**TITLE 595. DEPARTMENT OF PUBLIC SAFETY**

**CHAPTER 25. WRECKERS AND TOWING SERVICES**

**RULEMAKING ACTION:**

 EMERGENCY adoption

**RULES:**

 Subchapter 11. Denial, Suspension, Revocation or Cancellation of License; Denial or Removal of Class AA Operators From Rotation Log of the Oklahoma Highway Patrol

 595:25-11-2. ~~Violation of rules~~Violations [AMENDED]

**AUTHORITY:**

 Commissioner of Public Safety; 47 O.S. § 2-108, 47 O.S. § 952

**ADOPTION:**

July 19, 2022

**EFFECTIVE:**

Immediately upon Governor's approval

**EXPIRATION:**

September 14, 2023, unless superseded by another rule or disapproved by the Legislature

**SUPERSEDED EMERGENCY ACTIONS:**

N/A

**INCORPORATIONS BY REFERENCE:**

N/A

**FINDING OF EMERGENCY:**

The Department has become aware of situations where regulated wrecker services are substantially overcharging consumers for the fees contained in 42 O.S. § 91A. Existing rules create ambiguities in the agency's ability to remedy such overcharges. In order to protect the public welfare and avoid serious prejudice to the public interest, the Department proposes the attached emergency rules.

**GIST/ANALYSIS:**

The rule clarifies the agency will take adverse action against the license of a licensed wrecker service for violations of any applicable Oklahoma law. Previously the rule was limited to those actions in contravention of Title 47.

**CONTACT PERSON:**

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**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253 (F):**

**595:25-11-2. ~~Violation of rules~~Violations**

~~(a)~~ The Department may deny, suspend, cancel, or revoke the license, and/or remove from the Rotation Log, ~~as the case may be,~~any operator who has committed a violation of ~~the rules of this Chapter or the laws of 47 O.S~~any applicable laws of the State of Oklahoma, any applicable rules of the Department of Public Safety, and any applicable rules and orders of the Corporation Commission.

~~(b) The Department may institute, when circumstances warrant for offenses which occur within four (4) years of each other and as prescribed in OAC 595:25-11-3, a system of progressive discipline of any wrecker service which shall consist of:~~

 ~~(1) for a first offense as provided in (a), a letter of reprimand,~~

 ~~(2) for a second offense as provided in (a), a suspension of the wrecker service license from the OHP rotation log for ten (10) days if applicable, and~~

 ~~(3) for a third offense as provided in (a), a suspension of at least thirty (30) days and no more than ninety (90) days.~~