**Title 595. DEPARTMENT OF PUBLIC SAFETY**

**CHAPTER 25. WRECKERS AND TOWING SERVICES**

**SUBCHAPTER 1. GENERAL PROVISION**S

**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 or individuals authorized by the Commissioner of Public Safety to take action under these rules, 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~~meeting 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.

 **"Class G wrecker operator"** means a general class wrecker authorized to perform only consensual towing services or act as a Support Vehicle.

   **"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 classification of traffic incidents based on 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)~~thirty-one (31) to sixty (60) minutes in length ~~and~~or involving one or more vehicle affected lanes of travel ~~are affected~~; and

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

**"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~~ an 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.

 **"MUTCD"** means the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration.

**"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~~*~~. [~~the transportation of a vehicle in accordance with 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 regardless of whether the tow is compelled or required by a law enforcement officer

 **"Payment"** means compensation for services rendered by a wrecker or towing company in the form of cash, credit card, debit card, Automated Clearinghouse Transfer (ACH), business checks, cashier's check, or money order.

**"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".~~* ~~[~~means the use of a wrecker in accordance with 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~~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.

**"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~~*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.~~* ~~[~~means a business described in 47 O.S. § 951(6)~~]~~.

   **"Wrecker"** or **"wrecker vehicle"**, as defined by 47 OS. § 951, ~~et. Seq~~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**

**595:25-3-1. General requirements**

   The following are the requirements for obtaining an original or renewal of a wrecker license:

(1) **License required.** No operator as defined by law, regardless of storage location, shall operate a wrecker vehicle upon any public street, road, or highway of this state for the offering to tow vehicles or the actual towing of vehicles without first obtaining from the Department a license as provided in this Chapter. Any wrecker vehicle being operated on any public street, road, highway, or turnpike in violation of Oklahoma law, or these rules may be removed from service by Oklahoma law enforcement officers.

(2) **Display and use.** An operator's wrecker service license shall be personal to the holder thereof and a wrecker vehicle license shall be unique to the vehicle. Each license shall be issued only to a person, a corporation, or some definite legal entity. The licenses are non-transferable and any change in ownership, whether of a wrecker service or wrecker vehicle, shall cancel the applicable license. The wrecker service license shall be conspicuously displayed at the primary place of business. The license shall be valid only at the place of business as shown on the license. Additional or satellite places of business shall not be permitted or approved on the same license but shall require a separate application and license.

(3)**~~Reason for application.~~** ~~No showing of public convenience or necessity need to be made in support of an application for a wrecker or towing license.~~

~~(4)~~ **Issuance.** No license for operation of a wrecker or towing service shall be issued until:

(A) The wrecker operator has a minimum of one towing/wrecker vehicle,

(B) Certificates of insurance as prescribed by the Department are on file with the Department,

(C) Each wrecker vehicle has been inspected by an officer of the Department to verify that equipment requirements of this Chapter have been met, and

(D) Each wrecker operator and driver of a wrecker/towing vehicle has successfully completed a minimum of 16 hours of Department approved course of training or have a minimum of 2 years of experience on the following:

(i) Traffic incident management

(ii) Wrecker vehicle recovery controls

(iii) Connecting or loading vehicle onto wrecker

(iv) Tie down and secure vehicle to wrecker

(v) Wrecker operation safety

(vi) Annually complete 4 hours of continuing education approved by the department

~~(5)~~(4) **Carry license.** A copy of the wrecker vehicle license issued by the Department shall be carried at all times in the wrecker vehicle for which the license was issued.

~~(6)~~(5) **~~Return license to Department.~~** ~~Any wrecker operator that disposes of or deletes any wrecker vehicle from operation shall return the license and window decal issued for that particular vehicle and window decal to the Department of Public Safety. When an unlicensed wrecker vehicle is observed with decals identifying it as a licensed wrecker vehicle, law enforcement personal may remove the decals and seize the cab card license and return both to the Department.~~ Disposition of wrecker vehicles. Any operator that ~~cancels~~removes its last remaining wrecker vehicle from operation will have thirty (30) days to have another wrecker vehicle inspected, approved, and licensed or the wrecker license issued to that operator will be cancelled.

~~(7)~~(6) **Additional wreckers.** Any wrecker operator that adds a wrecker vehicle shall:

(A) Register the wrecker vehicle with the Oklahoma Tax Commission, in the name of the operator or the name of the wrecker service, and properly display a current license plate. A leased wrecker vehicle shall show the owner information and the name of the lessee on the vehicle registration.

(B) Notify the Department of the make, model, GVW and serial number of the vehicle.

(C) Send notification to the Department from the insurance carrier of the wrecker operator that the vehicle has been added to present insurance coverage.

(D) Have the vehicle inspected and approved by an employee of the Department.

(E) A wrecker license plate, or a proportional license plate, must be purchased and affixed to the wrecker vehicle after the vehicle has been inspected and approved and before the vehicle can be used by the operator to tow vehicles.

~~(8)~~(7) **License number and business name.**

(A) The DPS number issued to the operator by the Department for the operation of a wrecker or towing service, along with the name of the wrecker service, shall be clearly visible at all times and shall be conspicuously displayed and vertically centered on each side of every tow vehicle used by the operator in the wrecker or towing service. All wrecker services will display AA or G designation at the end of the DPS number. Example: DPS 12345W AA or DPS 12345WG.

(B) On wrecker vehicles in use the DPS number and business name shall be at least three inches (3") in height. The font shall not be a font which is highly decorative or difficult to read. The lettering shall be in a color that will contrast with the color of the tow vehicle in order to be readily noticed and legible.

(C) The signage required by this paragraph shall be permanent in nature and shall not contain any misleading or false information. The wrecker vehicle shall not have more than one wrecker service name on the vehicle.

(D) Magnetic signs are not approved; provided, if requested of and approved by the Commissioner's designee, a magnetic sign may be used for a period of thirty (30) days in an emergency situation.

~~(9)~~(8) **Service of notice.** Any notice required by law or by the rules of the Department served upon any holder of a wrecker or towing license shall be served personally or mailed to the last known address of such a person as reflected by the records on file with the Department. It is the duty of every holder of a certificate or license to notify the Department of Public Safety, Wrecker Services Division, in writing as to any change in the address of such person or of the place of business.

~~(10)~~(9) **License prohibited.**

(A) No person under eighteen (18) years of age shall be licensed or employed as a wrecker operator.

(B) No person shall be licensed as a wrecker/towing service operator or employee who has been convicted of:

(i) a felony offense ~~constitution~~constituting a violent crime as defined in 57 O.S.§ 571, larceny, or theft. Felony convictions expunged through deferred sentencing will not be considered as convictions; or

(ii) any provision of Title 21 O.S. §1029 while providing wrecker services; or

(C) No person shall be licensed as a wrecker/towing service or be employed by a wrecker/towing service until completion of the sentence for the conviction, including probation or supervised release.

(D) Any person who is required to register as a sex offender, as required by 57 O.S. § 582, shall be prohibited from owning or working for a wrecker service for the period of time the person is or is required to be registered.

(E) Nothing in this section prohibits the Commissioner of Public Safety or his or her designee from approving, denying, suspending, cancelling, or not renewing a wrecker license if it is determined to be in the best interest of public safety.

~~(11)~~(10) **One Class AA license per place of business.** Wrecker operators shall be issued no more than one Class AA wrecker license for any one place of business.

~~(12)~~(11) **One Class AA wrecker service on Oklahoma Highway Patrol 's rotation log in same rotation area.** An operator shall be permitted to rotate no more than one Class AA wrecker service in the same Highway Patrol rotation area on the Highway Patrol 's rotation log. For purposes of this paragraph, "Class A wrecker service" shall include those services with a Class AA-TL wrecker vehicle.

~~(13)~~(12) **Business telephone number.** Each wrecker service shall have a telephone number published that is accessible to the public twenty-four hours a day. The operator shall provide in writing to the Department notice of any permanent business telephone number change prior to the new telephone number being placed in service.

~~(14)~~(13) **Business sign.** Each AA Wrecker Service and each G Wrecker Service with storage shall have a business sign at the business location. The sign shall be at least 2 feet by 4 feet with letters at least 3 inches in height with contrasting background and shall display, at a minimum, the name of the wrecker service as shown on the license and a telephone number accessible to the public twenty-four (24) hours a day.

~~(15)~~(14) **Wrecker drivers.** Wrecker services shall notify the Wrecker Services Division within ten (10) days of hiring or termination of employment of any wrecker driver.

**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 pursuant to 47 O.S. §953 in the form of ~~cash,~~ check (business, personal, or cashier), or 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 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)]~~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, operating as a Class G Wrecker. 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 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 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~~between October 1 and December 1, each 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~~ submit a renewal application on or before December ~~31~~1 shall be considered cancelled~~, revoked, or suspended~~ and removed from the rotation log, if applicable, as of January 1 the following year. 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.

**595:25-3-4. Trade name**

(a) Each operator shall use a unique trade name~~, approved by the Department,~~ which shall be printed and appear on the license and shall be clearly distinguishable from the trade name of any other operator.

(b) Upon written request by the operator, the Department may change the trade name of a wrecker or towing service if there is no change in ownership. The identifying number shall be retained and no license fee shall be assessed.

(c) Any change in ownership due to sale, merger, dissolution, or any other reason, except as provided in subsection (d), shall reserve the wrecker service trade name for a period of ~~sixty (60)~~ninety (90) days, during which time the successor or owner shall apply for a wrecker license using the same trade name or another trade name. However, the successor may not operate as a licensed wrecker service until the application has been accepted and approved by the Department.

(d) When the owner of a sole-proprietorship wrecker service dies, the wrecker license shall be considered cancelled by the Department effective upon the date of the death of the owner. Upon the death of the wrecker service owner, the wrecker service shall be immediately removed from Oklahoma Highway Patrol rotation. The heirs shall apply for a reinstatement of the wrecker service license using the same name and the same Department-assigned number; provided, the application shall be treated by the Department as a new application, and all procedures and fees shall apply.

**SUBCHAPTER 5. ALL WRECKER OPERATORS**

**595:25-5-1. Physical requirements for storage facility**

(a) **General Requirements.** All wrecker operators, who, in conjunction with or as part of a licensed wrecker operation, store, park or maintain possession of a towed vehicle, shall store such vehicle in a storage facility which shall meet the minimum physical requirements prescribed in this Section. No vehicle shall be stored in any facility or area which has not been inspected and approved by the Department except in case of exceptional circumstances such as natural disasters or at the direction of law enforcement officers at the scene of an incident.

(1) An operator shall not store vehicles:

(A) At their home,

(B) In another operator's storage lot; or

(C) Any other location unknown to the Department.

(2) The entrance to the storage facility shall be separate from any other business entity.

(3) A vehicle accepted for storage may not be altered without consent of the vehicle owner or their authorized representative.

(4) No stored vehicle may be used for personal or business use without the prior written consent of the vehicle's owner.

(b) **Outdoor Storage Facilities.**

(1) Every primary outdoor storage facility:

(A) Shall be designed to be minimum of 5000 square feet for small truck and minimum of 15000 square feet for large truck in size. A previously licensed proprietor, partnership or corporation business will be allowed to renew the DPS license for their location unless they are changing locations of business.

(B) Shall be surrounded completely by a fence. Construction material for fences shall be of wood, metal, chain link or masonry and be at least six feet (6') in height built solid, firmly, and securely to provide the best protection for restricted access. Livestock paneling (welded wire) shall not be used unless the wire diameter is equal to or larger than 8 gauge (0.160 diameter) with horizontal panels no larger than 4" x 4". T-post construction shall not be approved. Outdoor storage facilities, effective July 1, 2014, shall meet new standards or if facilities previous of date, upon a failed inspection, if found the fence did not meet previous standards, new standards will be imposed.

(C) Shall have at least one (1) gate of the same quality of material and height of the fence and must be locked if not attended.

(D) The storage lot area:

(i) Shall be maintained, including but not limited to removal of tall weeds, overgrown vegetation and debris;

(ii) The lot surface shall be an all-weather surface such as concrete, asphalt, blacktop, gravel, or any ~~materials~~ equivalent materials;

(iii) And cover the complete area of the storage lot that enables the safe and effective movement of stored vehicles upon all portions of the storage lot.

(2) If the construction requirements in paragraph (1) of this subsection are in violation of municipal zoning ordinances or other laws, regulations, or ordinances, the operator may ~~file with the Department a petition for~~ request an exemption in writing and submit a proposed security plan in lieu of the requirements~~, which the Department may approve~~. The operator shall attach a copy of such zoning ordinance or other laws, regulations, or ordinances with the petition.

(c) **Facility Location and Number.**

(1) A minimum of one (1) primary storage facility shall be located within a two (2) mile radius of the place of business address as reflected on the wrecker license and, effective January 1, 2005, shall be located within Oklahoma. Secondary storage facilities may be located outside the two (2) mile radius.

(2) Each vehicle stored must be initially stored and held at the primary storage facility. After thirty (30) days from date of initial storage, vehicles may be moved to a secondary storage facility. The provisions of this paragraph shall not apply to junk vehicles.

(d) **Alternate Primary Storage Facility.** In lieu of or in addition to the primary storage facility described in this Section, a wrecker operator that tows a vehicle pursuant to a contract with a municipality or county may store such vehicle in a facility meeting the requirements set forth in such contract; provided, that:

(1) A copy of the proposed contract is furnished to the Department, along with documentation that requirements specified in this Section will be or have been met.

(2) Only vehicles towed at the request of the municipality shall be stored in such facilities unless such facility meets all the requirements of this Section.

(3) The wrecker operator shall have assumed reasonable responsibility with respect to the owner of such towed vehicle for any damages or loss of contents occurring during such time as the towed vehicle is stored in the facility.

(4) If the storage facility is not owned by the operator, the owner of such storage facility shall also assume joint responsibility for damages or loss of contents to the vehicle secured during such time as the vehicle is stored at such facility.

(5) Such storage facility must meet or exceed the requirements of this Section.

(6) If such storage facility is not operated by the operator, the operator shall have made arrangements with the owner of such storage facility to enable the owner of the vehicle to make full payment for towing and storage costs at the storage facility location and thereby obtain full release of the vehicle.

(7) A wrecker operator may not store any vehicle in a facility which has not been inspected and approved by the Department.

(e) **Indoor storage facility.** An operator may also provide an indoor storage facility as either a primary or secondary storage facility. Due to a special situation such as, but not limited to, a pending fatal collision, asset forfeiture or criminal investigation, law enforcement may select without regard to rotation, an operator nearest to the incident with appropriate indoor storage. The facility must meet the requirements of the Oklahoma Highway Patrol and the operator must comply with any special instructions. An indoor storage facility shall be a permanent structure that meets the following minimum physical requirements.

(1) A solid roof,

(2) A solid hard-surface floor,

(3) Solid walls which fully enclose all sides, i.e., reach from corner to corner on each side and from the floor to the roof on all sides so there is no public access. The walls may be penetrated by windows and doors which must be fully operable so as to make the facility fully enclosed when the windows and doors are closed, and

(4) Must be a minimum of 500 square feet in size.

(f) **Each Wrecker Service is a Separate Entity.** Each wrecker service shall be licensed as a separate legal entity. Any wrecker service with storage shall maintain a primary storage facility that is physically separated from any other entity's storage facility as determined by the Department, so that the responsibility and accountability of the operator relating to compliance with these rules is maintained.

(g) **Shared Storage Prohibited.** Shared use of any outdoor or indoor storage facility by two (2) or more wrecker services is not permitted, except as may be determined by the Commissioner.

(h) **Leased or rented building, office, or storage.** Wrecker operators intending to lease or rent any building, office or storage facilities shall file such plan of lease or rent with the Department for approval. Such plan shall be signed and approved by the owner of the property or representative of the owner and be of at least one year in duration and include specific terms therein delineating the responsibility of the operator relating to compliance with the rules of this Chapter and assurance that accountability is maintained.

(i) **Accessibility.** Any primary storage facility used to store vehicles at the request of law enforcement shall be accessible to the public by way of an all-weather road. This provision shall not apply to primary storage facilities which have been approved prior to July 14, 2003.

~~(i)~~ **~~Accessibility.~~** ~~Any primary storage facility used to store vehicles at the request of law enforcement shall be accessible to the public by way of an all-weather road. This provision shall not apply to primary storage facilities which have been approved prior to July 14, 2003.~~

**595:25-5-2. Equipment requirements for all classes of wrecker vehicles**

(a) **All Wrecker Vehicles.** Each wrecker which is used by an operator in the performance of a wrecker or towing service shall be equipped with the following:

(1) **Fire Extinguisher.** One (1) or more dry chemical, B.C. rating, fire extinguisher having a minimum of ten pounds (10 lbs.) total capacity, which shall be mounted and readily accessible.

(2) **Flashing light.** At least one (1) amber rotating or flashing light, mounted and centered above the cab of the vehicle, visible from 360 degrees or on a light bar, and approved by an officer of the Department. The amber rotating light is for use only at the scene of an emergency or where a traffic hazard exists and there is the necessity to warn approaching vehicles, such as at a routine vehicle pickup [47 O.S. § 12-218.1]. In addition to the required amber rotating light, the wrecker may be equipped with a red or blue flashing light, or a combination of red and blue flashing lights, for use only at the scene of an emergency [47 O.S. § 12-218.1]; provided, on any wrecker vehicle approved after July 15, 2005, the red or blue light, or the combination of red and blue flashing lights, shall be on a separate switch from the amber light. Under no circumstances are any of the rotating or flashing red or blue lights intended for use when traveling on the streets or highways [47 O.S. § 12-218.1]. White rotating lights are not authorized under Oklahoma statutes.

(3) **Chains.** Two (2) chains of sufficient grade to assist in securing the towed vehicle.

(4) **Broom.** One (1) push-type broom, suitable for clearing debris from the road.

(5) **Shovel.** One (1) shovel, suitable for clearing debris from the road.

(6) **Tire Chains.** One (1) set of tire chains, mud and snow tires or other device to assist wrecker to maintain traction in mud, snow, or ice.

(7) **Warning Devices.** Warning devices, applicable to trucks as required in 47 O.S. § 12-407, capable of protecting the scene of a collision by day or night.

(8) **Lighting for Towed Vehicle.** Wreckers must be equipped to operate a towed vehicle's stop, turn and clearance lights (if applicable), or be equipped with a light bar or other lighting equipment to ~~provide the highway~~ comply with lighting requirements for vehicles. When used, the light bar or tow lights shall be affixed securely to the towed vehicle to assure a minimum of movement while traveling on the highway and to prevent any damage to the towed vehicle.

(9) **Safety Chains or Straps.** Two (2) safety chains or wheel straps of sufficient capacity to keep the towed vehicle attached to the wrecker in the event of disengagement.

(10) Additional Equipment. Each operator of a roll back wrecker shall secure towed vehicles with four-point tie downs. ~~Operator~~Operators of other wrecker vehicle types shall secure towed vehicles in accordance with wrecker vehicle chassis recommendations.

(11) **Approved dolly use.** When a wrecker dolly is used as the lift or towing device, both the wrecker dolly and the wrecker shall first be approved and licensed as a unit by the Department. In addition to the requirements in (a) of this Section for all wreckers, a wrecker dolly towing vehicle shall also be equipped at a minimum with the following:

(A) A ball or pintle hook of sufficient size and capacity to safely control the wrecker dolly, securely fastened to the appropriate frame member of the wrecker.

(B) Two safety chains of sufficient capacity to keep the wrecker dolly attached to the wrecker in the event of hitch failure.

(12) **Safety Apparel.** A minimum of (1) one high-visibility safety apparel (vest, jacket or shirt), per wrecker vehicle, in compliance with 2009 MUTCD section 6D.03.

(13) **Safety Apparel while in right-of-way.** Each wrecker operator or driver shall wear high visibility safety apparel, in compliance with 2009 MUTCD section 6D.03, when working in any highway right-of-way.

(b) **Class AA Wrecker Vehicles.** Each Class AA wrecker vehicle, in addition to the equipment required by subsection (a), shall be equipped with the following:

(1) **Scotch Blocks.** Two (2) scotch blocks, or similar devices, capable of adding stability to the wrecker during winching. Scotch blocks shall be constructed of steel plate with a chain or cable of sufficient grade and quality to attach to the frame or body of the wrecker. Hydraulic stabilizing equipment shall be approved. (NOTE: Roll-back wrecker vehicles are exempt from this requirement.)

(2) **Dollies.** Dollies for the purpose of providing a method of towing a disabled vehicle which is otherwise incapable of being towed safely on either axle. (NOTE: Roll-back wrecker vehicles are exempt from this requirement.)

(3) **Axe.** One (1) axe.

(4) **Pry-bar.** One (1) pry-bar or wrecking bar capable of prying open doors.

(5) **Sling and Stay-bar.** One (1) sling and stay-bar, wheel lift device, or other type of device capable of safely loading and protecting the disabled vehicle while being towed.

(6) **Dual Rear Wheels.** At least one (1) set of dual rear wheels for stability in towing another vehicle.

(7) **Winch.** A winch or winches permanently mounted at the rear of the vehicle with a minimum factory rated capacity of eight thousand pounds (8,000 lbs.) and equipped with a cable to be compatible with manufacturer's specifications and be of sufficient length based on the design of the wrecker vehicle.

(8) **Absorbent.** An adequate supply of an absorbent capable of absorbing liquid spills from vehicles (not including cargo spills); provided, the wrecker service or wrecker operator shall not be required to pick up or dispose of the used absorbent. The Department recommends keeping at least four (4) gallons of absorbent on each wrecker vehicle.

(9) **Hydraulic Jack.** One (1) hydraulic bottleneck jack or floor jack with a minimum two and a half ton rating.

(10) **Basic equipment list:**

(A) First Aid kit

(B) Trash bags (33 gal. min.) or 5-gallon buckets (2)

(C) Flashlight

(D) Wire/Cable cutter pliers (8")

(E) Jumper cables or Jumper Box

(F) Safety glasses (1pr)

(G) Traffic cones (3) MUTCD compliant

(H) Adjustable pliers

(I) Rubber gloves and or work gloves (PPE gear)

(c) **Class AA-TM Wrecker Vehicles.** Each Class AA-TM wrecker (medium truck wrecker), in addition to the equipment required by subsection (a and b), shall be equipped with the following:

(1) **Minimum Vehicle Requirements.**

(A) **Air Brakes.** Factory or certified installed full air brakes with a full tractor package (hand control, in line foot valve, air hoses and trailer emergency valve) capable of releasing the air brakes on a tractor-trailer and capable of operating the brakes of the towed vehicle with the same application as the towing vehicle.

(B) **Parking Brake.** Air-activated spring parking brake.

(C) **GVWR Compatibility.** Wrecker body and equipment shall be compatible with the chassis GVWR in size and shall be suitable by design to operate under emergency conditions.

(i) Vehicle body must be capable of safely anchoring scotch blocks.

(ii) Vehicle must be designed to adequately anchor snatch blocks.

(2) **Equipment Requirements.**

(A) **Winch.** A winch or winches permanently mounted at the rear of the vehicle with a minimum factory rated capacity of thirty thousand pounds (30,000 lbs.) and be equipped with a cable to be compatible with manufacturer's specifications and be of sufficient length based on the design of the wrecker vehicle.

(B) **Boom.** A boom or booms constructed so as to be compatible with winch rating.

(C) **Snatch Blocks.** A minimum of two (2) snatch blocks compatible with winch cable size and cable rating.

(D) **Sling and Stay-bar.** One (1) sling and stay-bar, wheel lift device, or other type of device capable of safely loading and protecting the disabled vehicle while being towed.

(d) **Class AA-TL Wrecker Vehicles**.

(1) **Minimum Vehicle Requirements.**

(A) **Air Brakes.** Factory-installed or certified installed full air brakes with a full tractor package (hand control, in-line foot valve, air hoses, and trailer emergency valve) capable of releasing the air brakes on a tractor-trailer and capable of operating the brakes of the towed vehicle with the same application as the wrecker.

(B) **Parking Brake.** Air-activated spring parking brake.

(C) **Axle and Suspension.**

(i) Minimum front axle and suspension of twelve thousand pounds (12,000 lbs.). (Note: GVWR rating are altered or affected by tires, springs and axles.)

(ii) Minimum rear axle and suspension combination of thirty-two thousand pounds (32,000 lbs.).

(iii) Be equipped with full-driven tandem axle (NOTE: A drag axle or pusher axle is not acceptable).

(D) **Wheel Base:** Chassis must have a minimum Wheel base of 280 (two hundred and eighty) inches. 200 inches will be allowed on vehicles previously licensed if they have a hydraulic wheel lift, spades and an additional operator.

(E) **GVWR Compatibility.** Wrecker body and equipment shall be compatible with chassis GVWR and size and shall be suitable by design to operate under emergency conditions.

(i) Body must be capable of safely anchoring scotch blocks.

(ii) Must be designed to adequately anchor snatch blocks.

(2) **Equipment Requirements.**

(A) Winches must be maintained with at least 75% capacity of the manufactures recommended length of wire or synthetic rope. Must have at least 2 (two) winches with a minimum combined capacity of 40,000 (forty thousand) lbs.

(B) Boom(s): Wrecker unit must have a factory built or certified 25 (twenty-five) minimum ton boom rating that is an elevating and telescoping recovery boom.

(C) Wrecker unit must have a factory built or certified hydraulic telescoping wheel lift.

(D) Large truck requirements:

(i) 2 or more air hoses 3/8", with combined minimum length of 100' (feet)

(ii) Cage Bolts (8)

(iii) Two Air outlets on the wrecker for emergency and service line activation

(iv) Metric and Standard end wrench sets with minimum 3/8" 1/4" to 1" and 8mm to 19mm

(v) Metric and Standard ½" drive socket set and ratchet with minimum 1/4" to 1" and 8mm to 19mm

(vi) Hydraulic or pneumatic jack with 10-ton min. rating

(vii) 10 gallons of absorbent material

(viii) 2.5 lb. Sledge/shop hammer

(ix) 2 pr. Locking pliers

(x) 4 axle covers

(xi) 5 traffic cones (MUTCD compliant)

(xii) Saddle Tank fluid mitigation compound (Plug and Dyke or other similar product).

(xiii) Minimum of 4 (four) snatch blocks that are recommended for the size of rope contained on the winches.

(xiv) Minimum of sixty feet (60') of one-half inch (~~½~~1/2") Grade 80 Recovery Chain with hooks.

(xv) 2 (two) – one­-inch (1") screw pin clevises.

(xvi) 2 (two) – one-half inch (1/2") screw pin clevises

**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) Proof of ownership:

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

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

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

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

(ii) Proof of identification:

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

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

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

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

~~(vi)~~(V) Other documentation sufficient to establish identity.

(iii) Proof of Insurance ~~may be: (Insurance may not be in owner's name, as required in Title 47 955A; or~~:

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

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

~~(ix)~~(III) 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 twenty-four (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.

(18). During normal business hours, the operator shall provide access to the vehicle for the purposes of inspection, identification, or assessment to any person or entity to whom release is authorized by these rules.

**595:25-5-7. Tow request and authorization forms**

(a) Only Class AA wreckers are authorized to remove abandoned vehicles from real property. ~~[47 O.S. § 954A]~~ Wrecker services shall complete the Tow Request and Authorization Form prior to removal of abandoned vehicles from real property.

(b) One copy of the Tow Request and Authorization Form shall be forwarded to the Department of Public Safety, Wrecker Services Division, P. O. Box ~~11415~~53004, Oklahoma City, Oklahoma 73136, and the local law enforcement agency with jurisdiction over the area where the vehicle was removed, within seventy-two (72) hours from time of removal. ~~A facsimile or~~ An email of the Tow *~~Request and Authorization Form shall be considered the original form if a printed or digital confirmation of the facsimile transmission is available~~* Request and Authorization Form shall be considered the original. ~~[47 O.S. § 954A- F]~~

(c) The Tow Request and Authorization Form can be obtained from the Wrecker Services Division, Department of Public Safety, Oklahoma City, Oklahoma 73136. Disposition of copies are as follows:

(1) Original copy to the Department of Public Safety. ~~Facsimile~~ E-mail in lieu of the original will be accepted.

(2) One copy to the local law enforcement agency.

(3) One copy to be retained by the wrecker service.

(4) One copy to the real property owner, legal possessor, or agent.

(d) Each wrecker operator shall be responsible for verifying the identity of the person signing the tow request and authorization form and shall put the driver license number or state-issued identification card number of that person on the tow request and authorization form.

(e) No licensed Class AA wrecker service or operator of a licensed Class AA wrecker service shall tow or cause to be towed a vehicle from the real property until this form has been appropriately completed by the parties.

(f) *~~The Tow request and authorization form shall be completed with the following information:~~*

~~(1)~~ *~~A description of the vehicle, including the type of vehicle, year of manufacture, name of the manufacturer, vehicle color or colors, identification number and license tag number;~~*

~~(2)~~ *~~The name, address and business telephone number of the licensed Class AA wrecker service;~~*

~~(3)~~ *~~The name, address, telephone number and driver license number or state-issued identification card number of the real property owner, legal possessor or authorized agent;~~*

~~(4)~~ *~~Inventory of personal property within the vehicle to be towed, if no inventory is completed, the reason shall be clearly stated on the form;~~*

~~(5)~~ *~~Time and date the form is completed; and~~*

~~(6)~~ *~~Signatures of the driver of the wrecker vehicle and of the owner, legal possessor or authorized agent of the real property. They shall jointly, and each in the presence of the other, inventory personal property found within or upon the vehicle.~~*

~~(g)~~ *~~A copy of the completed Tow Request and Authorization Form shall be retained by the signatories and the licensed Class AA wrecker service shall maintain the wrecker vehicle driver's copy for not less than one (1) year.~~*

~~(h)~~ *~~Upon completion of the tow the Class AA wrecker service shall perform the following:~~*

~~(1)~~ *~~Within three (3) business days of the time indicated on the form, request the Oklahoma Tax Commission or other appropriate motor license agent to furnish the name and address of the current owner and/or lien holder of the vehicle.~~*

~~(2)~~ *~~Within seven (7) days from receipt of the requested information from the Oklahoma Tax Commission or other motor license agent, send a notice of the location of the vehicle by certified mail, postage prepaid, at the addresses furnished, to the owner and any lien holder of the vehicle.~~*

~~(3)~~ *~~If the licensed Class AA wrecker service has not complied with the notification procedures required in this section the owner or lien holder shall not be required to pay for storage of the vehicle per Title 47 § 954A (G).~~*

The Tow request and authorization form shall be completed with the following information:

(1) A description of the vehicle, including the type of vehicle, year of manufacture, name of the manufacturer, vehicle color or colors, identification number and license tag number;

(2) The name, address and business telephone number of the licensed Class AA wrecker service;

(3) The name, address, telephone number and driver license number or state-issued identification card number of the real property owner, legal possessor or authorized agent;

(4) Inventory of personal property within the vehicle to be towed, if no inventory is completed, the reason shall be clearly stated on the form;

(5) Time and date the form is completed; and

(6) Signatures of the driver of the wrecker vehicle and of the owner, legal possessor or authorized agent of the real property. They shall jointly, and each in the presence of the other, inventory personal property found within or upon the vehicle.

(g) A copy of the completed Tow Request and Authorization Form shall be retained by the signatories and the licensed Class AA wrecker service shall maintain the wrecker vehicle driver's copy for not less than one (1) year.

(h) Upon completion of the tow the Class AA wrecker service shall perform the following:

(1) Within three (3) business days of the time indicated on the form, request Service Oklahoma or other appropriate motor license agent to furnish the name and address of the current owner and/or lien holder of the vehicle.

(2) Within seven (7) days from receipt of the requested information from Service Oklahoma or other motor license agent, send a notice of the location of the vehicle by certified mail, postage prepaid, at the addresses furnished, to the owner and any lien holder of the vehicle.

(3) If the licensed Class AA wrecker service has not complied with the notification procedures required in this section the owner or lien holder shall not be required to pay for storage of the vehicle per Title 47 § 954A (G).

**SUBCHAPTER 7. CLASS AA OPERATORS**

**595:25-7-2. Release and holding of vehicle**

(a) **Release.** The Class AA wrecker operator shall at all times have a capable person available to release impounded or stored vehicle within one (1) hour. ~~As per~~Pursuant to 47 O.S. § 955, any vehicle impounded by law enforcement shall not be released to the owner until that owner provides proof of valid insurance or an affidavit of nonuse on the roadway. In the event an insurer or a representative of the insurer who has accepted liability for the vehicle requests the release, no proof of valid insurance or affidavit of nonuse on the roadway shall be required.

(b) **Exceptions to release of impounded or stored vehicles.**

(1) Officers may have a legitimate need and reason to preserve the secured status of an impounded or stored vehicle, including but not limited to:

(A) Failure to pay taxes due the State;

(B) Forfeiture proceedings under the Controlled Dangerous Substances Act [63 O.S.~~,~~ § 2-506];

(C) Evidentiary proceedings.

(D) Failure to provide proof of insurance

(E) The vehicle has been used in the commission of a felony offense. [47 O.S.~~,~~ § 955(A)(6)]

(2) In the event an officer determines a need exists to preserve the secured status of an impounded or stored vehicle, the officer may direct the operator to place a hold thereon, which the operator shall honor, subject to the following procedures.

(3) If the hold is because taxes due the State have not been paid, the operator shall not release the vehicle until the owner, or another person as described in OAC 595:25-5-3(13), has furnished proof from the Oklahoma Tax Commission or a motor license agent to the operator that the vehicle has been duly registered and the license fee has been paid before the vehicle may be released to the owner. Inquiry regarding this law may be made to the Oklahoma Tax Commission.

(4) If the stated reason for the hold is a forfeiture proceeding under the Uniform Controlled Dangerous Substance Act, the operator may not release the vehicle unless written authorization is received either from the District Attorney's Office of the county from which the vehicle was impounded or from the impounding officer.

(A) If, after the expiration of seventy-two (72) hours from the time of impoundment (excluding Saturday, Sunday and legal holidays), the operator has not received either the court case number under which a forfeiture proceeding has been accepted and filed or a release of the hold from the impounding officer, the operator shall contact the law enforcement agency storing the vehicle, between 7:00 a.m. and 12:00 noon following such seventy-two (72) hours period, advising the ranking supervisor on duty or dispatcher of the following information:

(i) That the vehicle is being held for the filing of forfeiture proceedings;

(ii) That no court case number of forfeiture proceedings has been received;

(iii) Description of vehicle, including tag and vehicle identification number;

(iv) Vehicle owner, if known;

~~(vi)~~(v) County from which the vehicle was impounded;

~~(vii)~~(vi) Name of impounding officer;

~~(viii)~~(vii) Name and telephone number of operator submitting the above information.

(B) The supervisor may direct the impounding officer to verify the decision of the District Attorney and to notify the operator:

(i) Of the forfeiture proceedings style and case number; or

(ii) That the hold is canceled because the District Attorney has declined forfeiture proceedings and therefore, the vehicle may then be released in accordance with (a) and (b) of this Section.

(C) Any vehicle seized or stored for forfeiture proceedings under the Uniform Controlled Dangerous Substance Act is considered to be in the custody of the District Attorney of the county where the property was seized [63 O.S.~~,~~ § 2-506 (K)] and therefore the operator may contact that office regarding any matter relating to such vehicle, in addition to the foregoing procedure.

(5) If the hold is for evidentiary proceedings or for any stated reason other than taxes or forfeiture described above, or if the officer fails to state a reason, then the hold shall expire forty-eight (48) hours from the time of impoundment (if not released earlier by the officer), and the operator shall not honor the hold beyond the forty-eight (48) hour period without express direction of the law enforcement agency storing said vehicle. The vehicle may then be released in accordance with the provisions of this Chapter.

(6) An Operator may not release a vehicle which is damaged to the extent it is not readily identifiable by the vehicle identification number, until such vehicle is positively identified by the law enforcement agency authorizing the towing of the vehicle or an agent of the National Insurance Crime Bureau.

(c) **Court orders regarding impounded or stored vehicles.** If any rule provided, herein conflicts with a court order served upon the operator relating to impoundments, release, storage, or other matter relating to the wrecker service, the court order shall take precedence.

(d) **~~Release~~Procedures for release to another wrecker service, lienholder, registered owner, adjuster, or authorized agent**. ~~When a wrecker service is to lawfully obtain a vehicle from another wrecker service which originally towed the vehicle, the original wrecker service shall:~~

(1) ~~allow the other wrecker service to enter its premises and remove the vehicle, or~~

~~(2) if the original wrecker service does not allow the other licensed wrecker services or registered owner or agent on its premises to make the tow, the original wrecker service shall properly tow the vehicle to a mutually agreeable site in order to transfer the vehicle to the requesting wrecker service~~**Wrecker Service.** When a towed vehicle is transferred from one wrecker to another wrecker, the transferring wrecker shall allow the receiving wrecker on its premises to remove the vehicle or properly tow the vehicle to a mutually agreeable site to transfer the vehicle, at no additional cost.

(2) **Lienholder, registered owner, adjuster, or authorized agent.** A towed vehicle shall be released to a lienholder, registered owner, adjuster, or authorized agent upon payment of appropriate fees and presentation of documentation required by these rules. In the event the vehicle is not operable, the releasing wrecker shall allow the lienholder, registered owner, adjuster, or authorized agent on its premises to remove the vehicle. Alternatively, the operator can properly tow the vehicle to a mutually agreeable site to transfer the vehicle, at no additional cost.

(3) **Payment.** An Operator may require payment of towing and storage fees authorized by the Commission prior to allowing a registered owner, adjuster, or authorized agent on its premises to view, identify, or claim a vehicle. In the event the vehicle is determined not to be the insured vehicle, all fees paid shall be refunded to the payee at the time the identification error is discovered.

(4) **Additional storage fees.** An Operator is authorized to collect additional storage fees accruing on the next calendar day after the vehicle is identified but before the vehicle is retrieved by the registered owner, adjuster, or authorized agent. In addition, the Operator may collect any authorized after-hours fees due in the event the release of the vehicle occurs after the close of business.

**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**

(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.~~consider the following factors when determining the sanction for a violation as described in this section:

(1) The severity of the alleged violation,

(2) The Wrecker Service's history of compliance or non-compliance,

(3) The Wrecker Service's demonstrated willingness and ability to avoid future violations.

(c) If the Commissioner, upon review of a report of the Commissioner's Designee related to a violation as described in this section determines the public health, safety, or welfare requires emergency action, summary suspension of the Wrecker Service license may be ordered pending a hearing. A hearing will be scheduled within three (3) business days of the date of the order of summary suspension.

**595:25-11-3. Procedure**

   In the event ~~that~~ the Department has determined that a license should be denied, suspended, revoked, or canceled, or that an operator should be denied or removed from the Rotation Log for any reason, or both, the following procedures shall apply in accordance with the Administrative Procedures Act, 75 O.S. § 309, et seq. This section does not apply to summary suspensions.

(1) The Department shall send by first-class mail Notice of Department Action containing all information required by 75 O.S. § 309, et seq., to the concerned applicant or operator at the last known address as reflected by the records of the Department. ~~The Department shall follow up the mailed Notice with a documented telephone call to the telephone number on file with the Department for the wrecker service to ensure the wrecker service has received and understands the Notice.~~

(2) The notice shall provide ~~that~~ the effective date of the Department action ~~shall become effective fifteen (15) days after date of mailing to the applicant or operator, unless the applicant or operator timely files a written request for a hearing with the Department of Public Safety, Wrecker Services Division~~as determined by the Commissioner or Commissioner's Designee, based upon the seriousness of the infraction. When an applicant or operator requests a hearing in writing with the Wrecker Services Division, the Department action may be suspended until a hearing is held. Such request for hearing shall be timely when filed prior to the effective date of the Department Action.

(3) If a timely hearing is requested, the hearing shall be scheduled within forty-five (45) days from the date the Department receives the request.

(4) The Department hearing officer shall be designated by the Commissioner, and each party shall be afforded an opportunity to be heard and to present evidence.

(5) The hearing officer shall render a decision based upon the law and the evidence presented and shall enter an appropriate final order regarding the matter. Each party shall be promptly notified either personally or by mail.

(6) Unless the hearing officer timely receives a written request for a rehearing, reopening or reconsideration of the decision as provided by the Administrative Procedures Act, the final order will become effective ten (10) days after the entry of the decision.

(7) If an applicant operator fails to appear at the scheduled hearing without good cause, the hearing officer shall record the nonappearance and enter a final order reflecting the effective date prescribed in (2) of this Subsection, in lieu of the decision and final order as prescribed in (5) and (6) of this Subsection. Each party shall be promptly notified thereof either personally or by mail.

(8) If the Department representative fails to appear without good cause, the hearing officer shall record the nonappearance and enter a final order of dismissal of the Department Actions. The order of dismissal shall be without prejudice if the basis for the action constitutes noncompliance or a continuing violation of these rules. Each party shall be promptly notified thereof either personally or by mail.

(9) Where a timely written request for a rehearing, reopening or reconsideration of the case is received, the Department Action shall be stayed until ten (10) days after an order is issued concerning the request for rehearing, reopening or reconsideration of the case.

(10) Notwithstanding (2) through (9) of this Subsection, Department Action shall become effective immediately where:

(A) An original application for a license or placement on the Rotation Log is denied for failure to qualify under this Chapter.

(B) The Department finds that the health, safety, or welfare of the public imperatively requires such action and finding to that effect is incorporated in its order, pursuant to the Administrative Procedures Act, 75 O.S. § 314(c).

(11) Where the Department has determined that a minor disqualification and/or violation exists which may be readily rectified by the applicant or operator, the Department of Public Safety may informally notify such party by mail or telephone of such minor disqualification or violation, with a request for compliance with a specified period of time. If such party fails to rectify the minor disqualification or violation, the Department may proceed according to other provisions of this Subchapter.

(12) If the applicant or operator is organized as a corporation, a limited liability company, or a partnership, it must be represented by an attorney through all stages of the proceeding. *See Massongill v. McDevitt*, 1989 OK CIV APP 82, *Allen v. City of Chickasha*, 2009 OK CIV APP 52, *Cf. Rowland v. Calif. Men's Colony*, 506 U.S. 194, 202-203 (1993).