

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2969

By: Sanders

4  
5 AS INTRODUCED

6  
7 An Act relating to motor vehicles; amending 47 O.S.  
8 2001, Section 11-405.1, as renumbered by Section 35,  
9 Chapter 397, O.S.L. 2002, and as amended by Section  
10 1, Chapter 69, O.S.L. 2008 (47 O.S. Supp. 2009,  
11 Section 11-314), which relates to approaching  
12 stationary emergency vehicles; deleting references  
13 made to wrecker or tow vehicles; amending Section 36,  
14 Chapter 411, O.S.L. 2003, as amended by Section 1,  
15 Chapter 101, O.S.L. 2009 and 47 O.S. 2001, Sections  
16 12-227, as last amended by Section 2, Chapter 193,  
17 O.S.L. 2005 and 12-229, as amended by Section 46,  
18 Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2009,  
19 Sections 12-218.1, 12-227 and 12-229), which relate  
20 to lights on vehicles; deleting authority of wreckers  
21 or wrecker support vehicles to display certain  
22 lights; deleting certain statutory references;  
23 authorizing use of flashing amber lights on certain  
24 vehicles; amending 47 O.S. 2001, Section 954A, which  
relates to the removal of abandoned motor vehicles;  
directing wrecker and tow service operators to  
provide certain information to law enforcement  
agencies subsequent to vehicle tow; and providing an  
effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2001, Section 11-405.1, as  
renumbered by Section 35, Chapter 397, O.S.L. 2002, and as amended  
by Section 1, Chapter 69, O.S.L. 2008 (47 O.S. Supp. 2009, Section  
11-314), is amended to read as follows:

1 Section 11-314. A. The driver of a motor vehicle, upon  
2 approaching a stationary authorized emergency vehicle, ~~wrecker, or~~  
3 ~~tow vehicle~~ that is displaying a flashing combination red or blue  
4 light or any combination of red or blue lights, shall:

5 1. If traveling on a highway that consists of two or more lanes  
6 that carry traffic in the same direction of travel as that of the  
7 driver, the driver shall proceed with due caution and shall, if  
8 possible and with due regard to the road, weather, and traffic  
9 conditions, change lanes into a lane that is not adjacent to the  
10 stationary authorized emergency vehicle, ~~wrecker, or tow vehicle~~; or  
11 if the driver is not able to change lanes or if to do so would be  
12 unsafe, the driver shall proceed with due caution and reduce the  
13 speed of the motor vehicle to a safe speed for the existing road,  
14 weather, and traffic conditions; and

15 2. If traveling on a highway other than a highway described in  
16 paragraph 1 of this subsection, the driver shall proceed with due  
17 caution and reduce the speed of the motor vehicle to a safe speed  
18 for the existing road, weather, and traffic conditions.

19 B. This section does not relieve the operator of a stationary  
20 authorized emergency vehicle, ~~wrecker, or tow vehicle~~ from the  
21 consequences of reckless disregard for the safety of all persons and  
22 property upon the highway.

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1 SECTION 2. AMENDATORY Section 36, Chapter 411, O.S.L.  
2 2003, as amended by Section 1, Chapter 101, O.S.L. 2009 (47 O.S.  
3 Supp. 2009, Section 12-218.1), is amended to read as follows:

4 Section 12-218.1 ~~Flashing red or blue lights or a combination~~  
5 ~~of flashing red and blue lights may be used on wreckers, wrecker~~  
6 ~~support vehicles, and tow vehicles at the scene of an emergency.~~

7 Any wrecker, wrecker support vehicle or tow vehicle may be  
8 equipped with a lamp displaying an amber light, visible from a  
9 distance of not less than five hundred (500) feet to the front of  
10 the vehicle or from a distance of not less than five hundred (500)  
11 feet to the rear of the vehicle. Such lamp shall only be used when  
12 leaving the scene of a tow service call and for the purpose of  
13 warning the operators of other vehicles to exercise care in  
14 approaching, overtaking or passing such vehicle.

15 SECTION 3. AMENDATORY 47 O.S. 2001, Section 12-227, as  
16 last amended by Section 2, Chapter 193, O.S.L. 2005 (47 O.S. Supp.  
17 2009, Section 12-227), is amended to read as follows:

18 Section 12-227. A. Any lighted lamp or illuminating device  
19 upon a motor vehicle, other than headlamps, spot lamps, auxiliary  
20 driving lamps, flashing turn signals, vehicular hazard warning  
21 lamps, authorized emergency vehicle lamps, snow removal and  
22 construction and maintenance vehicle warning lamps, and school bus  
23 and church bus warning lamps, which projects a beam of light of an  
24 intensity greater than three hundred (300) candlepower shall be so

1 directed that no part of the high intensity portion of the beam will  
2 strike the level of the roadway on which the vehicle stands at a  
3 distance of more than seventy-five (75) feet from the vehicle.

4 B. Except as provided in Sections 12-218, ~~12-218.1~~, and 12-228  
5 ~~and 12-229~~ of this title, no person shall drive or move any vehicle  
6 or equipment upon any highway with any lamp or device thereon  
7 displaying or capable of displaying a red or blue light visible from  
8 directly in front of the center thereof.

9 C. Flashing lights are prohibited except on:

10 1. An authorized emergency vehicle, as provided in Section 12-  
11 218 of this title;

12 2. A school bus or a church bus, as provided in Section 12-228  
13 of this title;

14 3. Any snow-removal and construction, and maintenance  
15 equipment, as provided in Section 12-229 of this title;

16 4. A wrecker or tow vehicle while at the scene of an emergency  
17 or loading or unloading a vehicle in close proximity to traffic as  
18 needed for safety precautions or as a means of indicating the  
19 presence of a vehicular traffic hazard requiring unusual care in  
20 approaching, overtaking or passing, as provided in Section 12-218.1  
21 of this title;

22 5. Any vehicle as a means of indicating a right or left turn,  
23 as provided in Sections 12-206.1 and 12-606 of this title;

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1           6. Any vehicle as means of indicating the presence of a  
2 vehicular traffic hazard requiring unusual care in approaching,  
3 overtaking or passing, as provided in Section 12-220 of this title;

4           7. Any vehicle displaying side marker lamps which flash in  
5 conjunction with turn signal lamps or vehicle hazard warning lamps,  
6 as provided in Section 12-220 of this title;

7           8. A farm tractor or an implement of husbandry, as provided in  
8 Section 12-215 of this title; or

9           9. Any vehicle used while performing official duties as a rural  
10 or contract route mail carrier of the United States Postal Service,  
11 as provided in Section 12-218.2 of this title.

12           D. Blue lights are prohibited except as allowed in ~~Sections~~  
13 Section 12-218, 12-218.1 and 12-229 of this title.

14           E. Any person violating the provisions of subsection B, C or D  
15 of this section shall, upon conviction, be guilty of a misdemeanor  
16 punishable by imprisonment in the county jail not exceeding six (6)  
17 months, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),  
18 or by both such fine and imprisonment.

19           SECTION 4.           AMENDATORY           47 O.S. 2001, Section 12-229, as  
20 amended by Section 46, Chapter 411, O.S.L. 2003 (47 O.S. Supp. 2009,  
21 Section 12-229), is amended to read as follows:

22           Section 12-229. A. The Department of Transportation shall  
23 adopt standards and specifications applicable to headlamps,  
24 clearance lamps, identification and other lamps on snow-removal

1 equipment, when operated on the highways of this state in lieu of  
2 the lamps otherwise required on motor vehicles by this chapter.  
3 Such standards and specifications may permit the use of flashing  
4 lights for purposes of identification on snow-removal equipment when  
5 in service upon the highways. The standards and specifications for  
6 lamps referred to in this section shall correlate with and, so far  
7 as possible, conform with those approved by the American Association  
8 of State Highway Officials.

9 B. It shall be unlawful to operate any snow-removal equipment  
10 on any highway unless the lamps thereon comply with and are lighted  
11 when and as required by the standards and specifications adopted as  
12 provided in this section.

13 C. ~~Flashing red or blue lights or a combination of flashing red~~  
14 ~~and blue~~ amber lights may be used on vehicles or machinery owned or  
15 operated by any agency of the state or by any county or city when  
16 engaged in the performance of emergency work or on the construction  
17 or maintenance of highways.

18 SECTION 5. AMENDATORY 47 O.S. 2001, Section 954A, is  
19 amended to read as follows:

20 Section 954A. A. In addition to any procedure provided by  
21 local ordinance, whenever the owner or legal possessor of real  
22 property or an authorized agent has reasonable cause to believe that  
23 a vehicle has been abandoned thereon, said vehicle having been on  
24 said property for a minimum of forty-eight (48) hours, or whenever a

1 vehicle is left upon said real property without express or implied  
2 permission, such vehicle may be removed as provided in this section.

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

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

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

15 1. A description of the vehicle, including the type of vehicle,  
16 year of manufacture, name of the manufacturer, vehicle color or  
17 colors, identification number and license tag number;

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

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

22 4. Inventory of personal property within the vehicle to be  
23 towed;

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

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

3           The Department may require additional information on the Tow  
4 Request and Authorization Form.

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

12           F. A copy of the completed Tow Request and Authorization Form  
13 shall be retained by the signatories and the wrecker or towing  
14 service shall maintain the wrecker vehicle driver's copy for not  
15 less than one (1) year, or longer if required by the Department.  
16 The wrecker or towing service shall ~~forthwith~~, within twenty-four  
17 (24) hours, send the completed original Tow Request and  
18 Authorization Form to the Department and the remaining copy of the  
19 completed form to the local police department of the municipality in  
20 which the real property is located, or the sheriff's office of the  
21 county from which the vehicle was towed, if the real property is  
22 located outside of an incorporated municipality. The wrecker or  
23 towing service shall, within two (2) hours of the time indicated on  
24 the form, contact the local police department of the municipality in

1 which the real property is located, or the sheriff's office of the  
2 county from which the vehicle was towed, if the real property is  
3 located outside of an incorporated municipality and furnish the law  
4 enforcement agency with information concerning the tow including,  
5 but not limited to, a description of the vehicle, the physical  
6 address or approximate location of where the vehicle was towed and  
7 the name, address and business telephone number of the wrecker or  
8 towing service provider.

9 G. Within seventy-two (72) hours of the time indicated on the  
10 form, the wrecker or towing service shall request the Oklahoma Tax  
11 Commission or other appropriate motor license agent to furnish the  
12 name and address of the current owner of and any lienholder upon the  
13 vehicle. The Tax Commission or appropriate motor license agent  
14 shall respond in person or by certified mail to the wrecker or  
15 towing service within five (5) business days from the receipt of the  
16 request for information. The Department may render assistance to  
17 ascertain ownership, if needed. The wrecker or towing service  
18 shall, within seven (7) days from receipt of the requested  
19 information from the Oklahoma Tax Commission or other motor license  
20 agent, send a notice of the location of the vehicle by certified  
21 mail, postage prepaid, at the addresses furnished, to the owner and  
22 any lienholder of the vehicle. The owner or lienholder may regain  
23 possession of the vehicle in accordance with rules of the Department  
24 upon payment of the wrecker or towing services, costs of certified

1 mailing and the reasonable cost of towing and storage of the  
2 vehicle. If the wrecker or towing service has not complied with the  
3 notification procedures required by this subsection, the owner or  
4 lienholder shall not be required to pay for storage of the vehicle.

5 H. No wrecker or towing service or operator of a wrecker or  
6 towing service shall tow or cause to be towed a vehicle pursuant to  
7 this section until the form furnished by the Department has been  
8 appropriately completed by the parties as required by rules of the  
9 Department.

10 SECTION 6. This act shall become effective November 1, 2010.

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