

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 453

By: Quinn of the Senate

and

Lepak of the House

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10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to motor vehicles; amending 47 O.S.  
12                   2011, Section 4-105, as amended by Section 1, Chapter  
13                   197, O.S.L. 2012 (47 O.S. Supp. 2014, Section 4-105),  
14                   which relates to stolen or converted vehicles;  
15                   deleting provision allowing Department of Public  
16                   Safety to disregard report; specifying circumstances  
17                   under which a vehicle is considered to be converted;  
18                   and providing an effective date.

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

20                   SECTION 1.            AMENDATORY            47 O.S. 2011, Section 4-105, as  
21                   amended by Section 1, Chapter 197, O.S.L. 2012 (47 O.S. Supp. 2014,  
22                   Section 4-105), is amended to read as follows:

23                   Section 4-105. A. It shall be the duty of every sheriff, chief  
24                   of police or peace officer to make immediate report to the  
25                   Department of Public Safety of all vehicles reported to their

1 respective jurisdictions as being stolen or recovered. Such report  
2 shall be made as prescribed by the Department.

3 B. An owner or a lienholder may report the theft of a vehicle,  
4 or its conversion ~~if a crime~~, to the Department, ~~but the Department~~  
5 ~~may disregard the report of a conversion unless a warrant has been~~  
6 ~~issued for the arrest of a person charged with the conversion.~~ A  
7 person who has so reported the theft or conversion of a vehicle  
8 shall, forthwith after learning of its recovery, report the recovery  
9 to the Department. The Department shall consider the vehicle to be  
10 converted if the person last known to be in possession of the  
11 vehicle fails, refuses or neglects to return the vehicle to the  
12 owner or lienholder in violation of any lawful court order.

13 C. An operator of a place of business for garaging, repairing,  
14 parking or storing vehicles for the public, in which a vehicle  
15 remains unclaimed for a period of thirty (30) days, shall, within  
16 five (5) days after the expiration of that period, report the  
17 vehicle as unclaimed to the Department. Such report shall be on a  
18 form prescribed by the Department.

19 A vehicle left by its owner whose name and address are known to  
20 the operator or employee of the operator is not considered  
21 unclaimed. A person who fails to report a vehicle as unclaimed in  
22 accordance with this subsection forfeits all claims and liens for  
23 its garaging, parking or storing and is guilty of a misdemeanor  
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1 punishable by a fine or not more than Twenty-five Dollars (\$25.00)  
2 for each day the failure to report continues.

3 D. The Department shall maintain and appropriately index  
4 cumulative public records of stolen, converted, recovered and  
5 unclaimed vehicles reported to it pursuant to this section. The  
6 Department may make and distribute weekly lists of such vehicles so  
7 reported to it to peace officers upon request without fee and to  
8 others for the fee, if any, the Department prescribes.

9 E. Any peace officer who has reason to believe or upon  
10 receiving information that a motor vehicle has been stolen shall  
11 have and is hereby vested with authority to confiscate and hold such  
12 vehicle until satisfactory proof of ownership is established.  
13 Provided, any vehicle that is towed by a licensed wrecker operator  
14 pursuant to the provisions of Section 954A of this title shall be  
15 returned to the licensed wrecker operator prior to any other claim  
16 or assertion of ownership.

17 SECTION 2. This act shall become effective November 1, 2015.

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19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/09/2015 -  
20 DO PASS, As Amended.

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