

THE HOUSE OF REPRESENTATIVES
Monday, March 2, 2009

Committee Substitute for
House Bill No. 1401

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1401 - By: HILLIARD of the House and PADDACK of the Senate.

An Act relating to environment and natural resources; amending Section 5, Chapter 243, O.S.L. 2006, as amended by Section 5, Chapter 62, O.S.L. 2007 (27A O.S. Supp. 2008, Section 2-7-404), which relates to the Oklahoma 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.

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

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

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

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

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

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

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

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

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

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

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

12 ~~F.~~ G. The Department shall keep a current list of highway remediation and cleanup
13 service operators licensed pursuant to this act and forward such list to the Department of
14 Public Safety for distribution to wrecker service operators licensed by the Department of
15 Public Safety. The Department shall update such list regularly to delete highway
16 remediation and cleanup service operators whose licenses have been suspended or
17 revoked.

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

1 SECTION 2. It being immediately necessary for the preservation of the public
2 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
3 this act shall take effect and be in full force from and after its passage and approval.
4 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02-26-09 -
5 DO PASS, As Amended and Coauthored.