

# **Questions & Answers Regarding Nonconsensual Tow Rates**

Revised 6/22/2022

**Current rate information is available at [www.occeweb.com](http://www.occeweb.com)**

**Nonconsensual Towing Act of 2011**- This act gave the **Oklahoma Corporation Commission (OCC)** the authority to establish, supervise and enforce rates for transportation and storage of motor vehicles removed from Oklahoma roads and highways or private property as a result of a nonconsensual tow. **O.S. Title 47 Chapter 72 §966. OCC Order #605104**, dated **December 6, 2012**, establishes maximum allowable fees and charges for nonconsensual tows.

"**Nonconsensual tow**" means the transportation of a vehicle without the consent or knowledge of the vehicle's owner, possessor, agent, insurer, lienholder, 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; **O.S. Title 47 Chapter 72 §951**

**Display of nonconsensual towing rates:** - OCC Rule 165:30-26-18

- (a) Each wrecker service licensed by the Department of Public Safety and placed upon an official rotation log to perform nonconsensual tows shall be required to conspicuously display a copy of the current Oklahoma Corporation Commission Nonconsensual Towing Maximum Wrecker Rate Chart at each location where a person will be paying for a vehicle release.
- (b) The Maximum Wrecker Rate Chart size and text must be large enough to be easily read by the person paying for the vehicle release and contain fully legible text and figures.
- (c) The Maximum Wrecker Rate Chart may be downloaded from the Agency's website.

**Invoices or bills for services performed:** - OCC Order #605104 - Section 2

Requirements for all tow invoices include **itemization of all charges assessed, clear identification of the services provided and start/stop times for all hourly charges.**

**1. I conducted a tow of a vehicle. How do I determine if it is a “Nonconsensual Tow?”**

OAC 595:25-1-2 states: "Owner request tow" means a tow of a vehicle made by an operator at the request of the owner, or authorized agent of the owner and which is not compelled or required by a law enforcement officer. Also see definition of “Nonconsensual Tow” stated above.

The previously quoted statute and rule together mean if the tow was compelled by a law enforcement officer, (regardless of the owners ability to select the wrecker service) or a property agent (requires a properly completed TRAF form timely filed with the Department of Public Safety), it is classified as a “Nonconsensual Tow” and subject to the maximum lawful rates established in OCC Order #605104.

**2. Are wrecker services required to charge the maximum allowed rates?**

No, they may charge less. Rates established by Commission Orders are the maximum allowed rates.

**Distance Rates - OCC Order #605104 - Section 3(C)**

**3. What is the maximum distance (mileage) rate?**

<b>Weight of Towed Vehicle (In pounds, including Equipment and lading)</b>	<b>Distance Towed</b>	<b>Rate Per Mile</b>
Single vehicle: 8,000 or less	25 miles or less	\$3.75
Single vehicle: 8,000 or less	Over 25 miles	\$3.13
Single vehicle: 8,001 to 12,000	25 miles or less	\$4.25
Single vehicle: 8,001 to 12,000	Over 25 miles	\$3.75
Single vehicle: 12,001 to 40,000	any	\$7.19
Single vehicle: 40,000 or over	any	\$8.44
Combination of vehicles	any	\$8.44

**4. Can an operator charge for “standby or wait time” when charging distance rates?**

Yes. When charging distance rates, billing for waiting and standby time is allowed at the applicable hourly rates, but shall not include the first fifteen (15) minutes of service.

**Note:** Charges for “standby or wait time” must be properly documented on the face of the invoice.

**Hookup Rates** “may only be charged when distance rates are used” - OCC Order #605104 -  
Section 3(E)

**5. What are the maximum hookup rates?**

Weight of Vehicle Being Hooked up (In pounds, including equipment and lading)	Rate
Single vehicle: 8,000 or less	\$ 81.25
Single vehicle: 8,001 to 12,000	\$ 93.75
Single vehicle: 12,001 to 24,000	\$106.25
Single vehicle: 24,001 or over	\$118.75
Combination of vehicles	\$118.75

**6. Can an operator charge both the hookup rate and “hourly rates charged instead of distance charges”?**

No. Hookup rates may only be charged when distance rates are used.

**Hourly Rates** “hourly rates may be charged instead of distance rates” - OCC Order #605104  
Section 3(D)

**7. What is the maximum hourly rates for wrecker or towing services performed for passenger vehicles?**

Weight of Towed Passenger Vehicle (In pounds)	Rate Per Hour	Rate Per 15 Minutes
Single vehicle: 8,000 or less	\$ 75.00	\$18.75
Single vehicle: 8,001 to 24,000	\$100.00	\$25.00
Single vehicle: 24,001 to 44,000	\$150.00	\$37.50
Single vehicle: 44,001 or over	\$225.00	\$56.25
Combination of vehicles	\$225.00	\$56.25

**8. What is the maximum hourly rates for all other wrecker or towing services?**

Maximum hourly rates for all other wrecker or towing services shall be determined based upon the gross vehicle weight rating of each wrecker vehicle used.

<b>GVWR of Wrecker Vehicle (In pounds)</b>	<b>Rate Per Hour</b>	<b>Rate Per 15 Minutes</b>
8,000 or less	\$ 75.00	\$18.75
8,001 to 24,000	\$100.00	\$25.00
24,001 to 44,000	\$150.00	\$37.50
44,001 or over	\$225.00	\$56.25
Combination wrecker vehicle With GVWR of 24,000 or over	\$225.00	\$56.25

**9. Is there a minimum allowable time period for which an operator may charge?**

When the operator chooses to charge an “**hourly rate instead of distance rates**” and the service is performed in less than one and a half (1½) hours, the charge applicable for one and a half (1½) hours may be applied.

**10. Can an operator charge for standby or wait time when charging “hourly rates instead of distance rates”?**

Yes. After the total elapsed time of the tow (from the time the wrecker vehicle has been assigned to the tow until it is released or is available to perform another wrecker or towing service) has exceeded the initial 1½ hour minimum, the total time of the tow may be billed under the hourly rates. This includes all time spent driving to the scene, time on the scene conducting the tow (including wait and standby time) and time transporting the towed vehicle.

**Note:** Charges for time spent for wait/standby time must be properly documented on the face of the billing invoice when billing either hourly or distance rates.

**11. Can an operator charge both the “hourly” and the “distance” rates on the same tow?**

No, with two exceptions. Hourly and distance rates may not be charged on the same tow unless:

- a. Charging wait/standby time. See question #4
- b. Charging recovery time. See question #20

**Note:** Charges for time spent on recovery must be properly documented on the face of the billing invoice when billing either hourly or distance rates and for wait/standby time when charging distance rates.

## **Fuel Surcharge** - OCC Order #605104 Section 3(H)

### **12. Where can I find how to calculate the fuel surcharge?**

<http://www.occeweb.com/TR/NonConsensualTowingFuelSurcharge.htm>

### **13. How often does the fuel surcharge change?**

Can change weekly. The fuel surcharge percentage for Oklahoma operators is based on the average price of "On-Highway Diesel Prices – PADD 2 - Midwest", calculated and posted weekly by the U.S. Energy Information Agency.

#### **To sign up for automatic email updates:**

<http://www.eia.gov/tools/emailupdates/>

1. Enter your email address -
2. Scroll down to "Petroleum Lists" - check "Weekly On-Highway Diesel Prices"
3. Scroll further down and double click "Subscribe"

### **14. What rates may be adjusted by the fuel surcharge?**

Distance/hookup rates or the "hourly rate charged instead of distance rates" may be adjusted by the fuel surcharge.

### **15. Can I adjust wait/standby time charges with the fuel surcharge?**

Yes

### **16. Can an operator adjust the extra labor hourly charges with the fuel surcharge rate?**

No

### **17. Can an operator adjust recovery charges with the fuel surcharge rate?**

No.

### **18. How do I determine the fuel surcharge adjustment for a gasoline powered wrecker vehicle?**

The fuel surcharge adjustment percentage determined for diesel vehicles also applies for gasoline vehicles.

### **19. Is the operator required to charge the fuel surcharge?**

No.

**Recovery Services** - OCC Order # 605104 Section 3(F)(1)(a)

**20. What is meant by Recovery Services?**

Recovery services, billed at an hourly rate include but are not limited to, winching, hoisting, up-righting, or removal services necessary to position the towed vehicle so that the wrecker vehicle can hookup to or load the vehicle that is to be towed.

**Note:** Charges for recovery (time beginning/ending and services performed) must be itemized on the billing invoice.

**21. What is the hourly rate for recovery services?** - OCC Order #605104 Section 3(D)(3)

Maximum hourly rates for all other wrecker or towing services shall be determined based upon the gross vehicle weight rating of each wrecker vehicle used.

<b>GVWR of Wrecker Vehicle (In pounds)</b>	<b>Rate Per Hour</b>	<b>Rate Per 15 Minutes</b>
8,000 or less	\$ 75.00	\$18.75
8,001 to 24,000	\$100.00	\$25.00
24,001 to 44,000	\$150.00	\$37.50
44,001 or over	\$225.00	\$56.25
Combination wrecker vehicle With GVWR of 24,000 or over	\$225.00	\$56.25

**22. Is there a minimum allowable ‘recovery’ time period for which an operator may charge?**

No.

**23. Can an operator charge a recovery rate fee in addition to distance rates?**

Yes

**24. Can an operator charge a recovery rate fee in addition to the “hourly rates charged instead of distance rates”?**

Yes

**Dolly and/or Rollback fees** - OCC Order #605104 Section 3(F)(1)(d)

**25. My only licensed tow vehicle is a rollback. When can I charge a dolly/rollback fee?**

Dolly/Rollback fees may be charged only when the use of a dolly or rollback equipment is essential to prevent mechanical damage to a towed vehicle or when neither end of such vehicle is capable of being towed safely while in contact with the roadway.

**Note:** Justification for the use of a dolly/rollback must be noted on tow invoice.

**26. Can an operator charge a dolly or rollback fee in addition to “hourly rates charged instead of distance rates”?**

Yes

**27. Can an operator charge a dolly or rollback fee in addition to distance rates?**

Yes

**Disconnect/Reconnect Drive Line or Remove/Replace Axle service rates** - OCC Order #605104 Section 3(F)(1), parts (b) and (c)

**28. Can an operator charge fees for disconnecting/reconnecting the Drive Line and/or Removing and Replacing the Axle in addition to the “hourly rates charged instead of distance rates”?**

Yes

**29. Can an operator charge fees for disconnecting/reconnecting the Drive Line and/or Removing and Replacing the Axle in addition to distance rates?**

Yes

## **Combination Tows**

**30. An operator was called to tow a vehicle with a trailer. Should they charge for separate tows?**

It depends.

a. If the vehicle and trailer were towed together (a single tow) combination rates (either hookup and distance or “hourly rates charged instead of distance rates”) apply.

b. If the vehicle and the trailer are towed separately, then separate charges apply.

**31. Can an operator charge rollback in addition to charging Combination Tow?**

No, because Combination Tow includes both the Hookup or Hourly Rates and the rollback.

**32. We impounded a vehicle with a trailer on a combination tow, but the units had different owners. How do we split the tow and storage charges between the owners?**

You do not need to split the bill for the tow. You may require payment in full before releasing either unit.

**Specialized Equipment and Labor** - OCC Order #605104 Sections 3(G), 3(I), and 5

**33. How do I determine whether I may charge the 25% gross profit markup on “specialized” equipment and labor used to perform a tow?**

Commission Orders state that Specialized Equipment, as used in Sections 951 through 965 of Title 47, shall not include the equipment, tools, consumables, or implements required by OAC 595:25-5-2, with the exception of absorbent used for absorbing liquid spills from the highway or highway right of way during the performance of nonconsensual towing services. Specialized labor excludes extra labor. Extra labor as used in Sections 951 through 965 of Title 47 is additional manpower and includes services or work customarily performed during the course of providing adequate wrecker or towing services.

**34. We were called to perform a nonconsensual tow and needed to call another wrecker service for assistance. We paid the other wrecker service’s charges directly to them and will bill the vehicle owner for the total bill. Can we add 25% gross profit markup to the 2<sup>nd</sup> wrecker service’s bill.**

No. Utilizing an additional wrecker service does not qualify as specialized equipment or labor

**35. We performed a tow utilizing specialized equipment and labor and paid the bill for those services directly. We plan to add a 25% gross profit markup to that bill as a charge on our tow invoice. What evidence of service and payment is required by the Commission to verify those charges?**

You will need to furnish a paid invoice identifying the vender of the equipment or the provider of the service. The invoice must list and identify equipment used, any labor or services performed, and how the charges were determined.

**Extra Labor** - OCC Order # 605104 Section 4

**36. What is extra labor?**

Extra labor as used in Sections 951 through 965 of Title 47 is additional manpower and includes services or work customarily performed during the course of providing adequate wrecker or towing services.

**37. What is the rate an operator can charge when they utilize extra labor**

\$36 per hour per laborer.



**38. What is the labor rate for a Supervisor?**

Commission Orders do not allow a charge for a Supervisor.

**39. I've incurred costs in filing a lien under the provisions of O.S. Title 42 §91A on a vehicle acquired through a nonconsensual tow. Am I allowed to charge the vehicle owner for those costs I've incurred?**

No. O.S. Title 42 §91A authorizes the wrecker service to charge twenty dollars (\$20.00) plus the cost of postage if the notice is timely mailed. Charges in excess of those authorized by O.S. Title 42 §91A are not allowed by law. In addition, 47 O.S. §904 states, "the owner...may regain possession of the vehicle in accordance with regulations of the Department of Public Safety upon payment of the reasonable cost of removal and storage of such vehicle." Title 42 fees are not removal or storage fees.

**Drop Fee** - OCC Order #605104 Section 7

**40. What is the "Drop Fee"?**

For vehicles weighing less than 10,000 pounds (gross vehicle weight rating or GVWR), towed under the provisions of Section 954A of Title 47, a wrecker or towing service may collect a drop fee when called to perform a nonconsensual tow and the vehicle owner, authorized operator, or agent wants to take possession of the operable vehicle before the vehicle is removed from the private property location where the tow originated by the wrecker or towing service. Wrecker or towing services are required to relinquish possession of the vehicle but may collect the drop fee as compensation for costs incurred up to that point.

**41. What is the amount an operator is allowed to charge as the drop fee?**

The drop fee shall not exceed Seventy-five Dollars (\$75.00) and may **not** be charged when other wrecker or towing service fees are charged.

**42. Can the drop fee be adjusted by the fuel surcharge?**

No.

**Additional Allowable Fees** - OCC Order #605104 Sections 3(J) and 8

**43. What is the maximum "registration check" fee allowed on tows requested by law enforcement?**

When tows are ordered by law enforcement wrecker operators may charge no more than Fifteen Dollars (\$15.00) (this request must be initiated within **5 business days of the date of the tow**) to obtain ownership and insurer information for the purpose of determining ownership and responsibility for wrecker fees.

**44. What is the maximum “registration check/notification fee” allowed on a Private Property Impound?**

When vehicles are towed under the provisions of Section 954A of Title 47, the operators may collect up to Twenty-five Dollars (\$25.00) for purposes of obtaining ownership and lienholder information (this request must be initiated within **3 business days of the date on the TRAF form**) from the Oklahoma Tax Commission or other states’ motor vehicle agencies or from law enforcement agencies for the purpose of determining responsibility for wrecker fees. This fee may be collected in addition to the cost incurred by the wrecker operator for certified postage and towing and storage of the vehicle.

**45. What Title 42 charges may I include on the non-consensual tow invoice**

O.S. Title 42: Chapter 2: Section 91A: Subsection (A)(2)(c): allows a \$20.00 processing fee, plus the cost of postage, when the notices are made timely. This may be charged in addition to the fees allowed by the OCC, see questions 41 or 42. No other costs incurred in disposing of the vehicle can be included on the nonconsensual tow invoice.

**46. Can I charge both the registration check fee allowed on law enforcement tows (question #41) and the registration check/notification fee allowed on a Private Property Impound (question #42) on the same tow?**

No.

**Other Towing Charges**

**47. Can an operator charge for absorbent? - OCC Order #605104 - Sections 3(G) and 5**

Yes. The operator may charge the cost of the absorbent used plus 25%. The operator may NOT charge a separate fee for the labor incurred to handle the absorbent.

**Note:** Upon request by the OCC, the operator must furnish a copy of the invoice showing the purchase of the absorbent.

**48. Can an operator charge for time and labor spent on cleanup?**

No.

**49. Can an operator charge for tarps or plastic wrap used to protect the towed vehicle from the elements?**

No.

**50. As a convenience for my customers I will occasionally accept a credit card or check for payment for nonconsensual tow charges. Since credit card companies charge businesses that utilize their services, can I pass this charge along to my customers?**

No.

**51. Can an operator charge any other fee such as an administrative fee or a processing fee on a nonconsensual tow?**

No. No fees, other than those established by **OCC Orders** or **Oklahoma Statutes** may be charged for a nonconsensual tow.

**52. What is the allowable charge when the tow operator drives the vehicle they were called to tow?**

No charges are allowed by the **OCC Order** in this situation. Oklahoma Department of Public Safety states that insurance will not cover the operator in this situation.

**Storage** - OCC Order #605104 Section 9

**53. How are storage rates applied?** - OCC Order #605104 - Sections 11(A) and 12(A)

Storage rates may be applied from the time the towed vehicle is brought to the storage facility premises and apply to each calendar day of storage. **Note that the maximum fee which shall be charged for a period of less than twenty-four hours of storage is for one calendar day.**

**54. When can indoor storage rates be charged?**

- A. When the owner requests that the vehicle be stored inside
- B. When indoor storage has been ordered by the law enforcement office requesting the tow of the vehicle
- C. When indoor storage is necessary to prevent further damage to the vehicle.

**55. How much is the “after-hours release” fee?**

OCC Order # 605104 Section 13(C)

The maximum after-hours release rate is Fifteen Dollars (\$15) per quarter hour and these charges must be properly documented on the invoices

**56. When may the after-hours release rate be charged?**

OCC Order #605104 Section 13(B) parts 1 and 2

Between the hours of midnight and 8:00 a.m., or between the hours of 5:00 p.m. and midnight Monday through Friday, or any time on Saturday, Sunday or Federal National holidays listed in the OCC Order.

**57. I was called at 7:00 pm by a vehicle owner wanting to obtain release of his vehicle. The owner and I met at my yard at 7:30, but they were unable to produce cash needed to release the vehicle. They returned to obtain release the next day. Can I charge an ‘after-hours’ release fee for the time I spent traveling to and meeting with the vehicle owner, even though the vehicle was not released?**

Yes

**58. We performed a police impound tow and the driver of the vehicle (and/or their parent, spouse, friend or other) telephoned us on a number of occasions, after-hours, to inquire about obtaining personal property from the vehicle (one call), total tow charges (another call), documentation required to obtain vehicle release (another call), trying to schedule a time to obtain the vehicle (yet another call) and etc. Can we charge an after-hours fee for the time spent on any or all of those phone calls?**

No.

**Release of Personal Property** -O.S. Title 47 Chapter 72 §955(E)

**59. Is the operator required to release personal property from the towed vehicle?**

Yes, when presented with proper documentation.

**60. Can the operator require payment of towing and storage charges before releasing personal property from towed vehicle to the owner?**

No.

**61. Can the operator charge any fee for the release of personal property?**

Not during the normal business hours prescribed by the **OCC Order**. After-hours fees may be assessed when the property is released outside of those normal business hours.

**Sales Tax** - OAC 710:65-19-268(c)

**62. Are operator’s required to charge sales tax on the total tow bill.**

No – only the charges for storage are subject to sales tax.

“The charges for the storage of impounded motor vehicles, made by persons operating wrecking services are subject to sales tax. Charges separately stated from the storage charges are not subject to sales tax.”

## **Questions for Consumers**

**63. My vehicle was towed and impounded and now the operator refuses to accept payment by a credit card or check.**

Wrecker operators are not required to accept payment in any form other than cash.

**64. Who can I call if my vehicle was towed and I have a question about a charge on the invoice?**

Oklahoma Corporation Commission (OCC), Transportation Division, 405-522-0131

**65. I feel that I was overcharged. How can I make a complaint?**

Complete our complaint form and send it, along with a copy of the tow invoice, to the address found on the form. The complaint form may be downloaded from the following webpage:

<http://www.occeweb.com/TR/NonconsensualTowing/NonConsensualTowRateComplaintForm.pdf>

**66. Where can I find the maximum allowable rates wrecker operators are allowed charge?**

The rates can be found at this website: [www.occeweb.com](http://www.occeweb.com) or by calling 405-522-0131

**67. I feel that my vehicle was towed illegally. How can I file a complaint?**

For all nonconsensual towing issues, other than regulated towing and storage rates, contact the Oklahoma Department of Public Safety, Wrecker Services Division, telephone 405-425-2312.

**68. My vehicle was towed and the operator says I have to pay Title 42 processing fees (or other fees not specifically established in law or OCC Order 605104) before my vehicle will be released. Is this legal?**

No. O.S. Title 42 §91A authorizes the wrecker service to charge twenty dollars (\$20.00) plus the cost of postage if the notice is timely mailed. Charges in excess of those authorized by O.S. Title 42 §91A are not allowed by law. In addition, 47 O.S. §904 states, “the owner...may regain possession of the vehicle in accordance with regulations of the Department of Public Safety upon payment of the reasonable cost of removal and storage of such vehicle.” Title 42 fees are not removal or storage fees.