

## CHAPTER 25. WRECKERS AND TOWING SERVICES

### SUBCHAPTER 1. GENERAL PROVISIONS

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

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Alternate primary storage facility"** means an outdoor or indoor storage facility for the sole purpose of storing vehicles towed in accordance with a contract with a municipal or county government.

**"Approved wrecker vehicle"** means a wrecker vehicle meeting the equipment requirements for the applicable class of vehicle that has been inspected and approved by the Department, and a ~~Cab Card~~ cab card issued, for use in the provision of wrecker services under ~~these~~ all provisions of applicable state law, applicable rules of the Department, applicable Oklahoma Corporation Commission rules, or any applicable Oklahoma Corporation Commission order.

~~"Authorized Wrecker Vehicle Operator"~~ **"Authorized Wrecker Vehicle Operator"** means an individual who, by training, experience, or both, meets the knowledge requirements of these rules to operate an approved wrecker vehicle on behalf of a licensed wrecker service and meets the minimum standards of conduct as set forth in these rules.

**"Cab card"** means the record of the Department's approval for use of an authorized wrecker vehicle.

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

**"Cancellation"** means the permanent withdrawal of a cab card, driver card, or wrecker service license as a result of Departmental action for violation(s) of all applicable state law, applicable rules of the Department, applicable Oklahoma Corporation Commission rules, or any applicable Oklahoma Corporation Commission order, requiring an original application for reinstatement.

**"Casualty"** means a vehicle towed from the scene of a traffic incident or as a result of a private property impound.

~~"Commissioners"~~ **"Commissioner's Designee"** means the individuals authorized to take official action on behalf of the Department to administer the rules of this Chapter, and the provisions of the Oklahoma Statutes pertaining to wrecker services.

**"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.

**"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.

**"Corrective action plan"** means a document issued to a licensed wrecker service providing actionable steps to come into compliance with these rules. The corrective action plan will, at a minimum, contain a notation of the rule(s) violated, the specific actionable steps to return to conformity with the rules, and a deadline by which the licensed wrecker service must complete the corrective action plan.

**"Denial"** means the Departmental action taken against an applicant for a wrecker service license, cab card, or driver card as a result of the applicant's failure to meet the requirements of applicable state law, applicable rules of the Department, applicable Oklahoma Corporation Commission rules, or any applicable Oklahoma Corporation Commission order.

**"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.

**"Driver card"** means the record of the Department's authorization of an individual to operate an approved wrecker vehicle on behalf of a licensed wrecker service.

**"Employee"** means all full-time, part-time, seasonal, or contract employee of a licensed wrecker service or applicant for a wrecker service license.

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

**"Licensed wrecker service"** means the legal entity, whether a person, partnership, or corporation, functioning as an operator as defined by 47 O.S. § 951(11), to whom a license is issued by the Department for the lawful operation of a wrecker service. A licensed wrecker service may be designated Class AA or Class G, depending on the largest sized vehicles the licensed wrecker service is authorized to tow.

**"Nonconsensual tow"** means the towing of a vehicle as defined by 47 O.S. § 951(10).

**"Oklahoma Highway Patrol wrecker rotation"** means a voluntary rotation(s) of licensed wrecker services meeting the requirements of these rules to provide nonconsensual towing services on behalf of the Oklahoma Highway Patrol.

**"Operator"** means any person or legal entity owning or operating a licensed wrecker ~~or towing~~ service.

**"Out-of-Service"** means an authorized wrecker vehicle or authorized wrecker operator is prohibited from operation as a result of non-compliance with all provision of state law, applicable rules of the Department, applicable rules of the Oklahoma Corporation Commission, or any applicable Oklahoma Corporation Commission order. An operator or vehicle deemed to be out-of-service may not be utilized until the condition is remedied by the licensed wrecker service.

**"Owner"** means the person or legal entity exercising ultimate authority over a wrecker service.

**"Place of business"** means an approved location of a licensed wrecker service as reflected in the records of the Department.

**"Prohibition"** means the Departmental action temporarily barring the re-application of a formerly authorized wrecker operator or licensed wrecker service due to a withdrawal of authorization based upon violations of any provision of applicable state law, applicable rules of the Department, applicable rules of the Oklahoma Corporation Commission, or applicable Oklahoma Corporation Commission orders.

**"Renewal period"** means the period in which licensed wrecker services are required to submit renewal application packets for the following calendar year.

**"Revocation"** means the temporary withdrawal of a wrecker service license for failure to pay assessments required by 47 O.S. § 967.

**"Suspension"** means the temporary withdrawal of a driver card, cab card, or wrecker service license as a result of Departmental action for violation(s) of any applicable state law, applicable rules of the Department, applicable Oklahoma Corporation Commission rules, or any applicable Oklahoma Corporation Commission order.

**"Traffic incident"** means any circumstance in which a law enforcement officer deems it necessary to have a vehicle(s) towed to maintain orderly flow of traffic. This also includes the order of a law enforcement officer to impound a vehicle.

**"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.

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

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

**"Wrecker Services"** means the provision of services related to the recovery, towing, storage, and release of towed vehicles to appropriate parties by an individual or corporate entity in accordance with these rules and includes the reasonable and necessary tasks incident thereto.

## SUBCHAPTER 3. WRECKER LICENSE

### 595:25-3-7. ~~Original wrecker~~Wrecker service application

(a) Every applicant for an original or renewal wrecker service license shall submit to the Department a completed application packet in a form and format prescribed by the Department. The applicant shall tender to the Department the application fee prescribed by 47 O.S. § 953(B). Application fees are non-refundable. Fees may be paid by debit card, credit card, business check, cashier's check, or money order. Checks and money orders shall be made payable to the Department of Public Safety. The application ~~packet~~ shall be denied upon ~~the return of a dishonored check; receipt of a notice of non-sufficient funds.~~ The Department may deny the application should it appear, by a preponderance of the evidence, the identity of the business is substantially the same as one that is currently under suspension by the Department. Operation may commence only after all requirements have been met and the wrecker service license has been issued by the Department. ~~The application packet shall consist of:~~

- ~~(1) A completed application form;~~
- ~~(2) Proof of Insurance of the types, and in the amounts prescribed by these rules;~~
- ~~(3) A copy of the applicant's Certificate of Limited Liability Company, a Certificate of Authority, a Certificate of Limited Partnership, or a Certificate of Incorporation from the Secretary of State, or the equivalent documentation from the state in which the wrecker service was formed;~~
- ~~(4) Evidence of compliance with the training requirements prescribed by these rules;~~
- ~~(5) The applicant must provide a nationwide criminal history check, including sex offender registry check, dated not more than 60 days prior to the application date for every employee, partner, shareholder, or officer involved in the operation of the licensed wrecker service;~~

(b) Upon approval of the application ~~packet~~, the applicant shall submit to the Department:

- ~~(1) A completed Wrecker Vehicle inspection for at least one Wrecker Vehicle;~~
- ~~(2)(1) A copy of the registration certificate for all Wrecker Vehicles to be used by the wrecker service.~~
- (2) A copy or photo of the wrecker tag issued by Service Oklahoma for the applicable vehicle.
- (3) A photo of the wrecker vehicle showing the DPS wrecker license number has been placed on the wrecker vehicle in accordance with these rules.

### 595:25-3-8. Renewal application

The renewal period for Wrecker Service Licenses begins on October 1 and ends on December 1, each year. A Wrecker Service License for which a renewal application ~~packet~~ is not submitted during this period will expire on January 1 of the following calendar year. Renewal applications processing received after the end of the renewal period, but on or before December 31, will ~~commence~~ be processed in the order received, but only after review of timely renewal application packets ~~renewal applications received during the renewal period~~ are completed. ~~For purposes of this rule, renewal application packets submitted by U.S. First Class Mail shall be considered received on the date of the postmark. Initial application packets~~ Original applications approved by the

Department during the renewal period, or between December 2 and December 31 shall be in effect until December 31 of the following calendar year.

#### **595:25-3-9. ~~Wrecker vehicle operator license~~ Authorized vehicle operator driver card - scope and effect**

A licensed wrecker service ~~must have~~ may not respond to calls for service unless it employs at least one (1) authorized wrecker vehicle operator holding a ~~Driverdriver Cardcard~~. The ~~Driverdriver Cardcard~~ allows the holder thereof to drive, operate, and control ~~an~~ authorized wrecker vehicle in the course and scope of providing towing and recovery operations governed under these rules. The authorized wrecker vehicle operator must have the ~~Driverdriver Cardcard~~ on his or her person at all times when providing towing services under these rules. When requested, the authorized wrecker vehicle operator shall present the ~~Driverdriver Cardcard~~ to any law enforcement officer or member of the public with whom the authorized wrecker vehicle operator is interacting on the scene of a traffic incident or a tow from private property. When requested, the authorized wrecker vehicle operator shall present a state issued driver license corresponding to the ~~Driverdriver Cardcard~~ to any law enforcement officer or member of the public with whom the authorized wrecker vehicle operator is interacting on the scene of a traffic incident or tow from private property.

#### **595:25-3-10. Minimum qualifications for wrecker vehicle operators**

To obtain a ~~Driverdriver Cardcard~~, an individual must meet the following minimum qualifications:

- (1) The applicant must be employed by, or be an operator of, a licensed wrecker service.
- (2) The applicant must be at least eighteen (18) years of age.
- (3) The applicant must complete the sixteen (16) hour Basic Wrecker Vehicle Operator Training Course and the four (4) hour Traffic Incident Management Systems Course.
- (4) The applicant must not be subject to a ~~pending conviction~~ or nor serving a deferred sentence, including probation or supervised release, for the following:
  - (A) An offense deemed a violent crime pursuant to ~~21~~ 57 O.S. § 571;
  - (B) Human trafficking pursuant to 21 O.S. § 748, et. seq.;
  - (C) Robbery pursuant to 21 O.S. § 791, et. seq.;
  - (D) Burglary pursuant to 21 O.S. § 1431, et. seq.;
  - (E) Embezzlement pursuant to 21 O.S. § 1451, et. seq.;
  - (F) Larceny pursuant to 21 O.S. § 1701, et. seq.;
  - (G) A violation of 21 O.S. § 1029 while operating a wrecker vehicle;
  - (H) A violation of 47 O.S. § 4-103.
- (5) No applicant may be ~~licensed~~ issued a driver card while he or she is required to be registered as a sex offender pursuant to 57 O.S. § 582.
- (6) The applicant must provide a nationwide criminal history check, including sex offender registry check, dated not more than 60 days prior to the application date.
- (7) The applicant must provide a negative drug screen result, dated within the same calendar year the wrecker service license application is submitted, from a drug testing laboratory approved by the Oklahoma State Department of Health.

### **SUBCHAPTER 5. ALL WRECKER OPERATORS**

#### **595:25-5-10. General requirements**

Licensed wrecker services and wrecker vehicle operators must comply with all provisions of applicable state law, applicable rules or the Department, applicable Oklahoma Corporation Commission rules, and applicable Oklahoma Corporation Commission orders. The licensed wrecker service is responsible for compliance with these rules before, during, and after towing, recovery, and storage services. When providing wrecker services, all licensed wrecker services shall:

- (1) Establish and maintain familiarity with the statutes, rules, and orders applicable to the operation of the licensed wrecker service.
- (2) Require each wrecker vehicle operator to be proficient in the operation of the— wrecker vehicle and its accessory equipment by virtue of experience, training, or both.
- (3) Operate approved wrecker vehicles and accessory equipment within the working limits of the equipment, including but not limited to winches, cables, chains, and booms.
- (4) Require each wrecker vehicle operator to be properly licensed for the class of vehicle, or combination of vehicles, being operated.
- (5) A wrecker vehicle operator traveling on the roads and highways of the State of Oklahoma during the normal course of business may, upon arriving at the scene of a collision or traffic tie-up, stop and assist in rendering emergency aid.
- (6) Obey traffic-control directions issued by a law enforcement officer at the scene of a traffic incident.
- (7) Provide wrecker services in a responsible manner so as not to endanger the safety of persons or property of others.
- (8) Require all employees to maintain a professional demeanor in their interactions with customers, personnel of the Department, personnel of the Oklahoma Corporation Commission, law enforcement personnel, the public, and employees of other licensed wrecker services.

- (9) Cooperate with a Departmental review, audit, request for documents, or investigation.
- (10) Provide access to stored vehicles for the purposes of inspection, identification, or assessment to any person or entity to whom release is authorized by these rules, during the licensed wrecker service's normal business hours. Licensed wrecker services shall allow the vehicle owner or owner's representative to have access to the vehicle to retrieve ownership documentation contained in the vehicle.
- (11) Notify the Department of the make, model, GVWR, and VIN of additional wrecker vehicles within three (3) business days of acquisition.
- (12) Notify the Department within three (3) business days of hiring or ~~termination~~separation of employment of any ~~wrecker vehicle operator~~employee. This includes the assignment of wrecker vehicle operator duties to a current employee on an as needed or probationary basis.
- (13) Authorized wrecker vehicle operators shall wear high visibility safety apparel, in compliance with 2009 MUTCD section 6D.03, when working in any highway right-of-way.
- (14) Respond to law enforcement agencies' calls for service with an approved wrecker vehicle operated by an authorized wrecker vehicle operator capable of efficiently righting an overturned vehicle and pulling or winching a vehicle back onto the roadway and clear the roadway.
- (15) Remove glass or other injurious substances from the roadway or right-of-way related to a traffic incident.
- (16) A licensed wrecker service shall immediately notify local law enforcement when an illegally parked or abandoned vehicle being towed from private real property cannot be positively identified by the VIN.
- (17) Unless otherwise approved by the Department, a licensed wrecker service lacking an approved wrecker vehicle will have thirty (30) days to have another wrecker vehicle inspected, approved, and licensed to avoid suspension and/or cancellation of the wrecker service license.
- (18) The licensed wrecker service shall require the securement of vehicles on a roll back wrecker vehicle with four (4) point tie downs. Other wrecker vehicles shall secure vehicles in accordance with wrecker vehicle chassis recommendations.
- (19) Shall maintain records of wrecker services governed by these rules for a period of three (3) years from the date of providing the services. Individual records shall be maintained in a manner that makes them readily accessible to the Department in the event of inspection, investigation, or audit.
- (20) When responding to a call, consult with the lead official or law enforcement personnel on scene before requesting the services of a remediation company.
- (21) Licensed wrecker services holding a Class AA license shall provide storage in accordance with these rules. Licensed wrecker services holding a Class G license opting to provide storage must do so in accordance with these rules.

### 595:25-5-11. General prohibitions

In addition to any other prohibition in the Oklahoma Statutes, these rules, the rules and orders of the Oklahoma Corporation Commission, licensed wrecker services are prohibited from:

- (1) Using rotating or flashing lights while traveling to any location. The use of flashing or rotating lights is authorized only at or near the scene of a traffic incident. Only amber flashing lights may be used when leaving the scene of a traffic incident for the purpose of warning the drivers of other vehicles to exercise care in approaching, overtaking, or passing the approved wrecker vehicle.
- (2) Knowingly permit any wrecker vehicle operator to consume alcohol, other intoxicating substances, or a combination thereof while subject to call nor knowingly permit any operator to come on duty after having consumed alcohol, other intoxicating substances, or a combination thereof.
- (3) Operating an approved wrecker vehicle while under the influence of alcohol, other intoxicants, or a combination thereof.
- (4) Proceeding to the scene of a traffic incident without being requested to do so by a law enforcement agency or the owner or driver of a vehicle involved.
- (5) Soliciting business directly or indirectly from the owner or drivers at the scene of a traffic incident to which the licensed wrecker service was not dispatched by law enforcement.
- (6) Discriminating against customers on the basis of race, sex, national origin, or ethnicity.
- (7) Posting to social media or selling photos of a crash scene that include bodies, personal information of anyone, or any personal identifiers, including but not limited to, license plates or names on vehicles.
- (8) A wrecker vehicle operator responding to the scene of a traffic incident in the capacity of a first responder, firefighter, or volunteer firefighter shall not respond to the scene in a approved wrecker vehicle.
- (9) Requiring the waiver of its liability for its own negligence, or the negligence of its employees, agents, or contractors prior to providing wrecker or towing services.
- (10) No individual may be employed by a licensed wrecker service who is subject to a conviction nor serving a deferred sentence, including probation or supervised release, for the following:
  - (A) An offense deemed a violent crime pursuant to 57 O.S. § 571;
  - (B) Human trafficking pursuant to 21 O.S. § 748, et seq.;
  - (C) Robbery pursuant to 21 O.S. § 791, et seq.;
  - (D) Burglary pursuant to 21 O.S. § 1431, et seq.;

- (E) Embezzlement pursuant to 21 O.S. § 1451, et seq.;
- (F) Larceny pursuant to 21 O.S. § 1701, et seq.;
- (G) A violation of 21 O.S. § 1029 while operating a wrecker vehicle;
- (H) A violation of 47 O.S. § 4-103; or
- (I) be required to be registered as a sex offender pursuant to 57 O.S. § 582.

#### **595:25-5-14. Place of business**

- (a) The place of business for a licensed wrecker service shall be in Oklahoma. The address, including the county, must be verified by documentation as filed with the Secretary of State, tax documents, or other business documents deemed appropriate by the Department.
- (b) The Department shall issue one (1) wrecker service license to a wrecker service for each place of business.
- (c) Licensed wrecker services shall display a business sign at the place of business. If the storage lot is at a separate location, the storage lot must also have a business sign. The signs shall be at least two feet (2') by four feet (4') with letters at least three inches (3") in height with contrasting background and shall display, at a minimum, the name of the licensed wrecker service as shown on the license and a telephone number accessible to the public twenty-four (24) hours a day.
- (d) ~~Class AA Licensed~~ licensed wrecker services ~~and Class G licensed wrecker services providing storage facilities~~ shall have a telephone number that is accessible to the public twenty-four hours a day. The licensed wrecker service shall provide notice in writing to the Department of any permanent business telephone number change prior to the new telephone number being placed in service.
- (e) The place of business shall be a permanent structure, not mounted on wheels, with functioning electricity and water, where normal business is transacted, and all business records are maintained. The facility must be large enough to conduct business and store business records.
- (f) All business transactions including, but not limited to, invoicing, ticketing, receipting, releasing, and collecting payment, will be conducted at the location at which the casualty is stored.
- (g) Licensed wrecker operators intending to lease or rent any building, office, or storage facility shall submit the lease to the Department. ~~The lease shall cover the entire License Period.~~ Leased facilities shall be subject to the same restrictions and requirements as storage facilities owned by a licensed wrecker operator service.

#### **595:25-5-15. Storage facility requirements - general**

The following requirements apply to storage facilities operated by a licensed wrecker service or to any storage facility operated by a third party on behalf of a licensed wrecker service.

- (1) Licensed wrecker services which store, park, or maintain possession of a towed vehicle, shall store such vehicle in a storage facility which meets the following minimum physical requirements. 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 a traffic incident. Additionally, casualties shall not be stored:
  - (A) At any private residence, or
  - (B) In the storage facility of another licensed wrecker service; or
  - (C) Any other location unknown, unapproved, or uninspected by 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.
- (5) ~~Licensed Wrecker Services~~ wrecker services operating a previously approved storage facility not meeting the requirements of these rules shall be exempt from compliance insofar as these rules are inconsistent with previous rules related to storage facilities.
- (6) ~~The Primary Storage Facility~~ primary storage facility shall be within two (2) miles of the ~~Principal Place of Business~~ place of business. The ~~Primary Storage Facility~~ primary storage facility shall be accessible by way of an all-weather road. This provision shall not apply to ~~Primary Storage Facilities~~ primary storage facilities approved prior to July 14, 2003.
- (7) ~~A Licensed Wrecker Service~~ licensed wrecker service may maintain a ~~Secondary Storage Facility~~ secondary storage facility further than two (2) miles from the ~~Principal Place of Business~~ place of business. Storage facilities may be no further than twenty (20) miles from the place of business, provided that secondary storage facilities approved prior to July 1, 2026 are exempt from this restriction. Vehicles stored by the ~~Licensed Wrecker Service~~ licensed wrecker service must be stored at the ~~Primary Storage Facility~~ primary storage facility for the first thirty (30) days of storage of the vehicle.
- (8) ~~An Alternate Primary Storage Facility~~ alternate primary storage facility may be utilized to store vehicles other than those towed pursuant to a contract with a county or municipal government. However, the ~~Alternate Primary Storage Facility~~ alternate primary storage facility must meet all requirements of this Subchapter.
- (9) Shared use of any outdoor or indoor storage facility by two (2) or more ~~Licensed Wrecker Services~~ licensed wrecker services is not permitted, except as may be approved by the Commissioner or the Commissioner's designee.

**595:25-5-16. Outdoor storage facility requirements**

Outdoor storage facilities shall:

- (1) Contain a minimum of five thousand square feet (5,000 ft.2) of storage space for Class AA-TS licensed wrecker services, a minimum of seven thousand five hundred square feet (7,500 ft.2) for Class AA-TM licensed wrecker services, and a minimum of fifteen thousand square feet (15,000 ft2) for Class AA-TL licensed wrecker services.
- (2) Be surrounded completely by a fence. Construction material for fences shall be made of wood, metal, chain link, ~~or~~ masonry, or other material approved by the Department and be at least six feet (6') in height with restricted access. T-post construction shall not be approved.
- (3) Have at least one (1) gate of the same quality of material and height of the fence which is locked if not attended.
- (4) Be maintained, including but not limited to removal of tall weeds, overgrown vegetation and debris.
- (5) Be covered with an all-weather surface such as concrete, asphalt, blacktop, gravel, or equivalent materials which covers the entire area of the storage lot.

**595:25-5-21. Release of stored vehicles**

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 or towing service as provided in OAC 595:25-5-5(b), the vehicle shall be released to:

- (1) the owner, upon presentation of any document from the following categories:

- (A) Proof of ownership:

- (i) A valid certificate of title, including electronic 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, including electronic 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) Pre-registration information from Service Oklahoma,
- (vi) Other appropriate documentation, sufficient to the licensed wrecker service, to establish ownership.

- (B) Proof of identification:

- (i) Oklahoma driver license; or
- (ii) Oklahoma identification card; or
- (iii) Other state driver license; or
- (iv) Other state or federally issued photo identification; or
- (v) Foreign driver license; or
- (vi) Other documentation sufficient to establish identity as determined by the licensed wrecker service or the Department.

- (C) Proof of Insurance:

- (i) Unexpired insurance verification form containing the VIN of the vehicle being released; or
- (ii) Unexpired insurance policy containing the VIN of the vehicle being released; or
- (iii) Valid affidavit of non-use and vehicle cannot be driven from the facility.

- (D) Proof of Registration:

- (i) Valid, unexpired registration plate displayed on the vehicle; or
- (ii) Proof of registration provided by Service Oklahoma; or
- (iii) Proof of registration and payment of all applicable fees from Service Oklahoma, in the event the vehicle was not properly registered at the time of storage.

(2) 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 VIN of the vehicle being released along with documentation establishing proof of ownership, proof of identity, and proof of insurance.

(3) a lienholder or a duly authorized agent of a lien holder, upon presentation of proof of being a lien holder under 47 O.S. § 904.1, hold harmless letter, and, when applicable, a notarized letter from the lien holder permitting said person to act on behalf of the lien holder. All documents presented shall include the year, make, model and VIN of the vehicle being released; or

(4) a representative of the insurer accepting liability for or purchasing a motor vehicle as provided in 47 O.S. §§ 904, 953.1, or 953.2, upon presentation of a hold harmless letter, and a letter from the insurer authorizing said person to act on behalf of the insurer that includes the year, make, model and VIN of the vehicle being released.

(5) in the event the owner is incapacitated or deceased, 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.

(6) Any individual to whom a court of competent jurisdiction has ordered the vehicle to be released, in compliance with the terms of the court order.

(7) The impounding law enforcement agency.

## SUBCHAPTER 9. OKLAHOMA HIGHWAY PATROL WRECKER ROTATION

### 595:25-9-8. Oklahoma Highway Patrol wrecker rotation - minimum response requirements

(a) Each quarter the Department will compute the percentage of calls made to licensed wrecker services for which the Communications Division got no response, or the licensed wrecker service indicated it was unavailable. Licensed wrecker services must comply with the following minimum response requirements:

- (1) For licensed wrecker services receiving ~~more than~~ twelve (12) or more calls per quarter, a seventy-five percent (75%) response rate is required.
- (2) For licensed wrecker services receiving more than four (4) but less than twelve (12) calls per quarter, a fifty percent (50%) response rate is required.

(b) Failure to meet the response requirements will subject the licensed wrecker service to administrative action as defined by these rules. The Department will consider repeated failures to comply with response requirements occurring within one (1) year to be grounds for progressive administrative action. The Commissioner's Designee may exempt specific OHP wrecker service rotations from the minimum response requirements for specific time periods as a result of increased demand due to inclement weather or other catastrophic conditions.

## SUBCHAPTER 17. ADMINISTRATION

### 595:25-17-2. Initial business, wrecker vehicle, and storage facility inspections

(a) The Department shall inspect every place of business and every storage facility listed in the application ~~packet~~ prior to approving an application ~~packet~~ for a licensed wrecker service in accordance with the following:

- (1) Inspection of any place of business and any storage facility is required at the time of application and upon the change of address of either the place of business or storage facility.
- (2) In the event any inspected facility does not pass the initial facilities inspection the Department will issue a corrective action plan to the applicant or licensed wrecker service.

(b) The Department shall inspect every wrecker vehicle prior to its use for providing services to the public in accordance with the following:

- (1) Inspection is required for wrecker vehicles included in the original application ~~packet~~ or wrecker vehicles added by a licensed wrecker service.
- (2) The Department will issue a compliance report or corrective action plan upon completion of the inspection. The compliance report is required to obtain a wrecker vehicle tag or apportioned tag from Service Oklahoma.
- (3) The compliance report for an approved wrecker vehicle will be annotated "Approved pending wrecker vehicle tag or apportioned tag or for sixty (60) days, whichever is sooner".
- (4) In the event a wrecker vehicle does not pass the initial wrecker vehicle inspection the Department will issue a corrective action plan to the applicant or licensed wrecker service.
- (5) If the wrecker vehicle inspector determines a condition noted on the inspection of an approved wrecker vehicle or approved storage location is an imminent risk to public safety, immediate administrative action may be ordered.

### 595:25-17-3. Supplemental wrecker vehicle and storage facility inspections

The Department shall annually inspect previously approved wrecker vehicles, approved places of business, including business records, and approved storage facilities in accordance with the following:

- (1) The Department will annually determine which licensed wrecker services will be inspected the following calendar year.
- (2) No licensed wrecker service shall have less than thirty (30) days' notice of the inspection(s). Notice of the following year's inspections will be sent upon receipt of the renewal application packet and inspections may commence on January 1, the following calendar year. The inspections referenced in this section must be completed by October 1 of the applicable calendar year.
- (3) In his or her discretion, the assigned wrecker services inspector will choose which approved wrecker vehicles to inspect at the time of the inspection. Provided, this paragraph does not prohibit a wrecker services inspector from inspecting all approved wrecker vehicles, licensed storage facilities, or licensed places of business.
- (4) In the event an approved wrecker vehicle, approved storage facility, or approved place of business does not pass inspection, the Department will issue a corrective action plan to the licensed wrecker service.
- (5) Failure to complete the corrective action plan in the time allotted will subject the licensed wrecker service to further administrative action in accordance with these rules.
- (6) Nothing in this rule shall be construed to prevent an inspection of a place of business, storage location, or wrecker vehicle for the purpose of investigating a possible violation of the rules of this Chapter.

### 595:25-17-4. Transfer of ownership

Any transfer of ownership due to sale, merger, dissolution, or any other reason shall reserve the licensed wrecker service trade name for a period of ninety (90) days, during which time the successor owner may 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 packet has been accepted and approved by the Department. For the purposes of this section, transfer of ownership means a complete replacement of all business owners, and does not include the separation of one joint owner, leaving the remaining owner or owners intact. Licensed wrecker services must notify the Department within three (3) business days of any change in ownership. Successor owners must meet all the requirements of these rules.

#### **595:25-17-5. Administrative action by the Department**

(a) The Department may deny issuing a driver card, cab card, or a wrecker service license, and/or disapprove requests to be included on the OHP wrecker rotation, as applicable, to any wrecker service or applicant that fails to qualify therefore as provided in the rules of this chapter and the laws of title 47 of the Oklahoma statutes.

(b) The Department may deny, suspend, cancel, or revoke a driver card, cab card, or wrecker service license, and/or remove from the rotation log any licensed wrecker service that has committed a violation of any applicable laws of the State of Oklahoma, any applicable rules of the Department of Public Safety, or any applicable rules and orders of the Corporation Commission.

(c) The Department may 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 license wrecker vehicle operator's or licensed wrecker service's history of compliance or non-compliance,
- (3) the license wrecker vehicle operator's or licensed wrecker service's demonstrated willingness and ability to avoid future violations.

(d) The Department will issue a corrective action plan when a driver card, cab card, or wrecker service license is denied, suspended, canceled, revoked, or a licensed wrecker service is removed from the OHP rotation. Compliance with the corrective action plan is a prerequisite to the lifting of the denial, suspension, cancellation, or removal from the OHP rotation.

(e) Nothing in this ~~section~~Chapter prohibits the Commissioner of Public Safety or ~~his or her~~Commissioner's designee from approving, denying, suspending, cancelling, or not renewing a driver card, cab card, or wrecker service license if it is determined to be in the best interest of public safety.

(f) If the Commissioner or the Commissioner's ~~Designee~~designee determines a violation as described in this section endangers the public health, safety, or welfare and requires emergency action, summary suspension of the wrecker vehicle operator or 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.

(g) When the Department determines a licensed wrecker service has demonstrated a pattern of non-compliance with the applicable laws and regulations, the wrecker service license will be cancelled. The Operator may be temporarily prohibited from reapplying for a wrecker service license. The pattern of non-compliance may be established in reference to multiple violations of the same law or regulation, or by reference to individual violations of multiple laws or regulations.

(h) When the Department determines an original or renewal application for a wrecker service license, or an application for a driver card or cab card, contains false representations of material fact, the Department may deny the application and/or temporarily prohibit reapplication.

(i) The Department will immediately revoke the license of a licensed wrecker service upon receipt of a notice for failure to pay required assessments in accordance with 47 O.S. § 967.

#### **595:25-17-6. Official communication**

The official form of communication between the Department and licensed wrecker services will be through email. It is the licensed wrecker service's responsibility to ensure the official email address on file with the Department is correct. Official emails will originate from wrecker@dps.ok.gov. It is the licensed wrecker service's responsibility to ensure the Department's official email address is trusted to prevent delays in communication.