

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 HOUSE BILL NO. 1401

By: Hilliard

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to environment and natural resources; amending Section 5,  
9 Chapter 243, O.S.L. 2006, as amended by Section 5, Chapter 62, O.S.L. 2007  
10 (27A O.S. Supp. 2008, Section 2-7-404), which relates to the Oklahoma  
11 Highway Remediation and Cleanup Services Act; authorizing a licensed  
operator to subcontract with service providers; exempting subcontracting service  
providers from licensing requirements under certain conditions; and declaring an  
emergency.

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

15 SECTION 1. AMENDATORY Section 5, Chapter 243, O.S.L. 2006, as amended by  
16 Section 5, Chapter 62, O.S.L. 2007 (27A O.S. Supp. 2008, Section 2-7-404), is amended to read as  
17 follows:

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

- 20 1. Principal business facilities are located within Oklahoma;  
21 2. Tow trucks are registered and licensed in Oklahoma; and  
22 3. Owner is a resident of the State of Oklahoma or the service is an Oklahoma corporation.  
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1 B. No operator or employee of any operator shall be permitted, allowed or caused to solicit  
2 business or engage in highway remediation and cleanup services without the operator first having  
3 obtained from the Department of Environmental Quality a license to operate a highway remediation  
4 and cleanup service. The license number shall be displayed, in conformance with rules of the  
5 Department, on both sides of every vehicle operated by the highway remediation and cleanup service.  
6 This section shall not apply to the Oklahoma Department of Transportation or the Oklahoma Turnpike  
7 Authority.

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

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

15 E. A licensed operator may enter into subcontracts with service providers to assist in the  
16 containment, removal, and remediation of spills. The subcontracting service provider shall not be  
17 required to obtain a license to assist a highway remediation and cleanup service as required in this  
18 section if the:

19 1. Licensed operator remains at the scene and oversees the remediation and cleanup work  
20 performed by the subcontracting service provider; and

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

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

7 F. G. The Department shall keep a current list of highway remediation and cleanup service  
8 operators licensed pursuant to this act and forward such list to the Department of Public Safety for  
9 distribution to wrecker service operators licensed by the Department of Public Safety. The Department  
10 shall update such list regularly to delete highway remediation and cleanup service operators whose  
11 licenses have been suspended or revoked.

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

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

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18 52-1-7230 CJB 02/26/09  
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