

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 2ND CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 1067

By: Barrington of the Senate

and

6 Roan of the House

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9 2ND CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to motor vehicles; amending 47 O.S.
11 2011, Section 955, which relates to towing of
12 vehicles from roadway; clarifying where certain
13 officers are authorized to cause vehicles to be
14 towed; and providing an effective date.

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

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

18 Section 955. A. Any officer of the Department of Public Safety
19 or any other political subdivision of this state is hereby
20 authorized to cause to be towed any vehicle found upon ~~the roadway~~
21 when public roads, highways, streets, turnpikes, other public places
22 or upon any private road, street, alley or lane which provides
23 access to one or more single- or multi-family dwellings and is
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1 limiting access to a single- or multi-family dwelling, and one or
2 more of the following conditions exists:

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

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

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

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

14 5. The officer has probable cause that the person operating the
15 vehicle has not been granted driving privileges or that the driving
16 privileges of the person are currently suspended, revoked, canceled,
17 denied, or disqualified;

18 6. The officer has probable cause that the vehicle has been
19 used in the commission of a felony offense and the officer has
20 obtained a search warrant authorizing the search and seizure of the
21 vehicle; or

22 7. The officer has probable cause that the vehicle is not
23 insured as required by the Compulsory Insurance Law of this state.
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1 B. A licensed wrecker operator is not liable for damage to a
2 vehicle, vessel, or cargo that obstructs the normal movement of
3 traffic or creates a hazard to traffic and is removed in compliance
4 with the request of a law enforcement officer, unless there is
5 failure to exercise reasonable care in the performance of the act or
6 for conduct that is willful or malicious.

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

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1 D. Any officer of the Department who has been requested by a
2 person in need of wrecker or towing service to call a specific
3 wrecker or towing service for such person, and who calls a different
4 wrecker or towing service other than the one requested, without the
5 consent of the person, except where hazardous conditions exist,
6 shall be suspended from the Department, without compensation, for a
7 period of thirty (30) days, except in instances where a vehicle is
8 removed from the roadway under the authority of paragraphs 3, 4 and
9 6 of subsection A of this section.

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

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