

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 698, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Sykes

Sykes-TEK-FS-Req#1646
3/21/2017 4:14 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 698

By: Sykes of the Senate

and

Teague of the House

FLOOR 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

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

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

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

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

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

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

18 c. If personal property has a certificate of title, or
19 would be required to have a certificate of title under
20 Oklahoma law, and is apparently covered both by this
21 section and by Sections 191 through 200 of this title,
22 the procedures set out in this section shall apply
23 instead of Sections 191 through 200 of this title. If
24 personal property without a certificate of title and

1 not required to be titled under Oklahoma law is
2 covered both by this section and Sections 191 through
3 200 of this title, the procedures set out in Sections
4 191 through 200 of this title shall apply instead of
5 this section.

6 d. This section applies to class AA licensed wrecker
7 services performing consensual tows on vehicles
8 without recorded liens.

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

1 security interest unless the claimant complies with
2 the requirements of this section. Failure to comply
3 with any requirements of this section shall result in
4 denial of any title application and cause the special
5 lien to be subordinate to any perfected lien. Upon
6 such denial, the applicant shall be entitled to ~~one~~
7 ~~resubmission of~~ resubmit the title application within
8 ~~fifteen (15)~~ thirty (30) business days of receipt of
9 the denial, and proceed to comply with the
10 requirements of this section. If the registered owner
11 or lienholder retrieves the vehicle from the lien
12 claimant after the denial, storage fees shall not be
13 required to be paid by the registered owner or
14 lienholder from the date the denial is received from
15 the Tax Commission until the completed denial
16 correction is returned to the Tax Commission.

17 "Failure to comply" includes, but is not limited to:

- 18 (1) failure to timely provide additional
19 documentation supporting or verifying any entry
20 on submitted forms as requested by the Tax
21 Commission,
22 (2) failure to provide the documentation supporting
23 lawful possession as outlined in paragraph 3 of
24 subsection H of this section,

1 (3) claimant being other than the individual who
2 provided the service giving rise to the special
3 lien, as in subparagraph a of this paragraph ,
4 (4) claimant not being in possession of the vehicle,
5 or
6 (5) notification and proceedings not accomplished in
7 accordance with subparagraph c of this paragraph,
8 and paragraph 3 of this subsection.

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

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

1 of the new owners or lienholders. The notice shall be
2 in writing and shall contain, but not be limited to,
3 the following:

4 (1) a statement that the notice is a Notice of
5 Possessory Lien,

6 (2) the complete legal name, physical and mailing
7 address, and telephone number of the claimant,

8 (3) the complete legal name, physical and mailing
9 address of the person who requested that the
10 claimant render service to the owner by
11 furnishing material, labor or skill, storage, or
12 rental space, or the date the property was
13 abandoned if the claimant did not render any
14 other service,

15 (4) a description of the article of personal
16 property, and the complete physical and mailing
17 address of the location of the article of
18 personal property,

19 (5) the nature of the work, labor or service
20 performed, material furnished, or the storage or
21 rental arrangement, and the date thereof, and
22 written proof of authority to perform the work,
23 labor or service provided that, in the case of a
24 law enforcement directed tow, the logbook entry

1 prescribed in OAC 595:25-5-5 or the tow ticket as
2 defined by the Corporation Commission shall serve
3 as written proof of authority,

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

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

17 The lien claimant shall not be required to send the
18 notice required in this subparagraph if the property
19 is released to an interested party before the notice
20 is mailed and no additional charges or fees continue
21 to accrue. If a law enforcement agency has the
22 property towed to a law enforcement facility, the
23 person claiming a lien under this section shall not be
24 required to send notice until the property is released

1 by law enforcement to the claimant or the date which
2 claimant starts charging storage, whichever is
3 earlier. A lien claimant shall have an extension of
4 ten (10) business days to send the notice required in
5 this subparagraph if a state of emergency has been
6 declared in the county in which the property is
7 located.

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

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

- 14 a. the names of the owner and any other known party or
15 parties who may claim any interest in the property,
16 b. a description of the property to be sold, including a
17 visual inspection or a photograph if the property is a
18 motor vehicle, and the physical location of the
19 property,
20 c. the nature of the work, labor or service performed,
21 material furnished, or the storage or rental
22 arrangement, and the date thereof, and written proof
23 of authority to perform the work, labor or service
24 provided. In the case of a law enforcement directed

1 tow, the logbook entry prescribed in OAC 595:25-5-5 or
2 the tow ticket as defined by the Corporation
3 Commission, shall serve as written proof of authority,
4 d. the time and place of sale,
5 e. the name, telephone number, physical address and
6 mailing address of the claimant, and agent or
7 attorney, if any, foreclosing such lien. If the
8 claimant is a business, then the name of the contact
9 person representing the business must be shown. In
10 place of an original signature and notary seal, a
11 digital or electronic signature or seal shall be
12 accepted, and
13 f. itemized charges which shall equal the total
14 compensation claimed.

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

1 notice shall also be sent by certified mail to the
2 county treasurer and to the county assessor of the
3 county where the manufactured home is located.

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

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

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

18 e. When personal property is of a type that Oklahoma law
19 requires to be titled, the owner of record of that
20 property is unknown, and the jurisdiction of titling
21 and owner of record cannot be determined by ordinary
22 means and also, if applicable, cannot be determined in
23 accordance with the preceding subparagraph, then the
24 special lien may be foreclosed by publication of a

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

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

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

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

14 7. Notwithstanding any other provision of law, proceedings for
15 foreclosures for the storage of junk vehicles towed and stored
16 pursuant to Section 955 of Title 47 of the Oklahoma Statutes by
17 Class AA wreckers listed with the Motor Vehicle Division of the
18 Department of Public Safety, may be commenced five (5) days after
19 the lien has accrued. For purposes of this paragraph, "junk
20 vehicles" means any vehicle that is more than ten (10) years old if
21 the cost of a comparable vehicle would be less than Three Hundred
22 Dollars (\$300.00) as quoted in the latest edition of the National
23 Automobile Dealers Association Official Used Car Guide or latest
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1 monthly edition of any other nationally recognized published
2 guidebook, adjusting to the condition of the vehicle.

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

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

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

22 (2) the check or other written order was not paid,
23 and
24

1 (3) the uttering of the check or other written order
2 constituted the means for inducing the person,
3 one possessed of a special lien created by
4 subsection A of this section upon the described
5 article of personal property, to deliver up the
6 article of personal property.

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

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

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

- 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.

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 AA licensed wrecker services
7 taking possession of a vehicle pursuant to an agreement with, or at
8 the direction of, or dispatched by a state or local law enforcement
9 or government agency, or pursuant to the abandoned vehicle removal
10 provisions of Section 954A of Title 47 of the Oklahoma Statutes with
11 respect to all types of personal property, regardless of whether
12 that personal property has a certificate of title. This section
13 applies to class AA licensed wrecker services performing consensual
14 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 from the United
17 States Postal Service tracking website showing the mailing of the
18 certified return receipt requested letter shall serve as proof of
19 mailing if Form 3811 is not available or has not been returned by
20 the Postal Service.

21 J. If a person claiming a special lien pursuant to this section
22 fails to comply with any of the requirements of this section, any
23 interested party may proceed against the person claiming such lien
24 for all damages arising therefrom, including conversion, if the

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

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

1 or photograph the property shall obtain permission from the law
2 enforcement agency that placed the hold on the property before
3 inspecting or photographing.

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

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

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9 56-1-1646 TEK 3/21/2017 4:14:39 PM

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