

SB 379

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THE STATE SENATE  
Monday, February 24, 2003

Senate Bill No. 379

As Amended

SENATE BILL NO. 379 - By: HELTON of the Senate and McCARTER of the House.

[ motor vehicles - removing residency requirement - emergency ]

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 952, as amended by Section 2, Chapter 387, O.S.L. 2002 (47 O.S. Supp. 2002, 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

1 the interests of the public, and such other matters as the  
2 Department may prescribe for the protection of the public.

3 C. Unless otherwise regulated by the governing body of the  
4 political subdivision, the wrecker vehicle used to perform wrecker  
5 or towing services requested by a political subdivision of this  
6 state for removal of a vehicle from public property for reasons  
7 listed in Section 955 of this title shall be from the licensed  
8 wrecker or towing service whose location is nearest to the vehicle  
9 to be towed. Requests for service may be alternated or rotated  
10 among all such licensed wrecker or towing services which are located  
11 within a reasonable radius of each other. In cities of less than  
12 fifty thousand (50,000) population, all such licensed wrecker or  
13 towing services located near or in the city limits of such cities  
14 shall be considered as being equal distance and shall be called on  
15 an equal basis as nearly as possible.

16 D. Except as otherwise provided in this subsection, the  
17 Department and any municipality, county or other political  
18 subdivision of this state shall not place any wrecker or towing  
19 service upon an official rotation log for the performance of  
20 services carried out pursuant to the request of or at the direction  
21 of any officer of the Department or municipality, county or  
22 political subdivision unless the service meets the following  
23 requirements:

1        1. Principal business facilities are located within Oklahoma;  
2        and

3        2. Tow trucks are registered and licensed in Oklahoma; ~~and~~

4        ~~3. Owner is a resident of the State of Oklahoma.~~

5        In the event a licensed wrecker or towing service is not located  
6        within a county, a wrecker or towing service that is located outside  
7        of the county or this state and does not meet the above  
8        qualifications may be placed on the rotation log for the county or  
9        any municipality or political subdivision located within the county.

10       When performing services at the request of any officer, no  
11       operator or wrecker or towing service upon the rotation logs shall  
12       charge fees in excess of the maximum rates for services performed  
13       within this state, including incorporated and unincorporated areas,  
14       as prescribed in Section 953.1 of this title.

15       SECTION 2. It being immediately necessary for the preservation  
16       of the public peace, health and safety, an emergency is hereby  
17       declared to exist, by reason whereof this act shall take effect and  
18       be in full force from and after its passage and approval.

19       COMMITTEE REPORT BY: COMMITTEE ON VETERANS, MILITARY AFFAIRS &  
20       PUBLIC SAFETY, dated 2-17-03 - DO PASS, As Amended and Coauthored.