

3 Senate Bill No. 613
4 As Amended

5 SENATE BILL NO. 613 - By: WILCOXSON of the Senate and KERR of the
6 House.

7 [motor vehicles - duty to render aid - Uninsured Motorist
8 Victims Compensation Board - codification - effective
9 dates -
10 emergency]

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

12 SECTION 1. AMENDATORY 47 O.S. 2001, Section 10-104, is
13 amended to read as follows:

14 Section 10-104. A. The driver of any vehicle involved in an
15 accident resulting in injury to or death of any person or damage to
16 any vehicle which is driven or attended by any person shall give his
17 or her correct name, address and registration number of the vehicle
18 he or she is driving, and shall upon request exhibit his or her
19 driver license and ~~his~~ security verification form, as defined in
20 Section 7-600 of this title, to the person struck or the driver or
21 occupant of or person attending any vehicle collided with, and shall
22 render to any person injured in such accident reasonable assistance,
23 including the carrying, or the making of arrangements for the
24 carrying, of such person to a physician, surgeon or hospital for
25 medical or surgical treatment if it is apparent that such treatment

1 is necessary or if such carrying is requested by the injured person.
2 Any driver who provides information required by this section which
3 is intentionally inaccurate shall be subject to the provisions of
4 Section ~~10-103~~ 10-112 of this title.

5 B. Any driver of any vehicle involved in an accident who could
6 be cited for any traffic offense where said accident resulted in the
7 immediate death of any person shall submit to drug and alcohol
8 testing as soon as practicable after such accident occurs. The
9 traffic offense violation shall constitute probable cause for
10 purposes of Section 752 of this title and the procedures found in
11 Section 752 of this title shall be followed to determine the
12 presence of alcohol or controlled dangerous substances within the
13 driver's blood system.

14 C. When the driver of any vehicle involved in an accident fails
15 to have at least the minimal liability insurance required by law,
16 any person injured as a result of that accident, who is not cited
17 for any traffic or criminal violation, may be eligible for victim's
18 compensation as provided in the Uninsured Motorist Victims
19 Compensation Act, Sections 10 through 27 of this act.

20 SECTION 2. AMENDATORY 47 O.S. 2001, Section 583, is
21 amended to read as follows:

22 Section 583. A. 1. It shall be unlawful and constitute a
23 misdemeanor for any person to engage in business as, or serve in the

1 capacity of, or act as a used motor vehicle dealer, used motor
2 vehicle salesperson, wholesale used motor vehicle dealer,
3 manufactured home dealer, manufactured home installer, or
4 manufactured home manufacturer selling directly to a licensed
5 manufactured home dealer in this state without first obtaining a
6 license or following other requirements therefor as provided in this
7 section.

8 2. a. Any person engaging, acting, or serving in the
9 capacity of a used motor vehicle dealer and/or a used
10 motor vehicle salesperson, a manufactured home dealer,
11 a manufactured home installer, or a manufactured home
12 manufacturer, or having more than one place where any
13 such business, or combination of businesses, is
14 carried on or conducted shall be required to obtain
15 and hold a current license for each such business, in
16 which engaged.

17 b. A used motor vehicle dealer's license shall authorize
18 one person to sell without a salesperson's license in
19 the event such person shall be the owner of a
20 proprietorship, or the person designated as principal
21 in the dealer's franchise or the managing officer or
22 one partner if no principal person is named in the
23 franchise.

1 c. If after a hearing in accordance with the provisions
2 of Section 585 of this title, the Oklahoma Used Motor
3 Vehicle and Parts Commission shall find any person
4 installing a mobile or manufactured home to be in
5 violation of any of the provisions of this act, such
6 person may be subject to an administrative fine of not
7 more than Five Hundred Dollars (\$500.00) for each
8 violation. Each day a person is in violation of this
9 act may constitute a separate violation. The maximum
10 fine shall not exceed One Thousand Dollars
11 (\$1,000.00). All administrative fines collected
12 pursuant to the provisions of this subparagraph shall
13 be deposited in the fund established in Section 582 of
14 this title. Administrative fines imposed pursuant to
15 this subparagraph may be enforceable in the district
16 courts of this state.

17 d. A salesperson's license may not be issued under a
18 wholesale used motor vehicle dealer's license.

19 3. Any person except persons penalized by administrative fine
20 violating the provisions of this section shall, upon conviction, be
21 fined not to exceed Five Hundred Dollars (\$500.00). A second or
22 subsequent conviction shall be punished by a fine not to exceed One
23 Thousand Dollars (\$1,000.00); provided that each day such unlicensed

1 person violates this section shall constitute a separate offense,
2 and any vehicle involved in a violation of this subsection shall be
3 considered a separate offense.

4 B. 1. Applications for licenses required to be obtained under
5 provisions of this act, Section 581 et seq. of this title, which
6 creates the Oklahoma Used Motor Vehicle and Parts Commission shall
7 be verified by the oath or affirmation of the applicant and shall be
8 on forms prescribed by the Commission and furnished to the
9 applicants, and shall contain such information as the Commission
10 deems necessary to enable it to fully determine the qualifications
11 and eligibility of the several applicants to receive the license or
12 licenses applied for. The Commission shall require in the
13 application, or otherwise, information relating to:

- 14 a. the applicant's financial standing,
- 15 b. the applicant's business integrity,
- 16 c. whether the applicant has an established place of
17 business and is engaged in the pursuit, avocation, or
18 business for which a license, or licenses, is applied
19 for,
- 20 d. whether the applicant is able to properly conduct the
21 business for which a license, or licenses, is applied
22 for, and

1 e. such other pertinent information consistent with the
2 safeguarding of the public interest and the public
3 welfare.

4 2. All applications for license or licenses shall be
5 accompanied by the appropriate fee or fees in accordance with the
6 schedule hereinafter provided. In the event any application is
7 denied and the license applied for is not issued, the entire license
8 fee shall be returned to the applicant.

9 3. All bonds and licenses issued under the provisions of this
10 act shall expire on December 31, following the date of issue and
11 shall be nontransferable. All applications for renewal of licenses
12 should be submitted by November 1 of each year, and licenses shall
13 be issued by January 10. If applications have not been made for
14 renewal of licenses, such licenses shall expire on December 31 and
15 it shall be illegal for any person to represent himself or herself
16 and act as a dealer thereafter. Tag agents shall be notified not to
17 accept dealers' titles until such time as licenses have been issued.

18 4. A used motor vehicle salesperson's license shall permit the
19 licensee to engage in the activities of a used motor vehicle
20 salesperson. Salespersons shall not be allowed to sell vehicles
21 unless applications, bonds, and fees are on file with the Commission
22 and the motor vehicle salesperson's or temporary salesperson's
23 license issued. A temporary salesperson's license, salesperson's

1 renewal or reissue of salesperson's license shall be deemed to have
2 been issued when the appropriate application, bond, and fee have
3 been properly addressed and mailed to the Commission.

4 Dealers' payrolls and other evidence will be checked to
5 ascertain that all salespersons for such dealers are licensed.

6 C. The schedule of license fees to be charged and received by
7 the Commission for the licenses issued hereunder shall be as
8 follows:

9 1. For each used motor vehicle dealer's license and each
10 wholesale used motor vehicle dealer's license, Two Hundred Dollars
11 (\$200.00). If a used motor vehicle dealer or a wholesale used motor
12 vehicle dealer has once been licensed by the Commission in the
13 classification for which he or she applies for a renewal of the
14 license, the fee for each subsequent renewal shall be One Hundred
15 Dollars (\$100.00); provided, if an applicant holds a license to
16 conduct business as an automotive dismantler and parts recycler
17 issued pursuant to Section 591.1 et seq. of this title, the initial
18 fee shall be One Hundred Dollars (\$100.00) and the renewal fee shall
19 be Seventy-five Dollars (\$75.00). If an applicant is applying
20 simultaneously for a license under this paragraph and a license
21 under paragraph 1 of Section 591.5 of this title, the initial
22 application fee shall be One Hundred Fifty Dollars (\$150.00);

1 2. For a used motor vehicle dealer's license, for each place of
2 business in addition to the principal place of business, Fifty
3 Dollars (\$50.00);

4 3. For each used motor vehicle salesperson's license, Ten
5 Dollars (\$10.00);

6 4. For each holder who possesses a valid new motor vehicle
7 dealer's license from the Oklahoma Motor Vehicle Commission, One
8 Hundred Dollars (\$100.00) shall be the initial fee for a used motor
9 vehicle license and the fee for each subsequent renewal shall be One
10 Hundred Dollars (\$100.00);

11 5. a. For each manufactured home dealer's license, and for
12 each place of business in addition to the principal
13 place of business, Two Hundred Dollars (\$200.00).

14 b. For each renewal of a manufactured home dealer's
15 license, and renewal for each place of business in
16 addition to the principal place of business, One
17 Hundred Dollars (\$100.00);

18 6. a. For each manufactured home installer's license, Two
19 Hundred Dollars (\$200.00).

20 b. For each renewal of a manufactured home installer's
21 license, Two Hundred Dollars (\$200.00); and

1 3. Every manufactured home installer shall have the license
2 available for inspection at the primary place of business of the
3 licensee. This license shall be valid for the licensee and all of
4 the employees of the licensee. Any person who is not an employee of
5 the licensee must obtain a separate manufactured home installer
6 license regardless of whether such person is acting in the capacity
7 of a contractor or subcontractor.

8 E. 1. a. Each applicant for a used motor vehicle dealer's
9 license shall procure and file with the Commission a
10 good and sufficient bond in the amount of Fifteen
11 Thousand Dollars (\$15,000.00). Each new applicant for
12 a used motor vehicle dealer's license for the purpose
13 of conducting a used motor vehicle auction shall
14 procure and file with the Commission a good and
15 sufficient bond in the amount of Fifty Thousand
16 Dollars (\$50,000.00). An applicant who intends to
17 conduct a used motor vehicle auction who provides
18 proof that the applicant has check and title insurance
19 in an amount not less than Fifty Thousand Dollars
20 (\$50,000.00) shall only be required to have a bond in
21 the amount of Twenty-five Thousand Dollars
22 (\$25,000.00).

- 1 b. Each new applicant for a used motor vehicle dealer
2 license for the purpose of conducting a used motor
3 vehicle business which will consist primarily of non-
4 auction consignment sales which are projected to equal
5 Five Hundred Thousand Dollars (\$500,000.00) or more in
6 gross annual sales shall procure and file with the
7 Commission a good and sufficient bond in the amount of
8 Fifty Thousand Dollars (\$50,000.00). The Commission
9 shall prescribe by rule the method of operation of the
10 non-auction consignment dealer in order to properly
11 protect the interests of all parties to the
12 transaction and to provide sanctions against dealers
13 who fail to comply with the rules.
- 14 c. Each applicant for a wholesale used motor vehicle
15 dealer's license shall procure and file with the
16 Commission a good and sufficient bond in the amount of
17 Twenty-five Thousand Dollars (\$25,000.00).
- 18 d. Each applicant for a manufactured home dealer's
19 license shall procure and file with the Commission a
20 good and sufficient bond in the amount of Thirty
21 Thousand Dollars (\$30,000.00).
- 22 e. Each manufactured home manufacturing facility selling
23 directly to a licensed manufactured home dealer in

1 this state shall procure and file with the Commission
2 a good and sufficient bond in the amount of Thirty
3 Thousand Dollars (\$30,000.00). In addition to all
4 other conditions and requirements set forth herein,
5 the bond shall require the availability of prompt and
6 full warranty service by the manufacturer to comply
7 with all warranties expressed or implied in connection
8 with each manufactured home which is manufactured for
9 resale in this state.

10 f. The bond shall be approved as to form by the Attorney
11 General and conditioned that the applicant shall not
12 practice fraud, make any fraudulent representation, or
13 violate any of the provisions of this act in the
14 conduct of the business for which the applicant is
15 licensed. One of the purposes of the bond is to
16 provide reimbursement for any loss or damage suffered
17 by any person by reason of issuance of a certificate
18 of title by a used motor vehicle dealer, a wholesale
19 used motor vehicle dealer, or a manufactured home
20 dealer.

21 2. If a motor vehicle dealer has a valid license issued by the
22 Oklahoma Motor Vehicle Commission, then the bond as required by this
23 subsection shall be waived.

1 3. Each applicant for a used motor vehicle salesperson's
2 license shall procure and file with the Commission a good and
3 sufficient bond in the amount of One Thousand Dollars (\$1,000.00).
4 The bond shall be approved as to form by the Attorney General and
5 conditioned that the applicant shall perform duties as a used motor
6 vehicle salesperson without fraud or fraudulent representation and
7 without violating any provisions of this act.

8 4. The bonds as required by this section shall be maintained
9 throughout the period of licensure. Should the bond be canceled for
10 any reason, the license shall be revoked as of the date of
11 cancellation unless a new bond is furnished prior to such date.

12 F. Any used motor vehicle dealer or wholesale used motor
13 vehicle dealer is required to furnish and keep in force a minimum of
14 Twenty-five Thousand Dollars (\$25,000.00) of single liability
15 insurance coverage on all vehicles offered for sale or used in any
16 other capacity in demonstrating or utilizing the streets and
17 roadways in accordance with the financial responsibility laws of
18 this state.

19 G. Any manufactured home dealer is required to furnish and keep
20 in force a minimum of One Hundred Thousand Dollars (\$100,000.00) of
21 garage liability or general liability with products and completed
22 operations insurance coverage.

1 H. Any manufactured home installer is required to furnish and
2 keep in force a minimum of Twenty-five Thousand Dollars (\$25,000.00)
3 of general liability with products and completed operations
4 insurance coverage.

5 I. Every used motor vehicle dealer, used motor vehicle
6 salesperson and wholesale used motor vehicle dealer is required to
7 record and keep a copy of a valid driver license and a security
8 verification form information for every person who purchases a motor
9 vehicle from said dealer, wholesaler or salesperson. Provided,
10 however, any motor vehicle sold to another licensed dealer or
11 wholesaler for resale or any private sale between individuals not
12 pertaining to such dealer's or wholesaler's business shall not be
13 subject to the provisions of this subsection. Failure of any such
14 dealer, wholesaler or salesperson to comply with the provisions of
15 this subsection shall constitute a license violation punishable by
16 an administrative fine in the amount of Two Hundred Fifty Dollars
17 (\$250.00) per occurrence.

18 SECTION 3. AMENDATORY 47 O.S. 2001, Section 904, as
19 amended by Section 2, Chapter 133, O.S.L. 2002 (47 O.S. Supp. 2004,
20 Section 904), is amended to read as follows:

21 Section 904. The owner of a motor vehicle or lienholder of the
22 vehicle abandoned in violation of Section 901 et seq. of this title,
23 or the owner of any vehicle or lienholder of the vehicle or insurer

1 accepting liability for paying a claim on a vehicle or purchasing
2 the vehicle as a total loss vehicle from the registered owner which
3 shall have been lawfully removed from any highway or other public
4 property may regain possession of the vehicle in accordance with
5 regulations of the Department of Public Safety upon payment of an
6 uninsured motorist victims compensation fee of Ten Dollars (\$10.00),
7 and the reasonable cost of removal and storage of such vehicle. An
8 operator shall release the vehicle from storage upon authorization
9 from the owner, agent or lienholder of the vehicle or in the case of
10 a total loss, the insurer accepting liability for paying the claim
11 on the vehicle or purchasing the vehicle where the vehicle is to be
12 moved to an insurance pool yard for sale.

13 The cost of removal and storage shall be paid to the wrecker or
14 towing service. The uninsured motorist victims compensation fee
15 shall be collected by the wrecker or towing service and remitted
16 monthly to the Uninsured Motorist Victims Compensation Board. Every
17 wrecker or towing service holding or storing any vehicle pursuant to
18 any provision of law shall not release any motor vehicle without the
19 person showing proof of having a valid driver license and, if the
20 person is the owner of such vehicle, a security verification form as
21 required by law for operation of such vehicle upon the streets,
22 roads and highways of this state. The wrecker or towing service
23 shall retain a copy of the driver license for the record. Failure

1 of any wrecker or towing service to obtain such driver license or
2 security verification form shall constitute a license violation for
3 each occurrence.

4 SECTION 4. AMENDATORY 47 O.S. 2001, Section 908, is
5 amended to read as follows:

6 Section 908. A. ~~Said~~ A storage and towing lien as authorized
7 by law may be foreclosed by a sale of ~~such~~ the abandoned vehicle
8 upon giving notice and in the manner following: The notice shall
9 contain:

10 ~~(a)~~ 1. The name of the party bringing action and the name of
11 the owner or any person claiming any interest therein.

12 ~~(b)~~ 2. A full description of the vehicle, giving all available
13 information as to the make, year, serial number, license tag with
14 year and the state from which the tag was issued.

15 ~~(c)~~ 3. A full statement of all the facts.

16 ~~(d)~~ 4. The amount of the claim, giving a full description of
17 the work, labor, storage or any other costs involved.

18 ~~(e)~~ 5. The date, time and place of the sale.

19 ~~(f)~~ 6. The notice shall be posted in three public places in the
20 county in which the vehicle is to be sold at least ten (10) days
21 before the time specified therein for such sale, and a copy of said
22 notice shall be mailed to the owner and any other person claiming
23 any interest in the abandoned motor vehicle, at their last-known

1 mailing address, by registered mail on the same date of posting said
2 notice.

3 B. An uninsured motorist victims compensation fee of Ten
4 Dollars (\$10.00) shall be required for any person regaining
5 possession or purchasing such vehicle, including the wrecker or
6 towing service. Said fee shall be collected by the wrecker or
7 towing service and remitted monthly to the Uninsured Motorist
8 Victims Compensation Board. Every wrecker or towing service holding
9 or storing any vehicle pursuant to any provision of law shall not
10 release any motor vehicle without the person showing proof of having
11 a valid driver license and, if the person is the owner of such
12 vehicle, a security verification form as required by law for
13 operation of such vehicle upon the streets, roads and highways of
14 this state. The wrecker or towing service shall retain a copy of
15 the driver license for the record. Failure of any wrecker or towing
16 service to obtain such driver license or security verification form
17 shall constitute a license violation for each occurrence. Any
18 wrecker or towing service purchasing an abandoned motor vehicle
19 shall enter said wrecker or towing service license number for the
20 record.

21 SECTION 5. AMENDATORY 47 O.S. 2001, Section 910, is
22 amended to read as follows:

1 Section 910. A return ~~of such sale~~ for the sale of an abandoned
2 motor vehicle shall be made at the time of sale and proof of posting
3 and mailing of the notice of sale of abandoned vehicle. A copy of
4 the driver license required by Section 908 of this title and a
5 receipt for collection of the uninsured motorist victims
6 compensation fee shall be included with the return of sale.

7 SECTION 6. AMENDATORY 47 O.S. 2001, Section 953.1, as
8 last amended by Section 2, Chapter 360, O.S.L. 2004 (47 O.S. Supp.
9 2004, Section 953.1), is amended to read as follows:

10 Section 953.1 A. The rates and provisions of this section
11 shall apply only to determine the maximum fees and charges for
12 wrecker or towing services performed in this state, including
13 incorporated and unincorporated areas, by a wrecker or towing
14 service licensed by the Department of Public Safety when that
15 service appears on the rotation log of the Department or on the
16 rotation log of any municipality, county or other political
17 subdivision of this state, and the services performed are at the
18 request or at the direction of any officer of the Department or of a
19 municipality, county, or political subdivision. No wrecker or
20 towing service in the performance of these services shall charge any
21 fee which exceeds the maximum rates established in this section,
22 adjusted as provided in subsection H of this section. Such rates
23 shall be in addition to any other rates, fees or charges authorized

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

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

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

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

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

19 4. The operator is authorized to collect all lawful fees from
20 the owner, lienholder or agent or insurer accepting liability for
21 paying the claim for a vehicle or purchasing the vehicle as a total
22 loss vehicle from the registered owner of the towed vehicle for the
23 performance of any and all such services. An operator shall release

1 the vehicle from storage upon authorization from the owner, agent or
2 lienholder of the vehicle or, in the case of a total loss, the
3 insurer accepting liability for paying the claim for the vehicle or
4 purchasing the vehicle where the vehicle is to be moved to an
5 insurance pool yard for sale. An uninsured motorist victims
6 compensation fee of Ten Dollars (\$10.00) shall be required for any
7 person regaining possession or purchasing such vehicle, including
8 the wrecker or towing service. Said fee shall be collected by the
9 wrecker or towing service and remitted monthly to the Uninsured
10 Motorist Victims Compensation Board. Every wrecker or towing
11 service holding or storing any vehicle pursuant to any provision of
12 law shall not release any motor vehicle without the person showing
13 proof of having a valid driver license and, if the person is the
14 owner of such vehicle, a security verification form as required by
15 law for operation of such vehicle upon the streets, roads and
16 highways of this state. The wrecker or towing service shall retain
17 a copy of the driver license for the record. Failure of any wrecker
18 or towing service to obtain such driver license or security
19 verification form shall constitute a license violation for each
20 occurrence. Any wrecker or towing service purchasing an abandoned
21 motor vehicle shall enter said wrecker or towing service license
22 number for the record.

23 C. Distance rates.

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

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

- 17 a. for distances or portions of distances not
18 specifically provided for in the governing highway
19 map, the actual mileage via the shortest practical
20 route will apply,
21 b. in computing distances, fractions of a mile will be
22 retained until the final and full mileage is

1 determined, at which time any remaining fraction shall
2 be increased to the next whole mile,

3 c. when, due to circumstances beyond the control of the
4 wrecker or towing service, roadway conditions make it
5 impractical to travel via the shortest route, distance
6 rates shall be computed based on the shortest
7 practical route over which the wrecker vehicle and the
8 vehicle it is towing can be moved, which route shall
9 be noted on the bill or invoice, or

10 d. when the wrecker or towing service is performed upon
11 any turnpike or toll road, the turnpike or toll road
12 mileage shall be used to determine the distance rates
13 charged and the turnpike or toll road fees may be
14 added to the bill or invoice.

15 2. Maximum distance rates shall be as follows:

16	Weight of Towed Vehicle	Distance	Rate
17	(In pounds, including	Towed	Per
18	equipment and lading)		Mile
19	Single vehicle: 8,000 or less	25 miles or less	\$3.00
20	Single vehicle: 8,000 or less	Over 25 miles	\$2.50
21	Single vehicle: 8,001 to 12,000	25 miles or less	\$3.40
22	Single vehicle: 8,001 to 12,000	Over 25 miles	\$3.00
23	Single vehicle: 12,001 to 40,000	Any	\$5.75

1	Single vehicle: 40,000 or over	Any	\$6.75
2	Combination of vehicles	Any	\$6.75

3 D. Hourly Rates.

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

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

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

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

11 Weight of Towed Passenger Vehicle	Rate Per	Rate Per
12 (In pounds)	Hour	15 Minutes
13 Single vehicle: 8,000 or less	\$60.00	\$15.00
14 Single vehicle: 8,001 to 24,000	\$80.00	\$20.00
15 Single vehicle: 24,001 to 44,000	\$120.00	\$30.00
16 Single vehicle: 44,001 or over	\$180.00	\$45.00
17 Combination of vehicles	\$180.00	\$45.00

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

22 GVWR of Wrecker Vehicle	Rate Per	Rate Per
23 (In pounds)	Hour	15 Minutes

1	8,000 or less	\$60.00	\$15.00
2	8,001 to 24,000	\$80.00	\$20.00
3	24,001 to 44,000	\$120.00	\$30.00
4	44,001 or over	\$180.00	\$45.00
5	Combination wrecker vehicle		
6	with GVWR of 24,000 or over	\$180.00	\$45.00

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

9 b. Maximum hourly rates for skilled or specialized labor
10 and/or equipment shall be the actual customary and
11 ordinary rates charged for such labor and/or
12 equipment. When skilled or specialized labor or
13 equipment is required, the wrecker operator's cost for
14 such skilled or specialized labor or equipment plus a
15 twenty-five percent (25%) gross profit markup to cover
16 overhead costs for such labor will be added to the
17 invoice or freight bill to be collected in addition to
18 all other applicable charges.

19 E. Hookup Rates.

20 1. Rates in this subsection shall apply to the hookup of a
21 vehicle to a wrecker vehicle when such hookup is performed in
22 connection with a wrecker or towing service described in this
23 section. Such hookup rate shall include the first fifteen (15)

1 minutes of such service, for which there shall be no additional fee
2 charged, but shall not include the use of a dolly or rollback
3 equipment or a combination wrecker vehicle to accomplish such
4 hookup, for which an additional fee may be charged as provided in
5 subsection F of this section. Hookup shall include, but not be
6 limited to, the attachment of a vehicle to or the loading of a
7 vehicle onto a wrecker vehicle.

8 2. Maximum hookup rates shall be as follows:

9 Weight of Vehicle Being Hooked Up	
10 (In pounds, including equipment	Rate
11 and lading)	
12 Single vehicle: 8,000 or less	\$65.00
13 Single vehicle: 8,001 to 12,000	\$75.00
14 Single vehicle: 12,001 to 24,000	\$85.00
15 Single vehicle: 24,001 or over	\$95.00
16 Combination of vehicles	\$95.00

17 F. Additional Service Rates.

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

20 a. the disconnection and reconnection of a towed
21 vehicle's drive line when necessary to prevent
22 mechanical damage to such vehicle,

1 b. the removal and replacement of a towed vehicle's axle
2 when necessary to prevent mechanical damage to such
3 vehicle, or

4 c. the use of a dolly or rollback equipment when
5 essential to prevent mechanical damage to a towed
6 vehicle or when neither end of such vehicle is capable
7 of being towed safely while in contact with the
8 roadway.

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

10	Weight of Towed	Service Performed		
11	Vehicle (In pounds,	Disconnect	Reconnect	Use of Dolly
12	including equipment	Drive Line;	Drive Line;	or Rollback
13	and lading)	Remove Axle	Replace Axle	Equipment
14		Rate Per Service Performed		
15	8,000 or less	\$10.00	\$15.00	\$25.00
16	8,001 to 12,000	\$15.00	\$20.00	\$30.00
17		Rate Per 15 Minutes of Service Performed		
18	12,001 or over	\$20.00	\$20.00	Not applicable

19 G. An operator shall be required to provide reasonable
20 documentation to substantiate all lawful fees charged the owner,
21 lienholder, agent or insurer paying the claim for the towed vehicle.
22 Fees for which the operator is being reimbursed or having paid to a
23 third party, shall include copies of the invoice or other

1 appropriate documents to substantiate such payment to said third
2 party.

3 H. Wrecker fees, including maximum distance, hourly, and hookup
4 rates shall be adjusted weekly by the Department of Public Safety by
5 adding a fuel surcharge as provided in this section. The Department
6 shall base the surcharge on the Department of Energy "weekly retail
7 on-highway diesel prices" for the "Midwest region" using One Dollar
8 and ninety cents (\$1.90) per gallon as the base price with no fees
9 added. The wrecker fees shall be adjusted to allow a one-percent
10 (1%) increase in fees for every ten-cent increase in fuel cost
11 starting at Two Dollars (\$2.00) per gallon.

12 SECTION 7. AMENDATORY 47 O.S. 2001, Section 953.2, as
13 last amended by Section 3, Chapter 360, O.S.L. 2004 (47 O.S. Supp.
14 2004, Section 953.2), is amended to read as follows:

15 Section 953.2 A. The rates and provisions of this section
16 shall apply to determine the maximum fees and charges for the
17 storage and after-hours release of towed vehicles, including
18 incorporated and unincorporated areas, by a wrecker or towing
19 service licensed by the Department of Public Safety. No wrecker or
20 towing service shall charge any fee which exceeds the maximum rates
21 established in this section. Such rates shall be in addition to any
22 other rates, fees or charges authorized or required by law.

1 B. 1. Storage or after-hours release of a towed vehicle, or
2 both, provided by a wrecker or towing service shall be recorded by
3 the operator on a bill or invoice as prescribed by rules of the
4 Department. The wrecker or towing service shall be required to
5 record the driver license number, together with the name, address,
6 birth date, issuing state, and expiration date shown on the driver
7 license or obtain a copy of said license and security verification
8 form for every vehicle released or sold after coming into the
9 control of the wrecker or towing service.

10 2. Nothing herein shall limit the right of an operator who has
11 provided or caused to be provided storage or after-hours release of
12 a towed vehicle, or both, to require prepayment, in part or in full,
13 or guarantee of payment of any charges incurred for providing such
14 services.

15 3. This section shall not be construed to require an operator
16 to charge a fee for the storage or after-hours release, or both, of
17 any towed vehicle.

18 4. The operator is authorized to collect all lawful fees from
19 the owner, lienholder or agent of the towed vehicle or insurer
20 accepting liability for paying the claim for a vehicle or purchasing
21 the vehicle as a total loss vehicle from the registered owner for
22 the performance of any and all such services. An operator shall
23 release the vehicle from storage upon authorization from the owner,

1 agent or lienholder of the vehicle or in the case of a total loss,
2 the insurer accepting liability for paying the claim for the vehicle
3 or purchasing the vehicle where the vehicle is to be moved to an
4 insurance pool yard for sale. An uninsured motorist victims
5 compensation fee of Ten Dollars (\$10.00) shall be required for any
6 person regaining possession or purchasing a vehicle, including the
7 wrecker or towing service. Said fee shall be collected by the
8 wrecker or towing service and remitted monthly to the Uninsured
9 Motorist Victims Compensation Board. Every wrecker or towing
10 service holding or storing any vehicle pursuant to any provision of
11 law shall not release any motor vehicle without the person showing
12 proof of having a valid driver license and, if the person is the
13 owner of such vehicle, a security verification form as required by
14 law for operation of such vehicle upon the streets, roads and
15 highways of this state. The wrecker or towing service shall retain
16 a copy of the driver license information for the record. Failure of
17 any wrecker or towing service to obtain such driver license or
18 security verification form information shall constitute a license
19 violation for each occurrence. Any wrecker or towing service
20 purchasing an abandoned motor vehicle shall enter said wrecker or
21 towing service license number for the record.

22 C. Outdoor Storage Rates.

1 1. Rates in this subsection shall apply to the outdoor storage
2 of a towed vehicle. Rates may be applied from the time the towed
3 vehicle is brought onto the outdoor storage facility premises.
4 Rates shall apply to each calendar day of outdoor storage; provided,
5 the maximum twenty-four-hour fee, as provided for in this section,
6 may be charged for any towed vehicle which is stored for a portion
7 of a twenty-four-hour period.

8 2. Maximum outdoor storage rates shall be as follows:

	Rate per Each 24-hour Period or Portion Thereof
11 Type of Towed Vehicle 12 Single vehicle: motorcycle, automobile, 13 or light truck up to 20 feet in length	\$15.00
14 Single vehicle or combination of vehicles 15 over 20 feet in length but less than 30 16 feet in length	\$20.00
17 Single vehicle or combination of vehicles 18 over 30 feet in length and up to 8 feet 19 in width	\$25.00
20 Single vehicle or combination of vehicles 21 over 30 feet in length and over 8 feet 22 in width	\$35.00

23 D. Indoor Storage Rates:

1 1. Rates in this subsection shall apply to the indoor storage
 2 of a towed vehicle. Rates may be applied from the time the towed
 3 vehicle is brought into the indoor storage facility premises. Rates
 4 shall apply to each calendar day of indoor storage; provided, the
 5 maximum twenty-four-hour fee, as provided for in this section, may
 6 be charged for any towed vehicle which is stored for a portion of a
 7 twenty-four-hour period.

8 2. Maximum indoor storage rates shall be as follows:

9	Rate per Each
10	24-hour Period or
11	Portion Thereof
Type of Towed Vehicle	
12 Single vehicle: motorcycle, automobile, 13 or light truck up to 20 feet in length	\$25.00
14 Single vehicle or combination of vehicles 15 over 20 feet in length but less than 30 16 feet in length	\$30.00
17 Single vehicle or combination of vehicles 18 over 30 feet in length and up to 8 feet 19 in width	\$35.00
20 Single vehicle or combination of vehicles 21 over 30 feet in length and over 8 feet 22 in width	\$45.00

1 3. For purposes of this subsection, "indoor storage" means the
2 vehicle is kept in an enclosed facility.

3 E. After-Hours Release Rate.

4 1. The rate in this subsection shall apply to the release of a
5 towed vehicle to the owner, lienholder, or agent when such release
6 occurs at a time other than normal business hours.

7 2. As used in this subsection:

8 a. "after-hours release rate" shall mean the rate charged
9 for the release of a towed vehicle between the hours
10 of midnight and 8:00 a.m., or between the hours of
11 4:00 p.m. and midnight Monday through Friday, or any
12 time on Saturday, Sunday or a national holiday, and

13 b. "national holiday" shall mean New Year's Day, Martin
14 Luther King Day, George Washington's Birthday, on the
15 third Monday in February, Memorial Day, Independence
16 Day, Labor Day, Veterans Day, Thanksgiving Day and
17 Christmas Day, and shall further include the Friday
18 before such national holiday which falls on a Saturday
19 and the Monday following such national holiday which
20 falls on a Sunday.

21 3. The maximum after-hours release rate shall be Fifteen
22 Dollars (\$15.00) per quarter hour for the release of any single
23 vehicle or combination of vehicles.

1 F. An operator shall be required to provide reasonable
2 documentation to substantiate all lawful fees charged the owner,
3 lienholder, agent or insurer accepting liability for paying the
4 claim for the towed vehicle or purchasing the towed vehicle. Fees
5 for which the operator is being reimbursed, or having paid to a
6 third party, shall include copies of the invoice or other
7 appropriate documents to substantiate the payment to the third
8 party. When skilled or specialized labor or equipment is required,
9 the wrecker operator's cost for such skilled or specialized labor or
10 equipment plus a twenty-five percent (25%) gross profit markup to
11 cover overhead costs for such labor will be added to the invoice or
12 freight bill to be collected in addition to all other applicable
13 charges.

14 G. Every vehicle released or sold as provided by law by a
15 wrecker or towing service shall be required to pay an uninsured
16 motorist victims compensation fee in the amount of Ten Dollars
17 (\$10.00) to be collected by the wrecker or towing service and
18 remitted monthly to the Uninsured Motorist Victims Compensation
19 Board.

20 SECTION 8. AMENDATORY 47 O.S. 2001, Section 954A, is
21 amended to read as follows:

22 Section 954A. A. In addition to any procedure provided by
23 local ordinance, whenever the owner or legal possessor of real

1 property or an authorized agent has reasonable cause to believe that
2 a vehicle has been abandoned thereon, said vehicle having been on
3 said property for a minimum of forty-eight (48) hours, or whenever a
4 vehicle is left upon said real property without express or implied
5 permission, such vehicle may be removed as provided in this section.

6 B. The owner, legal possessor or authorized agent may request
7 any licensed wrecker or towing service within the county wherein the
8 real property is located to remove the abandoned vehicle from the
9 premises by signing a Tow Request and Authorization Form prescribed
10 by the Department of Public Safety and furnished to licensed wrecker
11 operators as hereinafter provided.

12 C. A licensed wrecker or towing service removing an abandoned
13 vehicle pursuant to this section shall be subject to the maximum
14 rates authorized by Section 953.1 of this title.

15 D. The Department shall design and promulgate a suitable Tow
16 Request and Authorization Form to be completed in quadruplicate,
17 containing space for the following information:

18 1. A description of the vehicle, including the type of vehicle,
19 year of manufacture, name of the manufacturer, vehicle color or
20 colors, identification number and license tag number;

21 2. The name, address and business telephone number of the
22 wrecker or towing service;

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

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

5 5. Time and date the form is completed; and

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

8 The Department may require additional information on the Tow
9 Request and Authorization Form.

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

17 F. A copy of the completed Tow Request and Authorization Form
18 shall be retained by the signatories and the wrecker or towing
19 service shall maintain the wrecker vehicle driver's copy for not
20 less than one (1) year, or longer if required by the Department.
21 The wrecker or towing service shall forthwith send the completed
22 original Tow Request and Authorization Form to the Department and
23 the remaining copy of the completed form to the local police

1 department of the municipality in which the real property is
2 located, or the sheriff's office of the county from which the
3 vehicle was towed, if the real property is located outside of an
4 incorporated municipality.

5 G. Within seventy-two (72) hours of the time indicated on the
6 form, the wrecker or towing service shall request the Oklahoma Tax
7 Commission or other appropriate motor license agent to furnish the
8 name and address of the current owner of and any lienholder upon the
9 vehicle. The Tax Commission or appropriate motor license agent
10 shall respond in person or by certified mail to the wrecker or
11 towing service within five (5) business days from the receipt of the
12 request for information. The Department may render assistance to
13 ascertain ownership, if needed. The wrecker or towing service
14 shall, within seven (7) days from receipt of the requested
15 information from the Oklahoma Tax Commission or other motor license
16 agent, send a notice of the location of the vehicle by certified
17 mail, postage prepaid, at the addresses furnished, to the owner and
18 any lienholder of the vehicle. The owner or lienholder may regain
19 possession of the vehicle in accordance with rules of the Department
20 upon payment of an uninsured motorist victims compensation fee in
21 the amount of Ten Dollars (\$10.00), the wrecker or towing services,
22 costs of certified mailing and the reasonable cost of towing and
23 storage of the vehicle. If the wrecker or towing service has not

1 complied with the notification procedures required by this
2 subsection, the owner or lienholder shall not be required to pay for
3 storage of the vehicle. Every wrecker or towing service holding or
4 storing any vehicle pursuant to any provision of law shall not
5 release any motor vehicle without the person showing proof of having
6 a valid driver license and, if the person is the owner of such
7 vehicle, a security verification form as required by law for
8 operation of such vehicle upon the streets, roads and highways of
9 this state. The wrecker or towing service shall retain a copy of
10 the driver license information for the record. Failure of any
11 wrecker or towing service to obtain such driver license or security
12 verification form information shall constitute a license violation
13 for each occurrence.

14 H. No wrecker or towing service or operator of a wrecker or
15 towing service shall tow or cause to be towed a vehicle pursuant to
16 this section until the form furnished by the Department has been
17 appropriately completed by the parties as required by rules of the
18 Department.

19 SECTION 9. AMENDATORY 47 O.S. 2001, Section 955, as
20 amended by Section 4, Chapter 387, O.S.L. 2002 (47 O.S. Supp. 2004,
21 Section 955), is amended to read as follows:

22 Section 955. A. Any officer of the Department of Public Safety
23 or any other political subdivision of this state is hereby

1 authorized to cause to be towed any vehicle found upon the roadway
2 when:

3 1. Report has been made that such vehicle has been stolen or
4 taken without the consent of its owner;

5 2. The officer has reason to believe the vehicle has been
6 abandoned as defined in Sections 901 and 902 of this title;

7 3. The person driving or in control of such vehicle is arrested
8 for an alleged offense for which the officer is required by law to
9 take the person arrested or summoned before a proper magistrate
10 without unnecessary delay; or

11 4. At the scene of an accident, when the owner or driver is not
12 in a position to take charge of his or her vehicle and direct or
13 request its proper removal.

14 B. Each officer of the Department shall use the services of the
15 licensed wrecker operator whose location is nearest to the vehicle
16 to be towed in all instances in subsection A of this section. The
17 requests for services may be alternated or rotated among all such
18 licensed wrecker operators who are located within a reasonable
19 radius of each other. In like manner, such officer shall advise any
20 person requesting information as to the availability of a wrecker or
21 towing service, the name of the nearest licensed wrecker operator,
22 giving equal consideration to all licensed wrecker operators located
23 within a reasonable radius of each other. In cities of less than

1 fifty thousand (50,000) population, all such licensed wrecker
2 operators located near or in the city limits of such cities shall be
3 considered as being equal distance and shall be called on an equal
4 basis as nearly as possible. In counties bordering other states, if
5 the officer deems safety and time considerations warrant, the
6 officer may call a wrecker or towing service that is not on the
7 rotation log.

8 C. Any officer of the Department who has been requested by a
9 person in need of wrecker or towing service to call a specific
10 wrecker or towing service for such person, and who calls a different
11 wrecker or towing service other than the one requested, without the
12 consent of such person, except where hazardous conditions exist,
13 shall be suspended from the Department, without compensation, for a
14 period of thirty (30) days, except in instances where a vehicle is
15 removed from the roadway under the authority of paragraphs 3 and 4
16 of subsection A of this section.

17 D. An uninsured motorist victims compensation fee of Ten
18 Dollars (\$10.00) shall be required for any person regaining
19 possession or purchasing such vehicle, including the wrecker or
20 towing service. Said fee shall be collected by the wrecker or
21 towing service and remitted monthly to the Uninsured Motorist
22 Victims Compensation Board. Every wrecker or towing service holding
23 or storing any vehicle pursuant to any provision of law shall not

1 release any motor vehicle without the person showing proof of having
2 a valid driver license and, if the person is the owner of such
3 vehicle, a security verification form as required by law for
4 operation of such vehicle upon the streets, roads and highways of
5 this state. The wrecker or towing service shall retain a copy of
6 the driver license for the record. Failure of any wrecker or towing
7 service to obtain such driver license or security verification form
8 shall constitute a license violation for each occurrence. Any
9 wrecker or towing service purchasing an abandoned motor vehicle
10 shall enter said wrecker or towing service license number for the
11 record.

12 SECTION 10. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 10-118 of Title 47, unless there
14 is created a duplication in numbering, reads as follows:

15 This act shall be known and may be cited as the "Uninsured
16 Motorist Victims Compensation Act".

17 SECTION 11. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 10-118.1 of Title 47, unless
19 there is created a duplication in numbering, reads as follows:

20 As used in the Uninsured Motorist Victims Compensation Act:

21 1. "Allowable expense" means:

22 a. any charges incurred for necessary medical care,
23 rehabilitation, rehabilitative occupational training

1 and other remedial treatment and care directly related
2 to the injury sustained due to the eligible accident,
3 b. any out-of-pocket expense, insurance deductible or
4 copayment incurred in relation to an eligible
5 accident;
6 c. any reasonable property loss or replacement services
7 loss directly related to the eligible accident, and
8 d. any reasonable expenses related to the funeral,
9 cremation or burial related to a death from the
10 eligible accident.

11 2. "Board" means the Uninsured Motorist Victims Compensation
12 Board created by this act;

13 3. "Claimant" means any of the following persons applying for
14 compensation under the Uninsured Motorist Victims Compensation Act:

15 a. a victim of an accident who was not cited for any
16 traffic or criminal violation relating to the eligible
17 accident who held at the time of the accident a valid
18 driver license from this state or another state and,
19 if a resident of this state, a security verification
20 form for at least the minimal liability insurance
21 required by law, or if a resident of another state,
22 proof of liability insurance required by such other
23 state,

- 1 b. a dependent of an victim who was injured or has died
2 as a direct result of being involved in the accident,
3 or
4 c. a person authorized to act on behalf of any of the
5 persons enumerated in subparagraphs a and b of this
6 paragraph;

7 4. "Collateral source" means a source of benefits or advantages
8 for medical care, treatment, or economic loss for which the claimant
9 would otherwise be eligible to receive compensation under this act
10 or the Oklahoma Crime Victims Compensation Act, and which the
11 claimant has received, or which is readily available to the
12 claimant, from any one or more of the following:

- 13 a. the person at fault in the accident, including but not
14 limited to, such person's or an employer's motor
15 vehicle insurance benefits, liability insurance
16 benefits, other insurance benefits or any offer of
17 settlement or other offer or ability to provide
18 benefits, advantages or compensation,
19 b. the government of the United States or any agency
20 thereof, in the form of benefits, such as social
21 security, Medicare and Medicaid, a state or any of its
22 political subdivisions or an instrumentality or two or
23 more states, unless the law providing for the benefits

1 or advantages makes such benefits excessive or
2 secondary to benefits under this act,
3 c. state-required temporary nonoccupational disability
4 insurance,
5 d. workers' compensation,
6 e. wage continuation programs of any employer,
7 f. a contract providing prepaid hospital and other health
8 care services or benefits for disability,
9 g. a contract providing prepaid burial expenses or
10 benefits, or
11 h. proceeds of any contract of insurance payable to the
12 claimant for medical care or loss which the victim
13 sustained because of the accident, except:
14 (1) life insurance proceeds shall not be considered a
15 collateral source when computing medical expenses
16 incurred as a result of the accident, and
17 (2) life insurance proceeds shall not be considered a
18 collateral source for computing burial expenses;
19 5. "Criminally injurious conduct" means a misdemeanor or felony
20 which occurs or is attempted in this state that is eligible for
21 crime victims compensation pursuant to the Crime Victims
22 Compensation Act of this state;

1 6. "Dependent" means a natural person wholly or partially
2 dependent upon the victim for care or support, and includes a child
3 of the victim born after the death of the victim where the death
4 occurred as a result of an eligible accident;

5 7. "Economic loss" means monetary detriment consisting only of
6 allowable expense, work loss and replacement services loss directly
7 related to an eligible accident;

8 8. "Eligible accident" means a motor vehicle accident caused by
9 a traffic offense where the accident is between at least two motor
10 vehicles being driven or operated on the streets, roads or highways
11 of this state, or an accident between a motor vehicle and a
12 pedestrian, where the driver at fault fails to have at least the
13 minimal liability insurance required for operation of a vehicle in
14 this state and the party or parties injured were in compliance with
15 such liability insurance, except in the case of a pedestrian or
16 dependent of a eligible victim. Being in compliance with liability
17 insurance shall be a prerequisite to being an eligible victim and
18 for an eligible accident. Any claim submitted pursuant to the
19 Oklahoma Crime Victims Compensation Act relating to any accident
20 resulting from the criminally injurious conduct of another shall be
21 precluded from eligibility pursuant to the provisions of this act.

22 9. "Replacement services loss" means expenses reasonably
23 incurred in obtaining ordinary and necessary services in lieu of

1 those the victim would have performed, not for income, but for the
2 benefit of self or family, if the victim had not been injured or
3 died;

4 10. "Traffic offense" means violation of a law relating to the
5 operation of vehicles, but shall not mean any offense defined as
6 criminal injurious conduct by the Crime Victims Compensation Act;

7 11. "Work loss for victim" means loss of income from work the
8 eligible victim would have performed if such person had not been
9 injured or died, reduced by any income from substitute work actually
10 performed by the victim or by income the victim would have earned in
11 available appropriate substitute work that the victim was capable of
12 performing but unreasonably failed to undertake; and

13 12. "Victim or eligible victim" means a person who suffers
14 personal injury or death as a result of an eligible accident from a
15 traffic offense, including a dependent.

16 SECTION 12. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 10-118.2 of Title 47, unless
18 there is created a duplication in numbering, reads as follows:

19 A. There is hereby created an Uninsured Motorist Victims
20 Compensation Board, consisting of three (3) members appointed by the
21 Governor with the advice and consent of the Senate to serve
22 four-year terms and until the successor is appointed and qualified.
23 At least one member of the Board shall be a person admitted to

1 practice law in this state. Of the first members appointed, one
2 shall be appointed for a term of two (2) years, one shall be
3 appointed for a term of three (3) years, and one shall be appointed
4 for a term of four (4) years. Vacancies shall be filled in the same
5 manner as regular appointments.

6 B. Each year the Board shall elect a chairperson from its
7 membership. Members of the Board shall receive such compensation,
8 subsistence allowances, mileage and expenses as are provided by the
9 State Travel Reimbursement Act.

10 SECTION 13. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 10-118.3 of Title 47, unless
12 there is created a duplication in numbering, reads as follows:

13 A. The Uninsured Motorist Victims Compensation Board shall
14 award compensation of allowable expenses arising from an eligible
15 accident if satisfied by a preponderance of the evidence that the
16 requirements for compensation have been met. The claimant shall
17 have a right of appeal to the Board for any claim in dispute.

18 B. The Board shall hear and determine all matters relating to
19 claims for compensation. The Board shall be able to reinvestigate
20 or reopen claims without regard to statutes of limitation. However,
21 claims that have been inactive for a period of more than two (2)
22 years from the date of the last action by the Board shall be deemed
23 closed and any further action forever barred. Claim files may be

1 destroyed after a claim is closed. Claims which have been declined
2 may be destroyed after nine (9) months, following the last Board
3 action; provided, the claimant has not notified the Board of any
4 intentions to request reconsideration of the claim.

5 C. The Board shall have the power to subpoena witnesses, compel
6 their attendance, require the production of records and other
7 evidence, administer oaths or affirmations, conduct hearings and
8 receive relevant evidence.

9 D. The Board shall be provided such office, support, staff and
10 secretarial services as determined by the Department of Public
11 Safety.

12 SECTION 14. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 10-118.4 of Title 47, unless
14 there is created a duplication in numbering, reads as follows:

15 In addition to any other powers and duties specified elsewhere
16 in this act, the Uninsured Motorist Victims Compensation Board may:

17 1. Regulate its own procedures except as otherwise provided in
18 this act;

19 2. Adopt rules and regulations to implement the provisions of
20 this act;

21 3. Define any term not defined in this act;

22 4. Prescribe forms necessary to carry out the purposes of this
23 act;

1 5. Have access to any reports of investigations from all law
2 enforcement agencies, or other data necessary to assist the Board in
3 making a determination of eligibility for compensation under the
4 provisions of this act; and

5 6. Publicize the availability of compensation and information
6 regarding the filing of claims therefor.

7 SECTION 15. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 10-118.5 of Title 47, unless
9 there is created a duplication in numbering, reads as follows:

10 The Uninsured Motorist Victims Compensation Board may require
11 any claimant to seek or accept any collateral source contribution.

12 SECTION 16. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 10-118.6 of Title 47, unless
14 there is created a duplication in numbering, reads as follows:

15 A. Every party to the claim shall be afforded an opportunity to
16 appear and be heard and to offer evidence and argument on any issue
17 relevant to the claim, and to examine witnesses and offer evidence
18 in reply to any matter of an evidentiary nature in the record
19 relevant to the claim.

20 B. In a contested case, all parties shall be afforded an
21 opportunity for hearing after reasonable notice pursuant to
22 regulations promulgated by the Uninsured Motorist Victims
23 Compensation Board. A record of the proceedings of the hearing in a

1 contested case shall be made and shall be transcribed upon request
2 of any party, who shall pay transcription costs unless otherwise
3 ordered by the Board.

4 C. The Board may, without a hearing, settle a claim by
5 stipulation, agreed settlement, consent order or default.

6 SECTION 17. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 10-118.7 of Title 47, unless
8 there is created a duplication in numbering, reads as follows:

9 A. Any person filing a claim under the provisions of this act
10 shall be deemed to have waived any physician-patient privilege as to
11 communications or records relevant to an issue of the physical,
12 mental or emotional conditions of the claimant.

13 B. If the mental, physical or emotional condition of a claimant
14 is material to a claim, the Uninsured Motorist Victims Compensation
15 Board upon good cause shown may order the claimant to submit to a
16 mental or physical examination. The examination report shall set
17 out the findings of the person making the report, including results
18 of all tests made, diagnoses, prognoses and other conclusions and
19 reports of earlier examinations of the same conditions.

20 C. The Board shall furnish a copy of the report examined. If
21 the victim is deceased, the Board, on request, shall furnish a copy
22 of the report to the claimant.

1 D. The Board may require the claimant to supply any additional
2 medical or psychological reports available relating to the injury or
3 death for which compensation is claimed.

4 E. In certain cases wherein mental health expenses are being
5 claimed, the Board may request assistance from a panel of
6 professionals in the mental health field. The panel of
7 professionals may only act in an advisory capacity to the Board.

8 F. The Board shall have the authority to set limits of
9 compensation on any medical or mental health treatment, and require
10 that providers of medical or mental health treatments be licensed
11 prior to compensating for said treatment. Awards for all medical
12 services shall not exceed seventy-five percent (75%) of the total
13 cost of the services less any other reduction for contributory
14 conduct, as determined by the Board. Any medical provider that
15 receives payment from the Uninsured Motorist Victims Compensation
16 Revolving Fund for medical, dental or psychological services, or any
17 provider that supplies equipment pursuant to an award under this act
18 shall, as a condition of the receipt of such payment, accept such
19 payment as discharging in full any and all obligations of the
20 claimant to pay, reimburse or compensate the provider for medical
21 services, supplies or equipment that have been reimbursed pursuant
22 to this act. In the event the claimant has paid for a medical
23 service, the claimant will be reimbursed for the out-of-pocket loss,

1 less any reductions for contributory conduct, as determined by the
2 Board. Insurance deductibles and copayments may be reimbursed not
3 to exceed eighty percent (80%) of the total amount paid.

4 G. All records and information given to the Board to process a
5 claim on behalf of an eligible victim shall be confidential. Such
6 exhibits, medical records, psychological records, counseling
7 records, work records, criminal investigation records, criminal
8 court case records, witness statements, telephone records, and other
9 records of any type or nature whatsoever gathered for the purpose of
10 evaluating whether to compensate a victim shall not be obtainable by
11 any party to any civil or criminal action through any discovery
12 process except:

13 1. In the event of an appeal under the Administrative
14 Procedures Act from a decision of the Board and then only to the
15 extent narrowly and necessarily to obtain court review; or

16 2. Upon a strict showing to the court in a separate civil or
17 criminal action that particular information or documents are not
18 obtainable after diligent effort from any independent source, and
19 are known to exist otherwise only in Board records, the court may
20 inspect in camera such records to determine whether the specific
21 requested information exists. If the court determines the specific
22 information sought exists in the Board's records, the documents may
23 then be released only by court order if the court finds as part of

1 its order that the documents will not pose any threat to the safety
2 of the victim or any other person whose identity may appear in the
3 Board's records.

4 SECTION 18. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 10-118.8 of Title 47, unless
6 there is created a duplication in numbering, reads as follows:

7 A. Compensation shall not be awarded by the Uninsured Motorist
8 Victims Compensation Board:

9 1. Unless the claim has been filed with the Board within ninety
10 (90) days after the injury or death upon which the claim is based.
11 The Board may, at its discretion, waive this requirement, if the
12 Board finds there was good cause for failure to file the claim
13 within the established time period, but in no event shall the filing
14 of a claim be permitted after one (1) year from the date of the
15 injury or death upon which the claim is based.

16 2. To a claimant who was a criminal offender, or an accomplice
17 of the criminal offender, or a person at fault in the accident, or a
18 person who failed to be in compliance with the required liability
19 indemnification in this state;

20 3. To another person if the award would benefit any ineligible
21 person; or

22 4. Unless the accident resulting in injury or death was
23 reported to a law enforcement officer within twenty-four (24) hours

1 after its occurrence or the Board finds there was good cause for the
2 failure to report within that time.

3 B. Compensation otherwise payable to a claimant shall be
4 diminished to the extent:

5 1. That the economic loss is recouped from collateral sources;
6 or

7 2. Of the degree of responsibility for the cause of the injury
8 or death attributable to the victim as determined by the Board.

9 C. The Board, upon finding that the claimant or victim has not
10 fully cooperated with appropriate law enforcement agencies or
11 insurance providers, may deny, withdraw or reduce an award of
12 compensation.

13 D. The Board, on its own motion or on request of the claimant,
14 may reconsider a decision granting or denying an award or
15 determining its amount. The motion or request to reconsider a
16 decision shall be made within three (3) months from the date of the
17 last action by the Board on the claim at issue. An order on
18 reconsideration of an award shall not require a refund of amounts
19 previously paid, unless the award was obtained by fraud. The right
20 of reconsideration does not affect the finality of a Board decision
21 for the purpose of judicial review. On claims which are denied by
22 the Board, reconsideration may only be granted within six (6) months
23 of the last Board action.

1 E. The provisions of subsections A and B of this section shall
2 not apply to claimants eligible for compensation pursuant to the
3 Oklahoma Crime Victims Compensation Act. Multiple claims are
4 prohibited under this act when arising out of the same accident and
5 no claim or award shall be allowed pursuant to both this act and the
6 Oklahoma Crime Victims Compensation Act.

7 SECTION 19. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 10-118.9 of Title 47, unless
9 there is created a duplication in numbering, reads as follows:

10 An award may be made whether or not any person was cited at
11 fault in the eligible accident. The Uninsured Motorist Victims
12 Compensation Board may suspend the proceedings pending disposition
13 of a traffic citation or proceedings to determine eligibility of a
14 claim filed under the Oklahoma Crime Victims Compensation Act.

15 SECTION 20. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 10-118.10 of Title 47, unless
17 there is created a duplication in numbering, reads as follows:

18 A. If compensation is awarded, the state shall be subrogated to
19 all the rights of a claimant to receive or recover from a collateral
20 source to the extent that compensation was awarded.

21 B. In the event the claimant recovers compensation, other than
22 under the provisions of this act, for injuries or death resulting
23 from an eligible accident, the claimant shall retain, as trustee, so

1 much of the recovered funds as necessary to reimburse the Uninsured
2 Motorist Victims Compensation Revolving Fund to the extent that
3 compensation was awarded to the claimant from that fund. The funds
4 retained in trust shall be promptly deposited in the Uninsured
5 Motorist Victims Compensation Revolving Fund.

6 C. If a claimant brings an action to recover damages related to
7 the eligible accident upon which compensation is claimed or awarded,
8 the claimant shall give the Uninsured Motorist Victims Compensation
9 Board written notice of the action. After receiving the notice, the
10 Board may join in the action as a party plaintiff to recover the
11 compensation awarded.

12 SECTION 21. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 10-118.11 of Title 47, unless
14 there is created a duplication in numbering, reads as follows:

15 A. The Uninsured Motorist Victims Compensation Board may
16 compensate for work loss and replacement services loss.
17 Compensation for such loss may not exceed One Thousand Dollars
18 (\$1,000.00).

19 B. Compensation payable to a victim and to all other claimants
20 sustaining economic loss because of injury to or death of that
21 victim may not exceed Twenty Thousand Dollars (\$20,000.00) in the
22 aggregate.

1 C. The Board may provide for the payment to a claimant in a
2 lump sum or in installments. At the request of the claimant, the
3 Board may convert future economic loss, other than allowable
4 expense, to a lump sum.

5 D. An award shall not be subject to execution, attachment,
6 garnishment or other process, except for child support and except
7 that an award for allowable expense shall not be exempt from a claim
8 of a creditor to the extent that such creditor has provided
9 products, services or accommodations, the costs of which are
10 included in the award.

11 E. An assignment by the claimant to any future award under the
12 provisions of this act is unenforceable, except:

13 1. An assignment of any award for work loss to assure payment
14 of court ordered alimony, maintenance or child support; or

15 2. An assignment of any award for allowable expense to the
16 extent that the benefits are for the cost of products, services or
17 accommodations necessitated by the injury or death on which the
18 claim is based and are provided or to be provided by the assignee.

19 F. Outpatient counseling expenses for a victim of an eligible
20 accident may be considered by the Board provided the counseling is
21 necessary for coping with an injury or death and the counselor is a
22 qualified mental health care provider. A total not to exceed Two
23 Thousand Dollars (\$2,000.00) may be awarded for individual

1 counseling sessions for eligible victims in the discretion of the
2 Board.

3 G. Reasonable funeral, cremation or burial expenses shall not
4 exceed Five Thousand Dollars (\$5,000.00).

5 SECTION 22. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 10-118.12 of Title 47, unless
7 there is created a duplication in numbering, reads as follows:

8 If the Uninsured Motorist Victims Compensation Board determines
9 that the claimant will suffer financial hardship unless an advance
10 award is made, an amount may be paid to the claimant and shall be
11 deducted from the final award, or shall be repaid by and recoverable
12 from the claimant to the extent that it exceeds the final award.

13 SECTION 23. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 10-118.13 of Title 47, unless
15 there is created a duplication in numbering, reads as follows:

16 The Uninsured Motorist Victims Compensation Board shall prepare
17 and transmit annually to the Governor and the Speaker of the House
18 of Representatives and the President Pro Tempore of the Senate, a
19 report of its activities, including the amount of compensation
20 awarded and a statistical summary of claims and awards made and
21 denied.

1 SECTION 24. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 10-118.14 of Title 47, unless
3 there is created a duplication in numbering, reads as follows:

4 The filing of a false claim for compensation pursuant to this
5 act shall constitute a misdemeanor, and shall be punishable by a
6 fine not to exceed Three Thousand Dollars (\$3,000.00) or by
7 imprisonment in the county jail for a term not to exceed one (1)
8 year, or by both such fine and imprisonment. In addition, the
9 person shall be ordered to reimburse the total amount paid by the
10 Uninsured Motorist Victims Compensation Board with interest accruing
11 thereon at the rate of twelve percent (12%) per annum until paid.

12 SECTION 25. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 10-118.15 of Title 47, unless
14 there is created a duplication in numbering, reads as follows:

15 There is hereby created in the State Treasury a revolving fund
16 for the Uninsured Motorist Victims Compensation Board to be
17 designated the "Uninsured Motorist Victims Compensation Revolving
18 Fund". The fund shall be a continuing fund, not subject to fiscal
19 year limitations, and shall consist of all monies received by the
20 Uninsured Motorist Victims Compensation Board from any source
21 excluding appropriated funds. All monies accruing to the credit of
22 said fund are hereby appropriated and, except for those monies
23 specifically authorized by the Legislature to be expended by the

1 Department of Public Safety for administration of the Uninsured
2 Motorist Victims Compensation Board or operating expenses for
3 administering any grant programs, and may be budgeted and expended
4 by the Board for the purpose of implementing the provisions of this
5 act. Expenditures from said fund shall be made upon warrants issued
6 by the State Treasurer against claims filed as prescribed by law
7 with the Director of State Finance for approval and payment. The
8 fund shall be invested in whatever instruments are authorized by law
9 for investments by the State Treasurer. The interest earned by any
10 investment of monies from the fund shall be credited to the fund for
11 expenditure as provided by law for the fund.

12 SECTION 26. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 10-118.16 of Title 47, unless
14 there is created a duplication in numbering, reads as follows:

15 Any funds remitted by any wrecker or towing service as providing
16 by this act, or received by the Uninsured Motorist Victims
17 Compensation Board from any other source shall be deposited in the
18 Uninsured Motorist Victims Compensation Revolving Fund, created
19 pursuant to Section 25 of this act.

20 SECTION 27. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 10-118.17 of Title 47, unless
22 there is created a duplication in numbering, reads as follows:

1 In addition to any traffic fine or criminal penalty allowed by
2 law, any person found guilty of failure to have at least the minimal
3 liability indemnification required to operate a vehicle on the
4 streets, roads and highways of this state shall be assessed an
5 uninsured motorist victims compensation assessment in an amount not
6 less than Fifty Dollars (\$50.00) nor more than Five Thousand Dollars
7 (\$5,000.00). Assessment shall be collected by the court clerk, and
8 deposited in the Uninsured Motorist Victims Compensation Revolving
9 Fund, created pursuant to Section 25 of this act.

10 SECTION 28. Sections 1 through 9 and Sections 25 and 27 of this
11 act shall become effective July 1, 2005.

12 SECTION 29. Sections 10 through 24 and Section 26 of this act
13 shall become effective January 1, 2006.

14 SECTION 30. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

18 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-23-05 - DO
19 PASS, As Amended and Coauthored.