595:25-1-2. Definitions

Any reference to “this Act” means 47 O.S. § 951 et seq. unless otherwise specified. The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

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

“Commissioners Designee” The authorized individual such as a director or administrative officer of the division.

“Class AA wrecker operator” or “AA truck wrecker operator” means any wrecker operator who also meets 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 truck wrecker operator” means any wrecker operator who also meets all the requirements of 47 O.S. § 925(D) for towing for law enforcement agencies.

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

“Commission” means the Oklahoma Corporation Commission.

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

“Department” means the Department of Public Safety.

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

“GVWR” means gross vehicle weight rating.

“Inspection Officer” 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.

“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.
“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 and which is not compelled or required by a law enforcement officer.

“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 phone service 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.

“Private Property Tow” means a tow of a vehicle which is made from private property by an operator at the request of the owner, legal possessor, or authorized agent in control of the real property, which shall be towed under the provisions of 47 O.S. § 954A and to which the rates and fees as prescribed by the Corporation Commissioner shall apply.

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

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

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

"Truck wreckers" means every motor vehicle properly designed and equipped according to Department of Public Safety specifications with wrecker body and winch or lifting apparatus suitably designed to safely move, pull or tow wrecked, damaged or disabled trucks, truck-tractors, road tractors, trailers, semi-trailers, buses and/or other vehicles and conveyances that use the highways of the state of Oklahoma. The designation as a truck wrecker shall be used for Class AA-TL wrecker vehicles only.

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

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

“Wrecker license” means the wrecker license as provided by 47 O.S. § 951, et seq.

“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” 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 General – All other wrecker vehicles as defined by 47 O.S. § 951, et. seq., provided a Class General wrecker shall also be considered a wrecker support vehicle for the purposes of 47 O.S. § 12-218.1.

(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.

SUBCHAPTER 3. WRECKER LICENSE

595:25-3-1. General requirements.
The following are the requirements for obtaining a wrecker license:

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

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

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

4. **Issuance.** No license for operation of a wrecker or towing service shall be issued until:
   - (A) The wrecker operator has a minimum of one towing/wrecker vehicle,
   - (B) Certificates of insurance as prescribed by the Department are on file with the Department, and
   - (C) Each wrecker vehicle has been inspected by an officer of the Department to verify that equipment requirements of this Chapter have been met.

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

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

(7) **Additional wreckers.** Any wrecker operator that adds a wrecker vehicle shall:
   
   (A) Register the wrecker vehicle with the Oklahoma Tax Commission, in the name of the operator or the name of the wrecker service, and properly display a current license plate. A leased wrecker vehicle shall show the owner information and the name of the lessee on the vehicle registration.
   
   (B) Notify the Department of the make, model, GVWR, and serial number of the vehicle.
   
   (C) Send notification to the Department from the insurance carrier of the wrecker operator that the vehicle has been added to present insurance coverage.
   
   (D) Have the vehicle inspected and approved by an employee of the Department.
   
   (E) A wrecker license plate, or a proportional license plate, must be purchased and affixed to the wrecker vehicle after the vehicle has been inspected and approved and before the vehicle can be used by the operator to tow vehicles.

(8) **Sticker required on each vehicle.** Each wrecker vehicle which is used by an operator in pulling or towing a vehicle shall display in the lower right hand corner of the windshield a valid sticker furnished by the Department indicating the classification of wrecker service.

(9) **License number and business name.**

   (A) The wrecker license DPS number issued to the operator by the Department for the operation of a wrecker or towing service, along with the name of the wrecker service, shall be clearly visible at all times and shall be conspicuously displayed and vertically centered on each side of every tow vehicle used by the operator in the wrecker or towing service.
   
   (B) On wrecker vehicles in use on or before July 14, 2002, the wrecker license number shall be at least two inches (2”) in height. On wrecker vehicles put into use on or after July 15, 2002, the number and business name shall be at least three inches (3”) in height. The font shall not be a font which is highly decorative or difficult to read. The lettering shall be in a color that will contrast with the color of the tow vehicle in order to be readily noticed and legible.
   
   (C) The signage required by this paragraph shall be permanent in nature and shall not contain any misleading or false information. The wrecker vehicle shall not have more than one wrecker service name on the vehicle.
   
   (D) Magnetic signs are not approved; provided, if requested of and approved by the Director, Commissioner’s designee, a magnetic sign may be used for a period of thirty (30) days in an emergency situation.

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

(11) **License prohibited.**

   (A) No person under eighteen (18) years of age shall be licensed or employed as a wrecker operator.
(B) Any person who, within the previous five (5) years, has been released from incarceration under the custody of the Department of Corrections, or one of its contractors, or the equivalent state agency in another state or has been convicted in any court of law for larceny or any felony shall not be licensed, nor shall any operator employ any person. On or after July 15, 2007, any such person shall not be eligible for a license until five (5) years from the end of incarceration or supervised release, including parole. Effective July 15, 2007, any person who has been charged with any such crime and who has been convicted pursuant to a pleading of guilty or no contest to said charge, regardless of the sentence imposed, shall not own or be employed in any capacity by any licensed wrecker service in the state of Oklahoma. No person shall be licensed as a wrecker/towing service who has been convicted of:

(i) a felony, larceny, theft or untruthfulness; or

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

(C) No person shall be licensed as a wrecker/towing service or be employed by a wrecker/towing service until five (5) years after completion of the sentence for the conviction, including probation or supervised release. In cases of deferred judgment and sentence, the prohibition shall extend to five (5) years after the end of the deferred judgment and sentence.

(D) Any person who is required to register as a sex offender, as required by 57 O.S. § 583, shall be prohibited from owning or working for a wrecker service for the period of time the person is or is required to be registered.

(12) Itemized statement. All wrecker operators shall develop and maintain for each vehicle towed or serviced an itemized statement [see OAC 595:25-5-5)b) regarding records ] and shall furnish the owner, or the agent of the owner, of each vehicle with an itemized statement, and a bill or invoice of the towing and storage charges incurred, which shall include, but not be limited to, the beginning and ending times of service and the beginning and ending mileage of the wrecker vehicle or vehicles used for the service. The itemized statement may be listed on the bill or invoice or may be listed separately but shall, in any case, be provided to the owner or agent, upon request or within a reasonable length of time.

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

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

(15) Business telephone number. Each wrecker service shall have a local business telephone number published in the local telephone directory. The telephone number published shall be a number that is accessible to the public twenty-four hours a day. The operator shall provide in writing to the Department notice of any permanent business telephone number change prior to the new telephone number being placed in service.
(16) **Business sign.** Each AA Wrecker Service and each G Wrecker Service with storage shall have a business sign at the business location. A business sign shall also be placed on the primary storage facility if the storage is at a different location than the business office. The business sign shall be clearly visible and readable at the main entrance. The sign shall be at least 2 feet by 4 feet with letters at least 3 inches in height with contrasting background and shall display, at a minimum, the name of the business wrecker service as shown on the license and a telephone number accessible to the public twenty-four (24) hours a day.

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

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595:25-3-2. Applications

(a) Every applicant shall file with the Department a written application on a form prescribed by the Department and shall tender with the application a fee of One Hundred Dollars ($100.00) by check or money order. The application shall be completed using the applicant’s legal name, and shall also include every alias and nickname by which the applicant is or has been known. Every applicant shall submit with the application a current original Oklahoma State Bureau of Investigation (O.S.B.I.) criminal record check for each individual, partner or corporate officer as shown on the application. If any owner, partner or officer has not lived in Oklahoma for the immediately preceding five (5) years, he or she shall submit a criminal record check from the agency responsible for keeping criminal history in the state or states of residence for the immediately preceding five (5) years. Upon the return of any dishonored check the application shall be canceled.

(b) Upon receipt and approval of the application, the Department shall assign to the operator a permanent identification number for all matters relating to the approved wrecker and towing service. The Department may issue a temporary 30-day permit, after inspection, which will authorize the wrecker service to operate while paperwork for the permanent license is being processed. The temporary 30-day permit may be presented by the operator to the Tax Commission or a motor license agent for the purpose of being issued a wrecker license plate pursuant to 47 O.S. § 1134.3. The temporary 30-day permit shall only be valid for use if a wrecker license plate is purchased and affixed to the wrecker vehicle.

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

(d) The application shall be an affidavit containing the following information together with any additional information the Department may require.

(1) The trade name (business name) of the wrecker service. If the business name is registered with the Oklahoma Secretary of State, such registered name shall be used. A copy of the Certificate of Limited Liability Company, a Certificate of Authority, a Certificate of Limited Partnership or a Certificate of Incorporation from the Secretary of State must be submitted with the application.

(2) The name of the individual (owner/applicant) or, in the event of a legal entity such as a corporation, limited liability company, partnership or limited partnership, the names of any of the following officers:

   (A) President

   (B) Vice-President
(C) Another officer, such as the Secretary or the name of the person responsible for the day to day operation of the legal entity. The legal entity shall notify DPS immediately in the event any officer or the person responsible should change.

(3) A statement substantially as follows: “Under oath, I affirm the information submitted in this application is true and I further affirm that I have read the rules of the Department of Public Safety and hereby agree in good faith to abide by the applicable laws and rules governing the wrecker and towing services for which this application is made.”

(4) Date of application.

(5) Notarized signature of the individual applicant or of each company officer, as named on the application.

(6) For each driver, the name, date of birth and driver license number.

(7) If an officer of the Department of Public Safety or a law enforcement officer of any political subdivision may have an interest, financial or otherwise, in or may be employed by a wrecker or towing service, the wrecker service shall affirm that its sole purpose and only business is to perform repossessions of vehicles which are subject to lien and are being repossessed by the lien holder of record [47 O.S., § 956(C)]. If a determination is made that the wrecker service performs services other than repossessions, it shall be ground for revocation of the wrecker license.

(e) If, within ninety (90) days of receipt of an application, the Department is unable to verify all information as required by these rules, the application shall be denied. Such applicant may reapply any time.

(f) It is within the Department’s discretion to disallow the licensing of a wrecker operator should it appear, by a preponderance of the evidence, that the identity of the business is substantially the same as that of one that is currently under suspension by the Department.

SUBCHAPTER 5. ALL WRECKER OPERATORS

595:25-5-1. Physical requirements for storage facility
(a) General requirements. All wrecker operators, who, in conjunction with or as part of a licensed wrecker operation, store, park or maintain possession of a towed vehicle, shall store such vehicle in a storage facility which shall meet the minimum physical requirements prescribed in this Section. No vehicle shall be stored in any facility or area which has not been inspected and approved by the Department except in case of exceptional circumstances such as natural disasters or at the direction of law enforcement officers at the scene of an incident.

(1) An operator shall not store vehicles:
   (A) at their home,
   (B) in another operator’s storage lot; or
   (C) any other location unknown to the Department.

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

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

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

(b) Outdoor storage facilities.
   (1) Every outdoor storage facility:
(A) shall be designed to be adequate in size for the individual wrecker service's need for storing vehicles,
(B) shall be surrounded by a fence. Construction material for fences shall be of wood, or metal design, or chain link, or of no less quality wire than 14½ gauge hog wire. The wood, metal, or hog wire portion of the fence shall be not less than five feet (5′) in height and shall be topped with two (2) or more strands of barbed wire which bring the overall height of the fence to at least six feet (6′) in height. Barbed wire is not required if the existing fence, or any replacement fence, is of the material described above and is at least six feet (6′) in height, and 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 as 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, black-top, gravel, or any materials equivalent
(iii) and cover the complete area of the storage lot that enables the safe and effective movement of stored vehicles upon all portions of the storage lot.
(2) If the construction requirements in paragraph (1) of this subsection are in violation of municipal zoning ordinances or other laws, regulations, or ordinances, the operator may file with the Department a petition for exemption and a proposed security plan in lieu of the requirements, which the Department may approve. The operator shall attach a copy of such zoning ordinance or other laws, regulations, or ordinances with the petition.
(c) Facility location and number.
(1) A minimum of one (1) primary storage facility shall be located within a two (2) mile radius of the place of business address as reflected on the wrecker license and, effective January 1, 2005, shall be located within Oklahoma. Secondary storage facilities may be located outside the two (2) mile radius.
(2) Each vehicle stored must be initially stored and held at the primary storage facility. After thirty (30) days from date of initial storage, vehicles may be moved to a secondary storage facility. The provisions of this paragraph shall not apply to junk vehicles.
(d) Alternate primary storage facility. In lieu of or in addition to the primary storage facility described in this Section, a wrecker operator that tows a vehicle pursuant to a contract with a municipality or county may store such vehicle in a facility meeting the requirements set forth in such contract; provided, that:
(1) A copy of the proposed contract is furnished to the Department, along with documentation that requirements specified in this Section will be or have been met.
(2) Only vehicles towed at the request of the municipality shall be stored in such facilities unless such facility meets all the requirements of this Section.
(3) The wrecker operator shall have assumed reasonable responsibility with respect to the owner of such towed vehicle for any damages or loss of contents occurring during such time as the towed vehicle is stored in the facility.
(4) If the storage facility is not owned by the operator, the owner of such storage facility shall also assume joint responsibility for damages or loss of contents to the vehicle secured during such time as the vehicle is stored at such facility.

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

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

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

(8) Except for vehicles stored at the request of the owner or at the request of a governmental entity, the wrecker operator shall within seventy two (72) hours of the time indicated on the storage form, request the Oklahoma Tax Commission or other appropriate motor license agent, to furnish the name and address of the current owner and any lien holders of such towed vehicle. The towing service shall, within seven (7) days from receipt of the requested information from the Oklahoma Tax Commission or motor license agent, notify the owner and lien holders of the location of the vehicle.

(9) Final approval under this provision shall be determined by the Commissioner.

(e) Indoor storage facility. An operator may also provide an indoor storage facility as either a primary or secondary storage facility. 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, and
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. 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.

(f) Each wrecker service is a separate entity. Each wrecker service shall be licensed as a separate legal entity. Each Class AA 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 storage. Wrecker operators intending to lease or rent any storage facilities shall file such plan of lease or rent with the Department for approval. Such plan shall 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.

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 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, within the previous five (5) years, refer to, no operator shall violate the terms of 595-25-3-1 (11)

(A) have an unpardoned conviction for larceny or any felony nor knowingly employ any person with such record, or

(B) On or after July 15, 2007, any such person shall not be eligible for license until five years from end of incarceration or supervised release, including parole.

(4) 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.

(5) 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.

(6) 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.

(7) An operator shall not use the rotating or flashing light while traveling on the roadway or 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 a collision 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. § 12-118.1 12-218.1]

(8) Each operator must be a person of good moral character and reputation in his community, as determined by the Commissioner of Public Safety, and conduct the operation of the storage facilities and towing service in a responsible manner so as not to endanger the public safety of persons or property of others in the custody of the operator.

(9) 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.

(10) 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.

(11) Wrecker services shall comply with 47 O.S. § 11-1110(C).

(12) 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 an Oklahoma driver license, Oklahoma identification card, other state driver license, other state identification card, or any federally issued
identification, proof of valid insurance or affidavit of nonuse, and evidence of ownership which is satisfactory to the wrecker operator and required by 47 O.S. §§ 904, 955, such as a certificate of title, to show proof of purchase and ownership, or recent registration, or written verification from a local law enforcement agency as to the identity of the owner, or other documentation acceptable to the wrecker owner/operator. If unacceptable, the wrecker service shall explain why an ownership document is not acceptable;

(B) a person representing the owner, upon presentation of the certificate of title, a notarized letter from the owner permitting said person to act in behalf of the owner, and proper personal identification, such as a driver license, of the representative, or written verification from a local law enforcement agency as to the identity of the person representing the owner;

(C) an individual with possessory interest in the vehicle, upon presentation of an agreement with the owner of the vehicle giving that individual a present possessory interest in the vehicle;

(D) a lienholder or a duly authorized agent of a lienholder, upon presentation to the wrecker operator a recent repossession title receipt issued by the Oklahoma Tax Commission and a hold-harmless letter; or

(E) the insurer of or the representative of the insurer accepting liability for or purchasing a motor vehicle as provided in 47 O.S., Section 904, 953.1, or 953.2.

(13) Personal property, which shall include everything in a stored vehicle except the vehicle and its attached or installed equipment, shall be released, upon request, to the owner or owner's representative, upon showing of proof as described in (12) of this section, without the requirement that the owner or owner's representative pay towing and storage fees owing the wrecker service as a condition of release of the personal property. The owner or owner's representative shall be required to comply with any city or county regulation or ordinance requiring the payment of fees due to the city or county. The wrecker service may assess and collect lawful fees, such as after hours fees or subcontractor fees but other than towing and storage fees, as a condition of release of personal property to the owner or owner's representative. 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]

(14) Wrecker operators shall not call hazardous materials remediation companies unless at the direction of the vehicle owner or a governmental agency.

(15) Each operator shall require each wrecker driver to maintain the appropriate driver license for the type vehicle being operated.

(16) 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.

(17) 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.
Each wrecker operator or driver shall wear high-visibility safety apparel, in compliance with 23 C.F.R., Section 634, when working in any highway right-of-way.

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) Insurance policy 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.

(b) 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.

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

(a) Only Class AA wreckers are authorized to remove abandoned vehicles from real property. [47 O.S. § 954A] Wrecker services shall complete the Tow Request and Authorization Form prior to removal of abandoned vehicles from real property.
(b) One copy of the Tow Request and Authorization Form shall be forwarded to the Department of Public Safety, Wrecker Services Division, P. O. Box 11415, 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.

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(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).

595:25-5-9. 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.

SUBCHAPTER 7. CLASS AA OPERATORS

595:25-7-2. Release and holding of vehicle. by Class AA wrecker operators
(a) Release. The Class AA wrecker operator shall at all times have a capable person available to release impounded or stored vehicle within thirty (30) minutes. 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]; or
   (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) Date and time of impoundment;
(vi) County from which the vehicle was impounded;
(vii) 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.

(4) When a wrecker service is to lawfully obtain a vehicle from another wrecker service which originally towed the vehicle, the original wrecker service shall:

(4A) allow the other wrecker service to enter its premises and remove the vehicle, or
(2B) 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.

(2) If a wrecker service denies access onto its premises by any wrecker service which is
lawfully entitled to remove a vehicle or property, the original wrecker service shall not
charge any fee to any other wrecker service for the performance of any service in
relation to the transfer of a vehicle from one wrecker service to another, as
prescribed by (1)

SUBCHAPTER 9. OKLAHOMA HIGHWAY PATROL 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 log and a Class AA-TL wrecker
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 officer of the Department [47
O.S. §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 District
in which the place of business and the primary storage facility of the wrecker service is located
shall file a written request with the Department, pursuant to (e) of this Section. [47 O.S.
§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 District specified on the request. Both the Troop Commander of the
Troop District and the wrecker service will be notified by the Department of the assignment of
the wrecker service to the Rotation Log. [47 O.S. §952(D)]

(d) Geographical areas of rotation. [47 O.S. §955(B)]

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

(2) The Director 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
Director 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. §955(B),
(D) consideration of the economic impact of the wrecker services fees and charges [see
47 O.S. §953.1 regarding maximum fees and charges for wrecker services] on the owner
or lienholder of the vehicle; and
(E) other factors within the Troop District as deemed appropriate by the Director
Commissioner’s designee.
(3) The Director Commissioner’s designee may overlap geographical areas of rotation whenever necessary to ensure adequate response to requests for wrecker services.

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

(5) The Director Commissioner’s designee may extend any geographical area of rotation by a reasonable radius beyond the boundaries of the Troop District to include on the rotation log of the District a wrecker service:
   (A) which is located outside of but in proximity to the boundary of the District, and
   (B) upon receiving notification from the Department of the approval of the wrecker service for placement on the rotation log for the District of 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 District.

d) Forms. A request for placement on any rotation log shall be filed by the wrecker service with the Department of Public Safety on a form prescribed and provided by the Department [47 O.S. §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 District(s) on whose Rotation Log the wrecker service has been assigned, and
   (2) the Wrecker Services Division of the Department of Public Safety.

(f) 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. The wrecker service shall not contact the Troop Commander(s) of the Troop District(s) for removal from the Rotation Log.

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 for which the operator is able to receive compensation, 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.

(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 Director 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.

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

595:25-11-3. Procedure

In the event that the Department has determined that a license should be denied, suspended, revoked or canceled, or that an operator should be denied or removed from the Rotation Log for any reason, or both, the following procedures shall apply in accordance with the Administrative Procedures Act, 75 O.S. § 309, et seq.

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

(2) The notice shall provide that the Department action shall become effective fifteen (15) days after date of mailing to the applicant or operator, unless the applicant or operator timely files a written request for a hearing with the Department of Public Safety, Wrecker Services Division. Such request 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 not less than seven (7) days nor more than fifteen (15) 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.