

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 256

By: Daniels

4  
5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2011, Section 953.1, which relates to maximum towing  
9 and storage fees and charges; modifying allowable  
10 charges; requiring certain documentation; allowing  
11 certain claim for restitution; updating statutory  
12 language; and providing an effective date.

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

13 SECTION 1. AMENDATORY 47 O.S. 2011, Section 953.1, is  
14 amended to read as follows:

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

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

12 Provided, a wrecker or towing service shall not charge the owner of  
13 a vehicle any storage fees, but may charge towing fees, if:

14 1. A vehicle has been stolen from the owner or was involved in  
15 a crime for which the owner was not involved and had no prior  
16 knowledge of the crime committed; and

17 2. The owner presents to the wrecker or towing service a police  
18 report reflecting that the vehicle had been removed from the custody  
19 of the owner without the owner's permission.

20 A wrecker or towing service may request the district attorney  
21 seek restitution for fees associated with the storage of a vehicle  
22 as described in paragraphs 1 and 2 of this subsection.

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;

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 G 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 c. 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:

14 Weight of Towed Vehicle	Distance	Rate
15 (In pounds, including	Towed	Per
16 equipment and lading)		Mile
17 Single vehicle: 8,000 or less	25 miles or less	\$3.00
18 Single vehicle: 8,000 or less	Over 25 miles	\$2.50
19 Single vehicle: 8,001 to 12,000	25 miles or less	\$3.40
20 Single vehicle: 8,001 to 12,000	Over 25 miles	\$3.00
21 Single vehicle: 12,001 to 40,000	Any	\$5.75
22 Single vehicle: 40,000 or over	Any	\$6.75
23 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	Rate Per	Rate Per
7 (In pounds)	Hour	15 Minutes
8 Single vehicle: 8,000 or less	\$60.00	\$15.00
9 Single vehicle: 8,001 to 24,000	\$80.00	\$20.00
10 Single vehicle: 24,001 to 44,000	\$120.00	\$30.00
11 Single vehicle: 44,001 or over	\$180.00	\$45.00
12 Combination of vehicles	\$180.00	\$45.00

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

17 GVWR of Wrecker Vehicle	Rate Per	Rate Per
18 (In pounds)	Hour	15 Minutes
19 8,000 or less	\$60.00	\$15.00
20 8,001 to 24,000	\$80.00	\$20.00
21 24,001 to 44,000	\$120.00	\$30.00
22 44,001 or over	\$180.00	\$45.00
23 Combination wrecker vehicle		
24 with GVWR of 24,000 or over	\$180.00	\$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.



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

G. Additional Service Rates.

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

- a. the disconnection and reconnection of a towed vehicle's drive line when necessary to prevent mechanical damage to such vehicle,
- b. the removal and replacement of a towed vehicle's axle when necessary to prevent mechanical damage to such vehicle, or
- c. the use of a dolly or rollback equipment when essential to prevent mechanical damage to a towed vehicle or when neither end of such vehicle is capable of being towed safely while in contact with the roadway.

2. Maximum additional service rates shall be as follows:

1 2 3 4 5	Weight of Towed Vehicle (In pounds, including equipment and lading)	Service Performed		
		Disconnect Drive Line; Remove Axle	Reconnect Drive Line; Replace Axle	Use of Dolly or Rollback Equipment
6 7 8		Rate Per Service Performed		
6	8,000 or less	\$10.00	\$15.00	\$25.00
7	8,001 to 12,000	\$15.00	\$20.00	\$30.00
8		Rate Per 15 Minutes of Service Performed		
9	12,001 or over	\$20.00	\$20.00	Not applicable

10 H. An operator shall be required to provide reasonable  
11 documentation to substantiate all lawful fees charged the owner,  
12 lienholder, agent or insurer paying the claim for the towed vehicle.  
13 Fees for which the operator is being reimbursed or having paid to a  
14 third party, shall include copies of the invoice or other  
15 appropriate documents to substantiate such payment to ~~said~~ the third  
16 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  
24

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

1 SECTION 2. This act shall become effective November 1, 2019.

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