

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1361

By: Barrington

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Sections 156.1, 951, 952, 953, 953.1, 953.2,
9 954, 954A, 964, 966 and 967, which relate to wrecking
10 and towing services; transferring the noncommissioned
11 personnel of the Wrecker Services Division of the
12 Department of Public Safety and all other resources
13 of the Department used for the purpose of
14 administering the Wrecker Services Division to the
15 Corporation Commission; providing for classification,
16 salaries and annual and sick leave of certain
17 personnel; modifying language to provide for the
18 transfer of authority; providing for codification;
19 and providing an effective date.

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

26 SECTION 1. NEW LAW A new section of law to be codified
27 in the Oklahoma Statutes as Section 969 of Title 47, unless there is
28 created a duplication in numbering, reads as follows:

29 All noncommissioned personnel employed by the Department of
30 Public Safety in the Wrecker Services Division and all funds,
31 records, equipment, furniture, fixtures, files and supplies of
32 whatsoever kind and character now under the jurisdiction and control
33 of the Department of Public Safety for the purpose of administering

1 the Wrecker Services Division are hereby transferred to the
2 Corporation Commission. All personnel so transferred shall be in
3 the classified service of the Merit System of Personnel
4 Administration and shall be transferred at present salaries with all
5 accrued annual and sick leave.

6 SECTION 2. AMENDATORY 47 O.S. 2011, Section 156.1, is
7 amended to read as follows:

8 Section 156.1. A. It shall be unlawful for any state official,
9 officer, or employee, except any essential employees approved by the
10 Governor and those officers or employees authorized in subsection B
11 of this section, to ride to or from the place of residence of the
12 employee in a state-owned automobile, truck, or pickup, except in
13 the performance of the official duty of the employee, or to use or
14 permit the use of any such automobile, truck, ambulance, or pickup
15 for other personal or private purposes. Any person convicted of
16 violating the provisions of this section shall be guilty of a
17 misdemeanor and shall be punished by a fine of not more than One
18 Hundred Dollars (\$100.00) or by imprisonment in the county jail for
19 a period to not exceed thirty (30) days, or by both said fine and
20 imprisonment, and in addition thereto, shall be discharged from
21 state employment.

22 B. 1. Any state employee, other than the individuals provided
23 for in paragraph 2 of this subsection and any employee of the
24 Department of Public Safety who is an employee in the Driver License

1 Examining Division or the Driver Compliance Division ~~or a wrecker~~
2 ~~inspector or auditor of the Wrecker Services Division~~ as provided
3 for in paragraph 3 of this subsection, who receives emergency
4 telephone calls regularly at the residence of the employee when the
5 employee is not on duty and is regularly called upon to use a
6 vehicle after normal work hours in response to such emergency calls,
7 may be permitted to use a vehicle belonging to the State of Oklahoma
8 to provide transportation between the residence of the employee and
9 the assigned place of employment, provided such distance does not
10 exceed seventy-five (75) miles in any round trip or is within the
11 county where the assigned place of employment is located. Provided
12 further, an employee may be permitted to use a state-owned vehicle
13 to provide temporary transportation between a specific work location
14 other than the assigned place of employment and the residence of the
15 employee, if such use shall result in a monetary saving to the
16 agency, and such authorization shall not be subject to the distance
17 or area restrictions provided for in this paragraph. Authorization
18 for temporary use of a state-owned vehicle for a specific project
19 shall be in writing stating the justification for this use and the
20 saving expected to result. Such authorization shall be valid for
21 not to exceed sixty (60) days. Any state entity other than law
22 enforcement that avails itself of this provision shall keep a
23 monthly record of all participating employees, the number of

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1 emergency calls received, and the number of times that a state
2 vehicle was used in the performance of such emergency calls.

3 2. Any employee of the Department of Public Safety, Oklahoma
4 State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma
5 State Bureau of Investigation, Alcoholic Beverage Laws Enforcement
6 Commission, Oklahoma Horse Racing Commission, Oklahoma Department of
7 Agriculture, Food, and Forestry, Office of the Inspector General
8 within the Department of Human Services or Office of the State Fire
9 Marshal, who is a law enforcement officer or criminalist, Public
10 Information officer, Special Investigator or Assistant Director of
11 the Oklahoma State Bureau of Investigation, CLEET-certified
12 Investigator for a state board or any employee of a district
13 attorney who is a law enforcement officer, may be permitted to use a
14 state-owned vehicle to provide transportation between the residence
15 of the employee and the assigned place of employment and between the
16 residence and any location other than the assigned place of
17 employment to which the employee travels in the performance of the
18 official duty of the employee.

19 3. Any employee of the Department of Public Safety who is an
20 employee in the Driver License Examining Division, an employee of
21 the Driver Compliance Division, ~~a wrecker inspector or auditor of~~
22 ~~the Wrecker Services Division,~~ or a noncommissioned pilot may be
23 permitted, as determined by the Commissioner, to use a state-owned
24 vehicle to provide transportation between the residence of the

1 employee and the assigned place of employment and between the
2 residence and any location other than the assigned place of
3 employment to which the employee travels in the performance of the
4 official duty of the employee.

5 4. The Director, department heads and other essential employees
6 of the Department of Wildlife Conservation, as authorized by the
7 Wildlife Conservation Commission, may be permitted to use a state-
8 owned vehicle to provide transportation between the residence of the
9 employee and the assigned place of employment and between the
10 residence and any location other than the assigned place of
11 employment to which the employee travels in the performance of the
12 official duty of the employee.

13 C. The principal administrator of the state agency with which
14 the employee is employed shall so designate the status of the
15 employee in writing or provide a copy of the temporary authorization
16 to the Governor, the President Pro Tempore of the Senate, and the
17 Speaker of the House of Representatives. Such employee status
18 report shall also be provided to the State Fleet Manager of the
19 Division of Fleet Management if the motor vehicle for emergency use
20 is provided by said Division.

21 SECTION 3. AMENDATORY 47 O.S. 2011, Section 951, is
22 amended to read as follows:

23 Section 951. As used in ~~Sections~~ Section 951 ~~through 965 et~~
24 seq. of this title ~~and Sections 1 through 3 of this act:~~

1 1. "Wrecker or wrecker vehicle" means any motor vehicle that is
2 equipped with any device designed to tow another vehicle or
3 combination of vehicles. The use of the term "wrecker" or "wrecker
4 vehicle" shall be construed to include a combination wrecker or
5 combination wrecker vehicle, as defined in paragraph 2 of this
6 section, unless a specific differentiation is otherwise described;

7 2. "Combination wrecker" or "combination wrecker vehicle" means
8 any wrecker vehicle which is designed and equipped with two separate
9 and distinct devices to tow simultaneously two or more other
10 vehicles or combinations of vehicles, whether or not both devices
11 are in use simultaneously. One of the devices shall allow another
12 vehicle to be loaded onto and transported upon the wrecker vehicle,
13 and one of the devices shall allow another vehicle to be attached to
14 and pulled by the wrecker vehicle;

15 3. "Tow" or "towing" means the use of a wrecker vehicle to
16 lift, pull, move, haul or otherwise transport any other vehicle by
17 means of:

- 18 a. attaching the vehicle to and pulling the vehicle with
- 19 the wrecker vehicle, or
- 20 b. loading the vehicle onto and transporting the vehicle
- 21 upon the wrecker vehicle;

22 4. "Rollback equipment" means a towing device or equipment upon
23 which the towed vehicle is loaded and transported, removing the
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1 towed vehicle completely from the surface of the roadway. The term
2 "rollback equipment" shall include car haulers;

3 5. "Dolly" means a towing device or equipment which lifts and
4 suspends one axle of the towed vehicle above the surface of the
5 roadway;

6 6. "Wrecker or towing service" means engaging in the business
7 of or performing the act of towing or offering to tow any vehicle,
8 except:

9 a. where the operator owns the towed vehicle and displays
10 on both sides of the wrecker vehicle in plainly
11 visible letters not less than two (2) inches in height
12 the words "NOT FOR HIRE",

13 b. where the service is performed by a transporter as
14 defined in Section 1-181 of this title,

15 c. where service is performed in conjunction with the
16 transportation of household goods and property,

17 d. where the wrecker vehicle is owned or operated by the
18 United States government, the State of Oklahoma, or
19 any department or political subdivision thereof, or

20 e. where the service is performed by an out-of-state
21 wrecker service at the request of the vehicle owner or
22 operator, the vehicle is not involved in a collision,
23 and is being towed:

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1 (1) in either direction across the border between
2 Oklahoma and a neighboring state, or
3 (2) through Oklahoma in transit to another state;
4 provided, the out-of-state wrecker service shall
5 comply with all other requirements regarding
6 interstate commerce as set forth in law;

7 ~~7. "Commissioner" means the Commissioner of Public Safety;~~

8 ~~8. "Commission" means the Corporation Commission;~~

9 ~~9. "Department" means the Department of Public Safety;~~

10 ~~10.~~ 8. "Nonconsensual tow" means the transportation of a
11 vehicle without the consent or knowledge of the vehicle's owner,
12 possessor, agent, insurer, lienholder, or any other person in
13 possession of or in charge of any vehicle and includes the
14 transportation or towing of the vehicle under lawful circumstances
15 or necessity for the public interest including removing from the
16 roadway for public safety or public convenience, or accidents, by
17 any law enforcement officer or property agent or removal from public
18 or private property as a result of abandonment or unauthorized
19 parking by the property owner, agent, possessor, or other legal
20 entity for the property owner;

21 ~~11.~~ 9. "Operator" means any person owning or operating a
22 wrecker vehicle or wrecker or towing service;

23 ~~12.~~ 10. "Officer" means any duly authorized law enforcement
24 officer;

1 ~~13.~~ 11. "Roadway" means any public street, road, highway or
2 turnpike or the median, easement or shoulder of a roadway;

3 ~~14.~~ 12. "Service call" means the act of responding to a request
4 for service with a wrecker vehicle in which a service is performed;
5 and

6 ~~15.~~ 13. "Vehicle" shall:

7 a. have the same meaning as defined in Section 1-186 of
8 this title, and

9 b. for the purposes of this chapter when referring to a
10 vehicle or combination of vehicles being towed or
11 stored, include a vessel. The term "vessel" shall
12 have the same meaning as defined in Section 4002 of
13 Title 63 of the Oklahoma Statutes.

14 SECTION 4. AMENDATORY 47 O.S. 2011, Section 952, is
15 amended to read as follows:

16 Section 952. A. ~~Except for the rates established by the~~ The
17 Corporation Commission ~~and other provisions as provided for by law,~~
18 ~~the Department of Public Safety~~ shall have the power and authority
19 necessary to license, supervise, govern and control wrecker vehicles
20 and wrecker or towing services.

21 B. ~~The Department of Public Safety~~ Commission shall adopt and
22 prescribe such rules as are necessary to carry out the intent of
23 Section 951 et seq. of this title.
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1 The rules shall state the requirements for facilities, for
2 storage of vehicles, necessary towing equipment, the records to be
3 kept by operators, liability insurance and insurance covering the
4 vehicle and its contents while in storage in such sum and with such
5 provisions as the ~~Department~~ Commission deems necessary to
6 adequately protect the interests of the public, and such other
7 matters as the ~~Department~~ Commission may prescribe for the
8 protection of the public.

9 C. Unless otherwise regulated by the governing body of the
10 political subdivision, the wrecker vehicle used to perform wrecker
11 or towing services requested by a political subdivision of this
12 state for removal of a vehicle from public property for reasons
13 listed in Section 955 of this title shall be from the licensed
14 wrecker or towing service whose location is nearest to the vehicle
15 to be towed. Requests for service may be alternated or rotated
16 among all such licensed wrecker or towing services which are located
17 within a reasonable radius of each other. In cities of less than
18 fifty thousand (50,000) population, all such licensed wrecker or
19 towing services located near or in the city limits of such cities
20 shall be considered as being equal distance and shall be called on
21 an equal basis as nearly as possible. The police chief of any
22 municipality and the county sheriff of each county shall keep
23 rotation logs on all requested tows, except where there are
24 insufficient licensed wrecker or towing services available to rotate

1 such services or services are contracted after a competitive bid
2 process. Rotation logs shall be made available for public
3 inspection upon request. Any calls made from cell phones or two-way
4 radios by any law enforcement officer or employee of any
5 municipality or county to any wrecker service shall be listed on the
6 rotation or call logs and made available for public inspection. A
7 wrecker service shall not be removed from rotation without
8 notification to the wrecker operator stating the reason for removal
9 from the rotation log. All notification for removal from a rotation
10 log shall be mailed to the wrecker service owner at least ten (10)
11 days before removal from the rotation log and shall state the
12 procedure and requirements for reinstatement.

13 D. Except as otherwise provided in this subsection, the
14 Department of Public Safety and any municipality, county or other
15 political subdivision of this state shall not place any wrecker or
16 towing service upon an official rotation log for the performance of
17 services carried out pursuant to the request of or at the direction
18 of any officer of the Department or municipality, county or
19 political subdivision unless the service meets the following
20 requirements:

- 21 1. Principal business facilities are located within Oklahoma;
- 22 2. Tow trucks are registered and licensed in Oklahoma; and
- 23 3. Owner is a resident of the State of Oklahoma or the service
24 is an Oklahoma corporation.

1 In the event a licensed wrecker or towing service is not located
2 within a county, a wrecker or towing service that is located outside
3 of the county or this state and does not meet the above
4 qualifications may be placed on the rotation log for the county or
5 any municipality or political subdivision located within the county.

6 When performing services at the request of any officer, no
7 operator or wrecker or towing service upon the rotation logs shall
8 charge fees in excess of the maximum rates for services performed
9 within this state, including incorporated and unincorporated areas,
10 as established by the Commission.

11 E. The Department of Public Safety shall place a licensed Class
12 AA wrecker service on the Highway Patrol Rotation Log in a highway
13 patrol troop district in which the place of business and the primary
14 storage facility of the wrecker service are located upon written
15 request filed by the wrecker service with the Department. Upon
16 further request of the wrecker service, the Commissioner of Public
17 Safety ~~or the Department employee with statewide responsibility for~~
18 ~~administration of wrecker services~~ designee of the Commissioner may
19 place a wrecker service on the Highway Patrol Rotation Log in a
20 district adjacent to the district in which the place of business and
21 the primary storage facility of the wrecker service are located if
22 the wrecker service is in proximity to and within a reasonable
23 radius of the boundary of the district. When a wrecker service is
24 placed on the rotation log in a district, the ~~Department~~

1 Commissioner or the designee shall notify the wrecker service and
2 the troop commander of the district.

3 F. The Commissioner of Public Safety or the ~~Department employee~~
4 ~~with statewide responsibility for administration of wrecker services~~
5 designee of the Commissioner shall be responsible for establishing
6 geographical areas of rotation within the troop districts and for
7 notifying each wrecker service of the geographical areas of rotation
8 to which the service is assigned.

9 G. The Department of Public Safety shall make all rotation logs
10 available for public inspection at the state office and shall make
11 rotation logs for a highway patrol troop district available for
12 public inspection at the district office.

13 SECTION 5. AMENDATORY 47 O.S. 2011, Section 953, is
14 amended to read as follows:

15 Section 953. A. No operator shall be permitted nor shall any
16 employee of any operator be permitted, allowed or caused to solicit
17 business or make service calls without the operator first having
18 obtained from the ~~Department of Public Safety~~ Corporation Commission
19 a license to operate a wrecker or towing service. The number of the
20 license shall be displayed, in conformance with rules of the
21 ~~Department~~ Commission, on both sides of every wrecker vehicle
22 operated by the wrecker or towing service.

23 B. The license fee required by this section shall be in lieu of
24 the motor carrier filing fee as required in Section 165 of this

1 title. No applicant for a wrecker license shall be required to
2 prove public convenience and necessity, file notices, nor shall a
3 public hearing be held. The fee for such license shall be One
4 Hundred Dollars (\$100.00), of which Ten Dollars (\$10.00) shall be
5 allocated to the ~~Department~~ Commission for the administration of
6 Section 951 et seq. of this title.

7 C. All licenses shall expire on the last day of the calendar
8 year and may be renewed annually at a cost of Fifty Dollars (\$50.00)
9 upon application to the ~~Department~~ Commission as prescribed by rule.
10 No license fee shall be refunded in the event that the license is
11 suspended or revoked.

12 D. The ~~Department~~ Commission shall issue a letter of reprimand,
13 cancel, suspend, revoke, or refuse to issue or renew the license of
14 an operator when it finds the licensee or applicant has not complied
15 with or has violated any of the provisions of Section 951 et seq. of
16 this title, or any rules adopted by the ~~Department~~ Commission. A
17 suspension or revocation shall be for a period of time deemed
18 appropriate by the ~~Department~~ Commission for the violation. Any
19 canceled, suspended, or revoked license shall be returned to the
20 ~~Department~~ Commission by the operator, and the operator shall not be
21 eligible to apply for another license until the period of suspension
22 or revocation has elapsed.

23 E. The provisions of the Oklahoma Administrative Procedures Act
24 are expressly made applicable to Section 951 et seq. of this title.

1 F. In any civil action to enforce the equal application of the
2 alternation or rotation of wrecker or towing services regulated by a
3 political subdivision of the state, the prevailing party shall be
4 allowed attorney fees determined by the court, to be taxed and
5 collected as costs.

6 G. Fees collected pursuant to the provisions of this section
7 shall be remitted to the State Treasurer to be credited to the
8 General Revenue Fund in the State Treasury except as provided by
9 subsection H of this section.

10 H. Fees allocated to the ~~Department~~ Commission by this section
11 shall be deposited in the ~~Department of Public Safety Corporation~~
12 Commission Revolving Fund.

13 SECTION 6. AMENDATORY 47 O.S. 2011, Section 953.1, is
14 amended to read as follows:

15 Section 953.1. A. The rates established by the Corporation
16 Commission shall determine the nonconsensual tow maximum fees and
17 charges for wrecker or towing services performed in this state,
18 including incorporated and unincorporated areas, by a wrecker or
19 towing service licensed by the ~~Department of Public Safety~~
20 Commission when that service appears on the rotation log of the
21 Department of Public Safety or on the rotation log of any
22 municipality, county or other political subdivision of this state,
23 and the services performed are at the request or at the direction of
24 any officer of the Department or of a municipality, county, or

1 political subdivision. No wrecker or towing service in the
2 performance of transporting or storing vehicles or other property
3 towed as a result of a nonconsensual tow shall charge any fee which
4 exceeds the maximum rates established by the Commission. Such rates
5 shall be in addition to any other rates, fees or charges authorized,
6 allowed or required by law and costs to collect such fees. Any
7 wrecker or towing service is authorized to collect from the owner,
8 lienholder, agent or insurer accepting liability for paying the
9 claim for a vehicle or purchasing the vehicle as a total loss
10 vehicle from the registered owner of any towed or stored vehicle,
11 the fee required by Section 904 of this title including
12 environmental remediation fees and services.

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

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

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

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

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

11 C. The rates in subsections D through G of this section shall
12 be applicable until superseded by rates established by the
13 Commission.

14 D. 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 E 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 E 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:

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

14 E. 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 F
23 of this section.

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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 or upon being assigned to perform another wrecker or towing
5 service, whichever occurs first. Whenever a wrecker vehicle is used
6 to tow a vehicle subject to distance rates, as provided in
7 subsection D of this section, hourly rates shall apply only for the
8 time such wrecker is used in the performance of services other than
9 transportation, except when such hourly rates are used in lieu of
10 such distance rates.

11 As used in this subsection, rates stated per hour apply for
12 whole hours and, for fractions of an hour, rates stated per fifteen
13 (15) minutes apply for each fifteen (15) minutes or fraction thereof
14 over seven and one-half (7 1/2) minutes. However, if the service
15 subject to an hourly rate is performed in less than two (2) hours,
16 the charge applicable for two (2) hours may be assessed, except as
17 provided for in subsection D of this section.

18 2. Maximum hourly rates for wrecker or towing services
19 performed for passenger vehicles, when rates for such services are
20 not otherwise provided for by law, shall be as follows:

21 Weight of Towed Passenger Vehicle	Rate Per	Rate Per
22 (In pounds)	Hour	15 Minutes
23 Single vehicle: 8,000 or less	\$60.00	\$15.00
24 Single vehicle: 8,001 to 24,000	\$80.00	\$20.00

1	Single vehicle: 24,001 to 44,000	\$120.00	\$30.00
2	Single vehicle: 44,001 or over	\$180.00	\$45.00
3	Combination of vehicles	\$180.00	\$45.00

4 3. Maximum hourly rates for all other wrecker or towing
5 services, when rates for such other services are not otherwise
6 provided for by law, shall be determined based upon the gross
7 vehicle weight rating of each wrecker vehicle used as follows:

8	GVWR of Wrecker Vehicle	Rate Per	Rate Per
9	(In pounds)	Hour	15 Minutes
10	8,000 or less	\$60.00	\$15.00
11	8,001 to 24,000	\$80.00	\$20.00
12	24,001 to 44,000	\$120.00	\$30.00
13	44,001 or over	\$180.00	\$45.00
14	Combination wrecker vehicle		
15	with GVWR of 24,000 or over	\$180.00	\$45.00

- 16 4. a. Maximum hourly rates for extra labor shall be Thirty
17 Dollars (\$30.00) per person per hour.
- 18 b. Maximum hourly rates for skilled or specialized labor
19 and/or equipment shall be the actual customary and
20 ordinary rates charged for such labor and/or
21 equipment. When skilled or specialized labor or
22 equipment is required, the wrecker operator's cost for
23 such skilled or specialized labor or equipment plus a
24 twenty-five percent (25%) gross profit markup to cover

1 overhead costs for such labor will be added to the
2 invoice or freight bill to be collected in addition to
3 all other applicable charges.

4 F. Hookup Rates.

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

16 2. Maximum hookup rates shall be as follows:

17 Weight of Vehicle Being Hooked Up

18 (In pounds, including equipment	Rate
19 and lading)	
20 Single vehicle: 8,000 or less	\$65.00
21 Single vehicle: 8,001 to 12,000	\$75.00
22 Single vehicle: 12,001 to 24,000	\$85.00
23 Single vehicle: 24,001 or over	\$95.00
24 Combination of vehicles	\$95.00

1 G. Additional Service Rates.

2 1. Rates in this subsection shall apply to the performance of
3 the following services:

4 a. the disconnection and reconnection of a towed
5 vehicle's drive line when necessary to prevent
6 mechanical damage to such vehicle,

7 b. the removal and replacement of a towed vehicle's axle
8 when necessary to prevent mechanical damage to such
9 vehicle, or

10 c. the use of a dolly or rollback equipment when
11 essential to prevent mechanical damage to a towed
12 vehicle or when neither end of such vehicle is capable
13 of being towed safely while in contact with the
14 roadway.

15 2. Maximum additional service rates shall be as follows:

16 Weight of Towed	17 Service Performed		
18 Vehicle (In pounds, 19 including equipment 20 and lading)	Disconnect Drive Line; Remove Axle	Reconnect Drive Line; Replace Axle	Use of Dolly or Rollback Equipment
	21 Rate Per Service Performed		
22 8,000 or less	\$10.00	\$15.00	\$25.00
23 8,001 to 12,000	\$15.00	\$20.00	\$30.00
	24 Rate Per 15 Minutes of Service Performed		
12,001 or over	\$20.00	\$20.00	Not applicable

1 H. An operator shall be required to provide reasonable
2 documentation to substantiate all lawful fees charged the owner,
3 lienholder, agent or insurer paying the claim for the towed vehicle.
4 Fees for which the operator is being reimbursed or having paid to a
5 third party, shall include copies of the invoice or other
6 appropriate documents to substantiate such payment to said third
7 party.

8 I. Wrecker fees, including maximum distance, hourly, and hookup
9 rates shall be adjusted weekly by adding a fuel surcharge as
10 provided in this section. The fuel surcharge shall be based on the
11 Department of Energy "weekly retail on-highway diesel prices" for
12 the "Midwest region" using Two Dollars (\$2.00) per gallon as the
13 base price with no fees added. The wrecker fees shall be adjusted
14 to allow a one-percent increase in fees for every ten-cent increase
15 in fuel cost starting at Two Dollars and ten cents (\$2.10) per
16 gallon.

17 J. When skilled or specialized labor or equipment is required,
18 the cost incurred by the wrecker operator for such skilled or
19 specialized labor or equipment plus an additional twenty-five
20 percent (25%) gross profit markup or gross profit margin shall be
21 allowed to cover overhead costs for such labor and will be added to
22 the invoice or freight bill to be collected in addition to all other
23 applicable charges. This applies to labor and equipment not
24 regulated by the Commission.

1 K. Wrecker operators shall be allowed to obtain ownership and
2 insurer information, including accident reports and other public
3 records, from the Oklahoma Tax Commission or other states' motor
4 vehicle agencies or from law enforcement agencies for the purpose of
5 determining ownership and responsibility for wrecker fees. In the
6 event a state of origin is not known, the ~~Department of Public~~
7 ~~Safety~~ Corporation Commission and the Oklahoma Tax Commission shall
8 assist in providing such information. The wrecker operator is
9 authorized to collect lawful fees for such costs and services from
10 the owner, lienholder that seeks possession of a vehicle under a
11 security interest, agent, or insurer accepting liability for paying
12 the claim for a vehicle or purchasing the vehicle as a total loss
13 vehicle from the owner of any towed or stored vehicle.

14 SECTION 7. AMENDATORY 47 O.S. 2011, Section 953.2, is
15 amended to read as follows:

16 Section 953.2. A. The rates established by order of the
17 Corporation Commission shall determine the maximum fees and charges
18 for the storage and after-hours release of nonconsensual towed
19 vehicles, including incorporated and unincorporated areas, by a
20 wrecker or towing service licensed by the ~~Department of Public~~
21 ~~Safety~~ Commission. No wrecker or towing service shall charge any
22 fee for nonconsensual towed vehicles and storage which exceeds the
23 maximum rates established by the Commission. Such rates shall be in
24 addition to any other rates, fees or charges authorized, allowed or

1 required by law, including environmental remediation fees and
2 services.

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

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

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

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

1 C. The rates in subsections D through F of this section shall
2 be applicable until superseded by rates established by the
3 Commission.

4 D. Outdoor Storage Rates.

5 1. Rates in this subsection shall apply to the outdoor storage
6 of a towed vehicle. Rates may be applied from the time the towed
7 vehicle is brought onto the outdoor storage facility premises.
8 Rates shall apply to each calendar day of outdoor storage; provided,
9 the maximum twenty-four-hour fee, as provided for in this section,
10 may be charged for any towed vehicle which is stored for a portion
11 of a twenty-four-hour period.

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

Type of Towed Vehicle	Rate per Each
	24-hour Period or
	Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$15.00
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$20.00
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width	\$25.00

24

1 Single vehicle or combination of vehicles
2 over 30 feet in length and over 8 feet
3 in width \$35.00

4 E. Indoor Storage Rates:

5 1. Rates in this subsection shall apply to the indoor storage
6 of a towed vehicle. Rates may be applied from the time the towed
7 vehicle is brought into the indoor storage facility premises. Rates
8 shall apply to each calendar day of indoor storage; provided, the
9 maximum twenty-four-hour fee, as provided for in this section, may
10 be charged for any towed vehicle which is stored for a portion of a
11 twenty-four-hour period.

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

Type of Towed Vehicle	Rate per Each 24-hour Period or Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$25.00
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$30.00
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width	\$35.00

1 Single vehicle or combination of vehicles

2 over 30 feet in length and over 8 feet

3 in width

\$45.00

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

6 F. After-Hours Release Rate.

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

10 2. As used in this subsection:

- 11 a. "after-hours release rate" shall mean the rate charged
12 for the release of a towed vehicle between the hours
13 of midnight and 8:00 a.m., or between the hours of
14 4:00 p.m. and midnight Monday through Friday, or any
15 time on Saturday, Sunday or a national holiday, and
- 16 b. "national holiday" shall mean New Year's Day, Martin
17 Luther King Day, George Washington's Birthday, on the
18 third Monday in February, Memorial Day, Independence
19 Day, Labor Day, Veterans Day, Thanksgiving Day and
20 Christmas Day, and shall further include the Friday
21 before such national holiday which falls on a Saturday
22 and the Monday following such national holiday which
23 falls on a Sunday.

1 3. The maximum after-hours release rate shall be Fifteen
2 Dollars (\$15.00) per quarter hour for the release of any single
3 vehicle or combination of vehicles.

4 G. An operator shall be required to provide reasonable
5 documentation to substantiate all lawful fees charged the owner,
6 lienholder, agent or insurer accepting liability for paying the
7 claim for the towed vehicle or purchasing the towed vehicle. Fees
8 for which the operator is being reimbursed, or having paid to a
9 third party, shall include copies of the invoice or other
10 appropriate documents to substantiate the payment to the third
11 party.

12 SECTION 8. AMENDATORY 47 O.S. 2011, Section 954, is
13 amended to read as follows:

14 Section 954. A. The ~~Department of Public Safety~~ Corporation
15 Commission shall be charged with the duty of enforcing the
16 provisions of Section 951 et seq. of this title for licensed
17 wreckers and towing services operating in this state.

18 B. Duly appointed peace officers of the political subdivisions
19 of this state shall have authority to detain and arrest any person
20 operating a wrecker or tow truck without a valid license issued
21 pursuant to the provisions of Section 951 et seq. of this title.
22 Such officers, upon reasonable belief that any wrecker or tow truck
23 is being operated without proper authority or without a valid
24 license issued pursuant to Section 951 et seq. of this title, shall

1 be authorized to require the operator thereof to stop and exhibit
2 such documentation as may be required to establish his or her
3 authority to tow or transport another vehicle or to prove possession
4 of a valid wrecker or tow service license issued in this state. Any
5 person convicted of operating a wrecker or tow truck in this state
6 without a license shall be punished as provided in Section 958 of
7 this title.

8 SECTION 9. AMENDATORY 47 O.S. 2011, Section 954A, is
9 amended to read as follows:

10 Section 954A. A. In addition to any procedure provided by
11 local ordinance, whenever the owner or legal possessor of real
12 property or an authorized agent has reasonable cause to believe that
13 a vehicle has been abandoned thereon, said vehicle having been on
14 said property for a minimum of forty-eight (48) hours, or whenever a
15 vehicle is left upon said real property without express or implied
16 permission, such vehicle may be removed as provided in this section.

17 B. 1. The owner, legal possessor or authorized agent may
18 request any licensed wrecker or towing service within the county
19 wherein the real property is located to remove the abandoned vehicle
20 from the premises by signing a Tow Request and Authorization Form
21 prescribed by the ~~Department of Public Safety~~ Corporation Commission
22 and furnished to licensed wrecker operators as hereinafter provided.

23 2. If the owner, legal possessor or authorized agent of the
24 property owner is unable to obtain the services of a licensed

1 wrecker or towing service to remove the abandoned vehicle in a
2 reasonable amount of time, the owner, legal possessor or authorized
3 agent may contact and request that a licensed wrecker or towing
4 service from an adjacent county perform the service. A notation
5 shall be made on the Tow Request and Authorization Form that a
6 licensed wrecker or towing service in the county in which the real
7 property is located was contacted but the licensed wrecker or towing
8 service was not able to perform the removal in a reasonable amount
9 of time.

10 C. A licensed wrecker or towing service removing an abandoned
11 vehicle pursuant to this section shall be subject to the maximum
12 rates established by the Corporation Commission.

13 D. The ~~Department~~ Commission shall design and promulgate a
14 suitable Tow Request and Authorization Form to be completed in
15 quadruplicate, containing space for the following information:

16 1. A description of the vehicle, including the type of vehicle,
17 year of manufacture, name of the manufacturer, vehicle color or
18 colors, identification number and license tag number;

19 2. The name, address and business telephone number of the
20 wrecker or towing service;

21 3. The name, address, telephone number and driver license
22 number or state-issued identification card number of the real
23 property owner, legal possessor or authorized agent;

24

1 4. Inventory of personal property within the vehicle to be
2 towed;

3 5. Time and date the form is completed; and

4 6. Signatures of the driver of the wrecker vehicle and of the
5 owner, legal possessor or authorized agent of the real property.

6 The ~~Department or the~~ Commission may require additional
7 information on the Tow Request and Authorization Form. The driver
8 license number or state-issued identification card number of the
9 real property owner, legal possessor or authorized agent shall not
10 be disclosed by ~~the Department or the~~ Commission to any entity
11 inquiring about services performed without a court order or without
12 written consent from the property owner, legal possessor or
13 authorized agent.

14 E. The real property owner, legal possessor or authorized agent
15 and the wrecker vehicle driver shall jointly, and each in the
16 presence of the other, inventory personal property found within or
17 upon the vehicle and each shall accordingly sign a statement on the
18 form reflecting this requirement has been fulfilled. In the event
19 an inventory cannot be completed, the reasons therefor shall be
20 clearly stated on the form.

21 F. A copy of the completed Tow Request and Authorization Form
22 shall be retained by the signatories and the wrecker or towing
23 service shall maintain the wrecker vehicle driver's copy for not
24 less than one (1) year, or longer if required by ~~the Department or~~

1 the Commission. The wrecker or towing service shall forthwith send
2 the completed original Tow Request and Authorization Form to the
3 ~~Department~~ Commission and the remaining copy of the completed form
4 to the local police department of the municipality in which the real
5 property is located, or the sheriff's office of the county from
6 which the vehicle was towed, if the real property is located outside
7 of an incorporated municipality. A facsimile copy of the Tow
8 Request and Authorization Form shall be considered the original form
9 if a printed or digital confirmation of the facsimile transmission
10 is available.

11 G. Within three (3) business days of the time indicated on the
12 form, the wrecker or towing service shall request the Oklahoma Tax
13 Commission or other appropriate motor license agent to furnish the
14 name and address of the current owner of and any lienholder upon the
15 vehicle. The Tax Commission or appropriate motor license agent
16 shall respond in person or by certified mail to the wrecker or
17 towing service within five (5) business days from the receipt of the
18 request for information. The ~~Department~~ Corporation Commission and
19 the Oklahoma Tax Commission shall render assistance to ascertain
20 ownership, if needed. The wrecker or towing service shall, within
21 seven (7) days from receipt of the requested information from the
22 Oklahoma Tax Commission or other motor license agent, send a notice
23 of the location of the vehicle by certified mail, postage prepaid,
24 at the addresses furnished, to the owner and any lienholder of the

1 vehicle. The owner or lienholder may regain possession of the
2 vehicle in accordance with rules of the Department upon payment of
3 the wrecker or towing services, costs of certified mailing and the
4 reasonable cost of towing and storage of the vehicle. If the
5 wrecker or towing service has not complied with the notification
6 procedures required by this subsection, the owner or lienholder
7 shall not be required to pay for storage of the vehicle.

8 H. No wrecker or towing service or operator of a wrecker or
9 towing service shall tow or cause to be towed a vehicle pursuant to
10 this section until the form furnished by the ~~Department~~ Commission
11 has been appropriately completed by the parties as required by rules
12 of the ~~Department~~ Commission.

13 SECTION 10. AMENDATORY 47 O.S. 2011, Section 964, is
14 amended to read as follows:

15 Section 964. Whenever a vehicle that is subject to registration
16 in this state has been stored, parked or left in a garage, trailer
17 park, or any type of storage or parking lot for a period of thirty
18 (30) days, the owner of the garage, trailer park or lot shall,
19 within five (5) days after the expiration of that period, report the
20 make, motor and serial number of the vehicle to the ~~Department of~~
21 ~~Public Safety~~ Corporation Commission. Provided, these provisions
22 shall not apply where arrangements have been made for continuous
23 storage or parking by the owner of the motor vehicle so parked or
24 stored, and where the owner of said motor vehicle so parked or

1 stored is personally known to the owner or operator of the garage,
2 trailer park, storage or parking lot. Any person who fails to
3 report a vehicle as required under this section shall forfeit all
4 claims for storage of the vehicle, and shall be subject to a fine
5 not to exceed Twenty-five Dollars (\$25.00), and each day's failure
6 to make a report as required by this section shall constitute a
7 separate offense.

8 SECTION 11. AMENDATORY 47 O.S. 2011, Section 966, is
9 amended to read as follows:

10 Section 966. A. This act shall be known and may be cited as
11 the "Nonconsensual Towing Act of 2011".

12 B. The provisions of this act shall apply to every wrecker
13 operating within the State of Oklahoma removing and storing vehicles
14 from Oklahoma roads and highways or private property as a result of
15 a nonconsensual tow.

16 C. The Corporation Commission, by Commission order, shall have
17 the power and authority necessary:

18 1. To establish wrecker rates for the transportation and
19 storage of motor vehicles removed due to a nonconsensual tow from
20 Oklahoma roads and highways or private property;

21 2. To supervise and enforce such rates; and

22 3. To mediate and adjudicate complaints that may arise from
23 charges assessed as a result of such vehicle removal.

24

1 D. Rates as specified in Sections 953.1 and 953.2 of ~~Title 47~~
2 ~~of the Oklahoma Statutes~~ this title shall remain in effect until
3 rates are established by order of the Commission.

4 E. Rates established by the Commission shall be fair and
5 reasonable.

6 F. The Commission may assess fines or other penalties to any
7 wrecker or towing service for failure to comply with prescribed
8 rates as established by the Commission, failure to pay a levied
9 assessment or comply with any applicable order of the Commission.
10 Repeat violations by a wrecker or towing service are cause for
11 revocation of its license issued by the ~~Department of Public Safety~~
12 Commission.

13 G. The Department of Public Safety shall cooperate with the
14 Commission to implement this act ~~and may enter into agreements to~~
15 ~~facilitate this act.~~

16 SECTION 12. AMENDATORY 47 O.S. 2011, Section 967, is
17 amended to read as follows:

18 Section 967. A. The Corporation Commission is hereby
19 authorized to assess a fee upon each wrecker or towing service
20 licensed by the ~~Department of Public Safety~~ Commission and placed
21 upon an official rotation log, as specified in Section 952 of ~~Title~~
22 ~~47 of the Oklahoma Statutes~~ this title, to perform nonconsensual
23 tows.
24

1 B. Each wrecker or towing service shall pay the assessment,
2 levied pursuant to this section, on an annual basis.

3 C. The assessment shall be predicated upon the number of
4 wrecker or towing vehicles utilized by the wrecker or towing service
5 to conduct its ~~Department-licensed~~ Commission-licensed operations.

6 D. Failure to pay the assessment in a timely manner shall
7 result in revocation of the wrecker or towing license issued by the
8 ~~Department~~ Commission.

9 E. Beginning fiscal year 2013, the Legislature shall establish
10 budgetary limits for the Commission to fulfill the duties of the
11 Nonconsensual Towing Act of 2011. The total assessments levied
12 pursuant to this section shall not exceed the amount of the
13 budgetary limits and indirect costs for related support functions
14 established by the Legislature for any fiscal year. For fiscal year
15 2012, the total assessments shall not exceed One Hundred Thousand
16 Dollars (\$100,000.00).

17 SECTION 13. This act shall become effective November 1, 2012.

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