

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2959

By: Wright (Harold)

6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 954A, which relates to removal of
9 abandoned motor vehicles; authorizing certain
10 licensed wreckers and towing service operators to
11 perform services under certain circumstances;
12 requiring court order or written authorization to
13 disclose certain information; directing the
14 Department of Public Safety and the Oklahoma Tax
15 Commission to render certain assistance; and
16 providing an effective date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2001, Section 954A, is
16 amended to read as follows:

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

1 B. 1. The owner, legal possessor or authorized agent may
2 request any licensed wrecker or towing service within the county
3 wherein the real property is located to remove the abandoned vehicle
4 from the premises by signing a Tow Request and Authorization Form
5 prescribed by the Department of Public Safety and furnished to
6 licensed wrecker operators as hereinafter provided.

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

18 C. A licensed wrecker or towing service removing an abandoned
19 vehicle pursuant to this section shall be subject to the maximum
20 rates authorized by Section 953.1 of this title.

21 D. The Department shall design and promulgate a suitable Tow
22 Request and Authorization Form to be completed in quadruplicate,
23 containing space for the following information:
24

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

4 2. The name, address and business telephone number of the
5 wrecker or towing service;

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

9 4. Inventory of personal property within the vehicle to be
10 towed;

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

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

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

21 E. The real property owner, legal possessor or authorized agent
22 and the wrecker vehicle driver shall jointly, and each in the
23 presence of the other, inventory personal property found within or
24 upon the vehicle and each shall accordingly sign a statement on the

1 form reflecting this requirement has been fulfilled. In the event
2 an inventory cannot be completed, the reasons therefor shall be
3 clearly stated on the form.

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

18 G. Within ~~seventy two (72) hours~~ three (3) business days of the
19 time indicated on the form, the wrecker or towing service shall
20 request the Oklahoma Tax Commission or other appropriate motor
21 license agent to furnish the name and address of the current owner
22 of and any lienholder upon the vehicle. The Tax Commission or
23 appropriate motor license agent shall respond in person or by
24 certified mail to the wrecker or towing service within five (5)

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

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

20 SECTION 2. This act shall become effective November 1, 2010.

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22 52-2-9027 GRS 01/04/10
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