

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE
4 FOR

HOUSE BILL NO. 4101

By: Frix

7 COMMITTEE SUBSTITUTE

8 An Act relating to transportation; amending 47 O.S.
9 2021, Section 955, which relates to towing of vehicle
10 from roadway; requiring towing of certain vehicles as
11 one unit; requiring retention of certain vehicles
12 until reimbursement is made; and providing an
effective date.

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

14 SECTION 1. AMENDATORY 47 O.S. 2021, Section 955, is
15 amended to read as follows:

16 Section 955. A. Any officer of the Department of Public Safety
17 or any other political subdivision of this state is hereby
18 authorized to cause to be towed any vehicle found upon public roads,
19 highways, streets, turnpikes, private parking lots accessible to the
20 public, other public places or upon any private road, street, alley
21 or lane which provides access to one or more single-family or
22 multifamily dwellings when:

23 1. A report has been made that the vehicle has been stolen or
24 taken without the consent of its owner;

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

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

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

10 5. The officer has probable cause that the person operating the
11 vehicle has not been granted driving privileges or that the driving
12 privileges of the person are currently suspended, revoked, canceled,
13 denied, or disqualified;

14 6. The officer has probable cause that the vehicle has been
15 used in the commission of a felony offense and the officer has
16 obtained a search warrant authorizing the search and seizure of the
17 vehicle;

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

20 ~~or~~

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

23 9. Any truck tractor and semitrailer combination requires
24 towing services for either the truck tractor or semitrailer, the

1 combination of the truck tractor and semitrailer combination shall
2 be considered one unit and the licensed wrecker operator responding
3 shall tow and retain both the truck tractor and the semitrailer
4 until reimbursement has been made for services rendered.

5 No vehicle shall be released after impoundment unless the owner
6 provides to the storing facility proof of valid insurance or an
7 affidavit of nonuse on the roadway, or in the event of a release
8 request from an insurer or the representative of the insurer who has
9 accepted liability for the vehicle, no such proof of insurance or
10 affidavit of nonuse on the roadway shall be required.

11 B. A licensed wrecker operator is not liable for damage to a
12 vehicle, vessel, or cargo that obstructs the normal movement of
13 traffic or creates a hazard to traffic and is removed in compliance
14 with the request of a law enforcement officer, unless there is
15 failure to exercise reasonable care in the performance of the act or
16 for conduct that is willful or malicious.

17 C. Each officer of the Department shall use the services of the
18 licensed wrecker operator whose location is nearest to the vehicle
19 to be towed in all instances in subsection A of this section. The
20 requests for services may be alternated or rotated among all
21 licensed wrecker operators who are located within a reasonable
22 radius of each other. In like manner, the officer shall advise any
23 person requesting information as to the availability of a wrecker or
24 towing service, the name of the nearest licensed wrecker operator,

1 giving equal consideration to all licensed wrecker operators located
2 within a reasonable radius of each other. In cities of less than
3 fifty thousand (50,000) population, all licensed wrecker operators
4 located near or in the city limits of such cities shall be
5 considered as being equal distance and shall be called on an equal
6 basis as nearly as possible. In counties bordering other states, if
7 the officer deems safety and time considerations warrant, the
8 officer may call a wrecker or towing service that is not on the
9 rotation log.

10 D. Any officer of the Department who has been requested by a
11 person in need of wrecker or towing service to call a specific
12 wrecker or towing service for such person, and who calls a different
13 wrecker or towing service other than the one requested, without the
14 consent of the person, except where hazardous conditions exist,
15 shall be subject to progressive discipline issued by the Department
16 except in instances where a vehicle is removed from the roadway
17 under the authority of paragraphs 3, 4 and 6 of subsection A of this
18 section.

19 E. Operators conducting a tow under this section shall release
20 all personal property within the vehicle to an insurer or
21 representative of the insurer who has accepted liability for the
22 vehicle, or to the registered owner or the owner's personal
23 representative as designated by the registered owner on a form
24 approved by the Department. The registered owner or representative

1 of the registered owner shall provide proof of identity in
2 accordance with the Department's rules related to establishing
3 identity. Upon the release of personal property to an insurer or
4 representative of the insurer, wrecker operators shall be exempt
5 from all liability and shall be held harmless for any losses or
6 claims of loss. Personal property shall include everything in a
7 vehicle except the vehicle, the attached or installed equipment,
8 vehicle keys or devices to start and unlock the vehicle, and the
9 spare tire and tools to change the tire. Interlock devices may be
10 removed pursuant to Section 11-902a of this title. If release of
11 personal property occurs during normal business hours as prescribed
12 by the Corporation Commission, it shall be at no cost to the
13 registered owner or the owner prior to the repossession. After-hour
14 fees may be assessed as prescribed by this Chapter or by the
15 Corporation Commission, when the release of property is made after
16 the prescribed normal business hours.

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

21 SECTION 2. This act shall become effective November 1, 2022.
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