

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

February 24, 2020

By: Paxton

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

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

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

Section 953.2. A. The rates established by order of the Corporation Commission shall determine the maximum fees and charges for the storage and after-hours release of nonconsensual towed vehicles, including incorporated and unincorporated areas, by a wrecker or towing service licensed by the Department of Public Safety and repair facilities as defined in Section 953 of Title 15 of the Oklahoma Statutes. No wrecker or towing service or repair facilities shall charge any fee for nonconsensual towed vehicles and storage which exceeds the maximum rates established by the Commission. Such rates shall be in addition to any other rates,

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

24

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

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 2. This act shall become effective November 1, 2020.

13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
14 February 24, 2020 - DO PASS
15
16
17
18
19
20
21
22
23
24