

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 429

By: Newberry

4  
5  
6 AS INTRODUCED

7 An Act relating to motor vehicle liens; amending 47  
8 O.S. 2011, Sections 908 and 962, which relate to  
9 foreclosure of liens; modifying certain sale  
10 procedure; and providing an effective date.

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

12 SECTION 1. AMENDATORY 47 O.S. 2011, Section 908, is  
13 amended to read as follows:

14 Section 908. Said lien may be foreclosed by a sale of such  
15 abandoned vehicle upon giving notice and in the manner following:

16 The notice shall contain:

17 (a) The name of the party bringing action and the name of the  
18 owner or any person claiming any interest therein.

19 (b) A full description of the vehicle, giving all available  
20 information as to the make, year, serial number, license tag with  
21 year and the state from which the tag was issued.

22 (c) A full statement of all the facts.

23 (d) The amount of the claim, giving a full description of the  
24 work, labor, storage or any other costs involved.

1 (e) The date, time and place of the sale.

2 (f) The notice shall be posted in three public places in the  
3 county in which the vehicle is to be sold at least ten (10) days  
4 before the time specified therein for such sale, and a copy of ~~said~~  
5 the notice shall be mailed to the owner and any other person  
6 claiming any interest in the abandoned motor vehicle, at their last-  
7 known mailing address, by registered mail on the same date of  
8 posting ~~said~~ the notice.

9 (g) Any person perfecting a lien under Section 907 shall  
10 foreclose the lien according to the provisions for sale under Title  
11 42.

12 SECTION 2. AMENDATORY 47 O.S. 2011, Section 962, is  
13 amended to read as follows:

14 Section 962. A. Every person legally entitled to compensation  
15 for the removal or storage of any vehicle subject to registration,  
16 which vehicle's removal has been authorized by any public agency,  
17 has a lien on the vehicle, dependent on possession. The lien is  
18 deemed to arise on the date of possession of the vehicle. Any  
19 person perfecting a lien under this section shall foreclose this  
20 lien according to the provisions for sale under ~~Sections 908 through~~  
21 ~~911 of this title~~ Title 42.

22 B. Every owner of such vehicle towed or stored pursuant to  
23 Section 955 of this title shall be responsible for the total amount  
24 of the debt for services rendered.

1 C. Any wrecker or towing service is authorized to collect from  
2 the owner, lienholder that seeks possession of a vehicle under a  
3 security interest, agent, or insurer accepting liability for paying  
4 the claim for a vehicle or purchasing the vehicle as a total loss  
5 vehicle, the fee authorized by Section 904 of this title.

6 SECTION 3. This act shall become effective November 1, 2017.

7

8 56-1-289 JD 1/19/2017 12:18:07 PM

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24