

1 ENGROSSED SENATE  
2 BILL NO. 1776

By: Johnson (Rob) of the Senate

3 and

4 Grau of the House

5  
6 [ abandoned vehicles - release of vehicle -  
7 lienholder - effective date ]  
8

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

10 SECTION 1. AMENDATORY 47 O.S. 2011, Section 903, is  
11 amended to read as follows:

12 Section 903. Any such officer who has directed the impoundment  
13 of any vehicle, or an authorized person in the employing agency of  
14 the officer, shall within seventy-two (72) hours of the impoundment  
15 notify the Department of Public Safety of such impoundment. The  
16 notice of impoundment shall contain the name and address of the  
17 owner, if known, the make, model, vehicle identification number,  
18 registration number, date stored, place stored and the estimated  
19 value of the vehicle as determined by the officer. Upon receipt of  
20 such notice of impoundment, the Department of Public Safety shall,  
21 within seventy-two (72) hours, request the Oklahoma Tax Commission  
22 or other appropriate motor license agent to furnish the name and  
23 address of the owner of and any lienholder on the vehicle and shall  
24 within three (3) days from receipt of the requested information send

1 a notice to the owner and any lienholder by ~~regular~~ certified mail,  
2 postage prepaid, at the addresses furnished by the Tax Commission or  
3 motor license agent, of the location of the vehicle. This section  
4 shall not be construed to create any civil liability upon the state,  
5 any agency of the state or employee thereof for failure to provide  
6 such notice to the owner or lienholder.

7 SECTION 2. AMENDATORY 47 O.S. 2011, Section 904, is  
8 amended to read as follows:

9 Section 904. The owner of a motor vehicle or lienholder of the  
10 vehicle abandoned in violation of Section 901 et seq. of this title,  
11 or the owner of any vehicle or lienholder of the vehicle or insurer  
12 accepting liability for paying a claim on a vehicle or purchasing  
13 the vehicle as a total loss vehicle from the registered owner which  
14 shall have been lawfully removed from any highway or other public  
15 property may regain possession of the vehicle in accordance with  
16 regulations of the Department of Public Safety upon payment of the  
17 reasonable cost of removal and storage of such vehicle. The  
18 operator is authorized to collect all lawful fees from the owner,  
19 lienholder that seeks possession of a vehicle under a security  
20 interest, agent, or insurer accepting liability for paying the claim  
21 for a vehicle or purchasing the vehicle as a total loss vehicle from  
22 the registered owner of the towed vehicle for the performance of any  
23 and all such services. An operator shall release the vehicle from  
24 storage upon authorization from the owner, or agent, or to release

1 the vehicle to the lienholder of the vehicle upon the lienholder's  
2 providing a copy of the lien and an affidavit in a form approved by  
3 the Department of Public Safety, or in the case of a total loss, the  
4 insurer accepting liability for paying the claim on the vehicle or  
5 purchasing the vehicle where the vehicle is to be moved to an  
6 insurance pool yard for sale.

7 The cost of removal and storage shall be paid to the wrecker or  
8 towing service.

9 SECTION 3. AMENDATORY 47 O.S. 2011, Section 909, is  
10 amended to read as follows:

11 Section 909. Proceedings for such sale under this act shall not  
12 be commenced until ten (10) days, but no later than thirty (30)  
13 days, after said lien has accrued.

14 SECTION 4. AMENDATORY 47 O.S. 2011, Section 954A, is  
15 amended to read as follows:

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

23 B. 1. The owner, legal possessor or authorized agent may  
24 request any licensed wrecker or towing service within the county

1 wherein the real property is located to remove the abandoned vehicle  
2 from the premises by signing a Tow Request and Authorization Form  
3 prescribed by the Department of Public Safety and furnished to  
4 licensed wrecker operators as hereinafter provided.

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

16 C. A licensed wrecker or towing service removing an abandoned  
17 vehicle pursuant to this section shall be subject to the maximum  
18 rates established by the Corporation Commission.

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

22 1. A description of the vehicle, including the type of vehicle,  
23 year of manufacture, name of the manufacturer, vehicle color or  
24 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, 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 or the Commission may require additional  
12 information on the Tow Request and Authorization Form. The driver  
13 license number or state-issued identification card number of the  
14 real property owner, legal possessor or authorized agent shall not  
15 be disclosed by the Department or the Commission to any entity  
16 inquiring about services performed without a court order or without  
17 written consent from the property owner, legal possessor or  
18 authorized agent.

19           E. The real property owner, legal possessor or authorized agent  
20 and the wrecker vehicle driver shall jointly, and each in the  
21 presence of the other, inventory personal property found within or  
22 upon the vehicle and each shall accordingly sign a statement on the  
23 form reflecting this requirement has been fulfilled. In the event  
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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 or  
7 the Commission. The wrecker or towing service shall forthwith send  
8 the completed original Tow Request and Authorization Form to the  
9 Department and the remaining copy of the completed form to the local  
10 police 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 three (3) business days of the time indicated on the  
18 form, the wrecker or towing service shall request the Oklahoma Tax  
19 Commission or other appropriate motor license agent to furnish the  
20 name and address of the current owner of and any lienholder upon the  
21 vehicle. The Tax Commission or appropriate motor license agent  
22 shall respond in person or by certified mail to the wrecker or  
23 towing service within five (5) business days from the receipt of the  
24 request for information. The Department and the Oklahoma Tax

1 Commission shall render assistance to ascertain ownership, if  
2 needed. The wrecker or towing service shall, within seven (7) days  
3 from receipt of the requested information from the Oklahoma Tax  
4 Commission or other motor license agent, send a notice of the  
5 location of the vehicle by certified mail, postage prepaid, at the  
6 addresses furnished, to the owner and any lienholder of the vehicle.  
7 The owner or lienholder may regain possession of the vehicle ~~in~~  
8 ~~accordance with rules of~~ by providing a copy of the title or lien  
9 and an affidavit in a form approved by the Department upon payment  
10 of the wrecker or towing services, costs of certified mailing and  
11 the reasonable cost of towing and storage of the vehicle. If the  
12 wrecker or towing service has not complied with the notification  
13 procedures required by this subsection, the owner or lienholder  
14 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 5. This act shall become effective November 1, 2012.  
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