

1 INTERIM STUDY PROPOSAL 2013-105

2 State of Arkansas

As Engrossed: H4/12/13

3 89th General Assembly

A Bill

4 Regular Session, 2013

HOUSE BILL 1903

5
6 By: Representative Wright

7 Filed with: Interim House Committee on Public Transportation

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 REMOVAL OF
11 UNATTENDED OR ABANDONED VEHICLES; TO ESTABLISH
12 QUALIFICATIONS FOR ELIGIBILITY FOR NONCONSENT TOWING
13 ROTATION LISTS; AND FOR OTHER PURPOSES.

16 Subtitle

17 TO AMEND THE LAW CONCERNING THE REMOVAL
18 OF UNATTENDED OR ABANDONED VEHICLES; AND
19 TO ESTABLISH QUALIFICATIONS FOR
20 ELIGIBILITY FOR NON-CONSENT TOWING
21 ROTATION LISTS.

22
23
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25
26 *SECTION 1. Arkansas Code Title 27, Chapter 50, Subchapter 12, is*
27 *amended to add an additional section to read as follows:*

28 *27-50-1217. Nonconsent towing rotation lists.*

29 *(a) A person permitted, licensed, or regulated under this subchapter*
30 *may apply to be placed on a nonconsent towing rotation list maintained by a*
31 *law enforcement agency by establishing to the law enforcement agency at least*
32 *one (1) of the following:*

33 *(1) Two (2) years of continuous licensure by the Arkansas Towing*
34 *and Recovery Board before application;*

1 (2) Two (2) years of continuous service on a law enforcement
2 agencie's nonconsent towing rotation list before the effective date of this
3 act; or

4 (3) If a new business, that the applicant:

5 (A) Is currently licensed by the board;

6 (B) Has not been previously licensed by the board under
7 another name;

8 (C) Was not engaged in the business of towing and recovery
9 before the application;

10 (D) Has completed forty (40) hours of training in towing
11 and recovery with a training organization recognized and approved by the
12 board; and

13 (E) Provides documentation to the law enforcement agency
14 that all individuals responsible for driving and operating tow vehicles for
15 the applicant have worked with a person permitted, licensed, or regulated
16 under this subchapter for a total of twelve (12) months within eighteen (18)
17 months before the date of the application.

18 (b) In addition to the requirements under subsection (a) of this
19 section, each applicant shall establish to the satisfaction of the law
20 enforcement agency maintaining the towing rotation list that the applicant
21 has:

22 (1)(A) A business location with a physical address within this
23 state.

24 (B) If the business location is a residence, the business
25 location shall have a separate entrance;

26 (2) A listed telephone number that is answered during business
27 hours;

28 (3) A sign on the exterior of the business location with:

29 (A) The name of the towing entity;

30 (B) The physical address if not otherwise in clear view on
31 the building;

32 (C) The listed telephone number and any after-hours
33 telephone number; and

34 (D) The business hours of the towing entity; and

1 (4) An eight inch by ten inch (8" x 10") or larger consumer
2 complaint sign prominently displayed inside the business location in an area
3 commonly used by the visiting public that includes the following:

4 (A) A notice that complaints may be directed to the
5 Arkansas Towing and Recovery Board;

6 (B) The address and telephone number of the board; and

7 (C) The website address for the board.

8 (c)(1) This section does not prohibit the sale or transfer of
9 inclusion on a towing rotation list in conjunction with the sale or transfer
10 of a towing entity licensed under this subchapter.

11 (2) However, a towing entity that receives three disciplinary
12 actions within one (1) year after the sale or transfer of the inclusion on a
13 towing rotation list shall be removed from the towing rotation list and
14 disqualified from inclusion on a towing rotation list for a period of two (2)
15 years.

16 (d) A person engaged in nonconsent towing shall be available for
17 after-hours release of a vehicle or related items.

18 (e) The board shall promulgate rules and policies to implement this
19 section.

20
21
22 /s/Wright
23
24

25 Referred by the Arkansas House of Representatives

26 Prepared by: GAR/VJF
27
28
29
30
31
32
33
34
35
36