STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 520

By: Helton of the Senate

and

McCarter and Sullivan
(Leonard) of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 11-1110, as amended by Section 2, Chapter 285, O.S.L. 1999 (47 O.S. Supp. 2000, Section 11-1110), which relates to removing debris from roadway; requiring payment of certain costs and vehicle storage when certain vehicles removed; amending 47 O.S. 1991, Section 952, as amended by Section 2, Chapter 50, O.S.L. 1995 (47 O.S. Supp. 2000, Section 952), which relates to rules governing wrecker and towing services; limiting wreckers and towing operations to be placed on certain rotation log; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 11-1110, as amended by Section 2, Chapter 285, O.S.L. 1999 (47 O.S. Supp. 2000, Section 11-1110), is amended to read as follows:

Section 11-1110. ~~(a)~~ A. No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substances likely to injure any person, animal or vehicle upon such highway.

~~(b)~~ B. Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

~~(c)~~ C. Any person removing a wrecked or damaged vehicle from a highway, highway right-of-way or any other location as the result of

an accident shall remove any glass or other injurious substance dropped upon the highway or highway right-of-way or other location from such vehicle. The owner or insurer of the owner of the vehicle shall be responsible for the cost of removal of the vehicle and the glass or other injurious substance and any vehicle storage fees pursuant to Section 953.1 of this title.

~~(d)~~ D. No person shall throw any substance at a standing vehicle or any occupant thereof, nor shall any person throw any substance at a person on or adjacent to a highway.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 952, as amended by Section 2, Chapter 50, O.S.L. 1995 (47 O.S. Supp. 2000, Section 952), is amended to read as follows:

Section 952. A. The Department of Public Safety shall have the power and authority necessary to license, supervise, govern and control wrecker vehicles and wrecker or towing services.

B. The Department of Public Safety shall adopt and prescribe such rules as are necessary to carry out the intent of Section 951 et seq. of this title.

The rules shall state the requirements for facilities, for storage of vehicles, necessary towing equipment, the records to be kept by operators, liability insurance and insurance covering the vehicle and its contents while in storage in such sum and with such provisions as the Department deems necessary to adequately protect the interests of the public, and such other matters as the Department may prescribe for the protection of the public.

C. Unless otherwise regulated by the governing body of the political subdivision, the wrecker vehicle used to perform wrecker or towing services requested by a political subdivision of this state for removal of a vehicle from public property for reasons listed in Section 955 of this title shall be from the licensed wrecker or towing service whose location is nearest to the vehicle to be towed. Requests for service may be alternated or rotated

among all such licensed wrecker or towing services which are located within a reasonable radius of each other. In cities of less than fifty thousand (50,000) population, all such licensed wrecker or towing services 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.

D. The Department and any municipality, county or other political subdivision of this state may place any licensed wrecker or towing service whose facilities are located within Oklahoma, upon an official rotation log for the performance of services carried out pursuant to the request of or at the direction of any officer of the Department or municipality, county or political subdivision. When performing services at the request of any officer, no operator or wrecker or towing service upon the rotation logs shall charge fees in excess of the maximum rates for services performed within this state, including incorporated and unincorporated areas, as prescribed in Section ~~4~~ 953.1 of this ~~act~~ title.

SECTION 3. This act shall become effective July 1, 2001.

SECTION 4. 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.

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