

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

As Engrossed: S3/9/11  
**A Bill**

SENATE BILL 954

5 By: Senator B. Sample  
6

**For An Act To Be Entitled**

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

16 TO AMEND THE LAW CONCERNING THE ARKANSAS  
17 TOWING AND RECOVERY BOARD, POSSESSORY  
18 LIENS ON MOTOR VEHICLES RELATED TO TOWING  
19 AND STORAGE, AND FORECLOSURE OF  
20 POSSESSORY LIENS ON MOTOR VEHICLES  
21 RELATED TO TOWING AND STORAGE.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 *SECTION 1. Arkansas Code § 27-50-1203(a)(2), concerning the creation*  
28 *and composition of the Arkansas Towing and Recovery Board, is amended to read*  
29 *as follows:*

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

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

36 (C) ~~Two (2)~~ Three (3) members who are not and have not



1 been associated with the towing industry shall be appointed from the state at  
2 large.

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

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

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

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

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

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

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

24  
25 SECTION 3. Arkansas Code § 27-50-1209(e), regarding foreclosure of  
26 liens on removed vehicles, is amended to read as follows:

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

30 (2) If the data records of the Office of Motor Vehicle or the  
31 office of motor vehicles for the state where the vehicle is registered do not  
32 contain any information as to the last known registered owner or owners or  
33 lienholders, ~~the notice required under subdivision (e)(1) of this section is~~  
34 ~~not required~~ the towing and storage firm shall register the vehicle with the  
35 National Insurance Crime Bureau.

36 (3) ~~Nothing in this subsection removes~~ This subsection does not

1 remove the requirement of notice of sale by publication under subsection (f)  
2 of this section.

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/s/B. Sample

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