

1 ENGROSSED HOUSE
2 BILL NO. 2844

By: Joyner and Smithson of the
House

3 and

4 Branam of the Senate

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8 An Act relating to environment and natural resources;
9 amending Section 5, Chapter 243, O.S.L. 2006, as
10 amended by Section 5, Chapter 62, O.S.L. 2007 (27A
11 O.S. Supp. 2009, Section 2-7-404), which relates to
the Oklahoma Highway Remediation and Cleanup Services
Act; modifying licensing requirements; and providing
an effective date.

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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.
16 2006, as amended by Section 5, Chapter 62, O.S.L. 2007 (27A O.S.
17 Supp. 2009, Section 2-7-404), is amended to read as follows:

18 Section 2-7-404. A. To be licensed pursuant to ~~this act~~ the
19 Oklahoma Highway Remediation and Cleanup Services Act, ~~a person,~~
20 ~~firm, corporation or other entity shall meet the following~~
21 ~~requirements:~~

- 22 1. ~~Principal business facilities are located within Oklahoma;~~
23 2. ~~Tow trucks are registered and licensed in Oklahoma; and~~

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1 ~~3. Owner is~~ the operator of the service shall be a resident of
2 the State of Oklahoma or the service ~~is~~ shall be an Oklahoma
3 corporation.

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

14 C. The license fee required by this section shall be in lieu of
15 the motor carrier filing fee as required in Section 165 of Title 47
16 of the Oklahoma Statutes. It shall not be necessary for any
17 operator to prove public convenience and necessity to obtain such
18 license, and the Department shall issue such license without public
19 hearing. The fee for such license shall be Ten Thousand Dollars
20 (\$10,000.00).

21 D. All licenses shall expire on the last day of the calendar
22 year and may be renewed annually at a cost of One Thousand Dollars
23 (\$1,000.00) upon application to the Department as prescribed by
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1 rule. No license fee shall be refunded in the event that the
2 license is suspended or revoked.

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

16 F. The Department shall keep a current list of highway
17 remediation and cleanup service operators licensed pursuant to this
18 act and forward such list to the Department of Public Safety for
19 distribution to wrecker service operators licensed by the Department
20 of Public Safety. The Department shall update such list regularly
21 to delete highway remediation and cleanup service operators whose
22 licenses have been suspended or revoked.

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