

1 **SENATE FLOOR VERSION**

2 February 27, 2012

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1776

By: Johnson (Rob) of the Senate

and

6 Grau of the House

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8
9 [abandoned vehicles - release of vehicle -
10 lienholder - effective date]

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

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

15 Section 903. Any such officer who has directed the impoundment
16 of any vehicle, or an authorized person in the employing agency of
17 the officer, shall within seventy-two (72) hours of the impoundment
18 notify the Department of Public Safety of such impoundment. The
19 notice of impoundment shall contain the name and address of the
20 owner, if known, the make, model, vehicle identification number,
21 registration number, date stored, place stored and the estimated
22 value of the vehicle as determined by the officer. Upon receipt of
23 such notice of impoundment, the Department of Public Safety shall,
24 within seventy-two (72) hours, request the Oklahoma Tax Commission

1 or other appropriate motor license agent to furnish the name and
2 address of the owner of and any lienholder on the vehicle and shall
3 within three (3) days from receipt of the requested information send
4 a notice to the owner and any lienholder by ~~regular~~ certified mail,
5 postage prepaid, at the addresses furnished by the Tax Commission or
6 motor license agent, of the location of the vehicle. This section
7 shall not be construed to create any civil liability upon the state,
8 any agency of the state or employee thereof for failure to provide
9 such notice to the owner or lienholder.

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

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

1 the registered owner of the towed vehicle for the performance of any
2 and all such services. An operator shall release the vehicle from
3 storage upon authorization from the owner, or agent, or to release
4 the vehicle to the lienholder of the vehicle upon the lienholder's
5 providing a copy of the lien and an affidavit in a form approved by
6 the Department of Public Safety, or in the case of a total loss, the
7 insurer accepting liability for paying the claim on the vehicle or
8 purchasing the vehicle where the vehicle is to be moved to an
9 insurance pool yard for sale.

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

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

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

17 SECTION 4. AMENDATORY 47 O.S. 2011, 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
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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. 1. The owner, legal possessor or authorized agent may
4 request any licensed wrecker or towing service within the county
5 wherein the real property is located to remove the abandoned vehicle
6 from the premises by signing a Tow Request and Authorization Form
7 prescribed by the Department of Public Safety and furnished to
8 licensed wrecker operators as hereinafter provided.

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

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

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

4 1. A description of the vehicle, including the type of vehicle,
5 year of manufacture, name of the manufacturer, vehicle color or
6 colors, identification number and license tag number;

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

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

12 4. Inventory of personal property within the vehicle to be
13 towed;

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

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

17 The Department or the Commission may require additional
18 information on the Tow Request and Authorization Form. The driver
19 license number or state-issued identification card number of the
20 real property owner, legal possessor or authorized agent shall not
21 be disclosed by the Department or the Commission to any entity
22 inquiring about services performed without a court order or without
23 written consent from the property owner, legal possessor or
24 authorized agent.

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

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

22 G. Within three (3) business days of the time indicated on the
23 form, the wrecker or towing service shall request the Oklahoma Tax
24 Commission or other appropriate motor license agent to furnish the

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

20 H. No wrecker or towing service or operator of a wrecker or
21 towing service shall tow or cause to be towed a vehicle pursuant to
22 this section until the form furnished by the Department has been
23 appropriately completed by the parties as required by rules of the
24 Department.

1 SECTION 5. This act shall become effective November 1, 2012.

2 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 2-22-12 - DO PASS, As
3 Amended and Coauthored.
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