

1 ENGROSSED HOUSE  
2 BILL NO. 3087

By: Hays, Ford, and Sneed of  
the House

3 and

4 Bullard of the Senate  
5  
6

7 [ motor vehicles - rulemaking authority - rates -  
8 requests for service - rotation logs - maximum fees  
9 and charges - fee mark-up allowance - wreckers -  
10 list - updates - prices - use of equipment and  
11 personnel - fuel surcharge - deviation - complaints  
12 - contempt proceedings - Commission - communication  
13 - statement - appeal and resubmission of rates -  
14 rules - review of price list - review - geographic  
15 areas - validity determination - return of amount  
16 of collected monies - complaints - appeal process -  
17 fees charged for storage and release - definitions  
18 - set rates - abandoned motor vehicles -  
19 responsible entity - towing vehicle from roadway -  
20 Nonconsensual Towing Act of 2011 - powers and  
21 authority of the Oklahoma Corporation Commission -  
22 effective date ]  
23  
24

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

2 SECTION 1. AMENDATORY 47 O.S. 2021, Section 952, is  
3 amended to read as follows:

4 Section 952. A. Except for the rates established by the  
5 ~~Corporation Commission and other provisions as provided for by law~~  
6 Nonconsensual Towing Act of 2011, the Department of Public Safety  
7 shall have the power and authority necessary to license, supervise,  
8 govern and control wrecker vehicles and wrecker or towing services.

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

12 The rules shall state the requirements for facilities, for  
13 storage of vehicles, necessary towing equipment, the records to be  
14 kept by operators, liability insurance and insurance covering the  
15 vehicle and its contents while in storage in such sum and with such  
16 provisions as the Department deems necessary to adequately protect  
17 the interests of the public, and such other matters as the  
18 Department may prescribe for the protection of the public.

19 C. Unless otherwise regulated by the governing body of the  
20 political subdivision, the wrecker vehicle used to perform wrecker  
21 or towing services requested by a political subdivision of this  
22 state for removal of a vehicle from public property for reasons  
23 listed in Section 955 of this title shall be from the licensed  
24 wrecker or towing service whose location is nearest to the vehicle

1 to be towed. Requests for service ~~may~~ shall be alternated or  
2 rotated among all such licensed wrecker or towing services which are  
3 located within a reasonable radius of each other. In cities of less  
4 than fifty thousand (50,000) population, all such licensed wrecker  
5 or towing services located near or in the city limits of such cities  
6 shall be considered as being equal distance and shall be called on  
7 an equal basis as nearly as possible. The police chief of any  
8 municipality and the county sheriff of each county shall keep  
9 rotation logs on all requested tows, except where there are  
10 insufficient licensed wrecker or towing services available to rotate  
11 such services or services are contracted after a competitive bid  
12 process. Rotation logs shall be made available for public  
13 inspection upon request. Any calls made from cell phones or two-way  
14 radios by any law enforcement officer or employee of any  
15 municipality or county to any wrecker service shall be listed on the  
16 rotation or call logs and made available for public inspection. A  
17 wrecker service shall not be removed from rotation without  
18 notification to the wrecker operator stating the reason for removal  
19 from the rotation log. All notification for removal from a rotation  
20 log shall be mailed to the wrecker service owner at least ten (10)  
21 days before removal from the rotation log and shall state the  
22 procedure and requirements for reinstatement.

23 D. Except as otherwise provided in this subsection, the  
24 Department and any municipality, county or other political

1 subdivision of this state shall not place any wrecker or towing  
2 service upon an official rotation log for the performance of  
3 services carried out pursuant to the request of or at the direction  
4 of any officer of the Department or municipality, county or  
5 political subdivision unless the service meets the following  
6 requirements:

- 7 1. Principal business facilities are located within Oklahoma;
- 8 2. Tow trucks are registered and licensed in Oklahoma; and
- 9 3. Owner is a resident of the State of Oklahoma or the service  
10 is an Oklahoma corporation.

11 In the event a licensed wrecker or towing service is not located  
12 within a county, a wrecker or towing service that is located outside  
13 of the county or this state and does not meet the above  
14 qualifications may be placed on the rotation log for the county or  
15 any municipality or political subdivision located within the county.

16 When performing services at the request of any officer, no  
17 operator or wrecker or towing service upon the rotation logs shall  
18 charge fees in excess of the maximum rates for services performed  
19 within this state, including incorporated and unincorporated areas,  
20 as established by the ~~Commission~~ Nonconsensual Towing Act of 2011.

21 E. The Department shall place a licensed Class AA wrecker  
22 service on the Highway Patrol Rotation Log in a highway patrol troop  
23 district in which the place of business and the primary storage  
24 facility of the wrecker service are located upon written request

1 filed by the wrecker service with the Department. Upon further  
2 request of the wrecker service, the Commissioner of Public Safety or  
3 the Department employee with statewide responsibility for  
4 administration of wrecker services may place a wrecker service on  
5 the Highway Patrol Rotation Log in a district adjacent to the  
6 district in which the place of business and the primary storage  
7 facility of the wrecker service are located if the wrecker service  
8 is in proximity to and within a reasonable radius of the boundary of  
9 the district. When a wrecker service is placed on the rotation log  
10 in a district, the Department shall notify the wrecker service and  
11 the troop commander of the district.

12 F. The Commissioner of Public Safety or the Department employee  
13 with statewide responsibility for administration of wrecker services  
14 shall be responsible for establishing geographical areas of rotation  
15 within the troop districts and for notifying each wrecker service of  
16 the geographical areas of rotation to which the service is assigned.

17 G. The Department shall make all rotation logs available for  
18 public inspection at the state office and shall make rotation logs  
19 for a highway patrol troop district available for public inspection  
20 at the district office.

21 H. The Department or any political subdivision of this state  
22 shall file all rotation logs with the Corporation Commission and  
23 keep them updated for the purpose of determining regional  
24 nonconsensual towing rates.

1 SECTION 2. AMENDATORY 47 O.S. 2021, Section 953.1, is  
2 amended to read as follows:

3 Section 953.1 A. The rates established by the ~~Corporation~~  
4 ~~Commission~~ Nonconsensual Towing Act of 2011 shall determine the  
5 nonconsensual tow maximum fees and charges for wrecker or towing  
6 services performed in this state, including incorporated and  
7 unincorporated areas, by a wrecker or towing service licensed by the  
8 Department of Public Safety when that service appears on the  
9 rotation log of the Department or on the rotation log of any  
10 municipality, county or other political subdivision of this state,  
11 and the services performed are at the request or at the direction of  
12 any officer of the Department or of a municipality, county, or  
13 political subdivision. No wrecker or towing service in the  
14 performance of transporting or storing vehicles or other property  
15 towed as a result of a nonconsensual tow shall charge any fee which  
16 exceeds the maximum rates established by ~~the Commission~~ this act.  
17 Such rates shall be in addition to any other rates, fees or charges  
18 authorized, allowed or required by law and costs to collect such  
19 fees. Any wrecker or towing service is authorized to collect from  
20 the owner, lienholder, agent or insurer accepting liability for  
21 paying the claim for a vehicle or purchasing the vehicle as a total  
22 loss vehicle from the registered owner of any towed or stored  
23 vehicle, the fee required by Section 904 of this title including  
24 environmental remediation fees and services.

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

3 1. Each performance of a wrecker or towing service shall be  
4 recorded by the operator on a bill or invoice as prescribed by rules  
5 of the Department and by order of the Oklahoma Corporation  
6 Commission;

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

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

14 4. The operator is authorized to collect all lawful fees from  
15 the owner, lienholder or agent or insurer accepting liability for  
16 paying the claim for a vehicle or purchasing the vehicle as a total  
17 loss vehicle from the registered owner of the towed vehicle for the  
18 performance of any and all such services and costs to collect such  
19 fees. An operator shall release the vehicle from storage upon  
20 authorization from the owner, agent or lienholder of the vehicle or,  
21 in the case of a total loss, the insurer accepting liability for  
22 paying the claim for the vehicle or purchasing the vehicle where the  
23 vehicle is to be moved to an insurance pool yard for sale.

1       ~~C. The rates in subsections D through G of this section shall~~  
2 ~~be applicable until superseded by rates established by the~~  
3 ~~Commission.~~

4       ~~D. Distance rates.~~

5       ~~1. Rates in this subsection shall apply to the distance the~~  
6 ~~towed vehicle is transported and shall include services of the~~  
7 ~~operator of the wrecker vehicle. Hourly rates, as provided in~~  
8 ~~subsection E of this section, may be applied in lieu of distance~~  
9 ~~rates. Hourly rates may be applied from the time the wrecker~~  
10 ~~vehicle is assigned to the service call until the time it is~~  
11 ~~released from service either upon return to the premises of the~~  
12 ~~wrecker or towing service or upon being assigned to perform another~~  
13 ~~wrecker or towing service, whichever occurs first. When the hourly~~  
14 ~~rate is applied in lieu of distance towing rates, the operator may~~  
15 ~~not apply the two-hour minimum prescribed in subsection E of this~~  
16 ~~section nor may hookup or mileage charges, as prescribed in this~~  
17 ~~section, be applied.~~

18       ~~Such distance rates shall be computed via the shortest highway~~  
19 ~~mileage as determined from the latest official Oklahoma Department~~  
20 ~~of Transportation state highway map, except as follows:~~

- 21       ~~a. for distances or portions of distances not~~  
22       ~~specifically provided for in the governing highway~~  
23       ~~map, the actual mileage via the shortest practical~~  
24       ~~route will apply.~~

- b. ~~in computing distances, fractions of a mile will be retained until the final and full mileage is determined, at which time any remaining fraction shall be increased to the next whole mile,~~
- e. ~~when, due to circumstances beyond the control of the wrecker or towing service, roadway conditions make it impractical to travel via the shortest route, distance rates shall be computed based on the shortest practical route over which the wrecker vehicle and the vehicle it is towing can be moved, which route shall be noted on the bill or invoice, or~~
- d. ~~when the wrecker or towing service is performed upon any turnpike or toll road, the turnpike or toll road mileage shall be used to determine the distance rates charged and the turnpike or toll road fees may be added to the bill or invoice.~~

~~2. Maximum distance rates shall be as follows:~~

<del>Weight of Towed Vehicle</del>	<del>Distance</del>	<del>Rate</del>
<del>(In pounds, including equipment and lading)</del>	<del>Towed</del>	<del>Per Mile</del>
<del>Single vehicle: 8,000 or less</del>	<del>25 miles or less</del>	<del>\$3.00</del>
<del>Single vehicle: 8,000 or less</del>	<del>Over 25 miles</del>	<del>\$2.50</del>
<del>Single vehicle: 8,001 to 12,000</del>	<del>25 miles or less</del>	<del>\$3.40</del>
<del>Single vehicle: 8,001 to 12,000</del>	<del>Over 25 miles</del>	<del>\$3.00</del>

1	<del>Single vehicle: 12,001 to 40,000</del>	<del>Any</del>	<del>\$5.75</del>
2	<del>Single vehicle: 40,000 or over</del>	<del>Any</del>	<del>\$6.75</del>
3	<del>Combination of vehicles</del>	<del>Any</del>	<del>\$6.75</del>

4       ~~E. Hourly Rates.~~

5       ~~1. Rates in this subsection shall apply for the use of a~~  
6 ~~wrecker vehicle and shall include services of the operator of such~~  
7 ~~wrecker, except as provided in paragraph 4 of this subsection.~~

8 ~~Rates shall apply for all wrecker or towing services performed that~~  
9 ~~are not otherwise provided for in this section, including, but not~~  
10 ~~limited to, waiting and standby time, but shall not include the~~  
11 ~~first fifteen (15) minutes of service following the hookup of a~~  
12 ~~vehicle when a hookup fee is assessed, as provided in subsection F~~  
13 ~~of this section.~~

14       ~~Hourly rates shall apply from the time the vehicle or labor is~~  
15 ~~assigned to the service call until the time it is released from~~  
16 ~~service either upon return to the premises of the wrecker or towing~~  
17 ~~service or upon being assigned to perform another wrecker or towing~~  
18 ~~service, whichever occurs first. Whenever a wrecker vehicle is used~~  
19 ~~to tow a vehicle subject to distance rates, as provided in~~  
20 ~~subsection D of this section, hourly rates shall apply only for the~~  
21 ~~time such wrecker is used in the performance of services other than~~  
22 ~~transportation, except when such hourly rates are used in lieu of~~  
23 ~~such distance rates.~~

24

~~As used in this subsection, rates stated per hour apply for whole hours and, for fractions of an hour, rates stated per fifteen (15) minutes apply for each fifteen (15) minutes or fraction thereof over seven and one half (7 1/2) minutes. However, if the service subject to an hourly rate is performed in less than two (2) hours, the charge applicable for two (2) hours may be assessed, except as provided for in subsection D of this section.~~

~~2. Maximum hourly rates for wrecker or towing services performed for passenger vehicles, when rates for such services are not otherwise provided for by law, shall be as follows:~~

<del>Weight of Towed Passenger Vehicle</del>	<del>Rate Per</del>	<del>Rate Per</del>
<del>(In pounds)</del>	<del>Hour</del>	<del>15 Minutes</del>
<del>Single vehicle: 8,000 or less</del>	<del>\$60.00</del>	<del>\$15.00</del>
<del>Single vehicle: 8,001 to 24,000</del>	<del>\$80.00</del>	<del>\$20.00</del>
<del>Single vehicle: 24,001 to 44,000</del>	<del>\$120.00</del>	<del>\$30.00</del>
<del>Single vehicle: 44,001 or over</del>	<del>\$180.00</del>	<del>\$45.00</del>
<del>Combination of vehicles</del>	<del>\$180.00</del>	<del>\$45.00</del>

~~3. Maximum hourly rates for all other wrecker or towing services, when rates for such other services are not otherwise provided for by law, shall be determined based upon the gross vehicle weight rating of each wrecker vehicle used as follows:~~

<del>GVWR of Wrecker Vehicle</del>	<del>Rate Per</del>	<del>Rate Per</del>
<del>(In pounds)</del>	<del>Hour</del>	<del>15 Minutes</del>
<del>8,000 or less</del>	<del>\$60.00</del>	<del>\$15.00</del>

1	<del>8,001 to 24,000</del>	<del>\$80.00</del>	<del>\$20.00</del>
2	<del>24,001 to 44,000</del>	<del>\$120.00</del>	<del>\$30.00</del>
3	<del>44,001 or over</del>	<del>\$180.00</del>	<del>\$45.00</del>
4	<del>Combination wrecker vehicle</del>		
5	<del>with GVWR of 24,000 or over</del>	<del>\$180.00</del>	<del>\$45.00</del>

6       4.   a.   ~~Maximum hourly rates for extra labor shall be Thirty~~  
7                   ~~Dollars (\$30.00) per person per hour.~~

8                   b.   ~~Maximum hourly rates for skilled or specialized labor~~  
9                           ~~and/or equipment shall be the actual customary and~~  
10                           ~~ordinary rates charged for such labor and/or~~  
11                           ~~equipment. When skilled or specialized labor or~~  
12                           ~~equipment is required, the wrecker operator's cost for~~  
13                           ~~such skilled or specialized labor or equipment plus a~~  
14                           ~~twenty-five percent (25%) gross profit markup to cover~~  
15                           ~~overhead costs for such labor will be added to the~~  
16                           ~~invoice or freight bill to be collected in addition to~~  
17                           ~~all other applicable charges.~~

18       F.   ~~Hookup Rates.~~

19       1.   ~~Rates in this subsection shall apply to the hookup of a~~  
20       ~~vehicle to a wrecker vehicle when such hookup is performed in~~  
21       ~~connection with a wrecker or towing service described in this~~  
22       ~~section. Such hookup rate shall include the first fifteen (15)~~  
23       ~~minutes of such service, for which there shall be no additional fee~~  
24       ~~charged, but shall not include the use of a dolly or rollback~~

1 ~~equipment or a combination wrecker vehicle to accomplish such~~  
2 ~~hookup, for which an additional fee may be charged as provided in~~  
3 ~~subsection G of this section. Hookup shall include, but not be~~  
4 ~~limited to, the attachment of a vehicle to or the loading of a~~  
5 ~~vehicle onto a wrecker vehicle.~~

6 ~~2. Maximum hookup rates shall be as follows:~~

7 ~~Weight of Vehicle Being Hooked Up~~

8 ~~(In pounds, including equipment~~ Rate  
9 ~~and lading)~~

10 <del>Single vehicle: 8,000 or less</del>	<del>\$65.00</del>
11 <del>Single vehicle: 8,001 to 12,000</del>	<del>\$75.00</del>
12 <del>Single vehicle: 12,001 to 24,000</del>	<del>\$85.00</del>
13 <del>Single vehicle: 24,001 or over</del>	<del>\$95.00</del>
14 <del>Combination of vehicles</del>	<del>\$95.00</del>

15 ~~G. Additional Service Rates.~~

16 ~~1. Rates in this subsection shall apply to the performance of~~  
17 ~~the following services:~~

18 ~~a. the disconnection and reconnection of a towed~~  
19 ~~vehicle's drive line when necessary to prevent~~  
20 ~~mechanical damage to such vehicle,~~

21 ~~b. the removal and replacement of a towed vehicle's axle~~  
22 ~~when necessary to prevent mechanical damage to such~~  
23 ~~vehicle, or~~

24

e. ~~the use of a dolly or rollback equipment when essential to prevent mechanical damage to a towed vehicle or when neither end of such vehicle is capable of being towed safely while in contact with the roadway.~~

2. ~~Maximum additional service rates shall be as follows:~~

<del>Weight of Towed Vehicle (In pounds, including equipment and lading)</del>	<del>Service Performed</del>		
	<del>Disconnect Drive Line; Remove Axle</del>	<del>Reconnect Drive Line; Replace Axle</del>	<del>Use of Dolly or Rollback Equipment</del>
	<del>Rate Per Service Performed</del>		
<del>8,000 or less</del>	<del>\$10.00</del>	<del>\$15.00</del>	<del>\$25.00</del>
<del>8,001 to 12,000</del>	<del>\$15.00</del>	<del>\$20.00</del>	<del>\$30.00</del>
	<del>Rate Per 15 Minutes of Service Performed</del>		
<del>12,001 or over</del>	<del>\$20.00</del>	<del>\$20.00</del>	<del>Not applicable</del>

H. C. An operator shall be required to provide reasonable documentation to the Commission to substantiate all lawful fees charged the owner, lienholder, agent or insurer paying the claim for the towed vehicle. Fees for which the operator is being reimbursed or having paid to a third party, shall include copies of the invoice or other appropriate documents to substantiate such payment to said third party.

I. ~~Wrecker fees, including maximum distance, hourly, and hookup rates shall be adjusted weekly by adding a fuel surcharge as~~

1 ~~provided in this section. The fuel surcharge shall be based on the~~  
2 ~~Department of Energy "weekly retail on-highway diesel prices" for~~  
3 ~~the "Midwest region" using Two Dollars (\$2.00) per gallon as the~~  
4 ~~base price with no fees added. The wrecker fees shall be adjusted~~  
5 ~~to allow a one-percent increase in fees for every ten-cent increase~~  
6 ~~in fuel cost starting at Two Dollars and ten cents (\$2.10) per~~  
7 ~~gallon.~~

8 ~~J. When skilled or specialized labor or equipment is required,~~  
9 ~~the cost incurred by the wrecker operator for such skilled or~~  
10 ~~specialized labor or equipment plus an additional twenty-five~~  
11 ~~percent (25%) gross profit markup or gross profit margin shall be~~  
12 ~~allowed to cover overhead costs for such labor and will be added to~~  
13 ~~the invoice or freight bill to be collected in addition to all other~~  
14 ~~applicable charges. This applies to labor and equipment not~~  
15 ~~regulated by the Commission.~~

16 D. Wrecker or towing service companies shall provide the  
17 Commission a detailed comprehensive list of all prices for the  
18 services it performs or may perform related to the towing and  
19 storage of any vehicle that is deemed a nonconsensual tow. The list  
20 shall be on the letterhead of the wrecker or towing service company.  
21 The wrecker or towing service company shall be responsible for  
22 updating the list when prices change by submitting a new price list  
23 biannually, on January 1 and July 1 of each calendar year, and shall  
24 contain the date when new prices will take effect. The wrecker or

1 towing service company shall not exceed the prices on file with the  
2 Commission for a nonconsensual tow. The wrecker or towing service  
3 company shall only charge for services that are on file with the  
4 Commission. All prices provided to the Commission may be provided  
5 to citizens needing a wrecker or towing service. No other rates  
6 will be allowed apart from the prices provided to the Commission and  
7 shall include, but may not be limited to:

- 8 1. Indoor storage rates;
- 9 2. Outdoor storage rates;
- 10 3. Hourly rates;
- 11 4. Additional labor rates;
- 12 5. Specialized equipment rates;
- 13 6. After-hours release rates;
- 14 7. Distance rates; and
- 15 8. Hookup rates.

16 E. Rates and Charges Requirements.

17 1. A wrecker or towing service company receiving calls from the  
18 Department shall not charge fees in excess of those provided in  
19 writing by the wrecker or towing service company to the Commission,  
20 nor shall said company charge for the use of equipment and personnel  
21 not reasonably necessary to perform the requested services in a  
22 timely and professional manner.

23 2. Storage fees shall be reasonable, as determined by fees  
24 charged by other wrecker or towing service companies in the same

1 geographic area. A list of fees shall be given to the Commission in  
2 accordance with subsection D of this section. Consumer charges  
3 shall not deviate from the list provided.

4 3. Fuel surcharge shall be based on the Department of Energy  
5 "weekly retail on-highway diesel prices" for the Midwest region  
6 using Two Dollars (\$2.00) per gallon as base price with no fees  
7 added. The fuel surcharge fee shall be adjusted to allow a one  
8 percent (1%) increase in fuel cost starting at Two Dollars and ten  
9 cents (\$2.10) per gallon.

10 4. Any wrecker or towing service company that subcontracts for  
11 the utilization of additional skilled or specialized labor,  
12 equipment, or a wrecker vehicle that is for the purpose of a  
13 nonconsensual tow, the cost incurred by the wrecker or towing  
14 service company for such skilled or specialized labor, equipment, or  
15 wrecker vehicle plus an additional twenty-five percent (25%) gross  
16 profit markup or gross profit margin shall be allowed to cover  
17 overhead costs for such labor and will be added to the invoice or  
18 freight bill to be collected in addition to all other applicable  
19 charges.

20 5. Wrecker or towing service companies shall post at their  
21 place of business a list of all prices for the standard services it  
22 performs or may perform related to the towing and storage of any  
23 vehicle that is deemed a nonconsensual tow.

1       6. Whenever complaints are received by the Commission  
2 concerning the services provided or fees charged for towing and  
3 related services that are requested through the Department, the  
4 complaint shall be investigated to determine its validity and if any  
5 action is warranted against the wrecker or towing service company.

6       7. Any wrecker or towing services company found to have  
7 exceeded the prices provided to the Commission, using unnecessary  
8 services to increase its fee, or engaging in unethical business  
9 practices shall be subject to contempt proceedings before the  
10 Commission and removal from the towing rotation log by the troop  
11 commander.

12       8. The Commission shall communicate with any wrecker or towing  
13 service company filing rates and state if the rates have been  
14 accepted or rejected. If the Commission rejects rates, it shall  
15 state why it did so and provide the opportunity for appeal and  
16 resubmission of rates.

17       9. Rates established by order of the Commission shall remain in  
18 effect until a wrecker or towing service company files rates with  
19 the Commission and those rates are accepted.

20       10. The Commission shall promulgate rules for the acceptance  
21 and enforcement of rates.

22       F. Complaint against wrecker or towing service company and  
23 removal grounds.

1       1. If the Commission opens a complaint, it shall review the  
2 current price list provided to the Commission by the wrecker or  
3 towing service company in question and determine whether fees  
4 charged for a nonconsensual tow have been exceeded.

5       2. If fees charged for a nonconsensual tow do not exceed the  
6 current price list provided to the Commission, the Commission may  
7 review fees charged with those lists of prices provided to the  
8 Commission by other licensed wrecker or towing service companies  
9 that are located in the same geographic area. Geographic areas of  
10 the state shall consist of four regions separated east and west by  
11 Interstate 35, and north and south by Interstate 40. If the fees  
12 charged by the wrecker or towing service company that are being  
13 reviewed by the Commission, due to a complaint, exceed by more than  
14 thirty-five percent (35%) of the current listed price of service or  
15 equipment of other licensed wrecker or towing service companies in  
16 the same geographic area, the Commission shall determine the  
17 complaint as valid and prohibit said wrecker or towing service  
18 company from collecting any payments that exceed the thirty-five  
19 percent (35%) threshold mentioned in this paragraph. If a wrecker  
20 or towing service company has already collected monies exceeding the  
21 thirty-five percent (35%) threshold, the wrecker or towing service  
22 company shall be required to return all amounts exceeding the  
23 thirty-five percent (35%) threshold mentioned in this paragraph.

24

1        3. The Commission shall only bring a charge against a wrecker  
2 or towing service company for rates charged or equipment utilized if  
3 a complaint has been filed with the Commission by a third party such  
4 as the:

5            a. owner or lienholder of the vehicle, or

6            b. insurer of the vehicle.

7        G. Dispute of a Commission determination.

8            1. Where a wrecker or towing service company on a rotation log  
9 seeks to dispute an action of the Commission due to an order  
10 regarding a complaint, the wrecker or towing service company shall  
11 be provided a process by which an appeal may be made regarding  
12 inappropriate fees charged for a service or utilization of equipment  
13 related to a nonconsensual tow, or the removal of said wrecker or  
14 towing service company from the rotation log.

15            2. The Commission shall allow the wrecker or towing service  
16 company to appeal a determination by submitting supporting  
17 documentation. Once supporting documentation has been provided, the  
18 Commission shall make a determination of whether the Commission's  
19 action against the wrecker or towing service company stands, or if  
20 the supporting documentation shows the Commission erred in its  
21 determination against the wrecker or towing service company. If the  
22 Commission errs regarding its action against a wrecker or towing  
23 service company, said company shall be entitled to collect any

1 monies prohibited by the Commission and be included on the towing  
2 rotation log.

3 ~~K.~~ H. Wrecker operators shall be allowed to obtain ownership  
4 and insurer information, including accident reports and other public  
5 records, from ~~the~~ Service Oklahoma ~~Tax Commission~~ or other states'  
6 motor vehicle agencies or from law enforcement agencies for the  
7 purpose of determining ownership and responsibility for wrecker  
8 fees. In the event a state of origin is not known, the Department  
9 of Public Safety and ~~the~~ Service Oklahoma ~~Tax Commission~~ shall  
10 assist in providing such information. The wrecker operator is  
11 authorized to collect lawful fees for such costs and services from  
12 the owner, lienholder that seeks possession of a vehicle under a  
13 security interest, agent, or insurer accepting liability for paying  
14 the claim for a vehicle or purchasing the vehicle as a total loss  
15 vehicle from the owner of any towed or stored vehicle.

16 SECTION 3. AMENDATORY 47 O.S. 2021, Section 953.2, as  
17 amended by Section 1, Chapter 316, O.S.L. 2023 (47 O.S. Supp. 2023,  
18 Section 953.2), is amended to read as follows:

19 Section 953.2 A. The rates established by ~~order of the~~  
20 ~~Corporation Commission~~ the Nonconsensual Towing Act of 2011 shall  
21 determine the maximum fees and charges for the storage and after-  
22 hours release of nonconsensual towed vehicles, including  
23 incorporated and unincorporated areas, by a wrecker or towing  
24 service licensed by the Department of Public Safety and repair

1 facilities as defined in Section 953 of Title 15 of the Oklahoma  
2 Statutes. No wrecker or towing service or repair facilities shall  
3 charge any fee for nonconsensual towed vehicles and storage which  
4 exceeds the maximum rates established by the ~~Commission~~  
5 Nonconsensual Towing Act of 2011. Such rates shall be in addition  
6 to any other rates, fees or charges authorized, allowed or required  
7 by law, including environmental remediation fees and services.

8 B. 1. Storage or after-hours release of a towed vehicle, or  
9 both, provided by a wrecker or towing service or by a repair  
10 facility shall be recorded by the operator on a bill or invoice as  
11 prescribed by rules of the Department.

12 2. Nothing herein shall limit the right of an operator or  
13 repair facility who has provided or caused to be provided storage or  
14 after-hours release of a towed vehicle, or both, to require  
15 prepayment, in part or in full, or guarantee of payment of any  
16 charges incurred for providing such services.

17 3. This section shall not be construed to require an operator  
18 or repair facility to charge a fee for the storage or after-hours  
19 release, or both, of any towed vehicle.

20 4. The operator or repair facility is authorized to collect all  
21 lawful fees in acceptable forms of payment such as through check,  
22 credit card, automated clearing house transfer, or debit card from  
23 the owner, lienholder or agent of the towed vehicle or insurer  
24 accepting liability for paying the claim for a vehicle or purchasing

1 the vehicle as a total loss vehicle from the registered owner for  
2 the performance of any and all such services. An operator or repair  
3 facility shall make the towed vehicle available for inspection by  
4 the owner, lien holder, agent of the towed vehicle, or insurer  
5 accepting liability for paying the claim for a vehicle and shall  
6 release the vehicle from storage upon authorization from the owner,  
7 agent or lienholder of the vehicle or in the case of a total loss,  
8 the insurer accepting liability for paying the claim for the vehicle  
9 or purchasing the vehicle where the vehicle is to be moved to an  
10 insurance pool yard for sale.

11 ~~C. The rates in subsections D through F of this section shall~~  
12 ~~be applicable until superseded by rates established by the~~  
13 ~~Commission.~~

14 ~~D. Outdoor Storage Rates.~~

15 ~~1. Rates in this subsection shall apply to the outdoor storage~~  
16 ~~of a towed vehicle. Rates may be applied from the time the towed~~  
17 ~~vehicle is brought onto the outdoor storage facility premises.~~  
18 ~~Rates shall apply to each calendar day of outdoor storage; provided,~~  
19 ~~the maximum twenty-four-hour fee, as provided for in this section,~~  
20 ~~may be charged for any towed vehicle which is stored for a portion~~  
21 ~~of a twenty-four-hour period.~~

22 ~~2. Maximum outdoor storage rates shall be as follows:~~

23 ~~Rate per Each~~  
24 ~~24-hour Period or~~

1	<del>Type of Towed Vehicle</del>	<del>Portion Thereof</del>
2	<del>Single vehicle: motorcycle, automobile,</del>	
3	<del>or light truck up to 20 feet in length</del>	<del>\$15.00</del>
4	<del>Single vehicle or combination of vehicles</del>	
5	<del>over 20 feet in length but less than 30</del>	
6	<del>feet in length</del>	<del>\$20.00</del>
7	<del>Single vehicle or combination of vehicles</del>	
8	<del>over 30 feet in length and up to 8 feet</del>	
9	<del>in width</del>	<del>\$25.00</del>
10	<del>Single vehicle or combination of vehicles</del>	
11	<del>over 30 feet in length and over 8 feet</del>	
12	<del>in width</del>	<del>\$35.00</del>

13 ~~E. Indoor Storage Rates.~~

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

21 ~~2. Maximum indoor storage rates shall be as follows:~~

22		<del>Rate per Each</del>
23		<del>24-hour Period or</del>
24	<del>Type of Towed Vehicle</del>	<del>Portion Thereof</del>

1	<del>Single vehicle: motorcycle, automobile,</del>	
2	<del>or light truck up to 20 feet in length</del>	<del>\$25.00</del>
3	<del>Single vehicle or combination of vehicles</del>	
4	<del>over 20 feet in length but less than 30</del>	
5	<del>feet in length</del>	<del>\$30.00</del>
6	<del>Single vehicle or combination of vehicles</del>	
7	<del>over 30 feet in length and up to 8 feet</del>	
8	<del>in width</del>	<del>\$35.00</del>
9	<del>Single vehicle or combination of vehicles</del>	
10	<del>over 30 feet in length and over 8 feet</del>	
11	<del>in width</del>	<del>\$45.00</del>

12 ~~3. For purposes of this subsection, "indoor storage" means the~~  
13 ~~vehicle is kept in an enclosed facility.~~

14 ~~F. After-Hours Release Rate.~~

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

18 ~~2. As used in this subsection:~~

19 ~~a. "after-hours~~

20 ~~1. "After-hours release rate" shall mean the rate charged for~~  
21 ~~the release of a towed vehicle between the hours of midnight and~~  
22 ~~8:00 a.m., or between the hours of 4:00 p.m. and midnight Monday~~  
23 ~~through Friday, or any time on Saturday, Sunday or a national~~  
24 ~~holiday; and~~

1           b.    ~~"national~~

2           2.    "National holiday" shall mean ~~New Year's Day, Martin Luther~~  
3 ~~King Day, George Washington's Birthday, on the third Monday in~~  
4 ~~February, Memorial Day, Independence Day, Labor Day, Veterans Day,~~  
5 ~~Thanksgiving Day and Christmas Day~~ any holiday observed for which  
6 federal or Oklahoma state offices are closed, and shall further  
7 include the Friday before such national holiday which falls on a  
8 Saturday and the Monday following such national holiday which falls  
9 on a Sunday.

10          3.    ~~The maximum after-hours release rate shall be Fifteen~~  
11 ~~Dollars (\$15.00) per quarter hour for the release of any single~~  
12 ~~vehicle or combination of vehicles.~~

13          G. D. An operator or repair facility shall be required to  
14 provide reasonable documentation to substantiate all lawful fees  
15 charged to the owner, lienholder, agent or insurer accepting  
16 liability for paying the claim for the towed vehicle or purchasing  
17 the towed vehicle. Fees for which the operator or repair facility  
18 is being reimbursed, or having paid to a third party, shall include  
19 copies of the invoice or other appropriate documents to substantiate  
20 the payment to the third party.

21          SECTION 4.        AMENDATORY        47 O.S. 2021, Section 954A, is  
22 amended to read as follows:

23          Section 954A. A. In addition to any procedure provided by  
24 local ordinance, whenever the owner or legal possessor of real

1 property or an authorized agent has reasonable cause to believe that  
2 a vehicle has been abandoned thereon, said vehicle having been on  
3 said property for a minimum of forty-eight (48) hours, or whenever a  
4 vehicle is left upon said real property without express or implied  
5 permission, such vehicle may be removed as provided in this section.

6 B. 1. The owner, legal possessor or authorized agent may  
7 request any licensed Class AA wrecker service within the county  
8 wherein the real property is located to remove the abandoned vehicle  
9 from the premises by signing a Tow Request and Authorization Form  
10 prescribed by the Department of Public Safety and furnished to  
11 licensed Class AA wrecker service operators as hereinafter provided.

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

22 C. A licensed Class AA wrecker service removing an abandoned  
23 vehicle pursuant to this section shall be subject to the maximum  
24

1 rates established by the ~~Corporation Commission~~ Nonconsensual Towing  
2 Act of 2011.

3 D. The Department shall design and promulgate a suitable Tow  
4 Request and Authorization Form containing space for the following  
5 information:

6 1. A description of the vehicle, including the type of vehicle,  
7 year of manufacture, name of the manufacturer, vehicle color or  
8 colors, identification number and license tag number;

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

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

14 4. Inventory of personal property within the vehicle to be  
15 towed;

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

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

19 The Department ~~or the Commission~~ may require additional  
20 information on the Tow Request and Authorization Form. The driver  
21 license number or state-issued identification card number of the  
22 real property owner, legal possessor or authorized agent shall not  
23 be disclosed by the Department or the Commission to any entity  
24 inquiring about services performed without a court order or without

1 written consent from the property owner, legal possessor or  
2 authorized agent.

3 E. The real property owner, legal possessor or authorized agent  
4 and the wrecker vehicle driver shall jointly, and each in the  
5 presence of the other, inventory personal property found within or  
6 upon the vehicle and each shall accordingly sign a statement on the  
7 form reflecting this requirement has been fulfilled. In the event  
8 an inventory cannot be completed, the reasons therefor shall be  
9 clearly stated on the form.

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

24

1 G. Within three (3) business days of the time indicated on the  
2 form, the licensed Class AA wrecker service shall request ~~the~~  
3 Service Oklahoma Tax Commission or ~~other~~ an appropriate ~~motor~~  
4 ~~license agent~~ licensed operator to furnish the name and address of  
5 the current owner of and any lienholder upon the vehicle. ~~The Tax~~  
6 ~~Commission~~ Service Oklahoma or an appropriate ~~motor license agent~~  
7 licensed operator shall respond in person or by certified mail to  
8 the licensed Class AA wrecker service within five (5) business days  
9 from the receipt of the request for information. The Department and  
10 ~~the Service Oklahoma Tax Commission~~ shall render assistance to  
11 ascertain ownership, if needed. The licensed Class AA wrecker  
12 service shall, within seven (7) days from receipt of the requested  
13 information from ~~the Service Oklahoma Tax Commission~~ or other ~~motor~~  
14 ~~license agent~~ licensed operator, send a notice of the location of  
15 the vehicle by certified mail, or if by Department notification, the  
16 Department may notify by first-class mail, postage prepaid, at the  
17 addresses furnished, to the owner and any lienholder of the vehicle.  
18 The owner or lienholder may regain possession of the vehicle in  
19 accordance with rules of the Department upon payment of the licensed  
20 Class AA wrecker services, costs of certified mailing and the  
21 reasonable cost of towing and storage of the vehicle. If the  
22 licensed Class AA wrecker service has not complied with the  
23 notification procedures required by this subsection, the owner or  
24 lienholder shall not be required to pay for storage of the vehicle.

1 H. No licensed Class AA wrecker service or operator of a  
2 licensed Class AA wrecker service shall tow or cause to be towed a  
3 vehicle pursuant to this section until the form furnished by the  
4 Department has been appropriately completed by the parties as  
5 required by rules of the Department.

6 SECTION 5. AMENDATORY 47 O.S. 2021, Section 955, as  
7 amended by Section 12, Chapter 228, O.S.L. 2022 (47 O.S. Supp. 2023,  
8 Section 955), is amended to read as follows:

9 Section 955. A. Any officer of the Department of Public Safety  
10 or any other political subdivision of this state is hereby  
11 authorized to cause to be towed any vehicle found upon public roads,  
12 highways, streets, turnpikes, private parking lots accessible to the  
13 public, other public places or upon any private road, street, alley  
14 or lane which provides access to one or more single-family or  
15 multifamily dwellings when:

16 1. A report has been made that the vehicle has been stolen or  
17 taken without the consent of its owner;

18 2. The officer has reason to believe the vehicle has been  
19 abandoned as defined in Sections 901 and 902 of this title;

20 3. The person driving or in control of the vehicle is arrested  
21 for an alleged offense for which the officer is required by law to  
22 take the person arrested or summoned before a proper magistrate  
23 without unnecessary delay;

24

1       4. At the scene of an accident, if the owner or driver is not  
2 in a position to take charge of the vehicle and direct or request  
3 its proper removal;

4       5. The officer has probable cause that the person operating the  
5 vehicle has not been granted driving privileges or that the driving  
6 privileges of the person are currently suspended, revoked, canceled,  
7 denied, or disqualified;

8       6. The officer has probable cause that the vehicle has been  
9 used in the commission of a felony offense and the officer has  
10 obtained a search warrant authorizing the search and seizure of the  
11 vehicle;

12       7. The officer has probable cause that the vehicle is not  
13 insured as required by the Compulsory Insurance Law of this state;  
14 ~~or~~

15       8. The vehicle is involved in a fatal motor vehicle collision  
16 and is needed for evidentiary purposes; or

17       9. A vehicle is left unattended upon any street, sidewalk,  
18 alley or thoroughfare and constitutes a hazard or obstruction to the  
19 normal movement of public transit along a rail fixed guideway. An  
20 unattended vehicle shall be deemed to constitute an obstruction if  
21 any portion of the vehicle remains in that lane utilized for the  
22 rail fixed guideway as designated by traffic lane markings or if any  
23 portion of the vehicle is outside of the designated parking location  
24 and protrudes into the lane of traffic utilized for the rail fixed

1 guideway. For purposes of this paragraph, the head of a political  
2 subdivision's transportation division may authorize employees to  
3 cause to be towed any vehicle which constitutes a hazard or  
4 obstruction to the normal movement of public transit along a rail  
5 fixed guideway.

6 No vehicle shall be released after impoundment unless the owner  
7 provides to the storing facility proof of valid insurance or an  
8 affidavit of nonuse on the roadway, or in the event of a release  
9 request from an insurer or the representative of the insurer who has  
10 accepted liability for the vehicle, no such proof of insurance or  
11 affidavit of nonuse on the roadway shall be required.

12 B. A licensed wrecker operator is not liable for damage to a  
13 vehicle, vessel, or cargo that obstructs the normal movement of  
14 traffic or creates a hazard to traffic and is removed in compliance  
15 with the request of a law enforcement officer, unless there is  
16 failure to exercise reasonable care in the performance of the act or  
17 for conduct that is willful or malicious.

18 C. Each officer of the Department shall use the services of the  
19 licensed wrecker operator whose location is nearest to the vehicle  
20 to be towed in all instances in subsection A of this section. The  
21 requests for services may be alternated or rotated among all  
22 licensed wrecker operators who are located within a reasonable  
23 radius of each other. In like manner, the officer shall advise any  
24 person requesting information as to the availability of a wrecker or

1 towing service, the name of the nearest licensed wrecker operator,  
2 giving equal consideration to all licensed wrecker operators located  
3 within a reasonable radius of each other. In cities of less than  
4 fifty thousand (50,000) population, all licensed wrecker operators  
5 located near or in the city limits of such cities shall be  
6 considered as being equal distance and shall be called on an equal  
7 basis as nearly as possible. In counties bordering other states, if  
8 the officer deems safety and time considerations warrant, the  
9 officer may call a wrecker or towing service that is not on the  
10 rotation log.

11 D. Any officer of the Department who has been requested by a  
12 person in need of wrecker or towing service to call a specific  
13 wrecker or towing service for such person, and who calls a different  
14 wrecker or towing service other than the one requested, without the  
15 consent of the person, except where hazardous conditions exist,  
16 shall be subject to progressive discipline issued by the Department  
17 except in instances where a vehicle is removed from the roadway  
18 under the authority of paragraphs 3, 4 and 6 of subsection A of this  
19 section.

20 E. Operators conducting a tow under this section shall release  
21 all personal property within the vehicle to an insurer or  
22 representative of the insurer who has accepted liability for the  
23 vehicle, or to the registered owner or the owner's personal  
24 representative as designated by the registered owner on a form

1 approved by the Department. The registered owner or representative  
2 of the registered owner shall provide proof of identity in  
3 accordance with the Department's rules related to establishing  
4 identity. Upon the release of personal property to an insurer or  
5 representative of the insurer, wrecker operators shall be exempt  
6 from all liability and shall be held harmless for any losses or  
7 claims of loss. Personal property shall include everything in a  
8 vehicle except the vehicle, the attached or installed equipment,  
9 vehicle keys or devices to start and unlock the vehicle, and the  
10 spare tire and tools to change the tire. Interlock devices may be  
11 removed pursuant to Section 11-902a of this title. If release of  
12 personal property occurs during normal business hours as prescribed  
13 by the ~~Corporation Commission~~ Nonconsensual Towing Act of 2011, it  
14 shall be at no cost to the registered owner or the owner prior to  
15 the repossession. After-hour fees may be assessed as prescribed by  
16 this ~~Chapter or by the Corporation Commission~~ act, when the release  
17 of property is made after the prescribed normal business hours.

18 F. The operator of a wrecker or towing service may request a  
19 person offering proof of ownership of personal property and any  
20 interlock device to execute a form provided by the operator  
21 exempting the operator from liability for such release.

22 SECTION 6. AMENDATORY 47 O.S. 2021, Section 966, is  
23 amended to read as follows:

24

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

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

7 C. The Oklahoma Corporation Commission, by Commission order,  
8 shall have the power and authority necessary:

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

12 ~~2. To supervise and enforce such rates; and~~

13 ~~3. To~~ to mediate and adjudicate complaints that may arise from  
14 charges assessed as a result of such vehicle removal.

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

18 E. ~~Rates established by the Commission shall be fair and~~  
19 ~~reasonable.~~

20 F. The Commission may assess fines or other penalties to any  
21 wrecker or towing service for failure to comply with prescribed  
22 rates as established by the ~~Commission~~ Nonconsensual Towing Act of  
23 2011, failure to pay a levied assessment or comply with any  
24 applicable order of the Commission. Repeat violations by a wrecker

