TITLE 165. CORPORATION COMMISSION
CHAPTER 30. MOTOR CARRIERS, PRIVATE CARRIERS AND TRANSPORTATION NETWORK COMPANIES
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[Authority: OKLA. CONST. Art IX, §§ 18, 19; 17 O.S., § 40; 47 O.S., §§ 161 through 230.34b, 966, 1013, 1106 and 1166 through 1170**]**

[Source: Codified 12-31-91]

SUBCHAPTER 1. GENERAL PROVISIONS

165:30-1-1. Purpose

The public policy of this State, as declared by the Legislature, requires that motor carriers and private carriers, except as provided in this Chapter, should be regulated by the Oklahoma Corporation Commission, hereinafter referred to as the Commission, to protect the public interest, the environment and the highways of the state of Oklahoma and ensure compliance with applicable safety rules and regulations. The public policy of this State, as further declared by the Legislature, requires that motor carriers of household goods be regulated by the Commission in such manner as to establish standards for public safety, fair competitive practices, adequate and dependable service and protection of shippers from deceptive or unfair practices. The public policy of this State, as further declared by the Legislature, requires that transportation network companies be regulated by the Commission in such a manner as to implement and enforce public safety standards and insurance requirements as required by statute. The rules in this Chapter are intended to implement that public policy and to carry out the Commission's statutory duty of regulation in the public interest. In case of doubt as to the meaning of any language of the rules in this Chapter, that construction should be adopted which is consistent with the Constitution and Statutes of Oklahoma.

[**Source:** Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Added at 26 Ok Reg 2947, eff 6-22-09 (emergency); Amended at 27 Ok Reg 1773, eff 7-1-10; Amended at 33 Ok Reg 633, eff 9-1-16]

165:30-1-2. Definitions

In addition to terms defined in 47 O.S., Sections 161 through 180m et seq., the Oklahoma Transportation Network Company Services Act and the Motor Carrier Act of 1995, the following words or terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

"110% rule" means the household goods carrier must deliver the shipper's goods once the shipper pays 110% of the estimated or agreed upon charges.

"Alliance" means the Alliance for Uniform Hazardous Material Transportation Procedures, a confederation of state, local industry and environmental representatives for the purpose of administering and enforcing a uniform hazardous materials transporters program as established by HMTUSA.

"Accessorial services" means services provided by an intrastate motor carrier of household goods at the request of a shipper that may be in addition to the actual transportation of the household goods. Examples of accessorial services are packing, unpacking, appliance servicing, loading/unloading of large items (such as a piano), climbing/descending stairs, demurrage, etc.

"Audit" means an examination of records, source documents and any other information supporting a regulated entity's application or return; or a review performed by staff as a result of a complaint or prior enforcement actions taken.

"Authority" means a general term referring to permission issued by the Commission to a motor carrier to perform operations under the jurisdiction of the Commission. The term authority is not applicable to vehicle registrations, fuel licenses or permits, or TNC permits.

"Base state" means the state selected by a motor carrier according to the procedures established by a uniform program.

"Binding estimate" means a written agreement made in advance between the intrastate household goods carrier and the shipper which guarantees the total cost of the transportation of the household goods based upon the quantities and services shown on the estimate.

"CFR" means the Code of Federal Regulations.

"Consignee" means the person or place shown on the shipping documentation as the location to which a carrier is directed to deliver a shipment.

"Consignor" means the person who offers goods for shipment.

"Commission" means the Oklahoma Corporation Commission.

"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.

"Deleterious substance" means any chemical, salt water, oilfield brine, waste oil, waste emulsified oil, basic sediment, mud or injurious substances produced or used in the drilling, development, production, transportation, refining and processing of oil, gas and/or brine mining.

"Environmental restoration" means restitution for loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release or escape into or upon the land, atmosphere, watercourse, or body of water, of any commodity transported by a motor carrier. This includes the cost of removal and the cost of necessary measures taken to minimize or mitigate damage to human health, the natural environment, fish, shellfish and wildlife.

"Exceeding authority" means a motor carrier operating outside or beyond the purview of an issued license, certificate, permit, registration or other authority issued by the Commission or a reciprocal state.

"FMCSA" means the Federal Motor Carrier Safety Administration.

"For-hire motor carrier" means a person operating upon any public highway engaged in the transportation of property or passengers for compensation or consideration or for commercial purposes.

"Gross Combination Weight Rating" (GCWR) means the value specified by the manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

"Gross Vehicle Weight" (GVW) means the registered weight of the vehicle or any lawful registered combination weight (Gross Combination Weight or GCW).

"Gross Vehicle Weight Rating" (GVWR) means the value specified by the manufacturer as the loaded weight of a single vehicle (gross vehicle weight rating) and may include any lawful combination.

"Harvest permit" means a document issued by the Commission to a motor carrier engaging in the commercial transportation of farm products in a raw state. A harvest permit encompasses vehicle registration, fuel permit and intrastate operating authority requirements of the State of Oklahoma.

"Hazardous waste" means any material that is subject to the "Hazardous Waste Manifest Requirements" of the United States Environmental Protection Agency specified in Title 40, CFR, Part 262.

"Hazardous waste permit" means the document issued by a participating state which represents a specific motor carrier's registration to transport hazardous waste in states that participate in the uniform hazardous waste program.

"HMTUSA" means the Hazardous Materials Transportation Uniform Safety Act of 1990.

"Household goods" means the used personal effects and property of a dwelling.

"Hunter's permit or **Unladen permit"** means a permit that provides temporary registration to an apportionable vehicle at the unladen (empty) weight of the vehicle. It is commonly used by a vehicle lessor to move a vehicle, without any load, to another jurisdiction so the lessor can establish a new contractual relationship with a different motor carrier.

"Identification device" means an annual, fee-paid, nontransferable device issued by the Commission to be carried in each and every vehicle.

"IFTA" means the International Fuel Tax Agreement. The IFTA is a motor fuel use tax reciprocity agreement between the United States contiguous states and certain Canadian provinces which allows a licensee to report and pay motor fuel use taxes to a base jurisdiction for distribution to other member jurisdictions in which the licensee traveled and incurred motor fuel use tax liability.

"Intercorporate hauling" means the transportation of property, passengers or household goods by motor vehicle, for compensation, by a carrier which is a member of a corporate family, as defined in this Section, when said transportation for compensation is provided for other members of the corporate family.

"Interstate" means a shipment having an origin or destination into, out of or through two or more states.

"Intrastate" means a shipment having an origin and destination wholly within one state.

"IRP" means the International Registration Plan. The IRP is a commercial vehicle registration reciprocity agreement between the United States contiguous states and certain Canadian providences which allows a registrant to pay and report commercial vehicle registration fees to a base jurisdiction for distribution to other member jurisdictions in which the registrant travels.

"IVDR" means an Individual Vehicle Distance Record which is a document where the required operational information, as set forth by IRP and IFTA, can be recorded.

"Letter of filing" means a document issued by the Commission to a motor carrier as evidence of temporary compliance with the hazardous waste uniform program.

"Motor carrier" means a for-hire motor carrier or a private motor carrier operating in interstate or intrastate commerce.

"Motor License Agent (MLA)" means any person meeting the requirements for appointment as a motor license agent pursuant to 47 O.S. § 1140 and authorized by the Oklahoma Corporation Commission to process vehicle registrations, collect associated fees and issue credentials pursuant to the IRP and the Oklahoma Vehicle License and Registration Act (47 O.S. Chapter 74).

"NAIC" means the National Association of Insurance Commissions.

"Non-binding estimate" means the estimated total cost to transport household goods intrastate based upon the weight of the shipment, volume of the shipment, amount of time to perform the movement and/or any accessorial services requested.

"OTNCS Act" means the Oklahoma Transportation Network Company Services Act, 47 O.S. § 1010 et seq.

"Participating state" means a state electing to participate in a uniform program by entering into a base state agreement.

"PIN" means personal identification number.

"Principal place of business" means a single location that serves as the motor carrier's headquarters and where it maintains or can make available its operational records.

"Private motor carrier" means a person who operates a commercial motor vehicle and is not a for-hire motor carrier.

"Process agent" means a representative upon whom court papers may be served in any proceeding brought against a motor carrier, broker, or freight forwarder.

"Registration" means the identification of hazardous waste transporters through a national base state system.

"Reciprocal state" means a jurisdiction with which the Commission has entered into a reciprocal agreement regarding the uniform registration, licensing or permitting of motor carriers.

"Shipper" means a person authorized to tender a shipment to a carrier and may include, but is not limited to, a consignor, consignee or beneficial owner of the shipment.

"TNC" means a Transportation Network Company.

"Trip permit" means a temporary authorization issued by the Commission granting permission to conduct operations as a motor carrier in intrastate and/or interstate commerce.

"Truck yard pit" means any pit used to store or catch fluids or wash fluids in a truck terminal or maintenance facility as the result of transportation related activities.

"UCR" means Unified Carrier Registration.

"Uniform application" means a uniform motor carrier registration, licensing or permit application form established under a uniform program.

"Uniform program" means any law, rule, policy, practice and/or all combinations thereof which pertain to the regulation of motor carriers by motor vehicle operating in interstate or intrastate commerce over the highways of Oklahoma and is recognized, adopted and enforced or administered by the Transportation Division only when in concert and reciprocal with one or more states which adopt, recognize, administer and enforce the exact same rule, law, policy, practice and/or all combinations thereof.

"Unprocessed agricultural commodities" means all products raised or produced by tillage and cultivation of the soil, pasture grasses, orchard products, trees in their raw state and products produced by livestock (such as milk, wool, eggs, honey and manure). The term also includes those products embraced within the above definition which have been processed for purposes of handling, storage, preservation or transportation (such as washing, cleaning, wrapping, packaging, boxing, baling, trimming, drying, sorting, sizing, grading, cooling, spraying and fumigating). The term does not include those products embraced within the above definition which, as a result of some treatment or processing, have been so changed that they are no longer in their natural or raw state, but possess new forms, qualities, or properties or result in combinations.

"USDOT" means the United States Department of Transportation.

[**Source:** Amended at 10 Ok Reg 4447, eff 1-1-94 (emergency); Amended at 10 Ok Reg 4497, eff 1-1-94 (emergency); Amended at 11 Ok Reg 3727, eff 7-11-94; Amended at 11 Ok Reg 3735, eff 7-11-94; Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 13 Ok Reg 247, eff 11-1-95 (emergency); Amended at 13 Ok Reg 2419, eff 7-1-96; Amended at 14 Ok Reg 1251, eff 5-12-97; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 15 Ok Reg 3041, eff 7-15-98; Amended at 18 Ok Reg 23, eff 10-11-00 (emergency); Amended at 18 Ok Reg 2384, eff 7-1-01; Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 24 Ok Reg 1814, eff 7-1-07; Amended at 25 Ok Reg 1546, eff 7-1-08, Amended at 27 Ok Reg 1773, eff 7-1-10; Amended at 33 Ok Reg 633, eff 9-1-16; Amended at 34 Ok Reg 977, eff 9-11-17]

SUBCHAPTER 3. INTRASTATE MOTOR CARRIERS

PART 1. APPLYING FOR A LICENSE

165:30-3-1. Obtaining a license

(a) No intrastate motor carrier shall operate upon any street, road, public highway or dedicated public thoroughfare of this State for the transportation of passengers or property for hire without first obtaining from the Commission a license as provided in this Section. A license issued under this Subchapter shall not include transportation as a motor carrier of household goods. Motor carriers of household goods must comply with Subchapter 13 of this Chapter.

(1) An applicant for a license shall file with the Commission a written application on the appropriate form prescribed by the Commission (TDF 1), and shall tender with the application a filing fee as prescribed by law or by Commission rule.

(2) The application shall be assigned a personal identification number (PIN), which shall be the permanent identification number for all matters relating to authority granted therein. Any application thereafter filed to amend the license by the same applicant shall be filed in the same cause under the original PIN, and otherwise shall be governed by the provisions of this Chapter relating to an application for license. Each subsequent application shall also bear a sub-number in sequence.

(3) A license shall be personal to the holder thereof, and shall be issued only to an individual, a corporation, a limited liability corporation, a partnership or some other legally recognized entity.

(4) The filing of an application for a license does not of itself authorize any motor carrier operations by the applicant. Such operations are prohibited until after all requirements have been met, and a license has been issued. All requirements for compliance with this Chapter shall be met within thirty (30) days from date of receipt of a motor carrier license application by the Commission. Failure to comply will result in dismissal of the application for a license. Licenses issued shall be valid for a maximum of one year and may be renewed after application has been filed as provided by this Chapter.

(5) No license for intrastate operations shall be issued until after the applicant has provided a satisfactory USDOT safety rating or the applicant has demonstrated its ability to conduct operations in a safe and reasonable manner and applicant is in compliance with all applicable rules and laws of the State of Oklahoma; has furnished proper proof of all insurance required by this Chapter and all applicable state statutes; and has purchased an appropriate number of identification devices.

(6) The application shall require the following:

(A) Name, single trade name (if any), mailing address, physical address, email address, telephone number and domicile county of the applicant.

(B) The type of applicant (indicating if sole proprietorship, partnership, corporation or other legal entity), specifying the names of all partners, officers and/or directors listing the mailing, physical and email addresses of each.

(C) The type of operations for which the applicant is applying.

(D) The name and address of the motor carrier's process agent in Oklahoma (if the motor carrier does not maintain its principal place of business or a terminal in Oklahoma).

(E) Declaration of its USDOT number. Motor carriers without a USDOT number must obtain a USDOT number from FMCSA or the Commission prior to a license being issued.

(F) Declaration of its USDOT safety rating and safety compliance.
(G)Declaration of size and weight compliance.
(H) A listing of all power vehicles and trailers to be used, detailing the model, make and capacity of each vehicle and denoting whether each vehicle is owned or leased.
(I) A description of all terminal and dock facilities.
(J) Declaration the applicant is in full compliance with all other state laws, rules and regulations.
(K) Any other information the Commission deems pertinent.

(7) Every person operating under the Motor Carrier Act of 1995 and the rules of this Commission shall possess a copy of this Chapter governing the operations of motor carriers.

(8) A motor carrier desiring to modify its license operations shall file a sub application (TDF 1). Sub applications to include hazardous materials must comply with the provisions in this Section. Sub applications to modify other types of operations shall be exempt from (5) and (6)(D) -(I) of this subsection.

(9) A copy of the current license under which a motor carrier operates shall be carried at all times in each power unit by the motor carrier.

(b) A motor carrier engaged in intercorporate hauling shall be subject to this Subchapter.

(c) Motor carrier operations, other than motor carriers of passengers, are exempt from this Subchapter when:

(1) Conducted strictly within a municipality, or

(2) Conducted by a federal, state or local government.

(d) Motor carriers of passengers shall be exempt from this Subchapter when:

(1) Operating a taxicab, as defined by 47 O.S. § 1-174, wholly within a municipality, provided the operator of the taxicab is licensed by the municipality in which business is conducted;

(2) Operating a bus, as defined by 47 O.S. § 1-105, not between two or more cities or towns, provided the operator of the bus is licensed by a municipality in which business is conducted.

(e) Applicant may be issued a provisional intrastate license not to exceed ninety (90) days from the date application is filed, provided all other requirements for the intrastate license have been met. Applicant must provide a written request for the provisional intrastate license to the Director of the Transportation Division. If the provisional intrastate license is issued, a copy of the provisional intrastate license must be carried in each vehicle operated by the Applicant.

(f) The Commission may grant or deny the motor carrier license application or may impose conditions, stipulations and limitations on the license. If the Commission deems a hearing on the application to be necessary, the hearing shall be set within thirty (30) days of receipt of a complete application.

(g) No intrastate motor carrier license shall be issued to an applicant until all outstanding fines or judgments due the Commission or other state(s) regulatory agencies have been satisfied.

(h) All proceedings subsequent to the application, shall be governed by applicable provisions of the Commission's Rules of Practice, OAC 165:5.

[**Source:** Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 13 Ok Reg 247, eff 11-1-95 (emergency); Amended at 13 Ok Reg 2419, eff 7-1-96; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 15 Ok Reg 3041, eff 7-15-98; Amended at 18 Ok Reg 2384, eff 7-1-01; Amended at 23 Ok Reg 509, eff 12-19-05 (emergency); Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at

26 Ok Reg 1398, eff 7-1-09; Amended at 27 Ok Reg 1773, eff 7-1-10; Amended at 29 Ok Reg 951, eff 7-1-12; Amended at 36 Ok Reg 603, eff. 8-1-19]

165:30-3-1.1. Cancellation of intrastate certificates and permits [EXPIRED]

[**Source:** Added at 12 Ok Reg 1005, eff 1-1-95 through 7-14-95 (emergency)[1]]

EDITOR'S NOTE: *[1]This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-95 (after the 7-14-95 expiration of the emergency action), Section 165:30-3-1.1 was no longer effective. For the official text of the emergency rule that was in effect from 1-1-95 through 7-14-95, see 12 Ok Reg 1005.*

165:30-3-2. Temporary authority [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Revoked at 12 Ok Reg 2077, eff 7-1-95]

165:30-3-3. License and certificate renewals

(a) Any motor carrier desiring to continue intrastate motor carrier operations as granted in its license or certificate, shall, prior to the date of license or certificate expiration; apply for renewal by submitting the appropriate application form (TDF2 or MCF2) and all supporting documentation. Each renewal application shall be properly signed, attested to as follows:

(1) Application of sole proprietorship must be signed by owner.

(2) Application of partnership must be signed by one of the partners.

(3) Application of corporation must be signed by an officer.

(b) All intrastate motor carrier licenses and certificates issued by the Commission shall expire the same calendar month as issued, and shall be valid for a period of one (1) year.

(c) Renewal applications shall be accompanied by a filing fee as prescribed by the Commission, unless filed simultaneously with a sub application to modify operations.

(d) A renewal application may be set for hearing at the discretion of the Commission for good cause.

(e) An intrastate motor carrier desiring to renew its license or certificate should apply for renewal of its license or certificate a minimum of thirty (30) days prior to its expiration.

(f) A renewal application will not be accepted if the license or certificate has previously expired, unless the Director of the Transportation Division reviews and approves the acceptance of the application for renewal.

(g) No intrastate motor carrier license or certificate shall be renewed until all outstanding fines or judgments due the Commission or other state(s) regulatory agencies have been satisfied.

(h) No intrastate motor carrier operations shall be performed under an expired motor carrier license or certificate.

[**Source:** Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 13 Ok Reg 2419, eff 7-1-96; Amended at 14 Ok Reg 1251, eff 5-12-97; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 21 Ok Reg 774, eff 7-1-04; Amended at 23 Ok Reg 509, eff 12-19-05 (emergency); Amended at 23 Ok Reg 2325, eff 7-1-06, Amended at 27

Ok Reg 1773, eff 7-1-10; Amended at 29 Ok Reg 951, eff 7-1-12; Amended at 32 Ok Reg 823, eff 8-27-15; Amended at 36 Ok Reg 604, eff. 8-1-19]

PART 3. LICENSE REQUIREMENTS

165:30-3-11. Insurance

(a) No motor carrier whose principal place of business is in Oklahoma shall conduct any operations in this State unless such operations are covered by a valid primary bond or insurance policy issued by an insurer authorized or approved by the Oklahoma Insurance Department. No motor carrier whose principal place of business is not in Oklahoma shall conduct any operations in this State unless such operations are covered by a valid bond or insurance policy issued by an insurer licensed or approved by the insurance regulatory authority of the state of their principal place of business or the Oklahoma Insurance Department. No holder of an authority shall conduct any operations before a proper certificate of insurance(s) has been filed with, and approved by the Commission. A surety bond containing all obligations provided by this Section may be substituted for an insurance policy.

(b) Every motor carrier shall file with, and must be approved by, the Commission a certificate on Form E or G certifying that there is in effect a valid bond or insurance policy covering operations in Oklahoma to protect the public against loss of life, injury, property damage, and including environmental restoration in minimum amounts, of combined single limits, for bodily injuries to, or death of all persons injured or killed in any accident, and loss or damage in any one accident to property or others (excluding cargo). Minimum liability insurance limits as set forth in 49 CFR Part 387 shall also be applicable to intrastate operations unless otherwise specified in subsections (b)(1)-(4).

(1) Motor carriers of property using vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or more:

(A) Transporting property, non-hazardous commodities or transporting hazardous waste, materials or substances not listed in 49 CFR Part 387.9 - $750,000.

(B) Transporting deleterious substances - $750,000.

(C) Transporting hazardous waste, materials, or substances- as required by 49 CFR, Part 387.9.

(2) Motor carriers of property using only vehicles with a GVWR under 10,000 pounds:

(A) Transporting commodities not listed in (B) of this paragraph- $300,000.

(B) Transporting hazardous waste, materials or substances – as required by 49 CFR Part 387.9.

(3) Motor carriers of the following types of property, materials, and products (also known or identified as restricted property) - $350,000:

(A) Sand, rock, gravel, rip-rap, aggregate or dirt.

(B) Asphaltic mixtures and similar mixtures and compositions (excluding concrete and concrete mixtures) used in road, highway and other ground surface paving.

(C) Unprocessed forestry products and by products thereof not in a finished state.

(D) Unprocessed agricultural commodities.

(E) Ordinary livestock.

(4) Motor carriers of passengers (manufacturer's designed seating capacity includes the driver):

(A) Utilizing vehicles having a seating capacity of six (6) or less passengers - $100,000.

(B) Utilizing vehicles having a seating capacity of seven (7) – nine (9) passengers - $750,000.

(C) Utilizing vehicles having a seating capacity of ten (10) to fifteen (15) passengers - $1,000,000.

(D) Utilizing vehicles having a seating capacity of sixteen (16) or more passengers $5,000,000.

(5) Motor carriers of household goods - $750,000.

(c) Every motor carrier of freight, except a motor carrier of household goods, shall be exempted from filing proof of cargo liability insurance. Every motor carrier of household goods shall file with, and be approved by, the Commission an additional certificate on Form H or J that there is in effect a valid bond or insurance policy issued by a State Insurance Department authorized provider as security required to compensate shippers or consignees for loss of or damage to property coming into the motor carrier's possession. Security in the amount of at least Five Thousand Dollars ($5,000) is required to cover loss of or damage to property carried on any one motor vehicle in connection with its transportation service and in the amount of Ten Thousand Dollars ($10,000) for the loss of or damage to or aggregate of losses of or damages to property occurring at any one time and place.

(d) Motor carriers of hazardous materials or hazardous waste shall maintain a properly executed Form MCS-82 or MCS-90 in effect as required by 49 CFR 387.

(e) The Commission may by order grant authority to operate or to continue operating as a motor carrier conditional upon carrying insurance coverage in amounts larger than prescribed by (b) of this Section

(f) No certificate of insurance or surety bond filed with the Commission pursuant to this Section shall be canceled, unless the authorization to conduct operations has been canceled, except after thirty (30) days written notice made to the Commission, on Form K or L, which notice shall be effective only upon actual receipt thereof by the Commission.

(g) Insurance certificates or surety bonds may be canceled without the thirty (30) days written notice on Form K or L only when the authorization to operate has previously expired or canceled, the motor carrier provides an affidavit stating no operations have been conducted and the effective date of the cancellation notice is not before the date the cancellation notice is received in the Commission.

(h) Insurance certificates or surety bonds not properly canceled or expired shall be considered expired one (1) year after the motor carrier's authorization to operate has been canceled or expired.

(i) Insurance certificates or surety bonds approved by this Commission shall be replaced by more recent insurance certificates or surety bonds. The liability of the retiring insurer or surety shall be terminated as of the effective date of the replacement insurance certificate or surety bond provided the replacement is approved by this Commission.

(j) No certificate of insurance shall be filed with the Commission, which contains a provision to the effect that liability thereunder may be limited or avoided because of the culpability, the recklessness, or the condition of the driver of the vehicle involved or any other restriction relating to the driving or operation of the vehicle.

(k) Every certificate of insurance filed with the Commission shall provide that the public is protected from damage sustained through operations of any and all vehicles operated by the motor carrier insured, whether or not listed or identified in the policy; and that liability is not limited by the description of any particular vehicle or route which may be traveled by the motor vehicle in transporting passengers or property under the certificate or permit or license.

(l) Every certificate of insurance filed with the Commission shall be executed by an officer or authorized agent of the insurance company; and if executed by an agent, a copy of his written authority or power of attorney to execute the same shall be attached to the certificate.
(m)When insurance is provided by more than one insurer in order to aggregate security limits for motor carriers, a separate insurance certificate and endorsement is required of each insurer. For each motor carrier, no more than one primary insurance filing and no more than two excess insurance filings shall be approved.
(n) Every motor carrier shall maintain in force at all times all insurance required by state laws and by this Section. Failure for any cause to maintain any required insurance in force shall automatically and without notice suspend the license or authority of a motor carrier until proper insurance is filed.
(o) Whenever the license or authority of a motor carrier is suspended for failure to maintain in force insurance required by this Section, the carrier must file, within sixty (60) days after commencement of the suspension, proper certificate(s) of insurance as provided in this Section and a sufficient showing, by affidavit or otherwise, that no operations were conducted during the period that insurance was not in force (TDF 18).
(p) Whenever a motor carrier fails to provide proper certificates of insurance within sixty (60) days after suspension thereof as provided in this Section, the motor carrier's certificate or permit, license, or other authority shall be canceled by operation of law, and without notice. A certificate or permit, license, or other authority so canceled shall not be reinstated or otherwise made operative except upon proper showing, at a hearing, 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.
(q) Any motor carrier conducting operations under a suspended or canceled authority shall not be eligible to apply for a new authority for a period of not less than one hundred eighty (180) days. The one hundred eighty (180) day period shall be determined by either the date insurance on file expires or the date a violation is discovered, whichever occurrence is later.
(r) A person may not require indemnification from a motor carrier as a condition to the following:
(1) The transportation of property by the motor carrier.
(2) Entrance onto property by the motor carrier for the purpose of loading, unloading or transporting property.
(3) Subsection (r)(2) of this Section does not apply to a claim arising from damages or losses from the wrongful or negligent act or omission of the motor carrier.
(s) Insurance filings and cancellation notices required by this Chapter may be accepted electronically as set forth by the Transportation Division. Electronic insurance filings and cancellations shall be held to the same standard and carry the same force and effect as if accepted through traditional paper filings.
(t) Insurance companies or their underwriters desiring a hard copy of an approved or disapproved insurance filing or insurance cancellation must submit the insurance filing or insurance cancellation in duplicate and additionally provide a self-addressed stamped envelope.

[**Source:** Amended at 10 Ok Reg 4447, eff 1-1-94 (emergency); Amended at 10 Ok Reg 4497, eff 1-1-94 (emergency); Amended at 11 Ok Reg 3727, eff 7-11-94; Amended at 11 Ok Reg 3735, eff 7-11-94; Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 13 Ok Reg 247, eff 11-1-95 (emergency); Amended at 13 Ok Reg 2419, eff 7-1-96; Amended at 14 Ok Reg 1251, eff 5-12-97; Amended at 14 Ok Reg 2539, eff 7-1-97;

Amended at 18 Ok Reg 23, eff 10-11-00 (emergency); Amended at 18 Ok Reg 2384, eff 7-1-01; Amended at 26 Ok Reg 1398, eff 7-1-09; Amended at 27 Ok Reg 1773, eff 7-1-10; Amended at 29 Ok Reg 951, eff 7-1-12; Amended at 30 Ok Reg 1042, eff 7-1-13; Amended at 34 Ok Reg 977, eff 9-11-17; Amended at 36 Ok Reg 604, eff. 8-1-19]

165:30-3-12. Identification device

(a) Every motor carrier operating upon the public highways of the State of Oklahoma shall purchase and place within each power unit operated by said motor carrier an identification device issued by this Commission, and make available for inspection upon request.

(1) Only one (1) identification device is required for each power unit.

(2) The annual fee for each identification device will be as prescribed by law or Commission rule.

(3) Identification devices shall expire simultaneously with the expiration date of the annual license issued to the motor carrier.

(b) No identification device may be sold or otherwise transferred; except if such motor carrier provides a newly acquired vehicle in substitution therefor, each identification device on the discontinued vehicle, if such device is still in the possession of the motor carrier, may be transferred to the substitute vehicle or any subsequently substituted vehicle.

(c) Identification devices found to be in the possession of a carrier not authorized will be confiscated and returned to the Commission by a motor carrier enforcement officer.

(d) No identification devices will be issued to any motor carrier who does not meet all statutory, regulatory and Commission requirements.

(e) Identification device(s) must be purchased prior to the expiration of each annual expiration of a multiple year renewal license to extend the motor carrier license. Failure to timely purchase the identification device(s) will cause the motor carrier license to expire. Failure to purchase the identification device(s) within 30 days of the expiration of the license will cause the motor carrier license to automatically expire and subject to reinstatement rules as prescribed in OAC 165:30-3-103.

[**Source:** Amended at 10 Ok Reg 4447, eff 1-1-94 (emergency); Amended at 10 Ok Reg 4497, eff 1-1-94 (emergency); Amended at 11 Ok Reg 3735, eff 7-11-94; Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 13 Ok Reg 2419, eff 7-1-96; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 21 Ok Reg 774, eff 7-1-04; Amended at 24 Ok Reg 1814, eff 7-1-07]

165:30-3-13. Deleterious Substance Transport Permit

(a) No person, motor carrier or private carrier shall transport any deleterious substance(s) in any quantity over twenty (20) gallons, without a Deleterious Substance Transport Permit (DSTP), to be issued by the Commission. A DSTP is required for soils contaminated by deleterious substances unless exempted under subsection (b) of this Section. The DSTP shall be required in addition to a motor carrier license as prescribed by this Chapter, when required.

(b) A DSTP is not required when:

(1) Transporting deleterious substances to be applied to land pursuant to a soil farming permit. A valid copy of the soil farming permit must be carried in the vehicle at the time of transportation; or,

(2) Transporting contaminated soil which surrounded a leaking underground storage tank or a leaking pipeline when such soil is being transported to and can be legally disposed of in a landfill permitted by the Oklahoma Department of Environmental Quality.

(c) No person, motor carrier or private carrier shall dump, disperse or otherwise release deleterious liquids or substances described herein upon a public highway, on private property, or at any place except as authorized by law.

(d) No motor vehicle used to transport salt water or other deleterious substances shall be equipped with a release device which can be operated in any manner from within the cab of any motor vehicle.

(e) The Commission may issue the permit upon applicant fulfilling all requirements. If issued, a copy of the permit must be carried in each motor vehicle transporting a deleterious substance. Motor carriers must maintain valid liability insurance on file with this Commission in accordance with OAC 165:30-3-11. Failure to do so shall subject the permit to revocation.

(f) Notice of the application and hearing thereon shall not be required, unless the Commission shall so direct.

(g) Every person, motor carrier or private carrier holding a DSTP or transporting deleterious substances not requiring a DSTP pursuant to subsection (b) of this Section, shall maintain an accurate register in numerical order at the principal place of business and retain for inspection by Commission personnel at all times. The register shall consist of the shipping document or criteria as provided in (g) of this Section.

(h) Every vehicle transporting deleterious substances, whether under a DSTP or pursuant to subsection (b) of this Section, shall carry an individual shipping document for each load containing the information as follows:

(1) Vehicle identification
(2) Driver name
(3) Shipper name
(4) Legal description of the origin of the load
(5) Volume and description of substance
(6) Legal description of the destination of the load

(i) The shipping documentation may be transferred to the register. The register shall be maintained in numerical order by the permit holder and retained for inspection by Commission personnel at all times.

(j) Failure to maintain and preserve the records provided herein shall be grounds for revocation of the permit.

[**Source:** Amended at 11 Ok Reg 3727, eff 7-11-94; Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 24 Ok Reg 1814, eff 7-1-07; Amended at 34 Ok Reg 977, eff 9-11-17; Amended at 36 Ok Reg 606, eff. 8-1-19]

165:30-3-14. Passenger schedules [REVOKED]

[**Source:** Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Revoked at 13 Ok Reg 2419, eff 7-1-96]

165:30-3-15. Annual report [REVOKED]

[**Source:** Amended at 11 Ok Reg 3727, eff 1-1-94 (emergency); Amended at 11 Ok Reg 3727, eff 7-11-94; Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Revoked at 12 Ok Reg 2077, eff 7-1-95]

165:30-3-16. Current address requirement

(a) Any notice required by law, the Commission's Rules of Practice, OAC 165:5, or this Chapter to be served upon or mailed to any holder of a certificate, permit or license shall be delivered or mailed to the last known mailing or email address as reflected by the records of the Commission. It is the duty of every holder of a certificate, permit or license to notify the Transportation Division by specific written request (TDF 17) of any change in the mailing, physical or email address of the principal place of business and mailing address thereof.

(b) Any non-resident motor carrier who has not filed a written designation of service agent with the Commission shall be deemed to have designated the Secretary of State of Oklahoma for the purpose of service of process by the Commission.

(c) Where such notice is required by law, Commission's Rules of Practice, OAC 165:5, or this Chapter is returned undeliverable, it will be grounds for revocation of the certificate, permit or license.

[**Source:** Amended at 10 Ok Reg 4447, eff 1-1-94 (emergency); Amended at 10 Ok Reg 4497, eff 1-1-94 (emergency); Amended at 11 Ok Reg 3735, eff 7-11-94; Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 26 Ok Reg 1398, eff 7-1-09; Amended at 36 Ok Reg 606, eff. 8-1-19]

165:30-3-17. Markings

(a) Every intrastate motor carrier shall obtain and display a USDOT number.

(b) Each motor vehicle operated by a motor carrier shall be properly marked. The markings shall be in compliance with the Federal Motor Carrier Safety Regulations, 49 CFR Part 390.21 (b)-(d). A motor carrier vehicle operating under a DBA or trade name must first list the DBA or trade name on the carrier's operating authority.

(c) If the motor carrier's USDOT number is designated as intrastate only, the letters OK must follow the carrier identification number.

(d) A carrier shall immediately notify the Commission when filing changes on a USDOT identification report (MCS-150). This notification shall occur when a carrier updates its USDOT identification report (MCS-150) resulting in a change in name, dba, mailing, physical or email address, interstate to intrastate classification, intrastate to interstate classification, or any other modification that may affect the carrier's intrastate authority or permits issued by the Commission.

(e) In the event a power unit is transferred or sold by a motor carrier, the carrier is responsible for removing the markings from the unit.

[**Source:** Amended at 11 Ok Reg 3727, eff 7-11-94; Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 13 Ok Reg 247, eff 11-1-95 through 7-14-96 (emergency); Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 15 Ok Reg 3041, eff 7-15-98; Amended at 18 Ok Reg 23, eff 10-11-00 (emergency); Amended at 18 Ok Reg

2384, eff 7-1-01; Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 29 Ok Reg 951, eff 7-1-12; Amended at 36 Ok Reg 607, eff. 8-1-19]

165:30-3-18. C.O.D. shipments [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Revoked at 12 Ok Reg 2077, eff 7-1-95]

PART 5. CONDUCTING OPERATIONS

165:30-3-31. Compliance with laws and regulations

(a) All intrastate motor carriers and private carriers, where applicable, shall conduct their operations in accordance with all applicable laws of the State of Oklahoma and all applicable rules of this Chapter. All licenses heretofore or hereafter granted by the Commission are subject to applicable provisions of law and of this Chapter as fully as if those laws and rules were set forth verbatim therein.

(b) No intrastate motor carrier or private carrier shall operate or allow to be operated on the public highways of the State of Oklahoma any equipment that does not comply with safety criteria established by the USDOT, the rules of this Commission; or, the statutes of the State of Oklahoma. No motor carrier or private carrier shall permit any person to operate a motor vehicle in violation of any size or weight limits established by this Chapter, of OAC 595:30 or of the statutes of the State of Oklahoma. Every person operating vehicles upon the public highways of this State shall meet the minimum safety standards as established by the USDOT and the statutes of the State of Oklahoma. Any vehicle which fails to meet safety criteria, or size and weight standards, or which is operated by any person in violation of this subsection shall be prevented from continued use of the public highways of the State of Oklahoma.

(c) The Commission adopts the oversize and overweight provisions of the rules as adopted by the Oklahoma Department of Public Safety in OAC 595:30.

[**Source:** Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 24 Ok Reg 1814, eff 7-1-07]

165:30-3-32. Shipping documentation

(a) Every shipment shall be accompanied at all times by some form of written document of identification, which may be a bill of lading, freight bill, way bill, receipt, load ticket or other written instrument which sets out the date of shipment, commodity, weight, point of origin, point of destination, consignor and consignee.

(b) Each shipping document shall represent a single shipment and shall not represent multiple shipments.

(c) This Section does not prohibit any motor carrier from utilizing an electronic system of documentation provided the information required in subsection (a) is evident.

[**Source:** Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 27 Ok Reg 1773, eff 7-1-10]

165:30-3-33. Records

(a) All records required by this Subchapter shall be maintained at the location last designated by the motor carrier as its principal office. If no location in Oklahoma is so designated, upon demand, the records shall be made available at a location designated by the Commission, at the expense of the motor carrier.

(b) All books, records and other documents required by this Subchapter must be retained for a period not less than three (3) years.

[**Source:** Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95]

165:30-3-34. Minimum standards

(a) Every vehicle used for transportation of passengers or property shall be in safe operating condition, and shall possess all safety equipment required by the Statutes of Oklahoma and the regulations of the USDOT.

(b) Every motor vehicle operating upon the highways of the State of Oklahoma shall be properly registered. Commercial motor vehicles with a GVWR/GCWR of 15,000 pounds or more must be registered by weight prior to transporting property.

(c) A commercial motor vehicle may not be registered for a capacity less than its GVWR/GCWR.

(d) Every motor vehicle used for transportation of passengers or property shall be adequate in size, design, and equipment to perform the transportation and other services required of it. Every vehicle used for transportation requiring specialized equipment shall be equipped with all features and equipment necessary to afford adequate protection to cargo and to the public. No vehicle shall be loaded in excess of applicable weight limits; nor in any event in excess of the reasonable capacity of the vehicle, or in such fashion as to endanger any portion of the cargo.

(e) Every motor vehicle used for the transportation of explosives or any other dangerous substance shall comply with all applicable laws and rules as to safety, placarding and other transportation requirements.

(f) All vehicles will be utilized in a manner that conforms with the manufacturer's design standards and specifications.

(g) The Commission adopts the provisions of the rules and regulations as adopted by the Oklahoma Department of Public Safety in OAC 595:35, pertaining to 49 C.F.R. Federal Motor Carrier Safety Regulations, with all amendments and appendices thereto.

[**Source:** Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 13 Ok Reg 2419, eff 7-1-96; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 27 Ok Reg 1773, eff 7-1-10]

165:30-3-35. Credit [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Revoked at 12 Ok Reg 2077, eff 7-1-95]

165:30-3-36. Loss, damage and concealed claims [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Revoked at 12 Ok Reg 2077, eff 7-1-95]

165:30-3-37. Leasing of equipment

(a) An authorized carrier may perform authorized intrastate 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 (b) 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.

(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.

(b) The written lease required pursuant to (a) of this Section shall contain the following provisions which 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.

(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, 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 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 documentation upon which charges are assessed.

(9) The lease shall clearly specify all items that may be initially paid 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, the lease shall clearly specify:

(A) The legal obligation of the authorized carrier to maintain insurance coverage for the protection of the public.

(B) 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 owed to the lessor. The written explanation and itemization must be delivered to the lessor before any deductions are made.

(12) An original and two (2) 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. Leases shall not be filed with the Transportation Division.

(c) All charges for transportation performed by equipment covered by this Section shall be made and billed by the lessee and all records shall be maintained as required by 165:30-3-33.

(d) A contract for lease of equipment with provision or option to purchase the equipment as part thereof shall be valid if otherwise in compliance with this Section.

(e) This Section shall not apply to a regular route carrier of passengers.

(f) No person shall rent equipment with driver to a private intrastate carrier or to a shipper, without appropriate certificate or permit or license from the Commission.

[**Source:** Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95]

PART 7. CHANGE OF NAME OF LICENSE HOLDER

165:30-3-51. Name changes

(a) An application to change the name or business name of the holder of an intrastate motor carrier license, without any change in the legal identity of the holder or any change in the ownership of the license, except as provided in subsections (c), (d) or (e) below, shall be filed on the appropriate form prescribed (TDF 3) under the permanent PIN of the holder with appropriate sub-number designation and with such filing fee as prescribed by law or by Commission rule. No notice or hearing shall be necessary unless the Commission so requires. Notice, if required, shall be as the Commission shall direct.

(b) Any change in legal identity of the holder of an intrastate motor carrier license, except as provided in subsections (c), (d) or (e) below, including but not limited to incorporation or dissolution of a corporation, formation or dissolution of a partnership or creation or dissolution of a trust shall require an original application for a license.

(c) Incorporation by a sole proprietor in which the sole proprietor is the majority shareholder of the corporation, limited liability corporation or limited liability partnership shall be deemed a name change. Incorporation by a partnership in which the partners are the majority shareholders of the corporation shall be deemed a name change.

(d) A change in legal entity from a corporation, limited liability corporation or a limited liability partnership to a sole proprietorship, a partnership, a limited liability corporation or a limited liability partnership in which the sole proprietor, partners or shareholders hold the majority of all issued and outstanding shares of the corporation shall be deemed a name change.

(e) The merger of two or more corporations in which the survivor is the holder of a current license shall be deemed a name change.

(f) The transfer of stock in a corporation that shall result in any entity controlling fifty one percent (51%) or more of the aggregate number of voting shares of the corporation shall not be deemed a name change.

(g) The employment of incorporation, change of name or similar action directly or indirectly as a device to circumvent the rules of this Chapter is prohibited.

[**Source:** Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 13 Ok Reg 2419, eff 7-1-96]

165:30-3-52. Transfer of certificate or permit [REVOKED]

[**Source:** Amended at 11 Ok Reg 3727, eff 7-11-94; Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Revoked at 12 Ok Reg 2077, eff 7-1-95]

165:30-3-53. Transfer upon death of holder of certificate or permit [REVOKED]

[**Source:** Amended at 11 Ok Reg 3727, eff 7-11-94; Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Revoked at 12 Ok Reg 2077, eff 7-1-95]

PART 9. VIOLATIONS

165:30-3-71. Loading capacity - Safety compliance

(a) No intrastate motor carrier or private carrier shall operate or allow any employee, agent or any other person to operate a motor vehicle owned or leased to it in violation of the size and weight limits established by the State Statutes. Factors to be considered when an application for suspension or revocation is made are set forth in subsection (d)(1) through (5).

(b) No person, firm or corporation shall assist in the commission of such overweight violation or cause a motor vehicle to be overloaded.

(c) No intrastate motor carrier shall operate or allow any employee, agent or any other person to operate a motor vehicle owned or leased to it in violation of the safety standards established by the state statutes.

(d) A compliance audit may be conducted by the Commission and will be based upon, but not limited to the following:

(1) Frequency of violations.
(2) Pattern of violations.
(3) Fleet size.
(4) Type of operation.
(5) Overweight excess.

(e) Motor carriers obtaining a permit authorizing the operation of an oversize or overweight vehicle shall maintain a copy of the permit in accordance with 165:30-3-33.

(f) When performing an overweight audit, a certified load ticket or scale ticket shall be considered the actual weight of the vehicle or vehicle combination unless other reliable evidence is presented.

[**Source:** Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 26 Ok Reg 1398, eff 7-1-09; Amended at 27 Ok Reg 1773, eff 7-1-10; Amended at 29 Ok Reg 951, eff 7-1-12]

165:30-3-72. Pooling agreements [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Revoked at 12 Ok Reg 2077, eff 7-1-95]

165:30-3-73. Leasing of license

No intrastate motor carrier license, nor any part thereof, or rights thereunder shall be leased; nor shall the holder thereof sublet or in any manner permit the use thereof, or the exercise of any rights or privileges thereunder by another, except as provided in this Section. Violation of this Section shall be grounds for revocation of the license, and shall be grounds for denial of an application for a new or renewed license.

[**Source:** Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 13 Ok Reg 2419, eff 7-1-96]

165:30-3-74. Violations [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Revoked at 12 Ok Reg 2077, eff 7-1-95]

165:30-3-75. Advertising

(a) Any person who advertises to perform intrastate transportation services for which he does not hold a proper certificate or permit or license shall be in violation of this Section and subject to the penalties prescribed for contempt of the Commission.

(b) A motor carrier authorized to transport passengers must ensure all advertisements contain the motor carrier's USDOT number that is linked to the motor carrier's passenger authority license.

[Source: Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 29 Ok Reg 951, eff 7-1-12]

165:30-3-76. Contempt complaint

In addition to the procedures set forth in the Oklahoma Statutes and in the Commission's Rules of Practice, OAC 165:5 regarding the procedure in proceedings as for contempt, the following procedures may be followed for violations of this Chapter, and applicable statutes of Title 47 and Title 68:

(1) An enforcement officer/compliance inspector/ rate field agent (hereinafter referred to as "officer") of the Transportation Division may issue in the field a contempt citation for any violation of this Chapter or any applicable state statute. The officer shall furnish a copy of the citation to the person.

(2) The citation shall be in the form prescribed by the Commission's Transportation Division.

(3) A person served with a contempt citation may post bond or be released by the complaining officer upon personal recognizance as provided herein. The person shall indicate a plea on the citation, and sign the citation in the presence of the complaining officer. A person served with a citation may elect to change this plea to the citation at any time prior to and including the hearing date before the Administrative Law Judge. Any person electing to plead not guilty shall appear at the time and date set forth on the citation for a hearing on the matter before the Administrative Law Judge and, if not appearing, forfeit the bond posted. All Rules of Practice, OAC 165:5, of the Oklahoma Corporation Commission regarding procedures for hearing shall apply to the hearings provided for herein, except that the Administrative Law Judge may issue either an oral or written recommendation to the Commission en banc on the matter.

(A) The Commission shall accept bond payment of a fine in the form of cash, certified check, cashier's check, certified or guaranteed bank check, postal or commercial money order, guaranteed arrest bond certificate or any other form of payment accepted by the Commission. Such payment shall be in full satisfaction of the violation asserted in the complaint and the allegations and charges therein will be taken as confessed. The guaranteed arrest bond certificate must have been issued by either a trucking services club or surety company, officially authorized to issue such bonds for trucking violations in Oklahoma by the State Insurance Commission, or a trucking association authorized to transact business in Oklahoma by the State Insurance Commission. The guaranteed arrest bond certificate shall be signed by the person to whom it is issued and shall contain a

printed statement that such surety company, trucking association or trucking services club guarantees to pay the fine imposed on such person.

(B) Any person may be released by the complaining officer on personal recognizance if the person is unable to post a bond and the person has been issued a valid license to operate the motor vehicle they are operating, by Oklahoma, or by another state jurisdiction within the United States, or by any party jurisdiction of the Nonresident Violator Compact; and the complaining officer is satisfied as to the identity of the person receiving the citation. A person released on personal recognizance shall post a bond with the Commission within ten (10) days of the writing of the citation. Failure to do so may result in detention of equipment or revocation of authority.

(C) The failure to timely appear at the hearing at the time and date set forth on the citation may result in a request for suspension of the person's driver's license in Oklahoma, or in the nonresident's home state pursuant to the Nonresident Violator Compact. The Commission's Transportation Division shall report all such requests for suspension to the Department of Public Safety, which shall proceed as provided for by the provisions of Section 1115.5 of Title 22 of the Oklahoma Statutes.

(D) The violations for which fines shall be accepted and amounts thereof shall be as follows:

(i) Operating as a motor carrier without proper authority:

(I) First violation within a 12-month period - $300.00

(II) Second violation within a 12-month period - $400.00

(ii) Operating without carrying /producing a valid copy of the authority, permit, vehicle registration, fuel license, oversize or overweight permit, or display of fuel decal or identification device:

(I) First violation within a 12-month period - $125.00

(II) Second violation within a 12-month period - $200.00

(iii) Operating as a motor carrier carrying or producing an altered or fraudulent authority, oversize or overweight permit, vehicle registration, fuel license or license plate:

(I) First violation within a 12-month period - $1,000.00

(II) Second violation within a 12-month period - $1,500.00

(III) Third violation within a 12-month period - $2.000.00

(iv) Operating a commercial vehicle in excess of its registered weight by two thousand one (2,001) pounds or more:

(I) First violation within a 12-month period - $175.00

(II) Second violation within a 12-month period - $250.00

(v) Transportation of a deleterious substance(s) without a current deleterious substance transport permit:

(I) First violation within a 12-month period - $300.00

(II) Second violation within a 12-month period - $400.00

(vi) Operating a vehicle without proper registration:

(I) First violation within a 12-month period - $175.00

(II) Second or third violation within a 12-month period – the amount as shown in (vi) above plus an amount as reflected in 47 O.S. §1133

(vii) Operating motor vehicle without proper markings on vehicle:

(I) First violation within a 12-month period - $175.00

(II) Second violation within a 12-month period - $250.00
(viii) Operating a commercial motor vehicle without a valid fuel permit:
(I) First violation within a 12-month period - $175.00
(II) Second violation within a 12-month period - $250.00
(ix) Operating motor vehicle without valid lease agreement in vehicle:
(I) First violation within a 12-month period - $125.00
(II) Second violation within a 12-month period - $200.00
(x) Operating motor vehicle without proper shipping or cargo ownership documentation in vehicle:
(I) First violation within a 12-month period - $125.00
(II) Second violation within a 12-month period - $200.00
(xi) Failure to yield for inspection:
(I) First violation within a 12-month period - $150.00
(II) Second violation within a 12-month period - $200.00
(xii) Operating as an interstate motor carrier while placed out of service by a federal agency:
(I) First violation within a 12-month period - $300.00
(II) Second violation within a 12-month period - $400.00
(xiii) Operating as a transporter of hazardous waste without proper registration/permit:
(I) First violation within a 12-month period - $350.00
(II) Second violation within a 12-month period - $500.00
(xiv) Operating as an interstate motor carrier, freight forwarder, broker or leasing company without paying the appropriate UCR fee:
(I) First violation within a 12-month period - $300.00
(II) Second violation within a 12-month period - $400.00
(xv) Operating as an interstate motor carrier, freight forwarder, leasing company or broker without an active USDOT number:
(I) First violation within a 12-month period - $300.00
(II) Second violation within a 12-month period - $400.00
(xvi) Operating as an interstate motor carrier, freight forwarder, leasing company or broker without proper federal authority:
(I) First violation within a 12-month period - $300.00
(II) Second violation within a 12-month period - $400.00
(xvii) Operating as motor carrier, freight forwarder, leasing company or broker without proper insurance on file:
(I) First violation within a 12-month period - $300.00
(II) Second violation within a 12-month period - $400.00
(xviii) Operating oversize without a proper oversize permit; operating as an escort service without proper certification or violating its certification; failure to secure load; or failure to carry or produce a valid insurance security verification form, if required:
(I) First violation within a 12-month period – $175.00
(II) Second violation within a 12-month period – $250.00
(xix) Refusal to weigh vehicle - $500.00
(xx) Operating a commercial vehicle in excess of its legal weight - amount as specified by state statute, or:
(I) From 700 to 2000 pounds - $200.00

(II) From 2,001 to 3,000 pounds - $250.00
(III) From 3,001 to 4,000 pounds - $300.00
(IV) From 4,001 to 5,000 pounds - $350.00
(V) From 5,001 to 6,000 pounds - $400.00
(VI) From 6,001 to 7,000 pounds - $450.00
(VII) From 7,001 pounds and above - $500.00

(xxi) Violating a special permit or a variance permit - $100.00

(xxii) Other violations, unless otherwise specified by the Oklahoma Statutes or by the Oklahoma Bond Schedule:

(I) First violation within a 12-month period - $175.00
(II) Second violation within a 12-month period - $250.00

(xxiii) The third violation within a twelve-month period of units (i) through (xviii) of the subparagraph, unless otherwise specified by the Oklahoma Statutes or the rules of this Subchapter, shall result in a contempt fine of $500.00. In addition, the Commission may suspend or revoke a motor carrier's authority, registration or permit.

(E) Every officer is authorized to serve process in motor carrier, private carrier and other Commission related matters.

[**Source:** Amended at 10 Ok Reg 4447, eff 1-1-94 (emergency); Amended at 10 Ok Reg 4497, eff 1-1-94 (emergency); Amended at 11 Ok Reg 3727, eff 7-11-94; Amended at 11 Ok Reg 3735, eff 7-11-94; Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 13 Ok Reg 247, eff 11-1-95 through 7-14-96 (emergency); Amended at 14 Ok Reg 1251, eff 5-12-97; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 15 Ok Reg 3041, eff 7-15-98; Amended at 18 Ok Reg 23, eff 10-11-00 (emergency); Amended at 18 Ok Reg 2384, eff 7-1-01; Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 24 Ok Reg 1814, eff 7-1-07; Amended at 26 Ok Reg 1398, eff 7-1-09]

PART 11. MISCELLANEOUS

165:30-3-91. Restricted parcel carriers [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Revoked at 12 Ok Reg 2077, eff 7-1-95]

165:30-3-92. Pollution abatement

(a) All transportation by motor vehicle of deleterious substances including salt water, brines, liquid mud, acids, or any other fluids used in the drilling, completion, operation or reworking of an oil or gas well and/or any fluids generated as a by-product or resulting from the production of an oil or gas well or the operation of a disposal facility or facility where equipment is cleaned shall be conducted in such a manner that prevents any pollution to the surface of the earth or any fresh water bearing formation. Pollution of surface water or subsurface water is hereby prohibited.

(1) This Section shall not be construed as modifying the rights, obligation or duties of any person under the law of this State, or any order, rule or regulation of the Oklahoma Water Resources Board, State Department of Health, Department of Environmental Quality, Oklahoma Wildlife Conservation Commission, State Board of Agriculture, Department of

Pollution Control, Department of Public Safety or any other agency of this State with respect to the pollution of fresh water.

(2) When a complaint is received against any person or company alleging pollution as prohibited in this Section, or field investigations by Commission staff or other regulatory agencies indicates prohibited pollution occurring, the Transportation Division shall immediately initiate such action as is necessary or appropriate to abate the pollution.

(b) No transporters of fluids mentioned in this Section shall use an earthen pit for any storage of said fluids or the washing or otherwise cleaning of the inside of the trailer or container used to transport or store such fluids.

(c) Any truck yard pit used for the temporary storage of fluids from washing or cleaning activities of equipment used in the transportation of fluids mentioned in this Section shall not be utilized until the 1014T permit is issued by the Commission's Oil and Gas Division as set forth in OAC 165:10.

[**Source:** Amended at 11 Ok Reg 3727, eff 7-11-94; Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 18 Ok Reg 2384, eff 7-1-01; Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 29 Ok Reg 951, eff 7-1-12; Amended at 32 Ok Reg 823, eff 8-27-15]

PART 13. SUSPENSION OR CANCELLATION OF LICENSE

165:30-3-101. Voluntary suspension or discontinuance of license

(a) An intrastate motor carrier may request cancellation of its license without notice or hearing.

(b) Any intrastate motor carrier requesting cancellation of its license while in good standing may reapply for a new license at any time.

[**Source:** Amended at 11 Ok Reg 3727, eff 7-11-94; Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 13 Ok Reg 2419, eff 7-1-96; Amended at 14 Ok Reg 2539, eff 7-1-97]

165:30-3-102. Involuntary suspension or revocation of license

(a) Any intrastate motor carrier license may be suspended or revoked by the Commission, or the holder thereof assessed a fine or other lawful punishment for violation of, or failure to comply with, any requirement or provision of law or of this Chapter.

(b) An application to revoke or suspend an intrastate motor carrier license may be filed by a member of the staff of the Commission or by a person adversely affected by the acts alleged. It shall be in the form of an application, and proceedings thereon, including notice and hearing if required, shall be as prescribed in the Oklahoma Corporation Commission's Rules of Practice, OAC 165:5.

(c) After hearing, the Commission may grant or deny the application, and may suspend or revoke the license, or any part thereof or rights thereunder, or the Commission may assess a fine or impose limitations or conditions upon the continuation of operations under the license as stated in the order.

(d) Any motor carrier conducting operations under a suspended or cancelled license, shall not be eligible to apply for a new license for a period of not less than one hundred eighty (180) days.

Except for insurance violations as noted in 165:30-3-11, the one hundred eighty (180) day period shall begin the date a Commission order is signed suspending or cancelling a motor carrier license.
(e) The employment of incorporation, stock transfer, merger, change of name or similar action directly or indirectly as a device to evade subsection (d) of this Section is prohibited.
(f) Any violation of other state statutes or regulations shall be cause to initiate an application for suspension or revocation by staff or other adversely affected persons.

[**Source:** Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 14 Ok Reg 2539, eff 7-1-97]

165:30-3-103. Reinstatement of certificate or permit or license
(a) A motor carrier whose certificate, permit, license, or a portion thereof, has been cancelled by law or by order of the Commission, may file with the Commission a written application for reinstatement on the appropriate form prescribed by the Commission (TDF 8), and shall tender with the application a filing fee as prescribed by law or by Commission rule.
(b) The application for reinstatement must be filed within three (3) months from the date the certificate, permit, or license was cancelled by law or by Commission order and may be approved by the Director for Administrative reinstatement. Applications not approved for administrative reinstatement may be set for hearing.
(c) The application shall be filed under the PIN as assigned to the certificate, permit, or license, with appropriate sub-number designation.
(d) If the authority was revoked due to lack of insurance on file and the carrier cannot furnish proper proof of continuous insurance, the Commission may reinstate the certificate, permit or license only after a hearing has been held and notice thereof has been given as prescribed by the Oklahoma Corporation Commission's Rules of Practice, OAC 165:5.
(e) No reinstatement shall be issued until all requirements of the certificate, permit or license have been fulfilled and a reinstatement fee as prescribed by law or Commission rule has been tendered.

[**Source:** Amended at 11 Ok Reg 3727, eff 7-11-94; Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 13 Ok Reg 247, eff 11-1-95 through 7-14-96 (emergency); Amended at 14 Ok Reg 1251, eff 5-12-97; Amended at 21 Ok Reg 774, eff 7-1-04; Amended at 23 Ok Reg 509, eff 12-19-05 (emergency); Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 25 Ok Reg 1546, eff 7-1-08]

165:30-3-104. Violations
(a) Every for-hire motor carrier, shipper, private motor carrier, their employees or any other person who violates or fails to comply with or procures, aids or abets in the violation of any provision of law or of any requirements of this Chapter; or who fails 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, or who procures, aids, or abets any corporation or person in its refusal or willful failure to obey, observe or comply with any such order, decision, rule, direction, demand or regulation, or part of provision thereof, after notice and hearing, is guilty of contempt of the Commission and is subject to a fine not to exceed Five Hundred ($500.00) Dollars per violation per day or as otherwise provided for by law.
(b) All motor carriers must yield for inspection as directed by a duly authorized motor carrier enforcement officer or by posted road signs.

(c) Motor carrier enforcement officers may hold and detain equipment operated by a motor carrier for violations of applicable laws in the Oklahoma Statutes or rules of the Commission.
(d) If, in the judgment of a motor carrier enforcement officer, a detained vehicle poses an inherent risk to public health, public safety or welfare, upon direction of the Transportation Division Director or his designee, the motor carrier enforcement officer may arrange for impoundment of the detained vehicle at the expense of the motor carrier.
(e) Contents of impounded equipment must be inventoried, with any inventory expense incurred at the sole cost of the motor carrier.

[**Source:** Added at 12 Ok Reg 1005, eff 1-1-95 (emergency); Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 13 Ok Reg 247, eff 11-1-95 (emergency); Amended at 13 Ok Reg 2419, eff 7-1-96; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 21 Ok Reg 774, eff 7-1-04; Amended at 25 Ok Reg 1546, eff 7-1-08]

SUBCHAPTER 5. TARIFF CIRCULAR 4 [REVOKED]

PART 1. TARIFF REQUIREMENTS [REVOKED]

165:30-5-1. Compliance [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Revoked at 18 Ok Reg 2384, eff 7-1-01]

165:30-5-2. Issuance of certificates or permits [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Revoked at 18 Ok Reg 2384, eff 7-1-01]

165:30-5-3. Reasonable rates and practices [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Revoked at 18 Ok Reg 2384, eff 7-1-01]

165:30-5-4. Contract carrier of household goods [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Revoked at 18 Ok Reg 2384, eff 7-1-01]

165:30-5-5. Publication and filing of household goods tariffs containing all rates and rules [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Revoked at 18 Ok Reg 2384, eff 7-1-01]

165:30-5-6. Initial household goods rates and tariffs [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Revoked at 18 Ok Reg 2384, eff 7-1-01]

165:30-5-7. Publishing and filing tariffs of household goods [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Revoked at 18 Ok Reg 2384, eff 7-1-01]

165:30-5-8. Posting of household goods tariffs [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Revoked at 18 Ok Reg 2384, eff 7-1-01]

165:30-5-9. Distance and mileage tariffs [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Revoked at 18 Ok Reg 2384, eff 7-1-01]

165:30-5-10. New or changed provisions of tariffs [REVOKED]

[**Source:** Amended at 11 Ok Reg 3727, eff 7-11-94; Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 13 Ok Reg 2419, eff 7-1-96; Revoked at 18 Ok Reg 2384, eff 7-1-01]

165:30-5-11. Special permission to depart from regulations [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Revoked at 12 Ok Reg 2077, eff 7-1-95]

PART 3. TARIFF VIOLATIONS [REVOKED]

165:30-5-21. Rejection of tariffs not conforming with regulations [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Revoked at 18 Ok Reg 2384, eff 7-1-01]

165:30-5-22. Suspension and investigation of provisions of tariff [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Revoked at 18 Ok Reg 2384, eff 7-1-01]

PART 5. STRUCTURING OF TARIFFS [REVOKED]

165:30-5-31. Form and construction of tariffs and supplements [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Revoked at 18 Ok Reg 2384, eff 7-1-01]

165:30-5-32. Changes, amendments and supplements to tariffs [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Revoked at 18 Ok Reg 2384, eff 7-1-01]

SUBCHAPTER 6. TRANSPORTATION NETWORK COMPANIES

PART 1. APPLYING FOR A PERMIT

165:30-6-1. Obtaining a permit

(a) No Transportation Network Company ("TNC") shall operate upon any street, road, public highway or dedicated public thoroughfare of this State for the transportation of passengers for hire without the TNC first obtaining from the Commission a permit as provided in this Subchapter. A permit issued under this Subchapter shall not constitute authorization to conduct operations as a for-hire motor carrier or as a private carrier.

(1) An applicant for a permit shall file with the Commission a written application on the appropriate form prescribed by the Commission (TDF 29), and shall tender with the application a filing fee as prescribed by law or by Commission rule.

(2) A permit shall be issued only to an individual, a corporation, a limited liability company, a partnership or other legally recognized entity and shall be personal to the holder thereof.

(3) The filing of an application for a permit does not authorize any TNC operations by the applicant. Such operations are prohibited until after all requirements have been met, and a permit has been issued. All requirements for compliance with this Chapter must be met within thirty (30) days from date of receipt of a TNC permit application by the Commission. The Transportation Division Director may extend the thirty (30) day period upon request by a TNC for good cause shown. Failure to comply will result in dismissal of the application for a permit. Permits issued shall be valid for a maximum of one (1) year and may be renewed after application has been filed and all requirements met as provided by this Chapter.

(4) The application shall require the following:

(A) Name, single trade name (if any), mailing address, physical address, email address, telephone number and domicile county of the applicant.

(B) The type of applicant (indicating if sole proprietorship, partnership, corporation or other legal entity), specifying the names of all partners, officers and/or directors listing the mailing, physical and email addresses of each.

(C) The name and address of the TNC's process agent in Oklahoma.

(D) Name of the TNC's Digital Network and sources from which it can be accessed.

(E) Screenshots of items, or other information deemed acceptable by the Commission, that are required by the Oklahoma Transportation Network Company Services Act to be on the Digital Network.

(F) Copies of policies required by the Oklahoma Transportation Network Company Services Act.

(G) Declaration that the applicant is in full compliance with all other state laws, federal laws, rules and regulations.

(H) Any other information the Commission deems pertinent.

(5) Every TNC operating under the rules of this Commission shall possess a copy of this Chapter.

(b) The Commission may grant or deny the TNC permit application or may impose conditions, stipulations and limitations on the permit consistent with the requirements of the Oklahoma Transportation Network Company Services Act. If the Commission deems a hearing on the application to be necessary, the hearing shall be set within thirty (30) days of receipt of a complete application.

(c) No TNC permit shall be issued to an applicant until all outstanding fines or judgments due the Commission or other Oklahoma state agencies have been satisfied.

(d) All proceedings subsequent to the application, shall be governed by applicable provisions of the Commission's Rules of Practice, OAC 165:5.

[Source: Added at 33 Ok Reg 633, eff 9-1-16; Amended at 36 Ok Reg 607, eff. 8-1-19]

165:30-6-3. TNC Permit renewals

(a) Any TNC desiring to continue operations as granted in its permit shall apply for renewal by submitting the appropriate application form (TDF 29) a minimum of thirty (30) days prior to the date of the permit's expiration. Each renewal application shall be properly signed.

(b) The applicant must supply updated documentation demonstrating eligibility for a TNC permit upon request.

(c) All TNC Permits renewed by the Commission shall become effective the same date as the prior permit's expiration.

(d) Renewal applications shall be accompanied by a filing fee as prescribed by law or by Commission rule.

(e) A renewal application may be set for hearing at the discretion of the Commission.

(f) All requirements for compliance with this Chapter must be met within thirty (30) days from date of receipt of a TNC permit renewal application by the Commission. Failure to comply will result in dismissal of the renewal application for a permit.

(g) A renewal application will not be accepted if the permit has previously expired, unless the Director of the Transportation Division reviews and approves the acceptance of the application for renewal.

(h) No TNC permit shall be renewed until all outstanding fines or judgments due the Commission or other Oklahoma state agencies have been satisfied.

(i) No TNC operations shall be performed under an expired permit.

[**Source:** Added at 33 Ok Reg 633, eff 9-1-16; Amended at 34 Ok Reg 977, eff 9-11-17]

165:30-6-5. Insurance

(a) No TNC shall conduct any operations in this State unless such operations are covered by a valid insurance policy issued by an insurer authorized or approved by the Oklahoma Insurance Department. No holder of a TNC permit shall conduct any operations before a proper certificate of insurance(s) has been filed with, and approved, by the Commission.

(b) Every TNC shall file with the Commission a certificate on form TDF 30 certifying that there is in effect insurance coverage as set forth in the Oklahoma Transportation Network Company Services Act.

(c) No certificate of insurance filed with the Commission pursuant to this Section shall be canceled, unless the authorization to conduct operations has been canceled, except after thirty (30) days written notice made to the Commission, on form TDF 31, which notice shall be effective only upon actual receipt thereof by the Commission.

(d) Insurance certificates may be canceled without the thirty (30) days written notice on form TDF 31 only when the authorization to operate has previously expired or canceled.

(e) Insurance certificates not properly cancelled or expired shall be considered expired one (1) year after the TNC's authorization to operate has been cancelled or expired.

(f) Insurance certificates approved by this Commission shall be replaced by more recent insurance certificates. The liability of the retiring insurer shall be terminated as of the effective date of the replacement insurance certificate provided the replacement is approved by this Commission.

(g) Every certificate of insurance filed with the Commission shall provide that the public is protected from damage sustained through operations of any and all vehicles operated by the TNC insured, subject to the terms and conditions provided for by the Oklahoma Transportation Network Company Services Act.

(h) Every certificate of insurance filed with the Commission shall be executed by an officer or authorized agent of the insurance company; and if executed by an agent, a copy of his written authority or power of attorney to execute the same shall be attached to the certificate.

(i) When insurance is provided by more than one insurer in order to aggregate security limits for TNCs, a separate insurance certificate is required of each insurer. For each motor carrier, no more than one (1) primary insurance filing and no more than two (2) excess insurance filings shall be approved.

(j) Every TNC shall maintain in force at all times all insurance required by state laws and by this Section. Failure for any cause to maintain any required insurance in force shall automatically and without notice suspend the permit of a TNC until proper insurance is filed. No TNC operations shall be conducted unless proper insurance is on file with the Commission.

(k) Whenever the permit of a TNC is suspended for failure to maintain in force insurance required by this Section, the TNC must file proper certificate(s) of insurance, as provided in this Section, within sixty (60) days after commencement of the suspension.

(l) Whenever a TNC fails to provide proper certificates of insurance within sixty (60) days after suspension thereof as provided in this Section, the TNC's permit shall be cancelled. A permit so cancelled shall not be reinstated or otherwise made operative except upon proper showing that the TNC 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 TNC's own negligence.

(m) Any TNC conducting operations under a suspended or cancelled permit shall not be eligible to apply for a new permit for a period of not less than one hundred eighty (180) days. The one hundred eighty (180) day period shall be determined by either the date insurance on file expires or the date a violation is discovered, whichever occurrence is later.

(n) Insurance filings and cancellation notices required by this Chapter may be accepted electronically as set forth by the Transportation Division. Electronic insurance filings and cancellations shall be held to the same standard and carry the same force and effect as if accepted through traditional paper filings.

[**Source:** Added at 33 Ok Reg 633, eff 9-1-16; Amended at 36 Ok Reg 607, eff. 8-1-19]

165:30-6-7. Name changes

(a) An application to change the name or business name of the holder of a TNC permit, without any change in the legal identity of the holder or any change in the ownership of the permit, except as provided in subsections (c), (d) or (e) below, shall be filed on the prescribed form (TDF 3) with such filing fee as prescribed by law or by Commission rule. No hearing shall be necessary unless the Commission so requires.

(b) Any change in legal identity of the holder of a TNC permit, except as provided in subsections (c), (d) or (e) below, including but not limited to incorporation or dissolution of a corporation, formation or dissolution of a partnership or creation or dissolution of a trust shall require an original application for a permit.

(c) The following shall be considered a name change:

(1) Incorporation by a sole proprietor in which the sole proprietor is the majority shareholder of the corporation, limited liability company or limited liability partnership.

(2) Incorporation by a partnership in which the partners are the majority shareholders of the corporation.

(3) A change in legal entity from a corporation, limited liability company or a limited liability partnership to a sole proprietorship, a partnership, a limited liability corporation or a limited liability partnership in which the sole proprietor, partners or shareholders hold the majority of all issued and outstanding shares of the corporation.

(4) The merger of two or more corporations in which the survivor is the holder of a current permit.

(d) The transfer of stock in a corporation that shall result in any entity controlling fifty one percent (51%) or more of the aggregate number of voting shares of the corporation shall not be deemed a name change.

(e) The employment of incorporation, change of name or similar action directly or indirectly as a device to circumvent the rules of this Chapter is prohibited.

[**Source:** Added at 33 Ok Reg 633, eff 9-1-16]

PART 3. CONDUCTING OPERATIONS

165:30-6-17. Current address requirement

(a) Any notice required by law, the Commission's Rules of Practice, OAC 165:5, or this Chapter to be served upon or mailed to any holder of a permit shall be delivered or mailed to the last known email or mailing address as reflected by the records of the Commission. It is the duty of every holder of a permit to notify the Transportation Division by specific written request (TDF 17) of any change in the email address, address of the principal place of business or mailing address thereof.

(b) Any TNC that has not filed a written designation of service agent with the Commission shall be deemed to have designated the Secretary of State of Oklahoma for the purpose of service of process by the Commission.
(c) Where such notice is required by law, Commission's Rules of Practice, OAC 165:5, or this Chapter is returned undeliverable, it will be grounds for revocation of the permit.

[Source: Added at 33 Ok Reg 633, eff 9-1-16; Amended at 36 Ok Reg 608, eff. 8-1-19]

165:30-6-19. Compliance with laws and regulations
(a) All TNCs shall conduct their operations in accordance with all applicable laws of the State of Oklahoma and all applicable rules of this Chapter. All permits heretofore or hereafter granted by the Commission are subject to applicable provisions of law and of this Chapter as fully as if those laws and rules were set forth verbatim therein.
(b) No TNC shall operate or allow to be operated any equipment that does not comply with safety criteria established by the rules of this Commission, the Oklahoma Transportation Network Company Services Act or the statutes of the State of Oklahoma on the public highways of the State of Oklahoma. No TNC shall permit any TNC driver to operate a motor vehicle in violation of any size limits established by this Chapter, of OAC 595:30 or of the statutes of the State of Oklahoma. The TNC shall suspend access to its digital network to a TNC driver, pending an investigation by the TNC, if it receives notice of or has reason to believe the driver has failed to meet the safety criteria or size standards of the Commission, the Oklahoma Transportation Network Company Services Act, or the statutes of the State of Oklahoma.
(c) TNCs shall provide notice to their TNC drivers that arranging for-hire passenger transportation services in any way other than through the TNC's digital network will subject the driver to the same regulation, authority requirements, and penalties as a motor carrier under the Motor Carrier Act of 1995.
(d) TNCs shall provide, via the TNC's Digital Network, a method whereby each TNC driver can present to a requesting law enforcement officer proof that the driver is operating as a TNC driver. TNC drivers unable to present such information may be considered to be engaged in motor carrier operations.
(e) No provisions may be included in the TNC's Terms of Service or Driver Contracts that are contrary to the OTNCS Act.
(f) No provisions in this Subchapter prohibit a TNC from contracting with a licensed intrastate for-hire motor carrier.

[**Source:** Added at 33 Ok Reg 633, eff 9-1-16; Amended at 34 Ok Reg 977, eff 9-11-17]

165:30-6-21. Records
All records required by the Transportation Network Company Services Act, or this Subchapter, shall be made available upon a request by the Commission within a reasonable time, as required by the Oklahoma Transportation Network Company Services Act. Records may be produced to the Commission in electronic form unless physical copies of specific records are requested by the Commission.

[Source: Added at 33 Ok Reg 633, eff 9-1-16**]**

PART 5. VIOLATIONS

165:30-6-33. Leasing of TNC Permit

No TNC permit, nor any part thereof, or rights thereunder shall be leased; nor shall the holder thereof sublet or in any manner allow the use thereof, or exercise any of the rights or privileges thereunder by another, except as provided in this Section. Violation of this Section shall be grounds for revocation of the permit, and shall be grounds for denial of an application for a new or renewed permit.

[**Source:** Added at 33 Ok Reg 633, eff 9-1-16]

165:30-6-35. Operating or Advertising to Operate without a Permit

Any person or entity performing or advertising to perform TNC services without holding a proper permit granted by the Commission shall be in violation of this Section and be subject to the penalties prescribed for contempt of the Commission.

[**Source:** Added at 33 Ok Reg 633, eff 9-1-16**]**

165:30-6-37. Violations

(a) Every TNC, their employees or independent contractors, or any other person who violates or fails to comply with or procures, aids or abets in the violation of any provision of law or of any requirement of this Chapter; or who fails to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement, or any part of provision thereof, of the Commission, or who procures, aids or abets any corporation or person in its refusal or willful failure to obey, observe or comply with any such order, decision, rules, direction, demand or regulation, or part of provision thereof, after notice and hearing, is guilty of contempt of the Commission and is subject to a fine not to exceed Five Hundred Dollars ($500.00) per violation per day or as otherwise provided for by law.

(b) Only the Commission staff or other state or federal governmental agency may file an application for a contempt proceeding.

[**Source:** Added at 33 Ok Reg 633, eff 9-1-16]

PART 7. SUSPENSION OR CANCELLATION OF PERMIT

165:30-6-47. Voluntary cancellation of permit

(a) A TNC may request cancellation of its permit without notice or hearing.

(b) Any TNC requesting cancellation of its permit while in good standing may reapply for a new permit at any time.

[**Source:** Added at 33 Ok Reg 633, eff 9-1-16]

165:30-6-49. Involuntary suspension or revocation of permit

(a) Any TNC permit may be suspended or revoked by the Commission, or the holder thereof assessed a fine or other lawful punishment for violation of, or failure to comply with, any requirement or provision of law or of this Chapter.

(b) An application to revoke or suspend a TNC permit may be filed by a member of the staff of the Commission. It shall be in the form of an application, and proceedings thereon, including notice and hearing if required, shall be as prescribed in the Oklahoma Corporation Commission's Rules of Practice, OAC 165:5.
(c) After hearing, the Commission may grant or deny the application, and may suspend or revoke the permit, or the Commission may assess a fine or impose limitations or conditions upon the continuation of operations under the permit as stated in the order.
(d) Any TNC conducting operations under a suspended or cancelled permit shall not be eligible to apply for a new permit for a period of not less than one hundred eighty (180) days. Except for insurance violations as noted in 165:30-6-5, the one hundred eighty (180) day period shall begin the date a Commission order is signed suspending or canceling a TNC permit.
(e) The employment of incorporation, stock transfer, merger, change of name or similar action directly or indirectly as a device to evade subsection (d) of this Section is prohibited.
(f) Any violation of state statutes or regulations shall be cause to initiate an application for suspension or revocation by Commission staff or other state or federal governmental agency.

[**Source:** Added at 33 Ok Reg 633, eff 9-1-16]

165:30-6-51. Reinstatement of TNC Permit
(a) A TNC whose permit has been cancelled for lack of insurance, may file with the Commission a written application for reinstatement on the appropriate form prescribed by the Commission (TDF 8), and shall tender with the application a filing fee as prescribed by law or by Commission rule.
(b) The application for reinstatement must be filed within three (3) months from the date the permit was cancelled and may be approved by the Director of Transportation for administrative reinstatement. Applications not approved for administrative reinstatement may be set for hearing.
(c) If the authority was revoked due to lack of insurance on file and the TNC cannot furnish proper proof of continuous insurance, the Commission may reinstate the permit only after a hearing has been held and notice thereof has been given as prescribed by the Oklahoma Corporation Commission's Rules of Practice, OAC 165:5.
(d) No reinstatement shall be issued until all requirements of the permit have been fulfilled.

[**Source:** Added at 33 Ok Reg 633, eff 9-1-16]

SUBCHAPTER 7. PROCEDURAL RULES

165:30-7-1. Contents of application [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Revoked at 12 Ok Reg 2077, eff 7-1-95]

165:30-7-2. Notice [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 23 Ok Reg 509, eff 12-19-05 (emergency); Amended at 23 Ok Reg 2325, eff 7-1-06; Revoked at 27 Ok Reg 1773, eff 7-1-10]

165:30-7-3. Hearing [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Revoked at 12 Ok Reg 2077, eff 7-1-95]

165:30-7-4. Collective ratemaking [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Revoked at 18 Ok Reg 2384, eff 7-1-01]

165:30-7-5. Forms

The following forms of the Commission relate to this Chapter:

(1) Intrastate license forms.
  (A) TDF 1 - Application for Intrastate Motor Carrier For-Hire or Private Carrier License
  (B) TDF 2 - Application for renewal of Intrastate Motor Carrier License

(2) Intrastate certificate forms.
  (A) MCF 1 – Application for Household Goods Certificate
  (B) MCF 2 – Application for Renewal of Household Goods Certificate
  (C) MCF 8 – Application for Reinstatement of Household Goods Certificate
  (D) Form H – Uniform Motor Carrier Cargo Certificate of Insurance
  (E) Form J – Uniform Motor Carrier Cargo Surety Bond

(3) Interstate Form – Unified Carrier Registration

(4) Harvest Permit forms
  (A) TOSS 1 – Application for Harvest Permit
  (B) TOSS 2 – Application for Fifteen (15)-Day Harvest Permit Extension

(5) Hazardous Waste forms.
  (A) UPW – Part I – Registration
  (B) UPW – Part II – Permit
  (C) UPW – Part III – Other Information
  (D) UPW – Part IV – Certification
  (E) UPW – Uniform Program Fee Worksheet (Schedules A-D and Summary)

(6) IFTA/IRP forms.
  (A) IRP Schedule A – International Registration Plan Original Application-Schedule A
  (B) IRP Schedule B – International Registration Plan- Schedule B
  (C) IRP Schedule C – International Registration Plan Supplemental Application-Schedule
  (D) IRP Schedule G – International Registration Plan Declaration of Estimated Miles-Schedule G
  (E) IRP Misc 1 – International Registration Plan Affidavit for Lost/Stolen Tag and Additional Cab Cards
  (F) IFTA Application – International Fuel Tax Agreement Registration Application
  (G) IFTA QTR – International Fuel Tax Agreement Quarterly Report

(7) Miscellaneous forms.
  (A) TDF 3 – Application for Change of Name
  (B) TDF 8 – Application for Reinstatement
  (C) TDF 14 – Application for a Deleterious Substance Transport Permit

(D) TDF 16 – Application for Identification Devices
(E) TDF17 - Application for Address Change
(F) TDF 18 – Affidavit of No Operations
(G) Form E – Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance
(H) Form K – Uniform Notice of Cancellation of Motor Carrier Insurance Policies
(I) Form G – Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond
(J) Form L – Uniform Notice of Cancellation of Motor Carrier Surety Bonds
(K) TDF 25 – Application for Motor Carrier Rules and Regulations
(L) TDF 26 – Motor Carrier Rules and Regulations Update Notification
(M) TDF 28 – Vehicle Information Request Form

(8) Transportation Network Company forms
(A) TDF 29 – Application for Oklahoma Transportation Network Company Permit
(B) TDF 30 – Oklahoma Transportation Network Company Certificate of Insurance
(C) TDF 31 – Oklahoma Transportation Network Company Notice of Insurance Cancellation

[**Source:** Amended at 10 Ok Reg 4447, eff 1-1-94 (emergency); Amended at 10 Ok Reg 4497, eff 1-1-94 (emergency); Amended at 11 Ok Reg 3727, eff 7-11-94; Amended at 11 Ok Reg 3735, eff 7-11-94; Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 13 Ok Reg 247, eff 11-1-95 (emergency); Amended at 13 Ok Reg 2419, eff 7-1-96; Amended at 14 Ok Reg 1251, eff 5-12-97; Amended at 15 Ok Reg 3041, eff 7-15-98; Amended at 18 Ok Reg 23, eff 10-11-00 (emergency); Amended at 18 Ok Reg 2384, eff 7-1-01; Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 27 Ok Reg 1773, eff 7-1-10; Amended at 32 Ok Reg 823, eff 8-27-15; Amended at 33 Ok Reg 633, eff 9-1-16; Amended at 34 Ok Reg 977, eff 9-11-17; Amended at 36 Ok Reg 608, eff. 8-1-19]

165:30-7-6. Applications and requests

(a) All intrastate motor carrier, private carrier, transportation network company, deleterious, hazardous waste, registration and fuel permit applications must bear an original acceptable signature of the applicant. The applicant must be a legal entity with an optional single trade name listed that is not a legal entity. If signed by an attorney or agent in lieu of the applicant, a copy of the power of attorney must be attached to the application.

(b) Acceptable signatures on applications for authority are as follows:
(1) Sole proprietorship - sole proprietor.
(2) Partnership - one of the partners.
(3) Corporation - one of the officers or directors.
(4) Limited liability company - the manager.

(c) A name change relating to a partnership or a request to cancel a partnership must be signed by all partners.

(d) All motor carrier and commercial motor vehicle applications filed by an applicant which does not maintain a terminal in Oklahoma must file and maintain a current listing of a valid Oklahoma process agent on behalf of the applicant.

(e) All applications for authority shall contain the USDOT number of the operating motor carrier. Applications for registration shall additionally contain the USDOT number of the owner of each vehicle, and the registrant.
(f) Motor carriers obtaining a name change with FMCSA in association with the motor carrier's DOT number must immediately update the name and/or trade name on the Commission issued authority, registrations, fuel licenses or permits. The Commission may require a name change or an application for new authority. Motor carriers obtaining a name change on Commission issued authority, registration, fuel licenses or permits must immediately obtain a name change with FMCSA in association with the motor carrier's DOT number. Failure to have the motor carrier name and trade name, if any, identically shown on all authority, registrations, fuel licenses or permits may subject the motor carrier to penalties, suspension, revocation, roadside enforcement delays or delays in processing subsequent applications.
(g) Motor carriers changing their email, mailing or physical address with FMCSA in association with the motor carrier's DOT number must immediately update address(es) on the Commission issued authority, registrations, fuel licenses or permits. In the event the Commission determines a motor carrier has changed its address(es) with FMCSA prior to notifying the Commission, may cause the Commission to update its records to reflect the updated address(es) on file with FMCSA. The motor carrier may notify the Commission in writing if it chooses to maintain separate address(es) on file with the Commission from the address(es) on file with FMCSA. Failure to have current address(es) on file for authority, registrations, fuel licenses or permits may subject the motor carrier to penalties, suspension, revocation, roadside enforcement delays or delays in processing subsequent applications.
(h) An application for authority, commercial vehicle registration or fuel permit may not be processed when the motor carrier or the motor carrier responsible for safety has not updated its USDOT number within the prior twenty-four (24) months. Failure to update the USDOT number may subject the authority to revocation.
(i) Failure to properly complete any application may result in delay or denial of the relief sought.
(j) Applications may be denied due to outstanding monies owed to the Commission or other state or federal agencies.
(k) Interstate authority, fuel permits and registration cannot be issued to a motor carrier whose ability to operate in interstate commerce has been denied or revoked.
(l) If a fee is required for an application, and the funds are returned unpaid, any document or privilege granted as a result of that application shall be immediately revoked without notice. The document or privilege shall be reinstated provided valid payment is received in a timely manner.

[**Source:** Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 18 Ok Reg 23, eff 10-11-00 (emergency); Amended at 18 Ok Reg 2384, eff 7-1-01; Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 29 Ok Reg 951, eff 7-1-12; Amended at 33 Ok Reg 633, eff 9-1-16; Amended at 34 Ok Reg 977, eff 9-11-17; Amended at 36 Ok Reg 609, eff. 8-1-19]

165:30-7-7. Records and inspections
(a) All persons engaged in an activity, which an authorized agent of the Commission has reasonable cause to believe appears to be within the purview of this Chapter, shall make its transportation related records available for inspection to an authorized agent of the Commission.

(b) Persons engaged in an activity within the purview of this Chapter, shall stop when ordered to do so by a motor carrier enforcement officer and yield the vehicle, its contents and its shipping documentation to the officer for inspection.
(c) All transportation related records shall be made available at the carrier's principal place of business upon request of the Commission. If no location in Oklahoma is so designated, the records shall be made available at a location designated by the Commission, at the expense of the person engaged in transportation matters.
(d) Every person who fails to provide the transportation related records, upon demand, is guilty of contempt of the Commission and is subject to a fine not exceed Five Hundred ($500) Dollars or as otherwise provided for by law.

[**Source:** Added at 15 Ok Reg 3041, eff 7-15-98; Amended at 18 Ok Reg 23, eff 10-11-00 (emergency); Amended at 18 Ok Reg 2384, eff 7-1-01]

165:30-7-8. Review of Applicants for safety fitness [REVOKED]

[**Source:** Added at 15 Ok Reg 3041, eff 7-15-98; Amended at 18 Ok Reg 23, eff 10-11-00 (emergency); Amended at 18 Ok Reg 2384, eff 7-1-01; Amended at 23 Ok Reg 509, eff 12-19-05 (emergency); Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 27 Ok Reg 1773, eff 7-1-10; Revoked at 35 Ok Reg 1044, eff 10-1-18]

165:30-7-9. Compliance reviews [REVOKED]

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01; Revoked at 35 Ok Reg 1044, eff 10-1-18]

165:30-7-10. Civil assessments [REVOKED]

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01; Revoked at 35 Ok Reg 1044, eff 10-1-18]

165:30-7-11. USDOT number
(a) Every person operating or intending to operate as a motor carrier in intrastate or interstate commerce shall obtain a USDOT number.
(b) Every person registering a commercial motor vehicle for apportionment shall obtain a USDOT number.
(c) Every person applying for an IFTA license shall obtain a USDOT number.
(d) USDOT numbers for interstate operations can be obtained utilizing a MCS-150 form available from FMCSA or online at www.fmcsa.dot.gov.
(e) USDOT numbers for intrastate only operations can be obtained online at www.fmcsa.dot.gov.
(f) Motor carriers, registrants and licensees obtaining a USDOT number for interstate operations shall comply with all provisions of 49 C.F.R. 390.19, with the exception that applicants for apportioned registration must update their MCS-150 a minimum of once every twelve (12) months.
(g) Motor carriers operating intrastate only shall update their MCS-150 or TDF-19 a minimum of once every two (2) years.

(h) All holders of a USDOT number shall notify the Commission, utilizing a TDF 19 if intrastate only, or file a new MCS-150 form with USDOT or this Commission when they cease operations in order to inactivate their USDOT number.
(i) A USDOT number issued to an intrastate carrier will be inactivated when the intrastate carrier does not hold an active authority and two (2) or more Commission letters or notifications mailed to the last known email or mailing address on file are returned undeliverable.

[**Source:** Added at 25 Ok Reg 1546, eff 7-1-08; Amended at 27 Ok Reg 1773, eff 7-1-10; Amended at 36 Ok Reg 610, eff. 8-1-19]

165:30-7-12. Revocation, suspension or denial of issuance of license, permit, certificate or registration
(a) The Commission may revoke, suspend or deny the issuance of any Commission issued motor carrier or commercial motor vehicle license, permit, TNC permit, certificate or registration issued pursuant to the Commission's jurisdiction for any of the following reasons:
(1) Violation of applicable state law.
(2) Violation of Commission rules.
(3) Failure to observe or fulfill the conditions upon which the license, permit, certificate or registration was issued.
(4) Nonpayment of any delinquent tax, fee or penalty to the Commission or to the State of Oklahoma.
(5) Nonpayment of a uniform base state program delinquent tax, fee or penalty to a state or province participating with the Commission in that program.
(6) Placed out of service by a federal or state agency.
(b) A motor carrier, private carrier, TNC or registrant who wishes to contest a revocation, suspension or denial of issuance of motor carrier license, permit, certificate or registration is entitled to a hearing under the procedures contained in the Commission's Rules of Practice, OAC 165:5.

[**Source:** Added at 26 Ok Reg 1398, eff 7-1-09; Amended at 29 Ok Reg 951, eff 7-1-12; Amended at 33 Ok Reg 633, eff 9-1-16]

165:30-7-13. Disqualification procedure
(a) **General provisions.** Any person may, after notice and an opportunity for hearing, be disqualified from conducting business before the Transportation Division of the Commission if such person:
(1) Is shown to be incompetent or disreputable;
(2) Refuses to comply with rules and regulations;
(3) With intent to defraud, in any manner willfully and knowingly deceives, misleads, or threatens any person;
(4) Advises a person to file a fraudulent or false report or return;
(5) Knowingly prepares or files a false or fraudulent report or return;
(6) Assists, aids or abets any person in or by concealing any information pertaining to said person's books, records, reports or returns;

(7) Delays proceedings of the Commission by disposing of or concealing information required in the filing of reports or returns under any Commission law or rule, or assisting another in such acts; or

(8) Commits any other misconduct determined by the Commission.

(b) **Complaint and initial investigation**. The Commission may, upon its own initiative, or upon receiving a written complaint filed with the Director of the Transportation Division, cause the complaint to be investigated and a determination made as to whether good cause exists for initiating a disqualification proceeding. If it is determined that none of the conditions in subsection (a) above have been met, or if there is insufficient evidence to support the allegation, the investigation will be terminated. If a determination is made that good cause exists for initiating a disqualification proceeding, such proceeding will be promptly commenced.

(c) **Commencement, notice, and conduct of hearing**. The commencement of the proceeding, notice to the respondent, and conduct of the hearing shall be held in compliance with the Commission's Rules of Practice, OAC 165:5.

(d) **Burden of proof.** The Office of the General Counsel shall have the burden of establishing, by a preponderance of the evidence, that a condition in subsection (a) has been met such that respondent should be disqualified from conducting business before the Commission. Notice of the final disposition of the disqualification proceedings will be provided to the respondent.

(e) **Scope of action**. The respondent may be found qualified to conduct business before the Commission, or may be disqualified from conducting business before the Commission for a stated period of time or indefinitely. The Commission may provide notice of the determination of the disqualification proceeding to other agencies, boards, or Commissions who exercise jurisdiction or regulatory authority over the respondent or the activities involved in the violation. Nothing in this Section shall preclude the Commission from seeking any other remedies or legal proceedings available at law to enforce its orders or rules.

[Source: Added at 26 Ok Reg 1398, eff 7-1-09]

165:30-7-15. Operations conducted under government contract

(a) Motor carriers conducting intrastate operations under contract with a governmental entity are exempt from Subchapters 3, 13 and 15 of this Chapter.

(b) Persons conducting intrastate operations in furtherance of a governmental contract for the building or maintenance of roads, bridges, turnpikes or other road building projects are exempt from Subchapters 3 and 15 of this Chapter.

(c) In an effort to assist law enforcement in identifying operations exempt as a result of a governmental contract, documentation should be carried in each vehicle operated under the contract. The documentation may consist of a complete copy of the contract or a copy of a portion of the contract(s) that contains the following information:

(1) The government entity.
(2) The contractor (which should also be the motor carrier).
(3) A description of the project.
(4) The project beginning date.
(5) The project ending date or project time span.

(d) A subcontractor exempted under (b) of this Section, should in addition to the documentation listed in (c) of this Section, additionally carry a copy of the contract, or a portion of the contract,

between the contractor and the subcontractor that clearly establishes the operations being performed are within the scope of the governmental contract.

[**Source:** Added at 29 Ok Reg 951, eff 7-1-12]

165:30-7-17. Insurance filing replacement

(a) The Transportation Division may require a new insurance filing to be placed on file when the effective date of the current filing is more than three (3) years old.
(b) Notification of the need for a new insurance filing to be placed on file shall be mailed to the official email or mailing address on file for the license, certificate or permit holder, which shall be considered official notice.
(c) The new insurance filing shall be placed on file with the Transportation Division within ninety (90) days from the date of the notice.
(d) Failure of the license, certificate or permit holder to have proper insurance placed on file within ninety (90) days shall subject the license, certificate or permit to revocation.
(e) A notice to revoke shall be sent to the official email or mailing address on file with the Transportation Division. The license, certificate or permit holder will be allowed an additional thirty (30) days to comply with the provisions of this section.
(f) Failure of the license, certificate or permit holder to comply with the provisions of this section shall cause the license, certificate or permit to be revoked without further notice.

[**Source:** Added at 33 Ok Reg 633, eff 9-1-16; Amended at 36 Ok Reg 610, eff. 8-1-19]

165:30-7-27. Definitions

The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Electronic" means technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

"Electronic filing" means the usage of a computer to submit an application, insurance filing or information required using an electronic system supplied by or approved by the Corporation Commission.

"Electronic mail address" is the primary electronic mail address, commonly referred to an "email address" provided by the registered user.

"Electronic signature" means a symbol or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.

"Electronic system" means a system supplied or used by the Corporation Commission to receive and process information, documents and payments electronically.

"Register" means the process for a person to request authority from the Corporation Commission to use an electronic system.

"Technical failure" means a malfunction of an electronic system's hardware, software, and/or telecommunications facility which results in the inability of a registered user to submit a document, supply information or make payment. It does not include the failure of a registered user's equipment, software, and/or telecommunications facility.

"User" means a registered user whose user identification and password are used to submit documents, information or payments electronically.

[**Source:** Added at 33 Ok Reg 633, eff 9-1-16]

165:30-7-29. Registration and signatures

(a) To gain access to an electronic system, the User must make application or submit a request with the Transportation Division as specified on the appropriate Commission website.
(b) The request shall contain information as required by the specific system in which the User has requested access.
(c) In the event the electronic system is not maintained by the Corporation Commission, the User must contact the system administrator to gain access.
(d) Users of the electronic system shall comply with all applicable instructions and the User agreement for electronic system usage.
(e) Electronic signatures are required. By use of an electronic signature, the person represents that all requirements of the applicable authority requiring the person's signature have been satisfied and all duties and obligations imposed by law have been fulfilled.
(f) An electronic signature is deemed to constitute a signature on the document for purposes of all signature requirements imposed and or/any other applicable law. An electronic signature shall have the same force and effect as a handwritten signature.

[**Source:** Added at 33 Ok Reg 633, eff 9-1-16]

165:30-7-31. Electronic system usage

(a) Electronic systems are generally available twenty-four (24) hours a day, seven (7) days a week. Filing information or a document electronically does not, however, alter the filing deadline for that information or document. The official filing time is the filing time indicated on the electronic filing.
(b) Risk of loss of transmission, of non-receipt, or of illegibility is borne by the person transmitting and filing documents electronically.
(c) All documents submitted electronically to the Transportation Division shall conform to the rules and procedures for electronic filing. Any filing not conforming to the rules and procedures for electronic filing may be rejected by the Transportation Division.

[Source: Added at 33 Ok Reg 633, eff 9-1-16]

165:30-7-33. Technical failure

(a) Technical failure of an electronic system may occur. Users should provide information, documents or payments in advance of any deadline to ensure timely filing.
(b) A User whose deadline passes without appropriate information, documents or payments made as the result of a technical failure of the electronic system may seek appropriate relief from the Commission. Relief regarding enforcement actions taken by law enforcement, other than by the Commission, cannot be sought at the Commission.
(c) Failures not originating with the electronic system, such as phone line problems, problems with the user's internet service provider, or hardware or software problems, will not constitute a technical failure or excuse an untimely filing.
(d) A User may be able to make changes to information or documents after they have been electronically submitted, depending upon the application process. If a correction cannot be made, relief will have to be sought using established rules and procedures.

[Source: Added at 33 Ok Reg 633, eff 9-1-16]

SUBCHAPTER 9 - INTERSTATE EXEMPT MOTOR CARRIERS [REVOKED]

Part 1 - APPLYING FOR AN IRC AND IRC REQUIREMENTS [REVOKED]

165:30-9-1. Obtaining an Interstate Registration Certificate (IRC) [REVOKED]

[**Source:** Amended at 10 Ok Reg 4447, eff 1-1-94 (emergency); Amended at 10 Ok Reg 4497, eff 1-1-94 (emergency); Amended at 11 Ok Reg 3735, eff 7-11-94; Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 18 Ok Reg 23, eff 10-11-00 (emergency); Amended at 18 Ok Reg 2384, eff 7-1-01; Amended at 23 Ok Reg 509, eff 12-19-05 (emergency); Amended at 23 Ok Reg 2325, eff 7-1-06; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-9-2. Insurance [REVOKED]

[**Source:** Amended at 10 Ok Reg 4447, eff 1-1-94 (emergency); Amended at 10 Ok Reg 4497, eff 1-1-94 (emergency); Amended at 11 Ok Reg 3735, eff 7-11-94; Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 18 Ok Reg 2384, eff 7-1-01; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-9-3. Identification device [REVOKED]

[**Source:** Amended at 10 Ok Reg 4447, eff 1-1-94 (emergency); Amended at 10 Ok Reg 4497, eff 1-1-94 (emergency); Amended at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-9-4. Deleterious Substance Disposal License (Deleterious Substance Transport License) [REVOKED]

[**Source:** Revoked at 10 Ok Reg 4447, eff 1-1-94 (emergency); Revoked at 10 Ok Reg 4497, eff 1-1-94 (emergency); Revoked at 11 Ok Reg 3735, eff 7-11-94]

165:30-9-5. Current address [REVOKED]

[**Source:** Amended at 10 Ok Reg 4447, eff 1-1-94 (emergency); Amended at 10 Ok Reg 4497, eff 1-1-94 (emergency); Amended at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-9-6. Markings [REVOKED]

[**Source:** Amended at 10 Ok Reg 4447, eff 1-1-94 (emergency); Amended at 10 Ok Reg 4497, eff 1-1-94 (emergency); Amended at 11 Ok Reg 3735, eff 7-11-94; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 23 Ok Reg 2325, eff 7-1-06; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-9-7. Deleterious Substance Transport Permit [REVOKED]

[**Source:** Added at 12 Ok Reg 1005, eff 1-1-95 (emergency); Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 14 Ok Reg 2539, eff 7-1-97; Revoked at 25 Ok Reg 1546, eff 7-1-08]

PART 3 - CONDUCTING OPERATIONS [REVOKED]

165:30-9-21. Compliance with laws and regulations [REVOKED]

[**Source:** Amended at 10 Ok Reg 4447, eff 1-1-94 (emergency); Amended at 10 Ok Reg 4497, eff 1-1-94 (emergency); Amended at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-9-22. Legal possession of cargo [REVOKED]

[**Source:** Amended at 10 Ok Reg 4447, eff 1-1-94 (emergency); Amended at 10 Ok Reg 4497, eff 1-1-94 (emergency); Amended at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-9-23. Leasing of equipment [REVOKED]

[**Source:** Amended at 10 Ok Reg 4447, eff 1-1-94 (emergency); Amended at 10 Ok Reg 4497, eff 1-1-94 (emergency); Amended at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

PART 5 - MISCELLANEOUS [REVOKED]

165:30-9-41. Name changes [REVOKED]

[**Source:** Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-9-42. Pollution abatement [REVOKED]

[**Source:** Amended at 10 Ok Reg 4447, eff 1-1-94 (emergency); Amended at 10 Ok Reg 4497, eff 1-1-94 (emergency); Amended at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-9-43. Suspension or revocation of an IRC [REVOKED]

[**Source:** Amended at 10 Ok Reg 4447, eff 1-1-94 (emergency); Amended at 10 Ok Reg 4497, eff 1-1-94 (emergency); Amended at 11 Ok Reg 3735, eff 7-11-94; Amended at 14 Ok Reg 2539, eff 7-1-97; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-9-44. Contempt complaint [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 1-1-94 (emergency); Added at 10 Ok Reg 4497, eff 1-1-94 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-9-45. Reinstatement of an IRC [REVOKED]

[**Source:** Added at 11 Ok Reg 3727, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-9-46. Violations [REVOKED]

[**Source:** Added at 21 Ok Reg 774, eff 7-1-04; Revoked at 25 Ok Reg 1546, eff 7-1-08]

SUBCHAPTER 10. INTERSTATE MOTOR CARRIERS

PART 1. COMPLIANCE

165:30-10-1. USDOT number required

(a) All motor carriers engaged in interstate commerce, operating a commercial motor vehicle as defined by 49 C.F.R. 390.5, must obtain their USDOT number prior to commencing operations.
(b) Motor carriers required to obtain a USDOT number may not engage in interstate commerce within, into or out of Oklahoma without having an active USDOT number.
(c) All motor carriers engaged in interstate commerce shall comply with all provisions of 49 C.F.R. 390.21 with regard to vehicle markings.
(d) All motor carriers engaged in interstate commerce must comply with 49 C.F.R. 390.19.

[**Source:** Added at 24 Ok Reg 1814, eff 7-1-07; Amended at 25 Ok Reg 1546, eff 7-1-08]

165:30-10-2. [RESERVED]

[**Source:** Reserved at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-3. Liability insurance

(a) All interstate motor carriers shall have valid insurance on file with FMCSA, as required by FMCSA.
(b) All interstate motor carriers not required to file insurance with FMSCA, shall carry a copy of its current and valid liability insurance security verification form in each vehicle and present it to an officer upon his/her request.

[**Source:** Added at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-4. [RESERVED]

[**Source:** Reserved at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-5. Deleterious Substance Transport Permit

An interstate carrier transporting a deleterious substance(s) shall comply with all provisions of OAC 165:30-3-11 and OAC 165:30-3-13.

[**Source:** Added at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-6. [RESERVED]

[**Source:** Reserved at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-7. Hazardous waste transportation

An interstate carrier transporting hazardous waste shall comply with all provisions of OAC 165:30-17.

[**Source:** Added at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-9. Minimum standards

All motor carriers shall comply with all provisions of 165:30-3-34.

[**Source:** Added at 27 Ok Reg 1773, eff 7-1-10]

PART 3. CONDUCTING OPERATIONS

165:30-10-11. Lease agreement

An interstate motor carrier shall comply with all provisions of 49 C.F.R. 376.11 with regard to lease agreements.

[**Source:** Added at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-12. [RESERVED]

[**Source:** Reserved at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-13. Shipping documentation

All motor carriers shall comply with the provisions of 165:30-3-32.

[**Source:** Added at 24 Ok Reg 1814, eff 7-1-07; Amended at 27 Ok Reg 1773, eff 7-1-10]

165:30-10-14. [RESERVED]

[**Source:** Reserved at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-15. Compliance with laws and regulations
(a) An interstate motor carrier engaged in operations regulated by the FMCSA must comply with all FMCSA regulations.
(b) An interstate motor carrier shall conduct its operations in accordance with all applicable laws of the State of Oklahoma and all applicable rules of the Commission.
(c) No motor carrier engaged in interstate commerce shall operate or allow to be operated on the public highways of the State of Oklahoma any equipment that does not comply with safety criteria established by the USDOT, the rules of this Commission; or, the statutes of the State of Oklahoma. No motor carrier or private carrier shall permit any person to operate a motor vehicle in violation of any size or weight limits established by this Chapter, of OAC 595:30 or of the statutes of the State of Oklahoma. Every person operating vehicles upon the public highways of this State shall meet the minimum safety standards as established by the USDOT and the statutes of the State of Oklahoma. Any vehicle which fails to meet safety criteria, or size and weight standards, or which is operated by any person in violation of this subsection shall be prevented from continued use of the public highways of the State of Oklahoma.
(d) Violation of the rules of this Subchapter may result in the motor carrier being prohibited from using the public highways of the State of Oklahoma or any other penalties deemed appropriate by the Commission pursuant to authority granted to the Commission.

[**Source:** Added at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-16. [RESERVED]

[**Source:** Reserved at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-17. Loading capacity
An interstate motor carrier shall comply with all provisions of OAC 165:30-3-71.

[**Source:** Added at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-18. [RESERVED]

[**Source:** Reserved at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-19. Pollution abatement
An interstate motor carrier shall comply with all provisions of OAC 165:30-3-92.

[**Source:** Added at 24 Ok Reg 1814, eff 7-1-07]

PART 5. VIOLATIONS

165:30-10-31. Contempt complaint

In addition to the procedures set forth in the Oklahoma Statutes and in the Commission Rules of Practice, OAC 165:5, regarding the procedure in proceedings as for contempt, the procedures set forth in 165:30-3-76 may be followed for violation for any requirement or provision of law or the rules of this Subchapter.

[**Source:** Added at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-32. Violations

(a) Every for-hire motor carrier, shipper, private motor carrier, their employees or any other person who violates or fails to comply with or procures, aids or abets in the violation of any provision of law or of any requirement of this Chapter; or who fails 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, or who procures, aids, or abets any corporation or person in its refusal or willful failure to obey, observe or comply with any such order, decision, rule, direction, demand or regulation, or part of provision thereof, after notice and hearing, is guilty of contempt of the Commission and is subject to a fine not to exceed Five Hundred ($500.00) Dollars per violation per day or as otherwise provided for by law.

(b) All motor carriers must yield for inspection as directed by a duly authorized motor carrier enforcement officer or by posted road signs.

(c) Motor carrier enforcement officers may hold and detain equipment operated by a motor carrier for violations of applicable laws in the Oklahoma Statutes or rules of this Agency.

(d) If, in the judgment of a motor carrier enforcement officer, a detained vehicle poses an inherent risk to public health, public safety or welfare, upon direction of the Transportation Division Director or his designee, the motor carrier enforcement officer may arrange for impoundment of the detained vehicle at the expense of the motor carrier.

(e) Contents of impounded equipment must be inventoried, with any inventory expense incurred at the sole cost of the motor carrier.

[**Source:** Added at 25 Ok Reg 1546, eff 7-1-08]

PART 7. INTERSTATE MOTOR CARRIERS OPERATING IN INTRASTATE COMMERCE

165:30-10-41. Intrastate authority required

An interstate motor carrier must obtain intrastate authority from the Commission prior to commencing intrastate operations.

[**Source:** Added at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-42. [RESERVED]

[**Source:** Reserved at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-43. Exceptions to intrastate renewal requirements

An interstate carrier with intrastate authority must continue to conduct its operations in accordance with OAC 165:30-3 or OAC 165:30-15, with the exception of the following:

(1) An interstate motor carrier with valid intrastate authority, issued pursuant to OAC 165:30-3 or OAC 165-30-15, shall not be required to comply with OAC 165:30-3-3 or OAC 165:30-15-5.

(2) An interstate motor carrier with valid intrastate authority, issued pursuant to OAC 165:30-3 or OAC 165:30-15, shall not be required to renew its identification devices annually, after the first year of the license has elapsed.

(3) An interstate motor carrier with valid intrastate authority, issued pursuant to OAC 165:30-3 or OAC 165:30-15, shall not be required to carry a copy of its intrastate license with current identification device annually, after the first year of the license has elapsed.

[**Source:** Added at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-44. [RESERVED]

[**Source:** Reserved at 24 Ok Reg 1814, eff 7-1-07]

165:30-10-45. Miscellaneous

(a) An interstate motor carrier with valid intrastate authority issued pursuant to OAC 165:30-3 or OAC 165:30-15, must maintain liability insurance on file as prescribed in OAC 165:30-3-11 or OAC 165:30-15-6, to retain its intrastate authority.

(b) If a motor carrier's authorization to operate interstate is canceled, whether voluntary or involuntary, the motor carrier must immediately make application to the Commission for intrastate authority renewal and identification devices. Failure to make application within sixty (60) days shall cause the motor carrier's intrastate license to expire.

[**Source:** Added at 24 Ok Reg 1814, eff 7-1-07; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 29 OK Reg 951, eff 7-1-12]

SUBCHAPTER 11. INTERSTATE REGULATED MOTOR CARRIERS [REVOKED]

PART 1. GENERAL PROVISIONS [REVOKED]

165:30-11-1. Purpose [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-11-2. Definitions [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Amended at 12 Ok Reg 1005, eff 1-1-95

through 7-14-95 (emergency); Amended at 13 Ok Reg 247, eff 11-1-95 (emergency); Amended at 13 Ok Reg 2419, eff 7-1-96; Amended at 15 Ok Reg 3041, eff 7-15-98; Revoked at 25 Ok Reg 1546, eff 7-1-08]

PART 3. REGISTRATION OF AUTHORITY AND REGISTRATION REQUIREMENTS [REVOKED]

165:30-11-11. Initial registration of ICC authority [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Amended at 15 Ok Reg 3041, eff 7-15-98; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-11-12. Annual or supplemental registration [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-11-13. Change of registrant's principal place of business [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-11-14. Insurance [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-11-15. Registration receipts [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-11-16. Change of name, address and/or ownership of registrant [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-11-17. Markings [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Amended at 12 Ok Reg 1005, eff 1-1-95 (emergency); Amended at 12 Ok Reg 2077, eff 7-1-95; Amended at 15 Ok Reg 3041, eff 7-15-98; Amended at 18 Ok Reg 23, eff 10-11-00 (emergency); Amended at 18 Ok Reg 2384, eff 7-1-01; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-11-18. Deleterious Substance Transport Permit [REVOKED]

[**Source:** Added at 12 Ok Reg 1005, eff 1-1-95 (emergency); Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 14 Ok Reg 2539, eff 7-1-97; Revoked at 25 Ok Reg 1546, eff 7-1-08]

PART 5. CONDUCTING OPERATIONS [REVOKED]

165:30-11-31. Compliance with laws and regulations [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-11-32. Legal possession of cargo [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-11-33. Leasing of equipment [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

PART 7. MISCELLANEOUS [REVOKED]

165:30-11-41. Pollution abatement [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-11-42. Suspension or revocation of an ICC regulated registration [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-11-43. Contempt complaint [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-11-44. Reinstatement of an ICC regulated registration [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-11-45. Auditing of ICC regulated interstate motor carrier [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-11-46. Cooperation with other participating states [REVOKED]

[**Source:** Added at 10 Ok Reg 4447, eff 8-5-93 (emergency); Added at 10 Ok Reg 4497, eff 8-5-93 (emergency); Added at 11 Ok Reg 3735, eff 7-11-94; Revoked at 25 Ok Reg 1546, eff 7-1-08]

165:30-11-47. Violations [REVOKED]

[**Source:** Added at 21 Ok Reg 774, eff 7-1-04; Revoked at 25 Ok Reg 1546, eff 7-1-08]

SUBCHAPTER 12. UNIFIED CARRIER REGISTRATION

165:30-12-1. Unified Carrier Registration

(a) The Commission shall comply with the provisions of the procedures adopted by the UCR Board.
(b) An interstate motor carrier, freight forwarder, leasing company or broker subject to UCR shall be known as a UCRant.
(c) A UCRant shall pay its applicable UCR fee to its base state, in accordance with the UCR procedures. The applicable UCR fee may include amounts owed for prior years as well as the fee for the current year.
(d) UCR fees, once paid, will not be refunded unless provided for in the Unified Carrier Registration Agreement issued pursuant to 49 U.S.C.A. § 14504a.
(e) Failure of a UCRant to pay its applicable UCR fee to its base state shall subject the UCRant to contempt complaint proceedings.
(f) Interstate carriers excluding vehicles operating intrastate only from the UCR fee must comply with 165:30-10-45.

[**Source:** Added at 24 Ok Reg 1814, eff 7-1-07; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 33 Ok Reg 633, eff 9-1-16; Amended at 35 Ok Reg 1044, eff 10-1-18]

SUBCHAPTER 13. INTRASTATE HOUSEHOLD GOODS CERTIFICATES

PART 1. OBTAINING AUTHORITY

165:30-13-1. Procedures for issuance of certificates or permits to motor carriers of household goods previously holding certificates or permits or performing transportation of household goods under a motor carrier license [REVOKED]

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Revoked at 13 Ok Reg 2419, eff 7-1-96]

165:30-13-2. Obtaining a household goods certificate

(a) No motor carrier shall operate upon any street, road, public highway or dedicated public thoroughfare of this State for the intrastate, including intracity, transportation of household goods for hire without first obtaining from the Commission a certificate as provided in this Section.

(1) An applicant for a certificate shall file with the Commission a written application on the appropriate form prescribed by the Commission (MCF 1), and shall tender with the application a filing fee as prescribed by law or by Commission rule.

(2) The application shall be assigned a PIN, which shall be the permanent identification number for all matters relating to authority granted therein. Any application thereafter filed to amend the authority or for additional authority by the same applicant shall be filed under the original PIN, and otherwise shall be governed by the provisions of this Subchapter relating to an application for authority. Each subsequent application shall also bear a sub-number in sequence.

(3) A certificate shall be personal to the holder thereof, and shall be issued only to an individual, a corporation, a limited liability corporation, a partnership or some other legally recognized entity.

(4) The filing of an application for a certificate does not of itself authorize any motor carrier operations by the applicant. Such operations are prohibited except pursuant to a certificate issued by the Commission, and only after all requirements have been met, and identification devices have been obtained.

(5) The application for a household goods certificate shall contain the following information:

(A) Name of applicant, trade name, email address, mailing address, principal place of business address which shall be the registered address for purposes of this Subchapter, telephone number and domicile county of the applicant. The applicant's name must be a legal entity. A trade name or "doing business as" (DBA) may be designated, but cannot be a corporate name or LLC or LLP or another organized entity. If the applicant is an organized entity, a copy of the certificate of incorporation or other instrument as issued by the Oklahoma Secretary of State's Office shall be attached to the application.

(B) The type of applicant (indicating if sole proprietorship, partnership, corporation or other legal entity), specifying the names of all partners, officers and/or directors and listing the email, mailing and physical addresses of each.

(C) Declaration of its USDOT number. Carriers without a USDOT number must apply for a USDOT number. A USDOT number must be issued to the applicant prior to a certificate being issued.

(D) Declaration of its safety rating and provide a safety summary report.

(E) A size and weight summary report.

(F) A listing of all power vehicles and trailers to be used, detailing the model, make and capacity of each vehicle and denoting whether each vehicle is owned or leased.

(G) A description of all terminal and dock facilities to be utilized for household goods transportation operations. If no facilities exist within the state, the address where vehicles will be parked must be provided.

(H) The name and address of a process agent for Oklahoma must be filed and maintained for any applicant that does not maintain a physical address in Oklahoma.

(I) A declaration that the applicant is in full compliance with all other state laws, rules and regulations.

(J) Any other information the Commission deems necessary.

(b) Every person operating as a motor carrier of household goods pursuant to this Subchapter shall obtain a copy of this Chapter and be familiar with its content as it pertains to motor carriers of household goods.
(c) The Commission may consider any written protests or written complaints filed prior to granting or renewing a household goods certificate. If the Commission elects not to grant or renew a household goods certificate, the application shall be set for public hearing in accordance with Commission rules. At the hearing, the applicant shall have the burden of establishing it has the ability to conduct operations in a safe and reasonable manner and applicant is in compliance with all applicable rules and laws of the State of Oklahoma.
(d) After the hearing, the Commission may grant or deny the application in whole or in part; or may impose conditions, stipulations and limitations on the authority as stated in the order.
(e) Applicant may be issued a provisional household goods certificate not to exceed ninety (90) days from the date the application is filed, provided all requirements, with the exception of the educational compliance requirements, for the certificate have been met. Applicant must provide a written request for the provisional certificate. If the provisional certificate is issued, a copy of the provisional certificate must be carried in each vehicle operated by the Applicant.
(f) A certificate shall be valid for one year from date of issuance. Applicants for renewal of a certificate shall comply with OAC 165:30-3-3.
(g) A copy of the current certificate under which a carrier operates shall be carried at all times in each power unit by the motor carrier.
(h) A motor carrier of household goods engaged in intercorporate hauling shall be subject to this Subchapter.
(i) No household goods certificate shall be issued to an applicant until all outstanding fines or judgments due the Commission or other state(s) regulatory agencies have been satisfied.
(j) An intrastate motor carrier of household goods may additionally engage in intrastate for-hire transportation of property without an intrastate motor carrier license, but may not engage in the intrastate transportation of passengers, deleterious substances or hazardous materials without complying with Subchapter 3 of this Chapter.
(k) All proceedings subsequent to the application, and the conduct of the hearing, shall be governed by applicable provisions of the Commission's Rules of Practice, OAC 165:5.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 13 Ok Reg 247, eff 11-1-95 (emergency); Amended at 13 Ok Reg 2419, eff 7-1-96; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 15 Ok Reg 3041, eff 7-15-98; Amended at 27 Ok Reg 1773, eff 7-1-10; Amended at 29 OK Reg 951, eff 7-1-12; Amended at 36 Ok Reg 610, eff. 8-1-19]

165:30-13-3. Temporary authority [REVOKED]

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Revoked at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-4. Reissuance of certificate
(a) Intrastate household goods certificates and permits issued prior to November 1, 2009, shall expire sixty days after the effective date of this Section.
(b) Within sixty days of the effective date of this Section, intrastate motor carriers of household goods holding a valid certificate or permit on November 1, 2009, shall apply for a household goods

certificate as set forth in this Subchapter. The filing fee as set forth in OAC 165:30-13-2 (a) (1) shall be waived.
(c) This Section does not apply to any household goods certificates or permits that are suspended or revoked prior to the effective date of this Section.

[**Source:** Added at 27 Ok Reg 1773, eff 7-1-10]

PART 3. HOUSEHOLD GOODS CERTIFICATE REQUIREMENTS

165:30-13-11. Insurance

All motor carriers of household goods shall comply with all provisions of OAC 165:30-3-11.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-12. Identification device

(a) Every motor carrier operating upon the public highways of the State of Oklahoma shall obtain and display a current identification device, issued by this Commission, for each power unit operated by said motor carrier.

(1) Only one (1) identification device is required for each power unit.

(2) The annual fee for each identification device will be as prescribed by law or Commission rule.

(3) Identification devices expire simultaneously with the expiration date of the annual certificate issued to the motor carrier.

(b) No identification device may be sold or otherwise transferred; except if such motor carrier provides a newly acquired vehicle in substitution therefore, each identification device on the discontinued vehicle, if such device is still in the possession of the motor carrier, may be transferred to the substitute vehicle or any subsequently substituted vehicle.
(c) It is the duty of every motor carrier to remove and destroy identification devices upon transfer or sale of a power vehicle.
(d) Identification devices found to be in the possession of a carrier not authorized will be confiscated and returned to the Commission by a motor carrier enforcement officer.
(e) No identification devices will be issued to any motor carrier who does not meet all statutory, regulatory and Commission requirements.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 13 Ok Reg 2419, eff 7-1-96; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-13. Annual report [REVOKED]

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Revoked at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-14. COD shipments [REVOKED]

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Revoked at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-15. Markings

Every motor carrier of household goods shall comply with the provisions of 165:30-3-17.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 15 Ok Reg 3041, eff 7-15-98; Amended at 18 Ok Reg 23, eff 10-11-00 (emergency); Amended at 18 Ok Reg 2384, eff 7-1-01; Amended at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-16. Current address requirement

All motor carriers of household goods shall comply with all provisions of OAC 165:30-3-16.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-17. Adoption of interstate tariff - filing of affidavit [REVOKED]

[**Source:** Added at 18 Ok Reg 2384, eff 7-1-01; Revoked at 27 Ok Reg 1773, eff 7-1-10]

PART 5. CONDUCTING OPERATIONS

165:30-13-20. Estimates

(a) Household goods carriers must provide written binding or non-binding estimates.

(b) The written estimate must clearly provide:

(1) Whether it is a binding or a non-binding estimate. Non-binding estimates must be based upon a reasonably accurate estimate of the charges for transportation and accessorial services to be performed.

(2) The form of payment that will be honored at delivery such as cash, certified check, money order, type of credit card, etc.

(3) The date of the estimate.

(4) The signatures of the carrier and of the shipper.

(5) If the household goods carrier's charges will be based upon inventoried items, a written itemized inventory for each shipment must be prepared and attached to the bill of lading.

(6) The shipment will be transported at the released value of $.60 per pound, at no additional cost to the shipper, unless the shipper elects full value protection.

(c) Household goods carriers assessing charges based upon weight must obtain weight tickets of the vehicle before loading and after loading. The weight tickets must include:

(1) The complete name and location of the scale.

(2) The date of each weighing.

(3) The signature of the weigh master.

(4) The identification of the weight entries as being the tare, gross or net weights.

(5) The last name of the shipper as it appears on the bill of lading (if the vehicle is loaded).

(6) The bill of lading number.

(d) In the event of a binding estimate based upon weight, the shipper may elect to waive the weighing of the vehicle before loading and/or after loading, but such waiver must be specifically noted and initialed on the written estimate.

(e) A shipper shall be granted the ability to observe the vehicle weighing or re-weighing as requested.

(f) Household goods carriers assessing charges not based upon weight shall clearly specify the parameters for which charges will be assessed.
(g) Services performed under an estimate are subject to the 110% rule, which means the household goods carrier must deliver the goods once the shipper pays 110% of the estimated charges. The 110% rule still applies to partial shipments when a prorated percentage is paid.
(h) Additional charges may be added based upon mutual agreement of the carrier and the shipper. These charges must be in writing and signed by both parties. Additional charges may not be added after the goods are loaded, except as provided for in OAC 165:30-13-28.

[**Source:** Added at 27 Ok Reg 1773, eff 7-1-10; Amended at 29 OK Reg 951, eff 7-1-12]

165:30-13-22. Consumer protection information
(a) The Commission shall develop consumer protection information to be provided to each prospective household goods shipper or consignor.
(b) The consumer protection information shall contain the following:
(1) Intrastate and intracity household goods carriers are regulated by the Commission.
(2) Written estimates are required.
(3) The types of services provided by household goods vary.
(4) Explanation of valuation.
(5) Information on how to file a claim.
(6) The following recommendations:
(A) Contact more than one household goods carrier for an estimate so services and costs can be compared.
(B) Display of a USDOT number does not indicate the carrier holds an active household goods certificate. Contact the Commission to ensure the prospective household goods carrier is certificated.
(C) Contact the local Better Business Bureau regarding the prospective household goods carrier.
(D) Understand the terms and conditions of the contract.
(E) Understand the final charges the shipper will be required to pay.
(7) Any other information, derived from the Household Goods Act of 2009 or this Chapter, the Commission deems pertinent.
(c) The Commission shall post the consumer protection information online, where it will be accessible to both household goods carriers and the general public.
(d) Every household goods carrier shall provide the consumer protection information to each prospective shipper or consignor when a written estimate is provided.
(e) Household goods carriers may reprint the consumer protection information for handout as provided by the Commission or include the information in their own brochure, including additional information and logos as desired, provided all information required by the Commission is accurately contained within the carrier's brochure and no information inserted by the carrier contradicts or nullifies the Commission required information.

[**Source:** Added at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-24. Valuation and liability

(a) All household goods carriers shall obtain a written valuation selection from the shipper prior to shipment. A household goods carrier must ensure the shipper selects one of the two (2) following valuations:

(1) **Released value.** Released value is the minimum amount a household goods carrier is liable to a shipper for lost or damaged goods. An intrastate household goods carrier may not charge a shipper an extra charge for a released value selection. Under released value, a household goods carrier is responsible, at its option, to replace, repair or settle in cash any article(s) that is lost, damaged destroyed or otherwise not delivered, at an amount of $.60 per pound of the weight of any article.

(2) **Full value.** Full value requires a household goods carrier to replace, repair or settle in cash any article(s) that is lost, damaged, destroyed or otherwise not delivered to the final destination while in the intrastate household goods carrier's custody. The carrier is required, at its option, to repair the article to the extent necessary to restore it to the same condition as when it was received by the carrier; pay the shipper for the cost of the repairs; replace the article with an article of like kind and quality; or, pay the shipper for the cost of article replacement, up to the amount of declared value of the shipment.

(b) Shippers electing full value protection shall declare the total value of their shipment.

(c) Shippers electing full value protection must declare, in writing, any articles that exceed a value of $100 per pound, entitling the shipper to full recovery of the declared value of the article(s), not to exceed the declared value of the shipment.

(d) A household goods carrier shall not be liable for physical loss of or damage to any articles from external cause while being carried or held storage-in-transit due to:

(1) An act, omission or order of shipper.

(2) A defect or inherent vice of the article, including susceptibility to damage because of atmospheric conditions such as temperature and humidity or changes therein.

(3) Hostile or warlike action in time of peace or war, including action in hindering, combating or defending against an actual, impending or expected attack.

(4) A government or sovereign power, or by any authority maintaining or using military, naval or air forces.

(5) An agent of any such government, power, authority or forces.

(6) Any weapon of war employing atomic fission or radioactive force whether in time of peace or war.

(7) Insurrection, rebellion, revolution, civil war, usurped power, or action taken by governmental authority in hindering, combating, or defending against such an occurrence.

(8) Seizure or destruction under quarantine regulations.

(9) Confiscation by order of any government or public authority.

(10) Risks of contraband or illegal transportation or trade.

(11) Terrorist activity, including action in hindering or defending against an actual or expected terrorist activity. Such loss or damage is excluded regardless of any other cause or event that contributes concurrently or in any sequence to the loss. Terrorist activity means any activity which is unlawful under the laws of the United States or any state and which involves any of the following:

(A) The hijacking or sabotage of any conveyance including an aircraft vessel, cab, truck, van, trailer, container or vehicle, or warehouse or other building.

(B) The seizing or detaining and threatening to kill, injure or continue to detain another individual in order to compel a third person, including a governmental organization, to do or abstain from doing any act as an explicit or implicit condition for the release of the individual seized or detailed.

(C) An assassination.

(D) The use of any biological agent, chemical agent or nuclear weapon or device or explosive, firearm or other weapon or dangerous device, other than for mere personal monetary gain with intent to endanger directly or indirectly the safety of one or more individuals or to cause substantial damage to property.

(E) A threat, attempt or conspiracy to do any of the foregoing.

(12) Delay caused by strikes, lockouts, labor disturbances, riots, civil commotions or the acts of any person(s) taking part in any such occurrence or disorder, and from loss or damage when carrier, after notice to shipper or consignee of a potential risk of loss or damage to the shipment from such causes, is instructed by the shipper to proceed with such transportation and/or delivery, notwithstanding such risk.

(13) Acts of God.

(14) Delay caused by highway obstruction or faulty or impassable highways or lack of capacity of any highway or bridge or caused by breakdown or mechanical defect of vehicles or equipment or from any cause other than negligence of the carrier, nor shall the carrier be bound to transport by any particular schedule, means, vehicle or otherwise than with reasonable dispatch.

(e) Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination,

(f) The shipper shall indemnify carrier against loss or damage caused by inclusion in the shipment of explosives or dangerous articles or goods.

(g) The shipper, upon tender of the shipment to carrier, and the consignee, upon acceptance of delivery of shipment from carrier, shall be liable, jointly and severally, for all unpaid charges payable on account of a shipment including, but not limited to, sums advanced or disbursed by a carrier on account of such shipment. The extension of credit to either shipper or consignee for such unpaid charges shall not thereby discharge the obligation of the other party to pay such charges in the event the party to whom credit has been extended shall fail to pay such charges.

(h) If for any reason, other than the fault of the household goods carrier, delivery cannot be made to the address shown on the bill of lading or to another address of which carrier has been notified, the household goods carrier may, at its option, cause articles contained in the shipment to be stored in a warehouse selected by it at the point of delivery or at other available points at the cost of the owner, subject to a lien for all accrued charges.

(i) If shipment is refused by consignee at destination, or if shipper, consignee or owner of property fails to receive or claim it within fifteen (15) days after written notice by US mail addressed to shipper and consignee at post office addresses shown on the bill of lading, or if shipper fails or refuses to pay applicable charges in accordance with the written estimate, bill of lading and/or any valid amendments thereto, the household goods carrier may sell the property as follows:

(1) Upon notice at public auction to highest bidder for cash at a public sale to be held at a time and place named by carrier, thirty (30) days notice of which sale shall have been given in writing to shipper and consignee, and there shall have been published at least once a week for two consecutive weeks in a newspaper of general circulation at or near the place of sale, a

notice thereof containing a description of the property as described in the bill of lading and the names of the consignor and consignee.

(2) Any perishable articles contained in said shipment may be sold at public or private sale without such notice if, in the opinion of the carrier, such action is necessary to prevent deterioration or further deterioration.

(3) The proceeds of any sale shall be applied toward payment of shipment charges and toward expenses of notice, advertising and sale, and of storing, caring for and maintaining property prior to sale. The balance, if any, shall be paid to the owner of the property.

(j) A shipper may not refuse a partial shipment due to loss of or damage to one or more articles.

[**Source:** Added at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-26. Bill of Lading

(a) No household goods shipments may be loaded until a valid bill of lading has been prepared. A bill of lading must contain:

(1) Date.

(2) The identification number for the shipment (may be a bill of lading number).

(3) The household goods carrier's information as follows:

(A) Legal name and dba (if any).

(B) Mailing address and physical address (if different from mailing address).

(C) Telephone number.

(D) USDOT number as linked to the intrastate household goods certificate.

(E) Other motor carrier information, as required in this subsection, that will participate in the transportation of the shipment.

(4) The shipper's information as follows:

(A) Name.

(B) Mailing address and physical address (if different from mailing address).

(C) Telephone number.

(5) Shipment information as follows:

(A) Agreed upon pick up date and delivery date or agreed period of the entire move.

(B) Origin and destination of shipment.

(C) The inventory list signed by both parties or an inventory list waiver signed by the shipper.

(D) Identification information of the vehicle on which the shipment is loaded.

(6) Payment and charges as follows:

(A) Denote if the estimate was binding or non-binding.

(i) If non-binding, a reasonably accurate estimate of the amount of the total charges, the maximum amount (subject to the 110% rule) that must be paid at the time of the delivery to relinquish possession of the shipment.

(ii) If binding, the amount of charges that must be paid to relinquish possession of the shipment along with the terms of payment.

(B) The form of payment that will be honored upon delivery (which must be the same as shown on the estimate).

(C) The terms and conditions for payment of the total charges, including notice of any minimum charges.

(D) The maximum amount of payment that will be required at the time of delivery to obtain possession of the shipment.
(E) The declared value of the shipment or, if the shipper does not select the full value protection, the released value of the shipment.
(F) The cost to the shipper for full value shipment valuation, if selected by the shipper.
(G) Evidence of any insurance coverage sold to or procured for the shipper from an independent insurer, including the cost incurred for the insurance.
(H) A complete description of any accessorial services ordered and the charges associated with the services.
(I) Whether the shipper will be notified in advance of the charges before delivery. If yes, the shipper must provide fax number or address where the notifications are to occur and via method (fax, email, overnight courier, certified mail, etc.) as well as any additional charges associated with the notification.

(7) Acknowledgments and Signatures as follows:
(A) In the event the motor carrier of household goods reasonably believes an accessorial service is needed to safely transport a shipment, and the shipper refuses to pay for such a service, the carrier must refuse to accept the shipment and note this on the bill of lading.
(B) Acknowledgment by the shipper that the consumer protection information "Moving in Oklahoma" was received at the time or prior to receipt of the written estimate.
(C) Specification of the selection of the released rate of sixty cents (.60) per pound per article which is considerably less than the value of most articles transported or the full value protection with declared value of shipment specified.
(D) Signature of carrier.
(E) Signature of shipper.

(b) A copy of the bill of lading must be provided to the shipper at the time of the shipper's signature. The bill of lading must be carried in the vehicle and presented to any law enforcement officer upon request.
(c) A bill of lading may be amended only prior to the loading of the shipment and upon mutual agreement between the carrier and the shipper except as provided for in OAC 165:30-13-28. The amendment must be signed by both parties.
(d) The bill of lading may not contain any language purporting to release or discharge the household goods carrier from liability, but may include a statement the property was received in apparent good condition except as noted on the delivery receipt.

[**Source:** Added at 27 Ok Reg 1773, eff 7-1-10; Amended at 29 Ok Reg 951, eff 7-1-12]

165:30-13-27. Blank or incomplete documents

A household goods carrier may provide a blank or incomplete non-binding estimate, bill of lading or other blank or incomplete documents pertaining to the move, as long as all the relevant shipping information is contained within the document to determine the final charges except the actual final shipment weight or other information necessary to finalize the shipping charges. These blank or incomplete areas or forms must be so noted at the time of the carrier's and shipper's signatures.

[**Source:** Added at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-28. Additional services

(a) If the household goods carrier believes additional services are necessary to properly service a shipment after the bill of lading has been issued, the following actions must occur:

(1) The shipper must be allowed a minimum of one hour to determine whether it wants the additional services performed.

(2) If the shipper agrees to pay for the additional services, a written attachment to be made a part of the bill of lading contract must be signed by the shipper.

(b) The shipper is not required to pay for the additional services until a minimum of thirty (30) days after delivery.

(c) If the shipper requests additional services after the bill of lading has been issued, the following actions must occur:

(1) The household goods carrier must advise the shipper of the charges associated with the additional services.

(2) If the shipper agrees to pay for the additional services, a written attachment to be made a part of the bill of lading contract must be signed by the shipper.

(d) The household goods carrier may require full payment at delivery for the additional services, and for 100% of the original binding estimate.

(e) When the household goods carrier is not aware of the need for shuttle services for shipment delivery, and shuttle services are required for shipment delivery, the household goods carrier may require full payment at delivery for the shuttle service.

[**Source:** Added at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-31. Compliance with laws and regulations

(a) All motor carriers of household goods shall conduct their operations in accordance with all applicable laws of the USDOT, State of Oklahoma and this Subchapter. All certificates heretofore or hereafter granted by the Commission are subject to applicable provisions of law and of this Subchapter as fully as if those laws and rules were set forth verbatim therein.

(b) No motor carrier of household goods shall operate or allow to be operated on the public highways of the State of Oklahoma any equipment that does not comply with safety criteria established by the USDOT, this Subchapter or, the statutes of the State of Oklahoma. No motor carrier of household goods shall permit any person to operate a motor vehicle in violation of any size or weight limits established by this Subchapter or statutes of the State of Oklahoma. Every person operating vehicles upon the public highways of this State shall meet the minimum safety standards as established by the USDOT and the statutes of the State of Oklahoma. Any vehicle which fails to meet safety criteria, or size and weight standards, or which is operated by any person under the influence of alcohol, amphetamines, stimulants or other drugs, in violation of this subsection shall be prevented from continued use of the public highways of the State of Oklahoma.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-32. Shipping documentation [REVOKED]

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Revoked at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-33. Records

(a) Every motor carrier shall maintain accurate records of all operations, including work orders, estimates, bills of lading, freight bills, warehouse receipts, and complete information as to shipper, consignee, origin, destination, commodities hauled, charges, work performed, equipment used and date of shipment or work performed. All records shall be open to inspection at any time by an authorized agent of the Commission.

(b) All records required by this Subchapter shall be maintained at the location last designated by the motor carrier as its principal office. If no location in Oklahoma is so designated, upon demand, the records shall be made available at a location designated by the Commission, at the expense of the motor carrier.

(c) All books, records, accounts and other documents required by this Subchapter must be retained for a period of not less than three (3) years.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-34. Minimum standards

(a) Every vehicle used for transportation of household goods shall be in safe operating condition, and shall possess all safety equipment required by the Statutes of Oklahoma, the regulations of the USDOT and the rules of the Department of Public Safety.

(b) All vehicles will be utilized in a manner that conforms with the manufacturer's design standards and specifications.

(c) The Commission adopts the provisions of the rules and regulations as adopted by the Oklahoma Department of Public Safety in OAC 595:35, pertaining to 49 C.F.R. Federal Motor Carrier Safety Regulations, with all amendments and appendices thereto.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-35. Credit [REVOKED]

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Revoked at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-36. Loss, damage and concealed claims

(a) Every motor carrier of household goods shall be liable for all loss, damage or injury it causes to goods or property while the same is being carried by it.

(b) A written claim shall be submitted to the household goods carrier and shall contain:

(1) Tender of any agreed upon freight charges.

(2) Facts sufficient to identify the shipment(s) of property involved.

(3) A copy of the bill of lading.

(4) Assertion of liability for alleged loss, damage, injury or delay.

(5) A claim for the payment of a specific or determinable amount of money.

(6) The basis for the amount of the claim, such as the date the article was purchased, original cost, actual cash value at the time of loss or damage, a repair estimate, etc.

(7) When the loss of an entire package or shipment is involved, the consignee will provide a written certified statement the property has not been received from any other source.

(c) A claim shall be filed within nine (9) months after delivery to consignee, or in the case of failure to make delivery, then within nine (9) months after a reasonable time for delivery has elapsed, except as provided for in (h) of this Section.
(d) A lawsuit shall be instituted against the household goods carrier within five (5) years from the date a notice is received by the claimant that the claim was denied or any portion of said claim was disallowed by the carrier.
(e) Every motor carrier of household goods, 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 household goods 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.

(f) Acknowledgment of liability shall be accompanied by payment in full of the value of property lost or damaged except where subject to released value. When a shipper, in the event of loss or damage and without prior approval from the consignee, elects to release a shipment at a value less than the full value of the property shipped, said shipper will indemnify to the consignee the difference between the released value and the full value of the property shipped.
(g) Where intrastate shipments are received by the carrier of household goods 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.
(h) Where intrastate shipments are received by the carrier of household goods 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.
(i) Every motor carrier of household goods shall maintain a separate numbered file on each claim for loss or damage, and shall keep in the file all documents, acknowledgments, instruments, correspondence, memoranda and other writings relating to the claim. Claim files shall be available at all times for inspection by Commission personnel and shall be retained for two (2) years after final disposition.
(j) If a carrier fails to process loss or damage claims as provided herein, or if it fails to express declinations of the claims in writing with proof of nonliability, the carrier may be found in contempt by the Commission after proper notice and hearing. Failure to pay any fine or otherwise resolve the complaint may result in a hearing by the Commission to determine if the operating authority of the carrier shall be revoked.

(k) Whenever property transported by a household goods carrier is damaged, or alleged to be damaged, and is as a consequence thereof not delivered or is rejected or refused upon tender thereof to the owner, consignee or person entitled to receive such property, the household goods carrier shall, after giving due notice to the owner and other parties that may have an interest therein and unless advised to the contrary after giving such notice, will undertake to sell or dispose of such property directly or by the employment of a competent salvage agent.

(1) The household goods carrier will dispose of the property in a manner that will fairly and equally protect the best interests of all persons having an interest therein.

(2) The household goods carrier will make an itemized record sufficient to identify the property involved so as to be able to correlate it to the shipment involved and claim, if any filed thereon.

(3) The household goods carrier will assign to each lot of such property a successive lot number and note that lot number on its record of shipment and claim, if any claim is filed thereon.

(4) Upon receipt of a claim on a shipment on which salvage has been processed in the manner required in this subsection, the household goods carrier will record in its claim file the lot number assigned, the amount of money recovered if any from the disposition of such property and the date of transmittal of such money to the person or persons lawfully entitled to receive the same.

(5) Whenever disposition of salvage material or goods shall be made directly to an agent or employee of a carrier or through a salvage agent or company in which the carrier or one or more of its directors, officers or managers has any interest, financial or otherwise, that carrier's salvage records shall fully reflect the particular of each such transaction or relationship, or both as the case may be.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-37. Leasing of equipment

(a) All motor carriers of household goods shall comply with all provisions of OAC 165:30-3-37.
(b) Motor carriers of household goods shall not rent equipment, with or without driver, to a private carrier or to a shipper.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 27 Ok Reg 1773, eff 7-1-10]

PART 7. NAME CHANGES

165:30-13-51. Name changes

(a) An application to change the name or business name of the holder of an motor carrier of household goods certificate without any change in the legal identity of the holder or any change in the ownership of the certificate, shall be filed on the appropriate form prescribed (TDF 3) under the permanent PIN of the holder with appropriate sub-number designation and with such filing fee as prescribed by law or by OAC 165:5. No notice or hearing shall be necessary unless the Commission so requires. Notice, if required, shall be as the Commission shall direct.
(b) Any change in legal identity of the holder of a motor carrier of household goods certificate, including but not limited to incorporation or dissolution of a corporation, formation or dissolution

of a partnership or creation or dissolution of a trust shall require an original application for a certificate.
(c) Incorporation by a sole proprietor in which the sole proprietor is the sole shareholder of the corporation shall be deemed a name change. Incorporation by a partnership in which the partners are the sole shareholders of the corporation shall be deemed a name change.
(d) The merger of a corporate holder of a motor carrier of household goods certificate with another corporation under circumstances that the holder is not the survivor therein, shall require an original application for a certificate.
(e) The acquisition, through stock ownership or otherwise, of operating control of the business of the holder of a motor carrier of household goods certificate, by another holder of a certificate or by majority stockholders of a corporate holder, shall require an original application for a certificate.
(f) The transfer of stock in a corporation that shall result in any entity controlling fifty one percent (51%) or more of the aggregate number of voting shares of the corporation, shall require an original application for a certificate
(g) The employment of incorporation, stock transfer, merger, change of name or similar action directly or indirectly as a device to circumvent the rules of this Chapter is prohibited.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-52. Transfer of certificate or permit [REVOKED]

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Revoked at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-53. Transfer upon death of holder of certificate or permit [REVOKED]

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Revoked at 27 Ok Reg 1773, eff. 7-1-10]

PART 9. VIOLATIONS

165:30-13-71. Loading capacity-Safety compliance
All motor carriers of household goods shall comply with all provisions of OAC 165:30-3-71.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-72. Leasing of authority
No motor carrier of household goods certificate, nor any part thereof, or rights thereunder shall be leased; nor shall the holder thereof sublet or in any manner permit the use thereof, or the exercise of any rights or privileges thereunder by another. Violation of this Section shall be grounds for revocation of the certificate and shall be grounds for denial of an application for authority to operate as an intrastate motor carrier of household goods.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-73. Advertising
(a) All motor carriers of household goods shall comply with all provisions of OAC 165:30-3-75.

(b) Any person who willfully advertises to perform transportation services for which the person does not hold a proper certificate shall be subject to the penalties prescribed for contempt of the Commission.
(c) All advertisements must contain the motor carrier of household goods' USDOT number linked to the carrier's household goods certificate.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-74. Contempt complaint
All motor carriers of household goods shall comply with all provisions of OAC 165:30-3-76.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 27 Ok Reg 1773, eff 7-1-10]

PART 11. SUSPENSION OR CANCELLATION OF AUTHORITY

165:30-13-91. Voluntary suspension or discontinuance of service [REVOKED]

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Revoked at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-92. Involuntary suspension or revocation of a household goods certificate
(a) Any motor carrier of household goods certificate may be suspended or revoked by the Commission, or the holder thereof assessed a fine or other lawful punishment for violation of, or failure to comply with, any requirement or provision of law or of this Chapter.
(b) An application to revoke or suspend a motor carrier of household goods certificate may be filed by a member of the staff of the Commission or by a person adversely affected by the acts alleged. It shall be in the form of an application, and proceedings thereon, including notice and hearing if required, shall be as prescribed in the Commission's Rules of Practice, OAC 165:5.
(c) After hearing, the Commission may grant or deny the application, and may suspend, amend or revoke the certificate, or any part thereof or rights thereunder, or the Commission may assess a fine or impose limitations or conditions upon the continuation of operations under the certificate as stated in the order.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-93. Reinstatement of certificate
All motor carriers of household goods shall comply with all provisions of OAC 165:30-3-103.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 27 Ok Reg 1773, eff 7-1-10]

165:30-13-94. Violations
(a) Every motor carrier of household goods, shipper, their employees or any other person who violates or fails to comply with or procures, aids or abets in the violation of any provision of law or requirements of this Chapter; or who fails to obey, observe or comply with any order, decision, rule, regulation, direction, demand or requirement, or any part or provision thereof, of the Commission, or who procures, aids, or abets any corporation or person in its refusal or willful

failure to obey, observe or comply with any such order, decision, rule, direction, demand or regulation, or part of provision thereof, after notice and hearing, is guilty of contempt of the Commission and is subject to a fine not to exceed One Thousand ($1,000.00) Dollars for the first violation and for the second violation within a year, a penalty not to exceed Five Thousand ($5,000.00) Dollars, or as otherwise provided by law.
(b) All motor carriers must yield for inspection as directed by a duly authorized motor carrier enforcement officer or by posted signs.
(c) Motor carrier enforcement officers may hold and detain equipment operated by a motor carrier for violations of applicable laws in the Oklahoma Statutes or the rules of this Agency.
(d) If, in the judgment of a motor carrier enforcement officer, a detained vehicle poses an inherent risk to public health, safety or welfare, upon direction of the Transportation Division Director or his/her designee, the motor carrier enforcement officer may arrange for impoundment of the detained vehicle at the expense of the motor carrier.
(e) Contents of impounded equipment must be inventoried, with any inventory expense incurred at the sole cost of the motor carrier.

[**Source:** Added at 12 Ok Reg 2077, eff 7-1-95; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 21 Ok Reg 774, eff 7-1-04; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 27 Ok Reg 1773, eff 7-1-10]

SUBCHAPTER 15. INTRASTATE PRIVATE CARRIERS

PART 1. GENERAL PROVISIONS

165:30-15-1. Purpose

The public policy of this State, as declared by the Legislature, requires private carriers shall be regulated by the Commission to protect the public interest, the environment and the highways of the State of Oklahoma and ensure compliance with applicable safety, size and weight laws, rules and regulations.

[**Source:** Added at 13 Ok Reg 247, eff 11-1-95 (emergency); Added at 13 Ok Reg 2419, eff 7-1-96]

PART 3. [1]OBTAINING A PRIVATE CARRIER LICENSE AND LICENSE REQUIREMENTS

Editor's Note: *This Part initially included EMERGENCY Sections 165:30-15-11 through 165:30-15-16. However, in a later permanent action, the same numbers were used for different rules and placed in Part 5. The emergency rules initially numbered in Part 3 were either renumbered and moved into Part 5 or allowed to expire without being superseded by a permanent action. See the Source Note in each Section for more specific information.*

165:30-15-4. Obtaining a license

(a) No intrastate private carrier, utilizing equipment with an actual weight, registered weight or combination weight or GVWR/GCWR in excess of twenty-six thousand (26,000) pounds and/or GCWR in excess of twenty-six thousand (26,000) pounds when the trailer's GVWR is greater than ten thousand (10,000) pounds, shall operate upon any street, road, public highway or dedicated public thoroughfare of this State for the transportation of property without first obtaining from the Commission a license as provided in this Section. A private carrier license is not required for a bona fide farmer transporting commodities from farm to market or market to farm; registered and valid non-profit organizations or any private carrier operating equipment leased or rented from a company that leases or rents vehicles on a commercial scale, provided the lease or rental contract is for thirty-one (31) days or less and a copy of the contract is carried in the vehicle. A license issued under this Subchapter shall not include transportation as a for-hire motor carrier. For-hire motor carriers must comply with Subchapter 3 and/or Subchapter 13 of this Chapter.

(1) An applicant for a private carrier license shall file with the Commission a written application on the appropriate form prescribed by the Commission (TDF 1), and shall tender with the application a filing fee as prescribed by law or by Commission rule.

(2) The application shall be assigned a personal identification number ("PIN"), which shall be the permanent identification number for all matters relating to the license granted therein. Any application thereafter filed to amend the license by the same applicant shall be filed in the same cause under the original PIN, and otherwise shall be governed by the provisions of this Subchapter relating to an application for license. Each subsequent application shall also bear a sub-number in sequence.

(3) A license shall be personal to the holder thereof, and shall be issued only to an individual, a corporation, a limited liability corporation, a partnership or some other legally recognized entity.

(4) The filing of an application for a license does not of itself authorize any private carrier operations by the applicant. Such operations are prohibited until after all requirements have been met, and a license has been issued. All requirements for compliance with this Subchapter shall be met within sixty (60) days from date of application recommending the license be issued. Failure to comply may result in dismissal of the application for a license. Licenses issued shall be valid for a maximum of one (1) year and may be renewed after application has been filed as provided by this Chapter.

(5) No license for private carrier intrastate operations shall be issued until applicant has a satisfactory USDOT safety rating or the applicant has demonstrated its ability to conduct operations in a safe and reasonable manner and applicant is in compliance with all applicable rules and laws of the State of Oklahoma; has furnished proper proof of all insurance required by this Subchapter and all applicable state statutes.

(6) The application shall require the following:

(A) Name, a single trade name (if any), email address, mailing address, physical address, telephone number and domicile county of the applicant.

(B) The type of applicant (indicating if sole proprietorship, partnership, corporation or other legal entity), specifying the names of all officers, if any, and listing the email, mailing and physical addresses of each.

(C) The type of operations for which the applicant is applying.

(D) The name and address of the motor carrier's process agent in Oklahoma (if the motor carrier does not maintain its principal place of business in Oklahoma).

(E) Declaration of its USDOT number, safety rating and a safety summary report which details its safety program and lists all safety violations identified within the prior twelve (12) months. Carriers without a USDOT number must attach a copy of its previously submitted application for a USDOT number. The applicant shall notify the Commission in writing of its USDOT number once issued, unless the USDOT number is issued by the Commission.

(F) A size and weight summary report which details its size and weight compliance program and lists all size and weight violations identified within the prior twelve (12) months.

(G) A listing of all power vehicles and trailers to be used, detailing the model, make and capacity of each vehicle and denoting whether each vehicle is owned or leased.

(H) A description of all terminal, dock or motor pool facilities.

(I) A declaration that the Applicant is in full compliance with all other state laws, rules and regulations.

(J) Any other information the Commission deems necessary.

(7) Every person operating under the Motor Carrier Act of 1995 and the rules of this Commission shall possess a copy of this Chapter governing the operations of motor carriers and private carriers.

(8) A private carrier desiring to modify its license shall file a sub application (TDF 1). Sub applications to include hazardous materials must comply with the provisions in this Section. Sub applications to modify other types of operations shall be exempt from (6)(D)-(G) of this subsection.

(9) A copy of the current license under which a carrier operates shall be carried at all times in each power unit by the private carrier.

(b) Applicant may be issued a provisional intrastate license not to exceed ninety (90) days from the date application is filed, provided all requirements, with the exception of the educational compliance requirements, for the intrastate license have been met. Applicant must provide a written request for the provisional intrastate license. If the provisional intrastate license is issued, a copy of the provisional intrastate license must be carried in each vehicle operated by the Applicant.

(c) No intrastate private carrier license shall be issued to an applicant until all outstanding fines or judgments due the Commission or other state(s) regulatory agencies have been satisfied.

(d) An intrastate private carrier additionally conducting intrastate motor carrier operations under a valid motor carrier license, certificate or permit need not obtain a private carrier license.

(e) If a hearing is held, the applicant shall have the burden of establishing its ability to conduct operations in a safe and reasonable manner and in compliance with all applicable rules and laws of the State of Oklahoma and that it has furnished or will furnish proper proof of all insurance required by this Chapter and all applicable state statutes. The Commission may grant or deny the application or may impose conditions, stipulations and limitations on the license.

(f) All proceedings subsequent to the application, and the conduct of the hearing, shall be governed by applicable provisions of the Commission's Rules of Practice, OAC 165:5.

[**Source:** Added at 14 Ok Reg 1251, eff 5-12-97; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 15 Ok Reg 3041, eff 7-15-98; Amended at 18 Ok Reg 23, eff 10-11-00 (emergency); Amended at 18 Ok Reg 2384, eff 7-1-01; Amended at 23 Ok Reg 509, eff 12-19-05 (emergency);

Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 24 Ok Reg 1814, eff 7-1-07; Amended at 29 Ok Reg 951, eff 7-1-12; Amended at 36 Ok Reg 611, eff 8-1-19]

165:30-15-5. License renewals

(a) Any private carrier desiring to continue intrastate private carrier operations as granted in its license, shall, prior to the date of license expiration, apply for renewal by submitting the appropriate application form (TDF 2) and all supporting documentation. Each renewal application shall be properly signed and attested to as follows:

(1) Application of sole proprietorship must be signed by owner.

(2) Application of partnership must be signed by one of the partners.

(3) Application of corporation must be signed by officer.

(b) All intrastate private carrier licenses issued by the Commission shall expire the same calendar month as issued, and shall be valid for a period of one year, but may be renewed for up to three years. Carriers renewing licenses for more than one year must maintain all requirements of that license as prescribed in Part 3 of this Subchapter in order for the license to be valid.

(c) Renewal applications shall be accompanied by a filing fee as prescribed by the Commission, unless filed simultaneously with a sub application to modify operations.

(d) A renewal application may be set for hearing in the discretion of the Commission for good cause. All proceedings subsequent to the application, and the conduct of the hearing, shall be governed by applicable provisions of the Commission's Rules of Practice, OAC 165:5.

(e) An intrastate private carrier desiring to renew its license should apply for renewal of its license a minimum of thirty (30) days prior to its expiration.

(f) A renewal application will not be accepted if the license has previously expired, unless the Director of the Transportation Division reviews and approves the acceptance of the application for renewal.

(g) No intrastate private carrier license shall be renewed until all outstanding fines or judgments due the Commission or other state(s) regulatory agencies have been satisfied.

(h) No intrastate private carrier operations shall be performed under an expired private carrier license.

[**Source:** Added at 14 Ok Reg 1251, eff 5-12-97; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 18 Ok Reg 2384, eff 7-1-01; Amended at 21 Ok Reg 774, eff 7-1-04; Amended at 23 Ok Reg 509, eff 12-19-05 (emergency); Amended at 23 Ok Reg 2325, eff 7-1-06]

165:30-15-6. Insurance

(a) No intrastate private carrier required to obtain a private carrier license whose principal place of business is in Oklahoma shall conduct any operations in this State unless such operations are covered by a valid primary bond or insurance policy issued by an Oklahoma State Insurance Commission authorized provider. No private carrier required to obtain a private carrier license shall conduct any operations in this State unless such operations are covered by a valid bond or insurance policy issued by a NAIC certified state insurance commission licensed provider. No holder of a license shall conduct any operations before a proper certificate of insurance(s) has been filed with, and approved by the Commission. A surety bond containing all obligations provided by this Section may be substituted for an insurance policy.

(b) Every intrastate private carrier of property is required to obtain a private carrier license, and shall file with, and must be approved by, the Commission a certificate on Form E or G certifying

that there is in effect a valid bond or insurance policy covering operations in Oklahoma to protect the public against loss of life, injury and property damage in minimum amounts, of combined single limits, for bodily injuries to or death of all persons injured or killed in any accident, and loss or damage in any one accident to property or other (excluding cargo), as follows:

(1) Transporting non-hazardous commodities or commodities not mentioned in (B)-(C) of this subsection - $350,000.

(2) Transporting deleterious substances - $750,000.

(3) Transporting hazardous waste, materials, substances, explosives, poison gas or highway controlled radioactive materials as defined in and as required by 49 CFR, Parts 100 through 399.

(c) The Commission may by order grant authority to operate or to continue operating as a private carrier conditional upon carrying insurance coverage in amounts larger than prescribed by (b) of this Section.

(d) No certificate of insurance or surety bond filed with the Commission pursuant to this Section shall be canceled, unless the authorization to conduct operations has been canceled, except after thirty (30) days written notice made to the Commission, on Form K or L, which notice shall be effective only upon actual receipt thereof by the Commission.

(e) Insurance certificates or surety bonds may be canceled without the thirty (30) days written notice on Form K or L only when the authorization to operate has previously expired or cancelled, the carrier provides an affidavit stating no operations have been conducted and the effective date of the cancellation notice is not before the date the cancellation notice is received in the Commission.

(f) Insurance certificates or surety bonds not properly cancelled or expired shall be considered expired one (1) year after the carrier's authorization to operate has been cancelled or expired.

(g) Insurance certificates or surety bonds approved by this Commission shall be replaced by more recent insurance certificates or surety bonds. The liability of the retiring insurer or surety shall be terminated as of the effective date of the replacement insurance certificate or surety bond provided the replacement is approved by this Commission.

(h) No certificate of insurance shall be filed with the Commission which contains a provision to the effect that liability thereunder may be limited or avoided because of the culpability, the recklessness, or the condition of the driver of the vehicle involved or any other restriction relating to the driving or operation of the vehicle.

(i) Every certificate of insurance filed with the Commission shall automatically provide that the public is protected from damage sustained through operations of any and all vehicles operated by the private carrier insured, whether or not listed or identified in the policy; and that liability is not limited by the description of any particular vehicle or route which may be traveled by the motor vehicle in transporting passengers or property under the license.

(j) Every certificate of insurance filed with the Commission shall be executed by an officer or authorized agent of the insurance company; and if executed by an agent, a copy of his written authority or power of attorney to execute the same shall be attached to the certificate.

(k) When insurance is provided by more than one insurer in order to aggregate security limits for private carriers, a separate insurance certificate and endorsement is required of each insurer. For each motor carrier, no more than one (1) primary insurance filing and no more than two (2) excess insurance filings shall be approved.

(l) Every private carrier shall maintain in force at all times all insurance required by state laws and by this Section. Failure for any cause to maintain any required insurance in force on file with

the Commission shall automatically and without notice suspend the license of a private carrier until proper insurance is filed.
(m) Whenever the license of a private carrier is suspended for failure to maintain in force insurance required by this Section on file with the Commission, the carrier must file, within sixty (60) days after commencement of the suspension, proper certificate(s) of insurance as provided in this Section and a sufficient showing, by affidavit or otherwise, that no operations were conducted during the period that insurance was not in force (TDF 18).
(n) Whenever a private carrier fails to provide proper certificates of insurance within sixty (60) days after suspension thereof as provided in this Section, the private carrier's license shall be cancelled by operation of law, and without notice. A license so cancelled shall not be reinstated or otherwise made operative except upon proper showing, at a hearing, that the private carrier was actually covered by proper insurance or proper certificate during the suspension or cancellation period, and that failure to file with the Commission was not due to the private carrier's own negligence.
(o) Any private carrier conducting operations under a suspended or cancelled license shall not be eligible to apply for a new license for a period of not less than one hundred eighty (180) days. The one hundred eighty (180) day period shall be determined by either the date insurance on file expires or the date a violation is discovered, whichever occurrence is later.

[**Source:** Added at 14 Ok Reg 1251, eff 5-12-97; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 15 Ok Reg 3041, eff 7-15-98; Amended at 24 Ok Reg 1814, eff 7-1-07; Amended at 36 Ok Reg 612, eff 8-1-19]

165:30-15-7. Current address requirement
(a) Any notice required by law, the Commission's Rules of Practice, OAC 165:5, or this Subchapter to be served upon or mailed to any holder of a private carrier license shall be delivered or mailed to the last known email or mailing address as reflected by the records of the Commission. It is the duty of every holder of a private carrier license to notify the Transportation Division by specific written request (TDF 17) of any change in the email address, address of the principal place of business or mailing address thereof.
(b) Any non-resident private carrier who has not filed a written designation of service agent with the Commission shall be deemed to have designated the Secretary of State of Oklahoma for the purpose of service of process by the Commission.
(c) Where such notice is required by law, Commission's Rules of Practice, OAC 165:5, or this Subchapter is returned undeliverable, it will be grounds for revocation of the private carrier license

[**Source:** Added at 14 Ok Reg 1251, eff 5-12-97; Amended at 36 Ok Reg 614, eff 8-1-19]

165:30-15-8. Name changes
(a) An application to change the name or business name of the holder of an intrastate private carrier license, without any change in the legal identity of the holder or any change in the ownership of the license, except as provided in subsections (c), (d) or (e) below, shall be filed on the appropriate form prescribed (TDF 3) under the permanent PIN of the holder with appropriate sub-number designation and with such filing fee as prescribed by law or by Commission rule. No notice or hearing shall be necessary unless the Commission so requires. Notice, if required, shall be as the Commission shall direct.

(b) Any change in legal identity of the holder of an intrastate private carrier license, except as provided in subsections (c), (d) or (e) below, including but not limited to incorporation or dissolution of a corporation, formation or dissolution of a partnership or creation or dissolution of a trust, shall require an original application for a license.
(c) Incorporation by a sole proprietor in which the sole proprietor is the majority shareholder of the corporation, limited liability corporation or limited liability partnership shall be deemed a name change. Incorporation by a partnership in which the partners are the majority shareholders of the corporation shall be deemed a name change.
(d) A change in legal entity from a corporation, limited liability corporation or a limited liability partnership to a sole proprietorship, a partnership, a limited liability corporation or a limited liability partnership in which the sole proprietor, partners or shareholders hold the majority of all issued and outstanding shares of the corporation shall be deemed a name change.
(e) The merger of two or more corporations in which the survivor is the holder of a current license shall be deemed a name change.
(f) The transfer of stock in a corporation that shall result in any entity controlling fifty one percent (51%) or more of the aggregate number of voting shares of the corporation shall not be deemed a name change.
(g) The employment of incorporation, change of name or similar action directly or indirectly as a device to circumvent the rules of this Subchapter is prohibited.

[**Source:** Added at 14 Ok Reg 1251, eff 5-12-97]

165:30-15-9. Identification device
(a) Every private motor carrier operating upon the public highways of the State of Oklahoma shall obtain and display a current identification device issued by this Commission, for each power unit operated by said private motor carrier and make it available for inspection upon request.
(1) Only one (1) identification device is required for each power unit.
(2) The annual fee for each identification device will be a prescribed by law or Commission rule.
(3) Identification devices shall expire simultaneously with the expiration date of the annual license issued to the motor carrier.
(b) No identification device may be sold or otherwise transferred.
(c) Identification devices found to be in the possession of a carrier not authorized will be confiscated and returned to the Commission by the motor carrier enforcement officer.
(d) No identification devices will be issued to any private motor carrier who does not meet all statutory, regulatory and Commission requirements.
(e) Identification device(s) must be acquired prior to the expiration of each annual expiration of a multiple year renewal license to extend the motor carrier license. Failure to timely acquire the identification device(s) will cause the motor carrier license to expire. Failure to acquire the identification device(s) within 30 days of the expiration of the license will cause the motor carrier license to automatically expire and become subject to reinstatement rules as prescribed in OAC 165:30-3-103.

[**Source:** Added at 21 Ok Reg 774, eff 7-1-04; Amended at 25 Ok Reg 1546, eff 7-1-08]

PART 5. CONDUCTING OPERATIONS

165:30-15-11. [1] **Deleterious Substance Transport Permit**

All intrastate private carriers transporting any deleterious substance(s) shall comply with all provisions of 165:30-3-13.

[Source: Added as 165:30-15-14 at 13 Ok Reg 247, eff 11-1-95 (emergency)[2]; Added at 13 Ok Reg 2419, eff 7-1-96; Amended at 14 Ok Reg 2539, eff 7-1-97]

EDITOR'S NOTE: *[1]An emergency rule called "Obtaining a license" was promulgated at this number (165:30-15-11) and expired on 7-14-96 without being superseded by a permanent action. For the text of the emergency rule numbered at 165:30-15-11 and effective from 11-1-95 through 7-14-96, see 13 Ok Reg 247.*

EDITOR'S NOTE: *[2]The emergency rule for "Deleterious Substance Transport Permit" was numbered at 165:30-15-14 and was later promulgated as a permanent rule at this number (165:30-15-11).*

165:30-15-12. [1]**Markings**

Every motor vehicle of 26,000 pounds GVWR or greater operated by an intrastate private carrier shall comply with the provisions of 165:30-3-17.

[**Source:** Added as 165:30-15-16 at 13 Ok Reg 247, eff 11-1-95 (emergency)[2]; Added at 13 Ok Reg 2419, eff 7-1-96; Amended at 14 Ok Reg 1251, eff 5-12-97; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 15 Ok Reg 3041, eff 7-15-98; Amended at 18 Ok Reg 23, eff 10-11-00 (emergency); Amended at 18 Ok Reg 2384, eff 7-1-01]

EDITOR'S NOTE: *[1]An emergency rule called "License renewals" was promulgated at this number (165:30-15-12) and expired on 7-14-96 without being superseded by a permanent action. For the text of the emergency rule numbered at 165:30-15-12 and effective from 11-1-95 through 7-14-96, see 13 Ok Reg 247.*

EDITOR'S NOTE: *[2]The emergency rule for "Markings" was numbered at 165:30-15-16 and was later promulgated as a permanent rule at this number (165:30-15-12).*

165:30-15-13. [1]**Compliance with laws and regulations**

All intrastate private carriers shall comply with all provisions of 165:30-3-31.

[**Source:** Added as 165:30-15-26 at 13 Ok Reg 247, eff 11-1-95 (emergency)[2]; Added at 13 Ok Reg 2419, eff 7-1-96]

EDITOR'S NOTE*: [1]An emergency rule called "Insurance" was promulgated at this number (165:30-15-13) and expired on 7-14-96 without being superseded by a permanent action. For the text of the emergency rule numbered at 165:30-15-13 and effective from 11-1-95 through 7-14-96, see 13 Ok Reg 247.*

EDITOR'S NOTE: *[2]The emergency rule for "Compliance with laws and regulations" was numbered at 165:30-15-26, and was later promulgated as a permanent rule at this number (165:30-15-13).*

165:30-15-14. [1]**Shipping documentation**

All intrastate private carriers operating a motor vehicle with a GVWR or GCWR in excess of 26,000 pounds shall comply with all provisions of 165:30-3-32.

[Source: Added as 165:30-15-27 at 13 Ok Reg 247, eff 11-1-95 (emergency)[2]; Added at 13 Ok Reg 2419, eff 7-1-96; Amended at 27 Ok Reg 1773, eff 7-1-10]

EDITOR'S NOTE: *[1]An emergency rule called "Deleterious substance transport permit" was promulgated at this number (165:30-15-14) and was superseded by a permanent rule numbered at 165:30-15-11.*

EDITOR'S NOTE: *[2]An emergency rule called "Legal possession of cargo" was added at 165:30-15-27, but was later superseded by a permanent rule called "Shipping documentation" at this number (165:30-15-14).*

165:30-15-15. [1]**Minimum standards**

All intrastate private carriers shall comply with all provisions of 165:30-3-34.

[**Source:** Added as 165:30-15-28 at 13 Ok Reg 247, eff 11-1-95 (emergency)[2]; Added at 13 Ok Reg 2419, eff 7-1-96]

EDITOR'S NOTE: *[1]An emergency rule called "Current address requirement" was promulgated at this number (165:30-15-15) and expired on 7-14-96 without being superseded by a permanent action. For the text of the emergency rule numbered at 165:30-15-15 and effective from 11-1-95 through 7-14-96, see 13 Ok Reg 247.*

EDITOR'S NOTE: *[2]The emergency rule for "Minimum standards" was numbered at 165:30-15-28 and was later promulgated as a permanent rule at this number (165:30-15-15).*

165:30-15-16. [1]**Leasing of equipment**

All private carriers engaged in intrastate commerce, utilizing equipment other than carrier owned, shall be required to carry a copy of a lease agreement or contract in the vehicle at all times.

[**Source:** Added as 165:30-15-30 at 13 Ok Reg 247, eff 11-1-95 (emergency)[2]; Added at 13 Ok Reg 2419, eff 7-1-96]

EDITOR'S NOTE: *[1]An emergency rule called "Markings" was promulgated at this number (165:30-15-16) and was superseded by a permanent rule numbered at 165:30-15-12.*

EDITOR'S NOTE: *[2]The emergency rule for "Leasing of equipment" was numbered at 165:30-15-30 and was later promulgated as a permanent rule at this number (165:30-15-16).*

165:30-15-17. Leasing of license

No intrastate private carrier license, nor any part thereof, or rights thereunder shall be leased; nor shall the holder thereof sublet or in any manner permit the use thereof, or the exercise of any rights or privileges thereunder by another, except as provided in this Section. Violation of this Section shall be grounds for revocation of the license, and shall be grounds for denial of an application for a new or renewed license.

[**Source:** Added at 14 Ok Reg 1251, eff 5-12-97]

165:30-15-26. Compliance with laws and regulations [SUPERSEDED]

[**Source:** Added at 13 Ok Reg 247, eff 11-1-95 (emergency)[1]]

EDITOR'S NOTE: *[1]This emergency rule was superseded by a permanent rule numbered at 165:30-15-13, effective 7-1-96.*

165:30-15-27. Legal possession of cargo [SUPERSEDED]

[**Source:** Added at 13 Ok Reg 247, eff 11-1-95 (emergency)[1]]

EDITOR'S NOTE: *[1]This emergency rule was superseded by a permanent rule numbered at 165:30-15-14, effective 7-1-96.*

165:30-15-28. Minimum standards [SUPERSEDED]

[**Source:** Added at 13 Ok Reg 247, eff 11-1-95 (emergency)[1]]

EDITOR'S NOTE: *[1]This emergency rule was superseded by a permanent rule numbered at 165:30-15-15, effective 7-1-96.*

165:30-15-29. [2] **Name changes [EXPIRED]**

[**Source:** Added at 13 Ok Reg 247, eff 11-1-95 through 7-14-96 (emergency)[1]]

EDITOR'S NOTE: *[1]This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-96 (after the 7-14-96 expiration of the emergency action), the text of 165:30-15-29 was no longer effective. For the official text of the emergency rule that was effective from 11-1-95 through 7-14-96, see 13 Ok Reg 247.*

EDITOR'S NOTE: *[2]On 5-12-97, a permanent rule called "Suspension or discontinuance of license" was added at this number (165:30-15-29), creating a duplication in numbering. The rule was editorially renumbered and codified at 165:30-15-35.*

165:30-15-30. [2]Leasing of equipment [SUPERSEDED]

[**Source:** Added at 13 Ok Reg 247, eff 11-1-95 (emergency)[1]]

EDITOR'S NOTE: *[1]This emergency rule was superseded by a permanent rule numbered at 165:30-15-16, effective 7-1-96.*

EDITOR'S NOTE: *[2]On 5-12-97, a permanent rule called "Reinstatement of a private carrier license" was added at this number (165:30-15-30), creating a duplication in numbering. The rule was editorially renumbered and codified at 165:30-15-36.*

PART 7. VIOLATIONS, SUSPENSION OR CANCELLATION

165:30-15-31. Loading capacity-safety compliance

All intrastate private carriers shall comply with the provisions of 165:30-3-71.

[**Source:** Added as 165:30-15-39 at 13 Ok Reg 247, eff 11-1-95 (emergency); Added at 13 Ok Reg 2419, eff 7-1-96]

165:30-15-32. Contempt complaint

In addition to the procedures set forth in the Oklahoma Statutes and in the Oklahoma Corporation Commission Rules of Practice, OAC 165:5 regarding the procedure in proceedings as for contempt, the procedures as set forth in 165:30-3-76 may be followed for violation of any provision of law or of the rules of this Subchapter.

[**Source:** Added as 165:30-15-41 at 13 Ok Reg 247, eff 11-1-95 (emergency); Added at 13 Ok Reg 2419, eff 7-1-96]

165:30-15-33. Pollution abatement

All private carriers shall comply with the provisions of 165:30-3-92.

[**Source:** Added as 165:30-15-42 at 13 Ok Reg 247, eff 11-1-95 (emergency); Added at 13 Ok Reg 2419, eff 7-1-96]

165:30-15-34. Violations

(a) Every for-hire motor carrier, shipper, private motor carrier, their employees or any other person who violates or fails to comply with or procures, aids or abets in the violation of any provision of law or of any requirements of this Chapter; or who fails 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, or who procures, aids, or abets any corporation or person in its refusal or willful failure to obey, observe or comply with any such order, decision, rule, direction, demand or regulation, or part of provision thereof, after notice and hearing, is guilty of contempt of the Commission and is subject to a fine not to exceed Five Hundred ($500.00) Dollars per violation per day or as otherwise provided for by law.

(b) All motor carriers must yield for inspection as directed by a duly authorized motor carrier enforcement officer or by posted signs.

(c) Motor carrier enforcement officers may hold and detain equipment operated by a motor carrier for violations of applicable laws in the Oklahoma Statutes or rules of this Agency.
(d) If, in the judgment of a motor carrier enforcement officer, a detained vehicle poses an inherent risk to public health, safety or welfare, upon direction of the Transportation Division Director or his designee, the motor carrier enforcement officer may arrange for impoundment of the detained vehicle at the expense of the motor carrier.
(e) Contents of impounded equipment must be inventoried, with any inventory expense incurred at the sole cost of the motor carrier.

[**Source:** Added as 165:30-15-45 at 13 Ok Reg 247, eff 11-1-95 (emergency); Added at 13 Ok Reg 2419, eff 7-1-96; Amended at 14 Ok Reg 2539, eff 7-1-97; Amended at 21 Ok Reg 774, eff 7-1-04; Amended at 25 Ok Reg 1546, eff 7-1-08]

165:30-15-35. Suspension or discontinuance of license
(a) An intrastate private carrier may request cancellation of its license without notice or hearing.
(b) Any intrastate private carrier requesting cancellation of its license while in good standing may reapply for a new license at any time.
(c) Any intrastate private carrier license may be suspended or revoked by the Commission, or the holder thereof assessed a fine or other lawful punishment for violation of, or failure to comply with, any requirement or provision of law or of this Chapter.
(d) An application to revoke or suspend an intrastate private carrier license may be filed by a member of the staff of the Commission or by a person adversely affected by the acts alleged. It shall be in the form of an application, and proceedings thereon, including notice and hearing if required, shall be as prescribed in the Oklahoma Corporation Commission's Rules of Practice, OAC 165:5.
(e) Any violation of other state statutes or regulations shall be cause to initiate an application for revocation by staff or other adversely affected persons.
(f) After hearing, the Commission may grant or deny the application, and may suspend or revoke the license, or any part thereof or rights thereunder, or the Commission may assess a fine or impose limitations or conditions upon the continuation of operations under the license as stated in the order.
(g) Any private carrier conducting operations under a suspended or cancelled license, shall not be eligible to apply for a new license for a period of not less than ninety (90) days. Except for insurance violations as noted in 165:30-3-11, the ninety (90) day period shall begin the date a Commission order is signed suspending or canceling a private carrier license. This subsection shall not apply to private carrier licenses which have expired.
(h) The employment of incorporation, stock transfer, merger, change of name or similar action directly or indirectly as a device to evade subsection (f) of this Section is prohibited.

[**Source:** Added as 165:30-15-29 at 14 Ok Reg 1251, eff 5-12-97[1]; Added at 14 Ok Reg 2539, eff 7-1-97]

EDITOR'S NOTE: *[1]Editorially renumbered from 165:30-15-29, to avoid a duplication in numbering.*

165:30-15-36. Reinstatement of a private carrier license

An intrastate private carrier whose license has been cancelled by law or by order of the Commission may make application for reinstatement in accordance with the provisions as set forth in 165:30-15-103.

[Source: Added as 165:30-15-30 at 14 Ok Reg 1251, eff 5-12-97[1]]

EDITOR'S NOTE: *[1]Editorially renumbered from 165:30-15-30, to avoid a duplication in numbering.*

165:30-15-39. Loading capacity-safety compliance [SUPERSEDED]

[**Source:** Added at 13 Ok Reg 247, eff 11-1-95 (emergency)[1]]

EDITOR'S NOTE: *[1]This emergency rule was superseded by a permanent rule numbered at 165:30-15-31, effective 7-1-96.*

165:30-15-40. Leasing of license [EXPIRED]

[**Source:** Added at 13 Ok Reg 247, eff 11-1-95 through 7-14-96 (emergency)[1]]

EDITOR'S NOTE: *[1]This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-96 (after the 7-14-96 expiration of the emergency action), the text of 165:30-15-40 was no longer effective. For the official text of the emergency rule that was effective from 11-1-95 through 7-14-96, see 13 Ok Reg 247.*

165:30-15-41. Contempt complaint [SUPERSEDED]

[**Source:** Added at 13 Ok Reg 247, eff 11-1-95 (emergency)[1]]

EDITOR'S NOTE: *[1]This emergency rule was superseded by a permanent rule numbered at 165:30-15-32, effective 7-1-96.*

165:30-15-42. Pollution abatement [SUPERSEDED]

[**Source:** Added at 13 Ok Reg 247, eff 11-1-95 (emergency)[1]]

EDITOR'S NOTE: *[1]This emergency rule was superseded by a permanent rule numbered at 165:30-15-33, effective 7-1-96.*

165:30-15-43. Suspension or discontinuance of license [EXPIRED]

[**Source:** Added at 13 Ok Reg 247, eff 11-1-95 through 7-14-96 (emergency)[1]]

EDITOR'S NOTE: *[1]This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-96 (after the 7-14-96 expiration of the emergency action), the text of 165:30-15-43 was no longer effective. For the official text of the emergency rule that was effective from 11-1-95 through 7-14-96, see 13 Ok Reg 247.*

165:30-15-44. Reinstatement of a private carrier license [EXPIRED]

[**Source:** Added at 13 Ok Reg 247, eff 11-1-95 through 7-14-96 (emergency)[1]]

EDITOR'S NOTE: *[1]This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-96 (after the 7-14-96 expiration of the emergency action), the text of 165:30-15-44 was no longer effective. For the official text of the emergency rule that was effective from 11-1-95 through 7-14-96, see 13 Ok Reg 247.*

165:30-15-45. Violations [SUPERSEDED]

[**Source:** Added at 13 Ok Reg 247, eff 11-1-95 (emergency)[1]]

EDITOR'S NOTE: *[1]This emergency rule was superseded by a permanent rule numbered at 165:30-15-34, effective 7-1-96.*

SUBCHAPTER 16. INTERSTATE PRIVATE CARRIERS

165:30-16-1. USDOT numbers and markings

All motor carriers engaged in interstate private commerce shall comply with all provisions of OAC 165:30-10-1.

[**Source:** Added at 23 Ok Reg 509, eff 12-19-05 (emergency); Added at 23 Ok Reg 2325, eff 7-1-06; Amended at 29 Ok Reg 951, eff 7-1-12]

165:30-16-2. Lease agreement

All motor carriers engaged in interstate private commerce shall comply with all provisions of 49 C.F.R. 376.11 with regard to lease agreements.

[**Source:** Added at 23 Ok Reg 509, eff 12-19-05 (emergency); Added at 23 Ok Reg 2325, eff 7-1-06]

165:30-16-3. Shipping documentation

All motor carriers engaged in interstate private commerce shall be required to carry at all times documents that establish legal possession of cargo.

[**Source:** Added at 23 Ok Reg 509, eff 12-19-05 (emergency); Added at 23 Ok Reg 2325, eff 7-1-06]

165:30-16-4. Compliance with laws and regulations

(a) All motor carriers engaged in interstate private commerce shall conduct their operations in accordance with all applicable laws of the State of Oklahoma and all applicable rules of the Commission. All registrations heretofore or hereafter filed with the Commission are subject to applicable provisions of law and of the rules of this Subchapter as fully as if those laws and rules were set forth verbatim herein.

(b) No motor carrier engaged in interstate private commerce shall operate or allow to be operated on the public highways of the State of Oklahoma any equipment for hire that does not comply with safety criteria established by the Statutes of Oklahoma or by the Department of Public Safety. No motor carrier shall permit any person to operate a motor vehicle for hire when such person is intoxicated or under the influence of alcohol or under the influence of amphetamines, stimulants or other drugs. Any vehicle which fails to meet safety criteria, or which is operated by a person under the influence of alcohol, amphetamines, stimulants or other drugs, shall be prevented from continued use of the public highways of the State of Oklahoma.

(c) Violation of the rules of this Subchapter may result in the motor carrier being prohibited from using the public highways of the State of Oklahoma or any other penalties deemed appropriate by the Commission pursuant to authority granted to the Commission.

[**Source:** Added at 23 Ok Reg 509, eff 12-19-05 (emergency); Added at 23 Ok Reg 2325, eff 7-1-06]

165:30-16-5. Minimum standards

(a) Every vehicle used for interstate private commerce shall be in safe operating condition, and shall possess all safety equipment required by the Statutes of Oklahoma, the regulations of the USDOT and the rules of the Department of Public Safety.

(b) All vehicles will be utilized in a manner that conforms with the manufacturer's design standards and specifications.

(c) The Commission adopts the provisions of the rules and regulations as adopted by the Oklahoma Department of Public Safety in OAC 595:35, pertaining to 49 C.F.R. Federal Motor Carrier Safety Regulations, with all amendments and appendices thereto.

[**Source:** Added at 23 Ok Reg 509, eff 12-19-05 (emergency); Added at 23 Ok Reg 2325, eff 7-1-06]

165:30-16-6. Loading capacity

All interstate private carriers shall comply with all provisions of OAC 165:30-3-71.

[**Source:** Added at 23 Ok Reg 509, eff 12-19-05 (emergency); Added at 23 Ok Reg 2325, eff 7-1-06]

165:30-16-7. Contempt complaint

In addition to the procedures set forth in the Oklahoma Statutes and in the Commission Rules of Practice, OAC 165:5, regarding the procedure in proceedings as for contempt, the procedures set forth in 165:30-3-76 may be followed for violation for any requirement or provision of law or the rules of this Subchapter.

[**Source:** Added at 23 Ok Reg 509, eff 12-19-05 (emergency); Added at 23 Ok Reg 2325, eff 7-1-06]

165:30-16-8. Pollution abatement

All motor carriers engaged in interstate private commerce shall comply with all provisions of OAC 165:30-3-92.

[**Source:** Added at 23 Ok Reg 509, eff 12-19-05 (emergency); Added at 23 Ok Reg 2325, eff 7-1-06]

165:30-16-9. Deleterious Substance Transport Permit

All interstate private carriers transporting any deleterious substance(s) shall comply with all provisions of OAC 165:30-3-13 and OAC 165:30-3-11.

[**Source:** Added at 23 Ok Reg 509, eff 12-19-05 (emergency); Added at 23 Ok Reg 2325, eff 7-1-06]

165:30-16-11. Violations

(a) Every private motor carrier, their employees or any other person who violates or fails to comply with or procures, aids or abets in the violation of any provision of law or of any requirement of this Chapter; or who fails 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, or who procures, aids, or abets any corporation or person in its refusal or willful failure to obey, observe or comply with any such order, decision, rule, direction, demand or regulation, or part of provision thereof, after notice and hearing, is guilty of contempt of the Commission and is subject to a fine not to exceed Five Hundred ($500.00) Dollars per violation per day or as otherwise provided for by law.

(b) All private motor carriers must yield for inspection as directed by a duly authorized motor carrier enforcement officer or by posted road signs.

(c) Motor carrier enforcement officers may hold and detain equipment operated by a motor carrier for violations of applicable laws in the Oklahoma Statutes or rules of this Agency.

(d) If, in the judgment of a motor carrier enforcement officer, a detained vehicle poses an inherent risk to public health, public safety or welfare, upon direction of the Transportation Division Director or her/his designee, the motor carrier enforcement officer may arrange for impoundment of the detained vehicle at the expense of the motor carrier.

(e) Contents of impounded equipment must be inventoried, with any inventory expense incurred at the sole cost of the private motor carrier.

[**Source:** Added at 29 Ok Reg 951, eff 7-1-12]

SUBCHAPTER 17. HAZARDOUS WASTE TRANSPORTERS

PART 1. GENERAL PROVISIONS

165:30-17-1. Purpose and applicability

(a) The rules in this Subchapter are intended to implement a uniform registration and permitting program for motor carriers who transport hazardous waste in interstate or intrastate commerce of a type and amount that requires the shipment to be accompanied by a Uniform Hazardous Waste Manifest contained in 40 CFR, Part 262; and to conform to the procedures and requirement contained in the report submitted to the secretary of transportation pursuant to Section 22 of the HMTUSA by the Alliance for Uniform Hazardous Materials Transportation Procedures (49 USC app 1801-1813 amended by Sec. 20).
(b) The rules in this Subchapter are intended to reflect or complement the procedures as set forth by the Alliance. In the event of conflict, the procedures as set forth by the Alliance will prevail.
(c) Motor vehicles owned and operated by a local, state, or federal government, or any other political subdivision, are not subject to the provisions of this Subchapter.
(d) The Transportation Division may enter into agreements with federal agencies, a national repository or other participating states as necessary to allow the reciprocal registration and permitting of motor carriers transporting hazardous waste. The agreements may include procedures for determining a base state, the collection and distribution of registration fees, dispute resolution, the exchange of information for reporting and enforcement purposes, and other provisions necessary to fully implement, administer and enforce the uniform program.
(e) This Subchapter preempts and supersedes any hazardous waste transportation registration or permitting program administered or enforced by any state agency, city, county, or other political subdivision of the state.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01]

165:30-17-2. Cooperation with other base states

The Commission will cooperate with other base states in exchanging information and transmitting funds relating to motor carriers registered and permitted under the Alliance.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01]

PART 3. APPLYING FOR HAZARDOUS WASTE REGISTRATION AND PERMIT

165:30-17-11. Selection of base state

(a) A motor carrier transporting or intending to transport hazardous waste in and/or through a participating state must register and/or permit in a participating state.
(b) If the motor carrier's principal place of business is in a participating state, the motor carrier must use its principal place of business state as its base state.
(c) If the motor carrier's principal place of business is not in a participating state, the motor carrier shall select the participating state in which it operates the most miles (based upon IRP percentages).

(d) A motor carrier's base state may change due to the motor carrier changing its principal place of business or due to the entry of new states into the uniform program. Procedures set forth by the Alliance will be followed as it pertains to the changing of a motor carrier's base state.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01]

165:30-17-12. Obtaining a hazardous waste registration and permit

(a) A motor carrier with its principal place of business in Oklahoma, or that designates Oklahoma as its base state, shall register as a hazardous waste transporter with and obtain a permit from the Commission before transporting a hazardous waste in or through Oklahoma. A motor carrier that designates another participating state as its base state shall register as a hazardous waste transporter and obtain a permit from that state before transporting a hazardous waste in or through the state of Oklahoma.

(b) A motor carrier who engages in interstate or intrastate transportation of a hazardous waste and who is required to register its hazardous waste transportation in Oklahoma shall file parts I, II and IV of the uniform application (UPW) with the Commission and pay the prescribed fees for registration and permits for its Oklahoma waste transportation as well as fees for reciprocal states.

(c) Upon a motor carrier's compliance with this Subchapter, the Commission shall issue a Hazardous Waste Registration and/or Permit to the motor carrier within ninety (90) days. Motor carriers must maintain valid liability insurance on file with this Commission in accordance with OAC 165:30-3-11. Failure to do so shall subject the registration or permit to revocation.

(d) The Commission shall not issue a registration or permit to a motor carrier if the Commission determines that a motor carrier's conduct would constitute grounds for suspension or revocation under this Subchapter. The Transportation Division may elect to request additional information from the motor carrier to support the motor carrier's application for registration and/or permit. Additional information requested shall be based upon the motor carrier's compliance with the federal motor carrier safety regulations.

(e) A registration is valid for one (1) year and a permit is valid for three (3) years unless the motor carrier fails to renew its registration, the permit is suspended or revoked or there is a substantial change in the motor carrier's operations during the permitting period.

(f) Each motor carrier shall file a Part I - Registration of the uniform application (UPW - Part I) on an annual basis. However, for the first year after the effective date of this Subchapter, the Transportation Division may stagger the registration date for motor carriers. Registration fees shall be apportioned for any quarterly time frame exceeding one (1) year.

(g) Each motor carrier shall additionally file a Part II - Permitting of the uniform application (UPW - Part II) every (3) three years. However, for the first year after the effective date of this Subchapter, the Transportation Division may divide the total pool of applicants to be granted a uniform permit into three (3) classes. The first class may be granted uniform permits with a term of one (1) year; the second class may be granted uniform permits with a term of two (2) years; and the third class may be granted uniform permits for three (3) years. Permit fees shall be apportioned for any permit time not equaling a three (3) year time frame.

(h) Each uniform registration and permit application shall contain certification by a responsible official of the applicant who is authorized to certify applications for registrations and permits on behalf of the applicant. Such certification shall contain the following statement, "I certify that, to the best of my knowledge and after due investigation, the information contained in this application

is true, accurate, and complete" and shall contain the name, title, and telephone number of the official certifying the application. Such certification must be signed and dated by the official certifying the application.
(i) No registration or permit shall be issued to a motor carrier with outstanding fines owed to another state agency.
(j) A registered and permitted motor carrier shall maintain a copy of its valid registration and permit for Hazardous Waste in each vehicle when transporting a hazardous waste.
(k) The hazardous waste registration and permit are nontransferable.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01; Amended at 24 Ok Reg 1814, eff 7-1-07; Amended at 35 Ok Reg 1044, eff 10-1-18]

165:30-17-13. Filing of proof of proper liability insurance

All motor carriers shall comply with the provisions of 165:30-3-11.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01]

165:30-17-14. Letter of filing

(a) A motor carrier may provide a written request for a letter of filing that, if issued, will allow a motor carrier to operate in the base state and reciprocal states for a period of up to 90 days while the motor carrier's application for registration and permit is being processed.
(b) The Commission shall not issue a letter of filing to a motor carrier until the motor carrier has complied with initial requirements of this Subchapter pending staff's review of the motor carrier's safety compliance. The letter of filing may be rescinded if the motor carrier fails to fully comply with all requirements of this Subchapter.
(c) A letter of filing cannot be issued by the Commission to a motor carrier whose principal place of business is located in a reciprocal state or to a motor carrier who is currently registered with a reciprocal state.
(d) A copy of the letter of filing shall be carried in each vehicle transporting hazardous waste operated by the applicant.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01]

165:30-17-15. Filing fee calculation

(a) Part I of the uniform application, (UPW - Part I) requires a processing fee of $50.00 and must be submitted annually for renewal of registration. An amount, as set forth by the Alliance, shall be added to the annual registration processing fee to be collected by the Commission and remitted to the Alliance.
(b) Each motor carrier shall submit with its registration application a double apportioned vehicle waste transporter registration fee which shall be equal to the percentage of Oklahoma transportation (IRP %) multiplied by the total number of vehicles the motor carrier operates, rounded up to the next whole number, multiplied by the percentage of the motor carrier's total hazardous waste activity multiplied by a per-vehicle fee of $100.00.

(c) A motor carrier may use data from its most recently complete fiscal year or the most recent complete calendar year in calculating the percentages required in this Subchapter for transportation conducted during the previous year.
(d) Part II of the uniform application, Permitting, requires a permit review fee of $500.00.
(e) Fee calculation for reciprocal states is found in the Uniform Program Fee Worksheet (Schedules A-D and Summary) of the uniform application.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01]

165:30-17-16. Ownership of registration and permit

Hazardous waste permits shall be considered personal to the holder thereof and shall be issued only to some definite legal entity. The motor carrier may list a single trade name provided the trade name is not a definite legal entity. Permits are not subject to lease, nor shall the holder thereof sublet or permit the exercise, by another.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01]

PART 5. CONDUCTING OPERATIONS

165:30-17-31. Shipping documentation

Each shipment shall be accompanied by a uniform hazardous waste manifest as specified in 40 CFR, Part 262 or other manifest as required by the state.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01]

165:30-17-32. Markings

All motor carriers shall comply with the provisions of 165:30-3-17.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01]

165:30-17-33. Leasing of equipment

All motor carriers engaged in interstate commerce will be required to carry a copy of the lease contract in each and every power unit.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01]

165:30-17-34. Name Changes

(a) Any change in legal identity of the holder of a hazardous waste, except as provided in subsections (b), (c) or (d) below, including but not limited to incorporation or dissolution of a corporation, formation or dissolution of a partnership or creation or dissolution of a trust, shall require an original application for a registration and permit.

(b) Incorporation by a sole proprietor in which the sole proprietor is the majority shareholder of the corporation, limited liability corporation or limited liability partnership shall be deemed a name change. Incorporation by a partnership in which the partners are the majority shareholders of the corporation shall be deemed a name change.
(c) A change in legal entity from a corporation, limited liability corporation or a limited liability partnership to a sole proprietorship, a partnership, a limited liability corporation or a limited liability partnership in which the sole proprietor, partners or shareholders hold the majority of all issued and outstanding shares of the corporation shall be deemed a name change.
(d) The merger of two or more corporations in which the survivor is the holder of a current license shall be deemed a name change.
(e) The transfer of stock in a corporation that shall result in any entity controlling fifty one percent (51%) or more of the aggregate number of voting shares of the corporation shall not be deemed a name change.
(f) A request for a name change shall be in writing and shall be accompanied by copy of the Certificate of Incorporation, Amended Certificate of Incorporation or similar documentation (if applicable) and a $50.00 name change filing fee. The request for name change must be signed by the owner (if an individual). If a partnership is adding or removing a partner(s) all partners (whether existing, added or removed) must sign the request and current demographics information must be provided. If a corporation has amended its name, a corporate office must sign the request. If the officers of the corporation have changed, a listing of all officers including the email, mailing and physical addresses of each must additionally be attached to the request.
(g) Proper insurance filings or bonds must be placed on file with this Commission reflecting the new name.
(h) The employment of incorporation, change of name or similar action directly or indirectly as a device to circumvent the rules of this Subchapter is prohibited.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01; Amended at 36 Ok Reg 614, eff 8-1-19]

165:30-17-35. Address changes

A motor carrier shall notify the Commission in writing of any change in the motor carrier's email, mailing or physical address or telephone number.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01; Amended at 36 Ok Reg 614, eff 8-1-19]

PART 7. VIOLATION, SUSPENSION OR REVOCATION OF A PERMIT

165:30-17-51. Inspections, reviews and audits

(a) The Commission will use its enforcement powers to ensure motor carrier compliance with federal safety regulations, state laws and rules of this Commission.
(b) Authorized employees of the Commission shall perform the following duties:
(1) Physically inspect vehicles, tanks, containers, cargo and/or drivers;
(2) Perform on-site examinations of a motor carrier's operations including physical inspections and review of a motor carrier's operating systems;
(3) Examine a company's records to verify information on which a permit is based;

(4) An in-house review of a motor carrier's records sent by the motor carrier to the Commission;
(5) Inspect vehicles and drivers; and,
(6) Investigate alleged violations triggered by a public inquiry or complaint.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01]

165:30-17-52. Advertising

Any person who advertises to perform hazardous waste transportation services for which he does not hold a registration and permit shall be in violation of this Section and subject to the penalties prescribed for contempt of the Commission.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01]

165:30-17-53. Suspension, revocation and denial

(a) The Commission may suspend or revoke a permit issued under this Subchapter or order the suspension of the transportation of hazardous waste in Oklahoma by a motor carrier who has obtained a permit from another participating state under the uniform program if the Commission determines that a motor carrier has:
(1) Committed a violation of a 49 CFR, Parts 100 to 180, 382, 383, 387, or 390 to 397, while engaging in hazardous waste transportation if the violation posed an imminent hazard to the public or the environment;
(2) Made a knowing falsification of a material fact in a uniform application;
(3) Received an unsatisfactory safety rating from the Commission or the USDOT;
(4) Failed to maintain proper liability insurance on file;
(5) Failed to comply with requirements identified in this Subchapter;
(6) Exhibited reckless disregard for the public and the environment; or,
(7) Vehicle or driver out-of-service percentages higher than the national average.

(b) In determining if a motor carrier has exhibited reckless disregard for the public and the environment in violation of this Subchapter, the Commission shall consider;
(1) Whether the motor carrier has engaged in a pattern of violations of 49 CFR, Parts 100 to 180, 382, 383, 387, or 390 to 397, or regulations governing the management of hazardous waste, while engaging in hazardous materials transportation, when the violations are viewed in relation to the number of truck-miles of hazardous material transportation and the number of vehicles in the motor carrier's fleet;
(2) The actual or potential level of environmental damage resulting from an incident or a violation of the federal regulations referred to in this Section;
(3) The response by the motor carrier to an incident or a violation of the federal regulations referred to in this Section;
(4) The motor carrier's history of violations for the past three years;
(5) Any mitigating factors;
(6) Outstanding fines owed to the Commission or another state agency; and,
(7) Other factors as justice requires.

(c) The Director of the Transportation Division may deny the issuance of a motor carrier's application based upon reasons as specified in this Section. An application may merit the Division's request for additional information from the motor carrier to show compliance with safety regulations.
(d) A motor carrier who wishes to contest a denial, suspension, or revocation is entitled to a hearing under the procedures as specified in the Commission's Rules of Practice, OAC 165:5.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01]

165:30-17-54. Reinstatement of a hazardous waste permit

If the permit holder believes the Commission has revoked its permit without good cause, the registrant may petition the Commission for relief, as prescribed in the Commission's Rules of Practice, OAC 165:5.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01]

165:30-17-55. Violations

The Commission may issue an order requiring violations of this Subchapter to be corrected. An order may include a fine of up to a maximum of $500.00 for each violation of this Subchapter identified during a single inspection, investigation, or audit unless a different amount is specified under state or federal guidelines.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01]

165:30-17-56. Contempt complaint

In addition to the procedures set forth in state statutes and in the Commission's Rules of Practice, OAC 165:5 regarding the procedure for contempt proceedings, the procedures as set forth in 165:30-3-76 may be followed for violation of any requirement or provision of law or the rules of this Subchapter.

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 (emergency); Added at 18 Ok Reg 2384, eff 7-1-01]

PART 9. HAZARDOUS WASTE TRANSPORTATION FUND

165:30-17-71. Creation of the hazardous waste transportation fund [EXPIRED]

[**Source:** Added at 18 Ok Reg 23, eff 10-11-00 through 7-14-01 (emergency)[1]]

EDITOR'S NOTE: *[1]This emergency action expired without being superseded by a permanent action. Upon the expiration of an emergency action enacting a new section, the section is no longer effective. Therefore, on 7-15-01 (after the expiration of the emergency action), the text of section*

165:30-17-71 was no longer effective. For official text of the emergency rule that was effective from 10-11-00 through 7-14-01, see 18 Ok Reg 23.

SUBCHAPTER 18. OVERWEIGHT VARIANCE PERMITS [REVOKED]

165:30-18-1. Overweight Variance Permits [REVOKED]

[**Source:** Added at 32 Ok Reg 823, eff 8-27-15; Revoked at 33 Ok Reg 633, eff 9-1-16]

SUBCHAPTER 19. REGISTRATION PURSUANT TO THE INTERNATIONAL REGISTRATION PLAN

Editor's Note: *Effective 7-1-04, the rules in this Subchapter were transferred from the Oklahoma Tax Commission's rules [OAC 710:60-4-1 through 710:60-4-20]. Pursuant to Senate Bill 141 (2004), "rules promulgated by the Tax Commission related to the administration of the International Registration Plan authorized by Section 1120 of Title 47 of the Oklahoma Statutes, the International Fuel Tax Agreement authorized by Section 607 of Title 68 of the Oklahoma Statutes, or the enforcement of Section 1115.1 of Title 47 of the Oklahoma Statutes [were] transferred to and [became] a part of the administrative rules of the Corporation Commission." As directed by SB 141, an Editor's Notice was published in the Oklahoma Register [21 Ok Reg 2927], announcing the transfer of these rules from OAC 710:60-4-1 through 710:60-4-20 to OAC 165:30-19-1 through 165:30-19-20.For additional information relating to this transfer, see Senate Bill 141 (2004).*

165:30-19-1. Purpose

The provisions of this Subchapter have been promulgated to facilitate the administration, enforcement, and collection of fees under the International Registration Plan (IRP) and Oklahoma Motor Vehicle Licensing and Registration Act (47 O.S. §§ 1101 et seq.).

[**Source:** Transferred from OAC 710:60-4-1 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 23 Ok Reg 2325, eff 7-1-06]

165:30-19-2. Definitions

In addition to terms defined in the IRP, the Uniform Operational Audit Procedure Guidelines, and the IRP Policies and Procedures Manual, the following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Applicant" means any person making an application with the Oklahoma Corporation Commission seeking to register a vehicle or vehicles pursuant to the IRP.

"Application" means a filing with the Oklahoma Corporation Commission, seeking to register a vehicle or vehicles with the Commission pursuant to the IRP.

"Apportioned registration" means the proportional registration of a vehicle pursuant to the terms of the IRP and this Subchapter.

"Carrier" means a fleet operator which engages in the transportation of passengers or property for compensation or hauls its own commodity.

"Credentials" means identification plates and cab cards.

"Established account" means any prorate account for which a properly completed original application has been received by the IFTA/IRP Section and all corresponding and assessed fees have been paid in full.

"Grace period" means two (2) months following the expiration of the registration year.

"Interstate" means between or through two (2) or more jurisdictions.

"Intrastate" means from one (1) point within a jurisdiction to another point within the same jurisdiction.

"New operation" means a vehicle or fleet of vehicles not previously registered pursuant to the provisions of the IRP. "New operation" does not include an existing fleet that is expanding the number of vehicles or area of operation.

"Operations" means actual movement of a vehicle. For purposes of this Subchapter, operations may be classified as interstate or a combination of interstate and intrastate.

"Proportional registration" means registration of an apportionable vehicle pursuant to the terms of the IRP and this Subchapter.

"Records" means and includes operational records.

"Registration agent" means a person hired by an applicant or registrant to prepare and/or file applications, supplemental applications, and other documents required for proportional registration in Oklahoma.

"Regular business hours" means 8:30 a.m. to 4:30 p.m. local time.

"Reporting period" or "mileage year" means the period of twelve (12) consecutive months immediately prior to July 1 of the year preceding the year of registration or license.

[**Source:** Transferred from OAC 710:60-4-2 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 34 Ok Reg 977, eff 9-11-17; Amended at 35 Ok Reg 1044, eff 10-1-18]

165:30-19-3. Registration

(a) Before a vehicle can be proportionally registered in the state of Oklahoma the applicant or registrant must:

(1) Have an established place of business located in Oklahoma. Absent an established place of business in any IRP jurisdiction, an applicant must satisfy the residency requirements in 165:30-19-6, prior to being allowed to base plate in Oklahoma. Under no circumstances can an independent contractor be used to establish a place of business or residence on behalf of a registrant.

(2) Complete the application, all required schedules, and provide backup documentation required by the Commission to verify the information submitted by the applicant:

(A) The application must include the email address, mailing address and telephone number of the applicant. In addition to providing the applicant's telephone number, the applicant may provide the telephone number of a third party who has knowledge of the applicant's whereabouts and is able to contact the applicant within a reasonable period upon request. An applicant or registrant may not utilize a telephone listing indicating the same telephone number as that of any other person in this state as a qualifying telephone number under this Section.

(B) If the application is signed by someone other than the applicant or registrant, pursuant to a power of attorney, the name or names of the individuals to whom such authority is granted must be included in the power of attorney executed by the applicant.

(3) Provide proof of payment (or suspension from levy) of Federal Heavy Vehicle Use Tax;

(4) Provide proof of financial responsibility pursuant to 47 O.S. § 7-602 (liability insurance);

(5) Motor vehicles operated by a motor carrier with valid liability insurance on file with FMCSA or this Commission are exempt from subsection (a) (4) of this Section;

(6) If the applicant is leased to a motor carrier, the applicant must provide a copy of the lease to satisfy Oklahoma's financial responsibility requirements (47 O.S. § 7-602). If multiple vehicles are under lease, a letter from the motor carrier listing each vehicle's year, make, model and vehicle identification number (VIN) under lease to the carrier may be provided in lieu of the lease, provided a copy of all leases shall be made available to the Commission upon request. The Commission does not perform analysis to ensure compliance with applicable CFRs on lease agreements provided to the Commission for administrative purposes under this Chapter. It is the lessor's responsibility to ensure leases are compliant with the federal CFR's.

(7) Provide proof of ownership;

(8) Provide proof of payment of prior registration fees, if the vehicle was registered pursuant to the IRP in another jurisdiction; and

(9) Pay all applicable fees to complete registration. Continuous registration is required; therefore registration fees shall be assessed from the last vehicle registration date or the date of sale.

(10) Provide the USDOT number and the social security number, federal employee identification number or taxpayer identification number of the carrier responsible for safety of each vehicle in the apportioned application.

(11) Be the owner, the lessee, the motor carrier responsible for safety or an entity contracted by the owner or motor carrier responsible for safety.

(b) Application for registration may be made at any time during a registration year.

(c) Application for registration may be submitted through the mail to the IFTA/IRP Section, Transportation Division, Oklahoma Corporation Commission, P.O. Box 52948, Oklahoma City, Oklahoma, 73152-2948, or by applying in person at 2101 N. Lincoln Blvd., in Oklahoma City. A list of other locations where application may be submitted is available from the IFTA/IRP Section or the Commission website under the Transportation Division (http://www.occeweb.com).

(d) No application for proportional registration shall be processed unless the applicant has submitted the documentation required in (a) of this Section. Failure to submit the required documentation shall result in denial of the application.

(e) If an approved IRP application must be unapproved, corrected, and/or re-approved due to additional information submitted by the applicant after the initial approval or due to an error committed by the applicant, a reprocessing fee may be assessed as established by OAC 165:5-3-1.

(f) Since registration with the Plan can affect other jurisdictions' registration fees and tax receipts, the Transportation Division must be diligent in ensuring that those registrants with Oklahoma as their base jurisdiction are indeed entitled to base in Oklahoma.

(1) If after approval of the application and during the registration year, the Transportation Division has reason to believe that critical account information submitted on an application has changed, the Transportation Division shall allow the registrant thirty (30) days to provide the updated information. If the information is not provided within that time or is deemed

insufficient, the Transportation Division shall revoke the registrants' credentials in accordance with OAC 165:5-25.

(2) If after approval of the application and during the registration year the Transportation Division has evidence that critical account information submitted on an application was submitted erroneously or falsely, the Transportation Division shall revoke the registrants' credentials in accordance with OAC 165:5-25.

(g) Non-expiring commercial trailer license plates are issued for trailers used in commercial enterprises regardless of their size or weight (other than trailer mounted special mobilized machinery and trailers used for transporting forest products). Once statutory registration fee(s) and any additional fees set by the Commission established by OAC 165:5-3-1 are remitted, a license plate will be issued upon the initial registration or any subsequent transfer of ownership. Trailer renewal fees, as established by statute and OAC 165:5-3-1, shall be paid annually to maintain active registration status.

(h) Buses operating in more than one IRP jurisdiction are the only buses eligible for registration by the Commission and are subject to applicable rules of this Chapter. Registration fees for such vehicles are generally based on seating capacity.

[**Source:** Transferred from OAC 710:60-4-3 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 24 Ok Reg 1814, eff 7-1-07; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 29 Ok Reg 951, eff 7-1-12; Amended at 31 Ok Reg 1024, eff 9-12-14; Amended at 33 Ok Reg 633, eff 9-1-16; Amended at 34 Ok Reg 977, eff 9-11-17; Amended at 36 Ok Reg 614, eff 8-1-19]

165:30-19-4. Title requirements and proof of ownership

(a) Owners of vehicles registered in Oklahoma must possess an Oklahoma title as proof of ownership unless the vehicle has been previously registered in another jurisdiction and engaged in interstate commerce.

(b) Proof of ownership must be submitted for all vehicles being registered through an original or supplemental application. Documents necessary to prove ownership include:

(1) A copy of the front and back of the Oklahoma title, an Oklahoma title receipt or vehicle registration in the owner's name;

(2) If previously registered in another jurisdiction and engaged in interstate commerce, a copy of another jurisdiction's IRP cab card indicating ownership or a copy of the IRP cab card and the front and back of the out of state title; and/or,

(3) A lease-purchase agreement by which the applicant or registrant, under the terms of the agreement, is to become the owner of the vehicle at the end of the lease period for nominal or no additional consideration, and the vehicle is currently titled in the name of the leasing company and has been registered for interstate commerce with another jurisdiction.

[**Source:** Transferred from OAC 710:60-4-4 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 29 Ok Reg 951, eff 7-1-12; Amended at 35 Ok Reg 1044, eff 10-1-18]

165:30-19-5. Established place of business

(a) **General provisions.** To verify an applicant's or registrant's established place of business in Oklahoma, the applicant or registrant must provide proof of a physical structure, designated by a street number or road location and open during regular business hours, which contains within it:

(1) A person or persons conducting the fleet applicant's or registrant's business; and

(2) The operational records of the fleet, unless such records can be made available in accordance with the provisions of Section 1602 of the International Registration Plan.

(b) **Specific compliance provision** (IRP Decis. 99-4). An "established place of business" as utilized in these rules and in Section 305 of the International Registration Plan cannot be provided for the applicant or registrant by or in the form of a registration agent or other third party.

(c) **Physical structure.** A physical structure, owned, leased, or rented by the applicant or registrant, wherein operational records of the fleet can be made available for audit purposes, must be evidenced by:

(1) A current real estate tax bill;

(2) Photocopies of rent receipts or mortgage payments which indicate the business address;

(3) A current real estate rental contract and an original power of attorney conforming with Section 20 of Title 16 of the Oklahoma Statutes, if the contract is signed by someone other than the applicant or registrant; or,

(4) Proof of insurance coverage.

(d) **Person or persons conducting applicant's or registrant's business.** The person conducting the trucking-related business of the applicant or registrant must be in the permanent employment of the applicant or registrant, as evidenced by submission of the applicant's or registrant's federal employer's identification or other identification number and verification by the Commission that the applicant or registrant is an employer for the purposes of Oklahoma Withholding.

(e) **Specific compliance provision** (IRP Decis. 99-4). An applicant or registrant may not utilize a registration agent or its employees to satisfy the requirement of the presence of a person or persons in this state conducting the applicant's or registrant's business.

(f) **Use of registration agent.** Nothing in this Section shall be construed as prohibiting a registration agent from preparing or filing proportional registration applications or other documents for an applicant or registrant who meets the requirements set forth in this Section.

(g) **Resubmission of documentation.** Registrants with accounts in good standing may not be required to resubmit the established place of business indicia each year, provided that the established place of business remains unchanged since previously documented to the satisfaction of the Commission. To avail itself of this provision, the registrant must certify to the Commission under penalties of perjury that the registrants' established place of business has not changed. Nothing herein shall prevent the Commission from periodically requiring registrants to re-submit documentation of their established place of business. Registrants will periodically be required to resubmit established place of business documentation in accordance with the schedule established by the Commission.

(h) **False or fraudulent submission.** Applicants who knowingly provide false or fraudulent information or abuse the provisions of 165:30-19-3 shall have their registration credentials immediately revoked and will be denied further application.

[**Source:** Transferred from OAC 710:60-4-5 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 24 Ok Reg 1814, eff 7-1-07; Amended at 25 Ok Reg 1546, eff 7-1-08]

165:30-19-6. Registration as a resident

(a) Applicants who have no established place of business in any IRP jurisdiction may register in Oklahoma once they prove to the satisfaction of the Commission that they are residents of the State of Oklahoma. Such applicants may register in Oklahoma, provided that they furnish a street address, and a telephone number, and satisfactorily demonstrate that the applicant is indeed a resident of the State of Oklahoma and can be located in Oklahoma for purposes of audit.

(b) The street address in Oklahoma must be the street address where the applicant's records are maintained or where the records will be delivered for the purpose of audit. An applicant may not utilize the address of a registration agent to satisfy the requirement of an address in Oklahoma.

(c) The applicant must submit at least three (3) current documents that indicate the applicant can be located in Oklahoma for purposes of audit. Documentation acceptable for meeting the requirements of this subsection includes:

(1) An Oklahoma-issued driver's license;

(2) An income tax filing from an Oklahoma address;

(3) Documentation of ownership of real property in Oklahoma;

(4) An Oklahoma utility bill in the name of the registrant;

(5) An Oklahoma vehicle title in the name of the registrant;

(6) Oklahoma incorporation documents;

(7) Documentation showing registration to conduct business as a foreign corporation in Oklahoma;

(8) Documentation showing the principle owner of the corporation is a resident of Oklahoma; or,

(9) Other evidence of bona fide residency.

(d) The Transportation Division shall make its decision on whether the applicant has met its burden of proof based on the totality of the evidence presented.

[**Source:** Transferred from OAC 710:60-4-6 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 33 Ok Reg 633, eff 9-1-16]

165:30-19-7. Operational records

Operational records shall be documents supporting miles traveled in each jurisdiction and the total miles traveled. These documents can be fuel reports, trip sheets, logs, or computer runs that can be supported by source documents, when requested. An acceptable source document to verify fleet mileage is some type of Individual Vehicle Distance Record (IVDR). IVDRs should contain the following basic information:

(1) Date of trip (starting and ending);

(2) Trip origin and destination;

(3) Routes of travel and/or beginning and ending odometer readings;

(4) Total trip mileage (including all movement, loaded, empty, deadhead, and/or bobtail miles);

(5) Mileage by jurisdiction;

(6) Unit number or vehicle identification number;

(7) Vehicle fleet number;

(8) Registrant's name; and

(9) Driver's signature and/or name.

[**Source:** Transferred from OAC 710:60-4-7 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 34 Ok Reg 977, eff 9-11-17]

165:30-19-8. Maintenance and availability of operational records

(a) Operational records must be maintained for a period of three (3) years after the close of the registration year for which the records were included in the application. Failure to maintain the required records may result in an assessment in accordance with Section 1015 of the IRP.

(b) Failure to make records available upon proper request shall result in an assessment in accordance with Section 1015 of the IRP.

(c) Failure to maintain or make records available may also subject the registrant to denial of apportion privilege.

[**Source:** Transferred from OAC 710:60-4-8 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 24 Ok Reg 1814, eff 7-1-07; Amended at 32 Ok Reg 823, eff 8-27-15; Amended at 34 Ok Reg 977, eff 9-11-17]

165:30-19-9. Failure to pay additional fee assessments

Failure to pay any additional fees shall constitute cause for denial, suspension or revocation of the registration and reciprocal privileges of the registrant, and notification to other IRP jurisdictions.

[**Source:** Transferred from OAC 710:60-4-9 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 31 Ok Reg 1024, eff 9-12-14]

165:30-19-10. Renewal applications

When an application for renewal of proportional registration is not received on or before the first day of the month of expiration, the applicant cannot be assured that a registration cab card and plate will be issued for display of credentials prior to the enforcement date. Registrants whose renewal application is not received on or before the expiration date must renew all vehicles in their fleet unless proof of disposition of these vehicles is provided. If this proof shows that the vehicle(s) were disposed of after expiration, those vehicles must be included in the renewal fleet. Registrants whose renewal application is not received on or before the expiration date shall be subject to enforcement for display of credentials on the day following the expiration date.

[**Source:** Transferred from OAC 710:60-4-10 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 24 Ok Reg 1814, eff 7-1-07; Amended at 25 Ok Reg 1546, eff 7-1-08]

165:30-19-11. Enforcement

(a) Credentials for the current registration year may be displayed upon receipt, but shall be displayed on the vehicle by 12:01 a.m., on the enforcement date, since enforcement for display of current registration year credentials will begin on the enforcement date, unless extended by the Commission.

(b) Registrants whose renewal application is not received on or before the expiration date cannot avail themselves of the grace period and shall be subject to enforcement.
(c) Vehicles apprehended for improper registration credentials may be subject to arrest and fine in the jurisdiction in which the violation occurs.
(d) IRP apportioned registration does not include special fuel requirements, operating authority or over dimensional and overweight permits.

[**Source:** Transferred from OAC 710:60-4-11 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 23 Ok Reg 2325, eff 7-1-06]

165:30-19-12. Supplemental application
(a) After an original application has been filed, vehicles can be added, deleted, or registration weight increased by filing a supplemental application form.
(b) Registration fees for supplemental applications are calculated from the date of purchase or lease, unless the vehicle was previously registered in the fleet, then the fees shall be calculated upon an annual rate. For registrants who do not have possession of equipment on the date they purchased it, fees may be calculated from the date the equipment came into possession of the registrant. Registrants who wish to avail themselves of this provision must provide documentation of the receipt date of the equipment to the Transportation Division. In no case should the effective date of the registration be after equipment is placed in service.
(c) When a supplemental application is filed to add a unit and delete a similar unit, a credit of the registration fees paid on the deleted unit will be given toward registration of the added unit for those states that allow credit. Credit is only available for vehicles subsequently added to the fleet in the registration year in which the credit was created. In no event shall credit be allowed for fees beyond such registration year. Credits are not transferable between fleets. In order for credit to be given on the registration fees, the cab card and license plate for the deleted vehicle must be returned with the supplemental application, or an affidavit of destruction must be submitted with the supplemental application. Under no circumstances can a license plate be transferred from one vehicle to another. No refund for unused deletion credits will be given for a deleted vehicle.
(d) Supplemental applications may be filed with a future effective date to add a unit before the unit is placed in service. In no case shall the registration effective date be more than sixty (60) days after the filing date of the supplemental application. When a unit is added with a future effective date but the unit does not become part of the fleet, no refund of the fees will be allowed. The unit may be deleted and the resulting deletion credits may be used toward the addition of subsequent unit.
(e) If the license plate is lost, an affidavit may be submitted in lieu of the plate.
(f) When the motor carrier is responsible for safety changes during a registration year, the registrant is required to file for a cab card change for each vehicle. The cab card change application shall include the new motor carrier responsible for safety's USDOT number and taxpayer identification number (social security or federal employee).

[**Source:** Transferred from OAC 710:60-4-12 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 26 Ok Reg 1398, eff 7-1-09; Amended at 33 Ok Reg 633, eff 9-1-16; Amended at 34 Ok Reg 977, eff 9-11-17]

165:30-19-13. Amended mileage/adding states [REVOKED]

[**Source:** Transferred from OAC 710:60-4-13 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 32 Ok Reg 823, eff 8-27-15; Revoked at 35 Ok Reg 1044, eff 10-1-18]

165:30-19-14. Audits

(a) If operational records are not maintained at a location within the State of Oklahoma and cannot be made available for audit at a location within Oklahoma, the registrant may be required to reimburse the Corporation Commission, for expenses incurred for performance of an audit at a location outside Oklahoma.

(b) Registrants selected for audit whose fleet size exceeds two hundred (200) vehicles are required to submit detailed records in the electronic format established by the Commission in order to conduct an audit.

[**Source:** Transferred from OAC 710:60-4-14 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 34 Ok Reg 977, eff 9-11-17]

165:30-19-15. Mileage

(a) Any actual distance operated during the reporting period must be filed with the renewal application. If no actual distance was incurred in any jurisdiction during the reporting period, then the average-per-vehicle distance per member jurisdiction chart must be used to renew the fleet registration.

(b) If a registrant does not travel in more than one (1) jurisdiction for an entire registration year plus an additional six (6) months, the registrant is presumed not to intend to travel in more than one (1) jurisdiction, and therefore does not qualify for apportioned registration. That presumption may be overcome by current documentation of actual out of state travel presented by the registrant, which must be confirmed and approved by the Transportation Division.

[**Source:** Transferred from OAC 710:60-4-15 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 32 Ok Reg 823, eff 8-27-15; Amended at 35 Ok Reg 1044, eff 10-1-18]

165:30-19-16. Application disapproval

(a) An application will be denied if it is not properly completed. It is the responsibility of the applicant or registrant to submit all information required by the application instructions and attach all necessary documentation.

(b) The applicant or registrant or his agent will be notified if an application is denied and the reasons therefore or if additional information is needed.

(c) An application that has been denied may be resubmitted by the applicant or registrant but will be processed as a new application upon receipt of the resubmission.

(d) If the applicant believes that the application was wrongfully denied, the applicant may, within thirty (30) days from the notice of denial, file a written protest of the denial with the Transportation Division under the provisions of OAC 165:5.
(e) No extensions, temporary operating authority, or temporary credentials will be issued for vehicles listed on a denial application.

[**Source:** Transferred from OAC 710:60-4-16 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 31 Ok Reg 1024, eff 9-12-14]

165:30-19-17. Temporary registration

New fleet vehicles, or vehicles being added to any existing fleet, must have some form of temporary registration prior to operation if permanent IRP credentials have not been issued. All forms of temporary registration are valid for the period shown and will be honored by all IRP jurisdictions when properly completed and validated.

(1)Temporary registration may be obtained directly from the IFTA/IRP Section, Transportation Division, Oklahoma Corporation Commission, P.O. Box 52948, Oklahoma City, Oklahoma, 73152-2948 by filing a supplemental application with all required documents.

(2) Temporary registration or credentials may only be issued to new accounts after all required registration fees are paid.

(3) Self-issue temporary registrations are available only to established Oklahoma-based IRP registrants, and may be used for vehicle(s) added to the fleet, substitute license plates and weight increase applications to the registrant's account. Self-issued temporary registrations may not be used for renewal vehicles.

(A) Registrants with self-issue temporary authority are allowed to acquire temporary registration prior to the submission of a supplemental application. To be eligible to self-issue temporary registration, a registrant must:

(i) Have no delinquencies;

(ii) Be base plated in Oklahoma for the past two full registration years;

(iii) Be the motor carrier responsible for safety;

(iv) Be base plated in accordance with OAC 165:30-19-5 requirements; and,

(v) Have over one hundred (100) power units in the apportioned fleet.

(B) Properly completed temporary registrations allow for immediate temporary registration for vehicles added to the fleet, duplicate cab cards, substitute license plates, and weight increase applications. Upon issuance, a copy of the temporary registration should be placed in the vehicle. Within fifteen (15) days of issuance, a completed supplemental application with all required documentation must be submitted for processing.

(C) Misuse of the temporary registration or failure to maintain proper accountability may result in the Prorate Section's refusal to issue the registrant self-issue temporary registrations.

(4) The issuance of temporary registration creates a debt to the State of Oklahoma who is then indebted to the participating jurisdictions of the International Registration Plan. Registrants must pay registration fees for the remainder of the registration year for which a temporary registration is issued. Registration fees must be paid in full within thirty (30) days for the effective date of the temporary registration.

(A) Fees shall be calculated beginning with the effective date of the temporary registration, or the date determined by the Transportation Division, if earlier, and continue through the end of the registration year.
(B) In addition to collection actions, failure to pay the fees described in (A) above will cause the loss of apportioned registration privileges.
(C) The Transportation Division may withhold issuance of future temporary registration, to those registrants who have failed to timely file a registration application, or pay the registration fees associated with any vehicle, for which a temporary registration authorized by 47 O.S. § 1124.1 has been issued.
(D) The Transportation Division may revoke previously issued registration credentials and/or deny future registration privileges to registrants who use temporary registration issued under 47 O.S. § 1124.1 without paying registration fees.

[**Source:** Transferred from OAC 710:60-4-17 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 26 Ok Reg 1398, eff 7-1-09; Amended at 31 Ok Reg 1024, eff 9-12-14; Amended at 33 Ok Reg 633, eff 9-1-16; Amended at 36 Ok Reg 615, eff 8-1-19]

165:30-19-18. Compliance confirmation
(a) New registrants may be contacted within six (6) months of registration to determine if required records are being maintained and give guidance on maintaining proper records. Initial contact will be by telephone or in writing. If the initial contact is unsuccessful, contact will be made by visiting the registrant's established place of business or residence.
(b) New registrants who are not maintaining proper records at the time of initial contact will be provided guidance on maintaining proper records.
(c) The Commission will then notify the registrant who has received guidance pursuant to subsection (b), in writing, of the date on which proper second-year operational records must be made available by the registrant for inspection.
(d) If at that time, the registrant is unable to provide proper second-year operational records, the registrant will not be allowed to apportionally register in Oklahoma for the third year without a complete pre-registration audit of the renewal application.
(e) The Administrator of the IRP Section may deny or revoke the issuance of a registrant's IRP credentials based upon the registrants' motor carrier being placed out of service by the Federal Motor Carrier Safety Administration.
(f) A registrant who wishes to contest a denial, or revocation, of registrants' credentials is entitled to a hearing under the procedures contained in Subchapter 25 of the Commission's Rules of Practice, OAC 165:5.

[**Source:** Transferred from OAC 710:60-4-18 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 23 Ok Reg 2325, eff 7-1-06; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 33 Ok Reg 633, eff 9-1-16]

165:30-19-19. Trip permits and hunters permits
(a) A seventy-two (72) hour trip permit provides full registration to trucks, truck-tractors, trailers, semi trailers, and motorbuses, which are not registered in Oklahoma.

(1) The permit is valid for either interstate or intrastate movement. This permit cannot be issued for a vehicle, which has been apprehended by law enforcement officers for improper registration.

(2) Out of state vehicles eligible for apportioned registration, but not registered as such, will be required to purchase a seventy-two (72) hour trip permit before proceeding through the State of Oklahoma.

(3) Trip permits are available from the Transportation Division of the Commission and Commission contracted wire services. The cost of the permit is set forth by 47 O.S. § 1124 (B) with any processing fee as set by Commission rule. Trip permits obtained through permit services may have additional fees associated with issuance. Once a trip permit is issued, no refunds will be allowed.

(4) An operator of a motor vehicle possessing an expired, altered, or undated temporary permit shall be deemed to be operating an unregistered motor vehicle and shall be subject to full registration and penalty.

(5) A permit must be issued on newly purchased trucks carrying a load and driving to another state for registration.

(6) Only one (1) copy of a seventy-two (72) hour permit receipt will be given to applicant.

(7) A trip permit effective date shall not be more than seventy-two (72) hours from the time it is issued.

(b) An unladen permit, otherwise known as a hunters permit, provides temporary registration to an apportionable vehicle at the unladen weight of the vehicle for a period of forty-five (45) days.

(1) Hunters permits are typically obtained by a vehicle owner to move the vehicle, without any load, to another jurisdiction when apportioned registration credentials are no longer valid due to the severance of a lease with a motor carrier.

(2) A Hunters permit is recognized as valid registration in all IRP participating jurisdictions at a weight not to exceed the unladen weight of the vehicle or the combined unladen weights of the power unit and trailer, provided however, an unregistered trailer must obtain a separate permit.

(3) Hunters permits are available from the Commission at a fee as prescribed by 47 O.S. § 1124 (C) with any processing fee as set by Commission rule. Once an unladen permit is issued, no refunds will be allowed.

(4) The operator of a motor vehicle possessing an expired, altered or undated hunters permit shall be deemed to be in violation of state statutes and the rules of this Commission and shall be subject to full registration and penalty.

(5) An unladen permit effective date shall not be more than seventy-two (72) hours from the time it is issued.

[**Source:** Transferred from OAC 710:60-4-19 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Added at 23 Ok Reg 2325, eff 7-1-06; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 27 Ok Reg 1773, eff 7-1-10; Amended at 29 Ok Reg 951, eff 7-1-12; Amended at 31 Ok Reg 1024, eff 9-12-14; Amended at 35 Ok Reg 1044, eff 10-1-18]

165:30-19-20. Incorporation by reference

(a) Reference to the International Registration Plan ("IRP"). When reference is made to the International Registration Plan or "IRP", it shall mean, unless the context clearly indicates otherwise, the registration reciprocity agreement among the various states of the United States and

the provinces of Canada, including the Audit Procedures Manual, which provides for payment of license fees for apportionable vehicles on the basis of fleet miles operated in the various jurisdictions, to which Oklahoma is a signatory state, as published by International Registration Plan, Inc., as currently amended.

(b) Incorporation. The following Articles are, unless otherwise specifically provided, incorporated by reference in their entirety:

(1) Articles I through XV and all appendices of the International Registration Plan ("IRP"); and,

(2) The International Registration Plan Audit Procedures Manual.

(c) Inclusion of IRP citations and definitions. When a provision of the IRP is incorporated by reference, all citations and definitions contained therein are also incorporated by reference.

(d) Inconsistencies or duplication. In the case of any inconsistency or duplication between the requirements of those provisions incorporated by reference in this Section, and the rules set out in this Subchapter, the provisions incorporated by reference shall prevail, except where rules set out in this Subchapter are more particular. The provisions incorporated by reference are subject to any limitations provided by Oklahoma law.

(e) IRP can be found online at http://www.irponline.org

[**Source:** Transferred from OAC 710:60-4-20 by SB 141 (2004), eff 7-1-04 (Editor's Notice published at 21 Ok Reg 2927); Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 32 Ok Reg 823, eff 8-27-15]

SUBCHAPTER 21. INTERNATIONAL FUEL TAX AGREEMENT

165:30-21-1. Purpose

The provisions of this Subchapter have been promulgated to facilitate the administration, enforcement, and collection of motor fuel taxes under the International Fuel Tax Agreement (IFTA) and Oklahoma Motor Fuel Tax Code (68 O.S. §§ 601 et seq.).

[**Source:** Added at 23 Ok Reg 509, eff 12-19-05 (emergency); Added at 23 Ok Reg 2325, eff 7-1-06]

165:30-21-2. Definitions

In addition to terms defined in the IFTA, the IFTA Audit Manual, and the IFTA Procedures Manual, the following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Applicant" means any person making an application with the Oklahoma Corporation Commission seeking to license a fleet pursuant to the IFTA.

"Application" means a filing with the Oklahoma Corporation Commission, seeking a license with the Commission pursuant to the IFTA.

"Carrier" means a fleet operator, which engages in the transportation of passengers or property for compensation or hauls its own commodity.

"Credentials" means IFTA identification license and decals.

"Fleet" means one or more vehicles

"Grace period" means two months following the expiration of the license year.

"Interstate" means between or through two or more jurisdictions.

"Intrastate" means from one point within a jurisdiction to another point within the same jurisdiction.

"Operations" means actual movement of a vehicle. For purposes of this Subchapter, operations may be classified as interstate or a combination of interstate and intrastate.

"Person" means an individual, corporation, partnership, association, trust, or other entity

"Qualified Motor Vehicle" means a motor vehicle used, designed, or maintained for transportation of persons or property and:

(A) Having two axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or 11,797 kilograms; or

(B) Having three or more axles regardless of weight; or

(C) Is used in combination, when the weight of such combination exceeds 26,000 pounds or 11,797 kilograms gross vehicle or registered gross vehicle weight. Qualified Motor Vehicle does not include recreational vehicles.

"Recreational Vehicle" means vehicles such as motor homes, pickup trucks with attached campers, and buses when used exclusively for personal pleasure by an individual. In order to qualify as a recreational vehicle, the vehicle shall not be used in connection with any business endeavor.

"Records" means all documents, files, and work product and includes but is not limited to, operational records.

"Registration" means the qualification of motor vehicles normally associated with a prepayment of fees for the privilege of using the highway and the issuance of license plate and a registration card or temporary registration-containing owner and vehicle data.

"Registration agent" means a person hired by a licensee to prepare and/or file applications, reports and other documents required for IFTA licensing and reporting in Oklahoma.

"Reporting Period" means a period of time consistent with the calendar quarterly periods of January 1 – March 31, April 1 – June 30, July 1 – September 30, and October 1 - December 31.

"Revocation" means withdrawal of a license and privileges by the licensing jurisdiction.

"Temporary Permit" means a permit issued by the Oklahoma Corporation Commission or its agent to be carried in a qualified vehicle in lieu of carrying the IFTA license and the display of the permanent annual decals. A temporary permit is valid for a period of 30 days to give the carrier adequate time to affix the annual permanent decals.

[**Source:** Added at 23 Ok Reg 2325, eff 7-1-06; Amended at 34 Ok Reg 977, eff 9-11-17]

165:30-21-3. Application and renewal

Any person based in Oklahoma operating a qualified motor vehicle(s) in two or more member jurisdictions is required to license under this Agreement, except as indicated in IFTA Articles of Agreement Sections R310 and R500.

[**Source:** Added at 23 Ok Reg 2325, eff 7-1-06]

165:30-21-4. Fuel permits

(a) In lieu of motor fuel tax licensing under IFTA, persons may elect to satisfy motor fuels use tax obligations for up to one hundred twenty (120) consecutive hours by purchasing a Fuel Permit.

(b) Fuel permits are valid for a period of one-hundred twenty (120) hours from the time the permit is effective, and may be obtained from the Commission or one of the authorized fuel permitting services. Once a fuel permit is issued, no refunds will be allowed.
(c) A fuel permit effective date shall not be more than seventy-two (72) hours from the time it is issued.

[**Source:** Added at 23 Ok Reg 2325, eff 7-1-06; Amended at 29 Ok Reg 951, eff 7-1-12; Amended at 33 Ok Reg 633, eff 9-1-16]

165:30-21-5. Application for license

A person shall file an application for licensing with the Commission on the prescribed form. The fuel tax license application shall have the following specified content:

(1) The account identification number specified in IFTA Procedures Manual Section P200;
(2) Name and social security number of owner(s), partners or corporate officers;
(3) Legal business name (if different from the name given above);
(4) Physical location of the business;
(5) Mailing address of the business;
(6) Email address;
(7) Signature and date;
(8) Number of IFTA decals required by licensee;
(9) Decal fee, as set forth in OAC 165:5;
(10) Statement of existence of bulk storage in all member jurisdictions;
(11) A statement that the applicant agrees to comply with reporting, payment, recordkeeping, and license display requirements as specified in the International Fuel Tax Agreement. The applicant further agrees that base jurisdiction may withhold any refunds due if applicant is delinquent on payment of fuel taxes due any member jurisdiction. Failure to comply with these provisions shall be grounds for revocation of license in all member jurisdictions; and
(12) A statement to the effect that the applicant certifies with his or her signature that, to the best of his or knowledge, the information is true, accurate, and complete and any falsification subjects him or her to appropriate penalties of perjury.
(13) The USDOT number of the applicant.

[**Source:** Added at 23 Ok Reg 2325, eff 7-1-06; Amended at 24 Ok Reg 1814, eff 7-1-07; Amended at 36 Ok Reg 616, eff 8-1-19]

165:30-21-6. Designation of licensee

Tax licensing under the International Fuel Tax Agreement shall be in the name of the licensee. IFTA Articles of Agreement Section R500 designates the party responsible for reporting and payment of fuel taxes in the case of lessors/lessees, independent contractors, and household goods agents.

[**Source:** Added at 23 Ok Reg 2325, eff 7-1-06]

165:30-21-7. Application processing

(a) Upon receipt of an IFTA fuel tax license application from a new or renewing applicant, the Commission shall check all entries on the application to ensure that they are complete. If the

Commission feels more information is required, the licensee should immediately be contacted requesting the required information. Upon being satisfied that the application is correct and all fees prescribed by law or Commission rule have been paid, the Commission shall issue the fuel tax credentials for the fleet.
(b) The Transportation Division may withhold issuing requested decals if fulfilling the request would result in the licensee having over 25% more decals in their possession than their fleet size. If the Division withholds decals under this provision, it will only withhold that portion of the decal request that causes the licensee's decal inventory to exceed the 25% figure.
(c) IFTA licensees are required to account for all decals issued to them under the IFTA program. Licensees must ensure that decals are assigned only to vehicles that are subject to the fuel and distance requirements of the IFTA program of the licensee. Decals, not issued to vehicles subject to fuel and distance requirements, must be produced for inspection upon request of the Transportation Division. Failure to adequately account for decals, or produce decals for inspection, may subject the licensee to penalty of $250 per decal.

[**Source:** Added at 23 Ok Reg 2325, eff 7-1-06; Amended at 24 Ok Reg 1814, eff 7-1-07; Amended at 26 Ok Reg 1398, eff 7-1-09]

165:30-21-8. Non-issuance of license

A license will not be issued if the applicant has been previously licensed under the IFTA and that license is still under revocation by any member jurisdiction or the application contains any misrepresentation, misstatement, or omission of information required in the application.

[**Source:** Added at 23 Ok Reg 2325, eff 7-1-06]

165:30-21-9. Bond requirement

To protect the interests of the State of Oklahoma and the member jurisdictions of the International Fuel Tax Agreement, the Commission may, for cause, require licensees to file a surety bond payable to the State of Oklahoma for motor fuel taxes accruing against the licensee as a result of the IFTA program. Bonds may be required for failure to file timely returns, or remittances, or when an audit indicates problems severe enough that, in the Commission's discretion, a bond is required to protect the interests of Oklahoma and the member jurisdictions.

(1) Bonds may be required from licensees who have filed two or more delinquent IFTA tax returns, made two or more delinquent remittances, or made two or more payments drawn on accounts with insufficient funds, within the most recent 12 calendar months.

(2) A surety bond required for one of the above reasons must be in place before a licensee's suspended account can be reinstated**.**

[**Source:** Added at 23 Ok Reg 2325, eff 7-1-06; Amended at 33 Ok Reg 633, eff 9-1-16]

165:30-21-10. Bond amount

Licensees who are required to post a surety bond shall provide the equivalent of at least twice the estimated average tax liability for the reporting period for which the licensee will be required to file a tax return. The Commission will direct that licensees required to post surety for severe audit problems, provide surety in the amount of the established audit liability, or at least twice the estimated average tax liability for the reporting period for which the licensee will be required to

file a tax return depending on the circumstances, or BOTH if the Commission deems the problem severe enough.

[**Source:** Added at 23 Ok Reg 2325, eff 7-1-06]

165:30-21-11. License renewal

(a) A renewal license and decals for the following calendar year will be issued upon application and payment of all fees prescribed by law or rules of the Commission, if the license has not been revoked or canceled, all returns have been filed, and all motor fuels use taxes, penalties and interest due have been paid.

(b) Licensees whose renewal application is not received on or before the expiration date shall be subject to enforcement for display of credentials on the day following the expiration date.

[**Source:** Added at 23 Ok Reg 2325, eff 7-1-06]

165:30-21-12. Denial, revocation, and reinstatement

(a) The Administrator of the IFTA Section may deny the issuance of a motor carrier's IFTA license based upon the motor carrier's failure to provide IFTA returns and/or remittances to other member jurisdictions, or to prove it is qualified to obtain a IFTA license, or may revoke an IFTA license issued under 68 O.S. § 607 (E) if he determines a motor carrier has:

(1) Made a knowing falsification of a material fact in a uniform application;

(2) Failed to timely file a quarterly IFTA tax return;

(3) Failed to timely pay in full a liability indicated on a quarterly IFTA tax return;

(4) Failed to timely pay in full a liability determined by an audit of the motor carrier's records;

(5) Paid any amount due under the IFTA program with a check drawn on an account with insufficient funds;

(6) Any other just cause to protect the interests of the state of Oklahoma and/or the IFTA member jurisdictions.

(b) The Administrator of the IFTA Section may reinstate or deny reinstatement of an IFTA license if the following conditions exist:

(1) A suspended motor carrier license may be reinstated if the motor carrier remedies the action that caused the suspension and pays the reinstatement fee of $100.

(2) If a bond is required, a suspended motor carrier license shall not be reinstated until the motor carrier has provided said bond.

(3) A suspended motor carrier license may be denied reinstatement for habitual violations of this Section.

(4) In lieu of requiring a bond, the Administrator may reinstate a license if the licensee agrees to make future remittances in certified funds.

(5) A licensee may be suspended for their failure to make remittances under (4) in certified funds.

(c) A motor carrier who wishes to contest a denial, revocation, or a reinstatement denial is entitled to a hearing under the procedures contained in the Commission's Rules of Practice, OAC 165:5.

(d) A motor carrier is subject to a contempt citation when its IFTA License is revoked.

(e) A field contempt citation may be issued to any motor carrier operating with a revoked Oklahoma IFTA license.

[**Source:** Added at 23 Ok Reg 2325, eff 7-1-06; Amended at 24 Ok Reg 1814, eff 7-1-07; Amended at 35 Ok Reg 1044, eff 10-1-18]

165:30-21-13. Reporting requirements

(a) Every person licensed under 68 O.S. § 607 shall make and transmit to the Commission, on or before the last day of April, July, October and January of each year, upon a form prescribed and furnished by the Commission, a verified quarterly return, showing the total distance traveled by the licensee in all jurisdictions and the total volume (in gallons) of motor fuel or diesel fuel purchased or received in each jurisdiction on which the motor fuel tax levied by that jurisdiction has been paid to that jurisdiction. The return will also show the total distance and the total taxable distance traveled by the licensee in each IFTA jurisdiction, and the total volume (in gallons) of motor fuel or diesel fuel consumed in each IFTA jurisdiction. The total volume (in gallons) of motor fuel or diesel fuel purchased or received in each IFTA jurisdiction shall be deducted from the total number of gallons of motor fuel or diesel fuel consumed by the licensee in each jurisdiction to determine the number of gallons of motor fuel or diesel fuel upon which each jurisdictions' motor fuel tax is to be computed and paid.

(b) Every person licensed under this article who travels less than five thousand (5,000) miles distance in all jurisdictions other than Oklahoma, based upon the four most recently filed consecutive quarterly returns, may request approval, at the option of the Commission, to file an annual return in lieu of filing the quarterly return.

[**Source:** Added at 23 Ok Reg 2325, eff 7-1-06; Amended at 25 Ok Reg 1546, eff 7-1-08; Amended at 34 Ok Reg 977, eff 9-11-17]

165:30-21-14. Due and delinquency dates

Every licensee at the time of filing each quarterly report shall report and pay to the Commission the full amount of tax due for the preceding quarter at the rates provided for on the return. The completed report and tax remittance are due and payable on the first day of the succeeding quarter for which the report is filed, and if not paid, is delinquent from and after the last day of such month. If the last day of the month falls on a Saturday, Sunday, or legal holiday, the next business day shall be considered the final filing date.

[**Source:** Added at 23 Ok Reg 2325, eff 7-1-06]

165:30-21-15. Penalty

(a) When any licensee fails to submit to the Commission any report required or the full amount of the tax due hereunder before the delinquency date, the licensee shall pay, in addition to the interest provided for herein, a penalty of Fifty Dollars ($50.00) or 10% of the tax due, whichever is greater, for each occurrence.

(b) Penalty may be waived by the Commission for good cause shown when requested in writing by the licensee within 30 days of assessment or the filing of a return showing penalty due. The Transportation Division is authorized by the Commission to waive penalty amounts equal to or less than $1,000 for good cause shown. Good cause while not limited to the items below may include:

(1) Commission error causing the delinquency,

(2) Extended history of timely filing (at least two years) and payments prior to the delinquency, or
(3) Natural disaster causing the delinquency.

(c) Licensees who desire a waiver of penalty amounts greater than $1,000 must file an appeal with the Court Clerk's Office in accordance with Commission administrative procedures.

[**Source:** Added at 23 Ok Reg 2325, eff 7-1-06; Amended at 25 Ok Reg 1546, eff 7-1-08]

165:30-21-16. Interest

(a) When any licensee fails to make a required tax remittance to the Commission before the delinquency date, the licensee shall pay, in addition to the penalty provided for herein, interest in the amount as prescribed in the IFTA. When delinquencies of a fractional month occur, the effected jurisdictions will not receive their tax payments until the following transmittal month. Therefore, interest on delinquencies for a fractional portion of a month shall be calculated at the full month rate.

(b) In accordance with the International Fuel Agreement, the Commission cannot waive interest assessed and/or paid by a licensee on behalf of other jurisdictions. Licensees desiring other jurisdiction(s) interest waivers must receive written authorization from the other jurisdiction(s) and present such waivers to the Transportation Division. Upon confirmation, the Transportation Division may remove the amounts from an assessment, or if previously paid, refund those amounts to the licensee.

(c) Interest due on Oklahoma's portion of fuel taxes remitted on an IFTA quarterly return may be waived by the Commission for good cause show. Good cause, while not limited to the items below, may include:
(1) Commission error causing the delinquency,
(2) Extended history of timely filing (at least two years) and payments prior to the delinquency, or
(3) Natural disaster causing the delinquency.

(d) Licensee's who desire waiver of interest amounts greater than $1,000 must file an appeal with the Court Clerk's Office in accordance with OCC administrative procedures.

[**Source:** Added at 23 Ok Reg 2325, eff 7-1-06; Amended at 29 Ok Reg 951, eff 7-1-12]

165:30-21-17. Incorporating the International Fuel Tax Agreement

(a) When reference is made to IFTA, it shall mean, unless the context clearly indicates otherwise, the motor fuel use tax reciprocity agreement between the United States contiguous states and certain Canadian provinces, including the Procedures Manual and the Audit Manual, which allows a licensee to report and pay motor fuel use taxes to a base jurisdiction for distribution to other member jurisdictions in which the licensee traveled and incurred motor fuel use tax liability, as published by International Fuel Tax Association, Inc., as amended. IFTA can be found online at https://www.iftach.org.

(b) The following Articles are, unless otherwise specifically provided, incorporated by reference in their entirety:
(1) Articles I through XXI of the International Fuel Tax Agreement (IFTA);
(2) The International Fuel Tax Agreement Audit Manual; and
(3) The International Fuel Tax Agreement Procedures Manual.

(c) When a provision of the IFTA is incorporated by reference, all citations and definitions contained therein are also incorporated by reference.
(d) In the case of any inconsistency or duplication between the requirements of those provisions incorporated by reference in this Section, and rules set out in this Subchapter, the provisions incorporated by reference shall prevail, except where the rules in this Subchapter are more particular. The provisions incorporated by reference are subject to any limitations provided by Oklahoma law.

[**Source:** Added at 23 Ok Reg 2325, eff 7-1-06; Amended at 34 Ok Reg 977, eff 9-11-17]

165:30-21-18. Operational records

Operational records shall be documents supporting miles traveled in each jurisdiction and the total miles traveled. These documents can be fuel reports, trip sheets, logs or computer runs that can be supported by source documents, when requested. An acceptable source document to verify fleet mileage is some type of Individual Vehicle Distance Record (IVDR). IVDRs should contain the following basic information:

(1) Date of trip (starting and ending);
(2) Trip origin and destination;
(3) Routes of travel and/or beginning and ending odometer readings;
(4) Total trip mileage (including all movement, loaded, empty, deadhead, and/or bobtail miles);
(5) Mileage by jurisdiction;
(6) Unit number or vehicle identification number;
(7) Vehicle fleet number;
(8) Registrant's name; and
(9) Driver's signature and/or name.

[**Source:** Added at 34 Ok Reg 977, eff 9-11-17]

165:30-21-19. Maintenance and availability of operational records

(a) An IFTA licensee shall retain the records of its operations to which IFTA reporting requirements apply for a period of four (4) years following the date the IFTA tax return for such operations was due or was filed, whichever is later, plus any period covered by waivers or jeopardy assessments. Failure to maintain the required records may result in an assessment in accordance with the IFTA Procedures Manual.
(b) Failure to make records available upon proper request shall result in an assessment in accordance with the IFTA Procedures Manual.
(c) Failure to maintain or make records available may also subject the licensee to revocation of its IFTA license or denial of the issuance of a license.

[**Source:** Added at 34 Ok Reg 977, eff 9-11-17]

165:30-21-20. Audits

(a) If operational records are not maintained at a location within the State of Oklahoma and cannot be made available for audit at a location within Oklahoma, the licensee may be required to reimburse the Corporation Commission, for expenses incurred for performance of an audit at a location outside Oklahoma.

(b) Licensees selected for audit whose fleet size exceeds two hundred (200) vehicles are required to submit detailed records in the electronic format established by the Commission in order to conduct an audit.

[**Source:** Added at 34 Ok Reg 977, eff 9-11-17]

SUBCHAPTER 23. MOTOR LICENSE AGENTS ("MLA")

165:30-23-1. Responsibility for errors in application and computation

(a) A motor license agent shall be responsible for errors in tax application, computations, and/or fee computations and collections while performing registration of vehicles pursuant to Section 1120 of Title 47 of the Oklahoma Statutes.
(b) Upon demand for payment, the motor license agent must, within 15 days, remit the full amount of any error determined to be due, or if unable to pay the full amount, the agent may make a written request to the Commission for consideration of an extension of time to remit monies due.

[**Source:** Added at 24 Ok Reg 1814, eff 7-1-07]

165:30-23-2. Allowable fees and charges

(a) No fees may be charged to a taxpayer/registrant by a MLA for any service rendered pertaining to the processing of IRP applications other than fees as set forth in 47 O.S. § 1141.1, 1143 or any other Oklahoma statute that sets forth a MLA fee.
(b) All fees assessed a taxpayer/registrant must be documented in the MLA's records so they may be identified as to type, upon inquiry by the affected taxpayer/registrant or the Corporation Commission.
(c) All fees assessed a taxpayer/registrant by a MLA must be itemized and contained on a receipt provided to the taxpayer/registrant upon payment.
(d) Fees assessed for services not included on the IRP invoice shall be separately receipted.
(e) Non-IRP fee receipts shall be retained in the MLA's records and uploaded to the imaged documentation contained with the IRP registration application. A general, non-specific category such as "Miscellaneous Fee" is not sufficient. Each fee must be clearly identifiable and authorized by Oklahoma statutes.

[**Source:** Reserved at 24 Ok Reg 1814, eff 7-1-07; Added at 35 Ok Reg 1044, eff 10-1-18]

165:30-23-3. Responsibility for agency shortages

(a) A motor license agent shall be responsible for paying any balance determined to be due pursuant to Section 1120 of Title 47 of the Oklahoma Statutes as a result of a field audit conducted by the Commission.
(b) Upon demand for payment, the motor license agent must, within 15 days, remit the full amount of any shortage determined to be due, or if unable to pay the full amount, the agent may make a written request to the Commission for consideration of an extension of time to remit monies due.

[**Source:** Added at 24 Ok Reg 1814, eff 7-1-07]

165:30-23-5. Motor license agent conduct

(a) All transactions must be paid by the registrant at the time of processing. A motor license agent shall not process any transaction or release any item on credit before the taxpayer pays the tax and/or fee owed.

(b) A motor license agent shall not engage in any activity that will result in an actual or perceived conflict of interest.

(c) A MLA granted permission to process IRP applications shall service all IRP customers who desire the service. Commission permission given to a MLA to process IRP applications may be rescinded in the event a MLA refuses to process certain IRP applications or violates any provision of this subchapter.

[**Source:** Added at 33 Ok Reg 633, eff 9-1-16; Amended at 35 Ok Reg 1044, eff 10-1-18]

SUBCHAPTER 25. HARVEST PERMITS

165:30-25-1. Harvest permits

(a) Motor carriers engaged in the interstate or intrastate commercial transportation of farm products in a raw state on a seasonal basis may desire to meet their vehicle registration, fuel permitting and/or intrastate operating authority requirements via a harvest permit.

(b) An applicant for a harvest permit shall file with the Commission a written application on the appropriate form prescribed by the Commission (TOSS1), and shall tender with the application a filing fee as prescribed by law or by Commission rule.

(c) The applicant shall be assigned a personal identification number (PIN) which shall be the permanent identification number for all matters relating to authority granted therein. Any application thereafter filed to extend the harvest permit or to obtain an additional harvest permit by the same applicant shall be filed under the same PIN.

(d) A harvest permit shall be personal to the holder thereof and shall be issued only to an individual, a corporation, a limited liability corporation, a partnership or some other legally recognized entity. A trade name or "doing business as" (DBA) may be designated, but cannot be a corporate name or LLC or LLP or another organized entity.

(e) The filing of an application for a harvest permit does not of itself authorize operations by the applicant. Such operations are prohibited until all requirements have been met and a harvest permit has been issued. All requirements for compliance with this Section shall be completed within ninety (90) days from receipt of the application or the application will be denied and any filing fees paid forfeited.

(f) The harvest permit application shall require the following:

(1) USDOT number of the applicant.

(2) Applicant's Name and DBA, if any.

(3) Type of applicant.

(4) Mailing, physical addresses, and optional email address.

(5) Taxpayer identification number.

(6) Vehicle listing which contains the following information for each vehicle to be operated under the permit:

(A) Owner of the vehicle.

(B) Vehicle registrant, if other than the owner.

(C) Make, model, year, and VIN.

(D) License plate number, State or Province of registration and registration expiration date.

(7) A liability insurance certificate valid in Oklahoma for a minimum of three hundred fifty thousand dollars ($350,000) for each vehicle to be operated under the permit. The insured's name on the insurance certificate must match the owner or registrant's name as shown on the registration of the vehicle. A Form E liability insurance certificate issued on behalf of the motor carrier may be submitted in lieu of individual insurance certificates.

(8) Declaration stating the applicant shall comply with federal safety regulations and the state's size and weight laws and rules.

(9) Requested permit duration.

(10) Required permit effective date.

(g) No harvest permit shall be issued to an applicant until all outstanding fines or judgments due the Commission or other state(s) regulatory agencies have been satisfied.

(h) A copy of the harvest permit must be carried in each vehicle operated under the permit.

[**Source:** Added at 27 Ok Reg 1773, eff 7-1-10; Amended at 36 Ok Reg 616, eff 8-1-19]

SUBCHAPTER 26. NONCONSENSUAL WRECKER AND TOWING SERVICES

PART 1. NONCONSENSUAL WRECKER AND TOWING SERVICES RATE CHANGE APPLICATIONS

165:30-26-1. Purpose

The purpose of this Subchapter is to define the specific financial, statistical, and other information required to be filed and made available with an application proposing an increase or change in rates, charges, or fees charged for the provision of nonconsensual wrecker or towing services. This Subchapter is intended to define the information required to be filed and made available in connection with a proposed rate increase or rate change in order to facilitate an investigation of and hearing on such proposed rate increase or rate change. This Subchapter does not preclude the filing or provision of any additional data, information, or calculations not herein specified, nor does this Subchapter preclude the Oklahoma Corporation Commission ("Commission") from requiring additional information as it deems necessary.

[**Source:** Added at 30 Ok Reg 1042, eff 7-1-13]

165:30-26-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Accounting method" means generally accepted accounting practices recognized by the American Institute of Certified Public Accountants or other accounting methods approved by the Commission.

"Application package" means the application, the narrative explanation of the justification for the rate increase or rate change, all exhibits, schedules, testimony and evidence necessary to support the application.

"Day" means calendar day unless specifically defined otherwise.

"Deficient filing" means a filing which does not substantially comply with the formal or procedural requirements of this Subchapter and the Commission Rules of Practice.

"Director" means the Director of the Transportation Division of the Oklahoma Corporation Commission.

"Nonconsensual towing rate complaint" means any communication, whether verbal or written, from any person, which alleges that any wrecker service has billed rates, charges, or fees not authorized or in excess of those authorized by Commission Order. The Commission is not obligated to act on any complaint in which insufficient information is presented to establish that a violation has occurred.

[**Source:** Added at 30 Ok Reg 1042, eff 7-1-13]

165:30-26-3. Application; application package; and staff response to filed application package

(a) Applicant shall file with the Commission Court Clerk its request for a rate increase or rate change in a complete application package. Applicant shall also submit the filing fee with the application package, which is set forth in the Commission Rules of Practice. Applicant shall submit six (6) copies of the application package to the Commission Court Clerk at the time of filing.

(b) The application shall be in the form required by the Commission Rules of Practice for commencement of a cause.

(c) The application package shall contain the following:

(1) A narrative explanation of the justification for the rate increase or rate change;

(2) The application shall contain all exhibits, schedules, testimony, and evidence necessary to support the application and shall be assembled in sections with index tabs identifying each section for referencing convenience;

(3) Filed testimony shall reference the exhibits, schedules, and evidence in the same manner used to file the application package;

(4) All exhibits, schedules, testimony, and evidence shall be both factually and mathematically correct using generally accepted accounting methods.

(d) Service of the application shall be as required by the Commission Rules of Practice.

(e) The applicant shall maintain the application package. The application shall include information to inform all Respondents and other interested parties of the location where the application package is being maintained. Such information shall include the name, address, telephone number, fax number, and e-mail address of the person maintaining the application package. The applicant shall make the application package available to all Respondents and other interested parties for examination between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Friday, excluding legal holidays as defined in the Commission Rules of Practice. The application package shall also be available for public inspection at the Office of the Commission Court Clerk.

(f) Unless otherwise indicated, all applicable provisions in the Commission Rules of Practice shall be followed in all nonconsensual wrecker and towing service causes.

(g) Within twenty-one (21) business days of the receipt of an application package, the Director shall file with the Commission and provide to the applicant a copy of the staff response regarding the compliance or deficiency of the application and/or application package. The Division's staff

response under this subsection shall only be required to assess the procedural filing compliance with Commission statute and rules, not on the merits of the requested rate change.
(h) If the Director finds the application and/or application package is not in substantial compliance with the requirements of this Subchapter, the staff response shall state that the filing is a deficient filing. The deficiencies and the requirements necessary to cure the deficiencies shall be stated in the staff response. If the deficiencies noted in the staff response are not corrected within forty-five (45) calendar days of the date of the staff response, the application package shall be rejected. Resubmission of a rejected package shall be considered a new application package, and the application filing fee set forth in the Commission Rules of Practice shall be submitted with this filing.
(i) An applicant may file exceptions to the staff response within ten (10) business days of receipt. Such exceptions shall be set for hearing before the Commission sitting en banc as soon as practically possible unless the parties agree to another date or the Commission directs otherwise. An order affirming a determination of deficiency renders the application rejected. If the application is rejected, the applicant may resubmit a new application package.

[**Source:** Added at 30 Ok Reg 1042, eff 7-1-13; Amended at 36 Ok Reg 617, eff 8-1-19]

165:30-26-4. Limitations on filing rate cause

At the time of filing a request for a rate increase or rate change or at the time of entering an appearance in a rate increase or rate change cause, the filer shall not have any outstanding obligation to the Commission or to a consumer as the result of a nonconsensual towing rate complaint.

[**Source:** Added at 30 Ok Reg 1042, eff 7-1-13]

PART 3. RESPONSE TO NONCONSENSUAL TOWING RATE COMPLAINTS

165:30-26-10. Receipt of nonconsensual towing rate complaints

(a) Any nonconsensual towing rate complaint received by the Commission or any of its Divisions shall be recorded immediately upon receipt in such format as the Commission may designate.
(b) A written acknowledgement of receipt of a nonconsensual towing rate complaint will be communicated to the complainant, alleged violator, and other relevant parties, if known, within seven (7) calendar days following receipt of the nonconsensual towing rate complaint and shall provide the status of the nonconsensual towing rate complaint at that time. The written acknowledgement shall contain information necessary to identify the tow. The wrecker service invoice number, vehicle identification number, date, and time of the tow are examples of the kind of information that may be provided. The written acknowledgement shall also request initial records needed to commence the complaint investigation. Nothing herein restricts the Commission from requiring and examining additional records necessary to fully investigate a complaint.

[**Source:** Added at 30 Ok Reg 1042, eff 7-1-13]

165:30-26-11. Review of nonconsensual towing rate complaints

(a) The appropriate Division of the Commission shall immediately review each nonconsensual towing rate complaint and promptly refer any complaint concerning matters not regulated by the Commission to the appropriate state or federal agency.

(b) Nonconsensual towing rate complaints that are not referred shall be reasonably and sufficiently investigated, which may include on site investigation, to determine whether or not an action or actions should be initiated by the Commission.

(c) Nonconsensual towing rate complaints must be filed within the wrecker service documentation retention requirements of the Oklahoma Department of Public Safety.

[**Source:** Added at 30 Ok Reg 1042, eff 7-1-13]

165:30-26-12. Nonconsensual towing rate complaint resolution and contesting a Violation Notification.

(a) Nonconsensual towing rate complaint resolution is not achieved until either a written determination is issued or the Violation Notification process, initiated by a Notice of Probable Violation (NOPV) letter, is closed by the Transportation Division.

(b) If the complaint investigation results in a NOPV requiring restitution and/or a penalty, or other action is necessary, the disallowed amount must be remitted within twenty (20) calendar days of the NOPV to avoid enforcement action against the wrecker or towing service. The NOPV shall specify each charge that was in violation of the Commission's rate order(s) and will list a member of Transportation Division staff as a point of contact. Restitution payments must be remitted to the person taking responsibility for the tow bill, whereas, penalties assessed must be remitted to the Commission along with a copy of the written determination.

(c) Any individual or entity that wishes to contest the NOPV must do so within twenty (20) calendar days of the date of mailing, by regular mail, of the NOPV by filing a Transportation Docket (TD) cause application conforming to Commission rules found in Subchapter 7 of this Chapter and the Commission's Rules of Practice (OAC 165:5). In the event the expiration of the twenty (20) days falls on a weekend or holiday for which the Commission is not open for regular business, the application may be filed the following business day the Commission is open to be considered timely filed.

[**Source:** Added at 30 Ok Reg 1042, eff 7-1-13; Amended at 36 Ok Reg 618, eff 8-1-19]

165:30-26-13. Closure

Nonconsensual towing rate complaints referred to other agencies, nonconsensual towing rate complaints that involve issues not within the Commission's jurisdiction, and nonconsensual towing rate complaints that involve issues for which an adequate remedy has already been implemented shall be closed in writing and a copy of the referral or other closure document shall be sent to the complainant, alleged violator, and other relevant parties, if known, within seven (7) calendar days of closure.

[**Source:** Added at 30 Ok Reg 1042, eff 7-1-13]

165:30-26-14. Nonconsensual towing rate complaints and audits

(a) The Commission hereby establishes a progressive system of actions to be taken by the Commission, or its designee, to achieve compliance with a Commission nonconsensual towing order. Violations of a Commission nonconsensual towing order may be established as a result of a nonconsensual towing rate complaint investigation or an audit.

(b) For purposes of progressive actions, the date shown on the service invoice serves as the violation date. The dated written notice of a violation issued by the Commission, or its designee, serves as the Violation Notification.

(c) The following stipulations are in place for violations established as a result of a complaint investigation:

(1) A Violation Notification will contain instructions on the proper rate calculation procedure and will be provided to the wrecker service. The Violation Notification will list the violations and remediation requirements. The Violation Notification may require the repayment of the overcharge to the person who paid for the services. The wrecker service shall comply with the written instructions within twenty (20) calendar days of the Violation Notification.

(2) Each subsequent Violation Notification of the same provision of a Commission nonconsensual towing order within an eighteen (18) month period will be treated as a progressive violation.

(A) A violation may progress to the next level only when the date of the second or succeeding Violation Notification is later than the previous violation date.

(B) Each progressive action may consist of a new remediation requirement as well as each of the preceding remediation action requirements.

(3) For the second Violation Notification of the same violation during an eighteen (18) month period, a penalty may be assessed in accordance with (f) of this Section. In addition, the Commission or its designee may recommend the wrecker service be temporarily removed from the Oklahoma Department of Public Safety and/or other political subdivision's rotation log. Any such recommendation for removal will include the justification for such request.

(4) For the third and any subsequent Violation Notification of the same violation during an eighteen (18) month period, the Commission or its designee may recommend to the Oklahoma Department of Public Safety that the license of the wrecker service be suspended or revoked. Any political subdivision with which the wrecker service maintains a contract to provide nonconsensual wrecker or towing services may also be notified of the violation(s) along with the justification for such notification.

(d) Audits of wrecker services may be conducted with or without specific cause. Typically, audits are conducted as a normal part of rate determination and economic analysis, as a result of a nonconsensual towing rate complaint, as a referral from another political subdivision or as a follow up to a previously conducted audit. Audit periods cannot extend beyond the records retention period as required by the Department of Public Safety in OAC 595:25.

(e) Violations discovered as the result of an audit shall be reviewed by the Director of the Transportation Division or his designee. Progressive action remedies in addition to penalties in accordance with (f) of this Section may be assessed or the Commission may issue an order requiring that violations of this Subchapter be corrected. The order may include a fine up to a maximum of $500.00 for each violation.

(f) For violations established as a result of a nonconsensual towing rate complaint or as a result of an audit, the following penalties may be assessed by the Director of the Transportation Division:

(1) A penalty in an amount up to $175.00 for the second violation;

(2) A penalty in an amount up to $375.00 for the third violation; or,
(3) A penalty in an amount up to $500.00 for the fourth and subsequent violations.

[Source: Added at 31 Ok Reg 44, eff 9-10-13 (emergency); Added at 31 Ok Reg 1024, eff 9-12-14; Amended at 34 Ok Reg 977, eff 9-11-17; Amended at 35 Ok Reg 1044, eff 10-1-18]

165:30-26-18. Display of nonconsensual towing rates

(a) Each wrecker service licensed by the Department of Public Safety and placed upon an official rotation log to perform nonconsensual tows shall be required to conspicuously display a copy of the current Oklahoma Corporation Commission Nonconsensual Towing Maximum Wrecker Rate Chart at each location where a person will be paying for a vehicle release.
(b) The Maximum Wrecker Rate Chart size and text must be large enough to be easily read by the person paying for the vehicle release and contain fully legible text and figures.
(c) The Maximum Wrecker Rate Chart may be download from the Agency's website.

[Source: Added at 33 Ok Reg 633, eff 9-1-16]

Appendix A - Power of Attorney [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 through 7-14-95 (emergency); Revoked at 18 Ok Reg 2384, eff 7-1-01]

Appendix B - Concurrence [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 (emergency); Revoked at 12 Ok Reg 2077, eff 7-1-95]

Appendix C - Title Page [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 through 7-14-95 (emergency); Revoked at 18 Ok Reg 2384, eff 7-1-01]

Appendix D - Tariff References [REVOKED]

[**Source:** Revoked at 12 Ok Reg 1005, eff 1-1-95 through 7-14-95 (emergency); Revoked at 18 Ok Reg 2384, eff 7-1-01]

[**Authority:** 47 O.S., § 1106; OKLA. CONST. Art IX, §§ 18, 19; 17 O.S., § 40; 47 O.S., §§ 161 through 230.34b; 47 O. S. § 1166 through 1170]

[**Source:** Codified 12-31-91]