

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2374

By: Tibbs

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 4-105, which relates to stolen
9 vehicles; providing certain exemption for vehicles
10 towed by wrecker operators; prohibiting the
confiscation or removal of towed vehicles under
11 certain circumstances; and providing an effective
12 date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2011, Section 4-105, is
15 amended to read as follows:

16 Section 4-105. A. It shall be the duty of every sheriff, chief
17 of police or peace officer to make immediate report to the
18 Department of Public Safety of all vehicles reported to their
19 respective jurisdictions as being stolen or recovered. Such report
20 shall be made as prescribed by the Department.

21 B. An owner or a lienholder may report the theft of a vehicle,
22 or its conversion if a crime, to the Department, but the Department
23 may disregard the report of a conversion unless a warrant has been
24 issued for the arrest of a person charged with the conversion. A

1 person who has so reported the theft or conversion of a vehicle
2 shall, forthwith after learning of its recovery, report the recovery
3 to the Department.

4 C. An operator of a place of business for garaging, repairing,
5 parking or storing vehicles for the public, in which a vehicle
6 remains unclaimed for a period of thirty (30) days, shall, within
7 five (5) days after the expiration of that period, report the
8 vehicle as unclaimed to the Department. Such report shall be on a
9 form prescribed by the Department.

10 A vehicle left by its owner whose name and address are known to
11 the operator or ~~his~~ employee of the operator is not considered
12 unclaimed. A person who fails to report a vehicle as unclaimed in
13 accordance with this subsection forfeits all claims and liens for
14 its garaging, parking or storing and is guilty of a misdemeanor
15 punishable by a fine or not more than Twenty-five Dollars (\$25.00)
16 for each day ~~his~~ the failure to report continues.

17 D. The Department shall maintain and appropriately index
18 cumulative public records of stolen, converted, recovered and
19 unclaimed vehicles reported to it pursuant to this section. The
20 Department may make and distribute weekly lists of such vehicles so
21 reported to it to peace officers upon request without fee and to
22 others for the fee, if any, the Department prescribes.

23 E. Any peace officer who has reason to believe or upon
24 receiving information that a motor vehicle has been stolen shall

1 have and is hereby vested with authority to confiscate and hold such
2 vehicle until satisfactory proof of ownership is established.
3 Provided, any vehicle that is towed by a licensed wrecker operator
4 pursuant to the provisions of Section 954A of this title shall be
5 exempt from confiscation by any law enforcement officer. Further,
6 any vehicle towed at the request of any law enforcement agency and
7 stored by a licensed wrecker operator shall not thereafter be
8 confiscated or removed from the premises of the licensed wrecker
9 operator by any law enforcement agency.

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

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