

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 306

By: Newberry

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5  
6 AS INTRODUCED

7 An Act relating to the Nonconsensual Towing Act of  
8 2011; amending 47 O.S. 2011, Section 967, which  
9 relates to assessments and budgetary limits;  
10 providing late payment penalty; authorizing a waiver  
11 for good cause shown; making annual budgetary limit  
12 perennial; providing an effective date; and declaring  
13 an emergency.

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

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

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

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

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

4 D. Commencing with assessments made after July 1, 2017, wrecker  
5 or towing services failing to pay the assessment by the due date  
6 established by the Corporation Commission shall be assessed a  
7 penalty, per vehicle, to equal twenty-five percent (25%) of the  
8 value of the assessment. The Transportation Division Director, or  
9 designee, may waive the penalty for good cause shown. Failure to  
10 pay the assessment in a timely manner and penalty within thirty (30)  
11 days of the late payment penalty notice issued by the Corporation  
12 Commission shall result in revocation of the wrecker or towing  
13 license issued by the Department.

14 E. Beginning fiscal year 2013, the Legislature shall establish  
15 budgetary limits for the Commission to fulfill the duties of the  
16 Nonconsensual Towing Act of 2011. The total assessments levied  
17 pursuant to this section shall not exceed the amount of the  
18 budgetary limits and indirect costs for related support functions  
19 established by the Legislature for any fiscal year. ~~For fiscal year~~  
20 ~~2012, the total assessments shall not exceed One Hundred Thousand~~  
21 ~~Dollars (\$100,000.00)~~ The annual budgetary limit will stay in effect  
22 unless superseded by further action of the Legislature.

23 SECTION 2. This act shall become effective July 1, 2017.  
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1 SECTION 3. It being immediately necessary for the preservation  
2 of the public peace, health or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval.

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