

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3297

By: Hays

6 AS INTRODUCED

7 An Act relating to highway remediation services;
8 requiring highway remediation and cleanup services
9 maintain certain minimum workers' compensation
10 coverage; requiring coverage for licensure;
11 authorizing certain suspension or revocation of
12 license; requiring certain price list be published on
13 website; requiring annual update of price list;
14 listing requirements of price list; authorizing
15 certain direct billing for service provided; stating
16 certain contracts invalid; allowing certain bill
consolidation; authorizing placement of certain lien;
providing for attachment of lien; authorizing certain
retention of property; amending 47 O.S. 2021, Section
953.1, which relates to maximum fees and charges;
allowing certain voluntary bill consolidation;
limiting certain price markup by wrecker operators;
allowing markup after certain payment is made;
providing for codification; and providing an
effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 2-7-407 of Title 27A, unless
23 there is created a duplication in numbering, reads as follows:
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1 Every highway remediation and cleanup service operating within
2 this state shall maintain workers' compensation insurance coverage
3 of not less than Five Million Dollars (\$5,000,000.00). Proof of
4 such coverage shall be provided upon licensure by the Department of
5 Environmental Quality and upon request to law enforcement, the
6 Department of Transportation, insurers, or contracting parties. The
7 Department of Environmental Quality may suspend or revoke the
8 license of a highway remediation and cleanup service for failure to
9 maintain the coverage required pursuant to this section.

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

13 Each highway remediation and cleanup service operating in this
14 state shall publish and maintain on a publicly accessible website a
15 clear, searchable price list of its one hundred (100) most
16 frequently billed services. The price list shall be updated at
17 least annually and made available prior to or contemporaneously with
18 billing. The price list shall include, at a minimum:

- 19 1. A plain-language description of each service;
- 20 2. The standard charge for each service;
- 21 3. Units of measurement or billing increments; and
- 22 4. Any commonly applied surcharges.

1 SECTION 3. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 2-7-409 of Title 27A, unless
3 there is created a duplication in numbering, reads as follows:

4 A. A highway remediation and cleanup service providing services
5 at the scene of a roadway incident shall not be required to bill
6 through a wrecker or towing service in order to receive payment. A
7 remediation company may bill directly to the responsible party or
8 its insurer for services rendered. Any contract, policy, or
9 agreement that requires a remediation company to bill exclusively
10 through a wrecker or towing service is void and unenforceable.
11 However, a highway remediation and cleanup service may voluntarily
12 agree to combine charges for services rendered for accident cleanup
13 along with those of wrecker or towing service into a single
14 consolidated bill to be presented to a party or its insurer for
15 services rendered.

16 B. A highway remediation and cleanup service that provides
17 highway remediation and cleanup services shall have a statutory lien
18 for the reasonable value of services rendered upon:

- 19 1. The vehicle or vehicles involved;
- 20 2. Any cargo or property remediated; and
- 21 3. Any other property of the responsible party directly related
22 to the incident.

23 B. The lien shall attach upon performance of the services and
24 may be perfected in the same manner as other possessory or statutory

1 liens under Oklahoma law. A remediation company may retain
2 possession of property subject to the lien until payment for
3 services provided is made in full.

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

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

1 towed or stored vehicle, the fee required by Section 904 of this
2 title including environmental remediation fees and services.

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

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

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

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

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

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

4 D. Distance rates.

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

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

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

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

17 2. Maximum distance rates shall be as follows:

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

1 Single vehicle: 12,001 to 40,000 Any \$5.75

2 Single vehicle: 40,000 or over Any \$6.75

3 Combination of vehicles Any \$6.75

4 E. Hourly Rates.

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

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

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

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

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

11 Weight of Towed Passenger Vehicle (In pounds)	12 Rate Per Hour	13 Rate Per 15 Minutes
14 Single vehicle: 8,000 or less	15 \$60.00	16 \$15.00
17 Single vehicle: 8,001 to 24,000	18 \$80.00	19 \$20.00
20 Single vehicle: 24,001 to 44,000	21 \$120.00	22 \$30.00
23 Single vehicle: 44,001 or over	24 \$180.00	25 \$45.00
26 Combination of vehicles	27 \$180.00	28 \$45.00

29 3. Maximum hourly rates for all other wrecker or towing
30 services, when rates for such other services are not otherwise
31 provided for by law, shall be determined based upon the gross
32 vehicle weight rating of each wrecker vehicle used as follows:
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34 GVWR of Wrecker Vehicle (In pounds)	35 Rate Per Hour	36 Rate Per 15 Minutes
37 8,000 or less	38 \$60.00	39 \$15.00

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

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

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

18 F. Hookup Rates.

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

1 equipment or a combination wrecker vehicle to accomplish such
2 hookup, for which an additional fee may be charged as provided in
3 subsection G of this section. Hookup shall include, but not be
4 limited to, the attachment of a vehicle to or the loading of a
5 vehicle onto a wrecker vehicle.

6 2. Maximum hookup rates shall be as follows:

7 Weight of Vehicle Being Hooked Up

8 (In pounds, including equipment 9 and lading)	10 Rate
10 Single vehicle: 8,000 or less	\$65.00
11 Single vehicle: 8,001 to 12,000	\$75.00
12 Single vehicle: 12,001 to 24,000	\$85.00
13 Single vehicle: 24,001 or over	\$95.00
14 Combination of vehicles	\$95.00

15 G. Additional Service Rates.

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

- 18 a. the disconnection and reconnection of a towed
19 vehicle's drive line when necessary to prevent
20 mechanical damage to such vehicle,
- 21 b. the removal and replacement of a towed vehicle's axle
22 when necessary to prevent mechanical damage to such
23 vehicle, or

- c. the use of a dolly or rollback equipment when essential to prevent mechanical damage to a towed vehicle or when neither end of such vehicle is capable of being towed safely while in contact with the roadway.

2. Maximum additional service rates shall be as follows:

Weight of Towed	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

8,000 or less	\$10.00	\$15.00	\$25.00
8,001 to 12,000	\$15.00	\$20.00	\$30.00

Rate Per 15 Minutes of Service Performed

12,001 or over \$20.00 \$20.00 Not applicable

H. An operator shall be required to provide reasonable

documentation to substantiate all lawful fees charged the owner, lienholder, agent or insurer paying the claim for the towed vehicle. Fees for which the operator is being reimbursed or having paid to a third party, shall include copies of the invoice or other appropriate documents to substantiate such payment to said third party.

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

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

8 J. When skilled or specialized labor or equipment is required,
9 the cost incurred by the wrecker operator for such skilled or
10 specialized labor or equipment plus an additional twenty-five
11 percent (25%) gross profit markup or gross profit margin shall be
12 allowed to cover overhead costs for such labor and will be added to
13 the invoice or freight bill to be collected in addition to all other
14 applicable charges. When a highway remediation and cleanup service
15 who is licensed by the Department of Environmental Quality is
16 utilized to provide the appropriate specialized labor, equipment, or
17 debris cleanup needed to assist with the clearing of an accident or
18 to clear the roadway following an accident, the highway remediation
19 and cleanup service and the wrecker operator may voluntarily
20 consolidate the services provided by both parties into a single bill
21 to be presented for payment of services rendered. If a consolidated
22 bill is presented in this manner, a wrecker or towing service may
23 markup the cost incurred by the wrecker operator for services
24 provided by the highway remediation and cleanup service plus an

1 additional fifteen percent (15%) gross profit markup or gross profit
2 margin to cover overhead cost for such services. This markup may
3 only be applied after the wrecker operator has fully paid the
4 highway remediation and cleanup service for the highway remediation
5 portion of the bill presented. This applies to labor and equipment
6 not regulated by the Commission.

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

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

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