

BEFORE THE CORPORATION COMMISSION OF OKLAHOMA

APPLICANT: MARCHI C. McCARTNEY
DIRECTOR, TRANSPORTATION DIVISION
OKLAHOMA CORPORATION COMMISSION

RESPONDENTS: WRECKER AND TOWING SERVICES SET
FORTH ON ATTACHMENT "A"

RELIEF SOUGHT: ORDER ESTABLISHING)
RATE INCREASE FOR) CAUSE NO. TD 201200008
NONCONSENSUAL WRECKER)
AND TOW SERVICES AND) ORDER NO. **605104**
ESTABLISHING POLICIES AND)
PROCEDURES FOR SUPERVISION)
AND ENFORCEMENT OF THOSE RATES)

HEARING: August 22, 2012; October 16, 2012; and November 13, 2012
2101 N. Lincoln Blvd., Oklahoma City, OK 73105
Before James Myles, Administrative Law Judge

APPEARANCES: Natasha M. Scott, Senior Attorney, *Representing* the Transportation
Division, Oklahoma Corporation Commission

David Schneider, *Representing* the Oklahoma Wrecker Owners
Association

FINAL ORDER OF THE COMMISSION

This Cause comes before the Oklahoma Corporation Commission ("Commission") on the recommendation of the Administrative Law Judge for a Final Order establishing a rate increase for nonconsensual tow services and establishing policies and procedures for supervision and enforcement of those rates.

I. PROCEDURAL HISTORY

On May 16, 2012, Applicant, Marchi C. McCartney, Director of the Transportation Division of the Oklahoma Corporation Commission, filed an *Application and Notice of Hearing* in this Cause seeking an order establishing a rate increase for nonconsensual wrecker and tow services and establishing policies and procedures for supervision and enforcement of those rates.

On May 17, 2012, Applicant mailed a full, true, correct and exact copy of the application, and the notice of hearing to all respondents by United States Mail as evidenced by Affidavit of Mailing also filed on that date.

On June 21, 2012, the Oklahoma Wrecker Owners Association ("OWOA") filed its entry of appearance, a Motion for Continuance of the Hearing, and a Notice of Continued Hearing which continued the initial hearing date to August 22, 2012.

On July 30, 2012, the OWOA filed a Certificate of Mailing indicating that it had mailed a copy of the Notice of Continued Hearing to all respondents.

The record was initially opened on August 22, 2012, and testimony and evidence were presented by the Applicant. David Schneider, counsel for the Oklahoma Wrecker Owners Association (“OWOA”) cross examined each of Applicant’s witnesses after which the Cause was continued to October 16, 2012.

On October 16, 2012, upon re-opening of the record, Mr. Schneider further cross examined Applicant’s witnesses. The Cause was then continued to October 30, 2012.

On October 30, 2012, the record was re-opened, and the parties announced that they were discussing possible settlement of the Cause. The Cause was then continued to November 13, 2012, to allow further settlement discussion.

On November 13, 2012, the parties announced that they had entered into a settlement agreement and presented the Court with a proposed final order signed by counsel for each. Both parties confirmed their agreement with the proposed final order.

All Respondents were given the opportunity to participate in the proceedings, and the public, interested persons and stakeholders were given the opportunity to make comment at the hearings.

Having heard and considered the testimony and evidence presented, the public comment, and the agreement of the participating parties, and being fully advised thereof, the Administrative Law Judge recommended that the Commission find and order as follows:

II. SUMMARY OF EVIDENCE

Scott Greenawalt

Scott Greenawalt is a Regulatory Program Manager employed in the Commission’s Transportation Division (“Division”) and testified on behalf of the Division as follows:

In developing the *Application* filed herein, the Division had four fundamental goals: 1) to simplify rate calculation; 2) remove contradictions in the applicable statutes; 3) to streamline those same statutes; and 4) to implement a billing system that was fair to both wrecker operators and to the consumers who pay for nonconsensual tow services. The Division’s *Application* proposes a twenty percent (20%) increase in the current rates for nonconsensual wrecker and tow services. This increase is based upon the Consumer Price Index.

To accomplish the above goals, the Division proposed a policy of disallowing charges for services or activities that are not permitted by law or by Commission order. Mr. Greenawalt testified to the contradictions contained in Section 953.1 of Title 47 of the Oklahoma Statutes, specifically subsections D and E which respectively address distance and hourly rates and how wrecker operators may apply those rates. Among other things, certain activities are allowed in one subsection yet disallowed in the other. Each of these subsections contains references to the

other. The Division believed that any rate application guidance related to a specific type of rate should be contained within the subsection pertaining to that particular rate.

Mr. Greenawalt further testified regarding amendments made on the record to the *Application* during the August 22, 2012, hearing. Many of those amendments were made in response to feedback received from the industry after the *Application* was filed. Among others, the provisions addressing the maximum fees charged for obtaining vehicle ownership and lien holder information and contracting with political subdivisions were amended on the record.

At the hearing held on November 13, 2012, Mr. Greenawalt testified to the terms of the settlement agreement. The terms are as follows:

1. Current distance, hourly, and hookup rates are proposed for increase in the amount of twenty-five percent (25%);
2. Billing for waiting/standby time is allowable in conjunction with application of distance rates;
3. Billing for waiting/standby time shall not include the first fifteen (15) minutes of service;
4. The reasonable and customary rates charged for low pressure air cushions are excluded from regulation by the Oklahoma Corporation Commission; however, such exclusion shall not prohibit the Oklahoma Corporation Commission from regulating such services and rates in the future if necessary;
5. The maximum fee which may be charged for storage of a towed vehicle for a period of less than twenty-four (24) hours is the one calendar day rate;
6. The *Application* filed in this Cause on May 16, 2012, and as amended on the record in this Cause on August 22, 2012, and the resulting Final Order in this Cause will include the terms stated in Item Nos. 1 through 5 herein. No other provisions of the *Application* as originally filed, and later amended, will be changed.

Mr. Greenawalt also testified that the proposed final order was comprised of the *Application* as originally filed on May 16, 2012, and as amended on the record on August 22, 2012, and that it also incorporated the terms of the settlement agreement.

Mr. Greenawalt was cross examined by counsel for the OWOA during the hearings held on August 22, 2012, October 16, 2012, and November 13, 2012.

Nicholas Fiegel

Nicholas Fiegel was a Regulatory Analyst employed in the Commission's Public Utility Division at the time of his testimony. He testified on behalf of the Transportation Division as follows:

The Consumer Price Index ("CPI") is an index that measures the increases in costs of goods and services over time due to inflation. The CPI measures the rise in costs of approximately 80,000 goods and services, including housing, transportation, medical care, and education. Costs of new and used vehicles, vehicle maintenance and repairs, gasoline, utilities,

and insurance are also measured by the CPI. Mr. Fiegel explained that there are two types of CPI, those being the traditional CPI and the Core CPI. He stated the Core CPI adjusts for energy and food which are taken out of the index because those are considered the two most volatile pieces of the index. Mr. Fiegel testified that he used the traditional CPI in determining the transportation division's recommendation, which includes energy and food costs.

The CPI was applied beginning with the year 2004, the last year that nonconsensual wrecker and tow rates were increased, and then brought forward to 2011. He testified that use of the traditional CPI yielded an inflation increase of 17.74% from 2004 to the end of 2011. The Division rounded that yield to twenty percent (20%).

Mr. Fiegel was cross examined by counsel for the OWOA during the August 22, 2012, and October 16, 2012, hearings. On cross examination, Mr. Fiegel testified that the data he used in determining the change in CPI was the consumer pricing index and original data value series ID CURR0000 SAO which he had available to him in June of 2012. Counsel for OWOA then presented Mr. Fiegel with the Department of Labor's CPIU U.S. City Average for all Urban Consumers for all items which was marked as hearing exhibit 6 which included data through August of 2012. When asked to assume that the period for the rate increase was December of 2003 to August of 2012, Mr. Fiegel agreed with Counsel that to calculate the percentage change in the CPI between the two dates, one subtracts from the current base line number of August 2012, the original base line number of December of 2003. That difference is then divided by the original base line number of December of 2003 to determine the percentage. After making the calculation, Mr. Fiegel testified that the percentage increase in CPI was approximately twenty-five percent (25%) when utilizing the CPIU U.S. City average for all items. He further explained that if he had utilized the Core CPI omitting energy and food to perform his calculations that the CPI would have been 14.45%.

Upon redirect examination, Mr. Fiegel testified that based upon the traditional CPI data available for the end of 2011, the inflation increase of 17.74% was accurate. Mr. Fiegel further testified that wrecker services are permitted to charge a fuel surcharge and that application of the traditional CPI results in double accounting for the cost of fuel.

Bill Pogue

Bill Pogue is a Regulatory Analyst employed in the Commission's Transportation Division. He testified as follows on the Division's behalf:

Mr. Pogue is the first point of contact when consumers or members of the regulated industry contact the Commission about nonconsensual tows. Mr. Pogue explained amendments to the Division's *Application* made on the record regarding invoice requirements, and stated that those amendments were made in response to industry feedback.

Mr. Pogue testified that he conducted nationwide research to determine how other states regulate nonconsensual towing. Some states do not regulate nonconsensual towing, and among those that do, the regulatory policies vary. Mr. Pogue further testified to comparisons he prepared of the proposed increased rates to the rates of surrounding states.

Mr. Pogue was cross examined by counsel for the OWOA during the August 22, 2012, and October 16, 2012, hearings.

Wanda Branson

Wanda Branson is employed by the Oklahoma Department of Public Safety (“DPS”) as an Administrative Programs Officer. Ms. Branson testified on the Division’s behalf as follows:

Ms. Branson has been employed by DPS for twenty-two (22) years and supervises the Wrecker Services Division at DPS. Her division receives and processes notifications of all nonconsensual tows performed in Oklahoma. Ms. Branson stated that her division keeps a daily count of nonconsensual tows and that a total of 84,029 nonconsensual tows were performed in Oklahoma during 2011.

Ms. Branson stated that DPS collects information to track the number of vehicles that are not redeemed from wrecker operators after being stored for thirty (30) days. DPS mails notice to the owners and/or lien holders of nonconsensually towed vehicles. Ms. Branson further stated that after a statutorily determined period of time, a wrecker operator may begin the process of obtaining legal title to towed vehicles that are not redeemed.

Counsel for the OWOA cross examined Ms. Branson during the August 22, 2012, and October 16, 2012, hearings. Ms. Branson testified on cross-examination that DPS is not notified if a vehicle owner or an insurance company gives a wrecker operator a title to a vehicle within 30 days.

III. FINDINGS

The Commission finds that the rates and policies and procedures proposed by the Transportation Division in its initial filing, as amended at the hearing of August 22, 2012, and as further amended by agreement with the OWOA and presented to the Commission at the hearing held November 13, 2012, are fair and reasonable and should be adopted.

Therefore, the Commission further finds that pursuant to this Order, rates for nonconsensual tow services, and policies and procedures for supervision and enforcement of such rates, shall be as follows:

NONCONSENSUAL TOW RATES

1. No wrecker or towing service in the performance of transporting or storing vehicles or other property towed as a result of a nonconsensual tow shall charge any rate, fee, or charge in excess of those established by order of the Commission.

No wrecker or towing service in the performance of transporting or storing vehicles or other property towed as a result of a nonconsensual tow shall charge any rate, fee, or charge for services or activities that are not addressed in the order establishing Commission rates. Any provisions of Section 953.1 or Section 953.2 of Title 47 which may be interpreted to allow a rate, fee, or charge other than those established by order of the Commission are superseded by this Order, pursuant to sections 966(D), 953.1(C), and 953.2 (C) of Title 47.

2. In addition to the requirements of OAC 595:25-3-1(12) and 595:25-5-5 and 47 O.S. § 954A, all bills or invoices for services performed by a wrecker or tow service shall be presented to the customer and shall include the following information:

- a. Serial number of the bill or invoice;
- b. Name, address, permit number, and telephone number of wrecker or tow service;
- c. Unit number of the wrecker or tow vehicle used;
- d. Beginning and ending odometer readings;
- e. Signature and printed name of the wrecker or tow vehicle driver and that of any other wrecker or tow service personnel providing services;
- f. Date and time of call, time of arrival at scene, time the towed vehicle is placed in storage and all other times necessary for calculation of hourly charges;
- g. Make, model, year, color, vehicle identification number, and license tag number of the towed vehicle;
- h. Origin location of the tow, destination location of the tow, and the one-way mileage between the locations;
- i. An itemization of all charges assessed and clear identification of the services for which they were charged;
- j. The following statement must appear on all bills or invoices: Complaints may be addressed to the Oklahoma Corporation Commission – Transportation Division/Wrecker Services – P.O. Box 52000, Oklahoma City, Oklahoma 73152-2000. Complaints may also be made at www.occeweb.com.

The provisions of this section shall become effective six (6) months from the effective date of this Order. Any provisions of OAC 595:25-3-1(12), OAC 595:25-5-5 or 47 O.S. § 954A that are contradictory to those of this Order are superseded.

3. A. The rates established by the Corporation Commission shall determine the nonconsensual tow maximum fees and charges for wrecker or towing services performed in this state, including incorporated and unincorporated areas, by a wrecker or towing service licensed by the Department of Public Safety when that service appears on the rotation log of the Department or on the rotation log of any municipality, county or other political subdivision of this state, and the services performed are at the request or at the direction of any officer of the Department or of a municipality, county, or political subdivision. No wrecker or towing service in the performance of transporting or storing vehicles or other property towed as a result of a nonconsensual tow shall charge any fee which exceeds the maximum rates established by the Commission. Such rates shall be in addition to any other rates, fees or charges authorized, allowed or required by law and costs to collect such fees. Any wrecker or towing service is authorized to collect from the owner, lienholder, agent or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner of any towed or stored vehicle, the fee required by Section 904 of Title 47 of the Oklahoma Statutes including environmental remediation fees and services.

B. When wrecker or towing services are performed as provided in subsection A of this section:

1. Each performance of a wrecker or towing service shall be recorded by the operator on a bill or invoice as prescribed by rules of the Department and by order of the Commission;
2. Nothing herein shall limit the right of an operator who has provided or caused to be provided wrecker or towing services to require prepayment, in part or in full, or guarantee of payment of any charges incurred for providing such services;
3. This section shall not be construed to require an operator to charge a fee for the performance of any wrecker or towing services; and
4. The operator is authorized to collect all lawful fees from the owner, lienholder or agent or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner of the towed vehicle for the performance of any and all such services and costs to collect such fees. An operator shall release the vehicle from storage upon authorization from the owner, agent or lienholder of the vehicle or, in the case of a total loss, the insurer accepting liability for paying the claim for the vehicle or purchasing the vehicle where the vehicle is to be moved to an insurance pool yard for sale.

C. Distance Rates.

1. Rates in this subsection shall apply to the distance the towed vehicle is transported and shall include services of the operator of the wrecker vehicle, except for services billed under paragraph (F)(1)(a). Billing for waiting and standby time at the hourly rate is allowable in conjunction with application of distance rates. Billing for waiting and standby time shall not include the first fifteen (15) minutes of service.

Such distance rates shall be computed via the shortest highway mileage as determined from the latest official Oklahoma Department of Transportation state highway map, except as follows:

- a. for distances or portions of distances not specifically provided for in the governing highway map, the actual mileage via the shortest practical route will apply,
- b. in computing distances, fractions of a mile will be retained until the final and full mileage is determined, at which time any remaining fraction shall be increased to the next whole mile,
- c. when, due to circumstances beyond the control of the wrecker or towing service, roadway conditions make it impractical to travel via the shortest route, distance rates shall be computed based on the shortest practical route over which the wrecker vehicle

and the vehicle it is towing can be moved, which route shall be noted on the bill or invoice, or

d. when the wrecker or towing service is performed upon any turnpike or toll road, the turnpike or toll road mileage shall be used to determine the distance rates charged and the turnpike or toll road fees may be added to the bill or invoice.

2. Maximum distance rates shall be as follows:

Weight of Towed Vehicle (In pounds, including Equipment and lading)	Distance Towed	Rate Per Mile
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

D. Hourly Rates.

1. Hourly rates may be charged instead of distance rates. Hourly rates will apply from the time the wrecker vehicle is assigned to the service call until the time it is released from service either upon return to the premises of the wrecker or towing service or upon being available to perform another wrecker or towing service, whichever occurs first. Hourly rates include the use of a wrecker vehicle and shall include services of the operator of such wrecker.

As used in this subsection, rates stated per hour apply for whole hours and, for fractions of an hour, rates stated per fifteen (15) minutes apply for each fifteen (15) minutes or fraction thereof over seven and one-half (7½) minutes. However, if the service subject to an hourly rate is performed in less than one and a half (1½) hours, the charge applicable for one and a half (1½) hours may be charged, except for services billed under paragraph (F)(1)(a).

2. Maximum hourly rates for wrecker or towing services performed for passenger vehicles, shall be as follows:

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

F. Additional Service Rates.

1. Rates in this subsection shall apply to the performance of the following services as specified within this subsection:

a. recovery services provided, including but 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. Recovery services may be billed in addition to distance rates or hourly rates. Recovery services shall not be charged in excess of the hourly rates provided by Commission order. When recovery services are billed, the time spent providing those services must be documented on the face of the invoice.

The actual customary and ordinary rates charged for low pressure air cushions are excluded from regulation by the Oklahoma Corporation Commission; however, such exclusion shall not prohibit the Oklahoma Corporation Commission from regulating such services and rates in the future if necessary.

b. the disconnection and reconnection of a towed vehicle's drive line when necessary to prevent mechanical damage to such vehicle,

c. the removal and replacement of a towed vehicle's axle when necessary to prevent mechanical damage to such vehicle, or

d. the use of a dolly or rollback equipment when 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.

2. Maximum additional service rates shall be as follows:

Weight of Towed Vehicle (In pounds, including equipment and lading)	Service Performed		
	Disconnect Drive Line; Remove Axle	Reconnect Drive Line; Replace Axle	Use of Dolly or Rollback Equipment
Rate Per Service Performed			
8,000 or less	\$12.00	\$18.00	\$30.00
8,001 to 12,000	\$18.00	\$24.00	\$36.00
Rate per 15 Minutes of Service Performed			
12,001 or over	\$24.00	\$24.00	Not applicable

G. An operator shall be required to provide reasonable documentation to substantiate all fees charged the owner, lienholder, agent or insurer paying the claim for the towed vehicle. Fees for which the operator is being reimbursed or having paid to a third party, shall include copies of the invoice or other appropriate documents to substantiate such payment to said third party.

H. Distance, hourly (excluding recovery services), and hookup rates may be adjusted weekly by adding a fuel surcharge as provided in this section. The fuel surcharge shall be based on the United States Department of Energy "weekly retail on-highway diesel prices" for the "Midwest region" using Two Dollars (\$2.00) per gallon as the base price with no fees added. The wrecker fees shall be adjusted to allow a one-percent increase in fees for every ten-cent increase in fuel cost starting at Two Dollars and ten cents (\$2.10) per gallon.

I. When skilled or specialized labor or equipment is required, the cost incurred by the wrecker operator for such skilled or specialized labor or equipment plus an additional twenty-five percent (25%) gross profit markup to cover overhead costs for such labor may be added to the invoice or freight bill to be collected in addition to all other applicable charges. This applies to labor and equipment not regulated by the Commission.

J. Wrecker operators shall be allowed to obtain ownership and insurer information, including accident reports and other public records, from the Oklahoma Tax Commission or other states' motor vehicle agencies or from law enforcement agencies for the purpose of determining ownership and responsibility for wrecker fees. In the event a state of origin is not known, the Department of Public Safety and the Oklahoma Tax Commission shall assist in providing such information. Wrecker operators may charge no more than Fifteen Dollars (\$15.00) to obtain ownership and insurer information for the purpose of determining ownership and responsibility for wrecker fees. This amount may only be collected from the owner, lien holder that seeks possession of a vehicle under a security interest, agent, or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the owner of any towed or stored vehicle. This fee may only be charged for obtaining ownership and insurance information, when necessary, for vehicles towed at the request of law enforcement and shall not be applicable to vehicles towed pursuant to 47 O.S. § 954A.

Any provisions of Section 953.1 of Title 47 that are contradictory to those of this Order are superseded.

4. "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.

5. "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.

The wrecker or towing service may include the cost of the absorbent consumed during the performance of nonconsensual towing services, plus an additional twenty-five percent gross

profit markup pursuant to Paragraph I, on the invoice for nonconsensual towing services. All invoices for nonconsensual towing services which include costs for absorbent shall be accompanied by reasonable documentation, as required by Paragraph G. Labor charges related to the use of absorbent during the performance of nonconsensual towing services may not be charged.

6. The Commission shall have no regulatory authority of nonconsensual towing rates or vehicle storage rates when the wrecker or towing services are performed pursuant to a contract, executed under the provisions of 47 O.S. § 952, with a political subdivision and contains nonconsensual towing rates other than those established by the Commission.

7. For vehicles weighing less than 10,000 pounds (gross vehicle weight rating or GVWR), towed under the provisions of Section 954A of Title 47, wrecker or towing services may charge a drop fee instead of wrecker or towing service fees to allow the wrecker vehicle operator to terminate the tow without charging the full wrecker or towing service fees and storage fees. 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.

The drop fee shall not exceed Seventy-five Dollars (\$75.00) for vehicles weighing less than 10,000 pounds GVWR and may not be charged when other wrecker or towing service fees are charged.

8. For vehicles towed under the provisions of Section 954A of Title 47, wrecker operators may collect up to Twenty-five Dollars (\$25.00) for purposes of obtaining ownership and lienholder information 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.

STORAGE AND AFTER HOURS RELEASE

9. The rates established by this order shall determine the maximum fees and charges for the storage and after-hours release of nonconsensual towed vehicles, including incorporated and unincorporated areas, by a wrecker or towing service licensed by the Department of Public Safety. No wrecker or towing service shall charge any fee for nonconsensual towed vehicles and storage not prescribed in this order or which exceeds the maximum rates prescribed in this order.

10. A. Storage or after-hours release of a towed vehicle, or both, provided by a wrecker or towing service shall be recorded by the operator on a bill or invoice as prescribed by rules of the Department of Public Safety and by this order.

B. Nothing herein shall limit the right of an operator who has provided or caused to be provided storage or after-hours release of a towed vehicle, or both, to require prepayment, in part or in full, or guarantee of payment of any charges incurred for providing such services.

C. This section shall not be construed to require an operator to charge a fee for the storage or after-hours release, or both, of any towed vehicle.

D. The operator is authorized to collect all fees prescribed in this order from the owner, lienholder or agent of the towed vehicle or insurer accepting liability for paying the claim for a vehicle or purchasing the vehicle as a total loss vehicle from the registered owner for the performance of any and all such services. An operator shall release the vehicle from storage upon authorization from the owner, agent or lienholder of the vehicle or in the case of a total loss, the insurer accepting liability for paying the claim for the vehicle or purchasing the vehicle where the vehicle is to be moved to an insurance pool yard for sale.

11. Outdoor Storage Rates.

A. Rates in this subsection shall apply to the outdoor storage of a towed vehicle. Rates may be applied from the time the towed vehicle is brought onto the outdoor storage facility premises. Rates shall apply to each calendar day of outdoor storage; provided, the maximum twenty-four-hour fee, as provided for in this section, may be charged for any towed vehicle which is stored for a portion of a twenty-four-hour period. The maximum fee which shall be charged for a period of less than twenty-four hours of storage is the one calendar day rate provided for in this section.

B. Maximum outdoor storage rates shall be as follows:

Type of Towed Vehicle	Rate per Each 24-hour Period
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$18.00
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$24.00
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width	\$30.00
Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width	\$42.00

12. Indoor Storage Rates:

A. Rates in this subsection shall apply to the indoor storage of a towed vehicle. Rates may be applied from the time the towed vehicle is brought into the indoor storage facility premises. Rates shall apply to each calendar day of indoor storage; provided, the maximum twenty-four-hour fee, as provided for in this section, may be charged for any towed vehicle which is

stored for a portion of a twenty-four-hour period. The maximum fee which shall be charged for a period of less than twenty-four hours of storage is the one calendar day rate provided for in this section.

B. Maximum indoor storage rates shall be as follows:

Type of Towed Vehicle	Rate per Each 24-hour Period
Single vehicle: motorcycle, automobile, or light truck up to 20 feet in length	\$30.00
Single vehicle or combination of vehicles over 20 feet in length but less than 30 feet in length	\$36.00
Single vehicle or combination of vehicles over 30 feet in length and up to 8 feet in width	\$42.00
Single vehicle or combination of vehicles over 30 feet in length and over 8 feet in width	\$54.00

C. For purposes of this subsection, "indoor storage" means the vehicle is kept in an enclosed facility.

13. After-Hours Release Rate.

A. The rate in this subsection shall apply to the release of a towed vehicle to the owner, lienholder, or agent when such release occurs at a time other than normal business hours.

B. As used in this subsection:

1. "after-hours release rate" shall mean the rate charged for the release of a towed vehicle 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 a national holiday, and

2. "national holiday" shall mean New Year's Day, Martin Luther King Day, President's Day, on the third Monday in February, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day, and shall further include the Friday before such national holiday which falls on a Saturday and the Monday following such national holiday which falls on a Sunday.

C. The maximum after-hours release rate shall be Fifteen Dollars (\$15.00) per quarter hour for the release of any single vehicle or combination of vehicles.

14. An operator shall be required to provide reasonable documentation to substantiate all lawful fees charged the owner, lienholder, agent or insurer accepting liability for paying the claim for the towed vehicle or purchasing the towed vehicle. Fees for which the operator is being

reimbursed, or having paid to a third party, shall include copies of the invoice or other appropriate documents to substantiate the payment to the third party.

IV. CONCLUSIONS OF LAW

The Commission has subject matter jurisdiction of this Cause pursuant to Art. IX, Section 18, Oklahoma Constitution and 47 O.S. §§ 953.1, 953.2, and 966.

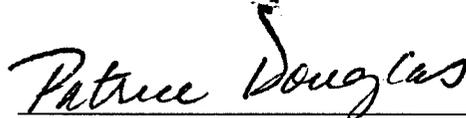
Notice was properly given to all parties as required by Commission rules.

V. ORDER

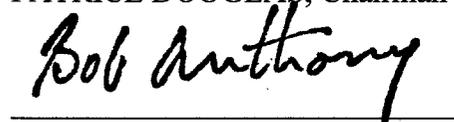
IT IS THE ORDER OF THE COMMISSION that the rates for nonconsensual towing and storage of vehicles, and the policies and procedures for supervision and enforcement of such rates, stated herein shall apply to the provision of nonconsensual tow services.

THIS ORDER SHALL BE EFFECTIVE immediately.

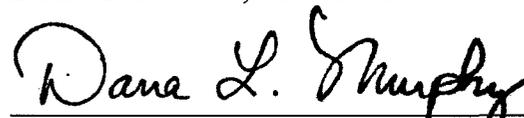
OKLAHOMA CORPORATION COMMISSION



PATRICE DOUGLAS, Chairman



BOB ANTHONY, Vice Chairman



DANA L. MURPHY, Commissioner

CERTIFICATION

DONE AND PERFORMED by the Commissioners participating in the making of this Order, as shown by their signatures above, this 6th day of December, 2012.

[Seal]


Peggy Mitchell
PEGGY MITCHELL, Secretary

REPORT OF THE ADMINISTRATIVE LAW JUDGE

The foregoing findings, conclusions and order are the report and recommendations of the undersigned administrative law judge.

James L. Myles
JAMES L. MYLES
Administrative Law Judge

November 30, 2012
Date

APPROVED AS TO FORM:

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