

1 ENGROSSED SENATE
2 BILL NO. 1741

By: Paxton of the Senate

3 and

4 Pfeiffer of the House

5
6 [motor vehicle storage rates - fees and charges -
7 towed vehicles - effective date]
8

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

10 SECTION 1. AMENDATORY 47 O.S. 2021, Section 951, is
11 amended to read as follows:

12 Section 951. As used in Sections 951 through ~~965~~ 968 of this
13 title and ~~Sections 1 through 3 of this act:~~

14 1. ~~"Wrecker or wrecker vehicle"~~ "Wrecker" or "wrecker vehicle"
15 means any motor vehicle that is equipped with any device designed to
16 tow another vehicle or combination of vehicles. The use of the term
17 ~~"wrecker"~~ wrecker or ~~"wrecker vehicle"~~ wrecker vehicle shall be
18 construed to include a combination wrecker or combination wrecker
19 vehicle, as defined in paragraph 2 of this section, unless a
20 specific differentiation is otherwise described;

21 2. "Combination wrecker" or "combination wrecker vehicle" means
22 any wrecker vehicle which is designed and equipped with two separate
23 and distinct devices to tow simultaneously two or more other
24 vehicles or combinations of vehicles, whether or not both devices

1 are in use simultaneously. One of the devices shall allow another
2 vehicle to be loaded onto and transported upon the wrecker vehicle,
3 and one of the devices shall allow another vehicle to be attached to
4 and pulled by the wrecker vehicle;

5 3. "Tow" or "towing" means the use of a wrecker vehicle to
6 lift, pull, move, haul or otherwise transport any other vehicle by
7 means of:

- 8 a. attaching the vehicle to and pulling the vehicle with
9 the wrecker vehicle, or
- 10 b. loading the vehicle onto and transporting the vehicle
11 upon the wrecker vehicle;

12 4. "Rollback equipment" means a towing device or equipment upon
13 which the towed vehicle is loaded and transported, removing the
14 towed vehicle completely from the surface of the roadway. The term
15 ~~"rollback equipment"~~ rollback equipment shall include car haulers;

16 5. "Dolly" means a towing device or equipment which lifts and
17 suspends one axle of the towed vehicle above the surface of the
18 roadway;

19 6. "Wrecker or towing service" means engaging in the business
20 of or performing the act of towing or offering to tow any vehicle,
21 except:

- 22 a. where the operator owns the towed vehicle and displays
23 on both sides of the wrecker vehicle in plainly
24

1 visible letters not less than two (2) inches in height
2 the words "NOT FOR HIRE",

3 b. where the service is performed by a transporter as
4 defined in Section 1-181 of this title,

5 c. where service is performed in conjunction with the
6 transportation of household goods and property,

7 d. where the wrecker vehicle is owned or operated by the
8 United States government, the State of Oklahoma, or
9 any department or political subdivision thereof, or

10 e. where the service is performed by an out-of-state
11 wrecker service at the request of the vehicle owner or
12 operator, the vehicle is not involved in a collision,
13 and is being towed:

14 (1) in either direction across the border between
15 Oklahoma and a neighboring state, or

16 (2) through Oklahoma in transit to another state;
17 provided, the out-of-state wrecker service shall
18 comply with all other requirements regarding
19 interstate commerce as set forth in law;

20 7. "Commissioner" means the Commissioner of Public Safety;

21 8. "Commission" means the Corporation Commission;

22 9. "Department" means the Department of Public Safety;

23 10. "Consensual tow" means the transportation of a vehicle

24 performed at the request of a vehicle's owner, possessor, agent,

1 insurer, lienholder, or any other person in legal possession of or
2 in charge of the vehicle;

3 11. "Nonconsensual tow" means the transportation of a vehicle
4 without the consent or knowledge of the vehicle's owner, possessor,
5 agent, insurer, lienholder, or any other person in possession of or
6 in charge of any vehicle and includes the transportation or towing
7 of the vehicle under lawful circumstances or necessity for the
8 public interest including removing from the roadway for public
9 safety or public convenience, or accidents, by any law enforcement
10 officer or property agent or removal from public or private property
11 as a result of abandonment or unauthorized parking by the property
12 owner, agent, possessor, or other legal entity for the property
13 owner;

14 ~~11.~~ 12. "Operator" means any person owning or operating a
15 wrecker vehicle or wrecker or towing service;

16 ~~12.~~ 13. "Officer" means any duly authorized law enforcement
17 officer;

18 ~~13.~~ 14. "Roadway" means any public street, road, highway, or
19 turnpike or the median, easement, or shoulder of a roadway;

20 ~~14.~~ 15. "Service call" means the act of responding to a request
21 for service with a wrecker vehicle in which a service is performed;
22 and

23 ~~15.~~ 16. "Vehicle" shall:
24

- 1 a. have the same meaning as defined in Section 1-186 of
2 this title, and
- 3 b. for the purposes of this chapter when referring to a
4 vehicle or combination of vehicles being towed or
5 stored, include a vessel. The term "vessel" shall
6 have the same meaning as defined in Section 4002 of
7 Title 63 of the Oklahoma Statutes.

8 SECTION 2. AMENDATORY 47 O.S. 2021, Section 953.2, as
9 amended by Section 1, Chapter 316, O.S.L. 2023 (47 O.S. Supp. 2023,
10 Section 953.2), is amended to read as follows:

11 Section 953.2. A. The rates established by order of the
12 Corporation Commission shall determine the maximum fees and charges
13 for the storage and after-hours release of nonconsensual or
14 consensual towed vehicles, including incorporated and unincorporated
15 areas, by a wrecker or towing service licensed by the Department of
16 Public Safety and repair facilities as defined in Section 953 of
17 Title 15 of the Oklahoma Statutes. No wrecker or towing service or
18 repair facilities shall charge any fee for nonconsensual or
19 consensual towed vehicles and storage which exceeds the maximum
20 rates established by the Commission. Such rates shall be in
21 addition to any other rates, fees or charges authorized, allowed or
22 required by law, including environmental remediation fees and
23 services.

1 B. 1. Storage or after-hours release of a towed vehicle, or
2 both, provided by a wrecker or towing service or by a repair
3 facility shall be recorded by the operator on a bill or invoice as
4 prescribed by rules of the Department.

5 2. Nothing herein shall limit the right of an operator or
6 repair facility who has provided or caused to be provided storage or
7 after-hours release of a towed vehicle, or both, to require
8 prepayment, in part or in full, or guarantee of payment of any
9 charges incurred for providing such services.

10 3. This section shall not be construed to require an operator
11 or repair facility to charge a fee for the storage or after-hours
12 release, or both, of any towed vehicle.

13 4. The operator or repair facility is authorized to collect all
14 lawful fees in acceptable forms of payment such as through check,
15 credit card, automated clearing house transfer, or debit card from
16 the owner, lienholder, or agent of the towed vehicle or insurer
17 accepting liability for paying the claim for a vehicle or purchasing
18 the vehicle as a total loss vehicle from the registered owner for
19 the performance of any and all such services. An operator or repair
20 facility shall make the towed vehicle available for inspection by
21 the owner, lien holder, agent of the towed vehicle, or insurer
22 accepting liability for paying the claim for a vehicle and shall
23 release the vehicle from storage upon authorization from the owner,
24 agent, or lienholder of the vehicle or in the case of a total loss,

1 the insurer accepting liability for paying the claim for the vehicle
2 or purchasing the vehicle where the vehicle is to be moved to an
3 insurance pool yard for sale.

4 C. The rates in subsections D through F of this section shall
5 be applicable until superseded by rates established by the
6 Commission.

7 D. Outdoor Storage Rates.

8 1. Rates in this subsection shall apply to the outdoor storage
9 of a towed vehicle. Rates may be applied from the time the towed
10 vehicle is brought onto the outdoor storage facility premises.

11 Rates shall apply to each calendar day of outdoor storage; provided,
12 the maximum twenty-four-hour fee, as provided for in this section,
13 may be charged for any towed vehicle which is stored for a portion
14 of a twenty-four-hour period.

15 2. Maximum outdoor storage rates shall be as follows:

Type of Towed Vehicle	Rate per Each 24-hour Period or Portion Thereof
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$15.00 <u>\$24.00</u>
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$20.00 <u>\$32.00</u>

24

1 Single vehicle or combination of vehicles
2 over 30 feet in length and up to 8 feet
3 in width

~~\$25.00~~ \$39.00

4 Single vehicle or combination of vehicles
5 over 30 feet in length and over 8 feet
6 in width

~~\$35.00~~ \$55.00

7 E. Indoor Storage Rates.

8 1. Rates in this subsection shall apply to the indoor storage
9 of a towed vehicle. Rates may be applied from the time the towed
10 vehicle is brought into the indoor storage facility premises. Rates
11 shall apply to each calendar day of indoor storage; provided, the
12 maximum twenty-four-hour fee, as provided for in this section, may
13 be charged for any towed vehicle which is stored for a portion of a
14 twenty-four-hour period.

15 2. Maximum indoor storage rates shall be as follows:

Type of Towed Vehicle	Rate per Each 24-hour Period or Portion Thereof
19 Single vehicle: motorcycle, automobile, 20 or light truck up to 20 feet in length	\$25.00 <u>\$39.00</u>
21 Single vehicle or combination of vehicles 22 over 20 feet in length but less than 30 23 feet in length	\$30.00 <u>\$47.00</u>

1 Single vehicle or combination of vehicles
2 over 30 feet in length and up to 8 feet
3 in width

~~\$35.00~~ \$55.00

4 Single vehicle or combination of vehicles
5 over 30 feet in length and over 8 feet
6 in width

~~\$45.00~~ \$70.00

7 3. For purposes of this subsection, "indoor storage" means the
8 vehicle is kept in an enclosed facility.

9 F. After-Hours Release Rate.

10 1. The rate in this subsection shall apply to the release of a
11 towed vehicle to the owner, lienholder, or agent when such release
12 occurs at a time other than normal business hours.

13 2. As used in this subsection:

14 a. "after-hours release rate" shall mean the rate charged
15 for the release of a towed vehicle between the hours
16 of midnight and 8:00 a.m., or between the hours of
17 4:00 p.m. and midnight Monday through Friday, or any
18 time on Saturday, Sunday, or a national holiday, and

19 b. "national holiday" shall mean New Year's Day, Martin
20 Luther King Day, George Washington's Birthday, on the
21 third Monday in February, Memorial Day, Independence
22 Day, Labor Day, Veterans Day, Thanksgiving Day, and
23 Christmas Day, and shall further include the Friday
24 before such national holiday which falls on a Saturday

1 and the Monday following such national holiday which
2 falls on a Sunday.

3 3. The maximum after-hours release rate shall be Fifteen
4 Dollars (\$15.00) per quarter hour for the release of any single
5 vehicle or combination of vehicles.

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

14 SECTION 3. This act shall become effective November 1, 2024.

15 Passed the Senate the 12th day of March, 2024.

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17 _____
18 Presiding Officer of the Senate

19 Passed the House of Representatives the ____ day of _____,
20 2024.

21
22 _____
23 Presiding Officer of the House
24 of Representatives