

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 35. ENFORCEMENT OF OKLAHOMA MOTOR CARRIER SAFETY AND
HAZARDOUS MATERIALS TRANSPORTATION ACT**

RULE IMPACT STATEMENT

[75 O.S. § 303(D)(2)]

A. A BRIEF DESCRIPTION OF THE PURPOSE OF THE PROPOSED RULE:

The Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act provides “It is therefore declared to be the policy of the State of Oklahoma to provide regulatory and enforcement authority to the Oklahoma Department of Public Safety to improve safety related aspects of motor carrier transportation and to protect the people against the risk to life and property inherent in the transportation of property, including hazardous materials, over highways and the handling and storage incidental thereto, by keeping such risk to a minimum consistent with technical feasibility and economic reasonableness and to provide uniform regulation of intrastate transportation of property, including hazardous materials, consistent with federal regulation of interstate transportation.” 47 O.S. § 230.2(B). The purpose of this proposed rule is to conform the existing rule to the legislative policy of the State of having “uniform regulation of intrastate transportation of property, including hazardous materials, consistent with federal regulation of interstate transportation.”

Additionally, the rules clarify the authority of the Commissioner of Public Safety to direct the duties and assignments of Department of Public Safety port of entry officers.

B. DESCRIPTION OF THE CLASSES OF PERSONS AFFECTED:

Motor carriers operating in intrastate commerce using a vehicle with a weight rating or gross combination weight rating, or gross vehicle weight or gross combination vehicle weight of ten thousand one (10,001) pounds or more, whichever is greater.

C. CLASSES OF PERSONS BENEFITING:

Consistent with the declared public policy of the State of maintaining a “uniform regulation of intrastate transportation of property, including hazardous materials, consistent with federal regulation of interstate transportation,” this rule change benefits all members of the motoring public by enhancing public safety and mitigating the risk of collisions involving commercial motor vehicles.

D. ECONOMIC IMPACT UPON AFFECTED CLASSES OF PERSONS:

There is no anticipated economic impact upon the affected classes of person.

E. COST AND BENEFITS TO THE AGENCY:

There are no anticipated costs or benefits associated with these proposed rules.

F. ECONOMIC IMPACT ON POLITICAL SUBDIVISION:

There is no anticipated economic impact on political subdivisions.

G. ECONOMIC IMPACT ON SMALL BUSINESS:

Consistent with the declared public policy of the State of maintaining a “uniform regulation of intrastate transportation of property, including hazardous materials, consistent with federal regulation of interstate transportation,” motor carriers operating in intrastate commerce using a vehicle with a weight rating or gross combination weight rating, or gross vehicle weight

or gross combination vehicle weight of ten thousand one (10,001) pounds or more, whichever is greater, will be subject to the Federal Motor Carrier Safety Regulations consistent with motor carriers operating in interstate commerce. There is no anticipated economic impact for motor carriers operating vehicles in a safe manner consistent with the Federal Motor Carrier Safety Regulations.

H. MEASURES TAKEN TO MINIMIZE COMPLIANCE COSTS:

No compliance costs are associated with this rule.

I. EFFECT OF THE PROPOSED RULE ON PUBLIC HEALTH:

Consistent with the declared public policy of the State, regulating intrastate motor carriers in a manner consistent with interstate motor carriers, is expected "to improve safety-related aspects of motor carrier transportation and to protect the people against the risk to life and property inherent in the transportation of property, including hazardous materials, over highways and the handling and storage incidental thereto."

J. DETRIMENTS TO PUBLIC HEALTH IF THE RULE IS NOT ADOPTED:

The Legislature has recognized a significant risk to public safety exists when both interstate and intrastate motor carriers are not operating commercial motor vehicles in a manner consistent with federal standards and regulations:

"That the volume of hazardous and nonhazardous materials transported by motor carriers within this state is substantial and the need exists to improve the enforcement of safety related aspects of motor carrier transportation for both interstate and intrastate motor carriers which is consistent with federal standards and regulations." 47 O.S. § 230.2(A)(1).

This rule change is intended to mitigate the very risk to public safety the Legislature identified in the Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act.

K. DATE RULE IMPACT STATEMENT PREPARED:

January 11, 2024