

SHORT TITLE: Motor vehicles; creating Oklahoma Wrecker and Towing Service Commission; transferring powers, duties, responsibilities, records, funds, financial obligations, and encumbrances of Department of Public Safety relating to wrecker and towing services to the Commission; codification; effective date; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 53

By: Helton

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Sections 951, 952 and 953, as amended by Sections 1, 2, and 3, Chapter 50, O.S.L. 1995, Section 4, Chapter 50, O.S.L. 1995, 954 and 954A, as amended by Section 5, Chapter 50, O.S.L. 1995 (47 O.S. Supp. 1996, Sections 951, 952, 953, 953.1 and 954A), which relate to wrecker and towing services; stating Legislative findings and declaration; conforming language and modifying definitions; creating Oklahoma Wrecker and Towing Service Commission; providing for appointment and qualifications of members, terms of office, filling of vacancies, oath of office, and compensation of members; providing for shared services of Executive Director and procedures related thereto; providing for hiring of employees, organization of Commission, place of business, and use of seal; transferring powers, duties, responsibilities, records, funds, financial obligations, and encumbrances of Department of Public Safety relating to wrecker and towing services to the Commission; declaring certain rules to be in effect until amended or repealed by Commission; deleting certain statutory fees and authorizing Commission to establish these fees annually in accordance with budgetary needs; modifying requirement that certain

fees be deposited in General Revenue Fund; creating revolving fund for Commission to be used for certain purposes; requiring ten percent deposit to credit of General Revenue Fund; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 950 of Title 47, unless there is created a duplication in numbering, reads as follows:

The Legislature finds and declares that the cost of state government can be reduced, greater operating efficiency can be achieved, and public safety, public interests, and public welfare can better be served by placing the licensing and regulation of Oklahoma's wrecker and towing services industry with a self-funded Wrecker and Towing Service Commission operating separately from, but within and as a part of, the Oklahoma Used Motor Vehicle and Parts Commission.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 951, as amended by Section 1, Chapter 50, O.S.L. 1995 (47 O.S. Supp. 1996, Section 951), is amended to read as follows:

Section 951. As used in Section 1 of this act and Section 951 et seq. of this title:

1. "Wrecker or wrecker vehicle" means any motor vehicle that is equipped with any device designed to tow another vehicle or combination of vehicles. The use of the term "wrecker" or "wrecker vehicle" shall be construed to include a combination wrecker or combination wrecker vehicle, as defined in paragraph 2 of this

subsection, unless a specific differentiation is otherwise described;

2. "Combination wrecker" or "combination wrecker vehicle" means any wrecker vehicle which is designed and equipped with two separate and distinct devices to tow simultaneously two or more other vehicles or combinations of vehicles, whether or not both devices are in use simultaneously. One of the devices shall allow ~~another vehicle~~ one or more other vehicles to be loaded onto and transported upon the wrecker vehicle, and one of the devices shall allow another vehicle to be attached to and pulled or towed by the wrecker vehicle;

3. "Tow" or "towing" means the use of a wrecker vehicle to lift, pull, move, haul or otherwise transport any other vehicle by means of:

- a. attaching the vehicle to and pulling the vehicle with the wrecker vehicle, or
- b. loading the vehicle onto and transporting the vehicle upon the wrecker vehicle;

4. "Rollback equipment" means a towing device or equipment upon which the towed vehicle is loaded and transported, removing the towed vehicle completely from the surface of the roadway. The term "rollback equipment" shall include car haulers;

5. "Dolly" means a towing device or equipment which lifts and suspends one axle of the towed vehicle above the surface of the roadway. The term "dolly" shall include slings and staybars;

6. "Wrecker or towing service" means engaging in the business of or performing the act of towing or offering to tow any vehicle, except:

- a. where the operator owns the towed vehicle and displays on both sides of the wrecker vehicle in plainly visible letters not less than two (2) inches in height the words "NOT FOR HIRE",

- b. where the service is performed by a transporter as defined in Section 1-181 of this title, or
- c. where the wrecker vehicle is owned or operated by the United States government, the State of Oklahoma, or any department or political subdivision thereof;

7. ~~"Commissioner"~~ "Commission" means the ~~Commissioner of Public Safety~~ Oklahoma Wrecker and Towing Service Commission;

8. "Department" means the Department of Public Safety;

9. "Operator" means any person owning or operating a wrecker vehicle or wrecker or towing service;

10. "Officer" means any duly authorized law enforcement officer;

11. "Roadway" means any public street, road, highway or turnpike or the median, easement or shoulder of a roadway; and

12. "Service call" means the act of responding to a request for service with a wrecker vehicle in which a service is performed.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 951.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Wrecker and Towing Service Commission, to be composed of one member from each of the six congressional districts of this state, and a chair to be selected from the state at large, all to be appointed by the Governor by and with the advice and consent of the Senate. These appointments shall be made within sixty (60) days after the effective date of this act. Each of the Commissioners appointed shall, at the time of appointment, be a resident of the congressional district from which appointed, except the Chair, who shall be a resident of the state. Each shall be of good moral character and each shall have been actually engaged in the business of operating a wrecker and towing service for not less than ten (10) consecutive years next preceding appointment.

B. 1. The Chair shall serve coterminously with the Governor making the appointment, and shall continue to serve until a successor is appointed and is qualified. The terms of office of the members first appointed to the Commission shall be as follows:

- a. the members appointed from the First and Second Congressional Districts shall serve until June 30, 1999,
- b. the members appointed from the Third and Fourth Congressional Districts shall serve until June 30, 2001, and
- c. the members appointed from the Fifth and Sixth Congressional Districts shall serve until June 30, 2003.

2. Each member shall serve until a successor is appointed and is qualified. Thereafter, the term of office of each member of the Commission shall be for six (6) years. Except for the Chair, the term of office of any member will automatically expire if the member moves out of the congressional district from which appointed. Vacancies shall be filled in the same manner as regular appointments for the unexpired portion of the term.

C. The Commission shall meet at Oklahoma City and complete its organization immediately after the entire membership has been appointed. The Chair and each member of the Commission shall take and subscribe to the oath of office required of public officers.

D. The Chair and members of the Commission shall receive Thirty Dollars (\$30.00) for each and every day actually and necessarily spent in attending the meetings of the Commission, and shall be reimbursed for expenses incurred in the performance of their duties as provided by the State Travel Reimbursement Act. Meeting reimbursement shall not exceed the sum of Six Hundred Dollars (\$600.00) per annum to any one person.

E. The Oklahoma Wrecker and Towing Service Commission shall operate as a separate agency, but within the Oklahoma Used Motor Vehicle and Parts Commission. The Oklahoma Wrecker and Towing Service Commission shall share the services of the Executive Director of the Oklahoma Used Motor Vehicle and Parts Commission and shall have the equivalent of twenty-five percent (25%) of the vote with regard to selection, retention, promotion, discipline and salary of the Executive Director and other issues of mutual concern to the Commissions. The Oklahoma Wrecker and Towing Service Commission shall define and prescribe the duties of the Executive Director with respect to responsibilities to the Oklahoma Wrecker and Towing Service Commission. The Executive Director shall be in charge of the Commission's office and shall devote the time necessary to fulfill these duties. The Oklahoma Wrecker and Towing Service Commission may employ clerical, technical, legal, and other help and incur expenses as may be necessary for the proper discharge of its duties under this act. The Oklahoma Used Motor Vehicle and Parts Commission together with the Oklahoma Wrecker and Towing Service Commission shall maintain an office and transact business in Oklahoma City and is authorized to adopt and use a seal.

F. On September 1, 1997, the powers, duties, and responsibilities exercised by the Department of Public Safety in regard to wrecker and towing services, and any records and identifiable funds related thereto, shall be transferred to the Oklahoma Wrecker and Towing Service Commission as herein provided. Rules of the Department promulgated pursuant to Section 951 et seq. of Title 47 of the Oklahoma Statutes shall be in effect until the rules are amended or repealed by action of the Oklahoma Wrecker and Towing Service Commission.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 952, as amended by Section 2, Chapter 50, O.S.L. 1995 (47 O.S. Supp. 1996, Section 952), is amended to read as follows:

Section 952 A. The ~~Department of Public Safety~~ Oklahoma Wrecker and Towing Service Commission shall have the power and authority necessary to license, supervise, govern, and control wrecker vehicles and wrecker or towing services.

B. 1. The ~~Department of Public Safety~~ Commission shall ~~adopt and prescribe such~~ promulgate rules as are necessary to carry out the intent of Section 1 of this act and Section 951 et seq. of this title.

2. The rules shall state the requirements for facilities, for storage of vehicles, necessary towing equipment, the records to be kept by operators, liability insurance and insurance covering the vehicle and its contents while in storage in such sum and with such provisions as the ~~Department~~ Commission deems necessary to adequately protect the interests of the public, and such other matters as the ~~Department~~ Commission may prescribe for the protection of the public.

C. Unless otherwise regulated by the governing body of the political subdivision, the wrecker vehicle used to perform wrecker or towing services requested by a political subdivision of this state for removal of a vehicle from public property for reasons listed in Section 955 of this title shall be from the licensed wrecker or towing service whose location is nearest to the vehicle to be towed. Requests for service may be alternated or rotated among all such licensed wrecker or towing services which are located within a reasonable radius of each other. In cities of less than fifty thousand (50,000) population, all such licensed wrecker or towing services located near or in the city limits of such cities shall be considered as being equal distance and shall be called on an equal basis as nearly as possible.

D. The Department of Public Safety and any municipality, county or other political subdivision of this state may place any appropriately licensed wrecker or towing service upon an official

rotation log for the performance of services carried out pursuant to the request of or at the direction of any officer of the Department or municipality, county, or political subdivision. When performing services at the request of any officer, no operator or wrecker or towing service upon the rotation logs shall charge fees in excess of the maximum rates for services performed within this state, including incorporated and unincorporated areas, as prescribed in Section 4 953.1 of this ~~act~~ title.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 953, as amended by Section 3, Chapter 50, O.S.L. 1995 (47 O.S. Supp. 1996, Section 953), is amended to read as follows:

Section 953. A. No operator shall be permitted nor shall any employee of any operator be permitted, allowed or caused to make service calls without the operator first having obtained from the ~~Department of Public Safety~~ Oklahoma Wrecker and Towing Service Commission a license to operate a wrecker or towing service. The number of the license shall be displayed, in conformance with rules of the ~~Department~~ Commission, on both sides of every wrecker vehicle operated by the wrecker or towing service.

B. 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. No applicant for a wrecker license shall be required to prove public convenience and necessity, file notices, nor shall 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 Department for the administration of Section 951 et seq. of this title~~ established annually by the Commission in accordance with the budgeted needs of the Commission to administer the licensing, regulation, and enforcement of wrecker and towing services in this state.

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)~~

to be determined by the Commission, upon application to the ~~Department~~ Commission as prescribed by rule. No license fee shall be refunded in the event that the license is suspended or revoked.

D. The ~~Department~~ Commission 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 of Section 1 of this act and Section 951 et seq. of this title, or any rules ~~adopted~~ promulgated by the ~~Department~~ Commission. A suspension or revocation shall be for a period of time deemed appropriate by the ~~Department~~ Commission for the violation. Any canceled, suspended, or revoked license shall be returned to the ~~Department~~ Commission by the operator, ~~and the~~. The operator shall not be eligible to apply for another license until the period of suspension or revocation has elapsed.

E. The provisions of the Oklahoma Administrative Procedures Act are expressly made applicable to ~~Section 951 et seq. of this title~~ the Commission.

F. In any civil action to enforce the equal application of the alternation or rotation of wrecker or towing services regulated by a political subdivision of the state, the prevailing party shall be allowed attorney 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 Department by this section shall be deposited in the Department of Public Safety Revolving Fund~~

1. There is hereby created in the State Treasury a revolving fund for the Wrecker and Towing Commission to be designated as the "Oklahoma Wrecker and Towing Service Fund". The fund shall be a

continuing fund, not subject to fiscal year limitations, and shall consist of all fees and charges collected under the provisions of this act and any monies transferred or appropriated to the Commission. Except as hereinafter provided, all monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Commission for the purpose of carrying out and enforcing the provisions of this act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval of payment.

2. At the close of each fiscal year, the Commission shall pay into the General Revenue Fund of the state a sum equal to ten percent (10%) of the gross fees and charges so collected and received.

SECTION 6. AMENDATORY Section 4, Chapter 50, O.S.L. 1995 (47 O.S. Supp. 1996, Section 953.1), is amended to read as follows:

Section 953.1 A. The rates and provisions of this section shall apply only to determine the maximum fees and charges for wrecker or towing services performed on the roadways in this state, including incorporated and unincorporated areas, by a wrecker or towing service licensed by the ~~Department of Public Safety~~ Oklahoma Wrecker and Towing Service Commission when such service appears on the rotation log of the Department of Public Safety or on the rotation log of any municipality, county or other political subdivision of this state, and the services performed are at the request or at the direction of any officer of the Department or of a municipality, county, or political subdivision. No wrecker or towing service in the performance of these services shall charge any fee which exceeds the maximum rates established in this section. Such rates shall be in addition to any other rates, fees or charges authorized or required by law. Any wrecker or towing service is authorized to collect from the owner, lienholder or agent of any

towed or stored vehicle, the fee required by Section 904 of this title.

B. When wrecker or towing services are performed as provided in subsection A of this section:

1. Each performance of a wrecker or towing service shall be recorded by the operator on a bill or invoice as prescribed by rules of the ~~Department~~ Commission;

2. Nothing herein shall limit the right of an operator who has provided or caused to be provided wrecker or towing services to require prepayment, in part or in full, or guarantee of payment of any charges incurred for providing such services;

3. This section shall not be construed to require an operator to charge a fee for the performance of any wrecker or towing services; and

4. The operator is authorized to collect all lawful fees from the owner, lienholder or agent of the towed vehicle for the performance of any and all such services.

C. Distance rates.

1. Rates in this subsection shall apply to the distance the towed vehicle is transported and shall include services of the operator of the wrecker vehicle. Hourly rates, as provided in subsection D of this section, may be applied in lieu of distance rates. Hourly rates may be applied from the time the wrecker vehicle is assigned to the service call until the time it is released from service either upon return to the premises of the wrecker or towing service or upon being assigned to perform another wrecker or towing service, whichever occurs first. When the hourly rate is applied in lieu of distance towing rates, the operator may not apply the two-hour minimum prescribed in subsection D of this section nor may hookup or mileage charges, as prescribed in this section, be applied.

Such distance rates shall be computed via the shortest highway mileage as determined from the latest official Oklahoma Department of Transportation state highway map, except as follows:

- a. for distances or portions of distances not specifically provided for in the governing highway map, the actual mileage via the shortest practical route will apply,
- b. in computing distances, fractions of a mile will be retained until the final and full mileage is determined, at which time any remaining fraction shall be increased to the next whole mile,
- c. when, due to circumstances beyond the control of the wrecker or towing service, roadway conditions make it impractical to travel via the shortest route, distance rates shall be computed based on the shortest practical route over which the wrecker vehicle and the vehicle it is towing can be moved, which route shall be noted on the bill or invoice, or
- d. when the wrecker or towing service is performed upon any turnpike or toll road, the turnpike or toll road mileage shall be used to determine the distance rates charged and the turnpike or toll road fees may be added to the bill or invoice.

2. Maximum distance rates shall be as follows:

| Weight of Towed Vehicle (In pounds, including equipment and lading) | Distance Towed | Rate Per Mile |
|---|-------------------|---------------------|
| Single vehicle: 8,000 or less | 25 miles or less | \$2.41 |
| Single vehicle: 8,000 or less | Over 25 miles | \$1.95 |
| Single vehicle: 8,001 to 12,000 | 25 miles or less | \$2.73 |
| Single vehicle: 8,001 to 12,000 | Over 25 miles | \$2.41 |
| Single vehicle: 12,001 to 40,000 | Any | \$4.67 |

| | | |
|--------------------------------|-----|--------|
| Single vehicle: 40,000 or over | Any | \$5.45 |
| Combination of vehicles | Any | \$5.45 |

D. Hourly Rates.

1. Rates in this subsection shall apply for the use of a wrecker vehicle and shall include services of the operator of ~~such~~ the wrecker, except as provided in paragraph 4 of this subsection. Rates shall apply for all wrecker or towing services performed that are not otherwise provided for in this section, including, but not limited to, waiting and standby time, but shall not include the first fifteen (15) minutes of service following the hookup of a vehicle when a hookup fee is assessed, as provided in subsection E of this section.

Hourly rates shall apply from the time the vehicle or labor is assigned to the service call until the time it is released from service either upon return to the premises of the wrecker or towing service or upon being assigned to perform another wrecker or towing service, whichever occurs first. Whenever a wrecker vehicle is used to tow a vehicle subject to distance rates, as provided in subsection C of this section, hourly rates shall apply only for the time ~~such~~ the wrecker is used in the performance of services other than transportation, except when ~~such~~ the hourly rates are used in lieu of ~~such~~ the distance rates.

As used in this subsection, rates stated per hour apply for whole hours and, for fractions of an hour, rates stated per fifteen (15) minutes apply for each fifteen (15) minutes or fraction thereof over seven and one-half (7 1/2) minutes. However, if the service subject to an hourly rate is performed in less than two (2) hours, the charge applicable for two (2) hours may be assessed, except as provided for in subsection C of this section.

2. Maximum hourly rates for wrecker or towing services performed for passenger vehicles, when rates for such services are not otherwise provided for by law, shall be as follows:

| Weight of Towed Passenger Vehicle (In pounds) | Rate Per Hour | Rate Per 15 Minutes |
|--|------------------|------------------------|
| Single vehicle: 8,000 or less | \$38.94 | \$9.74 |
| Single vehicle: 8,001 to 24,000 | \$54.52 | \$13.63 |
| Single vehicle: 24,001 to 44,000 | \$77.88 | \$19.47 |
| Single vehicle: 44,001 or over | \$116.82 | \$29.21 |
| Combination of vehicles | \$116.82 | \$29.21 |

3. Maximum hourly rates for all other wrecker or towing services, when rates for such other services are not otherwise provided for by law, shall be determined based upon the gross vehicle weight rating of each wrecker vehicle used as follows:

| GVWR of Wrecker Vehicle (In pounds) | Rate per Hour | Rate Per 15 Minutes |
|--|------------------|------------------------|
| 8,000 or less | \$38.94 | \$9.74 |
| 8,001 to 24,000 | \$54.52 | \$13.63 |
| 24,001 to 44,000 | \$77.88 | \$19.47 |
| 44,001 or over | \$116.82 | \$29.21 |
| Combination wrecker vehicle with GVWR of 24,000 or over | \$116.82 | \$29.21 |

4. a. Maximum hourly rates for extra labor shall be Fourteen Dollars and twenty-eight cents (\$14.28) per person per hour.

b. Maximum hourly rates for skilled or specialized labor and/or equipment shall be the actual customary and ordinary rates charged for such labor and/or equipment.

E. Hookup Rates.

1. Rates in this subsection shall apply to the hookup of a vehicle to a wrecker vehicle when ~~such~~ the hookup is performed in connection with a wrecker or towing service described in this section. ~~Such~~ The hookup rate shall include the first fifteen (15) minutes of such service, for which there shall be no additional fee

charged, but shall not include the use of a dolly or rollback equipment or a combination wrecker vehicle to accomplish ~~such~~ the hookup, for which an additional fee may be charged as provided in subsection F of this section. Hookup shall include, but not be limited to, the attachment of a vehicle to or the loading of a vehicle onto a wrecker vehicle.

2. As used in this subsection:

- a. "day rate" shall mean the rate charged for a hookup performed by an operator between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, but shall not include any national holiday,
- b. "night rate" shall mean the rate charged for a hookup performed by an operator between the hours of 4:00 p.m. to 8:00 a.m. of the following day, Monday through Friday, or any time on Saturday, Sunday or a national holiday, and
- c. "national holiday" shall mean New Year's Day, Martin Luther King Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day, and shall further include the Friday before ~~such~~ a national holiday which falls on a Saturday and the Monday following ~~such~~ a national holiday which falls on a Sunday.

3. Maximum hookup rates shall be as follows:

| Weight of Vehicle Being Hooked Up (In pounds, including equipment and lading) | Day Rate | Night Rate |
|---|-------------|---------------|
| Single vehicle: 8,000 or less | \$23.36 | \$31.15 |
| Single vehicle: 8,001 to 12,000 | \$31.15 | \$38.94 |
| Single vehicle: 12,001 to 24,000 | \$38.94 | \$46.73 |
| Single vehicle: 24,001 or over | \$46.73 | \$54.52 |
| Combination of vehicles | \$46.73 | \$54.52 |

F. Additional Service Rates.

1. Rates in this subsection shall apply to the performance of the following services:

- a. the disconnection and reconnection of a towed vehicle's drive line when necessary to prevent mechanical damage to ~~such~~ the vehicle,
- b. the removal and replacement of a towed vehicle's axle when necessary to prevent mechanical damage to ~~such~~ the vehicle, or
- c. the use of a dolly or rollback equipment when essential to prevent mechanical damage to a towed vehicle or when neither end of ~~such~~ the vehicle is capable of being towed safely while in contact with the roadway.

2. Maximum additional service rates shall be as follows:

| Weight of Towed Vehicle (In pounds, including equipment and lading) | Service Performed | | |
|---|--|------------------------------------|------------------------------------|
| | Disconnect Drive Line; Remove Axle | Reconnect Drive Line; Replace Axle | Use of Dolly or Rollback Equipment |
| | Rate Per Service Performed | | |
| 8,000 or less | \$6.88 | \$8.25 | \$20.90 |
| 8,001 to 12,000 | \$11.00 | \$14.30 | \$23.90 |
| | Rate Per 15 Minutes of Service Performed | | |
| 12,001 or over | \$13.75 | \$13.75 | Not applicable |

SECTION 7. AMENDATORY 47 O.S. 1991, Section 954, is amended to read as follows:

Section 954. ~~The Department of Public Safety~~ Oklahoma Wrecker and Towing Service Commission shall be charged with the duty of enforcing the provisions of Section 1 of this act and Section 951 et seq. of this title. Its duly appointed officers and duly appointed peace officers of the political subdivisions of this state shall have authority to make arrests for violations of the provisions of

Section 1 of this act and Section 951 et seq. of this title. Such officers, upon reasonable belief that any wrecker is being operated in violation of any provision of Section 1 of this act and Section 951 et seq. of this title shall be authorized to require the operator thereof to stop and exhibit ~~such~~ documentation ~~as may be~~ required to establish ~~his~~ proper authority.

SECTION 8. AMENDATORY 47 O.S. 1991, Section 954A, as amended by Section 5, Chapter 50, O.S.L. 1995 (47 O.S. Supp. 1996, Section 954A), is amended to read as follows:

Section 954A. A. In addition to any procedure provided by local ordinance, whenever the owner or legal possessor of real property or an authorized agent has reasonable cause to believe that a vehicle has been abandoned thereon, ~~said the~~ the vehicle having been on ~~said the~~ the property for a minimum of forty-eight (48) hours, or whenever a vehicle is left upon ~~said~~ real property without express or implied permission, ~~such the~~ the vehicle may be removed as provided in this section.

B. The owner, legal possessor, l or authorized agent may request any licensed wrecker or towing service within the county wherein the real property is located to remove the abandoned vehicle from the premises by signing a Tow Request and Authorization Form prescribed by the ~~Department~~ Oklahoma Wrecker and Towing Commission and furnished to licensed wrecker operators as hereinafter provided.

C. The ~~Department~~ Commission shall design and promulgate a suitable Tow Request and Authorization Form to be completed in quadruplicate, containing space for the following information:

1. A description of the vehicle, including the type of vehicle, year of manufacture, name of the manufacturer, vehicle color or colors, identification number and license tag number;
2. The name, address and business telephone number of the wrecker or towing service;

3. The name, address, and telephone number of the real property owner, legal possessor or authorized agent;

4. Inventory of personal property within the vehicle to be towed;

5. Time and date the form is completed; and

6. Signatures of the driver of the wrecker vehicle and of the owner, legal possessor or authorized agent of the real property.

The ~~Department~~ Commission may require additional information on the Tow Request and Authorization Form.

D. The real property owner, legal possessor or authorized agent and the wrecker vehicle driver shall jointly, and each in the presence of the other, inventory personal property found within or upon the vehicle and each shall accordingly sign a statement on the form reflecting this requirement has been fulfilled. In the event an inventory cannot be completed, the reasons therefor shall be clearly stated on the form.

E. A copy of the completed Tow Request and Authorization Form shall be retained by the signatories and the wrecker or towing service shall maintain the wrecker vehicle driver's copy for not less than one (1) year, or longer if required by the ~~Department~~ Commission. The wrecker or towing service shall forthwith send the completed original Tow Request and Authorization Form to the ~~Department~~ Commission and the remaining copy of the completed form to the local police department of the municipality in which the real property is located, if any.

F. Within seventy-two (72) hours of the time indicated on the form, the wrecker or towing service shall request the Oklahoma Tax Commission or other appropriate motor license agent to furnish the name and address of the current owner of and any lienholder upon the vehicle. The ~~Department~~ Oklahoma Wrecker and Towing Service Commission may render assistance to ascertain ownership, if needed. The wrecker or towing service shall, within seven (7) days from

receipt of the requested information from the Oklahoma Tax Commission or other motor license agent, send a notice of the location of the vehicle by regular mail, postage prepaid, at the addresses furnished, to the owner and any lienholder of the vehicle. The owner or lienholder may regain possession of the vehicle in accordance with rules of the ~~Department~~ Oklahoma Wrecker and Towing Service Commission upon payment of the reasonable cost of towing and storage of the vehicle.

G. No wrecker or towing service or operator of a wrecker or towing service shall tow or cause to be towed a vehicle pursuant to this section until the form furnished by the ~~Department~~ Oklahoma Wrecker and Towing Service Service Commission has been appropriately completed by the parties as required by rules of the ~~Department~~ Commission.

SECTION 9. This act shall become effective July 1, 1997.

SECTION 10. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-1-0634

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