

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1741

By: Paxton

AS INTRODUCED

An Act relating to motor vehicle storage rates; amending 47 O.S. 2021, Section 951, which relates to definitions; updating statutory reference; defining term; amending 47 O.S. 2021, Section 953.2, as amended by Section 1, Chapter 316, O.S.L. 2023 (47 O.S. Supp. 2023, Section 953.2), which relates to fees and charges for storage of towed vehicles; providing for consensual towed vehicles; increasing maximum storage rates; and providing an effective date.

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

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

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

1. ~~"Wrecker or wrecker vehicle"~~ "Wrecker" or "wrecker vehicle" means any motor vehicle that is equipped with any device designed to tow another vehicle or combination of vehicles. The use of the term ~~"wrecker"~~ wrecker or ~~"wrecker vehicle"~~ wrecker vehicle shall be construed to include a combination wrecker or combination wrecker

1 vehicle, as defined in paragraph 2 of this section, unless a
2 specific differentiation is otherwise described;

3 2. "Combination wrecker" or "combination wrecker vehicle" means
4 any wrecker vehicle which is designed and equipped with two separate
5 and distinct devices to tow simultaneously two or more other
6 vehicles or combinations of vehicles, whether or not both devices
7 are in use simultaneously. One of the devices shall allow another
8 vehicle to be loaded onto and transported upon the wrecker vehicle,
9 and one of the devices shall allow another vehicle to be attached to
10 and pulled by the wrecker vehicle;

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

- 14 a. attaching the vehicle to and pulling the vehicle with
15 the wrecker vehicle, or
- 16 b. loading the vehicle onto and transporting the vehicle
17 upon the wrecker vehicle;

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

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

1 6. "Wrecker or towing service" means engaging in the business
2 of or performing the act of towing or offering to tow any vehicle,
3 except:

4 a. where the operator owns the towed vehicle and displays
5 on both sides of the wrecker vehicle in plainly
6 visible letters not less than two (2) inches in height
7 the words "NOT FOR HIRE",

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

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

12 d. where the wrecker vehicle is owned or operated by the
13 United States government, the State of Oklahoma, or
14 any department or political subdivision thereof, or

15 e. where the service is performed by an out-of-state
16 wrecker service at the request of the vehicle owner or
17 operator, the vehicle is not involved in a collision,
18 and is being towed:

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

21 (2) through Oklahoma in transit to another state;

22 provided, the out-of-state wrecker service shall
23 comply with all other requirements regarding
24 interstate commerce as set forth in law;

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

2 8. "Commission" means the Corporation Commission;

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

4 10. "Consensual tow" means the transportation of a vehicle
5 performed at the request of a vehicle's owner, possessor, agent,
6 insurer, lienholder, or any other person in legal possession of or
7 in charge of the vehicle;

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

19 ~~11.~~ 12. "Operator" means any person owning or operating a
20 wrecker vehicle or wrecker or towing service;

21 ~~12.~~ 13. "Officer" means any duly authorized law enforcement
22 officer;

23 ~~13.~~ 14. "Roadway" means any public street, road, highway, or
24 turnpike or the median, easement, or shoulder of a roadway;

1 ~~14.~~ 15. "Service call" means the act of responding to a request
2 for service with a wrecker vehicle in which a service is performed;
3 and

4 ~~15.~~ 16. "Vehicle" shall:

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

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

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

1 addition to any other rates, fees or charges authorized, allowed or
2 required by law, including environmental remediation fees and
3 services.

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

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

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

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

1 accepting liability for paying the claim for a vehicle and shall
2 release the vehicle from storage upon authorization from the owner,
3 agent, or lienholder of the vehicle or in the case of a total loss,
4 the insurer accepting liability for paying the claim for the vehicle
5 or purchasing the vehicle where the vehicle is to be moved to an
6 insurance pool yard for sale.

7 C. The rates in subsections D through F of this section shall
8 be applicable until superseded by rates established by the
9 Commission.

10 D. Outdoor Storage Rates.

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

18 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>

1 Single vehicle or combination of vehicles
2 over 20 feet in length but less than 30
3 feet in length ~~\$20.00~~ \$32.00

4 Single vehicle or combination of vehicles
5 over 30 feet in length and up to 8 feet
6 in width ~~\$25.00~~ \$39.00

7 Single vehicle or combination of vehicles
8 over 30 feet in length and over 8 feet
9 in width ~~\$35.00~~ \$55.00

10 E. Indoor Storage Rates.

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

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

	Rate per Each
	24-hour Period or
Type of Towed Vehicle	Portion Thereof
Single vehicle: motorcycle, automobile,	
or light truck up to 20 feet in length	\$25.00 <u>\$39.00</u>

1 Single vehicle or combination of vehicles
2 over 20 feet in length but less than 30
3 feet in length ~~\$30.00~~ \$47.00

4 Single vehicle or combination of vehicles
5 over 30 feet in length and up to 8 feet
6 in width ~~\$35.00~~ \$55.00

7 Single vehicle or combination of vehicles
8 over 30 feet in length and over 8 feet
9 in width ~~\$45.00~~ \$70.00

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

12 F. After-Hours Release Rate.

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

16 2. As used in this subsection:

17 a. "after-hours release rate" shall mean the rate charged
18 for the release of a towed vehicle between the hours
19 of midnight and 8:00 a.m., or between the hours of

20 4:00 p.m. and midnight Monday through Friday, or any
21 time on Saturday, Sunday, or a national holiday, and

22 b. "national holiday" shall mean New Year's Day, Martin
23 Luther King Day, George Washington's Birthday, on the
24 third Monday in February, Memorial Day, Independence

1 Day, Labor Day, Veterans Day, Thanksgiving Day, and
2 Christmas Day, and shall further include the Friday
3 before such national holiday which falls on a Saturday
4 and the Monday following such national holiday which
5 falls on a Sunday.

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

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

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