

An Act

ENROLLED HOUSE
BILL NO. 1842

By: Osborn (Leslie) of the
House

and

Fields of the Senate

An Act relating to motor vehicles; amending 47 O.S. 2011, Section 967, which relates to the Nonconsensual Towing Act of 2011; creating penalty for failure to pay certain fee; establishing penalty amount; allowing for penalty to be waived under certain condition; modifying time period for payment of fee prior to revocation of license; providing that certain budgetary limits remain in effect until certain action; providing an effective date; and declaring an emergency.

SUBJECT: Nonconsensual Towing Act of 2011

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 967, is amended to read as follows:

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

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

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

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

E. Beginning fiscal year 2013, the Legislature shall establish budgetary limits for the Commission to fulfill the duties of the Nonconsensual Towing Act of 2011. The total assessments levied pursuant to this section shall not exceed the amount of the budgetary limits and indirect costs for related support functions established by the Legislature for any fiscal year. ~~For fiscal year 2012, the total assessments shall not exceed One Hundred Thousand Dollars (\$100,000.00)~~ Annual budgetary limits shall stay in effect unless superseded by action of the Legislature.

SECTION 2. This act shall become effective July 1, 2017.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 6th day of March, 2017.

Presiding Officer of the House
of Representatives

Passed the Senate the 24th day of April, 2017.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____