

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1604

By: Newhouse

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5
6 AS INTRODUCED

7 An Act relating to wrecker and towing services;
8 amending 47 O.S. 2011, Section 953.1, which relates
9 to maximum fees and charges; modifying allowable
charges; and providing an effective date.

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

12 SECTION 1. AMENDATORY 47 O.S. 2011, Section 953.1, is
13 amended to read as follows:

14 Section 953.1. A. The rates established by the Corporation
15 Commission shall determine the nonconsensual tow maximum fees and
16 charges for wrecker or towing services performed in this state,
17 including incorporated and unincorporated areas, by a wrecker or
18 towing service licensed by the Department of Public Safety when that
19 service appears on the rotation log of the Department or on the
20 rotation log of any municipality, county or other political
21 subdivision of this state, and the services performed are at the
22 request or at the direction of any officer of the Department or of a
23 municipality, county, or political subdivision. No wrecker or
24 towing service in the performance of transporting or storing

1 vehicles or other property towed as a result of a nonconsensual tow
2 shall charge any fee which exceeds the maximum rates established by
3 the Commission. Such rates shall be in addition to any other rates,
4 fees or charges authorized, allowed or required by law and costs to
5 collect such fees. Any wrecker or towing service is authorized to
6 collect from the owner, lienholder, agent or insurer accepting
7 liability for paying the claim for a vehicle or purchasing the
8 vehicle as a total loss vehicle from the registered owner of any
9 towed or stored vehicle, the fee required by Section 904 of this
10 title including environmental remediation fees and services.

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

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

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

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

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

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

12 D. Distance rates.

13 1. Rates in this subsection shall apply to the distance the
14 towed vehicle is transported and shall include services of the
15 operator of the wrecker vehicle. Hourly rates, as provided in
16 subsection E of this section, may be applied in lieu of distance
17 rates. Hourly rates may be applied from the time the wrecker
18 vehicle is assigned to the service call until the time it is
19 released from service either upon return to the premises of the
20 wrecker or towing service or upon being assigned to perform another
21 wrecker or towing service, whichever occurs first. When the hourly
22 rate is applied in lieu of distance towing rates, the operator may
23 not apply the two-hour minimum prescribed in subsection E of this
24

1 section nor may hookup or mileage charges, as prescribed in this
2 section, be applied.

3 Such distance rates shall be computed via the shortest highway
4 mileage as determined from the latest official Oklahoma Department
5 of Transportation state highway map, except as follows:

- 6 a. for distances or portions of distances not
7 specifically provided for in the governing highway
8 map, the actual mileage via the shortest practical
9 route will apply,
- 10 b. in computing distances, fractions of a mile will be
11 retained until the final and full mileage is
12 determined, at which time any remaining fraction shall
13 be increased to the next whole mile,
- 14 c. when, due to circumstances beyond the control of the
15 wrecker or towing service, roadway conditions make it
16 impractical to travel via the shortest route, distance
17 rates shall be computed based on the shortest
18 practical route over which the wrecker vehicle and the
19 vehicle it is towing can be moved, which route shall
20 be noted on the bill or invoice, or
- 21 d. when the wrecker or towing service is performed upon
22 any turnpike or toll road, the turnpike or toll road
23 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.

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 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		
25 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.

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 L. Maximum fee allowable for processing a Notice of Possessory
15 Lien, as provided in Section 91a of Title 42 of the Oklahoma
16 Statutes, shall not exceed Fifty Dollars (\$50.00).

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

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