

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

595:35-1-5. Applicability

(a) The hazardous materials regulations found in 49 CFR Parts 107, 171, 172, 173, 177, 178, and 180 are applicable to:

- (1) Motor carriers and their agents, employees, or representatives currently subject to the federal regulations regarding the transportation of hazardous materials.
- (2) Motor carriers and their agents, employees and representatives participating in intrastate commerce transporting hazardous materials.
- (3) Hazardous materials shippers who offer or ship hazardous materials in intrastate commerce.

(b) ~~The~~ Except as provided by 47 O.S. §230.15, the motor carrier safety regulations found in 49 CFR Parts 40, 382, 383, 385, 386, and 390 through 397 are applicable to:

- (1) Motor carriers and their agents, employees, or representatives participating in interstate commerce who are currently subject to the federal regulations concerning motor carrier safety indicated by 49 CFR §390.1.
- (2) Motor carriers and their agents, employees and representatives participating in intrastate commerce ~~;~~ and:

(A) Using a vehicle or vehicles with:

~~(i) a gross vehicle weight rating or a gross combination weight rating in excess of 26,000 pounds, or~~

~~(ii) a gross vehicle weight or gross combination weight in excess of 26,000 pounds~~ a weight rating or gross combination weight rating, or gross vehicle weight or gross combination vehicle weight of ten thousand one (10,001) pounds or more, whichever is greater; or

(B) Using a vehicle designed to transport more than 8 passengers, including the driver, for compensation ~~;~~ or

(C) Using a vehicle designed to transport more than 15 passengers, including the driver, but which is not used to transport passengers for compensation ~~;~~ or

(D) Using a vehicle in the transportation of hazardous material in a quantity requiring placarding as per 49 CFR Part 172 Subpart F.

595:35-1-12. Department of Public Safety port of entry officers

(a) Department of Public Safety port of entry officers (DPS POE officers) are DPS commissioned inspectors or DPS civilian inspectors assigned to Troop S to work only at and around port of entry locations. See generally 47 O.S. § 14-116.

(b) In accordance with 47 O.S. §2-117 any officer designated and commissioned by the Commissioner is declared to be a peace officer of the State of Oklahoma and shall be so deemed and taken in all courts having jurisdiction of offenses against the laws of the state.

(c) The Commissioner shall designate and commission DPS POE officers. The Commissioner may also appoint civilian DPS POE officers. All DPS POE officers shall only be assigned to and supervised by Troop S.

(d) The Commissioner has the authority to authorize any officer, employee, or agent of the Department to conduct the activities necessary to administer the Act. See 47 O.S. § 230.4.

(e) Commissioned DPS POE officers shall have the powers and authority now and hereafter vested by law in other peace officers, including the right and power of search and seizure, except the serving or execution of civil process, and the right and power to investigate and prevent crime and to enforce the criminal laws of this state. However, the duties of the DPS POE officers and civilian DPS POE officers shall be limited to:

- (1) Enforce all or any portions of the federal motor carrier safety regulations and the hazardous materials regulations of the United States Department of Transportation, as now or hereafter amended, as adopted by reference;
- (2) Conduct investigations; make reports; require the production of relevant documents, records and property; demonstration and training activities;
- (3) Enter upon, inspect and examine at reasonable times and in a reasonable manner, the records and properties of persons to the extent such records and properties relate to motor carrier safety or the transportation or shipment of hazardous materials in commerce, and to inspect and copy records and papers of carriers and other persons to carry out the purposes of the Act;
- (4) Stop and inspect any driver or commercial motor vehicle for any violation of the Act or rules and regulations issued pursuant thereto;
- (5) Declare and mark any transport vehicle or container as out of service if its condition, filling, equipment or protective devices would be hazardous to life or property during transportation, or if records thereof reflect such hazard, or if required records are incomplete;
- (6) Prohibit any commercial driver from transporting hazardous materials if such driver is unqualified or disqualified under any federal or department regulation;
- (7) Declare or mark any driver, vehicle or container out of service pursuant to the Commercial Vehicle Safety Alliance North American Standard Out-of-Service Criteria;
- (8) Administer and enforce the provisions of the Act and any rules and regulations issued pursuant thereto;
- (9) Exercise all power and authority vested by law in other peace officers regarding law violations ~~committed in the presence of the commissioned DPS POE officer~~ at and around port of entry locations;
- (10) Perform other law enforcement duties within the state as prescribed by the Commissioner or the Commissioner's designee.

(f) All commissioned DPS POE officers shall be CLEET certified peace officers. To become qualified for designation as peace officers, DPS POE officers shall meet the training and screening requirements conducted by the Department and certified by the Council on Law Enforcement Education and Training within six (6) months of employment.

(g) Only CLEET certified peace officers shall carry a weapon.

(h) DPS POE officers are not and shall not be considered Oklahoma Highway Patrol Troopers.

(i) The powers and duties conferred upon said commissioned DPS POE officers shall in no way limit the powers and duties of sheriffs or other peace officers of the state, or any political subdivision thereof.

(j) No state official, other than members of the Department, shall have any power, right, or authority to command, order, or direct any DPS POE officer to perform any duty or service. DPS POE officers shall not be commanded, ordered, or directed to perform any duty or service outside the limitations of (e).

