

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2494

By: Hilliard

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5
6 AS INTRODUCED

7 An Act relating to environment and natural resources;
8 amending Section 5, Chapter 243, O.S.L. 2006, as
9 amended by Section 5, Chapter 62, O.S.L. 2007 (27A
10 O.S. Supp. 2007, Section 2-7-404), which relates to
11 the Oklahoma Highway Remediation and Cleanup Services
12 Act; authorizing a licensed operator to subcontract
13 with service providers; exempting subcontracting
14 service providers from licensing requirements under
15 certain conditions; and declaring an emergency.

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

17 SECTION 1. AMENDATORY Section 5, Chapter 243, O.S.L.
18 2006, as amended by Section 5, Chapter 62, O.S.L. 2007 (27A O.S.
19 Supp. 2007, Section 2-7-404), is amended to read as follows:

20 Section 2-7-404. A. To be licensed pursuant to this act, a
21 person, firm, corporation or other entity shall meet the following
22 requirements:

- 23 1. Principal business facilities are located within Oklahoma;
- 24 2. Tow trucks are registered and licensed in Oklahoma; and
3. Owner is a resident of the State of Oklahoma or the service
is an Oklahoma corporation.

1 B. No operator or employee of any operator shall be permitted,
2 allowed or caused to solicit business or engage in highway
3 remediation and cleanup services without the operator first having
4 obtained from the Department of Environmental Quality a license to
5 operate a highway remediation and cleanup service. The license
6 number shall be displayed, in conformance with rules of the
7 Department, on both sides of every vehicle operated by the highway
8 remediation and cleanup service. This section shall not apply to
9 the Oklahoma Department of Transportation or the Oklahoma Turnpike
10 Authority.

11 C. The license fee required by this section shall be in lieu of
12 the motor carrier filing fee as required in Section 165 of Title 47
13 of the Oklahoma Statutes. It shall not be necessary for any
14 operator to prove public convenience and necessity to obtain such
15 license, and the Department shall issue such license without public
16 hearing. The fee for such license shall be Ten Thousand Dollars
17 (\$10,000.00).

18 D. All licenses shall expire on the last day of the calendar
19 year and may be renewed annually at a cost of One Thousand Dollars
20 (\$1,000.00) upon application to the Department as prescribed by
21 rule. No license fee shall be refunded in the event that the
22 license is suspended or revoked.

23 E. A licensed operator may enter into subcontracts with service
24 providers to assist in the containment, removal, and remediation of

1 spills. The subcontracting service provider shall not be required
2 to obtain a license to operate a highway remediation and cleanup
3 service as required in this section if the:

4 1. Licensed operator remains at the scene and oversees the
5 remediation and cleanup work performed by the subcontracting service
6 provider; and

7 2. Subcontracting service provider has received training as
8 required by the Department.

9 F. The Department is authorized to issue notices of violation
10 and compliance orders and to suspend, revoke, or refuse to issue or
11 renew the license of an operator when it finds the licensee or
12 applicant has not complied with or has violated any of the
13 provisions of this act, or any rules adopted by the Board. A
14 suspension shall be for a period of time deemed appropriate by the
15 Department for the violation. An operator whose license has been
16 revoked may not apply for one (1) year. Any suspended or revoked
17 license shall be returned to the Department by the operator. An
18 operator whose license is revoked by the Department shall be
19 required to pay an additional fee of Ten Thousand Dollars
20 (\$10,000.00) for reinstatement if such reinstatement is authorized
21 by the Department.

22 ~~F.~~ G. The Department shall keep a current list of highway
23 remediation and cleanup service operators licensed pursuant to this
24 act and forward such list to the Department of Public Safety for

1 distribution to wrecker service operators licensed by the Department
2 of Public Safety. The Department shall update such list regularly
3 to delete highway remediation and cleanup service operators whose
4 licenses have been suspended or revoked.

5 G. H. Fees or fines collected pursuant to the provisions of
6 this section shall be remitted to the State Treasurer to be
7 deposited in the Department of Environmental Quality Revolving Fund.

8 SECTION 2. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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