**TITLE 595. DEPARTMENT OF PUBLIC SAFETY**

**CHAPTER 35. ENFORCEMENT OF OKLAHOMA MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS TRANSPORTATION ACT**

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

595:35-1-3. General [AMENDED]

595:35-1-4. Adoption by reference[AMENDED]

595:35-1-8. Administrative penalty and notice of claim [AMENDED]

595:35-1-9. Hearings [AMENDED]

595:35-1-10. Administrative penalty assessmentguidelines [AMENDED]

595:35-1-11. Intrastate compliancereviews [AMENDED]

595:35-1-12. Department of Public Safety port of entryofficers [AMENDED]

**SUMMARY:**

The proposed revisions clarify contact information for Troop S of the Oklahoma Highway Patrol. The proposed revisions clarify options to obtain copies of the Federal Motor Carrier Safety Regulations (FMCSR) and eliminate superfluous citations to the FMCSR. The proposed rules include an additional adoption by reference for Part 380 of the FMCSR – Special Training Requirements. Amendments to 595:35-1-8 clarify the notice and payment provisions applicable to hearings under this section. The proposed rules include a complete revision of the hearing process under these rules to streamline and clarify the roles of specific actors in the hearing process, specifically clarifying the Commissioner has final decision-making authority regarding contested orders. The proposed revisions include clarifications of violations that may result in a civil penalty and clarification of the maximum possible civil penalties per violation. The proposed rules clarify contact and notice provisions related to Intrastate compliance reviews. The proposed rules clarify references to the Act in relation to port of entry officers and clarify the authority of port of entry officers to place drivers and/or vehicles out of service.

**AUTHORITY:**

Department of Public Safety; 47 O.S. §2-108.5, 47 O.S. §2-123

**COMMENT PERIOD:**

Persons wishing to express their views in writing may do so before 5:00 p.m. on March 17, 2022, at the following address: Latosha Carrillo, Legal Division, P.O. Box 11415, Oklahoma City, OK 73136, or latosha.carrillo@dps.ok.gov.

**PUBLIC HEARING:**

A public hearing will be held at 1:45 p.m. on March 18, 2022, at the Robert E. Lester Training Center, 3600 N. Martin Luther King Ave, Oklahoma City, OK 73111. Anyone wishing to speak must sign in at the door by 1:50 p.m.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The Department of Public Safety requests business entities affected by these proposed rules provide the Department, within the comment period described above, in dollar amounts if possible, the increase in the level of direct costs, revenue loss, or other costs expected to be incurred by said entities such as fees; and indirect costs such as reporting, recordkeeping, professional services, labor, construction, or equipment expected to be incurred by the entity due to compliance with the proposed rules. Business entities may submit this information before 5:00 p.m. on March 17, 2022, at the following address: Latosha Carrillo, Legal Division, P.O. Box 11415, Oklahoma City, OK 73136, or latosha.carrillo@dps.ok.gov.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Department of Public Safety, Legal Division, P.O. Box 11415, Oklahoma City, OK 73136, or latosha.carrillo@dps.ok.gov, or www.dps.ok.gov.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. §303(D) a rule impact statement will be prepared and will be available at the above address beginning March 2, 2022.

**CONTACT PERSON:**

Latosha Carrillo, Administrative Programs Officer III, 405-425-2148, latosha.carrillo@dps.ok.gov.