

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 HOUSE BILL 1482

By: Sneed

7 AS INTRODUCED

8 An Act relating to motor vehicles; amending 47 O.S.
9 2021, Section 955, as amended by Section 12, Chapter
10 228, O.S.L. 2022 (47 O.S. Supp. 2022, Section 955),
11 which relates to the towing of vehicles from roadway;
12 requiring towing of certain vehicles as one unit;
13 requiring retention of certain vehicles until
14 reimbursement is made; and providing an effective
15 date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2021, Section 955, as
16 amended by Section 12, Chapter 228, O.S.L. 2022 (47 O.S. Supp. 2022,
17 Section 955), is 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 1. A report has been made that the vehicle has been stolen or
2 taken without the consent of its owner;

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

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

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

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

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

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

23 8. The vehicle is involved in a fatal motor vehicle collision
24 and is needed for evidentiary purposes; ~~or~~

1 9. A vehicle is left unattended upon any street, sidewalk,
2 alley or thoroughfare and constitutes a hazard or obstruction to the
3 normal movement of public transit along a rail fixed guideway. An
4 unattended vehicle shall be deemed to constitute an obstruction if
5 any portion of the vehicle remains in that lane utilized for the
6 rail fixed guideway as designated by traffic lane markings or if any
7 portion of the vehicle is outside of the designated parking location
8 and protrudes into the lane of traffic utilized for the rail fixed
9 guideway. For purposes of this paragraph, the head of a political
10 subdivision's transportation division may authorize employees to
11 cause to be towed any vehicle which constitutes a hazard or
12 obstruction to the normal movement of public transit along a rail
13 fixed guideway; or

14 10. Any truck tractor and semitrailer combination requires
15 towing services for either the truck tractor or semitrailer, the
16 combination of the truck tractor and semitrailer combination shall
17 be considered one unit and the licensed wrecker operator responding
18 shall tow and retain both the truck tractor and the semitrailer
19 until reimbursement has been made for services rendered.

20 No vehicle shall be released after impoundment unless the owner
21 provides to the storing facility proof of valid insurance or an
22 affidavit of nonuse on the roadway, or in the event of a release
23 request from an insurer or the representative of the insurer who has
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1 accepted liability for the vehicle, no such proof of insurance or
2 affidavit of nonuse on the roadway shall be required.

3 B. A licensed wrecker operator is not liable for damage to a
4 vehicle, vessel, or cargo that obstructs the normal movement of
5 traffic or creates a hazard to traffic and is removed in compliance
6 with the request of a law enforcement officer, unless there is
7 failure to exercise reasonable care in the performance of the act or
8 for conduct that is willful or malicious.

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

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

12 E. Operators conducting a tow under this section shall release
13 all personal property within the vehicle to an insurer or
14 representative of the insurer who has accepted liability for the
15 vehicle, or to the registered owner or the owner's personal
16 representative as designated by the registered owner on a form
17 approved by the Department. The registered owner or representative
18 of the registered owner shall provide proof of identity in
19 accordance with the Department's rules related to establishing
20 identity. Upon the release of personal property to an insurer or
21 representative of the insurer, wrecker operators shall be exempt
22 from all liability and shall be held harmless for any losses or
23 claims of loss. Personal property shall include everything in a
24 vehicle except the vehicle, the attached or installed equipment,

1 vehicle keys or devices to start and unlock the vehicle, and the
2 spare tire and tools to change the tire. Interlock devices may be
3 removed pursuant to Section 11-902a of this title. If release of
4 personal property occurs during normal business hours as prescribed
5 by the Corporation Commission, it shall be at no cost to the
6 registered owner or the owner prior to the repossession. After-hour
7 fees may be assessed as prescribed by this Chapter or by the
8 Corporation Commission, when the release of property is made after
9 the prescribed normal business hours.

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

14 SECTION 2. This act shall become effective November 1, 2023.
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16 COMMITTEE REPORT BY: COMMITTEE ON INSURANCE, dated 02/23/2023 - DO
17 PASS.
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