

DF

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

IN THE MATTER OF A PERMANENT
RULEMAKING OF THE
OKLAHOMA CORPORATION
COMMISSION AMENDING
**OAC 165:30, MOTOR CARRIERS,
PRIVATE CARRIERS AND
TRANSPORTATION NETWORK
COMPANIES**

CAUSE NO. RM 201800021

FILED
DEC 20 2018

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION

NOTICE OF PROPOSED RULEMAKING OF OKLAHOMA

NOTICE IS HEREBY GIVEN that the Transportation Division of the Oklahoma Corporation Commission ("Commission") recommends that the Commission amend the Motor Carriers, Private Carriers and Transportation Network Companies rules that are set forth in the Oklahoma Administrative Code ("OAC") 165:30.

The proposed changes to OAC 165:30 are as follows:

OAC 165:30-3-1 is amended to require email, mailing, and physical address information to be included with a license application and correct a grammatical error.

OAC 165:30-3-3 is amended to add form MCF2 as an appropriate application form.

OAC 165:30-3-11 is amended to limit the number of primary and excess insurance filings that shall be approved.

OAC 165:30-3-13 is amended to clarify when a deleterious substance transport permit is required in the vehicle.

OAC 165:30-3-16 is amended to include email addresses as a form of mailing for sending notices and require notification of changes in email, mailing, and physical addresses.

OAC 165:30-3-17 is amended to require notification of changes in email addresses.

OAC 165:30-6-1 is amended to require email, mailing, and physical address information to be included with a license application.

OAC 165:30-6-5 is amended to limit the number of primary and excess insurance filings that shall be approved.

OAC 165:30-6-17 is amended to include email addresses as a form of mailing for sending notices and requires notification of changes in email addresses.

OAC 165:30-7-5 is amended to add two new forms and clarify language regarding form TDF 2.

OAC 165:30-7-6 is amended to require notification of changes in email, mailing, and physical addresses when changed with Federal Motor Carrier Safety Administration ("FMCSA").

OAC 165:30-7-11 is amended to require United States Department of Transportation ("USDOT") numbers for intrastate operations be obtained from FMCSA online only.

OAC 165:30-7-17 is amended to include email addresses as a form of mailing for sending notices.

OAC 165:30-13-2 is amended to require email, mailing, and physical address to be included with a license application.

OAC 165:30-15-4 is amended to require email, mailing, and physical address to be included with a license application.

OAC 165:30-15-6 is amended to remove all references and sections regarding self-insurance certificates and limit the number of primary and excess insurance filings that shall be approved.

OAC 165:30-15-7 is amended to include email addresses as a form of mailing for sending notices and require notification of changes in email, mailing, and physical addresses.

OAC 165:30-17-34 is amended to require email, mailing, and physical addresses of corporate officers to be included with a name change request.

OAC 165:30-17-35 is amended to require notification of changes in email addresses for motor carriers.

OAC 165:30-19-3 is amended to clarify Vehicle Identification Number ("VIN"); add language regarding the lessor's responsibility to comply with Code of Federal Regulations ("CFRs"); clarify when a re-processing fee will be assessed for an International Registration Program ("IRP") application when it contains errors submitted 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.

OAC 165:30-19-17 is amended to remove the requirement for mailing a copy of a temporary registration to the Transportation Division of the Corporation Commission and add a requirement that registration fees must be paid within thirty (30) days of the effective date of the temporary registration.

OAC 165:30-21-5 is amended to include email address and correct section numbering.

OAC 165:30-25-1 is amended to include email address in requirements for a harvest permit application.

OAC 165:30-26-3 is amended to change the time requirement for the Director to provide a response to the application from twenty-one (21) days to a reasonable time.

OAC 165:30-26-12 is amended to add information and requirements for appealing the determination of a nonconsensual towing complaint.

NOTICE IS FURTHER GIVEN that the Commission has authority to initiate this permanent rulemaking pursuant to the Oklahoma Administrative Procedures Act, 75 O.S. §§ 250 *et seq.*, 17 O.S. § 152, and Article IX, Section 18 of the Oklahoma Constitution.

NOTICE IS FURTHER GIVEN that it is necessary to adopt permanent rules regarding Motor Carriers, Private Carriers and Transportation Network Companies. Upon adoption of the permanent rules proposed herein, by the Commission, the proposed rules shall be submitted to the Governor and the Oklahoma Legislature for approval as permanent rules.

NOTICE IS FURTHER GIVEN that the proposed rules will be made available for public inspection at the Commission's Oklahoma City Court Clerk's Office, First Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, OK 73105. A copy of the proposed rules may be requested by phone at (405) 521-2352, e-mail at courtclerk@occemail.com or by visiting the Commission's Oklahoma City Court Clerk's Office. The proposed rules are also accessible on the Commission's website at <http://www.occeweb.com> and may be downloaded at no cost to the end user.

NOTICE IS FURTHER GIVEN that the Rule Impact Statement pursuant to 75 O.S. § 303(D) will be timely prepared and made available for public inspection in the Commission's Court Clerk's Office, First Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma, 73105 no later than fifteen (15) days after the date of publication of this Notice of Proposed Rulemaking.

NOTICE IS FURTHER GIVEN that the Transportation Division will have **two (2) technical conferences on January 16, 2019 and February 5, 2019 at 1:30 p.m. in Courtroom 301**, Third Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. All parties interested in the proposed rules are urged and welcome to attend. One (1) or more of the Commissioners may be present at the technical conferences and may participate in the dialogue with the rulemaking participants regarding the issues of the proposed rulemaking.

NOTICE IS FURTHER GIVEN that the Commission invites all interested persons to **submit comments regarding the proposed changes to the Rules on or before February 20, 2019**. Those persons interested in submitting comments should file one (1) copy of their comments, referring to Cause No. RM 201800021, with the Commission's Court Clerk's Office. The comments will be made available for public inspection by telephone, e-mail, or in-person request during regular business hours of the Court Clerk's Office, 8:00 a.m. to 4:30 p.m.

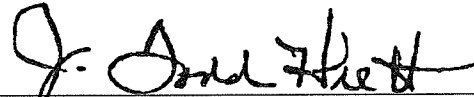
Pursuant to 75 O.S. §§ 303 and 504, business entities are requested, if the proposed rules adversely affect such entities, to provide to the Commission in writing, a description of the probable quantitative (costs) and qualitative impact of the proposed rule, economic or otherwise, and use quantifiable data to the extent possible, taking into account both short-term and long-term consequences.

NOTICE IS FURTHER GIVEN that at **9:30 a.m., February 27, 2019** in **Courtroom 301** of the Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma, the Commission shall meet, hold a public hearing on, and consider adoption of the proposed permanent rule(s).

NOTICE IS FURTHER GIVEN that further information and inquiries regarding this proposed rulemaking should be directed to Michael Copeland, Deputy General Counsel, by telephone (405) 522-1638, e-mail M.Copeland@occemail.com, facsimile (405) 521-4150; or Darren Ferguson, Assistant General Counsel, by telephone (405) 522-5491, e-mail D.Ferguson@occemail.com, facsimile (405) 521-4150, or at Room 400, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, or Post Office Box 52000, Oklahoma City, Oklahoma 73152-2000.

CORPORATION COMMISSION OF OKLAHOMA

DANA L. MURPHY, Chairman



J. TODD HIETT, Vice Chairman



BOB ANTHONY, Commissioner

CERTIFICATION

DONE and PERFORMED this 20th day of December, 2018, BY ORDER OF THE COMMISSION:


~~PEGGY MITCHELL, Commission Secretary~~

JOYCE CONNER, Assistant Secretary