

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 2189 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/4/05 S4/1/05

A Bill

HOUSE BILL 1694

5 By: Representative D. Johnson
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8 **For An Act To Be Entitled**

9 AN ACT TO PERMIT THE TEMPORARY USE OF ABANDONED
10 VEHICLES BY *MUNICIPALITIES AND COUNTIES*; AND FOR
11 OTHER PURPOSES.
12

13 **Subtitle**

14 AN ACT TO PERMIT THE TEMPORARY USE OF
15 ABANDONED VEHICLES BY *MUNICIPALITIES AND*
16 *COUNTIES*.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. Arkansas Code § 27-50-1209 is amended to read as follows:*
22 *27-50-1209. Foreclosure of liens.*

23 *(a) The failure of the owner or lienholder to exercise his, her, or*
24 *its right to reclaim the vehicle and its contents within the time provided in*
25 *this subchapter constitutes a waiver by the owner or lienholder of all right,*
26 *title, and interest in the vehicle and its contents.*

27 *(b)(1) ~~The~~ Except as provided under subsection (c) of this section,*
28 *the towing and storage firm, municipality, or county holding that holds a*
29 *perfected possessory lien on any vehicle and its contents not redeemed by its*
30 *owner or security lienholder within the forty-five (45) days provided by this*
31 *subchapter shall sell the vehicle and its contents at a nonjudicial public*
32 *sale for cash.*

33 *(2) The sale shall not occur later than ninety (90) days after*
34 *perfection of the lien.*

35 *(c) A vehicle that is held by a municipality or county on a storage*



1 lot owned and operated by the municipality or county may defer the public
2 sale and make use of the vehicle for law enforcement purposes if:

3 (1) The municipality or county complies with the notice
4 provisions of § 27-50-1208;

5 (2) Forty-five (45) days have expired as provided under
6 subdivision (b)(1) of this section; and

7 (3) The municipality or county enacts an ordinance that:

8 (A) Declares the municipality's or the county's policy
9 regarding the deferral for law enforcement purposes;

10 (B) Charges a specific municipal or county official with
11 the responsibilities of:

12 (i) Identifying the vehicles to be used by the
13 municipality or county; and

14 (ii)(a) Declaring a future date to publicly sell the
15 vehicle pursuant to § 27-50-1210.

16 (b) The date of the sale shall be a maximum of
17 six (6) months from the passage of the forty-five (45) days required under
18 subdivision (b)(1) of this section or as soon as is practicable if
19 circumstances arise that prevent the sale on the declared sale date; and

20 (C) Requires that the official ensure that the public sale
21 proceed on the sale date declared in the ordinance.

22 ~~(e)~~(d)(1) The towing and storage firm, municipality or county shall
23 obtain written verification that the Arkansas Crime Information Center
24 records do not list the vehicle as having been reported stolen.

25 (2) The verification shall be on a form prescribed by the
26 Arkansas Crime Information Center, the Office of Motor Vehicle, a municipal
27 police department, a county sheriff's department, or the Department of
28 Arkansas State Police.

29 (3) When the verification provided by this subsection is sought
30 directly from the Arkansas Crime Information Center by the towing and storage
31 firm, the Arkansas Crime Information Center may charge a fee not to exceed
32 ten dollars (\$10.00) per vehicle verification.

33 ~~(d)~~(e) Notice of the sale shall be sent at least fifteen (15) days
34 before the date of the sale by certified mail, no return receipt requested,
35 to the registered owner and lienholder, if any.

36 ~~(e)~~(f) In addition to the notice by mail, notice of the sale shall be

1 *published in a newspaper of general circulation in the county at least once,*
2 *at least ten (10) days prior to the sale.*

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/s/ D. Johnson

APPROVED: 4/13/2005

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