

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1261 _____
 _____ Of the printed Bill
 Page _____ Section _____ Lines _____
 _____ Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Neil Hays _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1261

By: Hays

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to motor vehicles; creating the
9 Service Oklahoma Wrecker Services Division; requiring
10 Division acquire certain employees to carry out its
11 objectives; transferring certain powers, duties and
12 responsibilities from the Corporation Commission and
13 the Department of Public Safety to Service Oklahoma
14 by certain date; requiring Service Oklahoma succeed
15 any contractual rights or responsibilities; providing
16 for the transfer of certain rules; requiring certain
17 notice; transferring rulemaking authority;
18 authorizing the transfer of personnel; providing
19 details for personnel transfer; requiring certain
20 coordination for transfer; creating the Oklahoma
21 Wrecker and Towing Services Board; providing for
22 membership of the Board; providing for initial
23 staggered membership; providing for appointment of
24 members; requiring Board members maintain certain
occupations for eligibility; requiring certain notice
and resignation if certain conditions are met;
providing for selection of chairperson; authorizing
chair to set meetings; requiring quorum for actions
of the Board; providing quorum requirements;
requiring Service Oklahoma provide certain support
and venue; authorizing Board to promulgate rules;
listing powers and duties of the Board; prohibiting
Board compensation; providing for certain
reimbursement; providing for removal without cause;
requiring Board act in accordance with certain laws;
amending Section 6, Chapter 282, O.S.L. 2022, as last
amended by Section 32, Chapter 452, O.S.L. 2024 (47
O.S. Supp. 2024, Section 3-106), which relates to
Service Oklahoma Revolving Funds; creating the
Service Oklahoma Wrecker and Towing Services

1 Revolving Fund; stating type of fund; authorizing
2 expenditures; amending 47 O.S. 2021, Section 156.1,
3 as last amended by Section 55, Chapter 452, O.S.L.
4 2024 (47 O.S. Supp. 2024, Section 156.1), which
5 relates to private use of state-owned motor vehicles;
6 removing certain exception; amending 47 O.S. 2021,
7 Section 904, which relates to payment of cost of
8 removal and storage; modifying responsible agency;
9 amending 47 O.S. 2021, Section 951, which relates to
10 definitions; modifying definitions; amending 47 O.S.
11 2021, Section 952, which relates to rulemaking
12 authority; modifying responsible agency; requiring
13 certain rules be enforced until new rules are in
14 place; authorize the promulgation of certain rules;
15 requiring filing and updating of all rotation logs;
16 requiring Department of Public Safety to promulgate
17 certain rules; amending 47 O.S. 2021, Section 953,
18 which relates to license fees and renewals; modifying
19 responsible agency; modifying the deposit of funds;
20 creating certain annual fee; directing deposit of
21 collected fee; amending 47 O.S. 2021, Section 953.1,
22 which relates to maximum fees and charges; modifying
23 responsible agency; removing various rates and fees;
24 removing certain weekly rate and fee adjustment
requirement; removing certain fee mark-up allowance;
requiring wreckers to provide certain list; requiring
certain letterhead for list; requiring certain
updates; disallowing exceedance of certain prices;
allowing only for certain charges; listing allowable
rates; disallowing the use of certain equipment and
personnel; requiring certain fees be reasonable;
requiring fuel surcharge be based upon certain
prices; allowing certain adjustment of fuel
surcharge; disallowing certain deviation; authorizing
collection of certain charges; requiring the posting
of certain prices at place of business; requiring
certain investigation for complaints; requiring
certain contempt proceedings be held; authorizing
certain removal from rotation log; requiring
Department make certain communication; requiring
Department make certain statement; requiring certain
opportunity for appeal and resubmission of rates;
requiring certain rates remain in effect until
modified; requiring Department promulgate certain
rules; requiring review of price list after opening
complaint; authorizing certain review; dividing the
state into certain geographic areas; requiring

1 certain validity determination; requiring return of
2 certain amount of collected monies; requiring
3 bringing of charges after certain complaints are
4 made; requiring certain appeal process; describing
5 appeal process; authorizing Service Oklahoma to issue
6 certain corrective action plan; authorizing Service
7 Oklahoma to deny, cancel, suspend, or revoke certain
8 licences; amending 47 O.S. 2021, Section 953.2, as
9 amended by Section 1, Chapter 316, O.S.L. 2023 (47
10 O.S. Supp. 2024, Section 953.2), which relates to
11 fees charged for storage and release; modifying
12 responsible agency; modifying definition; removing
13 certain set rates; amending 47 O.S. 2021, Section
14 954, which relates to enforcement; modifying
15 responsible agencies; amending 47 O.S. 2021, Section
16 954A, which relates to abandoned motor vehicles;
17 modifying responsible entity; updating language on
18 licensed operators; amending 47 O.S. 2021, Section
19 955, as amended by Section 12, Chapter 228, O.S.L.
20 2022 (47 O.S. Supp. 2024, Section 955), which relates
21 to towing vehicle from roadway; modifying responsible
22 agency; amending 47 O.S. 2021, Section 956, which
23 relates to gifts prohibited; modifying responsible
24 agency; amending 47 O.S. 2021, Sections 966, 967, and
968 which relates to the Nonconsensual Towing Act of
2011; modifying responsible agency; providing for
codification; and providing an effective date.

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

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

21 A. The Service Oklahoma Wrecker Services Division, a division
22 of Service Oklahoma, is hereby created, which shall consist of such
23 divisions, sections, committees, offices and positions as may be
24 established by Service Oklahoma or by law. The Division shall

1 employ a Division Director and a team of at least three employees to
2 investigate consumer complaints related to overcharging for
3 nonconsensual towing, recovery, storage fees, and violations of the
4 rules promulgated by the Oklahoma Wrecker and Towing Services Board.
5 Division employees shall act as analysts, administrative assistants,
6 administrative technicians, and investigators.

7 B. 1. The applicable powers, duties, and responsibilities
8 exercised by the Transportation Division of the Oklahoma Corporation
9 Commission relating to wrecker and towing services shall be fully
10 transferred to Service Oklahoma on November 1, 2025. All records,
11 property, equipment, assets, monies, financial interests,
12 liabilities, matters pending, and funds of the Commission related to
13 wrecker and towing services shall be transferred to Service
14 Oklahoma.

15 2. With the exception of initial inspections of wrecker and
16 towing facilities and equipment and rotation log requirements
17 performed by law enforcement or the Department of Public Safety, the
18 applicable powers, duties, and responsibilities for regulating the
19 wrecker and towing industry in this state exercised by the
20 Department shall be fully transferred to Service Oklahoma on
21 November 1, 2025. All records, property, equipment, assets, monies,
22 financial interests, liabilities, matters pending, and funds of the
23 Department related to wrecker and towing services shall be
24 transferred to Service Oklahoma.

1 C. Service Oklahoma shall succeed to any contractual rights or
2 responsibilities incurred by the Commission pertaining to wrecker
3 and towing services.

4 D. The administrative rules related to wrecker and towing
5 services previously promulgated by the Commission shall be
6 transferred to and become a part of the administrative rules of
7 Service Oklahoma upon the effective date of this act. The Office of
8 Administrative Rules in the Office of the Secretary of State shall
9 provide adequate notice in "The Oklahoma Register" of the
10 transferred rules and shall place the transferred rules under the
11 Administrative Code section of Service Oklahoma. On the effective
12 date of this act, any amendment, repeal, or addition to the
13 transferred rules shall be under the rulemaking authority of Service
14 Oklahoma.

15 E. Aside from rules promulgated by the Department pertaining to
16 rotation logs, the administrative rules previously promulgated by
17 the Department of Public Safety shall be transferred to and become a
18 part of the administrative rules of Service Oklahoma upon the
19 effective date of this act. The Office of Administrative Rules in
20 the Office of the Secretary of State shall provide adequate notice
21 in "The Oklahoma Register" of the transferred rules and shall place
22 the transferred rules under the Administrative Code section of
23 Service Oklahoma. On the effective date of this act, any amendment,
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1 repeal, or addition to the transferred rules shall be under the
2 rulemaking authority of Service Oklahoma.

3 F. Service Oklahoma, the Commission, and the Department of
4 Public Safety may enter into an agreement for the transfer of
5 personnel, if any, from the Commission and Department to Service
6 Oklahoma. No employee shall be transferred to Service Oklahoma
7 except on the freely given written consent of the employee. Any
8 employees who are transferred to Service Oklahoma shall not be
9 required to accept a lesser grade or salary than presently received.
10 All employees shall retain leave, sick, and annual time earned, and
11 any retirement and longevity benefits which have accrued during
12 their tenure with the Commission. The transfer of any personnel
13 between the state agencies shall be coordinated with the Office of
14 Management and Enterprise Services.

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

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

22 A. There is hereby created the Oklahoma Wrecker and Towing
23 Services Board which shall be the regulatory authority to the
24 Service Oklahoma Wrecker Services Division created in Section 1 of

1 this act. The Board shall be independent and shall consist of nine
2 (9) members who shall initially serve staggered terms of membership
3 with the Board. The initial staggered terms of membership of the
4 Board shall be as follows:

5 1. One member appointed by the Governor from the state at large
6 whose membership shall expire June 30, 2027;

7 2. One member appointed by the Governor from the state at large
8 whose membership shall expire June 30, 2028;

9 3. One member holding a license or licensed by Service Oklahoma
10 to engage in commercial insurance appointed by the Governor from the
11 state at large and whose membership shall expire June 30, 2029;

12 4. One member holding a license or licensed by Service Oklahoma
13 to engage in nonconsensual towing who operates in a county with a
14 population of one hundred thousand (100,000) or more, according to
15 the latest Federal Decennial Census, shall be appointed by the
16 President Pro Tempore of the Oklahoma State Senate and whose
17 membership shall expire June 30, 2027;

18 5. One member holding a license or licensed by Service Oklahoma
19 to engage in nonconsensual towing who operates in a county with a
20 population of one hundred thousand (100,000) or more, according to
21 the latest Federal Decennial Census, shall be appointed by the
22 President Pro Tempore of the Oklahoma State Senate and whose
23 membership shall expire June 30, 2028;

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1 6. One member holding a license or licensed by Service Oklahoma
2 to engage in nonconsensual towing who operates in a county with a
3 population of less than one hundred thousand (100,000), according to
4 the latest Federal Decennial Census, shall be appointed by the
5 Speaker of the Oklahoma House of Representatives and whose
6 membership shall expire June 30, 2027;

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

13 8. One member who works in law enforcement shall be appointed
14 by the President Pro Tempore of the Oklahoma State Senate and whose
15 membership shall expire June 30, 2029; and

16 9. One member who is engaged in the commercial trucking
17 insurance industry shall be appointed by the Speaker of the House of
18 Representatives and whose membership shall expire June 30, 2029.

19 Thereafter, persons shall be appointed for terms of three (3)
20 years beginning July 1. Any vacancy shall be filled by the
21 appointing authority for the remainder of the unexpired term.

22 B. Members appointed pursuant to subsection A of this section
23 shall remain engaged in the business of nonconsensual towing,
24 vehicle repossession, law enforcement, commercial insurance, and the

1 commercial trucking insurance industry. Members so appointed who no
2 longer satisfy the requirements for his or her Board position
3 pursuant to subsection A of this section shall provide notification
4 of his or her change of status to his or her appointing authority
5 and to the chairperson of the Oklahoma Wrecker and Towing Services
6 Board and shall resign from the Board within thirty (30) days of the
7 date upon which the member no longer satisfies the requirements of
8 the appointment.

9 C. The members shall determine by majority vote of the quorum
10 of the Board who shall serve as chairperson. The chairperson shall
11 be elected annually, with the right to succeed himself or herself,
12 from the membership of the Board.

13 D. The Board shall meet at such times that the chair deems
14 necessary, but no meeting shall be held outside the State of
15 Oklahoma. All actions of the Board shall be by a quorum. Five (5)
16 members of the Board shall constitute a quorum for the purpose of
17 transacting business. Service Oklahoma shall provide administrative
18 support and a meeting venue for the Board.

19 E. The Board shall promulgate rules to carry out its intent and
20 shall regulate the wrecker and towing industry, including:

21 1. Establishing reasonable tow rates for nonconsensual tows for
22 any rates not tied to the federal per diem rate.

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1 2. Establishing reasonable licensing, insurance, and equipment
2 requirements for any person engaging in towing and related services
3 for safety purposes;

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

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

11 5. Determining and sanctioning excessive or unnecessary fees
12 charged to consumers related to nonconsensual towing, recovery, or
13 storage;

14 6. Requiring all entities permitted, licensed, or regulated by
15 the Board to provide all documents in response to information
16 requests by the Board pursuant to the investigation of consumer
17 complaints or Board complaints against the permittee or licensee;

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

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

3 9. Requiring all entities permitted, licensed, or regulated by
4 the Board to allow the owner or agent of the owner of a motor
5 vehicle removed pursuant to Section 951 et seq. of Title 47 of the
6 Oklahoma Statutes to use any other entity permitted, licensed, or
7 regulated by the Board when reclaiming the motor vehicle from
8 storage;

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

18 11. Utilizing Wrecker Services Division investigators to
19 investigate consumer complaints related to overcharging for
20 nonconsensual towing, recovery, storage fees, and violations of the
21 rules promulgated by the Board; and

22 12. Promulgation of rules setting standards for initial
23 inspections of wrecker and towing facilities performed by the
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1 Department of Public Safety and standards and procedures for annual
2 inspections performed by Service Oklahoma.

3 F. Members of the Board shall serve without compensation, but
4 shall be reimbursed through Service Oklahoma for expenses incurred
5 in the performance of their duties in accordance with the provisions
6 of the State Travel Reimbursement Act.

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

9 H. The Board shall act in accordance with the provisions of the
10 Oklahoma Open Records Act, the Oklahoma Open Meeting Act, and the
11 Administrative Procedures Act.

12 SECTION 3. AMENDATORY Section 6, Chapter 282, O.S.L.
13 2022, as last amended by Section 32, Chapter 452, O.S.L. 2024 (47
14 O.S. Supp. 2024, Section 3-106), is amended to read as follows:

15 Section 3-106. A. There is hereby created in the State
16 Treasury a revolving fund for Service Oklahoma to be designated the
17 "Service Oklahoma Revolving Fund". The fund shall be a continuing
18 fund, not subject to fiscal year limitations. All monies accruing
19 to the credit of the fund are hereby appropriated and shall be
20 budgeted and expended by Service Oklahoma for the restricted
21 purposes of the monies as prescribed by law. Expenditures from the
22 fund shall be made upon warrants issued by the State Treasurer
23 against claims filed as prescribed by law with the Director of the
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1 Office of Management and Enterprise Services for approval and
2 payment.

3 B. There is hereby created in the State Treasury a revolving
4 fund for Service Oklahoma to be designated the "Service Oklahoma
5 Reimbursement Fund". The fund shall be a continuing fund, not
6 subject to fiscal year limitations. All monies accruing to the
7 credit of the fund are hereby appropriated and shall be budgeted and
8 expended by Service Oklahoma for the restricted purposes of the
9 monies as prescribed by law. Expenditures from the fund shall be
10 made upon warrants issued by the State Treasurer against claims
11 filed as prescribed by law with the Director of the Office of
12 Management and Enterprise Services for approval and payment.

13 C. There is hereby created in the State Treasury a revolving
14 fund for Service Oklahoma, to be designated the "Service Oklahoma
15 Computer Imaging System Revolving Fund". The fund shall be a
16 continuing fund not subject to fiscal year limitations. All monies
17 accruing to the credit of the fund are hereby appropriated and shall
18 be budgeted and expended by Service Oklahoma for the purpose of
19 implementing, developing, administering, and maintaining the
20 computer imaging system of Service Oklahoma. Expenditures from the
21 fund shall be made upon warrants issued by the State Treasurer
22 against claims filed as prescribed by law with the Director of the
23 Office of Management and Enterprise Services for approval and
24 payment.

1 D. There is hereby created in the State Treasury a revolving
2 fund for Service Oklahoma to be designated the "Licensed Operator
3 Performance Fund". This fund shall be a continuing fund not subject
4 to fiscal year limitations. All monies accruing to the credit of
5 the fund are hereby appropriated and shall be budgeted and expended
6 by Service Oklahoma for the restricted purposes of the monies as
7 prescribed by law. Expenditures from the fund shall be made upon
8 warrants issued by the State Treasurer against claims filed as
9 prescribed by law with the Director of the Office of Management and
10 Enterprise Services for approval and payment.

11 1. The Licensed Operator Performance Fund shall be distributed
12 to licensed operators in accordance with the applicable metrics
13 determined by Service Oklahoma.

14 2. In the event that excess funds exist in the Licensed
15 Operator Performance Fund after distribution to licensed operators
16 pursuant to this subsection, the remaining funds are authorized to
17 be expended for the purpose of purchasing back a licensed operator
18 license from a licensed operator, pursuant to Section 1140 of this
19 title.

20 E. There is hereby created a Petty Cash Fund for Service
21 Oklahoma. The fund shall be used by Service Oklahoma to operate
22 cash drawers as necessary. The amount of the Petty Cash Fund shall
23 be determined by the Director of Service Oklahoma and the Director
24 of the Office of Management and Enterprise Services. Purchases from

1 the Petty Cash Fund shall be prohibited. The Director of Management
2 and Enterprise Services shall be authorized to prescribe forms,
3 systems, and procedures for the administration of the Petty Cash
4 Fund.

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

16 SECTION 4. AMENDATORY 47 O.S. 2021, Section 156.1, as
17 last amended by Section 55, Chapter 452, O.S.L. 2024 (47 O.S. Supp.
18 2024, Section 156.1), is amended to read as follows:

19 Section 156.1. A. It shall be unlawful for any state official,
20 officer or employee, except any essential employees approved by the
21 Governor and those officers or employees authorized in subsection B
22 of this section, to ride to or from the place of residence of the
23 employee in a state-owned or state-leased automobile, truck or
24 pickup, except in the performance of the official duty of the

1 employee, or to use or permit the use of any such automobile, truck,
2 ambulance or pickup for other personal or private purposes. Any
3 person convicted of violating the provisions of this section shall
4 be guilty of a misdemeanor and shall be punished by a fine of not
5 more than One Hundred Dollars (\$100.00) or by imprisonment in the
6 county jail for a period to not exceed thirty (30) days, or by both
7 said fine and imprisonment, and in addition thereto, shall be
8 discharged from state employment.

9 B. 1. Any state employee, other than the individuals provided
10 for in paragraph 2 of this subsection and any employee of the
11 Department of Public Safety who is a wrecker inspector ~~or auditor~~ of
12 the Wrecker Services Division as provided for in paragraph 3 of this
13 subsection, who receives emergency telephone calls regularly at the
14 residence of the employee when the employee is not on duty and is
15 regularly called upon to use a vehicle after normal work hours in
16 response to such emergency calls, may be permitted to use a vehicle
17 belonging to the state to provide transportation between the
18 residence of the employee and the assigned place of employment,
19 provided such distance does not exceed seventy-five (75) miles in
20 any round trip or is within the county where the assigned place of
21 employment is located. Provided further, an employee may be
22 permitted to use a state-owned or state-leased vehicle to provide
23 temporary transportation between a specific work location other than
24 the assigned place of employment and the residence of the employee,

1 if such use shall result in a monetary saving to the agency, and
2 such authorization shall not be subject to the distance or area
3 restrictions provided for in this paragraph. Authorization for
4 temporary use of a state-owned or state-leased vehicle for a
5 specific project shall be in writing stating the justification for
6 this use and the saving expected to result. Such authorization
7 shall be valid for not to exceed sixty (60) days. Any state entity
8 other than law enforcement that avails itself of this provision
9 shall keep a monthly record of all participating employees, the
10 number of emergency calls received and the number of times that a
11 state vehicle was used in the performance of such emergency calls.

12 2. Any employee of the Department of Public Safety, Oklahoma
13 Department of Corrections, Office of the Attorney General, Oklahoma
14 State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma
15 State Bureau of Investigation, Alcoholic Beverage Laws Enforcement
16 Commission, Oklahoma Horse Racing Commission, Oklahoma Department of
17 Agriculture, Food, and Forestry, Office of the Inspector General
18 within the Department of Human Services or Office of the State Fire
19 Marshal, who is a law enforcement officer or criminalist, Public
20 Information officer, Special Investigator or Assistant Director of
21 the Oklahoma State Bureau of Investigation, the Executive Director
22 of CLEET, CLEET-certified Investigator for a state board or any
23 employee of a district attorney who is a law enforcement officer,
24 may be permitted to use a state-owned or state-leased vehicle to

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

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

15 4. The Director, department heads and other essential employees
16 of the Department of Wildlife Conservation, as authorized by the
17 Wildlife Conservation Commission, may be permitted to use a state-
18 owned or state-leased vehicle to provide transportation between the
19 residence of the employee and the assigned place of employment and
20 between the residence and any location other than the assigned place
21 of employment to which the employee travels in the performance of
22 the official duty of the employee.

23 5. The Director, department heads, emergency responders and
24 other essential employees of the Department of Corrections, as

1 authorized by the Director, may be permitted to use a state-owned or
2 state-leased vehicle to provide transportation between the residence
3 of the 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 6. Designated Examiner Auditors, Designated Examiner
8 Supervisors, Commercial Driver License Examiners, Commercial Driver
9 License Auditors, Commercial Driver License Supervisors, and Driver
10 License Supervisors, as an employee of Service Oklahoma may be
11 permitted, as determined by the Director of Service Oklahoma, to use
12 a state-owned or state-leased vehicle to provide transportation
13 between the residence of the employee and the assigned place of
14 employment and between the residence and any location other than the
15 assigned place.

16 7. The Attorney General, division heads, emergency responders,
17 agents, assistant attorneys general, and other essential employees
18 of the Office of the Attorney General, as authorized by the Attorney
19 General, may be permitted to use a state-owned or state-leased
20 vehicle to provide transportation between the residence of the
21 employee and the assigned place of employment and between the
22 residence and any location other than the assigned place of
23 employment to which the employee travels in the performance of the
24 official duty of the employee.

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

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

11 Section 904. The owner of a motor vehicle or lienholder of the
12 vehicle abandoned in violation of Section 901 et seq. of this title,
13 or the owner of any vehicle or lienholder of the vehicle or insurer
14 accepting liability for paying a claim on a vehicle or purchasing
15 the vehicle as a total loss vehicle from the registered owner which
16 shall have been lawfully removed from any highway or other public
17 property may regain possession of the vehicle in accordance with
18 regulations of ~~the Department of Public Safety~~ Service Oklahoma upon
19 payment of the reasonable cost of removal and storage of such
20 vehicle. The operator is authorized to collect all lawful fees from
21 the owner, lienholder that seeks possession of a vehicle under a
22 security interest, agent, or insurer accepting liability for paying
23 the claim for a vehicle or purchasing the vehicle as a total loss
24 vehicle from the registered owner of the towed vehicle for the

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

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

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

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

21 1. "Wrecker or wrecker vehicle" means any motor vehicle that is
22 equipped with any device designed to tow another vehicle or
23 combination of vehicles. The use of the term "wrecker" or "wrecker
24 vehicle" shall be construed to include a combination wrecker or

1 combination wrecker vehicle, as defined in paragraph 2 of this
2 section, unless a specific differentiation is otherwise described;

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

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

- 14 a. attaching the vehicle to and pulling the vehicle with
15 the wrecker vehicle, or
- 16 b. loading the vehicle onto and transporting the vehicle
17 upon the wrecker vehicle;

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

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

1 6. "Wrecker or towing service" means engaging in the business
2 of or performing the act of towing or offering to tow any vehicle,
3 except:

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

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

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

12 d. where the wrecker vehicle is owned or operated by the
13 United States government, the State of Oklahoma, or
14 any department or political subdivision thereof, or

15 e. where the service is performed by an out-of-state
16 wrecker service at the request of the vehicle owner or
17 operator, the vehicle is not involved in a collision,
18 and is being towed:

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

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

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

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

3 ~~9.~~ "Department" means the Department of Public Safety;

4 ~~10.~~ 9. "Nonconsensual tow" means the transportation of a
5 vehicle without the consent or knowledge of the vehicle's owner,
6 possessor, agent, insurer, lienholder, or any other person in
7 possession of or in charge of any vehicle and includes the
8 transportation or towing of the vehicle under lawful circumstances
9 or necessity for the public interest including removing from the
10 roadway for public safety or public convenience, or accidents, by
11 any law enforcement officer or property agent or removal from public
12 or private property as a result of abandonment or unauthorized
13 parking by the property owner, agent, possessor, or other legal
14 entity for the property owner;

15 ~~11.~~ 10. "Operator" means any person owning or operating a
16 wrecker vehicle or wrecker or towing service;

17 ~~12.~~ 11. "Officer" means any duly authorized law enforcement
18 officer;

19 ~~13.~~ 12. "Roadway" means any public street, road, highway or
20 turnpike or the median, easement or shoulder of a roadway;

21 ~~14.~~ 13. "Service call" means the act of responding to a request
22 for service with a wrecker vehicle in which a service is performed;
23 and

24 ~~15.~~ 14. "Vehicle" shall:

- 1 a. have the same meaning as defined in Section 1-186 of
2 this title, and
- 3 b. for the purposes of this chapter when referring to a
4 vehicle or combination of vehicles being towed or
5 stored, include a vessel. The term "vessel" shall
6 have the same meaning as defined in Section 4002 of
7 Title 63 of the Oklahoma Statutes.

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

10 Section 952. A. ~~Except for the rates established by the~~
11 ~~Corporation Commission and other provisions as provided for by law,~~
12 ~~by the Department of Public Safety~~ the wrecker inspections conducted
13 for the initial licensure of a wrecker or towing operator and
14 rotation logs which shall be performed by the Department of Public
15 Safety, Service Oklahoma shall have the power and authority
16 necessary to license, supervise, govern and control wrecker vehicles
17 and wrecker or towing services.

18 B. ~~The Department of Public Safety~~ Service Oklahoma, through
19 the Oklahoma Wrecker and Towing Services Board, shall adopt and
20 prescribe such rules as are necessary to carry out the intent of
21 Section 951 et seq. of this title. All rules promulgated by the
22 Department of Public Safety currently in place carrying out the
23 provisions of Section 951 et seq. of this title shall be enforced by
24 Service Oklahoma until such time as Service Oklahoma promulgates new

1 rules. The Department is authorized to promulgate rules concerning
2 it's role for initial inspections and the maintenance of rotation
3 logs.

4 The rules shall state the requirements for facilities, for
5 storage of vehicles, necessary towing equipment, the records to be
6 kept by operators, liability insurance and insurance covering the
7 vehicle and its contents while in storage in such sum and with such
8 provisions as the ~~Department~~ Board deems necessary to adequately
9 protect the interests of the public, and such other matters as the
10 ~~Department~~ Board may prescribe for the protection of the public.

11 C. Unless otherwise regulated by the governing body of the
12 political subdivision, the wrecker vehicle used to perform wrecker
13 or towing services requested by a political subdivision of this
14 state for removal of a vehicle from public property for reasons
15 listed in Section 955 of this title shall be from the licensed
16 wrecker or towing service whose location is nearest to the vehicle
17 to be towed. Requests for service may be alternated or rotated
18 among all such licensed wrecker or towing services which are located
19 within a reasonable radius of each other. In cities of less than
20 fifty thousand (50,000) population, all such licensed wrecker or
21 towing services located near or in the city limits of such cities
22 shall be considered as being equal distance and shall be called on
23 an equal basis as nearly as possible. The police chief of any
24 municipality and the county sheriff of each county shall keep

1 rotation logs on all requested tows, except where there are
2 insufficient licensed wrecker or towing services available to rotate
3 such services or services are contracted after a competitive bid
4 process. Rotation logs shall be made available for public
5 inspection upon request. Any calls made from cell phones or two-way
6 radios by any law enforcement officer or employee of any
7 municipality or county to any wrecker service shall be listed on the
8 rotation or call logs and made available for public inspection. A
9 wrecker service shall not be removed from rotation without
10 notification to the wrecker operator stating the reason for removal
11 from the rotation log. All notification for removal from a rotation
12 log shall be mailed to the wrecker service owner at least ten (10)
13 days before removal from the rotation log and shall state the
14 procedure and requirements for reinstatement.

15 D. Except as otherwise provided in this subsection, the
16 Department and any municipality, county or other political
17 subdivision of this state shall not place any wrecker or towing
18 service upon an official rotation log for the performance of
19 services carried out pursuant to the request of or at the direction
20 of any officer of the Department or municipality, county or
21 political subdivision unless the service meets the following
22 requirements:

- 23 1. Principal business facilities are located within Oklahoma;
- 24 2. Tow trucks are registered and licensed in Oklahoma; and

1 3. Owner is a resident of the State of Oklahoma or the service
2 is an Oklahoma corporation.

3 In the event a licensed wrecker or towing service is not located
4 within a county, a wrecker or towing service that is located outside
5 of the county or this state and does not meet the above
6 qualifications may be placed on the rotation log for the county or
7 any municipality or political subdivision located within the county.

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

13 E. The Department shall place a licensed Class AA wrecker
14 service on the Highway Patrol Rotation Log in a highway patrol troop
15 district in which the place of business and the primary storage
16 facility of the wrecker service are located upon written request
17 filed by the wrecker service with the Department. Upon further
18 request of the wrecker service, the Commissioner of Public Safety or
19 the Department employee with statewide responsibility for
20 administration of wrecker services may place a wrecker service on
21 the Highway Patrol Rotation Log in a district adjacent to the
22 district in which the place of business and the primary storage
23 facility of the wrecker service are located if the wrecker service
24 is in proximity to and within a reasonable radius of the boundary of

1 the district. When a wrecker service is placed on the rotation log
2 in a district, the Department shall notify the wrecker service and
3 the troop commander of the district.

4 F. The Commissioner of Public Safety or the Department employee
5 with statewide responsibility for administration of wrecker services
6 shall be responsible for establishing geographical areas of rotation
7 within the troop districts and for notifying each wrecker service of
8 the geographical areas of rotation to which the service is assigned.

9 G. The Department shall make all rotation logs available for
10 public inspection at the state office and shall make rotation logs
11 for a highway patrol troop district available for public inspection
12 at the district office.

13 H. Service Oklahoma, through the Oklahoma Wrecker and Towing
14 Services Board, shall promulgate rules that classify wrecker and
15 towing services by the type of services and equipment they are
16 capable of providing for nonconsensual tows and accident
17 remediation.

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

20 Section 953. A. No operator shall be permitted nor shall any
21 employee of any operator be permitted, allowed or caused to solicit
22 business or make service calls without the operator first having
23 obtained from ~~the Department of Public Safety~~ Service Oklahoma a
24 license to operate a wrecker or towing service. The number of the

1 license shall be displayed, in conformance with rules of ~~the~~
2 ~~Department~~ Service Oklahoma, on both sides of every wrecker vehicle
3 operated by the wrecker or towing service.

4 B. The license fee required by this section shall be in lieu of
5 the motor carrier filing fee as required in Section 165 of this
6 title. No applicant for a wrecker license shall be required to
7 prove public convenience and necessity, file notices, nor shall a
8 public hearing be held. The fee for such license shall be Five
9 Hundred Dollars (\$500.00), of which ~~Ninety Dollars (\$90.00) shall be~~
10 ~~deposited in the General Revenue Fund and Four Hundred Ten Dollars~~
11 ~~(\$410.00)~~ Two Hundred Fifty Dollars (\$250.00) shall be deposited in
12 the Service Oklahoma Wrecker and Towing Services Revolving Fund
13 created in Section 3 of this act for administration of the Service
14 Oklahoma Wrecker Services Division, and Two Hundred Fifty Dollars
15 (\$250.00) shall be deposited in the Department of Public Safety
16 Restricted Revolving Fund created pursuant to Section 2-145 of this
17 title for the administration of the Department's Wrecker Services
18 Division and modernization of computer programs. No license fee
19 shall be refunded in the event the license is suspended or revoked.

20 C. All licenses shall expire on the last day of the calendar
21 year and may be renewed annually at a cost of Two Hundred Fifty
22 Dollars (\$250.00) upon application to ~~the Department~~ Service
23 Oklahoma as prescribed by rule. Two Hundred Fifty Dollars ~~(\$200.00)~~
24 (\$250.00) of the fees collected in this subsection shall be

1 deposited in the ~~Department of Public Safety Restricted Revolving~~
2 ~~Fund created in Section 2-145 of this title for the modernization of~~
3 ~~computer programs and the administration of the Department's Wrecker~~
4 ~~Services Division and Fifty Dollars (\$50.00) shall be deposited in~~
5 ~~the General Revenue Fund~~ Service Oklahoma Wrecker Services and
6 Towing Revolving Fund created in Section 3 of this act for
7 administration of the Service Oklahoma Wrecker Services Division.

8 No license fee shall be refunded in the event the license is
9 suspended or revoked.

10 D. ~~The Department~~ Service Oklahoma shall issue a letter of
11 reprimand, cancel, suspend, revoke, or refuse to issue or renew the
12 license of an operator when it finds the licensee or applicant has
13 not complied with or has violated any of the provisions of the
14 Nonconsensual Towing Act of 2011, or any rules adopted by ~~the~~
15 ~~Department~~ Service Oklahoma. A suspension or revocation shall be
16 for a period of time deemed appropriate by ~~the Department~~ Service
17 Oklahoma for the violation. Any canceled, suspended, or revoked
18 license shall be returned to ~~the Department~~ Service Oklahoma by the
19 operator, and the operator shall not be eligible to apply for
20 another license until the period of suspension or revocation has
21 elapsed.

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

24

1 F. In any civil action to enforce the equal application of the
2 alternation or rotation of wrecker or towing services regulated by a
3 political subdivision of the state, the prevailing party shall be
4 allowed attorney fees determined by the court, to be taxed and
5 collected as costs.

6 ~~G. Fees collected pursuant to the provisions of this section
7 shall be remitted to the State Treasurer to be credited to the
8 General Revenue Fund in the State Treasury except as provided by
9 subsection H of this section.~~

10 ~~H. Fees allocated to the Department by this section shall be
11 deposited in the Department of Public Safety Restricted Revolving
12 Fund.~~

13 In addition to the annual renewal fee required by subsection C
14 of this section, a wrecker or towing operator shall be subject to an
15 additional annual fee of One Hundred Twenty-Five Dollars (\$125.00)
16 per truck in their fleet. All fees collected under this subsection
17 shall be deposited into the Service Oklahoma Wrecker Services and
18 Towing Revolving Fund, established in Section 3 of this act, to
19 support the administration and operations of the Service Oklahoma
20 Wrecker Services Division.

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

23 Section 953.1. A. The rates established by the ~~Corporation~~
24 ~~Commission~~ Oklahoma Wrecker and Towing Services Board shall

1 determine the nonconsensual tow maximum fees and charges not tied to
2 the federal per diem rate for wrecker or towing services performed
3 in this state, including incorporated and unincorporated areas, by a
4 wrecker or towing service licensed by ~~the Department of Public~~
5 ~~Safety~~ Service Oklahoma when that service appears on the rotation
6 log of the Department of Public Safety or on the rotation log of any
7 municipality, county or other political subdivision of this state,
8 and the services performed are at the request or at the direction of
9 any officer of the Department or of a municipality, county, or
10 political subdivision. No wrecker or towing service in the
11 performance of transporting or storing vehicles or other property
12 towed as a result of a nonconsensual tow shall charge any fee which
13 exceeds the maximum rates established by the ~~Commission~~ Oklahoma
14 Wrecker and Towing Services Board. Such rates shall be in addition
15 to any other rates, fees or charges authorized, allowed or required
16 by law and costs to collect such fees. Any wrecker or towing
17 service is authorized to collect from the owner, lienholder, agent
18 or insurer accepting liability for paying the claim for a vehicle or
19 purchasing the vehicle as a total loss vehicle from the registered
20 owner of any towed or stored vehicle, the fee required by Section
21 904 of this title including environmental remediation fees and
22 services.

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

1 1. Each performance of a wrecker or towing service shall be
2 recorded by the operator on a bill or invoice as prescribed by rules
3 of ~~the Department and by order of the Commission~~ Service Oklahoma;

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

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

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

21 ~~C. The rates in subsections D through C of this section shall~~
22 ~~be applicable until superseded by rates established by the~~
23 ~~Commission.~~

24 ~~D. Distance rates.~~

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

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

- 17 ~~a. for distances or portions of distances not~~
18 ~~specifically provided for in the governing highway~~
19 ~~map, the actual mileage via the shortest practical~~
20 ~~route will apply,~~
- 21 ~~b. in computing distances, fractions of a mile will be~~
22 ~~retained until the final and full mileage is~~
23 ~~determined, at which time any remaining fraction shall~~
24 ~~be increased to the next whole mile,~~

- 1 e. ~~when, due to circumstances beyond the control of the~~
 2 ~~wrecker or towing service, roadway conditions make it~~
 3 ~~impractical to travel via the shortest route, distance~~
 4 ~~rates shall be computed based on the shortest~~
 5 ~~practical route over which the wrecker vehicle and the~~
 6 ~~vehicle it is towing can be moved, which route shall~~
 7 ~~be noted on the bill or invoice, or~~
- 8 d. ~~when the wrecker or towing service is performed upon~~
 9 ~~any turnpike or toll road, the turnpike or toll road~~
 10 ~~mileage shall be used to determine the distance rates~~
 11 ~~charged and the turnpike or toll road fees may be~~
 12 ~~added to the bill or invoice.~~

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

Weight of Towed Vehicle	Distance	Rate
(In pounds, including equipment and lading)	Towed	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
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

24 E. ~~Hourly Rates.~~

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

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

20 ~~As used in this subsection, rates stated per hour apply for~~
21 ~~whole hours and, for fractions of an hour, rates stated per fifteen~~
22 ~~(15) minutes apply for each fifteen (15) minutes or fraction thereof~~
23 ~~over seven and one-half (7 1/2) minutes. However, if the service~~
24 ~~subject to an hourly rate is performed in less than two (2) hours,~~

1 ~~the charge applicable for two (2) hours may be assessed, except as~~
2 ~~provided for in subsection D of this section.~~

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

6 Weight of Towed Passenger Vehicle	7 Rate Per	8 Rate Per
9 (In pounds)	10 Hour	11 15 Minutes
12 Single vehicle: 8,000 or less	13 \$60.00	14 \$15.00
15 Single vehicle: 8,001 to 24,000	16 \$80.00	17 \$20.00
18 Single vehicle: 24,001 to 44,000	19 \$120.00	20 \$30.00
21 Single vehicle: 44,001 or over	22 \$180.00	23 \$45.00
24 Combination of vehicles	25 \$180.00	26 \$45.00

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

31 GVWR of Wrecker Vehicle	32 Rate Per	33 Rate Per
34 (In pounds)	35 Hour	36 15 Minutes
37 8,000 or less	38 \$60.00	39 \$15.00
40 8,001 to 24,000	41 \$80.00	42 \$20.00
43 24,001 to 44,000	44 \$120.00	45 \$30.00
46 44,001 or over	47 \$180.00	48 \$45.00
49 Combination wrecker vehicle		
50 with GVWR of 24,000 or over	51 \$180.00	52 \$45.00

- 1 4. a. ~~Maximum hourly rates for extra labor shall be Thirty~~
2 ~~Dollars (\$30.00) per person per hour.~~
- 3 b. ~~Maximum hourly rates for skilled or specialized labor~~
4 ~~and/or equipment shall be the actual customary and~~
5 ~~ordinary rates charged for such labor and/or~~
6 ~~equipment. When skilled or specialized labor or~~
7 ~~equipment is required, the wrecker operator's cost for~~
8 ~~such skilled or specialized labor or equipment plus a~~
9 ~~twenty-five percent (25%) gross profit markup to cover~~
10 ~~overhead costs for such labor will be added to the~~
11 ~~invoice or freight bill to be collected in addition to~~
12 ~~all other applicable charges.~~

13 F. ~~Hookup Rates.~~

14 1. ~~Rates in this subsection shall apply to the hookup of a~~
15 ~~vehicle to a wrecker vehicle when such hookup is performed in~~
16 ~~connection with a wrecker or towing service described in this~~
17 ~~section. Such hookup rate shall include the first fifteen (15)~~
18 ~~minutes of such service, for which there shall be no additional fee~~
19 ~~charged, but shall not include the use of a dolly or rollback~~
20 ~~equipment or a combination wrecker vehicle to accomplish such~~
21 ~~hookup, for which an additional fee may be charged as provided in~~
22 ~~subsection G of this section. Hookup shall include, but not be~~
23 ~~limited to, the attachment of a vehicle to or the loading of a~~
24 ~~vehicle onto a wrecker vehicle.~~

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

2 ~~Weight of Vehicle Being Hooked Up~~

3 ~~(In pounds, including equipment~~
4 ~~and lading)~~

Rate

5 ~~Single vehicle: 8,000 or less~~

\$65.00

6 ~~Single vehicle: 8,001 to 12,000~~

\$75.00

7 ~~Single vehicle: 12,001 to 24,000~~

\$85.00

8 ~~Single vehicle: 24,001 or over~~

\$95.00

9 ~~Combination of vehicles~~

\$95.00

10 ~~G. Additional Service Rates.~~

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

13 ~~a. the disconnection and reconnection of a towed~~
14 ~~vehicle's drive line when necessary to prevent~~
15 ~~mechanical damage to such vehicle,~~

16 ~~b. the removal and replacement of a towed vehicle's axle~~
17 ~~when necessary to prevent mechanical damage to such~~
18 ~~vehicle, or~~

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

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

1	Weight of Towed	Service Performed		
	Vehicle (In pounds,	Disconnect	Reconnect	Use of Dolly
2	including equipment	Drive Line;	Drive Line;	or Rollback
3	and lading)	Remove Axle	Replace Axle	Equipment
4	Rate Per Service Performed			
5	8,000 or less	\$10.00	\$15.00	\$25.00
6	8,001 to 12,000	\$15.00	\$20.00	\$30.00
7	Rate Per 15 Minutes of Service Performed			
8	12,001 or over	\$20.00	\$20.00	Not applicable

10 ~~H. C.~~ An operator shall be required to provide reasonable
11 documentation to Service Oklahoma to substantiate all lawful fees
12 charged the owner, lienholder, agent or insurer paying the claim for
13 the towed vehicle. Fees for which the operator is being reimbursed
14 or having paid to a third party, shall include copies of the invoice
15 or other appropriate documents to substantiate such payment to said
16 third party.

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

1 ~~in fuel cost starting at Two Dollars and ten cents (\$2.10) per~~
2 ~~gallon.~~

3 ~~J. When skilled or specialized labor or equipment is required,~~
4 ~~the cost incurred by the wrecker operator for such skilled or~~
5 ~~specialized labor or equipment plus an additional twenty five~~
6 ~~percent (25%) gross profit markup or gross profit margin shall be~~
7 ~~allowed to cover overhead costs for such labor and will be added to~~
8 ~~the invoice or freight bill to be collected in addition to all other~~
9 ~~applicable charges. This applies to labor and equipment not~~
10 ~~regulated by the Commission~~

11 D. Wrecker or towing service companies shall provide Service
12 Oklahoma a detailed comprehensive list of all prices for the
13 services performed related to the towing and storage of any vehicle
14 that is deemed a nonconsensual tow. The list shall be on the
15 letterhead of the wrecker or towing service company. The wrecker or
16 towing service company shall be responsible for updating the list
17 when prices change by submitting a new price list biannually, on
18 January 1 and July 1 of each calendar year, and shall contain the
19 date when new prices will take effect. The wrecker or towing
20 service company shall not exceed the prices on file with Service
21 Oklahoma for a nonconsensual tow. The wrecker or towing service
22 company shall only charge for services that are on file with Service
23 Oklahoma. All prices provided to Service Oklahoma may be provided
24 to citizens needing a wrecker or towing service. No other rates

1 will be allowed apart from the prices provided to Service Oklahoma
2 and shall include, but may not be limited to:

3 1. Indoor storage rates;

4 2. Outdoor storage rates;

5 3. Specialized storage rates including, but not limited to,
6 vehicle storage;

7 4. Hourly rates;

8 5. Additional labor rates;

9 6. Specialized equipment rates;

10 7. After-hours release rates;

11 8. Distance rates; and

12 9. Hookup rates.

13 E. Rates and Charges Requirements.

14 1. A wrecker or towing service company receiving calls for
15 service from a law enforcement agency shall not charge fees in
16 excess of those provided in writing by the wrecker or towing service
17 company to Service Oklahoma, nor shall said company charge for the
18 use of equipment and personnel not reasonably necessary to perform
19 the requested services in a timely and professional manner.

20 2. Storage fees shall be reasonable, as determined by fees
21 charged by other wrecker or towing service companies in the same
22 geographic area. A list of fees shall be given to Service Oklahoma
23 in accordance with subsection D of this section. Consumer charges
24 shall not deviate from the list provided.

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

7 4. Any wrecker or towing service company that subcontracts for
8 the utilization of additional skilled or specialized labor,
9 equipment, or a wrecker vehicle that is for the purpose of a
10 nonconsensual tow, the cost incurred by the wrecker or towing
11 service company for such skilled or specialized labor, equipment, or
12 wrecker vehicle plus an additional twenty-five percent (25%) gross
13 profit markup or gross profit margin shall be allowed to cover
14 overhead costs for such labor and will be added to the invoice or
15 freight bill to be collected in addition to all other applicable
16 charges.

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

21 6. Whenever complaints are received by Service Oklahoma
22 concerning the services provided or fees charged for towing and
23 related services that are requested through Service Oklahoma, the
24 complaint shall be investigated to determine its validity and

1 whether any action is warranted against the wrecker or towing
2 service company.

3 7. Any wrecker or towing services company found to have
4 exceeded the prices provided to Service Oklahoma, using unnecessary
5 services to increase its fee, or engaging in unethical business
6 practices shall be subject to contempt proceedings before the
7 Oklahoma Wrecker and Towing Services Board and removal from the
8 towing rotation log by the troop commander.

9 8. Service Oklahoma shall communicate with any wrecker or
10 towing service company the filing rates and state whether the rates
11 have been accepted or rejected. If Service Oklahoma rejects rates,
12 it shall state why it did so and provide the opportunity for appeal
13 and resubmission of rates.

14 9. Rates established by Service Oklahoma, through the Board,
15 shall remain in effect until a wrecker or towing service company
16 files rates with Service Oklahoma and those rates are accepted.

17 10. Service Oklahoma, through the Oklahoma Wrecker and Towing
18 Services Board, shall promulgate rules for the acceptance and
19 enforcement of rates.

20 F. 1. If Service Oklahoma opens a complaint, it shall review
21 the current price list provided to Service Oklahoma by the wrecker
22 or towing service company in question, and determine whether fees
23 charged for a nonconsensual tow have been exceeded.

24

1 2. If fees charged for a nonconsensual tow do not exceed the
2 current price list provided to Service Oklahoma, Service Oklahoma
3 may review fees charged with those lists of prices provided to
4 Service Oklahoma by other licensed wrecker and towing service
5 companies that are located in the same geographic area. Geographic
6 areas of the state shall consist of four regions separated east and
7 west by Interstate 35, and north and south by Interstate 40. If the
8 fees charged by the wrecker and towing service company that are
9 being reviewed by Service Oklahoma, due to a complaint, exceed by
10 more than thirty-five percent (35%) of the current listed price of
11 service or equipment of other licensed wrecker or towing service
12 companies in the same geographic area, Service Oklahoma shall
13 determine the complaint as valid and prohibit said wrecker or towing
14 service company from collecting any payments that exceed the thirty-
15 five-percent threshold mentioned in this paragraph. If a wrecker or
16 towing service company has already collected monies exceeding the
17 thirty-five-percent threshold, the wrecker or towing service company
18 shall be required to return all amounts exceeding the thirty-five-
19 percent threshold mentioned in this paragraph.

20 3. Service Oklahoma shall only bring a charge against a wrecker
21 or towing service company for rates charged or equipment utilized if
22 a complaint has been filed with Service Oklahoma by a third party
23 such as the:

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

1 b. insurer of the vehicle.

2 G. 1. Where a wrecker or towing service company on a rotation
3 log seeks to dispute an action of Service Oklahoma due to an order
4 regarding a complaint, the wrecker or towing service company shall
5 be provided a process by which an appeal may be made regarding
6 inappropriate fees charged for a service or utilization of equipment
7 related to a nonconsensual tow, or the removal of said wrecker or
8 towing service company from the rotation log.

9 2. Service Oklahoma shall allow the wrecker or towing service
10 company to appeal a determination by submitting supporting
11 documentation. Once supporting documentation has been provided,
12 Service Oklahoma shall make a determination of whether Service
13 Oklahoma's action against the wrecker or towing service company
14 stands, or if the supporting documentation shows Service Oklahoma
15 erred in its determination against the wrecker or towing service
16 company. If Service Oklahoma errs regarding its action against a
17 wrecker or towing service company, said company shall be entitled to
18 collect any monies prohibited by Service Oklahoma.

19 H. Service Oklahoma shall issue a corrective action plan to any
20 wrecker or towing service found to be in violation of the law
21 governing wrecker or towing services or deny, cancel, suspend, or
22 revoke the license of any wrecker or towing service found to be in
23 non-compliance with the law governing the wrecker or towing service.

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

14 SECTION 10. AMENDATORY 47 O.S. 2021, Section 953.2, as
15 amended by Section 1, Chapter 316, O.S.L. 2023 (47 O.S. Supp. 2024,
16 Section 953.2), is amended to read as follows:

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

1 facilities shall charge any fee for nonconsensual towed vehicles and
2 storage which exceeds the maximum rates established by the
3 ~~Commission~~ Board. Such rates shall be in addition to any other
4 rates, fees or charges authorized, allowed or required by law,
5 including environmental remediation fees and services.

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

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

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

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

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

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

12 ~~D. Outdoor Storage Rates.~~

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

20 ~~2. Maximum outdoor storage rates shall be as follows:~~

Type of Towed Vehicle	Rate per Each 24-hour Period or Portion Thereof
----------------------------------	--

24

1	Single vehicle: motorcycle, automobile,	
2	or light truck up to 20 feet in length	\$15.00
3	Single vehicle or combination of vehicles	
4	over 20 feet in length but less than 30	
5	feet in length	\$20.00
6	Single vehicle or combination of vehicles	
7	over 30 feet in length and up to 8 feet	
8	in width	\$25.00
9	Single vehicle or combination of vehicles	
10	over 30 feet in length and over 8 feet	
11	in width	\$35.00

12 ~~E. Indoor Storage Rates.~~

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

20 ~~2. Maximum indoor storage rates shall be as follows:~~

21		Rate per Each
22		24-hour Period or
23	Type of Towed Vehicle	Portion Thereof

24

1	Single vehicle: motorcycle, automobile,	
2	or light truck up to 20 feet in length	\$25.00
3	Single vehicle or combination of vehicles	
4	over 20 feet in length but less than 30	
5	feet in length	\$30.00
6	Single vehicle or combination of vehicles	
7	over 30 feet in length and up to 8 feet	
8	in width	\$35.00
9	Single vehicle or combination of vehicles	
10	over 30 feet in length and over 8 feet	
11	in width	\$45.00

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

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

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

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

19 ~~a. "after-hours~~

20 ~~1. "After-hours release rate" shall mean the rate charged for~~
21 ~~the release of a towed vehicle between the hours of midnight and~~
22 ~~8:00 a.m., or between the hours of 4:00 p.m. and midnight Monday~~
23 ~~through Friday, or any time on Saturday, Sunday or a national~~
24 ~~holiday; and~~

1 b. ~~"national~~

2 2. "National holiday" shall mean ~~New Year's Day, Martin Luther~~
3 ~~King Day, George Washington's Birthday, on the third Monday in~~
4 ~~February, Memorial Day, Independence Day, Labor Day, Veterans Day,~~
5 ~~Thanksgiving Day and Christmas Day~~ any holiday observed for which
6 federal or Oklahoma State offices are closed, and shall further
7 include the Friday before such national holiday which falls on a
8 Saturday and the Monday following such national holiday which falls
9 on a Sunday.

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

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

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

23 Section 954. A. The Department of Public Safety and Service
24 Oklahoma shall be charged with the duty of enforcing the provisions

1 of Section 951 et seq. of this title for licensed wreckers and
2 towing services operating in this state.

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

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

22 Section 954A. A. In addition to any procedure provided by
23 local ordinance, whenever the owner or legal possessor of real
24 property or an authorized agent has reasonable cause to believe that

1 a vehicle has been abandoned thereon, said vehicle having been on
2 said property for a minimum of forty-eight (48) hours, or whenever a
3 vehicle is left upon said real property without express or implied
4 permission, such vehicle may be removed as provided in this section.

5 B. 1. The owner, legal possessor or authorized agent may
6 request any licensed Class AA wrecker service within the county
7 wherein the real property is located to remove the abandoned vehicle
8 from the premises by signing a Tow Request and Authorization Form
9 prescribed by ~~the Department of Public Safety~~ Service Oklahoma and
10 furnished to licensed Class AA wrecker service operators as
11 hereinafter provided.

12 2. If the owner, legal possessor or authorized agent of the
13 property owner is unable to obtain the services of a licensed Class
14 AA wrecker service to remove the abandoned vehicle in a reasonable
15 amount of time, the owner, legal possessor or authorized agent may
16 contact and request that a licensed Class AA wrecker service from an
17 adjacent county perform the service. A notation shall be made on
18 the Tow Request and Authorization Form that a licensed Class AA
19 wrecker service in the county in which the real property is located
20 was contacted but the licensed Class AA wrecker service was not able
21 to perform the removal in a reasonable amount of time.

22 C. A licensed Class AA wrecker service removing an abandoned
23 vehicle pursuant to this section shall be subject to the maximum
24

1 rates established by the ~~Corporation Commission~~ Oklahoma Wrecker and
2 Towing Services Board.

3 D. The ~~Department~~ Board shall design and promulgate a suitable
4 Tow Request and Authorization Form containing space for the
5 following information:

6 1. A description of the vehicle, including the type of vehicle,
7 year of manufacture, name of the manufacturer, vehicle color or
8 colors, identification number and license tag number;

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

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

14 4. Inventory of personal property within the vehicle to be
15 towed;

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

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

19 ~~The Department or the Commission~~ The Board may require
20 additional information on the Tow Request and Authorization Form.
21 The driver license number or state-issued identification card number
22 of the real property owner, legal possessor or authorized agent
23 shall not be disclosed by ~~the Department or the Commission~~ Service
24 Oklahoma to any entity inquiring about services performed without a

1 court order or without written consent from the property owner,
2 legal possessor or authorized agent.

3 E. The real property owner, legal possessor or authorized agent
4 and the wrecker vehicle driver shall jointly, and each in the
5 presence of the other, inventory personal property found within or
6 upon the vehicle and each shall accordingly sign a statement on the
7 form reflecting this requirement has been fulfilled. In the event
8 an inventory cannot be completed, the reasons therefor shall be
9 clearly stated on the form.

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

24

1 G. Within three (3) business days of the time indicated on the
2 form, the licensed Class AA wrecker service shall request ~~the~~
3 Service Oklahoma Tax Commission or other appropriate ~~motor license~~
4 ~~agent~~ licensed operator to furnish the name and address of the
5 current owner of and any lienholder upon the vehicle. ~~The Tax~~
6 ~~Commission~~ Service Oklahoma or an appropriate ~~motor license agent~~
7 licensed operator shall respond in person or by certified mail to
8 the licensed Class AA wrecker service within five (5) business days
9 from the receipt of the request for information. ~~The Department and~~
10 ~~the~~ Service Oklahoma Tax Commission shall render assistance to
11 ascertain ownership, if needed. The licensed Class AA wrecker
12 service shall, within seven (7) days from receipt of the requested
13 information from ~~the~~ Service Oklahoma Tax Commission or other ~~motor~~
14 ~~license agent~~ licensed operator, send a notice of the location of
15 the vehicle by certified mail, or if by ~~Department~~ Service Oklahoma
16 notification, ~~the Department~~ Service Oklahoma may notify by first-
17 class mail, postage prepaid, at the addresses furnished, to the
18 owner and any lienholder of the vehicle. The owner or lienholder
19 may regain possession of the vehicle in accordance with rules of ~~the~~
20 ~~Department~~ Service Oklahoma upon payment of the licensed Class AA
21 wrecker services, costs of certified mailing and the reasonable cost
22 of towing and storage of the vehicle. If the licensed Class AA
23 wrecker service has not complied with the notification procedures
24

1 required by this subsection, the owner or lienholder shall not be
2 required to pay for storage of the vehicle.

3 H. No licensed Class AA wrecker service or operator of a
4 licensed Class AA wrecker service shall tow or cause to be towed a
5 vehicle pursuant to this section until the form furnished by ~~the~~
6 ~~Department~~ Service Oklahoma has been appropriately completed by the
7 parties as required by rules of ~~the Department~~ Service Oklahoma.

8 SECTION 13. AMENDATORY 47 O.S. 2021, Section 955, as
9 amended by Section 12, Chapter 228, O.S.L. 2022 (47 O.S. Supp. 2023,
10 Section 955), is amended to read as follows:

11 Section 955. A. Any officer of the Department of Public Safety
12 or any other political subdivision of this state is hereby
13 authorized to cause to be towed any vehicle found upon public roads,
14 highways, streets, turnpikes, private parking lots accessible to the
15 public, other public places or upon any private road, street, alley
16 or lane which provides access to one or more single-family or
17 multifamily dwellings when:

18 1. A report has been made that the vehicle has been stolen or
19 taken without the consent of its owner;

20 2. The officer has reason to believe the vehicle has been
21 abandoned as defined in Sections 901 and 902 of this title;

22 3. The person driving or in control of the vehicle is arrested
23 for an alleged offense for which the officer is required by law to
24

1 take the person arrested or summoned before a proper magistrate
2 without unnecessary delay;

3 4. At the scene of an accident, if the owner or driver is not
4 in a position to take charge of the vehicle and direct or request
5 its proper removal;

6 5. The officer has probable cause that the person operating the
7 vehicle has not been granted driving privileges or that the driving
8 privileges of the person are currently suspended, revoked, canceled,
9 denied, or disqualified;

10 6. The officer has probable cause that the vehicle has been
11 used in the commission of a felony offense and the officer has
12 obtained a search warrant authorizing the search and seizure of the
13 vehicle;

14 7. The officer has probable cause that the vehicle is not
15 insured as required by the Compulsory Insurance Law of this state;
16 ~~or~~

17 8. The vehicle is involved in a fatal motor vehicle collision
18 and is needed for evidentiary purposes; or

19 9. A vehicle is left unattended upon any street, sidewalk,
20 alley or thoroughfare and constitutes a hazard or obstruction to the
21 normal movement of public transit along a rail fixed guideway. An
22 unattended vehicle shall be deemed to constitute an obstruction if
23 any portion of the vehicle remains in that lane utilized for the
24 rail fixed guideway as designated by traffic lane markings or if any

1 portion of the vehicle is outside of the designated parking location
2 and protrudes into the lane of traffic utilized for the rail fixed
3 guideway. For purposes of this paragraph, the head of a political
4 subdivision's transportation division may authorize employees to
5 cause to be towed any vehicle which constitutes a hazard or
6 obstruction to the normal movement of public transit along a rail
7 fixed guideway.

8 No vehicle shall be released after impoundment unless the owner
9 provides to the storing facility proof of valid insurance or an
10 affidavit of nonuse on the roadway, or in the event of a release
11 request from an insurer or the representative of the insurer who has
12 accepted liability for the vehicle, no such proof of insurance or
13 affidavit of nonuse on the roadway shall be required.

14 B. A licensed wrecker operator is not liable for damage to a
15 vehicle, vessel, or cargo that obstructs the normal movement of
16 traffic or creates a hazard to traffic and is removed in compliance
17 with the request of a law enforcement officer, unless there is
18 failure to exercise reasonable care in the performance of the act or
19 for conduct that is willful or malicious.

20 C. Each officer of the Department shall use the services of the
21 licensed wrecker operator whose location is nearest to the vehicle
22 to be towed in all instances in subsection A of this section. The
23 requests for services may be alternated or rotated among all
24 licensed wrecker operators who are located within a reasonable

1 radius of each other. In like manner, the officer shall advise any
2 person requesting information as to the availability of a wrecker or
3 towing service, the name of the nearest licensed wrecker operator,
4 giving equal consideration to all licensed wrecker operators located
5 within a reasonable radius of each other. In cities with a
6 population of less than fifty thousand (50,000) ~~population~~, all
7 licensed wrecker operators located near or in the city limits of
8 such cities shall be considered as being equal distance and shall be
9 called on an equal basis as nearly as possible. In counties
10 bordering other states, if the officer deems safety and time
11 considerations warrant, the officer may call a wrecker or towing
12 service that is not on the rotation log.

13 D. Any officer of the Department who has been requested by a
14 person in need of wrecker or towing service to call a specific
15 wrecker or towing service for such person, and who calls a different
16 wrecker or towing service other than the one requested, without the
17 consent of the person, except where hazardous conditions exist,
18 shall be subject to progressive discipline issued by the Department
19 except in instances where a vehicle is removed from the roadway
20 under the authority of paragraphs 3, 4 and 6 of subsection A of this
21 section.

22 E. Operators conducting a tow under this section shall release
23 all personal property within the vehicle to an insurer or
24 representative of the insurer who has accepted liability for the

1 vehicle, or to the registered owner or the owner's personal
2 representative as designated by the registered owner on a form
3 approved by ~~the Department~~ Service Oklahoma. The registered owner
4 or representative of the registered owner shall provide proof of
5 identity in accordance with ~~the Department's~~ Service Oklahoma's
6 rules related to establishing identity. Upon the release of
7 personal property to an insurer or representative of the insurer,
8 wrecker operators shall be exempt from all liability and shall be
9 held harmless for any losses or claims of loss. Personal property
10 shall include everything in a vehicle except the vehicle, the
11 attached or installed equipment, vehicle keys or devices to start
12 and unlock the vehicle, and the spare tire and tools to change the
13 tire. Interlock devices may be removed pursuant to Section 11-902a
14 of this title. If release of personal property occurs during normal
15 business hours as prescribed by ~~the Corporation Commission~~ Service
16 Oklahoma, it shall be at no cost to the registered owner or the
17 owner prior to the repossession. After-hour fees may be assessed as
18 prescribed ~~by this Chapter or by the Corporation Commission~~ Service
19 Oklahoma, when the release of property is made after the prescribed
20 normal business hours.

21 F. The operator of a wrecker or towing service may request a
22 person offering proof of ownership of personal property and any
23 interlock device to execute a form provided by the operator
24 exempting the operator from liability for such release.

1 SECTION 14. AMENDATORY 47 O.S. 2021, Section 956, is
2 amended to read as follows:

3 Section 956. A. No operator, employee, or contractor of a
4 wrecker or towing service or of a person or business that derives
5 any business or income from a wrecker or towing service shall offer,
6 and no officer or employee of ~~the Corporation Commission,~~ Service
7 Oklahoma or the Department of Public Safety or any political
8 subdivision of the state shall accept, directly or indirectly, any
9 compensation, gift, loan, favor or service given for the purpose of
10 influencing the officer or employee in the discharge of official
11 duties of the person.

12 B. Except as provided in subsection C of this section, no
13 employee of Service Oklahoma, officer of the ~~Commission,~~ Department,
14 or any law enforcement officer of any political subdivision of the
15 state shall have any interest, financial or otherwise, in a wrecker
16 or towing service, or with a person or in a business that derives
17 business or income from a wrecker or towing service, nor shall a
18 wrecker or towing service or a person or business that derives any
19 business or income from a wrecker or towing service employ such
20 officer or employee.

21 C. An employee of Service Oklahoma, officer of the ~~Commission,~~
22 Department, or a law enforcement officer of any political
23 subdivision may have an interest, financial or otherwise, in or may
24 be employed by a wrecker or towing service when the sole purpose and

1 only business of the wrecker or towing service is to perform
2 repossessions of vehicles which are subject to lien and are being
3 repossessed by the lien holder of record.

4 SECTION 15. AMENDATORY 47 O.S. 2021, Section 966, is
5 amended to read as follows:

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

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

12 C. ~~The Corporation Commission, by Commission order,~~ Service
13 Oklahoma, through the Oklahoma Wrecker and Towing Services Board,
14 shall have the power and authority necessary:

15 1. To establish wrecker rates for the transportation and
16 storage of motor vehicles removed due to a nonconsensual tow from
17 Oklahoma roads and highways or private property for any rates not
18 tied to the federal per diem rate;

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~~ by the Oklahoma Corporation Commission
24

1 shall remain in effect until rates are established by ~~order of the~~
2 ~~Commission~~ the Board.

3 E. Rates established by the ~~Commission~~ Board shall be fair and
4 reasonable.

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

12 G. The Department shall cooperate with ~~the Commission~~ Service
13 Oklahoma to implement this act and may enter into agreements to
14 facilitate this act.

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

17 Section 967. A. ~~The Corporation Commission~~ Service Oklahoma
18 is hereby authorized to assess a fee upon each wrecker or towing
19 service licensed by ~~the Department of Public Safety~~ Service Oklahoma
20 and placed upon an official rotation log, as specified in Section
21 952 of ~~Title 47 of the Oklahoma Statutes~~ this title, to perform
22 nonconsensual tows.

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

1 C. The assessment shall be predicated upon the number of
2 wrecker or towing vehicles utilized by the wrecker or towing service
3 to conduct its ~~Department-licensed~~ Service Oklahoma-licensed
4 operations.

5 D. Commencing with assessments made after June 30, 2017,
6 failing to pay the wrecker or towing services assessment by the due
7 date established by the ~~Corporation Commission~~ Service Oklahoma
8 shall result in an additional penalty of twenty-five percent (25%)
9 per vehicle. ~~The Transportation Division Director, or designee,~~
10 Service Oklahoma may waive the penalty for good cause shown.
11 Failure to pay the assessment and penalty within thirty (30) days of
12 the notice of penalty issued by ~~the Corporation Commission~~ Service
13 Oklahoma shall result in revocation of the wrecker or towing license
14 issued by ~~the Department~~ Service Oklahoma.

15 E. ~~Beginning fiscal year 2013, the~~ The Legislature shall
16 establish budgetary limits for ~~the Commission~~ Service Oklahoma to
17 fulfill the duties of the Nonconsensual Towing Act of 2011. The
18 total assessments levied pursuant to this section shall not exceed
19 the amount of the budgetary limits and indirect costs for related
20 support functions established by the Legislature for any fiscal
21 year. Annual budgetary limits shall stay in effect unless
22 superseded by action of the Legislature.

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

1 Section 968. ~~The Corporation Commission~~ Service Oklahoma is
2 authorized to appoint unclassified employees to perform the duties
3 and responsibilities associated with the Nonconsensual Towing Act of
4 2011.

5 SECTION 18. This act shall become effective November 1, 2025.

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