

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1636

By: Aldridge

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5  
6 AS INTRODUCED

7 An Act relating to environment and natural resources;  
8 amending Section 6, Chapter 243, O.S.L. 2006 (27A  
9 O.S. Supp. 2007, Section 2-7-405), which relates to  
10 authority to employ or contract with remediation  
11 service of choice; adding requirement for certain  
12 highway remediation and cleanup service operators;  
13 providing for rotation of certain service calls;  
14 requiring certain law enforcement agencies to keep  
15 certain rotation logs and list of calls; requiring  
16 certain notification prior to removal from rotation  
17 lists; stating requirements for operators to be  
18 placed on rotation logs; stating exception; requiring  
19 rotation logs to be placed in certain locations;  
20 requiring the Department of Public Safety to  
21 establish certain geographical areas of rotation for  
22 certain service calls; requiring rotation logs to be  
23 available for public inspection; requiring officers  
24 to use cleanup service providers in certain  
locations; stating exceptions; providing for  
codification; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 6, Chapter 243, O.S.L.  
2006 (27A O.S. Supp. 2007, Section 2-7-405), is amended to read as  
follows:

Section 2-7-405. The provisions of ~~this act~~ the Oklahoma  
Highway Remediation and Cleanup Services Act shall not preclude any

1 person in need of any highway remediation or cleanup service from  
2 employing or contracting with any licensed highway remediation  
3 service of choice, except where hazardous conditions exist which  
4 pose an imminent threat to human health or the environment, in which  
5 case a law enforcement officer may contact any available highway  
6 remediation and cleanup service operator or any other provider of a  
7 needed service, as provided in Section 2 of this act, as the officer  
8 deems necessary as safety and time conditions warrant.

9 SECTION 2. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 2-7-406 of Title 27A, unless  
11 there is created a duplication in numbering, reads as follows:

12 A. Unless otherwise regulated by the governing body of the  
13 political subdivision, the highway remediation and cleanup service  
14 operator requested by the political subdivision of this state for  
15 the removal or remediation of spills of hazardous materials shall be  
16 from the licensed highway remediation and cleanup service operator  
17 whose location is nearest to the hazardous condition. Requests for  
18 service shall be alternated or rotated among all such licensed  
19 highway remediation and cleanup service operators as nearly as  
20 possible which are located within a reasonable radius of each other.  
21 In cities of less than fifty thousand (50,000) population, all such  
22 licensed highway remediation and cleanup service operators located  
23 near or in the city limits of such cities shall be considered as  
24 being equal distance and shall be called on an equal basis as nearly

1 as possible. The police chief of any municipality and the county  
2 sheriff of each county shall keep rotation logs on all requested  
3 cleanups, except where there are insufficient licensed highway  
4 remediation or cleanup service operators available to rotate such  
5 services. Rotation logs shall be made available for public  
6 inspection upon request. Any calls made from cell phones or two-way  
7 radios by any law enforcement officer or employee of any  
8 municipality or county to any highway remediation service shall be  
9 listed on the rotation or call logs and made available for public  
10 inspection. A highway remediation and cleanup service operator  
11 shall not be removed from rotation without notification to the  
12 highway remediation and cleanup operator stating the reason for  
13 removal from the rotation log. All notification for removal from a  
14 rotation log shall be mailed to the highway remediation and cleanup  
15 service owner at least ten (10) days before removal from the  
16 rotation log and shall state the procedure and requirements for  
17 reinstatement.

18 B. Except as otherwise provided in this subsection, the  
19 Department of Environmental Quality, the Department of Public Safety  
20 and any municipality, county or other political subdivision of this  
21 state shall not place any highway remediation and cleanup service  
22 operator upon an official rotation log for the performance of  
23 services carried out pursuant to the request of or at the direction  
24 of any law enforcement officer of the Department of Public Safety or

1 municipality, county or political subdivision unless the service  
2 meets the following requirements:

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

7 In the event licensed highway remediation and cleanup service  
8 operator is not located within a county, a highway remediation and  
9 cleanup service that is located outside of the county or this state  
10 and does not meet the above qualifications may be placed on the  
11 rotation log for the county or any municipality or political  
12 subdivision located within the county.

13 C. Upon receipt of a list of licensed highway remediation and  
14 cleanup service operators from the Department of Environmental  
15 Quality, the Department of Public Safety shall place a licensed  
16 highway remediation and cleanup service operator on the Highway  
17 Patrol Rotation Log in a geographical area in which the place of  
18 business and the primary storage facility of the highway remediation  
19 and cleanup service are located. Upon further request of a highway  
20 remediation and cleanup service operator, the Department of  
21 Environmental Quality may authorize the Department of Public Safety  
22 to place a highway remediation and cleanup service on the Highway  
23 Patrol Rotation Log in a geographical area in which the place of  
24 business and the primary storage facility of the highway remediation

1 and cleanup service are located if the highway remediation and  
2 cleanup service is in proximity to and within a reasonable radius of  
3 the boundary of the district. When a highway remediation and  
4 cleanup service operator is placed on the rotation log, the  
5 Department of Public Safety shall notify the highway remediation and  
6 cleanup service and the troop commanders in that geographical area.

7 D. The Commissioner of Public Safety or the Department of  
8 Public Safety shall be responsible for establishing geographical  
9 areas of rotation and for notifying each highway remediation and  
10 cleanup service operator of the geographical areas of rotation to  
11 which the service is assigned, and shall make all rotation logs  
12 available for public inspection.

13 E. Each officer of the Department of Public Safety shall use  
14 the services of the licensed highway remediation and cleanup service  
15 whose location is nearest to the hazardous condition. The requests  
16 for services shall be alternated or rotated among all licensed  
17 highway remediation and cleanup service operators who are located  
18 within a reasonable radius of each other as nearly as possible. In  
19 cities of less than fifty thousand (50,000) population, all licensed  
20 highway remediation and cleanup service operators located near or in  
21 the city limits of such cities shall be considered as being equal  
22 distance and shall be called on an equal basis as nearly as  
23 possible. In counties bordering other states, if the officer deems  
24 safety and time considerations warrant, the officer may call a

1 highway remediation and cleanup service that is not on the rotation  
2 log.

3 SECTION 3. It being immediately necessary for the preservation  
4 of the public peace, health and safety, an emergency is hereby  
5 declared to exist, by reason whereof this act shall take effect and  
6 be in full force from and after its passage and approval.

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