

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1804 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Paul Roan

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 PROPOSED COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 1804

6 By: Bass of the Senate

7 and

8 Roan of the House

9 PROPOSED COMMITTEE SUBSTITUTE

10 An Act relating to liens; establishing lien right for
11 certain service; stating applicability of lien right;
12 allowing storage fees; establishing procedures for
13 certain lien; authorizing enforcement of lien by
14 civil action; requiring civil action be brought
15 within certain time period; providing for
16 codification; and providing an effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 50 of Title 42, unless there is
20 created a duplication in numbering, reads as follows:

21 A. Every wrecker service that provides wrecker services,
22 accident-site cleanup or storage of a vehicle for any person who
23 suffers damage to a vehicle and asserts or maintains a claim against
24 a tortfeasor for the damage, shall have a lien for the amount due
for such wrecker services, site cleanup and storage. The lien shall

1 apply to any recovery or sum collected or to be collected by the
2 owner of the damaged vehicle, or by the heirs, personal
3 representative, or next of kin of the owner in the event of the
4 death of the owner, whether by judgment, settlement, or compromise.
5 The lien shall be inferior to any lien or claim of any attorney
6 handling the claim for or on behalf of the person or owner of the
7 vehicle damaged. Storage fees shall accrue daily in accordance with
8 law while said vehicle is required for resolution of a claim or
9 disposed of in an abandoned vehicle foreclosure sale.

10 B. No lien which is provided for in this section shall be
11 effective unless, before the payment of any monies to the owner of
12 the damaged vehicle, or the attorney or legal representative of the
13 owner of the damaged vehicle as compensation for such damage:

14 1. A written notice setting forth an itemized statement of the
15 amount claimed, identifying the insurance policy or policies or
16 claim numbers against which the lien is asserted, if any, and
17 containing the name and address of the wrecker service claiming the
18 lien, the name and address of the owner or driver of the damaged
19 vehicle, and the person or corporation against whom the claim is
20 made, is filed on the mechanic's and materialman's lien docket in
21 the office of the county clerk of the county where the principal
22 office of the wrecker service is located; and

23 2. The wrecker service sends, by registered or certified mail,
24 postage prepaid, a copy of such notice with a statement of the date

1 of filing thereof to the person or corporation against whom the
2 claim is made, to any secured party whose lien is noted on the face
3 of the certificate of title of the vehicle, and to the owner of the
4 damaged vehicle. The wrecker service shall also send a copy of the
5 notice to the attorney for the owner of the damaged vehicle, if the
6 name and address of the attorney is known to the wrecker service.

7 C. The liens provided for in this section may be enforced by
8 civil action in the district court of the county where the lien was
9 filed. Such an action shall be brought within one (1) year after
10 the wrecker service becomes aware of final judgment, settlement or
11 compromise of the claim asserted or maintained by or on behalf of
12 the owner of the damaged vehicle. The practice, pleading, and
13 proceedings in the action shall conform to the rules prescribed by
14 the Oklahoma Pleading Code to the extent applicable.

15 SECTION 2. This act shall become effective November 1, 2008.

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17 51-2-10870 GRS 04/03/08
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