

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1939

By: Adair

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 953, which relates to wrecking and towing services; clarifying language; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 1991, Section 953, is amended to read as follows:

Section 953. A. No operator or ~~his~~ operator's employee shall be permitted to make service calls without first having filed maximum tariffs with the Corporation Commission, which tariffs shall not exceed the maximum tariffs approved by the Commission.

B. No operator or ~~his~~ operator's employee shall be permitted to make service calls without first having obtained from the Department of Public Safety a wrecker license, the number of which shall be displayed on both sides of every wrecker vehicle ~~he operates~~ operated. The license fee required by this section shall be in lieu of the motor carrier filing fee as required in Section 165 of this title. Each applicant for a license will not be required to prove public convenience and necessity, file notices, nor will a public hearing be held. The fee for such license shall be One Hundred

Dollars (\$100.00), of which Ten Dollars (\$10.00) shall be allocated to the Commission for the administration of Section 951 et seq. of this title.

C. All licenses shall expire on the last day of the calendar year and may be renewed annually at a cost of Fifty Dollars (\$50.00) upon application to the Department as prescribed by regulation. No license fee shall be refunded in the event that the license is suspended or revoked.

D. The Department shall issue a letter of reprimand, cancel, suspend, revoke, or refuse to issue or renew the license of an operator when it finds the licensee or applicant has not complied with or has violated any of the provisions, or any regulations adopted by the Department as authorized by Section 951 et seq. of this title. A suspension or revocation shall be for a period of time deemed appropriate by the Department for the violation. Any canceled, suspended, or revoked license shall be returned to the Department by the licensee, and its holder shall not be eligible to apply for another license until the period of suspension or revocation has elapsed.

E. The provisions of the Administrative Procedures Act, Section 301 et seq. of Title 75 of the Oklahoma Statutes, are expressly made applicable to Section 951 et seq. of this title except the hearing provided for in Section 963 of this title.

F. In any civil action to enforce the equal application of the alternation of wrecker or towing services regulated by a political subdivision of the state, the prevailing party shall be allowed attorneys' fees determined by the court, to be taxed and collected as costs.

G. Fees collected pursuant to the provisions of this section shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury except as provided by subsection H of this section.

H. Fees allocated to the Corporation Commission by this section shall be deposited in the Corporation Commission Revolving Fund.

SECTION 2. This act shall become effective November 1, 1995.

45-1-6106

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