

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1266

By: Hays

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2021, Section 955, as amended by Section 12, Chapter
9 228, O.S.L. 2022 (47 O.S. Supp. 2024, Section 955),
10 which relates to towing of vehicles from the roadway;
11 authorizing wrecking or towing service operators to
12 call for certain assistance; allowing certain
13 provided service to be submitted in one bill;
14 authorizing the retention of certain property; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 47 O.S. 2021, Section 955, as
18 amended by Section 12, Chapter 228, O.S.L. 2022 (47 O.S. Supp. 2024,
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
or lane which provides access to one or more single-family or
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.

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

20 B. A licensed wrecker operator is not liable for damage to a
21 vehicle, vessel, or cargo that obstructs the normal movement of
22 traffic or creates a hazard to traffic and is removed in compliance
23 with the request of a law enforcement officer, unless there is
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1 failure to exercise reasonable care in the performance of the act or
2 for conduct that is willful or malicious.

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

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

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

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

1 Corporation Commission, when the release of property is made after
2 the prescribed normal business hours.

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

7 G. The operator of a wrecker or towing service may, upon
8 arriving at the scene of an accident requiring specialized labor,
9 equipment, or debris remediation, contact an operator or employee
10 who is licensed to engage in highway remediation and cleanup
11 services by the Department of Environmental Quality to provide the
12 appropriate specialized labor, equipment, or debris cleanup needed
13 to assist with the clearing of an accident or to clear the roadway
14 following an accident. If the operator of a wrecker or towing
15 service contacts a remediation company to assist in the clearing of
16 an accident or to clear the roadway following an accident, the
17 services of both entities may be added to a single bill to be
18 presented to insurance for payment. A wrecker or towing service or
19 a remediation company may hold the vehicle and any equipment
20 pursuant to a possessory lien until the bill for services provided
21 is paid in full.

22 SECTION 2. This act shall become effective November 1, 2025.

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