

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H4/12/13

A Bill

HOUSE BILL 1903

5 By: Representative Wright
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For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE REMOVAL OF
9 UNATTENDED OR ABANDONED VEHICLES; TO ESTABLISH
10 QUALIFICATIONS FOR ELIGIBILITY FOR NONCONSENT TOWING
11 ROTATION LISTS; AND FOR OTHER PURPOSES.
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Subtitle

14 TO AMEND THE LAW CONCERNING THE REMOVAL
15 OF UNATTENDED OR ABANDONED VEHICLES; AND
16 TO ESTABLISH QUALIFICATIONS FOR
17 ELIGIBILITY FOR NON-CONSENT TOWING
18 ROTATION LISTS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 *SECTION 1. Arkansas Code Title 27, Chapter 50, Subchapter 12, is*
25 *amended to add an additional section to read as follows:*

26 *27-50-1217. Nonconsent towing rotation lists.*

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

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

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

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



1 (A) Is currently licensed by the board;

2 (B) Has not been previously licensed by the board under
3 another name;

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

6 (D) Has completed forty (40) hours of training in towing
7 and recovery with a training organization recognized and approved by the
8 board; and

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

14 (b) In addition to the requirements under subsection (a) of this
15 section, each applicant shall establish to the satisfaction of the law
16 enforcement agency maintaining the towing rotation list that the applicant
17 has:

18 (1)(A) A business location with a physical address within this
19 state.

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

22 (2) A listed telephone number that is answered during business
23 hours;

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

25 (A) The name of the towing entity;

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

28 (C) The listed telephone number and any after-hours
29 telephone number; and

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

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

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

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

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(C) The website address for the board.

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

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

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

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

/s/Wright