

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 2ND CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 1170

6 By: Leftwich of the Senate

7 and

8 Christian, Roan, Smithson
9 and Tibbs of the House

10 2ND CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to public safety; amending 47 O.S.
12 2001, Section 40-122, as last amended by Section 2,
13 Chapter 472, O.S.L. 2002 (47 O.S. Supp. 2008, Section
14 40-122), which relates to the Advisory Committee for
15 Motorcycle Safety and Education; modifying the
16 Advisory Committee membership; amending Section 904,
17 as last amended by Section 1, Chapter 158, O.S.L.
18 2006 (47 O.S. Supp. 2008, Section 904), which relates
19 to motor vehicles; defining wrecker service records;
20 allowing release of vehicle to certain person;
21 requiring certain identification and evidence;
22 specifying procedure to collect personal property;
23 providing waiver of suspension of license; clarifying
24 certain waiver; directing electronic notification of
graduation from Oklahoma Drug Court Program;
providing for codification; providing an effective
date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 40-122, as
amended by Section 2, Chapter 472, O.S.L. 2002 (47 O.S. Supp. 2008,
Section 40-122), is amended to read as follows:

1 Section 40-122. A. There is hereby created the Advisory
2 Committee for Motorcycle Safety and Education which shall be
3 comprised of the Administrator, who shall serve as chair of the
4 Committee and shall be a nonvoting member, and seven (7) voting
5 members, six of whom shall be appointed by the Commissioner of
6 Public Safety and one of whom shall be appointed by the Insurance
7 Commissioner. One member shall be a certified instructor of
8 motorcycle safety and education; ~~one member~~ three members shall be a
9 licensed and safety course certified motorcycle ~~operator/owner~~; ~~one~~
10 ~~member shall be an employee of the Department of Public Safety~~; ~~one~~
11 ~~member shall represent the interests of district court and municipal~~
12 ~~judges that hear cases pertaining to traffic laws~~ operators/owners;
13 one member shall represent private sector motorcycle rider education
14 schools; one member shall be a representative of the Oklahoma
15 Highway Safety Office; and the member appointed by the Insurance
16 Commissioner shall be an employee of the Insurance Commissioner's
17 office. Members shall serve at the pleasure of the appointing
18 authority.

19 B. The Committee shall meet at the call of the Administrator or
20 the Commissioner. A vice-chair shall be elected by the Committee
21 from among its members. The vice-chair shall act as chair of the
22 Committee only in the absence of the Administrator at officially
23 called meetings of the Committee.

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1 C. The Committee shall advise and assist the Commissioner in
2 the development, administration and operation of the Motorcycle
3 Safety and Education Program and the setting of goals, objectives
4 and priorities for the Program.

5 D. The provisions of this section shall not be construed to
6 authorize the creation of any additional salaried position within
7 the Department of Public Safety.

8 E. Members of the Committee who are not state employees shall
9 receive no compensation from the state for serving on the Committee.
10 All members of the Committee shall be entitled to reimbursement for
11 any actual and necessary traveling expenses pursuant to the State
12 Travel Reimbursement Act.

13 SECTION 2. AMENDATORY 47 O.S. 2001, Section 904, as last
14 amended by Section 1, Chapter 158, O.S.L. 2006 (47 O.S. Supp. 2008,
15 Section 904), is amended to read as follows:

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

1 vehicle, whether stored at the request of law enforcement or a
2 private property owner. The wrecker service shall keep records that
3 shall include:

4 1. The day and time the operator was contacted and requested to
5 perform the service;

6 2. The name of the person requesting this service;

7 3. The location of the vehicle;

8 4. A description of the towed vehicle, including license tag
9 and vehicle identification number;

10 5. The owner or driver of the vehicle when known; and

11 6. The service charge and fees.

12 B. The operator is authorized to collect all lawful fees from
13 the owner, lienholder that seeks possession of a vehicle under a
14 security interest, agent, or insurer accepting liability for paying
15 the claim for a vehicle or purchasing the vehicle as a total loss
16 vehicle from the registered owner of the towed vehicle for the
17 performance of any and all such services.

18 C. An operator shall release the vehicle from storage upon
19 authorization from the owner, agent or lienholder of the vehicle or
20 in the case of a total loss, the insurer accepting liability for
21 paying the claim on the vehicle or purchasing the vehicle where the
22 vehicle is to be moved to an insurance pool yard for sale. Release
23 of a vehicle to an owner, other than an insurer, shall be authorized
24 upon presentation of proper personal identification such as a driver

1 license and evidence of ownership which is satisfactory to the
2 wrecker operator, such as a certificate of title, recent
3 registration obtained within three (3) days from the Oklahoma Tax
4 Commission, written verification from a local law enforcement agency
5 as to the identity of the owner, or other documentation acceptable
6 to the wrecker operator. If the documentation is unacceptable to
7 the wrecker operator, the wrecker service shall verbally explain why
8 an ownership document is not acceptable. Release of a vehicle to a
9 person representing the owner, other than an insurer, shall be
10 authorized upon presentation of the certificate of title, a
11 notarized letter from the owner permitting the representative to act
12 on behalf of the owner, proper personal identification of the
13 representative such as a driver license, or written verification
14 from a local law enforcement agency as to the identity of the person
15 representing the owner.

16 D. Personal property, which shall include everything in a
17 stored vehicle except the vehicle and its attached or installed
18 equipment, shall be released, upon request, to the owner or the
19 owner's representative, other than an insurer, upon proof of
20 identification and ownership as described in subsection C of this
21 section, without the requirement that the owner or the owner's
22 representative pay towing and storage fees owed to the wrecker
23 service as a condition of release of the personal property. The
24 owner or the owner's representative shall be required to comply with

1 any city or county regulation or ordinance requiring the payment of
2 fees due to the city or county. The wrecker service may assess and
3 collect lawful fees, such as after-hours fees or subcontractor fees,
4 other than towing and storage fees, as a condition of release of
5 personal property to the owner or owner's representative. Wrecker
6 operators shall allow the vehicle owner or owner's representative to
7 have access to the vehicle for the sole purpose of retrieving
8 ownership documentation, such as title or registration.

9 The cost of removal and storage shall be paid to the wrecker or
10 towing service.

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 6-212.4 of Title 47, unless
13 there is created a duplication in numbering, reads as follows:

14 All revocation, suspension, cancellation and/or denial periods
15 of time will be considered served upon successful graduation from an
16 Oklahoma Drug Court Program created and administered pursuant to the
17 Oklahoma Drug Court Act and the Oklahoma Department of Mental Health
18 and Substance Abuse Services, unless evidence of drug and/or alcohol
19 use occurring postgraduation is acquired by the Department of Public
20 Safety.

21 This waiver of time applies only to Class D driving privileges.
22 Notwithstanding the foregoing, this section does not require the
23 Department of Public Safety to grant driving privileges to an
24 individual not otherwise eligible.

1 Electronic notification of graduation from an Oklahoma Drug
2 Court Program shall be provided to the Department of Public Safety
3 by the court clerk in the county where said program is situated.
4 Such electronic notification shall be consistent with the provisions
5 of Section 18-101 of Title 47 of the Oklahoma Statutes or by any
6 other method approved by the Department of Public Safety.

7 SECTION 4. This act shall become effective July 1, 2009.

8 SECTION 5. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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