

BEFORE THE CORPORATION COMMISSION OF OKLAHOMA

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

IN THE MATTER OF A PERMANENT)
RULEMAKING OF THE OKLAHOMA)
CORPORATION COMMISSION)
AMENDING OAC 165:30, MOTOR)
CARRIERS, PRIVATE CARRIERS,)
TRANSPORTATION NETWORK)
COMPANIES)

CAUSE NO. RM 201600020

COMMENTS OF THE OKLAHOMA WRECKER OWNERS ASSOCIATION

Comes now the Oklahoma Wrecker Owners Association ("OWOA") and files its comments to the proposed Rules in the above styled proceeding. Its comments are as follows:

OWOA opposes the proposed amendment to the following rule:

"165:30-26-14. Nonconsensual towing rate complaints and audits

(c) The following stipulations are in place for violations established as a result of a complaint investigation:

(1) A Violation Notification will contain instructions on the proper rate calculation procedure and will be provided to the wrecker service. The Violation Notification will list the violations and remediation requirements. The Violation Notification may require the repayment of the overcharge to the person who paid for the services. The wrecker service shall comply with the written instructions with thirty (30) days of the Violation Notification.

(2) Each subsequent Violation Notification of the same provision of a Commission nonconsensual towing order within a twelve thirty-six month period will be treated as a progressive violation.

(A) A violation may progress to the next level only when the date of the second or succeeding Violation Notification is later than the previous violation date.

(B) Each progressive action may consist of a new remediation requirement as well as each of the preceding remediation action requirements.

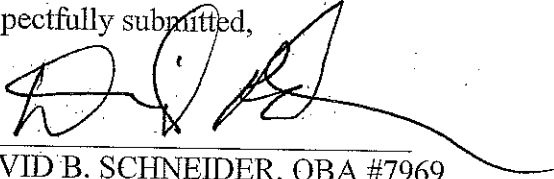
(3) For the second Violation Notification of the same violation during a twelve thirty-six month period, a penalty may be assessed in accordance with (f) of this Section. In addition, the Commission or its designee may recommend the wrecker service be temporarily removed from the Oklahoma Department of Public Safety and/or other political subdivision's rotation log. Any such recommendation for removal will include the justification for such request.

(4) For the third and any subsequent Violation Notification of the same violation during a twelve thirty-six month period, the Commission or its designee may recommend to the Oklahoma Department of Public Safety that

the license of the wrecker service license be suspended or revoked. Any political subdivision with which the wrecker service maintains a contract to provide nonconsensual wrecker or towing services may also be notified of the violation(s) along with the justification for such notification.”

OWOA is aware of no justification for increasing the time for an increasing penalty for the same violation from twelve months to thirty-six months.

Respectfully submitted,



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