

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1073

By: Milacek

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 955, as amended by Section 6, Chapter 50, O.S.L. 1995 (47 O.S. Supp. 1999, Section 955), which relates to towing of vehicles; stating rate limitations for wrecker and towing services used under certain circumstances; requiring the Department of Public Safety to design certain tow request and authorization form; specifying time period to maintain records; specifying time period for providing certain information; requiring certain notification; stating exemption from storage fees under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 955, as amended by Section 6, Chapter 50, O.S.L. 1995 (47 O.S. Supp. 1999, Section 955), is amended to read as follows:

Section 955. A. Any officer of the Department of Public Safety or any other political subdivision of this state is hereby authorized to cause to be towed any vehicle found upon the roadway when:

1. Report has been made that such vehicle has been stolen or taken without the consent of its owner;
2. The officer has reason to believe the vehicle has been abandoned as defined in Sections 901 and 902 of this title;
3. The person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested or summoned before a proper magistrate without unnecessary delay; or

4. At the scene of an accident, when the owner or driver is not in a position to take charge of ~~his~~ the vehicle and direct or request its proper removal.

B. Each officer of the Department shall use the services of the licensed wrecker operator whose location is nearest to the vehicle to be towed in all instances in subsection A of this section. The requests for services may be alternated or rotated among all such licensed wrecker operators who are located within a reasonable radius of each other. In like manner, such officer shall advise any person requesting information as to the availability of a wrecker or towing service, the name of the nearest licensed wrecker operator, giving equal consideration to all licensed wrecker operators located within a reasonable radius of each other. In cities of less than fifty thousand (50,000) population, all such licensed wrecker operators located near or in the city limits of such cities shall be considered as being equal distance and shall be called on an equal basis as nearly as possible.

C. Any officer of the Department who has been requested by a person in need of wrecker or towing service to call a specific wrecker or towing service for such person, and who calls a different wrecker or towing service other than the one requested, without the consent of such person, except where hazardous conditions exist, shall be suspended from the Department, without compensation, for a period of thirty (30) days, except in instances where a vehicle is removed from the roadway under the authority of paragraphs 3 and 4 of subsection A of this section.

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

E. The Department shall design a suitable tow request and authorization form to be completed in quadruplicate for every

vehicle towed pursuant to this section, 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. Inventory of personal property within the vehicle to be towed;
4. Time and date the form is completed; and
5. Signature of the driver of the wrecker vehicle.

The Department may require additional information on the tow request and authorization form.

F. A copy of the completed tow request and authorization form shall be retained by the wrecker or towing service shall be maintained 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.

G. 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 Tax Commission or appropriate motor license agent shall respond in person or by certified mail to the wrecker or towing service within five (5) business days from the receipt of the request for information. 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 Tax Commission or other motor license agent, send a notice of the location of the vehicle by certified 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 wrecker or towing services, costs of certified mailing and the reasonable cost of storage of the vehicle. If the wrecker or towing service has not complied with the notification procedures required by this subsection, the owner or lienholder shall not be required to pay for storage of the vehicle.

SECTION 2. This act shall become effective November 1, 2000.

47-2-2106

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