

1 ENGROSSED SENATE
2 BILL NO. 903

By: Bass and Stanislawski of
the Senate

3 and

4 Roan of the House
5
6

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 955, as last amended by Section 1,
9 Chapter 220, O.S.L. 2005 (47 O.S. Supp. 2008, Section
10 955), which relates to the towing of vehicles;
11 limiting liability of licensed wrecker operators; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2001, Section 955, as last
15 amended by Section 1, Chapter 220, O.S.L. 2005 (47 O.S. Supp. 2008,
16 Section 955), is amended to read as follows:

17 Section 955. A. Any officer of the Department of Public Safety
18 or any other political subdivision of this state is hereby
19 authorized to cause to be towed any vehicle found upon the roadway
20 when:

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

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

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

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

8 5. The officer has probable cause that the person operating the
9 vehicle has not been granted driving privileges or that the driving
10 privileges of the person are currently suspended, revoked, canceled,
11 denied, or disqualified.

12 B. A licensed wrecker operator is not liable for damage to a
13 vehicle, vessel, or cargo that obstructs the normal movement of
14 traffic or creates a hazard to traffic and is removed in compliance
15 with the request of a law enforcement officer, unless there is
16 failure to exercise reasonable care in the performance of the act or
17 for conduct that is willful or malicious.

18 C. Each officer of the Department shall use the services of the
19 licensed wrecker operator whose location is nearest to the vehicle
20 to be towed in all instances in subsection A of this section. The
21 requests for services may be alternated or rotated among all
22 licensed wrecker operators who are located within a reasonable
23 radius of each other. In like manner, the officer shall advise any
24 person requesting information as to the availability of a wrecker or

1 towing service, the name of the nearest licensed wrecker operator,
2 giving equal consideration to all licensed wrecker operators located
3 within a reasonable radius of each other. In cities of less than
4 fifty thousand (50,000) population, all licensed wrecker operators
5 located near or in the city limits of such cities shall be
6 considered as being equal distance and shall be called on an equal
7 basis as nearly as possible. In counties bordering other states, if
8 the officer deems safety and time considerations warrant, the
9 officer may call a wrecker or towing service that is not on the
10 rotation log.

11 ~~C.~~ D. Any officer of the Department who has been requested by a
12 person in need of wrecker or towing service to call a specific
13 wrecker or towing service for such person, and who calls a different
14 wrecker or towing service other than the one requested, without the
15 consent of the person, except where hazardous conditions exist,
16 shall be suspended from the Department, without compensation, for a
17 period of thirty (30) days, except in instances where a vehicle is
18 removed from the roadway under the authority of paragraphs 3 and 4
19 of subsection A of this section.

20 SECTION 2. This act shall become effective November 1, 2009.
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1 Passed the Senate the 17th day of February, 2009.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2009.

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8 _____
9 Presiding Officer of the House
10 of Representatives