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**AS AMENDED**

BILL NO. 4101

and

[ transportation - towing of vehicle from roadway -  
retention of certain vehicles - effective date ]

SECTION 1. AMENDATORY 47 O.S. 2021, Section 955, is

Section 955. A. Any officer of the Department of Public Safety

authorized to cause to be towed any vehicle found upon public roads,

public, other public places or upon any private road, street, alley

multifamily dwellings when:

taken without the consent of its owner;

abandoned as defined in Sections 901 and 902 of this title;

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

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

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

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

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

18 ~~or~~

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

21       9. Any truck tractor and semitrailer combination requires  
22 towing services for either the truck tractor or semitrailer, the  
23 combination of the truck tractor and semitrailer combination shall  
24 be considered one unit and the licensed wrecker operator responding

1 shall tow and retain both the truck tractor and the semitrailer  
2 until reimbursement has been made for services rendered.

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

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

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

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

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

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

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

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION  
21 April 7, 2022 - DO PASS AS AMENDED  
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