

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 2052

4 By: Representatives Calhoun and Angel

5
6

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 27-50-1203 PERTAINING TO
9 THE MEMBERSHIP OF THE ARKANSAS TOWING AND RECOVERY BOARD;
10 AND FOR OTHER PURPOSES."

11

Subtitle

12
13 "AN ACT TO AMEND ARKANSAS CODE 27-50-
14 1203 PERTAINING TO THE MEMBERSHIP OF THE
15 ARKANSAS TOWING AND RECOVERY BOARD; AND
16 FOR OTHER PURPOSES."

17

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

19

20 SECTION 1. Arkansas Code § 27-50-1203 is amended to read as follows:

21 "27-50-1203. Arkansas Towing and Recovery Board - Creation.

22 (a)(1) There is hereby created the Arkansas Towing and Recovery Board
23 consisting of nine(9) members appointed by the Governor and confirmed by the
24 Senate who shall serve terms of three (3) years.

25 (2) Four (4) members shall be appointed from persons having ownership in
26 or operating a business providing consent and non-consent towing or storage
27 services, with one (1) of such members being a resident of each of the four
28 (4) congressional districts.

29 (3) *Four (4) members shall be consumers with one (1) being appointed*
30 *from each of the four (4) congressional districts.*

31 (4) One (1) member shall be appointed from persons in the automotive
32 insurance industry at large.

33 (b) The board shall annually elect a chairman from its membership.

34 (c)(1) The board shall promulgate rules and regulations to carry out the
35 intent of this subchapter and shall regulate the towing industry, including:

1 (A) Establishing reasonable licensing, insurance, and safety equipment
2 requirements for any person engaging in nonconsent towing and related
3 services under this subchapter; and

4 (B) Establishing reasonable tow truck safety requirements for any tow
5 vehicle as defined in this subchapter.

6 (2) The promulgation and adoption of such rules and regulations shall in
7 all respects be in the manner provided by the Arkansas Administrative
8 Procedure Act, as amended from time to time, § 25-15-201 et seq.

9 (3) After the promulgation and adoption of such proposed rules or
10 regulations to add to, amend, repeal or change any such rules or regulations,
11 unless a finding exists that imminent peril to the public health, safety or
12 welfare requires immediate adoption, amendment or repeal of such rules or
13 regulations, such amendment or change shall not have effect until reviewed
14 and approved by the Rules and Regulations Subcommittee of the Arkansas
15 Legislative Council subsequent to the time the General Assembly next meets in
16 regular session.

17 (d) The board shall have the authority to levy applicable towing
18 business license fees not to exceed one hundred dollars (\$100) per license,
19 and the board shall have the authority to levy an applicable tow vehicle
20 safety permit fee not to exceed twenty-five dollars (\$25.00) per tow vehicle
21 safety permit.

22 (e) The board shall have the authority to employ and discharge a
23 secretary who shall be the treasurer, and other personnel as may be necessary
24 to administer and enforce the provisions of this subchapter and the rules and
25 regulations promulgated hereunder.

26 (f) The board shall have the authority to obtain office space,
27 furniture, stationery, and other proper supplies and conveniences reasonably
28 necessary to carry out the provisions of this subchapter.

29 (g) Each member of the board shall be entitled to receive the sum of
30 fifty dollars (\$50.00) per diem for each day actually spent on the work of
31 the board, and each member of the board shall receive reimbursement for his
32 actual and necessary expenses incurred in the performance of duties
33 pertaining to his or her office, including necessary traveling expenses,
34 board, and lodging.

35 (h) The board shall have the authority to establish a maximum amount to

1 be charged by a towing business for each notification to an owner and a
2 lienholder as required by this subchapter. Such authority shall not extend
3 to the setting of any other rate or tariff within the towing industry."
4
5

6 SECTION 2. Ark. Code 27-50-1204 is amended by inserting an additional
7 subsection at the end thereof to read as follows:

8 "(f) Any person who violates the following shall be deemed guilty of a
9 misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) nor
10 more than five hundred dollars (\$500) or imprisonment not to exceed three (3)
11 months or both. Each day of violation shall constitute a separate offense.
12 It is unlawful for any person to:

13 (1) operate any motor vehicle in violation of the provisions of
14 this chapter;

15 (2) give any false or forged evidence of any kind to the Towing
16 and Recovery Board or any member thereof for the purpose of obtaining a
17 license or a tow vehicle safety permit;

18 (3) attempt to use an expired or revoked license or tow vehicle
19 safety permit;

20 (4) violate or aid or abet any violations of the provisions of
21 this chapter."
22

23 SECTION 3. All provisions of this act of a general and permanent
24 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
25 Code Revision Commission shall incorporate the same in the Code.
26

27 SECTION 4. If any provision of this act or the application thereof to
28 any person or circumstance is held invalid, such invalidity shall not affect
29 other provisions or applications of the act which can be given effect without
30 the invalid provision or application, and to this end the provisions of this
31 act are declared to be severable.
32

33 SECTION 5. All laws and parts of laws in conflict with this act are
34 hereby repealed.
35

1 SECTION 6. Emergency. It is hereby found and determined by the
2 General Assembly of the State of Arkansas that the structure of the Arkansas
3 Towing and Recovery Board favors persons in the business of providing non-
4 consent towing or storage services over other persons in the towing industry
5 and the motoring public, and that by increasing the number of members from
6 seven (7) to nine (9), persons residing in each of the four (4) congressional
7 districts shall enjoy more equal representation; that the Arkansas Towing and
8 Recovery Board has attempted to carry out, or permit to be carried out in its
9 name, amendments or changes in its initial rules and regulations, thereby
10 signifying need for a time frame to be fixed within which proposed rules and
11 regulations hereinafter promulgated and adopted by the Board to amend, change
12 or repeal any rule or regulation not amended, changed or repealed prior
13 thereto shall become effective. Therefore, an emergency is hereby declared
14 to exist and this act being necessary for the immediate preservation of the
15 public health, safety and welfare shall be in full force and effect from and
16 after its passage and approval.

17

18

/s/Rep. Calhoun, et al

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

- 1
- 2
- 3
- 4
- 5
- 6