

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 609

By: Bergstrom

AS INTRODUCED

An Act relating to wrecker operators; amending 47 O.S. 2021, Sections 952 and 953.1, which relate to rulemaking authority and maximum fees and charges; requiring certain inspection; requiring certain documentation and time for appeal; defining certain term; allowing payment for responding operators; 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, 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.

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

1 The rules shall state the requirements for facilities, for
2 storage of vehicles, necessary towing equipment, the records to be
3 kept by operators, liability insurance and insurance covering the
4 vehicle and its contents while in storage in such sum and with such
5 provisions as the Department deems necessary to adequately protect
6 the interests of the public, and such other matters as the
7 Department may prescribe for the protection of the public.

8 C. Unless otherwise regulated by the governing body of the
9 political subdivision, the wrecker vehicle used to perform wrecker
10 or towing services requested by a political subdivision of this
11 state for removal of a vehicle from public property for reasons
12 listed in Section 955 of this title shall be from the licensed
13 wrecker or towing service whose location is nearest to the vehicle
14 to be towed. Requests for service may be alternated or rotated
15 among all such licensed wrecker or towing services which are located
16 within a reasonable radius of each other. In cities of less than
17 fifty thousand (50,000) population, all such licensed wrecker or
18 towing services located near or in the city limits of such cities
19 shall be considered as being equal distance and shall be called on
20 an equal basis as nearly as possible. The police chief of any
21 municipality and the county sheriff of each county shall keep
22 rotation logs on all requested tows, except where there are
23 insufficient licensed wrecker or towing services available to rotate
24 such services or services are contracted after a competitive bid

1 process. Rotation logs shall be made available for public
2 inspection upon request. Any calls made from cell phones or two-way
3 radios by any law enforcement officer or employee of any
4 municipality or county to any wrecker service shall be listed on the
5 rotation or call logs and made available for public inspection. A
6 wrecker service shall not be removed from rotation without
7 notification to the wrecker operator stating the reason for removal
8 from the rotation log. All notification for removal from a rotation
9 log shall be mailed to the wrecker service owner at least ten (10)
10 days before removal from the rotation log and shall state the
11 procedure and requirements for reinstatement.

12 D. Except as otherwise provided in this subsection, the
13 Department and any municipality, county or other political
14 subdivision of this state shall not place any wrecker or towing
15 service upon an official rotation log for the performance of
16 services carried out pursuant to the request of or at the direction
17 of any officer of the Department or municipality, county or
18 political subdivision unless the service meets the following
19 requirements:

- 20 1. Principal business facilities are located within Oklahoma;
 - 21 2. Tow trucks are registered and licensed in Oklahoma; and
 - 22 3. Owner is a resident of the State of Oklahoma or the service
23 is an Oklahoma corporation.
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1 In the event a licensed wrecker or towing service is not located
2 within a county, a wrecker or towing service that is located outside
3 of the county or this state and does not meet the above
4 qualifications may be placed on the rotation log for the county or
5 any municipality or political subdivision located within the county.

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

11 E. The Department shall place a licensed Class AA wrecker
12 service on the Highway Patrol Rotation Log in a highway patrol troop
13 district in which the place of business and the primary storage
14 facility of the wrecker service are located upon written request
15 filed by the wrecker service with the Department. Upon further
16 request of the wrecker service, the Commissioner of Public Safety or
17 the Department employee with statewide responsibility for
18 administration of wrecker services may place a wrecker service on
19 the Highway Patrol Rotation Log in a district adjacent to the
20 district in which the place of business and the primary storage
21 facility of the wrecker service are located if the wrecker service
22 is in proximity to and within a reasonable radius of the boundary of
23 the district. When a wrecker service is placed on the rotation log
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1 in a district, the Department shall notify the wrecker service and
2 the troop commander of the district.

3 F. The Commissioner of Public Safety or the Department employee
4 with statewide responsibility for administration of wrecker services
5 shall be responsible for establishing geographical areas of rotation
6 within the troop districts and for notifying each wrecker service of
7 the geographical areas of rotation to which the service is assigned.

8 G. The Department shall make all rotation logs available for
9 public inspection at the state office and shall make rotation logs
10 for a highway patrol troop district available for public inspection
11 at the district office.

12 H. The Department shall complete an inspection by an officer,
13 as required pursuant to rules promulgated by the Commissioner of the
14 Department, of a wrecker vehicle as part of the licensure process
15 within ten (10) business days of request by an applicant.

16 I. The Department shall provide substantial and verifiable
17 documentation to a licensed wrecker operator prior to suspension of
18 the operator's license. The licensed operator shall have thirty
19 (30) days once notified of the impending suspension to appeal to the
20 Department prior to actual suspension of the license.

21 J. Every wrecker stored in an outdoor storage facility or
22 storage lot shall be maintained, including but not limited to
23 removal of tall weeds, overgrown vegetation, and debris. As used in
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1 this subsection, "tall weeds" shall be defined as weeds exceeding
2 twenty-four (24) inches in height.

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

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

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

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

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

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

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

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

4 D. Distance rates.

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

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

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

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

2. Maximum distance rates shall be as follows:

Weight of Towed Vehicle	Distance	Rate
(In pounds, including equipment and lading)	Towed	Per 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 vehicle when a hookup fee is assessed, as provided in subsection F of this section.

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

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

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

Weight of Towed Passenger Vehicle (In pounds)	Rate Per Hour	Rate Per 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

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 (In pounds)	Rate Per Hour	Rate Per 15 Minutes
8,000 or less	\$60.00	\$15.00

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

- 6 4. a. Maximum hourly rates for extra labor shall be Thirty
7 Dollars (\$30.00) per person per hour.
- 8 b. Maximum hourly rates for skilled or specialized labor
9 and/or equipment shall be the actual customary and
10 ordinary rates charged for such labor and/or
11 equipment. When skilled or specialized labor or
12 equipment is required, the wrecker operator's cost for
13 such skilled or specialized labor or equipment plus a
14 twenty-five percent (25%) gross profit markup to cover
15 overhead costs for such labor will be added to the
16 invoice or freight bill to be collected in addition to
17 all other applicable charges.

18 F. Hookup Rates.

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

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
Single vehicle: 24,001 or over	\$95.00
Combination of vehicles	\$95.00

G. Additional Service Rates.

1. Rates in this subsection shall apply to the performance of 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; Remove Axle	Reconnect Drive Line; Replace Axle	Use of Dolly or Rollback Equipment
Rate Per Service Performed			
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. Fees for which the operator is being reimbursed or having paid to a third party, shall include copies of the invoice or other appropriate documents to substantiate such payment to said third party.

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

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

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

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

5 L. In addition to the provisions of this section, any wrecker
6 operator or wrecker service on scene after being called to the
7 service location by law enforcement who does not get to service the
8 call due to another operator or service who was also called to the
9 service location obtaining the job, the responding operator or
10 service shall be compensated at the rate of One Hundred Fifty
11 Dollars (\$150.00) by the Department of Public Safety within thirty
12 (30) business days of the service call.

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