



# **State Task Force on Motor Carrier Regulation and Enforcement Final Report**

## **Task Force Members:**

Matt Herndon, President and CEO – United Petroleum Transports, Inc., Chairman

Tricia Everest, Secretary of Public Safety

Tim Gatz, Secretary of Transportation

Preston Lay, Oklahoma Department of Public Safety Legislative Liaison

Representative Dick Lowe, Oklahoma House of Representatives

Mitch Surrent, Oklahoma Department of Transportation

Senator Darrell Weaver, Oklahoma Senate

Mark Willingham, Oklahoma Corporation Commission

## **Task Force Staff:**

Jeff Hubbard, Oklahoma House of Representatives Legal Division

Keana Swadley, Oklahoma House of Representatives Research Division

## Contents

Final Report Recommendations.....	3
Appendix A House Bill 2166.....	4
Appendix B Meeting Agendas.....	8
Appendix C Presentations.....	16
Appendix D Oklahoma Corporation Commission Communications.....	214

## Final Report Recommendations

House Bill 2166, passed in the 2023 session, created the State Task Force on Motor Carrier Regulation and Enforcement until July 1, 2024. The task force was instructed to study and evaluate the current regulatory and enforcement mechanisms that govern the motor carrier industry and to make any recommendations that would enhance the effectiveness of those mechanisms. Additionally, the measure requires a final report of the task forces recommendations be sent to the Governor and Legislative Leadership by December 1, 2023.

The eight-member task force met eight times between September 6, 2023 and November 30, 2023. The members heard presentations from both the Oklahoma Corporation Commission and the Oklahoma Department of Public Safety as well as other agencies, nonprofits, and private institutions that are involved in the motor carrier industry.

The adopted recommendations of the State Task Force on Motor Carrier Regulation and Enforcement are as follows:

**Recommendation 1:** That the Oklahoma Legislature adopts legislation shifting enforcement of motor carriers from the Oklahoma Corporation Commission to the Oklahoma Department of Public Safety with all regulatory functions related to motor carriers remaining with the Oklahoma Corporation Commission.

**Recommendation 2:** That the Oklahoma Legislature adopt a transitional task force, with appropriate delegated authority, necessary to ensure an easy transition between agencies. Membership in the task force to include the following:

- The Secretary of Public Safety or a designee;
- The Commissioner of the Department of Public Safety or a designee;
- The Secretary of Transportation or a designee;
- A representative of the Department of Transportation;
- A representative of Service Oklahoma;
- A member of the Oklahoma State Senate to be appointed by the President Pro Tempore;
- A member of the Oklahoma House of Representatives to be appointed by the Speaker of the House;
- A member of the Oklahoma Corporation Commission or a designee; and
- A member of the motor carrier industry to be appointed by the Governor.

**Recommendation 3:** That the Oklahoma Legislature, in adopting the above recommendations, provide for a two-year transition to the extent necessary with an effective date of no later than July 1, 2026.

# An Act

ENROLLED HOUSE  
BILL NO. 2166

By: Lowe (Dick) of the House

and

Weaver of the Senate

An Act relating to motor carriers; creating the State Task Force on Motor Carrier Regulation and Enforcement; providing for membership in the Task Force; providing for quorum requirements; requiring monthly meetings; allowing meetings at call of the chair; disallowing compensation for members; allowing for travel reimbursement; directing Task Force to study, evaluate, and make recommendations related to motor carriers; requiring certain agencies make records and employees available; requiring preparation and submission of report by certain date; and providing for staffing.

SUBJECT: Motor carriers

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 173.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created, until July 1, 2024, the State Task Force on Motor Carrier Regulation and Enforcement. The Task Force shall be composed of the following seven (7) members:

1. The Commissioner of Public Safety or designee;
2. One member of the Oklahoma Corporation Commission or designee;
3. The Cabinet Secretary of Public Safety or designee;
4. The Cabinet Secretary of Transportation or designee;



5. One member selected by the Governor, who shall serve as the chair of the Task Force;

6. One member designated by the Speaker of the Oklahoma House of Representatives, who shall be a current member of the Oklahoma House of Representatives; and

7. One member designated by the President Pro Tempore of the Oklahoma State Senate, who shall be a current member of the Oklahoma State Senate.

B. A majority of the members shall constitute a quorum for the purpose of conducting the business of the Task Force. The Task Force shall meet monthly and at such other times as may be called by the chair.

C. Members of the Task Force shall receive no compensation for serving on the Task Force but shall receive travel reimbursement for necessary travel expenses incurred in the performance of their duties by their respective agencies in accordance with the State Travel Reimbursement Act.

D. The State Task Force on Motor Carrier Regulation and Enforcement shall:

1. Study, evaluate, and make recommendations regarding the adequacy, scope, and effectiveness of regulatory, licensing, and permitting programs applicable to the motor carrier industry;

2. Study, evaluate, and make recommendations regarding strategies to enhance the efficiency and effectiveness of state law enforcement's regulation of public safety and enforcement of laws applicable to the motor carrier industry;

3. Study, evaluate, and make recommendations regarding the adequacy, scope, and effect of civil and criminal enforcement mechanisms of state laws governing the motor carrier industry;

4. Study, evaluate, and make recommendations regarding combining within a state agency any motor carrier regulatory programs or law enforcement functions; and

5. Study, evaluate, and make recommendations regarding any other matters determined by the Task Force to be relevant to the purpose of this act.

E. The Corporation Commission, the Department of Public Safety, and the Department of Transportation shall make all information and records available to the Task Force as the Task Force may require. These agencies shall also make their employees available to the Task Force for the Task Force to interview and gather information.

F. On or before December 1, 2023, the Task Force shall prepare a report of its findings and recommendations to be submitted to the Governor, the Speaker of the Oklahoma House of Representatives, the President Pro Tempore of the Oklahoma State Senate, and the Chair of the Public Safety and Transportation Committees in both the Oklahoma House of Representatives and the Oklahoma State Senate, and the minority leaders of both the Oklahoma House of Representatives and the Oklahoma Senate.

G. Staffing for the Task Force shall be provided by the Oklahoma House of Representatives.

Passed the House of Representatives the 9th day of May, 2023.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 24th day of April, 2023.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_



**TO:** State Task Force on Motor Carrier Regulation and Enforcement

**DATE:** Wednesday, September 6, 2023

**TIME:** 9:00 AM – 11:00 AM

**PLACE:** Oklahoma State Capitol, 2300 N. Lincoln Blvd., Room 450, Oklahoma City, OK

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## **AGENDA**

1. Call to order
2. Roll Call & Determination of a Quorum
3. Discussion concerning task force goals and objectives
4. New Business
5. Adjournment

### **Members:**

<b>Member</b>	<b>Organization</b>	<b>Role</b>
Matt Herndon	United Petroleum Transports	UPT President and CEO, Chair
Tricia Everest	Oklahoma Department of Public Safety	Secretary of Public Safety
Tim Gatz	Oklahoma Department of Transportation	Secretary of Transportation
Preston Lay	Oklahoma Department of Public Safety	Legislative Liaison
Dick Lowe	Oklahoma House of Representatives	Representative – District 56
Mitch Surret	Oklahoma Department of Transportation	Deputy General Counsel
Darrell Weaver	Oklahoma Senate	Senator – District 24
Mark Willingham	Oklahoma Corporation Commission	Director Transportation Division



**TO:** State Task Force on Motor Carrier Regulation and Enforcement

**DATE:** Wednesday, September 20, 2023

**TIME:** 9:00 AM – 12:00 PM

**PLACE:** Oklahoma State Capitol, 2300 N. Lincoln Blvd., Room 206, Oklahoma City, OK

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**Members:**

<b>Member</b>	<b>Organization</b>	<b>Role</b>
Matt Herndon	United Petroleum Transports	UPT President and CEO, Chair
Tricia Everest		Secretary of Public Safety
Tim Gatz		Secretary of Transportation
Preston Lay	Oklahoma Department of Public Safety	Legislative Liaison
Dick Lowe	Oklahoma House of Representatives	Representative – District 56
Mitch Surrent	Oklahoma Department of Transportation	Deputy General Counsel
Darrell Weaver	Oklahoma Senate	Senator – District 24
Mark Willingham	Oklahoma Corporation Commission	Chief Legal Counsel



**TO:** State Task Force on Motor Carrier Regulation and Enforcement

**DATE:** Wednesday, October 4, 2023

**TIME:** 9:00 AM – 11:00 AM

**PLACE:** Oklahoma State Capitol, 2300 N. Lincoln Blvd., Room 4S.5, Oklahoma City, OK

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## **AGENDA**

1. Call to Order
2. Presentation by Rebecca Brewster, American Transportation Research Institute (Remote Presentation)
3. Follow Up Discussion re: Possible Shift of Enforcement from OCC to DPS
4. Identify Potential Task Force Recommendations
5. New Business
6. Adjournment

## **Members:**

<b>Member</b>	<b>Organization</b>	<b>Role</b>
Matt Herndon	United Petroleum Transports	UPT President and CEO, Chair
Tricia Everest		Secretary of Public Safety
Tim Gatz		Secretary of Transportation
Preston Lay	Oklahoma Department of Public Safety	Legislative Liaison
Dick Lowe	Oklahoma House of Representatives	Representative – District 56
Mitch Surrett	Oklahoma Department of Transportation	Deputy General Counsel
Darrell Weaver	Oklahoma Senate	Senator – District 24
Mark Willingham	Oklahoma Corporation Commission	Director, Transportation Division



**TO:** State Task Force on Motor Carrier Regulation and Enforcement

**DATE:** Friday, October 20, 2023

**TIME:** 9:00 AM – 11:00 AM

**PLACE:** Oklahoma State Capitol, 2300 N. Lincoln Blvd., Room 4S.5, Oklahoma City, OK

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**AGENDA**

1. Call to Order
2. Roll Call and Determination of a Quorum
3. Presentations By The Following:
  - A. Oklahoma House of Representatives Staff
  - B. Oklahoma District Attorney's Council
  - C. Oklahoma Department of Public Safety re: Staffing Plans
  - D. Oklahoma Corporation Commission re: Revenue Breakdown
4. New Business
5. Adjournment

**Members:**

<b>Member</b>	<b>Organization</b>	<b>Role</b>
Matt Herndon	United Petroleum Transports	UPT President and CEO, Chair
Tricia Everest		Secretary of Public Safety
Tim Gatz		Secretary of Transportation
Preston Lay	Oklahoma Department of Public Safety	Legislative Liaison
Dick Lowe	Oklahoma House of Representatives	Representative – District 56
Mitch Surrect	Oklahoma Department of Transportation	Deputy General Counsel
Darrell Weaver	Oklahoma Senate	Senator – District 24
Mark Willingham	Oklahoma Corporation Commission	Chief Legal Counsel



**TO:** State Task Force on Motor Carrier Regulation and Enforcement

**DATE:** Monday, November 6, 2023

**TIME:** 9:00 AM – 11:00 AM

**PLACE:** Oklahoma State Capitol, 2300 N. Lincoln Blvd., Room 206, Oklahoma City, OK

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## **AGENDA**

1. Call To Order
2. Roll Call & Determination of a Quorum
3. Discussion Concerning Task Force Recommendations
4. New Business
5. Adjournment

### **Members:**

<b>Member</b>	<b>Organization</b>	<b>Role</b>
Matt Herndon	United Petroleum Transports	UPT President and CEO, Chair
Tricia Everest		Secretary of Public Safety
Tim Gatz		Secretary of Transportation
Preston Lay	Oklahoma Department of Public Safety	Legislative Liaison
Dick Lowe	Oklahoma House of Representatives	Representative – District 56
Mitch Surret	Oklahoma Department of Transportation	Deputy General Counsel
Darrell Weaver	Oklahoma Senate	Senator – District 24
Mark Willingham	Oklahoma Corporation Commission	Director Transportation Division





**TO:** State Task Force on Motor Carrier Regulation and Enforcement

**DATE:** Thursday, November 16, 2023

**TIME:** 9:00 AM – 11:00 AM

**PLACE:** Oklahoma State Capitol, 2300 N. Lincoln Blvd., Room 4S.5, Oklahoma City, OK

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## **AGENDA**

1. Call to Order
2. Roll Call and Determination of Quorum
3. Presentation on Transportation Technology Opportunities – Drivewyze Representative
4. Discussion on OCC to DPS Transition
5. Discussion on Trailer Towing Requirements
6. New Business
7. Adjournment

### **Members:**

<b>Member</b>	<b>Organization</b>	<b>Role</b>
Matt Herndon	United Petroleum Transports	UPT President and CEO, Chair
Tricia Everest		Secretary of Public Safety
Tim Gatz		Secretary of Transportation
Preston Lay	Oklahoma Department of Public Safety	Legislative Liaison
Dick Lowe	Oklahoma House of Representatives	Representative – District 56
Mitch Surrent	Oklahoma Department of Transportation	Deputy General Counsel
Darrell Weaver	Oklahoma Senate	Senator – District 24
Mark Willingham	Oklahoma Corporation Commission	Director Transportation Division



**TO:** State Task Force on Motor Carrier Regulation and Enforcement

**DATE:** Tuesday, November 28, 2023

**TIME:** 9:00 AM – 11:00 AM

**PLACE:** Oklahoma State Capitol, 2300 N. Lincoln Blvd., Room 206, Oklahoma City, OK

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## **AGENDA**

1. Call to Order
2. Roll Call and Determination of Quorum
3. Discussion on OCC to DPS Transition
4. Discussion on Trailer Towing Requirements
5. New Business
6. Adjournment

### **Members:**

<b>Member</b>	<b>Organization</b>	<b>Role</b>
Matt Herndon	United Petroleum Transports	UPT President and CEO, Chair
Tricia Everest		Secretary of Public Safety
Tim Gatz		Secretary of Transportation
Preston Lay	Oklahoma Department of Public Safety	Legislative Liaison
Dick Lowe	Oklahoma House of Representatives	Representative – District 56
Mitch Surret	Oklahoma Department of Transportation	Deputy General Counsel
Darrell Weaver	Oklahoma Senate	Senator – District 24
Mark Willingham	Oklahoma Corporation Commission	Director Transportation Division



**TO:** State Task Force on Motor Carrier Regulation and Enforcement

**DATE:** Thursday, November 30, 2023

**TIME:** 9:00 AM – 11:00 AM

**PLACE:** Oklahoma State Capitol, 2300 N. Lincoln Blvd., Room 4S.5, Oklahoma City, OK

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## **AGENDA**

1. Call to Order
2. Roll Call and Determination of Quorum
3. Vote on Recommendations of State Task Force on Motor Carrier Regulation and Enforcement
4. New Business
5. Adjournment

### **Members:**

<b>Member</b>	<b>Organization</b>	<b>Role</b>
Matt Herndon	United Petroleum Transports	UPT President and CEO, Chair
Tricia Everest		Secretary of Public Safety
Tim Gatz		Secretary of Transportation
Preston Lay	Oklahoma Department of Public Safety	Legislative Liaison
Dick Lowe	Oklahoma House of Representatives	Representative – District 56
Mitch Surret	Oklahoma Department of Transportation	Deputy General Counsel
Darrell Weaver	Oklahoma Senate	Senator – District 24
Mark Willingham	Oklahoma Corporation Commission	Director Transportation Division



# MOTOR CARRIER REGULATION AND ENFORCEMENT

1. Improve Safety for Motoring Public
2. Unified & Consistent Enforcement for Industry
3. Efficient Enforcement Program for the State



**OKLAHOMA**  
**Public Safety**

**1. Make all state officers  
charged with stopping CMVs  
public safety specialists**

# DPS Law Enforcement Authority

—

The Commissioner of Public Safety and each officer of the Department of Public Safety, as designated and commissioned by the Commissioner, are hereby declared to be peace officers of the State of Oklahoma and shall be so deemed and taken in all courts having jurisdiction of offenses against the laws of the state. Such officers shall have the powers and authority now and hereafter vested by law in other peace officers, including the right and power of search and seizure, except the serving or execution of civil process, and the **right and power to investigate and prevent crime and to enforce the criminal laws of this state.**

47 O.S. § 2-117(A)

# Federal & Tribal Law Enforcement Authority

—  
Troopers & Port of Entry Officers also commissioned to enforce:

- Federal Law through Bureau of Indian Affairs Commission
- Cherokee Nation Law through Tribal Commission
- Chickasaw Nation Law through Tribal Commission
- Choctaw Nation Law through Tribal Commission
- Muscogee (Creek) Nation Law through Tribal Commission
- Quapaw Nation Law through Tribal Commission
- Seminole Nation Law through Tribal Commission





## **LEGISLATIVE PUBLIC POLICY: MOTOR CARRIER SAFETY & HAZARDOUS MATERIALS TRANSPORTATION ACT**

**It is therefore declared to be the policy of the State of Oklahoma to provide regulatory and enforcement authority to the Oklahoma Department of Public Safety to improve safety related aspects of motor carrier transportation and to protect the people against the risk to life and property inherent in the transportation of property, including hazardous materials, over highways ...**

**47 O.S. § 230.2**



# DPS Authority Under Oklahoma

## Motor Carrier Safety & Hazardous Materials Transportation Act

[Commissioner] may authorize any officer, employee or agent of the Department to: . . . .

- c. **stop and inspect any driver or commercial motor vehicle** for any violation of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act or rules and regulations issued pursuant thereto,
- d. **declare and mark any transport vehicle or container as out of service** if its condition, filling, equipment or protective devices would be hazardous to life or property during transportation, or if records thereof reflect such hazard ...
- e. **prohibit any commercial driver from transporting hazardous materials** if such driver is unqualified or disqualified ..., and
- f. **administer and enforce the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act** and any rules and regulations issued pursuant thereto.

# Certifications for NAS Inspections

## FMCSA North American Standard – A School

- Certification to Perform Inspections of Drivers for Compliance with Federal Motor Carrier Safety Regulations
- 40 Hour Course
- 32 Apprentice Inspections
- 32 (Minimum) Inspections Annually to Maintain

## FMCSA North American Standard – B School

- Certification to Perform Inspections of Commercial Motor Vehicles for Compliance with Federal Motor Carrier Safety Regulations
- 40 Hour Course
- 32 Apprentice Inspections
- 32 (Minimum) Inspections Annually to Maintain

## FMCSA Hazardous Materials – General HazMat School

- Certification to Perform Inspections for Compliance with Federal Hazardous Materials Regulations
- 40 Hour Course
- 8 Apprentice Inspections
- 8 (Minimum) Inspections Annually to Maintain

## FMCSA Hazardous Materials – HazMat Cargo Tank School

- Certification to Perform Inspections for Compliance with Federal Hazardous Materials Regulations for Cargo Tanks
- 40 Hour Course
- 8 Apprentice Inspections
- 8 (Minimum) Inspections Annually to Maintain

# North American Standard Inspections

- **Level I** is a 37-step inspection procedure that involves examination of the motor carrier's and driver's credentials, record of duty status, the mechanical condition of the vehicle and any hazardous materials/dangerous goods that may be present.
- **Level II** is a driver and walk-around vehicle inspection, involving the inspection of items that can be checked without physically getting under the vehicle.
- **Level III** is a driver-only inspection that includes examination of the driver's credentials and documents.

# NAS Inspections - Continued

- **Level IV** special inspections are a one-time examination of a particular item. These examinations are normally made in support of a study or to verify or refute a suspected trend.
- **Level V** is a vehicle-only inspection which may be performed without a driver present, at any location.
- **Level VI** is a specialized inspection of transuranic waste and highway route controlled quantities of radioactive material.
- **Level VII** is a jurisdictionally mandated inspection.
- **Level VIII** is an inspection conducted electronically or wirelessly while the vehicle is in motion, without direct interaction with an inspector.

# Inspection Steps

## Handout

### North American Standard Inspection Procedures

	INSPECTION LEVEL							
	I	II	III	V	VI	VII	VIII	
1. Choose the Inspection Site	X	X	X		X			
2. Approach the Vehicle	X	X	X		X			
3. Greet and Prepare Driver	X	X	X		X			
4. Interview Driver	X	X	X		X			
5. Collect the Driver's Documents	X	X	X		X	X		
6. Check for the Presence of Hazardous Materials/Dangerous Goods	X	X	X		X	X		
7. Identify the Carrier	X	X	X		X	X		
8. Examine Driver's License	X	X	X		X	X		
9. Check Medical Examiner's Certificate and Skill Performance Evaluation (SPE) Certificate (If Applicable)	X	X	X		X	X		
10. Check Record of Duty Status	X	X	X		X	X		
11. Review Driver's Daily Inspection Report (If Applicable)	X	X	X		X	X		
12. Review Periodic Inspection Report(s)	X	X	X	X	X	X		
13. Prepare Driver for Vehicle Inspection	X	X		X	X			
14. Inspect Front of Tractor	X	X		X	X			
15. Inspect Left Front Side of Tractor	X	X		X	X			
16. Inspect Left Saddle Tank Area	X	X		X	X			
17. Inspect Trailer Front	X	X		X	X			
18. Inspect Left Rear Tractor Area	X	X		X	X			
19. Inspect Left Side of Trailer	X	X		X	X			
20. Inspect Left Rear Trailer Wheels	X	X		X	X			
21. Inspect Rear of Trailer	X	X		X	X			
22. Inspect Double, Triple and Full Trailers	X	X		X	X			
23. Inspect Right Rear Trailer Wheels	X	X		X	X			
24. Inspect Right Side of Trailer	X	X		X	X			
25. Inspect Right Rear Tractor Area	X	X		X	X			
26. Inspect Right Saddle Tank Area	X	X		X	X			
27. Inspect Right Front Side of Tractor	X	X		X	X			
28. Inspect Steering Axle(s)	X			X	X			
29. Inspect Axle(s) 2 and/or 3 (Under Carriage of CMV)	X			X	X			
30. Inspect Axle(s) 4 and/or 5	X			X	X			
31. Check Brake Adjustment	X			X	X			
32. Inspect Tractor Protection System (This procedure tests both the tractor protection system and the emergency brakes.)	X			X	X			
33. Inspect Required Brake System Warning Devices	X	X		X	X			
34. Test Air Loss Rate	X	X		X	X			
35. Check Steering Wheel Lash	X	X		X	X			
36. Check Fifth Wheel Movement	X			X	X			
37. Complete the Inspection	X	X	X	X	X	X		





# Out of Service Manual

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CVSA's North American Standard Out-of-Service Criteria ensure uniformity, consistency and reciprocity among the states, provinces, territories and countries and determine whether or not drivers or vehicles present an imminent hazard and should be placed out of service. The federal regulations, together with CVSA's out-of-service criteria, provide the standards that drivers, motor carriers and law enforcement personnel use to ensure the commercial motor vehicles and drivers operating on North America's roadways are safe and compliant.

**NORTH AMERICAN STANDARD  
OUT-OF-SERVICE CRITERIA**



**HANDBOOK AND PICTORIAL**

# DPS Port of Entry Officers (2022)

Total Inspections: 10,179

Total Safety Violations: 26,056

Total Out of Service: 4,296

- Vehicle: 3,342
- Driver: 1,653

# Troopers (2022)

Total Inspections: 28,794

Total Safety Violations: 53,811

Total Out of Service: 5,349

- Vehicle: 4,416
- Driver: 1,482

Motor Carrier Outreach

- Education Outreach: 132





## **IF ALL STATE CMV OFFICERS WERE UNDER DPS UMBRELLA**

- Nearly double the number of officers trained, certified and authorized to perform full safety inspections
- Ensure all commissioned officers staffing ports of entry and fixed weigh station are authorized to perform safety inspections
- Empower all state officers charged with stopping CMVs to enforce all of Title 47 Rules of the Road & other criminal laws
- All interior fixed weigh stations could become CMV inspection stations – not just the Ports of Entry

# Examples of Public Safety Gaps

## DPS

- DUI – Jail / Impound Vehicle
- Criminal Interdictions – Jail / Seizure
- No Brake Lights – Out of Service Until Corrected
- Suspended DL – Jail / Impound Vehicle
- Federal Out of Service – Placed OOS Until Corrected
- Eluding – Pursued by DPS

## OCC

- DUI – Call DPS
- Criminal Interdictions – Call DPS
- No Brake Lights – Call DPS
- Suspended DL – Call DPS or Let Them Go
- Federal Out of Service – Call DPS or Fine and Release
- Eluding – Call DPS After 25 Mile Radius



**HOUSE DIV**

**AGAINST ITSE**

**2. Develop  
Unified &  
Consistent  
Approach to  
CMV Enforcement**

# Confusing for the Industry

- **Citations from Two Agencies During Single Encounter**
  - Motor carriers and drivers experience frustration when they receive enforcement action from two different agencies during a single trip through a port of entry. Though the fines may be for different types of violations, experiencing enforcement from two agencies during a single encounter fosters a perception of unfairness.
- **Certain Violations Risk Duplicate Fines**
  - Though rare, it is possible for carriers to experience duplicate enforcement actions for the same type of violation. For example, OCC enforces overweight violations through a civil fine structure. DPS enforces overweight violations through the statutory criminal fine structure. *Compare 47 O.S. § 170.2 with §§ 14-109, 14-119.*
- **Permitted Oversize/Overweight Loads**
  - Oversize/overweight loads are often required to remain on pre-approved routes. Troop S receives calls from such motor carriers who are commanded by OCC officers to depart from permitted routes to travel to OCC weigh stations.







# **3. Reduce Costs and Enhance Efficiency**



**OFFICERS OF  
TWO AGENCIES  
STAFFING THE  
SAME FACILITY**

# Ports of Entry

## DPS Officers

- Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act
- Motor Carrier Safety Regulations & Hazmat Regulations
- Commercial Vehicle Safety Alliance Out of Service Criteria
- Title 47 Rules of the Road
- Impaired Driving
- Driving Under Suspension
- Driving in Violation of Out of Service Order
- All other state, federal, and tribal criminal laws

## OCC Officers

- Household Goods Certification
- Hazardous Waste Permitting
- Unified Carrier Registration
- Financial Responsibility
- Deleterious Substances Permits
- Harvest Permits
- Unladen/Hunters Permits
- International Registration Plan
- International Fuel Tax Agreement

# Interior Weigh Stations

## DPS Officers

- Oklahoma Motor Carrier Safety and Hazardous Material Transportation Act
- Motor Carrier Safety Regulations & Hazmat Regulations
- Commercial Vehicle Safety Alliance Out of Service Criteria
- Title 47 Rules of Road
- Impaired Driving
- Driving Under Suspension
- Driving in Violation of Out of Service Order
- All state, federal, tribal criminal laws

## OCC Officers

- Household Goods Certification
- Hazardous Waste Permitting
- Unified Carrier Registration
- Financial Responsibility
- Deleterious Substances Permits
- Harvest Permits
- Unladen/Hunters Permits
- International Registration Plan
- International Fuel Tax Agreement



# Combining All State CMV Enforcement Officers Under DPS

- Every officer empowered to enforce **ALL the laws**
- Every officer's focus on public safety laws (without neglecting regulatory laws)
- Ports of Entry can be operated with fewer officers per shift, freeing up officers to hold Ports open more hours per week and to increase the operations at interior weigh stations
- Interior weigh stations become stations for safety inspections
- Even with the same total number of officers, there will be opportunities to reduce total program costs
- Motor carriers and drivers experience a unified and consistent approach to law enforcement
- Enhance DPS's capacity to operate<sup>37</sup> virtual weigh stations



# Virtual Weigh Stations





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# Transition Goals

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- DPS to receive all OCC enforcement staff who wish to make transition
- Incoming staff will suffer NO pay reduction
- Cross train all commissioned and civilian officers to provide uniform approach to enforcement
- Eliminate duplicate fines/penalties
- Capitalize on cost efficiencies

# Year One

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- Transfer/on-board applicable OCC staff to DPS
  - Commissioned & civilian enforcement officers
  - Applicable administrative/support personnel
- Job duties & assignments initially stay the same for continuity of operations
- Incoming OCC officers will attend 3-week POE bridge academy (through OHP), such training organized to preserve continuity of operations
- DPS will begin a phased program to train all incoming officers to perform North American Standard safety inspections
- Non-commissioned OCC officers will be evaluated for invitation to attend a peace officer academy

# Year Two

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- Incoming OCC Officers will continue N.A.S. training for:
  - General Hazardous Material
  - Cargo Tank
  - Bulk Package
- All applicable civil and criminal fines will be evaluated for fairness, appropriate public safety and deterrent effect, and avoidance of duplication or over-enforcement
- DPS will continue to seek opportunities for total program cost efficiencies

# Current Funding for DPS Port of Entry Staffing

**\$2.5M**

Statutorily allocated from size and weight permits “for the purpose of staffing the port of entry weigh stations with Department of Public Safety port of entry officers”

47 O.S. § 14-116(H)

**\$300K**

Statutorily allocated from fines and penalties collected or received by the Corporation Commission pursuant to the provisions of the Trucking One-Stop Shop Act

47 O.S. § 1167(C)

# Funding for OHP / Troop S Personnel

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Not Applicable to Port of Entry Staffing

# OHP / TROOP S Federal MCSAP Funding

**FFY2023 Federal MCSAP Funding: \$8,539,468**

Position	Federal Funding Level
----------	-----------------------

Major	80%
-------	-----

Captain	95%
---------	-----

Lieutenant	90%
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Troopers	70%
----------	-----

New Entrant Auditors	100%
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Administrative Support	100%
------------------------	------



# TROOP S: Civil Penalties

---

The first One Hundred Thousand Dollars (\$100,000.00) of the administrative penalties collected each fiscal year pursuant to the provisions of the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act shall be deposited in the General Revenue Fund of the State of Oklahoma. All other monies collected in excess of One Hundred Thousand Dollars (\$100,000.00) each fiscal year shall be deposited to the credit of the Department of Public Safety Restricted Revolving Fund for the purpose of administering the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act. 47 O.S. § 230.9(H)

**SFY22 Civil Penalties: \$2,723,179.96**

## **Code of Ethics:**

“As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property....”

---

**Improve Safety for  
Motoring Public**

---

**Unified & Consistent  
Enforcement for Industry**

---

**Efficient Enforcement  
Program for the State**

September 20, 2023

**Oklahoma Corporation Commission**

# **Transportation Division Overview**



**OKLAHOMA**

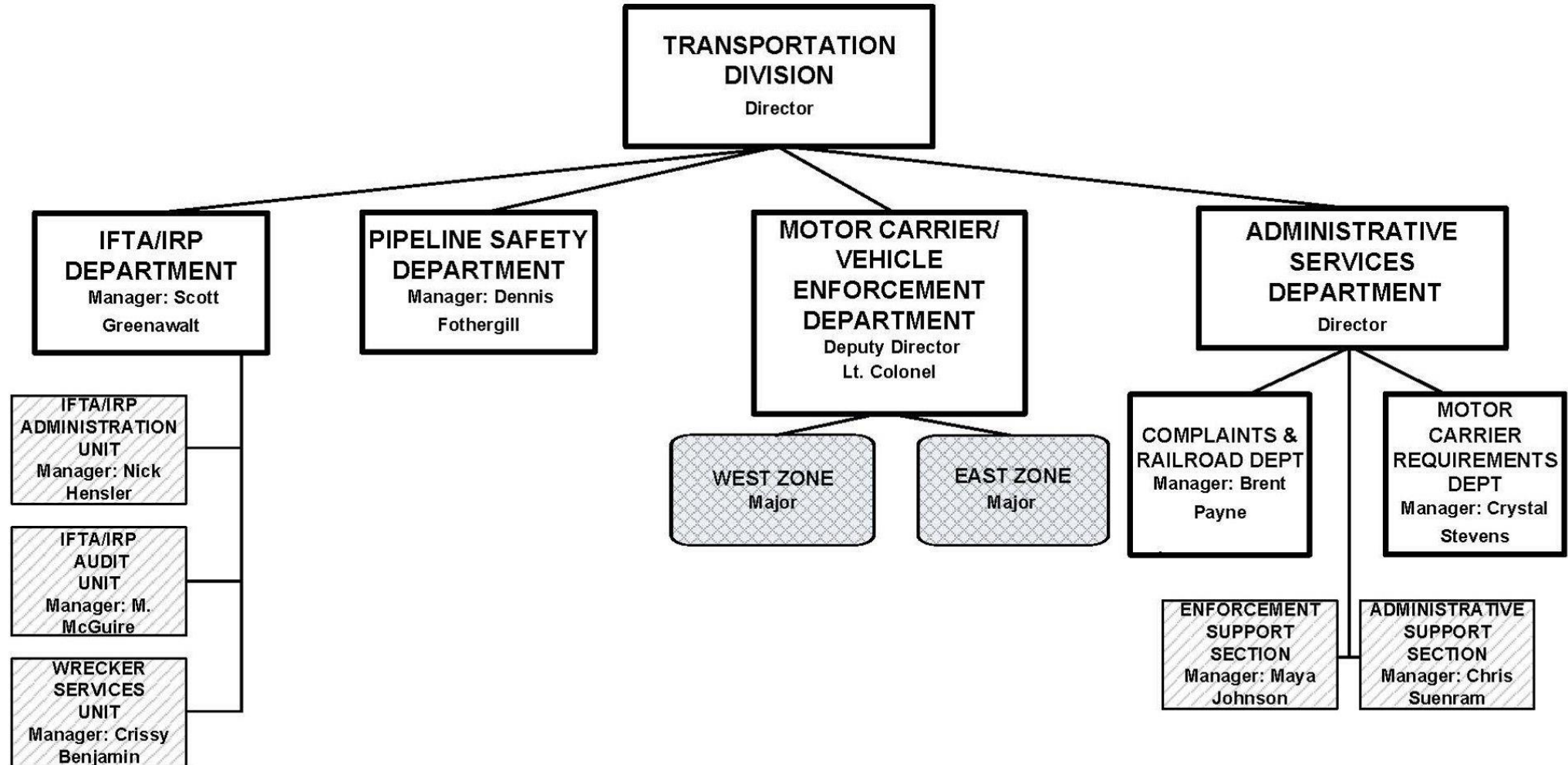
# The Oklahoma Corporation Commission

## General Information

- Established by the Oklahoma Constitution in 1907 with state-wide elected officials.
- Full-time employees agency wide: 519 actual, 589 budgeted
- Composed of distinct subject matter Divisions that share support resources and a constitutionally-established court of record.\*
- Commission Divisions:
  - Public Utility Division
  - Oil and Gas Division
  - Petroleum Storage Tank Division
  - Transportation Division
  - Administrative, Judicial and Legal Services Division (Agency administration, HR, Finance, IT, General Counsel, Court System, Public Information Office, etc.)
- The OCC court system is unique in state government in that it is an administrative court of record that appeals directly to the Oklahoma Supreme Court.\*

\* Oklahoma Constitution, Article IX, Sections 19-20.

# Transportation High-Level Division Structure



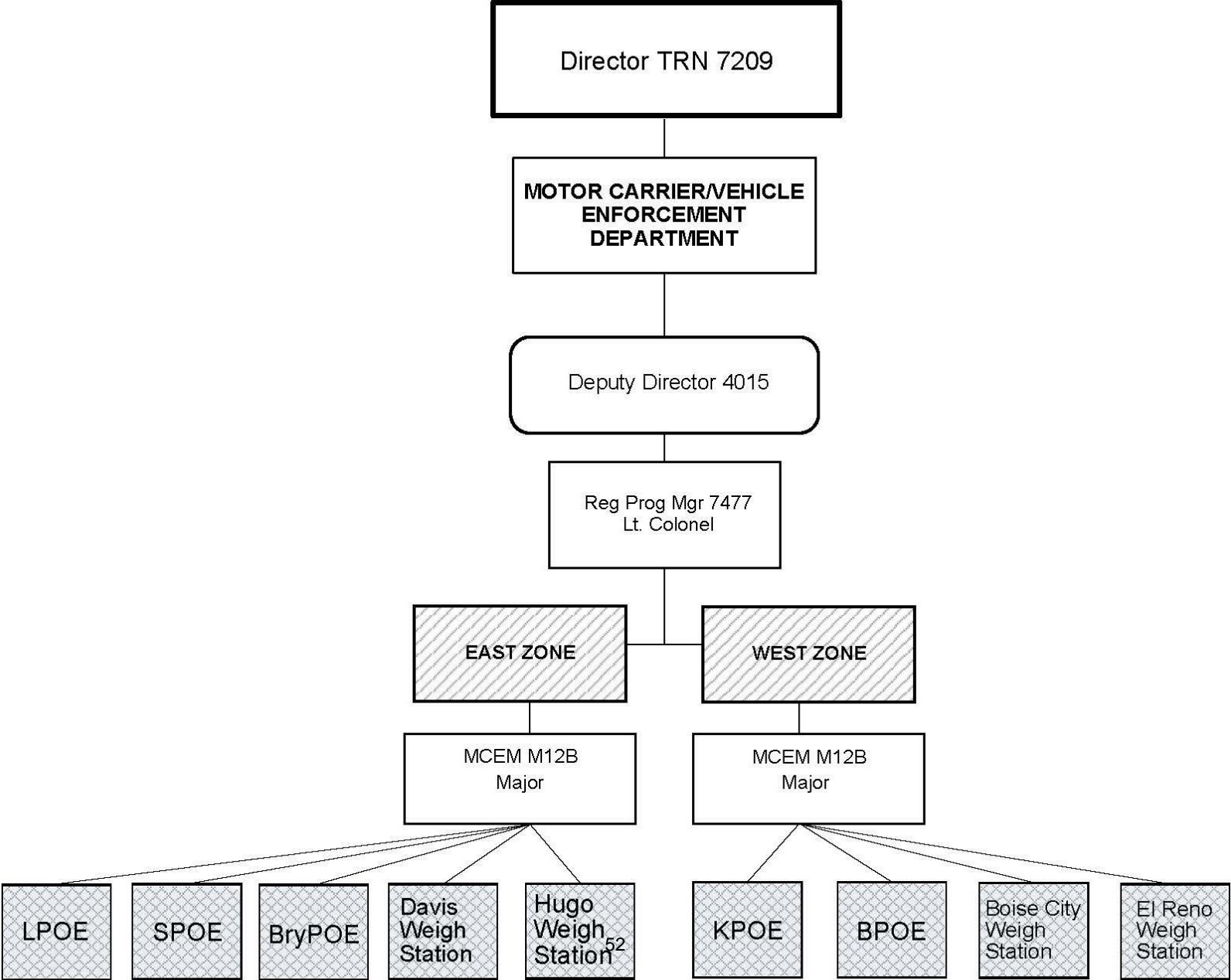
# Transportation Division Full Time Employees as of September 20, 2023

	Actual:	Total with vacancies:
• Field Enforcement:	131	165
• Enforcement Support:	8	9
• IFTA/IRP:	28	30
• Wrecker:	3	3
• Railroad:	1	1
• Administration:	8	8
• Requirements:	5	5
• Pipeline Safety:	22	27
• Total:	206	248

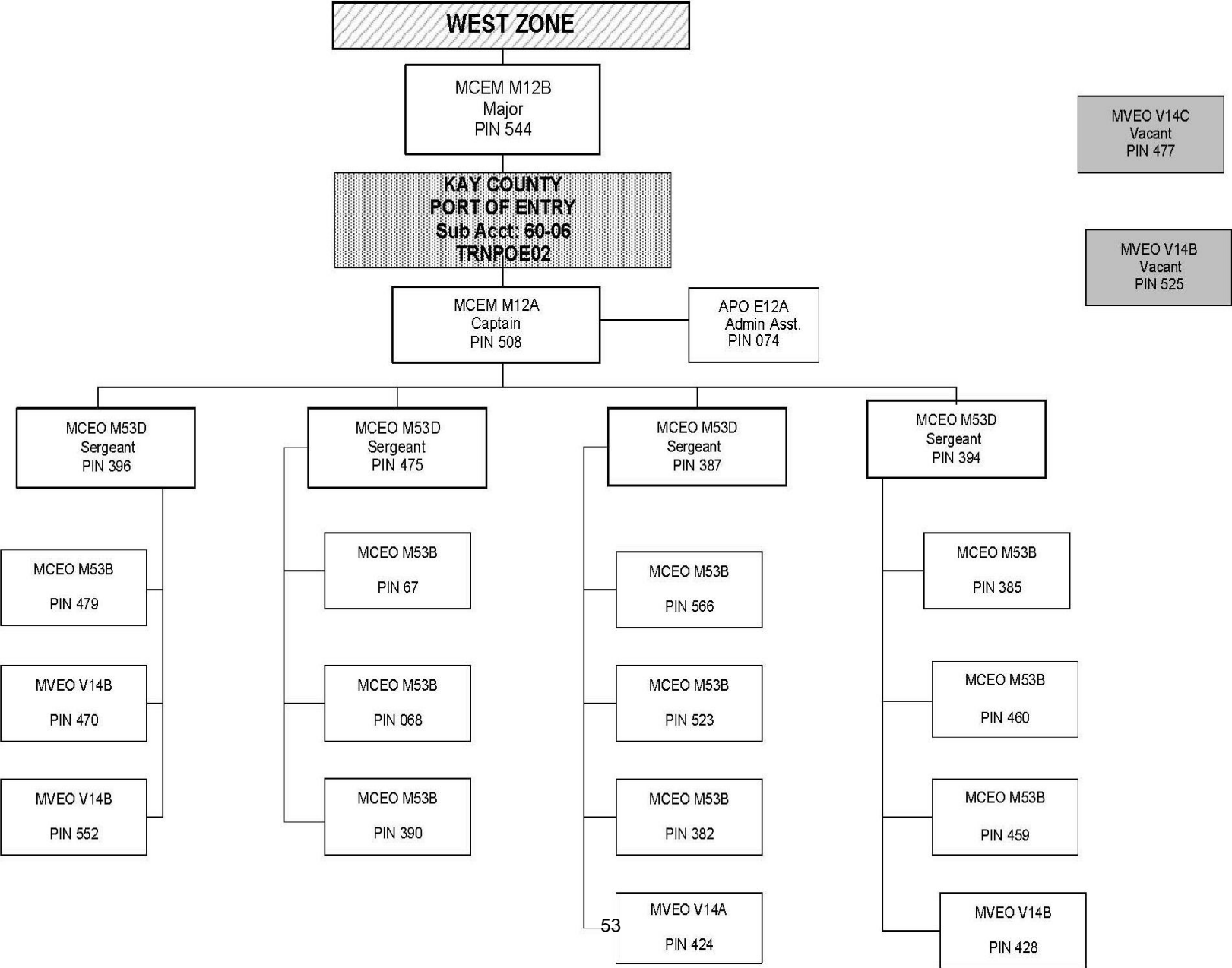
# Transportation Motor Carrier Field Enforcement



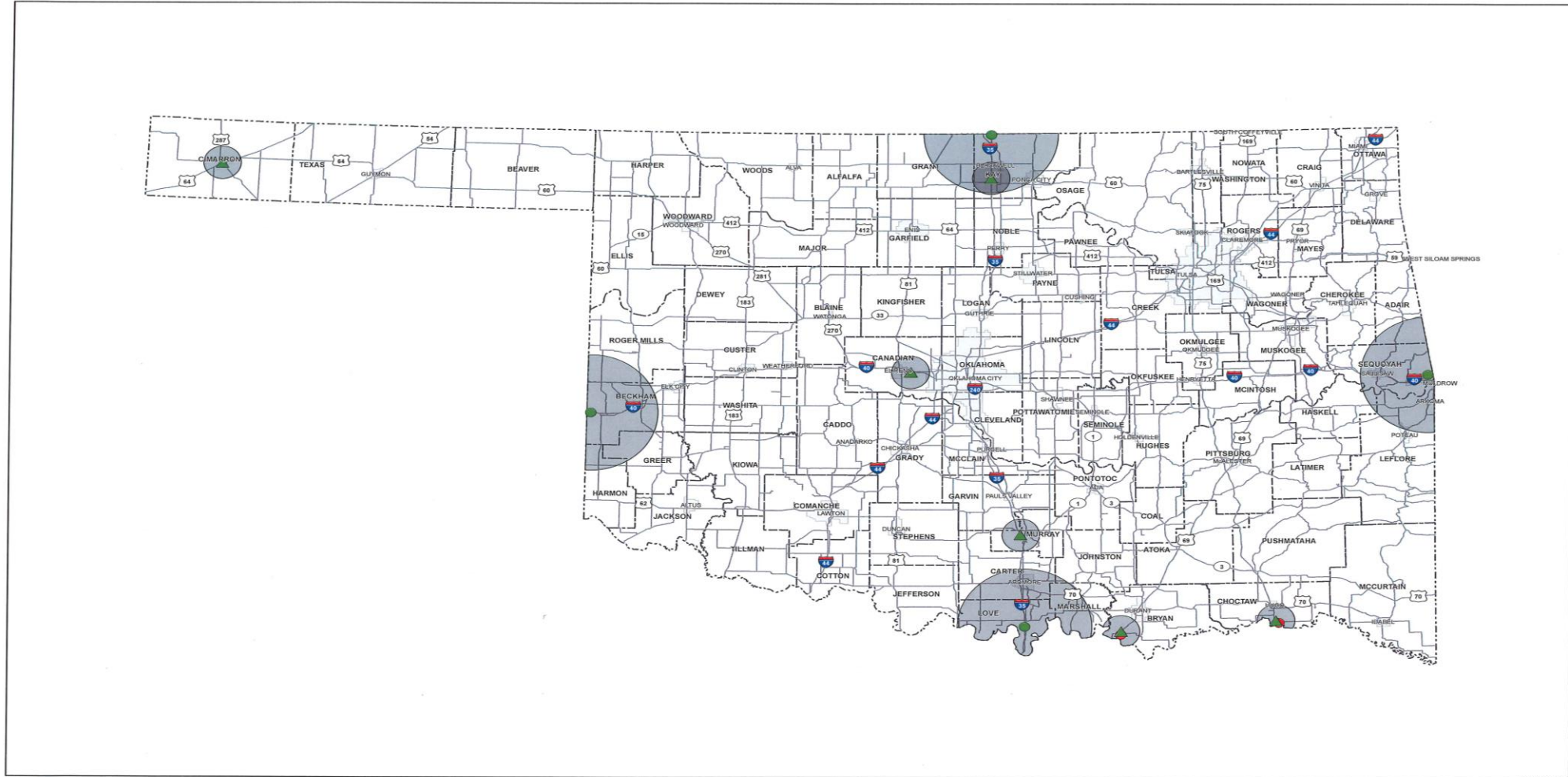
# Enforcement Organizational Chart



# Example POE Organizational Chart



# Current Ports of Entry and Weigh Stations



## Ports of Entry and Weigh Stations

Port of Entry (25 mi buffer)

- Future
- In Operation/Under Construction

Weigh Station (7 mi buffer)

- ▲ Future
- ▲ In Operation

- Highways
- ▭ Urban Areas
- - - Counties





# Oklahoma's Ports of Entry

LPOE (Love County)



KPOE (Kay County)

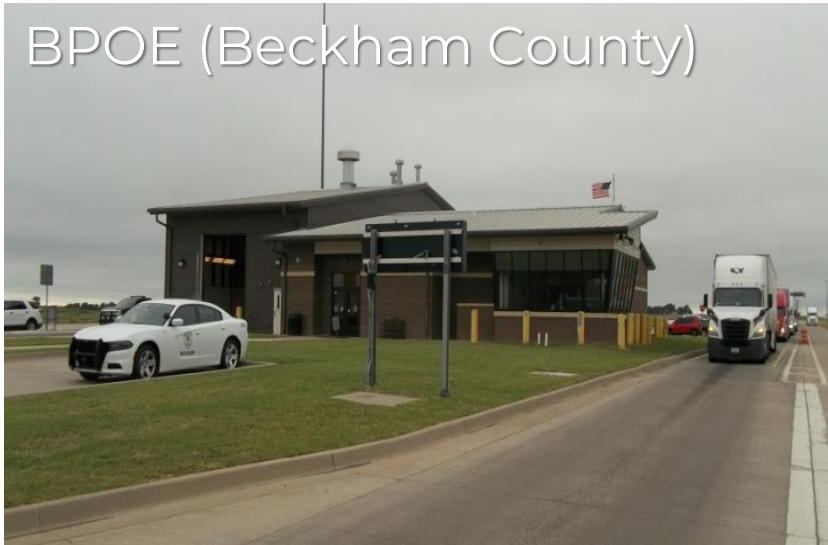


BryPOE (Bryan County)\*



\*Under Construction

BPOE (Beckham County)



SPOE (Sequoyah County)



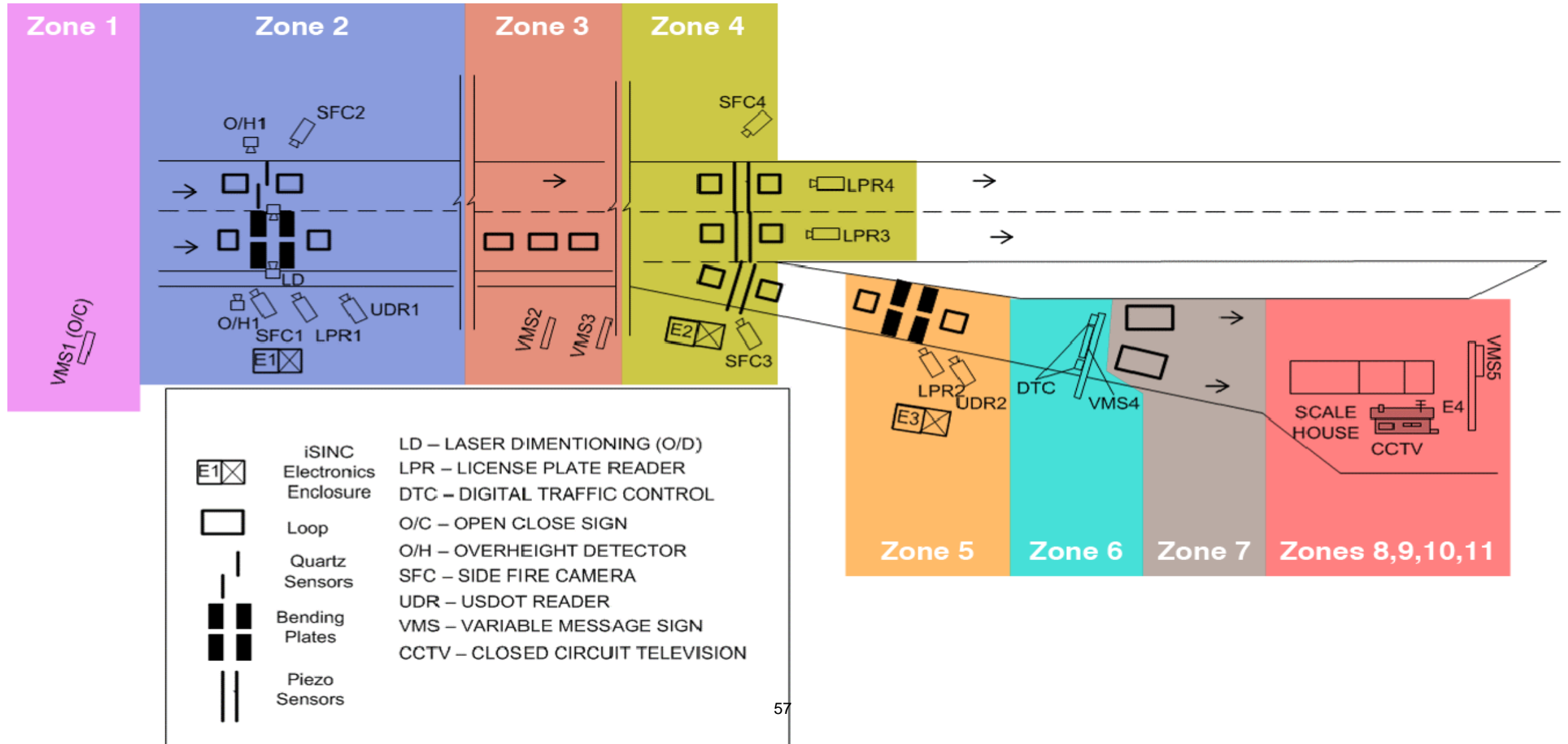
# Ports of Entry (POE)

- OCC operates four ports of entry and a fifth scheduled to be opened in October of 2023.
- Two POEs on I-40 and two on I-35 with a fifth port opening on Hwy 69.
- Thorough checks are accomplished through interaction with drivers and their paperwork.
- Ports are equipped with an electronic screening system that checks compliance with federal and state regulations and allows for a 70%-80% on-highway bypass rate without requiring the motor carrier to adopt third-party technology.
- Warnings or citations may be issued for various violations, with size and weight violations enforced via static scales.
- Over six million commercial motor vehicles screened yearly.





# POE Electronic Screening System (ESS)





## Zone 2 – Right Lane Bending Plate WIM System



# Zone 2 – Right Lane License Plate Reader (LPR) - OCR



**Mainline Compliance LPR**

# Zone 2 – Right Lane USDOT Number Reader - OCR

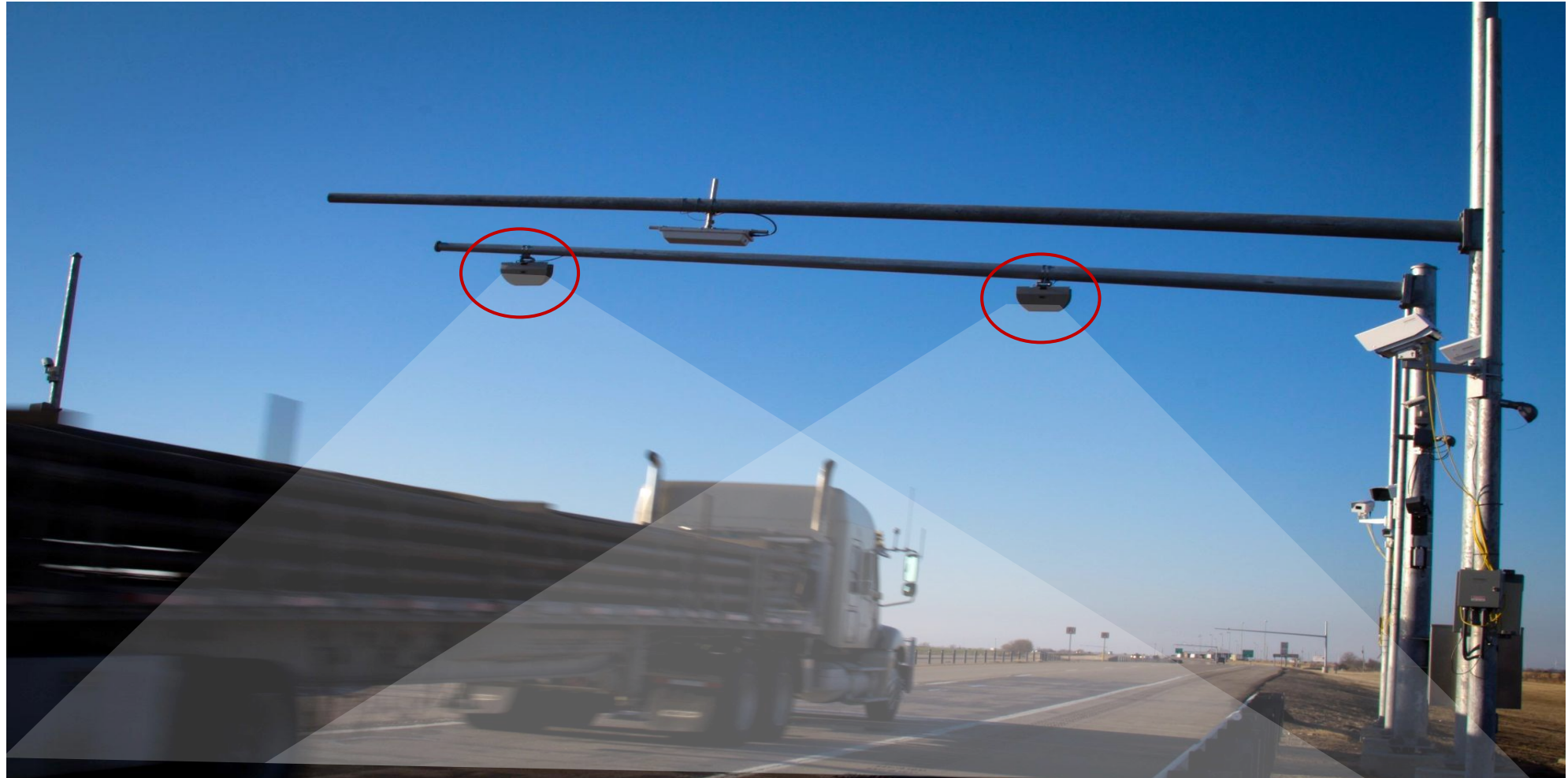




# Zone 2 – Visible Light Beam Overheight Detection



## Zone 2 – Laser Scanners Over-width Detection





# Zone 3 – Variable Message Sign (VMS) Truck Bypass Weigh Station Message

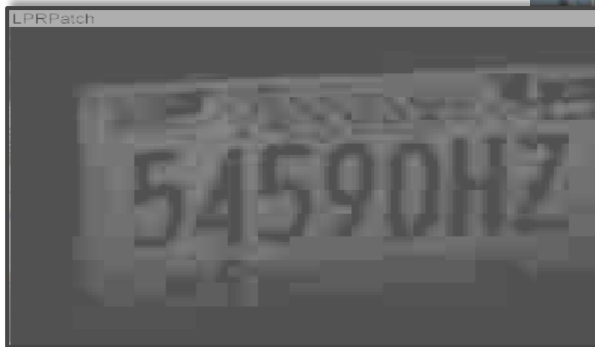




# Zone 3 – Variable Message Sign (VMS) Truck Must Exit to Weigh Station Message



# Zone 5 – License Plate Recognition & USDOT Cameras



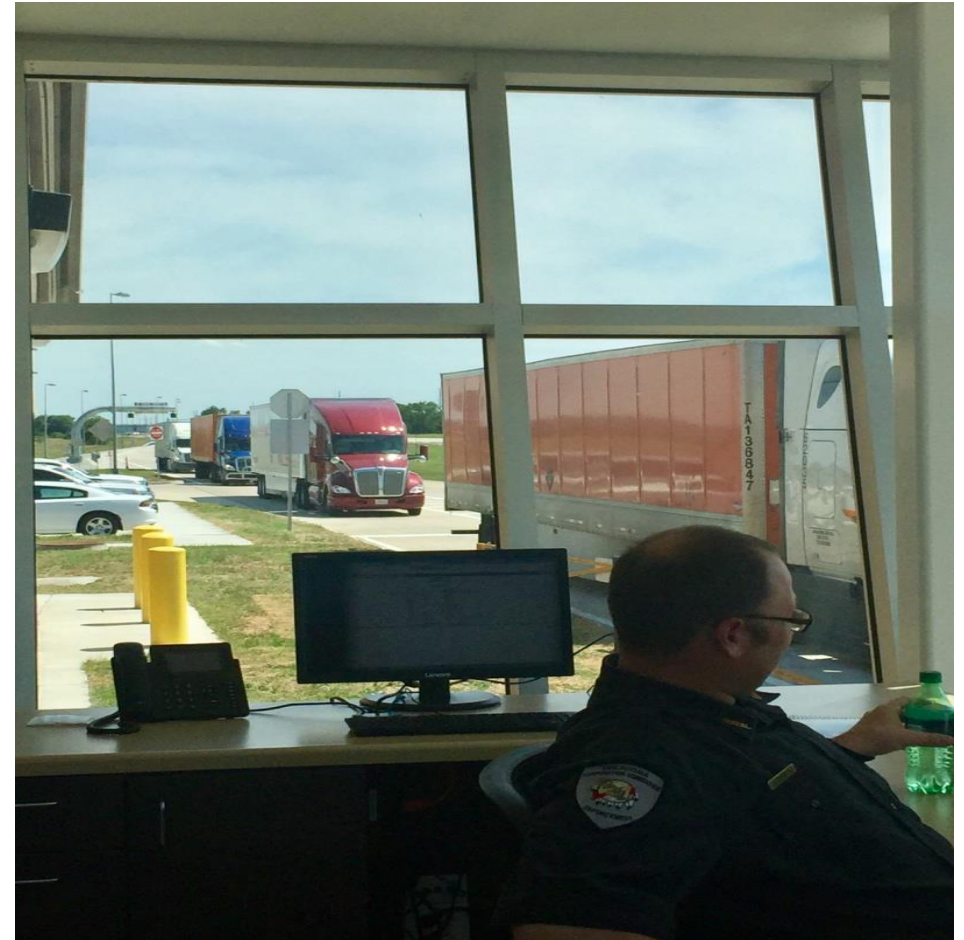


## Zone 6 – Variable Message Sign (VMS) and Digital Traffic Control (DTC)



# Items Reviewed by the ESS

- All forms of motor carrier credentials (IFTA/IRP, USDOT, Permits, Operating Authority, etc.)
- Vehicle Size (Height, Width and Depth)
- Weight on Gross, Bridge, and Axle
- Federal Motor Carrier Safety Administration (FMCSA) Safety Rating
- Tire Anomaly and Classification System (TACS)
- Thermal Brake Imaging
- Ramp Backup Detection



# Static Scale Lane Variable Message Sign (VMS)





# Results of Electronic Screening



- 6 Million vehicles screened in 2022.
- 73% Bypass rate in 2022
- In-compliance vehicles are able to bypass inspection without stopping.
- OCC officers are able to focus on potential delinquent motor carriers.
- Trucks do not need any third-party software or transponders to bypass the POE (PrePass, DriveWyze, etc.).

# Weigh Stations

- OCC operates five scale houses statewide.
- Boise City, Davis, and Tonkawa have one scale house each.
- El Reno and Hugo have scale houses on both sides of the highway.
- All compliance checks at weigh stations are performed manually.
- Dedicated staff operate these smaller facilities much like the larger ports of entry.





# Patrol Radius and Vehicle Compliance

- Officers have a patrol radius, set by statute, of 7 miles around Weigh Stations and 25 miles around Ports of Entry.
- Vehicles that bypass fixed facilities are stopped by officers if within the patrol area.
- Officers utilize vehicle stops to address violators and enforce motor carrier requirements on roadways.
- Enforcement is achieved by use of portable scales that are manually placed under vehicles or by use of a semi-portable scale that is off-loaded from a trailer for setup at roadside inspection points.
- Officers may require bypassing vehicles to return to fixed facilities for inspection.



# CLEET Certification for Transportation Officers (MCEOs)

- OCC provides mandatory CLEET certification classes in-house to meet the yearly training requirements and ensure officers are up to date on complex motor carrier regulations.
- MVEOs also attend the classroom trainings to provide standardization of tasks at all facilities.
- OCC instructors perform firearms qualification and training including a yearly “top shot” competition.
- New hires undergo a thorough training program led by OCC instructors.
- The basic training program begins at the Hugo weigh station and is completed at the officer’s assigned duty station.





**Officers regularly interact with other agencies and are available for assistance within the jurisdictional radiuses of the Ports of Entry and weigh stations.**

**OCC relays information to other agencies, assists upon request, and has excellent relationships with agencies outside the Commission.**



# Emergency Response

- OCC officers are often first on the scene in various situations and must immediately render aid until additional support arrives.
- Officers carry trauma kits in their cars and are trained first responders.
- In emergency situations, MCEOs may assist local officers under the general criminal law enforcement authority of Title 21 O.S. § 99a.





# Additional Duties Performed



- Weight auditing of motor carriers and shippers for motor carriers that haul overweight as a business practice.
- Investigating abuse of all forms of operating authority issued by the Transportation Division.
- Assisting the O&G Division by investigating cases of illegal dumping of truck-related deleterious substances.
- Assist the railroad Department by inspecting railroad grade-level crossings.

# Violations by Category Type

- Overweight on Axle, Gross or Bridge
- Failure to carry or present vehicle registration or fuel license decal
- Failure to register a Commercial Vehicle
- No fuel license or decal issued.
- Improper markings on power unit.
- Failure to yield for inspection
- No lease agreement for vehicle
- Over 80,000 lbs. on Interstate, without permit
- Under registered weight
- No active USDOT number
- Failure to pay UCR Fee
- Operating with No/expired vehicle registration
- Altered (forged) documentation
- Over length, over height, over width
- Violation of special trip permit
- Overweight on permit
- Federal Out-of-Service (OOS)
- No shipping documentation
- Refusal to weigh vehicle
- Private carrier without a license
- Violation of escort permit or improper escort equipment
- Failure to secure load
- Operating with revoked IFTA



# Citation Example



2/6/23, 3:41 PM

OCC-Citations

MCC#: 7505226

Bond Amt: \$250.00

Violation Code: 4T

<p><b>Court Copy</b></p> <p><b>Oklahoma Corporation Commission</b>          Transportation Division          Motor Carrier/Registration/Fuel Violations          P.O. Box 52000          Oklahoma City, Oklahoma 73152-2000          (405) 521-2965</p>  <p>If you would like to contest a citation, a hearing request must be received by the Commission within ten calendar days of a citation being issued. Instructions on how to request a hearing can be found here: <a href="https://www.oklahoma.gov/occ/citations.html">https://www.oklahoma.gov/occ/citations.html</a>. For all other inquiries, please use the phone number listed above.</p>	<p><b>Overweight/Oversize Tracking:</b></p> <p>Permit Present: N          Overweight Type: Tandem          Tandem Group: Group 3          Scale Type: Fixed          Remedy: Load Shift          On Interstate: Y          Legal Weight LB: 34000          Actual Weight LB: 36520          Weight Difference: 2520</p> <p><b>Officer Notes:</b>          Trailer tandems were 2520 lbs over legal limit. Legal limit was 34000 lbs. Weight of the trailer was 36520 lbs. Driver was asked to adjust prior to leaving.</p>
<p>MCC#: 7505226 Batch#: 484988          Date civil violation occurred: 02/06/2023 02:49:32pm          Location: KPQE County of Violation: KAY</p>	<p><b>Payment info for Batch #484988:</b></p> <p>MCC# Bond Amt.          7505226 \$250.00          5116427 \$0.00</p>
<p><b>Carrier Info:</b> Issued To: EMA TRANSPORTATION LLC          DBA: EMA TRANSPORTATION LLC          Address: 5128 W WILLOW AVE          Address 2:          City/State/Zip: GLENDALE, AZ 85304 Country: US          Carrier Phone 602-832-9572          US DOT#: 3500270 ICC#: OCC Pin#: 259459</p>	<p>Date: 02/06/2023 03:41:08pm          Received Amount: \$250.00</p> <p><b>Paid by:</b>          CHECK # [REDACTED]</p> <p><i>Used check</i></p>
<p><b>Driver's Info:</b> Name: [REDACTED]          Address: [REDACTED]          Address 2:          City/State/Zip: [REDACTED] Country: US          Driver's License # / State: [REDACTED] / AZ</p>	
<p><b>Truck Info:</b> did unlawfully operate          Vehicle Make/Year/Type: FRHT / 1995 / TT          Tag #/Year/State: [REDACTED] / 2023 / [REDACTED]          VIN#: [REDACTED]          Registered Weight: 80000 Actual Weight: 76980 No. Axles: 5</p>	
<p><b>Other Info:</b> Goods: DRINKS          Origin Consignor: PEPSI          Origin City/State: WICHITA, KS Origin Country: US          Destination Consignee: PEPSI          Destination City/State: SAN ANTONIO, TX Destination Country: US          Freight or Bill of Lading#: 29967690499</p>	
<p><b>Violation Info:</b>          and the company and/or the driver did then and there violate the following law and/or rule:          Violation Code-Occur.: 4T INT: O          Violation Description: OVERWEIGHT ON AXLE, GROSS OR BRIDGE BY 1001 lbs OR MORE OR 90000 lbs OFF INTERSTATE WITHOUT PERMIT; OFF INTERSTATE 47 O.S. 14-109 ON INTERSTATE 47 O.S. 14-101</p>	
<p>The undersigned further states that he/she has just and reasonable grounds to believe and does believe, that the person named above committed the act herein set forth, contrary to law.</p> <p>02/06/2023 02:49:32pm <i>[Signature]</i> 32          Date Signature of Officer Badge</p> <p>I, the driver of the above referenced motor carrier, hereby acknowledge receipt of this citation. I understand the posting of the appearance bond is to ensure the appearance of a company representative at court on the date of hearing should they wish to contest said citation. Failure of a company representative to appear will result in the finding of guilty and the posted bond to be forfeited.</p> <p>02/06/2023 02:49:32pm <i>[Signature]</i>          Date Driver's Signature</p>	 10055

Kay County E-Screening System, Oklahoma

06/02/23

Static Scale Weights: LOBBY

USDOT Number: 3500270

Plate Number: [REDACTED]

Carrier Name: EMA TRANSPORTATION LLC

Platform	Weight
1	10,920
2	29,540
3	36,520
<b>Total</b>	<b>76,980</b>

Officer Name: X *[Signature]* 32

*MCC 7505226*

# **Transportation Enforcement Support & Administration**

**Enforcement Support assists both  
field officers and motor carriers  
at-large**

# Citation and Payment Processing

**Enforcement Support Staff in the main OCC office process citations issued by Transportation officers in the field and track payments received and outstanding.**

- Payments are processed in Transportation Information Management System (TIMS)
- Citations are created and payments are reconciled to the citation in the Oracle Case system
- Citations are processed through the Oracle Transportation Database
- Citations are then scanned into the OCC electronic document repository

# Internal and External Support

## Internal Support Functions

- Create monthly Motor Carrier Citation Docket summaries and assist Division attorneys in plea negotiations.
- Track citation payments received and outstanding.
- Prepare requests for court with assistance from general counsel's office.
- Assist officers by obtaining information related to carrier status, outstanding fines owed, and prior violations.
- Prepare and update field binders to new officers containing rules, laws, and federal statutes.
- Assist with onboarding new field officers.
- Provide manual citation and warning books to officers and track inventory.

## External Support Functions

- Staff the motor carrier support line to assist motor carriers file their citation disputes.
- Educate motor carriers on requirements for operation and explain citation violations.
- Identify and track outstanding fines and monies owed to DPS.
- Report to FMCSA and other agencies regarding out of service carriers and altered documents.
- Receive and ensure accuracy of hearing requests for contested citations (averaging 68 requests per docket).
- Update VitalChek system logins and passwords.

# 2023 Citation Volume

- All disputed citations are heard by an administrative law judge and are appealable to the Commissioners and the Oklahoma Supreme Court.
- No court costs are assessed to the motor carrier.
- At the option of the motor carrier, any citation may be disputed by video conference.
- Calendar year 2023
  - January – 5,110
  - February – 3,663
  - March – 5,440
  - April – 4,167
  - May – 4,619
  - June – 4,147
  - July – 3,792



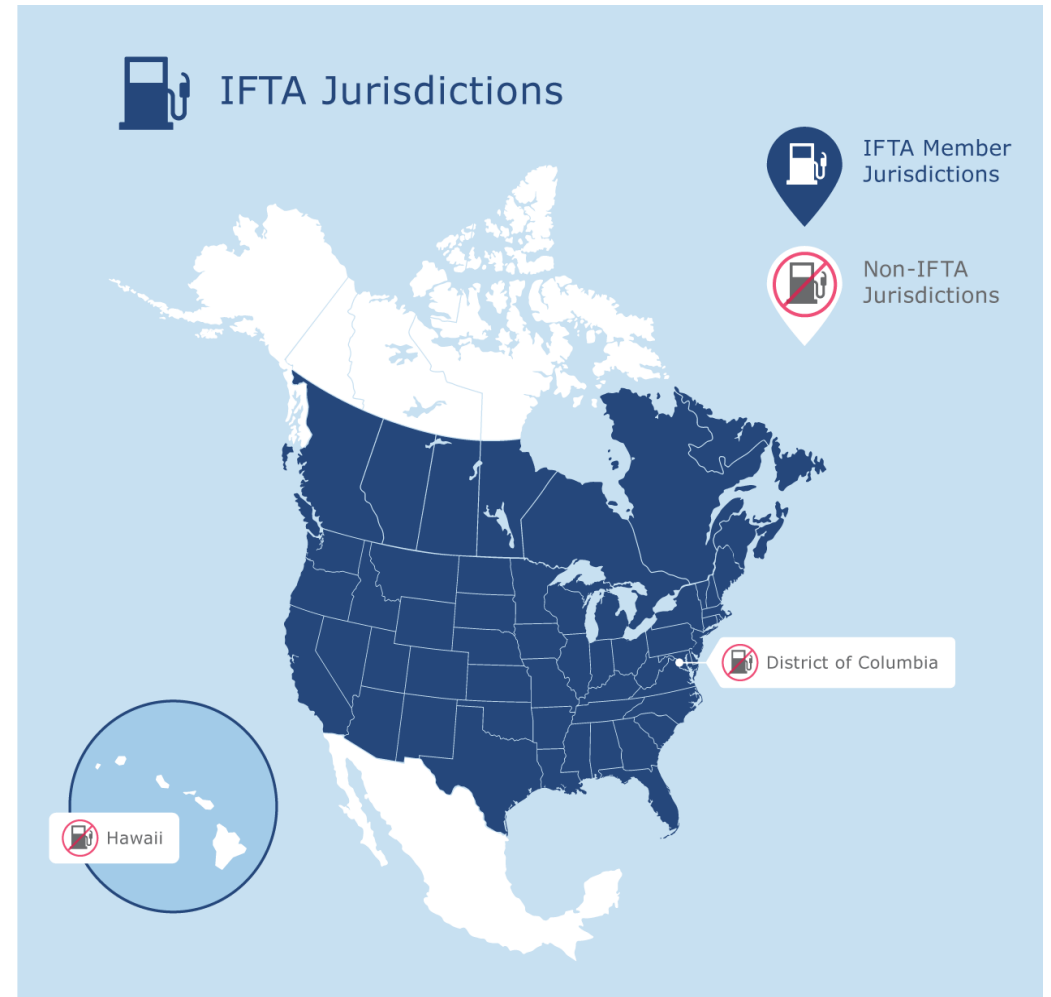
# **International Fuel Tax Agreement & International Registration Plan**

## **Program Highlights**

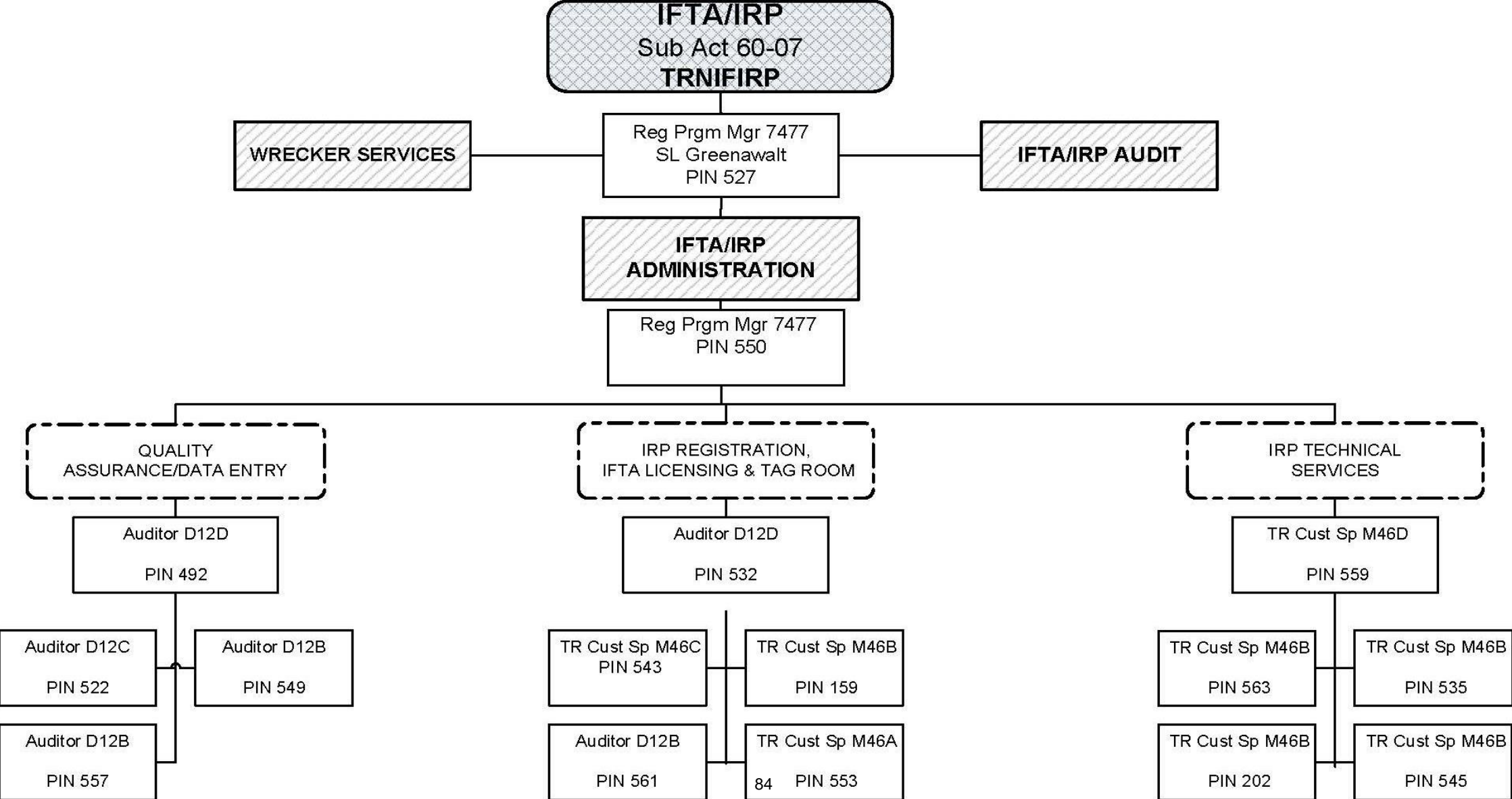


# International Fuel Tax Agreement (IFTA) International Registration Plan (IRP), Generally

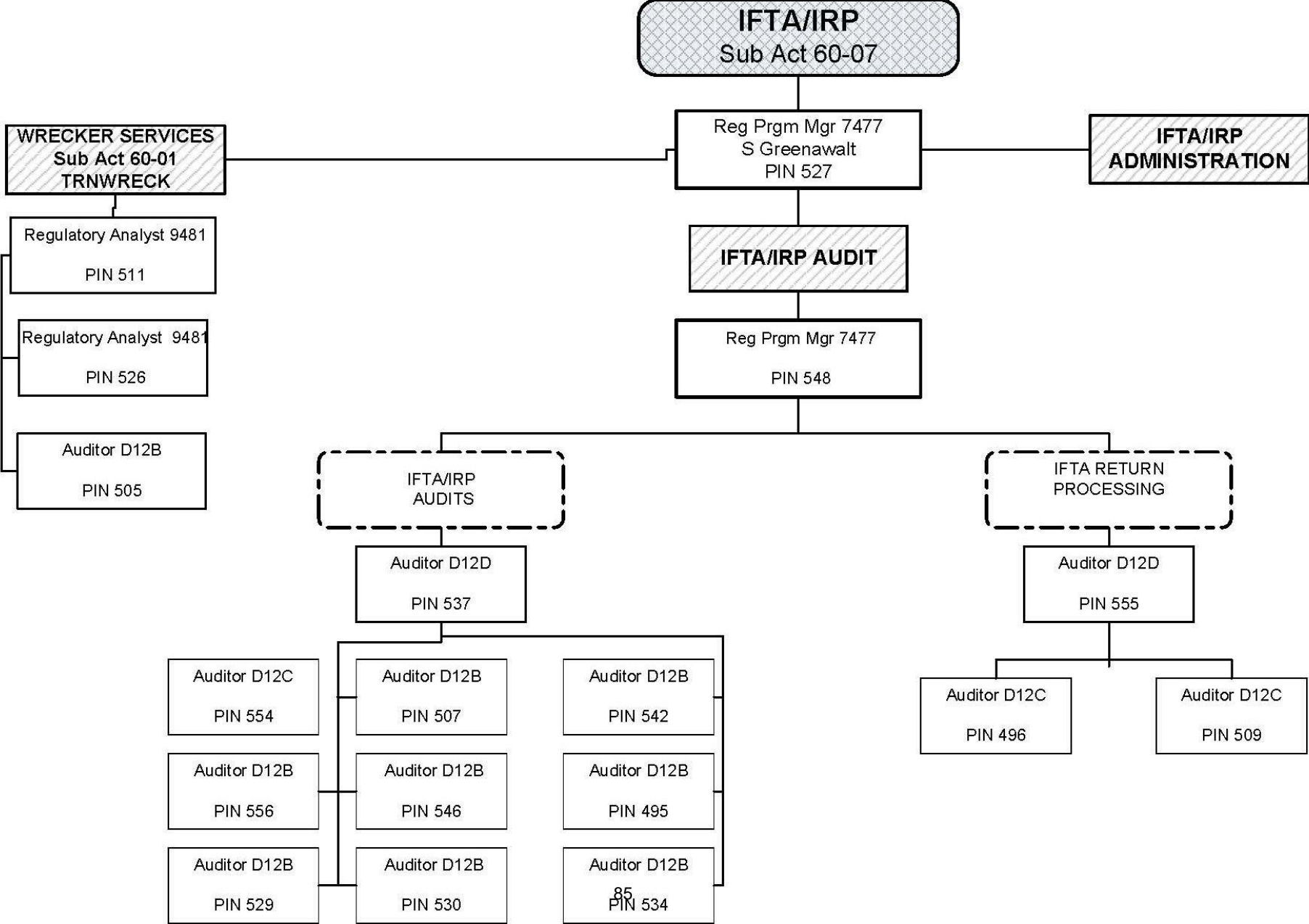
- International/interstate compacts that apportion fuel taxes and registration fees based on motor carrier fuel consumption and miles traveled in each of the member jurisdictions.
- The Federal “Intermodal Surface Transportation Efficiency Act” (ISTEA) required that, by 1996, the 48 contiguous states must establish a uniform approach to vehicle registration and motor fuel taxes.\*
- The compacts establish the “base jurisdiction” concept which allows motor carriers to pick one jurisdiction to report all their fuel tax returns and registration fees to, rather than being required to report to all jurisdictions they travel through.
- In 2022, each compact clearinghouse processed, in total:
  - IFTA: \$657 million dollars in fuel taxes.
  - IRP: \$1.3 billion dollars in registration fees.
- In 2022, Oklahoma processed (sent/received) through clearinghouses:
  - \$45 million dollars in fuel taxes.
  - \$174 Million dollars in registration fees.



# IFTA/IRP Organizational Chart



# IFTA/IRP Organizational Chart Cont.



# IFTA/IRP at the Corporation Commission

- OCC is required to:
  - Submit timely payments to the other member jurisdictions on a monthly basis.
  - Audit Oklahoma's motor carriers in conformity to the compact's requirements (set number of audits, qualitative audits based on fleet types, etc.).
  - Update tax rates quarterly.
  - Submit to regular Program Compliance Reviews (audits) of compact administration every five years for each program.
  - Abide by all compact governing documents and rules.
  - Track and issue IFTA license/decals and IRP license plates/cab cards for each interstate commercial motor vehicle registered in Oklahoma.
  - Pay membership dues to both IFTA and IRP.
  - Submit annual reports.



# International Registration Plan (IRP)

## Commission obligations in administering the IRP:

- Payment to other jurisdictions: CMV registration fees are apportioned based on distance traveled in each jurisdiction, which is applied to each jurisdiction's fee schedule based on each vehicles' weight. Those apportioned fees are filed through the IRP clearinghouse, netted (owed vs. received fees) and settled every month. The cycle then starts over for the next month.
- Number of audits: OCC is required to audit 3% of Oklahoma registered interstate motor carriers annually, based on renewed fleet registrations.
- Qualitative audits: An IRP auditor is required to evaluate a motor carrier's distance accounting system to determine if the system can be relied upon. Based on the study and evaluation of internal controls, the auditor needs to determine the nature and extent of procedures necessary to test the system or controls, conduct those tests, and decides if the proper registration fees have been paid.
- OCC is required to sell 72-hour trip permits which are intended for motor carriers who infrequently perform interstate moves. Trip permits must be purchased in every state the motor carrier passes through. A trip permit is purchased in place of IRP registration.
- Oklahoma IRP Fleets registered in FY23: 4,445 Fleets.
- Number of Oklahoma IRP Registered Vehicles in FY23: 131,346 power units.
- Number of IRP audits required annually: 87 105 motor carrier audits.



# International Fuel Tax Agreement (IFTA)

## Commission obligations in administering the IFTA:

- Inter-jurisdictional fund transfers are based on fuel *consumption*, meaning fuel taxes are apportioned to the jurisdiction, at that jurisdiction's tax rate, where the fuel is used, not where it is purchased. The fuel tax netting process is reconciled monthly through the IFTA clearinghouse.
- Because Oklahoma's fuel tax rates are lower than surrounding states, Oklahoma is typically a net-debtor to the other jurisdictions. The legislature anticipated this and requires the Oklahoma Tax Commission to cover IFTA obligations when collections are less than what is owed to the other jurisdictions. *See* Title 68 O.S. § 602.
- The Commission audits motor carriers to ensure quarterly fuel tax returns are accurate. Audits must:
  - Cover 3% of all Oklahoma licensees.
  - Have a minimum of 15% of audits performed for "low mileage" licensees, and 25% of audits must be "high mileage" licensees.
  - Test and validate trip and fuel purchase records compared to the motor carrier's quarterly fuel tax returns.
- Over 15,000 tax returns processed annually.
- Oklahoma has over 3,600 individual IFTA licensees and performs over 100 audits annually.

# Transportation Requirements Department

# Requirements Department Duties and Functions

- Issues intrastate motor carrier licenses (both for-hire and private) and ensures continuous insurance coverage for all licensees.
- Other forms of licensure issued by Requirements include:
  - Household Goods Certificate
  - Deleterious Substance Transport Permit (DSTP)
  - Harvest Permits
  - Hazard Waste permits
  - Transportation Network Company (TNC) Permits
- The Requirements Department has a customer-facing counter to advise new entrants on how to establish their transportation business and how to comply with applicable laws.
- Unified Carrier Registration (UCR) – Established by federal law as an annual fee on interstate carriers, based on fleet size, to supplement funding for state highway motor carrier registration and safety programs.



# Nonconsensual Towing

## Duties and functions of the Nonconsensual Towing department include:

- Establish rates through the Commissions ratemaking procedure.
- First rates established in 2012.
- Administering the Complaints Process regarding overcharges and requires refund to customers when warranted.
- Conducting random audits of the rates charged by wrecker services.
- Department funded by annual assessment on all licensed wreckers.



# Transportation Division Budget

**The Trucking One-Stop Shop Fund (TOSS)**



# TOSS Revenue Sources



## Fines & Citations

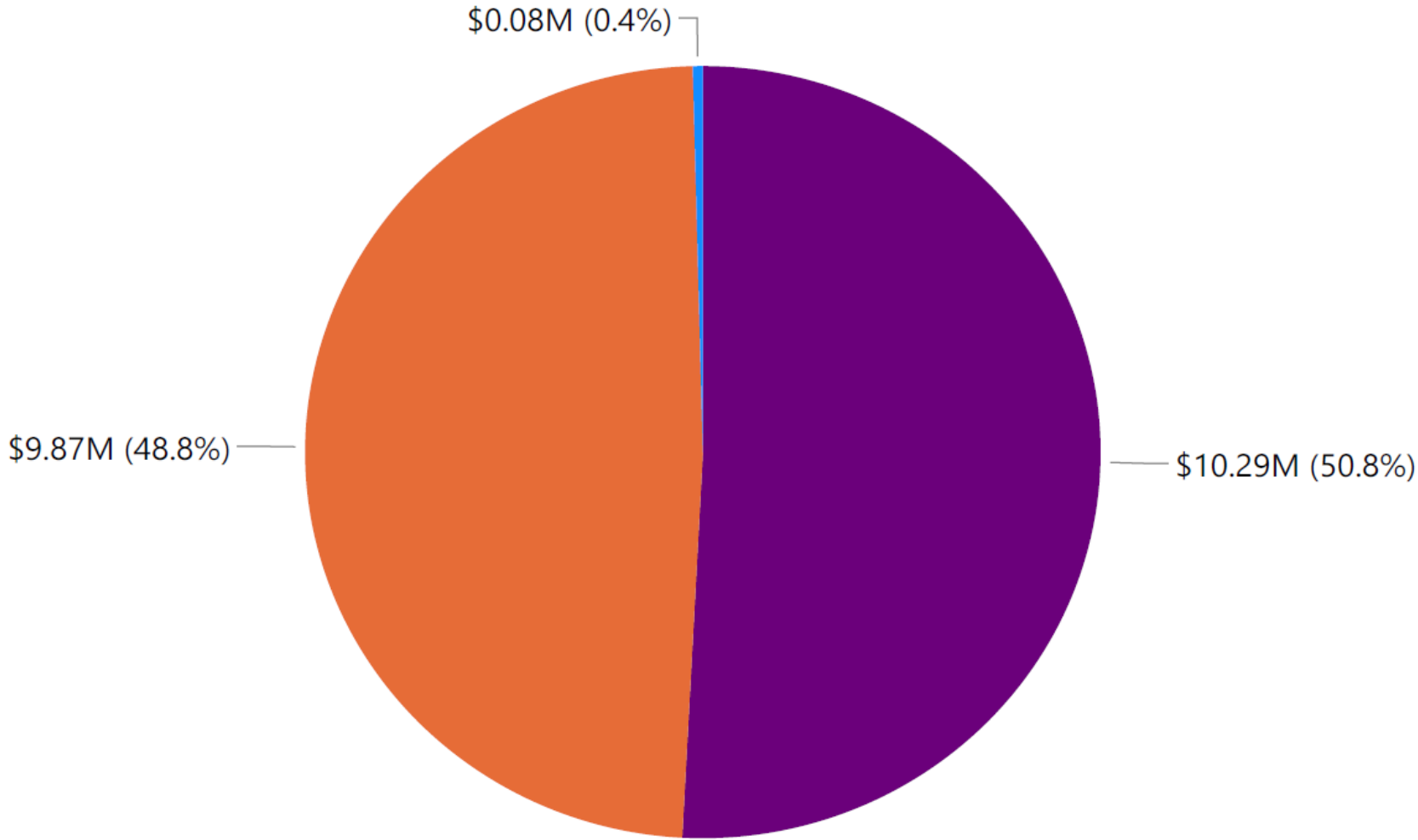
- Overweight vehicles
- IFTA compliance
- IRP compliance
- For-Hire or private motor carrier intrastate violations
- Illegal dumping of deleterious substances



## Fees

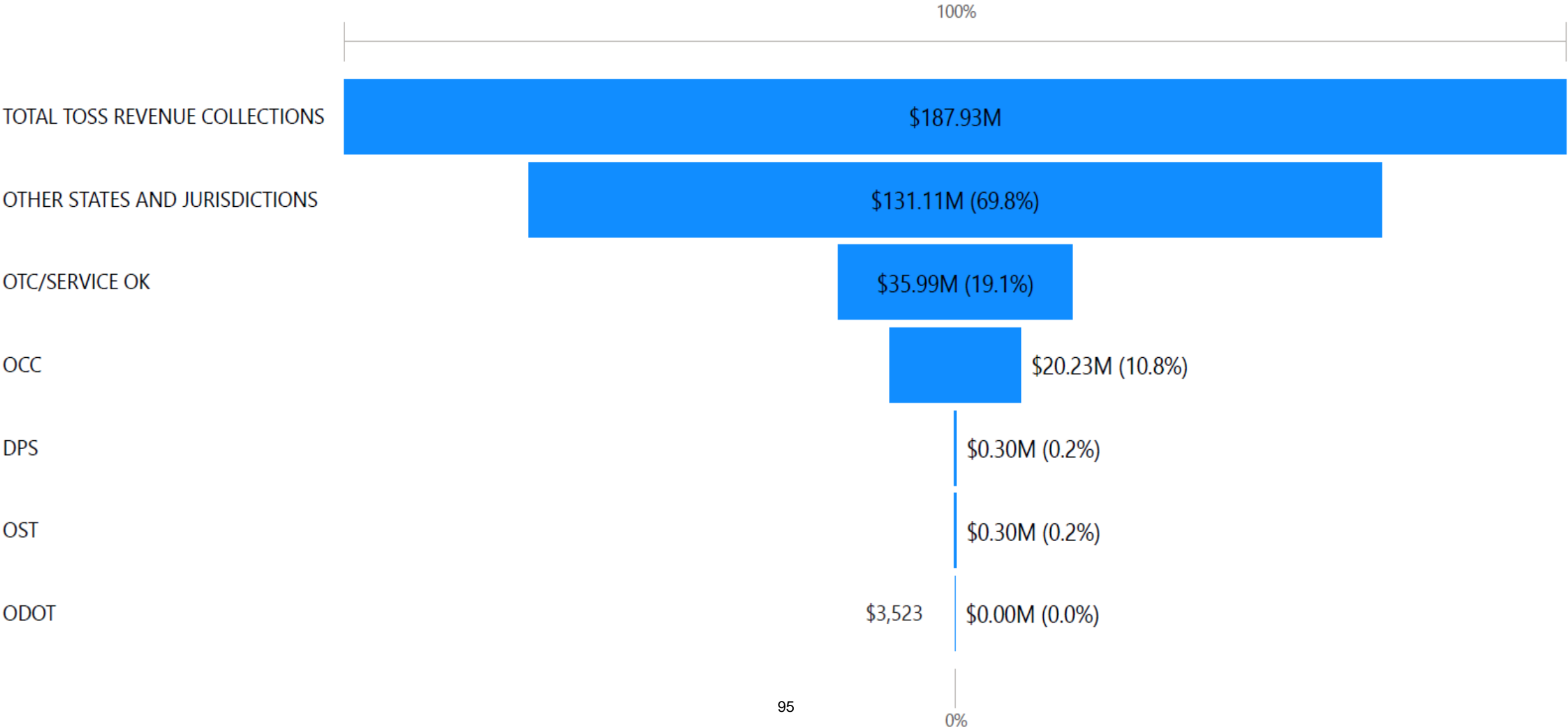
- IRP- registration, trip permits, service fees
- IFTA- licenses, decals, reinstatement fees
- Identification device fees
- Intrastate motor carrier licenses
- Deleterious substance fees
- Harvest permits

# TOSS Revenue to OCC FY2023

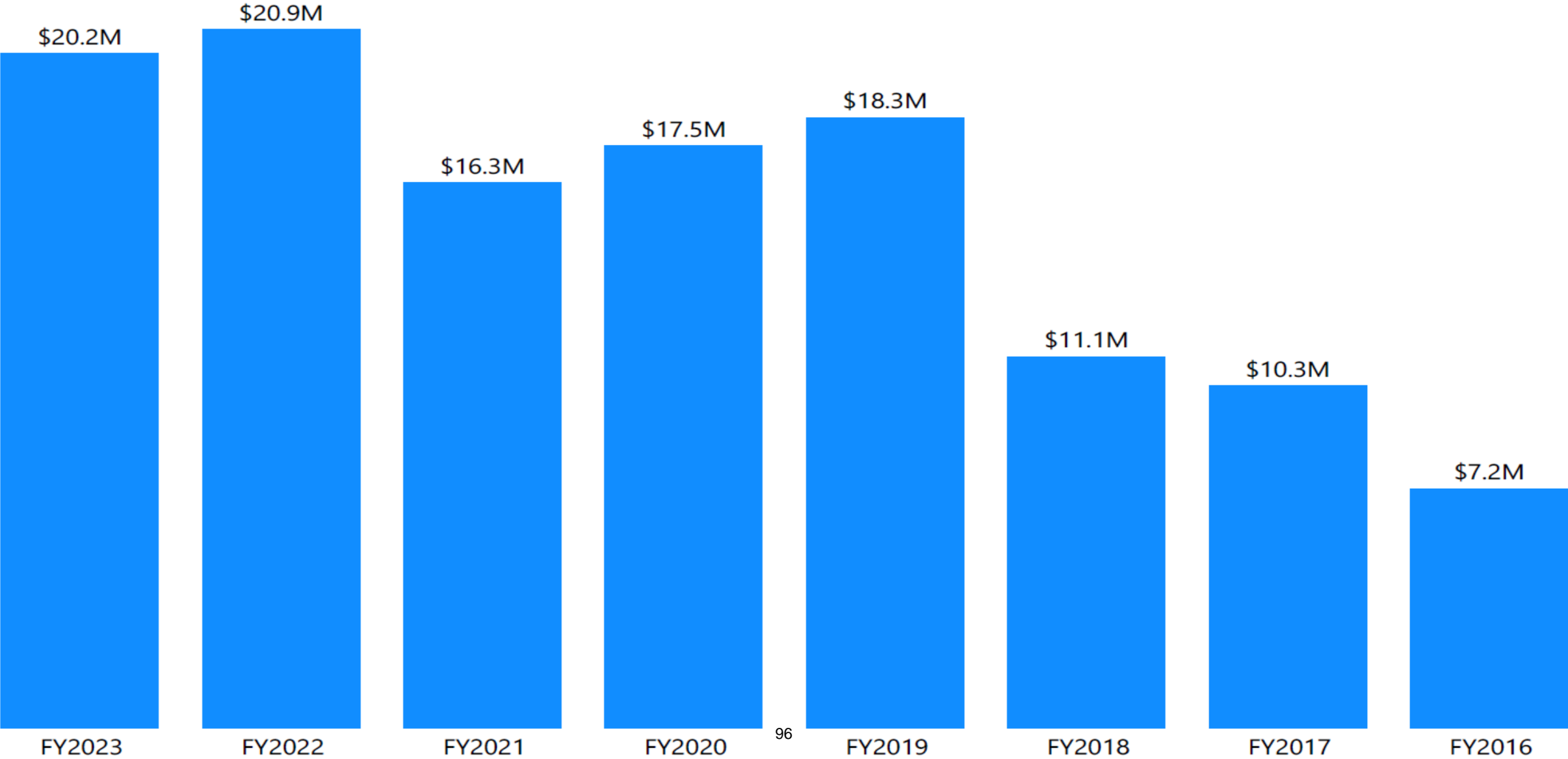


● Fines and Citations ● Fees and Assessments ● Cost Recovery ● Registration and Sale of Documents

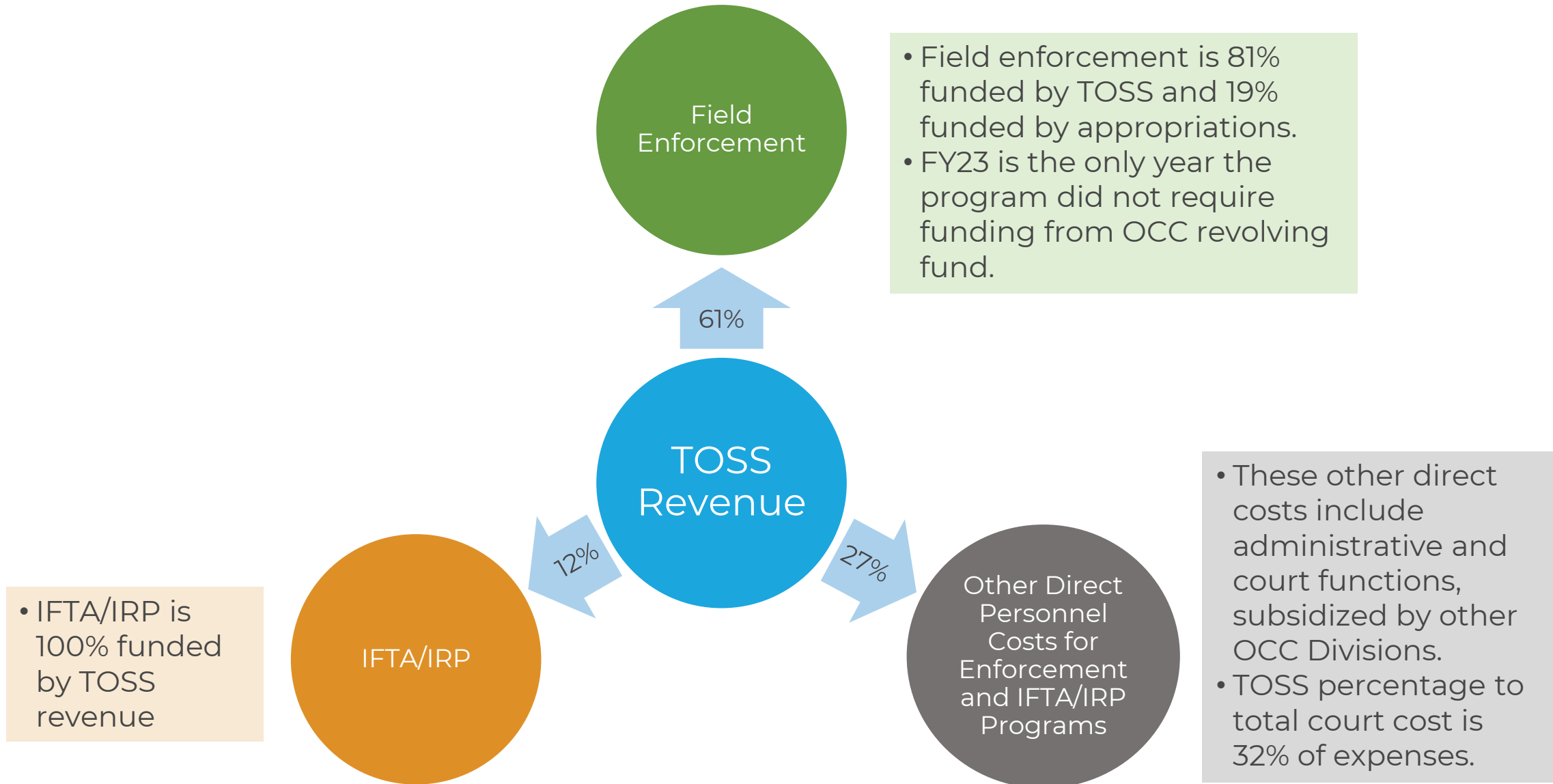
# TOSS Revenue Allocation?



# How Much TOSS Revenue does OCC Retain Each Year?



# What Programs are Funded at OCC with TOSS Revenue?

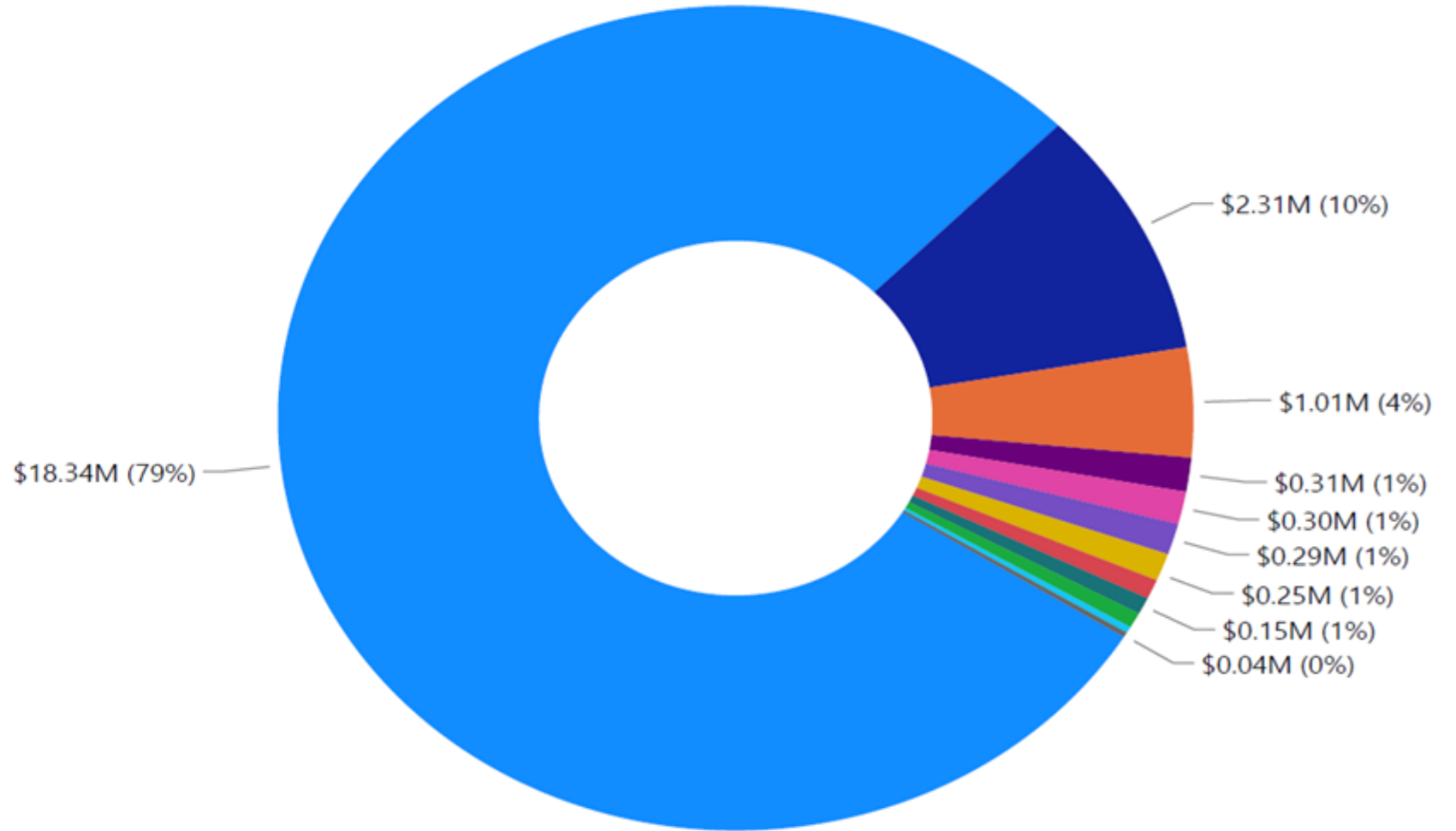




# What does OCC Spend TOSS Revenue on?

- Personnel
- IT Development
- Professional Services
- Motor Fuel
- Equipment
- Maintenance & Repairs
- Administrative
- Office Supplies
- Uniforms & Safety Supplies
- Rent
- Travel
- Vehicle Parts & Supplies

Expense Category	Amount
Personnel	\$18,349,647
IT Development	\$2,313,444
Professional Services	\$1,077,902
Equipment	\$360,362
Motor Fuel	\$314,802
Maintenance & Repairs	\$296,844
Administrative	\$271,109
Office Supplies	\$189,314
Rent	\$161,210
Uniforms & Safety Supplies	\$154,904
Travel	\$63,226
Vehicle Parts & Supplies	\$42,462



# Transportation Pipeline Safety

# Pipeline Safety



- The department enforces federal rules and regulations on pipeline operators, including Gas Gathering, Gas Transmission, Gas Distribution, Hazardous Liquid (Crude, Products, HVLs, CO<sub>2</sub>) and UNGS
- With the federal rule changes of May 2022, the miles of piping regulated by the department went from 48,000 miles to an additional 100,000+ miles.





- In addition to standard O&M inspections of procedures & records the department performs six specialized inspections of operators.
- The department oversees 290+ operators and enforces excavation damage occurring to regulated oil or gas pipelines in Oklahoma.
- There are approximately 1900 excavation damage events a year.
- The Department includes:
  - 1 manager
  - 2 Field Supervisors
  - 2 Administrative Officers
  - 16 Field Inspectors

# Transportation Railroad Department



# Commission Regulation of Railroads

## The commission regulates:

- All *public, at-grade* (street-level) railroad crossings quality.
- Public crossings are those that intersect with a road under the jurisdiction of and maintained by a public authority and open to the traveling public.
- All approaches (*the road on both sides of the crossing*) must be under the jurisdiction of the public authority and *no approach may be on private property*.
- Crossing sightlines and trash abatement are also under Commission authority.



# Q&A



**Mark A. Willingham**

**Chief Legal Counsel**

**[Mark.Willingham@occ.ok.gov](mailto:Mark.Willingham@occ.ok.gov)**



# APPORTIONED FUEL TAX EXAMPLE

XYZ Trucking									
Total Mileage	750	Fuel Purchased	150	MPG=	5.0				
(A)	(B)Total Miles	(C)Total Taxable Miles	(D)Taxable Gallons	(E)Tax Paid Gallons	(F)Net Taxable Gallons (D-E)	(G)Tax Rate	(H)Tax Due (FxG)	(I)Interest Due	(J)Total Due (H+I)
KS	250	250	50	0	50	0.26	\$13.00	\$0.00	\$13.00
OK	500	500	100	150	-50	0.19	(\$9.50)	\$0.00	(\$9.50)
							What the licensee had to pay		\$3.50

# Trucking in Oklahoma

**Rebecca Brewster**  
**President and COO**  
**American Transportation**  
**Research Institute**



# ATRI

**ATRI is TRUCKING's not-for-profit research organization, whose mission is to provide the data and analysis to improve the industry's safety and productivity**

**All of ATRI's research is available at no cost on our website:**

**[www.TruckingResearch.org](http://www.TruckingResearch.org)**

# Board of Directors



# Research Advisory Committee







# Oklahoma

## TRUCKING FAST FACTS





## CAREERS

TRUCKING  
DRIVES THE  
ECONOMY

# 95,420

Trucking industry jobs in Oklahoma

# 1 in 13

Jobs in the state





## SMALL BUSINESS EMPHASIS

TRUCKING  
DRIVES THE  
ECONOMY

# 24,230

**Trucking companies located in Oklahoma**

*Primarily small, locally owned businesses,  
these companies are served by a wide range  
of supporting businesses.*



## COMPETITIVE WAGES

# TRUCKING DRIVES THE ECONOMY

- Total trucking industry wages paid in Oklahoma in 2021 exceeded **\$4.8 billion**, with an average annual trucking industry salary of **\$49,800**.
- Heavy and tractor-trailer truck drivers held **24,120** jobs in Oklahoma in 2021. The national average annual salary of an over-the-road truck driver is **\$69,387**.



## TRANSPORTING THE ESSENTIALS

TRUCKING  
DRIVES THE  
ECONOMY



of manufactured tonnage  
transported by trucks in  
Oklahoma  
**163,980 tons per day**

75.2%

of communities in the state depend  
exclusively on trucks to move their goods.

# SAFETY MATTERS



## CONTINUALLY IMPROVING

### **2020 U.S. fatal crash rate**

per 100 million  
Vehicle Miles  
Traveled (VMT)

**1.47**

### **Between 1975 and**

**2020**, the U.S.  
large truck fatal  
crash rate has  
dropped



**67.9%**



## SMALL BUSINESS EMPHASIS

# TRUCKING PAYS THE FREIGHT

The trucking industry in Oklahoma  
paid approximately

# \$569 million

In federal and state roadway taxes

The industry paid **46%** of  
all taxes owed by Oklahoma  
motorists ...



... despite trucks representing  
only **15%** of vehicle miles  
traveled in the state.





# TRUCKING PAYS THE FREIGHT



## INDIVIDUAL COMPANIES

As of January 2023, a typical five-axle tractor-semitrailer combination paid highway user fees and taxes of ...

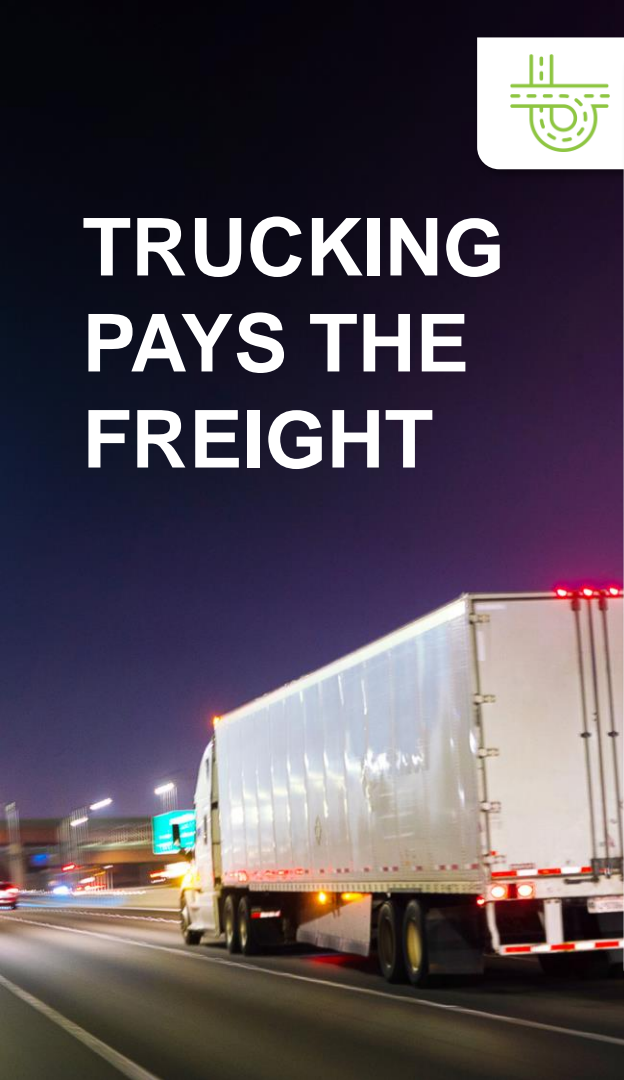
STATE

**\$4,381**

FEDERAL

**\$10,556**

These taxes were over and above the typical taxes paid by businesses in Oklahoma.



**TRUCKING  
PAYS THE  
FREIGHT**



## ROADWAY USE

# 115,079

Miles of public roads in Oklahoma

Miles driven on public roads:

All Motorists: **42.0 billion**

Trucks: **6.4 billion**

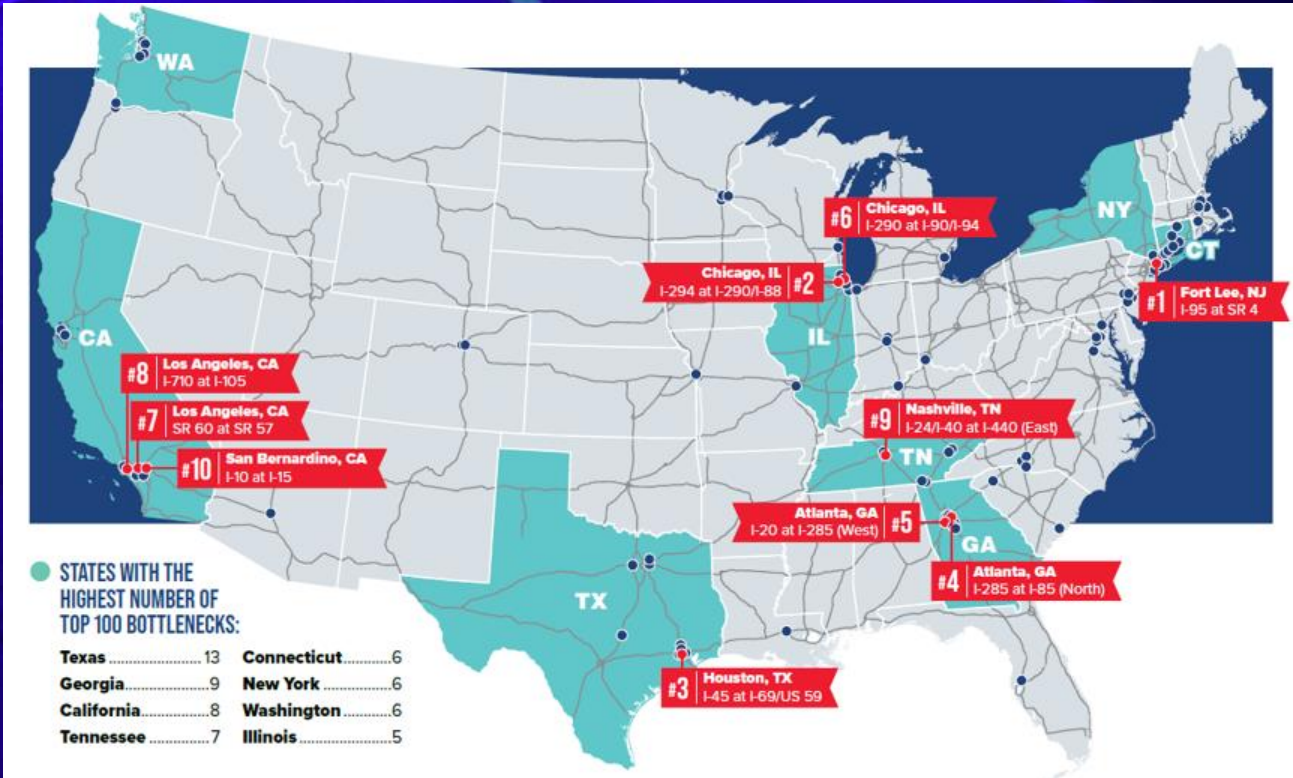


## EMISSIONS

# DELIVERING A CLEANER TOMORROW

- **60%** of Oklahoma commercial trucks are now powered by the newest-generation, near-zero emissions diesel technology.
- Medium- and heavy-duty trucks contribute just **26%** of all transportation-related greenhouse gas (GHG) emissions in the U.S. and represent only **7%** of total U.S. GHG emissions.

# 2023 Top Truck Bottlenecks



# 2023 Top 10 Truck Bottlenecks

Rank	Location	Average Peak Speed	Y-o-Y Change in Average Peak Speed
1	Fort Lee, NJ: I-95 at SR 4	20.2	-9.9%
2	Chicago, IL: I-294 at I-290/I-88	37.8	-5.9%
3	Houston, TX: I-45 at I-69/US 59	21.7	-11.0%
4	Atlanta, GA: I-285 at I-85 (North)	28.5	-6.2%
5	Atlanta, GA: I-20 at I-285 (West)	36.3	-2.6%
6	Chicago, IL: I-290 at I-90/I-94	18.2	-10.3%
7	Los Angeles, CA: SR 60 at SR 57	35.7	-3.1%
8	Los Angeles, CA: I-710 at I-105	28.5	-32.6%
9	Nashville, TN: I-24/I-40 at I-440 (East)	30.6	-12.5%
10	San Bernardino, CA: I-10 at I-15	34.1	-4.6%

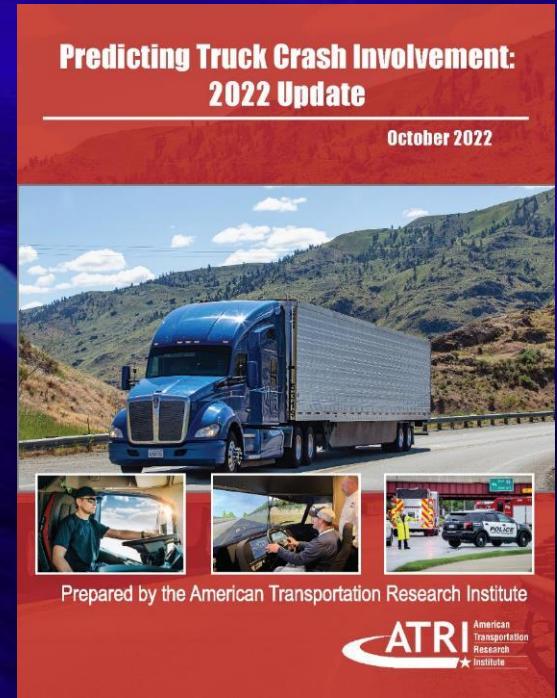


# ATRI-Monitored Locations in Oklahoma

Rank	Location	Average Peak Speed	Y-o-Y Change in Average Peak Speed
161	Tulsa: I-244 at I-444	47.5	-9.5%
169	Oklahoma City: I-35 at I-40/ I-235	51.2	3.1%
210	Tulsa: US 64 at I-44	53.9	-2.0%
	Oklahoma City: I-35 at I-44	55.0	No Change

# Predicting Truck Crash Involvement: 2022 Update

- Latest update to ATRI's Crash Predictor model; prior reports in 2005, 2011 and 2018
- Examines likelihood of crashes based on specific violations, convictions, and crash involvement
- Analysis includes over 580,000 drivers



# Top 10 Crash Predictor Behaviors

Driver Behavior	Future Crash Likelihood Increase
Failure to Yield Right-of-Way violation	141%
Failure to Use / Improper Signal conviction	116%
Past Crash	113%
Reckless Driving violation	104%
Failure to Obey Traffic Sign conviction	85%
Failure to Keep in Proper Lane conviction	78%
Improper or Erratic Lane Changes conviction	77%
Reckless / Careless / Inattentive / Negligent Driving conviction	62%
Improper Lane / Location conviction	61%
Failure to Obey Traffic Signal / Light conviction	55%

# Gender Analysis

- **Female drivers outperformed males in every statistically significant behavior**
- **Male drivers 14% more likely to be involved in a crash, down from 20% in 2018 report**

Behavior	Relative to Females, Likelihood for Males Increased by
Improper Lane conviction	221%
Medical Certificate violation	91%
Seat Belt violation	76%
Driving Too Fast for Conditions conviction	57%
Failure to Obey Traffic Sign conviction	51%

# 10 Top Tier States

Rank	State	Number of Traffic Enforcement Inspections	% of Total	Number of Crashes	% of Total	Safety Metric (% Difference)
1	Washington	57,286	5.13%	4,396	1.24%	3.89%
2	Indiana	72,251	6.47%	10,710	3.01%	3.46%
3	New Mexico	41,007	3.67%	1,806	0.51%	3.16%
4	Arizona	39,382	3.53%	5,663	1.59%	1.93%
5	Massachusetts	28,810	2.58%	3,646	1.03%	1.55%
6	Georgia	55,869	5.00%	12,735	3.58%	1.42%
7	Pennsylvania	64,625	5.79%	15,579	4.38%	1.41%
8	Illinois	61,349	5.49%	15,138	4.26%	1.24%
9	California	97,037	8.69%	26,590	7.48%	1.21%
10	Michigan	45,661	4.09%	10,669	3.00%	1.09%



# Oklahoma and Neighboring States

Rank	State	Number of Traffic Enforcement Inspections	% of Total	Number of Crashes	% of Total	Safety Metric (% Difference)
3	New Mexico	41,007	3.67%	1,806	0.51%	3.16%
16	Colorado	17,720	1.59%	3,960	1.11%	0.47%
31	Kansas	10,390	0.93%	3,449	0.97%	-0.04%
39	Arkansas	13,493	1.21%	5,384	1.51%	-0.31%
40	Oklahoma	17,427	1.56%	6,811	1.92%	-0.48%
46	Missouri	10,356	0.93%	11,007	3.10%	-2.17%
51	Texas	29,118	2.61%	37,888	10.65%	-8.05%

# Oklahoma and Neighboring States

State	Total Truck-Involved Crashes 2021	Rank	Fatal Crashes 2021	Rank	Injury Crashes 2021	Rank	Towaway Crashes 2021	Rank
Arkansas	2,913	22	99	20	887	22	1,927	21
Colorado	1,894	28	99	21	428	30	1,367	28
Kansas	1,814	30	78	25	400	31	1,336	29
Missouri	5,398	11	119	13	1,576	12	3,703	10
New Mexico	891	38	63	30	249	40	579	39
Oklahoma	3,316	19	109	16	935	21	2,272	17
Texas	21,407	1	766	1	8,360	1	12,281	1

# Oklahoma and Neighboring States

State	Fatal Crash Rate per 100 Million VMT 2020	Rank
Arkansas	1.36	29
Colorado	2.23	3
Kansas	1.63	19
Missouri	1.22	38
New Mexico	1.11	42
Oklahoma	1.35	30
Texas	1.88	8
National Average	1.47	

# Questions?

**Rbrewster@trucking.org**

**www.TruckingResearch.org**

**770-432-0628**





# Motor Carrier Regulation and Enforcement

A photograph of a multi-lane highway with a heavy flow of traffic. In the immediate foreground, a large yellow semi-truck with a white trailer is driving towards the viewer. Behind it, several red semi-trucks are visible, along with various cars and smaller trucks. The highway is flanked by green grass and a dense forest of green trees in the background. An overpass is visible in the distance.

Keana Swadley

October 20, 2023





# agenda

## Topics Covered:

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1) What entity handles motor carrier enforcement in each state?

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2) What entity handles adjudicating court cases involving enforcement citations?

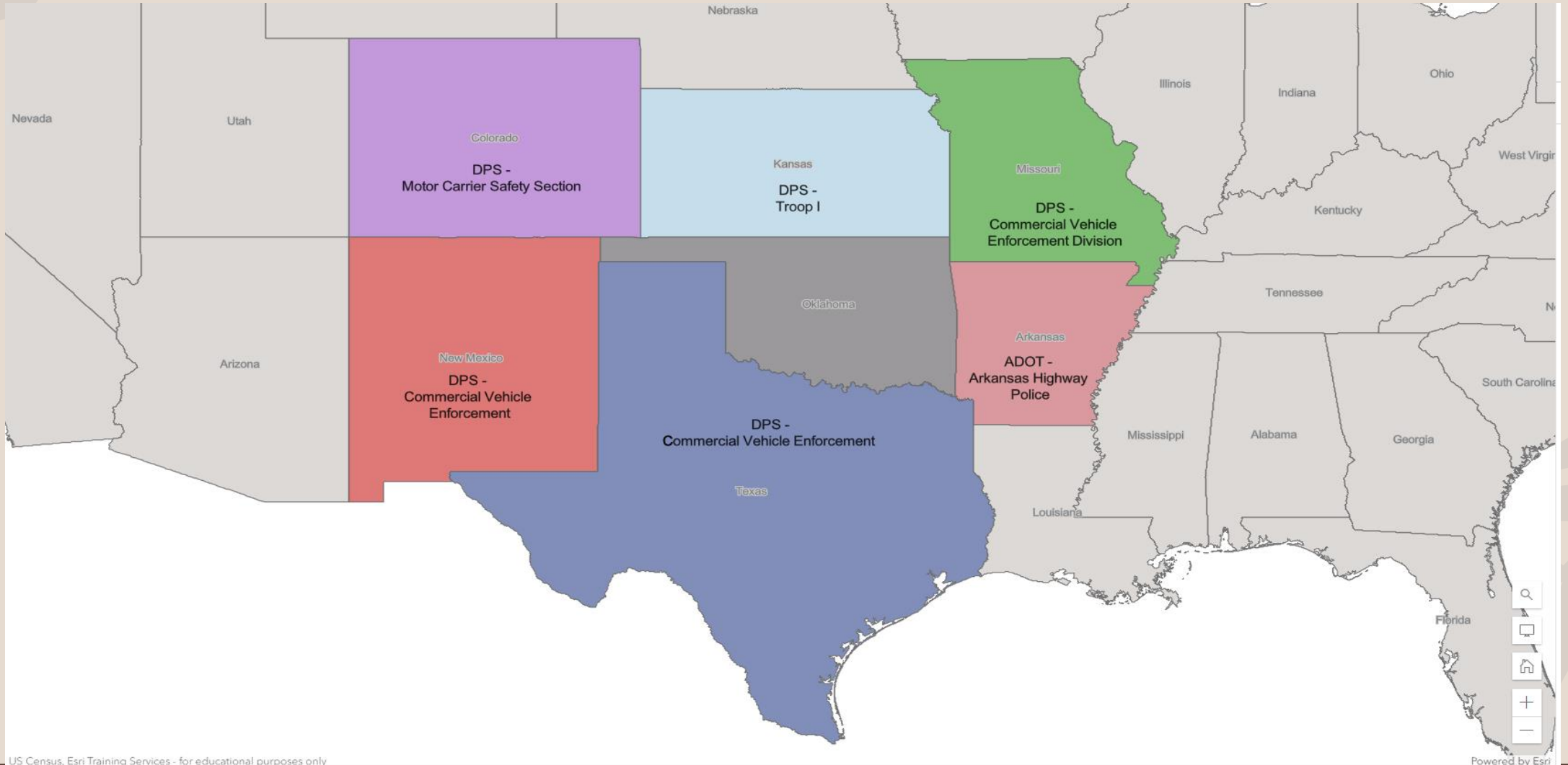
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3) What entity handles regulation of the IFTA and IRP?

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4) What does the revenue flow of the Transportation Division of the Oklahoma Corporation Division look like?

# Entities that handle primary enforcement in the state



# Before We Dig In

In most states, all but Arkansas, there is a dual system in place. The National Center for State Courts says this about motor carrier enforcement, “Local, state and federal law enforcement all have jurisdiction to pull over a commercial driver. The problem is they will cite different laws, use different ticket formats and technology, and have different levels of familiarity with commercial driving regulations.”

# Arkansas

- On road motor carrier enforcement is handled by AHP.
- They can cite noncompliant motor carriers with a violation, which would be heard in a district court by a district court judge. Violations are appealable and would go through a circuit court.
- District courts are funded by local city/county budgets.
- IFTA and IRP is regulated by the Arkansas Department of Finance and Administration.

# Missouri

- On road enforcement is handled by MSP - Commercial Vehicle Enforcement Division.
- They can cite noncompliant motor carriers with a citation, which would go through circuit courts and are heard by circuit and associate circuit judges. Most citations are criminal in nature and are appealable through a regular appeal process.
- The Office of State Courts Administrator houses these courts and is budgeted by the legislature.
- Additionally, Missouri has five other agencies that are involved in motor carrier regulation. Those agencies include Kansas City and St. Louis PD, St. Louis County PD, and two divisions within the Missouri DOT.
- IFTA and IRP are handled by the Missouri DOT.



# Kansas

- On road enforcement is handled by the KHP Troop I.
- Troop I includes two divisions, the motor carrier inspectors (MCI) and the motor carrier safety assistance program (MCSAP) . MCIs are either a part of a mobile unit or at a fixed weigh station. MCSAP inspect commercial drivers and vehicles.
- Citations go through a district court in the county the citation was issued and heard by a magistrate judge. Citations are appealable and would be heard by a district judge.
- District courts are funded by the county and the judicial branch.
- The KCC Transportation Division handles licensing and inspection as well.
- IFA and IRP is handled by the Kansas Department of Revenue.

# Colorado

- On road enforcement, including POE's, is handled by the CSP Motor Carrier Safety Section.
- The Public Utilities Commission - Transportation Safety and Compliance Unit handles all permits for intra-state commerce.
- They can assess a civil penalty assessment notice, which can be between \$200 - \$10,000.
- They have an internal hearing structure and staff administrative law judges (ALJ) that hear all transportation related cases. ALJ's make a recommendation to the commissioners who have the final say.

Appeals go right to the commissioners.

- The courts are funded by the programs that use them.
- IFTA and IRP are handled by the Colorado Department of Revenue.

# New Mexico

- On road enforcement is handled by NMSP Commercial Vehicle Enforcement Division. Most citations are criminal in nature and will go through the lower courts.
- The New Mexico Public Regulation Commission (PRC) handles permits and regulation.
- They can assess an administrative sanction if motor carriers are not compliant. Sanctions are appealable and will go directly to the state supreme court.
- The courts are funded by the Administrative Office of Courts, including the state Supreme Court, with a single funding structure. There is no legislative oversight.
- \*The Transportation Division of the PRC is moving to the New Mexico DOT on July 1, 2024. Some of the structure of the commission will change including the appeals process, which will then go through the district courts.
- IFTA and IRP are handled by the New Mexico Motor Vehicle Division/Commercial Vehicle Bureau.

# Texas

- On road enforcement is handled by the Texas DPS Commercial Vehicle Enforcement.
- For municipalities and county police forces to issue motor carrier citations they need to get legislative approval and each officer is required to attain a special certification.
- The Texas DMV handles permits and regulation.
- They can assess an administrative violation if motor carriers are not compliant. Violations can be appealed and will be heard by an administrative law judge.
- The State Office of Administrative Hearings houses the courts.
- IFTA is handled by the Texas Comptroller.
- IRP is handled by the Texas DMV.

# Revenue Flow of the Transportation Division of OCC

By statute [47 O.S. § 1167](#), of the revenues generated by the Trucking One-Stop Shop Act, the first \$300,000 goes to DPS for their staffing of the entry weigh stations and the next \$550,000 goes to OTC as is apportioned by OTC as provided in [47 O.S. § 1104](#). The remaining amount goes into their Trucking One-Stop Shop (TOSS) Fund.



# TOSS Revenue FY 2019 - 2023

Fund Number	Fund Name	2019	2020	2021	2022	2023
415125	Tag Agent Remittance	\$ 4,958,520.69	\$ 7,909,572.41	\$ 445,905.10	\$ -	\$ -
415503	Special Fuel Decal	\$ 378,442.00	\$ 355,046.00	\$ 2,576.00	\$ -	\$ -
420101	Licenses/Permits/ Fees-General	\$ 1,382.50	\$ 10,070.00	\$ (5,295.00)	\$ -	\$ -
422931	Motor Carrier ID Plate & Registration	\$ 2,763,786.76	\$ 870,124.22	\$ 162,421.00	\$ 114,212.00	\$ 117,516.20
422933	Motor Carrier Application Fee	\$ 251,542.33	\$ 223,210.00	\$ 226,400.00	\$ 244,820.00	\$ 228,060.00
422981	International Registration Plan	\$ -	\$ -	\$ 8,279,128.21	\$ 9,285,785.81	\$ 9,116,885.88
422991	International Fuel Tax Agreement	\$ -	\$ -	\$ 350,470.00	\$ 396,760.00	\$ 411,794.00
422942	Transportation Division Filing Fee	\$ 2,160.00	\$ -	\$ -	\$ -	\$ -
423412	Reinstatement- Drivers License	\$ -	\$ 62,800.00	\$ 400.00	\$ -	\$ -
431315	Motor Carrier Citation & Fine	\$ 9,881,621.25	\$ 7,908,278.68	\$ 6,538,338.50	\$ 10,848,850.00	\$ 10,292,379.00
458101	Refunded Money Previous Distribution	\$ 67,391.78	\$ -	\$ -	\$ -	\$ -
458103	Cost Recovery	\$ -	\$ 54,580.71	\$ 304,696.00	\$ 41,009.24	\$ 81,606.40
474105	Copies of Other Documents	\$ -			\$ 8,400.00	\$ (16,100.00)
482121	Credit Card Fees	\$ -	\$ 59,155.74	\$ -	\$ -	\$ -
	<b>Total</b>	<b>\$18,304,847.31</b>	<b>\$17,452,837.76</b>	<b>\$16,305,039.81</b>	<b>\$20,939,837.05</b>	<b>\$20,232,141.48</b>

# TOSS Spending FY 2019 - 2023

Division	2019	2020	2021	2022	2023
Administrative	\$ 1,014,983.83	\$ 4,617,489.15	\$ 5,269,259.51	\$ 5,344,564.54	\$ 5,647,099.12
Transportation	\$ 12,647,050.35	\$ 11,964,839.61	\$ 10,624,326.01	\$ 9,872,643.80	\$ 14,124,944.54
Information Technology	\$ 844,426.45	\$ 1,077,467.90	\$ 1,874,066.37	\$ 2,600,085.10	\$ 3,324,656.07
<b>Total</b>	<b>\$ 14,506,460.63</b>	<b>\$ 17,659,796.66</b>	<b>\$ 17,767,651.89</b>	<b>\$ 17,817,293.44</b>	<b>\$ 23,096,699.73</b>

# TOSS Spending End of Fiscal Year Balance

	<b>June Balance</b>	
<b>2019</b>	\$	8,709,667.33
<b>2020</b>	\$	8,862,099.13
<b>2021</b>	\$	8,358,860.21
<b>2022</b>	\$	12,371,728.51
<b>2023</b>	\$	9,008,556.05



# thank you

Keana Swadley

[keana.swadley@okhouse.gov](mailto:keana.swadley@okhouse.gov)

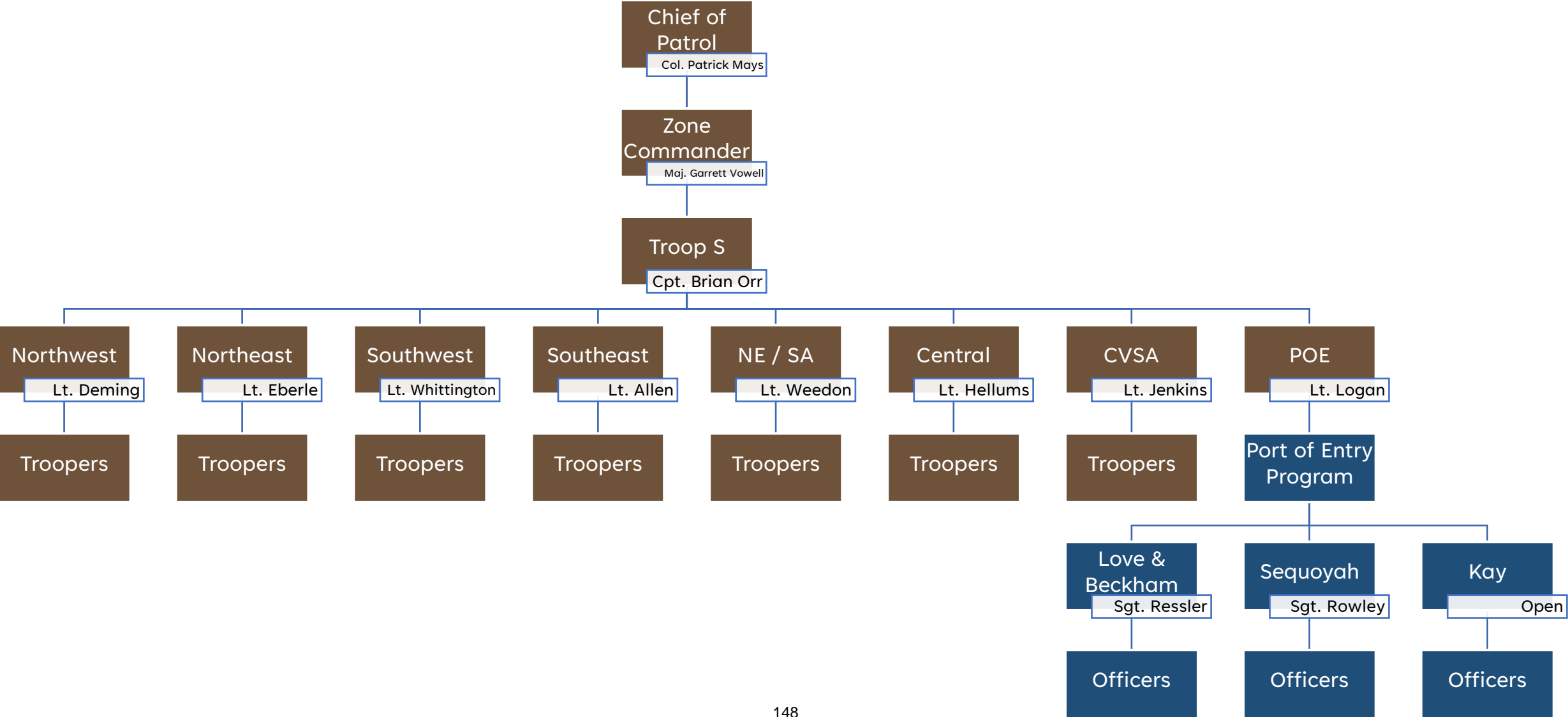
October 20, 2023

# DPS Staffing

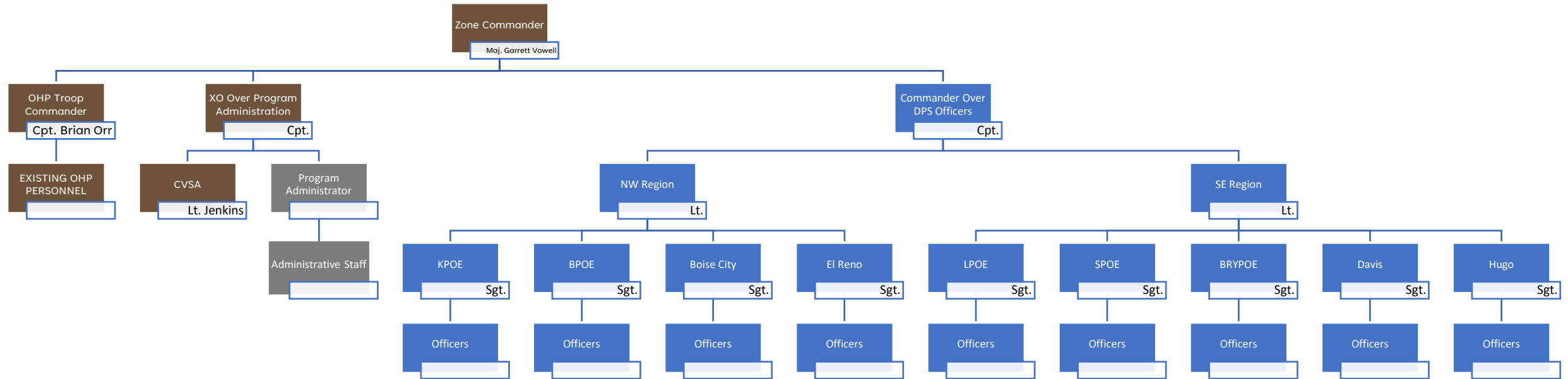




# Current Troop S Org Chart



# Troop S Reorganization



# **Projected Staffing Budget**

# Projected Staffing Budget

ESTIMATED COSTS FOR TRANSFER AND ONBOARDING ENFORCEMENT STAFF					
OBJECT CODE CATEGORY	DESCRIPTION	EXPLANATION	Year 1	Year 2	Year 3, 4, 5...
SALARY & FRINGE					
511	SALARY**	166 FTE (based on Workday Data)	\$9,790,801.93	\$9,790,801.93	\$9,790,801.93
512-519	FRINGE BENEFITS**	166 FTE (based on Workday Data)	\$6,304,422.00	\$6,304,422.00	\$6,304,422.00
SUBTOTAL (Not Including Indirect Costs)			\$16,095,223.93	\$16,095,223.93	\$16,095,223.93
OPERATING COSTS (Based on 129 Currently Filled Positions)					
521	TRAVEL REIMBURSED**	3wk POE Academy	\$123,840.00	\$0.00	\$9,600.00
		2wk North American A&B	\$82,559.22	\$0.00	\$6,399.94
		1wk General HM	\$0.00	\$41,280.78	\$3,200.06
		1wk Bulk/Cargo Tank	\$0.00	\$41,280.78	\$3,200.06
		Other S&W/FMCSA Training	\$45,150.78	\$3,500.00	\$3,500.06
522	TRAVEL DIRECT EXPENDITURE**	3wk POE Academy - RTI	\$74,304.00	\$0.00	\$5,760.00
		2wk North American A&B - RTI	\$49,536.00	\$0.00	\$3,840.00
		1wk General HM - RTI	\$0.00	\$24,768.00	\$1,920.00
		1wk Bulk/Cargo Tank	\$0.00	\$24,768.00	\$1,920.00
		Other S&W/FMCSA Training	\$32,249.22	\$2,499.94	\$2,499.94
531	MISCELLANEOUS ADMINISTRATIVE EXPENSE	Cell Phone w/SIM card	\$203,175.00	\$203,175.00	\$203,175.00
		Inspection decals, regulation books, OOS Criteria, etc	\$58,695.78	\$58,695.78	\$58,695.78
533	MAINTENANCE & REPAIR EXPENSE	Vehicle repair & maintenance (Comdata)	\$255,790.68	\$255,790.68	\$255,790.68
534	SUPPLIES AND MATERIAL EXPENSE	Fuel (Comdata)	\$866,106.00	\$866,106.00	\$866,106.00
535	PRODUCTION EXPENSE, SAFETY & SECURITY EXPENSE	Uniforms, bump caps, safety goggles, etc.	\$193,500.00	\$193,500.00	\$193,500.00
536	OFFICE EXPENSE	Office supplies	\$58,050.00	\$58,050.00	\$58,050.00
537	SHOP EXPENSE	Vehicle supplies, parts, accessories	\$32,249.22	\$32,249.22	\$32,249.22
541	OFFICE FURNITURE & EQUIPMENT	Laptops	\$193,500.00	\$193,500.00	\$193,500.00
		Portable scales & racks	\$290,250.00	\$290,250.00	\$290,250.00
542	EQUIPMENT - LIBRARY	Training textbooks	\$12,356.02	\$12,356.02	\$12,356.02
SUBTOTAL			\$2,571,311.93	\$2,301,770.20	\$2,205,512.77
Per Person / Per Year			\$19,932.65	\$17,943.18	\$17,097

# Transition Plan

---



# Transition Goals

DPS to receive all OCC enforcement staff who wish to make transition

(Anticipated Need for Narrow OLEERS Exception)

Incoming staff will suffer NO pay reduction

Cross train all commissioned and civilian officers to provide uniform approach to enforcement

Capitalize on cost efficiencies

# Year One

Transfer/on-board applicable OCC staff to DPS

- Commissioned & civilian enforcement officers
- Applicable administrative/support personnel

Job duties & assignments initially stay the same for continuity of operations

Incoming OCC officers will attend 3-week POE bridge academy (through OHP), such training organized to preserve continuity of operations

DPS will begin a phased program to train all incoming officers to perform North American Standard safety inspections

Non-commissioned OCC officers will be evaluated for invitation to attend a peace officer academy

## Year Two

Incoming OCC Officers will continue N.A.S. training for:

- General Hazardous Material
- Cargo Tank
- Bulk Package

DPS will continue to seek opportunities for total program cost efficiencies



October 20, 2023

**Oklahoma Corporation Commission**

# **Deep Dive into Transportation Revenue**



**OKLAHOMA**



# Goals of Today's Presentation

- Define OCC's current revenue streams that support motor carrier enforcement effort and answer questions from previous task force meetings

# Goals of Today's Presentation

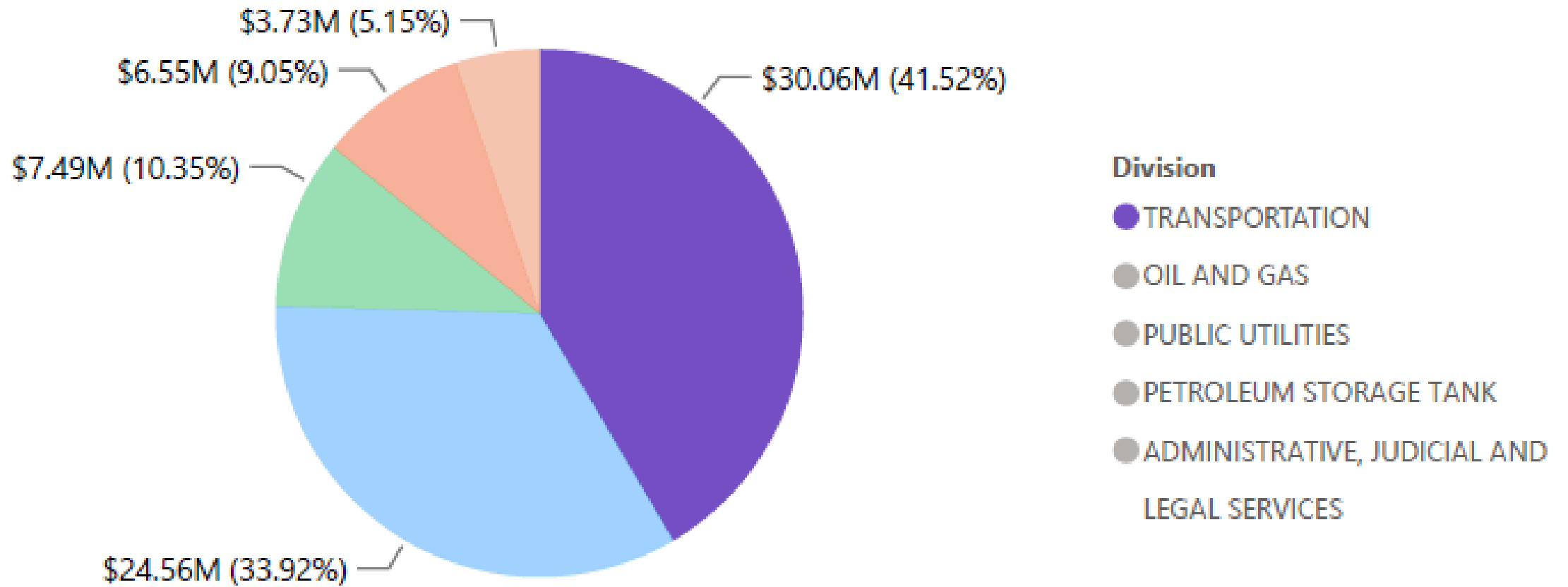
- Define OCC's current revenue streams that support motor carrier enforcement effort and answer questions from previous task force meetings
- Discuss critical impact to citation revenue dependent on where and how citations are processed

# Goals of Today's Presentation

- Define OCC's current revenue streams that support motor carrier enforcement effort and answer questions from previous task force meetings
- Discuss impact to citation revenue dependent on where and how citations are processed
- Identify areas for further task force consideration with potential move of enforcement effort away from OCC

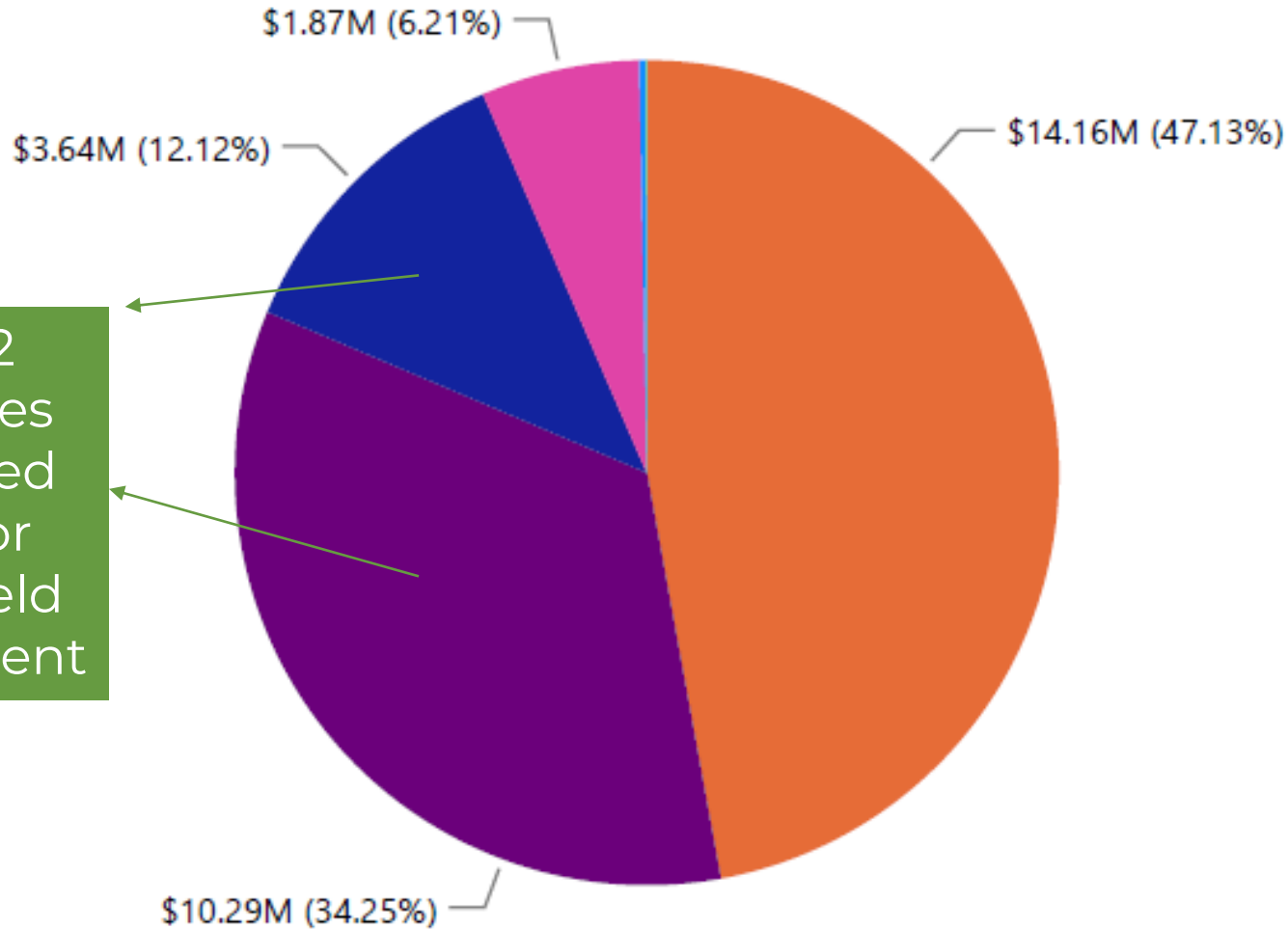
# Transportation Division Revenue Sources

# Total OCC Revenue by Divisions- \$72,390,004





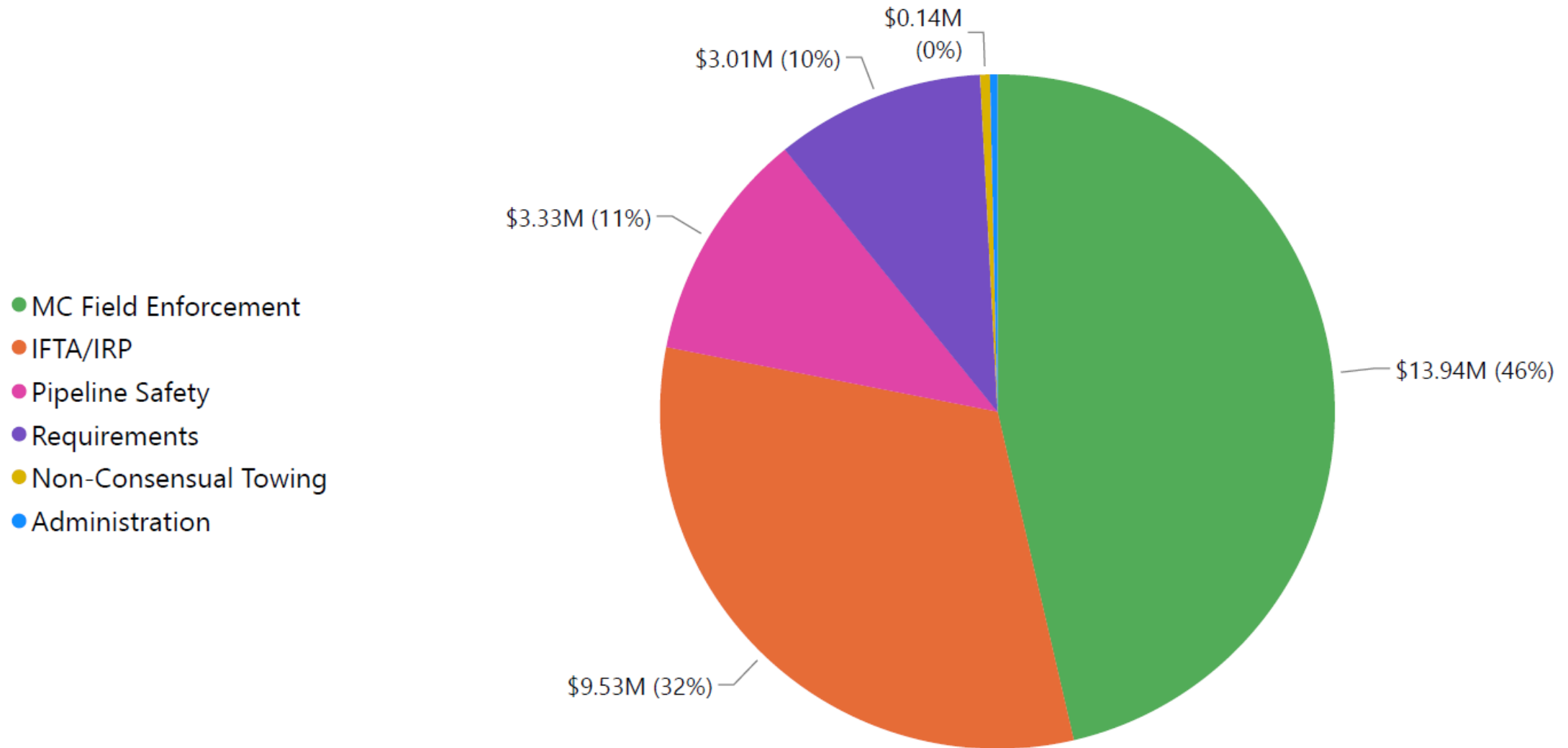
# Total Transportation Division Revenue by Category- \$30,057,355



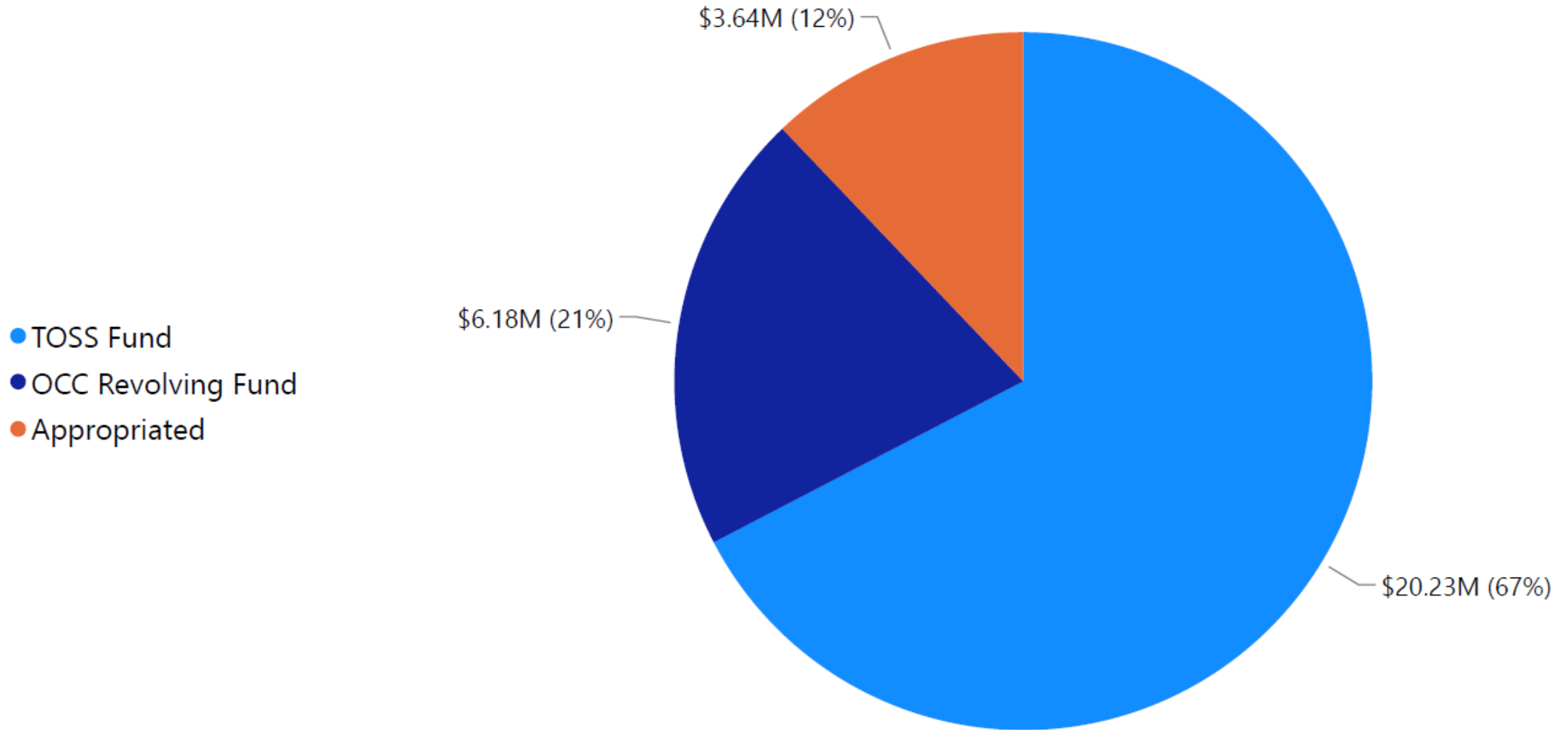
These 2 categories are related to motor carrier field enforcement

- Fees and Assessments
- Fines and Citations
- Appropriated Revenue
- Federal Grant
- Cost Recovery
- Registration and Sale of Documents

# Total Transportation Revenue by Department- \$30,057,355

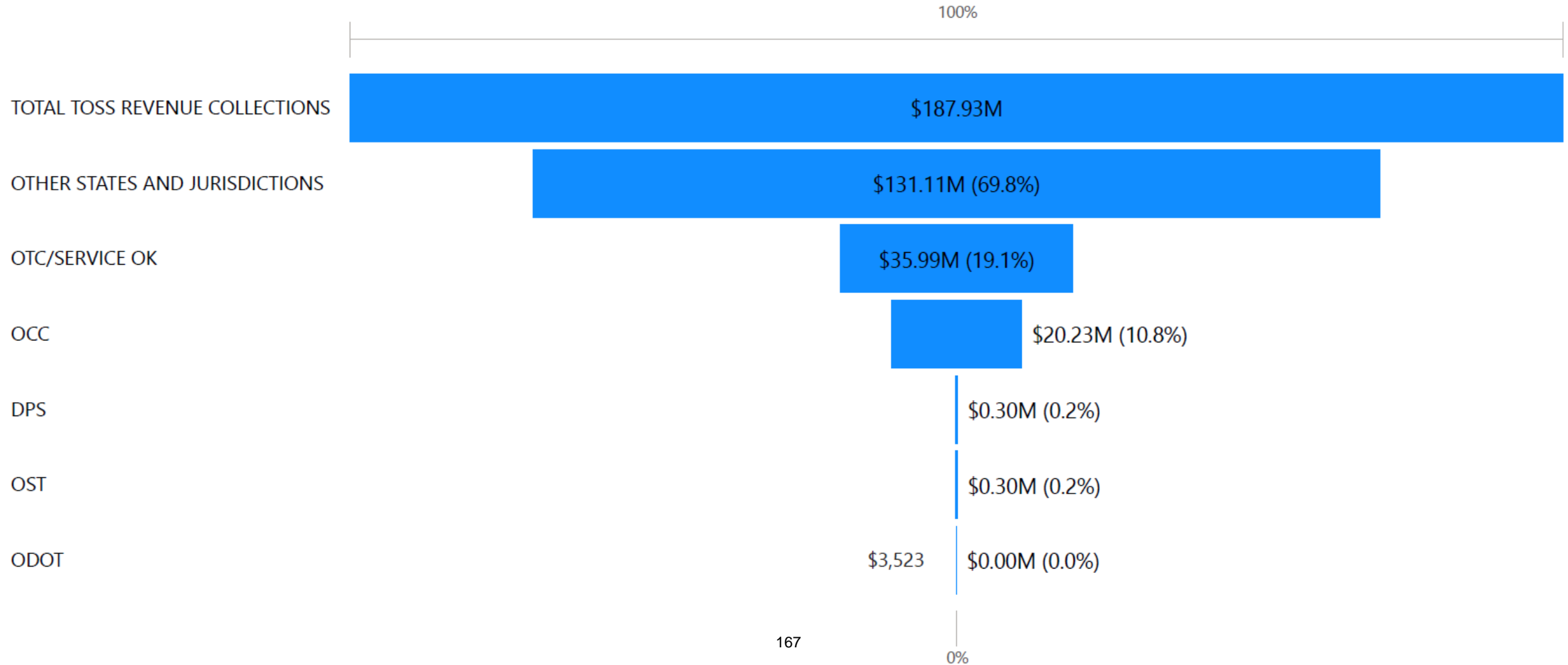


# Total Transportation Revenue by Fund- \$30,057,355



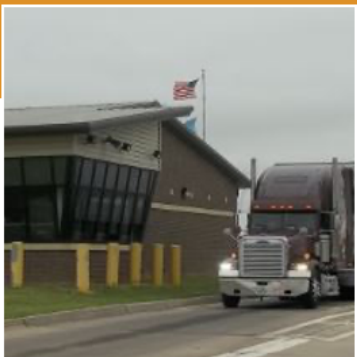
# Trucking One Stop Shop (TOSS) Fund

# Total OCC TOSS Revenue- \$20,232,141





# TOSS Revenue Sources



\$10,292,369

## Fines & Citations

- Overweight vehicles
- IFTA compliance
- IRP compliance
- For-Hire or private motor carrier intrastate violations
- Illegal dumping of deleterious substances

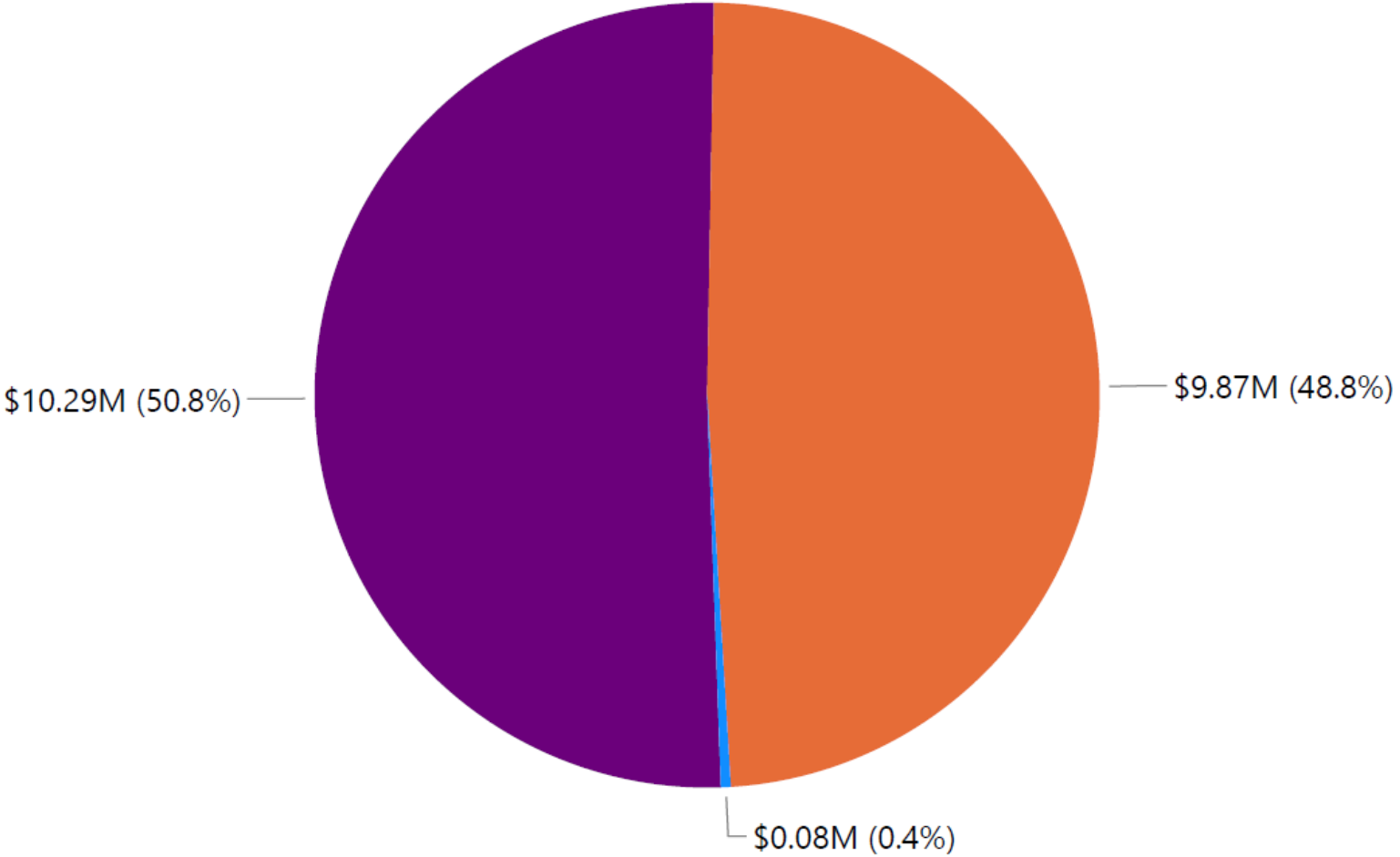


\$9,874,259

## Fees

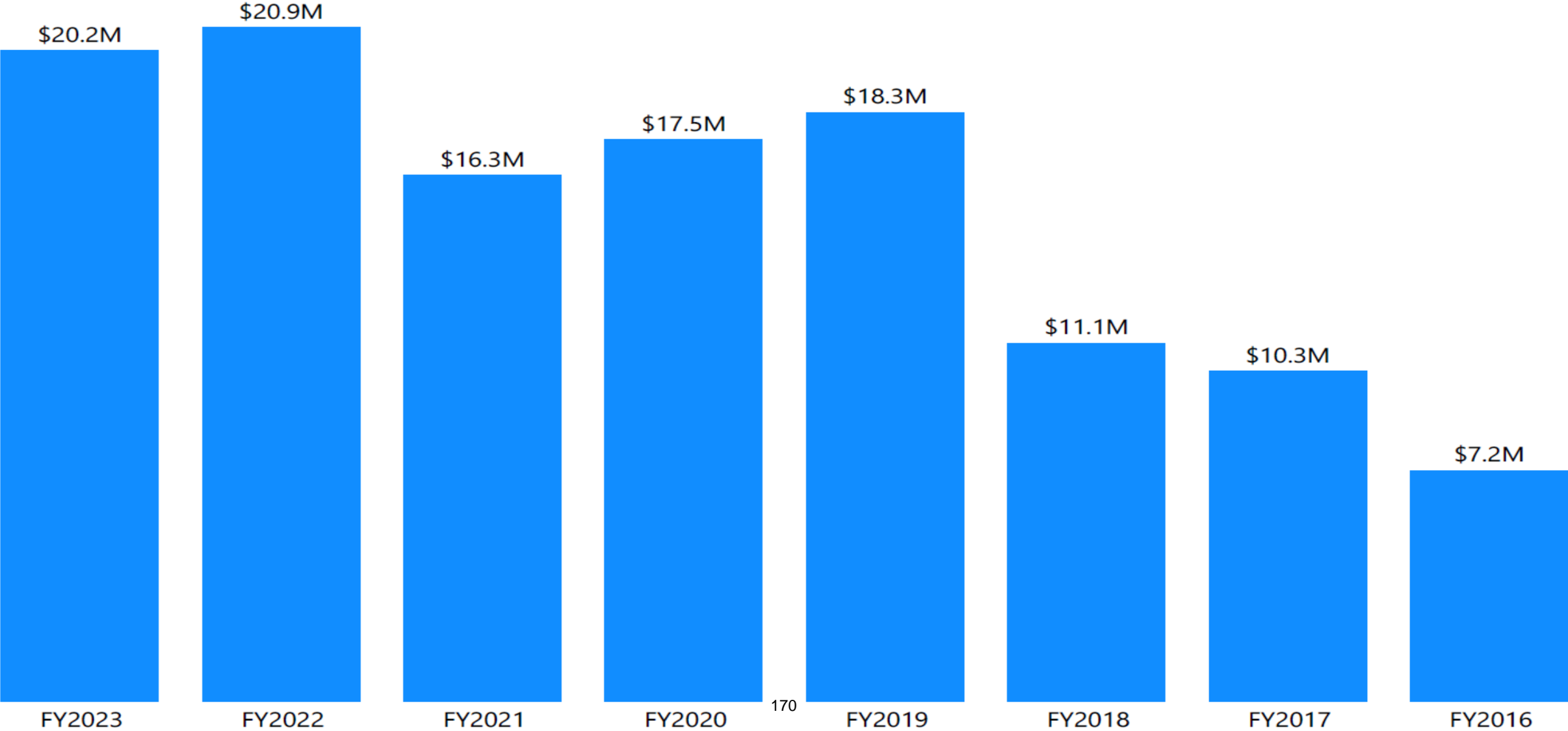
- IRP- registration, trip permits, service fees
- IFTA- licenses, decals, reinstatement fees
- Identification device fees
- Intrastate motor carrier licenses
- Deleterious substance fees
- Harvest permits

# Portion of TOSS Revenue to OCC by Category-\$20,232,141



● Fines and Citations ● Fees and Assessments ● Cost Recovery ● Registration and Sale of Documents

# How Much TOSS Revenue does OCC Retain Each Year?



# **TOSS Fund and OCC Motor Carrier Field Enforcement**

# Motor Carrier Field Enforcement Program Effort Funding at OCC

Below costs are actual expenditures for each FY represented

Expenses	FY2019	FY2020	FY2021	FY2022	FY2023
MC Field Enforcement	\$12,367,405	\$13,033,826	\$13,030,649	\$12,769,734	\$13,995,465
IT-Related to MCFE	\$806,820	\$962,318	\$1,716,967	\$2,495,298	\$3,285,993
Other Direct Personnel	\$3,048,873	\$3,767,168	\$4,466,688	\$4,495,079	\$5,239,932
<b>Total MCFE Expenses</b>	<b>\$16,223,098</b>	<b>\$17,763,312</b>	<b>\$19,214,304</b>	<b>\$19,760,111</b>	<b>\$22,521,390</b>

Expenses by Fund	FY2019	FY2020	FY2021	FY2022	FY2023
Appropriations	\$2,657,044	\$3,817,150	\$3,641,464	\$3,644,180	\$3,644,180
Citations- TOSS	\$9,881,621	\$7,911,504	\$6,809,704	\$10,848,850	\$10,292,369
Other TOSS Revenue	\$112,603	\$4,385,327	\$5,780,539	\$2,049,279	\$8,584,841
<b>OCC Revolving Fund*</b>	<b>\$3,571,830</b>	<b>\$1,649,331</b>	<b>\$2,982,597</b>	<b>\$3,217,802</b>	<b>\$0</b>
<b>Total Funds Spent</b>	<b>\$16,223,098</b>	<b>\$17,763,312</b>	<b>\$19,214,304</b>	<b>\$19,760,111</b>	<b>\$22,521,390</b>

**\*Total 5-year Amount of Gap Funding Provided by OCC- \$11,421,560**



## Motor Carrier Field Enforcement Only Expenses- *as OCC operates today*

Expenses	FY2019	FY2020	FY2021	FY2022	FY2023
MC Field Enforcement	\$12,367,405	\$13,033,826	\$13,030,649	\$12,769,734	\$13,995,465
IT-Related to MCFE	\$454,508	\$270,717	\$393,503	\$275,204	\$523,287
<b>Total MCEF Only Expenses</b>	<b>\$12,821,913</b>	<b>\$13,304,543</b>	<b>\$13,424,152</b>	<b>\$13,044,938</b>	<b>\$14,518,752</b>

Revenue by Fund	FY2019	FY2020	FY2021	FY2022	FY2023
Appropriations	\$2,657,044	\$3,817,150	\$3,641,464	\$3,644,180	\$3,644,180
Citations- TOSS	\$9,881,621	\$7,911,504	\$6,809,704	\$10,848,850	\$10,292,369
<b>Total Funds Available</b>	<b>\$12,538,665</b>	<b>\$11,728,654</b>	<b>\$10,451,168</b>	<b>\$14,493,030</b>	<b>\$13,936,549</b>

Revenue - Expenses	FY2019	FY2020	FY2021	FY2022	FY2023
<b>Other Funds Required</b>	<b>(\$283,248)</b>	<b>(\$1,575,889)</b>	<b>(\$2,972,984)</b>	<b>\$1,448,092</b>	<b>(\$582,203)</b>

## Impact on Revenue of Enforcement Staff being Moved to DPS

Expenses	FY2019	FY2020	FY2021	FY2022	FY2023
MC Field Enforcement	\$12,367,405	\$13,033,826	\$13,030,649	\$12,769,734	\$13,995,465
IT-Related to MCFE	\$454,508	\$270,717	\$393,503	\$275,204	\$523,287
<b>Total MCEF Only Expenses</b>	<b>\$12,821,913</b>	<b>\$13,304,543</b>	<b>\$13,424,152</b>	<b>\$13,044,938</b>	<b>\$14,518,752</b>

Revenue by Fund	FY2019	FY2020	FY2021	FY2022	FY2023
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<del>Citations- TOSS</del>	<del>\$9,881,621</del>	<del>\$7,911,504</del>	<del>\$6,809,704</del>	<del>\$10,848,850</del>	<del>\$10,292,369</del>
<b>Total Funds Available</b>	<del><b>\$12,538,665</b></del>	<del><b>\$11,728,654</b></del>	<del><b>\$10,451,168</b></del>	<del><b>\$14,493,030</b></del>	<del><b>\$13,936,549</b></del>

Revenue - Expenses	FY2019	FY2020	FY2021	FY2022	FY2023
<b>Add'l Funds Required</b>	<b>(\$10,164,869)</b>	<b>(\$9,487,393)</b>	<b>(\$9,782,688)</b>	<b>(\$9,400,758)</b>	<b>(\$10,874,572)</b>

**\$9,942,056\***  
**Average**  
**annual**  
**funding need**

\*Assumes citations are processed outside of OCC

# Motor Carrier Field Enforcement Move to DPS

## Questions to consider

- Where does the money come from to make up an almost \$10M annual, recurring need if citation revenue is diverted?
- Would the legislature be able to increase appropriations accordingly to address funding need?
- MCSAP grant funding cannot be utilized for officers to operate the way OCC does today located at fixed facilities
- Does DPS currently have another funding source available to adequately fund these officers?

**\$9,942,056\***  
**Average  
annual  
funding need**

\*Assumes citations are processed outside of OCC

## Questions to consider (continued)

- Who would enforce IFTA and IRP programs compliance?
- OCC is unable to project personnel needed to remain at OCC without this question being answered

**\$9,942,056\***  
**Average  
annual  
funding need**

\*Assumes citations are processed outside of OCC

# Change in Citation Processing and Revenue

## Citation Revenue Currently at OCC

Expenses	FY2019	FY2020	FY2021	FY2022	FY2023
MC Field Enforcement	\$12,367,405	\$13,033,826	\$13,030,649	\$12,769,734	\$13,995,465
IT-Related to MCFE	\$454,508	\$270,717	\$393,503	\$275,204	\$523,287
<b>Total MCEF Only Expenses</b>	<b>\$12,821,913</b>	<b>\$13,304,543</b>	<b>\$13,424,152</b>	<b>\$13,044,938</b>	<b>\$14,518,752</b>

Revenue by Fund	FY2019	FY2020	FY2021	FY2022	FY2023
Appropriations	\$2,657,044	\$3,817,150	\$3,641,464	\$3,644,180	\$3,644,180
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<b>Total Funds Available</b>	<b>\$12,538,665</b>	<b>\$11,728,654</b>	<b>\$10,451,168</b>	<b>\$14,493,030</b>	<b>\$13,936,549</b>

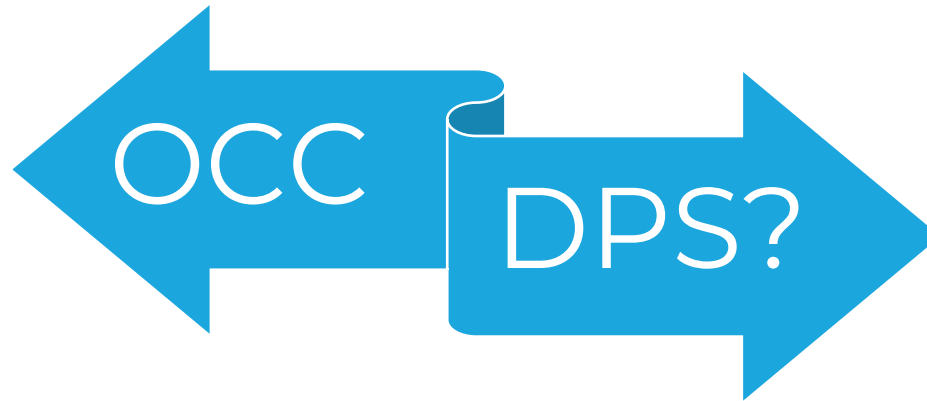
Currently citation revenue funds  
68% of direct motor carrier  
enforcement at OCC



# OCC Administrative Court vs. DPS\*

- Constitutional administrative court appealed to Supreme Court
- All revenue is retained for citations currently - less statutory apportionment of \$850K to OTC and DPS
- Non-criminal offenses- companies are cited, not drivers
- Companies receive a chance to protest within 30 days
- OCC divisions share court resources so entire burden isn't just on Transportation

*Officers issue 3,000-5,000 citations per month*



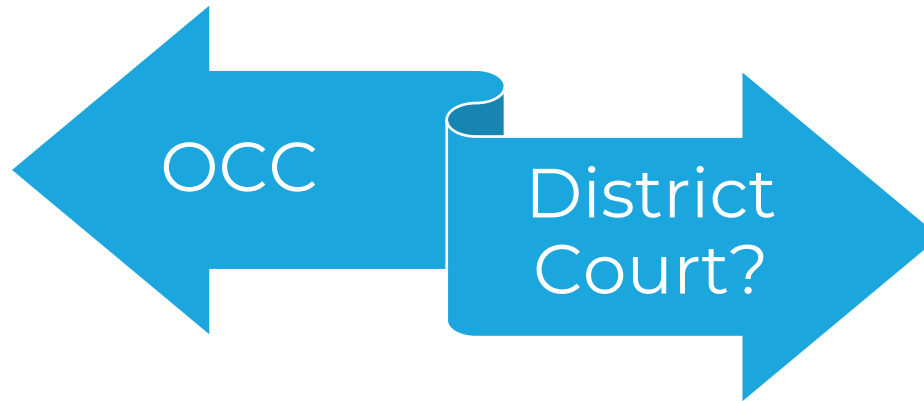
- Does DPS currently have statutory authority to hear these citations?
- If so, does DPS have adequate staffing for shift in workload?
- If not, a cost analysis would need to be performed to understand full fiscal impact of transition
- OCC does not believe that legally we could perform hearings for a separate agency's enforcement effort, so another alternative would have to be identified (Article 9, Section 19 Oklahoma Constitution)

*\*All data is speculative because a formal proposal has not been made*

# OCC Administrative Court vs. District Court\*

- Constitutional administrative court appealed to Supreme Court
- All revenue is retained for citations currently - less statutory apportionment of \$850K to OTC and DPS
- Non-criminal offenses- companies are cited, not drivers
- Companies receive chance to protest within 30 days
- Shared resources with other OCC divisions so entire burden isn't just on Transportation

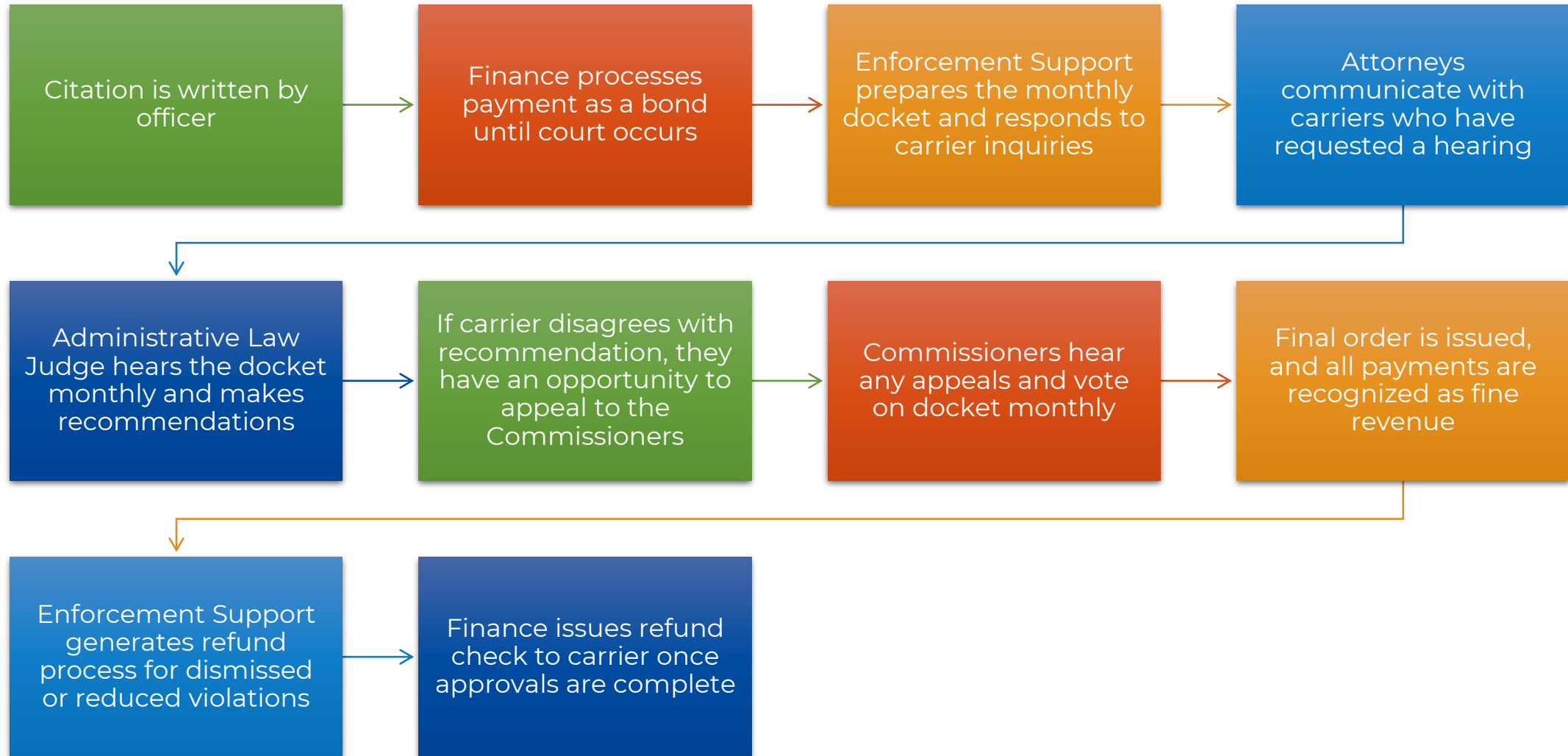
*Officers issue 3,000-5,000 citations per month*



- Drivers would be cited vs. companies which could negatively impact hiring pool for trucking companies
- Applicable court fees would be attached to citation- increasing cost of violation
- DPS would not receive 100% of citation revenue, if any
- Additional burden placed on District Courts that are already working at maximum capacity
- Potential delay in hearing dates due to extensive dockets

*\*All data is speculative because a formal proposal has not been made*

# Currently How OCC Processes Citations Today



# Motor Carrier Field Enforcement Move to DPS

## Questions to consider

- By moving the enforcement effort to DPS, where and how would the citations be processed?
- How much of an impact on revenue would occur with that move?
- If the citation revenue is not enough to sufficiently fund the officers where would the money come from?
- Who would enforce IFTA and IRP compliance/audits if the programs are administered at DPS?
- Would a new court have the technical expertise to hear the citations?

**Approximately  
50,000  
citations are  
processed  
annually by  
OCC**

\*Number above does not include Bryan Co. POE that opened in October 2023

# Closing Remarks and Considerations

## Commission Audits Since 2007

- 39 Performance Audits
- 34 Financial Audits
- 51 Grant Audits/Reviews
- 14 Operational Audits



Dedicated State Auditor & Inspector presence since 2013

17 Independent auditing firms or review boards

IFTA and IRP programs peer reviews every 5 years for compliance, Federal Highway Administration audits every 3 years



# How to Move Forward

## Items for consideration

- What happens to DPS citation revenue today? And if OCC enforcement effort is moved to DPS?
- Where does the additional revenue come from to support the enforcement officers?
- Who would enforce IFTA and IRP programs for compliance?
- McGirt is not an issue for OCC since we are a regulatory agency, for others it might be

## Additional resources needed

- Can the District Courts take on burden of processing the high volume of citations?
- Could DPS process citations differently than they do today to handle administrative court duties?
- If so, at what cost? Highly recommend in-depth fiscal analysis be performed before transfer is recommended

## Potential other solutions

- Increase outdated fine schedule and reallocate increased portion of revenue to DPS and ODOT
- Operate under a partnership agreement like other 36 states



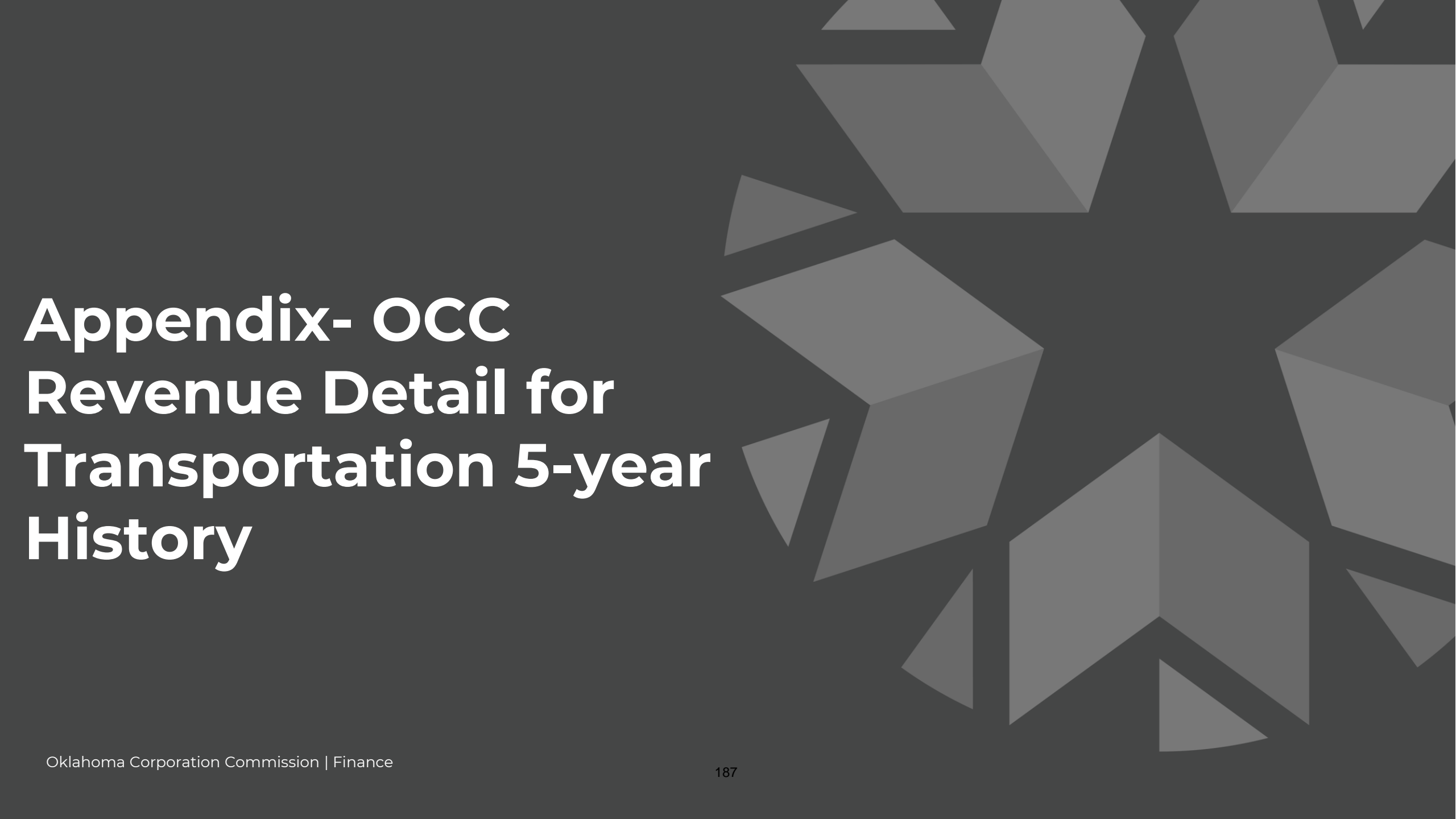
**Holly George | Chief Financial Officer**

p. 405-522-2045 | c. 405-517-0456

[Oklahoma.gov](http://Oklahoma.gov) | <https://oklahoma.gov/occ.html>



**OKLAHOMA**  
Corporation  
Commission



# Appendix- OCC Revenue Detail for Transportation 5-year History

# Appendix- Detail of All OCC Transportation Revenue Retained

*All numbers reflect OCC's portion of actual revenue retained*

OCC Revenue	FY2019	FY2020	FY2021	FY2022	FY2023
Citations- TOSS	\$9,881,621	\$7,911,504	\$6,809,704	\$10,848,850	\$10,292,369
Appropriations	\$2,657,044	\$3,817,150	\$3,641,464	\$3,644,180	\$3,644,180
IRP- ARCS Fee	\$3,819,566	\$6,300,480	\$6,446,774	\$6,739,332	\$6,831,804
IRP- Registration	\$2,697,045	\$1,627,446	\$1,492,895	\$1,543,487	\$1,443,012
IRP- Fuel Permit Service Fee	\$508,250	\$617,870	\$725,040	\$870,020	\$732,900
IRP- MLA Fee	\$12,232	\$6,157	\$2,513	\$3,663	\$2,129
IRP- 72 HR Permit (in lieu of IRP registration)	\$102,112	\$31,515	\$36,406	\$43,128	\$37,783
IFTA- License & Decals	\$378,442	\$355,046	\$317,346	\$323,860	\$332,894
IFTA- Reinstatement Fee	\$75,932	\$62,800	\$36,100	\$72,900	\$78,900
IFTA- 120 HR Permit (in lieu of IFTA license)	\$65,842	\$59,284	\$70,768	\$86,156	\$69,260

# Appendix- Detail of All OCC Transportation Revenue Retained

All numbers reflect OCC's portion of actual revenue retained

OCC Revenue	FY2019	FY2020	FY2021	FY2022	FY2023
TRN Network Co Permit	\$15,000	\$15,000	\$10,000	\$15,000	\$20,000
Unified Carrier Registration	\$2,457,796	\$2,457,796	\$2,457,796	\$2,457,796	\$2,457,796
Household Goods-Sub-application	\$10,250*	\$15,450*	\$2,150	\$600	\$300
Household Goods-Original application			\$5,250	\$7,000	\$4,900
Household Goods-Renewal			\$13,800	\$13,800	\$13,800
Identification Device Fee	\$136,081	\$115,173	\$113,008	\$114,212	\$117,516
Intrastate-MC License-Application	\$104,460	\$89,410	\$91,600	\$106,600	\$98,200
Intrastate-MC License-Renewal	\$118,564	\$113,000	\$75,000	\$69,700	\$68,250
Intrastate-MC License-Reinstatement	\$0	\$0	\$200	\$100	\$0

# Appendix- Detail of All OCC Transportation Revenue Retained

All numbers reflect OCC's portion of actual revenue retained

OCC Revenue	FY2019	FY2020	FY2021	FY2022	FY2023
Intrastate-PC License-Application	\$28,518*	\$20,800*	\$17,300	\$22,600	\$39,150
Intrastate-PC License-Renewal			\$39,500	\$42,300	\$18,100
Intrastate-MC/PC License-Upgrade/downgrade	\$0	\$0	\$250	\$750	\$750
Name Change-Application Fee	\$2,500	\$2,000	\$1,900	\$2,350	\$4,800
Non-Consensual Towing-Assessment	\$139,533*	\$147,144*	\$135,696	\$143,369	\$140,313
Non-Consensual Towing-Late Penalty			\$4,766	\$671	\$1,035
Non-Consensual Towing-Non-Compliance			\$0	\$0	\$616



# Appendix- Detail of All OCC Transportation Revenue Retained

*All numbers reflect OCC's portion of actual revenue retained*

OCC Revenue	FY2019	FY2020	FY2021	FY2022	FY2023
Harvest Permit- 30 Day	\$3,543	\$4,108	\$760	\$1,280	\$2,140
Harvest Permit- 60 Day			\$2,508	\$1,135	\$1,471
Deleterious Substance License	\$137,550	\$121,450	\$105,000	\$107,800	\$100,800
Hazardous Waste Fee	\$63,950	\$58,150	\$56,775	\$48,100	\$62,850
Filing Fee- TRN Docket	\$13,000	\$12,500	\$8,500	\$14,500	\$16,000
Fines/Penalties	\$48,181	\$24,640	\$0	\$0	\$500
Grant-PLS-Hazardous Liquid	\$1,866,810*	\$1,738,107*	\$355,278	\$371,273	\$418,551
Grant-PLS-Natural Gas			\$1,288,731	\$1,373,711	\$1,388,850
Grant-PLS-Underground Storage Tank			\$47,703	\$96,689	\$58,458
Cost Recovery- Transportation	\$8,322	\$52,656	\$76,225	\$41,009	\$81,607

# Appendix- Detail of All OCC Transportation Revenue Retained

All numbers reflect OCC's portion of actual revenue retained

OCC Revenue	FY2019	FY2020	FY2021	FY2022	FY2023
PLS-Hazardous Liquid Assessment	\$1,406,432*	\$1,458,625*	\$410,810	\$402,079	\$370,077
PLS- Natural Gas Assessment			\$1,061,099	\$1,070,828	\$1,098,610
Copies	\$0	\$0	\$0	\$153	\$874
Copies-IMVR Database	\$0	\$0	\$7,700	\$8,400	\$0
Rule Books	\$5,250	\$6,810	\$7,076	\$9,050	\$5,530
Returned Payment Fee	\$0	\$0	\$100	\$280	\$280
<b>Totals</b>	<b>\$26,763,825</b>	<b>\$26,873,144</b>	<b>\$25,975,741</b>	<b>\$31,219,012</b>	<b>\$30,057,355</b>

\*FY19 and FY20 amounts were combined for certain revenue streams due to the limitations of OCC's Case Processing system only allowing for 99 revenue codes. With IMS implementation on 07/01/2020, the issue was resolved to allow for more detailed reporting.

# Drivewyze<sup>®</sup>

## Connected Vehicle Program

Oklahoma Task Force on Motor Carrier Regulation and Enforcement  
November 16<sup>th</sup>, 2023

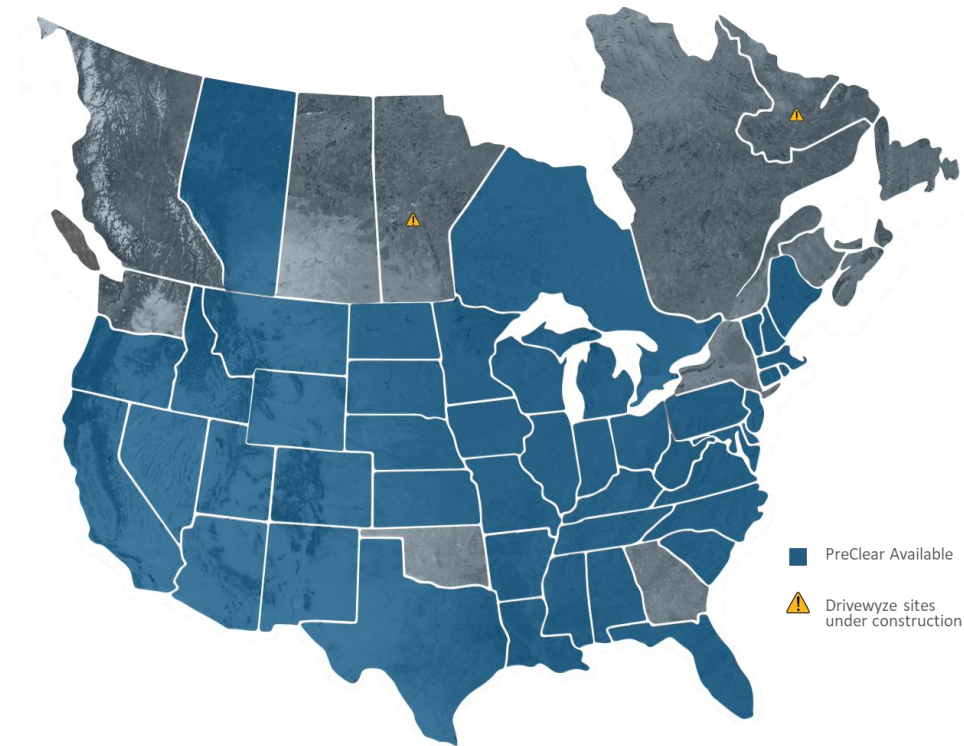
# Who We Are

Drivewyze has developed innovative technology for commercial vehicle enforcement since 2003.

Drivewyze's PreClear bypass program, launched in 2012, is now active at over **900 weigh stations** in **47 states/provinces**.

Drivewyze has grown to be the largest "connected truck" network in North America, with reach into over **2.7 million trucks** (approximately 1 in 4) on the road today.

Drivewyze Vision Zero: Enabling a safe and efficient commercial vehicle transportation system with ZERO crashes and ZERO fatalities.



# North America's Largest Connected Truck Platform

Drivewyze services  
are available across  
North America

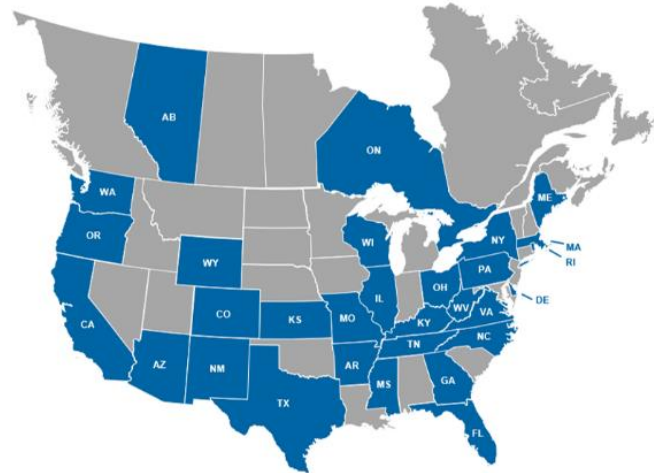
Drivewyze in-cab  
network continues  
to grow as we look  
to expand our  
partnerships

- PreClear Available
- ⚠ Drivewyze sites  
under construction

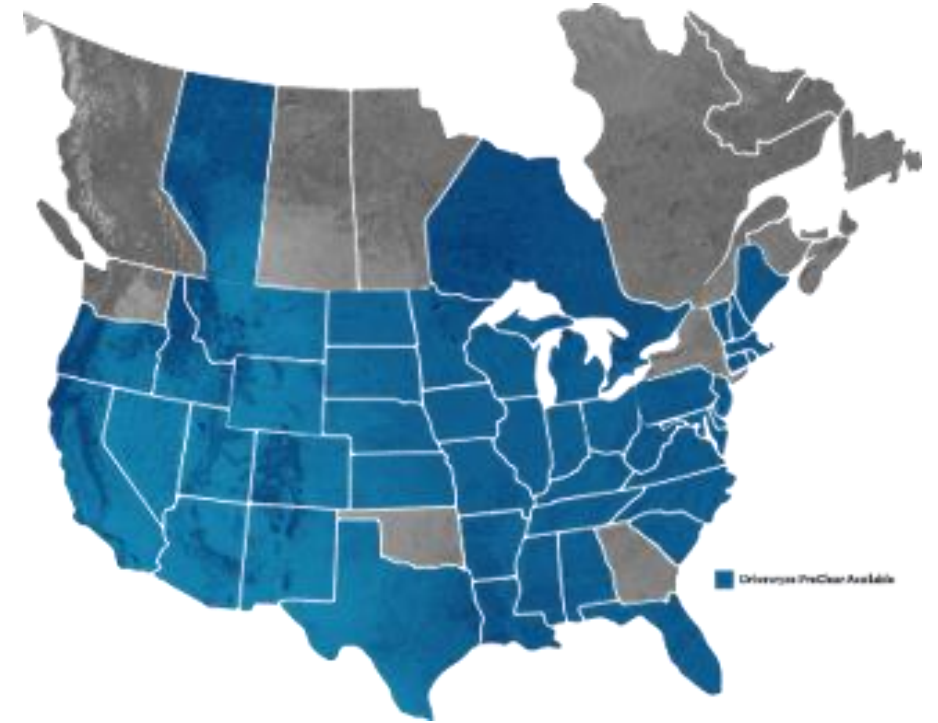


# Drivewyze Connected Truck Network: Today

- Roadside technology across North America
- Connected truck network based on **100+ partnerships** with ELD and other telematics providers and resellers
- Over **900** weigh station bypass sites across North America (47 states & provinces)



Drivewyze Infrastructure Services Coverage



Bypass Coverage



# The Drivewyze Difference

- Drivewyze is GPS-based and does not use traditional transponders or require roadside infrastructure.
- Drivewyze works seamlessly on in-cab Electronic Logging Devices (ELDs) and mobile devices that are in nearly every truck on the road.
- Drivewyze Preclear is industry funded and available to enforcement agencies at zero cost, requiring no investment in equipment.
- Participating carriers pay a small fee per vehicle to receive bypasses.



# The Drivewyze Connected Truck Network

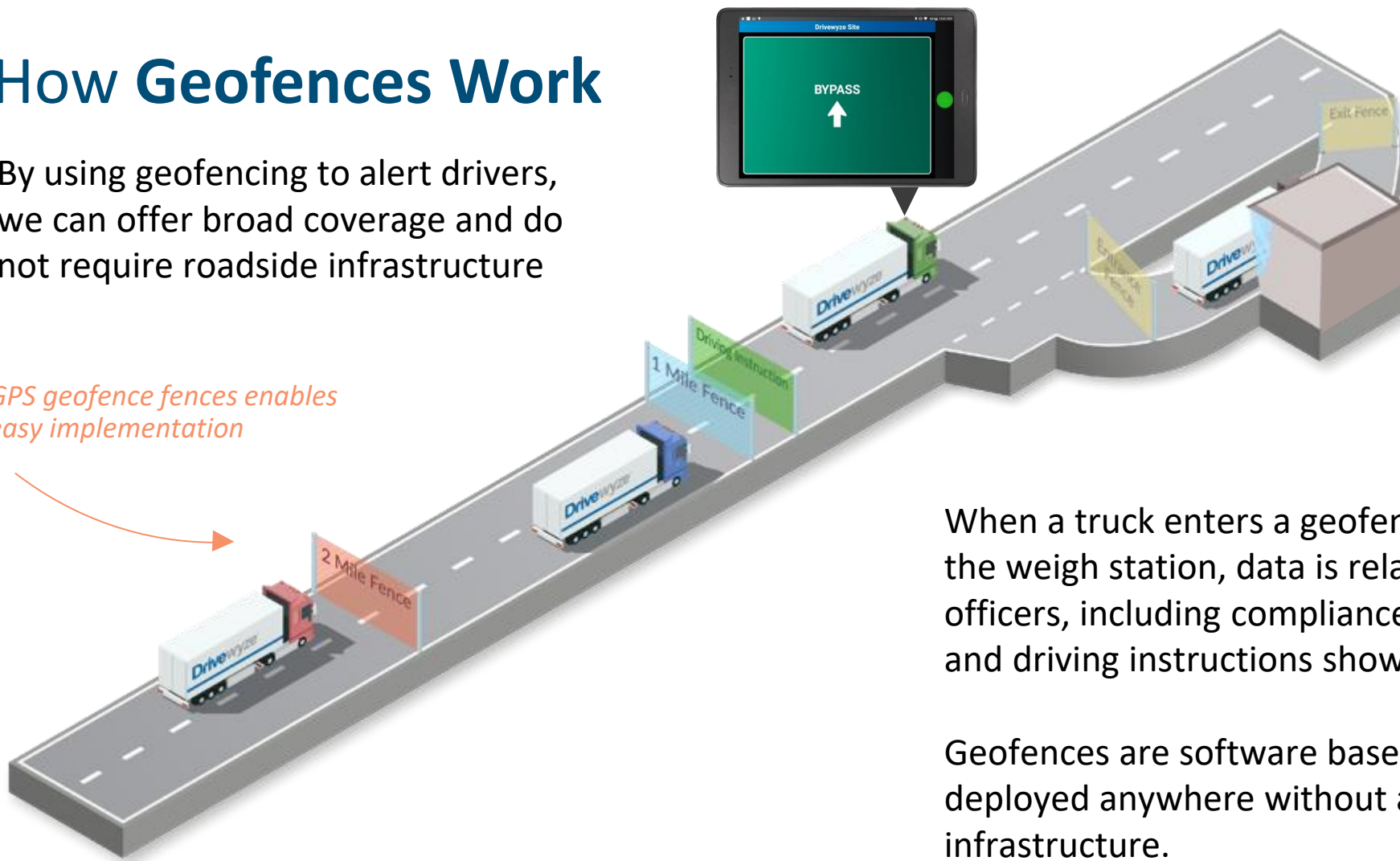
- The largest single connected network of trucks with in-cab driver messaging.
- Integrated on 2.7 million (approximately 1 in 4) trucks through ELD partners and apps.
- Current partnerships in place or in development with over thirty leading ELD providers.



# How Geofences Work

By using geofencing to alert drivers, we can offer broad coverage and do not require roadside infrastructure

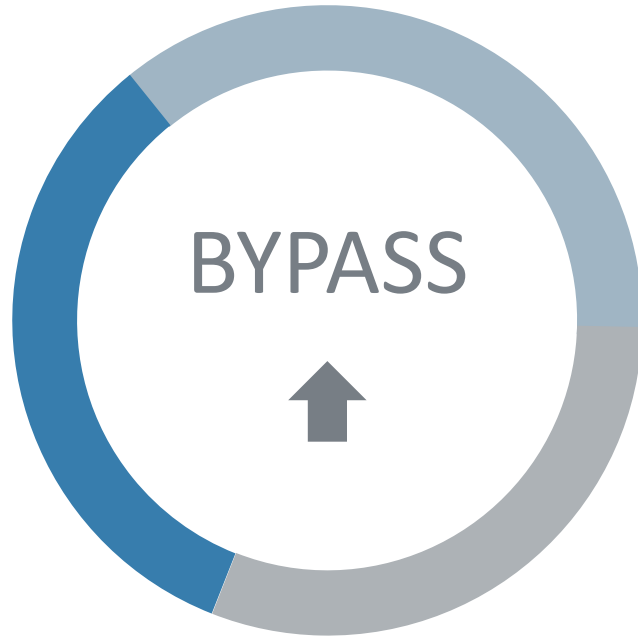
*GPS geofence fences enables easy implementation*



When a truck enters a geofence in advance of the weigh station, data is relayed to enforcement officers, including compliance data, safety data, and driving instructions shown to the driver.

Geofences are software based so can be deployed anywhere without additional infrastructure.

# Agency-controlled Bypass Rules



Bypass rules are under full control of enforcement agencies:

1. Authoritative government data sources that are fully accessible to OK enforcement agencies
2. Screening rules that are selected and fully managed by the enforcing agencies, including:
  - **Federal out-of-service orders**
  - **License plate registration**
  - **IFTA and tax compliance**
  - **Carrier's safety history (ISS score)**
  - **(Other state-specific databases and rules, such as permits)**
3. Even carriers that pass all other screening rules will still be pulled in randomly, generally set at 2-5% of the time, but adjustable at the discretion of the enforcing agencies.

## New Jersey Monthly Agency Report Preclear Program Summary

### Notification Summary

Does not include Follow Road Signs or Transponder commands in supported jurisdictions  
Data for open Drivewyze sites only



Bypasses granted<sup>1</sup>

**25,360**

(90.8 %)



Pull-ins given<sup>1</sup>

**2,562**

(9.2 %)

### Industry Benefits

Does not include Follow Road Signs or Transponder commands in supported jurisdictions



Hours saved<sup>2</sup>

**2,113**



Gallons saved<sup>3</sup>

**10,144**



Tons of CO<sub>2</sub> saved<sup>4</sup>

**114**



Dollars saved<sup>5</sup>

**\$220,125**

# Drivewyze Program Benefits

## Carriers

Safe carriers and drivers are rewarded with bypasses, saving them money, time and fuel.

## Public

Keeps freight moving, reduces congestion and backups around weigh stations; improves public safety and traffic flow while reducing overall emissions.

## Law Enforcement

Enforcement officers can focus limited time and attention on trucks without known compliance or safety history.

Participating agencies have full control of all bypass rules, and full retention of all data.

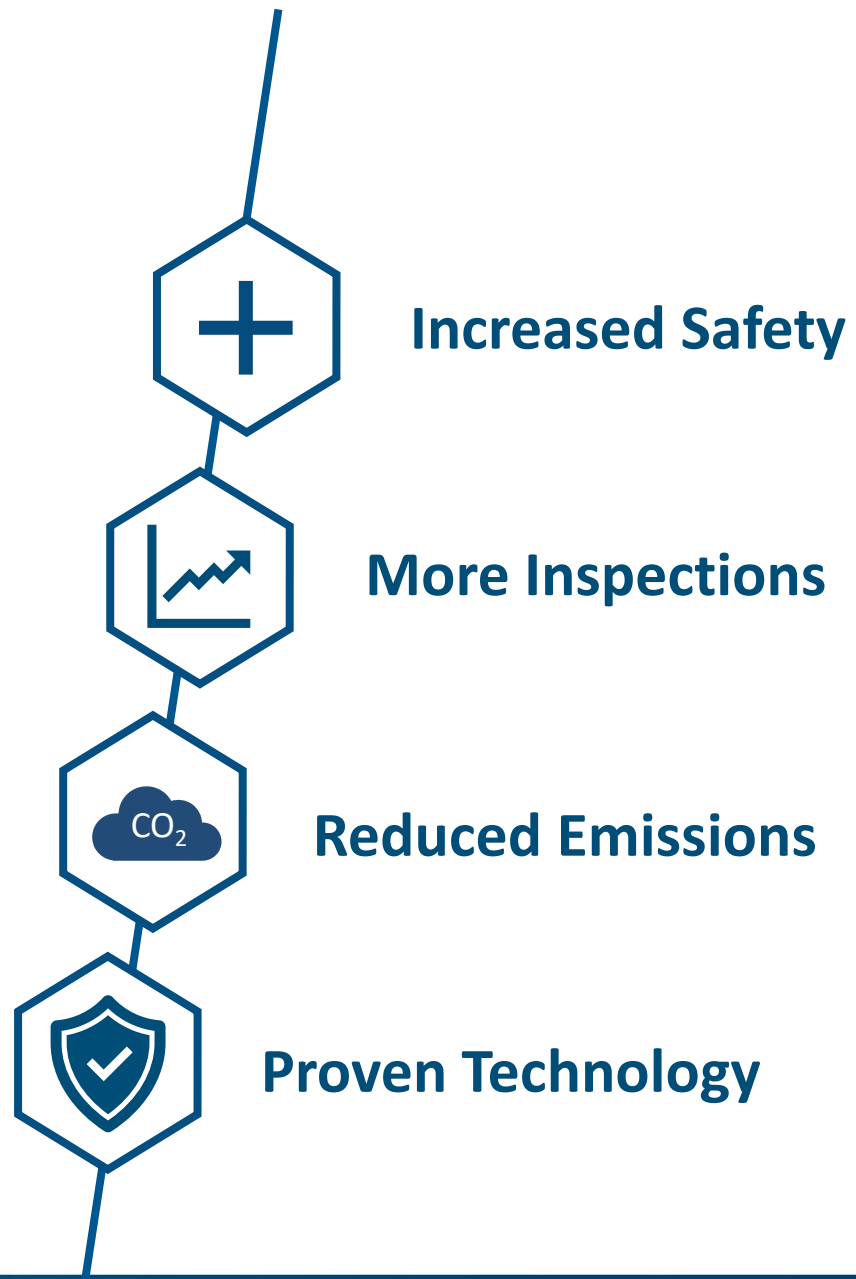


An aerial photograph of a parking lot and building complex. In the foreground, a white van is parked on a paved area. Behind it, a large building with a green roof is visible. To the left, a long building with a grey roof is partially shown. In the background, a parking lot is filled with several white cars and two large white buses. The scene is set in a grassy area under bright daylight.

# Connected Truck Solutions: New Inspection Types

## Drivewyze e-Inspection helps create safer roads

Drivewyze e-Inspection technology revolutionizes roadside inspections, reducing inspection time and improving carrier operations while maintaining safety.



# WHY WE NEED LEVEL VIII

## Inspections by the Numbers



6,000,000 trucks on the road



Only 13,000 enforcement officers



3,500,000 annual inspections

Many trucks are not being inspected.  
The inspections that do occur are not being done as efficiently as they could be.

All carriers want to improve their CSA Score

Inspections directly impact a fleets CSA score.

The 7 BASICS of CSA Score:

- Unsafe Driving
- Crash Indicator
- Controlled Substances
- Vehicle Maintenance
- HAZMAT Compliance
- HOS Compliance
- Driver Fitness

4 of 7 BASICS are dependent on a clean inspection

# Drivewyze Autonomous Vehicle Inspection

- **Pilot for Inspecting Autonomous CMVs:** CVSA defined requirements for ACMV inspection
- **Pre-trip:** Vehicles are inspected by CVSA trained inspectors every 24 hours.
- **In-Motion:** Vehicle required to communicate to enforcement while in-motion that it had passed the original/destination inspection (Enhanced CMV Inspection)
- **March 2023:** Law enforcement officers trained in Texas on AV bypass. Pilot to expand later this year.





# Connected Truck Solutions: Smart Roadways (In-Cab Alerts)



# CMVs have a BIG Impact on Safety & Mobility



## On the Rise:

- Fatal crashes involving large trucks
- Work zone and end of queue crashes
- CMVs impact on pollution, emissions

## At the same time:

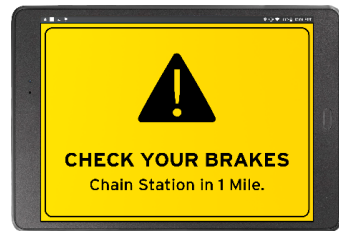
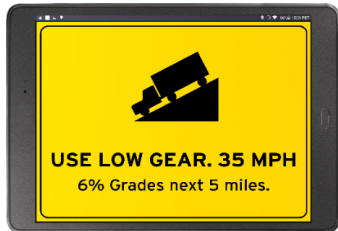
- Increased demand on freight, distribution, supply chain
- Freight volumes projected to increase



# Drivewyze<sup>®</sup> Free\*

*\*Includes Agency-sponsored Smart Roadways Alerts  
and fleet-sponsored Safety+ Alerts*

- Virtual road signage at critical locations that enhances your safety program
  - Preventing costly collisions in high traffic areas
  - Improving awareness of high-risk locations
  - Reducing the stress of driving on unfamiliar roads



# Drivewyze Safety Alerts: Proven to Improve Driving Behavior

**25%**  
reduction in  
Speeding incidents

Hard Braking was  
reduced by up to  
**19%**

# Smart Roadways Products – Core Dynamic Offerings

## Traffic & Congestion



## Work Zones & Lane Closures



## Service Vehicles



# Smart Roadways Effectiveness in Work Zones

70%

of alerted drivers  
slow down  
ahead of incident



# Drivewyze<sup>®</sup>

A connected truck platform for the future

---

**Marc Nichols**  
Director, Govt & Industry Relations  
mnichols@drivewyze.com  
919-795-7467

**Brian Mofford**  
VP Government Experience  
bmofford@drivewyze.com  
780-966-6633





October 27, 2023

Chairman Matt Herndon  
State Task Force on Motor Carrier  
Regulation and Enforcement

Re: Oklahoma Corporation Commission (OCC) Concerns

Dear Chairman Herndon:

On Thursday, October 26, 2023, the OCC voted unanimously to direct staff to submit a letter to the State Task Force on Motor Carrier Regulation and Enforcement (Task Force) opposing any recommendation to move OCC transportation enforcement officers from OCC while leaving other Transportation Division regulatory duties in place.

Absent any proposal as to how the duties and funding of the OCC enforcement staff could be safely transferred, the OCC has no ability to properly evaluate the impact on the agency's legislative mandates or the effects on the trucking industry which relies on the continuity of agency programs. During the last Task Force meeting, OCC was given ten days to assess how to separate the field enforcement staff from the rest of the Transportation Division – a request the Commissioners reject at the outset as trying to fix something that is not broken.

The field enforcement personnel are jurisdictionally, structurally and financially linked with the core functions of the rest of the Transportation Division. Any attempt to separate field enforcement would, at a minimum, require a level of examination well beyond the mandated timeline of this Task Force. To date, the Task Force has only performed a surface-level analysis of how the OCC is structured and operates currently, leaving many unanswered questions about where and how enforcement activities would be processed if the enforcement effort is moved away from OCC. No budget impact study has been performed, only a historic review of OCC's actual revenue collections and expenditures.

The "very rough estimate" of enforcement-only funding circulated by the Department of Public Safety (DPS) outside its formal presentation at the October 20, 2023 meeting is \$5 million *more*, per year, than OCC spent in FY23 for the same officers. The consequences of an arbitrary transfer of field enforcement staff, modifying an efficiently functioning program, would adversely affect the continuity of other programs the OCC is tasked by the legislature to administer and will result in a higher expense to taxpayers. If the goal of the Task Force is to increase the number of safety inspection officers in Oklahoma, there are less disruptive methods to accomplish this goal that would not require rewriting hundreds of sections of law; funding the significant costs involved in transferring programs from one agency to another; or incurring the risk of disrupting motor carrier regulation in Oklahoma.



If a bill is proposed by the legislature, and OCC recommendations are not included, we maintain our position that no change should occur and the current motor carrier enforcement programs remain as currently configured.

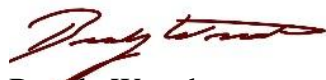
In the alternative:

- OCC would recommend the legislature unify the fine structure across agencies and raise vehicle overweight violations to a level comparable to surrounding states with the additional revenue allocated to DPS to hire additional officers for its safety programs; and,
- Make OCC a partner-agency with DPS for the purpose of conducting safety inspections.

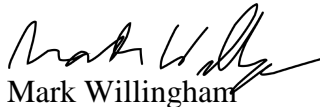
Failing that, for the continuity of the programs, we recommend:

- If a transfer of OCC enforcement officers is required, for any reason, then a complete transfer to DPS of the OCC's Transportation Division, excluding the pipeline safety department, would be necessary, and would permit DPS to tailor the programs to suit its needs while maintaining the stringent compliance requirements of the IFTA and IRP program guidelines.

Sincerely,



Brandy Wreath  
Executive Director  
Oklahoma Corporation Commission



Mark Willingham  
Task Force Member/Chief Legal Counsel  
Oklahoma Corporation Commission

Cc: J. Todd Hiatt, Chairman, Oklahoma Corporation Commission  
Kim David, Vice Chairman, Oklahoma Corporation Commission  
Bob Anthony, Commissioner, Oklahoma Corporation Commission  
Members, State Task Force on Motor Carrier Regulation and Enforcement



November 29, 2023

Chairman Matt Herndon  
State Task Force on Motor Carrier  
Regulation and Enforcement

Re: Oklahoma Corporation Commission (OCC) Concerns with Proposals Discussed at the State Task Force on Motor Carrier Regulation and Enforcement (Task Force) Meetings

The OCC is gravely concerned with the proposal being put forth by some members of the Task Force to move OCC transportation enforcement officers from OCC while leaving other Transportation Division regulatory duties in place. If the Task Force were to adopt such a recommendation, additional time should be taken to fully study and evaluate the consequences of any actions prior to legislative changes, along with the full fiscal impact to Oklahoma citizens and the affected industry.

As a constitutionally established agency, the OCC is mandated with regulatory and enforcement authority over all transportation companies doing business in Oklahoma. (*See* Article IX, Section 18 of the Oklahoma Constitution). Moreover, as statewide elected officials, we are held directly accountable by the people. The OCC has faithfully and appropriately handled the regulation of transportation companies for over 100 years, and we see no justification to remove such authority.

The current regulatory arrangement between the OCC, Department of Public Safety (DPS), and the Department of Transportation (ODOT) works. To improve the arrangement, the OCC recommends the following:

- (1) The Legislature should unify the fine structure across agencies and raise vehicle overweight violations to a level comparable to surrounding states with the additional revenue allocated to DPS to hire additional officers for its safety programs; and,
- (2) Make the OCC a partner-agency with DPS by signing a memorandum of understanding for the purpose of conducting safety inspections.

These two simple recommendations achieve the stated purpose(s) of the Task Force in Title 47 O.S. § 173.1, by providing necessary funding to increase highway safety efforts without the need for additional appropriations, protecting Oklahomans and their roadways, and utilizing the existing statutory and constitutional frameworks while ensuring no regulatory disruption to the industry occurs. Instead of recommending these simple improvements, the Task Force continues to push changes to move significant portions of the OCC's Transportation Division to DPS without considering the legal, financial, and staffing consequences. The OCC encourages the Task Force to recommend the least harmful option, as described above, before making drastic and costly proposals.

If a bill is proposed by the Legislature, and OCC's recommendations are not included, OCC will maintain its position that no change should occur, and the current motor carrier enforcement programs should remain as currently configured, which operate at a much lower cost than initial information received from DPS indicates.



## Known Fiscal Impact

Current OCC general revenue appropriations: \$3,644,180  
Estimated DPS appropriation request: \$18,666,536

**Taxpayer increase: \$15,022,356<sup>1</sup>**

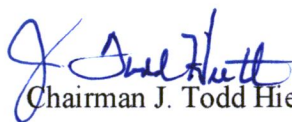
Importantly, if the OCC's recommendations are not included, the Legislature should be prepared to allocate significant recurring appropriations to DPS. The consequences of an arbitrary transfer of field enforcement staff, modifying an efficiently functioning program, would adversely affect the continuity of other programs the OCC is tasked by the Legislature to administer and will result in a \$15 million higher expense to fund the same enforcement personnel. If the goal of the Task Force is to increase the number of safety inspection officers in Oklahoma, there are less expensive and disruptive methods to accomplish this goal that would not require rewriting hundreds of sections of law, further burdening Oklahoma taxpayers, or incurring the risk of disrupting motor carrier regulation in Oklahoma.

Adopting the proposal of some members of the Task Force will also remove citation enforcement from the OCC's existing administrative system. Oklahoma's already overwhelmed district courts will need a significant increase in recurring appropriations to process thousands of new motor carrier citations each year, which are currently processed in the OCC's existing administrative court system. Currently, all motor carrier citations (averaging 4,000 to 6,000 per month) are administrative matters with administrative fines and no court costs. However, should the district courts become responsible for such citations, these would become criminal cases and would include both fines and court costs, and significantly increase costs to the motor carrier industry.


Any consideration to move the IFTA and IRP programs away from OCC could also result in catastrophic fiscal impacts if found non-compliant with these nationally-mandated programs. If these programs are mismanaged, then significant penalties and interest charges could be incurred by the state. (*See Oklahoma ex rel. Oklahoma Tax Comm'n v. Int'l Registration Plan, Inc.*, 264 F. Supp. 2d 990 (W.D. Okla. 2003)).

The OCC is willing to work with industry, DPS, ODOT, and the Legislature to find workable solutions to perceived concerns without jeopardizing the roads of Oklahoma. We hope that the Task Force will issue a recommendation taking OCC's concerns into account.

Sincerely,

  
Chairman J. Todd Hiatt

  
Vice Chairman Kim David

  
Commissioner Bob Anthony

Cc: Members, State Task Force on Motor Carrier Regulation and Enforcement  
Governor, J. Kevin Stitt  
Lt. Governor, Matt Pinnell  
President Pro Tempore of the Senate, Greg Treat  
Speaker of the House of Representatives, Charles McCall

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<sup>1</sup> This difference is because DPS would not receive any citation revenue that OCC receives today since their citations are heard in District Court; therefore, requiring more appropriations to fund enforcement.