

THE HOUSE OF REPRESENTATIVES
Monday, February 22, 2010

House Bill No. 2844

HOUSE BILL NO. 2844 - By: JOYNER of the House.

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. 2009, Section 2-7-404), which relates to the Oklahoma Highway Remediation and Cleanup Services Act; modifying licensing requirements; and providing an effective date.

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. 2009, Section 2-7-404), is amended
3 to read as follows:

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

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

11 B. No operator or employee of any operator shall be permitted, allowed or caused to
12 solicit business or engage in highway remediation and cleanup services without the

1 operator first having obtained from the Department of Environmental Quality a license
2 to operate a highway remediation and cleanup service. The license number shall be
3 displayed, in conformance with rules of the Department, on both sides of every vehicle
4 operated by the highway remediation and cleanup service. This section shall not apply to
5 the Oklahoma Department of Transportation or the Oklahoma Turnpike Authority.

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

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

15 E. The Department is authorized to issue notices of violation and compliance orders
16 and to suspend, revoke, or refuse to issue or renew the license of an operator when it
17 finds the licensee or applicant has not complied with or has violated any of the provisions
18 of this act, or any rules adopted by the Board. A suspension shall be for a period of time
19 deemed appropriate by the Department for the violation. An operator whose license has
20 been revoked may not apply for one (1) year. Any suspended or revoked license shall be
21 returned to the Department by the operator. An operator whose license is revoked by the

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 Department shall be required to pay an additional fee of Ten Thousand Dollars
2 (\$10,000.00) for reinstatement if such reinstatement is authorized by the Department.

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

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

12 SECTION 2. This act shall become effective November 1, 2010.

13 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02-18-10 -
14 DO PASS.