

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1839

By: Ballenger

4  
5 AS INTRODUCED

6 An Act relating to motor vehicles; amending 47 O.S.  
7 2011, Section 955, which relates to towing of vehicle  
8 from roadway; clarifying language; and providing an  
9 effective date.

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

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

13 Section 955. A. Any officer of the Department of Public Safety  
14 or any other political subdivision of this state is hereby  
15 authorized to cause to be towed any vehicle found upon the roadway  
16 when:

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

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

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

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

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

8           6. The officer has probable cause that the vehicle has been  
9 used in the commission of a felony offense and the officer has  
10 obtained a search warrant authorizing the search and seizure of the  
11 vehicle; or

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

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

20           C. Each officer of the Department shall use the services of the  
21 licensed wrecker operator whose location is nearest to the vehicle  
22 to be towed in all instances in subsection A of this section. The  
23 requests for services may be alternated or rotated among all  
24 licensed wrecker operators who are located within a reasonable

1 radius of each other. In like manner, the officer shall advise any  
2 person requesting information as to the availability of a wrecker or  
3 towing service, the name of the nearest licensed wrecker operator,  
4 giving equal consideration to all licensed wrecker operators located  
5 within a reasonable radius of each other. In cities of ~~less~~ not  
6 more than fifty thousand (50,000) population, all licensed wrecker  
7 operators located near or in the city limits of such cities shall be  
8 considered as being equal distance and shall be called on an equal  
9 basis as nearly as possible. In counties bordering other states, if  
10 the officer deems safety and time considerations warrant, the  
11 officer may call a wrecker or towing service that is not on the  
12 rotation log.

13 D. Any officer of the Department who has been requested by a  
14 person in need of wrecker or towing service to call a specific  
15 wrecker or towing service for such person, and who calls a different  
16 wrecker or towing service other than the one requested, without the  
17 consent of the person, except where hazardous conditions exist,  
18 shall be suspended from the Department, without compensation, for a  
19 period of thirty (30) days, except in instances where a vehicle is  
20 removed from the roadway under the authority of paragraphs 3, 4 and  
21 6 of subsection A of this section.

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

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