

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1261

6 By: Hays

7 COMMITTEE SUBSTITUTE

8 [motor vehicles - Oklahoma Wrecker Services Division
9 - employees - powers - Corporation Commission -
10 Department of Public Safety - Department of Labor -
11 rights - responsibilities - rules - notice -
12 authority - personnel - transfer - Oklahoma Wrecker
13 and Towing Services Board - membership -
14 occupations - eligibility - notice - chair -
15 meetings - quorum - requirements - venue - rules -
16 powers and duties - compensation - reimbursement -
17 removal - laws - Oklahoma Wrecker and Tower
18 Services Revolving Fund - vehicles - exception -
19 removal - storage - agency - rulemaking - rotation
20 logs - licenses - fees - renewals - funds - fee -
21 charges - requirement - allowance - list -
22 letterhead - updates - prices - businesses -
23 investigation - proceedings - complaint - areas -
24 determination - monies - complaints - process -

1 plan - licenses - storage - release - rates -
2 roadway - gifts - Nonconsensual Towing Act of 2011
3 - codification - effective date]
4
5

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

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

10 A. The Oklahoma Wrecker Services Division, a division of the
11 Department of Labor, is hereby created, which shall consist of such
12 divisions, sections, committees, offices and positions as may be
13 established by the Department of Labor or by law. The Division
14 shall employ a Division Director and a team of three employees to
15 investigate consumer complaints related to overcharging for
16 nonconsensual towing, recovery, storage fees, and violations of the
17 rules promulgated by the Oklahoma Wrecker and Towing Services Board.
18 Division employees shall act as analysts, administrative assistants,
19 administrative technicians, and investigators.

20 B. 1. The applicable powers, duties, and responsibilities
21 exercised by the Transportation Division of the Oklahoma Corporation
22 Commission relating to wrecker and towing services shall be fully
23 transferred to the Department of Labor on November 1, 2026. All
24 records, property, equipment, assets, monies, financial interests,

1 liabilities, matters pending, and funds of the Commission related to
2 wrecker and towing services shall be transferred to the Department
3 of Labor.

4 2. With the exception of initial inspections of wrecker and
5 towing facilities and equipment and rotation log requirements
6 performed by the Department of Public Safety, the applicable powers,
7 duties, and responsibilities for regulating the wrecker and towing
8 industry in this state exercised by the Department of Public Safety
9 shall be fully transferred to the Department of Labor on November 1,
10 2026. All records, property, equipment, assets, monies, financial
11 interests, liabilities, matters pending, and funds of the Department
12 of Public Safety related to wrecker and towing services shall be
13 transferred to the Department of Labor.

14 C. The Department of Labor shall succeed to any contractual
15 rights or responsibilities incurred by the Commission pertaining to
16 wrecker and towing services.

17 D. The administrative rules related to wrecker and towing
18 services previously promulgated by the Corporation Commission shall
19 be transferred to and become a part of the administrative rules of
20 the Department of Labor upon the effective date of this act. The
21 Office of Administrative Rules in the Office of the Secretary of
22 State shall provide adequate notice in "The Oklahoma Register" of
23 the transferred rules and shall place the transferred rules under
24 the 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 E. Aside from rules promulgated by the Department of Public
5 Safety pertaining to rotation logs and inspections of wrecker and
6 towing facilities and equipment, the administrative rules previously
7 promulgated by the Department of Public Safety shall be transferred
8 to and become a part of the administrative rules of the Department
9 of Labor upon the effective date of this act. The Office of
10 Administrative Rules in the Office of the Secretary of State shall
11 provide adequate notice in "The Oklahoma Register" of the
12 transferred rules and shall place the transferred rules under the
13 Administrative Code section of the Department of Labor. On the
14 effective date of this act, any amendment, repeal, or addition to
15 the transferred rules shall be under the rulemaking authority of the
16 Department of Labor.

17 F. The Department of Labor, the Corporation Commission, and the
18 Department of Public Safety may enter into an agreement for the
19 transfer of personnel, if any, from the Commission and Department of
20 Public Safety to the Department of Labor. However, in no instance
21 shall more than four employees receive transfers. No employee shall
22 be transferred to the Department of Labor except on the freely given
23 written consent of the employee. Any employees who are transferred
24 to the Department of Labor shall not be required to accept a lesser

1 grade or salary than presently received. All employees shall retain
2 leave, sick, and annual time earned, and any retirement and
3 longevity benefits which have accrued during their tenure with the
4 Corporation Commission or the Department of Public Safety. The
5 transfer of any personnel between the state agencies shall be
6 coordinated with the Office of Management and Enterprise Services.

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

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

14 A. There is hereby created, pursuant to the Oklahoma Sunset Law
15 until January 1, 2032, the Oklahoma Wrecker and Towing Services
16 Board which shall be the regulatory authority to the Oklahoma
17 Wrecker Services Division created in Section 1 of this act. The
18 Board shall be independent and shall consist of nine (9) members who
19 shall initially serve staggered terms of membership with the Board.
20 The initial staggered terms of membership of the Board shall be as
21 follows:

22 1. One member, who is in an industry unrelated to any other
23 member of the Board, appointed by the Governor from the state at
24 large whose membership shall expire June 30, 2028;

1 2. One member, who is in an industry unrelated to any other
2 member of the Board, appointed by Governor from the state at large
3 whose membership shall expire June 30, 2029;

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

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

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

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

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

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

4 9. One member from the Oklahoma Department of Transportation
5 shall be appointed by the Governor and whose membership shall expire
6 June 30, 2030.

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

11 B. Members appointed pursuant to paragraphs 3 through 9 of
12 subsection A of this section shall remain engaged in the business or
13 industry described in subsection A of this section. Members so
14 appointed who no longer satisfy the requirements for his or her
15 Board position pursuant to subsection A of this section shall
16 provide notification of his or her change of status to his or her
17 appointing authority and to the chair of the Oklahoma Wrecker and
18 Towing Services Board and shall resign from the Board within thirty
19 (30) days of the date upon which the member no longer satisfies the
20 requirements of the appointment.

21 C. The members shall determine by majority vote of the quorum
22 of the Board who shall serve as chair. The chair shall be elected
23 annually, with the right to succeed himself or herself, from the
24 membership of the Board.

1 D. The Board shall meet at such times that the chair deems
2 necessary, but no meeting shall be held outside the State of
3 Oklahoma. All actions of the Board shall be by a quorum. Five
4 members of the Board shall constitute a quorum for the purpose of
5 transacting business. The Department of Labor shall provide
6 administrative support and a meeting venue for the Board.

7 E. Nothing in this act shall be construed to authorize the
8 Board to regulate consensual towing services, voluntary roadside
9 assistance, or privately negotiated towing contracts. The Board
10 shall promulgate rules under the authority of the Oklahoma
11 Department of Labor to carry out its intent and shall regulate the
12 wrecker and towing industry in this state, including:

13 1. Establishing reasonable tow rates for nonconsensual tows for
14 any rates not tied to the federal per diem rate. "Reasonable tow
15 rates" means rates that are directly related to the actual cost of
16 providing the nonconsensual tow, include a modest and customary
17 margin, and do not exceed the maximum rates approved by the Board.

18 These rates may only be adjusted every three (3) years by the Board;

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

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

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

5 5. Determining and sanctioning excessive or unnecessary fees
6 charged to consumers related to nonconsensual towing, recovery, or
7 storage;

8 6. Requiring all entities permitted, licensed, or regulated by
9 the Board to provide all documents in response to information
10 requests by the Board pursuant to the investigation of consumer
11 complaints or Board complaints against the permittee or licensee;

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

16 8. Requiring all entities permitted, licensed, or regulated by
17 the Board to maintain a copy of the current maximum rate schedule or
18 fee schedule established by the Board posted in a conspicuous place
19 and readily accessible to the public;

20 9. Requiring all entities permitted, licensed, or regulated by
21 the Board to allow the owner or agent of the owner of a motor
22 vehicle removed pursuant to Section 951 et seq. of Title 47 of the
23 Oklahoma Statutes to use any other entity permitted, licensed, or
24

1 regulated by the Board when reclaiming the motor vehicle from
2 storage;

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

12 11. Utilizing Oklahoma Wrecker Services Division investigators
13 to investigate consumer complaints related to overcharging for
14 nonconsensual towing, recovery, storage fees, and violations of the
15 rules promulgated by the Board;

16 12. Promulgation of rules and the authority of the Oklahoma
17 Department of Labor setting standards for initial inspections of
18 wrecker and towing facilities performed by the Department of Public
19 Safety and standards and procedures for any additional inspections
20 required by the Board; and

21 13. Submit promulgated rules to the Oklahoma Department of
22 Labor for approval.

23 F. Members of the Board shall serve without compensation, but
24 shall be reimbursed through the Department of Labor for expenses

1 incurred in the performance of his or her duties in accordance with
2 the provisions of the State Travel Reimbursement Act.

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

5 H. The Board shall act in accordance with the provisions of the
6 Oklahoma Open Records Act, the Oklahoma Open Meeting Act, and the
7 Administrative Procedures Act.

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

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

22 SECTION 4. AMENDATORY 47 O.S. 2021, Section 156.1, as
23 last amended by Section 55, Chapter 452, O.S.L. 2024 (47 O.S. Supp.
24 2025, Section 156.1), is amended to read as follows:

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

15 B. 1. Any state employee, other than the individuals provided
16 for in paragraph 2 of this subsection and any employee of the
17 Department of Public Safety who is a wrecker inspector ~~or auditor~~ of
18 the Wrecker Services Division as provided for in paragraph 3 of this
19 subsection, who receives emergency telephone calls regularly at the
20 residence of the employee when the employee is not on duty and is
21 regularly called upon to use a vehicle after normal work hours in
22 response to such emergency calls, may be permitted to use a vehicle
23 belonging to the state to provide transportation between the
24 residence of the employee and the assigned place of employment,

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

18 2. Any employee of the Department of Public Safety, Oklahoma
19 Department of Corrections, Office of the Attorney General, Oklahoma
20 State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma
21 State Bureau of Investigation, Alcoholic Beverage Laws Enforcement
22 Commission, Oklahoma Horse Racing Commission, Oklahoma Department of
23 Agriculture, Food, and Forestry, Office of the Inspector General
24 within the Department of Human Services or Office of the State Fire

1 Marshal, who is a law enforcement officer or criminalist, Public
2 Information officer, Special Investigator or Assistant Director of
3 the Oklahoma State Bureau of Investigation, the Executive Director
4 of CLEET, CLEET-certified Investigator for a state board or any
5 employee of a district attorney who is a law enforcement officer,
6 may be permitted to use a state-owned or state-leased vehicle to
7 provide transportation between the residence of the employee and the
8 assigned place of employment and between the residence and any
9 location other than the assigned place of employment to which the
10 employee travels in the performance of the official duty of the
11 employee.

12 3. Any employee of the Department of Public Safety who is a
13 wrecker inspector ~~or auditor~~ of the Wrecker Services Division, or a
14 noncommissioned pilot may be permitted, as determined by the
15 Commissioner, to use a state-owned or state-leased vehicle to
16 provide transportation between the residence of the employee and the
17 assigned place of employment and between the residence and any
18 location other than the assigned place of employment to which the
19 employee travels in the performance of the official duty of the
20 employee.

21 4. The Director, department heads and other essential employees
22 of the Department of Wildlife Conservation, as authorized by the
23 Wildlife Conservation Commission, may be permitted to use a state-
24 owned or state-leased vehicle to provide transportation between the

1 residence of the employee and the assigned place of employment and
2 between the residence and any location other than the assigned place
3 of employment to which the employee travels in the performance of
4 the official duty of the employee.

5 5. The Director, department heads, emergency responders and
6 other essential employees of the Department of Corrections, as
7 authorized by the Director, may be permitted to use a state-owned or
8 state-leased vehicle to provide transportation between the residence
9 of the 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 6. Designated Examiner Auditors, Designated Examiner
14 Supervisors, Commercial Driver License Examiners, Commercial Driver
15 License Auditors, Commercial Driver License Supervisors, and Driver
16 License Supervisors, as an employee of Service Oklahoma may be
17 permitted, as determined by the Director of Service Oklahoma, to use
18 a state-owned or state-leased vehicle to provide transportation
19 between the residence of the employee and the assigned place of
20 employment and between the residence and any location other than the
21 assigned place.

22 7. The Attorney General, division heads, emergency responders,
23 agents, assistant attorneys general, and other essential employees
24 of the Office of the Attorney General, as authorized by the Attorney

1 General, may be permitted to use a state-owned or state-leased
2 vehicle to provide transportation between the residence of the
3 employee and the assigned place of employment and between the
4 residence and any location other than the assigned place of
5 employment to which the employee travels in the performance of the
6 official duty of the employee.

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

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

17 Section 904. The owner of a motor vehicle or lienholder of the
18 vehicle abandoned in violation of Section 901 et seq. of this title,
19 or the owner of any vehicle or lienholder of the vehicle or insurer
20 accepting liability for paying a claim on a vehicle or purchasing
21 the vehicle as a total loss vehicle from the registered owner which
22 shall have been lawfully removed from any highway or other public
23 property may regain possession of the vehicle in accordance with
24 regulations of the Department of ~~Public Safety~~ Labor upon payment of

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

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

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

24

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

3 1. "Wrecker or wrecker vehicle" means any motor vehicle that is
4 equipped with any device designed to tow another vehicle or
5 combination of vehicles. The use of the term "wrecker" or "wrecker
6 vehicle" shall be construed to include a combination wrecker or
7 combination wrecker vehicle, as defined in paragraph 2 of this
8 section, unless a specific differentiation is otherwise described;

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

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

- 20 a. attaching the vehicle to and pulling the vehicle with
- 21 the wrecker vehicle, or
- 22 b. loading the vehicle onto and transporting the vehicle
- 23 upon the wrecker vehicle;

24

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

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

8 6. "Wrecker or towing service" means engaging in the business
9 of or performing the act of towing or offering to tow any vehicle,
10 except:

11 a. where the operator owns the towed vehicle and displays
12 on both sides of the wrecker vehicle in plainly
13 visible letters not less than two (2) inches in height
14 the words "NOT FOR HIRE",

15 b. where the service is performed by a transporter as
16 defined in Section 1-181 of this title,

17 c. where service is performed in conjunction with the
18 transportation of household goods and property,

19 d. where the wrecker vehicle is owned or operated by the
20 United States government, the State of Oklahoma, or
21 any department or political subdivision thereof, or

22 e. where the service is performed by an out-of-state
23 wrecker service at the request of the vehicle owner or
24

1 operator, the vehicle is not involved in a collision,
2 and is being towed:

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

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

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

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

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

12 ~~10.~~ 9. "Nonconsensual tow" means the transportation of a
13 vehicle without the consent or knowledge of the vehicle's owner,
14 possessor, agent, insurer, lienholder, or any other person in
15 possession of or in charge of any vehicle and includes the
16 transportation or towing of the vehicle under lawful circumstances
17 or necessity for the public interest including removing from the
18 roadway for public safety or public convenience, or accidents, by
19 any law enforcement officer or property agent or removal from public
20 or private property as a result of abandonment or unauthorized
21 parking by the property owner, agent, possessor, or other legal
22 entity for the property owner;

23 ~~11.~~ 10. "Operator" means any person owning or operating a
24 wrecker vehicle or wrecker or towing service;

1 ~~12.~~ 11. "Officer" means any duly authorized law enforcement
2 officer;

3 ~~13.~~ 12. "Roadway" means any public street, road, highway or
4 turnpike or the median, easement or shoulder of a roadway;

5 ~~14.~~ 13. "Service call" means the act of responding to a request
6 for service with a wrecker vehicle in which a service is performed;
7 and

8 ~~15.~~ 14. "Vehicle" shall:

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

11 b. for the purposes of this chapter when referring to a
12 vehicle or combination of vehicles being towed or
13 stored, include a vessel. The term "vessel" shall
14 have the same meaning as defined in Section 4002 of
15 Title 63 of the Oklahoma Statutes.

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

18 Section 952. A. Except for ~~the rates established by the~~
19 ~~Corporation Commission and other provisions as provided for by law,~~
20 ~~the Department of Public Safety~~ the inspections conducted for the
21 initial licensure of a wrecker or towing operator and rotation logs
22 which shall be performed by the Department of Public Safety, the
23 Department of Labor shall have the power and authority necessary to
24

1 license, supervise, govern and control wrecker vehicles and wrecker
2 or towing services.

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

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

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

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

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

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

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

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

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

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

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

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

18 G. The Department of Public Safety shall make all rotation logs
19 available for public inspection at the state office and shall make
20 rotation logs for a highway patrol troop district available for
21 public inspection at the district office.

22 H. The Department of Labor, through the Oklahoma Wrecker and
23 Towing Services Board, shall promulgate rules that classify wrecker
24 and towing services by the type of services and equipment they are

1 capable of providing for nonconsensual tows and accident
2 remediation.

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

5 Section 953. A. No operator shall be permitted nor shall any
6 employee of any operator be permitted, allowed or caused to solicit
7 business or make service calls without the operator first having
8 obtained from the Department of ~~Public Safety~~ Labor a license to
9 operate a wrecker or towing service. The number of the license
10 shall be displayed, in conformance with rules of the Department of of
11 Labor, on both sides of every wrecker vehicle operated by the
12 wrecker or towing service.

13 B. The license fee required by this section shall be in lieu of
14 the motor carrier filing fee as required in Section 165 of this
15 title. No applicant for a wrecker license shall be required to
16 prove public convenience and necessity, file notices, nor shall a
17 public hearing be held. The fee for such license shall be Five
18 Hundred Dollars (\$500.00), of which ~~Ninety Dollars (\$90.00) shall be~~
19 ~~deposited in the General Revenue Fund and Four Hundred Ten Dollars~~
20 ~~(\$410.00)~~ Two Hundred Fifty Dollars (\$250.00) shall be deposited in
21 the Oklahoma Wrecker and Towing Services Revolving Fund created in
22 Section 3 of this act for administration of the Oklahoma Wrecker
23 Services Division, and Two Hundred Fifty Dollars (\$250.00) shall be
24 deposited in the Department of Public Safety Restricted Revolving

1 Fund created pursuant to Section 2-145 of this title for the
2 administration of the Department's Wrecker Services Division ~~and~~
3 ~~modernization of computer programs~~. No license fee shall be
4 refunded in the event the license is suspended or revoked.

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

18 D. The Department of Labor shall issue a letter of reprimand,
19 cancel, suspend, revoke, or refuse to issue or renew the license of
20 an operator when it finds the licensee or applicant has not complied
21 with or has violated any of the provisions of the Nonconsensual
22 Towing Act of 2011, or any rules adopted by the Department of Labor.
23 A suspension or revocation shall be for a period of time deemed
24 appropriate by the Department of Labor for the violation. Any

1 canceled, suspended, or revoked license shall be returned to the
2 Department of Labor by the operator, and the operator shall not be
3 eligible to apply for another license until the period of suspension
4 or revocation has elapsed.

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

7 F. In any civil action to enforce the equal application of the
8 alternation or rotation of wrecker or towing services regulated by a
9 political subdivision of the state, the prevailing party shall be
10 allowed attorney fees determined by the court, to be taxed and
11 collected as costs.

12 ~~G. Fees collected pursuant to the provisions of this section~~
13 ~~shall be remitted to the State Treasurer to be credited to the~~
14 ~~General Revenue Fund in the State Treasury except as provided by~~
15 ~~subsection H of this section.~~

16 ~~H. Fees allocated to the Department by this section shall be~~
17 ~~deposited in the Department of Public Safety Restricted Revolving~~
18 ~~Fund.~~

19 In addition to the annual renewal fee required by subsection C
20 of this section, a wrecker or towing operator shall be subject to an
21 additional annual fee of One Hundred Twenty-five Dollars (\$125.00)
22 per truck in its fleet. All fees collected under this subsection
23 shall be deposited into the Oklahoma Wrecker Services and Towing
24 Revolving Fund, established in Section 3 of this act, to support the

1 administration and operations of the Oklahoma Wrecker Services
2 Division.

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

5 Section 953.1. A. The rates established by the ~~Corporation~~
6 ~~Commission~~ Oklahoma Wrecker and Towing Services Board shall
7 determine the nonconsensual tow maximum fees and charges not tied to
8 the federal per diem rate for wrecker or towing services performed
9 in this state, including incorporated and unincorporated areas, by a
10 wrecker or towing service licensed by the Department of ~~Public~~
11 ~~Safety~~ Labor when that service appears on the rotation log of the
12 Department of Public Safety or on the rotation log of any
13 municipality, county or other political subdivision of this state,
14 and the services performed are at the request or at the direction of
15 any officer of the Department of Public Safety or of a municipality,
16 county, or political subdivision. No wrecker or towing service in
17 the performance of transporting or storing vehicles or other
18 property towed as a result of a nonconsensual tow shall charge any
19 fee which exceeds the maximum rates established by the ~~Commission~~
20 Oklahoma Wrecker and Towing Services Board. Such rates shall be in
21 addition to any other rates, fees or charges authorized, allowed or
22 required by law and costs to collect such fees. Any wrecker or
23 towing service is authorized to collect from the owner, lienholder,
24 agent or insurer accepting liability for paying the claim for a

1 vehicle or purchasing the vehicle as a total loss vehicle from the
2 registered owner of any towed or stored vehicle, the fee required by
3 Section 904 of this title including environmental remediation fees
4 and services.

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

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

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

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

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

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

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

6 ~~D. Distance rates.~~

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

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

23 ~~a. for distances or portions of distances not~~
24 ~~specifically provided for in the governing highway~~

1 ~~map, the actual mileage via the shortest practical~~
2 ~~route will apply,~~

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

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

14 ~~d. when the wrecker or towing service is performed upon~~
15 ~~any turnpike or toll road, the turnpike or toll road~~
16 ~~mileage shall be used to determine the distance rates~~
17 ~~charged and the turnpike or toll road fees may be~~
18 ~~added to the bill or invoice.~~

19 ~~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

1	Single vehicle: 8,001 to 12,000	25 miles or less	\$3.40
2	Single vehicle: 8,001 to 12,000	Over 25 miles	\$3.00
3	Single vehicle: 12,001 to 40,000	Any	\$5.75
4	Single vehicle: 40,000 or over	Any	\$6.75
5	Combination of vehicles	Any	\$6.75

6 ~~E. Hourly Rates.~~

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

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

16 ~~Hourly rates shall apply from the time the vehicle or labor is~~
17 ~~assigned to the service call until the time it is released from~~
18 ~~service either upon return to the premises of the wrecker or towing~~
19 ~~service or upon being assigned to perform another wrecker or towing~~
20 ~~service, whichever occurs first. Whenever a wrecker vehicle is used~~
21 ~~to tow a vehicle subject to distance rates, as provided in~~
22 ~~subsection D of this section, hourly rates shall apply only for the~~
23 ~~time such wrecker is used in the performance of services other than~~

24

1 ~~transportation, except when such hourly rates are used in lieu of~~
2 ~~such distance rates.~~

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

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

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

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

GVWR of Wrecker Vehicle	Rate Per	Rate Per
------------------------------------	---------------------	---------------------

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

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

b. ~~Maximum hourly rates for skilled or specialized labor and/or equipment shall be the actual customary and ordinary rates charged for such labor and/or equipment. When skilled or specialized labor or equipment is required, the wrecker operator's cost for such skilled or specialized labor or equipment plus a twenty-five percent (25%) gross profit markup to cover overhead costs for such labor will be added to the invoice or freight bill to be collected in addition to all other applicable charges.~~

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)~~

1 ~~minutes of such service, for which there shall be no additional fee~~
2 ~~charged, but shall not include the use of a dolly or rollback~~
3 ~~equipment or a combination wrecker vehicle to accomplish such~~
4 ~~hookup, for which an additional fee may be charged as provided in~~
5 ~~subsection G of this section. Hookup shall include, but not be~~
6 ~~limited to, the attachment of a vehicle to or the loading of a~~
7 ~~vehicle onto a wrecker vehicle.~~

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

9 ~~Weight of Vehicle Being Hooked Up~~

(In pounds, including equipment and lading)	Rate
12 Single vehicle: 8,000 or less	\$65.00
13 Single vehicle: 8,001 to 12,000	\$75.00
14 Single vehicle: 12,001 to 24,000	\$85.00
15 Single vehicle: 24,001 or over	\$95.00
16 Combination of vehicles	\$95.00

17 ~~G. Additional Service Rates.~~

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

- 20 ~~a. the disconnection and reconnection of a towed~~
21 ~~vehicle's drive line when necessary to prevent~~
22 ~~mechanical damage to such vehicle,~~

- 1 ~~b. the removal and replacement of a towed vehicle's axle~~
2 ~~when necessary to prevent mechanical damage to such~~
3 ~~vehicle, or~~
- 4 ~~e. the use of a dolly or rollback equipment when~~
5 ~~essential to prevent mechanical damage to a towed~~
6 ~~vehicle or when neither end of such vehicle is capable~~
7 ~~of being towed safely while in contact with the~~
8 ~~roadway.~~

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

Weight of Towed	Service Performed		
Vehicle (In pounds, including equipment and lading)	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

19 ~~H. C.~~ An operator shall be required to provide reasonable
20 documentation to the Department of Labor to substantiate all lawful
21 fees charged the owner, lienholder, agent or insurer paying the
22 claim for the towed vehicle. Fees for which the operator is being
23 reimbursed or having paid to a third party, shall include copies of

1 the invoice or other appropriate documents to substantiate such
2 payment to said third party.

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

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

20 D. Wrecker or towing service companies shall provide the
21 Department of Labor a detailed comprehensive list of all prices for
22 the services performed related to the towing and storage of any
23 vehicle that is deemed a nonconsensual tow. The list shall be on
24 the letterhead of the wrecker or towing service company. The

1 wrecker or towing service company shall be responsible for updating
2 the list when prices change by submitting a new price list
3 biannually, on January 1 and July 1 of each calendar year, and shall
4 contain the date when new prices will take effect. The wrecker or
5 towing service company shall not exceed the prices on file with the
6 Department of Labor for a nonconsensual tow. The wrecker or towing
7 service company shall only charge for services that are on file with
8 the Department of Labor. All prices provided to the Department of
9 Labor may be provided to citizens needing a wrecker or towing
10 service. No other rates will be allowed apart from the prices
11 provided to the Department of Labor and shall include, but may not
12 be limited to:

- 13 1. Indoor storage rates;
- 14 2. Outdoor storage rates;
- 15 3. Specialized storage rates including, but not limited to,
16 vehicle storage;
- 17 4. Hourly rates;
- 18 5. Additional labor rates;
- 19 6. Specialized equipment rates;
- 20 7. After-hours release rates;
- 21 8. Distance rates; and
- 22 9. Hookup rates.
- 23 E. Rates and Charges Requirements.

24

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

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

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

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

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

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

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

14 7. Any wrecker or towing services company found to have
15 exceeded the prices provided to the Department of Labor, using
16 unnecessary services to increase its fee, or engaging in unethical
17 business practices shall be subject to contempt proceedings before
18 the Oklahoma Wrecker and Towing Services Board and removal from the
19 towing rotation log by the troop commander.

20 8. The Department of Labor shall communicate with any wrecker
21 or towing service company the filing rates and state whether the
22 rates have been accepted or rejected. If the Department of Labor
23 rejects rates, it shall state why it did so and provide the
24 opportunity for appeal and resubmission of rates.

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

5 10. The Department of Labor, through the Oklahoma Wrecker and
6 Towing Services Board, shall promulgate rules for the acceptance and
7 enforcement of rates.

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

12 2. If fees charged for a nonconsensual tow do not exceed the
13 current price list provided to the Department of Labor, the
14 Department of Labor may review fees charged with those lists of
15 prices provided to the Department of Labor by other licensed wrecker
16 and towing service companies that are located in the same geographic
17 area. Geographic areas of the state shall consist of four regions
18 separated east and west by Interstate 35, and north and south by
19 Interstate 40. If the fees charged by the wrecker and towing
20 service company that are being reviewed by the Department of Labor,
21 due to a complaint, exceed by more than thirty-five percent (35%) of
22 the current listed price of service or equipment of other licensed
23 wrecker or towing service companies in the same geographic area, the
24 Department of Labor shall determine the complaint as valid and

1 prohibit said wrecker or towing service company from collecting any
2 payments that exceed the thirty-five-percent threshold mentioned in
3 this paragraph. If a wrecker or towing service company has already
4 collected monies exceeding the thirty-five-percent threshold, the
5 wrecker or towing service company shall be required to return all
6 amounts exceeding the thirty-five-percent threshold mentioned in
7 this paragraph.

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

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

13 b. insurer of the vehicle.

14 G. 1. Where a wrecker or towing service company on a rotation
15 log seeks to dispute an action of the Department of Labor due to an
16 order regarding a complaint, the wrecker or towing service company
17 shall be provided a process by which an appeal may be made regarding
18 inappropriate fees charged for a service or utilization of equipment
19 related to a nonconsensual tow, or the removal of said wrecker or
20 towing service company from the rotation log.

21 2. The Department of Labor shall allow the wrecker or towing
22 service company to appeal a determination by submitting supporting
23 documentation. Once supporting documentation has been provided, the
24 Department of Labor shall make a determination of whether the

1 Department of Labor's action against the wrecker or towing service
2 company stands, or if the supporting documentation shows the
3 Department of Labor erred in its determination against the wrecker
4 or towing service company. If the Department of Labor errs
5 regarding its action against a wrecker or towing service company,
6 said company shall be entitled to collect any monies prohibited by
7 the Department of Labor.

8 H. The Department of Labor shall issue a corrective action plan
9 to any wrecker or towing service found to be in violation of the law
10 governing wrecker or towing services or deny, cancel, suspend, or
11 revoke the license of any wrecker or towing service found to be in
12 noncompliance with the law governing the wrecker or towing service.

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

24

1 the claim for a vehicle or purchasing the vehicle as a total loss
2 vehicle from the owner of any towed or stored vehicle.

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

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

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

24

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

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

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

24

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

4 ~~D. Outdoor Storage Rates.~~

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

12 ~~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

1 ~~Single vehicle or combination of vehicles~~

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

3 ~~in width~~

\$45.00

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

6 ~~F. After-Hours Release Rate.~~

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

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

11 ~~a. "after-hours release rate"~~

12 ~~1. "After-hours release rate" shall mean the rate charged for~~
13 ~~the release of a towed vehicle between the hours of midnight and~~
14 ~~8:00 a.m., or between the hours of 4:00 p.m. and midnight Monday~~
15 ~~through Friday, or any time on Saturday, Sunday or a national~~
16 ~~holiday;~~ and

17 ~~b. "national holiday"~~

18 ~~2. "National holiday" shall mean New Year's Day, Martin Luther~~
19 ~~King Day, George Washington's Birthday, on the third Monday in~~
20 ~~February, Memorial Day, Independence Day, Labor Day, Veterans Day,~~
21 ~~Thanksgiving Day and Christmas Day any holiday observed for which~~
22 ~~federal or Oklahoma State offices are closed, and shall further~~
23 ~~include the Friday before such national holiday which falls on a~~

1 Saturday and the Monday following such national holiday which falls
2 on a Sunday.

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

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

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

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

20 B. Duly appointed peace officers of the political subdivisions
21 of this state shall have authority to detain and arrest any person
22 operating a wrecker or tow truck or offering towing services to the
23 public for a charge without a valid license issued pursuant to the
24 provisions of Section 951 et seq. of this title. Such officers,

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

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

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

22 B. 1. The owner, legal possessor or authorized agent may
23 request any licensed Class AA wrecker service within the county
24 wherein the real property is located to remove the abandoned vehicle

1 from the premises by signing a Tow Request and Authorization Form
2 prescribed by the Department of ~~Public Safety~~ Labor and furnished to
3 licensed Class AA wrecker service operators as hereinafter provided.

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

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

18 D. The ~~Department~~ Board shall design and promulgate a suitable
19 Tow Request and Authorization Form containing space for the
20 following information:

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

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

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

6 4. Inventory of personal property within the vehicle to be
7 towed;

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

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

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

19 E. The real property owner, legal possessor or authorized agent
20 and the wrecker vehicle driver shall jointly, and each in the
21 presence of the other, inventory personal property found within or
22 upon the vehicle and each shall accordingly sign a statement on the
23 form reflecting this requirement has been fulfilled. In the event
24

1 an inventory cannot be completed, the reasons therefor shall be
2 clearly stated on the form.

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

17 G. Within three (3) business days of the time indicated on the
18 form, the licensed Class AA wrecker service shall request ~~the~~
19 Service Oklahoma Tax Commission or other appropriate ~~motor license~~
20 ~~agent~~ licensed operator to furnish the name and address of the
21 current owner of and any lienholder upon the vehicle. ~~The Tax~~
22 ~~Commission~~ Service Oklahoma or an appropriate ~~motor license agent~~
23 licensed operator shall respond in person or by certified mail to
24 the licensed Class AA wrecker service within five (5) business days

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

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

23
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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 for twelve (12) months following the
18 effective date of this act and until rates are established by ~~order~~
19 ~~of the Commission~~ the Board.

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

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

1 levied assessment or comply with any applicable ~~order of the~~
2 ~~Commission~~ rule of the Board. Repeat violations by a wrecker or
3 towing service are cause for revocation of its license issued by the
4 Department of ~~Public Safety~~ Labor.

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

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

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

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

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

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

1 per vehicle. The ~~Transportation Division Director, or designee,~~
2 Department of Labor may waive the penalty for good cause shown.
3 Failure to pay the assessment and penalty within thirty (30) days of
4 the notice of penalty issued by the ~~Corporation Commission~~
5 Department of Labor shall result in revocation of the wrecker or
6 towing license issued by the Department of Labor.

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

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

17 Section 968. The ~~Corporation Commission~~ Department of Labor is
18 authorized to appoint unclassified employees to perform the duties
19 and responsibilities associated with the Nonconsensual Towing Act of
20 2011.

21 SECTION 18. This act shall become effective January 1, 2027.

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