

Questions & Answers Regarding Nonconsensual Tow rates – updated **December 6, 2012**

Current rate information is available at www.occeweb.com

Nonconsensual Towing Act of 2011 This act gave the Oklahoma Corporation Commission the authority to establish, supervise and enforce rates for transportation and storage of motor vehicles removed from Oklahoma roads and highways or private property as a result of a nonconsensual tow. **O.S. Title 47 Chapter 72 §966**

"**Nonconsensual tow**" means the transportation of a vehicle without the consent or knowledge of the vehicle's owner, possessor, agent, insurer, lienholder, or any other person in possession of or in charge of any vehicle and includes the transportation or towing of the vehicle under lawful circumstances or necessity for the public interest including removing from the roadway for public safety or public convenience, or accidents, by any law enforcement officer or property agent or removal from public or private property as a result of abandonment or unauthorized parking by the property owner, agent, possessor, or other legal entity for the property owner; **O.S. Title 47 Chapter 72 §951**

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

No.

Distance Rate

2. What is the maximum distance (mileage) rate?

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

3. Can an operator charge for "standby or wait time" when charging distance rates?

Yes. When charging distance rates, billing for waiting and standby time is allowed at the applicable hourly rates, but shall not include the first fifteen (15) minutes of service. **Note:** The time must be properly documented on the face of the invoice.

Hourly Rates

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

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

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

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

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

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

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

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

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

Hookup Rate

8. What are the maximum hookup rates?

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

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

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

Additional Service Rates

10. What is meant by Recovery Services?

Recovery services, billed at an hourly rate include but are not limited to, winching, hoisting, up-righting, or removal services necessary to position the towed vehicle so that the wrecker vehicle can hookup to or load the vehicle that is to be towed. **Note:** Charges for recovery (time beginning/ending and services performed) must be itemized on the billing invoice.

11. What is the hourly rate for recovery services?

See question #5.

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

Yes

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

Yes

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

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

A. Charging wait/standby time. See question #3

B. Charging recovery time. See question #10

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

Dolly and/or Rollback fees

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

Yes

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

Yes

Disconnect/Reconnect Drive Line or Remove/Replace Axle service rates

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

Yes

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

Yes

Extra Labor

19. What is the rate an operator can charge when they utilize extra labor?

\$36 per hour per laborer.

20. What is the labor rate for a Supervisor?

There is no provision for an additional charge for a Supervisor.

Fuel Surcharge

21. Where can I find how to calculate the fuel surcharge?

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

22. How often does the fuel surcharge change.

Weekly. The fuel surcharge percentage for Oklahoma operators is based on the average price of On-Highway Diesel Prices for the Midwest, posted weekly by the U.S. Energy Information Agency.

23. What rates may be adjusted by the fuel surcharge?

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

24. Can I adjust wait/standby time charges with the fuel surcharge?

Yes

25. Can an operator adjust the extra labor hourly charges with the fuel surcharge rate?

No

26. Does the fuel surcharge adjustment apply to recovery charges?

No.

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

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

28. Is the operator required to charge the fuel surcharge?

No.

Drop Fee

29. What is the “Drop Fee”?

For vehicles weighing less than 10,000 pounds (gross vehicle weight rating or GVWR), towed under the provisions of Section 954A of Title 47 (Private Property Impound), 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.

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

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

Additional Allowable Fees

31. What is the maximum “registration check” fee allowed on tows requested by law enforcement?

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 on law enforcement tows.

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

For vehicles towed under the provisions of Section 954A of Title 47 (Private Property Impound), 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.

33. Can I charge both the registration check fee allowed on law enforcement tows (question #30) and the registration check/notification fee allowed on a Private Property Impound (question #31) on the same tow?

No.

Other towing charges

34. Can an operator charge for absorbent?

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

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

No. The rate increase includes compensation for this aspect of service.

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

No. The rate increase includes compensation for this aspect of service.

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

No. No fees, other than those established by Commission Orders may be charged for a nonconsensual tow.

Storage

38. How are storage rates applied?

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

39. When can indoor storage rates be charged?

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

40. What is the maximum “after-hours” release rate?

The maximum after-hours release rate is Fifteen Dollars (\$15) per quarter hour.

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

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.

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

No. The operator can't require payment of towing and storage fees, but can assess and collect lawful fees as a condition of release of the personal property. **OAC 595:25-5-3(13)**

Sales Tax

43. Are operator's required to charge sales tax on the total tow bill.

No – only the charges for storage are subject to sales tax. - **OAC 710:65-19-268(c)**

Consumer Questions

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

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

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

Oklahoma Corporation Commission (OCC), Transportation Division, 405-521-3036

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

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

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

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

The rates can be found at this website: <http://www.occeweb.com>

48. I feel that my vehicle was towed illegally. How can I make a complaint.

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

For current information go to:

<http://www.occeweb.com>