

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1261 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Reading Clerk

Amendment submitted by: Neil Hays

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1261

By: Hays

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; creating the Oklahoma Wrecker Services Division; requiring Division acquire certain employees to carry out its objectives; transferring certain powers, duties and responsibilities from the Corporation Commission and the Department of Public Safety to the Department of Labor by certain date; requiring the Department of Labor succeed any contractual rights or responsibilities; providing for the transfer of certain rules; requiring certain notice; transferring rulemaking authority; authorizing the transfer of personnel; providing details for personnel transfer; requiring certain coordination for transfer; creating the Oklahoma Wrecker and Towing Services Board; providing for membership of the Board; providing for initial staggered membership; providing for appointment of members; requiring Board members maintain certain occupations for eligibility; requiring certain notice and resignation if certain conditions are met; providing for selection of chair; authorizing chair to set meetings; requiring quorum for actions of the Board; providing quorum requirements; requiring the Department of Labor provide certain support and venue; authorizing Board to promulgate rules; listing powers and duties of the Board; prohibiting Board compensation; providing for certain reimbursement; providing for removal without cause; requiring Board act in accordance with certain laws; creating the Oklahoma Wrecker and Towing Services Revolving Fund; stating type of fund; authorizing expenditures; amending 47 O.S. 2021, Section 156.1, as last amended by Section 55, Chapter 452, O.S.L. 2024 (47 O.S. Supp. 2025, Section 156.1),

1 which relates to private use of state-owned motor
2 vehicles; removing certain exception; amending 47
3 O.S. 2021, Section 904, which relates to payment of
4 cost of removal and storage; modifying responsible
5 agency; amending 47 O.S. 2021, Section 951, which
6 relates to definitions; modifying definitions;
7 amending 47 O.S. 2021, Section 952, which relates to
8 rulemaking authority; modifying responsible agency;
9 requiring certain rules be enforced until new rules
10 are in place; authorizing the promulgation of certain
11 rules; requiring filing and updating of all rotation
12 logs; requiring Department of Public Safety to
13 promulgate certain rules; amending 47 O.S. 2021,
14 Section 953, which relates to license fees and
15 renewals; modifying responsible agency; modifying the
16 deposit of funds; creating certain annual fee;
17 directing deposit of collected fee; amending 47 O.S.
18 2021, Section 953.1, which relates to maximum fees
19 and charges; modifying responsible agency; removing
20 various rates and fees; removing certain weekly rate
21 and fee adjustment requirement; removing certain fee
22 mark-up allowance; requiring wreckers to provide
23 certain list; requiring certain letterhead for list;
24 requiring certain updates; disallowing exceedance of
certain prices; allowing only for certain charges;
listing allowable rates; disallowing the use of
certain equipment and personnel; requiring certain
fees be reasonable; requiring fuel surcharge be based
upon certain prices; allowing certain adjustment of
fuel surcharge; disallowing certain deviation;
authorizing collection of certain charges; requiring
the posting of certain prices at place of business;
requiring certain investigation for complaints;
requiring certain contempt proceedings be held;
authorizing certain removal from rotation log;
requiring Department of Public Safety make certain
communication; requiring Department of Public Safety
make certain statement; requiring certain opportunity
for appeal and resubmission of rates; requiring
certain rates remain in effect until modified;
requiring Department of Public Safety promulgate
certain rules; requiring review of price list after
opening complaint; authorizing certain review;
dividing the state into certain geographic areas;
requiring certain validity determination; requiring
return of certain amount of collected monies;
requiring bringing of charges after certain

1 complaints are made; requiring certain appeal
2 process; describing appeal process; authorizing the
3 Department of Labor to issue certain corrective
4 action plan; authorizing the Department of Labor to
5 deny, cancel, suspend, or revoke certain licenses;
6 amending 47 O.S. 2021, Section 953.2, as amended by
7 Section 1, Chapter 316, O.S.L. 2023 (47 O.S. Supp.
8 2025, Section 953.2), which relates to fees charged
9 for storage and release; modifying responsible
10 agency; modifying definition; removing certain set
11 rates; amending 47 O.S. 2021, Section 954, which
12 relates to enforcement; modifying responsible
13 agencies; amending 47 O.S. 2021, Section 954A, which
14 relates to abandoned motor vehicles; modifying
15 responsible entity; updating language on licensed
16 operators; amending 47 O.S. 2021, Section 955, as
17 amended by Section 12, Chapter 228, O.S.L. 2022 (47
18 O.S. Supp. 2025, Section 955), which relates to
19 towing vehicle from roadway; modifying responsible
20 agency; amending 47 O.S. 2021, Section 956, which
21 relates to gifts prohibited; modifying responsible
22 agency; amending 47 O.S. 2021, Sections 966, 967, and
23 968 which relates to the Nonconsensual Towing Act of
24 2011; modifying responsible agency; providing for
codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3-111 of Title 47, unless there
is created a duplication in numbering, reads as follows:

A. The Oklahoma Wrecker Services Division, a division of the
Department of Labor, is hereby created, which shall consist of such
divisions, sections, committees, offices and positions as may be
established by the Department of Labor or by law. The Division
shall employ a Division Director and a team of three employees to

1 investigate consumer complaints related to overcharging for
2 nonconsensual towing, recovery, storage fees, and violations of the
3 rules promulgated by the Oklahoma Wrecker and Towing Services Board.
4 Division employees shall act as analysts, administrative assistants,
5 administrative technicians, and investigators.

6 B. 1. The applicable powers, duties, and responsibilities
7 exercised by the Transportation Division of the Oklahoma Corporation
8 Commission relating to wrecker and towing services shall be fully
9 transferred to the Department of Labor on November 1, 2026. All
10 records, property, equipment, assets, monies, financial interests,
11 liabilities, matters pending, and funds of the Commission related to
12 wrecker and towing services shall be transferred to the Department
13 of Labor.

14 2. With the exception of initial inspections of wrecker and
15 towing facilities and equipment and rotation log requirements
16 performed by the Department of Public Safety, the applicable powers,
17 duties, and responsibilities for regulating the wrecker and towing
18 industry in this state exercised by the Department of Public Safety
19 shall be fully transferred to the Department of Labor on November 1,
20 2026. All records, property, equipment, assets, monies, financial
21 interests, liabilities, matters pending, and funds of the Department
22 of Public Safety related to wrecker and towing services shall be
23 transferred to the Department of Labor.

1 C. The Department of Labor shall succeed to any contractual
2 rights or responsibilities incurred by the Commission pertaining to
3 wrecker and towing services.

4 D. The administrative rules related to wrecker and towing
5 services previously promulgated by the Corporation Commission shall
6 be transferred to and become a part of the administrative rules of
7 the Department of Labor upon the effective date of this act. The
8 Office of Administrative Rules in the Office of the Secretary of
9 State shall provide adequate notice in "The Oklahoma Register" of
10 the transferred rules and shall place the transferred rules under
11 the Administrative Code section of the Department of Labor. On the
12 effective date of this act, any amendment, repeal, or addition to
13 the transferred rules shall be under the rulemaking authority of the
14 Department of Labor.

15 E. Aside from rules promulgated by the Department of Public
16 Safety pertaining to rotation logs and inspections of wrecker and
17 towing facilities and equipment, the administrative rules previously
18 promulgated by the Department of Public Safety shall be transferred
19 to and become a part of the administrative rules of the Department
20 of Labor upon the effective date of this act. The Office of
21 Administrative Rules in the Office of the Secretary of State shall
22 provide adequate notice in "The Oklahoma Register" of the
23 transferred rules and shall place the transferred rules under the
24 Administrative Code section of the Department of Labor. On the

1 effective date of this act, any amendment, repeal, or addition to
2 the transferred rules shall be under the rulemaking authority of the
3 Department of Labor.

4 F. The Department of Labor, the Corporation Commission, and the
5 Department of Public Safety may enter into an agreement for the
6 transfer of personnel, if any, from the Commission and Department of
7 Public Safety to the Department of Labor. However, in no instance
8 shall more than four employees receive transfers. No employee shall
9 be transferred to the Department of Labor except on the freely given
10 written consent of the employee. Any employees who are transferred
11 to the Department of Labor shall not be required to accept a lesser
12 grade or salary than presently received. All employees shall retain
13 leave, sick, and annual time earned, and any retirement and
14 longevity benefits which have accrued during their tenure with the
15 Corporation Commission or the Department of Public Safety. The
16 transfer of any personnel between the state agencies shall be
17 coordinated with the Office of Management and Enterprise Services.

18 G. The Office of Management and Enterprise Services shall
19 coordinate the transfer of records, property, equipment, assets,
20 funds, allotments, purchase orders, liabilities, outstanding
21 financial obligations, or encumbrances provided for in this section.

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 951.1 of Title 47, unless there
24 is created a duplication in numbering, reads as follows:

1 A. There is hereby created the Oklahoma Wrecker and Towing
2 Services Board which shall be the regulatory authority to the
3 Oklahoma Wrecker Services Division created in Section 1 of this act.
4 The Board shall be independent and shall consist of nine (9) members
5 who shall initially serve staggered terms of membership with the
6 Board. The initial staggered terms of membership of the Board shall
7 be as follows:

8 1. One member appointed by the President Pro Tempore of the
9 Oklahoma State Senate from the state at large whose membership shall
10 expire June 30, 2028;

11 2. One member appointed by the Speaker of the Oklahoma House of
12 Representatives from the state at large whose membership shall
13 expire June 30, 2029;

14 3. One member holding a license or licensed by the Department
15 of Labor to engage in nonconsensual towing who operates in a county
16 with a population of one hundred thousand (100,000) or more,
17 according to the latest Federal Decennial Census, shall be appointed
18 by the President Pro Tempore of the Oklahoma State Senate and whose
19 membership shall expire June 30, 2030;

20 4. One member holding a license or licensed by the Department
21 of Labor to engage in nonconsensual towing who operates in a county
22 with a population of less than one hundred thousand (100,000),
23 according to the latest Federal Decennial Census, shall be appointed
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1 by the Speaker of the House of Representatives and whose membership
2 shall expire June 30, 2028;

3 5. One member from the Oklahoma Trucking Association shall be
4 appointed by the Speaker of the Oklahoma House of Representatives
5 and whose membership shall expire June 30, 2029;

6 6. One member from law enforcement shall be appointed by the
7 Governor and whose membership shall expire June 30, 2030;

8 7. One member holding a license or licensed by the Department
9 of Labor to engage in nonconsensual towing shall be appointed by the
10 Governor and whose membership shall expire June 30, 2028;

11 8. One member from the commercial insurance industry shall be
12 appointed by the Speaker Pro Tempore of the Oklahoma State Senate
13 and whose membership shall expire June 30, 2029; and

14 9. One member from the Oklahoma Department of Transportation
15 shall be appointed by the Governor and whose membership shall expire
16 June 30, 2030.

17 Thereafter, persons appointed pursuant to paragraphs 1 through 9
18 of this subsection shall be appointed for terms of three (3) years
19 beginning July 1. Any vacancy shall be filled by the appointing
20 authority for the remainder of the unexpired term.

21 B. Members appointed pursuant to paragraphs 3 through 9 of
22 subsection A of this section shall remain engaged in the business or
23 industry described in subsection A of this section. Members so
24 appointed who no longer satisfy the requirements for his or her

1 Board position pursuant to subsection A of this section shall
2 provide notification of his or her change of status to his or her
3 appointing authority and to the chair of the Oklahoma Wrecker and
4 Towing Services Board and shall resign from the Board within thirty
5 (30) days of the date upon which the member no longer satisfies the
6 requirements of the appointment.

7 C. The members shall determine by majority vote of the quorum
8 of the Board who shall serve as chair. The chair shall be elected
9 annually, with the right to succeed himself or herself, from the
10 membership of the Board.

11 D. The Board shall meet at such times that the chair deems
12 necessary, but no meeting shall be held outside the State of
13 Oklahoma. All actions of the Board shall be by a quorum. Five
14 members of the Board shall constitute a quorum for the purpose of
15 transacting business. The Department of Labor shall provide
16 administrative support and a meeting venue for the Board.

17 E. Nothing in this act shall be construed to authorize the
18 Board to regulate consensual towing services, voluntary roadside
19 assistance, or privately negotiated towing contracts. The Board
20 shall promulgate rules to carry out its intent and shall regulate
21 the wrecker and towing industry in this state, including:

22 1. Establishing reasonable tow rates for nonconsensual tows for
23 any rates not tied to the federal per diem rate. "Reasonable tow
24 rates" means rates that are directly related to the actual cost of

1 providing the nonconsensual tow, include a modest and customary
2 margin, and do not exceed the maximum rates approved by the Board;

3 2. Establishing reasonable licensing, insurance, and equipment
4 requirements for any person engaging in towing and related services;

5 3. Establishing reasonable tow truck safety requirements for
6 any wrecker or wrecker vehicle as defined in Section 951 of Title 47
7 of the Oklahoma Statutes;

8 4. Establishing a procedure to accept and investigate
9 complaints from a consumer who claims that he or she has been
10 overcharged for fees related to nonconsensual towing, recovery, or
11 storage;

12 5. Determining and sanctioning excessive or unnecessary fees
13 charged to consumers related to nonconsensual towing, recovery, or
14 storage;

15 6. Requiring all entities permitted, licensed, or regulated by
16 the Board to provide all documents in response to information
17 requests by the Board pursuant to the investigation of consumer
18 complaints or Board complaints against the permittee or licensee;

19 7. Requiring all entities permitted, licensed, or regulated by
20 the Board to provide itemized billing for fees related to towing,
21 storage, or vehicle immobilization services that explains how the
22 charges were calculated;

23 8. Requiring all entities permitted, licensed, or regulated by
24 the Board to maintain a copy of the current maximum rate schedule or

1 fee schedule established by the Board posted in a conspicuous place
2 and readily accessible to the public;

3 9. Requiring all entities permitted, licensed, or regulated by
4 the Board to allow the owner or agent of the owner of a motor
5 vehicle removed pursuant to Section 951 et seq. of Title 47 of the
6 Oklahoma Statutes to use any other entity permitted, licensed, or
7 regulated by the Board when reclaiming the motor vehicle from
8 storage;

9 10. Requiring all entities permitted, licensed, or regulated by
10 the Board to post a sign notifying customers of the procedure to
11 obtain a vehicle from storage and the consumer complaint process
12 pursuant to Section 953.1 of Title 47 of the Oklahoma Statutes. The
13 sign shall be in a conspicuous and central location in the public
14 area and shall be a minimum of sixteen inches by twenty inches (16"
15 x 20") in size. The Board may assess a fine of between Fifty
16 Dollars (\$50.00) and Two Hundred Fifty Dollars (\$250.00) for failure
17 to comply with the provisions of this paragraph;

18 11. Utilizing Oklahoma Wrecker Services Division investigators
19 to investigate consumer complaints related to overcharging for
20 nonconsensual towing, recovery, storage fees, and violations of the
21 rules promulgated by the Board; and

22 12. Promulgation of rules setting standards for initial
23 inspections of wrecker and towing facilities performed by the
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1 Department of Public Safety and standards and procedures for any
2 additional inspections required by the Board.

3 F. Members of the Board shall serve without compensation, but
4 shall be reimbursed through the Department of Labor for expenses
5 incurred in the performance of his or her duties in accordance with
6 the provisions of the State Travel Reimbursement Act.

7 G. Each member shall serve at the pleasure of his or her
8 appointing authority and may be removed or replaced without cause.

9 H. The Board shall act in accordance with the provisions of the
10 Oklahoma Open Records Act, the Oklahoma Open Meeting Act, and the
11 Administrative Procedures Act.

12 SECTION 3. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1003 of Title 40, unless there
14 is created a duplication in numbering, reads as follows:

15 There is hereby created in the State Treasury a revolving fund
16 for the Department of Labor, to be designated the "Oklahoma Wrecker
17 and Towing Services Revolving Fund". The fund shall be a continuing
18 fund not subject to fiscal year limitations. All monies accruing to
19 the credit of the fund are hereby appropriated and shall be budgeted
20 and expended by the Department of Labor for the purpose of
21 administering the Oklahoma Wrecker Services Division. Expenditures
22 from the fund shall be made upon warrants issued by the State
23 Treasurer against claims filed as prescribed by law with the
24

1 Director of the Office of Management and Enterprise Services for
2 approval and payment.

3 SECTION 4. AMENDATORY 47 O.S. 2021, Section 156.1, as
4 last amended by Section 55, Chapter 452, O.S.L. 2024 (47 O.S. Supp.
5 2025, Section 156.1), is amended to read as follows:

6 Section 156.1. A. It shall be unlawful for any state official,
7 officer or employee, except any essential employees approved by the
8 Governor and those officers or employees authorized in subsection B
9 of this section, to ride to or from the place of residence of the
10 employee in a state-owned or state-leased automobile, truck or
11 pickup, except in the performance of the official duty of the
12 employee, or to use or permit the use of any such automobile, truck,
13 ambulance or pickup for other personal or private purposes. Any
14 person convicted of violating the provisions of this section shall
15 be guilty of a misdemeanor and shall be punished by a fine of not
16 more than One Hundred Dollars (\$100.00) or by imprisonment in the
17 county jail for a period to not exceed thirty (30) days, or by both
18 said fine and imprisonment, and in addition thereto, shall be
19 discharged from state employment.

20 B. 1. Any state employee, other than the individuals provided
21 for in paragraph 2 of this subsection and any employee of the
22 Department of Public Safety who is a wrecker inspector ~~or auditor~~ of
23 the Wrecker Services Division as provided for in paragraph 3 of this
24 subsection, who receives emergency telephone calls regularly at the

1 residence of the employee when the employee is not on duty and is
2 regularly called upon to use a vehicle after normal work hours in
3 response to such emergency calls, may be permitted to use a vehicle
4 belonging to the state to provide transportation between the
5 residence of the employee and the assigned place of employment,
6 provided such distance does not exceed seventy-five (75) miles in
7 any round trip or is within the county where the assigned place of
8 employment is located. Provided further, an employee may be
9 permitted to use a state-owned or state-leased vehicle to provide
10 temporary transportation between a specific work location other than
11 the assigned place of employment and the residence of the employee,
12 if such use shall result in a monetary saving to the agency, and
13 such authorization shall not be subject to the distance or area
14 restrictions provided for in this paragraph. Authorization for
15 temporary use of a state-owned or state-leased vehicle for a
16 specific project shall be in writing stating the justification for
17 this use and the saving expected to result. Such authorization
18 shall be valid for not to exceed sixty (60) days. Any state entity
19 other than law enforcement that avails itself of this provision
20 shall keep a monthly record of all participating employees, the
21 number of emergency calls received and the number of times that a
22 state vehicle was used in the performance of such emergency calls.

23 2. Any employee of the Department of Public Safety, Oklahoma
24 Department of Corrections, Office of the Attorney General, Oklahoma

1 State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma
2 State Bureau of Investigation, Alcoholic Beverage Laws Enforcement
3 Commission, Oklahoma Horse Racing Commission, Oklahoma Department of
4 Agriculture, Food, and Forestry, Office of the Inspector General
5 within the Department of Human Services or Office of the State Fire
6 Marshal, who is a law enforcement officer or criminalist, Public
7 Information officer, Special Investigator or Assistant Director of
8 the Oklahoma State Bureau of Investigation, the Executive Director
9 of CLEET, CLEET-certified Investigator for a state board or any
10 employee of a district attorney who is a law enforcement officer,
11 may be permitted to use a state-owned or state-leased vehicle to
12 provide transportation between the residence of the employee and the
13 assigned place of employment and between the residence and any
14 location other than the assigned place of employment to which the
15 employee travels in the performance of the official duty of the
16 employee.

17 3. Any employee of the Department of Public Safety who is a
18 wrecker inspector ~~or auditor~~ of the Wrecker Services Division, or a
19 noncommissioned pilot may be permitted, as determined by the
20 Commissioner, to use a state-owned or state-leased vehicle to
21 provide transportation between the residence of the employee and the
22 assigned place of employment and between the residence and any
23 location other than the assigned place of employment to which the
24

1 employee travels in the performance of the official duty of the
2 employee.

3 4. The Director, department heads and other essential employees
4 of the Department of Wildlife Conservation, as authorized by the
5 Wildlife Conservation Commission, may be permitted to use a state-
6 owned or state-leased vehicle to provide transportation between the
7 residence of the employee and the assigned place of employment and
8 between the residence and any location other than the assigned place
9 of employment to which the employee travels in the performance of
10 the official duty of the employee.

11 5. The Director, department heads, emergency responders and
12 other essential employees of the Department of Corrections, as
13 authorized by the Director, may be permitted to use a state-owned or
14 state-leased vehicle to provide transportation between the residence
15 of the employee and the assigned place of employment and between the
16 residence and any location other than the assigned place of
17 employment to which the employee travels in the performance of the
18 official duty of the employee.

19 6. Designated Examiner Auditors, Designated Examiner
20 Supervisors, Commercial Driver License Examiners, Commercial Driver
21 License Auditors, Commercial Driver License Supervisors, and Driver
22 License Supervisors, as an employee of Service Oklahoma may be
23 permitted, as determined by the Director of Service Oklahoma, to use
24 a state-owned or state-leased vehicle to provide transportation

1 between the residence of the employee and the assigned place of
2 employment and between the residence and any location other than the
3 assigned place.

4 7. The Attorney General, division heads, emergency responders,
5 agents, assistant attorneys general, and other essential employees
6 of the Office of the Attorney General, as authorized by the Attorney
7 General, may be permitted to use a state-owned or state-leased
8 vehicle to provide transportation between the residence of the
9 employee and the assigned place of employment and between the
10 residence and any location other than the assigned place of
11 employment to which the employee travels in the performance of the
12 official duty of the employee.

13 C. The principal administrator of the state agency with which
14 the employee is employed shall so designate the status of the
15 employee in writing or provide a copy of the temporary authorization
16 to the Governor, the President Pro Tempore of the Senate and the
17 Speaker of the House of Representatives. Such employee status
18 report shall also be provided to the State Fleet Manager of the
19 Division of Fleet Management if the motor vehicle for emergency use
20 is provided by said Division.

21 SECTION 5. AMENDATORY 47 O.S. 2021, Section 904, is
22 amended to read as follows:

23 Section 904. The owner of a motor vehicle or lienholder of the
24 vehicle abandoned in violation of Section 901 et seq. of this title,

1 or the owner of any vehicle or lienholder of the vehicle or insurer
2 accepting liability for paying a claim on a vehicle or purchasing
3 the vehicle as a total loss vehicle from the registered owner which
4 shall have been lawfully removed from any highway or other public
5 property may regain possession of the vehicle in accordance with
6 regulations of the Department of ~~Public Safety~~ Labor upon payment of
7 the reasonable cost of removal and storage of such vehicle. The
8 operator is authorized to collect all lawful fees from the owner,
9 lienholder that seeks possession of a vehicle under a security
10 interest, agent, or insurer accepting liability for paying the claim
11 for a vehicle or purchasing the vehicle as a total loss vehicle from
12 the registered owner of the towed vehicle for the performance of any
13 and all such services. An operator shall release the vehicle from
14 storage upon authorization from the owner, agent or lienholder of
15 the vehicle or in the case of a total loss, the insurer accepting
16 liability for paying the claim on the vehicle or purchasing the
17 vehicle where the vehicle is to be moved to an insurance pool yard
18 for sale. In the case of death or incapacitation of the owner of a
19 motor vehicle, the operator may release the vehicle to a legal
20 representative or an immediate family member who is within the first
21 or second degree of consanguinity or affinity. The legal
22 representative or family member shall provide a notarized affidavit
23 describing his or her relationship to the owner of the motor vehicle
24

1 and proof of identity in accordance with the ~~Department's~~ Department
2 of Labor's rules related to establishing identity.

3 The cost of removal and storage shall be paid to the wrecker or
4 towing service.

5 SECTION 6. AMENDATORY 47 O.S. 2021, Section 951, is
6 amended to read as follows:

7 Section 951. As used in Sections 951 through ~~965~~ 968 of this
8 title ~~and Sections 1 through 3 of this act~~:

9 1. "Wrecker or wrecker vehicle" means any motor vehicle that is
10 equipped with any device designed to tow another vehicle or
11 combination of vehicles. The use of the term "wrecker" or "wrecker
12 vehicle" shall be construed to include a combination wrecker or
13 combination wrecker vehicle, as defined in paragraph 2 of this
14 section, unless a specific differentiation is otherwise described;

15 2. "Combination wrecker" or "combination wrecker vehicle" means
16 any wrecker vehicle which is designed and equipped with two separate
17 and distinct devices to tow simultaneously two or more other
18 vehicles or combinations of vehicles, whether or not both devices
19 are in use simultaneously. One of the devices shall allow another
20 vehicle to be loaded onto and transported upon the wrecker vehicle,
21 and one of the devices shall allow another vehicle to be attached to
22 and pulled by the wrecker vehicle;

23

24

1 3. "Tow" or "towing" means the use of a wrecker vehicle to
2 lift, pull, move, haul or otherwise transport any other vehicle by
3 means of:

- 4 a. attaching the vehicle to and pulling the vehicle with
5 the wrecker vehicle, or
- 6 b. loading the vehicle onto and transporting the vehicle
7 upon the wrecker vehicle;

8 4. "Rollback equipment" means a towing device or equipment upon
9 which the towed vehicle is loaded and transported, removing the
10 towed vehicle completely from the surface of the roadway. The term
11 "rollback equipment" shall include car haulers;

12 5. "Dolly" means a towing device or equipment which lifts and
13 suspends one axle of the towed vehicle above the surface of the
14 roadway;

15 6. "Wrecker or towing service" means engaging in the business
16 of or performing the act of towing or offering to tow any vehicle,
17 except:

- 18 a. where the operator owns the towed vehicle and displays
19 on both sides of the wrecker vehicle in plainly
20 visible letters not less than two (2) inches in height
21 the words "NOT FOR HIRE",
- 22 b. where the service is performed by a transporter as
23 defined in Section 1-181 of this title,

- 1 c. where service is performed in conjunction with the
2 transportation of household goods and property,
3 d. where the wrecker vehicle is owned or operated by the
4 United States government, the State of Oklahoma, or
5 any department or political subdivision thereof, or
6 e. where the service is performed by an out-of-state
7 wrecker service at the request of the vehicle owner or
8 operator, the vehicle is not involved in a collision,
9 and is being towed:

10 (1) in either direction across the border between
11 Oklahoma and a neighboring state, or

12 (2) through Oklahoma in transit to another state;
13 provided, the out-of-state wrecker service shall
14 comply with all other requirements regarding
15 interstate commerce as set forth in law;

16 7. "Commissioner" means the Commissioner of Public Safety;

17 8. ~~"Commission" means the Corporation Commission~~

18 ~~9. "Department" means the Department of Public Safety~~ Labor;

19 ~~10. 9.~~ 9. "Nonconsensual tow" means the transportation of a
20 vehicle without the consent or knowledge of the vehicle's owner,
21 possessor, agent, insurer, lienholder, or any other person in
22 possession of or in charge of any vehicle and includes the
23 transportation or towing of the vehicle under lawful circumstances
24 or necessity for the public interest including removing from the

1 roadway for public safety or public convenience, or accidents, by
2 any law enforcement officer or property agent or removal from public
3 or private property as a result of abandonment or unauthorized
4 parking by the property owner, agent, possessor, or other legal
5 entity for the property owner;

6 ~~11.~~ 10. "Operator" means any person owning or operating a
7 wrecker vehicle or wrecker or towing service;

8 ~~12.~~ 11. "Officer" means any duly authorized law enforcement
9 officer;

10 ~~13.~~ 12. "Roadway" means any public street, road, highway or
11 turnpike or the median, easement or shoulder of a roadway;

12 ~~14.~~ 13. "Service call" means the act of responding to a request
13 for service with a wrecker vehicle in which a service is performed;
14 and

15 ~~15.~~ 14. "Vehicle" shall:

16 a. have the same meaning as defined in Section 1-186 of
17 this title, and

18 b. for the purposes of this chapter when referring to a
19 vehicle or combination of vehicles being towed or
20 stored, include a vessel. The term "vessel" shall
21 have the same meaning as defined in Section 4002 of
22 Title 63 of the Oklahoma Statutes.

23 SECTION 7. AMENDATORY 47 O.S. 2021, Section 952, is
24 amended to read as follows:

1 Section 952. A. Except for ~~the rates established by the~~
2 ~~Corporation Commission and other provisions as provided for by law,~~
3 ~~the Department of Public Safety~~ the inspections conducted for the
4 initial licensure of a wrecker or towing operator and rotation logs
5 which shall be performed by the Department of Public Safety, the
6 Department of Labor shall have the power and authority necessary to
7 license, supervise, govern and control wrecker vehicles and wrecker
8 or towing services.

9 B. The Department of ~~Public Safety~~ Labor, through the Oklahoma
10 Wrecker and Towing Services Board, shall adopt and prescribe such
11 rules as are necessary to carry out the intent of Section 951 et
12 seq. of this title. All rules promulgated by the Department of
13 Public Safety, with the exception of rules concerning rotation logs,
14 currently in place carrying out the provisions of Section 951 et
15 seq. of this title shall be enforced by the Department of Labor
16 until such time as the Department of Labor promulgates new rules.

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

1 C. Unless otherwise regulated by the governing body of the
2 political subdivision, the wrecker vehicle used to perform wrecker
3 or towing services requested by a political subdivision of this
4 state for removal of a vehicle from public property for reasons
5 listed in Section 955 of this title shall be from the licensed
6 wrecker or towing service whose location is nearest to the vehicle
7 to be towed. Requests for service may be alternated or rotated
8 among all such licensed wrecker or towing services which are located
9 within a reasonable radius of each other. In cities of less than
10 fifty thousand (50,000) population, all such licensed wrecker or
11 towing services located near or in the city limits of such cities
12 shall be considered as being equal distance and shall be called on
13 an equal basis as nearly as possible. The police chief of any
14 municipality and the county sheriff of each county shall keep
15 rotation logs on all requested tows, except where there are
16 insufficient licensed wrecker or towing services available to rotate
17 such services or services are contracted after a competitive bid
18 process. Rotation logs shall be made available for public
19 inspection upon request. Any calls made from cell phones or two-way
20 radios by any law enforcement officer or employee of any
21 municipality or county to any wrecker service shall be listed on the
22 rotation or call logs and made available for public inspection. A
23 wrecker service shall not be removed from rotation without
24 notification to the wrecker operator stating the reason for removal

1 from the rotation log. All notification for removal from a rotation
2 log shall be mailed to the wrecker service owner at least ten (10)
3 days before removal from the rotation log and shall state the
4 procedure and requirements for reinstatement.

5 D. Except as otherwise provided in this subsection, the
6 Department of Public Safety and any municipality, county or other
7 political subdivision of this state shall not place any wrecker or
8 towing service upon an official rotation log for the performance of
9 services carried out pursuant to the request of or at the direction
10 of any officer of the Department of Public Safety or municipality,
11 county or political subdivision unless the service meets the
12 following requirements:

- 13 1. Principal business facilities are located within Oklahoma;
- 14 2. Tow trucks are registered and licensed in Oklahoma; and
- 15 3. Owner is a resident of the State of Oklahoma or the service
16 is an Oklahoma corporation.

17 In the event a licensed wrecker or towing service is not located
18 within a county, a wrecker or towing service that is located outside
19 of the county or this state and does not meet the above
20 qualifications may be placed on the rotation log for the county or
21 any municipality or political subdivision located within the county.

22 When performing services at the request of any officer, no
23 operator or wrecker or towing service upon the rotation logs shall
24 charge fees in excess of the maximum rates for services performed

1 within this state, including incorporated and unincorporated areas,
2 as established by the ~~Commission~~ Board.

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

19 F. The Commissioner of Public Safety or the Department of
20 Public Safety employee with statewide responsibility for
21 administration of wrecker services shall be responsible for
22 establishing geographical areas of rotation within the troop
23 districts and for notifying each wrecker service of the geographical
24 areas of rotation to which the service is assigned.

1 G. The Department of Public Safety shall make all rotation logs
2 available for public inspection at the state office and shall make
3 rotation logs for a highway patrol troop district available for
4 public inspection at the district office.

5 H. The Department of Labor, through the Oklahoma Wrecker and
6 Towing Services Board, shall promulgate rules that classify wrecker
7 and towing services by the type of services and equipment they are
8 capable of providing for nonconsensual tows and accident
9 remediation.

10 SECTION 8. AMENDATORY 47 O.S. 2021, Section 953, is
11 amended to read as follows:

12 Section 953. A. No operator shall be permitted nor shall any
13 employee of any operator be permitted, allowed or caused to solicit
14 business or make service calls without the operator first having
15 obtained from the Department of ~~Public Safety~~ Labor a license to
16 operate a wrecker or towing service. The number of the license
17 shall be displayed, in conformance with rules of the Department of
18 Labor, on both sides of every wrecker vehicle operated by the
19 wrecker or towing service.

20 B. The license fee required by this section shall be in lieu of
21 the motor carrier filing fee as required in Section 165 of this
22 title. No applicant for a wrecker license shall be required to
23 prove public convenience and necessity, file notices, nor shall a
24 public hearing be held. The fee for such license shall be Five

1 Hundred Dollars (\$500.00), of which ~~Ninety Dollars (\$90.00)~~ shall be
2 ~~deposited in the General Revenue Fund and Four Hundred Ten Dollars~~
3 ~~(\$410.00)~~ Two Hundred Fifty Dollars (\$250.00) shall be deposited in
4 the Oklahoma Wrecker and Towing Services Revolving Fund created in
5 Section 3 of this act for administration of the Oklahoma Wrecker
6 Services Division, and Two Hundred Fifty Dollars (\$250.00) shall be
7 deposited in the Department of Public Safety Restricted Revolving
8 Fund created pursuant to Section 2-145 of this title for the
9 administration of the Department's Wrecker Services Division ~~and~~
10 ~~modernization of computer programs.~~ No license fee shall be
11 refunded in the event the license is suspended or revoked.

12 C. All licenses shall expire on the last day of the calendar
13 year and may be renewed annually at a cost of Two Hundred Fifty
14 Dollars (\$250.00) upon application to the Department of Labor as
15 prescribed by rule. ~~Two Hundred Dollars (\$200.00)~~ Two Hundred Fifty
16 Dollars (\$250.00) of the fees collected in this subsection shall be
17 deposited in the ~~Department of Public Safety Restricted Revolving~~
18 ~~Fund created in Section 2-145 of this title for the modernization of~~
19 ~~computer programs and the administration of the Department's Wrecker~~
20 ~~Services Division and Fifty Dollars (\$50.00)~~ shall be deposited in
21 ~~the General Revenue Fund~~ Oklahoma Wrecker Services and Towing
22 Revolving Fund created in Section 3 of this act for administration
23 of the Oklahoma Wrecker Services Division. No license fee shall be
24 refunded in the event the license is suspended or revoked.

1 D. The Department of Labor shall issue a letter of reprimand,
2 cancel, suspend, revoke, or refuse to issue or renew the license of
3 an operator when it finds the licensee or applicant has not complied
4 with or has violated any of the provisions of the Nonconsensual
5 Towing Act of 2011, or any rules adopted by the Department of Labor.
6 A suspension or revocation shall be for a period of time deemed
7 appropriate by the Department of Labor for the violation. Any
8 canceled, suspended, or revoked license shall be returned to the
9 Department of Labor by the operator, and the operator shall not be
10 eligible to apply for another license until the period of suspension
11 or revocation has elapsed.

12 E. The provisions of the Administrative Procedures Act are
13 expressly made applicable to the Nonconsensual Towing Act of 2011.

14 F. In any civil action to enforce the equal application of the
15 alternation or rotation of wrecker or towing services regulated by a
16 political subdivision of the state, the prevailing party shall be
17 allowed attorney fees determined by the court, to be taxed and
18 collected as costs.

19 ~~G. Fees collected pursuant to the provisions of this section~~
20 ~~shall be remitted to the State Treasurer to be credited to the~~
21 ~~General Revenue Fund in the State Treasury except as provided by~~
22 ~~subsection H of this section.~~

1 ~~H. Fees allocated to the Department by this section shall be~~
2 ~~deposited in the Department of Public Safety Restricted Revolving~~
3 ~~Fund.~~

4 In addition to the annual renewal fee required by subsection C
5 of this section, a wrecker or towing operator shall be subject to an
6 additional annual fee of One Hundred Twenty-five Dollars (\$125.00)
7 per truck in its fleet. All fees collected under this subsection
8 shall be deposited into the Oklahoma Wrecker Services and Towing
9 Revolving Fund, established in Section 3 of this act, to support the
10 administration and operations of the Oklahoma Wrecker Services
11 Division.

12 SECTION 9. AMENDATORY 47 O.S. 2021, Section 953.1, is
13 amended to read as follows:

14 Section 953.1. A. The rates established by the ~~Corporation~~
15 ~~Commission~~ Oklahoma Wrecker and Towing Services Board shall
16 determine the nonconsensual tow maximum fees and charges not tied to
17 the federal per diem rate for wrecker or towing services performed
18 in this state, including incorporated and unincorporated areas, by a
19 wrecker or towing service licensed by the Department of ~~Public~~
20 ~~Safety~~ Labor when that service appears on the rotation log of the
21 Department of Public Safety 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 of Public Safety or of a municipality,

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

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

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

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 G 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~~

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

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

- ~~a. for distances or portions of distances not specifically provided for in the governing highway map, the actual mileage via the shortest practical 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	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
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H. C. An operator shall be required to provide reasonable documentation to the Department of Labor 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~~

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

1. Indoor storage rates;
2. Outdoor storage rates;
3. Specialized storage rates including, but not limited to, vehicle storage;
4. Hourly rates;

1 5. Additional labor rates;

2 6. Specialized equipment rates;

3 7. After-hours release rates;

4 8. Distance rates; and

5 9. Hookup rates.

6 E. Rates and Charges Requirements.

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

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

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

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

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

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

21 7. Any wrecker or towing services company found to have
22 exceeded the prices provided to the Department of Labor, using
23 unnecessary services to increase its fee, or engaging in unethical
24 business practices shall be subject to contempt proceedings before

1 the Oklahoma Wrecker and Towing Services Board and removal from the
2 towing rotation log by the troop commander.

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

8 9. Rates established by the Department of Labor, through the
9 Board, shall remain in effect until a wrecker or towing service
10 company files rates with the Department of Labor and those rates are
11 accepted.

12 10. The Department of Labor, through the Oklahoma Wrecker and
13 Towing Services Board, shall promulgate rules for the acceptance and
14 enforcement of rates.

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

19 2. If fees charged for a nonconsensual tow do not exceed the
20 current price list provided to the Department of Labor, the
21 Department of Labor may review fees charged with those lists of
22 prices provided to the Department of Labor by other licensed wrecker
23 and towing service companies that are located in the same geographic
24 area. Geographic areas of the state shall consist of four regions

1 separated east and west by Interstate 35, and north and south by
2 Interstate 40. If the fees charged by the wrecker and towing
3 service company that are being reviewed by the Department of Labor,
4 due to a complaint, exceed by more than thirty-five percent (35%) of
5 the current listed price of service or equipment of other licensed
6 wrecker or towing service companies in the same geographic area, the
7 Department of Labor shall determine the complaint as valid and
8 prohibit said wrecker or towing service company from collecting any
9 payments that exceed the thirty-five-percent threshold mentioned in
10 this paragraph. If a wrecker or towing service company has already
11 collected monies exceeding the thirty-five-percent threshold, the
12 wrecker or towing service company shall be required to return all
13 amounts exceeding the thirty-five-percent threshold mentioned in
14 this paragraph.

15 3. The Department of Labor shall only bring a charge against a
16 wrecker or towing service company for rates charged or equipment
17 utilized if a complaint has been filed with the Department of Labor
18 by a third party such as the:

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

20 b. insurer of the vehicle.

21 G. 1. Where a wrecker or towing service company on a rotation
22 log seeks to dispute an action of the Department of Labor due to an
23 order regarding a complaint, the wrecker or towing service company
24 shall be provided a process by which an appeal may be made regarding

1 inappropriate fees charged for a service or utilization of equipment
2 related to a nonconsensual tow, or the removal of said wrecker or
3 towing service company from the rotation log.

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

15 H. The Department of Labor shall issue a corrective action plan
16 to any wrecker or towing service found to be in violation of the law
17 governing wrecker or towing services or deny, cancel, suspend, or
18 revoke the license of any wrecker or towing service found to be in
19 noncompliance with the law governing the wrecker or towing service.

20 ~~K.~~ I. Wrecker operators shall be allowed to obtain ownership
21 and insurer information, including accident reports and other public
22 records, from ~~the Service Oklahoma Tax Commission~~ or other states'
23 motor vehicle agencies or from law enforcement agencies for the
24 purpose of determining ownership and responsibility for wrecker

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

9 SECTION 10. AMENDATORY 47 O.S. 2021, Section 953.2, as
10 amended by Section 1, Chapter 316, O.S.L. 2023 (47 O.S. Supp. 2025,
11 Section 953.2), is amended to read as follows:

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

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

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

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

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

1 the insurer accepting liability for paying the claim for the vehicle
2 or purchasing the vehicle where the vehicle is to be moved to an
3 insurance pool yard for sale.

4 ~~C. The rates in subsections D through F of this section shall~~
5 ~~be applicable until superseded by rates established by the~~
6 ~~Commission.~~

7 ~~D. Outdoor Storage Rates.~~

8 ~~1. Rates in this subsection shall apply to the outdoor storage~~
9 ~~of a towed vehicle. Rates may be applied from the time the towed~~
10 ~~vehicle is brought onto the outdoor storage facility premises.~~

11 ~~Rates shall apply to each calendar day of outdoor storage; provided,~~
12 ~~the maximum twenty-four-hour fee, as provided for in this section,~~
13 ~~may be charged for any towed vehicle which is stored for a portion~~
14 ~~of a twenty-four-hour period.~~

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

Type of Towed Vehicle	Rate per Each 24-hour Period or Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$15.00
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$20.00

~~Single vehicle or combination of vehicles
over 30 feet in length and up to 8 feet
in width~~

~~\$25.00~~

~~Single vehicle or combination of vehicles
over 30 feet in length and over 8 feet
in width~~

~~\$35.00~~

~~E. Indoor Storage Rates.~~

~~1. 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 release rate"~~

~~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 holiday"~~

~~2. "National holiday" shall mean New Year's Day, Martin Luther King Day, George Washington's Birthday, on the third Monday in February, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day any holiday observed for which~~

1 federal or Oklahoma State offices are closed, and shall further
2 include the Friday before such national holiday which falls on a
3 Saturday and the Monday following such national holiday which falls
4 on a Sunday.

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

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

16 SECTION 11. AMENDATORY 47 O.S. 2021, Section 954, is
17 amended to read as follows:

18 Section 954. A. The Department of ~~Public Safety~~ Labor shall be
19 charged with the duty of enforcing the provisions of Section 951 et
20 seq. of this title for licensed wreckers and towing services
21 operating in this state.

22 B. Duly appointed peace officers of the political subdivisions
23 of this state shall have authority to detain and arrest any person
24 operating a wrecker or tow truck or offering towing services to the

1 public for a charge without a valid license issued pursuant to the
2 provisions of Section 951 et seq. of this title. Such officers,
3 upon reasonable belief that any wrecker or tow truck is being
4 operated without proper authority or without a valid license issued
5 pursuant to Section 951 et seq. of this title, shall be authorized
6 to require the operator thereof to stop and exhibit such
7 documentation as may be required to establish his or her authority
8 to tow or transport another vehicle or to prove possession of a
9 valid wrecker or tow service license issued in this state. Any
10 person convicted of operating a wrecker or tow truck or offering
11 towing services to the public for a charge in this state without a
12 license shall be guilty of a misdemeanor and punished with a fine of
13 One Thousand Dollars (\$1,000.00). Law enforcement shall impound the
14 tow truck being used in violation of this section.

15 SECTION 12. AMENDATORY 47 O.S. 2021, Section 954A, is
16 amended to read as follows:

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

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

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

17 C. A licensed Class AA wrecker service removing an abandoned
18 vehicle pursuant to this section shall be subject to the maximum
19 rates established by the ~~Corporation Commission~~ Oklahoma Wrecker and
20 Towing Services Board.

21 D. The ~~Department~~ Board shall design and promulgate a suitable
22 Tow Request and Authorization Form containing space for the
23 following information:
24

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

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

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

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

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

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

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

22 E. The real property owner, legal possessor or authorized agent
23 and the wrecker vehicle driver shall jointly, and each in the
24 presence of the other, inventory personal property found within or

1 upon the vehicle and each shall accordingly sign a statement on the
2 form reflecting this requirement has been fulfilled. In the event
3 an inventory cannot be completed, the reasons therefor shall be
4 clearly stated on the form.

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

19 G. Within three (3) business days of the time indicated on the
20 form, the licensed Class AA wrecker service shall request ~~the~~
21 Service Oklahoma Tax Commission or other appropriate ~~motor license~~
22 ~~agent~~ licensed operator to furnish the name and address of the
23 current owner of and any lienholder upon the vehicle. ~~The Tax~~
24 ~~Commission~~ Service Oklahoma or an appropriate ~~motor license agent~~

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

20 H. No licensed Class AA wrecker service or operator of a
21 licensed Class AA wrecker service shall tow or cause to be towed a
22 vehicle pursuant to this section until the form furnished by the
23 Department of Labor has been appropriately completed by the parties
24 as required by rules of the Department of Labor.

1 SECTION 13. AMENDATORY 47 O.S. 2021, Section 955, as
2 amended by Section 12, Chapter 228, O.S.L. 2022 (47 O.S. Supp. 2025,
3 Section 955), is amended to read as follows:

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

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

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

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

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

22 5. The officer has probable cause that the person operating the
23 vehicle has not been granted driving privileges or that the driving
24

1 privileges of the person are currently suspended, revoked, canceled,
2 denied, or disqualified;

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

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

9 ~~or~~

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

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

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

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

13 C. Each officer of the Department shall use the services of the
14 licensed wrecker operator whose location is nearest to the vehicle
15 to be towed in all instances in subsection A of this section. The
16 requests for services may be alternated or rotated among all
17 licensed wrecker operators who are located within a reasonable
18 radius of each other. In like manner, the officer shall advise any
19 person requesting information as to the availability of a wrecker or
20 towing service, the name of the nearest licensed wrecker operator,
21 giving equal consideration to all licensed wrecker operators located
22 within a reasonable radius of each other. In cities with a
23 population of less than fifty thousand (50,000) ~~population~~, all
24 licensed wrecker operators located near or in the city limits of

1 such cities shall be considered as being equal distance and shall be
2 called on an equal basis as nearly as possible. In counties
3 bordering other states, if the officer deems safety and time
4 considerations warrant, the officer may call a wrecker or towing
5 service that is not on the rotation log.

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

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

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

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

18 SECTION 14. AMENDATORY 47 O.S. 2021, Section 956, is
19 amended to read as follows:

20 Section 956. A. No operator, employee, or contractor of a
21 wrecker or towing service or of a person or business that derives
22 any business or income from a wrecker or towing service shall offer,
23 and no officer or employee of the ~~Corporation Commission~~, Department
24 of Labor or the Department of Public Safety or any political

1 subdivision of the state shall accept, directly or indirectly, any
2 compensation, gift, loan, favor or service given for the purpose of
3 influencing the officer or employee in the discharge of official
4 duties of the person.

5 B. Except as provided in subsection C of this section, no
6 employee of the Department of Labor, officer of the ~~Commission~~,
7 Department of Public Safety or any law enforcement officer of any
8 political subdivision of the state shall have any interest,
9 financial or otherwise, in a wrecker or towing service, or with a
10 person or in a business that derives business or income from a
11 wrecker or towing service, nor shall a wrecker or towing service or
12 a person or business that derives any business or income from a
13 wrecker or towing service employ such officer or employee.

14 C. An employee of the Department of Labor, officer of the
15 ~~Commission~~, Department of Public Safety, or a law enforcement
16 officer of any political subdivision may have an interest, financial
17 or otherwise, in or may be employed by a wrecker or towing service
18 when the sole purpose and only business of the wrecker or towing
19 service is to perform repossessions of vehicles which are subject to
20 lien and are being repossessed by the lien holder of record.

21 SECTION 15. AMENDATORY 47 O.S. 2021, Section 966, is
22 amended to read as follows:

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

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

5 C. ~~The Corporation Commission, by Commission order,~~ Department
6 of Labor, through the Oklahoma Wrecker and Towing Services Board,
7 shall have the power and authority necessary:

8 1. To establish wrecker rates for the transportation and
9 storage of motor vehicles removed due to a nonconsensual tow from
10 Oklahoma roads and highways or private property for any rates not
11 tied to the federal per diem rate;

12 2. To supervise and enforce such rates; and

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

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

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

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

1 ~~Commission~~ rule of the Board. Repeat violations by a wrecker or
2 towing service are cause for revocation of its license issued by the
3 Department of ~~Public Safety~~ Labor.

4 G. The Department of Public Safety shall cooperate with the
5 ~~Commission~~ Department of Labor to implement this act and may enter
6 into agreements to facilitate this act.

7 SECTION 16. AMENDATORY 47 O.S. 2021, Section 967, is
8 amended to read as follows:

9 Section 967. A. The ~~Corporation Commission~~ Department of Labor
10 is hereby authorized to assess a fee upon each wrecker or towing
11 service licensed by the Department of ~~Public Safety~~ Labor and placed
12 upon an official rotation log, as specified in Section 952 of ~~Title~~
13 ~~47 of the Oklahoma Statutes~~ this title, to perform nonconsensual
14 tows.

15 B. Each wrecker or towing service shall pay the assessment,
16 levied pursuant to this section, on an annual basis.

17 C. The assessment shall be predicated upon the number of
18 wrecker or towing vehicles utilized by the wrecker or towing service
19 to conduct its Department-licensed operations.

20 D. Commencing with assessments made after June 30, 2017,
21 failing to pay the wrecker or towing services assessment by the due
22 date established by the ~~Corporation Commission~~ Department of Labor
23 shall result in an additional penalty of twenty-five percent (25%)
24 per vehicle. The ~~Transportation Division Director, or designee,~~

1 Department of Labor may waive the penalty for good cause shown.

2 Failure to pay the assessment and penalty within thirty (30) days of
3 the notice of penalty issued by the ~~Corporation Commission~~

4 Department of Labor shall result in revocation of the wrecker or
5 towing license issued by the Department of Labor.

6 E. ~~Beginning fiscal year 2013, the~~ The Legislature shall
7 establish budgetary limits for the ~~Commission~~ Department of Labor to
8 fulfill the duties of the Nonconsensual Towing Act of 2011. The
9 total assessments levied pursuant to this section shall not exceed
10 the amount of the budgetary limits and indirect costs for related
11 support functions established by the Legislature for any fiscal
12 year. Annual budgetary limits shall stay in effect unless
13 superseded by action of the Legislature.

14 SECTION 17. AMENDATORY 47 O.S. 2021, Section 968, is
15 amended to read as follows:

16 Section 968. The ~~Corporation Commission~~ Department of Labor is
17 authorized to appoint unclassified employees to perform the duties
18 and responsibilities associated with the Nonconsensual Towing Act of
19 2011.

20 SECTION 18. This act shall become effective November 1, 2026.

21
22 60-2-14028 JBH 02/06/26
23
24