

1 **SENATE FLOOR VERSION**

February 14, 2023

2 **AS AMENDED**

3 SENATE BILL NO. 609

By: Bergstrom

4  
5  
6 **[ wrecker operators - authority - fees and charges -  
7 appeal - payment - effective date ]**  
8

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

10 SECTION 1. AMENDATORY 47 O.S. 2021, Section 952, is  
11 amended to read as follows:

12 Section 952. A. Except for the rates established by the  
13 Corporation Commission and other provisions as provided for by law,  
14 the Department of Public Safety shall have the power and authority  
15 necessary to license, supervise, govern and control wrecker vehicles  
16 and wrecker or towing services.

17 B. The Department of Public Safety shall adopt and prescribe  
18 such rules as are necessary to carry out the intent of Section 951  
19 et seq. of this title.

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

1 the interests of the public, and such other matters as the  
2 Department 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.

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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.

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 shall complete an inspection by an officer,  
8 as required pursuant to rules promulgated by the Commissioner of the  
9 Department, of a wrecker vehicle as part of the licensure process  
10 within ten (10) business days of request by an applicant.

11 I. The Department shall provide substantial and verifiable  
12 documentation to a licensed wrecker operator prior to suspension of  
13 the operator's license. The licensed operator shall have thirty  
14 (30) days once notified of the impending suspension to appeal to the  
15 Department prior to actual suspension of the license.

16 J. Every wrecker stored in an outdoor storage facility or  
17 storage lot shall be maintained, including but not limited to  
18 removal of tall weeds, overgrown vegetation, and debris. As used in  
19 this subsection, "tall weeds" shall be defined as weeds exceeding  
20 twenty-four (24) inches in height.

21 SECTION 2. AMENDATORY 47 O.S. 2021, Section 953.1, is  
22 amended to read as follows:

23 Section 953.1. A. The rates established by the Corporation  
24 Commission shall determine the nonconsensual tow maximum fees and

1 charges for wrecker or towing services performed in this state,  
2 including incorporated and unincorporated areas, by a wrecker or  
3 towing service licensed by the Department of Public Safety when that  
4 service appears on the rotation log of the Department or on the  
5 rotation log of any municipality, county or other political  
6 subdivision of this state, and the services performed are at the  
7 request or at the direction of any officer of the Department or of a  
8 municipality, county, or political subdivision. No wrecker or  
9 towing service in the performance of transporting or storing  
10 vehicles or other property towed as a result of a nonconsensual tow  
11 shall charge any fee which exceeds the maximum rates established by  
12 the Commission. Such rates shall be in addition to any other rates,  
13 fees or charges authorized, allowed or required by law and costs to  
14 collect such fees. Any wrecker or towing service is authorized to  
15 collect from the owner, lienholder, agent or insurer accepting  
16 liability for paying the claim for a vehicle or purchasing the  
17 vehicle as a total loss vehicle from the registered owner of any  
18 towed or stored vehicle, the fee required by Section 904 of this  
19 title including environmental remediation fees and services.

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

22 1. Each performance of a wrecker or towing service shall be  
23 recorded by the operator on a bill or invoice as prescribed by rules  
24 of the Department and by order of the Commission;

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

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

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

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

21           D. Distance rates.

22           1. Rates in this subsection shall apply to the distance the  
23 towed vehicle is transported and shall include services of the  
24 operator of the wrecker vehicle. Hourly rates, as provided in

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

11 Such distance rates shall be computed via the shortest highway  
12 mileage as determined from the latest official Oklahoma Department  
13 of Transportation state highway map, except as follows:

- 14 a. for distances or portions of distances not  
15 specifically provided for in the governing highway  
16 map, the actual mileage via the shortest practical  
17 route will apply,
- 18 b. in computing distances, fractions of a mile will be  
19 retained until the final and full mileage is  
20 determined, at which time any remaining fraction shall  
21 be increased to the next whole mile,
- 22 c. when, due to circumstances beyond the control of the  
23 wrecker or towing service, roadway conditions make it  
24 impractical to travel via the shortest route, distance



1 rates shall be computed based on the shortest  
2 practical route over which the wrecker vehicle and the  
3 vehicle it is towing can be moved, which route shall  
4 be noted on the bill or invoice, or

5 d. when the wrecker or towing service is performed upon  
6 any turnpike or toll road, the turnpike or toll road  
7 mileage shall be used to determine the distance rates  
8 charged and the turnpike or toll road fees may be  
9 added to the bill or invoice.

10 2. Maximum distance rates shall be as follows:

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

21 E. Hourly Rates.

22 1. Rates in this subsection shall apply for the use of a  
23 wrecker vehicle and shall include services of the operator of such  
24 wrecker, except as provided in paragraph 4 of this subsection.

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

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

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

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

4 Weight of Towed Passenger Vehicle	Rate Per	Rate Per
5 (In pounds)	Hour	15 Minutes
6 Single vehicle: 8,000 or less	\$60.00	\$15.00
7 Single vehicle: 8,001 to 24,000	\$80.00	\$20.00
8 Single vehicle: 24,001 to 44,000	\$120.00	\$30.00
9 Single vehicle: 44,001 or over	\$180.00	\$45.00
10 Combination of vehicles	\$180.00	\$45.00

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

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

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

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

11          F. Hookup Rates.

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

23          2. Maximum hookup rates shall be as follows:

24          Weight of Vehicle Being Hooked Up

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

8 G. Additional Service Rates.

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

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

22 2. Maximum additional service rates shall be as follows:

23	Weight of Towed	Service Performed		
24	Vehicle (In pounds,	Disconnect	Reconnect	Use of Dolly

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

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

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

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

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

22 L. In addition to the provisions of this section, any wrecker  
23 operator or wrecker service on scene after being called to the  
24 service location by law enforcement who does not get to service the

1 call due to another operator or service who was also called to the  
2 service location obtaining the job, the responding operator or  
3 service shall be compensated at the rate of One Hundred Fifty  
4 Dollars (\$150.00) by the Department of Public Safety within thirty  
5 (30) business days of the service call.

6 SECTION 3. This act shall become effective November 1, 2023.

7 COMMITTEE REPORT BY: COMMITTEE ON AERONAUTICS AND TRANSPORTATION  
8 February 14, 2023 - DO PASS AS AMENDED  
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