

1 STATE OF OKLAHOMA

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

3 SENATE BILL 948

By: Barrington

4
5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Sections 953.1, as last amended by Section 2,
9 Chapter 158, O.S.L. 2006, 953.2, as last amended by
10 Section 3, Chapter 360, O.S.L. 2004, and 961 (47 O.S.
11 Supp. 2008, Sections 953.1 and 953.2), which relate
12 to wrecker owners and operators; modifying rate
13 schedule; modifying time period and fee calculations;
14 providing penalty for solicitation of business; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 47 O.S. 2001, Section 953.1, as
18 last amended by Section 2, Chapter 158, O.S.L. 2006 (47 O.S. Supp.
19 2008, Section 953.1), is amended to read as follows:

20 Section 953.1 A. The rates and provisions of this section
21 shall apply only to determine the maximum fees and charges for
22 wrecker or towing services performed in this state, including
23 incorporated and unincorporated areas, by a wrecker or towing
24 service licensed by the Department of Public Safety when that
service appears on the rotation log of the Department or on the
rotation log of any municipality, county or other political

1 subdivision of this state, and the services performed are at the
2 request or at the direction of any officer of the Department or of a
3 municipality, county, or political subdivision. No wrecker or
4 towing service in the performance of these services shall charge any
5 fee which exceeds the maximum rates established in this section,
6 adjusted as provided in subsection H of this section. Such rates
7 shall be in addition to any other rates, fees or charges authorized
8 or required by law. Any wrecker or towing service is authorized to
9 collect from the owner, lienholder, agent or insurer accepting
10 liability for paying the claim for a vehicle or purchasing the
11 vehicle as a total loss vehicle from the registered owner of any
12 towed or stored vehicle, the fee required by Section 904 of this
13 title.

14 B. When wrecker or towing services are performed as provided in
15 subsection A of this section:

16 1. Each performance of a wrecker or towing service shall be
17 recorded by the operator on a bill or invoice as prescribed by rules
18 of the Department;

19 2. Nothing herein shall limit the right of an operator who has
20 provided or caused to be provided wrecker or towing services to
21 require prepayment, in part or in full, or guarantee of payment of
22 any charges incurred for providing such services;

23

24

1 3. This section shall not be construed to require an operator
2 to charge a fee for the performance of any wrecker or towing
3 services; and

4 4. The operator is authorized to collect all lawful fees from
5 the owner, lienholder or agent or insurer accepting liability for
6 paying the claim for a vehicle or purchasing the vehicle as a total
7 loss vehicle from the registered owner of the towed vehicle for the
8 performance of any and all such services. An operator shall release
9 the vehicle from storage upon authorization from the owner, agent or
10 lienholder of the vehicle or, in the case of a total loss, the
11 insurer accepting liability for paying the claim for the vehicle or
12 purchasing the vehicle where the vehicle is to be moved to an
13 insurance pool yard for sale.

14 C. ~~Distance rates.~~

15 1. ~~Rates in this subsection shall apply to the distance the~~
16 ~~towed vehicle is transported and shall include services of the~~
17 ~~operator of the wrecker vehicle. Hourly rates, as provided in~~
18 ~~subsection D of this section, may be applied in lieu of distance~~
19 ~~rates. Hourly rates may be applied from the time the wrecker~~
20 ~~vehicle is assigned to the service call until the time it is~~
21 ~~released from service either upon return to the premises of the~~
22 ~~wrecker or towing service or upon being assigned to perform another~~
23 ~~wrecker or towing service, whichever occurs first. When the hourly~~
24 ~~rate is applied in lieu of distance towing rates, the operator may~~

1 ~~not apply the two-hour minimum prescribed in subsection D of this~~
2 ~~section nor may hookup or mileage charges, as prescribed in this~~
3 ~~section, be applied.~~

4 ~~Such distance rates shall be computed via the shortest highway~~
5 ~~mileage as determined from the latest official Oklahoma Department~~
6 ~~of Transportation state highway map, except as follows:~~

7 ~~a. for distances or portions of distances not~~
8 ~~specifically provided for in the governing highway~~
9 ~~map, the actual mileage via the shortest practical~~
10 ~~route will apply,~~

11 ~~b. in computing distances, fractions of a mile will be~~
12 ~~retained until the final and full mileage is~~
13 ~~determined, at which time any remaining fraction shall~~
14 ~~be increased to the next whole mile,~~

15 ~~c. when, due to circumstances beyond the control of the~~
16 ~~wrecker or towing service, roadway conditions make it~~
17 ~~impractical to travel via the shortest route, distance~~
18 ~~rates shall be computed based on the shortest~~
19 ~~practical route over which the wrecker vehicle and the~~
20 ~~vehicle it is towing can be moved, which route shall~~
21 ~~be noted on the bill or invoice, or~~

22 ~~d. when the wrecker or towing service is performed upon~~
23 ~~any turnpike or toll road, the turnpike or toll road~~
24 ~~mileage shall be used to determine the distance rates~~

1 ~~charged and the turnpike or toll road fees may be~~
2 ~~added to the bill or invoice.~~

3 ~~2. Maximum distance rates shall be as follows:~~

Weight of Towed Vehicle	Distance	Rate
(In pounds, including	Towed	Per
equipment and lading)		Mile
Single vehicle: 8,000 or less	25 miles or less	\$3.00
Single vehicle: 8,000 or less	Over 25 miles	\$2.50
Single vehicle: 8,001 to 12,000	25 miles or less	\$3.40
Single vehicle: 8,001 to 12,000	Over 25 miles	\$3.00
Single vehicle: 12,001 to 40,000	Any	\$5.75
Single vehicle: 40,000 or over	Any	\$6.75
Combination of vehicles	Any	\$6.75

14 ~~D. Hourly Rates.~~

15 ~~1. Rates in this subsection shall apply for the use of a~~
16 ~~wrecker vehicle and shall include services of the operator of such~~
17 ~~wrecker, except as provided in paragraph 4 of this subsection.~~
18 ~~Rates shall apply for all wrecker or towing services performed that~~
19 ~~are not otherwise provided for in this section, including, but not~~
20 ~~limited to, waiting and standby time, but shall not include the~~
21 ~~first fifteen (15) minutes of service following the hookup of a~~
22 ~~vehicle when a hookup fee is assessed, as provided in subsection E~~
23 ~~of this section.~~

1 Hourly rates shall apply from the time the vehicle or labor is
2 assigned to the service call until the time it is released from
3 service either upon return to the premises of the wrecker or towing
4 service, after securing the towed vehicle in the wrecker service
5 storage lot or law enforcement impound lot, or upon being assigned
6 to perform another wrecker or towing service, whichever occurs
7 first. ~~Whenever a wrecker vehicle is used to tow a vehicle subject~~
8 ~~to distance rates, as provided in subsection C of this section,~~
9 ~~hourly rates shall apply only for the time such wrecker is used in~~
10 ~~the performance of services other than transportation, except when~~
11 ~~such hourly rates are used in lieu of such distance rates.~~

12 As used in this subsection, rates stated per hour apply for
13 whole hours and, for fractions of an hour, rates stated per fifteen
14 (15) minutes apply for each fifteen (15) minutes or fraction thereof
15 over seven and one-half (7 1/2) minutes. However,

- 16 a. if the service subject to an hourly rate for a vehicle
17 weighing ten thousand (10,000) pounds or less is
18 performed in less than one (1) hour, the charge
19 applicable for one (1) hour may be assessed, or
20 b. if the service subject to an hourly rate for a vehicle
21 weighing ten thousand one (10,001) pounds or more is
22 performed in less than two (2) hours, the charge
23 applicable for two (2) hours may be assessed,~~except~~
24 ~~as provided for in subsection C of this section.~~

1 2. Maximum hourly rates for wrecker or towing services
 2 performed for passenger vehicles, whether single or in combination,
 3 when rates for such services are not otherwise provided for by law,
 4 shall be as follows:

5 ~~Weight~~ GVWR of

Towed Passenger Vehicle	Rate Per	Rate Per
(In pounds)	Hour	15 Minutes
Single vehicle: 8,000 <u>10,000</u> or less	\$60.00	\$15.00
	<u>\$150.00</u>	<u>\$37.50</u>
Single vehicle: 8,001 <u>10,001</u>	\$80.00	\$20.00
to 24,000 <u>26,000</u>	<u>\$225.00</u>	<u>\$56.25</u>
Single vehicle: 24,001 <u>26,001</u>	\$120.00	\$30.00
to 44,000	<u>\$350.00</u>	<u>\$87.50</u>
Single vehicle: 44,001 or over	\$180.00	\$45.00
	<u>\$475.00</u>	<u>\$118.75</u>
Combination of vehicles	\$180.00	\$45.00

17 3. Maximum hourly rates for all other wrecker or towing
 18 services, when rates ~~for such other services are not otherwise~~
 19 ~~provided for by law,~~ in paragraph 2 of this subsection can not apply
 20 because, due to extreme circumstances and with just cause and
 21 concern for public safety or to prevent damage to property involved,
 22 the operator on the scene requests an oversized recovery vehicle to
 23 be called to assist in completion of the assigned service. The
 24 request shall be outlined and documented on the invoice, and rates

1 equipment is required, the wrecker operator's cost for
2 such skilled or specialized labor or equipment plus a
3 twenty-five percent (25%) gross profit markup to cover
4 overhead costs for such labor will be added to the
5 invoice or freight bill to be collected in addition to
6 all other applicable charges.

7 ~~E. Hookup Rates.~~

8 ~~1. Rates in this subsection shall apply to the hookup of a~~
9 ~~vehicle to a wrecker vehicle when such hookup is performed in~~
10 ~~connection with a wrecker or towing service described in this~~
11 ~~section. Such hookup rate shall include the first fifteen (15)~~
12 ~~minutes of such service, for which there shall be no additional fee~~
13 ~~charged, but shall not include the use of a dolly or rollback~~
14 ~~equipment or a combination wrecker vehicle to accomplish such~~
15 ~~hookup, for which an additional fee may be charged as provided in~~
16 ~~subsection F of this section. Hookup shall include, but not be~~
17 ~~limited to, the attachment of a vehicle to or the loading of a~~
18 ~~vehicle onto a wrecker vehicle.~~

19 ~~2. Maximum hookup rates shall be as follows:~~

20 ~~Weight of Vehicle Being Hooked Up~~

21 ~~(In pounds, including equipment _____ Rate~~
22 ~~and lading)~~

23 ~~Single vehicle: 8,000 or less _____ \$65.00~~

24 ~~Single vehicle: 8,001 to 12,000 _____ \$75.00~~

1 ~~Single vehicle: 12,001 to 24,000~~ \$85.00

2 ~~Single vehicle: 24,001 or over~~ \$95.00

3 ~~Combination of vehicles~~ \$95.00

4 ~~F.~~ D. Additional Service Rates.

5 ~~1. Rates in this subsection shall apply to the~~ The performance
6 of the following services shall be included in the maximum hourly
7 rates and shall not be billed separately:

8 ~~a.~~ the

9 1. The disconnection and reconnection of a towed vehicle's
10 drive line when necessary to prevent mechanical damage to such
11 vehicle;i

12 ~~b.~~ the

13 2. The removal and replacement of a towed vehicle's axle when
14 necessary to prevent mechanical damage to such vehicle;~~or~~i

15 ~~c.~~ the

16 3. The use of a dolly or rollback equipment when essential to
17 prevent mechanical damage to a towed vehicle or when neither end of
18 such vehicle is capable of being towed safely while in contact with
19 the roadway; or

20 4. Any other service needed to prepare the vehicle to be towed.

21 ~~2. Maximum additional service rates shall be as follows:~~

Weight of Towed Vehicle (In pounds, including equipment)	Disconnect Drive Line;	Reconnect Drive Line;	Use of Dolly or Rollback

	Remove Axle	Replace Axle	Equipment
	Rate Per Service Performed		
8,000 or less	\$10.00	\$15.00	\$25.00
8,001 to 12,000	\$15.00	\$20.00	\$30.00
	Rate Per 15 Minutes of Service Performed		
12,001 or over	\$20.00	\$20.00	Not applicable

7 G. E. An operator shall be required to provide reasonable
 8 documentation to substantiate all lawful fees charged the owner,
 9 lienholder, agent or insurer paying the claim for the towed vehicle.
 10 Fees for which the operator is being reimbursed or having paid to a
 11 third party, shall include copies of the invoice or other
 12 appropriate documents to substantiate such payment to said third
 13 party. When reimbursement or third-party payment is required, the
 14 wrecker operator's cost for the reimbursement or payment plus a
 15 twenty-five percent (25%) gross profit markup to cover overhead
 16 costs for the reimbursement or payment, which will be added to the
 17 invoice or freight bill to be collected in addition to all other
 18 applicable charges; provided, the wrecker operator shall include
 19 copies of the invoice or other appropriate documents to substantiate
 20 the reimbursement or payment to the third party.

21 H. F. Wrecker fees, ~~including maximum distance, hourly, and~~
 22 ~~hookup rates~~ shall be adjusted weekly by the Department of Public
 23 Safety by adding a fuel surcharge as provided in this section. The
 24 Department shall base the surcharge on the Department of Energy

1 "weekly retail on-highway diesel prices" for the "Midwest region"
2 using One Dollar and ninety cents (\$1.90) per gallon as the base
3 price with no fees added. The wrecker fees shall be adjusted to
4 allow a one-percent increase in fees for every ten-cent increase in
5 fuel cost starting at Two Dollars (\$2.00) per gallon.

6 ~~F.~~ G. Wrecker operators shall be allowed to obtain ownership
7 and insurer information from the Oklahoma Tax Commission or other
8 state's motor vehicle agencies for the purpose of determining
9 ownership and responsibility for wrecker fees. In the event a state
10 of origin is not known, the Department of Public Safety and the
11 Oklahoma Tax Commission shall assist in providing such information.
12 The wrecker operator is authorized to collect lawful fees for such
13 costs and services from the owner, lienholder that seeks possession
14 of a vehicle under a security interest, agent, or insurer accepting
15 liability for paying the claim for a vehicle or purchasing the
16 vehicle as a total loss vehicle from the owner of any towed or
17 stored vehicle.

18 SECTION 2. AMENDATORY 47 O.S. 2001, Section 953.2, as
19 last amended by Section 3, Chapter 360, O.S.L. 2004 (47 O.S. Supp.
20 2008, Section 953.2), is amended to read as follows:

21 Section 953.2 A. The rates and provisions of this section
22 shall apply to determine the maximum fees and charges for the
23 storage and after-hours release of towed vehicles, including
24 incorporated and unincorporated areas, by a wrecker or towing

1 service licensed by the Department of Public Safety. No wrecker or
2 towing service shall charge any fee which exceeds the maximum rates
3 established in this section. Such rates shall be in addition to any
4 other rates, fees or charges authorized or required by law.

5 B. 1. Storage or after-hours release of a towed vehicle, or
6 both, provided by a wrecker or towing service shall be recorded by
7 the operator on a bill or invoice as prescribed by rules of the
8 Department.

9 2. Nothing herein shall limit the right of an operator who has
10 provided or caused to be provided storage or after-hours release of
11 a towed vehicle, or both, to require prepayment, in part or in full,
12 or guarantee of payment of any charges incurred for providing such
13 services.

14 3. This section shall not be construed to require an operator
15 to charge a fee for the storage or after-hours release, or both, of
16 any towed vehicle.

17 4. The operator is authorized to collect all lawful fees from
18 the owner, lienholder or agent of the towed vehicle or insurer
19 accepting liability for paying the claim for a vehicle or purchasing
20 the vehicle as a total loss vehicle from the registered owner for
21 the performance of any and all such services. An operator shall
22 release the vehicle from storage upon authorization from the owner,
23 agent or lienholder of the vehicle or in the case of a total loss,
24 the insurer accepting liability for paying the claim for the vehicle

1 or purchasing the vehicle where the vehicle is to be moved to an
2 insurance pool yard for sale.

3 C. Outdoor Storage Rates.

4 1. Rates in this subsection shall apply to the outdoor storage
5 of a towed vehicle. Rates may be applied from the time the towed
6 vehicle is brought onto the outdoor storage facility premises.

7 Rates shall apply to each calendar day of outdoor storage; provided,
8 only the maximum ~~twenty four hour~~ calendar day fee, as provided for
9 in this section, may be charged for any towed vehicle which is
10 stored for a ~~portion of a twenty four hour~~ period of twelve (12)
11 hours or less.

12 2. Maximum outdoor storage rates shall be as follows:

Type of Towed Vehicle	Rate per Each
	24 hour Period <u>Calendar Day</u> or
	Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$15.00
	<u>\$25.00</u>
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$20.00
	<u>\$40.00</u>

1 Single vehicle or combination of vehicles
2 over 30 feet in length and up to 8 feet
3 in width

~~\$25.00~~

\$55.00

4
5 ~~Single vehicle or combination of vehicles~~
6 ~~over 30 feet in length and over 8 feet~~
7 ~~in width~~

~~\$35.00~~

8 D. Indoor Storage Rates:

9 1. Rates in this subsection shall apply to the indoor storage
10 of a towed vehicle. Rates may be applied from the time the towed
11 vehicle is brought into the indoor storage facility premises. Rates
12 shall apply to each calendar day of indoor storage; provided, only
13 the maximum ~~twenty-four-hour~~ calendar day fee, as provided for in
14 this section, may be charged for any towed vehicle which is stored
15 for a ~~portion of a twenty-four-hour~~ period of twelve (12) hours or
16 less.

17 2. Maximum indoor storage rates shall be as follows:

Type of Towed Vehicle	Rate per Each 24-hour Period or <u>Calendar Day</u> Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$25.00
	<u>\$35.00</u>

1	Single vehicle or combination of vehicles	
2	over 20 feet in length but less than 30	
3	feet in length	\$30.00
4		<u>\$50.00</u>
5	Single vehicle or combination of vehicles	
6	over 30 feet in length and up to 8 feet	
7	in width	\$35.00
8		<u>\$65.00</u>
9	Single vehicle or combination of vehicles	
10	 over 30 feet in length and over 8 feet	
11	 in width	\$45.00

12 3. For purposes of this subsection, "indoor storage" means the
13 vehicle is kept in an enclosed facility.

14 E. After-Hours Release Rate.

15 1. The rate in this subsection shall apply to the release of a
16 towed vehicle to the owner, lienholder, or agent when such release
17 occurs at a time other than normal business hours.

18 2. As used in this subsection:

19 a. "after-hours release rate" shall mean the rate charged
20 for the release of a towed vehicle Monday through
21 Friday either between the hours of midnight and 8:00
22 a.m., or between the hours of 4:00 p.m. and midnight
23 ~~Monday through Friday~~, or any time on Saturday, Sunday
24 or a national holiday, ~~and~~

1 b. "national holiday" shall mean New Year's Day, Martin
2 Luther King Day, George Washington's Birthday, on the
3 third Monday in February, Memorial Day, Independence
4 Day, Labor Day, Veterans Day, Thanksgiving Day and
5 Christmas Day, and shall further include the Friday
6 before such national holiday which falls on a Saturday
7 and the Monday following such national holiday which
8 falls on a Sunday, and

9 c. "normal business hours" shall mean 8:00 a.m. to 4:00
10 p.m., Monday through Friday, except for national
11 holidays.

12 3. The maximum after-hours release rate shall be Fifteen
13 Dollars (\$15.00) per quarter hour for the release of any single
14 vehicle or combination of vehicles subject to the following
15 conditions and fee calculation.

16 a. whenever the owner, lienholder, or agent of the owner
17 or lienholder requests after-hours release of a stored
18 vehicle, the wrecker operator or licensee shall notify
19 the person that after-hours release of the vehicle may
20 be more costly than releasing the vehicle during
21 normal business hours on the following day,

22 b. the after-hours release fee of Fifteen Dollars
23 (\$15.00) per quarter hour may include, as provided in
24 this paragraph, time spent by the wrecker owner or

1 operator during the period of time designated in
2 subparagraph a or paragraph 2 of this subsection:

3 (1) traveling to the location where the vehicle is
4 stored,

5 (2) waiting for the person to whom the vehicle will
6 be released, and

7 (3) processing the vehicle and paperwork for release.

8 c. travel time shall be calculated from the time the
9 wrecker owner or operator receives notification that
10 after-hours release of a vehicle is desired until the
11 lesser of the following occurs:

12 (1) thirty (30) minutes has expired, or

13 (2) the person to whom the vehicle is to be released
14 meets the wrecker owner or operator at the
15 location where the vehicle is stored.

16 d. waiting time shall be calculated from the time the
17 person picking up the vehicle has requested the
18 wrecker owner or operator to meet the person at the
19 location where the vehicle is stored until the lesser
20 of the following occurs:

21 (1) one (1) hour has expired, except as provided in
22 subparagraph g of this paragraph, or

23 (2) the person arrives at the location where the
24 vehicle is stored.

1 e. processing time shall be calculated from the time the
2 person to whom the vehicle is to be released arrives
3 at the location where the vehicle is stored until such
4 time as the person actually removes the vehicle from
5 that location,

6 f. if the person to whom the vehicle is to be released
7 does not present himself or herself at the location
8 where the vehicle is stored at the time requested or
9 agreed upon by that person, the wrecker owner or
10 operator shall charge no more than one (1) hour
11 waiting time,

12 g. if the person to whom the vehicle is to be released
13 notifies the wrecker owner or operator of a later
14 arrival time than previously agreed upon, the wrecker
15 owner or operator may extend the charge for waiting
16 time for up to one (1) additional hour, as provided in
17 subparagraph d of this paragraph, from the time of
18 notification of the later arrival time. If the
19 previous waiting time has not exceeded one (1) hour,
20 the wrecker owner or operator shall begin a new
21 waiting time upon receiving notification of the later
22 arrival time. Nothing shall prohibit the wrecker
23 owner or operator from charging for waiting time for
24 each such extension of the arrival time,

1 h. any and all such times shall be documented on the
2 invoice.

3 F. The maximum personal property release rate shall be Fifteen
4 Dollars (\$15.00) per quarter hour for the release of any personal
5 property subject to the following conditions and fee calculation.

6 1. The rate in this subsection shall apply to the release of
7 personal property from a stored vehicle to the owner or the owner's
8 representative when the release occurs at a time other than the
9 first fifteen (15) minutes of the first visit to the vehicle;

10 2. As used in this subsection:

11 a. "personal property" means everything in the stored
12 vehicle except the vehicle and its attached or
13 installed equipment, and

14 b. "current registration" means a certificate of
15 registration issued by the Oklahoma Tax Commission or
16 a motor license agent within the immediately preceding
17 three (3) days.

18 3. A wrecker owner or operator shall allow the vehicle owner or
19 the owner's representative to have access to the vehicle during
20 normal business hours, as defined in subsection E of this section:

21 a. for the sole purpose of retrieving from the stored
22 vehicle the ownership documentation, such as title or
23 registration, at no charge to the owner or the owner's
24 representative,

1 b. to retrieve personal property from the stored vehicle.

2 The wrecker owner or operator shall allow the first
3 fifteen (15) minutes of a visit at the vehicle during
4 regular business hours, as defined in subsection E of
5 this section, at no charge, but may charge for
6 additional time or additional visits at the quarter-
7 hour fee specified in this subsection;

8 4. Personal property and ownership documentation shall only be
9 released to:

10 a. the owner, upon presentation of evidence of ownership,
11 which is satisfactory to the wrecker owner or
12 operator, and is required by Section 904 of this
13 title, such as a certificate of title or current
14 registration, and proper personal identification, such
15 as a driver license or written verification from the
16 local law enforcement agency as to the identity of the
17 owner, or other documentation acceptable to the
18 wrecker service. If the documentation is not
19 acceptable, the wrecker service shall explain why the
20 documentation is not acceptable, or

21 b. a person representing the owner, upon presentation of
22 the certificate of title, a notarized letter from the
23 owner permitting the person to act on behalf of the
24 owner, and proper personal identification of the

1 owner's representative, such as a driver license or
2 written verification from the local law enforcement
3 agency as to the identity of the person representing
4 the owner.

5 G. An operator shall be required to provide reasonable
6 documentation to substantiate all lawful fees charged the owner,
7 lienholder, agent or insurer accepting liability for paying the
8 claim for the towed vehicle or purchasing the towed vehicle. Fees
9 for which the operator is being reimbursed, or having paid to a
10 third party, shall include copies of the invoice or other
11 appropriate documents to substantiate the payment to the third
12 party. ~~When skilled or specialized labor or equipment is required,~~
13 ~~the wrecker operator's cost for such skilled or specialized labor or~~
14 ~~equipment plus a twenty five percent (25%) gross profit markup to~~
15 ~~cover overhead costs for such labor will be added to the invoice or~~
16 ~~freight bill to be collected in addition to all other applicable~~
17 ~~charges.~~

18 SECTION 3. AMENDATORY 47 O.S. 2001, Section 961, is
19 amended to read as follows:

20 Section 961. A. It shall be unlawful and constitute a
21 misdemeanor offense for any person, firm, corporation or association
22 to charge, directly or indirectly, any wrecker service operator any
23 fee or other compensation for referral of service calls to such
24 operator.

1 B. It shall be unlawful and constitute a misdemeanor offense
2 for any wrecker service or wrecker owner or operator to solicit
3 business at the scene of a collision.

4 SECTION 4. This act shall become effective November 1, 2009.

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6 52-1-508 MRB 3/6/2009 7:48:57 AM

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