

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1276

By: Seikel of the House

and

Morgan of the Senate

7
8
9
10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to motor vehicles; amending 47 O.S.
12 1991, Section 954A, as amended by Section 5, Chapter
13 50, O.S.L. 1995 (47 O.S. Supp. 1998, Section 954A),
14 which relates to abandoned motor vehicles; stating
15 rate limitations for wrecker and towing services used
16 under certain circumstances; specifying time period
17 for providing certain information; stating exemption
18 from storage fees under certain circumstances;
19 providing an effective date; and declaring an
20 emergency.

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

22 SECTION 1. AMENDATORY 47 O.S. 1991, Section 954A, as
23 amended by Section 5, Chapter 50, O.S.L. 1995 (47 O.S. Supp. 1998,
24 Section 954A), is amended to read as follows:

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

32 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

1 premises by signing a Tow Request and Authorization Form prescribed
2 by the Department and furnished to licensed wrecker operators as
3 hereinafter provided.

4 C. A licensed wrecker or towing service removing an abandoned
5 vehicle pursuant to this section shall be subject to the maximum
6 rates authorized by Section 953.1 of this title.

7 D. The Department shall design and promulgate a suitable Tow
8 Request and Authorization Form to be completed in quadruplicate,
9 containing space for the following information:

10 1. A description of the vehicle, including the type of vehicle,
11 year of manufacture, name of the manufacturer, vehicle color or
12 colors, identification number and license tag number;

13 2. The name, address and business telephone number of the
14 wrecker or towing service;

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

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

19 5. Time and date the form is completed; and

20 6. Signatures of the driver of the wrecker vehicle and of the
21 owner, legal possessor or authorized agent of the real property.

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

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

31 ~~E.~~ F. A copy of the completed Tow Request and Authorization
32 Form shall be retained by the signatories and the wrecker or towing

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

8 ~~F.~~ G. Within seventy-two (72) hours of the time indicated on
9 the form, the wrecker or towing service shall request the Oklahoma
10 Tax Commission or other appropriate motor license agent to furnish
11 the name and address of the current owner of and any lienholder upon
12 the vehicle. The Tax Commission or appropriate motor license agent
13 shall respond in person or by certified mail to the wrecker or
14 towing service within five (5) business days from the receipt of the
15 request for information. The Department may render assistance to
16 ascertain ownership, if needed. The wrecker or towing service
17 shall, within seven (7) days from receipt of the requested
18 information from the Oklahoma Tax Commission or other motor license
19 agent, send a notice of the location of the vehicle by ~~regular~~
20 certified mail, postage prepaid, at the addresses furnished, to the
21 owner and any lienholder of the vehicle. The owner or lienholder
22 may regain possession of the vehicle in accordance with rules of the
23 Department upon payment of the wrecker or towing services, costs of
24 certified mailing and the reasonable cost of towing and storage of
25 the vehicle. If the wrecker or towing service has not complied with
26 the notification procedures required by this subsection, the owner
27 or lienholder shall not be required to pay for storage of the
28 vehicle.

29 ~~G.~~ H. No wrecker or towing service or operator of a wrecker or
30 towing service shall tow or cause to be towed a vehicle pursuant to
31 this section until the form furnished by the Department has been
32

1 appropriately completed by the parties as required by rules of the
2 Department.

3 SECTION 2. This act shall become effective July 1, 1999.

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

8

9 47-1-7018 LAC 6/11/15

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32