

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 2164

By: Ford of the House

and

Weaver of the Senate

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 2021, Section 955, as amended by Section 12, Chapter 228, O.S.L. 2022 (47 O.S. Supp. 2022, Section 955), which relates to the towing of vehicles from roadway; requiring the collection of certain fee for certain towed vehicles; providing for the collection and remittance of certain fee; directing deposit; authorizing the promulgation of certain rules; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 955, as amended by Section 12, Chapter 228, O.S.L. 2022 (47 O.S. Supp. 2022, Section 955), is amended to read as follows:

Section 955. A. Any officer of the Department of Public Safety or any other political subdivision of this state is hereby authorized to cause to be towed any vehicle found upon public roads, highways, streets, turnpikes, private parking lots accessible to the public, other public places or upon any private road, street, alley

1 or lane which provides access to one or more single-family or
2 multifamily dwellings when:

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

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

22 B. A licensed wrecker operator is not liable for damage to a
23 vehicle, vessel, or cargo that obstructs the normal movement of
24 traffic or creates a hazard to traffic and is removed in compliance

1 with the request of a law enforcement officer, unless there is
2 failure to exercise reasonable care in the performance of the act or
3 for conduct that is willful or malicious.

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

21 D. Any officer of the Department who has been requested by a
22 person in need of wrecker or towing service to call a specific
23 wrecker or towing service for such person, and who calls a different
24 wrecker or towing service other than the one requested, without the

1 consent of the person, except where hazardous conditions exist,
2 shall be subject to progressive discipline issued by the Department
3 except in instances where a vehicle is removed from the roadway
4 under the authority of paragraphs 3, 4 and 6 of subsection A of this
5 section.

6 E. Operators conducting a tow under this section shall release
7 all personal property within the vehicle to an insurer or
8 representative of the insurer who has accepted liability for the
9 vehicle, or to the registered owner or the owner's personal
10 representative as designated by the registered owner on a form
11 approved by the Department. The registered owner or representative
12 of the registered owner shall provide proof of identity in
13 accordance with the Department's rules related to establishing
14 identity. Upon the release of personal property to an insurer or
15 representative of the insurer, wrecker operators shall be exempt
16 from all liability and shall be held harmless for any losses or
17 claims of loss. Personal property shall include everything in a
18 vehicle except the vehicle, the attached or installed equipment,
19 vehicle keys or devices to start and unlock the vehicle, and the
20 spare tire and tools to change the tire. Interlock devices may be
21 removed pursuant to Section 11-902a of this title. If release of
22 personal property occurs during normal business hours as prescribed
23 by the Corporation Commission, it shall be at no cost to the
24 registered owner or the owner prior to the repossession. After-hour

1 fees may be assessed as prescribed by this chapter or by the
2 Corporation Commission, when the release of property is made after
3 the prescribed normal business hours.

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

8 G. For vehicles directed by the Oklahoma Highway Patrol to be
9 towed in accordance with this section, the Department shall collect
10 a fee of Twenty-five Dollars (\$25.00) from the owner or owner's
11 personal representative upon release of the vehicle from the
12 operator to the owner or owner's personal representative. The fee
13 shall be collected by the operator at the time of release and
14 remitted to the Department in accordance with procedures developed
15 by the Department. All fees collected pursuant to this subsection
16 shall be deposited in the Department of Public Safety Revolving Fund
17 as established in Section 2-144.1 of this title. The Department is
18 authorized to promulgate any rules necessary to effectuate the
19 provisions of this subsection.

20 SECTION 2. This act shall become effective November 1, 2023.
21

22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
23 03/02/2023 - DO PASS, As Coauthored.
24