

SHORT TITLE: Department of Public Safety; payment of abandoned
vehicle cost; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1157

By: Shurden

AS INTRODUCED

An Act relating to the Department of Public Safety; amending 47 O.S. 1991, Sections 904, as amended by Section 3, Chapter 153, O.S.L. 1993, and 954A, as amended by Section 5, Chapter 50, O.S.L. 1995 (47 O.S. Supp. 1995, Sections 904 and 954A), which relate to payment of storage and removal costs of abandoned vehicles; modifying language; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 904, as amended by Section 3, Chapter 153, O.S.L. 1993 (47 O.S. Supp. 1995, Section 904), is amended to read as follows:

Section 904. A. The owner of a motor vehicle abandoned in violation of this act or the owner of any vehicle which shall have been lawfully removed from any highway or other public property, or any lienholder on such vehicle, may regain possession of the vehicle in accordance with regulations of the Department upon payment of the reasonable cost of removal and storage of such vehicles and providing proof of security or an affidavit that the vehicle will not be used on public highways or public streets, as required pursuant to Section 7-600 et seq. of this title.

B. Every wrecker or towing service shall remit Ten Dollars (\$10.00) to the Department of Public Safety upon release to the owner, as recorded on the vehicle title, or agent of such owner, or

to the lienholder, as defined in Section 904.1 of this title, or agent of such lienholder of any vehicle impounded at the request of a governmental agency. ~~Such~~ The remittance by the wrecker or towing service shall be remitted on the last working day of the month. ~~Such~~ The ten-dollar remittance shall be deposited with the State Treasurer to the credit of the General Revenue Fund.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 954A, as amended by Section 5, Chapter 50, O.S.L. 1995 (47 O.S. Supp. 1995, Section 954A), is amended to read as follows:

Section 954A. A. In addition to any procedure provided by local ordinance, whenever the owner or legal possessor of real property or an authorized agent has reasonable cause to believe that a vehicle has been abandoned thereon, ~~said~~ the vehicle having been on ~~said~~ the property for a minimum of forty-eight (48) hours, or whenever a vehicle is left upon ~~said~~ the real property without express or implied permission, such vehicle may be removed as provided in this section.

B. The owner, legal possessor or authorized agent may request any licensed wrecker or towing service within the county wherein the real property is located to remove the abandoned vehicle from the premises by signing a Tow Request and Authorization Form prescribed by the Department and furnished to licensed wrecker operators as hereinafter provided.

C. The Department of Public Safety shall design and promulgate a suitable Tow Request and Authorization Form to be completed in quadruplicate, containing space for 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 wrecker or towing service;

3. The name, address and telephone number of the real property owner, legal possessor or authorized agent;

4. Inventory of personal property within the vehicle to be towed;

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.

The Department may require additional information on the Tow Request and Authorization Form.

D. The real property owner, legal possessor or authorized agent and the wrecker vehicle driver shall jointly, and each in the presence of the other, inventory personal property found within or upon the vehicle and each shall accordingly sign a statement on the form reflecting this requirement has been fulfilled. In the event an inventory cannot be completed, the reasons therefor shall be clearly stated on the form.

E. A copy of the completed Tow Request and Authorization Form shall be retained by the signatories and the wrecker or towing service shall maintain the wrecker vehicle driver's copy for not less than one (1) year, or longer if required by the Department. The wrecker or towing service shall forthwith send the completed original Tow Request and Authorization Form to the Department and the remaining copy of the completed form to the local police department of the municipality in which the real property is located, if any.

F. Within seventy-two (72) hours of the time indicated on the form, the wrecker or towing service shall request the Oklahoma Tax Commission or other appropriate motor license agent to furnish the

name and address of the current owner of and any lienholder upon the vehicle. The Department may render assistance to ascertain ownership, if needed. The wrecker or towing service shall, 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 regular mail, postage prepaid, at the addresses furnished, to the owner and any lienholder of the vehicle. The owner or lienholder may regain possession of the vehicle in accordance with rules of the Department upon payment of the reasonable cost of towing and storage of the vehicle.

G. No wrecker or towing service or operator of a wrecker or towing service shall tow or cause to be towed a vehicle pursuant to this section until the form furnished by the Department has been appropriately completed by the parties as required by rules of the Department.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-2-2276

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