

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3087

By: Hays and **Ford** of the House

and

Bullard of the Senate

11 COMMITTEE SUBSTITUTE

12 An Act relating to motor vehicles; amending 47 O.S.
13 2021, Section 952, which relates to rulemaking
14 authority; modifying source establishing certain
15 rates; requiring requests for service to be rotated;
16 amending 47 O.S. 2021, Section 953.1, which relates
17 to maximum fees and charges; removing various rates
18 and fees; removing requirement to provide certain
19 documentation; removing certain weekly rate and fee
20 adjustment requirement; removing certain fee mark-up
21 allowance; requiring wreckers to provide certain
22 list; requiring certain letterhead for list;
23 requiring certain updates; disallowing exceedance of
24 certain prices; listing price requirements of list;
 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; authorizing
 certain removal from rotation log; requiring
 maintenance of price list; requiring review of price
 list after opening complaint; authorizing certain
 review; requiring certain validity determination;

1 requiring return of certain amount of collected
2 monies; requiring bringing of charges after certain
3 complaints are made; requiring certain appeal
4 process; describing appeal process; amending 47 O.S.
5 2021, Section 953.2, as amended by Section 1, Chapter
6 316, O.S.L. 2023 (47 O.S. Supp. 2023, Section 953.2),
7 which relates to fees charged for storage and
8 release; modifying source establishing certain rates;
9 modifying definitions; removing certain set rates;
10 amending 47 O.S. 2021, Section 954A, which relates to
11 abandoned motor vehicles; modifying source
12 establishing certain rates; modifying responsible
13 entity; amending 47 O.S. 2021, Section 955, as
14 amended by Section 12, Chapter 228, O.S.L. 2022 (47
15 O.S. Supp. 2023, Section 955), which relates to
16 towing vehicle from roadway; modifying source
17 establishing certain rates; amending 47 O.S. 2021,
18 Section 966, which relates to the Nonconsensual
19 Towing Act of 2011; modifying certain powers and
20 authority of the Oklahoma Corporation Commission;
21 modifying source establishing certain rates; and
22 providing an effective date.
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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 SECTION 2. AMENDATORY 47 O.S. 2021, Section 953.1, is
14 amended to read as follows:

15 Section 953.1 A. The rates established by the ~~Corporation~~
16 ~~Commission~~ Nonconsensual Towing Act of 2011 shall determine the
17 nonconsensual tow maximum fees and charges for wrecker or towing
18 services performed in this state, including incorporated and
19 unincorporated areas, by a wrecker or towing service licensed by the
20 Department of Public Safety when that service appears on the
21 rotation log of the Department or on the rotation log of any
22 municipality, county or other political subdivision of this state,
23 and the services performed are at the request or at the direction of
24 any officer of the Department or of a municipality, county, or

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

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

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

19 2. Nothing herein shall limit the right of an operator who has
20 provided or caused to be provided wrecker or towing services to
21 require prepayment, in part or in full, or guarantee of payment of
22 any charges incurred for providing such services;
23
24

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

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

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

17 ~~D. Distance rates.~~

18 ~~1. Rates in this subsection shall apply to the distance the~~
19 ~~towed vehicle is transported and shall include services of the~~
20 ~~operator of the wrecker vehicle. Hourly rates, as provided in~~
21 ~~subsection E of this section, may be applied in lieu of distance~~
22 ~~rates. Hourly rates may be applied from the time the wrecker~~
23 ~~vehicle is assigned to the service call until the time it is~~
24 ~~released from service either upon return to the premises of the~~

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

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

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

1 ~~vehicle when a hookup fee is assessed, as provided in subsection F~~
2 ~~of this section.~~

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

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

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

23 Weight of Towed Passenger Vehicle	Rate Per	Rate Per
24 (In pounds)	Hour	15 Minutes

1	Single vehicle: 8,000 or less	\$60.00	\$15.00
2	Single vehicle: 8,001 to 24,000	\$80.00	\$20.00
3	Single vehicle: 24,001 to 44,000	\$120.00	\$30.00
4	Single vehicle: 44,001 or over	\$180.00	\$45.00
5	Combination of vehicles	\$180.00	\$45.00

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

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

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

20 ~~b. Maximum hourly rates for skilled or specialized labor~~
21 ~~and/or equipment shall be the actual customary and~~
22 ~~ordinary rates charged for such labor and/or~~
23 ~~equipment. When skilled or specialized labor or~~
24 ~~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 G 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
Single vehicle: 8,001 to 12,000	\$75.00
Single vehicle: 12,001 to 24,000	\$85.00

1 ~~Single vehicle: 24,001 or over~~ ~~\$95.00~~

2 ~~Combination of vehicles~~ ~~\$95.00~~

3 ~~G. Additional Service Rates.~~

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

6 ~~a. the disconnection and reconnection of a towed~~
7 ~~vehicle's drive line when necessary to prevent~~
8 ~~mechanical damage to such vehicle,~~

9 ~~b. the removal and replacement of a towed vehicle's axle~~
10 ~~when necessary to prevent mechanical damage to such~~
11 ~~vehicle, or~~

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

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

18	Weight of Towed		Service Performed	
19	Vehicle (In pounds,	Disconnect	Reconnect	Use of Dolly
20	including equipment	Drive Line;	Drive Line;	or Rollback
21	and lading)	Remove Axle	Replace Axle	Equipment
22	Rate Per Service Performed			
23	8,000 or less	\$10.00	\$15.00	\$25.00
24	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. 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 provided in this section. The fuel surcharge shall be based on the Department of Energy "weekly retail on-highway diesel prices" for the "Midwest region" using Two Dollars (\$2.00) per gallon as the base price with no fees added. The wrecker fees shall be adjusted to allow a one-percent increase in fees for every ten-cent increase in fuel cost starting at Two Dollars and ten cents (\$2.10) per gallon.~~

~~J. When skilled or specialized labor or equipment is required, the cost incurred by the wrecker operator for such skilled or specialized labor or equipment plus an additional twenty-five 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.~~

C. Wrecker or towing service companies shall provide the Commission a complete 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 which contains 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. All prices provided to the Commission may be provided to citizens needing a wrecker or towing service. The list of prices provided to the Commission shall include, but may not be limited to:

1. Indoor storage rates;
2. Outdoor storage rates;
3. Wrecker or wrecker vehicle rates;
4. Additional labor rates;
5. Specialized equipment rates; and
6. After-hours release rates.

D. Rates and Charges Requirements.

1. A wrecker or towing service company receiving calls from the Department shall not charge fees in excess of those provided in

1 writing by the wrecker or towing service company to the Commission,
2 nor shall said company charge for the use of equipment and/or
3 personnel not reasonably necessary to perform the requested services
4 in a timely and professional manner.

5 2. Storage fees shall be reasonable, as determined by fees
6 charged by other wrecker or towing service companies in the same
7 geographic area. A list of fees shall be given to the Commission in
8 accordance with subsection C of this section. Consumer charges
9 shall not deviate from the list provided.

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

16 4. Any wrecker or towing service company that subcontracts for
17 the utilization of additional skilled or specialized labor,
18 equipment, or a wrecker vehicle that is for the purpose of a
19 nonconsensual tow, the cost incurred by the wrecker or towing
20 service company for such skilled or specialized labor, equipment, or
21 wrecker vehicle plus an additional twenty-five percent (25%) gross
22 profit markup or gross profit margin shall be allowed to cover
23 overhead costs for such labor and will be added to the invoice or
24

1 freight bill to be collected in addition to all other applicable
2 charges.

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

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

12 7. Any wrecker or towing services company found to have
13 exceeded the prices provided to the Commission, using unnecessary
14 services to increase its fee, or engaging in unethical business
15 practices shall be subject to removal from the towing rotation log
16 by the troop commander. Wrecker or towing service companies shall
17 maintain a current price list, on its letterhead, of all charges for
18 equipment and services at the respective troop headquarters in
19 accordance with subsection C of this section.

20 E. Complaint against wrecker or towing service company and
21 removal grounds.

22 1. If the Commission opens a complaint, it shall review the
23 current price list provided to the Commission by the wrecker or
24

1 towing service company in question, and determine whether fees
2 charged for a nonconsensual tow have been exceeded.

3 2. If fees charged for a nonconsensual tow do not exceed the
4 current price list provided to the Commission, the Commission may
5 review fees charged with those lists of prices provided to the
6 Commission by other licensed wrecker and towing service companies
7 that are located in the same geographic area. If the fees charged
8 by the wrecker and towing service company that are being reviewed by
9 the Commission, due to a complaint, exceed by more than fifty
10 percent (50%) of the current listed price of service or equipment of
11 other licensed wrecker or towing service companies in the same
12 geographic area, the Commission shall determine the complaint as
13 valid and prohibit said wrecker or towing service company from
14 collecting any payments that exceed the fifty-percent threshold
15 mentioned in this paragraph. If a wrecker or towing service company
16 has already collected monies exceeding the fifty-percent threshold,
17 the wrecker or towing service company shall be required to return
18 all amounts exceeding the fifty-percent threshold mentioned in this
19 paragraph.

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

24 a. owner or lien holder of the vehicle, or

1 b. insurer of the vehicle.

2 F. Wrecker and Towing Service Company Complaints Against the
3 Commission.

4 1. In those instances where a wrecker or towing service company
5 on a rotation log has a complaint against the Commission due to an
6 order regarding a complaint, the wrecker or towing service company
7 shall be provided a process by which an appeal may be made regarding
8 inappropriate fees charged for a service or utilization of equipment
9 related to a nonconsensual tow, and/or the removal of said wrecker
10 or towing service company from the rotation log.

11 2. The Commission shall allow the wrecker or towing service
12 company to appeal an order by submitting supporting documentation.
13 Once supporting documentation has been provided, the Commission
14 shall make a determination of whether the Commission's order against
15 the wrecker or towing service company stands, or if the supporting
16 documentation shows the Commission erred in its order against the
17 wrecker or towing service company. If the Commission errs regarding
18 its order against a wrecker or towing service company, said company
19 shall be entitled to collect any monies prohibited by the
20 Commission, be included on the towing rotation log, as well as be
21 refunded any fines or penalties levied against the wrecker or towing
22 service company by the Commission.

23 ~~K.~~ G. Wrecker operators shall be allowed to obtain ownership
24 and insurer information, including accident reports and other public

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

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

15 Section 953.2 A. The rates established ~~by order of the~~
16 ~~Corporation Commission~~ the Nonconsensual Towing Act of 2011 shall
17 determine the maximum fees and charges for the storage and after-
18 hours release of nonconsensual towed vehicles, including
19 incorporated and unincorporated areas, by a wrecker or towing
20 service licensed by the Department of Public Safety and repair
21 facilities as defined in Section 953 of Title 15 of the Oklahoma
22 Statutes. No wrecker or towing service or repair facilities shall
23 charge any fee for nonconsensual towed vehicles and storage which
24 exceeds the maximum rates established by the ~~Commission~~

1 Nonconsensual Towing Act of 2011. Such rates shall be in addition
2 to any other rates, fees or charges authorized, allowed or required
3 by law, including environmental remediation fees and services.

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

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

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

16 4. The operator or repair facility is authorized to collect all
17 lawful fees in acceptable forms of payment such as through check,
18 credit card, automated clearing house transfer, or debit card from
19 the owner, lienholder or agent of the towed vehicle or insurer
20 accepting liability for paying the claim for a vehicle or purchasing
21 the vehicle as a total loss vehicle from the registered owner for
22 the performance of any and all such services. An operator or repair
23 facility shall make the towed vehicle available for inspection by
24 the owner, lien holder, agent of the towed vehicle, or insurer

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

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

10 ~~D. Outdoor Storage Rates.~~

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

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

	Rate per Each
	24-hour Period or
Type of Towed Vehicle	Portion Thereof
Single vehicle: motorcycle, automobile,	
or light truck up to 20 feet in length	\$15.00

24

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

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

Type of Towed Vehicle	Rate per Each 24-hour Period or Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$25.00

~~Single vehicle or combination of vehicles~~

~~over 20 feet in length but less than 30~~

~~feet in length~~

~~\$30.00~~

~~Single vehicle or combination of vehicles~~

~~over 30 feet in length and up to 8 feet~~

~~in width~~

~~\$35.00~~

~~Single vehicle or combination of vehicles~~

~~over 30 feet in length and over 8 feet~~

~~in width~~

~~\$45.00~~

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

~~F. After Hours Release Rate.~~

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

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

~~a. "after-hours~~

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

~~b. "national~~

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

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

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

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

22 Section 954A. A. In addition to any procedure provided by
23 local ordinance, whenever the owner or legal possessor of real
24 property or an authorized agent has reasonable cause to believe that

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 G. Within three (3) business days of the time indicated on the
23 form, the licensed Class AA wrecker service shall request ~~the~~
24 Service Oklahoma Tax Commission or other appropriate ~~motor license~~

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

22 H. No licensed Class AA wrecker service or operator of a
23 licensed Class AA wrecker service shall tow or cause to be towed a
24 vehicle pursuant to this section until the form furnished by the

1 Department has been appropriately completed by the parties as
2 required by rules of the Department.

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

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

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

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

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

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

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

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

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

11 ~~or~~

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

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

1 obstruction to the normal movement of public transit along a rail
2 fixed guideway.

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

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

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

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

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

17 E. Operators conducting a tow under this section shall release
18 all personal property within the vehicle to an insurer or
19 representative of the insurer who has accepted liability for the
20 vehicle, or to the registered owner or the owner's personal
21 representative as designated by the registered owner on a form
22 approved by the Department. The registered owner or representative
23 of the registered owner shall provide proof of identity in
24 accordance with the Department's rules related to establishing

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

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

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

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

23 B. The provisions of this act shall apply to every wrecker
24 operating within the State of Oklahoma removing and storing vehicles

1 from Oklahoma roads and highways or private property as a result of
2 a nonconsensual tow.

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

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

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

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

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

14 E. ~~Rates established by the Commission shall be fair and~~
15 ~~reasonable.~~

16 F. The Commission may assess fines or other penalties to any
17 wrecker or towing service for failure to comply with prescribed
18 rates as established by the ~~Commission~~ Nonconsensual Towing Act of
19 2011, failure to pay a levied assessment or comply with any
20 applicable order of the Commission. Repeat violations by a wrecker
21 or towing service are cause for revocation of its license issued by
22 the Department of Public Safety.

1 ~~G.~~ E. The Department shall cooperate with the Commission to
2 implement this act and may enter into agreements to facilitate this
3 act.

4 SECTION 7. This act shall become effective November 1, 2024.
5

6 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/28/2024 -
7 DO PASS, As Amended and Coauthored.
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