

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3283

By: Duncan

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5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2001, Section 954A, which relates to the removal of  
9 abandoned motor vehicles; authorizing persons to  
10 request vehicle removal by any licensed wrecker or  
11 towing service within the state; and providing an  
12 effective date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2001, Section 954A, is  
15 amended to read as follows:

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

23 B. The owner, legal possessor or authorized agent may request  
24 any licensed wrecker or towing service within the ~~county wherein the~~

1 ~~real property is located~~ state to remove the abandoned vehicle from  
2 the premises by signing a Tow Request and Authorization Form  
3 prescribed by the Department of Public Safety and furnished to  
4 licensed wrecker operators as hereinafter provided.

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

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

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

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

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

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

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

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

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

1 E. The real property owner, legal possessor or authorized agent  
2 and the wrecker vehicle driver shall jointly, and each in the  
3 presence of the other, inventory personal property found within or  
4 upon the vehicle and each shall accordingly sign a statement on the  
5 form reflecting this requirement has been fulfilled. In the event  
6 an inventory cannot be completed, the reasons therefor shall be  
7 clearly stated on the form.

8 F. A copy of the completed Tow Request and Authorization Form  
9 shall be retained by the signatories and the wrecker or towing  
10 service shall maintain the wrecker vehicle driver's copy for not  
11 less than one (1) year, or longer if required by the Department.  
12 The wrecker or towing service shall forthwith send the completed  
13 original Tow Request and Authorization Form to the Department and  
14 the remaining copy of the completed form to the local police  
15 department of the municipality in which the real property is  
16 located, or the sheriff's office of the county from which the  
17 vehicle was towed, if the real property is located outside of an  
18 incorporated municipality.

19 G. Within seventy-two (72) hours of the time indicated on the  
20 form, the wrecker or towing service shall request the Oklahoma Tax  
21 Commission or other appropriate motor license agent to furnish the  
22 name and address of the current owner of and any lienholder upon the  
23 vehicle. The Tax Commission or appropriate motor license agent  
24 shall respond in person or by certified mail to the wrecker or

1 towing service within five (5) business days from the receipt of the  
2 request for information. The Department may render assistance to  
3 ascertain ownership, if needed. The wrecker or towing service  
4 shall, within seven (7) days from receipt of the requested  
5 information from the Oklahoma Tax Commission or other motor license  
6 agent, send a notice of the location of the vehicle by certified  
7 mail, postage prepaid, at the addresses furnished, to the owner and  
8 any lienholder of the vehicle. The owner or lienholder may regain  
9 possession of the vehicle in accordance with rules of the Department  
10 upon payment of the wrecker or towing services, costs of certified  
11 mailing and the reasonable cost of towing and storage of the  
12 vehicle. If the wrecker or towing service has not complied with the  
13 notification procedures required by this subsection, the owner or  
14 lienholder shall not be required to pay for storage of the vehicle.

15 H. No wrecker or towing service or operator of a wrecker or  
16 towing service shall tow or cause to be towed a vehicle pursuant to  
17 this section until the form furnished by the Department has been  
18 appropriately completed by the parties as required by rules of the  
19 Department.

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

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22 51-2-8543 GRS 01/14/08

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