

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1283

5 By: Representative G. Smith
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For An Act To Be Entitled

8 AN ACT TO CLARIFY THAT A PERSON OR OTHER ENTITY
9 WITHOUT A TOWING LICENSE MAY TOW A VEHICLE THAT IT
10 OWNS; TO CLARIFY THE DEFINITION OF TOW VEHICLE; TO
11 CLARIFY THE DUTIES OF THE ARKANSAS TOWING AND
12 RECOVERY BOARD; AND FOR OTHER PURPOSES.
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Subtitle

15 TO CLARIFY THAT A PERSON OR OTHER ENTITY
16 WITHOUT A TOWING LICENSE MAY TOW A
17 VEHICLE THAT IT OWNS; TO MAKE OTHER
18 CHANGES FOR CLARITY AND CONSISTENCY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 27-50-1201 is amended to read as follows:
25 27-50-1201. Applicability.

26 (a) The provisions of this subchapter shall apply to any person, firm,
27 organization, or other entity engaged in the business of towing or storage of
28 unattended or abandoned vehicles in the State of Arkansas.

29 (b) The provisions of this subchapter shall not apply to the following
30 tow vehicles and related equipment:

31 (1) ~~Car carriers~~ A car carrier capable of carrying five (5) or
32 more vehicles ~~and which have that has federal Interstate Commerce Commission~~
33 Surface Transportation Board authority;

34 (2) ~~Tow vehicles~~ A tow vehicle owned by a governmental entity
35 and not used for commercial purposes; ~~and~~

36 (3) ~~(A) Tow vehicles~~ A tow vehicle that:



1 (i) ~~are~~ is registered in another state;
 2 (ii) ~~operating~~ is operating under federal ~~Interstate~~
 3 ~~Commerce Commission~~ Surface Transportation Board authority; and
 4 (iii) ~~which do~~ Does not regularly do business or
 5 solicit business in the State of Arkansas.

6 (B) However, ~~any~~ a tow vehicle for which this exemption is
 7 claimed ~~must~~ shall be in compliance with § 27-35-112; or

8 (4) A tow vehicle owned by a person, firm, business,
 9 organization, or other entity that owns the vehicle that is being towed.

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 11 SECTION 2. Arkansas Code § 27-50-1202(9), regarding definitions
 12 related to the removal of unattended or abandoned vehicles, is amended to
 13 read as follows:

14 (9) "Tow vehicle" means ~~any~~ a motor vehicle or related equipment
 15 subject to registration in the State of Arkansas which is used by a person,
 16 firm, organization, or other entity that is engaged in the business of towing
 17 unattended or abandoned vehicles to tow, recover, upright, transport, or
 18 otherwise facilitate the ~~movement of vehicles~~ removal of an unattended or
 19 abandoned vehicle on a public highway ~~highways~~ highway;

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 21 SECTION 3. Arkansas Code § 27-50-1203(e)(1), regarding the Arkansas
 22 Towing and Recovery Board, is amended to read as follows:

23 (e)(1) The board shall promulgate rules and regulations to carry out
 24 the intent of this subchapter and shall regulate the towing industry,
 25 including:

26 (A)(i) Establishing reasonable licensing, insurance, and
 27 equipment requirements for any person, firm, organization, or other entity
 28 engaging in the business of towing and related services of unattended or
 29 abandoned vehicles and related to ~~for~~ safety purposes under this subchapter.

30 (ii) Subdivision (e)(1)(A)(i) of this section shall
 31 not give the board authority over any person, firm, organization, or entity
 32 specifically excluded under § 27-50-1201(b);

33 (B) Establishing reasonable tow truck safety requirements
 34 for any tow vehicle as defined in this subchapter;

35 (C) Establishing a procedure to accept and investigate
 36 complaints from a consumer who claims that he or she has been overcharged for

1 nonconsent towing, recovery, or storage fees;

2 (D) Determining and sanctioning excessive or unnecessary
3 ~~non-consent~~ nonconsent towing fees, recovery, and storage charged to
4 consumers;

5 (E) Requiring all entities permitted, licensed, or
6 regulated under this subchapter to provide to the board all documents in
7 response to information requests by the board pursuant to the investigation
8 of consumer complaints or board complaints against the permittee or licensee;

9 (F) Requiring all entities permitted, licensed, or
10 regulated under this subchapter to provide itemized billing for towing or
11 storage fees that explains how the charges were calculated; and

12 (G) Requiring all entities permitted, licensed, or
13 regulated under this subchapter to maintain a copy of their current maximum
14 rate schedule posted in a conspicuous place and readily accessible to the
15 public.

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