For An Act To Be Entitled

AN ACT CONCERNING THE ARKANSAS TOWING AND RECOVERY BOARD; TO AMEND CERTAIN DEFINITIONS USED IN THE REMOVAL OR IMMOBILIZATION OF UNATTENDED OR ABANDONED VEHICLES; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE ARKANSAS TOWING AND RECOVERY BOARD; AND TO AMEND CERTAIN DEFINITIONS USED IN THE REMOVAL OR IMMOBILIZATION OF UNATTENDED OR ABANDONED VEHICLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 27-50-1202(4), concerning the definition of "nonconsent", is amended to read as follows:

(4) “Nonconsent” means towing, storage, or recovery of an unattended vehicle, abandoned vehicle, or impounded or seized vehicle as defined in this section or a disabled or inoperative vehicle for which the owner preference is waived by the owner or person in charge of the vehicle without the express or implied permission of the vehicle owner, operator, agent, or person in charge of the vehicle;

SECTION 2. Arkansas Code § 27-50-1202(6), concerning the definition of "owner preference", is amended to read as follows:

(6) “Owner preference” means the right of the owner, his or her agent, or a competent occupant of a disabled or inoperative

03-03-2017 10:27:32 DTP176
vehicle subject to nonconsent towing, storage, or recovery to request some
responsible and reasonable person, gratuitous bailee, or bailee for hire, or
properly licensed or permitted tow facility of his or her choosing, chosen by
the owner, the owner's agent, or a competent occupant of the vehicle to take
charge and care of the vehicle;

SECTION 3. Arkansas Code § 27-50-1203(a)(2)(A), concerning the
creation of the Arkansas Towing and Recovery Board, is amended to read as
follows:

(2)(A) Four (4) members shall be appointed from the towing
industry and shall be:

(i) licensed Licensed by the board to engage in
nonconsent towing, with one (1) each of the members being a resident of each
of the four (4) congressional districts; and

(ii) Appointed from the state at large.

SECTION 4. Arkansas Code § 27-50-1203(e)(1)(J), concerning the
creation of the Arkansas Towing and Recovery Board, is amended to read as
follows:

(J)(i) The board shall set a minimum standard for the
structure of the place of business and storage facility located in Arkansas
and utilized for the daily operation of a towing company licensed and
regulated under this subsection.

(ii) The place of business shall utilize:

(a) A location easily accessible by the public;

(b) An appropriate and secure filing system for
business records;

(c) Clear and visible front and rear location
signage displaying the name on the business license issued by the board that
is:

(a) A minimum of four feet by six feet
(4’ x 6’) in size or meets the criteria established by a municipal zoning
ordinance, subdivision regulation, or building code; and

(b) Displaying Displays the name, physical
address, a published telephone number of the towing company, and hours of
operation, and a telephone number easily accessible to the public.
SECTION 5. Arkansas Code § 27-50-1203(f)(1)(A), concerning the creation of the Arkansas Towing and Recovery Board, is amended to read as follows:

(f)(1)(A) The board shall have the authority to levy may charge:

(i) applicable towing business license and vehicle immobilization service license fees not to exceed two hundred dollars ($200) per license, and the board shall have the authority to levy; and

(ii) an applicable tow vehicle safety permit A fee not to exceed one hundred dollars ($100) per tow vehicle safety permit.

SECTION 6. Arkansas Code Title 27, Chapter 50, Subchapter 12, is amended to add an additional section to read as follows:

27-50-1221. Owner preference complaint.
A complaint concerning a violation of this subchapter in conjunction with owner preference and consent towing or nonconsent towing may be filed with the Arkansas Towing and Recovery Board as authorized under § 27-50-1203 by:

(1) A vehicle owner;
(2) A lien holder;
(3) An insurance provider; or
(4) A law enforcement officer.

/s/Penzo

APPROVED: 04/07/2017