

ARKANSAS SENATE
86th General Assembly - Regular Session, 2007
Amendment Form

Subtitle of House Bill No. 1472

"TO AMEND CURRENT LAW TO LIMIT THE POSSESSORY LIEN OF A TOWING AND
STORAGE FIRM TO THE VEHICLE ONLY."

Amendment No. 2 to House Bill No. 1472.

Amend House Bill No. 1472 as engrossed, S2/27/07 (version: 02-27-2007 14:19):

Page 1, delete lines 25 through 31 and substitute:

"possessory lien on the vehicle and its contents for all reasonable charges for towing, recovery, and storage for which the owner is liable.

(2)(A) A possessory lien under this section attaches to not only the vehicle and its contents, but also any trailer attached to the vehicle at the time it is towed, and any contents of such trailer including, but not limited to, other vehicles or boats.

(B) A lien under this section shall not extend to the following items, without limitation:

- (i) Personal or legal documents;
- (ii) Medications;
- (iii) Child restraint seating;
- (iv) Wallets or purses and the contents of such;
- (v) Prescription eyeglasses;
- (vi) Prosthetics;
- (vii) Cell phones;
- (viii) Photographs; and
- (ix) Books.

(C) The items described in subdivision (a)(2)(B) of this section shall be released without charge by the towing and storage firm to the owner or operator of the motor vehicle or his or her duly authorized representative."

AND

Page 2, delete lines 11 through 12 and substitute:

"possessory lien on the vehicle and its contents for all such charges;"

AND



Page 2, delete lines 29 through 33 and substitute:

“(10) That the owner, operator, or his or her authorized representative may recover without charge possession of any items identified in § 27-50-1208(a)(2)(B) by providing within forty-five (45) days the towing and storage firm with proof that the claiming person is the registered owner of the vehicle or has been authorized by the registered owner of the vehicle to obtain such property; and”

AND

Page 3, delete lines 8 through 9 and substitute:

"possessory lien on any vehicle and its contents not redeemed by its owner or security"

AND

Page 3, delete lines 18 through 25 and substitute:

"of the towed and stored vehicle has been interpreted to allow a possessory lien on items of a personal nature that are found in the content of a towed or stored vehicle; that most items of a personal nature have little if any value to a towing and storage firm worth securing through a possessory lien; and this act is immediately necessary to prevent an undue hardship from being placed on consumers in this state by depriving them of access to personal necessities because a possessory lien has been placed on items of a personal nature in their vehicle that has been towed and stored. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and"

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator T. Smith

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Secretary