

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015

# A Bill

SENATE BILL 562

4  
5 By: Senator Files

## For An Act To Be Entitled

8 AN ACT TO CREATE A PROCEDURE FOR RESOLVING CONSUMER  
9 COMPLAINTS REGARDING TOWING THAT ARE NOT FILED  
10 DIRECTLY WITH THE ARKANSAS TOWING AND RECOVERY BOARD;  
11 AND FOR OTHER PURPOSES.

## Subtitle

15 TO CREATE A PROCEDURE FOR RESOLVING  
16 CONSUMER COMPLAINTS REGARDING TOWING THAT  
17 ARE NOT FILED DIRECTLY WITH THE ARKANSAS  
18 TOWING AND RECOVERY BOARD.

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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 Title 27, Chapter 50, Subchapter 12, is  
24 amended to add a new section to read as follows:

25 27-50-1217. Consumer complaint resolution.

26 (a)(1) When a consumer complaint against a tow company is filed with a  
27 law enforcement agency that administers a nonconsent written vehicle removal  
28 policy under Arkansas Code § 27-50-1207(a)(1) against a tow company the law  
29 enforcement agency shall submit the consumer complaint to the Arkansas Towing  
30 and Recovery Board within five (5) days of receipt of the complaint.

31 (2) The written consumer complaint shall include:

32 (A) The complainant's name and contact information;

33 (B) The tow company involved in the dispute;

34 (C) The nature of the consumer's complaint including  
35 pertinent details that may show cause for filing a formal complaint against  
36 the towing company by the board; and



1                   (D) The contact information for the onscene officer who  
2 initiated the nonconsent removal of the vehicle related to the consumer  
3 complaint.

4           (b) To file a consumer complaint, the person shall have a vested  
5 interest in the vehicle including without limitation the:

6                   (1) Owner of the towed vehicle or his or her agent;

7                   (2) Lien holder of the vehicle; or

8                   (3) Company that insures the towed vehicle.

9           (c)(1) Upon receipt of the consumer complaint, the board shall  
10 resolve the consumer complaint within forty-five (45) calendar days after  
11 receiving the consumer complaint.

12                   (2)(A) The complainant shall respond to a request from the board  
13 for additional information relevant to the consumer complaint within ten (10)  
14 business days after receiving the request.

15                   (B) Failure to respond may result in the immediate  
16 dismissal of the complaint.

17                   (C)(i) A complainant may file a written request for an  
18 extension of time with the board.

19                           (ii) The written request for an extension shall be  
20 submitted to the board office within the ten (10) days after receiving the  
21 request for additional information under subdivision (c)(2)(A) of this  
22 section.

23                           (iii) If the extension is granted, the board shall  
24 notify the tow company in writing of the extension.

25                           (iv) The board may extend the period for the  
26 resolution of a complaint when conditions warrant this action.

27           (3)(A) The towing company shall respond to a request from the  
28 board for additional information relevant to the consumer complaint within  
29 ten (10) business days after receiving the request.

30                   (B) Failure to respond to a request by a tow company shall  
31 result in a daily fine of up to twenty-five dollars (\$25.00) per day until  
32 the information requested is received by the board.

33                   (C)(i) The tow company may file a written request for an  
34 extension of time with the board.

35                           (ii) The written request for an extension shall be  
36 submitted to the board office within the ten (10) days after receiving the

1 request for additional information under subdivision (c)(3)(A) of this  
2 section.

3 (iii) If the extension is granted, the board shall  
4 notify the tow company in writing of the extension.

5 (iv) The board may extend the period for the  
6 resolution of a complaint when conditions warrant this action.

7 (d)(1) Financial restitution to the complainant shall be considered as  
8 a part of the penalty by the board when a tow company or tow owner is found  
9 to have violated provisions of the rules and regulations promulgated by the  
10 board.

11 (2) Only actual losses which have been incurred by the  
12 complainant may be paid as restitution.

13 (3) A payment of financial restitution to the complainant shall  
14 be determined by the board.

15 (4) Punitive damages shall not be paid to the complainant.

16 (5) This section does not preclude the complainant's right to  
17 sue in a court of law as an alternative.

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19 SECTION 2. Arkansas Code § 27-50-1203(e)(1), concerning the  
20 promulgation of rules by the Arkansas Towing and Recovery Board, is amended  
21 to add a new subdivision to read as follows:

22 (I)(i) Requiring all entities permitted, licensed, or  
23 regulated under this subchapter to post a sign notifying customers of the  
24 consumer complaint process under § 27-50-1217.

25 (ii) The sign shall be in a conspicuous and central  
26 location in the public area and shall be a minimum of sixteen inches by  
27 twenty inches (16" x 20") in size.

28 (iii) The board may assess a fine of between fifty  
29 dollars (\$50.00) and two hundred fifty dollars (\$250.00) for failure to  
30 comply with the provisions of this subdivision (e)(1)(1).

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