

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1247

By: Martin (Steve)

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2011, Section 954A, which relates to towing of
9 abandoned vehicles; limiting towing to certain
10 entities; and providing an 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 954A, is
14 amended to read as follows:

15 Section 954A. A. In addition to any procedure provided by
16 local ordinance, whenever the owner or legal possessor of real
17 property or an authorized agent has reasonable cause to believe that
18 a vehicle has been abandoned thereon, said vehicle having been on
19 said property for a minimum of forty-eight (48) hours, or whenever a
20 vehicle is left upon said real property without express or implied
21 permission, such vehicle may be removed as provided in this section.

22 B. 1. The owner, legal possessor or authorized agent may
23 request any licensed Class AA wrecker ~~or towing~~ service within the
24 county wherein the real property is located to remove the abandoned

1 vehicle from the premises by signing a Tow Request and Authorization
2 Form prescribed by the Department of Public Safety and furnished to
3 licensed Class AA wrecker service operators as hereinafter provided.

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

15 C. A licensed Class AA wrecker ~~or towing~~ service removing an
16 abandoned vehicle pursuant to this section shall be subject to the
17 maximum rates established by the Corporation Commission.

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

21 1. A description of the vehicle, including the type of vehicle,
22 year of manufacture, name of the manufacturer, vehicle color or
23 colors, identification number and license tag number;

1 2. The name, address and business telephone number of the
2 licensed Class AA wrecker or towing service;

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

6 4. Inventory of personal property within the vehicle to be
7 towed;

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

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

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

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

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

17 G. Within three (3) business days of the time indicated on the
18 form, the licensed Class AA wrecker ~~or towing~~ service shall request
19 the Oklahoma Tax Commission or other appropriate motor license agent
20 to furnish the name and address of the current owner of and any
21 lienholder upon the vehicle. The Tax Commission or appropriate
22 motor license agent shall respond in person or by certified mail to
23 the licensed Class AA wrecker ~~or towing~~ service within five (5)
24 business days from the receipt of the request for information. The

1 Department and the Oklahoma Tax Commission shall render assistance
2 to ascertain ownership, if needed. The licensed Class AA wrecker or
3 ~~towing~~ service shall, within seven (7) days from receipt of the
4 requested information from the Oklahoma Tax Commission or other
5 motor license agent, send a notice of the location of the vehicle by
6 certified mail, postage prepaid, at the addresses furnished, to the
7 owner and any lienholder of the vehicle. The owner or lienholder
8 may regain possession of the vehicle in accordance with rules of the
9 Department upon payment of the licensed Class AA wrecker or towing
10 services, costs of certified mailing and the reasonable cost of
11 towing and storage of the vehicle. If the licensed Class AA wrecker
12 ~~or towing~~ service has not complied with the notification procedures
13 required by this subsection, the owner or lienholder shall not be
14 required to pay for storage of the vehicle.

15 H. No licensed Class AA wrecker or towing service or operator
16 of a licensed Class AA wrecker or towing service shall tow or cause
17 to be towed a vehicle pursuant to this section until the form
18 furnished by the Department has been appropriately completed by the
19 parties as required by rules of the Department.

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

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22 54-1-5359 CJB 12/28/12

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