

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

A Bill

SENATE BILL 760

4
5 By: Senator Salmon
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For An Act To Be Entitled

8 AN ACT TO AMEND THE LAWS RELATED TO TOWING AND
9 STORAGE TO ENHANCE CONSUMER PROTECTION; TO LIMIT THE
10 POSSESSORY LIEN TO THE VEHICLE ONLY AND LIMIT STORAGE
11 FEES TO ONLY THE DAYS THAT THE TOWING AND STORAGE
12 BUSINESS IS OPEN FOR EIGHT (8) CONSECUTIVE HOURS; AND
13 FOR OTHER PURPOSES.
14

Subtitle

15
16 TO AMEND THE LAWS RELATED TO TOWING AND
17 STORAGE TO ENHANCE CONSUMER PROTECTION.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 27-50-1101(a)(3)(B)(ii), regarding
24 nonconsensual towing of a vehicle, implement, or piece of machinery, is
25 amended to read as follows:

26 (ii) The towing and storage company shall have a
27 first priority possessory lien on the implement or piece of machinery ~~and its~~
28 ~~contents~~ for all reasonable charges for towing, recovery, and storage subject
29 to the limits provided by ordinance if one is in effect.
30

31 SECTION 2. Arkansas Code § 27-50-1204(a), regarding penalties related
32 to towing and storage, is amended to read as follows:

33 (a)(1)(A) Except as provided under subdivision (a)(2) of this section,
34 The ~~the~~ owner of a vehicle and the person who left the vehicle unattended or
35 abandoned or any owner or operator waiving an owner's preference shall be
36 liable for all reasonable costs of towing, recovery, storage, and other



1 incidental costs related to such a removal.

2 ~~(2)(B)~~ If the vehicle is sold by foreclosure under § 27-
3 50-1209, the owner or operator shall be liable for such costs in excess of
4 the proceeds of the sale of the vehicle.

5 (2) A towing and storage business licensed by and subject to the
6 rules of the Arkansas Towing and Recovery Board shall not charge the owner of
7 a vehicle for storage fees for any day that the towing company's business
8 office is not open for business for at least eight (8) consecutive hours.

9
10 SECTION 3. Arkansas Code § 27-50-1208(a), regarding possessory liens
11 and notice to owners and lienholders of towed vehicles, is amended to read as
12 follows:

13 (a)(1) The towing and storage firm shall have a first priority
14 possessory lien on the vehicle ~~and its contents~~ for all reasonable charges
15 for towing, recovery, and storage for which the owner is liable.

16 (2)(A) A possessory lien under this section attaches ~~to not only~~
17 only to the vehicle and its contents but also any trailer attached to the
18 vehicle at the time it is towed and any contents of such trailer including,
19 but not limited to, other vehicles or boats.

20 (B) A lien under this section shall not extend to ~~the~~
21 ~~following items, without limitation:~~

- 22 ~~(i) Personal or legal documents;~~
- 23 ~~(ii) Medications;~~
- 24 ~~(iii) Child restraint seating;~~
- 25 ~~(iv) Wallets or purses and the contents of such;~~
- 26 ~~(v) Prescription eyeglasses;~~
- 27 ~~(vi) Prosthetics;~~
- 28 ~~(vii) Cell phones;~~
- 29 ~~(viii) Photographs; and~~
- 30 ~~(ix) Books~~ any contents of the vehicle, a trailer

31 attached to the vehicle, or the contents of a trailer if one is attached to
32 the vehicle at the time of tow unless the owner fails to claim the property
33 within forty-five (45) days as provided under § 27-50-1209.

34 (C) ~~The items described in subdivision (a)(2)(B) of this~~
35 ~~section~~ The contents of a vehicle, a trailer if one is attached to the
36 vehicle at the time of tow, and the contents of a trailer if one is attached

1 to the vehicle at the time of tow shall be released without charge by the
2 towing and storage firm to the owner or operator of the motor vehicle or his
3 or her duly authorized representative.

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5 SECTION 4. Arkansas Code § 27-50-1208(e)(1), regarding possessory
6 liens and notice to owners and lienholders of towed vehicles, is amended to
7 read as follows:

8 (e)(1) The notice shall contain the following information:

9 (A) The year, make, model, and vehicle identification
10 number of the vehicle towed;

11 (B) The name, address, and telephone number of the storage
12 facility;

13 (C) That the vehicle is in the possession of ~~that~~ the
14 towing and storage firm under police order, describing the general
15 circumstances of any law enforcement or other official hold on the vehicle;

16 (D) That towing, storage, and administrative costs are
17 accruing as a legal liability of the owner;

18 (E) That the towing and storage firm claims a first
19 priority possessory lien on the vehicle ~~and its contents~~ for all such
20 charges;

21 (F) That unless claimed within forty-five (45) days, the
22 vehicle and its contents will be dismantled, destroyed, or sold at public
23 sale to the highest bidder;

24 (G) That the failure to exercise the right to reclaim the
25 vehicle and its contents within the time prescribed by this section
26 constitutes a waiver by the owner and lienholder of all right, title, and
27 interest in the vehicle and its contents and constitutes consent to the sale,
28 dismantling, or destruction of the vehicle and its contents;

29 (H) That the owner or lienholder may retake possession at
30 any time during business hours by appearing, proving ownership, and releasing
31 the law enforcement or other official hold, if any, and by paying all charges
32 or by other written arrangement between the owner or lienholder and the
33 towing and storage firm;

34 (I) That should the owner consider that the original
35 taking was not legally justified, he or she has a right for thirty (30) days
36 to contest the original taking as described by § 27-50-1207; and

