

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 SENATE BILL 843

By: Wilcoxson

4  
5  
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.  
8 2001, Sections 10-104, as amended by Section 8,  
9 Chapter 394, O.S.L. 2005, 583, as last amended by  
10 Section 3, Chapter 213, O.S.L. 2006, 904, as last  
11 amended by Section 1, Chapter 158, O.S.L. 2006, 908,  
12 910, 953.1, as last amended by Section 2, Chapter  
13 158, O.S.L. 2006, 953.2, as last amended by Section  
14 3, Chapter 360, O.S.L. 2005, 954A, and 955, as last  
15 amended by Section 1, Chapter 220, O.S.L. 2005 (47  
16 O.S. Supp. 2006, Sections 10-104, 583, 904, 953.1,  
17 953.2, and 955), which relate to duty to render aid,  
18 license for certain dealers, cost of vehicle removal,  
19 foreclosure of certain lien, return of sale, maximum  
20 fees, after hours storage, abandoned vehicles, and  
21 towing; making language gender neutral; authorizing  
22 certain uninsured motorist compensation for certain  
23 traffic accidents; requiring certain motor vehicle  
24 dealers and salespersons to record certain  
information for certain purchases; providing  
exception for private sales and dealer-to-dealer  
sales; making failure to comply with certain conduct  
a license violation; setting amount of administrative  
fine for certain violation; establishing an uninsured  
motorist victims compensation fee; setting amount;  
providing for wrecker or towing service to collect,  
and remit certain fee; prohibiting release of certain  
vehicles without certain information; providing  
penalty for failure to comply; modifying reference to  
certain lien; requiring payment of certain fee for  
acquiring specific vehicle; providing procedures for  
wreckers and towing services; providing penalty for  
violation; requiring wrecker or towing service  
license number be submitted under certain  
circumstances; requiring certain information be  
included with return of sale; specifying certain

1 information to be recorded on after hours sale;  
2 creating the Uninsured Motorist Victims Compensation  
3 Act; providing short title; defining terms; creating  
4 the Uninsured Motorist Victims Compensation Board;  
5 providing for appointment of Board members, terms of  
6 membership, vacancies, election of chair, duties, and  
7 travel reimbursement; allowing award of certain  
8 compensation by preponderance of evidence; allowing  
9 appeals; directing Board to hear and determine  
10 certain matters; allowing certain actions without  
11 statutes of limitations; setting period to bar  
12 certain claims; setting period to retain certain  
13 records; providing subpoena power; directing the  
14 Department of Public Safety to provide certain  
15 support; establishing additional duties; allowing  
16 promulgation of rules; granting access to  
17 investigations by law enforcement agencies; allowing  
18 the Board to require collateral source contributions;  
19 providing hearing process, notice, evidence and  
20 testimony; authorizing settlement of certain claims  
21 by certain methods; requiring waiver of certain  
22 physician-patient privilege for certain claim;  
23 authorizing certain examinations for certain purpose;  
24 requiring certain reports; allowing certain  
professional assistance for certain claims;  
authorizing Board to set certain limits on certain  
compensation; setting maximum percentage for award  
for medical services; requiring certain persons to  
accept awards as discharging certain obligations;  
setting maximum percentage for certain deductibles  
and copayments; making certain records confidential;  
prohibiting certain discovery for certain actions;  
providing certain exceptions; prohibiting certain  
compensation awards under certain circumstances;  
setting time period for filing certain claims;  
setting criteria to diminish certain awards; allowing  
denial of certain claims for certain reasons;  
allowing reconsideration of certain claims within  
certain time period; providing for refund of certain  
awards for fraud; construing effects of  
reconsideration of certain awards; prohibiting  
multiple claims or awards; allowing certain awards  
without fault in eligible accident; authorizing  
suspension of proceeding for certain purposes;  
requiring state to be subrogated to certain rights;  
directing certain funds be held in trust and  
deposited as certain reimbursement; requiring notice

1 of certain damage suits; allowing Board to join  
2 certain damage action for certain purpose; setting  
3 maximum compensation for certain losses, expenses and  
4 burial expense; allowing lump sum or installments for  
5 certain awards; prohibiting garnishment or attachment  
6 of certain awards except for certain purpose;  
7 providing certain assignment of awards; authorizing  
8 advancement of certain awards in certain  
9 circumstances; requiring annual report and summary of  
10 claims; criminalizing false claim; setting penalty;  
11 requiring reimbursement of certain awards; setting  
12 accruing interest rate for certain reimbursement;  
13 creating the Uninsured Motorist Victims Compensation  
14 Revolving Fund; providing for deposit of funds and  
15 expenditures; directing investment of certain  
16 revolving fund; providing for deposit of earned  
17 interest; establishing uninsured motorist victim  
18 compensation assessment for certain conviction;  
19 setting minimum and maximum amounts for certain  
20 assessment; providing for deposit of certain funds;  
21 providing for codification; providing effective  
22 dates; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 10-104, as amended by Section 8, Chapter 394, O.S.L. 2005 (47 O.S. Supp. 2006, Section 10-104), is amended to read as follows:

Section 10-104. A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his or her correct name, address and registration number of the vehicle he or she is driving, and shall upon request exhibit his or her driver license and ~~his~~ security verification form, as defined in Section 7-600 of this title, to the person struck or the driver or

1 occupant of or person attending any vehicle collided with, and shall  
2 render to any person injured in such accident reasonable assistance,  
3 including the carrying, or the making of arrangements for the  
4 carrying, of such person to a physician, surgeon or hospital for  
5 medical or surgical treatment if it is apparent that such treatment  
6 is necessary or if such carrying is requested by the injured person.  
7 Any driver who provides information required by this section which  
8 is intentionally inaccurate shall be subject to the provisions of  
9 Section ~~10-103~~ 10-112 of this title.

10 B. Any driver of any vehicle involved in an accident who could  
11 be cited for any traffic offense where said accident resulted in the  
12 immediate death or great bodily injury, as defined in subsection B  
13 of Section 646 of Title 21 of the Oklahoma Statutes, of any person  
14 shall submit to drug and alcohol testing as soon as practicable  
15 after such accident occurs. The traffic offense violation shall  
16 constitute probable cause for purposes of Section 752 of this title  
17 and the procedures found in Section 752 of this title shall be  
18 followed to determine the presence of alcohol or controlled  
19 dangerous substances within the driver's blood system.

20 C. When the driver of any vehicle involved in an accident fails  
21 to have at least the minimal liability insurance required by law,  
22 any person injured as a result of that accident, who is not cited  
23 for any traffic or criminal violation, may be eligible for victim's  
24

1 compensation as provided in the Uninsured Motorist Victims  
2 Compensation Act.

3 SECTION 2. AMENDATORY 47 O.S. 2001, Section 583, as last  
4 amended by Section 3, Chapter 213, O.S.L. 2006 (47 O.S. Supp. 2006,  
5 Section 583), is amended to read as follows:

6 Section 583. A. 1. It shall be unlawful and constitute a  
7 misdemeanor for any person to engage in business as, or serve in the  
8 capacity of, or act as a used motor vehicle dealer, used motor  
9 vehicle salesperson, wholesale used motor vehicle dealer,  
10 manufactured home dealer, manufactured home salesperson,  
11 manufactured home installer, or manufactured home manufacturer  
12 selling directly to a licensed manufactured home dealer in this  
13 state without first obtaining a license or following other  
14 requirements therefor as provided in this section.

15 2. a. Any person engaging, acting, or serving in the  
16 capacity of a used motor vehicle dealer and/or a used  
17 motor vehicle salesperson, a manufactured home dealer,  
18 manufactured home salesperson, a manufactured home  
19 installer, or a manufactured home manufacturer, or  
20 having more than one place where any such business, or  
21 combination of businesses, is carried on or conducted  
22 shall be required to obtain and hold a current license  
23 for each such business, in which engaged.

24

1           b.    A used motor vehicle dealer's license shall authorize  
2                    one person to sell without a salesperson's license in  
3                    the event such person shall be the owner of a  
4                    proprietorship, or the person designated as principal  
5                    in the dealer's franchise or the managing officer or  
6                    one partner if no principal person is named in the  
7                    franchise.

8           c.    If after a hearing in accordance with the provisions  
9                    of Section 585 of this title, the Oklahoma Used Motor  
10                    Vehicle and Parts Commission shall find any person  
11                    installing a mobile or manufactured home to be in  
12                    violation of any of the provisions of this act, such  
13                    person may be subject to an administrative fine of not  
14                    more than Five Hundred Dollars (\$500.00) for each  
15                    violation. Each day a person is in violation of this  
16                    act may constitute a separate violation. The maximum  
17                    fine shall not exceed One Thousand Dollars  
18                    (\$1,000.00). All administrative fines collected  
19                    pursuant to the provisions of this subparagraph shall  
20                    be deposited in the fund established in Section 582 of  
21                    this title. Administrative fines imposed pursuant to  
22                    this subparagraph may be enforceable in the district  
23                    courts of this state.

1           d.    A salesperson's license may not be issued under a  
2                    wholesale used motor vehicle dealer's license.

3           3.    Any person except persons penalized by administrative fine  
4 violating the provisions of this section shall, upon conviction, be  
5 fined not to exceed Five Hundred Dollars (\$500.00). A second or  
6 subsequent conviction shall be punished by a fine not to exceed One  
7 Thousand Dollars (\$1,000.00); provided that each day such unlicensed  
8 person violates this section shall constitute a separate offense,  
9 and any vehicle involved in a violation of this subsection shall be  
10 considered a separate offense.

11           B.  1.  Applications for licenses required to be obtained under  
12 provisions of this act, Section 581 et seq. of this title, which  
13 creates the Oklahoma Used Motor Vehicle and Parts Commission shall  
14 be verified by the oath or affirmation of the applicant and shall be  
15 on forms prescribed by the Commission and furnished to the  
16 applicants, and shall contain such information as the Commission  
17 deems necessary to enable it to fully determine the qualifications  
18 and eligibility of the several applicants to receive the license or  
19 licenses applied for. The Commission shall require in the  
20 application, or otherwise, information relating to:

- 21           a.    the applicant's financial standing,
- 22           b.    the applicant's business integrity,
- 23           c.    whether the applicant has an established place of  
24                    business and is engaged in the pursuit, avocation, or

1 business for which a license, or licenses, is applied  
2 for,

3 d. whether the applicant is able to properly conduct the  
4 business for which a license, or licenses, is applied  
5 for, and

6 e. such other pertinent information consistent with the  
7 safeguarding of the public interest and the public  
8 welfare.

9 2. All applications for license or licenses shall be  
10 accompanied by the appropriate fee or fees in accordance with the  
11 schedule hereinafter provided. In the event any application is  
12 denied and the license applied for is not issued, the entire license  
13 fee shall be returned to the applicant.

14 3. All bonds and licenses issued under the provisions of this  
15 act shall expire on December 31, following the date of issue and  
16 shall be nontransferable. All applications for renewal of licenses  
17 should be submitted by November 1 of each year, and licenses shall  
18 be issued by January 10. If applications have not been made for  
19 renewal of licenses, such licenses shall expire on December 31 and  
20 it shall be illegal for any person to represent himself or herself  
21 and act as a dealer thereafter. Tag agents shall be notified not to  
22 accept dealers' titles until such time as licenses have been issued.

23 4. A used motor vehicle salesperson's license shall permit the  
24 licensee to engage in the activities of a used motor vehicle

1 salesperson. Salespersons shall not be allowed to sell vehicles  
2 unless applications, bonds, and fees are on file with the Commission  
3 and the motor vehicle salesperson's or temporary salesperson's  
4 license issued. A temporary salesperson's license, salesperson's  
5 renewal or reissue of salesperson's license shall be deemed to have  
6 been issued when the appropriate application, bond, and fee have  
7 been properly addressed and mailed to the Commission.

8 Dealers' payrolls and other evidence will be checked to  
9 ascertain that all salespersons for such dealers are licensed.

10 C. The schedule of license fees to be charged and received by  
11 the Commission for the licenses issued hereunder shall be as  
12 follows:

13 1. For each used motor vehicle dealer's license and each  
14 wholesale used motor vehicle dealer's license, Three Hundred Dollars  
15 (\$300.00). If a used motor vehicle dealer or a wholesale used motor  
16 vehicle dealer has once been licensed by the Commission in the  
17 classification for which he or she applies for a renewal of the  
18 license, the fee for each subsequent renewal shall be One Hundred  
19 Fifty Dollars (\$150.00); provided, if an applicant holds a license  
20 to conduct business as an automotive dismantler and parts recycler  
21 issued pursuant to Section 591.1 et seq. of this title, the initial  
22 fee shall be One Hundred Dollars (\$100.00) and the renewal fee shall  
23 be One Hundred Dollars (\$100.00). If an applicant is applying  
24 simultaneously for a license under this paragraph and a license

1 under paragraph 1 of Section 591.5 of this title, the initial  
2 application fee shall be Two Hundred Dollars (\$200.00). For the  
3 reinstatement of a used motor vehicle dealer's license after  
4 revocation for cancellation or expiration of insurance pursuant to  
5 subsection F of this section, the fee shall be One Hundred Dollars  
6 (\$100.00);

7 2. For a used motor vehicle dealer's license, for each place of  
8 business in addition to the principal place of business, One Hundred  
9 Dollars (\$100.00);

10 3. For each used motor vehicle salesperson's license and  
11 renewal, Twenty-five Dollars (\$25.00), and for a transfer, Twenty-  
12 five Dollars (\$25.00);

13 4. For each holder who possesses a valid new motor vehicle  
14 dealer's license from the Oklahoma Motor Vehicle Commission, One  
15 Hundred Dollars (\$100.00) shall be the initial fee for a used motor  
16 vehicle license and the fee for each subsequent renewal shall be One  
17 Hundred Dollars (\$100.00);

18 5. a. For each manufactured home dealer's license, Three  
19 Hundred Dollars (\$300.00), and for each place of  
20 business in addition to the principal place of  
21 business, Two Hundred Dollars (\$200.00).

22 b. For each renewal of a manufactured home dealer's  
23 license, and renewal for each place of business in  
24

1 addition to the principal place of business, One  
2 Hundred Fifty Dollars (\$150.00);

3 6. a. For each manufactured home installer's license, Two  
4 Hundred Dollars (\$200.00).

5 b. For each renewal of a manufactured home installer's  
6 license, Two Hundred Dollars (\$200.00);

7 7. a. For each manufactured home manufacturer selling  
8 directly to a licensed manufactured home dealer in  
9 this state, Seven Hundred Fifty Dollars (\$750.00).

10 b. For each renewal of a manufactured home manufacturer's  
11 license, Seven Hundred Fifty Dollars (\$750.00); and

12 8. For each manufactured home salesperson's license or renewal  
13 thereof, Twenty-five Dollars (\$25.00), and for each transfer,  
14 Twenty-five Dollars (\$25.00).

15 D. 1. The license issued to each used motor vehicle dealer,  
16 each wholesale used motor vehicle dealer and each manufactured home  
17 dealer shall specify the location of the place of business. If the  
18 business location is changed, the Oklahoma Used Motor Vehicle and  
19 Parts Commission shall be notified immediately of the change and the  
20 Commission may endorse the change of location on the license. The  
21 fee for a change of location shall be One Hundred Dollars (\$100.00),  
22 and the fee for a change of name, Twenty-five Dollars (\$25.00). The  
23 license of each licensee shall be posted in a conspicuous place in  
24 the place or places of business of the licensee.

1           2. The license issued to each manufactured home installer, and  
2 each manufactured home manufacturer shall specify the location of  
3 the place of business. If the business location is changed, the  
4 Oklahoma Used Motor Vehicle and Parts Commission shall be notified  
5 immediately of the change and the Commission may endorse the change  
6 of location on the license without charge. The license of each  
7 licensee shall be posted in a conspicuous place in the place or  
8 places of business of the licensee.

9           3. Every used motor vehicle salesperson shall have the license  
10 upon his or her person when engaged in business, and shall display  
11 same upon request. The name of the employer of the salesperson  
12 shall be stated on the license and if there is a change of employer,  
13 the license holder shall immediately mail the license to the  
14 Commission for its endorsement of the change thereon. There shall  
15 be no charge for endorsement of change of employer on the license or  
16 penalty for not having a license upon his or her person.

17           4. Every manufactured home installer shall have the license  
18 available for inspection at the primary place of business of the  
19 licensee. This license shall be valid for the licensee and all of  
20 the employees of the licensee. Any person who is not an employee of  
21 the licensee must obtain a separate manufactured home installer  
22 license regardless of whether such person is acting in the capacity  
23 of a contractor or subcontractor.

24

1 E. 1. a. Each applicant for a used motor vehicle dealer's  
2 license shall procure and file with the Commission a  
3 good and sufficient bond in the amount of Fifteen  
4 Thousand Dollars (\$15,000.00). Each new applicant for  
5 a used motor vehicle dealer's license for the purpose  
6 of conducting a used motor vehicle auction shall  
7 procure and file with the Commission a good and  
8 sufficient bond in the amount of Fifty Thousand  
9 Dollars (\$50,000.00). An applicant who intends to  
10 conduct a used motor vehicle auction who provides  
11 proof that the applicant has check and title insurance  
12 in an amount not less than Fifty Thousand Dollars  
13 (\$50,000.00) shall only be required to have a bond in  
14 the amount of Twenty-five Thousand Dollars  
15 (\$25,000.00).

16 b. Each new applicant for a used motor vehicle dealer  
17 license for the purpose of conducting a used motor  
18 vehicle business which will consist primarily of non-  
19 auction consignment sales which are projected to equal  
20 Five Hundred Thousand Dollars (\$500,000.00) or more in  
21 gross annual sales shall procure and file with the  
22 Commission a good and sufficient bond in the amount of  
23 Fifty Thousand Dollars (\$50,000.00). The Commission  
24 shall prescribe by rule the method of operation of the

1 non-auction consignment dealer in order to properly  
2 protect the interests of all parties to the  
3 transaction and to provide sanctions against dealers  
4 who fail to comply with the rules.

5 c. Each applicant for a wholesale used motor vehicle  
6 dealer's license shall procure and file with the  
7 Commission a good and sufficient bond in the amount of  
8 Twenty-five Thousand Dollars (\$25,000.00).

9 d. Any used motor vehicle dealer who, for the purpose of  
10 being a rebuilder, applies for a rebuilder  
11 certificate, as provided in Section 591.5 of this  
12 title, whether as a new application or renewal, shall  
13 procure and file with the Commission a good and  
14 sufficient bond in the amount of Fifteen Thousand  
15 Dollars (\$15,000.00), in addition to any other bonds  
16 required.

17 e. Each applicant for a manufactured home dealer's  
18 license shall procure and file with the Commission a  
19 good and sufficient bond in the amount of Thirty  
20 Thousand Dollars (\$30,000.00).

21 f. Each manufactured home manufacturing facility  
22 selling directly to a licensed manufactured home  
23 dealer in this state shall procure and file with the  
24 Commission a good and sufficient bond in the amount

1 of Thirty Thousand Dollars (\$30,000.00). In  
2 addition to all other conditions and requirements  
3 set forth herein, the bond shall require the  
4 availability of prompt and full warranty service by  
5 the manufacturer to comply with all warranties  
6 expressed or implied in connection with each  
7 manufactured home which is manufactured for resale  
8 in this state.

9 g. The bond shall be approved as to form by the Attorney  
10 General and conditioned that the applicant shall not  
11 practice fraud, make any fraudulent representation, or  
12 violate any of the provisions of this act in the  
13 conduct of the business for which the applicant is  
14 licensed. One of the purposes of the bond is to  
15 provide reimbursement for any loss or damage suffered  
16 by any person by reason of issuance of a certificate  
17 of title by a used motor vehicle dealer, a wholesale  
18 used motor vehicle dealer, or a manufactured home  
19 dealer.

20 2. If a motor vehicle dealer has a valid license issued by the  
21 Oklahoma Motor Vehicle Commission, then the bond as required by this  
22 subsection shall be waived.

23 3. Each applicant for a used motor vehicle salesperson's  
24 license shall procure and file with the Commission a good and

1 sufficient bond in the amount of One Thousand Dollars (\$1,000.00).  
2 The bond shall be approved as to form by the Attorney General and  
3 conditioned that the applicant shall perform duties as a used motor  
4 vehicle salesperson without fraud or fraudulent representation and  
5 without violating any provisions of this act.

6 4. The bonds as required by this section shall be maintained  
7 throughout the period of licensure. Should the bond be canceled for  
8 any reason, the license shall be revoked as of the date of  
9 cancellation unless a new bond is furnished prior to such date.

10 F. Any used motor vehicle dealer or wholesale used motor  
11 vehicle dealer is required to furnish and keep in force a minimum of  
12 Twenty-five Thousand Dollars (\$25,000.00) of single liability  
13 insurance coverage on all vehicles offered for sale or used in any  
14 other capacity in demonstrating or utilizing the streets and  
15 roadways in accordance with the financial responsibility laws of  
16 this state.

17 G. Any manufactured home dealer is required to furnish and keep  
18 in force a minimum of One Hundred Thousand Dollars (\$100,000.00) of  
19 garage liability or general liability with products and completed  
20 operations insurance coverage.

21 H. Any manufactured home installer is required to furnish and  
22 keep in force a minimum of Twenty-five Thousand Dollars (\$25,000.00)  
23 of general liability with products and completed operations  
24 insurance coverage.

1        I. Every used motor vehicle dealer, used motor vehicle  
2 salesperson and wholesale used motor vehicle dealer is required to  
3 record and keep a copy of a valid driver license and security  
4 verification form information for every person who purchases a motor  
5 vehicle from said dealer, wholesaler or salesperson. Provided,  
6 however, any motor vehicle sold to another licensed dealer or  
7 wholesaler for resale or any private sale between individuals not  
8 pertaining to such dealer's or wholesaler's business shall not be  
9 subject to the provisions of this subsection. Failure of any such  
10 dealer, wholesaler or salesperson to comply with the provisions of  
11 this subsection shall constitute a license violation punishable by  
12 an administrative fine in the amount of Two Hundred Fifty Dollars  
13 (\$250.00) per occurrence.

14        SECTION 3.        AMENDATORY        47 O.S. 2001, Section 904, as last  
15 amended by Section 1, Chapter 158, O.S.L. 2006 (47 O.S. Supp. 2006,  
16 Section 904), is amended to read as follows:

17        Section 904. The owner of a motor vehicle or lienholder of the  
18 vehicle abandoned in violation of Section 901 et seq. of this title,  
19 or the owner of any vehicle or lienholder of the vehicle or insurer  
20 accepting liability for paying a claim on a vehicle or purchasing  
21 the vehicle as a total loss vehicle from the registered owner which  
22 shall have been lawfully removed from any highway or other public  
23 property may regain possession of the vehicle in accordance with  
24 regulations of the Department of Public Safety upon payment of an

1 uninsured motorist victims compensation fee of Ten Dollars (\$10.00),  
2 and the reasonable cost of removal and storage of such vehicle. The  
3 operator is authorized to collect all lawful fees from the owner,  
4 lienholder that seeks possession of a vehicle under a security  
5 interest, agent, or insurer accepting liability for paying the claim  
6 for a vehicle or purchasing the vehicle as a total loss vehicle from  
7 the registered owner of the towed vehicle for the performance of any  
8 and all such services. An operator shall release the vehicle from  
9 storage upon authorization from the owner, agent or lienholder of  
10 the vehicle or in the case of a total loss, the insurer accepting  
11 liability for paying the claim on the vehicle or purchasing the  
12 vehicle where the vehicle is to be moved to an insurance pool yard  
13 for sale.

14 The cost of removal and storage shall be paid to the wrecker or  
15 towing service. The uninsured motorist victims compensation fee  
16 shall be collected by the wrecker or towing service and remitted  
17 monthly to the Uninsured Motorist Victims Compensation Board. Every  
18 wrecker or towing service holding or storing any vehicle pursuant to  
19 any provision of law shall not release any motor vehicle without the  
20 person showing proof of having a valid driver license and, if the  
21 person is the owner of such vehicle, a security verification form as  
22 required by law for operation of such vehicle upon the streets,  
23 roads and highways of this state. The wrecker or towing service  
24 shall retain a copy of the driver license for the record. Failure

1 of any wrecker or towing service to obtain such driver license or  
2 security verification form shall constitute a license violation for  
3 each occurrence.

4 SECTION 4. AMENDATORY 47 O.S. 2001, Section 908, is  
5 amended to read as follows:

6 Section 908. ~~Said~~ A. A storage and towing lien as authorized  
7 by law may be foreclosed by a sale of ~~such~~ an abandoned vehicle upon  
8 giving notice and in the manner following: The notice shall contain:

9 ~~(a)~~ 1. The name of the party bringing action and the name of  
10 the owner or any person claiming any interest therein;i

11 ~~(b)~~ 2. A full description of the vehicle, giving all available  
12 information as to the make, year, serial number, license tag with  
13 year and the state from which the tag was issued;i

14 ~~(c)~~ 3. A full statement of all the facts;i

15 ~~(d)~~ 4. The amount of the claim, giving a full description of  
16 the work, labor, storage or any other costs involved;i

17 ~~(e)~~ 5. The date, time and place of the sale;i and

18 ~~(f)~~ 6. The notice shall be posted in three public places in the  
19 county in which the vehicle is to be sold at least ten (10) days  
20 before the time specified therein for such sale, and a copy of said  
21 notice shall be mailed to the owner and any other person claiming  
22 any interest in the abandoned motor vehicle, at their last-known  
23 mailing address, by registered mail on the same date of posting said  
24 notice.

1        B. An uninsured motorist victims compensation fee of Ten  
2 Dollars (\$10.00) shall be required for any person regaining  
3 possession or purchasing such vehicle, including the wrecker or  
4 towing service. The fee shall be collected by the wrecker or towing  
5 service and remitted monthly to the Uninsured Motorist Victims  
6 Compensation Board. Every wrecker or towing service holding or  
7 storing any vehicle pursuant to any provision of law shall not  
8 release any motor vehicle without the person showing proof of having  
9 a valid driver license and, if the person is the owner of such  
10 vehicle, a security verification form as required by law for  
11 operation of such vehicle upon the streets, roads and highways of  
12 this state. The wrecker or towing service shall retain a copy of  
13 the driver license for the record. Failure of any wrecker or towing  
14 service to obtain such driver license or security verification form  
15 shall constitute a license violation for each occurrence. Any  
16 wrecker or towing service purchasing an abandoned motor vehicle  
17 shall enter the wrecker or towing service license number for the  
18 record.

19        SECTION 5.        AMENDATORY        47 O.S. 2001, Section 910, is  
20 amended to read as follows:

21        Section 910. A return ~~of such sale~~ for the sale of an abandoned  
22 motor vehicle shall be made at the time of sale and proof of posting  
23 and mailing of the notice of sale of abandoned vehicle. A copy of  
24 the driver license required by Section 908 of this title and a

1 receipt for collection of the uninsured motorist victims

2 compensation fee shall be included with the return of sale.

3 SECTION 6. AMENDATORY 47 O.S. 2001, Section 953.1, as  
4 last amended by Section 2, Chapter 158, O.S.L. 2006 (47 O.S. Supp.  
5 2006, Section 953.1), is amended to read as follows:

6 Section 953.1 A. The rates and provisions of this section  
7 shall apply only to determine the maximum fees and charges for  
8 wrecker or towing services performed in this state, including  
9 incorporated and unincorporated areas, by a wrecker or towing  
10 service licensed by the Department of Public Safety when that  
11 service appears on the rotation log of the Department or on the  
12 rotation log of any municipality, county or other political  
13 subdivision of this state, and the services performed are at the  
14 request or at the direction of any officer of the Department or of a  
15 municipality, county, or political subdivision. No wrecker or  
16 towing service in the performance of these services shall charge any  
17 fee which exceeds the maximum rates established in this section,  
18 adjusted as provided in subsection H of this section. Such rates  
19 shall be in addition to any other rates, fees or charges authorized  
20 or required by law. Any wrecker or towing service is authorized to  
21 collect from the owner, lienholder, agent or insurer accepting  
22 liability for paying the claim for a vehicle or purchasing the  
23 vehicle as a total loss vehicle from the registered owner of any

24

1 towed or stored vehicle, the fee required by Section 904 of this  
2 title.

3 B. When wrecker or towing services are performed as provided in  
4 subsection A of this section:

5 1. Each performance of a wrecker or towing service shall be  
6 recorded by the operator on a bill or invoice as prescribed by rules  
7 of the Department;

8 2. Nothing herein shall limit the right of an operator who has  
9 provided or caused to be provided wrecker or towing services to  
10 require prepayment, in part or in full, or guarantee of payment of  
11 any charges incurred for providing such services;

12 3. This section shall not be construed to require an operator  
13 to charge a fee for the performance of any wrecker or towing  
14 services; and

15 4. The operator is authorized to collect all lawful fees from  
16 the owner, lienholder or agent or insurer accepting liability for  
17 paying the claim for a vehicle or purchasing the vehicle as a total  
18 loss vehicle from the registered owner of the towed vehicle for the  
19 performance of any and all such services. An operator shall release  
20 the vehicle from storage upon authorization from the owner, agent or  
21 lienholder of the vehicle or, in the case of a total loss, the  
22 insurer accepting liability for paying the claim for the vehicle or  
23 purchasing the vehicle where the vehicle is to be moved to an  
24 insurance pool yard for sale. An uninsured motorist victims

1 compensation fee of Ten Dollars (\$10.00) shall be required for any  
2 person regaining possession or purchasing such vehicle, including  
3 the wrecker or towing service. The fee shall be collected by the  
4 wrecker or towing service and remitted monthly to the Uninsured  
5 Motorist Victims Compensation Board. Every wrecker or towing  
6 service holding or storing any vehicle pursuant to any provision of  
7 law shall not release any motor vehicle without the person showing  
8 proof of having a valid driver license and, if the person is the  
9 owner of such vehicle, a security verification form as required by  
10 law for operation of such vehicle upon the streets, roads and  
11 highways of this state. The wrecker or towing service shall retain  
12 a copy of the driver license for the record. Failure of any wrecker  
13 or towing service to obtain such driver license or security  
14 verification form shall constitute a license violation for each  
15 occurrence. Any wrecker or towing service purchasing an abandoned  
16 motor vehicle shall enter the wrecker or towing service license  
17 number for the record.

18 C. Distance rates.

19 1. Rates in this subsection shall apply to the distance the  
20 towed vehicle is transported and shall include services of the  
21 operator of the wrecker vehicle. Hourly rates, as provided in  
22 subsection D of this section, may be applied in lieu of distance  
23 rates. Hourly rates may be applied from the time the wrecker  
24 vehicle is assigned to the service call until the time it is

1 released from service either upon return to the premises of the  
2 wrecker or towing service or upon being assigned to perform another  
3 wrecker or towing service, whichever occurs first. When the hourly  
4 rate is applied in lieu of distance towing rates, the operator may  
5 not apply the two-hour minimum prescribed in subsection D of this  
6 section nor may hookup or mileage charges, as prescribed in this  
7 section, be applied.

8 Such distance rates shall be computed via the shortest highway  
9 mileage as determined from the latest official ~~Oklahoma~~ Department  
10 of Transportation state highway map, except as follows:

- 11 a. for distances or portions of distances not  
12 specifically provided for in the governing highway  
13 map, the actual mileage via the shortest practical  
14 route will apply,
- 15 b. in computing distances, fractions of a mile will be  
16 retained until the final and full mileage is  
17 determined, at which time any remaining fraction shall  
18 be increased to the next whole mile,
- 19 c. when, due to circumstances beyond the control of the  
20 wrecker or towing service, roadway conditions make it  
21 impractical to travel via the shortest route, distance  
22 rates shall be computed based on the shortest  
23 practical route over which the wrecker vehicle and the  
24

1 vehicle it is towing can be moved, which route shall  
2 be noted on the bill or invoice, or

3 d. when the wrecker or towing service is performed upon  
4 any turnpike or toll road, the turnpike or toll road  
5 mileage shall be used to determine the distance rates  
6 charged and the turnpike or toll road fees may be  
7 added to the bill or invoice.

8 2. Maximum distance rates shall be as follows:

9 Weight of Towed Vehicle	Distance	Rate
10 (In pounds, including	Towed	Per
11 equipment and lading)		Mile
12 Single vehicle: 8,000 or less	25 miles or less	\$3.00
13 Single vehicle: 8,000 or less	Over 25 miles	\$2.50
14 Single vehicle: 8,001 to 12,000	25 miles or less	\$3.40
15 Single vehicle: 8,001 to 12,000	Over 25 miles	\$3.00
16 Single vehicle: 12,001 to 40,000	Any	\$5.75
17 Single vehicle: 40,000 or over	Any	\$6.75
18 Combination of vehicles	Any	\$6.75

19 D. Hourly Rates.

20 1. Rates in this subsection shall apply for the use of a  
21 wrecker vehicle and shall include services of the operator of such  
22 wrecker, except as provided in paragraph 4 of this subsection.

23 Rates shall apply for all wrecker or towing services performed that  
24 are not otherwise provided for in this section, including, but not

1 limited to, waiting and standby time, but shall not include the  
2 first fifteen (15) minutes of service following the hookup of a  
3 vehicle when a hookup fee is assessed, as provided in subsection E  
4 of this section.

5 Hourly rates shall apply from the time the vehicle or labor is  
6 assigned to the service call until the time it is released from  
7 service either upon return to the premises of the wrecker or towing  
8 service or upon being assigned to perform another wrecker or towing  
9 service, whichever occurs first. Whenever a wrecker vehicle is used  
10 to tow a vehicle subject to distance rates, as provided in  
11 subsection C of this section, hourly rates shall apply only for the  
12 time such wrecker is used in the performance of services other than  
13 transportation, except when such hourly rates are used in lieu of  
14 such distance rates.

15 As used in this subsection, rates stated per hour apply for  
16 whole hours and, for fractions of an hour, rates stated per fifteen  
17 (15) minutes apply for each fifteen (15) minutes or fraction thereof  
18 over seven and one-half (7 1/2) minutes. However, if the service  
19 subject to an hourly rate is performed in less than two (2) hours,  
20 the charge applicable for two (2) hours may be assessed, except as  
21 provided for in subsection C of this section.

22 2. Maximum hourly rates for wrecker or towing services  
23 performed for passenger vehicles, when rates for such services are  
24 not otherwise provided for by law, shall be as follows:

1	Weight of Towed Passenger Vehicle	Rate Per	Rate Per
2	(In pounds)	Hour	15 Minutes
3	Single vehicle: 8,000 or less	\$60.00	\$15.00
4	Single vehicle: 8,001 to 24,000	\$80.00	\$20.00
5	Single vehicle: 24,001 to 44,000	\$120.00	\$30.00
6	Single vehicle: 44,001 or over	\$180.00	\$45.00
7	Combination of vehicles	\$180.00	\$45.00

8        3. Maximum hourly rates for all other wrecker or towing  
9 services, when rates for such other services are not otherwise  
10 provided for by law, shall be determined based upon the gross  
11 vehicle weight rating of each wrecker vehicle used as follows:

12	GVWR of Wrecker Vehicle	Rate Per	Rate Per
13	(In pounds)	Hour	15 Minutes
14	8,000 or less	\$60.00	\$15.00
15	8,001 to 24,000	\$80.00	\$20.00
16	24,001 to 44,000	\$120.00	\$30.00
17	44,001 or over	\$180.00	\$45.00
18	Combination wrecker vehicle		
19	with GVWR of 24,000 or over	\$180.00	\$45.00

20        4. a. Maximum hourly rates for extra labor shall be Thirty  
21                Dollars (\$30.00) per person per hour.  
22                b. Maximum hourly rates for skilled or specialized labor  
23                and/or equipment shall be the actual customary and  
24                ordinary rates charged for such labor and/or

1 equipment. When skilled or specialized labor or  
2 equipment is required, the wrecker operator's cost for  
3 such skilled or specialized labor or equipment plus a  
4 twenty-five percent (25%) gross profit markup to cover  
5 overhead costs for such labor will be added to the  
6 invoice or freight bill to be collected in addition to  
7 all other applicable charges.

8 E. Hookup Rates.

9 1. Rates in this subsection shall apply to the hookup of a  
10 vehicle to a wrecker vehicle when such hookup is performed in  
11 connection with a wrecker or towing service described in this  
12 section. Such hookup rate shall include the first fifteen (15)  
13 minutes of such service, for which there shall be no additional fee  
14 charged, but shall not include the use of a dolly or rollback  
15 equipment or a combination wrecker vehicle to accomplish such  
16 hookup, for which an additional fee may be charged as provided in  
17 subsection F of this section. Hookup shall include, but not be  
18 limited to, the attachment of a vehicle to or the loading of a  
19 vehicle onto a wrecker vehicle.

20 2. Maximum hookup rates shall be as follows:

21 Weight of Vehicle Being Hooked Up

22 (In pounds, including equipment Rate  
23 and lading)

24 Single vehicle: 8,000 or less \$65.00

1	Single vehicle: 8,001 to 12,000	\$75.00
2	Single vehicle: 12,001 to 24,000	\$85.00
3	Single vehicle: 24,001 or over	\$95.00
4	Combination of vehicles	\$95.00

5 F. Additional Service Rates.

6 1. Rates in this subsection shall apply to the performance of  
7 the following services:

- 8 a. the disconnection and reconnection of a towed  
9 vehicle's drive line when necessary to prevent  
10 mechanical damage to such vehicle,
- 11 b. the removal and replacement of a towed vehicle's axle  
12 when necessary to prevent mechanical damage to such  
13 vehicle, or
- 14 c. the use of a dolly or rollback equipment when  
15 essential to prevent mechanical damage to a towed  
16 vehicle or when neither end of such vehicle is capable  
17 of being towed safely while in contact with the  
18 roadway.

19 2. Maximum additional service rates shall be as follows:

20	Weight of Towed	Service Performed		
21	Vehicle (In pounds,	Disconnect	Reconnect	Use of Dolly
22	including equipment	Drive Line;	Drive Line;	or Rollback
23	and lading)	Remove Axle	Replace Axle	Equipment
24		Rate Per Service Performed		

1	8,000 or less	\$10.00	\$15.00	\$25.00
2	8,001 to 12,000	\$15.00	\$20.00	\$30.00
3	Rate Per 15 Minutes of Service Performed			
4	12,001 or over	\$20.00	\$20.00	Not applicable

5 G. An operator shall be required to provide reasonable  
6 documentation to substantiate all lawful fees charged the owner,  
7 lienholder, agent or insurer paying the claim for the towed vehicle.  
8 Fees for which the operator is being reimbursed or having paid to a  
9 third party, shall include copies of the invoice or other  
10 appropriate documents to substantiate such payment to said third  
11 party.

12 H. Wrecker fees, including maximum distance, hourly, and hookup  
13 rates shall be adjusted weekly by the Department of Public Safety by  
14 adding a fuel surcharge as provided in this section. The Department  
15 shall base the surcharge on the Department of Energy "weekly retail  
16 on-highway diesel prices" for the "Midwest region" using One Dollar  
17 and ninety cents (\$1.90) per gallon as the base price with no fees  
18 added. The wrecker fees shall be adjusted to allow a one-percent  
19 increase in fees for every ten-cent increase in fuel cost starting  
20 at Two Dollars (\$2.00) per gallon.

21 I. Wrecker operators shall be allowed to obtain ownership and  
22 insurer information from the Oklahoma Tax Commission or other  
23 state's motor vehicle agencies for the purpose of determining  
24 ownership and responsibility for wrecker fees. In the event a state

1 of origin is not known, the Department of Public Safety and the  
2 Oklahoma Tax Commission shall assist in providing such information.  
3 The wrecker operator is authorized to collect lawful fees for such  
4 costs and services from the owner, lienholder that seeks possession  
5 of a vehicle under a security interest, agent, or insurer accepting  
6 liability for paying the claim for a vehicle or purchasing the  
7 vehicle as a total loss vehicle from the owner of any towed or  
8 stored vehicle.

9 SECTION 7. AMENDATORY 47 O.S. 2001, Section 953.2, as  
10 last amended by Section 3, Chapter 360, O.S.L. 2004 (47 O.S. Supp.  
11 2006, Section 953.2), is amended to read as follows:

12 Section 953.2 A. The rates and provisions of this section  
13 shall apply to determine the maximum fees and charges for the  
14 storage and after-hours release of towed vehicles, including  
15 incorporated and unincorporated areas, by a wrecker or towing  
16 service licensed by the Department of Public Safety. No wrecker or  
17 towing service shall charge any fee which exceeds the maximum rates  
18 established in this section. Such rates shall be in addition to any  
19 other rates, fees or charges authorized or required by law.

20 B. 1. Storage or after-hours release of a towed vehicle, or  
21 both, provided by a wrecker or towing service shall be recorded by  
22 the operator on a bill or invoice as prescribed by rules of the  
23 Department. The wrecker or towing service shall be required to  
24 record the driver license number, together with the name, address,

1 birth date, issuing state, and expiration date shown on the driver  
2 license or obtain a copy of the license and security verification  
3 form for every vehicle released or sold after coming into the  
4 control of the wrecker or towing service.

5 2. Nothing herein shall limit the right of an operator who has  
6 provided or caused to be provided storage or after-hours release of  
7 a towed vehicle, or both, to require prepayment, in part or in full,  
8 or guarantee of payment of any charges incurred for providing such  
9 services.

10 3. This section shall not be construed to require an operator  
11 to charge a fee for the storage or after-hours release, or both, of  
12 any towed vehicle.

13 4. The operator is authorized to collect all lawful fees from  
14 the owner, lienholder or agent of the towed vehicle or insurer  
15 accepting liability for paying the claim for a vehicle or purchasing  
16 the vehicle as a total loss vehicle from the registered owner for  
17 the performance of any and all such services. An operator shall  
18 release the vehicle from storage upon authorization from the owner,  
19 agent or lienholder of the vehicle or in the case of a total loss,  
20 the insurer accepting liability for paying the claim for the vehicle  
21 or purchasing the vehicle where the vehicle is to be moved to an  
22 insurance pool yard for sale. An uninsured motorist victims  
23 compensation fee of Ten Dollars (\$10.00) shall be required for any  
24 person regaining possession or purchasing a vehicle, including the

1 wrecker or towing service. The fee shall be collected by the  
2 wrecker or towing service and remitted monthly to the Uninsured  
3 Motorist Victims Compensation Board. Every wrecker or towing  
4 service holding or storing any vehicle pursuant to any provision of  
5 law shall not release any motor vehicle without the person showing  
6 proof of having a valid driver license and, if the person is the  
7 owner of such vehicle, a security verification form as required by  
8 law for operation of such vehicle upon the streets, roads and  
9 highways of this state. The wrecker or towing service shall retain  
10 a copy of the driver license information for the record. Failure of  
11 any wrecker or towing service to obtain such driver license or  
12 security verification form information shall constitute a license  
13 violation for each occurrence. Any wrecker or towing service  
14 purchasing an abandoned motor vehicle shall enter the wrecker or  
15 towing service license number for the record.

16 C. Outdoor Storage Rates.

17 1. Rates in this subsection shall apply to the outdoor storage  
18 of a towed vehicle. Rates may be applied from the time the towed  
19 vehicle is brought onto the outdoor storage facility premises.

20 Rates shall apply to each calendar day of outdoor storage; provided,  
21 the maximum twenty-four-hour fee, as provided for in this section,  
22 may be charged for any towed vehicle which is stored for a portion  
23 of a twenty-four-hour period.

24 2. Maximum outdoor storage rates shall be as follows:

1		Rate per Each
2		24-hour Period or
3	Type of Towed Vehicle	Portion Thereof
4	Single vehicle: motorcycle, automobile,	
5	or light truck up to 20 feet in length	\$15.00
6	Single vehicle or combination of vehicles	
7	over 20 feet in length but less than 30	
8	feet in length	\$20.00
9	Single vehicle or combination of vehicles	
10	over 30 feet in length and up to 8 feet	
11	in width	\$25.00
12	Single vehicle or combination of vehicles	
13	over 30 feet in length and over 8 feet	
14	in width	\$35.00

15 D. Indoor Storage Rates:

16 1. Rates in this subsection shall apply to the indoor storage  
17 of a towed vehicle. Rates may be applied from the time the towed  
18 vehicle is brought into the indoor storage facility premises. Rates  
19 shall apply to each calendar day of indoor storage; provided, the  
20 maximum twenty-four-hour fee, as provided for in this section, may  
21 be charged for any towed vehicle which is stored for a portion of a  
22 twenty-four-hour period.

23 2. Maximum indoor storage rates shall be as follows:

24 Rate per Each

1		24-hour Period or
2	Type of Towed Vehicle	Portion Thereof
3	Single vehicle: motorcycle, automobile,	
4	or light truck up to 20 feet in length	\$25.00
5	Single vehicle or combination of vehicles	
6	over 20 feet in length but less than 30	
7	feet in length	\$30.00
8	Single vehicle or combination of vehicles	
9	over 30 feet in length and up to 8 feet	
10	in width	\$35.00
11	Single vehicle or combination of vehicles	
12	over 30 feet in length and over 8 feet	
13	in width	\$45.00

14 3. For purposes of this subsection, "indoor storage" means the  
15 vehicle is kept in an enclosed facility.

16 E. After-Hours Release Rate.

17 1. The rate in this subsection shall apply to the release of a  
18 towed vehicle to the owner, lienholder, or agent when such release  
19 occurs at a time other than normal business hours.

20 2. As used in this subsection:

21 a. "after-hours release rate" shall mean the rate charged  
22 for the release of a towed vehicle between the hours  
23 of midnight and 8:00 a.m., or between the hours of  
24

1 4:00 p.m. and midnight Monday through Friday, or any  
2 time on Saturday, Sunday or a national holiday, and

3 b. "national holiday" shall mean New Year's Day, Martin  
4 Luther King Day, George Washington's Birthday, on the  
5 third Monday in February, Memorial Day, Independence  
6 Day, Labor Day, Veterans Day, Thanksgiving Day and  
7 Christmas Day, and shall further include the Friday  
8 before such national holiday which falls on a Saturday  
9 and the Monday following such national holiday which  
10 falls on a Sunday.

11 3. The maximum after-hours release rate shall be Fifteen  
12 Dollars (\$15.00) per quarter hour for the release of any single  
13 vehicle or combination of vehicles.

14 F. An operator shall be required to provide reasonable  
15 documentation to substantiate all lawful fees charged the owner,  
16 lienholder, agent or insurer accepting liability for paying the  
17 claim for the towed vehicle or purchasing the towed vehicle. Fees  
18 for which the operator is being reimbursed, or having paid to a  
19 third party, shall include copies of the invoice or other  
20 appropriate documents to substantiate the payment to the third  
21 party. When skilled or specialized labor or equipment is required,  
22 the wrecker operator's cost for such skilled or specialized labor or  
23 equipment plus a twenty-five percent (25%) gross profit markup to  
24 cover overhead costs for such labor will be added to the invoice or

1 freight bill to be collected in addition to all other applicable  
2 charges.

3 G. Every vehicle released or sold as provided by law by a  
4 wrecker or towing service shall be required to pay an uninsured  
5 motorist victims compensation fee in the amount of Ten Dollars  
6 (\$10.00) to be collected by the wrecker or towing service and  
7 remitted monthly to the Uninsured Motorist Victims Compensation  
8 Board.

9 SECTION 8. AMENDATORY 47 O.S. 2001, Section 954A, is  
10 amended to read as follows:

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

18 B. The owner, legal possessor or authorized agent may request  
19 any licensed wrecker or towing service within the county wherein the  
20 real property is located to remove the abandoned vehicle from the  
21 premises by signing a Tow Request and Authorization Form prescribed  
22 by the Department of Public Safety and furnished to licensed wrecker  
23 operators as hereinafter provided.

24

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

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

7 1. A description of the vehicle, including the type of vehicle,  
8 year of manufacture, name of the manufacturer, vehicle color or  
9 colors, identification number and license tag number;

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

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

14 4. Inventory of personal property within the vehicle to be  
15 towed;

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

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

19 The Department may require additional information on the Tow  
20 Request and Authorization Form.

21 E. The real property owner, legal possessor or authorized agent  
22 and the wrecker vehicle driver shall jointly, and each in the  
23 presence of the other, inventory personal property found within or  
24 upon the vehicle and each shall accordingly sign a statement on the

1 form reflecting this requirement has been fulfilled. In the event  
2 an inventory cannot be completed, the reasons therefor shall be  
3 clearly stated on the form.

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

15 G. Within seventy-two (72) hours of the time indicated on the  
16 form, the wrecker or towing service shall request the Oklahoma Tax  
17 Commission or other appropriate motor license agent to furnish the  
18 name and address of the current owner of and any lienholder upon the  
19 vehicle. The Tax Commission or appropriate motor license agent  
20 shall respond in person or by certified mail to the wrecker or  
21 towing service within five (5) business days from the receipt of the  
22 request for information. The Department may render assistance to  
23 ascertain ownership, if needed. The wrecker or towing service  
24 shall, within seven (7) days from receipt of the requested

1 information from the Oklahoma Tax Commission or other motor license  
2 agent, send a notice of the location of the vehicle by certified  
3 mail, postage prepaid, at the addresses furnished, to the owner and  
4 any lienholder of the vehicle. The owner or lienholder may regain  
5 possession of the vehicle in accordance with rules of the Department  
6 upon payment of an uninsured motorist victims compensation fee in  
7 the amount of Ten Dollars (\$10.00), the wrecker or towing services,  
8 costs of certified mailing and the reasonable cost of towing and  
9 storage of the vehicle. If the wrecker or towing service has not  
10 complied with the notification procedures required by this  
11 subsection, the owner or lienholder shall not be required to pay for  
12 storage of the vehicle. Every wrecker or towing service holding or  
13 storing any vehicle pursuant to any provision of law shall not  
14 release any motor vehicle without the person showing proof of having  
15 a valid driver license and, if the person is the owner of such  
16 vehicle, a security verification form as required by law for  
17 operation of such vehicle upon the streets, roads and highways of  
18 this state. The wrecker or towing service shall retain a copy of  
19 the driver license information for the record. Failure of any  
20 wrecker or towing service to obtain such driver license or security  
21 verification form information shall constitute a license violation  
22 for each occurrence.

23 H. No wrecker or towing service or operator of a wrecker or  
24 towing service shall tow or cause to be towed a vehicle pursuant to

1 this section until the form furnished by the Department has been  
2 appropriately completed by the parties as required by rules of the  
3 Department.

4 SECTION 9. AMENDATORY 47 O.S. 2001, Section 955, as last  
5 amended by Section 1, Chapter 220, O.S.L. 2005 (47 O.S. Supp. 2006,  
6 Section 955), is amended to read as follows:

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

11 1. Report has been made that the vehicle has been stolen or  
12 taken without the consent of its owner;

13 2. The officer has reason to believe the vehicle has been  
14 abandoned as defined in Sections 901 and 902 of this title;

15 3. The person driving or in control of the vehicle is arrested  
16 for an alleged offense for which the officer is required by law to  
17 take the person arrested or summoned before a proper magistrate  
18 without unnecessary delay;

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

22 5. The officer has probable cause that the person operating the  
23 vehicle has not been granted driving privileges or that the driving  
24

1 privileges of the person are currently suspended, revoked, canceled,  
2 denied, or disqualified.

3       B. Each officer of the Department shall use the services of the  
4 licensed wrecker operator whose location is nearest to the vehicle  
5 to be towed in all instances in subsection A of this section. The  
6 requests for services may be alternated or rotated among all  
7 licensed wrecker operators who are located within a reasonable  
8 radius of each other. In like manner, the officer shall advise any  
9 person requesting information as to the availability of a wrecker or  
10 towing service, the name of the nearest licensed wrecker operator,  
11 giving equal consideration to all licensed wrecker operators located  
12 within a reasonable radius of each other. In cities of less than  
13 fifty thousand (50,000) population, all licensed wrecker operators  
14 located near or in the city limits of such cities shall be  
15 considered as being equal distance and shall be called on an equal  
16 basis as nearly as possible. In counties bordering other states, if  
17 the officer deems safety and time considerations warrant, the  
18 officer may call a wrecker or towing service that is not on the  
19 rotation log.

20       C. Any officer of the Department who has been requested by a  
21 person in need of wrecker or towing service to call a specific  
22 wrecker or towing service for such person, and who calls a different  
23 wrecker or towing service other than the one requested, without the  
24 consent of the person, except where hazardous conditions exist,

1 shall be suspended from the Department, without compensation, for a  
2 period of thirty (30) days, except in instances where a vehicle is  
3 removed from the roadway under the authority of paragraphs 3 and 4  
4 of subsection A of this section.

5 D. An uninsured motorist victims compensation fee of Ten  
6 Dollars (\$10.00) shall be required for any person regaining  
7 possession or purchasing such vehicle, including the wrecker or  
8 towing service. The fee shall be collected by the wrecker or towing  
9 service and remitted monthly to the Uninsured Motorist Victims  
10 Compensation Board. Every wrecker or towing service holding or  
11 storing any vehicle pursuant to any provision of law shall not  
12 release any motor vehicle without the person showing proof of having  
13 a valid driver license and, if the person is the owner of such  
14 vehicle, a security verification form as required by law for  
15 operation of such vehicle upon the streets, roads and highways of  
16 this state. The wrecker or towing service shall retain a copy of  
17 the driver license for the record. Failure of any wrecker or towing  
18 service to obtain such driver license or security verification form  
19 shall constitute a license violation for each occurrence. Any  
20 wrecker or towing service purchasing an abandoned motor vehicle  
21 shall enter the wrecker or towing service license number for the  
22 record.

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1 SECTION 10. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 10-118 of Title 47, unless there  
3 is created a duplication in numbering, reads as follows:

4 Sections 10 through 27 of this act shall be known and may be  
5 cited as the "Uninsured Motorist Victims Compensation Act".

6 SECTION 11. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 10-118.1 of Title 47, unless  
8 there is created a duplication in numbering, reads as follows:

9 As used in the Uninsured Motorist Victims Compensation Act:

10 1. "Allowable expense" means:

- 11 a. any charges incurred for necessary medical care,  
12 rehabilitation, rehabilitative occupational training  
13 and other remedial treatment and care directly related  
14 to the injury sustained due to the eligible accident,
- 15 b. any out-of-pocket expense, insurance deductible or  
16 copayment incurred in relation to an eligible  
17 accident,
- 18 c. any reasonable property loss or replacement services  
19 loss directly related to the eligible accident, and
- 20 d. any reasonable expenses related to the funeral,  
21 cremation or burial related to a death from the  
22 eligible accident;

23 2. "Board" means the Uninsured Motorist Victims Compensation  
24 Board;

1           3. "Claimant" means any of the following persons applying for  
2 compensation under the Uninsured Motorist Victims Compensation Act:

- 3           a. a victim of an accident who was not cited for any  
4           traffic or criminal violation relating to the eligible  
5           accident who held at the time of the accident a valid  
6           driver license from this state or another state and,  
7           if a resident of this state, a security verification  
8           form for at least the minimal liability insurance  
9           required by law, or if a resident of another state,  
10          proof of liability insurance required by such other  
11          state,
- 12          b. a dependent of a victim who was injured or has died as  
13          a direct result of being involved in the accident, or
- 14          c. a person authorized to act on behalf of any of the  
15          persons enumerated in subparagraphs a and b of this  
16          paragraph;

17          4. "Collateral source" means a source of benefits or advantages  
18 for medical care, treatment, or economic loss for which the claimant  
19 would otherwise be eligible to receive compensation under the  
20 Uninsured Motorist Victims Compensation Act or the Oklahoma Crime  
21 Victims Compensation Act, and which the claimant has received, or  
22 which is readily available to the claimant, from any one or more of  
23 the following:  
24

- 1 a. the person at fault in the accident, including, but  
2 not limited to, such person's or an employer's motor  
3 vehicle insurance benefits, liability insurance  
4 benefits, other insurance benefits or any offer of  
5 settlement or other offer or ability to provide  
6 benefits, advantages or compensation,
- 7 b. the government of the United States or any agency  
8 thereof, in the form of benefits, such as social  
9 security, Medicare and Medicaid, a state or any of its  
10 political subdivisions or an instrumentality or two or  
11 more states, unless the law providing for the benefits  
12 or advantages makes such benefits excessive or  
13 secondary to benefits under the Uninsured Motorist  
14 Victims Compensation Act,
- 15 c. state-required temporary nonoccupational disability  
16 insurance,
- 17 d. workers' compensation,
- 18 e. wage continuation programs of any employer,
- 19 f. a contract providing prepaid hospital and other health  
20 care services or benefits for disability,
- 21 g. a contract providing prepaid burial expenses or  
22 benefits, or
- 23  
24

1 h. proceeds of any contract of insurance payable to the  
2 claimant for medical care or loss which the victim  
3 sustained because of the accident, except:

4 (1) life insurance proceeds shall not be considered a  
5 collateral source when computing medical expenses  
6 incurred as a result of the accident, and

7 (2) life insurance proceeds shall not be considered a  
8 collateral source for computing burial expenses;

9 5. "Criminally injurious conduct" means a misdemeanor or felony  
10 which occurs or is attempted in this state that is eligible for  
11 crime victims compensation pursuant to the Oklahoma Crime Victims  
12 Compensation Act;

13 6. "Dependent" means a natural person wholly or partially  
14 dependent upon the victim for care or support, and includes a child  
15 of the victim born after the death of the victim where the death  
16 occurred as a result of an eligible accident;

17 7. "Economic loss" means monetary detriment consisting only of  
18 allowable expense, work loss and replacement services loss directly  
19 related to an eligible accident;

20 8. "Eligible accident" means a motor vehicle accident caused by  
21 a traffic offense where the accident is between at least two motor  
22 vehicles being driven or operated on the streets, roads or highways  
23 of this state, or an accident between a motor vehicle and a  
24 pedestrian, where the driver at fault fails to have at least the

1 minimal liability insurance required for operation of a vehicle in  
2 this state and the party or parties injured were in compliance with  
3 such liability insurance, except in the case of a pedestrian or  
4 dependent of a eligible victim. Being in compliance with liability  
5 insurance shall be a prerequisite to being an eligible victim and  
6 for an eligible accident. Any claim submitted pursuant to the  
7 Oklahoma Crime Victims Compensation Act relating to any accident  
8 resulting from the criminally injurious conduct of another shall be  
9 precluded from eligibility pursuant to the provisions of the  
10 Uninsured Motorist Victims Compensation Act;

11 9. "Replacement services loss" means expenses reasonably  
12 incurred in obtaining ordinary and necessary services in lieu of  
13 those the victim would have performed, not for income, but for the  
14 benefit of self or family, if the victim had not been injured or  
15 died;

16 10. "Traffic offense" means violation of a law relating to the  
17 operation of vehicles, but shall not mean any offense defined as  
18 criminal injurious conduct by the Oklahoma Crime Victims  
19 Compensation Act;

20 11. "Work loss for victim" means loss of income from work the  
21 eligible victim would have performed if such person had not been  
22 injured or died, reduced by any income from substitute work actually  
23 performed by the victim or by income the victim would have earned in  
24

1 available appropriate substitute work that the victim was capable of  
2 performing but unreasonably failed to undertake; and

3 12. "Victim or eligible victim" means a person who suffers  
4 personal injury or death as a result of an eligible accident from a  
5 traffic offense, including a dependent.

6 SECTION 12. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 10-118.2 of Title 47, unless  
8 there is created a duplication in numbering, reads as follows:

9 A. There is hereby created an Uninsured Motorist Victims  
10 Compensation Board, consisting of three (3) members appointed by the  
11 Governor with the advice and consent of the Senate to serve  
12 four-year terms and until the successor is appointed and qualified.  
13 At least one member of the Board shall be a person admitted to  
14 practice law in this state. Of the first members appointed, one  
15 shall be appointed for a term of two (2) years, one shall be  
16 appointed for a term of three (3) years, and one shall be appointed  
17 for a term of four (4) years. Vacancies shall be filled in the same  
18 manner as regular appointments.

19 B. Each year the Board shall elect a chairperson from its  
20 membership. Members of the Board shall receive such compensation,  
21 subsistence allowances, mileage and expenses as are provided by the  
22 State Travel Reimbursement Act.

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1           SECTION 13.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 10-118.3 of Title 47, unless  
3 there is created a duplication in numbering, reads as follows:

4           A.   The Uninsured Motorist Victims Compensation Board shall  
5 award compensation of allowable expenses arising from an eligible  
6 accident if satisfied by a preponderance of the evidence that the  
7 requirements for compensation have been met. The claimant shall  
8 have a right of appeal to the Board for any claim in dispute.

9           B.   The Board shall hear and determine all matters relating to  
10 claims for compensation. The Board shall be able to reinvestigate  
11 or reopen claims without regard to statutes of limitation. However,  
12 claims that have been inactive for a period of more than two (2)  
13 years from the date of the last action by the Board shall be deemed  
14 closed and any further action forever barred. Claim files may be  
15 destroyed after a claim is closed. Claims which have been declined  
16 may be destroyed after nine (9) months, following the last Board  
17 action; provided, the claimant has not notified the Board of any  
18 intentions to request reconsideration of the claim.

19           C.   The Board shall have the power to subpoena witnesses, compel  
20 their attendance, require the production of records and other  
21 evidence, administer oaths or affirmations, conduct hearings and  
22 receive relevant evidence.

23  
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1 D. The Board shall be provided such office space, support,  
2 staff and secretarial services as determined by the Department of  
3 Public Safety.

4 SECTION 14. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 10-118.4 of Title 47, unless  
6 there is created a duplication in numbering, reads as follows:

7 In addition to any other powers and duties specified elsewhere  
8 in the Uninsured Motorist Victims Compensation Act, the Uninsured  
9 Motorist Victims Compensation Board may:

10 1. Regulate its own procedures except as otherwise provided in  
11 the Uninsured Motorist Victims Compensation Act;

12 2. Adopt rules to implement the provisions of the Uninsured  
13 Motorist Victims Compensation Act;

14 3. Define any term not defined in the Uninsured Motorist  
15 Victims Compensation Act;

16 4. Prescribe forms necessary to carry out the purposes of the  
17 Uninsured Motorist Victims Compensation Act;

18 5. Have access to any reports of investigations from all law  
19 enforcement agencies, or other data necessary to assist the Board in  
20 making a determination of eligibility for compensation under the  
21 provisions of the Uninsured Motorist Victims Compensation Act; and

22 6. Publicize the availability of compensation and information  
23 regarding the filing of claims pursuant to the Uninsured Motorist  
24 Victims Compensation Act.

1 SECTION 15. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 10-118.5 of Title 47, unless  
3 there is created a duplication in numbering, reads as follows:

4 The Uninsured Motorist Victims Compensation Board may require  
5 any claimant to seek or accept any collateral source contribution.

6 SECTION 16. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 10-118.6 of Title 47, unless  
8 there is created a duplication in numbering, reads as follows:

9 A. Every party to a claim made pursuant to the Uninsured  
10 Motorist Victims Compensation Act shall be afforded an opportunity  
11 to appear and be heard and to offer evidence and argument on any  
12 issue relevant to the claim, and to examine witnesses and offer  
13 evidence in reply to any matter of an evidentiary nature in the  
14 record relevant to the claim.

15 B. In a contested case, all parties shall be afforded an  
16 opportunity for hearing after reasonable notice pursuant to rules  
17 promulgated by the Uninsured Motorist Victims Compensation Board. A  
18 record of the proceedings of the hearing in a contested case shall  
19 be made and shall be transcribed upon request of any party, who  
20 shall pay transcription costs unless otherwise ordered by the Board.

21 C. The Board may, without a hearing, settle a claim by  
22 stipulation, agreed settlement, consent order or default.

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1           SECTION 17.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 10-118.7 of Title 47, unless  
3 there is created a duplication in numbering, reads as follows:

4           A. Any person filing a claim under the provisions of the  
5 Uninsured Motorist Victims Compensation Act shall be deemed to have  
6 waived any physician-patient privilege as to communications or  
7 records relevant to an issue of the physical, mental or emotional  
8 conditions of the claimant.

9           B. If the mental, physical or emotional condition of a claimant  
10 is material to a claim, the Uninsured Motorist Victims Compensation  
11 Board upon good cause shown may order the claimant to submit to a  
12 mental or physical examination. The examination report shall set  
13 out the findings of the person making the report, including results  
14 of all tests made, diagnoses, prognoses and other conclusions and  
15 reports of earlier examinations of the same conditions.

16           C. The Board shall furnish a copy of the report examined. If  
17 the victim is deceased, the Board, on request, shall furnish a copy  
18 of the report to the claimant.

19           D. The Board may require the claimant to supply any additional  
20 medical or psychological reports available relating to the injury or  
21 death for which compensation is claimed.

22           E. In certain cases wherein mental health expenses are being  
23 claimed, the Board may request assistance from a panel of  
24

1 professionals in the mental health field. The panel of  
2 professionals may only act in an advisory capacity to the Board.

3 F. The Board shall have the authority to set limits of  
4 compensation on any medical or mental health treatment, and require  
5 that providers of medical or mental health treatments be licensed  
6 prior to compensating for said treatment. Awards for all medical  
7 services shall not exceed seventy-five percent (75%) of the total  
8 cost of the services less any other reduction for contributory  
9 conduct, as determined by the Board. Any medical provider that  
10 receives payment from the Uninsured Motorist Victims Compensation  
11 Revolving Fund for medical, dental or psychological services, or any  
12 provider that supplies equipment pursuant to an award under the  
13 Uninsured Motorist Victims Compensation Act shall, as a condition of  
14 the receipt of such payment, accept such payment as discharging in  
15 full any and all obligations of the claimant to pay, reimburse or  
16 compensate the provider for medical services, supplies or equipment  
17 that have been reimbursed pursuant to the Uninsured Motorist Victims  
18 Compensation Act. In the event the claimant has paid for a medical  
19 service, the claimant will be reimbursed for the out-of-pocket loss,  
20 less any reductions for contributory conduct, as determined by the  
21 Board. Insurance deductibles and copayments may be reimbursed not  
22 to exceed eighty percent (80%) of the total amount paid.

23 G. All records and information given to the Board to process a  
24 claim on behalf of an eligible victim shall be confidential. Such

1 exhibits, medical records, psychological records, counseling  
2 records, work records, criminal investigation records, criminal  
3 court case records, witness statements, telephone records, and other  
4 records of any type or nature whatsoever gathered for the purpose of  
5 evaluating whether to compensate a victim shall not be obtainable by  
6 any party to any civil or criminal action through any discovery  
7 process except:

8 1. In the event of an appeal under the Administrative  
9 Procedures Act from a decision of the Board and then only to the  
10 extent narrowly and necessarily to obtain court review; or

11 2. Upon a strict showing to the court in a separate civil or  
12 criminal action that particular information or documents are not  
13 obtainable after diligent effort from any independent source, and  
14 are known to exist otherwise only in Board records. In such case  
15 the court may inspect in camera such records to determine whether  
16 the specific requested information exists. If the court determines  
17 the specific information sought exists in the Board's records, the  
18 documents may then be released only by court order if the court  
19 finds as part of its order that the documents will not pose any  
20 threat to the safety of the victim or any other person whose  
21 identity may appear in the Board's records.

22 SECTION 18. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 10-118.8 of Title 47, unless  
24 there is created a duplication in numbering, reads as follows:

1       A. Compensation for a claim under the Uninsured Motorist  
2 Victims Compensation Act shall not be awarded by the Uninsured  
3 Motorist Victims Compensation Board:

4       1. Unless the claim has been filed with the Board within ninety  
5 (90) days after the injury or death upon which the claim is based.  
6 The Board may, at its discretion, waive this requirement, if the  
7 Board finds there was good cause for failure to file the claim  
8 within the established time period, but in no event shall the filing  
9 of a claim be permitted after one (1) year from the date of the  
10 injury or death upon which the claim is based;

11       2. To a claimant who was a criminal offender, or an accomplice  
12 of the criminal offender, or a person at fault in the accident, or a  
13 person who failed to be in compliance with the required liability  
14 indemnification in this state;

15       3. To another person if the award would benefit any ineligible  
16 person; or

17       4. Unless the accident resulting in injury or death was  
18 reported to a law enforcement officer within twenty-four (24) hours  
19 after its occurrence or the Board finds there was good cause for  
20 failure to report within that time.

21       B. Compensation otherwise payable to a claimant shall be  
22 diminished to the extent:

23       1. That the economic loss is recouped from collateral sources;  
24 or

1           2. Of the degree of responsibility for the cause of the injury  
2 or death attributable to the victim as determined by the Board.

3           C. The Board, upon finding that the claimant or victim has not  
4 fully cooperated with appropriate law enforcement agencies or  
5 insurance providers, may deny, withdraw or reduce an award of  
6 compensation.

7           D. The Board, on its own motion or on request of the claimant,  
8 may reconsider a decision granting or denying an award or  
9 determining its amount. The motion or request to reconsider a  
10 decision shall be made within three (3) months from the date of the  
11 last action by the Board on the claim at issue. An order on  
12 reconsideration of an award shall not require a refund of amounts  
13 previously paid, unless the award was obtained by fraud. The right  
14 of reconsideration does not affect the finality of a Board decision  
15 for the purpose of judicial review. On claims which are denied by  
16 the Board, reconsideration may only be granted within six (6) months  
17 of the last Board action.

18           E. The provisions of subsections A and B of this section shall  
19 not apply to claimants eligible for compensation pursuant to the  
20 Oklahoma Crime Victims Compensation Act. Multiple claims are  
21 prohibited under the Uninsured Motorist Victims Compensation Act  
22 when arising out of the same accident and no claim or award shall be  
23 allowed pursuant to both the Uninsured Motorist Victims Compensation  
24 Act and the Oklahoma Crime Victims Compensation Act.

1 SECTION 19. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 10-118.9 of Title 47, unless  
3 there is created a duplication in numbering, reads as follows:

4 An award may be granted by the Uninsured Motorist Victims  
5 Compensation Board whether or not any person was cited at fault in  
6 the subject accident of the claimant. The Board may suspend the  
7 proceedings pending disposition of a traffic citation or proceedings  
8 to determine eligibility of a claim filed under the Oklahoma Crime  
9 Victims Compensation Act.

10 SECTION 20. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 10-118.10 of Title 47, unless  
12 there is created a duplication in numbering, reads as follows:

13 A. If compensation is awarded by the Uninsured Motorist Victims  
14 Compensation Board from a claim made pursuant to the Uninsured  
15 Motorist Victims Compensation Act, the state shall be subrogated to  
16 all the rights of a claimant to receive or recover from a collateral  
17 source to the extent that compensation was awarded.

18 B. In the event the claimant recovers compensation, other than  
19 under the provisions of the Uninsured Motorist Victims Compensation  
20 Act, for injuries or death resulting from an eligible accident, the  
21 claimant shall retain, as trustee, so much of the recovered funds as  
22 necessary to reimburse the Uninsured Motorist Victims Compensation  
23 Revolving Fund to the extent that compensation was awarded to the  
24 claimant from that fund. The funds retained in trust shall be

1 promptly deposited in the Uninsured Motorist Victims Compensation  
2 Revolving Fund.

3 C. If a claimant brings an action to recover damages related to  
4 the eligible accident upon which compensation is claimed or awarded,  
5 the claimant shall give the Uninsured Motorist Victims Compensation  
6 Board written notice of the action. After receiving the notice, the  
7 Board may join in the action as a party plaintiff to recover the  
8 compensation awarded.

9 SECTION 21. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 10-118.11 of Title 47, unless  
11 there is created a duplication in numbering, reads as follows:

12 A. The Uninsured Motorist Victims Compensation Board may  
13 compensate for work loss and replacement services loss.  
14 Compensation for such loss may not exceed One Thousand Dollars  
15 (\$1,000.00).

16 B. Compensation payable to a victim and to all other claimants  
17 sustaining economic loss because of injury to or death of that  
18 victim may not exceed Twenty Thousand Dollars (\$20,000.00) in the  
19 aggregate.

20 C. The Board may provide for the payment to a claimant in a  
21 lump sum or in installments. At the request of the claimant, the  
22 Board may convert future economic loss, other than allowable  
23 expense, to a lump sum.

24

1 D. An award shall not be subject to execution, attachment,  
2 garnishment or other process, except for child support and except  
3 that an award for allowable expense shall not be exempt from a claim  
4 of a creditor to the extent that such creditor has provided  
5 products, services or accommodations, the costs of which are  
6 included in the award.

7 E. An assignment by the claimant to any future award under the  
8 provisions of the Uninsured Motorist Victims Compensation Act is  
9 unenforceable, except:

10 1. An assignment of any award for work loss to assure payment  
11 of court-ordered alimony, maintenance or child support; or

12 2. An assignment of any award for allowable expense to the  
13 extent that the benefits are for the cost of products, services or  
14 accommodations necessitated by the injury or death on which the  
15 claim is based and are provided or to be provided by the assignee.

16 F. Outpatient counseling expenses for a victim of an eligible  
17 accident may be considered by the Board provided the counseling is  
18 necessary for coping with an injury or death and the counselor is a  
19 qualified mental health care provider. A total not to exceed Two  
20 Thousand Dollars (\$2,000.00) may be awarded for individual  
21 counseling sessions for eligible victims in the discretion of the  
22 Board.

23 G. Reasonable funeral, cremation or burial expenses shall not  
24 exceed Five Thousand Dollars (\$5,000.00).

1 SECTION 22. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 10-118.12 of Title 47, unless  
3 there is created a duplication in numbering, reads as follows:

4 If the Uninsured Motorist Victims Compensation Board determines  
5 that a claimant will suffer financial hardship unless an advance  
6 award is made, an amount may be paid to the claimant and shall be  
7 deducted from the final award, or shall be repaid by and recoverable  
8 from the claimant to the extent that it exceeds the final award.

9 SECTION 23. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 10-118.13 of Title 47, unless  
11 there is created a duplication in numbering, reads as follows:

12 The Uninsured Motorist Victims Compensation Board shall prepare  
13 and transmit annually to the Governor, the Speaker of the House of  
14 Representatives and the President Pro Tempore of the Senate a report  
15 of its activities, including the amount of compensation awarded and  
16 a statistical summary of claims and awards made and denied.

17 SECTION 24. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 10-118.14 of Title 47, unless  
19 there is created a duplication in numbering, reads as follows:

20 The filing of a false claim for compensation pursuant to the  
21 Uninsured Motorist Victims Compensation Act shall constitute a  
22 misdemeanor, and shall be punishable by a fine not to exceed Three  
23 Thousand Dollars (\$3,000.00) or by imprisonment in the county jail  
24 for a term not to exceed one (1) year, or by both such fine and

1 imprisonment. In addition, the person shall be ordered to reimburse  
2 the total amount paid by the Uninsured Motorist Victims Compensation  
3 Board with interest accruing thereon at the rate of twelve percent  
4 (12%) per annum until paid.

5 SECTION 25. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 10-118.15 of Title 47, unless  
7 there is created a duplication in numbering, reads as follows:

8 There is hereby created in the State Treasury a revolving fund  
9 for the Uninsured Motorist Victims Compensation Board to be  
10 designated the "Uninsured Motorist Victims Compensation Revolving  
11 Fund". The fund shall be a continuing fund, not subject to fiscal  
12 year limitations, and shall consist of all monies received by the  
13 Uninsured Motorist Victims Compensation Board from any source  
14 excluding appropriated funds. All monies accruing to the credit of  
15 the fund are hereby appropriated and, except for those monies  
16 specifically authorized by the Legislature to be expended by the  
17 Department of Public Safety for administration of the Uninsured  
18 Motorist Victims Compensation Board or operating expenses for  
19 administering any grant programs, may be budgeted and expended by  
20 the Board for the purpose of implementing the provisions of the  
21 Uninsured Motorist Victims Compensation Act. Expenditures from the  
22 fund shall be made upon warrants issued by the State Treasurer  
23 against claims filed as prescribed by law with the Director of State  
24 Finance for approval and payment. The fund shall be invested in

1 whatever instruments are authorized by law for investments by the  
2 State Treasurer. The interest earned by any investment of monies  
3 from the fund shall be credited to the fund for expenditure as  
4 provided by law for the fund.

5 SECTION 26. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 10-118.16 of Title 47, unless  
7 there is created a duplication in numbering, reads as follows:

8 Any funds remitted by any wrecker or towing service as providing  
9 by the Uninsured Motorist Victims Compensation Act, or received by  
10 the Uninsured Motorist Victims Compensation Board from any other  
11 source shall be deposited in the Uninsured Motorist Victims  
12 Compensation Revolving Fund, created pursuant to Section 25 of this  
13 act.

14 SECTION 27. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 10-118.17 of Title 47, unless  
16 there is created a duplication in numbering, reads as follows:

17 In addition to any traffic fine or criminal penalty allowed by  
18 law, any person found guilty of failure to have at least the minimal  
19 liability indemnification required to operate a vehicle on the  
20 streets, roads and highways of this state shall be assessed an  
21 uninsured motorist victims compensation assessment in an amount not  
22 less than Fifty Dollars (\$50.00) nor more than Five Thousand Dollars  
23 (\$5,000.00). Assessment shall be collected by the court clerk, and  
24

1 deposited in the Uninsured Motorist Victims Compensation Revolving  
2 Fund, created pursuant to Section 25 of this act.

3 SECTION 28. Sections 1 through 9 and Sections 25 and 27 of this  
4 act shall become effective July 1, 2007.

5 SECTION 29. Sections 10 through 24 and Section 26 of this act  
6 shall become effective January 1, 2008.

7 SECTION 30. It being immediately necessary for the preservation  
8 of the public peace, health and safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

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