**TITLE 595. DEPARTMENT OF PUBLIC SAFETY**

**CHAPTER 25. WRECKERS AND TOWING SERVICES**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**595:25-1-2. Definitions**

Any reference to "this Act" means 47 O.S. § 951 et seq. unless otherwise specified. The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Call"** means each request for service of an operator resulting in an operator being able to receive compensation for these services.

**"Commissioners Designee"** means the authorized individual such as a director or administrative officer of the division.

**"Class AA wrecker operator"**or**"AA truck wrecker operator"** means any wrecker operator who also meets all the requirements of 47 O.S. § 952(D) for towing for law enforcement agencies. Class AA may also be used for private property towing and consent towing. Class AA must have the ability to tow, recover and haul.

**"Class AA Wrecker Support Vehicle"**or **"Support Vehicle"** means a general class wrecker capable of assisting and supporting the towing and recovery at the scene of an incident.

**"Commission"** means the Oklahoma Corporation Commission.

**"Commissioner"** means the Commissioner of Public Safety, as defined by 47 O.S. § 1-109 and as described in 47 O.S. § 2-102.

**"Department"** means the Department of Public Safety.

**"DPS number"** means a permanent number assigned to a wrecker operator, by the Department which is personal and unique to the wrecker service.

**"GVWR"** means gross vehicle weight rating.

**"IM categories"** means the severity of the incident.

(A) Minor incident is any incident which can be mitigated within thirty (30) minutes or less with limited traffic interference;

(B) Intermediate incident is any incident in which mitigation is thirty (30) to sixty (60) minutes in length and one or more vehicle lanes of travel are affected; and

(C) Major incident is any incident in which mitigation is greater than sixty (60) minutes in length and one or more lanes of travel are affected and the potential for special equipment may be needed and utilized for IM.

**"Incident Management (IM)"** means any on or off roadway incident in which traffic flow is significantly reduced, delayed or stopped as a result of vehicle collisions, cargo/content spills, visibility/weather conditions, or any other hazards associated with severe reductions of vehicular speed and movement within a traffic lane or lanes.

**"Inspection Officer"** means the individual that has been trained and certified by the Department to inspect wrecker vehicles and wrecker facilities.

**"Junk vehicle"** means a vehicle which is ten (10) years old or older and worth less than three hundred dollars ($300.00) [42 O.S. §91].

**"Law enforcement tow"** means a tow of a vehicle made by an operator when a law enforcement officer compels a vehicle be towed or makes a request for a tow using a law enforcement rotation log and to which the rates and fees as prescribed by the Corporation Commission shall apply.

**"Nonconsensual tow"**means *the transportation of a vehicle without the consent or knowledge of the vehicle's owner, possessor, agent, insurer, lien holder, or any other person in possession of or in charge of any vehicle and includes the transportation or towing of the vehicle under lawful circumstances or necessity for the public interest including removing from the roadway for public safety or public convenience, or accidents, by any law enforcement officer or property agent or removal from public or private property as a result of abandonment or unauthorized parking by the property owner, agent, possessor, or other legal entity for the property owner.*[47 O.S. § 951(10)]

**"Officer"** means any peace officer.

**"Operator"** means any person or legal entity owning or operating a licensed wrecker vehicle or a licensed wrecker or towing service and any employee thereof.

**"Owner request tow"** means a tow of a vehicle made by an operator at the request of the owner, or authorized agent of the owner ~~and which~~regardless whether the tow is ~~not~~ compelled or required by a law enforcement officer.

**"Principal Place of business"**or **"Business location"** means a permanent structure, not mounted on wheels, occupied by the wrecker operator at the physical address of the wrecker service, as shown on the wrecker license, with a publicly listed telephone number and functioning utilities including but not limited to electricity and water, where normal business is transacted and all wrecker records are maintained. Effective January 1, 2005, the place of business shall be located in Oklahoma. The principal business full address, including county, must be verified by documentation, such as company letterhead, business card, tax documents, or other official business documents. The facility must be capable and large enough to conduct business, storage of records and all transactions of business. Any additional location or locations within twenty-five (25) miles of the principal place of business will be considered an extension location and will not be made to meet the requirements of the primary/principal business office but shall meet all storage requirements. All business transactions including, but not limited to, invoicing, ticketing, receipting, releasing, and collecting payment, will be conducted at the location in which the vehicle is stored.

**"Private Property Tow"** means a tow of a vehicle which is made from private property by an operator at the request of the owner, legal possessor, or authorized agent in control of the real property, which shall be towed under the provisions of 47 O.S. § 954A and to which the rates and fees as prescribed by the Corporation Commissioner shall apply.

**"Rotation log"** means a list for each Highway Patrol Troop of the Department of current Class AA wrecker operators, meeting the qualifications of Class AA truck wrecker services, whose place of business are within the geographical boundaries of the Troop and who have requested and been approved by the Department to be on the list. This list governs the alternation among approved Class AA-TL truck wrecker operators only.

**"Tow/Towing"***means the use of a wrecker vehicle to lift, pull, move, haul or otherwise transport any other vehicle by means of: (a) attaching the vehicle to and pulling the vehicle with the wrecker vehicle, or (b) loading the vehicle onto and transporting the vehicle upon the wrecker vehicle"*. [47 O.S. § 951(3)]

**"Traffic tie-up"** means any situation in which any officer deems it necessary to control the orderly flow of traffic.

**"Truck wreckers"** means every motor vehicle properly designed and equipped according to Department of Public Safety specifications with wrecker body and winch or lifting apparatus suitably designed to safely move, pull or tow wrecked, damaged or disabled trucks, truck-tractors, road tractors, trailers, semi-trailers, buses and/or other vehicles and conveyances that use the highways of the state of Oklahoma. The designation as a truck wrecker shall be used for Class AA-TL wrecker vehicles only.

**"Truck wrecker rotation log"** means a list for each Highway Patrol Troop of the Department of current Class AA wrecker operators, meeting the qualifications of Class AA truck wrecker services, whose places of business are with in the geographical boundaries of the Troop and who have requested and been approved by the Department to be on the list. This list governs the alternation among approved Class AA-TL truck wrecker operators only.

**"Wrecker dolly"** means a wheeled device which is used to support one end of a motor vehicle for towing.

**"Wrecker license"** means the wrecker license as provided by 47 O.S. § 951, et seq.

**"Wrecker operator"** means any operator who is licensed under this chapter and the laws of this state and who meets all requirements of the rules of this Chapter, pertaining to wrecker vehicles as defined in this Chapter.

**"Wrecker or towing service", "wrecker service",**or **"towing service"***means engaging in the business of or performing the act of towing or offering to tow any vehicle, except: (a) where the operator owns the towed vehicle and displays on both sides of the wrecker vehicle in plainly visible letters not less than two (2) inches in height the words "NOT FOR HIRE", (b) where the service is performed by a transporter as defined in [47 O.S.] section 1-181 of this title, (c) where service is performed in conjunction with the transportation of household goods and property, (d) where the wrecker vehicle is owned or operated by the United States government, the State of Oklahoma, or any department or political subdivision thereof, or (e) where the service is performed by an out-of-state wrecker service at the request of the vehicle owner or operator, and the vehicle is being towed: (1) in either direction across the border between Oklahoma and a neighboring state, or (2) through Oklahoma in transit to another state; provided, the out-of-state wrecker service shall comply with all other requirements regarding interstate commerce as set forth in law.* [47 O.S. § 951(6)]

**"Wrecker"**or**"wrecker vehicle"**, as defined by 47 OS. § 951, et. seq., means any vehicle, other than a transport as defined in 47 O.S. §1-181, equipped with a winch, cable or other device designed to lift, pull or move a disabled vehicle incapable of self-propulsion. (Does not include a vehicle with a push bumper only.)

(A) Class AA - Any wrecker vehicle not less than nine thousand pounds (9,000 lbs.) GVWR and meeting minimum requirements as established for Class AA wreckers in this Chapter.

(B) Class AA-TM - Any wrecker vehicle not less than twenty-four thousand pounds (24,000 lbs.) GVWR and meeting minimum requirements as established for Class AA-TM Wreckers in this Chapter.

(C) Class AA-TL - Any wrecker vehicle not less than forty-four thousand pounds (44,000 lbs.) GVWR and meeting minimum requirements as established for Class AA-TL Wreckers in this Chapter.

(D) Class G (General) - All other wrecker vehicles as defined by 47 O.S. § 951, et. seq., provided a Class G wrecker shall also be considered a wrecker support vehicle for the purposes of 47 O.S. § 12-218.1. If a Class G wrecker service provides storage, it must meet the same facilities, storage, and insurance as a Class AA wrecker service. If the Class G wrecker service does not provide storage, it will not be required to meet the facilities, storage and insurance requirements as a Class AA wrecker service. Class G wreckers services must meet the Class G vehicle requirements and must have a verified primary business location.

**SUBCHAPTER 3. WRECKER LICENSE**

**595:25-3-2. Applications**

(a)    Every applicant shall file with the Department a written application on a form prescribed by the Department and shall tender with the application a fee ~~of One Hundred Dollars ($100.00) by check or money order~~pursuant to 47 O.S. §953 in the form of cash, check (business, personal, or cashier), money order, or debit/credit card. Checks and money orders should be made payable to the Department of Public Safety. The application shall be completed using the ~~applicant 's~~applicant's legal name and include every alias and nickname by which the applicant is or has been known. Every applicant shall submit with the application a current original Oklahoma State Bureau of Investigation (O.S.B.I.) criminal record check for each individual, partner or corporate officer as shown on the application. If any owner, partner or officer has not lived in Oklahoma for the immediately preceding five (5) years, he or she shall submit a criminal record check from the agency responsible for keeping criminal history in the state or states of residence for the immediately preceding five (5) years. Upon the return of any dishonored check the application shall be canceled.

(b)    Upon receipt and approval of the application, the Department shall assign to the operator a permanent identification number for all matters relating to the approved wrecker and towing service. The Wrecker Services Inspector/Trooper will issue a contact report for the operator to present to the Oklahoma Tax Commission or a motor license agent for the purpose of being issued a wrecker license plate pursuant to 47 O.S. §1134.3.

(c)    The filing of an application for a license does not authorize wrecker or towing service operations by the applicant. Operation may commence only after all requirements have been met and proper authorization has been issued by the Department.

(d)    The application shall be an affidavit containing the following information together with any additional information the Department may require.

(1)    The trade name (business name) of the wrecker service. If the business name is registered with the Oklahoma Secretary of State, such registered name shall be used. A copy of the Certificate of Limited Liability Company, a Certificate of Authority, a Certificate of Limited Partnership or a Certificate of Incorporation from the Secretary of State must be submitted with the application.

(2)    The name of the individual (owner/applicant) or, in the event of a legal entity such as a corporation, limited liability company, partnership or limited partnership, the names of any two of the following:

(A)    President,

(B)    Vice-President,

(C)    Another officer, such as a Secretary or the name of the person responsible for the day-to-day operation of the legal entity. The legal entity shall notify DPS immediately in the event any officer or the person responsible should change.

(3)    A statement substantially as follows: "Under oath, I affirm the information submitted in this application is true and I further affirm that I have read the rules of the Department of Public Safety and hereby agree in good faith to abide by the applicable laws and rules governing the wrecker and towing services for which this application is made."

(4)    Date of application.

(5)    Signature of the individual applicant or of each company officer, as named on the application.

(6)    For each driver, the name, date of birth and driver license number.

(7)    If *an officer of the Department of Public Safety or a law enforcement officer of any political subdivision may have an interest, financial or otherwise, in or may be employed by a wrecker or towing service,*the wrecker service shall affirm that its *sole purpose and only business is to perform repossessions of vehicles which are subject to lien and are being repossessed by the lien holder of record*[47 O.S. §956(C)]. If a determination is made that the wrecker service performs services other than repossessions, it shall be grounds for revocation of the wrecker license.

(e)    If, within ninety (90) days of receipt of an application, the Department is unable to verify all information as required by these rules, the application shall be denied. Such applicant may reapply.

(f)    It is within the Department's discretion to disallow the licensing of a wrecker operator should it appear, by a preponderance of the evidence, that the identity of the business is substantially the same as that of one that is currently under suspension by the Department.

**595:25-3-3.** **Renewal**

(a)    Title 47 O.S. §953, provides ~~that~~ the wrecker license shall expire on the 31st day of December of each year. The renewal shall be truthfully and completely filled out.

(b)    The operator shall complete and submit a renewal application with ~~a Fifty Dollar ($50.00)~~ the renewal fee prescribed in 47 O.S. §953 in the form of cash, check (business, personal, or cashier), money order, or debit/credit card, to the Department not later than December 31 of the same year. Checks and money orders should be made payable to the Department of Public Safety.

(c)    Any Class AA wrecker service which fails to renew its wrecker license on or before December 31 shall be removed from the rotation log on the immediately following January 1.

(d)    Any wrecker service which fails to renew its wrecker license on or before December 31 shall be considered cancelled, revoked, or suspended. An application for an original or reinstatement license may be submitted, but not be effective until on or after February 1 with all procedures and fees to apply.

**SUBCHAPTER 5 – ALL WRECKER OPERATORS**

**595:25-5-3.** **Operation**

     All operators using the public roads and highways within the State of Oklahoma shall comply with the following:

(1)    All operators shall require each driver of a wrecker vehicle be proficient in the operation thereof and be properly licensed for the type of vehicle operated.

(2)    No operator shall knowingly permit any operator of a wrecker vehicle to consume beer, wine, intoxicating beverages, drugs or other stimulants or depressants while subject to call nor knowingly permit any operator to come on duty after having inhaled or consumed any such beverage, drug or other stimulants or depressants.

(3)    No operator shall proceed to the scene of a collision or traffic tie-up without being requested to do so by a law enforcement agency or the owner or driver of a vehicle involved.

(4)    Any operator traveling on the roads and highways of the State of Oklahoma during the normal course of his business may, upon arriving at the scene of a collision or traffic tie-up, stop and assist in rendering emergency aid. However, the operator shall not solicit business directly or indirectly from the owner or drivers at the scene.

(5)    An operator at the scene of a collision or traffic tie-up is subject to the same traffic-control directions issued by an officer to the motoring public.

(6)    An operator shall not use the rotating or flashing light while traveling on the roadway en route to any location. The use of the flashing or rotating light is authorized only in the vicinity of hook-up or at the scene of an incident to protect the scene and the vehicle involved. Only amber flashing lights may be used when leaving the scene of a wrecker service call for the purpose of warning the operators of other vehicles to exercise care in approaching, overtaking or passing. [47 O.S. §12-218.1]

(7)    Each operator must be a person of good moral character and reputation in his community, as determined by the Commissioner of Public Safety, and conduct the operation of the storage facilities and towing service in a responsible manner so as not to endanger the public safety of persons or property of others in the custody of the operator.

(8)    No operator shall tow a vehicle when the combined weight of the wrecker vehicle and the wrecker supported weight of the towed vehicle exceeds the factory gross vehicle weight rating of the wrecker vehicle, regardless of the weight for which the wrecker vehicle is licensed.

(9)    No wrecker service shall suspend, or abandon said service without prior written notice to this Department of such intent and returning of all wrecker licenses issued.

(10)    Wrecker services and operators shall be responsible for the removal of any glass or other injurious substances dropped upon the highway or highway right-of-way at the location of an accident as required by title 47 O.S. §11-1110(C).

(11)    Upon payment of the reasonable cost of removal, and storage of a stored vehicle, whether stored at the request of law enforcement or a private property owner and recorded by the wrecker service as provided in OAC 595:25-5-5(b), the vehicle shall be released to:

(A)    the owner, upon presentation of one (1) of each of the following: proof of ownership, identification and insurance (if required by law): Evidence of ownership may be:

(i)    A valid certificate of title, to show proof of purchase and ownership to include tribal and other state titles~~.~~; or

(ii)    Registration Receipt (Digital or Electronic verification shall be accepted) ; or

(iii)    Title properly assigned by the seller, dated, notarized (if required on title) and the owner 's name filled out on the title; or

(iv)    Written verification from a local law enforcement agency as to the identity of the owner; or

(v)    Other appropriate documentation sufficient to establish ownership. Proof of identification may be:

~~(vi)~~(I) Oklahoma driver license; or

~~(vi)~~(II)   Oklahoma identification card; or

~~(vii)~~(III)   Other state driver license; or

~~(viii~~)(IV)    Other state or federally issued photo identification; or

~~(ix)~~(vi)   Other documentation sufficient to establish identity. Proof of Insurance may be: (Insurance may not be in owner's name, as required in Title 47 955A.); or

~~(x)~~(vii)  Valid insurance verification form, not expired with VIN of vehicle listed; or

~~(xi)~~(viii)  Valid insurance policy not expired with VIN of vehicle listed; or

~~(xii)~~(ix) Valid affidavit of non-use and vehicle cannot be driven from facility (Digital or Electronic verification shall be accepted).

(B)    a person representing the owner, upon presentation of, a notarized letter from the owner permitting said person to act on behalf of the owner, with year, make, model and vehicle identification number of the vehicle and proof as listed in paragraph A.

(C)    a lien holder or a duly authorized agent of a lien holder, upon presentation to the wrecker operator proof of being a lien holder [47-904.1], hold harmless letter and a notarized letter from the lien holder permitting said person to act on behalf of the lien holder that includes year, make, model and vehicle identification number; or

(D)    the insurer of or the representative of the insurer accepting liability for or purchasing a motor vehicle as provided in 47 O.S., Section 904, 953.1, or 953.2, must provide a hold harmless letter and a letter from the insurer permitting said person to act on behalf of the insurer that includes year, make, model and vehicle identification number.

(E)    a legal representative or family member within the first or second degree of consanguinity or affinity upon presentation of a notarized affidavit describing the relationship between the legal representative or family member and the owner, in the event the owner is incapacitated or deceased.

(12)    Personal property, which shall include everything in a stored vehicle except the vehicle and its attached or installed equipment, vehicle keys, or devices to start and unlock the vehicle, and the spare tire and tools to change the tire, shall be released, upon request, to the owner or owner's representative, upon showing of proof as described in (11) of this section. Wrecker operators shall allow the vehicle owner or owner's representative to have access to the vehicle for the sole purpose of retrieving ownership documentation, such as title or registration. [47 O.S. §955 E] Personal property shall not be removed from the vehicle unless the operator has a written company policy or procedure for the intended safekeeping of any personal property removed from a vehicle. Personal property may not be removed from vehicles with law enforcement investigative holds for evidence or vehicles with biohazards. Personal property stored at the operator's business office must be secured under lock and key or with an attendant on duty 24 hours per day. Any personal property removed from the vehicle shall be released, to the owner or owner's representative, upon showing of proof as described in (11) of this section.

(13)    Each operator shall require each wrecker driver to maintain the appropriate driver license for the type of vehicle being operated.

(14)    Each operator shall prohibit any known thief or felon from loitering, visiting, or otherwise being on the premises of the place of business or any storage facility of the wrecker service.

(15)    Each operator shall secure vehicles on roll back wreckers with four (4) point tie down. Other wrecker vehicles shall secure vehicles in accordance with wrecker vehicle chassis recommendations.

(16)    A wrecker operator or driver responding to the scene of a motor vehicle collision in the capacity of a first responder, fireman, or volunteer fireman shall not respond to the scene in a wrecker vehicle.

(17)    Operator shall not take photos of a crash scene that would include bodies, personal information of anyone or any personal identifiers, including but not limited to, license plates or names on vehicles. Any photo of a crash scene that includes bodies, personal information, or any identifiers of any person must not be posted on any form of social media.

**SUBCHAPTER 9. OKLAHOMA HIGHWAY PATROL ROTATION LOG – ADDITIONAL REQUIREMENTS**

**595:25-9-2. Operator requirements**

Operators on the Rotation Log shall comply with the following:

(1) When more than one (1) vehicle is towed on one (1) call, each tow shall be counted as another call to that operator.

(2) When an operator receives a request for services from the Oklahoma Highway Patrol and no services are rendered, the operator shall not lose position on the Rotation Log.

(3) If an operator has received a request for services, but does not respond to the scene within a reasonable length of time, including but not limited to such factors as distance from the scene, weather, and nature of the collision or traffic tie-up, the Oklahoma Highway Patrol may request the services of the next operator on the Rotation Log. Under these circumstances, the operator who receives the first request shall lose position on the Rotation Log.

(4) When an emergency condition exists, the Oklahoma Highway Patrol reserves the right to request the services of any appropriately equipped and licensed wrecker service best able to handle the emergency and can reach the scene in the shortest time, regardless of the operator 's position on the Rotation Log. Said call shall count as a call on the Rotation Log.

(5) Only one (1) wrecker service shall be approved for Highway Patrol rotation at any one place of business and/or storage facility, unless otherwise approved by the Commissioner.

(6) Wrecker services shall respond to Highway Patrol requests only in a wrecker vehicle licensed to the requested wrecker service, unless otherwise approved by the Commissioner.

(7) Every wrecker service on the Highway Patrol Rotation Log shall maintain twenty-four (24) hour service.

(8) A wrecker service called from the Highway Patrol Rotation Log shall not accept a request for services unless the operator has a vehicle immediately available to perform the requested service.

(9) Each operator shall require each driver responding to a request to maintain the appropriate driver license for the type vehicle being operated.

(10) Each operator shall require each driver to obey in good faith the rules of the road.

(11) Each operator shall prohibit any known thief or felon from loitering, visiting, or otherwise being on the premises of the place of business or any storage facility of the wrecker service.

(12) Every operator shall accept each Oklahoma Highway Patrol call unless there exists a valid reason for refusal. Upon acceptance of a call an operator shall advise dispatch of their current location and estimated time of arrival.

(13) Each operator shall provide service for a minimum of seventy-five (75%) percent of the requests made by the Highway Patrol to be computed on a quarterly basis. Failure to meet this standard for any reason shall be grounds for removal from the Oklahoma Highway Patrol Rotation Log.

(14) Any Class AA wrecker operator who uses an answering service as a means of dispatch and who fails to properly respond in a timely manner, as determined by the Commissioner 's designee of the Wrecker Services Division, to a rotation call request may have the Class AA license revoked for failure to properly respond to rotation call requests. The operator shall not be licensed as a Class AA wrecker service while utilizing the same answering service as a means of dispatch.

(15) Persons responding to calls must be able to speak and understand the English language.

(16) A wrecker operator shall respond to law enforcement agencies ' wrecker service requests with a wrecker vehicle and operator capable of efficiently uprighting an overturned vehicle, pulling or winching a vehicle back onto the roadway, lifting a vehicle off a victim, or assisting with opening a vehicle to extricate a victim. In addition, the wrecker vehicle shall be equipped to remove a disabled vehicle without inflicting further damage to the disabled vehicle.

(17) If two or more vehicles are involved in a collision and two or more wrecker services are called the following shall apply:

(A) The first wrecker service arriving at the scene will tow the vehicle causing the greatest traffic hazard, which shall be determined by the investigating officer.

(B) If a requested wrecker service is first on scene, said wrecker service will assist in removing the vehicle causing the traffic hazard from roadway, then will proceed to pick up the vehicle it has been requested to tow.

(18) Any wrecker service having a wrecker vehicle with major or critical mechanical failure or failing to meet equipment requirements, which does not have another wrecker vehicle of the same classification approved for rotation, shall become temporarily unavailable for rotation until the wrecker vehicle has been approved to return to service or a new wrecker vehicle of the same classification has been inspected, if necessary, and approved by the Department.

(19) A wrecker service shall become temporarily unavailable for rotation if there is no approved Certificate of Insurance (WA) filing on file with the Department for the wrecker service or wrecker vehicles approved for rotation.

(20) Any wrecker service with a wrecker vehicle displaying an expired tag, which does not have another wrecker vehicle of the same classification approved for rotation, shall become temporarily unavailable for rotation until the wrecker license plate has been renewed and is properly displayed on the wrecker vehicle.

(21) When a request for service has been cancelled by Oklahoma Highway Patrol dispatch, the operator shall not continue to the scene of the requested service. The operator shall not lose its position on the rotation log.