five thousand
8 (5,000) pounds;

9 3. A fine of Four Hundred Fifty Dollars (\$450.00), if overweight
10 by five thousand one (5,001) pounds but not more than seven thousand
11 (7,000) pounds;

12 4. A fine of Six Hundred Fifty Dollars (\$650.00), if overweight
13 by seven thousand one (7,001) pounds but not more than ten thousand
14 (10,000) pounds; and

15 5. A fine of ten cents (\$0.10) per pound overweight, if
16 overweight by ten thousand one (10,001) pounds or more.

17 K. Any person having multiple offenses as provided for in
18 subsection J of this section within a calendar year shall be subject
19 to the following fines:

20 1. A second offense within one (1) year of any fine pursuant to
21 paragraphs 1 through 4 of subsection J of this section shall receive
22 a fine of one and one half (1 1/2) times the amount of the violation
23 cited; and

1 2. A third and all subsequent offenses within one (1) year of
2 any fine pursuant to paragraphs 1 through 4 of subsection J of this
3 section shall receive a fine of two (2) times the amount of the
4 violation cited.

5 L. If a person commits a violation of the provisions of Section
6 14-101 of this title, or of this section, but is not convicted and
7 assessed a criminal penalty, the Commissioner of Public Safety or
8 designated representative may assess an administrative penalty in an
9 amount authorized by this section, after notice to the violator and
10 an opportunity for hearing. An appeal of an assessment of the
11 administrative penalty may be made to the district court of Oklahoma
12 County pursuant to Sections 318 through 323 of Title 75 of the
13 Oklahoma Statutes. In no event shall a fine be imposed, in
14 compliance with this section, as both a criminal conviction and an
15 administrative penalty as a result of the same violation arising from
16 the same incident.

17 M. In no event shall a fine be imposed, in compliance with this
18 section, in both a criminal conviction and an administrative civil
19 assessment as a result of the same violation arising from the same
20 incident.

21 N. All fines collected pursuant to the provisions of subsection
22 J of this section shall be deposited in the State Treasury to the
23 credit of the Weigh Station Improvement Revolving Fund, as created in
24

1 subsection E of Section 1167 of this title for the purpose of
2 enforcing size, weight and load laws of this state.

3 O. No state agency, board, commission or political subdivision
4 shall issue a bond schedule that conflicts with the provisions of
5 this section.

6 SECTION 3. This act shall become effective July 1, 2021.

7 SECTION 4. It being immediately necessary for the preservation
8 of the public peace, health or safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

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