

1 ENGROSSED SENATE  
2 BILL NO. 1314

By: Paxton of the Senate

3 and

4 Frix of the House

5  
6 An Act relating to motor vehicle storage rates;  
7 amending 47 O.S. 2011, Section 953.2, which relates  
8 to fees and charges for storage of towed vehicles;  
9 modifying inclusions; and providing an effective  
10 date.

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

12 SECTION 1. AMENDATORY 47 O.S. 2011, Section 953.2, is  
13 amended to read as follows:

14 Section 953.2. A. The rates established by order of the  
15 Corporation Commission shall determine the maximum fees and charges  
16 for the storage and after-hours release of nonconsensual towed  
17 vehicles, including incorporated and unincorporated areas, by a  
18 wrecker or towing service licensed by the Department of Public  
19 Safety and repair facilities as defined in Section 953 of Title 15  
20 of the Oklahoma Statutes. No wrecker or towing service or repair  
21 facilities shall charge any fee for nonconsensual towed vehicles and  
22 storage which exceeds the maximum rates established by the  
23 Commission. Such rates shall be in addition to any other rates,  
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1 fees or charges authorized, allowed or required by law, including  
2 environmental remediation fees and services.

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

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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Single vehicle or combination of vehicles  
over 30 feet in length and over 8 feet  
in width

\$35.00

E. Indoor Storage Rates:

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

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

Single vehicle or combination of vehicles

over 30 feet in length and over 8 feet

in width	\$45.00
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3. For purposes of this subsection, "indoor storage" means the vehicle is kept in an enclosed facility.

#### F. After-Hours Release Rate.

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

2. As used in this subsection:

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

b. "national holiday" shall mean New Year's Day, Martin Luther King Day, George Washington's Birthday, on the third Monday in February, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day, and shall further include the Friday before such national holiday which falls on a Saturday and the Monday following such national holiday which 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 2. This act shall become effective November 1, 2020.

13        Passed the Senate the 3rd day of March, 2020.

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Presiding Officer of the Senate

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17        Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

18 2020.

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Presiding Officer of the House  
of Representatives

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