

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 2098

By: Barrington of the Senate

and

Martin (Steve) of the House

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10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to motor vehicles; amending 47 O.S.  
12                   2011, Section 955, as amended by Section 1, Chapter  
13                   222, O.S.L. 2013 (47 O.S. Supp. 2013, Section 955),  
14                   which relates to towing vehicles and wrecker  
15                   liability; making certain persons exempt from  
16                   liability; authorizing release of certain personal  
17                   property; authorizing removal of interlock devices;  
18                   allowing use of certain form; and providing an  
19                   effective date.

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

21                   SECTION 1.           AMENDATORY           47 O.S. 2011, Section 955, as  
22                   amended by Section 1, Chapter 222, O.S.L. 2013 (47 O.S. Supp. 2013,  
23                   Section 955), is amended to read as follows:

24                   Section 955. A. Any officer of the Department of Public Safety  
or any other political subdivision of this state is hereby  
authorized to cause to be towed any vehicle found upon public roads,

1 highways, streets, turnpikes, private parking lots accessible to the  
2 public, other public places or upon any private road, street, alley  
3 or lane which provides access to one or more single-family or  
4 multifamily dwellings when:

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

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

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

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

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

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

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1 7. The officer has probable cause that the vehicle is not  
2 insured as required by the Compulsory Insurance Law of this state;  
3 or

4 8. The vehicle is involved in a fatal motor vehicle collision  
5 and is needed for evidentiary purposes.

6 No vehicle shall be released after impoundment unless the owner  
7 provides to the storing facility proof of valid insurance or an  
8 affidavit of nonuse on the roadway, or in the event of a release  
9 request from an insurer or the representative of the insurer who has  
10 accepted liability for the vehicle, no such proof of insurance or  
11 affidavit of nonuse on the roadway shall be required.

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

18 C. Each officer of the Department shall use the services of the  
19 licensed wrecker operator whose location is nearest to the vehicle  
20 to be towed in all instances in subsection A of this section. The  
21 requests for services may be alternated or rotated among all  
22 licensed wrecker operators who are located within a reasonable  
23 radius of each other. In like manner, the officer shall advise any  
24 person requesting information as to the availability of a wrecker or

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

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

20 E. Operators conducting a tow under this section shall release  
21 all personal property within the vehicle to an insurer or  
22 representative of the insurer who has accepted liability for the  
23 vehicle, or to any person upon proof of ownership of the vehicle and  
24 an Oklahoma driver license or other state or federally issued photo

1 identification. Upon the release of personal property to an insurer  
2 or representative of the insurer, wrecker operators shall be exempt  
3 from all liability and shall be held harmless for any losses or  
4 claims of loss. Personal property shall include everything in a  
5 vehicle except the vehicle, the attached or installed equipment,  
6 vehicle keys or devices to start and unlock the vehicle, and the  
7 spare tire and tools to change the tire. Interlock devices may be  
8 removed pursuant to Section 11-902a of this title. If release of  
9 personal property occurs during normal business hours as prescribed  
10 by the Corporation Commission, it shall be at no cost to the  
11 registered owner or the owner prior to the repossession. After-hour  
12 fees may be assessed as prescribed by this chapter or by the  
13 Corporation Commission, when the release of property is made after  
14 the prescribed normal business hours.

15 F. The operator of a wrecker or towing service may request a  
16 person offering proof of ownership of personal property and any  
17 interlock device to execute a form provided by the operator  
18 exempting the operator from liability for such release.

19 SECTION 2. This act shall become effective November 1, 2014.  
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21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/10/2014 -  
22 DO PASS, As Amended.  
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