

ARKANSAS SENATE
88th General Assembly - Regular Session, 2011
Amendment Form

Subtitle of House Bill No. 1559

TO AUTHORIZE THE AGENT OF AN INSURANCE COMPANY TO MOVE A TOTAL-LOSS VEHICLE
FROM A STORAGE FACILITY.

Amendment No. 1 to House Bill No. 1559

Amend House Bill No. 1559 as originally introduced:

Page 2, delete lines 5 through 11 and substitute:

"(B) The notice shall include:
(i) A description of the vehicle including its
identification number;
(ii) The identification of the agent who is to move
the vehicle;
(iii) The date the owner of the vehicle authorized
release of the vehicle to the insurance company; and
(iv) A statement that the insurance company will
indemnify and hold harmless the storage facility for all liability and costs
it incurs defending itself in any civil or criminal claim arising from moving
the vehicle without a release document from the owner."

AND

Page 2, delete lines 14 through 22 and substitute:

"(c) The storage facility shall make the vehicle available for
immediate release and removal during regular business hours of the storage
facility upon receipt of:
(1) The letter described under subsection (b) of this section;
(2) The release of any law enforcement or other official hold;
and
(3) Settlement of all fees incurred up to and including the date
of removal."
(d)(1) If an insurance company or its agent moves a vehicle as
provided under this section, the insurance company shall indemnify and hold
harmless the storage facility for liability and all expenses associated with
civil or criminal claims arising from moving the vehicle without a release
document from the owner.
(2) In any action in which a storage facility prevails against
an insurance company for indemnification under this subsection (d), in
addition to any damages suffered, the storage facility shall be awarded
attorneys' fees and costs incurred.



(e) This section shall not be construed to restore or grant any right, title, or interest in the vehicle or its contents as may have been waived under § 27-50-1209(a)."

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

By: Senator J. Hutchinson

JSE/JSE - 03/07/11 11:20

JSE232

Secretary