

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 56th Legislature (2017)

4   HOUSE BILL 1842

By: Osborn (Leslie) of the  
House

5   and

6   Fields of the Senate

7  
8  
9   AS INTRODUCED

10                   An Act relating to motor vehicles; amending 47 O.S.  
11                   2011, Section 967, which relates to the Nonconsensual  
12                   Towing Act of 2011; creating penalty for failure to  
13                   pay certain fee; establishing penalty amount;  
14                   allowing for penalty to be waived under certain  
15                   condition; modifying time period for payment of fee  
prior to revocation of license; providing that  
certain budgetary limits remain in effect until  
certain action; providing an effective date; and  
declaring an emergency.

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17  
18   BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19                   SECTION 1.           AMENDATORY           47 O.S. 2011, Section 967, is  
20   amended to read as follows:

21                   Section 967.   A.   The Corporation Commission is hereby  
22   authorized to assess a fee upon each wrecker or towing service  
23   licensed by the Department of Public Safety and placed upon an  
24

1 official rotation log, as specified in Section 952 of Title 47 of  
2 the Oklahoma Statutes, to perform nonconsensual tows.

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

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

8 D. Commencing with assessments made after June 30, 2017,  
9 failing to pay the wrecker or towing services assessment by the due  
10 date established by the Corporation Commission shall result in an  
11 additional penalty of twenty-five percent (25%) per vehicle. The  
12 Transportation Division Director, or designee, may waive the penalty  
13 for good cause shown. Failure to pay the assessment ~~in a timely~~  
14 ~~manner~~ and penalty within thirty (30) days of the notice of penalty  
15 issued by the Corporation Commission shall result in revocation of  
16 the wrecker or towing license issued by the Department.

17 E. Beginning fiscal year 2013, the Legislature shall establish  
18 budgetary limits for the Commission to fulfill the duties of the  
19 Nonconsensual Towing Act of 2011. The total assessments levied  
20 pursuant to this section shall not exceed the amount of the  
21 budgetary limits and indirect costs for related support functions  
22 established by the Legislature for any fiscal year. ~~For fiscal year~~  
23 ~~2012, the total assessments shall not exceed One Hundred Thousand~~  
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1 ~~Dollars (\$100,000.00)~~ Annual budgetary limits shall stay in effect  
2 unless superseded by action of the Legislature.

3 SECTION 2. This act shall become effective July 1, 2017.

4 SECTION 3. It being immediately necessary for the preservation  
5 of the public peace, health or safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

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9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
10 02/21/2017 - DO PASS, As Coauthored.