

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2182

                                  By: Johns

7                                   AS INTRODUCED

8                   An Act relating to motor vehicles; amending 47 O.S.  
9                   2011, Section 955, as last amended by Section 1,  
10                   Chapter 283, O.S.L. 2014 (47 O.S. Supp. 2020, Section  
11                   955), which relates to towing vehicle from roadway;  
12                   authorizing the towing of certain unattended  
13                   vehicles; deeming certain unattended vehicles  
14                   obstructions; allowing the head of a political  
15                   subdivision's transportation division to authorize  
16                   employees to have certain vehicles towed; and  
17                   providing an effective date.

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

17                   SECTION 1.           AMENDATORY           47 O.S. 2011, Section 955, as last  
18                   amended by Section 1, Chapter 283, O.S.L. 2014 (47 O.S. Supp. 2020,  
19                   Section 955), is amended to read as follows:

20                   Section 955. A. Any officer of the Department of Public Safety  
21                   or any other political subdivision of this state is hereby  
22                   authorized to cause to be towed any vehicle found upon public roads,  
23                   highways, streets, turnpikes, private parking lots accessible to the  
24                   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. 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  
5 the normal movement of public transit along a rail fixed guideway.  
6 An unattended vehicle shall be deemed to constitute an obstruction  
7 if 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 suspended from the Department, without compensation, for a  
3 period of thirty (30) days, except in instances where a vehicle is  
4 removed from the roadway under the authority of paragraphs 3, 4 and  
5 6 of subsection A of this 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 any person upon proof of ownership of the vehicle and  
10 an Oklahoma driver license or other state or federally issued photo  
11 identification. Upon the release of personal property to an insurer  
12 or representative of the insurer, wrecker operators shall be exempt  
13 from all liability and shall be held harmless for any losses or  
14 claims of loss. Personal property shall include everything in a  
15 vehicle except the vehicle, the attached or installed equipment,  
16 vehicle keys or devices to start and unlock the vehicle, and the  
17 spare tire and tools to change the tire. Interlock devices may be  
18 removed pursuant to Section 11-902a of this title. If release of  
19 personal property occurs during normal business hours as prescribed  
20 by the Corporation Commission, it shall be at no cost to the  
21 registered owner or the owner prior to the repossession. After-hour  
22 fees may be assessed as prescribed by this Chapter or by the  
23 Corporation Commission, when the release of property is made after  
24 the prescribed normal business hours.

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

5 SECTION 2. This act shall become effective November 1, 2021.

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7 COMMITTEE REPORT BY: COMMITTEE ON TRANSPORTATION, dated 02/11/2021 -  
8 DO PASS.

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