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February 20, 2024

SENATE BILL NO. 1743

By: Pederson of the Senate

and

Hays of the House

An Act relating to motor vehicles; requiring payment of certain claims for towing services directly to wrecker operator; allowing licensed wrecker operator to take possession of impounded vehicle tag; requiring issuance of statement of charges owed; requiring notification to Service Oklahoma following certain possession; directing Service Oklahoma to issue certain designation upon notification; requiring remittance of license plate and notification of received payment; defining term; prohibiting certain persons from issuing or renewing vehicle tags for certain vehicle owners until certain received payment and tag remittance; directing rule promulgation; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 953.3 of Title 47, unless there is created a duplication in numbering, reads as follows:

Notwithstanding any other provision of law, an insurer accepting liability for the payment of a claim for services performed by a wrecker operator shall make that claim directly payable to the

1 operator. Such services shall include, but are not limited to,
2 towing, nonconsensual towing, vehicle removal, and clearing of the
3 roadway of any glass or injurious substance following a vehicle
4 collision. The wrecker or towing operator shall provide written
5 documentation of the claim to the insurer prior to payment being
6 made.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 964.1 of Title 47, unless there
9 is created a duplication in numbering, reads as follows:

10 A. In the event that a licensed wrecker operator lawfully tows
11 and stores a vehicle with a license plate, the wrecker operator
12 shall issue a written statement of the amount owed by the insurer
13 accepting liability for the claim for services performed by a
14 wrecker operator, or to the vehicle owner responsible for payment if
15 there is no insurer accepting liability. Following issuance of a
16 statement under this section to a vehicle owner who is responsible
17 for payment, or to an insurer accepting liability for the claim that
18 does not pay the claim within the timeframe established under
19 Section 1250.7 of Title 36 of the Oklahoma Statutes, the wrecker
20 operator may remove and withhold the license plate affixed to the
21 vehicle until payment is made to the wrecker operator by the insurer
22 accepting liability for the claim or the vehicle owner responsible
23 for payment.

24

1 B. 1. In the event that a wrecker operator removes and
2 withholds a license plate under subsection A of this section the
3 wrecker operator shall, within three (3) days, notify Service
4 Oklahoma that the wrecker operator is withholding the license plate
5 as a result of nonpayment.

6 2. Upon notification from a wrecker operator under this
7 section, Service Oklahoma shall produce a stop flag designation to
8 enable the wrecker operator to be paid prior to issuance of any
9 license plate to the vehicle owner.

10 3. Upon payment in full of any charges contained on the
11 statement, and any accrued storage charges, the wrecker operator
12 shall remit the license plate to the vehicle owner and Service
13 Oklahoma shall be notified that the vehicle owner is in compliance
14 and possession of the license plate at issue.

15 4. For the purpose of this section, "stop flag designation"
16 means a designation issued by Service Oklahoma to prevent the
17 processing of vehicle related transactions, except those for taxes
18 and fees due, title error, law enforcement request, or court order.

19 C. Employees of Service Oklahoma and licensed operators in this
20 state shall not issue a new or renewed tag to the vehicle owner
21 whose license plate is in the possession of a wrecker operator for
22 any vehicle owned by the person until all service charges have been
23 paid and the license plate has been remitted by the wrecker
24 operator.

1 D. Service Oklahoma shall promulgate rules to effectuate the
2 provisions of this section.

3 SECTION 3. This act shall become effective November 1, 2024.

4 COMMITTEE REPORT BY: COMMITTEE ON AERONAUTICS AND TRANSPORTATION
5 February 20, 2024 - DO PASS
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