

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 886

By: Barrington of the Senate

7 and

8 Biggs of the House

9
10
11 COMMITTEE SUBSTITUTE

12 An Act relating to motor vehicles; amending 47 O.S.
13 2011, Section 955, which relates to towing of
14 vehicles from roadways; clarifying roadways from
15 which vehicles may be towed; prohibiting release of
16 vehicles under certain circumstances; authorizing the
17 towing of vehicles involved in a fatal collision for
18 certain purposes; providing for the release of
19 certain personal property; providing procedures for
20 releasing personal property; authorizing assessment
21 of certain fees; and providing an effective date.

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

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

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 ~~the roadway~~

1 public roads, highways, streets, turnpikes, private parking lots
2 accessible to the public, other public places or upon any private
3 road, street, alley or lane which provides access to one or more
4 single- or multi-family 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, ~~when~~ if the owner or driver is
14 not in a position to take charge of the vehicle and direct or
15 request 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; ~~or~~

24

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 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 and an Oklahoma
24 driver license or other state or federally issued photo

1 identification. Personal property shall include everything in a
2 vehicle except the vehicle, the attached or installed equipment, and
3 the spare tire and tools to change the tire. If release of personal
4 property occurs during normal business hours as prescribed by the
5 Corporation Commission, it shall be at no cost to the registered
6 owner or the owner prior to the repossession. After-hour fees may
7 be assessed as prescribed by this Chapter or by the Corporation
8 Commission, when the release is made after the prescribed normal
9 business hours.

10 SECTION 2. This act shall become effective November 1, 2013.

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12 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/02/2013 -
13 DO PASS, As Amended.
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