

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3087 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Neil Hays

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

FLOOR SUBSTITUTE
FOR

HOUSE BILL NO. 3087

By: Hays and Ford of the House

and

Bullard of the Senate

FLOOR SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 2021, Section 952, which relates to rulemaking authority; modifying source establishing certain rates; requiring requests for service to be rotated; requiring filing and updating of all rotation logs; amending 47 O.S. 2021, Section 953.1, which relates to maximum fees and charges; removing various rates and fees; removing certain weekly rate and fee adjustment requirement; removing certain fee mark-up allowance; requiring wreckers to provide certain list; requiring certain letterhead for list; requiring certain updates; disallowing exceedance of certain prices; allowing only for certain charges; listing allowable rates; disallowing the use of certain equipment and personnel; requiring certain fees be reasonable; requiring fuel surcharge be based upon certain prices; allowing certain adjustment of fuel surcharge; disallowing certain deviation; authorizing collection of certain charges; requiring the posting of certain prices at place of business; requiring certain investigation for complaints; requiring certain contempt proceedings be held; authorizing certain removal from rotation log; requiring Commission make certain communication; requiring Commission make certain statement; requiring certain opportunity for appeal and resubmission of rates; requiring certain rates remain in effect until modified; requiring Commission promulgate certain rules; requiring review of price

list after opening complaint; authorizing certain review; dividing the state into certain geographic areas; requiring certain validity determination; requiring return of certain amount of collected monies; requiring bringing of charges after certain complaints are made; requiring certain appeal process; describing appeal process; amending 47 O.S. 2021, Section 953.2, as amended by Section 1, Chapter 316, O.S.L. 2023 (47 O.S. Supp. 2023, Section 953.2), which relates to fees charged for storage and release; modifying source establishing certain rates; modifying definitions; removing certain set rates; amending 47 O.S. 2021, Section 954A, as amended by Section 3, Chapter 334, O.S.L. 2022 (47 O.S. Supp. 2023, Section 954A), which relates to abandoned motor vehicles; modifying source establishing certain rates; modifying responsible entity; amending 47 O.S. 2021, Section 955, as amended by Section 12, Chapter 228, O.S.L. 2022 (47 O.S. Supp. 2023, Section 955), which relates to towing vehicle from roadway; modifying source establishing certain rates; amending 47 O.S. 2021, Section 966, which relates to the Nonconsensual Towing Act of 2011; modifying certain powers and authority of the Oklahoma Corporation Commission; modifying source establishing certain rates; and providing an effective date.

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

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

Section 952. A. Except for the rates established by the ~~Corporation Commission and other provisions as provided for by law~~ Nonconsensual Towing Act of 2011, 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~~ shall be alternated or
18 rotated among all such licensed wrecker or towing services which are
19 located within a reasonable radius of each other. In cities of less
20 than fifty thousand (50,000) population, all such licensed wrecker
21 or 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~~ Nonconsensual Towing Act of 2011.

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

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

19 Section 953.1 A. The rates established by the ~~Corporation~~
20 ~~Commission~~ Nonconsensual Towing Act of 2011 shall determine the
21 nonconsensual tow maximum fees and charges for wrecker or towing
22 services performed in this state, including incorporated and
23 unincorporated areas, by a wrecker or towing service licensed by the
24 Department of Public Safety when that service appears on the

1 rotation log of the Department or on the rotation log of any
2 municipality, county or other political subdivision of this state,
3 and the services performed are at the request or at the direction of
4 any officer of the Department or of a municipality, county, or
5 political subdivision. No wrecker or towing service in the
6 performance of transporting or storing vehicles or other property
7 towed as a result of a nonconsensual tow shall charge any fee which
8 exceeds the maximum rates established by ~~the Commission~~ this act.
9 Such rates shall be in addition to any other rates, fees or charges
10 authorized, allowed or required by law and costs to collect such
11 fees. Any wrecker or towing service is authorized to collect from
12 the owner, lienholder, agent or insurer accepting liability for
13 paying the claim for a vehicle or purchasing the vehicle as a total
14 loss vehicle from the registered owner of any towed or stored
15 vehicle, the fee required by Section 904 of this title including
16 environmental remediation fees and services.

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

19 1. Each performance of a wrecker or towing service shall be
20 recorded by the operator on a bill or invoice as prescribed by rules
21 of the Department and by order of the Oklahoma Corporation
22 Commission;

23 2. Nothing herein shall limit the right of an operator who has
24 provided or caused to be provided wrecker or towing services to

1 require prepayment, in part or in full, or guarantee of payment of
2 any charges incurred for providing such services;

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

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

16 ~~C. The rates in subsections D through G of this section shall~~
17 ~~be applicable until superseded by rates established by the~~
18 ~~Commission.~~

19 ~~D. Distance rates.~~

20 ~~1. Rates in this subsection shall apply to the distance the~~
21 ~~towed vehicle is transported and shall include services of the~~
22 ~~operator of the wrecker vehicle. Hourly rates, as provided in~~
23 ~~subsection E of this section, may be applied in lieu of distance~~
24 ~~rates. Hourly rates may be applied from the time the wrecker~~

1 ~~vehicle is assigned to the service call until the time it is~~
2 ~~released from service either upon return to the premises of the~~
3 ~~wrecker or towing service or upon being assigned to perform another~~
4 ~~wrecker or towing service, whichever occurs first. When the hourly~~
5 ~~rate is applied in lieu of distance towing rates, the operator may~~
6 ~~not apply the two-hour minimum prescribed in subsection E of this~~
7 ~~section nor may hookup or mileage charges, as prescribed in this~~
8 ~~section, be applied.~~

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

- 12 ~~a. for distances or portions of distances not~~
13 ~~specifically provided for in the governing highway~~
14 ~~map, the actual mileage via the shortest practical~~
15 ~~route will apply,~~
- 16 ~~b. in computing distances, fractions of a mile will be~~
17 ~~retained until the final and full mileage is~~
18 ~~determined, at which time any remaining fraction shall~~
19 ~~be increased to the next whole mile,~~
- 20 ~~c. when, due to circumstances beyond the control of the~~
21 ~~wrecker or towing service, roadway conditions make it~~
22 ~~impractical to travel via the shortest route, distance~~
23 ~~rates shall be computed based on the shortest~~
24 ~~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:~~

| Weight of Towed Vehicle | Distance | Rate |
|---|-----------------------------|-------------------|
| (In pounds, including | Towed | Per |
| equipment and lading) | | Mile |
| Single vehicle: 8,000 or less | 25 miles or less | \$3.00 |
| Single vehicle: 8,000 or less | Over 25 miles | \$2.50 |
| Single vehicle: 8,001 to 12,000 | 25 miles or less | \$3.40 |
| Single vehicle: 8,001 to 12,000 | Over 25 miles | \$3.00 |
| Single vehicle: 12,001 to 40,000 | Any | \$5.75 |
| Single vehicle: 40,000 or over | Any | \$6.75 |
| Combination of vehicles | Any | \$6.75 |

~~E. Hourly Rates.~~

~~1. Rates in this subsection shall apply for the use of a
wrecker vehicle and shall include services of the operator of such
wrecker, except as provided in paragraph 4 of this subsection.
Rates shall apply for all wrecker or towing services performed that
are not otherwise provided for in this section, including, but not~~

1 ~~limited to, waiting and standby time, but shall not include the~~
2 ~~first fifteen (15) minutes of service following the hookup of a~~
3 ~~vehicle when a hookup fee is assessed, as provided in subsection F~~
4 ~~of this section.~~

5 ~~Hourly rates shall apply from the time the vehicle or labor is~~
6 ~~assigned to the service call until the time it is released from~~
7 ~~service either upon return to the premises of the wrecker or towing~~
8 ~~service or upon being assigned to perform another wrecker or towing~~
9 ~~service, whichever occurs first. Whenever a wrecker vehicle is used~~
10 ~~to tow a vehicle subject to distance rates, as provided in~~
11 ~~subsection D of this section, hourly rates shall apply only for the~~
12 ~~time such wrecker is used in the performance of services other than~~
13 ~~transportation, except when such hourly rates are used in lieu of~~
14 ~~such distance rates.~~

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

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

| | | | |
|---|--|---------------------|-----------------------|
| 1 | Weight of Towed Passenger Vehicle | Rate Per | Rate Per |
| 2 | (In pounds) | Hour | 15 Minutes |
| 3 | Single vehicle: 8,000 or less | \$60.00 | \$15.00 |
| 4 | Single vehicle: 8,001 to 24,000 | \$80.00 | \$20.00 |
| 5 | Single vehicle: 24,001 to 44,000 | \$120.00 | \$30.00 |
| 6 | Single vehicle: 44,001 or over | \$180.00 | \$45.00 |
| 7 | Combination of vehicles | \$180.00 | \$45.00 |

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

| | | | |
|----|--|---------------------|-----------------------|
| 12 | GVWR of Wrecker Vehicle | Rate Per | Rate Per |
| 13 | (In pounds) | Hour | 15 Minutes |
| 14 | 8,000 or less | \$60.00 | \$15.00 |
| 15 | 8,001 to 24,000 | \$80.00 | \$20.00 |
| 16 | 24,001 to 44,000 | \$120.00 | \$30.00 |
| 17 | 44,001 or over | \$180.00 | \$45.00 |
| 18 | Combination wrecker vehicle | | |
| 19 | with GVWR of 24,000 or over | \$180.00 | \$45.00 |

20 ~~4. a. Maximum hourly rates for extra labor shall be Thirty~~
21 ~~Dollars (\$30.00) per person per hour.~~
22 ~~b. Maximum hourly rates for skilled or specialized labor~~
23 ~~and/or equipment shall be the actual customary and~~
24 ~~ordinary rates charged for such labor and/or~~

~~equipment. When skilled or specialized labor or equipment is required, the wrecker operator's cost for such skilled or specialized labor or equipment plus a twenty-five percent (25%) gross profit markup to cover overhead costs for such labor will be added to the invoice or freight bill to be collected in addition to all other applicable charges.~~

~~F. Hookup Rates.~~

~~1. Rates in this subsection shall apply to the hookup of a vehicle to a wrecker vehicle when such hookup is performed in connection with a wrecker or towing service described in this section. Such hookup rate shall include the first fifteen (15) minutes of such service, for which there shall be no additional fee charged, but shall not include the use of a dolly or rollback equipment or a combination wrecker vehicle to accomplish such hookup, for which an additional fee may be charged as provided in subsection C of this section. Hookup shall include, but not be limited to, the attachment of a vehicle to or the loading of a vehicle onto a wrecker vehicle.~~

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

~~Weight of Vehicle Being Hooked Up~~

| (In pounds, including equipment and lading) | Rate |
|--|-----------------|
|--|-----------------|

| | |
|--|--------------------|
| Single vehicle: 8,000 or less | \$65.00 |
|--|--------------------|

| | | |
|---|---|--------------------|
| 1 | Single vehicle: 8,001 to 12,000 | \$75.00 |
| 2 | Single vehicle: 12,001 to 24,000 | \$85.00 |
| 3 | Single vehicle: 24,001 or over | \$95.00 |
| 4 | Combination of vehicles | \$95.00 |

5 ~~G. Additional Service Rates.~~

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

- 8 ~~a. the disconnection and reconnection of a towed~~
9 ~~vehicle's drive line when necessary to prevent~~
10 ~~mechanical damage to such vehicle,~~
- 11 ~~b. the removal and replacement of a towed vehicle's axle~~
12 ~~when necessary to prevent mechanical damage to such~~
13 ~~vehicle, or~~
- 14 ~~c. the use of a dolly or rollback equipment when~~
15 ~~essential to prevent mechanical damage to a towed~~
16 ~~vehicle or when neither end of such vehicle is capable~~
17 ~~of being towed safely while in contact with the~~
18 ~~roadway.~~

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

| | | | | |
|----|---------------------------------------|------------------------|------------------------------|-------------------------|
| 20 | Weight of Towed | | Service Performed | |
| 21 | Vehicle (In pounds, | Disconnect | Reconnect | Use of Dolly |
| 22 | including equipment | Drive Line; | Drive Line; | or Rollback |
| 23 | and lading) | Remove Axle | Replace Axle | Equipment |
| 24 | Rate Per Service Performed | | | |

| | | | | |
|---|---|--------------------|--------------------|---------------------------|
| 1 | 8,000 or less | \$10.00 | \$15.00 | \$25.00 |
| 2 | 8,001 to 12,000 | \$15.00 | \$20.00 | \$30.00 |
| 3 | Rate Per 15 Minutes of Service Performed | | | |
| 4 | 12,001 or over | \$20.00 | \$20.00 | Not applicable |

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

12 ~~I. Wrecker fees, including maximum distance, hourly, and hookup~~
13 ~~rates shall be adjusted weekly by adding a fuel surcharge as~~
14 ~~provided in this section. The fuel surcharge shall be based on the~~
15 ~~Department of Energy "weekly retail on-highway diesel prices" for~~
16 ~~the "Midwest region" using Two Dollars (\$2.00) per gallon as the~~
17 ~~base price with no fees added. The wrecker fees shall be adjusted~~
18 ~~to allow a one percent increase in fees for every ten cent increase~~
19 ~~in fuel cost starting at Two Dollars and ten cents (\$2.10) per~~
20 ~~gallon.~~

21 ~~J. When skilled or specialized labor or equipment is required,~~
22 ~~the cost incurred by the wrecker operator for such skilled or~~
23 ~~specialized labor or equipment plus an additional twenty-five~~
24 ~~percent (25%) gross profit markup or gross profit margin shall be~~

~~allowed to cover overhead costs for such labor and will be added to the invoice or freight bill to be collected in addition to all other applicable charges. This applies to labor and equipment not regulated by the Commission.~~

D. Wrecker or towing service companies shall provide the Commission a detailed comprehensive list of all prices for the services it performs or may perform related to the towing and storage of any vehicle that is deemed a nonconsensual tow. The list shall be on the letterhead of the wrecker or towing service company. The wrecker or towing service company shall be responsible for updating the list when prices change by submitting a new price list biannually, on January 1 and July 1 of each calendar year, and shall contain the date when new prices will take effect. The wrecker or towing service company shall not exceed the prices on file with the Commission for a nonconsensual tow. The wrecker or towing service company shall only charge for services that are on file with the Commission. All prices provided to the Commission may be provided to citizens needing a wrecker or towing service. No other rates will be allowed apart from the prices provided to the Commission and shall include, but may not be limited to:

1. Indoor storage rates;
2. Outdoor storage rates;
3. Hourly rates;
4. Additional labor rates;

1 5. Specialized equipment rates;

2 6. After-hours release rates;

3 7. Distance rates; and

4 8. Hookup rates.

5 E. Rates and Charges Requirements.

6 1. A wrecker or towing service company receiving calls from the
7 Department shall not charge fees in excess of those provided in
8 writing by the wrecker or towing service company to the Commission,
9 nor shall said company charge for the use of equipment and personnel
10 not reasonably necessary to perform the requested services in a
11 timely and professional manner.

12 2. Storage fees shall be reasonable, as determined by fees
13 charged by other wrecker or towing service companies in the same
14 geographic area. A list of fees shall be given to the Commission in
15 accordance with subsection D of this section. Consumer charges
16 shall not deviate from the list provided.

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

23 4. Any wrecker or towing service company that subcontracts for
24 the utilization of additional skilled or specialized labor,

1 equipment, or a wrecker vehicle that is for the purpose of a
2 nonconsensual tow, the cost incurred by the wrecker or towing
3 service company for such skilled or specialized labor, equipment, or
4 wrecker vehicle plus an additional twenty-five percent (25%) gross
5 profit markup or gross profit margin shall be allowed to cover
6 overhead costs for such labor and will be added to the invoice or
7 freight bill to be collected in addition to all other applicable
8 charges.

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

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

18 7. Any wrecker or towing services company found to have
19 exceeded the prices provided to the Commission, using unnecessary
20 services to increase its fee, or engaging in unethical business
21 practices shall be subject to contempt proceedings before the
22 Commission and removal from the towing rotation log by the troop
23 commander.

1 8. The Commission shall communicate with any wrecker or towing
2 service company filing rates and state if the rates have been
3 accepted or rejected. If the Commission rejects rates, it shall
4 state why it did so and provide the opportunity for appeal and
5 resubmission of rates.

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

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

11 F. Complaint against wrecker or towing service company and
12 removal grounds.

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

17 2. If fees charged for a nonconsensual tow do not exceed the
18 current price list provided to the Commission, the Commission may
19 review fees charged with those lists of prices provided to the
20 Commission by other licensed wrecker and towing service companies
21 that are located in the same geographic area. Geographic areas of
22 the state shall consist of four regions separated east and west by
23 Interstate 35, and north and south by Interstate 40. If the fees
24 charged by the wrecker and towing service company that are being

1 reviewed by the Commission, due to a complaint, exceed by more than
2 thirty-five percent (35%) of the current listed price of service or
3 equipment of other licensed wrecker or towing service companies in
4 the same geographic area, the Commission shall determine the
5 complaint as valid and prohibit said wrecker or towing service
6 company from collecting any payments that exceed the thirty-five
7 percent (35%) threshold mentioned in this paragraph. If a wrecker
8 or towing service company has already collected monies exceeding the
9 thirty-five percent (35%) threshold, the wrecker or towing service
10 company shall be required to return all amounts exceeding the
11 thirty-five percent (35%) threshold mentioned in this paragraph.

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

- 16 a. owner or lien holder of the vehicle, or
17 b. insurer of the vehicle.

18 G. Dispute of a Commission determination.

19 1. Where a wrecker or towing service company on a rotation log
20 seeks to dispute an action of the Commission due to an order
21 regarding a complaint, the wrecker or towing service company shall
22 be provided a process by which an appeal may be made regarding
23 inappropriate fees charged for a service or utilization of equipment

1 related to a nonconsensual tow, or the removal of said wrecker or
2 towing service company from the rotation log.

3 2. The Commission shall allow the wrecker or towing service
4 company to appeal a determination by submitting supporting
5 documentation. Once supporting documentation has been provided, the
6 Commission shall make a determination of whether the Commission's
7 action against the wrecker or towing service company stands, or if
8 the supporting documentation shows the Commission erred in its
9 determination against the wrecker or towing service company. If the
10 Commission errs regarding its action against a wrecker or towing
11 service company, said company shall be entitled to collect any
12 monies prohibited by the Commission, and be included on the towing
13 rotation log.

14 ~~K.~~ H. Wrecker operators shall be allowed to obtain ownership
15 and insurer information, including accident reports and other public
16 records, from ~~the Service Oklahoma Tax Commission~~ or other states'
17 motor vehicle agencies or from law enforcement agencies for the
18 purpose of determining ownership and responsibility for wrecker
19 fees. In the event a state of origin is not known, the Department
20 of Public Safety and ~~the Service Oklahoma Tax Commission~~ shall
21 assist in providing such information. The wrecker operator is
22 authorized to collect lawful fees for such costs and services from
23 the owner, lienholder that seeks possession of a vehicle under a
24 security interest, agent, or insurer accepting liability for paying

1 the claim for a vehicle or purchasing the vehicle as a total loss
2 vehicle from the owner of any towed or stored vehicle.

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

6 Section 953.2 A. The rates established by ~~order of the~~
7 ~~Corporation Commission~~ the Nonconsensual Towing Act of 2011 shall
8 determine the maximum fees and charges for the storage and after-
9 hours release of nonconsensual towed vehicles, including
10 incorporated and unincorporated areas, by a wrecker or towing
11 service licensed by the Department of Public Safety and repair
12 facilities as defined in Section 953 of Title 15 of the Oklahoma
13 Statutes. No wrecker or towing service or repair facilities shall
14 charge any fee for nonconsensual towed vehicles and storage which
15 exceeds the maximum rates established by the ~~Commission~~
16 Nonconsensual Towing Act of 2011. Such rates shall be in addition
17 to any other rates, fees or charges authorized, allowed or required
18 by law, including environmental remediation fees and services.

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

23 2. Nothing herein shall limit the right of an operator or
24 repair facility who has provided or caused to be provided storage or

1 after-hours release of a towed vehicle, or both, to require
2 prepayment, in part or in full, or guarantee of payment of any
3 charges incurred for providing such services.

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

7 4. The operator or repair facility is authorized to collect all
8 lawful fees in acceptable forms of payment such as through check,
9 credit card, automated clearing house transfer, or debit card from
10 the owner, lienholder or agent of the towed vehicle or insurer
11 accepting liability for paying the claim for a vehicle or purchasing
12 the vehicle as a total loss vehicle from the registered owner for
13 the performance of any and all such services. An operator or repair
14 facility shall make the towed vehicle available for inspection by
15 the owner, lien holder, agent of the towed vehicle, or insurer
16 accepting liability for paying the claim for a vehicle and shall
17 release the vehicle from storage upon authorization from the owner,
18 agent or lienholder of the vehicle or in the case of a total loss,
19 the insurer accepting liability for paying the claim for the vehicle
20 or purchasing the vehicle where the vehicle is to be moved to an
21 insurance pool yard for sale.

22 ~~C. The rates in subsections D through F of this section shall~~
23 ~~be applicable until superseded by rates established by the~~
24 ~~Commission.~~

~~D. Outdoor Storage Rates.~~

~~1. Rates in this subsection shall apply to the outdoor storage of a towed vehicle. Rates may be applied from the time the towed vehicle is brought onto the outdoor storage facility premises. Rates shall apply to each calendar day of outdoor 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 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 |
| Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width | \$35.00 |

~~E. Indoor Storage Rates.~~

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

8 ~~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 |

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

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

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

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

6 ~~a. "after-hours~~

7 ~~1. "After-hours release rate" shall mean the rate charged for~~
8 ~~the release of a towed vehicle between the hours of midnight and~~
9 ~~8:00 a.m., or between the hours of 4:00 p.m. and midnight Monday~~
10 ~~through Friday, or any time on Saturday, Sunday or a national~~
11 ~~holiday~~; and

12 ~~b. "national~~

13 ~~2. "National holiday" shall mean New Year's Day, Martin Luther~~
14 ~~King Day, George Washington's Birthday, on the third Monday in~~
15 ~~February, Memorial Day, Independence Day, Labor Day, Veterans Day,~~
16 ~~Thanksgiving Day and Christmas Day~~ any holiday observed for which
17 federal or Oklahoma State Offices are closed, and shall further
18 include the Friday before such national holiday which falls on a
19 Saturday and the Monday following such national holiday which falls
20 on a Sunday.

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

1 ~~G.~~ D. An operator or repair facility shall be required to
2 provide reasonable documentation to substantiate all lawful fees
3 charged to the owner, lienholder, agent or insurer accepting
4 liability for paying the claim for the towed vehicle or purchasing
5 the towed vehicle. Fees for which the operator or repair facility
6 is being reimbursed, or having paid to a third party, shall include
7 copies of the invoice or other appropriate documents to substantiate
8 the payment to the third party.

9 SECTION 4. AMENDATORY 47 O.S. 2021, Section 954A, as
10 amended by Section 3, Chapter 334, O.S.L. 2022 (470.5. Supp. 2023,
11 Section 954A) is amended to read as follows:

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

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

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

11 C. A licensed Class AA wrecker service removing an abandoned
12 vehicle pursuant to this section shall be subject to the maximum
13 rates established by the ~~Corporation Commission~~ Nonconsensual Towing
14 Act of 2011.

15 D. The Department shall design and promulgate a suitable Tow
16 Request and Authorization Form containing space for the following
17 information:

18 1. A description of the vehicle, including the type of vehicle,
19 year of manufacture, name of the manufacturer, vehicle color or
20 colors, identification number and license tag number;

21 2. The name, address and business telephone number of the
22 licensed Class AA wrecker service;
23
24

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

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

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

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

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

17 E. The real property owner, legal possessor or authorized agent
18 and the wrecker vehicle driver shall jointly, and each in the
19 presence of the other, inventory personal property found within or
20 upon the vehicle and each shall accordingly sign a statement on the
21 form reflecting this requirement has been fulfilled. In the event
22 an inventory cannot be completed, the reasons therefor shall be
23 clearly stated on the form.

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

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

1 ascertain ownership, if needed. The licensed Class AA wrecker
2 service shall, within seven (7) days from receipt of the requested
3 information from ~~the Service Oklahoma Tax Commission~~ or other ~~motor~~
4 ~~license agent~~ licensed operator, send a notice of the location of
5 the vehicle by certified mail, or if by Department notification, the
6 Department may notify by first-class mail, postage prepaid, at the
7 addresses furnished, to the owner and any lienholder of the vehicle.
8 The owner or lienholder may regain possession of the vehicle in
9 accordance with rules of the Department upon payment of the licensed
10 Class AA wrecker services, costs of certified mailing and the
11 reasonable cost of towing and storage of the vehicle. If the
12 licensed Class AA wrecker service has not complied with the
13 notification procedures required by this subsection, the owner or
14 lienholder shall not be required to pay for storage of the 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. 2021, Section 955, as
21 amended by Section 12, Chapter 228, O.S.L. 2022 (47 O.S. Supp. 2023,
22 Section 955), is amended to read as follows:

23 Section 955. A. Any officer of the Department of Public Safety
24 or any other political subdivision of this state is hereby

1 authorized to cause to be towed any vehicle found upon public roads,
2 highways, streets, turnpikes, private parking lots accessible to the
3 public, other public places or upon any private road, street, alley
4 or lane which provides access to one or more single-family or
5 multifamily dwellings when:

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

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

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

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

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

21 6. The officer has probable cause that the vehicle has been
22 used in the commission of a felony offense and the officer has
23 obtained a search warrant authorizing the search and seizure of the
24 vehicle;

1 7. The officer has probable cause that the vehicle is not
2 insured as required by the Compulsory Insurance Law of this state;

3 ~~or~~

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

6 9. A vehicle is left unattended upon any street, sidewalk,
7 alley or thoroughfare and constitutes a hazard or obstruction to the
8 normal movement of public transit along a rail fixed guideway. An
9 unattended vehicle shall be deemed to constitute an obstruction if
10 any portion of the vehicle remains in that lane utilized for the
11 rail fixed guideway as designated by traffic lane markings or if any
12 portion of the vehicle is outside of the designated parking location
13 and protrudes into the lane of traffic utilized for the rail fixed
14 guideway. For purposes of this paragraph, the head of a political
15 subdivision's transportation division may authorize employees to
16 cause to be towed any vehicle which constitutes a hazard or
17 obstruction to the normal movement of public transit along a rail
18 fixed guideway.

19 No vehicle shall be released after impoundment unless the owner
20 provides to the storing facility proof of valid insurance or an
21 affidavit of nonuse on the roadway, or in the event of a release
22 request from an insurer or the representative of the insurer who has
23 accepted liability for the vehicle, no such proof of insurance or
24 affidavit of nonuse on the roadway shall be required.

1 B. A licensed wrecker operator is not liable for damage to a
2 vehicle, vessel, or cargo that obstructs the normal movement of
3 traffic or creates a hazard to traffic and is removed in compliance
4 with the request of a law enforcement officer, unless there is
5 failure to exercise reasonable care in the performance of the act or
6 for conduct that is willful or malicious.

7 C. Each officer of the Department shall use the services of the
8 licensed wrecker operator whose location is nearest to the vehicle
9 to be towed in all instances in subsection A of this section. The
10 requests for services may be alternated or rotated among all
11 licensed wrecker operators who are located within a reasonable
12 radius of each other. In like manner, the officer shall advise any
13 person requesting information as to the availability of a wrecker or
14 towing service, the name of the nearest licensed wrecker operator,
15 giving equal consideration to all licensed wrecker operators located
16 within a reasonable radius of each other. In cities of less than
17 fifty thousand (50,000) population, all licensed wrecker operators
18 located near or in the city limits of such cities shall be
19 considered as being equal distance and shall be called on an equal
20 basis as nearly as possible. In counties bordering other states, if
21 the officer deems safety and time considerations warrant, the
22 officer may call a wrecker or towing service that is not on the
23 rotation log.

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

10 E. Operators conducting a tow under this section shall release
11 all personal property within the vehicle to an insurer or
12 representative of the insurer who has accepted liability for the
13 vehicle, or to the registered owner or the owner's personal
14 representative as designated by the registered owner on a form
15 approved by the Department. The registered owner or representative
16 of the registered owner shall provide proof of identity in
17 accordance with the Department's rules related to establishing
18 identity. Upon the release of personal property to an insurer or
19 representative of the insurer, wrecker operators shall be exempt
20 from all liability and shall be held harmless for any losses or
21 claims of loss. Personal property shall include everything in a
22 vehicle except the vehicle, the attached or installed equipment,
23 vehicle keys or devices to start and unlock the vehicle, and the
24 spare tire and tools to change the tire. Interlock devices may be

1 removed pursuant to Section 11-902a of this title. If release of
2 personal property occurs during normal business hours as prescribed
3 by the ~~Corporation Commission~~ Nonconsensual Towing Act of 2011, it
4 shall be at no cost to the registered owner or the owner prior to
5 the repossession. After-hour fees may be assessed as prescribed by
6 this ~~Chapter or by the Corporation Commission act~~, when the release
7 of property is made after the prescribed normal business hours.

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

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

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

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

20 C. The Oklahoma Corporation Commission, by Commission order,
21 shall have the power and authority necessary:-

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

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

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

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

7 ~~E. Rates established by the Commission shall be fair and~~
8 ~~reasonable.~~

9 ~~F.~~ The Commission may assess fines or other penalties to any
10 wrecker or towing service for failure to comply with prescribed
11 rates as established by the ~~Commission~~ Nonconsensual Towing Act of
12 2011, failure to pay a levied assessment or comply with any
13 applicable order of the Commission. Repeat violations by a wrecker
14 or towing service are cause for revocation of its license issued by
15 the Department of Public Safety.

16 ~~G.~~ E. The Department shall cooperate with the Commission to
17 implement this act and may enter into agreements to facilitate this
18 act.

19 SECTION 7. This act shall become effective November 1, 2024.

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