

SUBCHAPTER 1. GENERAL PROVISIONS

595:25-1-1. Purpose

~~The purpose of the Wrecker and Towing Services rules is to establish procedures for the licensing, supervision, administration and control of wrecker vehicles and wrecking and towing services.~~ It is the public policy of the State of Oklahoma, as expressed through 47 O.S. §951, et. seq. for the Department of Public Safety to regulate the providers of wrecker services to promote the safety of the traveling public, the protection of private property, and the safety of first responders and wrecker operators. The rules in this part are intended to implement the public policy of the State as expressed by the Legislature and to carry out the authority of the Department to regulate the wrecker service industry, except for the determination of lawful maximum fees by the Oklahoma Corporation Commission.

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:

"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 issued, for use in the provision of wrecker services under these rules.

"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 approved wrecker vehicle.

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

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

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

"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 complete to return to conformity with the rules, and a deadline by which the licensed wrecker service must complete the corrective action plan.

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

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

"Commission" means the Oklahoma Corporation Commission.

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

"Department" means the Department of Public Safety.

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

"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.

"GVWR" means gross vehicle weight rating.

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

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

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

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

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

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

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

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

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

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

"Oklahoma Highway Patrol Wrecker Rotation" means a rotation, or rotations, 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 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 whether the tow is compelled or required by a law enforcement officer.~~

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

~~—————"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.~~

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

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

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

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

"Truck wreckers" means every motor vehicle properly designed and equipped according to Department of Public Safety specifications with wrecker body and winch or lifting apparatus suitably designed to safely move, pull or tow wrecked, damaged or disabled trucks, truck-tractors, road tractors, trailers, semi-trailers, buses and/or other vehicles and

conveyances that use the highways of the state of Oklahoma. The designation as a truck wrecker shall be used for Class AA-TL wrecker vehicles only.

~~"Truck wrecker rotation log" means a list for each Highway Patrol Troop of the Department of current Class AA wrecker operators, meeting the qualifications of Class AA truck wrecker services, whose places of business are 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 service license" means the wrecker license issued by the Department as provided by 47 O.S. § 951, et seq.

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

"Wrecker 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.

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

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

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

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

~~(D) Class G (General)—All other wrecker vehicles as defined by 47 O.S. § 951, et. seq., provided a Class G wrecker shall also be considered a wrecker support vehicle for the purposes of 47 O.S. § 12-218.1. If a Class G wrecker service provides storage, it must meet the same facilities, storage, and insurance as a Class AA wrecker service. If the Class G wrecker service~~

does not provide storage, it will not be required to meet the facilities, storage and insurance requirements as a Class AA wrecker service. Class G wreckers services must meet the Class G vehicle requirements and must have a verified primary business location.

595:25-1-3. General policies

~~(a) All operators of wrecker or towing services shall conduct operations in accordance with all applicable laws of the State of Oklahoma and all applicable rules of the Department of Public Safety and rules and orders of the Corporation Commission.~~

~~(b) Each operator shall be knowledgeable of the laws of this state, as found in 47 O.S. § 951 et seq., and the rules of this Chapter and the rules and orders of the Corporation Commission relating to wrecker and towing services and wrecker vehicles. Each operator shall maintain at least one (1) copy of said laws and rules on the premises of the place of business at the address specified on the license and shall require every employee to be knowledgeable of the laws and rules.~~

~~(c) All rules in this Chapter are subject to the Administrative Procedures Act 75 O.S. § 309, et. seq., and to 47 O.S. § 951 et. seq., which shall be incorporated herein by reference, as applicable to the Department and all parties governed by this Chapter.~~

~~(d) The Department shall be charged with the duty of enforcing the provisions of 47 O.S. § 951 et seq. except for rates and fees charged by wrecker services, which shall be under the authority of the Corporation Commission. The duly appointed officers of the Department shall have authority to make arrests for violation of law and the provisions of the rules of this Chapter.~~

~~(e) Any Oklahoma statute now existent or duly enacted in the future shall supersede any conflicting provision of the rules of this Chapter to the extent of such conflict, but shall not affect the remaining provisions herein.~~

~~(f) Any violation of the rules of this Chapter may result in license suspension, revocation and/or penalty provisions in accordance with 47 O.S. § 951, et. seq.~~

~~(g) Every operator shall cooperate with the Department should it become necessary to review, audit, examine, or investigate any records relating to the operation of the wrecker service. Any operator who fails to cooperate with any review, audit, investigation shall be subject to suspension, revocation or cancellation of his or her wrecker license in accordance with 47 O.S. § 951, et. seq.~~

~~(h) All wrecker operators must be able to communicate and understand the information related to the tow of a vehicle.~~

595:25-1-4. Individual proceedings

Individual proceedings are governed by 595 O.A.C. §1-3-3. When the applicant, operator, or other interested party 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).

595:25-1-5. Petition for rulemaking

Requests to promulgate, amend, or repeal a rule are governed by Subchapter 5 of Chapter 1 of Title 595 of the Oklahoma Administrative Code.

595:25-1-6. Wrecker Services Division management systems

Licensed wrecker services shall report information as required by the Department in the form and format designated by the Department, including but not limited to:

- (1) The original or renewal application,
- (2) Storage reports required by 47 O.S. §4-105(c),
- (3) Change of ownership information,
- (4) Wrecker operator information required by these rules,
- (5) Wrecker vehicle information required by these rules,
- (6) Proof of insurance as required by these rules,
- (7) Tow request and authorization forms,
- (8) Requests for placement on an OHP Wrecker Rotation,
- (9) Requests for temporary or permanent removal from any OHP Wrecker Rotation,
- (10) Completed Corrective Action Plans.

595:25-1-7. Release of Information from Departmental Records

In addition to the release of information pursuant to the Oklahoma Open Records Act or a properly issued subpoena, the Department will release information related to the following upon request directly to the Wrecker Services Division:

- (1) Information requested by the operator of a Licensed Wrecker Service about its own company.
- (2) Contact information for a Licensed Wrecker Service.
- (3) Insurance contact information for a Licensed Wrecker Service.

All other requests for information must be submitted and processed through the Department's Open Records Request system.

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 individual shall operate a wrecker vehicle upon any public street, road, or highway of this state for the purpose of 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. Provided that this restriction does not apply to any individual towing vehicles owned by the individual or by the entity employing the individual.~~
- ~~(2) **Display and use.** A wrecker service license shall be issued only to a definite legal entity. A wrecker service license is non-transferable. The wrecker service license shall be conspicuously displayed at any place of business of the applicable wrecker service. The wrecker service license shall be valid for all places of business provided each place of business complies with the provisions of these rules.~~
- ~~(3) **Issuance.** A wrecker service license shall be issued upon the submission of a completed and approved application, provided all the following requirements are met:~~

~~(A) The proof of insurance reflecting the minimum coverages for applicable wrecker vehicles are on file with the Department,~~
~~(B) Each wrecker vehicle has been inspected by an officer of the Department to verify that equipment requirements of this Chapter have been met, and~~
~~(C) Each wrecker driver 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~~

~~(4) Transfer of ownership.~~

~~(A) When applicable, new corporate officers for a wrecker service must comply with the licensing requirements of these rules.~~
~~(B) When applicable, new partners in a wrecker service must comply with the licensing requirements of these rules.~~
~~(C) When a complete ownership change occurs the wrecker service license will be cancelled.~~

~~(5) Wrecker vehicle cab card.~~ A copy of the wrecker vehicle cab card issued by the Department shall be carried at all times in the applicable wrecker vehicle.

~~(6) Disposition of wrecker vehicles.~~ An operator's wrecker service license will be canceled thirty (30) days after the Department receives notice the wrecker service has no inspected, approved, and licensed wrecker vehicles in operation.

~~(7) Wrecker vehicles.~~ No wrecker vehicle shall be used to provide wrecker services until:

- ~~(A) The wrecker vehicle is registered in accordance with the rules of Service Oklahoma, in the name of the operator or the name of the wrecker service, and a current license plate is displayed on the wrecker vehicle. A leased wrecker vehicle shall show the owner information and the name of the lessee on the vehicle registration. Additionally, a wrecker license plate or a proportional license plate must be affixed to the wrecker vehicle.~~
- ~~(B) The Department is provided the make, model, GVW, and serial number of the vehicle. This information may be provided through the proof of insurance.~~
- ~~(C) The Department is provided the proof of insurance indicating the vehicle has been added to the wrecker service's insurance coverage.~~
- ~~(D) The wrecker vehicle is inspected and approved by an employee of the Department.~~

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

~~(A) The wrecker service license number issued by the Department for the operation of a wrecker or towing service, along with the name of the wrecker service, shall be conspicuously displayed and vertically centered on each side of every wrecker vehicle used by the wrecker service. All wrecker services will~~

display AA or G designation at the end of the wrecker service license number. Example: DPS 12345W AA or DPS 12345WG.

~~(B) On each wrecker vehicle in use, the wrecker service license number and business name shall be at least three inches (3") in height. The font shall not be highly decorative or difficult to read. The lettering shall be in a color that will contrast with the color of the wrecker 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 and not more than one DPS wrecker license number.~~

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

~~(9) **Service of notice.** Any notice required by law or by these rules shall be served by first class, prepaid U.S. mail to the last known address as reflected by the records of the Department. It is the duty of every wrecker operator, wrecker service, and wrecker driver 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) **License prohibited.**~~

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

~~(B) No person shall be licensed as an operator or wrecker driver, or be employed by a wrecker service who has been convicted of:~~

~~(i) a felony offense constituting a violent crime as defined in 57 O.S. § 571, larceny, or theft; or~~

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

~~(C) No person shall be licensed as an an operator or wrecker driver, or be employed by a wrecker 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 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) **One Class AA license per place of business.** An operator shall be issued no more than one Class AA wrecker license for any one place of business.~~

~~(12) **One Class AA wrecker service on Oklahoma Highway Patrol's rotation log in same rotation area.** A licensed wrecker service shall be permitted no more than one position on an Oklahoma Highway Patrol rotation log in a designated rotation area. For each designated rotation area, the Oklahoma Highway Patrol may maintain a separate rotation log for wrecker services operating Class AA TL wrecker vehicles. A wrecker~~

service must request inclusion on both the Class AA and Class AA TL rotation, if applicable.

~~(13) **Business telephone number.** Each wrecker service shall have a telephone number published that is accessible to the public twenty four hours a day. The wrecker service 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) **Business sign.** Each wrecker service shall display a business sign at the principal place of business. If the wrecker service maintains a storage lot at a location other than the principal place of business, the storage lot must also display a business sign. The signs required by this paragraph 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 wrecker service as shown on the license and a telephone number accessible to the public twenty four (24) hours a day.~~

~~(15) **Wrecker drivers.** Wrecker services shall notify the Wrecker Services Division within ten (10) calendar days of hiring or terminating of any wrecker driver. The wrecker service must submit to the Department, an Oklahoma State Bureau of Investigation criminal records check on wrecker drivers, obtained within ninety (90) calendar days of the hire date of the new wrecker driver. Notification shall be made by email to wrecker@dps.ok.gov.~~

595:25-3-2. Applications

(a) Every operator requesting to be licensed as a wrecker service must submit the following:

~~(1) **Application.** The completed application, as prescribed by the Department.~~

~~(2) **Fees.** The fees prescribed by 47 O.S. Section 953 must be tendered in the form of a check (business, personal, or cashier) or money order, made payable to the "Department of Public Safety".~~

~~(3) **Criminal record check.** A current Oklahoma State Bureau of Investigation criminal record check for each owner or employee listed on the application. If any individual required to have a criminal record check has not lived in Oklahoma for the immediately preceding five (5) years, 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 must be submitted. The criminal records check must be completed within ninety (90) days immediately preceding the submission of the application.~~

~~(4) **Liability Insurance.** Proof of valid liability insurance providing protection against loss of life, personal injury, and property damage in amounts prescribed by these rules and covering all wrecker vehicles to be operated by the wrecker service. The policy declaration page shall be deemed sufficient documentation of liability insurance and insurance provided all required information is included.~~

~~(5) **Secretary of State Certificate.** If the wrecker service is a corporation or limited liability company (L.L.C.), a copy of the Secretary of State's certificate must be submitted.~~

~~(6) **Lease agreement.** If the principal place of business or any storage lot is leased by the wrecker service, a copy of the signed lease must be submitted. The lease must be for a minimum of one (1) year and must be for the same address as shown on the application.~~

~~(b) Upon receipt and approval of the application, the Department shall assign to the wrecker service a permanent identification number for all matters relating to the licensed wrecker service.~~

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

~~(d) 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.~~

~~(e) The Department may deny the original application, or renewal application, of a wrecker service should it appear, by a preponderance of the evidence, the identity of the business is substantially the same as one currently under revocation or 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 between October 1 and December 1, each year. Checks and money orders should be made payable to the Department of Public Safety.~~

~~(c) Any wrecker service which fails to submit a renewal application on or before December 1 shall be considered cancelled 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 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 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.~~

595:25-3-5. Licenses required

No individual shall operate a wrecker vehicle upon any public street, road, or highway of this state for the purpose of offering to tow vehicles or for the purpose of the actual towing of vehicles without first obtaining a Wrecker Service License, and accompanying Wrecker Vehicle Operator License, as provided in this Chapter. All applicable wrecker services, as defined in this chapter, shall be provided in an approved wrecker vehicle as evidenced by a cab card issued by the Department. 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, in addition to any other sanction provided by law. Provided that this restriction does not apply to an individual towing a vehicle owned by the individual or the individual's employer, or an individual that meets the definition of a transporter in 47 O.S. §1-181.

595:25-3-6. Wrecker service license – scope and effect

The wrecker service license allows the holder to operate a wrecker and towing service in conformance with the class of license issued. A wrecker service license shall be issued only to a sole proprietor, a corporation, or some other legal entity. The license is non-transferable. The wrecker service license shall be displayed at the place of business. When all requirements are met, the Department will issue a separate wrecker service license for each place of business.

595:25-3-7. Original wrecker service applications

Every applicant for an original wrecker service license shall submit to the Department a completed application on a form, and in a format, prescribed by the Department. The applicant shall tender to the Department the application fee prescribed by 47 O.S. §953(B). Checks and money orders shall be made payable to the Department of Public Safety. The application shall be denied upon the return of a dishonored check. 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. In addition to the application, prior to performing wrecker services, the applicant must provide the Department:

- (1) Proof of Insurance of the types, and in the amounts prescribed by these rules.
- (2) 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.
- (3) A completed Wrecker Vehicle inspection for at least one Wrecker Vehicle.
- (4) A copy of the registration certificate for all Wrecker Vehicles to be used by the Licensed Wrecker Service.
- (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.

595:25-3-8. Renewal Applications

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 is not submitted during this period will expire on January 1 of the following calendar year. For renewal applications received after the end of the renewal period, but on or before December 31, processing will commence in the order received, but only after review of timely renewal applications are completed. Initial applications approved by the Department during the renewal period shall be in effect until December 31 of the following calendar year.

595:25-3-9. Wrecker vehicle operator license – scope and effect

A licensed wrecker service must have at least one (1) licensed wrecker vehicle operator. The wrecker vehicle operator license allows the holder thereof to drive, operate, and control a licensed wrecker vehicle in the course and scope of providing towing and recovery operations governed under these rules. The licensed wrecker vehicle operator must have the wrecker vehicle operator license on his or her person at all times when providing towing services under these rules. When requested, the licensed wrecker vehicle operator shall present the wrecker vehicle operator license to any law enforcement officer or member of the public with whom the licensed wrecker vehicle operator is interacting on the scene of a traffic incident or a tow from private property. When requested, the licensed wrecker vehicle operator shall present a state issued driver license corresponding to the wrecker vehicle operator license to any law enforcement officer or member of the public with whom the licensed 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 wrecker vehicle operator license, 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 deferred sentence, including probation or supervised release, for the following:
 - (A) An offense deemed a violent crime pursuant to 21 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 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.

595:25-3-11. Drug testing

The position of licensed wrecker operator is a safety sensitive position as defined by 63 O.S. §427.8(K). All applicants seeking to obtain or renew a wrecker operator license must provide a negative drug screen result from a drug testing laboratory approved by the Oklahoma State Department of Health.

595:25-3-12. Wrecker Vehicle Licenses

The wrecker vehicle license, or cab card, must always be carried in the applicable vehicle while providing wrecker services. The wrecker vehicle license will be presented upon request by any law enforcement officer or officer of the Department. Wrecker vehicle licenses shall be unique to the applicable vehicle and are not transferable.

SUBCHAPTER 5. ALL WRECKER OPERATORS OPERATION OF LICENSED WRECKER SERVICES

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 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 request an exemption in writing and submit a proposed security plan in lieu of the requirements. 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 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. 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 1/2" 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 (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 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:

(i) Proof of ownership:

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

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

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

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

(V) Other appropriate documentation sufficient to establish ownership.

(ii) 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) Other documentation sufficient to establish identity.

(iii) Proof of Insurance:

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

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

(III) Valid affidavit of non-use and vehicle cannot be driven from facility

~~(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 or the representative of the insurer accepting liability for or purchasing a motor vehicle as provided in 47 O.S. §§ 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.

595:25-5-4. Insurance

(a) **Liability for operator's negligent acts.** Each operator, from the time of movement of or otherwise making contact with any vehicle to be towed, may be liable for injury to persons, damage to property, fire or theft resulting from the operator's negligent acts.

(b) **Certificate of insurance.** The Certificate of Insurance form must be obtained from and submitted by an insurance company authorized to do business in the State of Oklahoma.

(1) The operator is responsible for ensuring the submission of the Certificate of Insurance form when applying for an initial license, renewal of the insurance, changing a business name or changing the business address.

(2) The name and address of the applicant, the operator or business name shown on the Certificate of Insurance form must be the same as the name and address on the application and/or wrecker service license. The applicant or operator is responsible for ensuring that the insurance information on file with the Department reflects the correct name and address of the insured. The address for all storage facilities must be included on the form.

(3) Any time an operator changes insurance company during a policy period, a new Certificate of Insurance form shall be submitted by the new insurance provider showing at least the minimum coverage.

(4) The Certificate of Insurance form shall show the make, year, and vehicle identification number for each wrecker vehicle and wrecker support vehicle licensed by the Department.

(c) **Insurance policy.** The insurance policy shall be issued for a period of at least six (6) months and shall protect the public against loss of life, bodily injury to person, and damage to property in the following amounts:

(1) **Class G General or Class AA.**

(A) Bodily Injury and Property Damage – Not less than One Hundred Thousand Dollars (\$100,000.00) combined single limit coverage for bodily injury and/or property damage as a result of the operation of the wrecker vehicle and/or as a result of the on-hook vehicle causing the bodily injury and/or property damage.

(B) Garagekeeper's Legal Liability – Not less than Fifty Thousand Dollars (\$50,000.00) in Garagekeeper's Legal Liability with a deductible no greater than five hundred dollars (\$500.00), which must include comprehensive perils to the towed vehicle while being stored by the wrecker operator. Any General class wrecker service which does not have storage facilities shall be exempt from the provisions of this subparagraph.

(C) On-Hook or In-Tow – Not less than Fifty Thousand Dollars (\$50,000.00) in On-Hook or In-Tow Coverage with a deductible no greater than Five Hundred Dollars (\$500.00), which must include comprehensive perils and collision to the towed vehicle while it is being towed by the wrecker operator.

(2) **Class AA-TM.**

~~(A) Bodily Injury and Property Damage—Not less than Two Hundred Thousand Dollars (\$200,000.00) combined single limit coverage for bodily injury and/or property damage as a result of the operation of the wrecker vehicle and/or as a result of the on hook vehicle causing the bodily injury and/or property damage.~~

~~(B) Garagekeeper's Legal Liability—Not less than One Hundred Thousand Dollars (\$100,000.00) in Garagekeeper's Legal Liability with a deductible no greater than five hundred dollars (\$500.00), which must include comprehensive perils to the towed vehicle while being stored by the wrecker operator.~~

~~(C) On Hook or In Tow—Not less than One Hundred Thousand Dollars (\$100,000.00) in On Hook or In Tow Coverage with a deductible no greater than Five Hundred Dollars (\$500.00), which must include comprehensive perils and collision to the towed vehicle while it is being towed by the wrecker operator.~~

~~(3) **Class AA-TL.**~~

~~(A) Bodily Injury and Property Damage—Not less than Three Hundred Thousand Dollars (\$300,000.00) combined single limit coverage for bodily injury and/or property damage as a result of the operation of the wrecker vehicle and/or as a result of the on hook vehicle causing the bodily injury and/or property damage.~~

~~(B) Garagekeeper's Legal Liability—Not less than One Hundred Fifty Thousand Dollars (\$150,000.00) in Garagekeeper's Legal Liability with a deductible no greater than five hundred dollars (\$500.00), which must include comprehensive perils to the towed vehicle while being stored by the wrecker operator.~~

~~(C) On Hook or In Tow—Not less than One Hundred Fifty Thousand Dollars (\$150,000.00) in On Hook or In Tow Coverage with a deductible no greater than Five Hundred Dollars (\$500.00), which must include comprehensive perils and collision to the towed vehicle while it is being towed by the wrecker operator.~~

~~(4) **All Wrecker Classes. Bailee Coverage—Not less than Two Thousand Five Hundred Dollars (\$2,500.00) for loss of contents of the vehicle with a deductible not greater than Five Hundred Dollars (\$500.00).**~~

~~(c) **Judgment.** Any final judgment rendered by a court of competent jurisdiction against a wrecker service or an owner or employee thereof, arising out of any services provided by the operator of or any employee of the wrecker service, including towing or storage of towed vehicles, must be satisfied within thirty (30) days. If such judgment is not timely satisfied, the wrecker license shall be revoked and such revocation shall remain in effect until the judgment is satisfied. Provided, however, a release or written agreement signed by the judgment creditor and approved by the Department shall reinstate eligibility. Provided, if judgment is covered by insurance up to the amount and to the extent required in the rules, this Subsection shall not apply.~~

~~(d) **Carrier certification.** The insurance company of each wrecker service shall certify to the Department on a form prescribed by the Department that the insurance company will notify the Department in writing at least ten (10) days before the date the company cancels such policy.~~

~~(e) **Insurance information.** An operator shall provide contact and other pertinent information regarding the insurance company and policy covering the wrecker service to any person who might be eligible to file a claim against the operator's insurance policy.~~

(f) A notice from the insurance company to the Department of insurance cancellation for non-payment of the premium shall be sufficient reason for suspension of the wrecker service license.

595:25-5-5. Records

(a) Each operator shall comply with the provisions of 47 O.S. §4-105(c), and provide a thirty (30) day vehicle report to the Department. A junk vehicle may be reported beginning on the fifth day of storage of the junk vehicle, and the vehicle report shall be notated with the word "JUNK".

(b) Each operator shall maintain, on a form prescribed by the Department, a record system covering all services performed in pulling or towing all vehicles impounded for law enforcement or at the request of private property owners, and such records shall include the following:

- (1) The day and time the operator was contacted and requested to perform the service.
- (2) The name of the person requesting this service.
- (3) The location of the vehicle.
- (4) A description of the towed vehicle, including license tag and vehicle identification number.
- (5) The owner or driver of the vehicle when known.
- (6) The service charge and fees.

(c) The operator shall maintain said records for at least three (3) calendar years from the date the records are created.

(d) All records herein shall be stored in a manner which makes such records readily retrievable for inspection or examination of an individual record by the Department.

(e) Every operator shall cooperate with the Department whenever the Department requests copies of or finds it necessary to review, audit, examine, or investigate any records relating to the operation of the wrecker service.

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 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 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.* [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 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).~~

595:25-5-8. Conflicts of interest

— There shall be no conflict of interest between the wrecker service and the owner or legal possessor, or the agent of the owner or legal possessor, of real property from which a vehicle is towed or may be towed by a wrecker service. The operator of a wrecker service, or any employee thereof, shall not offer or attempt to offer to or shall not request or accept from the owner, legal possessor, or agent any gratuity, kickback, exchange or promise of services, incentive, or any other thing of value.

595:25-5-9. Inspections

(a) **Availability of Records.** The wrecker operator, manager, or their representative must make available to the inspection officer all records, notices and other documents required by these

rules. Due to possible noncompliance or complaint, the inspection of the facility or tow trucks may be required. May include an inspection of any and all tow trucks and inspection of records, tow authorizations, thirty (30) day reports and facilities. Upon completion of the inspection, the operator, manager, or representative shall be given a contact report that will provide the results of the inspection. A date and Time will be provided to make corrective action and a follow up inspection will be performed to assure compliance.

(b) **Initial Inspection.** Will include inspection of all tow trucks and any or all storage facilities. Any tow truck meeting FMCSA requirements of single or combination weight limits of 26,001 GVWR, shall provide a copy of the DOT inspection, per 49 C.F.R. § 396.17, before the Department of Public Safety inspection can be performed. This will apply to the initial inspection or if the truck requires a re-inspection.

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 licensed 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, 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 normal business hours.

(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 of employment of any wrecker vehicle operator. This includes the assignment of wrecker vehicle operator duties to a current employee on an as needed or probationary basis.

(13) Licensed 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 a licensed wrecker vehicle operated by a licensed wrecker vehicle operator capable of efficiently righting an overturned vehicle and pulling or winching a vehicle back onto the roadway and clear the roadway. In addition, the licensed wrecker vehicle shall be equipped to remove a disabled vehicle without inflicting further damage to the disabled vehicle.

(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 a licensed 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, notify the lead official or law enforcement agency on scene before requesting the services of a remediation company.

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 licensed 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 a licensed 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 licensed wrecker vehicle.

595:25-5-12. Traffic Incident Management [Reserved]

595:25-5-13. Towing vehicles from private property

Licensed wrecker services shall complete a Tow Request and Authorization Form, in accordance with the instructions on the form, prior to removing illegally parked or abandoned vehicles from private property. Within seventy-two (72) hours of removing an illegally parked or abandoned vehicle from private property, the licensed wrecker service shall:

(1) Submit one (1) copy of the Tow Request and Authorization form to the Department, and:

(2) Submit one (1) copy of the Tow Request and Authorization form to the owner, legal possessor, or agent of the owner of the real property from which the vehicle was removed, and;

(3) Submit one (1) copy of the Tow Request and Authorization form to the local law enforcement agency having jurisdiction over the real property from which the vehicle was removed, and;

(4) Retain one (1) copy of the Tow Request and Authorization form.

595:25-5-14. Place of Business

(a) The principal place of business for a licensed wrecker service shall be in Oklahoma. The address, including 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 only one wrecker services license to each licensed wrecker service for a principal place of business.

(c) Licensed wrecker services shall display a business sign at the principal 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) Licensed wrecker services 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 principal 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.

595:15-5-15. 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.

(a) 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:

(1) At any private residence, or

(2) In the storage facility of another licensed wrecker service; or

(3) Any other location unknown, unapproved, or uninspected by the Department.

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

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

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

(e) Approved Storage Facilities shall provide for segregated storage of electric vehicles at least fifty feet (50') from other stored vehicles.

(f) Licensed 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.

(g) The Primary Storage Facility shall be within two (2) miles of the Principal Place of Business. The Primary Storage Facility shall be accessible by way of an all-weather road.

This provision shall not apply to Primary Storage Facilities approved prior to July 14, 2003.

(h) A Licensed Wrecker Service may maintain a Secondary Storage Facility further than two (2) miles from the Principal Place of Business. Vehicles stored by the Licensed Wrecker Service must be stored at the Primary Storage Facility for the first thirty (30) days of storage of the vehicle.

(i) An 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 must meet all requirements of this Subchapter.

(j) Shared use of any outdoor or indoor storage facility by two (2) or more Licensed Wrecker Services is not permitted, except as may be approved by the Commissioner or the Commissioner's designee.

595:15-5-16. 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 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 of wood, metal, chain link or masonry 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.

595:25-5-17. Exception from storage facility requirements

The Department may, in its discretion, grant an exception to a licensed wrecker service from the storage facility requirements of these rules under the following circumstances.

(1) The requirements of these rules conflict with municipal zoning ordinances or other laws applicable to the location.

(2) The licensed wrecker service requests the exception in writing, including a copy of the municipal zoning ordinance or other law with which the rules conflict.

(3) The licensed wrecker service submits a proposed security plan in lieu of the requirements of these rules.

(4) Class G licensed wrecker services performing only repossessions may request an exception to the storage facility requirements.

595:25-5-18. Indoor storage facility requirements

A licensed wrecker service may provide indoor storage as either a primary or secondary storage facility. An indoor storage facility shall be a permanent structure which effectively prohibits public access 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 except for windows and doors,
- (4) Must provide a minimum of five hundred square feet (500 ft²) of storage space per vehicle,
- (5) Provide sufficient lighting to accommodate examination of the Stored Vehicle,
- (6) A security camera active at all times,
- (7) Climate controlled environment when deemed necessary by the investigating officer.

595:25-5-19. Personal Property

Personal property shall be released during regular business hours to the owner or owner's representative, upon showing of proof as described in these rules. a licensed wrecker service shall not remove personal property from a stored vehicle unless there is a written company policy or procedure, on file with the Department, 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 licensed wrecker service's principal place of business office or storage lot must be stored securely or with an attendant on duty twenty-four (24) hours per day. personal property removed by the licensed wrecker service from the vehicle shall be released to the owner, or owner's representative, upon showing of proof as described in these rules.

595:25-5-20. Exceptions to vehicle release rules

In the event an officer law enforcement determines a need exists to preserve the secured status of an impounded or stored vehicle, the law enforcement officer may direct the licensed wrecker service to place a hold thereon, which shall be honored in accordance with the procedures in these rules. A licensed wrecker service may not release a vehicle under the following circumstances without written confirmation from the law enforcement agency ordering the impoundment of the vehicle or the District Attorney in the county in which the vehicle was impounded that the following restrictions are no longer applicable to the stored vehicle.

- (1) The vehicle is subject to forfeiture proceedings under the Controlled Dangerous Substances Act.
- (2) The vehicle has been used in the commission of a felony offense and a search warrant has been issued or the law enforcement agency is seeking a search warrant.
- (3) Evidentiary purposes in investigations of fatality and great bodily injury collisions.

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, to show proof of purchase and ownership to include tribal and other state titles; or
- (ii) Registration Receipt (Digital or Electronic verification shall be accepted); or
- (iii) Title properly assigned by the seller, dated, notarized (if required on title) and the owner's name filled out on the title; or
- (iv) Written verification from a local law enforcement agency as to the identity of the owner; or
- (v) 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.

(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 release, in compliance with the terms of the court order.

595:25-5-22. Release of stored vehicle to another licensed wrecker service

When a wrecker or towing service is to lawfully obtain a vehicle from another wrecker or towing service which originally towed the vehicle, the original wrecker or towing service shall:

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

(2) tow the vehicle to a mutually agreeable site to transfer the vehicle to the requesting licensed wrecker service.

595:25-5-23. Insurance requirements

(a) Each licensed wrecker service from the time of movement of or otherwise making contact with any vehicle to be towed, may be liable for injury to persons, damage to property, fire, or theft resulting from the licensed wrecker service's negligent acts.

(b) A licensed wrecker service shall notify the Department of any change of insurance status during the licensing period, including but not limited to:

(1) Cancellation.

(2) Change of insurer.

(3) Changes of limits or covered activities.

(A) The Proof of Insurance shall show the make, year, and vehicle identification number for each licensed wrecker vehicle and each wrecker support vehicle.

(B) The insurance policy shall be in effect for the entire licensing period and shall insure against loss of life, bodily injury, and property damage in the following amounts:

(i) Class G or Class AA.

(I) Bodily Injury and Property Damage of not less than One Hundred Thousand Dollars (\$100,000.00) combined single limit coverage for bodily injury and/or property damage as a result of the operation of the licensed wrecker vehicle and/or as a result of the on-hook vehicle causing bodily injury and/or property damage.

(II) Garage keeper's liability insurance or storage location insurance of not less than Fifty Thousand Dollars (\$50,000.00) with a deductible no greater than five thousand dollars (\$5,000.00) for Class AA-TS or Class AA-TM storage and ten thousand dollars (\$10,000.00) for Class AA-TL storage, which must include

comprehensive perils to the towed vehicle while being stored by the licensed wrecker service. Any G Class licensed wrecker service not operating a storage facility shall be exempt from the provisions of this subparagraph.

(III) On-Hook or In-Tow liability insurance of not less than Fifty Thousand Dollars (\$50,000.00) with a deductible no greater than one thousand dollars (\$1,000.00) that must include comprehensive perils and collision to the towed vehicle while it is being towed by the licensed wrecker service.

(ii) Class AA-TM.

(I) Bodily injury and property damage of not less than Two Hundred Thousand Dollars (\$200,000.00) combined single limit coverage for bodily injury and/or property damage as a result of the operation of the licensed wrecker vehicle and/or as a result of the on-hook vehicle causing the bodily injury and/or property damage.

(II) Garage keeper's liability insurance or storage location insurance of not less than One Hundred Thousand Dollars (\$100,000.00) with a deductible no greater than one thousand dollars (\$1,000.00), which must include comprehensive perils to the towed vehicle while being stored by the licensed wrecker service.

(III) On-Hook or In-Tow liability insurance of not less than One Hundred Thousand Dollars (\$100,000.00) with a deductible no greater than one thousand dollars (\$1,000.00) that must include comprehensive perils and collision to the towed vehicle while it is being towed by the licensed wrecker service.

(iii) Class AA-TL.

(I) Bodily injury and property damage of not less than less than three hundred thousand dollars (\$300,000.00) combined single limit coverage for bodily injury and/or property damage as a result of the operation of the licensed wrecker vehicle and/or as a result of the on-hook vehicle causing the bodily injury and/or property damage.

(II) Garage keeper's liability insurance or storage location insurance of not less than one hundred fifty thousand dollars (\$150,000.00) with a deductible no greater than one thousand dollars (\$1,000.00), which must include comprehensive perils to the towed vehicle while being stored by the licensed wrecker service.

(III) On-Hook or In-Tow liability insurance of not less than one hundred fifty thousand dollars (\$150,000.00) with a deductible no greater than one thousand dollars (\$1,000.00) that must include

comprehensive perils and collision to the towed vehicle while it is being towed by the licensed wrecker service.

(c) Any final judgment rendered by a court of competent jurisdiction against a licensed wrecker service or an owner or employee thereof, arising out of any services provided by the licensed wrecker service or any of its owners or employees, including the towing or storage of towed vehicles, must be satisfied within thirty (30) days. If such judgment is not timely satisfied, the wrecker service license shall be revoked and such revocation shall remain in effect until the judgment is satisfied. Provided, however, a release or written agreement signed by the judgment creditor and approved by the Department shall reinstate the wrecker service license. Provided, if the judgment is covered by insurance up to the amount and to the extent required in the rules, this Subsection shall not apply.

(d) Insurance information. The licensed wrecker service shall provide contact and other pertinent information regarding the insurance company and policy covering the licensed wrecker service to any person who might be eligible to file a claim against the applicable insurance policy.

(e) A notice from the insurance company to the Department of insurance cancellation for non-payment of the premium shall be sufficient reason for suspension of the wrecker service license. The suspension can be remedied only when the wrecker or towing service can demonstrate compliance with this Section.

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 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 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;~~
- ~~(v) County from which the vehicle was impounded;~~
- ~~(vi) Name of impounding officer;~~
- ~~(viii) 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.~~

~~(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 to another wrecker service.** 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.~~

SUBCHAPTER 9. OKLAHOMA HIGHWAY PATROL WRECKER ROTATION LOG— ADDITIONAL REQUIREMENTS

595:25-9-1. Oklahoma Highway Patrol Rotation Log

~~(a) **Official Rotation Log.** The Department of Public Safety maintains two (2) official Oklahoma Highway Patrol Rotation Logs, a Class AA wrecker rotation log and a Class AA-TL wrecker rotation log, each of which shall consist of licensed wrecker services for the performance of services carried out pursuant to the request of or at the direction of any law enforcement officer of the Department [47 O.S. § 72-952 (D)].~~

~~(b) **Request for Placement on the Rotation Log.** A licensed Class AA wrecker service desiring to be placed on the Highway Patrol Rotation Log in the Highway Patrol Troop in which the principal place of business and the primary storage facility of the wrecker service is located shall file a written request with the Department, pursuant to paragraph (e) of this Section. [47 O.S. § 72-952 (D)]~~

~~(c) **Assignment to the Rotation Log.** If a request for placement on the Rotation Log is approved by the Department, the wrecker service shall be assigned by the Department to the Highway Patrol Troop specified on the request. Both the Troop Commander of the Troop and the wrecker service will be notified by the Department of the assignment of the wrecker service to the Rotation Log. [47 O.S. § 72-952 (D)]~~

~~(d) **Call Assignment.** Oklahoma Turnpike Authority rotation log will be determined, for placement on rotation, by using any wrecker service business location within ten (10) road miles of a gate entry to the turnpike. The wrecker service must be capable of responding promptly to the scene, opening at least one lane promptly, and clearing the incident site within the shortest time possible. To accommodate these requirements, calls will be assigned to the wrecker service nearest in time or distance to the incident.~~

~~(e) **Geographical Areas of Rotation.** [47 O.S. § 72-955 (C)]~~

~~(1) The Commissioner's designee the Wrecker Services Division shall be responsible for establishing geographical areas of rotation within the Troop to which wrecker services on the Troop's Rotation Log will be assigned when responding to calls for service from the Rotation Log. The Commissioner's designee shall notify each wrecker service of the geographical area of rotation to which it is assigned.~~

~~(2) The Commissioner's designee will establish each geographical area of rotation based upon a reasonable radius from the primary storage facility of each wrecker service operating within the geographical area. The reasonable radius will be determined by the Commissioner's designee based upon:~~

~~(A) The estimated time it will take the wrecker service to respond to calls for service,~~

~~(B) The number of wrecker services available on the Rotation Log,~~

~~(C) Conformity with 47 O.S. § 72-955 (C),~~

~~(D) Consideration of the economic impact of the wrecker services rates and fees, as prescribed by the Corporation Commission, on the owner or lien holder of the vehicle; and~~

~~(E) Other factors within the Troop as deemed appropriate by the Commissioner's designee.~~

~~(3) The Commissioner's designee may overlap geographical areas of rotation whenever necessary to ensure adequate response to requests for wrecker services.~~

~~(4) The Commissioner's designee may modify geographical areas of rotation for the Troop at any time and for just cause, but shall notify each wrecker service affected of such modifications as soon as practicable.~~

~~(5) The Commissioner's designee may extend any geographical area of rotation by a reasonable radius beyond the boundaries of the Troop to include on the rotation log of the Troop:~~

~~(A) Which is located outside of but in proximity to the boundary of the Troop, and~~

~~(B) Upon receiving notification from the Department of the approval of the wrecker service for placement on the rotation log for the Troop by the Commander.~~

~~(6) Nothing in this Section shall prohibit the Troop Commander from using the services of any licensed wrecker service:~~

~~(A) Outside of its assigned geographical area of rotation, or~~

~~(B) Which has not been assigned to the Rotation Log of the Troop.~~

~~(f) **Forms.** A request for placement on any rotation log shall be filed by the wrecker service with the Department on a form prescribed and provided by the Department [47 O.S. § 72-952~~

~~(D)]. When requesting placement on a rotation log, the wrecker service shall provide on the request one (1) telephone number to be used for request of services during the day and one (1) telephone number to be used for request of services during the night, specifying the time period of normal use; these numbers shall also be on file with the Wrecker Services Division. Any change in the telephone numbers shall be immediately transmitted to:~~

~~(1) The Troop Commander(s) of the Oklahoma Highway Patrol Troop on whose Rotation Log the wrecker service has been assigned, and~~

~~(2) The Wrecker Services Division of the Department.~~

~~(g) **Request for Removal from the Rotation Log.** A licensed Class AA wrecker service desiring to be removed, whether temporarily or permanently, from the Highway Patrol Rotation Log on which it was placed, pursuant to this section, shall file a written request with the Department, in the form and format prescribed by the Department.~~

595:25-9-2. Operator requirements

~~— Operators on the Rotation Log shall comply with the following:~~

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

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

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

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

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

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

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

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

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

- ~~(10) Each operator shall require each driver to obey in good faith the rules of the road.~~
- ~~(11) Each operator shall prohibit any known thief or felon from loitering, visiting, or otherwise being on the premises of the place of business or any storage facility of the wrecker service.~~
- ~~(12) Every operator shall accept each Oklahoma Highway Patrol call unless there exists a valid reason for refusal. Upon acceptance of a call an operator shall advise dispatch of their current location and estimated time of arrival.~~
- ~~(13) Each operator shall provide service for a minimum of seventy five (75%) percent of the requests made by the Highway Patrol to be computed on a quarterly basis. Failure to meet this standard for any reason shall be grounds for removal from the Oklahoma Highway Patrol Rotation Log.~~
- ~~(14) Any Class AA wrecker operator who uses an answering service as a means of dispatch and who fails to properly respond in a timely manner, as determined by the Commissioner's designee of the Wrecker Services Division, to a rotation call request may have the Class AA license revoked for failure to properly respond to rotation call requests. The operator shall not be licensed as a Class AA wrecker service while utilizing the same answering service as a means of dispatch.~~
- ~~(15) Persons responding to calls must be able to speak and understand the English language.~~
- ~~(16) A wrecker operator shall respond to law enforcement agencies' wrecker service requests with a wrecker vehicle and operator capable of efficiently uprighting an overturned vehicle, pulling or winching a vehicle back onto the roadway, lifting a vehicle off a victim, or assisting with opening a vehicle to extricate a victim. In addition, the wrecker vehicle shall be equipped to remove a disabled vehicle without inflicting further damage to the disabled vehicle.~~
- ~~(17) If two or more vehicles are involved in a collision and two or more wrecker services are called the following shall apply:~~
- ~~(A) The first wrecker service arriving at the scene will tow the vehicle causing the greatest traffic hazard, which shall be determined by the investigating officer.~~
- ~~(B) If a requested wrecker service is first on scene, said wrecker service will assist in removing the vehicle causing the traffic hazard from roadway, then will proceed to pick up the vehicle it has been requested to tow.~~
- ~~(18) Any wrecker service having a wrecker vehicle with major or critical mechanical failure or failing to meet equipment requirements, which does not have another wrecker vehicle of the same classification approved for rotation, shall become temporarily unavailable for rotation until the wrecker vehicle has been approved to return to service or a new wrecker vehicle of the same classification has been inspected, if necessary, and approved by the Department.~~
- ~~(19) A wrecker service shall become temporarily unavailable for rotation if there is no approved Certificate of Insurance (WA) filing on file with the Department for the wrecker service or wrecker vehicles approved for rotation.~~
- ~~(20) Any wrecker service with a wrecker vehicle displaying an expired tag, which does not have another wrecker vehicle of the same classification approved for rotation, shall become temporarily unavailable for rotation until the wrecker license plate has been renewed and is properly displayed on the wrecker vehicle.~~
- ~~(21) When a request for service has been cancelled by Oklahoma Highway Patrol dispatch, the operator shall not continue to the scene of the requested service. The operator shall not lose its position on the rotation log.~~

595:25-9-3. Rotation calls for truck wreckers (Class AA-TL)

~~(a) Rules governing the rotation calls for Class AA-TL truck wrecker operators shall be the same as the rules governing the rotation calls for all other Class AA wrecker operators, except that in the case of truck wreckers the involved Trooper and/or the dispatcher shall have and be free to exercise his or her discretion as provided for in this section. If, in the judgment of any involved trooper and/or dispatcher, a Class AA-TL truck wrecker operator within a service area is needed because of an emergency situation, such wrecker service may be called without regard to position on the truck wrecker log except in relation to other operators also meeting the additional Class AA qualities in the service area.~~

~~(b) The large trucks and operators shall be capable and expected~~

~~(1) to clear a lane of traffic within one (1) hour upon arrival on the scene unless an extreme circumstance exist, using Traffic Incident Management (TIM) standards for the safety of the public and responders;~~

~~(2) have recovery and remediation resources immediately available to assist in clearing the scene as safely and as quickly as possible; and~~

~~(3) shall coordinate and participate in the recovery, towing and cleanup. Participation does not include only traffic management.~~

595:25-9-4. Oklahoma Highway Patrol Wrecker Rotation – Generally

The Oklahoma Highway Patrol shall maintain a Class AA Wrecker Rotation, a Class AA-TM Wrecker Rotation, and a Class AA-TL Wrecker Rotation. Each Wrecker Rotation will consist of licensed wrecker services approved to carry out nonconsensual tows at the request of the Oklahoma Highway Patrol. In the event of a traffic incident requiring a nonconsensual tow, a licensed wrecker service placed on an OHP wrecker rotation will be contacted in the order of its position on the applicable rotation. Nothing in these rules prohibits the Oklahoma Highway Patrol from utilizing any licensed wrecker service without regard to the OHP Wrecker Rotation in support of the needs of the Department.

595:25-9-5. Oklahoma Highway Patrol Wrecker Rotation – Placement and removal

Any Class AA, Class AA-TM, or Class AA-TL Licensed Wrecker Service may request to be included on an OHP Wrecker Rotation in accordance with the following:

(1) The request must be submitted to the Department in writing in a form and format determined by the Department.

(2) The principal place of business and storage facility of the licensed wrecker service must be within the geographical boundaries of the assigned wrecker rotation.

(3) A licensed wrecker service may only occupy one position on an applicable wrecker rotation.

(4) The licensed wrecker service must have the capacity to provide daily around the clock service.

(5) A licensed wrecker service may request in writing to be removed permanently or temporarily from an OHP wrecker rotation. Temporary removals may be for no less than seven (7) days.

595:25-9-6. Oklahoma Highway Patrol Wrecker Rotation – Processes

- (a) When more than one (1) casualty is towed by the same licensed wrecker service from the scene of a traffic incident it shall be counted on the OHP wrecker rotation as a single call to the licensed wrecker service.
- (b) A licensed wrecker service that receives a request for services from the Oklahoma Highway Patrol but, through no fault of the licensed wrecker service, no services are provided, the licensed wrecker service will not be rotated from its position on the OHP wrecker rotation until it responds to a subsequent call for service.
- (c) A licensed wrecker service that, after receiving a call for service, fails to arrive at the scene of the traffic incident within a reasonable time, in the opinion of the OHP personnel on scene, or indicates it is unavailable in a reasonable time, shall be rotated from its position on the OHP wrecker rotation. The next licensed wrecker service on the OHP wrecker rotation will then be contacted. The first licensed wrecker service will be notified as soon as practicable of the situation.
- (d) When a licensed wrecker service receives an Off-rotation call for service, it shall be rotated from its current position to the bottom of the applicable OHP wrecker rotation.
- (e) A licensed wrecker service that refuses a call for service shall be rotated from its current position on the applicable OHP Wrecker Rotation.
- (f) A licensed wrecker service shall notify the Department personnel making the call for service of its current location and estimated time of arrival to the scene of the traffic incident.
- (g) Licensed wrecker vehicle operators responding to OHP wrecker rotation calls must be able to speak and understand the English language.

595:25-9-7. Oklahoma Highway Patrol wrecker rotation – special situations

- (a) Due to special situations such as, but not limited to, a pending fatal collision, asset forfeiture, or criminal investigation, law enforcement officers or agencies may select licensed wrecker services with indoor storage facilities without regard to rotation. The facility must meet the stated specifications of the investigating officer and the Licensed Wrecker Service must comply with any special instructions related to the storage.
- (b) When two (2) or more licensed wrecker services are dispatched to a traffic incident the following procedures shall apply:
- (1) The first licensed wrecker service arriving at the scene will tow the vehicle causing the greatest traffic hazard, which shall be determined by the investigating law enforcement officer.
 - (2) In the event the owner or authorized agent of one of the casualties has requested a specific licensed wrecker service, and that licensed wrecker service arrives on scene before any other licensed wrecker services, it shall be required to assist removing vehicles presenting a traffic obstruction prior to recovering and/or towing the casualty it has been requested to recover and/or tow.
- (c) Notify the Wrecker Services Division by email of the make, model, GVWR, and VIN of any licensed wrecker vehicle which is disposed of permanently or temporarily unavailable. When a licensed wrecker service has only one licensed wrecker vehicle and the licensed wrecker vehicle becomes unavailable by reason of mechanical failure or failure to meet the applicable wrecker vehicle requirements, the licensed wrecker service shall be removed from the applicable OHP

wrecker rotation, unless and until a wrecker vehicle license is issued for a replacement wrecker vehicle. The affected licensed wrecker vehicle must be reinspected prior to the licensed wrecker service being placed back on the applicable OHP wrecker rotation.

(d) When a request for service has been cancelled by Oklahoma Highway Patrol dispatch, the licensed wrecker service shall not continue to the scene of the traffic incident. The licensed wrecker service shall not lose its position on the rotation log.

595:25-9-8. Oklahoma Highway Patrol Rotation – Minimum response requirements

Each quarter the Wrecker Services Division 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:

(1) For licensed wrecker services receiving more than twelve (12) 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.

Failure to meet the required response rate will subject the licensed wrecker service to administrative action as defined by these rules. The Department will consider repeated failures to comply with response rate 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.

595:25-9-9. Oklahoma Highway Patrol wrecker rotation – Geographic boundaries

In accordance with 47 O.S. §955(C), the Commissioner's Designee will establish the geographic boundaries of each OHP wrecker rotation in conjunction with the affected Troop Commander and Communications Supervisor. The Commissioner's Designee is authorized to alter the geographic boundaries of any OHP wrecker rotation, permanently or temporarily, in support of the needs of the Department. Affected licensed wrecker services will be notified as soon as practicable of any changes to the OHP wrecker rotation. In determining the geographic boundaries, the Commissioner's Designee will consider information including, but not limited to:

(1) The number of Licensed Wrecker Services;

(2) The distance between Licensed Wrecker Services;

(3) The estimated response time of Licensed Wrecker Services;

(4) The economic impact on owners, insurers, and lienholders;

(5) The economic impact on Licensed Wrecker Services;

(6) Any other information deemed relevant by the Commissioner's Designee.

~~SUBCHAPTER 11. DENIAL, SUSPENSION, REVOCATION OR CANCELLATION OF LICENSE; DENIAL OR REMOVAL OF CLASS AA OPERATORS FROM ROTATION LOG OF THE OKLAHOMA HIGHWAY PATROL~~

595:25-11-1. Failure to qualify

The Department may deny or cancel the license, and/or remove from the Rotation Log, as applicable, any operator who fails to qualify therefore as provided in the rules of this Chapter and the laws of 47 O.S.

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 any operator who has committed a violation of 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 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 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.

(2) The notice shall provide the effective date of the Department action 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).

SUBCHAPTER 13 – TRAINING AND EDUCATION

595:25-13-1. Continuing Education Requirements

In addition to the initial training requirements, each licensed wrecker vehicle operator must complete four (4) hours of Department approved continuing education annually. The Department may approve specific curriculum, training providers, or both. Any training provider may request approval of specific training curriculum, or approval as a training provider, in writing to the Wrecker Services Division.

595:25-13-2. Approved Training

Providers of training must notify the Department ten (10) business days prior to the scheduled training. Continuing education credits will not be awarded for training when the Department is not so notified. The Department reserves the right to overtly or covertly observe the provision of any training activities.

- (1) Approved training, as determined by the Department, shall:
 - (A) Contribute to the improved safety of wrecker operations, or
 - (B) Contribute to the improved efficiency of wrecker operations, or
 - (C) Update licensees on emerging trends, technology, or tools available to the wrecker industry.
- (2) Approved curriculum providers, as determined by the Department, shall:
 - (A) Be a nationally accredited or recognized provider of wrecker training, or
 - (B) Be a recognized wrecker industry association capable of providing training statewide.
- (3) Approved trainers, as determined by the Department, shall:
 - (A) Demonstrate the experience and education necessary to provide instruction in relevant topics to the wrecker industry, and
 - (B) Have a demonstrated history of substantial compliance with the rules of the Department regarding the provision of wrecker services.

SUBCHAPTER 15. WRECKER VEHICLES

595:25-15-1. Classes of wrecker vehicles

- (a) Class AA-TS: Any wrecker vehicle equipped in accordance with these rules and having a GVWR of not less than nine thousand (9,000) pounds.
- (b) Class AA-TM: Any wrecker vehicle equipped in accordance with these rules and having a GVWR of not less than twenty-four thousand (24,000) pounds. Additionally, Class AA-TM rollback wrecker vehicles shall have a minimum deck weight rating of twelve thousand (12,000) pounds.
- (c) Class AA-TL: Any wrecker vehicle equipped in accordance with these rules and having a GVWR of not less than forty-four thousand (44,000) pounds.
- (d) Class G (General): All other wrecker vehicles as defined by 47 O.S. § 951, et. seq., provided a Class G wrecker may also be considered a wrecker support vehicle for the purposes of 47 O.S. § 12-218.1. Provided however, that a Class G wrecker that only performs repossessions may be granted exemptions from specific rules of this Chapter as determined by the Department.

595:25-15-2. Licensed wrecker vehicle requirements

(a) The wrecker service license number along with the name of the licensed wrecker service shall be conspicuously displayed and vertically centered on each side of every wrecker vehicle used by the licensed wrecker service. All wrecker vehicles will display an AA or G designation at the end of the wrecker service license number. Example: DPS 12345W AA or DPS 12345W G. The wrecker service license number and business name shall be at least three inches (3") in height. The font shall be legible. The lettering shall be in a color that will contrast with the color of the wrecker vehicle. The signage required by this paragraph shall be permanent in nature and shall not contain any misleading or false information. The wrecker vehicle shall display only one licensed wrecker service name. Upon request, the Commissioner's designee, may approve the use of a temporary magnetic sign for a period of thirty (30) days.

(b) All licensed wrecker vehicles, regardless of Class will be equipped with the following:

(1) One (1) ten pound, Class B or C, fire extinguisher or equivalent.

(2) At least one (1) amber rotating or flashing light, mounted as high as practicable on the vehicle and visible from 360 degrees or on a light bar, and approved by an officer of the Department. 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.

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

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

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

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

(8) 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 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) Two (2) safety chains or wheel straps of sufficient capacity to keep the towed vehicle attached to the wrecker in the event of disengagement.

(c) Each licensed Class AA wrecker vehicle must also meet the following requirements or be equipped with:

(1) 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 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) One (1) axe.

- (4) One (1) pry-bar or wrecking bar.
- (5) 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) At least one (1) set of dual rear wheels for stability in towing another vehicle.
- (7) 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) 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.
- (9) One (1) hydraulic bottleneck jack or floor jack with a minimum two and a half ton rating.
- (10) First Aid kit.
- (11) Thirty-three (33) gallon minimum trash bags or two (2) five (5) gallon buckets
- (12) Flashlight.
- (13) Wire/Cable cutter pliers (8")
- (14) Jumper cables or Jumper Box.
- (15) Safety glasses.
- (16) Three (3) traffic cones, retroreflective, predominately orange, twenty-eight inches (28") in height
- (17) Adjustable pliers
- (18) Rubber and/or work gloves.

d. Class AA-TM wrecker vehicles. Each Class AA-TM wrecker (medium truck wrecker) must also meet the following requirements or be equipped with:

- (1) 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.
- (2) Air-activated spring parking brake.
- (3) Wrecker body and equipment shall be compatible with the chassis GVWR in size and shall be suitable by design to operate under emergency conditions.
- (4) Vehicle body must be capable of safely anchoring scotch blocks.
- (5) Vehicle must be designed to adequately anchor snatch blocks.
- (6) 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.
- (7) A boom or booms compatible with winch rating.
- (8) A minimum of two (2) snatch blocks compatible with winch cable size and cable rating.
- (9) 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.

(e) Class AA-TL wrecker vehicles. Each Class AA-TL wrecker (large truck wrecker) must also meet the following requirements or be equipped with:

- (1) 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.
- (2) Air-activated spring parking brake.
- (3) Minimum front axle and suspension weight rating of twelve thousand pounds (12,000 lbs.).
- (4) Minimum rear axle and suspension combination weight rating of thirty-two thousand pounds (32,000 lbs.).
- (5) Be equipped with full-driven tandem axle (NOTE: A drag axle or pusher axle is not acceptable).
- (6) 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.
- (7) The wrecker vehicle body and equipment shall be compatible with chassis GVWR and size and shall be suitable by design to operate under emergency conditions.
- (8) The wrecker vehicle body must be capable of safely anchoring scotch blocks.
- (9) The wrecker vehicle body must be designed to adequately anchor snatch blocks.
- (10) Winches must be maintained with at least 75% capacity of the manufacturers recommended length of wire or synthetic rope. Must have at least two (2) winches with a minimum combined capacity of forty thousand (40,000) pounds.
- (11) A factory built or certified elevating and telescoping recovery boom with a twenty-five (25) ton minimum weight rating.
- (12) A factory built or certified hydraulic telescoping wheel lift.
- (13) Two (2) or more air hoses 3/8", with combined minimum length of one hundred feet (100')
- (14) Eight (8) cage bolts
- (15) Two (2) air outlets for emergency and service line activation
- (16) Metric and standard end wrench sets
- (17) Metric and standard 1/2" drive socket set and ratchet
- (18) Hydraulic or pneumatic jack with a ten (10) ton minimum rating
- (19) Ten (10) gallons of absorbent material
- (20) 2.5 lb. Sledge/shop hammer
- (21) Two (2) pairs of locking pliers
- (22) Four (4) axle covers
- (23) Five (5) traffic cones that are retroreflective, predominately orange, twenty-eight inches (28") in height
- (24) Saddle tank fluid mitigation compound
- (25) Minimum of 4 (four) snatch blocks that are recommended for the size of wire rope contained on the winches.
- (26) Minimum of sixty feet (60') of one-half inch (1/2") Grade 80 recovery chain with hooks.

SUBCHAPTER 17. ADMINISTRATION

595:25-17-1. Required Records

Each licensed wrecker service shall maintain in a form and format determined by the Department and submit completed records to the Department, when required, the following records:

- (1) Thirty Day Storage Report: Pursuant to 47 O.S. §4-105, and 47 O.S. §964 the report of any vehicle stored by the Licensed Wrecker Service for greater than thirty (30) days.
- (2) Junk Vehicle Storage Report: The report of any Junk Vehicle as defined by 47 O.S. §1105(A)(6), stored by the Licensed Wrecker Service for greater than five (5) days. Provided the Junk Vehicle Storage Report may be submitted to the Department within thirty-five (35) days as provided by 47 O.S. §4-105.
- (3) Towing Services Report Form: Each licensed wrecker service shall record all services performed in pulling or towing vehicles impounded for law enforcement or at the request of private property owners.

595:25-17-2. Initial Business, Wrecker Vehicle, and Storage Facility inspections

The Department shall inspect every Place of Business and every Storage Facility listed on the application prior to approving an application 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.

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 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 from Service Oklahoma.
- (3) The compliance report for an approved wrecker vehicle will be annotated "Approved pending wrecker vehicle tag".
- (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 licensed wrecker vehicles and licensed 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 and inspections may commence on January 1, the following calendar year. Re-inspections 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 licensed wrecker vehicles to inspect at the time of the inspection. Provided, this paragraph does not prohibit a wrecker services inspector from inspecting all licensed wrecker vehicles, licensed storage facilities, or licensed places of business.

(4) In the event an approved wrecker vehicle, approved storage facility, or licensed 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.

595:25-17-4. Transfer of ownership

Any change in 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 has been accepted and approved by the Department.

595:25-17-5. Administrative Action by the Department

(a) The Department may deny issuing a Wrecker Vehicle Operator License 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 Wrecker Vehicle Operator License 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 Wrecker Vehicle Operator License 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 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

(f) If the Commissioner or the Commissioner's 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.