

Act 680 of the 1989 Regular Session.

Act 680

HB1111

By: Representative Mills

"AN ACT TO AMEND ARKANSAS CODE ANNOTATED 27-50-1101 AND 27-50-1102 TO PROVIDE AN ALTERNATIVE METHOD FOR PROPERTY OWNERS TO DISPOSE OF ABANDONED VEHICLES; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code of 1987 Annotated 27-50-1101 is hereby amended to read as follows:

"(a) (1) When any vehicle of a type subject to registration under the laws of this state are found abandoned on private or public property within this state except premises of auto repair businesses the property owner or his agent may have the vehicle removed from their property by a towing-storage firm.

(2) The towing-storing firm which takes possession of and stores the abandoned vehicle shall notify the local police or sheriff's department of the removal within six (6) hours. The towing-storage firm may not charge a storage fee for the vehicle for the time it is stored prior to the notification.

(3) The towing-storage firm which takes possession of and stores the abandoned vehicle shall notify, not later than the tenth day after taking the vehicle into custody, by certified mail, the last known registered owner of the vehicle and all lienholders of record pursuant to 27-14-101 et seq. that the vehicle or vehicles are being held and that, unless claimed within thirty (30) days, will be sold at public sale to the highest bidder.

(A) The notice shall describe the year, make, model, and vehicle identification number of the abandoned vehicle, set forth the location of the facility where the vehicle is being held, inform the owner and any lienholders of their right to reclaim the vehicle not later than the ninetieth day after the date of the notice, on payment of all towing and storage charges resulting from placing the vehicle in custody.

(B) As to vehicles abandoned on premises of auto repair businesses, the notice as provided herein shall advise the owner of the vehicle that the vehicle may be picked up from the auto repair business within thirty (30) days without charge to the owner of the auto.

(C) The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided constitutes a waiver by the owner and lienholders of all right, title, and interest in the vehicle and their consent to the sale of the abandoned vehicle at a public auction.

(D) If the identity of the last registered owner cannot be determined, if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one (1) publication in one (1) newspaper of general circulation in the area where the vehicle was abandoned is sufficient notice under this section.

(E) The notice by publication may contain multiple listings of abandoned vehicles, shall be published within the time requirements prescribed for notice by certified mail, and shall have the same contents required for a

notice by certified mail.

(3) Thirty (30) days after the notice has been given as described, the holder of the vehicles or the owner or operator of an automobile repair business on whose premises the vehicle was abandoned shall execute an affidavit stating that the vehicles have been found abandoned and are stored with the holder and that notice has been given, as provided in this section, to their registered owners and all lienholders of record.

(4) The affidavit shall describe the vehicles by make, year, model, serial number, and body style, and set forth the retail market value of the vehicles.

(5) The towing storage firm shall give written notice to the National Automobile Theft Bureau in Dallas and upon receipt of a response therefrom, the holder shall then sell the vehicle at the best available price.

(6) The towing storage firm or automobile repair business shall supply the buyer the necessary documentation required herein for the sale of such vehicle and the buyer shall then apply to the nearest revenue office for title of the vehicle, submitting the affidavit and documentation and paying all license fees, title fees, and taxes required by law.

(7) After ninety (90) days from the date of sale, if the owner has not been located or if no claim has been made on the vehicles, then the balance of the proceeds of the sale shall go to the State Highway and Transportation Department Fund, accompanied by a written notarized statement, itemizing the various deductions from the gross sales price of the vehicles, signed by the selling party.

(b) The provisions of this section shall apply to any abandoned vehicle of a type subject to registration under the laws of this state. Vehicles on the premises of an automobile repair business which are unclaimed by the vehicle owner for a period of ninety (90) days and which are not being stored for the vehicle owner shall be considered abandoned under this section.

(c) If the person who has custody of an abandoned vehicle fails to comply with the notice requirement of subsection (a) of this section within ten (10) days, the amount recoverable for storage of the vehicle shall be limited to the amount ordinarily charged for ten (10) days."

SECTION 2. Arkansas Code of 1987 Annotated 27-50-1102 is hereby amended to read as follows:

"27-50-1102. Procedure to dismantle or destroy abandoned vehicles.

(a) Any vehicle abandoned on the private property of a person other than the owner of the motor vehicle may be sold, dismantled, or destroyed by the owner of the property on which the vehicle is abandoned in the manner prescribed in this section.

(b)(1) Any owner of property upon which an vehicle is abandoned shall notify, not later than the tenth day after discovery of the vehicle on the property, by certified mail, the last known registered owner of the vehicle and all lienholders of record pursuant to 27-14-101 et seq. that the vehicle has been taken into custody.

(2) The notice shall describe the year, make, model, and vehicle identification number of the abandoned vehicle, set forth the location of the facility where the vehicle is being held, inform the owner and any lienholders of their right to reclaim the vehicle not later than the thirtieth day after the date of the notice, on payment of all towing and storage charges resulting from placing the vehicle in custody.

(3) The notice shall also state that the failure of the owner or lienholders to exercise their right to reclaim the vehicle within the time provided constitutes a waiver by the owner and lienholders of all right, title, and interest in the vehicle and their consent to the sale or

dismantling or destruction of the abandoned vehicle.

(c) If the identity of the last registered owner cannot be determined, if the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one (1) publication in one (1) newspaper of general circulation in the area where the vehicle was abandoned is sufficient notice under this section.

(d) The notice by publication may contain multiple listings of abandoned vehicles, shall be published within the time requirements prescribed for notice by certified mail, and shall have the same contents required for a notice by certified mail.

(e)(1) Thirty (30) days after the notice has been given as described, the holder of the vehicles on whose premises the vehicle was abandoned shall execute an affidavit stating that the vehicles have been found abandoned and are stored with the holder and that notice has been given, as provided in this section, to their registered owners and all lienholders of record.

(2) The affidavit shall describe the vehicles by make, year, model, serial number, and body style, and set forth the retail market value of the vehicles.

(3) The owner of the private property on whose premises the vehicle was abandoned shall give written notice to the National Automobile Theft Bureau in Dallas and upon receipt of a response therefrom, the holder shall then sell the vehicle at the best available price.

(4) The owner of the private property on whose premises the vehicle was abandoned shall supply the buyer the necessary documentation required herein for the sale of such vehicle and the buyer shall then apply to the nearest revenue office for title of the vehicle, submitting the affidavit and documentation and paying all license fees, title fees, and taxes required by law.

(5) After ninety (90) days from the date of sale, if the owner has not been located or if no claim has been made on the vehicles, then the balance of the proceeds of the sale shall go to the the State Highway and Transportation Department Fund, accompanied by a written notarized statement, itemizing the various deductions from the gross sales price of the vehicles, signed by the selling party.

(f) If the person who has custody of an abandoned vehicle fails to comply with the notice requirement of subsection (a) of this section within ten (10) days, the amount recoverable for storage of the vehicle shall be limited to the amount ordinarily charged for ten (10) days."

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: March 20, 1989

---