

1 **SENATE FLOOR VERSION**

2 February 7, 2023

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 841

6 By: Paxton

7 An Act relating to motor vehicle storage rates;
8 amending 47 O.S. 2021, Section 953.2, which relates
9 to fees and charges for storage of towed vehicles;
10 modifying inclusions; adding applicable entities;
11 specifying acceptable forms of payment; modifying
12 duties of facilities; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2021, Section 953.2, is
16 amended to read as follows:

17 Section 953.2. A. The rates established by order of the
18 Corporation Commission shall determine the maximum fees and charges
19 for the storage and after-hours release of nonconsensual towed
20 vehicles, including incorporated and unincorporated areas, by a
21 wrecker or towing service licensed by the Department of Public
22 Safety and repair facilities as defined in Section 953 of Title 15
23 of the Oklahoma Statutes. No wrecker or towing service or repair
24 facilities shall charge any fee for nonconsensual towed vehicles and
storage which exceeds the maximum rates established by the

1 Commission. Such rates shall be in addition to any other rates,
2 fees or charges authorized, allowed or required by law, including
3 environmental remediation fees and services.

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

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

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

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

1 accepting liability for paying the claim for a vehicle and shall
2 release the vehicle from storage upon authorization from the owner,
3 agent or lienholder of the vehicle or in the case of a total loss,
4 the insurer accepting liability for paying the claim for the vehicle
5 or purchasing the vehicle where the vehicle is to be moved to an
6 insurance pool yard for sale.

7 C. The rates in subsections D through F of this section shall
8 be applicable until superseded by rates established by the
9 Commission.

10 D. Outdoor Storage Rates.

11 1. Rates in this subsection shall apply to the outdoor storage
12 of a towed vehicle. Rates may be applied from the time the towed
13 vehicle is brought onto the outdoor storage facility premises.
14 Rates shall apply to each calendar day of outdoor storage; provided,
15 the maximum twenty-four-hour fee, as provided for in this section,
16 may be charged for any towed vehicle which is stored for a portion
17 of a twenty-four-hour period.

18 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

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1	Single vehicle or combination of vehicles	
2	over 20 feet in length but less than 30	
3	feet in length	\$20.00
4	Single vehicle or combination of vehicles	
5	over 30 feet in length and up to 8 feet	
6	in width	\$25.00
7	Single vehicle or combination of vehicles	
8	over 30 feet in length and over 8 feet	
9	in width	\$35.00

10 E. Indoor Storage Rates~~÷~~.

11 1. Rates in this subsection shall apply to the indoor storage
12 of a towed vehicle. Rates may be applied from the time the towed
13 vehicle is brought into the indoor storage facility premises. Rates
14 shall apply to each calendar day of indoor storage; provided, the
15 maximum twenty-four-hour fee, as provided for in this section, may
16 be charged for any towed vehicle which is stored for a portion of a
17 twenty-four-hour period.

18 2. Maximum indoor storage rates shall be as follows:

19		Rate per Each
20		24-hour Period or
21	Type of Towed Vehicle	Portion Thereof
22	Single vehicle: motorcycle, automobile,	
23	or light truck up to 20 feet in length	\$25.00
24		

1 Single vehicle or combination of vehicles
2 over 20 feet in length but less than 30
3 feet in length \$30.00

4 Single vehicle or combination of vehicles
5 over 30 feet in length and up to 8 feet
6 in width \$35.00

7 Single vehicle or combination of vehicles
8 over 30 feet in length and over 8 feet
9 in width \$45.00

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

12 F. After-Hours Release Rate.

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

16 2. As used in this subsection:

- 17 a. "after-hours release rate" shall mean the rate charged
18 for the release of a towed vehicle between the hours
19 of midnight and 8:00 a.m., or between the hours of
20 4:00 p.m. and midnight Monday through Friday, or any
21 time on Saturday, Sunday or a national holiday, and
22 b. "national holiday" shall mean New Year's Day, Martin
23 Luther King Day, George Washington's Birthday, on the
24 third Monday in February, Memorial Day, Independence

1 Day, Labor Day, Veterans Day, Thanksgiving Day and
2 Christmas Day, and shall further include the Friday
3 before such national holiday which falls on a Saturday
4 and the Monday following such national holiday which
5 falls on a Sunday.

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

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

17 SECTION 2. This act shall become effective November 1, 2023.

18 COMMITTEE REPORT BY: COMMITTEE ON AERONAUTICS AND TRANSPORTATION
19 February 7, 2023 - DO PASS AS AMENDED
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