

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

As Engrossed: S3/9/11

A Bill

SENATE BILL 954

5
6 By: Senator B. Sample

7 Filed with: Senate Committee on Transportation, Technology and Legislative Affairs
8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

10 AN ACT TO AMEND THE LAW CONCERNING THE ARKANSAS
11 TOWING AND RECOVERY BOARD, POSSESSORY LIENS ON MOTOR
12 VEHICLES RELATED TO TOWING AND STORAGE, AND
13 FORECLOSURE OF POSSESSORY LIENS ON MOTOR VEHICLES
14 RELATED TO TOWING AND STORAGE; AND FOR OTHER
15 PURPOSES.

16 17 18 Subtitle

19 TO AMEND THE LAW CONCERNING THE ARKANSAS
20 TOWING AND RECOVERY BOARD, POSSESSORY
21 LIENS ON MOTOR VEHICLES RELATED TO TOWING
22 AND STORAGE, AND FORECLOSURE OF
23 POSSESSORY LIENS ON MOTOR VEHICLES
24 RELATED TO TOWING AND STORAGE.

25
26
27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

28
29 *SECTION 1. Arkansas Code § 27-50-1203(a)(2), concerning the creation
30 and composition of the Arkansas Towing and Recovery Board, is amended to read
31 as follows:*

32 *(2)(A) ~~Four (4)~~ Two (2) members shall be appointed from the
33 state at-large from the towing industry and shall be licensed by the board to
34 engage in nonconsent towing, ~~with one (1) each of the members being a~~
35 ~~resident of each of the four (4) congressional districts.~~*

1 (B) Two (2) members who are permitted to engage in the
2 consent-only business shall be appointed from the state at large.

3 (C) ~~Two (2)~~ Three (3) members who are not and have not
4 been associated with the towing industry shall be appointed from the state at
5 large.

6 (D) ~~One (1) member~~ Two (2) members shall be appointed from
7 the insurance industry.

8
9 SECTION 2. Arkansas Code § 27-50-1208(d)(1), concerning possessory
10 liens and notice to owners and lienholders of motor vehicles that have been
11 removed, is amended to read as follows:

12 (d)(1)(A) If within forty-eight (48) hours the ownership and
13 lienholder information has not been received from the law enforcement agency
14 requesting the removal of a vehicle pursuant to this subchapter, the towing
15 and storage firm shall obtain information concerning the last known
16 registered owner or owners and lienholder or lienholders as provided from the
17 records of the:

18 ~~(A)(i)~~ Office of Motor Vehicle;

19 ~~(B)(ii)~~ Arkansas Crime Information Center; or

20 ~~(C)(iii)~~ If known, motor vehicle records of any
21 other state where the vehicle's registration indicates the name and address
22 of the last registered owner and the name and address of the holder of any
23 recorded lien, if any, on the vehicle.

24 (B) If the owner or a registered lienholder cannot be
25 determined, the towing and storage firm shall register the vehicle with the
26 National Insurance Crime Bureau.

27
28 SECTION 3. Arkansas Code § 27-50-1209(e), regarding foreclosure of
29 liens on removed vehicles, is amended to read as follows:

30 (e)(1) Notice of the sale shall be sent at least fifteen (15) days
31 before the date of the sale by certified mail, ~~no~~ return receipt requested,
32 to the registered owner and lienholder, if any.

33 (2) If the data records of the Office of Motor Vehicle or the
34 office of motor vehicles for the state where the vehicle is registered do not
35 contain any information as to the last known registered owner or owners or
36 lienholders, ~~the notice required under subdivision (e)(1) of this section is~~

1 ~~not required the towing and storage firm shall register the vehicle with the~~
2 ~~National Insurance Crime Bureau.~~

3 (3) ~~Nothing in this subsection removes~~ This subsection does not
4 remove the requirement of notice of sale by publication under subsection (f)
5 of this section.

6

7 /s/B. Sample

8

9 Referred by the Arkansas Senate

10 Prepared by: JSE/VJF

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36