

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 POLICY
4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1261

By: Hays

7
8 PROPOSED POLICY COMMITTEE SUBSTITUTE

9 An Act relating to motor vehicles; creating the
10 Wrecker Services Division; requiring Division acquire
11 certain employees to carry out its objectives;
12 transferring certain powers, duties and
13 responsibilities from the Corporation Commission to
14 the Department of Public Safety by certain date;
15 requiring Department succeed any contractual rights
16 or responsibilities; providing for the transfer of
17 certain rules; requiring certain notice; transferring
18 rulemaking authority; authorizing the transfer of
19 personnel; providing details for personnel transfer;
20 requiring certain coordination for transfer; creating
21 the Oklahoma Wrecker and Towing Services Board;
22 providing for membership of the Board; providing for
23 initial staggered membership; providing for
24 appointment of 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; 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 47 O.S. 2021, Section 951, which relates to
definitions; modifying definitions; amending 47 O.S.
2021, Section 952, which relates to rulemaking
authority; modifying responsible agency; requiring
filing and updating of all rotation logs; requiring

1 Department of Public Safety to promulgate certain
2 rules; amending 47 O.S. 2021, Section 953.1, which
3 relates to maximum fees and charges; modifying
4 responsible agency; removing various rates and fees;
5 removing certain weekly rate and fee adjustment
6 requirement; removing certain fee mark-up allowance;
7 requiring wreckers to provide certain list; requiring
8 certain letterhead for list; requiring certain
9 updates; disallowing exceedance of certain prices;
10 allowing only for certain charges; listing allowable
11 rates; disallowing the use of certain equipment and
12 personnel; requiring certain fees be reasonable;
13 requiring fuel surcharge be based upon certain
14 prices; allowing certain adjustment of fuel
15 surcharge; disallowing certain deviation; authorizing
16 collection of certain charges; requiring the posting
17 of certain prices at place of business; requiring
18 certain investigation for complaints; requiring
19 certain contempt proceedings be held; authorizing
20 certain removal from rotation log; requiring
21 Department make certain communication; requiring
22 Department make certain statement; requiring certain
23 opportunity for appeal and resubmission of rates;
24 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
certain validity determination; requiring return of
certain amount of collected monies; requiring
bringing of charges after certain complaints are
made; requiring certain appeal process; describing
appeal process; amending 47 O.S. 2021, Section 953.2,
as amended by Section 1, Chapter 316, O.S.L. 2023 (47
O.S. Supp. 2024, Section 953.2), which relates to
fees charged for storage and release; modifying
responsible agency; modifying definition; removing
certain set rates; amending 47 O.S. 2021, Section
954A, as amended by Section 3, Chapter 334, O.S.L.
2022 (47 Supp. 2024, Section 954A), which relates to
abandoned motor vehicles; modifying responsible
entity; updating language on licensed operators;
amending 47 O.S. 2021, Section 955, as amended by
Section 12, Chapter 228, O.S.L. 2022 (47 O.S. Supp.
2024, Section 955), which relates to towing vehicle
from roadway; modifying responsible agency; amending
47 O.S. 2021, Section 956, which relates to gifts

1 prohibited; modifying responsible agency; amending 47
2 O.S. 2021, Sections 966, 967, and 968 which relates
3 to the Nonconsensual Towing Act of 2011; modifying
4 responsible agency; providing for codification; and
5 providing an effective date.

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

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

10 A. The Wrecker Services Division, a division of the Department
11 of Public Safety, is hereby created, which shall consist of the
12 Oklahoma Wrecker and Towing Services Board created in Section 2 of
13 this act and such divisions, sections, committees, offices and
14 positions as may be established by the Commissioner of Public Safety
15 or by law. The Division shall employ a Division Director and a team
16 of at least three investigators to investigate consumer complaints
17 related to overcharging for nonconsensual towing, recovery, storage
18 fees and violations of the rules promulgated by the Oklahoma Wrecker
19 and Towing Services Board.

20 B. The applicable powers, duties, and responsibilities
21 exercised by the Transportation Division of the Oklahoma Corporation
22 Commission relating to wrecker and towing services shall be fully
23 transferred to the Department on November 1, 2025. All records,
24 property, equipment, assets, monies, financial interests,

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

3 C. The Department shall succeed to any contractual rights or
4 responsibilities incurred by the Commission pertaining to wrecker
5 and towing services.

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

17 E. The Department and Commission may enter into an agreement
18 for the transfer of personnel, if any, from the Commission to the
19 Department. No employee shall be transferred to the Department
20 except on the freely given written consent of the employee. Any
21 employees who are transferred to the Department shall not be
22 required to accept a lesser grade or salary than presently received.
23 All employees shall retain leave, sick, and annual time earned, and
24 any retirement and longevity benefits which have accrued during

1 their tenure with the Commission. The transfer of any personnel
2 between the state agencies shall be coordinated with the Office of
3 Management and Enterprise Services.

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

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

11 A. There is hereby created the Oklahoma Wrecker and Towing
12 Services Board which shall be the regulatory authority to the
13 Department of Public Safety Wrecker Services Division. The Board
14 shall consist of nine (9) members who shall initially serve
15 staggered terms of membership with the Board. The initial staggered
16 terms of membership of the Board shall be as follows:

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

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

21 3. One member licensed by the Board to engage in commercial
22 insurance appointed by the Governor from the state at large and
23 whose membership shall expire June 30, 2029;

24

1 4. One member licensed by the Board to engage in nonconsensual
2 towing who operates in a county with a population of one hundred
3 thousand (100,000) or more, according to the latest Federal
4 Decennial Census, shall be appointed by the President Pro Tempore of
5 the Oklahoma State Senate and whose membership shall expire June 30,
6 2027;

7 5. One member licensed by the Board to engage in nonconsensual
8 towing who operates in a county with a population of one hundred
9 thousand (100,000) or more, according to the latest Federal
10 Decennial Census, shall be appointed by the President Pro Tempore of
11 the Oklahoma State Senate and whose membership shall expire June 30,
12 2028;

13 6. One member licensed by the Board to engage in nonconsensual
14 towing who operates in a county with a population of less than one
15 hundred thousand (100,000), according to the latest Federal
16 Decennial Census, shall be appointed by the Speaker of the Oklahoma
17 House of Representatives and whose membership shall expire June 30,
18 2027;

19 7. One member licensed by the Board to engage in nonconsensual
20 towing who operates in a county with a population of less than one
21 hundred thousand (100,000), according to the latest Federal
22 Decennial Census, shall be appointed by the Speaker of the Oklahoma
23 House of Representatives and whose membership shall expire June 30,
24 2028;

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

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

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

10 B. Members appointed pursuant to subsection A of this section
11 shall remain engaged in the business of nonconsensual towing,
12 vehicle repossession, law enforcement, commercial insurance, and the
13 commercial trucking insurance industry. Members so appointed who no
14 longer satisfy the requirements for his or her Board position
15 pursuant to subsection A of this section shall provide notification
16 of his or her change of status to his or her appointing authority
17 and to the chairperson of the Oklahoma Wrecker and Towing Services
18 Board and shall resign from the Board within thirty (30) days of the
19 date upon which the member no longer satisfies the requirements of
20 the appointment.

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

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

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

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

11 2. Establishing reasonable tow truck safety requirements for
12 any wrecker or wrecker vehicle as defined in Section 951 of Title 47
13 of the Oklahoma Statutes;

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

18 4. Determining and sanctioning excessive or unnecessary fees
19 charged to consumers related to nonconsensual towing, recovery or
20 storage;

21 5. Requiring all entities permitted, licensed, or regulated by
22 the Board to provide all documents in response to information
23 requests by the Board pursuant to the investigation of consumer
24 complaints or Board complaints against the permittee or licensee;

1 6. Requiring all entities permitted, licensed, or regulated by
2 the Board to provide itemized billing for fees related to towing,
3 storage, or vehicle immobilization services that explains how the
4 charges were calculated;

5 7. Requiring all entities permitted, licensed, or regulated by
6 the Board to maintain a copy of their current maximum rate schedule
7 or fee schedule posted in a conspicuous place and readily accessible
8 to the public;

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

15 9. Requiring all entities permitted, licensed, or regulated by
16 the Board to post a sign notifying customers of the consumer
17 complaint process pursuant to Section 953.1 of Title 47 of the
18 Oklahoma Statutes. The sign shall be in a conspicuous and central
19 location in the public area and shall be a minimum of sixteen inches
20 by twenty inches (16" x 20") in size. The Board may assess a fine
21 of between Fifty Dollars (\$50.00) and Two Hundred Fifty Dollars
22 (\$250.00) for failure to comply with the provisions of this
23 paragraph; and
24

1 10. Utilizing Wrecker Services Division investigators to
2 investigate consumer complaints related to overcharging for
3 nonconsensual towing, recovery, storage fees and violations of the
4 rules promulgated by the Board.

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

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

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

14 SECTION 3. AMENDATORY 47 O.S. 2021, Section 951, is
15 amended to read as follows:

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

18 1. "Wrecker or wrecker vehicle" means any motor vehicle that is
19 equipped with any device designed to tow another vehicle or
20 combination of vehicles. The use of the term "wrecker" or "wrecker
21 vehicle" shall be construed to include a combination wrecker or
22 combination wrecker vehicle, as defined in paragraph 2 of this
23 section, unless a specific differentiation is otherwise described;

24

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

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

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

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

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

23
24

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 4. 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~~ The Department of Public Safety shall have the power and
13 authority necessary to license, supervise, govern and control
14 wrecker vehicles and wrecker or towing services.

15 B. The Department of Public Safety, through the Oklahoma
16 Wrecker and Towing Services Board, shall adopt and prescribe such
17 rules as are necessary to carry out the intent of Section 951 et
18 seq. of this title.

19 The rules shall state the requirements for facilities, for
20 storage of vehicles, necessary towing equipment, the records to be
21 kept by operators, liability insurance and insurance covering the
22 vehicle and its contents while in storage in such sum and with such
23 provisions as the ~~Department~~ Board deems necessary to adequately
24

1 protect the interests of the public, and such other matters as the
2 ~~Department~~ Board may prescribe for the protection of the public.

3 C. Unless otherwise regulated by the governing body of the
4 political subdivision, the wrecker vehicle used to perform wrecker
5 or towing services requested by a political subdivision of this
6 state for removal of a vehicle from public property for reasons
7 listed in Section 955 of this title shall be from the licensed
8 wrecker or towing service whose location is nearest to the vehicle
9 to be towed. Requests for service may be alternated or rotated
10 among all such licensed wrecker or towing services which are located
11 within a reasonable radius of each other. In cities of less than
12 fifty thousand (50,000) population, all such licensed wrecker or
13 towing services located near or in the city limits of such cities
14 shall be considered as being equal distance and shall be called on
15 an equal basis as nearly as possible. The police chief of any
16 municipality and the county sheriff of each county shall keep
17 rotation logs on all requested tows, except where there are
18 insufficient licensed wrecker or towing services available to rotate
19 such services or services are contracted after a competitive bid
20 process. Rotation logs shall be made available for public
21 inspection upon request. Any calls made from cell phones or two-way
22 radios by any law enforcement officer or employee of any
23 municipality or county to any wrecker service shall be listed on the
24 rotation or call logs and made available for public inspection. A

1 wrecker service shall not be removed from rotation without
2 notification to the wrecker operator stating the reason for removal
3 from the rotation log. All notification for removal from a rotation
4 log shall be mailed to the wrecker service owner at least ten (10)
5 days before removal from the rotation log and shall state the
6 procedure and requirements for reinstatement.

7 D. Except as otherwise provided in this subsection, the
8 Department and any municipality, county or other political
9 subdivision of this state shall not place any wrecker or towing
10 service upon an official rotation log for the performance of
11 services carried out pursuant to the request of or at the direction
12 of any officer of the Department or municipality, county or
13 political subdivision unless the service meets the following
14 requirements:

- 15 1. Principal business facilities are located within Oklahoma;
- 16 2. Tow trucks are registered and licensed in Oklahoma; and
- 17 3. Owner is a resident of the State of Oklahoma or the service
18 is an Oklahoma corporation.

19 In the event a licensed wrecker or towing service is not located
20 within a county, a wrecker or towing service that is located outside
21 of the county or this state and does not meet the above
22 qualifications may be placed on the rotation log for the county or
23 any municipality or political subdivision located within the county.

24

1 When performing services at the request of any officer, no
2 operator or wrecker or towing service upon the rotation logs shall
3 charge fees in excess of the maximum rates for services performed
4 within this state, including incorporated and unincorporated areas,
5 as established by the ~~Commission~~ Department.

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

21 F. The Commissioner of Public Safety or the Department employee
22 with statewide responsibility for administration of wrecker services
23 shall be responsible for establishing geographical areas of rotation
24

1 within the troop districts and for notifying each wrecker service of
2 the geographical areas of rotation to which the service is assigned.

3 G. The Department shall make all rotation logs available for
4 public inspection at the state office and shall make rotation logs
5 for a highway patrol troop district available for public inspection
6 at the district office.

7 H. The Department, through the Oklahoma Wrecker and Towing
8 Services Board, shall promulgate rules to develop rotation logs that
9 classify wrecker and towing services by the type of services and
10 equipment they are capable of providing for nonconsensual tows and
11 accident remediation.

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

14 Section 953.1. A. The rates established by the ~~Corporation~~
15 ~~Commission~~ Oklahoma Wrecker and Towing Services Board shall
16 determine the nonconsensual tow maximum fees and charges for wrecker
17 or towing services performed in this state, including incorporated
18 and unincorporated areas, by a wrecker or towing service licensed by
19 the Department of Public Safety when that service appears on the
20 rotation log of the Department or on the rotation log of any
21 municipality, county or other political subdivision of this state,
22 and the services performed are at the request or at the direction of
23 any officer of the Department or of a municipality, county, or
24 political subdivision. No wrecker or towing service in the

1 performance of transporting or storing vehicles or other property
2 towed as a result of a nonconsensual tow shall charge any fee which
3 exceeds the maximum rates established by the ~~Commission~~ Department.
4 Such rates shall be in addition to any other rates, fees or charges
5 authorized, allowed or required by law and costs to collect such
6 fees. Any wrecker or towing service is authorized to collect from
7 the owner, lienholder, agent or insurer accepting liability for
8 paying the claim for a vehicle or purchasing the vehicle as a total
9 loss vehicle from the registered owner of any towed or stored
10 vehicle, the fee required by Section 904 of this title including
11 environmental remediation fees and services.

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

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

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

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

24

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

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

14 ~~D. Distance rates.~~

15 ~~1. Rates in this subsection shall apply to the distance the~~
16 ~~towed vehicle is transported and shall include services of the~~
17 ~~operator of the wrecker vehicle. Hourly rates, as provided in~~
18 ~~subsection E of this section, may be applied in lieu of distance~~
19 ~~rates. Hourly rates may be applied from the time the wrecker~~
20 ~~vehicle is assigned to the service call until the time it is~~
21 ~~released from service either upon return to the premises of the~~
22 ~~wrecker or towing service or upon being assigned to perform another~~
23 ~~wrecker or towing service, whichever occurs first. When the hourly~~
24 ~~rate is applied in lieu of distance towing rates, the operator may~~

1 ~~not apply the two-hour minimum prescribed in subsection E of this~~
2 ~~section nor may hookup or mileage charges, as prescribed in this~~
3 ~~section, be applied.~~

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

7 ~~a. for distances or portions of distances not~~
8 ~~specifically provided for in the governing highway~~
9 ~~map, the actual mileage via the shortest practical~~
10 ~~route will apply,~~

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

15 ~~c. when, due to circumstances beyond the control of the~~
16 ~~wrecker or towing service, roadway conditions make it~~
17 ~~impractical to travel via the shortest route, distance~~
18 ~~rates shall be computed based on the shortest~~
19 ~~practical route over which the wrecker vehicle and the~~
20 ~~vehicle it is towing can be moved, which route shall~~
21 ~~be noted on the bill or invoice, or~~

22 ~~d. when the wrecker or towing service is performed upon~~
23 ~~any turnpike or toll road, the turnpike or toll road~~
24 ~~mileage shall be used to determine the distance rates~~

1 ~~charged and the turnpike or toll road fees may be~~
2 ~~added to the bill or invoice.~~

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

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

14 ~~E. Hourly Rates.~~

15 ~~1. Rates in this subsection shall apply for the use of a~~
16 ~~wrecker vehicle and shall include services of the operator of such~~
17 ~~wrecker, except as provided in paragraph 4 of this subsection.~~
18 ~~Rates shall apply for all wrecker or towing services performed that~~
19 ~~are not otherwise provided for in this section, including, but not~~
20 ~~limited to, waiting and standby time, but shall not include the~~
21 ~~first fifteen (15) minutes of service following the hookup of a~~
22 ~~vehicle when a hookup fee is assessed, as provided in subsection F~~
23 ~~of this section.~~

1 ~~Hourly rates shall apply from the time the vehicle or labor is~~
2 ~~assigned to the service call until the time it is released from~~
3 ~~service either upon return to the premises of the wrecker or towing~~
4 ~~service or upon being assigned to perform another wrecker or towing~~
5 ~~service, whichever occurs first. Whenever a wrecker vehicle is used~~
6 ~~to tow a vehicle subject to distance rates, as provided in~~
7 ~~subsection D of this section, hourly rates shall apply only for the~~
8 ~~time such wrecker is used in the performance of services other than~~
9 ~~transportation, except when such hourly rates are used in lieu of~~
10 ~~such distance rates.~~

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

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

Weight of Towed Passenger Vehicle	Rate Per	Rate Per
(In pounds)	Hour	15 Minutes
Single vehicle: 8,000 or less	\$60.00	\$15.00
Single vehicle: 8,001 to 24,000	\$80.00	\$20.00

1	Single vehicle: 24,001 to 44,000	\$120.00	\$30.00
2	Single vehicle: 44,001 or over	\$180.00	\$45.00
3	Combination of vehicles	\$180.00	\$45.00

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

8	GVWR of Wrecker Vehicle	Rate Per	Rate Per
9	(In pounds)	Hour	15 Minutes
10	8,000 or less	\$60.00	\$15.00
11	8,001 to 24,000	\$80.00	\$20.00
12	24,001 to 44,000	\$120.00	\$30.00
13	44,001 or over	\$180.00	\$45.00
14	Combination wrecker vehicle		
15	with GVWR of 24,000 or over	\$180.00	\$45.00

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

18 b. ~~Maximum hourly rates for skilled or specialized labor~~
19 ~~and/or equipment shall be the actual customary and~~
20 ~~ordinary rates charged for such labor and/or~~
21 ~~equipment. When skilled or specialized labor or~~
22 ~~equipment is required, the wrecker operator's cost for~~
23 ~~such skilled or specialized labor or equipment plus a~~
24 ~~twenty-five percent (25%) gross profit markup to cover~~

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

~~F. Hookup Rates.~~

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

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

~~Weight of Vehicle Being Hooked Up~~

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

1 ~~G. Additional Service Rates.~~

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

- 4 ~~a. the disconnection and reconnection of a towed~~
5 ~~vehicle's drive line when necessary to prevent~~
6 ~~mechanical damage to such vehicle,~~
7 ~~b. the removal and replacement of a towed vehicle's axle~~
8 ~~when necessary to prevent mechanical damage to such~~
9 ~~vehicle, or~~
10 ~~c. the use of a dolly or rollback equipment when~~
11 ~~essential to prevent mechanical damage to a towed~~
12 ~~vehicle or when neither end of such vehicle is capable~~
13 ~~of being towed safely while in contact with the~~
14 ~~roadway.~~

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

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

1 H. C. An operator shall be required to provide reasonable
2 documentation to the Department to substantiate all lawful fees
3 charged the owner, lienholder, agent or insurer paying the claim for
4 the towed vehicle. Fees for which the operator is being reimbursed
5 or having paid to a third party, shall include copies of the invoice
6 or other appropriate documents to substantiate such payment to said
7 third party.

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

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

1 D. Wrecker or towing service companies shall provide the
2 Department a detailed comprehensive list of all prices for the
3 services it performs or may perform related to the towing and
4 storage of any vehicle that is deemed a nonconsensual tow. The list
5 shall be on the letterhead of the wrecker or towing service company.
6 The wrecker or towing service company shall be responsible for
7 updating the list when prices change by submitting a new price list
8 biannually, on January 1 and July 1 of each calendar year, and shall
9 contain the date when new prices will take effect. The wrecker or
10 towing service company shall not exceed the prices on file with the
11 Department for a nonconsensual tow. The wrecker or towing service
12 company shall only charge for services that are on file with the
13 Department. All prices provided to the Department may be provided
14 to citizens needing a wrecker or towing service. No other rates
15 will be allowed apart from the prices provided to the Department and
16 shall include, but may not be limited to:

- 17 1. Indoor storage rates;
- 18 2. Outdoor storage rates;
- 19 3. Specialized storage rates including, but not limited to,
20 vehicle storage;
- 21 4. Hourly rates;
- 22 5. Additional labor rates;
- 23 6. Specialized equipment rates;
- 24 7. After-hours release rates;

1 8. Distance rates; and

2 9. Hookup rates.

3 E. Rates and Charges Requirements.

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

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

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

21 4. Any wrecker or towing service company that subcontracts for
22 the utilization of additional skilled or specialized labor,
23 equipment, or a wrecker vehicle that is for the purpose of a
24 nonconsensual tow, the cost incurred by the wrecker or towing

1 service company for such skilled or specialized labor, equipment, or
2 wrecker vehicle plus an additional twenty-five percent (25%) gross
3 profit markup or gross profit margin shall be allowed to cover
4 overhead costs for such labor and will be added to the invoice or
5 freight bill to be collected in addition to all other applicable
6 charges.

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

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

17 7. Any wrecker or towing services company found to have
18 exceeded the prices provided to the Department, using unnecessary
19 services to increase its fee, or engaging in unethical business
20 practices shall be subject to contempt proceedings before the
21 Department and removal from the towing rotation log by the troop
22 commander.

23 8. The Department shall communicate with any wrecker or towing
24 service company the filing rates and state whether the rates have

1 been accepted or rejected. If the Department rejects rates, it
2 shall state why it did so and provide the opportunity for appeal and
3 resubmission of rates.

4 9. Rates established by the Department shall remain in effect
5 until a wrecker or towing service company files rates with the
6 Department and those rates are accepted.

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

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

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

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

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

- 13 a. owner or lien holder of the vehicle, or
- 14 b. insurer of the vehicle.

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

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

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

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

22 SECTION 6. AMENDATORY 47 O.S. 2021, Section 953.2, as
23 amended by Section 1, Chapter 316, O.S.L. 2023 (47 O.S. Supp. 2024,
24 Section 953.2), is amended to read as follows:

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

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

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

23
24

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

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

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

22 ~~D. Outdoor Storage Rates.~~

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

1 ~~vehicle is brought onto the outdoor storage facility premises.~~

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

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

Type of Towed Vehicle	Rate per Each 24-hour Period or Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$15.00
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$20.00
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width	\$25.00
Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width	\$35.00

21 ~~E. Indoor Storage Rates.~~

22 ~~1. Rates in this subsection shall apply to the indoor storage~~
23 ~~of a towed vehicle. Rates may be applied from the time the towed~~
24 ~~vehicle is brought into the indoor storage facility premises. Rates~~

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

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

Type of Towed Vehicle	Rate per Each 24-hour Period or Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$25.00
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$30.00
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width	\$35.00
Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width	\$45.00

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

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

23
24

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

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

5 a. ~~"after-hours~~

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

11 b. ~~"national~~

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

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

23 ~~G. D.~~ An operator or repair facility shall be required to
24 provide reasonable documentation to substantiate all lawful fees

1 charged to the owner, lienholder, agent or insurer accepting
2 liability for paying the claim for the towed vehicle or purchasing
3 the towed vehicle. Fees for which the operator or repair facility
4 is being reimbursed, or having paid to a third party, shall include
5 copies of the invoice or other appropriate documents to substantiate
6 the payment to the third party.

7 SECTION 7. AMENDATORY 47 O.S. 2021, Section 954A, as
8 amended by Section 3, Chapter 334, O.S.L. 2022 (47 Supp. 2024,
9 Section 954A) is amended to read as follows:

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

17 B. 1. The owner, legal possessor or authorized agent may
18 request any licensed Class AA wrecker service within the county
19 wherein the real property is located to remove the abandoned vehicle
20 from the premises by signing a Tow Request and Authorization Form
21 prescribed by the Department of Public Safety and furnished to
22 licensed Class AA wrecker service operators as hereinafter provided.

23 2. If the owner, legal possessor or authorized agent of the
24 property owner is unable to obtain the services of a licensed Class

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

9 C. A licensed Class AA wrecker service removing an abandoned
10 vehicle pursuant to this section shall be subject to the maximum
11 rates established by the ~~Corporation Commission~~ Department.

12 D. The Department shall design and promulgate a suitable Tow
13 Request and Authorization Form containing space for the following
14 information:

15 1. A description of the vehicle, including the type of vehicle,
16 year of manufacture, name of the manufacturer, vehicle color or
17 colors, identification number and license tag number;

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

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

23 4. Inventory of personal property within the vehicle to be
24 towed;

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

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

4 The Department ~~or the Commission~~ may require additional
5 information on the Tow Request and Authorization Form. The driver
6 license number or state-issued identification card number of the
7 real property owner, legal possessor or authorized agent shall not
8 be disclosed by the Department ~~or the Commission~~ to any entity
9 inquiring about services performed without a court order or without
10 written consent from the property owner, legal possessor or
11 authorized agent.

12 E. The real property owner, legal possessor or authorized agent
13 and the wrecker vehicle driver shall jointly, and each in the
14 presence of the other, inventory personal property found within or
15 upon the vehicle and each shall accordingly sign a statement on the
16 form reflecting this requirement has been fulfilled. In the event
17 an inventory cannot be completed, the reasons therefor shall be
18 clearly stated on the form.

19 F. A copy of the completed Tow Request and Authorization Form
20 shall be retained by the signatories and the licensed Class AA
21 wrecker service shall maintain the wrecker vehicle driver's copy for
22 not less than one (1) year, or longer if required by the Department
23 ~~or the Commission~~. The licensed Class AA wrecker service shall
24 forthwith send the completed original Tow Request and Authorization

1 Form to the Department and the remaining copy of the completed form
2 to the local police department of the municipality in which the real
3 property is located, or the sheriff's office of the county from
4 which the vehicle was towed, if the real property is located outside
5 of an incorporated municipality. A facsimile copy of the Tow
6 Request and Authorization Form shall be considered the original form
7 if a printed or digital confirmation of the facsimile transmission
8 is available.

9 G. Within three (3) business days of the time indicated on the
10 form, the licensed Class AA wrecker service shall request ~~the~~
11 Service Oklahoma Tax Commission or other appropriate ~~motor license~~
12 ~~agent~~ licensed operator to furnish the name and address of the
13 current owner of and any lienholder upon the vehicle. ~~The Tax~~
14 ~~Commission~~ Service Oklahoma or an appropriate ~~motor license agent~~
15 licensed operator shall respond in person or by certified mail to
16 the licensed Class AA wrecker service within five (5) business days
17 from the receipt of the request for information. The Department and
18 ~~the~~ Service Oklahoma Tax Commission shall render assistance to
19 ascertain ownership, if needed. The licensed Class AA wrecker
20 service shall, within seven (7) days from receipt of the requested
21 information from ~~the~~ Service Oklahoma Tax Commission or other ~~motor~~
22 ~~license agent~~ licensed operator, send a notice of the location of
23 the vehicle by certified mail, or if by Department notification, the
24 Department may notify by first-class mail, postage prepaid, at the

1 addresses furnished, to the owner and any lienholder of the vehicle.
2 The owner or lienholder may regain possession of the vehicle in
3 accordance with rules of the Department upon payment of the licensed
4 Class AA wrecker services, costs of certified mailing and the
5 reasonable cost of towing and storage of the vehicle. If the
6 licensed Class AA wrecker service has not complied with the
7 notification procedures required by this subsection, the owner or
8 lienholder shall not be required to pay for storage of the vehicle.

9 H. No licensed Class AA wrecker service or operator of a
10 licensed Class AA wrecker service shall tow or cause to be towed a
11 vehicle pursuant to this section until the form furnished by the
12 Department has been appropriately completed by the parties as
13 required by rules of the Department.

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

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

24

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

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

5 3. The person driving or in control of the vehicle is arrested
6 for an alleged offense for which the officer is required by law to
7 take the person arrested or summoned before a proper magistrate
8 without unnecessary delay;

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

12 5. The officer has probable cause that the person operating the
13 vehicle has not been granted driving privileges or that the driving
14 privileges of the person are currently suspended, revoked, canceled,
15 denied, or disqualified;

16 6. The officer has probable cause that the vehicle has been
17 used in the commission of a felony offense and the officer has
18 obtained a search warrant authorizing the search and seizure of the
19 vehicle;

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

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

1 9. A vehicle is left unattended upon any street, sidewalk,
2 alley or thoroughfare and constitutes a hazard or obstruction to the
3 normal movement of public transit along a rail fixed guideway. An
4 unattended vehicle shall be deemed to constitute an obstruction if
5 any portion of the vehicle remains in that lane utilized for the
6 rail fixed guideway as designated by traffic lane markings or if any
7 portion of the vehicle is outside of the designated parking location
8 and protrudes into the lane of traffic utilized for the rail fixed
9 guideway. For purposes of this paragraph, the head of a political
10 subdivision's transportation division may authorize employees to
11 cause to be towed any vehicle which constitutes a hazard or
12 obstruction to the normal movement of public transit along a rail
13 fixed guideway.

14 No vehicle shall be released after impoundment unless the owner
15 provides to the storing facility proof of valid insurance or an
16 affidavit of nonuse on the roadway, or in the event of a release
17 request from an insurer or the representative of the insurer who has
18 accepted liability for the vehicle, no such proof of insurance or
19 affidavit of nonuse on the roadway shall be required.

20 B. A licensed wrecker operator is not liable for damage to a
21 vehicle, vessel, or cargo that obstructs the normal movement of
22 traffic or creates a hazard to traffic and is removed in compliance
23 with the request of a law enforcement officer, unless there is
24

1 failure to exercise reasonable care in the performance of the act or
2 for conduct that is willful or malicious.

3 C. Each officer of the Department shall use the services of the
4 licensed wrecker operator whose location is nearest to the vehicle
5 to be towed in all instances in subsection A of this section. The
6 requests for services may be alternated or rotated among all
7 licensed wrecker operators who are located within a reasonable
8 radius of each other. In like manner, the officer shall advise any
9 person requesting information as to the availability of a wrecker or
10 towing service, the name of the nearest licensed wrecker operator,
11 giving equal consideration to all licensed wrecker operators located
12 within a reasonable radius of each other. In cities with a
13 population of less than fifty thousand (50,000) ~~population~~, all
14 licensed wrecker operators located near or in the city limits of
15 such cities shall be considered as being equal distance and shall be
16 called on an equal basis as nearly as possible. In counties
17 bordering other states, if the officer deems safety and time
18 considerations warrant, the officer may call a wrecker or towing
19 service that is not on the rotation log.

20 D. Any officer of the Department who has been requested by a
21 person in need of wrecker or towing service to call a specific
22 wrecker or towing service for such person, and who calls a different
23 wrecker or towing service other than the one requested, without the
24 consent of the person, except where hazardous conditions exist,

1 shall be subject to progressive discipline issued by the Department
2 except in instances where a vehicle is removed from the roadway
3 under the authority of paragraphs 3, 4 and 6 of subsection A of this
4 section.

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

1 ~~Corporation Commission~~ the Department, when the release of property
2 is made after the prescribed normal business hours.

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

7 SECTION 9. AMENDATORY 47 O.S. 2021, Section 956, is
8 amended to read as follows:

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

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

1 C. An officer of the ~~Commission,~~ Department or a law
2 enforcement officer of any political subdivision may have an
3 interest, financial or otherwise, in or may be employed by a wrecker
4 or towing service when the sole purpose and only business of the
5 wrecker or towing service is to perform repossessions of vehicles
6 which are subject to lien and are being repossessed by the lien
7 holder of record.

8 SECTION 10. AMENDATORY 47 O.S. 2021, Section 966, is
9 amended to read as follows:

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

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

16 C. The ~~Corporation Commission, by Commission order,~~ Department
17 of Public Safety shall have the power and authority necessary:

18 1. To establish wrecker rates for the transportation and
19 storage of motor vehicles removed due to a nonconsensual tow from
20 Oklahoma roads and highways or private property;

21 2. To supervise and enforce such rates; and

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

24

1 D. Rates as specified ~~in Sections 953.1 and 953.2 of Title 47~~
2 ~~of the Oklahoma Statutes~~ by the Oklahoma Corporation Commission
3 shall remain in effect until rates are established by ~~order of the~~
4 ~~Commission~~ the Department.

5 E. Rates established by the ~~Commission~~ Department shall be fair
6 and reasonable.

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

14 ~~G. The Department shall cooperate with the Commission to~~
15 ~~implement this act and may enter into agreements to facilitate this~~
16 ~~act.~~

17 SECTION 11. AMENDATORY 47 O.S. 2021, Section 967, is
18 amended to read as follows:

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

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

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

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

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

1 SECTION 12. AMENDATORY 47 O.S. 2021, Section 968, is
2 amended to read as follows:

3 Section 968. The ~~Corporation Commission~~ Department of Public
4 Safety is authorized to appoint unclassified employees to perform
5 the duties and responsibilities associated with the Nonconsensual
6 Towing Act of 2011.

7 SECTION 13. This act shall become effective November 1, 2025.

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