

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 3/5/87

HOUSE BILL 1033

By: Rep. Givens

"AN ACT TO AMEND SECTION 1 OF ACT 344 OF 1953, AS AMENDED [ARK. STAT. 75-1034], INCLUDING VEHICLES ABANDONED ON THE PREMISES OF AN AUTOMOBILE REPAIR BUSINESS UNDER THE PROCEDURES FOR THE DISPOSITION OF ABANDONED VEHICLES; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 1 of Act 344 of 1953, as amended, the same being Arkansas Statutes 75-1034, is hereby amended to read as follows:

"Section 1. (a) When any vehicles of a type subject to registration under the laws of this State are found abandoned within this State or when such vehicles are abandoned on the premises of an automobile repair business, the same shall be stored and their owners located if possible. The person, firm, corporation, county or city on whose premises said abandoned vehicles are stored shall send a notice by registered mail to the last known address of the owners, notifying them that said vehicles are being held and that unless claimed within thirty (30) days will be sold at public sale to the highest bidder. Thirty (30) days after such notice has been given as described above, the holder of said vehicles and, in the applicable case, either the peace officer who found the abandoned vehicles or the owner or operator of an automobile repair business on whose premises the vehicle was abandoned, shall execute an affidavit stating that said vehicles have been abandoned and are stored with said holder and that notice has been given, as provided in this Act, to their registered owners. Said affidavit shall describe the vehicles by make, year, model, serial number and body style, and set forth the retail market value of said vehicles. Said person, firm, corporation, county or city shall then apply to the nearest Revenue Office for title of said vehicles, submitting said affidavit and paying all license fees, title fees and taxes

required by law. Upon receipt of a certificate of title on said vehicles and upon giving written notice to the National Automobile Theft Bureau in Dallas, Texas, said holder shall then sell said vehicles at the best available price and after deducting all towing, storage and expense charges of whatever nature, shall hold the balance of the purchase price for ninety (90) days from the sale thereof. After ninety (90) days from the date of sale, if the owner has not been located, or if no claim has been made on such vehicles, then the balance of the proceeds of said sale shall go to the State Highway Department General Fund, accompanied by a written notarized statement, itemizing the various deductions from the gross sales price of said vehicles, signed by the selling party.

(b) The provisions of this Act shall apply to any abandoned vehicle of a type subject to registration under the laws of this State. Vehicles on the premises of an automobile repair business which are unclaimed by the vehicle owner for a period of ninety (90) days and which are not being stored for the vehicle owner shall be considered abandoned under this Act.

(c) The notice as to "Vehicles Abandoned on Premises of Auto Repair Businesses", as provided herein, shall advise the owner of the vehicle that the vehicle may be picked up from the auto repair business within thirty (30) days without charge to the owner of the auto."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

/s/ Art Givens

