

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 912

By: Allen

4
5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Sections 952, 953.1, 953.2 and 954A, as amended
9 by Section 1, Chapter 137 O.S.L. 2013 (47 O.S. Supp.
10 2017, Section 954A), which relate to wreckers and
11 towing services; modifying agency reference for
12 certain duties and responsibilities; amending 47 O.S.
13 2011, Sections 966, 967, as amended by Section 1,
14 Chapter 141, O.S.L. 2017 and 968 (47 O.S. Supp. 2017,
15 Section 967), which relate to the Nonconsensual
16 Towing Act of 2011; modifying agency reference for
17 certain duties and responsibilities; and declaring an
18 emergency.

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

20 SECTION 1. AMENDATORY 47 O.S. 2011, Section 952, is
21 amended to read as follows:

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

1 B. The Department of Public Safety shall adopt and prescribe
2 such rules as are necessary to carry out the intent of Section 951
3 et seq. of this title.

4 The rules shall state the requirements for facilities, for
5 storage of vehicles, necessary towing equipment, the records to be
6 kept by operators, liability insurance and insurance covering the
7 vehicle and its contents while in storage in such sum and with such
8 provisions as the Department deems necessary to adequately protect
9 the interests of the public, and such other matters as the
10 Department may prescribe for the protection of the public.

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

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

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

- 23 1. Principal business facilities are located within Oklahoma;
- 24 2. Tow trucks are registered and licensed in Oklahoma; and

1 3. Owner is a resident of the State of Oklahoma or the service
2 is an Oklahoma corporation.

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

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

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

1 the district. When a wrecker service is placed on the rotation log
2 in a district, the Department shall notify the wrecker service and
3 the troop commander of the district.

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

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

13 SECTION 2. 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~~ Department of Public Safety shall determine the
17 nonconsensual tow maximum fees and charges for wrecker or towing
18 services performed in this state, including incorporated and
19 unincorporated areas, by a wrecker or towing service licensed by the
20 Department of Public Safety when that service appears on the
21 rotation log of the Department 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~~ Department.
5 Such rates shall be in addition to any other rates, fees or charges
6 authorized, allowed or required by law and costs to collect such
7 fees. Any wrecker or towing service is authorized to collect from
8 the owner, lienholder, agent or insurer accepting liability for
9 paying the claim for a vehicle or purchasing the vehicle as a total
10 loss vehicle from the registered owner of any towed or stored
11 vehicle, 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~~ Department.

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	Service Performed		
17 Vehicle (In pounds, 18 including equipment 19 and lading)	Disconnect Drive Line; Remove Axle	Reconnect Drive Line; Replace Axle	Use of Dolly or Rollback Equipment
	Rate Per Service Performed		
21 8,000 or less	\$10.00	\$15.00	\$25.00
22 8,001 to 12,000	\$15.00	\$20.00	\$30.00
	Rate Per 15 Minutes of Service Performed		
24 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~~ the 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~~ Department.

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 and the Oklahoma Tax Commission shall assist in providing
8 such information. The wrecker operator is authorized to collect
9 lawful fees for such costs and services from the owner, lienholder
10 that seeks possession of a vehicle under a security interest, agent,
11 or insurer accepting liability for paying the claim for a vehicle or
12 purchasing the vehicle as a total loss vehicle from the owner of any
13 towed or stored vehicle.

14 SECTION 3. 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~~ Department of Public Safety shall determine
18 the maximum fees and charges for the storage and after-hours release
19 of nonconsensual towed vehicles, including incorporated and
20 unincorporated areas, by a wrecker or towing service licensed by the
21 Department of ~~Public Safety~~. No wrecker or towing service shall
22 charge any fee for nonconsensual towed vehicles and storage which
23 exceeds the maximum rates established by the Commission. Such rates
24 shall be in addition to any other rates, fees or charges authorized,

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

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~~ Department.

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

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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 4. AMENDATORY 47 O.S. 2011, Section 954A, as
13 amended by Section 1, Chapter 137, O.S.L. 2013 (47 O.S. Supp. 2017,
14 Section 954A), is amended to read as follows:

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

23 B. 1. The owner, legal possessor or authorized agent may
24 request any licensed Class AA wrecker service within the county

1 wherein the real property is located to remove the abandoned vehicle
2 from the premises by signing a Tow Request and Authorization Form
3 prescribed by the Department of Public Safety and furnished to
4 licensed Class AA wrecker service operators as hereinafter provided.

5 2. If the owner, legal possessor or authorized agent of the
6 property owner is unable to obtain the services of a licensed Class
7 AA wrecker service to remove the abandoned vehicle in a reasonable
8 amount of time, the owner, legal possessor or authorized agent may
9 contact and request that a licensed Class AA wrecker service from an
10 adjacent county perform the service. A notation shall be made on
11 the Tow Request and Authorization Form that a licensed Class AA
12 wrecker service in the county in which the real property is located
13 was contacted but the licensed Class AA wrecker service was not able
14 to perform the removal in a reasonable amount of time.

15 C. A licensed Class AA wrecker service removing an abandoned
16 vehicle pursuant to this section shall be subject to the maximum
17 rates established by the ~~Corporation Commission~~ Department of Public
18 Safety.

19 D. The Department shall design and promulgate a suitable Tow
20 Request and Authorization Form to be completed in quadruplicate,
21 containing space for the following information:

22 1. A description of the vehicle, including the type of vehicle,
23 year of manufacture, name of the manufacturer, vehicle color or
24 colors, identification number and license tag number;

1 2. The name, address and business telephone number of the
2 licensed Class AA wrecker service;

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

6 4. Inventory of personal property within the vehicle to be
7 towed;

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

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

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

19 E. The real property owner, legal possessor or authorized agent
20 and the wrecker vehicle driver shall jointly, and each in the
21 presence of the other, inventory personal property found within or
22 upon the vehicle and each shall accordingly sign a statement on the
23 form reflecting this requirement has been fulfilled. In the event
24

1 an inventory cannot be completed, the reasons therefor shall be
2 clearly stated on the form.

3 F. A copy of the completed Tow Request and Authorization Form
4 shall be retained by the signatories and the licensed Class AA
5 wrecker service shall maintain the wrecker vehicle driver's copy for
6 not less than one (1) year, or longer if required by the Department
7 ~~or the Commission~~. The licensed Class AA wrecker service shall
8 forthwith send the completed original Tow Request and Authorization
9 Form to the Department and the remaining copy of the completed form
10 to the local police department of the municipality in which the real
11 property is located, or the sheriff's office of the county from
12 which the vehicle was towed, if the real property is located outside
13 of an incorporated municipality. A facsimile copy of the Tow
14 Request and Authorization Form shall be considered the original form
15 if a printed or digital confirmation of the facsimile transmission
16 is available.

17 G. Within three (3) business days of the time indicated on the
18 form, the licensed Class AA wrecker service shall request the
19 Oklahoma Tax Commission or other appropriate motor license agent to
20 furnish the name and address of the current owner of and any
21 lienholder upon the vehicle. The Tax Commission or appropriate
22 motor license agent shall respond in person or by certified mail to
23 the licensed Class AA wrecker service within five (5) business days
24 from the receipt of the request for information. The Department and

1 the Oklahoma Tax Commission shall render assistance to ascertain
2 ownership, if needed. The licensed Class AA wrecker service shall,
3 within seven (7) days from receipt of the requested information from
4 the Oklahoma Tax Commission or other motor license agent, send a
5 notice of the location of the vehicle by certified mail, postage
6 prepaid, at the addresses furnished, to the owner and any lienholder
7 of the vehicle. The owner or lienholder may regain possession of
8 the vehicle in accordance with rules of the Department upon payment
9 of the licensed Class AA wrecker services, costs of certified
10 mailing and the reasonable cost of towing and storage of the
11 vehicle. If the licensed Class AA wrecker service has not complied
12 with the notification procedures required by this subsection, the
13 owner or lienholder shall not be required to pay for storage of the
14 vehicle.

15 H. No licensed Class AA wrecker service or operator of a
16 licensed Class AA wrecker service shall tow or cause to be towed a
17 vehicle pursuant to this section until the form furnished by the
18 Department has been appropriately completed by the parties as
19 required by rules of the Department.

20 SECTION 5. AMENDATORY 47 O.S. 2011, Section 966, is
21 amended to read as follows:

22 Section 966. A. This act shall be known and may be cited as
23 the "Nonconsensual Towing Act of 2011".
24

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

5 C. ~~The Corporation Commission, by Commission order,~~ Department
6 of Public Safety shall have the power and authority necessary:

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

10 2. To supervise and enforce such rates; and

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

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

16 E. Rates established by the ~~Commission~~ Department shall be fair
17 and reasonable.

18 F. The ~~Commission~~ Department may assess fines or other
19 penalties to any wrecker or towing service for failure to comply
20 with prescribed rates as established by the ~~Commission~~ Department,
21 failure to pay a levied assessment or comply with any applicable
22 order of the ~~Commission~~ Department. Repeat violations by a wrecker
23 or towing service are cause for revocation of its license issued by
24 the Department ~~of Public Safety~~.

1 ~~G. The Department shall cooperate with the Commission to~~
2 ~~implement this act and may enter into agreements to facilitate this~~
3 ~~act.~~

4 SECTION 6. AMENDATORY 47 O.S. 2011, Section 967, as
5 amended by Section 1, Chapter 141, O.S.L. 2017 (47 O.S. Supp. 2017,
6 Section 967), is amended to read as follows:

7 Section 967. A. The ~~Corporation Commission~~ Department of
8 Public Safety is hereby authorized to assess a fee upon each wrecker
9 or towing service ~~licensed by the Department of Public Safety~~ and
10 placed upon an official rotation log, as specified in Section 952 of
11 ~~Title 47 of the Oklahoma Statutes~~ this title, to perform
12 nonconsensual tows.

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

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

18 D. Commencing with assessments made after June 30, 2017,
19 failing to pay the wrecker or towing services assessment by the due
20 date established by the Corporation Commission shall result in an
21 additional penalty of twenty-five percent (25%) per vehicle. The
22 Transportation Division Director, or designee, may waive the penalty
23 for good cause shown. Failure to pay the assessment and penalty
24 within thirty (30) days of the notice of penalty issued by the

1 Corporation Commission shall result in revocation of the wrecker or
2 towing license issued by the Department.

3 ~~E. Beginning fiscal year 2013, the Legislature shall establish~~
4 ~~budgetary limits for the Commission to fulfill the duties of the~~
5 ~~Nonconsensual Towing Act of 2011. The total assessments levied~~
6 ~~pursuant to this section shall not exceed the amount of the~~
7 ~~budgetary limits and indirect costs for related support functions~~
8 ~~established by the Legislature for any fiscal year. Annual budgetary~~
9 ~~limits shall stay in effect unless superseded by action of the~~
10 ~~Legislature.~~

11 SECTION 7. AMENDATORY 47 O.S. 2011, Section 968, is
12 amended to read as follows:

13 Section 968. ~~The Corporation Commission~~ Department of Public
14 Safety is authorized to appoint unclassified employees to perform
15 the duties and responsibilities associated with the Nonconsensual
16 Towing Act of 2011.

17 SECTION 8. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

21
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