

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB698 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____
Amendment submitted by: Tess Teague _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

PROPOSED
COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 698

By: Sykes of the Senate
and
Teague of the House

PROPOSED COMMITTEE SUBSTITUTE

[service liens - personal property - licensed
wrecker services - effective date]

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

SECTION 1. AMENDATORY 42 O.S. 2011, Section 91A, as last
amended by Section 2, Chapter 316, O.S.L. 2016 (42 O.S. Supp. 2016,
Section 91A), is amended to read as follows:

Section 91A.

A. 1. a. This section applies to all types of personal property
other than:

(1) farm equipment as defined in Section 91.2 of this
title, and

1 (2) "Section 91 Personal Property" as defined in
2 Section 91 of this title.

3 b. This section applies to any vehicle, all-terrain
4 vehicle, utility vehicle, manufactured home,
5 motorcycle, boat, outboard motor, or trailer that is
6 excluded from coverage under subsection A of Section
7 91 of this title because the personal property:

8 (1) does not have a certificate of title, or

9 (2) has a certificate of title but does not have an
10 active lien recorded on the certificate of title,
11 or

12 (3) has a certificate of title that is not issued by
13 the Oklahoma Tax Commission or by a federally
14 recognized Indian tribe in the State of Oklahoma,
15 or

16 (4) is otherwise excluded by subparagraph b of
17 paragraph 1 of subsection A of Section 91 of this
18 title or subsection D of Section 91 of this
19 title.

20 c. If personal property has a certificate of title, or
21 would be required to have a certificate of title under
22 Oklahoma law, and is apparently covered both by this
23 section and by Sections 191 through 200 of this title,
24 the procedures set out in this section shall apply

1 instead of Sections 191 through 200 of this title. If
2 personal property without a certificate of title and
3 not required to be titled under Oklahoma law is
4 covered both by this section and Sections 191 through
5 200 of this title, the procedures set out in Sections
6 191 through 200 of this title shall apply instead of
7 this section.

8 d. This section applies to Class AA licensed wrecker
9 services performing consensual tows on vehicles
10 without recorded liens.

11 2. a. Any person who, while lawfully in possession of an
12 article of personal property to which this section
13 applies, renders any service to the owner thereof by
14 furnishing storage, rental space, material, labor or
15 skill for the protection, improvement, safekeeping,
16 towing, right to occupy space, storage or carriage
17 thereof, has a special lien thereon, dependent on
18 possession, for the compensation, if any, which is due
19 to such person from the owner for such service.
20 Charges owed under a contract primarily for the
21 purpose of storage or rental of space shall be accrued
22 only at the regular periodic rate for storage or
23 rental as provided in the contract, adjusted for
24 partial periods of storage or rental.

1 b. Except for Class AA licensed wrecker towing charges,
2 the special lien shall be subordinate to any perfected
3 security interest unless the claimant complies with
4 the requirements of this section. Failure to comply
5 with any requirements of this section shall result in
6 denial of any title application and cause the special
7 lien to be subordinate to any perfected lien. Upon
8 such denial, the applicant shall be entitled to ~~one~~
9 ~~resubmission of~~ two resubmissions the title
10 application within ~~fifteen (15)~~ thirty (30) business
11 days of receipt of the denial, and proceed to comply
12 with the requirements of this section. If the
13 registered owner or lienholder retrieves the vehicle
14 from the lien claimant after the denial, storage fees
15 shall not be required to be paid by the registered
16 owner or lienholder from the date the denial is
17 received from the Tax Commission until the completed
18 denial correction is returned to the Tax Commission.
19 "Failure to comply" includes, but is not limited to:
20 (1) failure to timely provide additional
21 documentation supporting or verifying any entry
22 on submitted forms as requested by the Tax
23 Commission,

- 1 (2) failure to provide the documentation supporting
2 lawful possession as outlined in paragraph 3 of
3 subsection H of this section,
4 (3) claimant being other than the individual who
5 provided the service giving rise to the special
6 lien, as in subparagraph a of this paragraph,
7 (4) claimant not being in possession of the vehicle,
8 or
9 (5) notification and proceedings not accomplished in
10 accordance with subparagraph c of this paragraph,
11 and paragraph 3 of this subsection.

12 c. Any person claiming a lien under this section shall
13 request, within five (5) business days of performing
14 any service or work on the property, the Tax
15 Commission or other appropriate license agency to
16 furnish the name and address of the current owner of
17 and any lienholder upon the property. The Motor
18 Vehicle Division of the Tax Commission or appropriate
19 Oklahoma license agency shall respond in person or by
20 mail to the lien claimant within ten (10) business
21 days of the receipt of the request for information.
22 Certified return receipt requested notices as required
23 by the Tax Commission shall be mailed within seven (7)
24 business days of the receipt of the new registration

1 information from the out-of-state titling agency. The
2 Tax Commission shall render assistance to ascertain
3 ownership, if needed. The lien claimant shall send,
4 within seven (7) business days of receipt of the
5 requested information from the Oklahoma Tax Commission
6 or other Oklahoma license agency, a notice of the
7 location of the property by certified mail with return
8 receipt requested, postage prepaid, to the owner and
9 any lienholder of the vehicle at the addresses
10 furnished. The lien claimant may charge Twenty
11 Dollars (\$20.00) for processing plus the cost of
12 postage if the notice is timely sent pursuant to the
13 requirements of this subparagraph in addition to fees
14 regulated by the Oklahoma Corporation Commission for
15 licensed wreckers. If the lien claimant is unable to
16 meet the time requirements due to a lack of or an
17 altered vehicle identification number on the property,
18 the lien claimant shall proceed diligently to obtain
19 the proper vehicle identification number and shall
20 meet the time requirements on the notice once the
21 vehicle identification number is known. If the lien
22 claimant is required to send additional notices
23 because of change of ownership or lienholder after it
24 has timely complied with the requirements of this

1 subparagraph, the lien claimant shall remain in
2 compliance if such additional notices are sent within
3 the required time periods from the date of discovery
4 of the new owners or lienholders. The notice shall be
5 in writing and shall contain, but not be limited to,
6 the following:

- 7 (1) a statement that the notice is a Notice of
8 Possessory Lien,
- 9 (2) the complete legal name, physical and mailing
10 address, and telephone number of the claimant,
- 11 (3) the complete legal name, physical and mailing
12 address of the person who requested that the
13 claimant render service to the owner by
14 furnishing material, labor or skill, storage, or
15 rental space, or the date the property was
16 abandoned if the claimant did not render any
17 other service,
- 18 (4) a description of the article of personal
19 property, and the complete physical and mailing
20 address of the location of the article of
21 personal property,
- 22 (5) the nature of the work, labor or service
23 performed, material furnished, or the storage or
24 rental arrangement, and the date thereof, and

1 written proof of authority to perform the work,
2 labor or service provided that, in the case of a
3 law enforcement directed tow, the logbook entry
4 prescribed in OAC 595:25-5-5 or the tow ticket as
5 defined by the Corporation Commission shall serve
6 as written proof of authority,

7 (6) the signature of the claimant which shall be
8 notarized and, if applicable, the signature of
9 the claimant's attorney. If the claimant is a
10 business, the name of the contact person
11 representing the business shall be shown. In
12 place of an original signature and notary seal, a
13 digital or electronic signature or seal shall be
14 accepted, and

15 (7) an itemized statement describing the date or
16 dates the labor or services were performed and
17 material furnished and the charges claimed for
18 each item, the totals of which shall equal the
19 total compensation claimed.

20 The lien claimant shall not be required to send the
21 notice required in this subparagraph if the property
22 is released to an interested party before the notice
23 is mailed and no additional charges or fees continue
24 to accrue. If a law enforcement agency has the

1 property towed to a law enforcement facility, the
2 person claiming a lien under this section shall not be
3 required to send notice until the property is released
4 by law enforcement to the claimant or the date which
5 claimant starts charging storage, whichever is
6 earlier. A lien claimant shall have an extension of
7 ten (10) business days to send the notice required in
8 this subparagraph if a state of emergency has been
9 declared in the county in which the property is
10 located.

11 d. Subparagraphs b and c of this paragraph shall not
12 apply to salvage pools as defined in Section 591.2 of
13 Title 47 of the Oklahoma Statutes.

14 3. The lien may be foreclosed by a sale of such personal
15 property upon the notice and in the manner following: The notice
16 shall be in writing and shall contain, but not be limited to:

- 17 a. the names of the owner and any other known party or
18 parties who may claim any interest in the property,
19 b. a description of the property to be sold, including a
20 visual inspection or a photograph if the property is a
21 motor vehicle, and the physical location of the
22 property,
23 c. the nature of the work, labor or service performed,
24 material furnished, or the storage or rental

1 arrangement, and the date thereof, and written proof
2 of authority to perform the work, labor or service
3 provided. In the case of a law enforcement directed
4 tow, the logbook entry prescribed in OAC 595:25-5-5 or
5 the tow ticket as defined by the Corporation
6 Commission, shall serve as written proof of authority,

7 d. the time and place of sale,

8 e. the name, telephone number, physical address and
9 mailing address of the claimant, and agent or
10 attorney, if any, foreclosing such lien. If the
11 claimant is a business, then the name of the contact
12 person representing the business must be shown. In
13 place of an original signature and notary seal, a
14 digital or electronic signature or seal shall be
15 accepted, and

16 f. itemized charges which shall equal the total
17 compensation claimed.

18 4. a. Such Notice of Sale shall be posted in two public
19 places in the county where the property is to be sold
20 at least ten (10) days before the time therein
21 specified for such sale, and a copy of the notice
22 shall be mailed to the owner and any other party
23 claiming any interest in the property, if known, at
24 their last-known post office address, by certified

1 mail, return receipt requested, at least ten (10) days
2 before the time therein specified for such sale. If
3 the item of personal property is a manufactured home,
4 notice shall also be sent by certified mail to the
5 county treasurer and to the county assessor of the
6 county where the manufactured home is located.

7 b. In the case of any item of personal property without a
8 certificate of title and not required to be titled
9 under Oklahoma law, a party who claims any interest in
10 the property shall include all owners of the property;
11 any secured party who has an active financing
12 statement on file with the county clerk of Oklahoma
13 County listing one or more owners of the property by
14 legal name as debtors and indicating a collateral
15 description that would include the property; and any
16 other person having any interest in the personal
17 property, of whom the claimant has actual notice.

18 c. In the case of personal property subject to this
19 section for which a certificate of title has been
20 issued by any jurisdiction, a party who claims any
21 interest in the property shall include all owners of
22 the article of personal property as indicated by the
23 certificate of title; lien debtors, if any, other than
24 the owners; any lienholder whose lien is noted on the

1 face of the certificate of title; and any other person
2 having any interest in the article of personal
3 property, of whom the claimant has actual notice.

4 d. When the jurisdiction of titling for a vehicle, all-
5 terrain vehicle, motorcycle, boat, outboard motor, or
6 trailer that is five (5) model years old or newer, or
7 a manufactured home that is fifteen (15) model years
8 old or newer, cannot be determined by ordinary means,
9 the claimant, the agent of the claimant, or the
10 attorney of the claimant, shall request, in writing,
11 that the Oklahoma Tax Commission Motor Vehicle
12 Division ascertain the jurisdiction where the vehicle
13 or manufactured home is titled. The Oklahoma Tax
14 Commission Motor Vehicle Division shall, within
15 fourteen (14) days from the date the request is
16 received, provide information as to the jurisdiction
17 where the personal property is titled. If the
18 Oklahoma Tax Commission Motor Vehicle Division is
19 unable to provide the information, it shall provide
20 notice that the record is not available.

21 e. When personal property is of a type that Oklahoma law
22 requires to be titled, the owner of record of that
23 property is unknown, and the jurisdiction of titling
24 and owner of record cannot be determined by ordinary

1 means and also, if applicable, cannot be determined in
2 accordance with the preceding subparagraph, then the
3 special lien may be foreclosed by publication of a
4 legal notice in a legal newspaper in the county where
5 the personal property is located, as defined in
6 Section 106 of Title 25 of the Oklahoma Statutes.
7 Such notice shall include the description of the
8 property by year, make, vehicle identification number
9 if available from the property, the name of the
10 individual who may be contacted for information, and
11 the telephone number of that person or the address
12 where the vehicle is located. The legal notice shall
13 be published once per week for three (3) consecutive
14 weeks. As soon as circumstances exist as described in
15 the first sentence of this subparagraph, the first
16 date of publication may occur even if the special lien
17 has not accrued for over thirty (30) days. The first
18 date available for public sale of the vehicle is the
19 day following publication of the final notice, but no
20 fewer than thirty (30) days after the lien has
21 accrued. When the owner of record is unknown, the
22 Notice of Sale nevertheless must be completed and
23 mailed to any known interested party by certified
24 mail. For purposes of this paragraph, interested

1 parties shall include all persons described in
2 subparagraph b or subparagraph c of this paragraph,
3 whichever is applicable, with the exception of any
4 owner who is unknown. Except in circumstances
5 described in paragraph 7 of this subsection that
6 provide for a shorter time period, the Notice of Sale
7 shall be posted in two public places in the county
8 where the property is to be sold at least ten (10)
9 days before the time therein specified for such sale,
10 and the Notice of Sale shall not be mailed until at
11 least thirty (30) days after the lien has accrued.

12 5. The lienor or any other person may in good faith become a
13 purchaser of the property sold.

14 6. Proceedings for foreclosure under this act shall not be
15 commenced until thirty (30) days after the lien has accrued, except
16 as provided elsewhere in Oklahoma law.

17 7. Notwithstanding any other provision of law, proceedings for
18 foreclosures for the storage of junk vehicles towed and stored
19 pursuant to Section 955 of Title 47 of the Oklahoma Statutes by
20 Class AA wreckers listed with the Motor Vehicle Division of the
21 Department of Public Safety, may be commenced five (5) days after
22 the lien has accrued. For purposes of this paragraph, "junk
23 vehicles" means any vehicle that is more than ten (10) years old if
24 the cost of a comparable vehicle would be less than Three Hundred

1 Dollars (\$300.00) as quoted in the latest edition of the National
2 Automobile Dealers Association Official Used Car Guide or latest
3 monthly edition of any other nationally recognized published
4 guidebook, adjusting to the condition of the vehicle.

5 B. 1. a. Any person who is induced by means of a check or other
6 form of written order for immediate payment of money
7 to deliver up possession of an article of personal
8 property on which the person has a special lien
9 created by subsection A of this section, which check
10 or other written order is dishonored, or is not paid
11 when presented, shall have a lien for the amount
12 thereof upon the personal property.

13 b. The person claiming such lien shall, within thirty
14 (30) days from the date of dishonor of the check or
15 other written order for payment of money, file in the
16 office of the county clerk of the county in which the
17 property is situated a sworn statement that:

18 (1) the check or other written order for immediate
19 payment of money, copy thereof being attached,
20 was received for labor, material or supplies for
21 producing or repairing an article of personal
22 property, or for other specific property-related
23 services covered by this section,
24

1 (2) the check or other written order was not paid,
2 and
3 (3) the uttering of the check or other written order
4 constituted the means for inducing the person,
5 one possessed of a special lien created by
6 subsection A of this section upon the described
7 article of personal property, to deliver up the
8 article of personal property.

9 2. a. Any person who renders service to the owner of an
10 article of personal property by furnishing storage,
11 rental space, material, labor, or skill for the
12 protection, improvement, safekeeping, towing, right to
13 occupy space, storage, or carriage thereof shall have
14 a special lien on such property pursuant to this
15 section if such property is removed from the person's
16 possession, without such person's written consent or
17 without payment for such service.

18 b. The person claiming such lien shall, within five (5)
19 days of such nonauthorized removal, file in the office
20 of the county clerk of the county in which the
21 property is located, a sworn statement including:

22 (1) that services were rendered on or in relation to
23 the article of personal property by the person
24 claiming such lien,

- 1 (2) that the property was in the possession of the
2 person claiming the lien but such property was
3 removed without his or her written consent,
4 (3) an identifying description of the article of
5 personal property on or in relation to which the
6 service was rendered, and
7 (4) that the debt for the services rendered on or in
8 relation to the article of personal property was
9 not paid. Provided, if the unpaid total amount
10 of the debt for services rendered on or in
11 relation to the article of personal property is
12 unknown, an approximated amount of the debt due
13 and owing shall be included in the sworn
14 statement but such approximated debt may be
15 amended within thirty (30) days of such filing to
16 reflect the actual amount of the debt due and
17 owing.

18 3. The enforcement of the lien shall be within sixty (60) days
19 after filing the lien in the manner provided by law for enforcing
20 the lien of a security agreement and provided that the lien shall
21 not affect the rights of innocent, intervening purchasers without
22 notice.

23 C. If the person who renders service to the owner of an article
24 of personal property to which this section applies relinquishes or

1 loses possession of the article due to circumstances described in
2 subparagraph a of paragraph 1 or subparagraph a of paragraph 2 of
3 subsection B of this section, the person claiming the lien shall be
4 entitled to possession of the article until the amount due is paid,
5 unless the article is possessed by a person who became a bona fide
6 purchaser. Entitlement to possession shall be in accordance with
7 the following:

8 1. The claimant may take possession of an article pursuant to
9 this subsection only if the person obligated under the contract for
10 services has signed an acknowledgment of receipt of a notice that
11 the article may be subject to repossession. The notice and
12 acknowledgment pursuant to this subsection shall be:

13 a. in writing and separate from the written contract for
14 services, or
15 b. printed on the written contract for services, credit
16 agreement or other document which displays the notice
17 in bold-faced, capitalized and underlined type, or is
18 separated from surrounding written material so as to
19 be conspicuous with a separate signature line;

20 2. The claimant may require the person obligated under the
21 contract for services to pay the costs of repossession as a
22 condition for reclaiming the article only to the extent of the
23 reasonable fair market value of the services required to take
24 possession of the article;

1 3. The claimant shall not transfer to a third party or to a
2 person who performs repossession services, a check, money order, or
3 credit card transaction that is received as payment for services
4 with respect to an article and that is returned to the claimant
5 because of insufficient funds or no funds, because the person
6 writing the check, issuing the money order, or credit cardholder has
7 no account or because the check, money order, or credit card account
8 has been closed. A person violating this paragraph shall be guilty
9 of a misdemeanor; and

10 4. An article that is repossessed pursuant to this subsection
11 shall be promptly delivered to the location where the services were
12 performed. The article shall remain at the services location at all
13 times until the article is lawfully returned to the record owner or
14 a lienholder or is disposed of pursuant to this section.

15 D. 1. This section applies if a vehicle, all-terrain vehicle,
16 manufactured home, motorcycle, boat, outboard motor, or trailer has
17 a certificate of title issued by the Tax Commission or by a
18 federally recognized Indian tribe in Oklahoma, but there is no
19 active lien recorded on the certificate of title.

20 2. This section applies if a vehicle, all-terrain vehicle,
21 utility vehicle, motorcycle, boat, outboard motor or trailer has a
22 certificate of title issued by the Tax Commission or by a federally
23 recognized Indian tribe in Oklahoma, and there is an active lien
24

1 recorded on the certificate of title, but the lien is over fifteen
2 (15) years old.

3 3. This section applies if personal property to which Section
4 91 of this title otherwise would apply has been registered by the
5 Tax Commission or by a federally recognized Indian tribe in the
6 State of Oklahoma, and there is a lien of record but no certificate
7 of title has been issued.

8 4. This section applies if personal property to which Section
9 91 of this title otherwise would apply has not been registered by
10 either the Tax Commission or a federally recognized Indian tribe in
11 the State of Oklahoma, and no certificate of title has been issued,
12 but there is a lien of record.

13 5. This section applies to personal property that otherwise
14 would be covered by Section 91 of this title, except that the
15 services were rendered or the property was abandoned prior to
16 November 1, 2005.

17 6. This section applies to a vehicle, all-terrain vehicle,
18 utility vehicle, manufactured home, motorcycle, boat, outboard
19 motor, or trailer for which ownership cannot be determined by
20 ordinary means or by the Oklahoma Tax Commission Motor Vehicle
21 Division, as provided in subparagraphs d and e of paragraph 4 of
22 subsection A of this section, as applicable.
23
24

1 7. This section applies to items of personal property that are
2 not required by Oklahoma law to be titled, and that do not have a
3 certificate of title.

4 8. This section applies to salvage pools as defined in Section
5 591.2 of Title 47 of the Oklahoma Statutes.

6 9. This section applies to ~~class~~ Class AA licensed wrecker
7 services taking possession of a vehicle pursuant to an agreement
8 with, or at the direction of, or dispatched by a state or local law
9 enforcement or government agency, or pursuant to the abandoned
10 vehicle removal provisions of Section 954A of Title 47 of the
11 Oklahoma Statutes with respect to all types of personal property,
12 regardless of whether that personal property has a certificate of
13 title. This section applies to Class AA licensed wrecker services
14 performing consensual tows on vehicles without recorded liens.

15 10. For a vehicle abandoned at a salvage pool, if the cost of
16 repairing the vehicle for safe operation on the highway does not
17 exceed sixty percent (60%) of the fair market value of the vehicle
18 as defined in Section 1111 of Title 47 of the Oklahoma Statutes, a
19 salvage title shall not be required.

20 E. A person who knowingly makes a false statement of a material
21 fact regarding the furnishing of storage, rental space, material,
22 labor or skill for the protection, improvement, safekeeping, towing,
23 right to occupy space, storage or carriage thereof in a proceeding
24 under this section, or attempts to use or uses the provisions of

1 this section to foreclose an owner or lienholder's interest in a
2 vehicle knowing that any of the statements made in the proceeding
3 are false, upon conviction, shall be guilty of a felony.

4 F. Upon receipt of notice of legal proceedings, the Tax
5 Commission shall cause the sale process to be put on hold until
6 notice of resolution of court proceedings is received from the
7 court. If such notice of commencement of court proceedings is not
8 filed with the Tax Commission, the possessory lien sale process may
9 continue.

10 G. No possessory lien sale shall be held on a Sunday.

11 H. For purposes of this section:

12 1. "Possession" includes actual possession and constructive
13 possession;

14 2. "Constructive possession" means possession by a person who,
15 although not in actual possession, does not have an intention to
16 abandon property, knowingly has both power and the intention at a
17 given time to exercise dominion or control over the property, and
18 who holds claim to such thing by virtue of some legal right;

19 3. "Lawfully in possession" means a person has documentation
20 from the owner or the owner's authorized agent, or an insurance
21 company or its authorized agent, authorizing the furnishing of
22 material, labor or storage, or that the property was authorized to
23 be towed to a repair facility.

1 Class AA wrecker services taking possession of a vehicle
2 pursuant to an agreement with, or at the direction of, or dispatched
3 by, a state or local law enforcement or government agency, or
4 pursuant to the abandoned vehicle removal provisions of Section 954A
5 of Title 47 of the Oklahoma Statutes, shall be considered lawfully
6 in possession of the vehicle. If the person lacks such
7 documentation, the procedures established by this section shall not
8 apply; and

9 4. "Itemized charges" means total parts, total labor, total
10 towing fees, total storage fees, total processing fees and totals of
11 any other fee groups, the sum total of which shall equal the
12 compensation claimed.

13 I. For purposes of this section, the United States Postal
14 Service approved electronic equivalent of proof of return receipt
15 requested Form 3811 shall satisfy return receipt requested
16 documentation requirements. The tracking report printed on or after
17 the sale date from the United States Postal Service tracking website
18 showing the mailing of the certified return receipt requested letter
19 shall serve as proof of mailing if Form 3811 or electronic
20 equivalent is not available or has not been returned by the Postal
21 Service.

22 J. If a person claiming a special lien pursuant to this section
23 fails to comply with any of the requirements of this section, any
24 interested party may proceed against the person claiming such lien

1 for all damages arising therefrom, including conversion, if the
2 article of personal property has been sold. If the notice or
3 notices required by this section shall be shown to be knowingly
4 false or fraudulent, the interested party shall be entitled to
5 treble damages. The prevailing party shall be entitled to all
6 costs, including reasonable attorney fees.

7 K. Any interested party shall be permitted to visually inspect
8 and verify the services rendered by the claimant prior to the sale
9 of the article of property during normal business hours. If the
10 claimant fails to allow any interested party to inspect the
11 property, the interested party shall mail a request for inspection
12 by certified mail, return receipt requested, to the claimant.
13 Within three (3) business days of receipt of the request for
14 inspection, the claimant shall mail a photograph of the property, by
15 certified mail, return receipt requested, and a date of inspection
16 within five (5) business days from the date of the notice to
17 inspect. The lienholder shall be allowed to retrieve the property
18 without being required to bring the title into the lienholder's
19 name, if the lienholder provides proof it is a lienholder and any
20 payment due the claimant for lawful charges where the claimant has
21 complied with this section. Upon the release of personal property
22 to an insurer or representative of the insurer, wrecker operators
23 shall be exempt from all liability and shall be held harmless for
24 any losses or claims of loss. In the event any law enforcement

1 agency places a hold on the property, the party wanting to inspect
2 or photograph the property shall obtain permission from the law
3 enforcement agency that placed the hold on the property before
4 inspecting or photographing.

5 L. This section shall apply to all actions or proceedings that
6 commence on or after ~~the effective date of this act~~ November 1,
7 2014.

8 SECTION 2. This act shall become effective November 1, 2017.

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10 56-1-7354 JM 03/28/17

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