

1 ENGROSSED HOUSE AMENDMENTS  
TO  
2 ENGROSSED SENATE BILL NO. 1067

By: Barrington of the Senate

3 and

4 Roan of the House  
5  
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8 An Act relating to motor vehicles; amending 47 O.S.  
2011, Section 955, which relates to towing of  
9 vehicles from roadway; clarifying where certain  
officers are authorized to cause vehicles to be  
10 towed; and providing an effective date.  
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13 AMENDMENT NO. 1. Page 2, Section 1, line 11, after the semicolon  
insert the word "or"

14 and on lines 15 through 17, strike all the  
15 language beginning with the semicolon on line 15  
through the word "state" on line 17

16 and amend title to conform  
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18 AMENDMENT NO. 2. Page 2, Section 1, line 17, after the word "state"  
and before the period insert the following

19 "; or

20 8. The officer has reasonable suspicion that any owner, person  
21 operating the vehicle or any passenger therein is not lawfully  
22 present under federal immigration law"

23 and amend title to conform  
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ENGROSSED SENATE  
BILL NO. 1067

By: Barrington of the Senate

and

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An Act relating to motor vehicles; amending 47 O.S. 2011, Section 955, which relates to towing of vehicles from roadway; clarifying where certain officers are authorized to cause vehicles to be towed; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 955, is amended to read as follows:

Section 955. A. Any officer of the Department of Public Safety or any other political subdivision of this state is hereby authorized to cause to be towed any vehicle found upon ~~the roadway~~ public roads, highways, streets, turnpikes, other public places or upon any private road, street, alley or lane which provides access to one or more single- or multi-family dwellings when:

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

2. The officer has reason to believe the vehicle has been 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;

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           6. The officer has probable cause that the vehicle has been  
13 used in the commission of a felony offense and the officer has  
14 obtained a search warrant authorizing the search and seizure of the  
15 vehicle; or

16           7. The officer has probable cause that the vehicle is not  
17 insured as required by the Compulsory Insurance Law of this state.

18           B. A licensed wrecker operator is not liable for damage to a  
19 vehicle, vessel, or cargo that obstructs the normal movement of  
20 traffic or creates a hazard to traffic and is removed in compliance  
21 with the request of a law enforcement officer, unless there is  
22 failure to exercise reasonable care in the performance of the act or  
23 for conduct that is willful or malicious.

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

18 D. Any officer of the Department who has been requested by a  
19 person in need of wrecker or towing service to call a specific  
20 wrecker or towing service for such person, and who calls a different  
21 wrecker or towing service other than the one requested, without the  
22 consent of the person, except where hazardous conditions exist,  
23 shall be suspended from the Department, without compensation, for a  
24 period of thirty (30) days, except in instances where a vehicle is

1 removed from the roadway under the authority of paragraphs 3, 4 and  
2 6 of subsection A of this section.

3 SECTION 2. This act shall become effective November 1, 2012.

4 Passed the Senate the 27th day of February, 2012.

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\_\_\_\_\_  
Presiding Officer of the Senate

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8 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

9 2012.

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Presiding Officer of the House  
of Representatives

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