

1 ENGROSSED HOUSE
2 BILL NO. 1753

By: Kerbs of the House

and

Frix of the Senate

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5
6 [motor vehicles - maximum fees and charges - rate
7 calculations - documentation - hourly rates -
8 federal data - Corporation Commission -
9 notification - amendment - vehicle weight - weekly
10 adjustment of fees - fees and charges for storage -
11 maximum indoor and outdoor storage rates -
12 Nonconsensual Towing Act of 2011 - rates for
13 consensual tows - modification of rates - notice
14 and hearing - expert witness - evaluation -
15 recommendations - notice of recommendation - expert
16 witness fees - annual fees - effective date]

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

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SECTION 1. AMENDATORY 47 O.S. 2021, Section 953.1, is

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amended to read as follows:

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Section 953.1. A. The rates established by the Corporation

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Commission shall determine the nonconsensual tow maximum fees and

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charges for wrecker or towing services performed in this state,

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

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

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

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

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

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

18 C. ~~The rates in subsections D through G of this section shall~~
19 ~~be applicable until superseded by rates established by the~~
20 ~~Commission.~~

21 D. ~~Distance rates.~~

22 1. ~~Rates in this subsection shall apply to the distance the~~
23 ~~towed vehicle is transported and shall include services of the~~
24 ~~operator of the wrecker vehicle. Hourly rates, as provided in~~

1 ~~subsection E of this section, may be applied in lieu of distance~~
2 ~~rates. Hourly rates may be applied from the time the wrecker~~
3 ~~vehicle is assigned to the service call until the time it is~~
4 ~~released from service either upon return to the premises of the~~
5 ~~wrecker or towing service or upon being assigned to perform another~~
6 ~~wrecker or towing service, whichever occurs first. When the hourly~~
7 ~~rate is applied in lieu of distance towing rates, the operator may~~
8 ~~not apply the two hour minimum prescribed in subsection E of this~~
9 ~~section nor may hookup or mileage charges, as prescribed in this~~
10 ~~section, be applied.~~

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

- 14 ~~a. for distances or portions of distances not~~
15 ~~specifically provided for in the governing highway~~
16 ~~map, the actual mileage via the shortest practical~~
17 ~~route will apply,~~
- 18 ~~b. in computing distances, fractions of a mile will be~~
19 ~~retained until the final and full mileage is~~
20 ~~determined, at which time any remaining fraction shall~~
21 ~~be increased to the next whole mile,~~
- 22 ~~c. when, due to circumstances beyond the control of the~~
23 ~~wrecker or towing service, roadway conditions make it~~
24 ~~impractical to travel via the shortest route, distance~~

1 ~~rates shall be computed based on the shortest~~
2 ~~practical route over which the wrecker vehicle and the~~
3 ~~vehicle it is towing can be moved, which route shall~~
4 ~~be noted on the bill or invoice, or~~

5 d. ~~when the wrecker or towing service is performed upon~~
6 ~~any turnpike or toll road, the turnpike or toll road~~
7 ~~mileage shall be used to determine the distance rates~~
8 ~~charged and the turnpike or toll road fees may be~~
9 ~~added to the bill or invoice.~~

10 ~~2. Maximum distance rates shall be as follows:~~

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

21 ~~E. Hourly Rates.~~

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

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

7 Hourly rates shall apply from the time the vehicle or labor is
8 assigned to the service call until the time it is released from
9 service either upon return to the premises of the wrecker or towing
10 service or upon being assigned to perform another wrecker or towing
11 service, whichever occurs first. ~~Whenever a wrecker vehicle is used~~
12 ~~to tow a vehicle subject to distance rates, as provided in~~
13 ~~subsection D of this section, hourly rates shall apply only for the~~
14 ~~time such wrecker is used in the performance of services other than~~
15 ~~transportation, except when such hourly rates are used in lieu of~~
16 ~~such distance rates.~~ A wrecker or towing service shall maintain
17 sufficient documentation to establish when the hourly rate begins
18 and ends. The hourly rates established in this subsection shall be
19 modified annually based on the year-to-year percentage change of the
20 Bureau of Labor Statistics Consumer Price Index. The Corporation
21 Commission shall make the calculation for new hourly rates and
22 notify all wreckers and towing services eligible to perform
23 nonconsensual towing services of the new rates. The rate
24 calculation may be subject to amendment upon application before the

1 Commission showing good cause that the calculation was made in
2 error. New rates, as calculated by the Commission, shall supersede
3 the hourly rates in this subsection starting on November 1, 2026.

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

11 2. ~~Maximum hourly rates for wrecker or towing services~~
12 ~~performed for passenger vehicles, when rates for such services are~~
13 ~~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

21 ~~3. Maximum hourly rates for all other wrecker or towing~~
22 ~~services, when rates for such other services are not otherwise~~
23 ~~provided for by law, shall be determined based upon the gross~~
24 ~~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~~

1 ~~section. Such hookup rate shall include the first fifteen (15)~~
2 ~~minutes of such service, for which there shall be no additional fee~~
3 ~~charged, but shall not include the use of a dolly or rollback~~
4 ~~equipment or a combination wrecker vehicle to accomplish such~~
5 ~~hookup, for which an additional fee may be charged as provided in~~
6 ~~subsection G of this section. Hookup shall include, but not be~~
7 ~~limited to, the attachment of a vehicle to or the loading of a~~
8 ~~vehicle onto a wrecker vehicle.~~

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

10 ~~Weight of Vehicle Being Hooked Up~~

11 ~~(In pounds, including equipment _____ Rate~~
12 ~~and lading)~~

13 ~~Single vehicle: 8,000 or less _____ \$65.00~~

14 ~~Single vehicle: 8,001 to 12,000 _____ \$75.00~~

15 ~~Single vehicle: 12,001 to 24,000 _____ \$85.00~~

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

17 ~~Combination of vehicles _____ \$95.00~~

18 ~~G. Additional Service Rates.~~

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

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

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- b. ~~the removal and replacement of a towed vehicle's axle when necessary to prevent mechanical damage to such vehicle, or~~
- e. ~~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)	Disconnect Drive Line; Remove Axle	Reconnect Drive Line; Replace Axle	Use of Dolly or Rollback Equipment
8,000 or less	\$10.00	\$15.00	\$25.00
8,001 to 12,000	\$15.00	\$20.00	\$30.00
12,001 or over	\$20.00	\$20.00	Not applicable

~~H.~~

- a. for vehicles weighing twenty-six thousand (26,000) pounds or less, the rate shall be One Hundred Ninety-nine Dollars (\$199.00) for each hour of service, with a two (2) hour minimum; and

1 **b.** for vehicles weighing twenty-six thousand one (26,001)
2 pounds or more, the rate shall be Two Hundred Ninety-
3 nine Dollars (\$299.00) for each hour of service, with
4 a two-hour minimum.

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

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

21 ~~J.~~ **E.** When skilled or specialized labor or equipment is
22 required, the cost incurred by the wrecker operator for such skilled
23 or specialized labor or equipment plus an additional twenty-five
24 percent (25%) gross profit markup or gross profit margin shall be

1 allowed to cover overhead costs for such labor and will be added to
2 the invoice or freight bill to be collected in addition to all other
3 applicable charges. This applies to labor and equipment not
4 regulated by the Commission.

5 ~~K. F.~~ Wrecker operators shall be allowed to obtain ownership
6 and insurer information, including accident reports and other public
7 records, from ~~the Oklahoma Tax Commission~~ Service Oklahoma or other
8 states' motor vehicle agencies or from law enforcement agencies for
9 the purpose of determining ownership and responsibility for wrecker
10 fees. In the event a state of origin is not known, the Department
11 of Public Safety and ~~the Oklahoma Tax Commission~~ Service Oklahoma
12 shall assist in providing such information. The wrecker operator is
13 authorized to collect lawful fees for such costs and services from
14 the owner, lienholder that seeks possession of a vehicle under a
15 security interest, agent, or insurer accepting liability for paying
16 the claim for a vehicle or purchasing the vehicle as a total loss
17 vehicle from the owner of any towed or stored vehicle.

18 SECTION 2. AMENDATORY 47 O.S. 2021, Section 953.2, as
19 amended by Section 1, Chapter 316, O.S.L. 2023 (47 O.S. Supp. 2024,
20 Section 953.2), is amended to read as follows:

21 Section 953.2. A. The rates established by order of the
22 Corporation Commission shall determine the maximum fees and charges
23 for the storage and after-hours release of nonconsensual towed
24 vehicles, including incorporated and unincorporated areas, by a

1 wrecker or towing service licensed by the Department of Public
2 Safety and repair facilities as defined in Section 953 of Title 15
3 of the Oklahoma Statutes. No wrecker or towing service or repair
4 facilities shall charge any fee for nonconsensual towed vehicles and
5 storage which exceeds the maximum rates established by the
6 Commission. Such rates shall be in addition to any other rates,
7 fees or charges authorized, allowed or required by law, including
8 environmental remediation fees and services.

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

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

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

21 4. The operator or repair facility is authorized to collect all
22 lawful fees in acceptable forms of payment such as through check,
23 credit card, automated clearing house transfer, or debit card from
24 the owner, lienholder or agent of the towed vehicle or insurer

1 accepting liability for paying the claim for a vehicle or purchasing
2 the vehicle as a total loss vehicle from the registered owner for
3 the performance of any and all such services. An operator or repair
4 facility shall make the towed vehicle available for inspection by
5 the owner, lien holder, agent of the towed vehicle, or insurer
6 accepting liability for paying the claim for a vehicle and shall
7 release the vehicle from storage upon authorization from the owner,
8 agent or lienholder of the vehicle or in the case of a total loss,
9 the insurer accepting liability for paying the claim for the vehicle
10 or purchasing the vehicle where the vehicle is to be moved to an
11 insurance pool yard for sale.

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

15 D. Outdoor Storage Rates.

16 1. Rates in this subsection shall apply to the outdoor storage
17 of a towed vehicle. Rates may be applied from the time the towed
18 vehicle is brought onto the outdoor storage facility premises.
19 Rates shall apply to each calendar day of outdoor storage; provided,
20 the maximum twenty-four-hour fee, as provided for in this section,
21 may be charged for any towed vehicle which is stored for a portion
22 of a twenty-four-hour period. The hourly rates established in this
23 subsection shall be modified annually based on the year-to-year
24 percentage change of the Bureau of Labor Statistics Consumer Price

1 Index. The Corporation Commission shall make the calculation for
2 new hourly rates and notify all wreckers and towing services
3 eligible to perform nonconsensual towing services of the new rates.
4 The rate calculation may be subject to amendment upon application
5 before the Commission showing good cause that the calculation was
6 made in error.

7 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 <u>\$23.94</u>
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$20.00 <u>\$31.92</u>
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width	\$25.00 <u>\$39.90</u>
Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width	\$35.00 <u>\$55.86</u>

22 E. Indoor Storage Rates.

23 1. Rates in this subsection shall apply to the indoor storage
24 of a towed vehicle. Rates may be applied from the time the towed

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

6 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 <u>\$39.90</u>
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$30.00 <u>\$47.88</u>
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width	\$35.00 <u>\$55.86</u>
Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width	\$45.00 <u>\$71.82</u>

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

23 F. After-Hours Release Rate.

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

4 2. As used in this subsection:

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

10 b. "national holiday" shall mean New Year's Day, Martin
11 Luther King Day, George Washington's Birthday, on the
12 third Monday in February, Memorial Day, Independence
13 Day, Labor Day, Veterans Day, Thanksgiving Day and
14 Christmas Day, and shall further include the Friday
15 before such national holiday which falls on a Saturday
16 and the Monday following such national holiday which
17 falls on a Sunday.

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

21 G. An operator or repair facility shall be required to provide
22 reasonable documentation to substantiate all lawful fees charged the
23 owner, lienholder, agent or insurer accepting liability for paying
24 the claim for the towed vehicle or purchasing the towed vehicle.

1 Fees for which the operator or repair facility is being reimbursed,
2 or having paid to a third party, shall include copies of the invoice
3 or other appropriate documents to substantiate the payment to the
4 third party.

5 SECTION 3. AMENDATORY 47 O.S. 2021, Section 966, is
6 amended to read as follows:

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

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

13 C. The Corporation Commission, by Commission order, shall have
14 the power and authority necessary:

15 1. To establish, supervise, and enforce wrecker rates for the
16 transportation and storage of motor vehicles removed due to a
17 nonconsensual tow from Oklahoma roads and highways or private
18 property;

19 2. To supervise and enforce such rates; and

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

22 D. Rates as specified in Sections 953.1 and 953.2 of Title 47
23 of the Oklahoma Statutes shall remain in effect until rates are
24 established by order of the Commission.

1 E. Rates established by the Commission shall be fair and
2 reasonable.

3 F. The Commission may assess fines or other penalties to any
4 wrecker or towing service for failure to comply with prescribed
5 rates as established by the Commission, failure to pay a levied
6 assessment or comply with any applicable order of the Commission.
7 Repeat violations by a wrecker or towing service are cause for
8 revocation of its license issued by the Department of Public Safety.

9 G. The Department shall cooperate with the Commission to
10 implement this act and may enter into agreements to facilitate this
11 act.

12 H. The Corporation Commission shall review the rates wrecker
13 and tow services companies may charge for nonconsensual tows and, if
14 necessary, change the rates, following notice and hearing. This
15 review shall begin no later than two (2) years following the
16 implementation of new rates resulting from the prior rate review
17 case. The Commission shall engage an independent expert witness to
18 evaluate the rates who shall provide recommendations to the
19 Commission for rate adjustment by Commission Order. Notice of such
20 recommendation shall be provided to the Governor, the President Pro
21 Tempore of the Oklahoma State Senate, and the Speaker of the
22 Oklahoma House of Representatives. The cost of the expert witness,
23 as determined by the Commission, shall be added to the assessment of
24 annual fees found in Section 967 of this title.

