

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 4101

By: Frix of the House

and

7                               **Standridge** of the Senate

8                               COMMITTEE SUBSTITUTE

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

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

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

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

1. A report has been made that the vehicle has been stolen or  
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.

22  
23 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 03/03/2022 -  
24 DO PASS, As Amended and Coauthored.