

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 57th Legislature (2020)

4   HOUSE BILL 3767

                              By: **Johns**

7                               AS INTRODUCED

8           An Act relating to motor vehicles; amending 47 O.S.  
9           2011, Section 955, as last amended by Section 1,  
10          Chapter 283, O.S.L. 2014 (47 O.S. Supp. 2019, Section  
11          955), which relates to towing vehicle from roadway;  
12          allowing certain agents to authorize tow; authorizing  
13          the towing of certain unattended vehicles; deeming  
14          certain unattended vehicles obstructions; and  
15          providing an effective date.

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

16           SECTION 1.        AMENDATORY        47 O.S. 2011, Section 955, as last  
17           amended by Section 1, Chapter 283, O.S.L. 2014 (47 O.S. Supp. 2019,  
18           Section 955), is amended to read as follows:

19           Section 955.   A.   Any officer of the Department of Public  
20           Safety, ~~or~~ any other political subdivision of this state or any  
21           authorized agent of any political subdivision's transportation  
22           agency is hereby authorized to cause to be towed any vehicle found  
23           upon public roads, highways, streets, turnpikes, private parking  
24           lots accessible to the public, other public places or upon any

1 private road, street, alley or lane which provides access to one or  
2 more single-family or multifamily dwellings when:

3 1. Report has been made that the vehicle has been stolen or  
4 taken without the consent of its owner;

5 2. The officer has reason to believe the vehicle has been  
6 abandoned as defined in Sections 901 and 902 of this title;

7 3. The person driving or in control of the vehicle is arrested  
8 for an alleged offense for which the officer is required by law to  
9 take the person arrested or summoned before a proper magistrate  
10 without unnecessary delay;

11 4. At the scene of an accident, if the owner or driver is not  
12 in a position to take charge of the vehicle and direct or request  
13 its proper removal;

14 5. The officer has probable cause that the person operating the  
15 vehicle has not been granted driving privileges or that the driving  
16 privileges of the person are currently suspended, revoked, canceled,  
17 denied, or disqualified;

18 6. The officer has probable cause that the vehicle has been  
19 used in the commission of a felony offense and the officer has  
20 obtained a search warrant authorizing the search and seizure of the  
21 vehicle;

22 7. The officer has probable cause that the vehicle is not  
23 insured as required by the Compulsory Insurance Law of this state;

24 or

1        8. The vehicle is involved in a fatal motor vehicle collision  
2 and is needed for evidentiary purposes; or

3        9. A vehicle is left unattended upon any street, sidewalk,  
4 alley or thoroughfare, and constitutes a hazard or obstruction to  
5 the normal movement of vehicular, public transit or pedestrian  
6 traffic. An unattended vehicle shall be deemed to constitute an  
7 obstruction if any portion of the vehicle remains in that lane of  
8 traffic designated by traffic lane markings or if any portion of the  
9 vehicle is outside of the designated parking location and protrudes  
10 into the lane of traffic.

11        No vehicle shall be released after impoundment unless the owner  
12 provides to the storing facility proof of valid insurance or an  
13 affidavit of nonuse on the roadway, or in the event of a release  
14 request from an insurer or the representative of the insurer who has  
15 accepted liability for the vehicle, no such proof of insurance or  
16 affidavit of nonuse on the roadway shall be required.

17        B. A licensed wrecker operator is not liable for damage to a  
18 vehicle, vessel, or cargo that obstructs the normal movement of  
19 traffic or creates a hazard to traffic and is removed in compliance  
20 with the request of a law enforcement officer, unless there is  
21 failure to exercise reasonable care in the performance of the act or  
22 for conduct that is willful or malicious.

23        C. Each officer of the Department shall use the services of the  
24 licensed wrecker operator whose location is nearest to the vehicle

1 to be towed in all instances in subsection A of this section. The  
2 requests for services may be alternated or rotated among all  
3 licensed wrecker operators who are located within a reasonable  
4 radius of each other. In like manner, the officer shall advise any  
5 person requesting information as to the availability of a wrecker or  
6 towing service, the name of the nearest licensed wrecker operator,  
7 giving equal consideration to all licensed wrecker operators located  
8 within a reasonable radius of each other. In cities of less than  
9 fifty thousand (50,000) population, all licensed wrecker operators  
10 located near or in the city limits of such cities shall be  
11 considered as being equal distance and shall be called on an equal  
12 basis as nearly as possible. In counties bordering other states, if  
13 the officer deems safety and time considerations warrant, the  
14 officer may call a wrecker or towing service that is not on the  
15 rotation log.

16 D. Any officer of the Department who has been requested by a  
17 person in need of wrecker or towing service to call a specific  
18 wrecker or towing service for such person, and who calls a different  
19 wrecker or towing service other than the one requested, without the  
20 consent of the person, except where hazardous conditions exist,  
21 shall be suspended from the Department, without compensation, for a  
22 period of thirty (30) days, except in instances where a vehicle is  
23 removed from the roadway under the authority of paragraphs 3, 4 and  
24 6 of subsection A of this section.

1 E. Operators conducting a tow under this section shall release  
2 all personal property within the vehicle to an insurer or  
3 representative of the insurer who has accepted liability for the  
4 vehicle, or to any person upon proof of ownership of the vehicle and  
5 an Oklahoma driver license or other state or federally issued photo  
6 identification. Upon the release of personal property to an insurer  
7 or representative of the insurer, wrecker operators shall be exempt  
8 from all liability and shall be held harmless for any losses or  
9 claims of loss. Personal property shall include everything in a  
10 vehicle except the vehicle, the attached or installed equipment,  
11 vehicle keys or devices to start and unlock the vehicle, and the  
12 spare tire and tools to change the tire. Interlock devices may be  
13 removed pursuant to Section 11-902a of this title. If release of  
14 personal property occurs during normal business hours as prescribed  
15 by the Corporation Commission, it shall be at no cost to the  
16 registered owner or the owner prior to the repossession. After-hour  
17 fees may be assessed as prescribed by this Chapter or by the  
18 Corporation Commission, when the release of property is made after  
19 the prescribed normal business hours.

20 F. The operator of a wrecker or towing service may request a  
21 person offering proof of ownership of personal property and any  
22 interlock device to execute a form provided by the operator  
23 exempting the operator from liability for such release.  
24

SECTION 2. This act shall become effective November 1, 2020.

COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/26/2020 -  
DO PASS, As Coauthored.