

ARKANSAS SENATE
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 1694

"AN ACT TO PERMIT THE TEMPORARY USE OF ABANDONED VEHICLES BY
MUNICIPALITIES AND COUNTIES."

Amendment No. 1 to House Bill No. 1694.

Amend House Bill No. 1694 as engrossed, H3/4/05 (version: 03-04-2005 11:47):

Delete everything following the enacting clause and substitute:

“SECTION 1. Arkansas Code § 27-50-1209 is amended to read as follows:
27-50-1209. Foreclosure of liens.

(a) The failure of the owner or lienholder to exercise his, her, or its right to reclaim the vehicle and its contents within the time provided in this subchapter constitutes a waiver by the owner or lienholder of all right, title, and interest in the vehicle and its contents.

(b)(1) The Except as provided under subsection (c) of this section, the towing and storage firm, municipality, or county holding that holds a perfected possessory lien on any vehicle and its contents not redeemed by its owner or security lienholder within the forty-five (45) days provided by this subchapter shall sell the vehicle and its contents at a nonjudicial public sale for cash.

(2) The sale shall not occur later than ninety (90) days after perfection of the lien.

(c) A vehicle that is held by a municipality or county on a storage lot owned and operated by the municipality or county may defer the public sale and make use of the vehicle for law enforcement purposes if:

(1) The municipality or county complies with the notice provisions of § 27-50-1208;

(2) Forty-five (45) days have expired as provided under subdivision (b)(1) of this section; and

(3) The municipality or county enacts an ordinance that:

(A) Declares the municipality's or the county's policy regarding the deferral for law enforcement purposes;

(B) Charges a specific municipal or county official with the responsibilities of:

(i) Identifying the vehicles to be used by the municipality or county; and

(ii)(a) Declaring a future date to publicly sell the vehicle pursuant to § 27-50-1210.

(b) The date of the sale shall be a maximum of



six (6) months from the passage of the forty-five (45) days required under subdivision (b)(1) of this section or as soon as is practicable if circumstances arise that prevent the sale on the declared sale date; and

(C) Requires that the official ensure that the public sale proceed on the sale date declared in the ordinance.

~~(e)~~(d)(1) The towing and storage firm, municipality or county shall obtain written verification that the Arkansas Crime Information Center records do not list the vehicle as having been reported stolen.

(2) The verification shall be on a form prescribed by the Arkansas Crime Information Center, the Office of Motor Vehicle, a municipal police department, a county sheriff's department, or the Department of Arkansas State Police.

(3) When the verification provided by this subsection is sought directly from the Arkansas Crime Information Center by the towing and storage firm, the Arkansas Crime Information Center may charge a fee not to exceed ten dollars (\$10.00) per vehicle verification.

~~(d)~~(e) Notice of the sale shall be sent at least fifteen (15) days before the date of the sale by certified mail, no return receipt requested, to the registered owner and lienholder, if any.

~~(e)~~(f) In addition to the notice by mail, notice of the sale shall be published in a newspaper of general circulation in the county at least once, at least ten (10) days prior to the sale.”

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

By: Senator Steele
JSE/JSE - 03-29-2005 09:54
JSE540

Secretary