RULEMAKING ACTION: PERMANENT final adoption

RULES:

Subchapter 3. Intrastate Motor Carriers
Part 1. Applying for a License
165:30-3-1. Obtaining a license [AMENDED]
165:30-3-3. License and certificate renewals [AMENDED]

Part 3. License Requirements
165:30-3-11. Insurance [AMENDED]
165:30-3-13. Deleterious Substance Transport Permit [AMENDED]
165:30-3-16. Current address requirement [AMENDED]
165:30-3-17. Markings [AMENDED]

Subchapter 6. Transportation Network Companies
Part 1. Applying for a Permit
165:30-6-1. Obtaining a permit [AMENDED]
165:30-6-5. Insurance [AMENDED]

Part 3. Conducting Operations
165:30-6-17. Current address requirement [AMENDED]

Subchapter 7. Procedural Rules
165:30-7-5. Forms [AMENDED]
165:30-7-6. Applications and requests [AMENDED]
165:30-7-11. USDOT number [AMENDED]
165:30-7-17. Insurance filing replacement [AMENDED]

Subchapter 13. Intrastate Household Goods Certificates
Part 1. Obtaining Authority
165:30-13-2. Obtaining a household goods certificate [AMENDED]

Subchapter 15. Intrastate Private Carriers
Part 3. Obtaining a Private Carrier License and License Requirements
165:30-15-4. Obtaining a license [AMENDED]
165:30-15-6. Insurance [AMENDED]
165:30-15-7. Current address requirement [AMENDED]

Subchapter 17. Hazardous Waste Transporters
Part 5. Conducting Operations
165:30-17-34. Name Changes [AMENDED]
165:30-17-35. Address changes [AMENDED]

Subchapter 19. Registration Pursuant to the International Registration Plan
165:30-19-3. Registration [AMENDED]
165:30-19-17. Temporary registration [AMENDED]

165:30-21-5. Application for license [AMENDED]
Subchapter 25. Harvest Permits
165:30-25-1. Harvest Permits [AMENDED]
Subchapter 26. Nonconsensual Wrecker and Towing Services
Part 1. Nonconsensual Wrecker and Towing Services Rate Change Applications
165:30-26-3. Application; application package; and staff response to filed application package
Part 3. Response to Nonconsensual Towing Rate Complaints
165:30-26-12. Nonconsensual towing rate complaint resolution and contesting a Violation Notification [AMENDED]

AUTHORITY:
The Commission’s statutory authority is found in the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 et seq., and 47 O.S. § 162, 47 O.S. § 230.24, and 47 O.S. § 966.

SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:
Although the Oklahoma Corporation Commission is not subject to the requirements of Executive Order No. 2019-11, the proposed rules were submitted to the Governor and Cabinet Secretary on December 21, 2018.

COMMENT PERIOD:
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ADOPTION:
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SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:
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August 1, 2019

SUPERSEDED EMERGENCY ACTIONS:
n/a

INCORPORATIONS BY REFERENCE:
n/a

GIST/ANALYSIS:
The adopted rules add a requirement for email, mailing, and physical address information to be included with a license application; add a requirement for email addresses as a form of mailing for sending notices and require notification of changes in email, mailing, and physical addresses; require email, mailing, and physical address information of corporate officers to be included with a name change request; add a requirement for notification of changes in email addresses for motor carriers; remove the requirement of mailing a copy of a temporary registration to the Transportation Division of the Corporation Commission and add a requirement that registration fees be paid within thirty (30) days of the effective date of the temporary registration; add a requirement for email address in a harvest permit application; clarify when MCF2 is the appropriate application form; limit the number of primary and excess insurance filings that shall be approved; clarify when a deleterious substance transport permit is required in the vehicle; add two (2) new forms and clarify language regarding form TDF 2; add a provision for USDOT numbers for intrastate operations to be obtained from FMCSA online only; amend a rule to remove all references and sections concerning self-
insurance certificates and limit the number of primary and excess insurance filings that shall be approved; clarify that VIN means vehicle identification number; add language regarding the lessor’s responsibility to comply with CFRs; add a reprocessing fee IRP application with errors by the applicant; add language for non-expiring commercial trailer registration process; add language concerning registration for buses operating in multiple IRP jurisdictions and correct section lettering in this rule; change the time requirement for the Director to provide a response to the application from twenty-one (21) days to a reasonable time; allow the filing of exceptions to staff determinations in rate change applications for nonconsensual tow rates and add information and requirements for appealing the determination of a nonconsensual towing complaint.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTIONS 250.3(5) AND 308(E), AN EFFECTIVE DATE OF AUGUST 1, 2019:
SUBCHAPTER 3. INTRASTATE MOTOR CARRIERS

PART 1. APPLYING FOR A LICENSE

165:30-3-1. Obtaining a license
(a) No intrastate motor carrier shall operate upon any street, road, public highway or dedicated public thoroughfare of this State for the transportation of passengers or property for hire without first obtaining from the Commission a license as provided in this Section. A license issued under this Subchapter shall not include transportation as a motor carrier of household goods. Motor carriers of household goods must comply with Subchapter 13 of this Chapter.

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

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

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

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

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

(6) The application shall require the following:
(A) Name, single trade name (if any), mailing address, physical address, email address, telephone number and domicile county of the applicant.
(B) The type of applicant (indicating if sole proprietorship, partnership, corporation or other legal entity), specifying the names of all partners, officers and/or directors listing the mailing, physical and email addresses of each.
(C) The type of operations for which the applicant is applying for.
(D) The name and address of the motor carrier’s process agent in Oklahoma (if the motor carrier does not maintain its principal place of business or a terminal in Oklahoma).
(E) Declaration of its USDOT number. Motor carriers without a USDOT number must obtain a USDOT number from FMCSA or the Commission prior to a license being issued.
(F) Declaration of its USDOT safety rating and safety compliance.
(G) Declaration of size and weight compliance.
(H) A listing of all power vehicles and trailers to be used, detailing the model, make and capacity of each vehicle and denoting whether each vehicle is owned or leased.
(I) A description of all terminal and dock facilities.
(J) Declaration the applicant is in full compliance with all other state laws, rules and regulations.
(K) Any other information the Commission deems pertinent.

(7) Every person operating under the Motor Carrier Act of 1995 and the rules of this Commission shall possess a copy of this Chapter governing the operations of motor carriers.
(8) A motor carrier desiring to modify its license operations shall file a sub application (TDF 1). Sub applications to include hazardous materials must comply with the provisions in this Section. Sub applications to modify other types of operations shall be exempt from (5) and (6)
(D) -(I) of this subsection.
(9) A copy of the current license under which a motor carrier operates shall be carried at all times in each power unit by the motor carrier.

(b) A motor carrier engaged in intercorporate hauling shall be subject to this Subchapter.
(c) Motor carrier operations, other than motor carriers of passengers, are exempt from this Subchapter when:
   (1) Conducted strictly within a municipality, or
   (2) Conducted by a federal, state or local government.
(d) Motor carriers of passengers shall be exempt from this Subchapter when:
   (1) Operating a taxicab, as defined by 47 O.S. § 1-174, wholly within a municipality, provided
       the operator of the taxicab is licensed by the municipality in which business is conducted;
   (2) Operating a bus, as defined by 47 O.S. § 1-105, not between two or more cities or towns,
       provided the operator of the bus is licensed by a municipality in which business is conducted.
(e) Applicant may be issued a provisional intrastate license not to exceed ninety (90) days from the date application is filed, provided all other requirements for the intrastate license have been met. Applicant must provide a written request for the provisional intrastate license to the Director of the Transportation Division. If the provisional intrastate license is issued, a copy of the provisional intrastate license must be carried in each vehicle operated by the Applicant.
(f) The Commission may grant or deny the motor carrier license application or may impose conditions, stipulations and limitations on the license. If the Commission deems a hearing on the application to be necessary, the hearing shall be set within thirty (30) days of receipt of a complete application.
(g) No intrastate motor carrier license shall be issued to an applicant until all outstanding fines or judgments due the Commission or other state(s) regulatory agencies have been satisfied.
(h) All proceedings subsequent to the application, shall be governed by applicable provisions of the Commission's Rules of Practice, OAC 165:5.

165:30-3-3. License and certificate renewals
(a) Any motor carrier desiring to continue intrastate motor carrier operations as granted in its license or certificate, shall, prior to the date of license or certificate expiration; apply for renewal by submitting the appropriate application form (TDF2 or MCF2) and all supporting documentation. Each renewal application shall be properly signed, attested to as follows:
   (1) Application of sole proprietorship must be signed by owner.
   (2) Application of partnership must be signed by one of the partners.
   (3) Application of corporation must be signed by an officer.
(b) All intrastate motor carrier licenses and certificates issued by the Commission shall expire the same calendar month as issued, and shall be valid for a period of one (1) year.
(c) Renewal applications shall be accompanied by a filing fee as prescribed by the Commission, unless filed simultaneously with a sub application to modify operations.
(d) A renewal application may be set for hearing at the discretion of the Commission for good cause.
(e) An intrastate motor carrier desiring to renew its license or certificate should apply for renewal of its license or certificate a minimum of thirty (30) days prior to its expiration.
(f) A renewal application will not be accepted if the license or certificate has previously expired, unless the Director of the Transportation Division reviews and approves the acceptance of the application for renewal.
(g) No intrastate motor carrier license or certificate shall be renewed until all outstanding fines or judgments due the Commission or other state(s) regulatory agencies have been satisfied.
(h) No intrastate motor carrier operations shall be performed under an expired motor carrier license or certificate.

PART 3. LICENSE REQUIREMENTS

165:30-3-11. Insurance
(a) No motor carrier whose principal place of business is in Oklahoma shall conduct any operations in this State unless such operations are covered by a valid primary bond or insurance policy issued by an insurer authorized or approved by the Oklahoma Insurance Department. No motor carrier whose principal place of business is not in Oklahoma shall conduct any operations in this State unless such operations are covered by a valid bond or insurance policy issued by an insurer licensed or approved by the insurance regulatory authority of the state of their principal place of business or the Oklahoma Insurance Department. No holder of an authority shall conduct any operations before a proper certificate of insurance(s) has been filed with, and approved by the Commission. A surety bond containing all obligations provided by this Section may be substituted for an insurance policy.
(b) Every motor carrier shall file with, and must be approved by, the Commission a certificate on Form E or G certifying that there is in effect a valid bond or insurance policy covering operations in Oklahoma to protect the public against loss of life, injury, property damage, and including environmental restoration in minimum amounts, of combined single limits, for bodily injuries to, or death of all persons injured or killed in any accident, and loss or damage in any one accident to property or others (excluding cargo). Minimum liability insurance limits as set forth in 49 CFR Part 387 shall also be applicable to intrastate operations unless otherwise specified in subsections (b)(1)-(4).

(1) Motor carriers of property using vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or more:
   (A) Transporting property, non-hazardous commodities or transporting hazardous waste, materials or substances not listed in 49 CFR Part 387.9 - $750,000.
   (B) Transporting deleterious substances - $750,000.
   (C) Transporting hazardous waste, materials, or substances- as required by 49 CFR, Part 387.9.
(2) Motor carriers of property using only vehicles with a GVWR under 10,000 pounds:
   (A) Transporting commodities not listed in (B) of this paragraph- $300,000.
   (B) Transporting hazardous waste, materials or substances – as required by 49 CFR Part 387.9.
(3) Motor carriers of the following types of property, materials, and products (also known or identified as restricted property) - $350,000:
(A) Sand, rock, gravel, rip-rap, aggregate or dirt.
(B) Asphaltic mixtures and similar mixtures and compositions (excluding concrete and concrete mixtures) used in road, highway and other ground surface paving.
(C) Unprocessed forestry products and by products thereof not in a finished state.
(D) Unprocessed agricultural commodities.
(E) Ordinary livestock.

(4) Motor carriers of passengers (manufacturer's designed seating capacity includes the driver):
(A) Utilizing vehicles having a seating capacity of six (6) or less passengers - $100,000.
(B) Utilizing vehicles having a seating capacity of seven (7) – nine (9) passengers - $750,000.
(C) Utilizing vehicles having a seating capacity of ten (10) to fifteen (15) passengers - $1,000,000.
(D) Utilizing vehicles having a seating capacity of sixteen (16) or more passengers $5,000,000.

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

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

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

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

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

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

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

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

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

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

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

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

(n) Every motor carrier shall maintain in force at all times all insurance required by state laws and by this Section. Failure for any cause to maintain any required insurance in force shall automatically and without notice suspend the license or authority of a motor carrier until proper insurance is filed.

(o) Whenever the license or authority of a motor carrier is suspended for failure to maintain in force insurance required by this Section, the carrier must file, within sixty (60) days after commencement of the suspension, proper certificate(s) of insurance as provided in this Section and a sufficient showing, by affidavit or otherwise, that no operations were conducted during the period that insurance was not in force (TDF 18).

(p) Whenever a motor carrier fails to provide proper certificates of insurance within sixty (60) days after suspension thereof as provided in this Section, the motor carrier's certificate or permit, license, or other authority shall be canceled by operation of law, and without notice. A certificate or permit, license, or other authority so canceled shall not be reinstated or otherwise made operative except upon proper showing, at a hearing, that the motor carrier was actually covered by proper insurance during the suspension or cancellation period, and that failure to file with the Commission was not due to the motor carrier's own negligence.

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

(r) A person may not require indemnification from a motor carrier as a condition to the following:

1. The transportation of property by the motor carrier.
2. Entrance onto property by the motor carrier for the purpose of loading, unloading or transporting property.
3. Subsection (r)(2) of this Section does not apply to a claim arising from damages or losses from the wrongful or negligent act or omission of the motor carrier.

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

(t) Insurance companies or their underwriters desiring a hard copy of an approved or disapproved insurance filing or insurance cancellation must submit the insurance filing or insurance cancellation in duplicate and additionally provide a self-addressed stamped envelope.
165:30-3-13. Deleterious Substance Transport Permit

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

(b) A DSTP is not required when:

1. Transporting deleterious substances to be applied to land pursuant to a soil farming permit. A valid copy of the soil farming permit must be carried in the vehicle at the time of transportation; or,
2. Transporting contaminated soil which surrounded a leaking underground storage tank or a leaking pipeline when such soil is being transported to and can be legally disposed of in a landfill permitted by the Oklahoma Department of Environmental Quality.

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

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

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

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

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

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

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

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

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

165:30-3-16. Current address requirement

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

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

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

165:30-3-17. Markings
(a) Every intrastate motor carrier shall obtain and display a USDOT number.
(b) Each motor vehicle operated by a motor carrier shall be properly marked. The markings shall be in compliance with the Federal Motor Carrier Safety Regulations, 49 CFR Part 390.21 (b)-(d). A motor carrier vehicle operating under a DBA or trade name must first list the DBA or trade name on the carrier's operating authority.
(c) If the motor carrier's USDOT number is designated as intrastate only, the letters OK must follow the carrier identification number.
(d) A carrier shall immediately notify the Commission when filing changes on a USDOT identification report (MCS-150). This notification shall occur when a carrier updates its USDOT identification report (MCS-150) resulting in a change in name, dba, mailing, physical or email address, interstate to intrastate classification, intrastate to interstate classification, or any other modification that may affect the carrier's intrastate authority or permits issued by the Commission.
(e) In the event a power unit is transferred or sold by a motor carrier, the carrier is responsible for removing the markings from the unit.

SUBCHAPTER 6. TRANSPORTATION NETWORK COMPANIES

PART 1. APPLYING FOR A PERMIT

165:30-6-1. Obtaining a permit
(a) No Transportation Network Company ("TNC") shall operate upon any street, road, public highway or dedicated public thoroughfare of this State for the transportation of passengers for hire without the TNC first obtaining from the Commission a permit as provided in this Subchapter. A permit issued under this Subchapter shall not constitute authorization to conduct operations as a for-hire motor carrier or as a private carrier.

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

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

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

(4) The application shall require the following:

(A) Name, single trade name (if any), mailing address, physical address, email address, telephone number and domicile county of the applicant.
(B) The type of applicant (indicating if sole proprietorship, partnership, corporation or other legal entity), specifying the names of all partners, officers and/or directors listing the mailing, physical and email addresses of each.
(C) The name and address of the TNC's process agent in Oklahoma.
(D) Name of the TNC's Digital Network and sources from which it can be accessed.
(E) Screenshots of items, or other information deemed acceptable by the Commission, that are required by the Oklahoma Transportation Network Company Services Act to be on the Digital Network.
(F) Copies of policies required by the Oklahoma Transportation Network Company Services Act.
(G) Declaration that the applicant is in full compliance with all other state laws, federal laws, rules and regulations.
(H) Any other information the Commission deems pertinent.

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

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

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

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

165:30-6-5. Insurance

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

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

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

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

(e) Insurance certificates not properly cancelled or expired shall be considered expired one (1) year after the TNC's authorization to operate has been cancelled or expired.
(f) Insurance certificates approved by this Commission shall be replaced by more recent insurance certificates. The liability of the retiring insurer shall be terminated as of the effective date of the replacement insurance certificate provided the replacement is approved by this Commission.

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

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

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

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

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

(l) Whenever a TNC fails to provide proper certificates of insurance within sixty (60) days after suspension thereof as provided in this Section, the TNC's permit shall be cancelled. A permit so cancelled shall not be reinstated or otherwise made operative except upon proper showing that the TNC was actually covered by proper insurance during the suspension or cancellation period, and that failure to file with the Commission was not due to the TNC's own negligence.

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

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

PART 3. CONDUCTING OPERATIONS

165:30-6-17. Current address requirement

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

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

SUBCHAPTER 7. PROCEDURAL RULES

165:30-7-5. Forms
The following forms of the Commission relate to this Chapter:
(1) Intrastate license forms.
   (A) TDF 1 - Application for Intrastate Motor Carrier For-Hire or Private Carrier License
   (B) TDF 2 - Application for renewal of Intrastate Motor Carrier License or Certificate
(2) Intrastate certificate forms.
   (A) MCF 1 – Application for Household Goods Certificate
   (B) MCF 2 – Application for Renewal of Household Goods Certificate
   (C) MCF 8 – Application for Reinstatement of Household Goods Certificate
   (D) Form H – Uniform Motor Carrier Cargo Certificate of Insurance
   (E) Form J – Uniform Motor Carrier Cargo Surety Bond
(3) Interstate Form – Unified Carrier Registration
(4) Harvest Permit forms
   (A) TOSS 1 – Application for Harvest Permit
   (B) TOSS 2 – Application for Fifteen (15)-Day Harvest Permit Extension
(5) Hazardous Waste forms.
   (A) UPW – Part I – Registration
   (B) UPW – Part II – Permit
   (C) UPW – Part III – Other Information
   (D) UPW – Part IV – Certification
   (E) UPW – Uniform Program Fee Worksheet (Schedules A-D and Summary)
(6) IFTA/IRP forms.
   (A) IRP Schedule A – International Registration Plan Original Application-Schedule A
   (B) IRP Schedule B – International Registration Plan- Schedule B
   (C) IRP Schedule C – International Registration Plan Supplemental Application-Schedule
   (D) IRP Schedule G – International Registration Plan Declaration of Estimated Miles-Schedule G
   (E) IRP Misc 1 – International Registration Plan Affidavit for Lost/Stolen Tag and Additional Cab Cards
   (F) IFTA Application – International Fuel Tax Agreement Registration Application
   (G) IFTA QTR – International Fuel Tax Agreement Quarterly Report
(7) Miscellaneous forms.
   (A) TDF 3 – Application for Change of Name
   (B) TDF 8 – Application for Reinstatement
   (C) TDF 14 – Application for a Deleterious Substance Transport Permit
   (D) TDF 16 – Application for Identification Devices
   (E) TDF17 - Application for Address Change
   (F) TDF 18 – Affidavit of No Operations
   (G) Form E – Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance
   (H) Form K – Uniform Notice of Cancellation of Motor Carrier Insurance Policies
165:30-7-6. Applications and requests

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

(b) Acceptable signatures on applications for authority are as follows:

   (1) Sole proprietorship - sole proprietor.
   (2) Partnership - one of the partners.
   (3) Corporation - one of the officers or directors.
   (4) Limited liability company - the manager.

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

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

(e) All applications for authority shall contain the USDOT number of the operating motor carrier. Applications for registration shall additionally contain the USDOT number of the owner of each vehicle, and the registrant.

(f) Motor carriers obtaining a name change with FMCSA in association with the motor carrier’s DOT number must immediately update the name and/or trade name on the Commission issued authority, registrations, fuel licenses or permits. The Commission may require a name change or an application for new authority. Motor carriers obtaining a name change on Commission issued authority, registration, fuel licenses or permits must immediately obtain a name change with FMCSA in association with the motor carrier’s DOT number. Failure to have the motor carrier name and trade name, if any, identically shown on all authority, registrations, fuel licenses or permits may subject the motor carrier to penalties, suspension, revocation, roadside enforcement delays or delays in processing subsequent applications.

(g) Motor carriers changing their email, mailing or physical address with FMCSA in association with the motor carrier’s DOT number must immediately update the address(es) on the Commission issued authority, registrations, fuel licenses or permits. In the event the Commission determines a motor carrier has changed its address(es) with FMCSA prior to notifying the Commission, may cause the Commission to update its records to reflect the updated address(es) on file with FMCSA. The motor carrier may notify the Commission in writing if it chooses to maintain separate address(es) on file with the Commission from the address(es) on file with FMCSA. Failure to have current address(es) on file for authority, registrations, fuel licenses or permits may subject
the motor carrier to penalties, suspension, revocation, roadside enforcement delays or delays in processing subsequent applications.

(h) An application for authority, commercial vehicle registration or fuel permit may not be processed when the motor carrier or the motor carrier responsible for safety has not updated its USDOT number within the prior twenty-four (24) months. Failure to update the USDOT number may subject the authority to revocation.

(i) Failure to properly complete any application may result in delay or denial of the relief sought.

(j) Applications may be denied due to outstanding monies owed to the Commission or other state or federal agencies.

(k) Interstate authority, fuel permits and registration cannot be issued to a motor carrier whose ability to operate in interstate commerce has been denied or revoked.

(l) If a fee is required for an application, and the funds are returned unpaid, any document or privilege granted as a result of that application shall be immediately revoked without notice. The document or privilege shall be reinstated provided valid payment is received in a timely manner.

165:30-7-11. USDOT number

(a) Every person operating or intending to operate as a motor carrier in intrastate or interstate commerce shall obtain a USDOT number.

(b) Every person registering a commercial motor vehicle for apportionment shall obtain a USDOT number.

(c) Every person applying for an IFTA license shall obtain a USDOT number.

(d) USDOT numbers for interstate operations can be obtained utilizing a MCS-150 form available from FMCSA or online at www.fmcsa.dot.gov.

(e) USDOT numbers for intrastate only operations can be obtained utilizing a Commission TDF-19 form, a MCS-150 form available from FMCSA or online at www.fmcsa.dot.gov.

(f) Motor carriers, registrants and licensees obtaining a USDOT number for interstate operations shall comply with all provisions of 49 C.F.R. 390.19, with the exception that applicants for apportioned registration must update their MCS-150 a minimum of once twelve (12) months.

(g) Motor carriers operating intrastate only shall update their MCS-150 or TDF-19 a minimum of once every two (2) years.

(h) All holders of a USDOT number shall notify the Commission, utilizing a TDF 19 if intrastate only, or file a new MCS-150 form with USDOT or this Commission when they cease operations in order to inactivate their USDOT number.

(i) A USDOT number issued to an intrastate carrier will be inactivated when the intrastate carrier does not hold an active authority and two (2) or more Commission letters or notifications mailed to the last known email or mailing address on file are returned undeliverable.

165:30-7-17. Insurance filing replacement

(a) The Transportation Division may require a new insurance filing to be placed on file when the effective date of the current filing is more than three (3) years old.

(b) Notification of the need for a new insurance filing to be placed on file shall be mailed to the official email or mailing address on file for the license, certificate or permit holder, which shall be considered official notice.

(c) The new insurance filing shall be placed on file with the Transportation Division within ninety (90) days from the date of the notice.

(d) Failure of the license, certificate or permit holder to have proper insurance placed on file within ninety (90) days shall subject the license, certificate or permit to revocation.
(e) A notice to revoke shall be sent to the official email or mailing address on file with the Transportation Division. The license, certificate or permit holder will be allowed an additional thirty (30) days to comply with the provisions of this section.

(f) Failure of the license, certificate or permit holder to comply with the provisions of this section shall cause the license, certificate or permit to be revoked without further notice.

SUBCHAPTER 13. INTRASTATE HOUSEHOLD GOODS CERTIFICATES

PART I. OBTAINING AUTHORITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(J) Any other information the Commission deems necessary.

(b) Every person operating as a motor carrier of household goods pursuant to this Subchapter shall obtain a copy of this Chapter and be familiar with its content as it pertains to motor carriers of household goods.

(c) The Commission may consider any written protests or written complaints filed prior to granting or renewing a household goods certificate. If the Commission elects not to grant or renew a household goods certificate, the application shall be set for public hearing in accordance with Commission rules. At the hearing, the applicant shall have the burden of establishing it has the ability to conduct operations in a safe and reasonable manner and applicant is in compliance with all applicable rules and laws of the State of Oklahoma.

(d) After the hearing, the Commission may grant or deny the application in whole or in part; or may impose conditions, stipulations and limitations on the authority as stated in the order.

(e) Applicant may be issued a provisional household goods certificate not to exceed ninety (90) days from the date the application is filed, provided all requirements, with the exception of the educational compliance requirements, for the certificate have been met. Applicant must provide a written request for the provisional certificate. If the provisional certificate is issued, a copy of the provisional certificate must be carried in each vehicle operated by the Applicant.

(f) A certificate shall be valid for one year from date of issuance. Applicants for renewal of a certificate shall comply with OAC 165:30-3-3.

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

(h) A motor carrier of household goods engaged in intercorporate hauling shall be subject to this Subchapter.

(i) No household goods certificate shall be issued to an applicant until all outstanding fines or judgments due the Commission or other state(s) regulatory agencies have been satisfied.

(j) An intrastate motor carrier of household goods may additionally engage in intrastate for-hire transportation of property without an intrastate motor carrier license, but may not engage in the intrastate transportation of passengers, deleterious substances or hazardous materials without complying with Subchapter 3 of this Chapter.

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

SUBCHAPTER 15. INTRASTATE PRIVATE CARRIERS

PART 3. OBTAINING A PRIVATE CARRIER LICENSE AND LICENSE REQUIREMENTS
165:30-15-4. Obtaining a license
(a) No intrastate private carrier, utilizing equipment with an actual weight, registered weight or combination weight or GVWR/GCWR in excess of twenty-six thousand (26,000) pounds and/or GCWR in excess of twenty-six thousand (26,000) pounds when the trailer's GVWR is greater than ten thousand (10,000) pounds, shall operate upon any street, road, public highway or dedicated public thoroughfare of this State for the transportation of property without first obtaining from the Commission a license as provided in this Section. A private carrier license is not required for a bona fide farmer transporting commodities from farm to market or market to farm; registered and valid non-profit organizations or any private carrier operating equipment leased or rented from a company that leases or rents vehicles on a commercial scale, provided the lease or rental contract is for thirty-one (31) days or less and a copy of the contract is carried in the vehicle. A license issued under this Subchapter shall not include transportation as a for-hire motor carrier. For-hire motor carriers must comply with Subchapter 3 and/or Subchapter 13 of this Chapter.
(1) An applicant for a private carrier license shall file with the Commission a written application on the appropriate form prescribed by the Commission (TDF 1), and shall tender with the application a filing fee as prescribed by law or by Commission rule.
(2) The application shall be assigned a personal identification number ("PIN"), which shall be the permanent identification number for all matters relating to the license granted therein. Any application thereafter filed to amend the license by the same applicant shall be filed in the same cause under the original PIN, and otherwise shall be governed by the provisions of this Subchapter relating to an application for license. Each subsequent application shall also bear a sub-number in sequence.
(3) A license shall be personal to the holder thereof, and shall be issued only to an individual, a corporation, a limited liability corporation, a partnership or some other legally recognized entity.
(4) The filing of an application for a license does not of itself authorize any private carrier operations by the applicant. Such operations are prohibited until after all requirements have been met, and a license has been issued. All requirements for compliance with this Subchapter shall be met within sixty (60) days from date of application recommending the license be issued. Failure to comply may result in dismissal of the application for a license. Licenses issued shall be valid for a maximum of one (1) year and may be renewed after application has been filed as provided by this Chapter.
(5) No license for private carrier intrastate operations shall be issued until applicant has a satisfactory USDOT safety rating or the applicant has demonstrated its ability to conduct operations in a safe and reasonable manner and applicant is in compliance with all applicable rules and laws of the State of Oklahoma; has furnished proper proof of all insurance required by this Subchapter and all applicable state statutes.
(6) The application shall require the following:
(A) Name, a single trade name (if any), email address, mailing address, physical address, telephone number and domicile county of the applicant.
(B) The type of applicant (indicating if sole proprietorship, partnership, corporation or other legal entity), specifying the names of all officers, if any, and listing the email, mailing and physical addresses of each.
(C) The type of operations for which the applicant is applying for.
(D) The name and address of the motor carrier's process agent in Oklahoma (if the motor carrier does not maintain its principal place of business in Oklahoma).
(E) Declaration of its USDOT number, safety rating and a safety summary report which details its safety program and lists all safety violations identified within the prior twelve
(12) months. Carriers without a USDOT number must attach a copy of its previously submitted application for a USDOT number. The applicant shall notify the Commission in writing of its USDOT number once issued, unless the USDOT number is issued by the Commission.

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

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

(H) A description of all terminal, dock or motor pool facilities.

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

(J) Any other information the Commission deems necessary.

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

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

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

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

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

(d) An intrastate private carrier additionally conducting intrastate motor carrier operations under a valid motor carrier license, certificate or permit need not obtain a private carrier license.

(e) If a hearing is held, the applicant shall have the burden of establishing its ability to conduct operations in a safe and reasonable manner and in compliance with all applicable rules and laws of the State of Oklahoma and that it has furnished or will furnish proper proof of all insurance required by this Chapter and all applicable state statutes. The Commission may grant or deny the application or may impose conditions, stipulations and limitations on the license.

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

165:30-15-6. Insurance

(a) No intrastate private carrier required to obtain a private carrier license whose principal place of business is in Oklahoma shall conduct any operations in this State unless such operations are covered by a valid primary bond or insurance policy issued by an Oklahoma State Insurance Commission authorized provider or a self-insurance certificate issued by the Oklahoma State Insurance Commission or a state commission certified by the National Association of Insurance Commissioners (NAIC) or by the Oklahoma Department of Public Safety pursuant to 47 O.S. § 7-503. No private carrier required to obtain a private carrier license shall conduct any operations in
this State unless such operations are covered by a valid bond or insurance policy issued by a 
NAIC certified state insurance commission licensed provider or a self-insurance certificate issued by a 
state commission certified by NAIC or by the Oklahoma Department of Public Safety pursuant to 
47 O.S. § 7-503. No holder of a license shall conduct any operations before a proper certificate of 
insurance(s) or self-insurance has been filed with, and approved by the Commission. A surety 
bond containing all obligations provided by this Section may be substituted for an insurance policy. 
(b) With the exception of private carriers filing self-insurance certificates, every Every intrastate 
private carrier of property is required to obtain a private carrier license, and shall file with, and 
must be approved by, the Commission a certificate on Form E or G certifying that there is in effect 
a valid bond or insurance policy covering operations in Oklahoma to protect the public against loss 
of life, injury and property damage in minimum amounts, of combined single limits, for bodily 
injuries to or death of all persons injured or killed in any accident, and loss or damage in any one 
accident to property or other (excluding cargo), as follows: 

(1) Transporting non-hazardous commodities or commodities not mentioned in (B)-(C) of this 
subsection - $350,000. 
(2) Transporting deleterious substances - $750,000. 
(3) Transporting hazardous waste, materials, substances, explosives, poison gas or highway 
controlled radioactive materials as defined in and as required by 49 CFR, Parts 100 through 
399. 
(e) Every intrastate private carrier utilizing a self-insurance certificate shall file with the 
Commission a certificate of self-insurance covering operations in this state. In the event an 
authorized agency cancels a certificate of self-insurance, the carrier must immediately notify the 
Commission. 
(d) (c) The Commission may by order grant authority to operate or to continue operating as a 
private carrier conditional upon carrying insurance coverage in amounts larger than prescribed by 
(b) of this Section. 
(e) (d) No certificate of insurance or surety bond filed with the Commission pursuant to this Section 
shall be canceled, unless the authorization to conduct operations has been canceled, except after 
thirty (30) days written notice made to the Commission, on Form K or L, which notice shall be 
effective only upon actual receipt thereof by the Commission. 
(f) (e) Insurance certificates or surety bonds may be canceled without the thirty (30) days written 
otice notice on Form K or L only when the authorization to operate has previously expired or cancelled, 
the carrier provides an affidavit stating no operations have been conducted and the effective date 
of the cancellation notice is not before the date the cancellation notice is received in the 
Commission. 
(g) (f) Insurance certificates or surety bonds not properly cancelled or expired shall be considered 
expired one (1) year after the carrier's authorization to operate has been cancelled or expired. 
(h) (g) Insurance certificates, certificates of self-insurance, or surety bonds approved by this 
Commission shall be replaced by more recent insurance certificates, certificates of self-insurance, 
or surety bonds. The liability of the retiring insurer or surety shall be terminated as of the effective 
date of the replacement insurance certificate or surety bond provided the replacement is approved 
by this Commission. 
(i) (h) No certificate of insurance or certificate of self-insurance shall be filed with the Commission 
which contains a provision to the effect that liability thereunder may be limited or avoided because 
of the culpability, the recklessness, or the condition of the driver of the vehicle involved or any 
other restriction relating to the driving or operation of the vehicle. 
(j) (i) Every certificate of insurance or certificate of self-insurance filed with the Commission shall 
automatically provide that the public is protected from damage sustained through operations of
any and all vehicles operated by the private carrier insured, whether or not listed or identified in the policy; and that liability is not limited by the description of any particular vehicle or route which may be traveled by the motor vehicle in transporting passengers or property under the license.

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

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

(m) Every private carrier shall maintain in force all times all insurance required by state laws and by this Section. Failure for any cause to maintain any required insurance in force or self insurance certificate on file with the Commission shall automatically and without notice suspend the license of a private carrier until proper insurance is filed.

(n) Whenever the license of a private carrier is suspended for failure to maintain in force insurance required by this Section or self insurance certificate on file with the Commission, the carrier must file, within sixty (60) days after commencement of the suspension, proper certificate(s) of insurance or self insurance as provided in this Section and a sufficient showing, by affidavit or otherwise, that no operations were conducted during the period that insurance was not in force (TDF 18).

(o) Whenever a private carrier fails to provide proper certificates of insurance or self insurance within sixty (60) days after suspension thereof as provided in this Section, the private carrier's license shall be cancelled by operation of law, and without notice. A license so cancelled shall not be reinstated or otherwise made operative except upon proper showing, at a hearing, that the private carrier was actually covered by proper insurance or proper certificate of self insurance during the suspension or cancellation period, and that failure to file with the Commission was not due to the private carrier's own negligence.

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

165:30-15-7. Current address requirement

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

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

(c) Where such notice is required by law, Commission's Rules of Practice, OAC 165:5, or this Subchapter is returned undeliverable, it will be grounds for revocation of the private carrier license.
PART 5. CONDUCTING OPERATIONS

165:30-17-34. Name changes
(a) Any change in legal identity of the holder of a hazardous waste, except as provided in subsections (b), (c) or (d) below, including but not limited to incorporation or dissolution of a corporation, formation or dissolution of a partnership or creation or dissolution of a trust, shall require an original application for a registration and permit.
(b) Incorporation by a sole proprietor in which the sole proprietor is the majority shareholder of the corporation, limited liability corporation or limited liability partnership shall be deemed a name change. Incorporation by a partnership in which the partners are the majority shareholders of the corporation shall be deemed a name change.
(c) A change in legal entity from a corporation, limited liability corporation or a limited liability partnership to a sole proprietorship, a partnership, a limited liability corporation or a limited liability partnership in which the sole proprietor, partners or shareholders hold the majority of all issued and outstanding shares of the corporation shall be deemed a name change.
(d) The merger of two or more corporations in which the survivor is the holder of a current license shall be deemed a name change.
(e) The transfer of stock in a corporation that shall result in any entity controlling fifty one percent (51%) or more of the aggregate number of voting shares of the corporation shall not be deemed a name change.
(f) A request for a name change shall be in writing and shall be accompanied by copy of the Certificate of Incorporation, Amended Certificate of Incorporation or similar documentation (if applicable) and a $50.00 name change filing fee. The request for name change must be signed by the owner (if an individual). If a partnership is adding or removing a partner(s) all partners (whether existing, added or removed) must sign the request and current demographics information must be provided. If a corporation has amended its name, a corporate office must sign the request. If the officers of the corporation have changed, a listing of all officers including the email, mailing and physical addresses of each must additionally be attached to the request.
(g) Proper insurance filings or bonds must be placed on file with this Commission reflecting the new name.
(h) The employment of incorporation, change of name or similar action directly or indirectly as a device to circumvent the rules of this Subchapter is prohibited.

165:30-17-35. Address changes
A motor carrier shall notify the Commission in writing of any change in the motor carrier's email, mailing or physical address or telephone number.

SUBCHAPTER 19. REGISTRATION PURSUANT TO THE INTERNATIONAL REGISTRATION PLAN

165:30-19-3. Registration
(a) Before a vehicle can be proportionally registered in the state of Oklahoma the applicant or registrant must:
   (1) Have an established place of business located in Oklahoma. Absent an established place of business in any IRP jurisdiction, an applicant must satisfy the residency requirements in 165:30-19-6, prior to being allowed to base plate in Oklahoma. Under no circumstances can
an independent contractor be used to establish a place of business or residence on behalf of a registrant.

(2) Complete the application, all required schedules, and provide backup documentation required by the Commission to verify the information submitted by the applicant:

(A) The application must include the email address, mailing address and telephone number of the applicant. In addition to providing the applicant's telephone number, the applicant may provide the telephone number of a third party who has knowledge of the applicant's whereabouts and is able to contact the applicant within a reasonable period of time upon request. An applicant or registrant may not utilize a telephone listing indicating the same telephone number as that of any other person in this state as a qualifying telephone number under this Section.

(B) If the application is signed by someone other than the applicant or registrant, pursuant to a power of attorney, the name or names of the individuals to whom such authority is granted must be included in the power of attorney executed by the applicant.

(3) Provide proof of payment (or suspension from levy) of Federal Heavy Vehicle Use Tax;

(4) Provide proof of financial responsibility pursuant to 47 O.S. § 7-602 (liability insurance);

(5) Motor vehicles operated by a motor carrier with valid liability insurance on file with FMCSA or this Commission are exempt from subsection (a) (4) of this Section;

(6) If the applicant is leased to a motor carrier, the applicant must provide a copy of the lease to satisfy Oklahoma's financial responsibility requirements (47 O.S. § 7-602). If multiple vehicles are under lease, a letter from the motor carrier listing each vehicle's year, make, model and vehicle identification number (VIN) under lease to the carrier may be provided in lieu of the lease, provided a copy of any and all leases shall be made available to the Commission upon request. The Commission does not perform analysis to ensure compliance with applicable CFRs on lease agreements provided to the Commission for administrative purposes under this Chapter. It is the lessor's responsibility to ensure leases are compliant with the federal CFR's.

(7) Provide proof of ownership;

(8) Provide proof of payment of prior registration fees, if the vehicle was registered pursuant to the IRP in another jurisdiction; and

(9) Pay all applicable fees to complete registration. Continuous registration is required; therefore registration fees shall be assessed from the last vehicle registration date or the date of sale.

(10) Provide the USDOT number and the social security number, federal employee identification number or taxpayer identification number of the carrier responsible for safety of each vehicle in the apportioned application.

(11) Be the owner, the lessee, the motor carrier responsible for safety or an entity contracted by the owner or motor carrier responsible for safety.

(b) Application for registration may be made at any time during a registration year.

(c) Application for registration may be submitted through the mail to the IFTA/IRP Section, Transportation Division, Oklahoma Corporation Commission, P.O. Box 52948, Oklahoma City, Oklahoma, 73152-2948, or by applying in person at 2101 N. Lincoln Blvd., in Oklahoma City. A list of other locations where application may be submitted is available from the IFTA/IRP Section or the Commission website under the Transportation Division (http://www.occeeweb.com).

(d) No application for proportional registration shall be processed unless the applicant has submitted the documentation required in (a) of this Section. Failure to submit the required documentation shall result in denial of the application.
(e) If an approved IRP application must be unapproved, corrected, and/or re-approved due to additional information submitted by the applicant after the initial approval or due to an error committed by the applicant, a reprocessing fee may be assessed as established by OAC 165:5-3-1.

(f) Since registration with the Plan can affect other jurisdictions' registration fees and tax receipts, the Transportation Division must be diligent in ensuring that those registrants with Oklahoma as their base jurisdiction are indeed entitled to base in Oklahoma.

(1) If after approval of the application and during the registration year, the Transportation Division has reason to believe that critical account information submitted on an application has changed, the Transportation Division shall allow the registrant thirty (30) days to provide the updated information. If the information is not provided within that time or is deemed insufficient, the Transportation Division shall revoke the registrants' credentials in accordance with OAC 165:5-25.

(2) If after approval of the application and during the registration year the Transportation Division has evidence that critical account information submitted on an application was submitted erroneously or falsely, the Transportation Division shall revoke the registrants' credentials in accordance with OAC 165:5-25.

(g) Non-expiring commercial trailer license plates are issued for trailers used in commercial enterprises regardless of their size or weight (other than trailer mounted special mobilized machinery and trailers used for transporting forest products). Once statutory registration fee(s) and any additional fees set by the Commission established by OAC 165:5-3-1 are remitted, a license plate will be issued upon the initial registration or any subsequent transfer of ownership. Trailer renewal fees, as established by statute and OAC 165:5-3-1, shall be paid annually to maintain active registration status.

(h) Buses operating in more than one IRP jurisdiction are the only buses eligible for registration by the Commission and are subject to applicable rules of this Chapter. Registration fees for such vehicles are generally based on seating capacity.

165:30-19-17. Temporary registration.

New fleet vehicles, or vehicles being added to any existing fleet, must have some form of temporary registration prior to operation if permanent IRP credentials have not been issued. All forms of temporary registration are valid for the period shown and will be honored by all IRP jurisdictions when properly completed and validated.

(1) Temporary registration may be obtained directly from the IFTA/IRP Section, Transportation Division, Oklahoma Corporation Commission, P.O. Box 52948, Oklahoma City, Oklahoma, 73152-2948 by filing a supplemental application with all required documents.

(2) Temporary registration or credentials may only be issued to new accounts after all required registration fees are paid.

(3) Self-issue temporary registrations are available only to establish Oklahoma-based IRP registrants, and may be used for vehicle(s) added to the fleet, duplicate eab-cards, substitute license plates and weight increase applications to the registrant's account. Self-issued temporary registrations may not be used for renewal vehicles.

(A) Registrants with self-issue temporary authority are allowed to acquire temporary registration prior to the submission of a supplemental application. To be eligible to self-issue temporary registration, a registrant must:

(i) Have no delinquencies;
(ii) Be base plated in Oklahoma for the past two full registration years;
(iii) Be the motor carrier responsible for safety;
(iv) Be base plated in accordance with OAC 165:30-19-5 requirements; and,
(v) Have over one hundred (100) power units in the apportioned fleet.

(B) Properly completed temporary registrations allow for immediate temporary registration
for vehicles added to the fleet, duplicate cab cards, substitute license plates, and weight
increase applications. Upon issuance, a copy of the temporary registration should be placed
in the vehicle, and one copy mailed immediately to the IFTA/IRP Section, Transportation
Division, Oklahoma Corporation Commission, P.O. Box 52948, Oklahoma City,
Oklahoma, 73152-2948. Within fifteen (15) days of issuance, a completed supplemental
application with all required documentation must be submitted for processing.

(C) Misuse of the temporary registration or failure to maintain proper accountability may
result in the Prorate Section's refusal to issue the registrant self-issue temporary
registrations.

(4) The issuance of temporary registration creates a debt to the State of Oklahoma who is then
indebted to the participating jurisdictions of the International Registration Plan. Registrants
must pay registration fees for the remainder of the registration year for which a temporary
registration is issued. Registration fees must be paid in full within thirty (30) days for the
effective date of the temporary registration.

(A) Fees shall be calculated beginning with the effective date of the temporary registration,
or the date determined by the Transportation Division, if earlier, and continue through the
end of the registration year.

(B) In addition to collection actions, failure to pay the fees described in (A) above will
cause the loss of apportioned registration privileges.

(C) The Transportation Division may withhold issuance of future temporary registration,
to those registrants who have failed to timely file a registration application, or pay the
registration fees associated with any vehicle, for which a temporary registration authorized
by 47 O.S. § 1124.1 has been issued.

(D) The Transportation Division may revoke previously issued registration credentials
and/or deny future registration privileges to registrants who use temporary registration
issued under 47 O.S. § 1124.1 without paying registration fees.

SUBCHAPTER 21. INTERNATIONAL FUEL TAX AGREEMENT

165:30-21-5. Application for license

A person shall file an application for licensing with the Commission on the prescribed form.
The fuel tax license application shall have the following specified content:

(1) The account identification number specified in IFTA Procedures Manual Section P200;

(2) Name and social security number of owner(s), partners or corporate officers;

(3) Legal business name (if different from the name given above);

(4) Physical location of the business;

(5) Mailing address of the business;

(6) Email address;

(6) (7) Signature and date;

(7) (8) Number of IFTA decals required by licensee;

(8) (9) Decal fee, as set forth in OAC 165:5;

(9) (10) Statement of existence of bulk storage in all member jurisdictions;

(10) (11) A statement that the applicant agrees to comply with reporting, payment,
recordkeeping, and license display requirements as specified in the International Fuel Tax
Agreement. The applicant further agrees that base jurisdiction may withhold any refunds due if applicant is delinquent on payment of fuel taxes due any member jurisdiction. Failure to comply with these provisions shall be grounds for revocation of license in all member jurisdictions; and

(14) (12) A statement to the effect that the applicant certifies with his or her signature that, to the best of his or knowledge, the information is true, accurate, and complete and any falsification subjects him or her to appropriate penalties of perjury.

(42) (13) The USDOT number of the applicant.

**SUBCHAPTER 25. HARVEST PERMITS**

**165:30-25-1. Harvest permits**

(a) Motor carriers engaged in the interstate or intrastate commercial transportation of farm products in a raw state on a seasonal basis may desire to meet their vehicle registration, fuel permitting and/or intrastate operating authority requirements via a harvest permit.

(b) An applicant for a harvest permit shall file with the Commission a written application on the appropriate form prescribed by the Commission (TOSS1), and shall tender with the application a filing fee as prescribed by law or by Commission rule.

(c) The applicant shall be assigned a personal identification number (PIN) which shall be the permanent identification number for all matters relating to authority granted therein. Any application thereafter filed to extend the harvest permit or to obtain an additional harvest permit by the same applicant shall be filed under the same PIN.

(d) A harvest permit shall be personal to the holder thereof and shall be issued only to an individual, a corporation, a limited liability corporation, a partnership or some other legally recognized entity. A trade name or "doing business as" (DBA) may be designated, but cannot be a corporate name or LLC or LLP or another organized entity.

(e) The filing of an application for a harvest permit does not of itself authorize operations by the applicant. Such operations are prohibited until all requirements have been met and a harvest permit has been issued. All requirements for compliance with this Section shall be completed within ninety (90) days from receipt of the application or the application will be denied and any filing fees paid forfeited.

(f) The harvest permit application shall require the following:

(1) USDOT number of the applicant.

(2) Applicant's Name and DBA, if any.

(3) Type of applicant.

(4) Mailing and physical addresses, and optional email address.

(5) Taxpayer identification number.

(6) Vehicle listing which contains the following information for each vehicle to be operated under the permit:

(A) Owner of the vehicle.

(B) Vehicle registrant, if other than the owner.

(C) Make, model, year, and VIN.

(D) License plate number, State or Province of registration and registration expiration date.

(7) A liability insurance certificate valid in Oklahoma for a minimum of three hundred fifty thousand dollars ($350,000) for each vehicle to be operated under the permit. The insured's name on the insurance certificate must match the owner or registrant's name as shown on the registration of the vehicle. A Form E liability insurance certificate issued on behalf of the motor carrier may be submitted in lieu of individual insurance certificates.
(8) Declaration stating the applicant shall comply with federal safety regulations and the state's size and weight laws and rules.
(9) Requested permit duration.
(10) Required permit effective date.

(g) No harvest permit shall be issued to an applicant until all outstanding fines or judgments due the Commission or other state(s) regulatory agencies have been satisfied.
(h) A copy of the harvest permit must be carried in each vehicle operated under the permit.

SUBCHAPTER 26. NONCONSENSUAL WRECKER AND TOWING SERVICES

PART 1. NONCONSENSUAL WRECKER AND TOWING SERVICES RATE CHANGE APPLICATIONS

165:30-26-3. Application; application package; and staff response to filed application package
(a) Applicant shall file with the Commission Court Clerk its request for a rate increase or rate change in a complete application package. Applicant shall also submit the filing fee with the application package, which is set forth in the Commission Rules of Practice. Applicant shall submit six (6) copies of the application package to the Commission Court Clerk at the time of filing.
(b) The application shall be in the form required by the Commission Rules of Practice for commencement of a cause.
(c) The application package shall contain the following:
   (1) A narrative explanation of the justification for the rate increase or rate change;
   (2) The application shall contain all exhibits, schedules, testimony, and evidence necessary to support the application and shall be assembled in sections with index tabs identifying each section for referencing convenience;
   (3) Filed testimony shall reference the exhibits, schedules, and evidence in the same manner used to file the application package;
   (4) All exhibits, schedules, testimony, and evidence shall be both factually and mathematically correct using generally accepted accounting methods.
(d) Service of the application shall be as required by the Commission Rules of Practice.
(e) The applicant shall maintain the application package. The application shall include information to inform all Respondents and other interested parties of the location where the application package is being maintained. Such information shall include the name, address, telephone number, fax number, and e-mail address of the person maintaining the application package. The applicant shall make the application package available to all Respondents and other interested parties for examination between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Friday, excluding legal holidays as defined in the Commission Rules of Practice. The application package shall also be available for public inspection at the Office of the Commission Court Clerk.
(f) Unless otherwise indicated, all applicable provisions in the Commission Rules of Practice shall be followed in all nonconsensual wrecker and towing service causes.
(g) Within twenty-one (21) calendar business days of the receipt of an application package, the Director shall file with the Commission and provide to the applicant a copy of the staff response regarding the compliance or deficiency of the application and/or application package. The Division's staff response under this subsection shall only be required to assess the procedural filing compliance with Commission statute and rules, not on the merits of the requested rate change.
(h) If the Director finds the application and/or application package is not in substantial compliance with the requirements of this Subchapter, the staff response shall state that the filing is a deficient filing. The deficiencies and the requirements necessary to cure the deficiencies shall be stated in the staff response. If the deficiencies noted in the staff response are not corrected within forty-five (45) calendar days of the date of the staff response, the application package shall be rejected. Resubmission of a rejected package shall be considered a new application package, and the application filing fee set forth in the Commission Rules of Practice shall be submitted with this filing.

(i) An applicant may file exceptions to the staff response within ten (10) business days of receipt. Such exceptions shall be set for hearing before the Commission sitting en banc as soon as practically possible unless the parties agree to another date or the Commission directs otherwise. An order affirming a determination of deficiency renders the application rejected. If the application is rejected, the applicant may resubmit a new application package.

PART 3. RESPONSE TO NONCONSENSUAL TOWING RATE COMPLAINTS

165:30-26-12. Nonconsensual towing rate complaint resolution and contesting a Violation Notification.

(a) Nonconsensual towing rate complaint resolution is not achieved until either a written determination is issued or the Violation Notification process, initiated by a Notice of Probable Violation (NOPV) letter, is closed by the Commission-Transportation Division.

(b) If the complaint investigation results in a NOPV requiring determination that restitution and/or a penalty, or other action is necessary, the full disallowed amount must be remitted within twenty (20) calendar days of the written determination-NOPV to avoid enforcement action against the wrecker or towing service. The NOPV shall specify each charge that was in violation of the Commission's rate order(s) and will list a member of Transportation Division staff as a point of contact. Restitution payments must be remitted to the person taking responsibility for the tow bill, whereas, penalties assessed must be remitted to the Commission along with a copy of the written determination.

(c) Any individual or entity that wishes to contest the NOPV must do so within twenty (20) calendar days of the date of mailing, by regular mail, of the NOPV by filing a Transportation Docket (TD) cause application conforming to Commission rules found in Subchapter 7 of this Chapter and the Commission's Rules of Practice (OAC 165:5). In the event the expiration of the twenty (20) days falls on a weekend or holiday for which the Commission is not open for regular business, the application may be filed the following business day the Commission is open to be considered timely filed.