

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023

A Bill

HOUSE BILL 1563

4
5 By: Representatives Evans, Beaty Jr., Cavanaugh, Eaves, Hawk, B. McKenzie, S. Meeks, J. Moore,
6 Painter, Pilkington, Puryear, Tosh, Underwood
7 By: Senators Hill, J. Boyd, Dees, Gilmore, J. Payton

For An Act To Be Entitled

10 AN ACT TO AMEND THE LAW CONCERNING THE ATTACHMENT OF
11 A POSSESSORY LIEN HELD BY A TOWING AND STORAGE FIRM;
12 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

16 TO AMEND THE LAW CONCERNING THE
17 ATTACHMENT OF A POSSESSORY LIEN HELD BY A
18 TOWING AND STORAGE FIRM; AND TO DECLARE
19 AN EMERGENCY.

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

24 SECTION 1. Arkansas Code § 27-50-1202, concerning definitions used in
25 this subchapter relating to the removal or immobilization of unattended or
26 abandoned vehicles, is amended to add an additional subdivision to read as
27 follows:

28 (17) "Cargo" means goods and materials transported by a motor
29 carrier as defined by 49 C.F.R. § 390.5 as it existed on January 1, 2023,
30 including without limitation:

31 (A) Pallets;

32 (B) Containers;

33 (C) Bracing;

34 (D) Air pillows;

35 (E) Tie-down assemblies and other securement systems;

36 (F) Cradles;



- 1 (G) Chocks; and
- 2 (H) All other dunnage or packaging.

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4 SECTION 2. Arkansas Code § 27-50-1208(a), concerning a towing and
5 storage firm’s possessory lien, is amended to read as follows:

6 (a)(1) ~~The~~ Except as provided under subdivision (a)(2)(B) of this
7 section, the towing and storage firm shall have a first priority possessory
8 lien on the vehicle and its contents for all reasonable charges for towing,
9 recovery, and storage for which the owner is liable.

10 (2)(A) A Except as provided under subdivision (a)(2)(B) of this
11 section, a possessory lien under this section attaches to not only the
12 vehicle and its contents but also any trailer attached to the vehicle at the
13 time it is towed and any contents of such trailer including, but not limited
14 to, other vehicles or boats.

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

- 17 (i) Personal or legal documents;
- 18 (ii) Medications;
- 19 (iii) Child-restraint seating;
- 20 (iv) Wallets or purses and the contents of such;
- 21 (v) Prescription eyeglasses;
- 22 (vi) Prosthetics;
- 23 (vii) Cell phones;
- 24 (viii) Photographs; ~~and~~
- 25 (ix) Books; and
- 26 (x) Cargo.

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

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32 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General
33 Assembly of the State of Arkansas that current law regarding motor vehicle
34 towing and storage possessory liens has been interpreted to allow a
35 possessory lien on cargo being transported by commercial motor carriers; that
36 application of a possessory lien to this cargo imposes undue hardship on the

1 owner, shipper, broker, and carrier of the cargo and may adversely impact the
 2 quality, value, and utility of the cargo itself; that the delay in the
 3 delivery of the cargo caused by the possessory lien exacerbates supply chain
 4 issues inflicting harm to national and state economies. Therefore, an
 5 emergency is declared to exist, and this act being immediately necessary for
 6 the preservation of the public peace, health, and safety shall become
 7 effective on:

8 (1) The date of its approval by the Governor;

9 (2) If the bill is neither approved nor vetoed by the Governor,
 10 the expiration of the period of time during which the Governor may veto the
 11 bill; or

12 (3) If the bill is vetoed by the Governor and the veto is
 13 overridden, the date the last house overrides the veto.

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