

EHB 2844

THE STATE SENATE
Monday, April 5, 2010

ENGROSSED

House Bill No. 2844

ENGROSSED HOUSE BILL NO. 2844 - By: Joyner and Smithson of the House and Branam and Johnson (Constance) 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. 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:

SECTION 1. AMENDATORY 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), is amended to read as follows:

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

~~1. Principal business facilities are located within Oklahoma;~~

~~2. Tow trucks are registered and licensed in Oklahoma; and~~

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

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

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

18 D. All licenses shall expire on the last day of the calendar
19 year and may be renewed annually at a cost of One Thousand Dollars
20 (\$1,000.00) upon application to the Department as prescribed by
21 rule. No license fee shall be refunded in the event that the
22 license is suspended or revoked.

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

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

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

1 SECTION 2. This act shall become effective November 1, 2010.
2 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 3-30-10 - DO
3 PASS, As Coauthored.