CHAPTER 56. MOTOR CARRIERS
MOTOR CARRIER ACT OF 1995

§161. Intent and Application - Definitions.
   A. It is hereby declared that it is necessary in the public interest to regulate transportation by
   motor carriers of household goods and used emigrant movables in such manner as to recognize
   and preserve the inherent advantages of, and foster sound economic conditions in such
   transportation and among such carriers; promote adequate, economical, efficient service by
   motor carriers, and reasonable charges therefor, without unjust discriminations, undue
   preferences or advantages and unfair or destructive competitive practices; develop and preserve a
   highway transportation system properly adapted to the agricultural, industrial and commercial
   needs of the commerce of the State of Oklahoma and the national defense; and cooperate with
   the government of the United States, the departments of the State of Oklahoma, regulatory bodies
   of other states, and the duly authorized officials thereof and with any organization of motor
   carriers in the administration and enforcement of this act [generally, this chapter].
   B. The provisions of this act [ibid.], except as hereinafter specifically limited, shall apply to
   the transportation of household goods and used emigrant movables by motor carriers over public
   highways of this state; and the regulations of such transportation, and the procurement thereof
   and the provisions of facilities therefor, is hereby vested in the Oklahoma Corporation
   Commission.
   Nothing herein shall be construed to interfere with the exercise by agencies of the government
   of the United States of its power of regulation of interstate commerce.
   C. As used in this act [ibid.]:
   1. "Person" means any individual, firm, copartnership, limited partnership, corporation,
      limited liability corporation, company, association, or joint-stock association and includes any
      trustee, receiver, assignee, or personal representative thereof;
   2. "Commission" means the Oklahoma Corporation Commission;
   3. "Certificate" means the certificate of public convenience and necessity issued under
      authority of the laws of the State of Oklahoma to common carriers of household goods or used
      emigrant movables by motor vehicle;
   4. "Permit" means a permit issued under authority of the laws of the State of Oklahoma to
      contract carriers of household goods or used emigrant movables by motor vehicle;
   5. "Motor vehicle" means any automobile, truck, truck-tractor, trailer or semitrailer or any
      motor bus or any self-propelled vehicle not operated or driven upon fixed rails or tracks;
   6. "Motor carrier" includes both a common carrier by motor vehicle and a contract carrier
      by motor vehicle, operating upon any public highway for the transportation of household goods
      and used emigrant movables for compensation or for hire or for commercial purposes, and not
      operating exclusively within the limits of an incorporated city or town within this state;
   7. "Common carrier by motor vehicle" means any person which holds itself out to the
      general public to engage in the transportation by motor vehicle in intrastate commerce of
      household goods or used emigrant movables or any class or classes thereof for compensation;
   8. "Contract carrier by motor vehicle" means any person which engages in transportation by
motor vehicle of household goods or used emigrant movables in intrastate commerce, for
compensation (other than transportation referred to in the preceding paragraph) under continuing
contracts with one person or a limited number of persons either:
   a. for the furnishing of transportation services through the assignment of motor
      vehicles for a continuing period of time to the exclusive use of each person served, or
   b. for the furnishing of transportation services designed to meet the distinct need
      of each individual customer;
9. "Corporate family" means a group of corporations consisting of a parent corporation and
all subsidiaries in which the parent corporation owns directly or indirectly one hundred percent
(100%) interest;
10. "Intercorporate hauling" means the transportation of property, by motor vehicle, for
compensation, by a carrier which is a member of a corporate family, as defined in this act [ibid.],
when the transportation for compensation is provided for other members of the corporate family;
and
11. "Public highway" means every public street, road or highway, or thoroughfare in this
state, used by the public, whether actually dedicated to the public and accepted by the proper
authorities or otherwise.
D. The terms and provisions of this act [ibid.] shall apply to commerce with foreign nations,
or commerce among the several states of this Union, insofar as such application may be

§162. Powers and Duties of Commission.
   A. It shall be the duty of the Corporation Commission to:
      1. Supervise and regulate every motor carrier of household goods or used emigrant
         movables and not operating exclusively within the limits of an incorporated city or town in this
         state;
      2. Fix or approve the maximum or minimum, or maximum and minimum rates, fares,
         charges, classifications and rules pertaining thereto, of each such motor carrier;
      3. Regulate and supervise the accounts, schedules and service of each such motor carrier;
         and for the conservation of the public highways;
      4. Prescribe a uniform system and classification of accounts to be used, which among other
         things shall set up adequate depreciation charges, and after such accounting system shall have
         been promulgated, such motor carriers shall use no other;
      5. Require the filing of annual reports, and other data as required from time to time by the
         Commission; and
      6. Supervise and regulate such motor carriers in all other matters affecting the relationship
         between such carriers and the traveling and shipping public.
   B. The Commission is authorized to promulgate rules applicable to any or all motor carriers
of household goods or used emigrant movables.
   C. 1. The Commission is authorized to administer a hazardous material transportation
registration and permitting program for motor carriers engaged in transporting hazardous
material upon or over the public highways and within the borders of the state.
2. The Commission shall promulgate rules implementing the provisions of this subsection. Rules promulgated pursuant to this subsection shall be consistent with, and equivalent in scope, coverage, and content to requirements applicable to operators of vehicles transporting hazardous materials contained in the report submitted to the Secretary of the United States Department of Transportation, pursuant to 49 U.S.C. 5119(b), by the Alliance for Uniform Hazardous Material Transportation Procedures.

D. Nothing in this section shall be construed to remove or affect the jurisdiction of the Department of Environmental Quality to implement hazardous waste transportation requirements for federal hazardous waste program delegation to this state under the federal Resource Conservation and Recovery Act.

E. The Commission is authorized to promulgate rules and set fees applicable to interstate motor carriers, pertaining to carrier registration, operation of equipment and filing of proper proof of liability insurance.

§162.1. Motor Carriers Single State Registration System.
A. The Corporation Commission is authorized to promulgate all rules and regulations necessary to enable the State of Oklahoma to participate in the single state registration system for motor carriers authorized by the Intermodal Surface Transportation Efficiency Act of 1991, 49 U.S.C., Section 11506 (1991), and by applicable rules and regulations of the Interstate Commerce Commission.

B. The Corporation Commission is authorized to apply rules and regulations to interstate motor carriers exempt from the Interstate Commerce Commission regulations.

§163. Tariffs.
A. No common carrier by motor vehicle, unless otherwise provided by this act [generally, this chapter], shall engage in the transportation of household goods or used emigrant movables unless the rates, fares, and charges upon which the same are transported by said carrier have been published, filed and are in effect in accordance with the provisions of this act [ibid.].

B. All charges made by any motor carrier for any intrastate service rendered or to be rendered by any motor carrier in the transportation of household goods or used emigrant movables, or in connection therewith, shall be just and reasonable and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared unlawful.

C. In the exercise of its power to prescribe just and reasonable rates, fares, and charges for the transportation of household goods or used emigrant movables by common carriers by motor vehicle, and classifications, regulations and practices relating thereto, the Commission shall give due consideration, among other factors, to the need, in the public interest, of adequate and efficient transportation service by such carriers at the lowest cost consistent with the furnishing of such service; and to the need of revenues sufficient to enable such carriers to provide such service at a reasonable return to the carrier.

D. Every common carrier by motor vehicle shall file with the Commission, publish, and keep open to public inspection tariffs showing all the rates, fares, and charges for transportation, and all services in connection therewith, of household goods or used emigrant movables in
in intrastate commerce between points on its own route and points on the route of any other such carrier when a through route and joint rate shall be established. The tariffs required by this section shall be published, filed and posted in such form and manner and shall contain such information as the Commission by regulations shall prescribe; and the Commission is authorized to reject any tariff filed with it the form of which is not consistent with this section and with such regulations. Any tariff so rejected by the Commission shall be void and its use shall be unlawful. The Commission is further authorized in its discretion to suspend, upon complaint of any interested person or upon its own motion, the effectiveness of any tariff or portion thereof filed with it, where it appears said tariff or portion thereof may not be consistent with this section or the regulations of the Commission, and shall set the motion for hearing; and after hearing the Commission shall, within ninety (90) days after hearing, amend or reject the tariff or portion thereof so filed, upon determination as to whether or not it is consistent with this section and with the regulations of the Commission.

E. No common carrier of household goods or used emigrant movables by motor vehicle shall charge or demand or collect or receive a greater, or less, or different compensation for transportation or for any service in connection therewith between the points enumerated or distances set out in such tariff than the rates, fares, and charges specified in the tariffs in effect at the time; and no such carrier shall refund or remit in any manner or by any device, directly or indirectly, any portion of the rates, fares, or charges so specified, or extend to any person any privileges or facilities for transportation in intrastate commerce except such as are specified in its tariffs. All actions at law for the recovery of undercharges or overcharges, or any part thereof, shall be begun within three (3) years from the time the cause of action accrues and not thereafter.

F. No change shall be made in any rate, fare, charge, or classification, or any rule, regulation, or practice affecting such rate, fare, charge, or classification, or the value of the service thereunder, specified in any effective tariff or a common carrier of household goods or used emigrant movables by motor vehicle, except after thirty (30) days' notice of the proposed change filed and posted in accordance with this section. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. The Commission may, in its discretion and for good cause shown, allow such change upon notice less than that herein specified or modify the requirements of this section with respect to posting and filing of tariffs either in particular instances or by general order applicable to specific or peculiar circumstances or conditions.

G. It shall be the duty of every contract carrier of household goods or used emigrant movables by motor vehicle to establish and observe reasonable actual rates and charges, which shall not be lower than the published common carrier rates and charges, for any service rendered or to be rendered in the transportation of household goods or used emigrant movables or in connection therewith, and to establish and observe reasonable regulations and practices to be applied in connection with said reasonable actual rates and charges. It shall be the duty of every contract carrier of household goods or used emigrant movables by motor vehicle to file with the Commission, publish, and keep open for public inspection, in the form and manner prescribed by the Commission, schedules containing the actual rates or charges of such carrier actually maintained and charged for the transportation of household goods or used emigrant movables in
intrastate commerce, and any rule, regulation, or practice affecting such rates or charges and the value of the service thereunder. No such contract carrier, unless otherwise provided by this act [ibid.], shall engage in the transportation of household goods or used emigrant movables in intrastate commerce unless the actual charges for such transportation by said carrier have been published, filed and posted in accordance with the provisions of this act [ibid.]. No change shall be made in any such charge either directly or by means of any change in any rule, regulation, or practice affecting such charge or the value of service thereunder, except after thirty (30) days' notice of the proposed change filed in the aforementioned form and manner; but the Commission may, in its discretion and for good cause shown, allow such change upon less notice, or modify the requirements of this paragraph with respect to posting and filing of such schedules, either in particular instances, or by general order applicable to special or peculiar circumstances, or conditions. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. No such carrier shall demand, charge, or collect a different compensation for such transportation than the charges filed in accordance with this paragraph, as affected by any rule, regulation, or practice so filed, or as may be prescribed by the Commission from time to time, and it shall be unlawful for any such carrier, by the furnishing of special services, facilities, or privileges, or by any other device whatsoever, to charge or accept other than the charges so published and filed.

H. Whenever, after hearing, upon complaint or upon its own initiative, the Commission finds that any actual rate or charge of any contract carrier of household goods or used emigrant movables by motor vehicle, or any rule, regulation, or practice of any such carrier affecting such actual rate or charge, or the value of the service thereunder, for the transportation of household goods or used emigrant movables or in connection therewith is in violation of any provision of this act [ibid.], the Commission may prescribe such just and reasonable actual rate or charge, or such rule, regulation or practice as in its judgment may be necessary or desirable in the public interest and will not be in violation of any provision of this act [ibid.]. Such actual rate or charge, or such rule, regulation, or practice so prescribed by the Commission, shall give no advantage or preference to any such carrier in competition with any common carrier by motor vehicle subject to this act [ibid.]. The Commission shall give due consideration to the cost of the services rendered by such carrier and to the effect of such actual rate or charge, or such rule, regulation, or practice, upon the movement of traffic by such carriers. All complaints shall state fully the facts complained of and shall be made under oath.

I. Every motor carrier, subject to this act [ibid.], receiving household goods or used emigrant movables for transportation in intrastate commerce shall issue a receipt or bill of lading therefor, the form of which shall be prescribed by the Commission.

J. No common carrier by motor vehicle shall deliver or relinquish possession at destination of any household goods or used emigrant movables transported by it in intrastate commerce until all tariff rates and charges thereon have been paid, except under such rules and regulations as the Commission may from time to time prescribe to govern the settlement of all such rates and charges.

K. Any person, motor carrier, or shipper who shall willfully violate any provision of this section by any means shall be deemed guilty of a misdemeanor and upon conviction thereof be
fined as provided by law.

§163.1. Tariff Rate Field Agents - Contempt Proceedings.
   A. The Commission is hereby authorized and empowered to appoint two tariff rate field
      agents whose duty and function, in the public interest, it shall be to investigate, gather evidence
      and report to the Commission in writing any violations of the provisions of Section 163 of this
      title by any person, motor carrier, or shipper.
   B. The tariff rate field agents shall be graduates of an accredited college or university, or
      have had at least seven (7) years' practical experience in rates or related fields in the
      transportation industry.
   C. The tariff rate field agents shall be paid such salaries or compensation as is paid for
      similar service in this state in the same or other departments of the state, and shall be allowed
      actual necessary travel, telephone and telegraph expense incurred in the performance of their
      duties; the salaries and expenses to be paid out of funds appropriated by the general departmental
      appropriations act.
   D. When the Commission, upon complaint, or upon written report of a tariff rate field agent,
      has reason to believe that any person, motor carrier, or shipper is or has willfully violated any
      provision of Section 163 of this title the Commission shall, upon its own initiative, file a
      contempt proceeding and set a date for the same to be heard before the Commission, and upon
      conviction the Commission shall invoke such contempt penalties as provided in Section 172 of
      this title.

§165. Filing Fees.
   A. Upon the filing by an intrastate motor carrier of household goods or used emigrant
      movables of an application for a permit or certificate or the transfer of a permit or certificate, the
      applicant shall pay to the Corporation Commission a filing fee in the sum of One Hundred
      Dollars ($100.00) with an original application for permanent or temporary authority.
   B. Upon the filing by an interstate motor carrier of an application to register interstate
      authority, or supplement thereto, the applicant shall pay the Commission a filing fee as
      established by the Commission and in full compliance with applicable federal laws and
      regulations.
   C. The Commission shall, upon the receipt of any such fee, deposit the same in the State
      Treasury to the credit of the Corporation Commission Revolving Fund.

§166. Certificates or Permits.
   A. It is hereby declared unlawful for any common carrier of household goods or used
      emigrant movables by motor vehicle to operate or furnish service within this state without having
      obtained from the Commission a certificate declaring that public convenience and necessity
      require such operation, or for any contract carrier of household goods or used emigrant movables
      by motor vehicle to operate or furnish service within the state without having obtained a permit
      from the Commission declaring the operation shall be consistent with the public interest. The
      Commission shall have power, and it shall be its duty after public hearing, to issue said
certificate or permit as prayed for, or to refuse to issue the same, or to issue it for the partial 
exercise only of said privilege sought within sixty (60) days of final hearing, and may attach to 
the exercise of the rights granted by such certificate or permit such terms and conditions as in its 
judgment the public convenience and necessity or public interest may require; provided that in all 
such cases it will be presumed, in the absence of competent evidence to the contrary, that 
intrastate common carriers operating under existing certificates are rendering adequate service 
between the points or within the areas authorized to be served by them, and the applicant has the 
burden of proof to show otherwise; and provided further, that the mere filing of an application 
does not authorize any person to operate as a motor carrier.

B. In granting applications for certification or permits the Commission shall take into 
consideration the reliability and financial condition of the applicant and his sense of 
responsibility toward the public; the transportation service being maintained by presently existing 
motor carriers; and any other matters tending to show the need or lack of necessity for granting 
said application. No permit for any contract carrier by motor vehicle shall be issued without the 
applicant proving by competent evidence that the transport service proposed under the contract is 
not such that it could be reasonably furnished by existing carriers, and further, that such permit 
would not jeopardize the existing common carrier service.

Provided, however, that in no instance shall a contract carrier of household goods or used 
emigrant movables by motor vehicle be authorized to serve more than six contracting shippers at 
any one time; provided further that such contracts are to be filed and approved by the 
Commission before the operation thereunder.

C. No common motor carrier shall transport property as a contract carrier in the same truck, 
at the same time that he is transporting property as a common motor carrier. No common motor 
carrier shall transport any property as a contract carrier which property the carrier is authorized to 
so transport as a common carrier. No contract motor carrier shall transport property as a 
common carrier in the same truck at the same time that the contract carrier is transporting 
property as a contract carrier.

D. In the event a person who has once been issued a certificate or permit files an application 
for additional authority with the Commission, each application shall be identified by consecutive 
subnumbers and if the application is granted, the additional authority shall be incorporated under 
the original certificate or permit of the person and identified by the applicable subnumbers. The 
Commission may at any time after a public hearing and for good cause, suspend, alter, amend or 
revoke any such certificate or permit. Provided that the record owner of the certificate or permit 
shall be entitled to have ten (10) days’ written notice by certified mail from the Commission of 
any hearing affecting the certificate or permit, except as hereinafter provided in Section 169 of 
this title. The right of appeal from the order or orders shall be given as in other cases appealed 
from orders of the Commission.

E. No intrastate carrier shall discontinue any service authorized by permit or certificate 
under the provisions of this act [generally, this chapter] without written authority from the 
Commission. Any carrier to whom a permit or certificate has been issued under the provisions of 
this act [ibid.], desiring to discontinue such service, shall apply to the Commission in writing for 
privilege to so discontinue such service, and give notice in writing in such manner as directed by
the Commission, for a period of not less than thirty (30) days prior to the hearing thereof, to the public and all parties interested. Upon the filing of such application for discontinuance, the Commission shall direct the type of service or notice to be given for a period of not less than thirty (30) days, and fix the date of hearing thereof, at which hearing the Commission shall hear evidence and issue its order granting or refusing such application, as the facts developed may justify.

F. Permits or certificates shall not be assigned or transferred, in any manner, without authority of the Commission and on written application and public hearing; the transfer of the permits or certificates shall not be authorized when the Commission finds such action will be inconsistent with the public interest, or will have the effect of destroying competition or creating a monopoly, nor where it appears that reasonable continuous service under the authority which is sought to be transferred has not been rendered for one hundred eighty (180) days prior to the application for transfer or assignment. All applications for transfer must be made on proper forms prescribed by the Commission.

G. Motor carriers must operate and furnish service in strict conformity with the current existing terms and provisions of their respective certificates or permits. Provided, that it shall not be necessary for any interstate carrier, in order to obtain a permit, as herein provided, to make any showing of public need, except as to the transportation of passengers or freight between points within the state, the power to regulate such operation being specifically reserved herein; and provided further, the Commission shall exercise any additional power that may from time to time be conferred upon the state by any Act of Congress.

H. The Commission shall adopt rules prescribing the manner and form in which motor carriers shall apply for certificates or permits required by this section. Among other rules adopted, the application shall be in writing and shall contain:

1. The name and address of the applicant and the names and addresses of its officers, if any;
2. Full information concerning the financial conditions and physical properties of the applicant;
3. The complete route, or routes, over which, or the area within which the applicant desires to operate; and
4. A schedule or tariff showing the freight rates to be charged between the several points or localities to be served.

I. Upon filing of the application, the Commission shall, in its discretion, fix the time and place for the hearing of the same, which shall not be more than forty-five (45) days after the filing of said application.

J. In order for the public and all interested parties to receive proper notice, in addition to any notice the Commission may prescribe, the Commission shall circulate, on its own docket form, notice of all applications for, or transfers of, certificates or permits to operate as a motor carrier which have been filed and are pending. The notice shall be published at least fifteen (15) days prior to the date of hearing and shall show:

1. The time and place of the hearing;
2. The name and address of the applicant;
3. The route or territory involved; and
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4. Such other information as the Commission may consider pertinent to the notice.

K. Upon written annual request and payment of an annual fee to the Commission, the publication shall immediately be furnished by mail to any person by the Commission. The fee shall be set by the Commission at reasonable cost and shall not exceed the actual expense of publication. The Commission shall upon receipt of any fee deposit the same in the State Treasury to the credit of the General Revenue Fund.

§166.5. Constitutional Conflict - Amendment and Alteration.
If this act [generally, this chapter] or the Motor Carrier Act of 1995 [ibid.] or any provision hereof is, or may be deemed to be, in conflict or inconsistent with any of the provisions of Section 18 through Section 34, inclusive, of Article IX of the Constitution of the State of Oklahoma, then, to the extent of any such conflicts or inconsistencies, it is hereby expressly declared that this entire act and this section are amendments to and alterations of the sections of the Constitution, as authorized by Section 35 of Article IX of said Constitution.

§166a. Operation of Equipment Not Owned by Motor Carrier.
A. As used in this section:
1. "Authorized carrier" means a person or persons authorized to engage in the transportation of household goods or used emigrant movables as a common or contract carrier;
2. "Equipment" means a motor vehicle, straight truck, tractor, semitrailer, full trailer, any combination of these and any other type of equipment used by authorized carriers in the transportation of household goods or used emigrant movables for hire;
3. "Owner" means a person to whom title to equipment has been issued, or who, without title, has the right to exclusive use of equipment for a period longer than thirty (30) days;
4. "Lease" means a contract or arrangement in which the owner grants the use of equipment, with or without driver, for a specified period to an authorized carrier for use in the regulated transportation of household goods or used emigrant movables, in exchange for compensation;
5. "Lessor", in a lease, means the party granting the use of equipment, with or without driver, to another;
6. "Lessee", in a lease, means the party acquiring the use of equipment with or without driver, from another;
7. "Addendum" means a supplement to an existing lease which is not effective until signed by the lessor and lessee; and
8. "Shipper" means a person who sends or receives household goods or used emigrant movables which is transported in intrastate commerce in this state.

B. An authorized carrier may perform authorized transportation in equipment it does not own only under the following conditions:
1. There shall be a written lease granting the use of the equipment and meeting the requirements as set forth in subsection C of this section;
2. The authorized carrier acquiring the use of equipment under this section shall identify the equipment in accordance with the Commission's requirements; and
3. Upon termination of the lease, the authorized carrier shall remove all identification showing it as the operating carrier before giving up possession of the equipment.

C. The written lease required pursuant to subsection B of this section shall contain the following provisions. The required lease provisions shall be adhered to and performed by the authorized carrier as follows:

1. The lease shall be made between the authorized carrier and the owner of the equipment. The lease shall be signed by these parties or by their authorized representatives;

2. The lease shall specify the time and date or the circumstances on which the lease begins and ends and include a description of the equipment which shall be identified by vehicle serial number, make, year, model and current license plate number;

3. The period for which the lease applies shall be for thirty (30) days or more when the equipment is to be operated for the authorized carrier by the owner or an employee of the owner;

4. The lease shall provide that the authorized carrier lessee shall have exclusive possession, control and use of the equipment for the duration of the lease. The lease shall further provide that the authorized carrier lessee shall assume complete responsibility for the operation of the equipment for the duration of the lease;

5. The amount to be paid by the authorized carrier for equipment and driver's services shall be clearly stated on the face of the lease or in an addendum which is attached to the lease. The amount to be paid may be expressed as a percentage of gross revenue, a flat rate per mile, a variable rate depending on the direction traveled or the type of commodity transported, or by any other method of compensation mutually agreed upon by the parties to the lease. The compensation stated on the lease or in the attached addendum may apply to equipment and driver's services either separately or as a combined amount;

6. The lease shall clearly specify the responsibility of each party with respect to the cost of fuel, fuel taxes, empty mileage, permits of all types, tolls, detention and accessorial services, base plates and licenses, and any unused portions of such items. Except when the violation results from the acts or omissions of the lessor, the authorized carrier lessee shall assume the risks and costs of fines for overweight and oversize trailers when the trailers are preloaded, sealed, or the load is containerized, or when the trailer or lading is otherwise outside of the lessor's control, and for improperly permitted overdimension and overweight loads and shall reimburse the lessor for any fines paid by the lessor. If the authorized carrier is authorized to receive a refund or a credit for base plates purchased by the lessor from, and issued in the name of, the authorized carrier, or if the base plates are authorized to be sold by the authorized carrier to another lessor the authorized carrier shall refund to the initial lessor on whose behalf the base plate was first obtained a prorated share of the amount received;

7. The lease shall specify that payment to the lessor shall be made by the authorized carrier within fifteen (15) days after submission of the necessary delivery documents and other paperwork concerning a trip in the service of the authorized carrier. The paperwork required before the lessor can receive payment is limited to those documents necessary for the authorized carrier to secure payment from the shipper. The authorized carrier may require the submission of additional documents by the lessor but not as a prerequisite to payment;

8. The lease shall clearly specify the right of those lessors whose revenue is based on a
percentage of the gross revenue for a shipment to examine copies of the authorized carrier's freight bill before or at the time of settlement. The lease shall clearly specify the right of the lessor, regardless of method of compensation, to examine copies of the carrier's tariff;

9. The lease shall clearly specify all items that may be initially paid for by the authorized carrier, but ultimately deducted from the lessor's compensation at the time of payment or settlement together with a recitation as to how the amount of each item is to be computed. The lessor shall be afforded copies of those documents which are necessary to determine the validity of the charge;

10. The lease shall specify that the lessor is not required to purchase or rent any products, equipment, or services from the authorized carrier as a condition of entering into the lease arrangement;

11. As it relates to insurance:
   a. the lease shall clearly specify the legal obligation of the authorized carrier to maintain insurance coverage for the protection of the public, and
   b. the lease shall clearly specify the conditions under which deductions for cargo or property damage may be made from the lessor's settlements. The lease shall further specify that the authorized carrier must provide the lessor with a written explanation and itemization of any deductions for cargo or property damage made from any compensation of money owed to the lessor. The written explanation and itemization must be delivered to the lessor before any deductions are made; and

12. An original and two copies of each lease shall be signed by the parties. The authorized carrier shall keep the original and shall place a copy of the lease in the equipment during the period of the lease. The owner of the equipment shall keep the other copy of the lease.

D. The provisions of this section shall apply to the leasing of equipment with which to perform transportation regulated by the Corporation Commission by motor carriers holding permanent or temporary authority from the Commission to transport household goods or used emigrant movables.


A. No certificate or permit shall be issued by the Commission to any motor carrier of household goods or used emigrant movables until after such motor carrier shall have filed with the Commission a liability insurance policy or bond covering public liability and property damage, issued by some insurance or bonding company or insurance carrier authorized as set forth below, and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in such sum and amount as fixed by a proper order of the Commission; and such liability and property damage insurance policy or bond shall bind the obligor thereunder to make compensation for injuries to, or death of, persons, and loss or damage to property, resulting from the operation of any such motor carrier for which such carrier is legally liable. A copy of the policy or bond shall be filed with the Commission, and, after judgment against the carrier for any damage, the injured party may maintain an action upon the policy or bond to recover the same, and shall be a proper party to maintain such action.
B. Every motor carrier of household goods or used emigrant movables shall file with the Commission a cargo insurance policy or bond covering any goods or property being transported, issued by some insurance or bonding company or insurance carrier authorized as set forth below, and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in a sum and amount as fixed by a proper order of the Commission. The cargo insurance must be filed with the Commission prior to a certificate or permit being issued by the Commission.

C. No carrier, whose principal place of business is in Oklahoma, shall conduct any operations in this state unless the operations are covered by a valid primary bond or insurance policy issued by a provider authorized or approved by the State Insurance Commissioner. No carrier shall conduct any operations in this state unless the operations are covered by a valid bond or insurance policy issued by a provider licensed or approved by the State Insurance Commissioner or the insurance regulatory authority of any other state.

D. Each motor carrier shall maintain on file, in full force, all insurance required by the laws of the State of Oklahoma and the rules of the Commission during such motor carrier's operation and that the failure for any cause to maintain such coverage in full force and effect shall immediately, without any notice from the Commission, suspend such carrier's rights to operate until proper insurance is provided. Any carrier suspended for failure to maintain proper insurance shall have a reasonable time, not exceeding sixty (60) days, within which to provide proper insurance and to have his authority reactivated, upon showing:
   1. No operation during the period in which he did not have insurance; and
   2. Furnishing of proper insurance coverage.

E. Any carrier who fails to reactivate his or its permit or certificate within sixty (60) days after such suspension, as above provided, shall have said permit or certificate canceled, by operation of law, without any notice from the Commission. No certificate or permit so canceled shall be reinstated or otherwise made operative except that the Commission may reinstate the authority of a motor carrier upon proper showing that the motor carrier was actually covered by proper insurance during the suspension or cancellation period, and that failure to file with the Commission was not due to the motor carrier's own negligence. Any carrier desiring to file for reinstatement of its certificate or permit shall do so within ninety (90) days of its cancellation by law.

F. The Commission shall, in its discretion, permit the filing of certificates of insurance coverage on such form as may be prescribed by the Commission, in lieu of copies of insurance policies or bonds, with the proviso that if the certificates are authorized, the insurance company or carrier so filing it, upon request of the Commission, shall, at any time, furnish an authenticated copy of the policy which the certificate represents, and further provided that thirty (30) days prior to effective cancellation or termination of the policy of insurance for any cause, the insurer shall so notify the Commission in writing of the facts or as deemed necessary by the Commission.

§169.1. Motor Carriers - Liability for Goods or Property.

Every motor carrier of household goods or used emigrant movables shall be liable for all loss, damage or injury to goods or property due to any negligence while the same is being carried by it.
§169.2. Claims - Procedure.

Every motor carrier of household goods or used emigrant movables, upon receipt of a claim in writing for loss of or damage to cargo during transportation, some portion of which was performed by that carrier, regardless of the form in which the claim is presented, shall:

1. Acknowledge receipt of the claim in writing within thirty (30) days after receipt thereof by the motor carrier;
2. Commence an investigation in good faith to determine whether the carrier acknowledges or denies liability for the loss or damage;
3. Either pay the claim in full, or as agreed to by mutual compromise, or deny liability for loss or damage, in writing, within ninety (90) days after receipt of the original claim by the carrier. Such action shall not be withheld or postponed pending receipt of payment or acknowledgment of liability from connecting carriers;
4. Acknowledgment of liability shall be accompanied by payment in full for the value of property lost or damaged except where subject to limited liability or released value. When a shipper, without prior approval from the consignee, elects to release a shipment at a value less than the full value of the property shipped, in the event of loss or damage said shipper will indemnify to the consignee the difference between the released or limited valuation paid by the carrier and the full value of the property shipped. A carrier's liability is limited to the released value or limited liability as stated in the carrier's governing tariff.

§169.3. Nonliability - Burden of Proof.

Where shipments of household goods or used emigrant movables are received by the carrier from the shipper in apparent good order and with no exceptions noted on the bill of lading, and delivered by the carrier with written exceptions covering loss or damage thereto, the carrier shall have the burden of proof to establish nonliability for such loss or damage. Terms and conditions of the bill of lading contract referring to excepted causes shall remain applicable.

§169.4. Concealed Loss or Damage - Claim - Inspection - Evidence.

Where shipments of household goods or used emigrant movables are received by the carrier from the shipper in apparent good order and with no exceptions noted on the bill of lading, and delivered by the carrier in the same manner, with no exceptions noted, such concealed loss or damage claims must be submitted to the carrier by the shipper. Inspections covering loss or damage found after delivery must be requested to the delivering carrier in writing within fifteen (15) days after the delivery of the shipment involved. If more than fifteen (15) days have passed it is incumbent upon the consignee to offer reasonable evidence to the carrier or a representative of the carrier that loss or damage was not incurred by the consignee after delivery by the carrier.

§169.5. Failure to Process Claim or to Decline Claim in Writing.

If the carrier fails to process loss or damage claims as provided in Sections 169.2 through 169.4 of this title, or to express declinations of said claims in writing with proof of nonliability, said carrier may be fined by the Corporation Commission an amount not to exceed Five Hundred Dollars ($500.00) upon hearing of a complaint filed with the Commission. Failure to pay the
fine or resolve the complaint will result in a hearing by the Corporation Commission to
determine if the operating authority of the carrier shall be revoked.

   Nothing in Sections 169.1 through 169.5 of this title shall deprive any holder of a receipt of
   bill of lading any remedy or right of action under existing law. Where litigation is pursued under
   other existing rights, the prevailing party shall be allowed reasonable attorney fees and court
   costs.

§169.7. Certain Actions Not Required.
   A motor carrier shall not be required to sign any statement of liability or enter into any
   contract for the indemnification of any person for any acts or omissions not arising from damage
   or loss from a wrongful or negligent act or omission from the motor carrier.

   The provisions of this section shall not apply to railroad intermodal or transload facilities or to
   contracts with railroads or ocean carriers.

§170. Weight and Size of Vehicles - Advertising - Suspension or Cancellation - Personal
   Character of Certificates or Permits.
   A. Nothing contained in this act [generally, this chapter] shall be construed to authorize the
      operation of any freight vehicle in excess of the gross weight, width, length or height authorized
      by law.
   B. Any person who willfully advertises to perform transportation services for which he does
      not hold a proper certificate or permit shall be in violation of this act [ibid.] and subject to the
      penalties prescribed for contempt of the Commission.
   C. All certificates or permits issued by the Commission under any law of the state relating
      to motor carriers shall contain the provision that the Commission reserves to itself authority to
      suspend and/or cancel any such certificate or permit for the violation, on the part of the applicant
      or any operator or operators of any motor vehicle to be operated thereunder, of any law of the
      State of Oklahoma or any rule adopted by the Commission; and the Commission may cancel the
      certificate of any motor carrier operating as an intrastate carrier, who shall fail to remit to the
      consignor, within ten (10) days after collection from the consignee, of any or all C.O.D. charges
      or collections.
   D. Certificates or permits shall be considered personal to the holder thereof and shall be
      issued only to some definite legal entity operating motor vehicles as a motor carrier of household
      goods or used emigrant movables, and shall not be subject to lease, nor shall the holder thereof
      sublet or permit the exercise, by another, in anywise, of the rights or privileges granted
      thereunder; provided, nothing herein contained shall be construed to prohibit the Commission, in
      case the necessities of public convenience require temporary service over any route, to grant
      authority to another motor carrier to render such service, upon compliance with the other
      provisions of law applicable to other motor carriers.

A. Upon any complaint in writing under oath being made by any person, or by the Commission of its own motion, setting forth any act or thing done or omitted to be done by any person in violation, or claimed violation, of any provision of law, or of any order or rule of the Commission, the Commission shall enter same upon its docket and shall immediately serve a copy thereof upon each defendant together with a notice directed to each defendant requiring that the matter complained of be answered, in writing, within ten (10) days of the date of service of such notice, provided that the Commission may, in its discretion, require particular cases to be answered within a shorter time, and the Commission may, for good cause shown, extend the time in which an answer may be filed.

Upon the filing of the answer herein provided for, the Commission shall set a time and place for the hearing, and notice of the time and place of the hearing shall be served not less than ten (10) days before the time set therefor, unless the Commission shall find that public necessity requires the hearing at an earlier date.

B. The Commission may, in all matters within its jurisdiction, issue subpoenas, subpoenas duces tecum, and all necessary process in proceedings pending before the Commission; may administer oaths, examine witnesses, compel the production of records, books, papers, files, documents, contracts, correspondence, agreements, or accounts necessary for any investigation being conducted, and certify official acts.

C. In case of failure on the part of any person to comply with any lawful order of the Commission, or of any Commissioner, or with any subpoena or subpoena duces tecum, or to testify concerning any matter on which he may be lawfully interrogated, the Commission may compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena, or of the refusal to testify.

D. Witnesses who are summoned before the Commission shall be paid the same fees and mileage as are paid to witnesses in courts of record. Any party to a proceeding at whose instance a subpoena is issued and served shall pay the costs incident thereto and the fees for mileage of all his witnesses.

E. In [the] event any process shall be directed to any nonresident who is authorized to do business in this state, the process may be served upon the agent designated by the nonresident for the service of process, and service upon the agent shall be as sufficient and as effective as if served upon the nonresident.

F. All process issued by the Commission shall extend to all parts of the state and any such process, together with the service of all notices issued by the Commission, as well as copies of complaints, rules, orders and regulations of the Commission, may be served by any person authorized to serve process issued out of courts of record, or by certified mail.

G. After the conclusion of any hearing, the Commission shall, within sixty (60) days, make and file its findings and order, with its opinion. Its findings shall be in sufficient detail to enable any court in which any action of the Commission is involved to determine the controverted questions presented by the proceeding. A copy of such order, certified under the seal of the Commission, shall be served upon the person against whom it runs, or the attorney of the person, and notice thereof shall be given to the other parties to the proceedings or their attorneys. The order shall take effect and become operative within fifteen (15) days after the service thereof,
unless otherwise provided. If an order cannot, in the judgment of the Commission, be complied with within fifteen (15) days, the Commission may grant and prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in the order.

H. In the event the Commission finds that the defendant is guilty upon any complaint filed and proceeding had and that the provisions of law, or the rules, regulations or orders of this Commission have been willfully and knowingly violated and the violator holds a permit or certificate or license issued by the Commission authorizing it to engage in the transportation of persons or property for hire, then such permit or certificate or license may also be revoked by the Commission.

I. Where a complaint is instituted by any person other than the Commission of its own motion and in the event the Commission should find that the complaint was not in good faith, the complaining party shall be required to pay the defendant's attorney's fee, the fee to be prescribed by the Commission in accordance with applicable Oklahoma Bar Association standards.

J. Any person aggrieved by any findings and order of the Commission may appeal to the Supreme Court in the way and manner now or hereafter provided for appeals from the District Court to the Supreme Court.


A. The Department of Public Safety, monthly, shall notify the Oklahoma Corporation Commission of any ticket issued for a violation of the provisions of Section 14-119 of this title, or any provisions of Chapter 14 of this title or the terms of any special permit authorized pursuant to the provisions of Chapter 14 of this title concerning overweight or overweight special permits.

B. Truck overweight violations by motor carriers or private carriers shall be considered contempt of Commission motor carrier rules, tariffs and regulations. The Commission shall establish a specific rule whereby such overweight violations by motor carriers or private carriers shall be grounds for issuance of a show-cause order for consideration of temporary or permanent cancellation of operating authority or license. In establishing the rule, consideration shall be given to the frequency of violations, pattern of violations, fleet size, type of operation, amount of overweight, and other such factors that may indicate intent. Any person, firm, or corporation that assists in the commission of such overweight violation or refuses to comply with any rule, regulation, or order of the Commission relating thereto shall be guilty of contempt of the Commission and shall be subject to a fine to be imposed by said Commission in a sum not to exceed Five Hundred Dollars ($500.00) on each violation. In the specific instance of an overweight violation, the transportation of each load shall constitute a separate violation. The same fine assessed against the motor carrier or private carrier shall apply to any other person, firm, or corporation that aids or abets such violations. Provided however, no motor carrier, private carrier, shipper or person loading or causing a motor vehicle to be loaded shall be subject to a fine for contempt unless the gross weight of the motor vehicle is more than five thousand (5,000) pounds overweight.

C. The Commission, in its discretion and on its own motion, may make a contempt
complaint in writing under oath setting forth the violation, enter the complaint on its docket, and proceed with the matter in accordance with the provisions of Sections 161 et seq. of this title or the Motor Carrier Act of 1995 [generally, this chapter].


All monies accruing to the "Corporation Commission Revolving Fund" are hereby appropriated to the Corporation Commission.

The Corporation Commission is hereby authorized and empowered to employ such extra help as may be necessary to carry out the provisions of this act [generally, this chapter] for the enforcement of the law and the collection of taxes set forth herein, said employees to be paid from the appropriations made in this section. Provided, such employees shall be paid such salaries or compensation as is paid for similar service in this state in the same or other departments of the state. The Corporation Commission is hereby authorized to pay from the "Corporation Commission Revolving Fund" such extra operating expenses as may be attributable to the enforcement of this act [ibid.], in the same manner and form as other expenses are paid.

Provided further, such employees shall be such extra help as may be in the judgment of the Corporation Commission necessary to aid in the enforcement of this act [ibid.] in addition to the positions hereinafter created; the salaries and expenses of the positions hereinafter created shall be paid out of funds appropriated by the general departmental appropriations act.

§171.1. Expenditure of Corporation Commission Revolving Funds.

In addition to other uses authorized by law, funds provided to the Corporation Commission Revolving Fund pursuant to Sections 165, 177.2 and 180h of this title shall be expended as follows:

1. The Corporation Commission Transportation Division shall employ four special motor carrier enforcement officers and one supervisor-officer who shall have the primary duty of investigating and assisting in the prosecution of persons engaged in unauthorized transportation or disposal of deleterious substances as contemplated under the provisions of the Oklahoma Motor Carrier Act [generally, this chapter] and any other applicable provisions of law. Such employees shall be compensated as for similar service in the same or other departments of the state and an expense allowance of One Hundred Dollars ($100.00) per month for maintenance and cleaning of uniforms and other related expenses shall be paid to such employees. Nothing in this section regarding expense allowances shall be construed to mean that such employees shall receive any additional compensation beyond what is provided for maintenance and cleaning of uniforms and other related expenses by the Corporation Commission on the effective date of this act [September 1, 1993].

2. The Commission shall purchase a sufficient number of motor vehicles to provide each motor carrier enforcement officer employed in the Transportation Division a motor vehicle suitable to carry out the enforcement provisions of applicable law. Said vehicles shall be appropriately marked as official vehicles and radio equipped. All costs for operation, maintenance and replacement of the motor vehicles authorized in this section shall be provided for from the Corporation Commission Revolving Fund.
3. The Commission shall employ a hearing officer whose primary responsibility shall be the adjudication of enforcement proceedings and complaints brought against persons engaged in unauthorized transportation or disposal of deleterious substances or other unauthorized transportation in violation of the Oklahoma Motor Carrier Act [generally, this chapter] or the rules and regulations of motor carriers as promulgated by the Corporation Commission.

§171.2. Motor Carrier Enforcement Officers.

Motor carrier enforcement officers as authorized in Section 171.1 of this title shall have authority and powers as provided for those motor carrier officers authorized under the provisions of Section 172 of this title.


A. Every owner of any motor vehicle, the agents or employees of the owner, and every other person who violates or fails to comply with or procures, aids, or abets in the violation of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 [generally, this chapter], or who fails to obey, observe, or comply with any order, decision, rule or regulation, direction, demand, or requirement of the Corporation Commission, or who procures, aids or abets any corporation or person in the person's, or its, refusal or willful failure to obey, observe or comply with any such order, decision, rule, direction, demand, or regulation shall be deemed guilty of a misdemeanor. Upon conviction in a criminal court of competent jurisdiction, such misdemeanor is punishable by a fine of not exceeding One Thousand Dollars ($1,000.00).

B. The Corporation Commission shall report to the Attorney General of this state and the district attorney of the proper county having jurisdiction of such offense, any violation of any of the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 [ibid.] or any rule of the Corporation Commission promulgated pursuant to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 [ibid.], by any motor vehicle owner, agent or employee of such owner, or any other person. Upon receipt of such report, the Attorney General or the district attorney of the proper county having jurisdiction of such offense shall institute criminal or civil proceedings against such offender in the proper court having jurisdiction of such offense. Any willful failure on the part of members of the Corporation Commission, the Attorney General or any district attorney, to comply with the provisions of this section, shall be deemed official misconduct. The Corporation Commission shall report such complaints so made to the Governor of this state who shall direct and cause the laws of this state to be enforced.

C. Any person failing, neglecting or refusing to comply with the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 [ibid.], or with any rule, regulation, or requirement of the Corporation Commission promulgated pursuant to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 [ibid.], shall be guilty of contempt of the Corporation Commission, and shall be subject to a fine to be imposed by the Corporation Commission in a sum not exceeding Five Hundred Dollars ($500.00). Each day on which such contempt occurs shall be deemed a separate and distinct offense. The maximum fine...
to be assessed on each day shall be Five Hundred Dollars ($500.00). All fines collected pursuant to the provisions of this section shall be deposited in the State Treasury to the credit of the Corporation Commission Revolving Fund. This subsection shall not apply in the specific instance of load capacity violations or violations applicable to the transportation or discharge of deleterious substances provided for by specific statutory provisions.

D. The Corporation Commission shall appoint a director of transportation, a deputy director, an insurance supervisor, an insurance clerk, two stenographers, a secretary to the director, an identification device supervisor and an assistant identification device supervisor at such salaries as the Legislature may from time to time prescribe. The employees shall be allowed actual and necessary travel expenses pursuant to the provisions of the State Travel Reimbursement Act [74 O.S. § 500.1 et seq.]. All of the expense claims shall be presented and paid monthly.

E. Enforcement officers, appointed by the Corporation Commission, are hereby declared to be peace officers of this state. Such officers shall be vested with all powers of peace officers in enforcing the provisions of Sections 161 through 180m of this title and the Motor Carrier Act of 1995 [generally, this chapter] in all parts of this state.

The powers and duties conferred upon said enforcement officers shall in no way limit the powers and duties of sheriffs or other peace officers of the state, or any political subdivision thereof, or of members of the Division of Highway Patrol, subject to the Department of Public Safety.

F. The enforcement officers when on duty, upon reasonable belief that any motor vehicle is being operated in violation of any provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 [ibid.], shall be authorized to require the driver of the vehicle to stop and submit to an inspection of the identification device, or devices, in the vehicle, and to submit to such enforcement officer bills of lading, waybills, or other evidences of the character of the commerce being transported in such vehicle, and to submit to an inspection of the contents of such vehicle for the purpose of comparing same with bills of lading or shipping documentation, waybills, or other evidences of transportation carried by the driver of the vehicle. The officers shall not have the right to plea bargain.

G. The enforcement officers are authorized to serve all warrants, writs, and notices issued by the Corporation Commission relating to the enforcement of the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 [ibid.] and the rules, regulations, and requirements prescribed by the Corporation Commission promulgated pursuant to Sections 161 through 180m of this title or the Motor Carrier Act of 1995 [ibid.].

H. The enforcement officers shall not have the power or right of search, nor shall they have the right of power of seizure, except as provided in Sections 161 through 180m of this title or the Motor Carrier Act of 1995 [ibid.]. The enforcement officers are authorized to hold and detain any motor vehicle operating upon the highways of this state, if, the enforcement officer has reason to believe that the vehicle is being operated contrary to the provisions of Sections 161 through 180m of this title or the Motor Carrier Act of 1995 [ibid.], or the rules, regulations, and requirements of the Corporation Commission promulgated pursuant to Sections 161 through 180m of this title or the Motor Carrier Act of 1995 [ibid.].
I. No state official, other than members of the Corporation Commission, shall have any power, right, or authority to command, order, or direct any enforcement officer to perform any duty or service authorized by Sections 161 through 180m of this title or the Motor Carrier Act of 1995 [ibid.].

J. Each of the enforcement officers shall, before entering upon the discharge of their duties, take and subscribe to the usual oath of office and shall execute to the State of Oklahoma a bond in the sum of Twenty-five Thousand Dollars ($25,000.00) each, with sufficient surety for the faithful performance of their duty. The bond shall be approved and filed as provided by law.

K. No enforcement officer or employee of the Oklahoma Corporation Commission shall have the right to plea bargain in motor carrier or motor transportation matters except the chief legal counsel of the Commission or an assign of the legal staff of the chief legal counsel.

§172.1. Qualifications for Enforcement Officers.

A. Future applicants for the position of enforcement officer shall be high school graduates and shall have had at least three (3) years' practical experience in the transportation industry or in the field of law enforcement and be certified by the Council on Law Enforcement Education and Training (CLEET) within twelve (12) months from the date of employment. Applicants shall have attained the age of twenty-one (21) years.

B. The applicants shall pass a written test or examination on motor carrier law and the rules of the Commission pertaining thereto, for the purpose of establishing the applicant's fitness and ability to perform the duties of an enforcement officer.

§173. Venue of Actions Against Motor Carriers - Summons.

Any action against a motor carrier for damages by reason of any breach of duty, whether contractual or otherwise, may be brought, in addition to the other counties in which such action may be brought, in the county where the cause of action or some part thereof arose, and summons shall be issued to any other county against any one or more of the defendants at the plaintiff's request.

DELETERIOUS SUBSTANCES

§177.2. Permits for Transporting Deleterious Substances - Fees.

A. No motor carrier shall engage in the business of transporting any salt water, mineral brines, waste oil and other deleterious substances produced from or obtained or used in connection with the drilling, development, producing and operating of oil and gas wells and brine wells, for any valuable consideration whatever, or in any quantity over twenty (20) gallons, without a license authorizing such operation and a deleterious substance transport permit to be issued by the Commission. Provided, transportation of such substances by private carrier of property by motor vehicle shall require a deleterious substance transport permit.

B. No carrier shall transport deleterious substances under a carrier license issued by the Commission until such time as the carrier has been issued a deleterious substance transport permit.
C. No deleterious substance transport permit shall be issued to a motor carrier or private carrier until the carrier has furnished written proof of access to a Class II disposal well or wells. Said written proof of access shall be provided by the owner of such disposal well. Such disposal well must first be approved by the Corporation Commission as adequate to meet the need for proper disposal of all substances which the applicant may reasonably be expected to transport as a motor carrier or private carrier. Provided that nothing in this section shall be construed as prohibiting the disposition of such deleterious substances in a disposal well that is owned by a person other than the transporter.

D. The Commission shall maintain a current list of such permits. The Commission shall charge such annual deleterious substance transport permitting fees as will cover the cost of issuing such licenses and an annual fee of Two Hundred Fifty Dollars ($250.00) for each such deleterious substance transport license. Proceeds from the fees shall be deposited by the Commission in the State Treasury to the credit of the Corporation Commission Revolving Fund. The provisions of this section are supplemental and are in addition to the laws applicable to motor carriers.

§177.3. Deleterious Substances Violations - Fines.

A. It shall be unlawful for a motor carrier, whether private, common, or contract, to dump, disperse, or otherwise release substances described in Section 177.2 of this title upon a public highway or elsewhere except on property or in wells, reservoirs, or other receptacles owned, held, leased, or otherwise rightfully and legally available to the motor carrier for such use and purpose.

B. It shall be unlawful for any motor truck or tank vehicle used to transport substances described in Section 177.2 of this title to have a release device located or operated in any manner from within the cab of such a motor vehicle.

C. Any violation of the provisions of subsections A or B of this section shall constitute a misdemeanor. It shall be the duty of the prosecuting attorney of the county in which a violation of the provisions of this section occurs to file and prosecute the aforementioned misdemeanor charge and advise the Commission of such action and the results thereof.

D. The Oklahoma Corporation Commission may initiate contempt proceedings for any violation concerning disposal by a carrier of a substance described in Section 177.2 of this title. The first violation proven by the Commission in any calendar year shall result in a motor carrier or private carrier being warned by the Commission and, upon conviction, fined up to Two Thousand Five Hundred Dollars ($2,500.00). A second violation proven by the Commission in any calendar year shall result in a motor carrier or private carrier being placed on probation and fined up to Five Thousand Dollars ($5,000.00) by the Commission. A third violation proven by the Commission in any calendar year shall result in a fine of up to Twenty Thousand Dollars ($20,000.00), and, at the discretion of the Commission, cancellation of the carrier's license for a period up to one (1) year and cancellation of a motor carrier or private carrier deleterious substance transport permit. The driver of a truck, who is not the owner of the vehicle used in violation of this section or any of the rules and regulations of the Oklahoma Corporation Commission, shall be adjudicated a codefendant and subject to a fine equal to ten percent (10%) of the fine assessed to the owner of such vehicle, up to Five Hundred Dollars ($500.00).
IDENTIFICATION DEVICES

§180. Definitions.
The following words and phrases, when used in this act [generally, this chapter], shall have the meanings respectively ascribed to like words and phrases by the motor carrier statutes of Oklahoma, except as herein provided:

1. The term "identification application" shall mean the application as provided by the Commission, for making application for motor carrier vehicle identification devices; and
2. The term "Identification Device" shall mean the motor carrier vehicle identification device issued by the Commission under the provisions of this act [ibid.] for the purpose of identifying powered motor carrier vehicles operated under and coming within the provisions of this act [ibid.] or the Motor Carrier Act of 1995 [ibid.].

It is hereby declared unlawful for any motor carrier, his or its agents or employees to operate any powered motor vehicle, as a motor carrier for hire, within this state, without the identification device issued by the Commission, said device to be displayed as provided by the rules of the Commission.

§180b. Device Subject to Seizure.
The identification device shall be the property of the Commission at all times, and shall be subject to seizure and confiscation by the Commission for any good cause and at the will of the Commission.

The Commission may issue an order for the seizure and confiscation and return to the Commission of any identification device or devices, for any of the following reasons, and to direct said order or orders to any officer of the State of Oklahoma charged with the duties of enforcing the provisions of this act [generally, this chapter] and/or any other section of the motor carrier law now in force or hereinafter enacted:

1. In all cases where the motor carrier has permitted the insurance coverage, as required by law to be filed with the Commission, to lapse or become canceled or for any reason to become void and fail to meet the requirements as provided by law;
2. For failure on the part of any motor carrier, his or its agents or employees to comply with any part or provision of this act [ibid.], or any other act or law or part or provision thereof relative to the legal operation of a for-hire motor carrier or to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement, or any part or provision thereof, of the Commission;
3. Upon the cancellation or revocation of the certificate or permit or IRC or license under which said identification device or devices were issued; or
4. For operating any powered motor vehicle in violation of the terms and provisions of this act [ibid.] or the Motor Carrier Act of 1995 [ibid.] and all applicable size and weight laws and
safety standards of this state.

§180d. Rules and Regulations.

The Commission shall have the power and authority by general order or otherwise to promulgate rules and regulations for the administration and enforcement of the provisions of this act [generally, this chapter] or the Motor Carrier Act of 1995 [ibid.].

§180e. Commission to Provide for Methods of Identification.

The Commission, in its discretion, is authorized to provide for decals, cab cards, or other suitable methods of identification to be displayed on or carried in the truck or powered motor vehicle.

§180f. Purchase of Devices and Other Equipment.

The Commission is hereby authorized to purchase said identification devices in sufficient amounts to supply the demand, and to purchase such other officer supplies and equipment as is necessary to administer and enforce the provisions of this act [generally, this chapter] or the Motor Carrier Act of 1995 [ibid.], and to pay for, or cause the same to be paid for, out of the appropriation provided therefor.

§180g. Issuance of Identification Devices.

It shall be the duty of the Commission to provide identification devices upon written application of any authorized motor carrier.

Upon written application of any authorized motor carrier holding a certificate or permit or license issued by the Commission, the Commission shall issue to the motor carrier a sufficient number of identification devices so that each powered vehicle owned or to be operated by the motor carrier in the state shall bear one identification device. Identification devices shall be issued on an annual basis, and applications shall be made annually on the form prescribed by the Commission, and any motor carrier operating a powered vehicle without a current identification device shall be in violation of the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995 [generally, this chapter].

It is hereby declared unlawful for any motor carrier, or agents or employees of any motor carrier, to use or transfer an identification device except as provided by rules of the Commission.

§180h. Fee for Registration - Disposition of Fees.

The Corporation Commission is hereby authorized to collect from applicants for motor carrier identification devices a fee of Seven Dollars ($7.00) for registration of each of its trucks and Seven Dollars ($7.00) for each of its truck-tractors registered under the provisions of this act [generally, this chapter] or the Motor Carrier Act of 1995 [ibid.]; and the fee shall be in addition to any other fees now provided for by law for the registration of said motor vehicles and shall be deposited in the State Treasury to the credit of the Corporation Commission Revolving Fund.

§180k. Records.
All records of the Corporation Commission under this act [47 O.S. §§ 180–180m] shall be maintained in, and classified as all other records in the Transportation Division of the Corporation Commission.

§180/. Reciprocal Compacts and Agreements with Other States.
The Commission is hereby authorized and empowered, on behalf of the State of Oklahoma, and when it shall deem it to be in the best interest of the residents of this state so to do, to enter into reciprocal compacts and agreements with other states, or the authorized agencies thereof, when such states have made provisions substantially similar to this section, respecting the regulation of motor vehicles engaged in interstate or foreign commerce upon and over the public highways. And such compacts and agreements may provide for the granting, to the residents of such states, privileges substantially similar to those granted thereby to Oklahoma residents:
Provided:
(1) That no such compact or agreement shall supersede or suspend the operation of any law, rule or regulation of the State of Oklahoma which shall apply to vehicles operated intrastate in the State of Oklahoma;
(2) That any privileges, the granting of which shall be provided by any such compact or agreement, shall extend only in cases of full compliance with the laws of the state joining in such compact or agreement;
(3) That no such compact or agreement shall supersede or suspend the operation of any law of the State of Oklahoma other than those applying to the payment of fees for registration certificates or identification devices; and
(4) That the powers and authority of the Oklahoma Tax Commission to administer and enforce the tax laws of this state, pertaining to the taxation of motor vehicles, shall be in no manner superseded or suspended.

§180m. Enforcement of Act.
In addition to all other duties as provided by law, it is hereby declared to be, and shall be the duty of all sheriffs, deputy sheriffs, district attorneys, enforcement officers appointed by the Corporation Commission of the State of Oklahoma, and all highway patrolmen within the State of Oklahoma:
1. To enforce the provisions of Sections 180 through 180m of this title or [probably should read "and"] the Motor Carrier Act of 1995 [generally, this chapter];
2. To apprehend and detain any motor vehicle or vehicles and driver or operator and their aides who are operating any motor vehicle, upon or along the highways of this state, for a reasonable length of time, for the purpose of investigating and determining whether such vehicle is being operated in violation of any of the provisions of Sections 180 through 180m of this title or [probably should read "and"] the Motor Carrier Act of 1995 [generally, this chapter];
3. To make arrests for the violation of the provisions of Sections 180 through 180m of this title or the Motor Carrier Act of 1995 [ibid.], without the necessity of procuring a warrant;
4. To sign the necessary complaint and to cause the violator or violators to be promptly arraigned before a court of competent jurisdiction for trial;
5. To aid and assist in the prosecution of the violator or violators in the name of the State of Oklahoma to the end that this law shall be enforced;  
6. To report all such arrests for violations of Section 180 through 180m of this title to the Corporation Commission of Oklahoma within ten (10) days after making such arrest and to furnish such information concerning same as the Commission may request; and  
7. At the request of the Corporation Commission, to seize and confiscate any and all identification devices and to forward the same to the Corporation Commission for cancellation.

OPERATION OF AUTOMOBILES FOR HIRE

§224. City May Regulate Buses Not Operating under Certificate.  
Any city of this state may, by a duly-adopted ordinance, in any manner deemed best for the interest of the city, regulate the operation within the corporate limits of the city of auto buses not operated under a certificate of convenience and necessity or permit or license issued by the Corporation Commission for the transportation of passengers for hire to or from a point or points outside the corporate limits of the city, and to or from points within the corporate limits of the city.

§225. Buses Operating under Certificate.  
Any city of this state may, by a duly-adopted ordinance, prohibit any auto bus being operated under a certificate of convenience and necessity or permit or license issued by the Corporation Commission of Oklahoma transporting passengers for hire to, from or through said city from stopping, except in cases of accident or other emergencies, on the streets or alleys within a specified area of the city where the traffic is congested, and loading and unloading passengers while so stopped; and also prohibit the parking of any such automobile or auto bus on the streets or alleys in such congested area. Nothing contained in this act [generally, this chapter] shall authorize any city or town to designate the location of passenger terminals or bus stations.

FRANCHISES

§226.1. Power of City or Town to Grant Franchise.  
Any city or town of this state may, pursuant to and subject to the applicable provisions of the Constitution and laws of Oklahoma, grant to any person, firm or corporation a franchise for the operation of auto buses, as herein defined, for the transportation of passengers for hire within the corporate limits of said city or town.

§226.2. When Operation Without Franchise Unlawful.  
Where any city or town has granted a franchise for the operation of auto buses, as provided in Section 1 [47 O.S. § 226.1], and auto buses are being operated under such franchise by the holder thereof, it is hereby declared to be unlawful for any other person, firm or corporation to operate such auto buses without a franchise therefor.
*226.2. Operate auto bus without franchise.

§226.3. Penalty for Violating Section 226.2.
Any person, firm or corporation operating or causing to be operated an auto bus, as herein defined, contrary to the provisions of Section 2 hereof [47 O.S. § 226.2], shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in an amount not to exceed One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for a period not to exceed one (1) year or by both such fine and imprisonment, and each day any auto bus is operated in violation of this Act [47 O.S. §§ 226.1–226.5] shall be a separate offense.

§226.4. Definition of Franchise.
An "auto bus" as the term is used herein means a self-propelled vehicle not operated on fixed tracks, with a manufacturer's rated seating capacity of seven (7) or more passengers, operating over a fixed route and/or between fixed termini and/or on scheduled trips.

§226.5. Validation of Existing Franchises.
Any franchise which has heretofore been granted by any city or town in this state for the operation of auto buses for the transportation of passengers for hire within the corporate limits of said city or town is hereby ratified, legalized and confirmed.

CARRIERS OF ROAD BUILDING MATERIALS AND UNPROCESSED AGRICULTURAL COMMODITIES

§228.3. Intrastate Motor Transportation Fuel Surcharge.
The Oklahoma Corporation Commission shall establish an intrastate motor transportation fuel surcharge for common carriers of household goods or used emigrant movables by motor vehicles over irregular routes that shall in no instance be less than that established by the Interstate Commerce Commission for interstate transportation by like carriers.

§228.4. Application of Sections 161 Through 180m.
Except as provided herein, the provisions of Sections 161 through 180m of Title 47 of the Oklahoma Statutes are expressly made applicable to any certificate or permit issued under this act [47 O.S. §§ 228.1–228.4, 953, and 954].

[MOTOR CARRIER ACT OF 1995 continues at Section 230.21 of this title.]

OKLAHOMA MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS TRANSPORTATION ACT

§230.1. Title.
This act [47 O.S. §§ 230.1–230.15] shall be known and may be cited as the "Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act".
§230.2. Legislative Intent.
   A. The Legislature finds:
      1. That the volume of hazardous and nonhazardous materials transported by motor carriers within this state is substantial and the need exists to improve the enforcement of safety related aspects of motor carrier transportation for both interstate and intrastate motor carriers which is consistent with federal standards and regulations.
      2. That hazardous materials are essential for various industrial, commercial, and other purposes, that their transportation is a necessary incident to their use, and that the transportation is required for the economic prosperity of the people of the State of Oklahoma.
      3. That the highway movement of hazardous and nonhazardous materials poses a substantial danger to the health and safety of the citizens of this state unless such materials are handled and transported in a safe and prudent manner.
      4. That it is in the public interest and within the police power of the state to provide for the regulation of the safety related aspects of motor carrier transportation and the handling and transportation of hazardous materials.
   B. It is therefore declared to be the policy of the State of Oklahoma to provide regulatory and enforcement authority to the Oklahoma Department of Public Safety to improve safety related aspects of motor carrier transportation and to protect the people against the risk to life and property inherent in the transportation of property, including hazardous materials, over highways and the handling and storage incidental thereto, by keeping such risk to a minimum consistent with technical feasibility and economic reasonableness and to provide uniform regulation of intrastate transportation of property, including hazardous materials, consistent with federal regulation of interstate transportation.
   C. It is not the intent of the Legislature to regulate the movement of hazardous materials in such quantities that would not pose a substantial danger to the public health and safety, and the Department may provide for exemptions as provided for in federal regulations for farm use, and other appropriate exemptions consistent with federal regulations.

§230.3. Definitions.
   As used in the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act:
   1. "Commerce" means trade, traffic, commerce or transportation within this state;
   2. "Commissioner" means the Commissioner of Public Safety;
   3. "Department" means the Oklahoma Department of Public Safety;
   4. "Discharge" means leakage, seepage or other release of hazardous materials;
   5. "Hazardous material" means a substance or material in a quantity and form determined by the United States Department of Transportation to be capable of posing an unreasonable risk to health and safety or property when transported in commerce;
   6. "Person" means any natural person or individual, governmental body, firm, association, partnership, copartnership, joint venture, company, corporation, joint stock company, trust, estate or any other legal entity or their legal representative, agent or assigns; and
   7. "Transports" or "transportation" means any movement of property over the highway and any loading, unloading or storage incidental to such movement.
§230.4. Powers and Duties of Commissioner.

To the extent necessary to administer the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act, and consistent with budget and manpower limitations, the Commissioner:

1. shall adopt and promulgate rules and regulations in order to carry out the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act relating to motor carrier safety in the transportation of property and hazardous materials in intrastate and interstate commerce, and to coordinate the implementation of a transportation emergency response system;

2. may adopt by reference and enforce all or any portion of the federal motor carrier safety regulations and the hazardous materials regulations of the United States Department of Transportation, as now or hereafter amended;

3. shall conduct a continuing review of all aspects of motor carrier safety and the transportation of property, including hazardous materials, in order to determine and recommend appropriate steps to assure safe transportation;

4. may authorize any officer, employee or agent of the Department to:
   a. conduct investigations; make reports; issue subpoenas; conduct hearings; require the production of relevant documents, records and property; take depositions; and conduct directly or indirectly research, development, demonstration and training activities,
   b. enter upon, inspect and examine at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties relate to motor carrier safety or the transportation or shipment of hazardous materials in commerce, and to inspect and copy records and papers of carriers and other persons to carry out the purposes of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act,
   c. stop and inspect any driver or commercial motor vehicle for any violation of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or rules and regulations issued pursuant thereto,
   d. declare and mark any transport vehicle or container as out of service if its condition, filling, equipment or protective devices would be hazardous to life or property during transportation, or if records thereof reflect such hazard, or if required records are incomplete,
   e. prohibit any commercial driver from transporting hazardous materials if such driver is unqualified or disqualified under any federal or department regulation, and
   f. administer and enforce the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act and any rules and regulations issued pursuant thereto.

Any such officer, employee or agent shall, upon request, display proper credentials prescribed or approved by the Commissioner.

§230.5. Examination and Inspection of Record, Equipment, Etc.

Motor carriers and other persons subject to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall make available for inspection and copying their accounts, books, records, memoranda, correspondence, and other documents, and shall allow their lands, buildings and equipment to be examined and inspected by any officer, employee, or
agent of the Department of Public Safety, including members of the Oklahoma Highway Patrol, upon demand and display of the credentials issued by the Commissioner.

§230.6. Certain Uses of Vehicles and Containers.

A. No person prohibited from operating a commercial vehicle shall operate such commercial motor vehicle, nor shall any person authorize or require a person who has been prohibited from such operation of a motor vehicle to operate a commercial motor vehicle.

B. No person shall operate, authorize, or require the operation of any vehicle or the use of any container that has been marked out of service until all required corrections have been made, except upon approval of the Department such vehicle or container may be moved to another location for the purpose of repair or correction.

C. No person shall remove an out-of-service marking from a transport vehicle or container unless all required corrections have been made and the vehicle or container has been inspected and approved by an authorized officer, employee, or agent of the Department.

D. No employer shall knowingly allow, require, permit or authorize an employee to operate a commercial motor vehicle:

1. During any period in which the employee:
   a. has had driving privileges to operate a commercial motor vehicle suspended, revoked, canceled, denied or disqualified,
   b. has had driving privileges to operate a commercial motor vehicle disqualified for life,
   c. is not licensed to operate a commercial motor vehicle, or
   d. has more than one commercial driver license;

2. During any period in which the employee, the commercial motor vehicle which the employee is operating, the motor carrier business or operation, or the employer is subject to an out-of-service order; or

3. In violation of a federal, state, or local law, regulation, or ordinance pertaining to railroad-highway grade crossings.

E. An employer who is determined by the Commissioner to have committed a violation of subsection D of this section shall be subject to an administrative penalty of not less than Two Thousand Five Hundred Dollars ($2,500.00) nor more than Ten Thousand Dollars ($10,000.00).

F. An employee who is determined by the Commissioner to have committed a violation of any provision of this section shall be subject to an administrative penalty of not less than One Thousand One Hundred Dollars ($1,100.00) nor more than Two Thousand Seven Hundred Fifty Dollars ($2,750.00).


No person shall intentionally discharge or cause to be discharged the contents of any transport vehicle containing hazardous material between the points of origin and the points of billed destination, except as may be authorized by the Department or a representative of the Department.
§230.8. Reporting of Incidents and Accidents.
A. Each person involved in an incident or accident during the transportation, loading, unloading, or related storage in any place of a hazardous material subject to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Material Transportation Act shall immediately report, by telephone, to the Department if that incident or accident involves:
   1. a fatality due to fire, explosion, or exposure to any hazardous material;
   2. the hospitalization of any person due to fire, explosion, or exposure to any hazardous material;
   3. a continuing danger to life, health, or property at the place of the incident or accident; or
   4. an estimated property damage of an amount to be determined by the Commissioner by regulation.
B. A written report shall be submitted by the person to the Department on a form prescribed by the Department, or in lieu thereof, a copy of the written report submitted to the United States Department of Transportation. Each report submitted shall contain the time and date of the incident or accident, a description of any injuries to persons or property, any continuing danger to life at the place of the accident or incident, the identity and classification of the material, and any other pertinent details.
C. In the case of an incident or accident involving hazardous materials which is not subject to the Oklahoma Motor Carrier Safety and Hazardous Material Transportation Act but which is subject to Title 46 or Title 49 of the Code of Federal Regulations, the carrier shall send a copy of the report filed with the United States Department of Transportation to the Department of Public Safety.

§230.9. Compliance with Act - Civil Violations.
A. The transportation of any property in commerce, including hazardous materials or the transportation of passengers for compensation or for hire by bus, that is not in compliance with the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or the rules issued pursuant thereto, is prohibited.
B. Pursuant to the provisions of this section and except as otherwise provided by subsection D of this section, any person who is determined by the Commissioner of Public Safety to have committed:
   1. An act which is a violation of a recordkeeping requirement of this title or of any rule or regulation promulgated thereto or the Federal Motor Carrier Safety Act of 1984 [49 U.S.C. §2501 et seq.], such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed One Hundred Dollars ($100.00) for each offense, provided that the total of all administrative penalties assessed against any violator pursuant to this paragraph for all offenses related to any single violation shall not exceed Five Hundred Dollars ($500.00);
   2. An act or acts other than recordkeeping requirements, which evidences a serious pattern of safety violations, as determined by the Commissioner, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed Two Hundred Dollars ($200.00) for each offense, provided the maximum fine for each pattern of safety violations shall not exceed One Thousand Dollars ($1,000.00). The Commissioner may consider present and prior offenses
in determining a serious pattern of safety violations; or

3. An act or acts which evidences to the Commissioner, that a substantial health or safety violation exists or has occurred which could reasonably lead to or has resulted in serious personal injury or death, such person shall be liable to the State of Oklahoma for an administrative penalty not to exceed One Thousand Dollars ($1,000.00) for each offense.

C. Each day of violation as specified in subsection B of this section shall constitute a separate single violation/ offense.

D. Except for recordkeeping violations, no administrative penalty shall be assessed pursuant to the provisions of this section, against an employee of any person subject to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act for a violation unless the Commissioner determines that such actions of the employee constituted gross negligence or reckless disregard for safety in which case such employee shall be liable for an administrative penalty not to exceed One Thousand Dollars ($1,000.00).

E. In determining the amount of any administrative penalty and the reasonable amount of time for abatement of the violation, the Commissioner shall include, but not be limited to, consideration of the nature, circumstances and gravity of the violation, and with respect to the person found to have committed the violation, the degree of culpability, history of prior offenses, effect on ability to continue to do business and such other matters as justice and public safety may require. In each case, the penalty shall be calculated to induce further compliance.

F. The Commissioner or his designated representative shall assess the amount of any administrative penalty, after notice and an opportunity for hearing, by written notice to the violator together with notice of findings in the case. An appeal therefrom may be made to the district court of Oklahoma County pursuant to the provisions of Sections 318 through 323 of Title 75 of the Oklahoma Statutes.

G. An administrative penalty assessed by the Commissioner may be recovered:

1. In an action brought by the Attorney General on behalf of the State of Oklahoma. However, before referral to the Attorney General, the administrative penalty may be compromised by the Commissioner;

2. By the Commissioner in the appropriate district court of the State of Oklahoma; or

3. By the Commissioner in an administrative hearing conducted by the Department of Public Safety.

H. The first One Hundred Thousand Dollars ($100,000.00) of the administrative penalties collected each fiscal year pursuant to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall be deposited in the General Revenue Fund of the State of Oklahoma. All other monies collected in excess of One Hundred Thousand Dollars ($100,000.00) each fiscal year shall be deposited to the credit of the Department of Public Safety Revolving Fund for the purpose of administering the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act.

§230.10. Exemptions.

The Department shall exempt any vehicle in which hazardous material is transported or any person who transports any hazardous material if such exemption is identical to an exemption
issued by the Secretary of the United States Department of Transportation and may exempt any
person who transports any hazardous material intrastate under similar provisions. The
Department may seek exemptions pursuant to federal law for transportation of those quantities of
hazardous materials which do not pose a substantial danger to the public health and safety.

§230.11. **Cooperation with Other Agencies.**

A. Other state agencies, departments and bureaus shall cooperate with the Oklahoma
Department of Public Safety in regulating motor carrier safety and the transportation of
hazardous materials. Such agencies, departments and bureaus may enter into interagency
agreements with the Department for the purpose of implementing, administering and enforcing
any provision of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation
Act and the rules and regulations of the Department issued pursuant thereto.

B. The Department may enter into a cooperative agreement with the United States
Department of Transportation and any other federal department or agency to enforce the
provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act,
or regulations adopted pursuant thereto, federal motor carrier safety regulations, and federal
regulations governing the transportation of hazardous material. The Department may receive
grants, gifts and other funds, equipment and services from the federal government or other
sources for this purpose.

C. All files, records and data gathered by the Department pursuant to the Oklahoma Motor
Carrier Safety and Hazardous Materials Transportation Act may be made available to the
Department of Environmental Quality, other agencies of state government, the United States
Department of Transportation and other jurisdictions in any cooperative effort relating to motor
carrier safety or the transportation of hazardous materials.

§230.12. **Immunity from Civil Liability.**

A. No person who provides assistance or advice in mitigating or attempting to mitigate the
effects of an actual or threatened discharge of hazardous material, or in preventing, cleaning up,
or disposing or in attempting to prevent, clean up or dispose of any such discharge, shall be
subject to any civil liability or administrative penalties as a result of such assistance or advice.

B. The immunities provided in subsection A of this section shall not apply:

1. to any person whose act or omission caused in whole or in part such actual or threatened
discharge and who would otherwise be liable therefor;
2. to any person who receives compensation, other than reimbursement for out-of-pocket
expenses, for services in rendering such assistance or advice; or
3. to a common carrier relative to its handling or transporting of hazardous materials.

C. Nothing contained in subsection A of this section shall be construed to limit or otherwise
affect the liability of any person for damages resulting from such person's gross negligence, or
from such person's reckless, wanton or intentional misconduct.

§230.13. **Enforcement of Act.**

The Department of Public Safety and the Oklahoma Highway Patrol Division shall enforce the


The Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act is not intended to affect any law of this state now in effect with respect to matters relating to the transportation of hazardous materials but in the case of any conflict relating to motor carrier safety involving the transportation of property, or the transportation of hazardous materials, the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall prevail.


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

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

C. Any person who causes or requires any person subject to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act to drive at a speed or carry a load in excess of those authorized by law pursuant to the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall be subject to the administrative penalties pursuant to the provisions of this act [probably should read "of Section 230.9 of this title"].

D. In adopting rules pursuant to the provisions of this act [47 O.S. §§ 230.9 and 230.15], the Department of Public Safety shall establish limitations on driving hours for motor vehicles subject thereto that are consistent with the hours of service requirements adopted by the United States Department of Transportation in the applicable part of Title 49 of the Code of Federal Regulations, as those regulations now exist or are hereafter amended. Driving hours and on-duty
status shall not begin following less than eight (8) consecutive hours off duty. Drivers shall be regulated from the time a driver first reports for duty for any employer. The rules adopted pursuant to this section shall establish the following exception:

The maximum driving time within a work period is twelve (12) hours if the vehicle is engaged solely in intrastate commerce and is not transporting hazardous materials as defined by regulations of the United States Department of Transportation in the applicable section of Title 49 of the Code of Federal Regulations, as that section now exists or is hereafter amended; except in the event of an emergency and upon notification of the nearest Oklahoma Highway Patrol troop headquarters of the Department of Public Safety, the Commissioner or his designated agent shall declare an emergency and there shall be no hour restrictions for rural electric cooperatives, public utilities, public service corporations or municipal employees as long as an emergency exists for providing service to restore heat, light, power, water, telephone or other emergency restoration facilities that are necessary to ensure the health, welfare and safety of the public.

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

F. 1. Amendments to the hours of service regulations promulgated on April 28, 2003, by the United States Department of Transportation at Section 22456 of Volume 68 of the Federal Register and effective June 27, 2003, shall not apply to utility service vehicles as defined in Section 395.2 of Title 49 of the Code of Federal Regulations, not including television cable or community antenna service vehicles, which are owned or operated by utilities regulated by the Corporation Commission or electric cooperatives and which are engaged solely in intrastate commerce in this state until June 27, 2006, provided the amendments are valid and remain in effect as of that date. Hours of service regulations, which are applicable in this state immediately prior to June 27, 2003, shall remain applicable to utility service vehicles engaged solely in intrastate commerce in this state until June 27, 2006. If the United States Department of Transportation issues an official finding that this provision may result in the loss of federal Motor Carrier Safety Assistance Program funding, the Department of Public Safety may promulgate rules providing for earlier implementation of the amendments to the federal hours of service regulations. If federal law or regulations are amended at any time to exempt utility service vehicles from the hours of service requirements, any exemption shall be effective in this state immediately for the duration of the federal exemption.

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

3. The Department of Public Safety may enter into agreements with state and local emergency management agencies and private parties establishing procedures for complying with Section 31502(e) of Title 49 of the United States Code and federal regulations promulgated at
Section 390.23 of Title 49 of the Code of Federal Regulations, which provide an exemption from the hours of service regulations during certain emergencies.

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

MOTOR CARRIER ACT OF 1995 (Continued from Section 228.4 of this title)

§230.21. Title.

The provisions of this act [generally, this chapter] shall be known and may be cited as the "Motor Carrier Act of 1995".


A. It is hereby declared that it is necessary in the public interest to regulate transportation by motor carriers and private carriers in such manner as to recognize the need to require all motor carriers and private carriers to have adequate insurance; for motor carriers and private carriers to provide service in a safe and efficient manner; and to establish that the operations of motor carriers and private carriers will not have a detrimental impact on the environment.

B. The public policy of this state, as declared by the Legislature, requires that all existing intrastate certificates and permits granted by the Oklahoma Corporation Commission, except household goods and used emigrant movables, prior to January 1, 1995, are hereby revoked.

C. The provisions of the Motor Carrier Act of 1995 [generally, this chapter], except as hereinafter specifically limited, shall apply to the transportation of passengers or property by motor carriers or private carriers, except motor carriers of household goods and used emigrant movables, over public highways of this state; and the regulations of such transportation, and the procurement thereof and the provisions of facilities therefor, are hereby vested in the Oklahoma Corporation Commission.

D. Nothing herein shall be construed to interfere with the exercise by agencies of the government of the United States of its power of regulation of interstate commerce.

E. The terms and provisions of the Motor Carrier Act of 1995 [ibid.] shall apply to commerce with foreign nations, or commerce among the several states of this Union, insofar as such application may be permitted under the provisions of the Constitution of the United States and the Acts of Congress.

§230.23. Definitions.

As used in the Motor Carrier Act of 1995 [generally, this chapter]:

1. "Person" means any individual, firm, copartnership, limited partnership, corporation, limited liability corporation, company, association, or joint-stock association and includes any
trustee, receiver, assignee, or personal representative thereof;

2. "Commission" means the Oklahoma Corporation Commission;

3. "License" means the license issued under authority of the laws of the State of Oklahoma to motor carriers and private carriers;

4. "Interstate Registration Certificate" (IRC) means a document issued by the Commission granting permission to operate upon the highways of the State of Oklahoma in interstate commerce exempt from federal motor carrier regulation;

5. "Motor vehicle" means any automobile, truck, truck-tractor, trailer or semitrailer or any motor bus or any self-propelled vehicle not operated or driven upon fixed rails or tracks;

6. "Motor carrier of persons or property" means any person except a carrier of household goods or used emigrant movables, operating upon any public highway for the transportation of passengers or property for compensation or for hire or for commercial purposes, and not operating exclusively within the limits of an incorporated city or town within this state.

Provided, the provisions of the Motor Carrier Act of 1995 [ibid.] shall not apply to the following vehicles and equipment when such vehicles and equipment are being used for the following:

a. taxicabs and bus companies engaged in the transportation of passengers and their baggage, not operated between two or more cities and towns, when duly licensed by a municipal corporation in which they might be doing business,

b. any person or governmental authority furnishing transportation for school children to and from public schools or to and from public-school-related extracurricular activities under contract with, and sponsored by, a public school board; provided, that motor vehicles and equipment operated for the purposes shall qualify in all respects for the transportation of school children under the Oklahoma School Code and the rules of the State Board of Education adopted pursuant thereto.

c. transport trucks transporting liquefied petroleum gases intrastate which are owned or operated by a person subject to and licensed by the Oklahoma Liquefied Petroleum Gas Regulation Act [52 O.S. Chapter 8], and

d. transportation of livestock and farm products in the raw state, when any of such commodities move from farm to market or from market to farm on a vehicle or on vehicles owned and operated by a bona fide farmer not engaged in motor vehicle transportation on a commercial scale;

7. "Corporate family" means a group of corporations consisting of a parent corporation and all subsidiaries in which the parent corporation owns directly or indirectly one hundred percent (100%) interest;

8. "Intercorporate hauling" means the transportation of property, by motor vehicle, for compensation, by a carrier which is a member of a corporate family, as defined in the Motor Carrier Act of 1995 [generally, this chapter], when the transportation for compensation is provided for other members of the corporate family;

9. "Private carrier" means any person engaged in transportation upon public highways, of persons or property, or both, but not as a motor carrier, and includes any person who transports property by motor vehicle where such transportation is incidental to or in furtherance of any commercial enterprise of such person, other than transportation;
10. "Market" means the point at which livestock and farm products in the raw state were first delivered by the producer of the livestock and farm products in the raw state, upon the sale thereof;

11. "Public highway" means every public street, road or highway, or thoroughfare in this state, used by the public, whether actually dedicated to the public and accepted by the proper authorities or otherwise; and

12. "Commercial enterprise" means all undertakings entered into for private gain or compensation, including all industrial pursuits, whether the undertakings involve the handling of or dealing in commodities for sale or otherwise.


A. The Corporation Commission is hereby vested with power and authority, and it shall be its duty:

1. To supervise and regulate every motor carrier whether operating between fixed termini or over a regular route or otherwise and not operating exclusively within the limits of an incorporated city or town in this state and all private carriers operating vehicles having a gross registered weight of greater than 26,000 pounds and not operating exclusively within the limits of an incorporated city or town in this state;

2. To protect the shipping and general public by supervising and requiring insurance of all motor carriers and private carriers;

3. To ensure motor carriers and private carriers are complying with the applicable size and weight laws of this state and safety requirements;

4. To establish there will be no detrimental environmental impact; and

5. To supervise and regulate motor carriers in all other matters affecting the relationship between such carriers and the traveling and shipping public provided those matters do not exceed federal standards as they apply to this state.

B. The Commission shall have the power and authority by general order or otherwise to prescribe rules applicable to any or all motor carriers and private carriers as applicable.

C. The Commission shall cooperate and coordinate with the Oklahoma Department of Public Safety in regulating carrier safety, size and weight regulations of motor vehicles and the transportation of hazardous materials. The Commission may enter into interagency agreements with the Department of Public Safety for the purpose of implementing, administering and enforcing any provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act [47 O.S. §§ 230.1–230.15] and the rules and regulations of the Department of Public Safety issued pursuant thereto. Any license issued by the Commission may be suspended or revoked due to operations conducted in violation of any laws or rules and regulations pertaining to motor carriers, private carriers, carrier safety, size and weight regulations of motor vehicles and the transportation of hazardous materials.

§230.25. Receipts or Bills of Lading - Penalty for Violation of Act.

A. Every motor carrier, subject to the Motor Carrier Act of 1995 [generally, this chapter], receiving property for transportation in intrastate commerce shall issue a receipt or bill of lading
therefor, the form of which shall be prescribed by the Commission.

B. Any person, motor carrier, or shipper who shall willfully violate any provisions of the Motor Carrier Act of 1995 [ibid.] by any means shall be deemed guilty of a misdemeanor and upon conviction thereof be fined as provided by law.

When the Commission, upon complaint, has reason to believe that any person, motor carrier, or shipper is violating or has willfully violated any provision of the Motor Carrier Act of 1995 [generally, this chapter], the Commission shall, upon its own initiative, file a contempt proceeding and set a date for the proceeding to be heard before the Commission, and upon conviction the Commission shall invoke such contempt penalties as provided herein.

§230.27. Motor Carrier Licenses.
A. Upon the filing by an intrastate motor carrier or private carrier of an application for a license, the applicant shall pay to the Corporation Commission a filing fee in the sum of One Hundred Dollars ($100.00) with an original or subapplication. Any valid license issued will remain in force, unless otherwise revoked by the Commission in accordance with the provisions of the Motor Carrier Act of 1995 [generally, this chapter], for one (1) year from date of issuance.

B. Every motor carrier or private carrier wishing to continue operations under the original license, shall pay to the Corporation Commission an annual renewal fee of Fifty Dollars ($50.00).

C. The Commission shall, upon the receipt of any fee, deposit the same in the State Treasury to the credit of the Corporation Commission Revolving Fund.

§230.28. Motor Carrier Licenses - Applications.
A. It shall be unlawful for any motor carrier to operate or furnish service within this state without first having obtained from the Commission a license declaring that all insurance requirements have been met and that the carrier will operate within all existing rules and state laws pertaining to safety standards, size and weight requirements and, when applicable, lawful handling and disposal of hazardous materials and deleterious substances, and will operate in such a manner as to ensure there will be no detrimental environmental impact. It shall also be unlawful for any private carrier to operate or furnish service within this state without first having obtained from the Corporation Commission a license declaring that all insurance requirements have been met and that the carrier will operate within all existing rules and state laws pertaining to safety standards, size and weight requirements and, when applicable, lawful handling and disposal of hazardous materials and deleterious substances, and will operate in such a manner as to ensure there will be no detrimental environmental impact. The Commission shall have power, and it shall be its duty, to issue the license or set the application for hearing within thirty (30) days of the Commission determining that the application is complete. Any such hearing shall be scheduled to occur on a date within an additional forty-five (45) business days of such determination. The mere filing of an application does not authorize any person to operate as a carrier.
B. In granting applications for licenses, the Commission shall take into consideration the reliability of the applicant; the proper equipment meeting minimum safety criteria as adequate to perform the service; and the applicant's sense of responsibility toward the public and the environment.

C. The Commission may, at any time after a public hearing and for good cause, suspend or revoke any license. Provided, the record owner of the license shall be entitled to have ten (10) days' written notice by certified mail from the Commission of any hearing affecting the license, except as otherwise provided in the Motor Carrier Act of 1995. The right of appeal from such order or orders shall be given as in other cases appealed from orders of the Commission.

D. The Commission shall be authorized to exercise any additional power that may from time to time be conferred upon the state by any Act of Congress. The Commission shall adopt rules prescribing the manner and form in which motor carriers and private carriers shall apply for licenses required by the Motor Carrier Act of 1995. Among other rules adopted, the application shall be in writing and shall set forth the following facts:

1. The name and address of the applicant and the names and addresses of its officers, if any;
2. Full information concerning the physical properties of the applicant; and
3. Such other information as the Commission may consider pertinent to the application.

§230.29. Leases for Transportation of Persons or Property.

A. As used in this section:

1. "Authorized carrier" means a person or persons authorized to engage in the transportation of passengers or property as a licensed motor carrier;
2. "Equipment" means a motor vehicle, straight truck, tractor, semitrailer, full trailer, any combination of these and any other type of equipment used by authorized carriers in the transportation of passengers or property for hire;
3. "Owner" means a person to whom title to equipment has been issued, or who, without title, has the right to exclusive use of equipment for a period longer than thirty (30) days;
4. "Lease" means a contract or arrangement in which the owner grants the use of equipment, with or without driver, for a specified period to an authorized carrier for use in the regulated transportation of passengers or property, in exchange for compensation;
5. "Lessor", in a lease, means the party granting the use of equipment, with or without driver, to another;
6. "Lessee", in a lease, means the party acquiring the use of equipment, with or without driver, from another;
7. "Addendum" means a supplement to an existing lease which is not effective until signed by the lessor and lessee; and
8. "Shipper" means a person who sends or receives passengers or property which is transported in intrastate commerce in this state.

B. An authorized carrier may perform authorized transportation in equipment it does not own only under the following conditions:

1. There shall be a written lease granting the use of the equipment and meeting the requirements as set forth in subsection C of this section;
2. The authorized carrier acquiring the use of equipment under this section shall identify the equipment in accordance with the requirements of the Commission; and
3. Upon termination of the lease, the authorized carrier shall remove all identification showing it as the operating carrier before giving up possession of the equipment.

C. The written lease required pursuant to subsection B of this section shall contain the following provisions. The required lease provisions shall be adhered to and performed by the authorized carrier as follows:
1. The lease shall be made between the authorized carrier and the owner of the equipment. The lease shall be signed by these parties or by their authorized representatives;
2. The lease shall specify the time and date or the circumstances on which the lease begins and ends and include a description of the equipment which shall be identified by vehicle serial number, make, year model and current license plate number;
3. The period for which the lease applies shall be for thirty (30) days or more when the equipment is to be operated for the authorized carrier by the owner or an employee of the owner;
4. The lease shall provide that the authorized carrier lessee shall have exclusive possession, control and use of the equipment for the duration of the lease. The lease shall further provide that the authorized carrier lessee shall assume complete responsibility for the operation of the equipment for the duration of the lease;
5. The amount to be paid by the authorized carrier for equipment and driver's services shall be clearly stated on the face of the lease or in an addendum which is attached to the lease;
6. The lease shall clearly specify the responsibility of each party with respect to the cost of fuel, fuel taxes, empty mileage, permits of all types, tolls, detention and accessorial services, base plates and licenses, and any unused portions of such items. Except when the violation results from the acts or omissions of the lessor, the authorized carrier lessee shall assume the risks and costs of fines for overweight and oversize trailers when the trailers are preloaded, sealed, or the load is containerized, or when the trailer or lading is otherwise outside of the lessor's control, and for improperly permitted overdimension and overweight loads and shall reimburse the lessor for any fines paid by the lessor. If the authorized carrier is authorized to receive a refund or a credit for base plates purchased by the lessor from, and issued in the name of, the authorized carrier, or if the base plates are authorized to be sold by the authorized carrier to another lessor the authorized carrier shall refund to the initial lessor on whose behalf the base plate was first obtained a prorated share of the amount received;
7. The lease shall specify that payment to the lessor shall be made by the authorized carrier within fifteen (15) days after submission of the necessary delivery documents and other paperwork concerning a trip in the service of the authorized carrier. The paperwork required before the lessor can receive payment is limited to those documents necessary for the authorized carrier to secure payment from the shipper. The authorized carrier may require the submission of additional documents by the lessor but not as a prerequisite to payment;
8. The lease shall clearly specify the right of the lessor, regardless of method of compensation, to examine copies of the documentation of the carrier upon which charges are assessed;
9. The lease shall clearly specify all items that may be initially paid for by the authorized
carrier, but ultimately deducted from the compensation of the lessor at the time of payment or settlement together with a recitation as to how the amount of each item is to be computed. The lessor shall be afforded copies of those documents which are necessary to determine the validity of the charge;

10. The lease shall specify that the lessor is not required to purchase or rent any products, equipment, or services from the authorized carrier as a condition of entering into the lease arrangement;

11. As it relates to insurance:
   a. the lease shall clearly specify the legal obligation of the authorized carrier to maintain insurance coverage for the protection of the public, and
   b. the lease shall clearly specify the conditions under which deductions for cargo or property damage may be made from the lessor's settlements. The lease shall further specify that the authorized carrier must provide the lessor with a written explanation and itemization of any deductions for cargo or property damage made from any compensation of money owed to the lessor. The written explanation and itemization must be delivered to the lessor before any deductions are made; and

12. An original and two copies of each lease shall be signed by the parties. The authorized carrier shall keep the original and shall place a copy of the lease in the equipment during the period of the lease. The owner of the equipment shall keep the other copy of the lease.

D. The provisions of this section shall apply to the leasing of equipment with which to perform transportation regulated by the Corporation Commission by motor carriers holding a license from the Commission to transport passengers or property.

§230.30. Insurance.

A. No license shall be issued by the Commission to any carrier until after the carrier shall have filed with the Commission a liability insurance policy or bond covering public liability and property damage, issued by some insurance or bonding company or insurance carrier authorized pursuant to this section and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in a sum and amount as fixed by a proper order of the Commission; and the liability and property damage insurance policy or bond shall bind the obligor thereunder to make compensation for injuries to, or death of, persons, and loss or damage to property, resulting from the operation of any carrier for which the carrier is legally liable. A copy of the policy or bond shall be filed with the Commission, and after judgment against the carrier for any damage, the injured party may maintain an action upon the policy or bond to recover the same, and shall be a proper party to maintain such action.

B. Every motor carrier shall file with the Commission a cargo insurance policy or bond covering any goods or property being transported, issued by some insurance or bonding company or insurance carrier authorized as set forth below, and which has complied with all of the requirements of the Commission, which bond or policy shall be approved by the Commission, and shall be in a sum and amount as fixed by a proper order of the Commission. The cargo insurance must be filed with the Commission prior to a license being issued by the Commission, unless the motor carrier has been exempted from this requirement.

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Intrastate motor carriers of sand, rock, gravel, asphaltic mixtures or other similar road building materials shall not be required to file cargo insurance and shall be required to maintain liability insurance limits of Three Hundred Fifty Thousand Dollars ($350,000.00) combined single limit.

No carrier, whose principal place of business is in Oklahoma, shall conduct any operations in this state unless the operations are covered by a valid primary bond or insurance policy issued by a provider authorized or approved by the State Insurance Commissioner. No carrier shall conduct any operations in this state unless the operations are covered by a valid bond or insurance policy issued by a provider authorized and approved by a National Association of Insurance Commissioners and certified by the State Insurance Commission.

C. Each carrier shall maintain on file, in full force, all insurance required by the laws of this state and the rules of the Commission during the operation of the carrier and that the failure for any cause to maintain the coverage in full force and effect shall immediately, without any notice from the Commission, suspend the rights of the carrier to operate until proper insurance is provided. Any carrier suspended for failure to maintain proper insurance shall have a reasonable time, not exceeding sixty (60) days, to have its license reactivated, and to provide proper insurance upon showing:

1. No operation during the period in which it did not have insurance; and
2. Furnishing of proper insurance coverage.

D. Any carrier who fails to reactivate its license within sixty (60) days after the suspension, as above provided, shall have the license canceled, by operation of law, without any notice from the Commission. No license so canceled shall be reinstated or otherwise made operative except that the Commission may reinstate the license of a carrier upon proper showing that the carrier was actually covered by proper insurance during the suspension or cancellation period, and that failure to file with the Commission was not due to the negligence of the carrier. Any carrier desiring to file for reinstatement of its license shall do so within ninety (90) days of its cancellation by law.

E. The Commission shall, in its discretion, permit the filing of certificates of insurance coverage or such form as may be prescribed by the Commission, in lieu of copies of insurance policies or bonds, with the proviso that if the certificates are authorized the insurance company or carrier so filing it, upon request of the Commission, will, at any time, furnish an authenticated copy of the policy which the certificate represents, and further provided that thirty (30) days prior to effective cancellation or termination of the policy of insurance for any cause, the insurer shall so notify the Commission in writing of the facts or as deemed necessary by the Commission.

§230.31. Licenses.
A. Nothing contained in the Motor Carrier Act of 1995 [generally, this chapter] shall be construed to authorize the operation of any passenger or freight vehicle in excess of the gross weight, width, length or height authorized by law.
B. Any person who willfully advertises to perform transportation services for which the person does not hold a license shall be in violation of the Motor Carrier Act of 1995 [ibid.] and subject to the penalties prescribed for contempt of the Commission.
C. All licenses issued by the Commission under any law of the state relating to motor
carriers or private carriers shall contain the provision that the Commission reserves to itself authority to suspend or cancel any such license for the violation, on the part of the applicant or any operator or operators of any motor vehicle to be operated thereunder, of any law of this state or any rule adopted by the Commission.

D. Licenses shall be considered personal to the holder of the license and shall be issued only to some definite legal entity operating motor vehicles as a motor carrier or private carrier, and shall not be subject to lease, nor shall the holder of the license sublet or permit the exercise, by another, of the rights or privileges granted under the license.

§230.32. Rules.

The Commission shall have the power and authority by general order or otherwise to promulgate rules and regulations for the administration and enforcement of the provisions of the Motor Carrier Act of 1995 [generally, this chapter].

§230.33. Exemptions from Motor Carrier Act.

A. The provisions of the Motor Carrier Act of 1995, Sections 230.21 et seq. [and § 161 et seq.] of Title 47 of the Oklahoma Statutes, shall not apply to persons who operate motor vehicles in excess of twenty-six thousand (26,000) pounds who have contracted with any federal, state or local entity to conduct activities associated with the building or maintenance of streets, roads, bridges, turnpikes or any other project associated with road building.

B. Provided however, any person who operates a motor vehicle in excess of twenty-six thousand (26,000) pounds in the furtherance of any contract let by any federal, state or local entity for the building or maintenance of roads, bridges, turnpikes or any other projects associated with road building shall obtain an annual policy for motor vehicle insurance or general liability insurance in an amount equal to or greater than Three Hundred Fifty Thousand Dollars ($350,000.00).