

SHORT TITLE: Liens; requiring certain notice to persons having certain interest in certain vehicle; codification; effective date.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 1095

By: Hendrick

AS INTRODUCED

An Act relating to liens; setting time certain lien shall be effective; requiring certain notice to persons having interest in certain vehicle; requiring certain lienholders be determined within certain time period; requiring notice within certain time; stating contents of notice; stating method of giving notice; requiring good faith in giving notice; prohibiting delivery of notice with certain other notice; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 91.1 of Title 42, unless there is created a duplication in numbering, reads as follows:

A. The total amount due and secured by a possessory lien against a motor vehicle pursuant to Section 91 of Title 42 of the Oklahoma Statutes for the usual and customary charges for protection, safekeeping, towing, storage, or carriage of the motor vehicle shall cover only usual and customary charges for such services for thirty (30) days unless the lienor complies with the provisions of this section. Usual and customary charges may accrue for more than thirty (30) days beginning on the tenth day after the last date on which any such owner of record received notice. If a

notice is returned unclaimed, charges shall run as if the notice had been received on the date the notice is returned to the lienor.

Owners and lienholders of record are to be determined no sooner than five (5) days after the vehicle is impounded.

B. Within thirty (30) days after obtaining possession of the motor vehicle, the lienor shall give notice to:

1. The registered owner of the vehicle at the last-known address of the registered owner;

2. The person in possession of the motor vehicle immediately prior to the lienor's possession if different than the owner; and

3. Every other person who has perfected a lien, security interest, or other interest in the vehicle.

C. The notice required by this section shall contain at least the following information:

1. The name or names of each person to whom notice is required to be given under subsection B of this section and the interest claimed;

2. A description of the motor vehicle including, at a minimum, the vehicle identification number, unless obliterated, the license tag state and number, unless removed prior to the lienor's possession, and the make, model, and color of the motor vehicle;

3. The nature of the work, labor, or service performed;

4. The amount claimed as of the day the notice is mailed;

5. The location of where the motor vehicle can be redeemed;

6. Any lawful and reasonable requirements other than payment which must be met in order to obtain possession of the motor vehicle from the lienor; and

7. The name, address, and daytime business telephone number of the lienor.

D. The notice required by this section shall be sent by certified mail, return receipt requested to the last-known address of each person to whom notice is required to be given under

subsection B of this section. Neither acknowledgment of receipt of notice by nor actual notice of the persons to whom notice is sent is required in order to preserve the lien or receive charges accruing under the lien if charges have not accrued due to failure to give the notice required by this section; however, the lienor must make a good faith effort under the circumstances to send the required notice to the persons entitled to notice.

E. The notice required by this section is in addition to and may not be sent with the notice of foreclosure and sale required by Section 91 of Title 42 of the Oklahoma Statutes.

SECTION 2. This act shall become effective September 1, 1994.

44-2-2112

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