

EHB 2959

1 THE STATE SENATE  
2 Wednesday, March 17, 2010

3 ENGROSSED

4 House Bill No. 2959

5 ENGROSSED HOUSE BILL NO. 2959 - By: Wright (Harold) of the House and  
6 Sykes of the Senate.

7 An Act relating to motor vehicles; amending 47 O.S. 2001,  
8 Section 954A, which relates to removal of abandoned motor  
9 vehicles; authorizing certain licensed wreckers and towing  
10 service operators to perform services under certain  
11 circumstances; requiring court order or written  
12 authorization to disclose certain information; directing the  
13 Department of Public Safety and the Oklahoma Tax Commission  
14 to render certain assistance; and providing an effective  
15 date.

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

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

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

26 B. 1. The owner, legal possessor or authorized agent may  
27 request any licensed wrecker or towing service within the county  
28 wherein the real property is located to remove the abandoned vehicle

1 from the premises by signing a Tow Request and Authorization Form  
2 prescribed by the Department of Public Safety and furnished to  
3 licensed wrecker operators as hereinafter provided.

4 2. If the owner, legal possessor or authorized agent of the  
5 property owner is unable to obtain the services of a licensed  
6 wrecker or towing service to remove the abandoned vehicle in a  
7 reasonable amount of time, the owner, legal possessor or authorized  
8 agent may contact and request that a licensed wrecker or towing  
9 service from an adjacent county perform the service. A notation  
10 shall be made on the Tow Request and Authorization Form that a  
11 licensed wrecker or towing service in the county in which the real  
12 property is located was contacted but the licensed wrecker or towing  
13 service was not able to perform the removal in a reasonable amount  
14 of time.

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

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

21 1. A description of the vehicle, including the type of vehicle,  
22 year of manufacture, name of the manufacturer, vehicle color or  
23 colors, identification number and license tag number;

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

3           3. The name, address ~~and~~, telephone number and driver license  
4 number or state-issued identification card number of the real  
5 property owner, legal possessor or authorized agent;

6           4. Inventory of personal property within the vehicle to be  
7 towed;

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

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

11           The Department may require additional information on the Tow  
12 Request and Authorization Form. The driver license number or state-  
13 issued identification card number of the real property owner, legal  
14 possessor or authorized agent shall not be disclosed by the  
15 Department to any entity inquiring about services performed without  
16 a court order or without written consent from the property owner,  
17 legal possessor or authorized agent.

18           E. The real property owner, legal possessor or authorized agent  
19 and the wrecker vehicle driver shall jointly, and each in the  
20 presence of the other, inventory personal property found within or  
21 upon the vehicle and each shall accordingly sign a statement on the  
22 form reflecting this requirement has been fulfilled. In the event

1 an inventory cannot be completed, the reasons therefor shall be  
2 clearly stated on the form.

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

17 G. Within ~~seventy-two (72) hours~~ three (3) business days of the  
18 time indicated on the form, the wrecker or towing service shall  
19 request the Oklahoma Tax Commission or other appropriate motor  
20 license agent to furnish the name and address of the current owner  
21 of and any lienholder upon the vehicle. The Tax Commission or  
22 appropriate motor license agent shall respond in person or by  
23 certified mail to the wrecker or towing service within five (5)

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

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

20 SECTION 2. This act shall become effective November 1, 2010.

21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,  
22 dated 3-16-10 - DO PASS.