

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3297 _____
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

Amendment submitted by: Neil Hays

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

PROPOSED POLICY
COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 3297

By: Hays

PROPOSED POLICY COMMITTEE SUBSTITUTE

An Act relating to highway remediation services;
requiring highway remediation and cleanup services
maintain certain minimum liability insurance
coverage; requiring coverage for licensure;
authorizing certain suspension or revocation of
license; requiring certain price list be published on
website; requiring annual update of price list;
listing requirements of price list; creating certain
lien; providing for attachment of lien; requiring
certain notice; stating contents of notice; providing
for perfection of lien; providing contents of
verified lien statement; providing for enforcement of
lien; prohibiting certain actions unless certain
conditions are met; authorizing certain temporary
retention of property; prohibiting certain actions;
stating certain lien shall be subordinate to other
liens unless agreed to in writing; amending 47 O.S.
2021, Section 953.1, which relates to maximum fees
and charges; allowing certain voluntary bill
consolidation; limiting certain price markup by
wrecker operators; allowing markup after certain
payment is made; providing for codification; and
providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2-7-407 of Title 27A, unless
3 there is created a duplication in numbering, reads as follows:

4 Every highway remediation and cleanup service operating within
5 this state shall maintain commercial general liability insurance
6 coverage of not less than Three Million Dollars (\$3,000,000.00),
7 that includes completed operations and pollution liability coverage.
8 Proof of such coverage shall be provided upon licensure by the
9 Department of Environmental Quality and upon request to law
10 enforcement, the Department of Transportation, insurers, or
11 contracting parties. The Department of Environmental Quality may
12 suspend or revoke the license of a highway remediation and cleanup
13 service for failure to maintain the coverage required pursuant to
14 this section.

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2-7-408 of Title 27A, unless
17 there is created a duplication in numbering, reads as follows:

18 Each highway remediation and cleanup service operating in this
19 state shall publish and maintain on a publicly accessible website a
20 clear, searchable price list of its top fifty (50) most frequently
21 billed nonconsent highway remediation services. The price list
22 shall be updated at least annually and made available prior to or
23 contemporaneously with billing. The price list shall include, at a
24 minimum:

1 1. A plain-language description of each service;

2 2. The standard charge for each service, including, but not
3 limited to, hourly rates, common equipment charges, and emergency
4 surcharges;

5 3. Units of measurement or billing increments; and

6 4. Any commonly applied surcharges.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 2-7-409 of Title 27A, unless
9 there is created a duplication in numbering, reads as follows:

10 A. A highway remediation and cleanup service that provides
11 nonconsensual highway remediation or cleanup services at the scene
12 of a roadway incident shall have a statutory, nonpossessory lien for
13 the reasonable value of services rendered, upon:

14 1. The vehicle or vehicles involved in the incident;

15 2. Any cargo or property remediated; and

16 3. The interest of the responsible party in such property.

17 B. The lien authorized by this section shall attach upon
18 completion of the remediation or cleanup services, but shall not be
19 enforceable unless perfected in accordance with this section.

20 C. 1. Within ten (10) business days after completion of
21 services, the remediation and cleanup service shall provide written
22 notice of the lien to:

23 a. the registered owner of the vehicle or property, if
24 known,

- b. any insurer known to provide coverage for the incident, and
- c. any lienholder of record reasonably identifiable through standard records.

2. The notice required by this subsection shall include:

- a. a brief description of the services rendered,
- b. the total amount claimed,
- c. the date services were completed, and
- d. a statement that the lien is subject to judicial enforcement.

D. The lien shall be perfected only upon filing a verified lien statement in the office of the county clerk of the county in which the services were performed within thirty (30) days after completion of services. The verified lien statement shall include:

1. The name and address of the highway remediation service;
2. The name of the responsible party, if known;
3. A description of the property subject to the lien;
4. The amount claimed; and
5. The date services were completed.

E. A lien perfected under this section may be enforced only through a civil action filed in a court of competent jurisdiction. No remediation service may seize, retain, sell, or otherwise dispose of property subject to the lien without:

1. The written consent of the property owner; or

1 2. A court order issued after notice and opportunity to be
2 heard.

3 F. Nothing in this section shall prohibit a highway remediation
4 service from temporarily retaining possession of property solely
5 when necessary to prevent an immediate and identifiable
6 environmental or public safety hazard, and only for the duration
7 required to abate such hazard. Temporary retention under this
8 subsection shall not be used to compel payment and shall not extend
9 beyond hazard mitigation.

10 G. A lien created pursuant to this section shall be subordinate
11 to any previously perfected security interest, unless otherwise
12 agreed in writing.

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

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

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

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

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

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

21 3. This section shall not be construed to require an operator
22 to charge a fee for the performance of any wrecker or towing
23 services; and
24

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

11 C. The rates in subsections D through G of this section shall
12 be applicable until superseded by rates established by the
13 Commission.

14 D. Distance rates.

15 1. Rates in this subsection shall apply to the distance the
16 towed vehicle is transported and shall include services of the
17 operator of the wrecker vehicle. Hourly rates, as provided in
18 subsection E of this section, may be applied in lieu of distance
19 rates. Hourly rates may be applied from the time the wrecker
20 vehicle is assigned to the service call until the time it is
21 released from service either upon return to the premises of the
22 wrecker or towing service or upon being assigned to perform another
23 wrecker or towing service, whichever occurs first. When the hourly
24 rate is applied in lieu of distance towing rates, the operator may

1 not apply the two-hour minimum prescribed in subsection E of this
2 section nor may hookup or mileage charges, as prescribed in this
3 section, be applied.

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

7 a. for distances or portions of distances not
8 specifically provided for in the governing highway
9 map, the actual mileage via the shortest practical
10 route will apply,

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

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

22 d. when the wrecker or towing service is performed upon
23 any turnpike or toll road, the turnpike or toll road
24 mileage shall be used to determine the distance rates

1 charged and the turnpike or toll road fees may be
2 added to the bill or invoice.

3 2. Maximum distance rates shall be as follows:

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

14 E. Hourly Rates.

15 1. Rates in this subsection shall apply for the use of a
16 wrecker vehicle and shall include services of the operator of such
17 wrecker, except as provided in paragraph 4 of this subsection.
18 Rates shall apply for all wrecker or towing services performed that
19 are not otherwise provided for in this section, including, but not
20 limited to, waiting and standby time, but shall not include the
21 first fifteen (15) minutes of service following the hookup of a
22 vehicle when a hookup fee is assessed, as provided in subsection F
23 of this section.

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

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

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

21 Weight of Towed Passenger Vehicle (In pounds)	Rate Per Hour	Rate Per 15 Minutes
22 Single vehicle: 8,000 or less	\$60.00	\$15.00
23 Single vehicle: 8,001 to 24,000	\$80.00	\$20.00

24

Single vehicle: 24,001 to 44,000	\$120.00	\$30.00
Single vehicle: 44,001 or over	\$180.00	\$45.00
Combination of vehicles	\$180.00	\$45.00

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

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

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

b. Maximum hourly rates for skilled or specialized labor and/or equipment shall be the actual customary and ordinary rates charged for such labor and/or equipment. When skilled or specialized labor or equipment is required, the wrecker operator's cost for such skilled or specialized labor or equipment plus a twenty-five percent (25%) gross profit markup to cover

overhead costs for such labor will be added to the invoice or freight bill to be collected in addition to all other applicable charges.

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

G. Additional Service Rates.

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

- a. the disconnection and reconnection of a towed vehicle's drive line when necessary to prevent mechanical damage to such vehicle,
- b. the removal and replacement of a towed vehicle's axle when necessary to prevent mechanical damage to such vehicle, or
- c. the use of a dolly or rollback equipment when essential to prevent mechanical damage to a towed vehicle or when neither end of such vehicle is capable of being towed safely while in contact with the roadway.

2. Maximum additional service rates shall be as follows:

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

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

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

17 J. When skilled or specialized labor or equipment is required,
18 the cost incurred by the wrecker operator for such skilled or
19 specialized labor or equipment plus an additional twenty-five
20 percent (25%) gross profit markup or gross profit margin shall be
21 allowed to cover overhead costs for such labor and will be added to
22 the invoice or freight bill to be collected in addition to all other
23 applicable charges. When a highway remediation and cleanup service
24 who is licensed by the Department of Environmental Quality is

1 utilized to provide the appropriate specialized labor, equipment, or
2 debris cleanup needed to assist with the clearing of an accident or
3 to clear the roadway following an accident, the highway remediation
4 and cleanup service and the wrecker operator may voluntarily
5 consolidate the services provided by both parties into a single bill
6 to be presented for payment of services rendered. If a consolidated
7 bill is presented in this manner, a wrecker or towing service may
8 markup the cost incurred by the wrecker operator for services
9 provided by the highway remediation and cleanup service plus an
10 additional fifteen percent (15%) gross profit markup or gross profit
11 margin to cover overhead cost for such services. This markup may
12 only be applied after the wrecker operator has fully paid the
13 highway remediation and cleanup service for the highway remediation
14 portion of the bill presented. This applies to labor and equipment
15 not regulated by the Commission.

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

1 that seeks possession of a vehicle under a security interest, agent,
2 or insurer accepting liability for paying the claim for a vehicle or
3 purchasing the vehicle as a total loss vehicle from the owner of any
4 towed or stored vehicle.

5 SECTION 5. This act shall become effective November 1, 2026.

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7 60-2-15950 JBH 01/20/26

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