

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1110

By: Bonny

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 904, as last amended by Section 1, Chapter 175, O.S.L. 1996 (47 O.S. Supp. 1996, Section 904), which relates to impounded vehicles; requiring proof of security for regaining possession of impounded vehicle; amending 47 O.S. 1991, Section 1115.1, as amended by Section 5, Chapter 153, O.S.L. 1993 (47 O.S. Supp. 1996, Section 1115.1), which relates to seizure of vehicles; modifying duties of certain officials to seize vehicles; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 904, as last amended by Section 1, Chapter 175, O.S.L. 1996 (47 O.S. Supp. 1996, Section 904), is amended to read as follows:

Section 904. The owner of a motor vehicle or lienholder of the vehicle abandoned in violation of Section 901 et seq. of this title, or the owner of any vehicle or lienholder of the vehicle which shall have been lawfully removed from any highway or other public property may regain possession of the vehicle in accordance with regulations

of the Department of Public Safety upon payment of the reasonable cost of removal and storage of such vehicle and providing proof of security or an affidavit that the vehicle will not be used on public highways or streets, as required by Section 7-607 of this title.

The cost of removal and storage shall be paid to the wrecker or towing service.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 1115.1, as amended by Section 5, Chapter 153, O.S.L. 1993 (47 O.S. Supp. 1996, Section 1115.1), is amended to read as follows:

Section 1115.1 After ninety (90) days from the expiration date for annual registration of a vehicle, ~~it shall be the duty of~~ the Oklahoma Tax Commission, Department of Public Safety, county sheriffs, and all other duly authorized peace officers of this state ~~to~~ may seize and take into custody every vehicle owned within this state not bearing or displaying a proper license plate required by the Oklahoma Vehicle License and Registration Act. The vehicle shall not be released to the owner until it is duly registered and the license, registration, or title fee and penalties due are paid in full, 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, is furnished, and the cost of seizure, including the reasonable cost of taking the vehicle into custody and storing the vehicle, have been paid. In the event the owner of any vehicle seized fails to pay such fees and penalties due, together with cost of seizure and storage, and fails to provide proof of security or an affidavit that the vehicle will not be used on public highways or public streets, the Oklahoma Tax Commission or its motor license agents shall proceed to sell the vehicle by posting not less than five notices of sale in five different public places in the county where the vehicle is located, one of such notices to be posted at the place where the vehicle is stored; ~~provided further, that a.~~ a. A copy of the notice shall also be sent

by certified mail, restricted delivery, with return receipt requested, to the last-known address of the registered owner of ~~such~~ the vehicle in question. Such vehicle shall be sold at such sale subject to the following terms and conditions:

1. In the event the sale price is equal to, or greater than, the total costs of sale, seizure and the fee and penalty, the purchaser shall be issued a certificate of purchase, license plate, manufactured home registration receipt and decal and registration certificate;

2. In the event the sale price is less than the total costs of sale, seizure, and the fee and penalty, such vehicle shall be sold as junk to the highest bidder, whereupon he shall receive a certificate of purchase; and if such vehicle be dismantled, the record to such junked vehicle shall be canceled. If not dismantled, the same shall be immediately registered; or

3. Any residue remaining unclaimed by the delinquent owner shall be administered in accordance with the Uniform Unclaimed Property Act (1981).

SECTION 3. This act shall become effective November 1, 1997.

46-1-5032

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