

3 Senate Bill No. 1521
4 As Amended

5 SENATE BILL NO. 1521 - By: LEFTWICH of the Senate and NANCE of the
6 House.

7 [motor vehicles - modifying procedures -
8 emergency]

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

10 SECTION 1. AMENDATORY 47 O.S. 2001, Section 904, as
11 amended by Section 2, Chapter 133, O.S.L. 2002 (47 O.S. Supp. 2005,
12 Section 904), is amended to read as follows:

13 Section 904. The owner of a motor vehicle or lienholder of the
14 vehicle abandoned in violation of Section 901 et seq. of this title,
15 or the owner of any vehicle or lienholder of the vehicle or insurer
16 accepting liability for paying a claim on a vehicle or purchasing
17 the vehicle as a total loss vehicle from the registered owner which
18 shall have been lawfully removed from any highway or other public
19 property may regain possession of the vehicle in accordance with
20 regulations of the Department of Public Safety upon presentation of
21 ownership documents satisfactory to the wrecker operator and payment
22 of the reasonable cost of removal and storage of such vehicle. The
23 operator is authorized to collect all lawful fees from the owner,
24 lienholder or agent or insurer accepting liability for paying the

1 claim for a vehicle or purchasing the vehicle as a total loss
2 vehicle from the registered owner of the towed vehicle for the
3 performance of any and all such services. An operator shall release
4 the vehicle from storage upon authorization from the owner, agent or
5 lienholder of the vehicle or in the case of a total loss, the
6 insurer accepting liability for paying the claim on the vehicle or
7 purchasing the vehicle where the vehicle is to be moved to an
8 insurance pool yard for sale.

9 The cost of removal and storage shall be paid to the wrecker or
10 towing service.

11 SECTION 2. AMENDATORY 47 O.S. 2001, Section 953.1, as
12 last amended by Section 2, Chapter 360, O.S.L. 2004 (47 O.S. Supp.
13 2005, Section 953.1), is amended to read as follows:

14 Section 953.1 A. The rates and provisions of this section
15 shall apply only to determine the maximum fees and charges for
16 wrecker or towing services performed in this state, including
17 incorporated and unincorporated areas, by a wrecker or towing
18 service licensed by the Department of Public Safety when that
19 service appears on the rotation log of the Department or on the
20 rotation log of any municipality, county or other political
21 subdivision of this state, and the services performed are at the
22 request or at the direction of any officer of the Department or of a
23 municipality, county, or political subdivision. No wrecker or

1 towing service in the performance of these services shall charge any
2 fee which exceeds the maximum rates established in this section,
3 adjusted as provided in subsection H of this section. Such rates
4 shall be in addition to any other rates, fees or charges authorized
5 or required by law. Any wrecker or towing service is authorized to
6 collect from the owner, lienholder, agent or insurer accepting
7 liability for paying the claim for a vehicle or purchasing the
8 vehicle as a total loss vehicle from the registered owner of any
9 towed or stored vehicle, the fee required by Section 904 of this
10 title.

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

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

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

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

1 4. The operator is authorized to collect all lawful fees from
2 the owner, lienholder or agent or insurer accepting liability for
3 paying the claim for a vehicle or purchasing the vehicle as a total
4 loss vehicle from the registered owner of the towed vehicle for the
5 performance of any and all such services. An operator shall release
6 the vehicle from storage upon authorization from the owner, agent or
7 lienholder of the vehicle or, in the case of a total loss, the
8 insurer accepting liability for paying the claim for the vehicle or
9 purchasing the vehicle where the vehicle is to be moved to an
10 insurance pool yard for sale.

11 C. Distance rates.

12 1. Rates in this subsection shall apply to the distance the
13 towed vehicle is transported and shall include services of the
14 operator of the wrecker vehicle. Hourly rates, as provided in
15 subsection D of this section, may be applied in lieu of distance
16 rates. Hourly rates may be applied from the time the wrecker
17 vehicle is assigned to the service call until the time it is
18 released from service either upon return to the premises of the
19 wrecker or towing service or upon being assigned to perform another
20 wrecker or towing service, whichever occurs first. When the hourly
21 rate is applied in lieu of distance towing rates, the operator may
22 not apply the two-hour minimum prescribed in subsection D of this

1 section nor may hookup or mileage charges, as prescribed in this
2 section, be applied.

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

- 6 a. for distances or portions of distances not
7 specifically provided for in the governing highway
8 map, the actual mileage via the shortest practical
9 route will apply,
- 10 b. in computing distances, fractions of a mile will be
11 retained until the final and full mileage is
12 determined, at which time any remaining fraction shall
13 be increased to the next whole mile,
- 14 c. when, due to circumstances beyond the control of the
15 wrecker or towing service, roadway conditions make it
16 impractical to travel via the shortest route, distance
17 rates shall be computed based on the shortest
18 practical route over which the wrecker vehicle and the
19 vehicle it is towing can be moved, which route shall
20 be noted on the bill or invoice, or
- 21 d. when the wrecker or towing service is performed upon
22 any turnpike or toll road, the turnpike or toll road
23 mileage shall be used to determine the distance rates

1 charged and the turnpike or toll road fees may be
2 added to the bill or invoice.

3 2. Maximum distance rates shall be as follows:

4 Weight of Towed Vehicle	Distance	Rate
5 (In pounds, including	Towed	Per
6 equipment and lading)		Mile
7 Single vehicle: 8,000 or less	25 miles or less	\$3.00
8 Single vehicle: 8,000 or less	Over 25 miles	\$2.50
9 Single vehicle: 8,001 to 12,000	25 miles or less	\$3.40
10 Single vehicle: 8,001 to 12,000	Over 25 miles	\$3.00
11 Single vehicle: 12,001 to 40,000	Any	\$5.75
12 Single vehicle: 40,000 or over	Any	\$6.75
13 Combination of vehicles	Any	\$6.75

14 D. Hourly Rates.

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

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

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

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

21 Weight of Towed Passenger Vehicle	Rate Per	Rate Per
22 (In pounds)	Hour	15 Minutes
23 Single vehicle: 8,000 or less	\$60.00	\$15.00

1	Single vehicle: 8,001 to 24,000	\$80.00	\$20.00
2	Single vehicle: 24,001 to 44,000	\$120.00	\$30.00
3	Single vehicle: 44,001 or over	\$180.00	\$45.00
4	Combination of vehicles	\$180.00	\$45.00

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

9	GVWR of Wrecker Vehicle	Rate Per	Rate Per
10	(In pounds)	Hour	15 Minutes
11	8,000 or less	\$60.00	\$15.00
12	8,001 to 24,000	\$80.00	\$20.00
13	24,001 to 44,000	\$120.00	\$30.00
14	44,001 or over	\$180.00	\$45.00
15	Combination wrecker vehicle		
16	with GVWR of 24,000 or over	\$180.00	\$45.00

17 4. a. Maximum hourly rates for extra labor shall be Thirty
18 Dollars (\$30.00) per person per hour.

19 b. Maximum hourly rates for skilled or specialized labor
20 and/or equipment shall be the actual customary and
21 ordinary rates charged for such labor and/or
22 equipment. When skilled or specialized labor or
23 equipment is required, the wrecker operator's cost for

1 such skilled or specialized labor or equipment plus a
2 twenty-five percent (25%) gross profit markup to cover
3 overhead costs for such labor will be added to the
4 invoice or freight bill to be collected in addition to
5 all other applicable charges.

6 E. Hookup Rates.

7 1. Rates in this subsection shall apply to the hookup of a
8 vehicle to a wrecker vehicle when such hookup is performed in
9 connection with a wrecker or towing service described in this
10 section. Such hookup rate shall include the first fifteen (15)
11 minutes of such service, for which there shall be no additional fee
12 charged, but shall not include the use of a dolly or rollback
13 equipment or a combination wrecker vehicle to accomplish such
14 hookup, for which an additional fee may be charged as provided in
15 subsection F of this section. Hookup shall include, but not be
16 limited to, the attachment of a vehicle to or the loading of a
17 vehicle onto a wrecker vehicle.

18 2. Maximum hookup rates shall be as follows:

19 Weight of Vehicle Being Hooked Up	
20 (In pounds, including equipment	Rate
21 and lading)	
22 Single vehicle: 8,000 or less	\$65.00
23 Single vehicle: 8,001 to 12,000	\$75.00

1	Single vehicle: 12,001 to 24,000	\$85.00
2	Single vehicle: 24,001 or over	\$95.00
3	Combination of vehicles	\$95.00

4 F. Additional Service Rates.

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

- 7 a. the disconnection and reconnection of a towed
8 vehicle's drive line when necessary to prevent
9 mechanical damage to such vehicle,
- 10 b. the removal and replacement of a towed vehicle's axle
11 when necessary to prevent mechanical damage to such
12 vehicle, or
- 13 c. the use of a dolly or rollback equipment when
14 essential to prevent mechanical damage to a towed
15 vehicle or when neither end of such vehicle is capable
16 of being towed safely while in contact with the
17 roadway.

18 2. Maximum additional service rates shall be as follows:

19 Weight of Towed	20 Service Performed		
21 Vehicle (In pounds, 22 including equipment 23 and lading)	Disconnect Drive Line; Remove Axle	Reconnect Drive Line; Replace Axle	Use of Dolly or Rollback Equipment
	Rate Per Service Performed		

1	8,000 or less	\$10.00	\$15.00	\$25.00
2	8,001 to 12,000	\$15.00	\$20.00	\$30.00
3		Rate Per 15 Minutes of Service Performed		
4	12,001 or over	\$20.00	\$20.00	Not applicable

5 G. An operator shall be required to provide reasonable
6 documentation to substantiate all lawful fees charged the owner,
7 lienholder, agent or insurer paying the claim for the towed vehicle.
8 Fees for which the operator is being reimbursed or having paid to a
9 third party, shall include copies of the invoice or other
10 appropriate documents to substantiate such payment to said third
11 party.

12 H. Wrecker fees, including maximum distance, hourly, and hookup
13 rates shall be adjusted weekly by the Department of Public Safety by
14 adding a fuel surcharge as provided in this section. The Department
15 shall base the surcharge on the Department of Energy "weekly retail
16 on-highway diesel prices" for the "Midwest region" using One Dollar
17 and ninety cents (\$1.90) per gallon as the base price with no fees
18 added. The wrecker fees shall be adjusted to allow a one-percent
19 increase in fees for every ten-cent increase in fuel cost starting
20 at Two Dollars (\$2.00) per gallon.

21 I. Wrecker operators shall be allowed to obtain ownership
22 information from the Oklahoma Tax Commission or other state's motor
23 vehicle agencies for the purpose of determining ownership and

1 responsibility for wrecker fees. In the event a state of origin is
2 not known, the Department of Public Safety and the Oklahoma Tax
3 Commission shall assist in providing such information. The owner,
4 agent, lienholder or insurer accepting liability for paying the
5 claim for a vehicle or purchasing the vehicle as a total loss
6 vehicle from the owner of any towed or stored vehicle shall be
7 responsible for such costs and fees for obtaining ownership
8 information.

9 SECTION 3. AMENDATORY 47 O.S. 2001, Section 962, as
10 amended by Section 2, Chapter 214, O.S.L. 2003 (47 O.S. Supp. 2005,
11 Section 962), is amended to read as follows:

12 Section 962. A. Every person legally entitled to compensation
13 for the removal or storage of any vehicle subject to registration,
14 which vehicle's removal has been authorized by any public agency,
15 has a lien on the vehicle, dependent on possession. The lien is
16 deemed to arise on the date of possession of the vehicle. Any
17 person perfecting a lien under this section shall foreclose this
18 lien according to the provisions for sale under Sections 908 through
19 911 of this title.

20 B. Every owner or lienholder, or agent, or insurer accepting
21 liability for paying the claim for a vehicle or purchasing the
22 vehicle as a total loss vehicle from the owner of such vehicle towed

1 or stored pursuant to Section 955 of this title shall be responsible
2 for the total amount of the debt for services rendered.

3 C. Any wrecker or towing service is authorized to collect from
4 the owner or lienholder or agent or insurer accepting liability for
5 paying the claim for a vehicle or purchasing the vehicle as a total
6 loss vehicle, the fee required by Section 904 of this title.

7 SECTION 4. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval.

11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY AND HOMELAND
12 SECURITY, dated 2-13-06 - DO PASS, As Amended and Coauthored.