

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 256

6 By: Daniels

7 COMMITTEE SUBSTITUTE

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

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

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

17 Section 953.1. A. The rates established by the Corporation
18 Commission shall determine the nonconsensual tow maximum fees and
19 charges for wrecker or towing services performed in this state,
20 including incorporated and unincorporated areas, by a wrecker or
21 towing service licensed by the Department of Public Safety when that
22 service appears on the rotation log of the Department or on the
23 rotation log of any municipality, county or other political
24 subdivision of this state, and the services performed are at the
request or at the direction of any officer of the Department or of a

1 municipality, county, or political subdivision. No wrecker or
2 towing service in the performance of transporting or storing
3 vehicles or other property towed as a result of a nonconsensual tow
4 shall charge any fee which exceeds the maximum rates established by
5 the Commission. Such rates shall be in addition to any other rates,
6 fees or charges authorized, allowed or required by law and costs to
7 collect such fees. Any wrecker or towing service is authorized to
8 collect from the owner, lienholder, agent or insurer accepting
9 liability for paying the claim for a vehicle or purchasing the
10 vehicle as a total loss vehicle from the registered owner of any
11 towed or stored vehicle, the fee required by Section 904 of this
12 title including environmental remediation fees and services.

13 Provided, a wrecker or towing service shall not charge the owner,
14 insurer or lienholder of a vehicle any storage fees if a vehicle has
15 been stolen from the owner or was involved in a crime for which the
16 owner was not involved and had no prior knowledge of the crime
17 committed; and the owner, insurer or lienholder presents to the
18 wrecker or towing service a police report reflecting that the
19 vehicle had been removed from the custody of the owner without the
20 owner's permission.

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

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

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

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

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

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

1 C. The rates in subsections D through G of this section shall
2 be applicable until superseded by rates established by the
3 Commission.

4 D. Distance rates.

5 1. Rates in this subsection shall apply to the distance the
6 towed vehicle is transported and shall include services of the
7 operator of the wrecker vehicle. Hourly rates, as provided in
8 subsection E of this section, may be applied in lieu of distance
9 rates. Hourly rates may be applied from the time the wrecker
10 vehicle is assigned to the service call until the time it is
11 released from service either upon return to the premises of the
12 wrecker or towing service or upon being assigned to perform another
13 wrecker or towing service, whichever occurs first. When the hourly
14 rate is applied in lieu of distance towing rates, the operator may
15 not apply the two-hour minimum prescribed in subsection E of this
16 section nor may hookup or mileage charges, as prescribed in this
17 section, be applied.

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

- 21 a. for distances or portions of distances not
22 specifically provided for in the governing highway
23 map, the actual mileage via the shortest practical
24 route will apply,

1 b. in computing distances, fractions of a mile will be
2 retained until the final and full mileage is
3 determined, at which time any remaining fraction shall
4 be increased to the next whole mile,

5 c. when, due to circumstances beyond the control of the
6 wrecker or towing service, roadway conditions make it
7 impractical to travel via the shortest route, distance
8 rates shall be computed based on the shortest
9 practical route over which the wrecker vehicle and the
10 vehicle it is towing can be moved, which route shall
11 be noted on the bill or invoice, or

12 d. when the wrecker or towing service is performed upon
13 any turnpike or toll road, the turnpike or toll road
14 mileage shall be used to determine the distance rates
15 charged and the turnpike or toll road fees may be
16 added to the bill or invoice.

17 2. Maximum distance rates shall be as follows:

18 Weight of Towed Vehicle	Distance	Rate
19 (In pounds, including	Towed	Per
20 equipment and lading)		Mile
21 Single vehicle: 8,000 or less	25 miles or less	\$3.00
22 Single vehicle: 8,000 or less	Over 25 miles	\$2.50
23 Single vehicle: 8,001 to 12,000	25 miles or less	\$3.40
24 Single vehicle: 8,001 to 12,000	Over 25 miles	\$3.00

1	Single vehicle: 12,001 to 40,000	Any	\$5.75
2	Single vehicle: 40,000 or over	Any	\$6.75
3	Combination of vehicles	Any	\$6.75

4 E. Hourly Rates.

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

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

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

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

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

11 Weight of Towed Passenger Vehicle	Rate Per	Rate Per
12 (In pounds)	Hour	15 Minutes
13 Single vehicle: 8,000 or less	\$60.00	\$15.00
14 Single vehicle: 8,001 to 24,000	\$80.00	\$20.00
15 Single vehicle: 24,001 to 44,000	\$120.00	\$30.00
16 Single vehicle: 44,001 or over	\$180.00	\$45.00
17 Combination of vehicles	\$180.00	\$45.00

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

22 GVWR of Wrecker Vehicle	Rate Per	Rate Per
23 (In pounds)	Hour	15 Minutes
24 8,000 or less	\$60.00	\$15.00

1	8,001 to 24,000	\$80.00	\$20.00
2	24,001 to 44,000	\$120.00	\$30.00
3	44,001 or over	\$180.00	\$45.00
4	Combination wrecker vehicle		
5	with GVWR of 24,000 or over	\$180.00	\$45.00

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

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

18 F. Hookup Rates.

19 1. Rates in this subsection shall apply to the hookup of a
20 vehicle to a wrecker vehicle when such hookup is performed in
21 connection with a wrecker or towing service described in this
22 section. Such hookup rate shall include the first fifteen (15)
23 minutes of such service, for which there shall be no additional fee
24 charged, but shall not include the use of a dolly or rollback

1 equipment or a combination wrecker vehicle to accomplish such
2 hookup, for which an additional fee may be charged as provided in
3 subsection G of this section. Hookup shall include, but not be
4 limited to, the attachment of a vehicle to or the loading of a
5 vehicle onto a wrecker vehicle.

6 2. Maximum hookup rates shall be as follows:

7 Weight of Vehicle Being Hooked Up

8 (In pounds, including equipment Rate
9 and lading)

10 Single vehicle: 8,000 or less	\$65.00
11 Single vehicle: 8,001 to 12,000	\$75.00
12 Single vehicle: 12,001 to 24,000	\$85.00
13 Single vehicle: 24,001 or over	\$95.00
14 Combination of vehicles	\$95.00

15 G. Additional Service Rates.

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

18 a. the disconnection and reconnection of a towed
19 vehicle's drive line when necessary to prevent
20 mechanical damage to such vehicle,

21 b. the removal and replacement of a towed vehicle's axle
22 when necessary to prevent mechanical damage to such
23 vehicle, or

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1 c. the use of a dolly or rollback equipment when
2 essential to prevent mechanical damage to a towed
3 vehicle or when neither end of such vehicle is capable
4 of being towed safely while in contact with the
5 roadway.

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

7 Weight of Towed 8 Vehicle (In pounds, 9 including equipment 10 and lading)	11 Service Performed		
	12 Disconnect 13 Drive Line; 14 Remove Axle	15 Reconnect 16 Drive Line; 17 Replace Axle	18 Use of Dolly 19 or Rollback 20 Equipment
	21 Rate Per Service Performed		
22 8,000 or less	\$10.00	\$15.00	\$25.00
23 8,001 to 12,000	\$15.00	\$20.00	\$30.00
	24 Rate Per 15 Minutes of Service Performed		
12,001 or over	\$20.00	\$20.00	Not applicable

16 H. An operator shall be required to provide reasonable
17 documentation to substantiate all lawful fees charged the owner,
18 lienholder, agent or insurer paying the claim for the towed vehicle.
19 Fees for which the operator is being reimbursed or having paid to a
20 third party, shall include copies of the invoice or other
21 appropriate documents to substantiate such payment to ~~said~~ the third
22 party.

23 I. Wrecker fees, including maximum distance, hourly, and hookup
24 rates shall be adjusted weekly by adding a fuel surcharge as

1 provided in this section. The fuel surcharge shall be based on the
2 Department of Energy "weekly retail on-highway diesel prices" for
3 the "Midwest region" using Two Dollars (\$2.00) per gallon as the
4 base price with no fees added. The wrecker fees shall be adjusted
5 to allow a one-percent increase in fees for every ten-cent increase
6 in fuel cost starting at Two Dollars and ten cents (\$2.10) per
7 gallon.

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

16 K. Wrecker operators shall be allowed to obtain ownership and
17 insurer information, including accident reports and other public
18 records, from the Oklahoma Tax Commission or other states' motor
19 vehicle agencies or from law enforcement agencies for the purpose of
20 determining ownership and responsibility for wrecker fees. In the
21 event a state of origin is not known, the Department of Public
22 Safety and the Oklahoma Tax Commission shall assist in providing
23 such information. The wrecker operator is authorized to collect
24 lawful fees for such costs and services from the owner, lienholder

1 that seeks possession of a vehicle under a security interest, agent,
2 or insurer accepting liability for paying the claim for a vehicle or
3 purchasing the vehicle as a total loss vehicle from the owner of any
4 towed or stored vehicle.

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

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7 57-1-1983 BHG 9/30/2019 9:30:37 AM

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