

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

No. 1

☐ COMMITTEE AMENDMENT

(Date)

I move to amend Senate Bill No. 609, by the attached floor substitute for the title, enacting clause and entire body of the measure.


Submitted by:

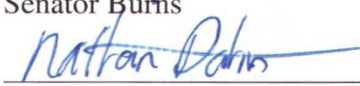

Senator Bergstrom

I hereby grant permission for the floor substitute to be adopted.


Senator Hasten, Chair (required)

Senator Alvord


Senator Burns

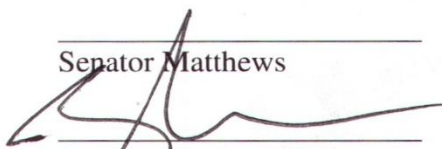

Senator Dahm


Senator Dossett


Senator Kidd

Senator Treat, President Pro Tempore

Senator Matthews


Senator Newhouse


Senator Rogers

Senator Rosino


Senator Stanley

Senator Stephens

Senator McCortney, Majority Floor Leader

Note: Aeronautics and Transportation committee majority requires seven (7) members' signatures.

Bergstrom-KR-FS-SB609
3/20/2023 2:05 PM

(Floor Amendments Only)

Date and Time Filed:

3-20-23

4:02 pm

☐

Untimely

☐

Amendment Cycle Extended

☐

Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 609

By: Bergstrom

FLOOR SUBSTITUTE

[wrecker operators - substances - authority - fees
and charges - inspection - documentation - claim -
effective date]

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 11-1110, is
amended to read as follows:

Section 11-1110. A. No person shall throw or deposit upon any
highway any glass bottle, glass, nails, tacks, wire, cans or any
other substances likely to injure any person, animal or vehicle upon
such highway.

B. Any person who drops, or permits to be dropped or thrown,
upon any highway any destructive or injurious material shall
immediately remove the same or cause it to be removed.

1. Any person removing a wrecked or damaged vehicle from a
highway, highway right-of-way or any other location as the result of
an accident shall remove any glass or other injurious substance
dropped upon the highway or highway right-of-way or other location

1 from such vehicle. The owner, if the owner has the minimum coverage
2 amount as required by Section 7-324 of this title, or insurer of the
3 owner of the vehicle ~~if the owner's insurance policy provides~~
4 ~~coverage for such expense,~~ shall be responsible for the cost of
5 removal of the vehicle and the glass or other injurious substance
6 and any vehicle storage fees. The cost of the removal of the
7 vehicle and any storage fees shall be the same as established by the
8 Corporation Commission for nonconsensual tows.

9 2. Truck-tractors carrying cargo on the roadways of this state
10 shall maintain a commercial auto, farm and ranch, inland marine or
11 cargo liability insurance policy that covers the costs of cleanup of
12 any substance that is spilled or otherwise deposited on the roadway
13 or right-of-way in violation of this section.

14 3. Upon receipt of a claim by the insurer from a person,
15 wrecker, or towing operator for the removal of a wrecked or damaged
16 vehicle, glass, or other injurious substance from a highway, highway
17 right-of-way, or any other location, the insurer shall remit payment
18 for the removal claim payable to the company providing the removal.
19 The fees for removal and cleanup shall constitute a special lien and
20 is payable before any other claims.

21 C. No person shall throw any substance at a standing vehicle or
22 any occupant thereof, nor shall any person throw any substance at a
23 person on or adjacent to a highway.

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

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

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

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

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

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

22 D. Except as otherwise provided in this subsection, the
23 Department and any municipality, county or other political
24 subdivision of this state shall not place any wrecker or towing

1 service upon an official rotation log for the performance of
2 services carried out pursuant to the request of or at the direction
3 of any officer of the Department or municipality, county or
4 political subdivision unless the service meets the following
5 requirements:

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

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

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

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

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

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

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

20 H. The Department shall complete an inspection by an officer,
21 as required pursuant to rules promulgated by the Commissioner of the
22 Department, of a wrecker vehicle as part of the licensure process
23 within ten (10) business days of request by an applicant.
24

1 I. The Department shall provide notice of the specific basis
2 for suspension, revocation, or cancellation to a licensed wrecker
3 operator prior to suspension of the operator's license.
4 Suspensions, revocations, and cancellations become effective thirty
5 (30) days after notice is provided by the Department, unless the
6 Commissioner or Commissioner's designee determines an imminent
7 threat to public health or safety requires the suspension,
8 revocation, or cancellation to take effect immediately upon service
9 of the notice.

10 SECTION 3. AMENDATORY 47 O.S. 2021, Section 953.1, is
11 amended to read as follows:

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

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

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

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

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

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

21 4. The operator is authorized to collect all lawful fees from
22 the owner, lienholder or agent or insurer accepting liability for
23 paying the claim for a vehicle or purchasing the vehicle as a total
24 loss vehicle from the registered owner of the towed vehicle for the

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

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

10 ~~D. Distance rates.~~

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

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

4 ~~a. for distances or portions of distances not~~
5 ~~specifically provided for in the governing highway~~
6 ~~map, the actual mileage via the shortest practical~~
7 ~~route will apply,~~

8 ~~b. in computing distances, fractions of a mile will be~~
9 ~~retained until the final and full mileage is~~
10 ~~determined, at which time any remaining fraction shall~~
11 ~~be increased to the next whole mile,~~

12 ~~c. when, due to circumstances beyond the control of the~~
13 ~~wrecker or towing service, roadway conditions make it~~
14 ~~impractical to travel via the shortest route, distance~~
15 ~~rates shall be computed based on the shortest~~
16 ~~practical route over which the wrecker vehicle and the~~
17 ~~vehicle it is towing can be moved, which route shall~~
18 ~~be noted on the bill or invoice, or~~

19 ~~d. when the wrecker or towing service is performed upon~~
20 ~~any turnpike or toll road, the turnpike or toll road~~
21 ~~mileage shall be used to determine the distance rates~~
22 ~~charged and the turnpike or toll road fees may be~~
23 ~~added to the bill or invoice.~~

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

| | | | |
|----|---|-----------------------------|-------------------|
| 1 | Weight of Towed Vehicle | Distance | Rate |
| 2 | (In pounds, including | Towed | Per |
| 3 | equipment and lading) | | Mile |
| 4 | Single vehicle: 8,000 or less | 25 miles or less | \$3.00 |
| 5 | Single vehicle: 8,000 or less | Over 25 miles | \$2.50 |
| 6 | Single vehicle: 8,001 to 12,000 | 25 miles or less | \$3.40 |
| 7 | Single vehicle: 8,001 to 12,000 | Over 25 miles | \$3.00 |
| 8 | Single vehicle: 12,001 to 40,000 | Any | \$5.75 |
| 9 | Single vehicle: 40,000 or over | Any | \$6.75 |
| 10 | Combination of vehicles | Any | \$6.75 |

11 ~~E. Hourly Rates.~~

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

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

21 ~~Hourly rates shall apply from the time the vehicle or labor is~~
22 ~~assigned to the service call until the time it is released from~~
23 ~~service either upon return to the premises of the wrecker or towing~~
24 ~~service or upon being assigned to perform another wrecker or towing~~

1 ~~service, whichever occurs first. Whenever a wrecker vehicle is used~~
2 ~~to tow a vehicle subject to distance rates, as provided in~~
3 ~~subsection D of this section, hourly rates shall apply only for the~~
4 ~~time such wrecker is used in the performance of services other than~~
5 ~~transportation, except when such hourly rates are used in lieu of~~
6 ~~such distance rates.~~

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

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

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

24

~~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:~~

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

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

~~b. Maximum hourly rates for skilled or specialized labor and/or equipment shall be the actual customary and 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.~~

1 ~~F. Hookup Rates.~~

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

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

14 ~~Weight of Vehicle Being Hooked Up~~

15 ~~(In pounds, including equipment~~ _____ ~~Rate~~
16 ~~and lading)~~

| | |
|--|--------------------|
| 17 Single vehicle: 8,000 or less | \$65.00 |
| 18 Single vehicle: 8,001 to 12,000 | \$75.00 |
| 19 Single vehicle: 12,001 to 24,000 | \$85.00 |
| 20 Single vehicle: 24,001 or over | \$95.00 |
| 21 Combination of vehicles | \$95.00 |

22 ~~G. Additional Service Rates.~~

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

- ~~a. the disconnection and reconnection of a towed vehicle's drive line when necessary to prevent mechanical damage to such vehicle,~~
- ~~b. the removal and replacement of a towed vehicle's axle when necessary to prevent mechanical damage to such vehicle, or~~
- ~~c. 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:~~

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

~~H. An operator shall be required to provide reasonable documentation to substantiate all lawful fees charged the owner, lienholder, agent or insurer paying the claim for the towed vehicle.~~

1 ~~Fees for which the operator is being reimbursed or having paid to a~~
2 ~~third party, shall include copies of the invoice or other~~
3 ~~appropriate documents to substantiate such payment to said third~~
4 ~~party.~~

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

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

22 ~~K.~~ D. Wrecker operators shall be allowed to obtain ownership
23 and insurer information, including accident reports and other public
24 records, from the Oklahoma Tax Commission or other states' motor

1 vehicle agencies or from law enforcement agencies for the purpose of
2 determining ownership and responsibility for wrecker fees. In the
3 event a state of origin is not known, the Department of Public
4 Safety and the Oklahoma Tax Commission shall assist in providing
5 such information. The wrecker operator is authorized to collect
6 lawful fees for such costs and services from the owner, lienholder
7 that seeks possession of a vehicle under a security interest, agent,
8 or insurer accepting liability for paying the claim for a vehicle or
9 purchasing the vehicle as a total loss vehicle from the owner of any
10 towed or stored vehicle.

11 E. When a licensed wrecker operator is called to the scene by a
12 law enforcement agency but is not able to perform services because
13 of the law enforcement agency's negligence, the licensed wrecker
14 operator may submit a claim against the applicable law enforcement
15 agency under The Governmental Tort Claims Act. In addition to the
16 provisions of this section, any wrecker operator or wrecker service
17 who has been called on the scene in rotation who does not get to
18 complete the service due to law enforcement error shall either be
19 placed back in rotation to be the next wrecker company on call or
20 may choose to be compensated by the law enforcement agency that
21 requested the service. Compensation shall be at the rates set by
22 the Corporation Commission for nonconsensual tow maximum fees.
23 Claims provided for under this subsection are barred if the licensed

1 wrecker operator provides services as a result of being placed back
2 at the top of the wrecker rotation at the time of the incident.

3 SECTION 4. This act shall become effective November 1, 2023.

4
5 59-1-1959 KR 3/23/2023 12:18:22 AM
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