

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/17/17

A Bill

HOUSE BILL 1999

5 By: Representative Penzo
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For An Act To Be Entitled

8 AN ACT CONCERNING THE ARKANSAS TOWING AND RECOVERY
9 BOARD; TO AMEND CERTAIN DEFINITIONS USED IN THE
10 REMOVAL OR IMMOBILIZATION OF UNATTENDED OR ABANDONED
11 VEHICLES; AND FOR OTHER PURPOSES.
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Subtitle

14 CONCERNING THE ARKANSAS TOWING AND
15 RECOVERY BOARD; AND TO AMEND CERTAIN
16 DEFINITIONS USED IN THE REMOVAL OR
17 IMMOBILIZATION OF UNATTENDED OR ABANDONED
18 VEHICLES.
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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 § 27-50-1202(4), concerning the definition of
25 "nonconsent", is amended to read as follows:

26 (4) "Nonconsent" means towing, storage, or recovery of an
27 unattended vehicle, abandoned vehicle, or impounded or seized vehicle as
28 defined in this section or a disabled or inoperative vehicle ~~for which the~~
29 ~~owner preference is waived by the owner or person in charge of the vehicle~~
30 without the express or implied permission of the vehicle owner, operator,
31 agent, or person in charge of the vehicle;
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33 SECTION 2. Arkansas Code § 27-50-1202(6), concerning the definition of
34 "owner preference", is amended to read as follows:

35 (6) "Owner preference" means the right of the owner, ~~his or her~~
36 the owner's agent, or a competent occupant of a disabled or inoperative



1 vehicle subject to nonconsent towing, storage, or recovery to request some
 2 responsible and reasonable person, gratuitous bailee, ~~or~~ bailee for hire, or
 3 properly licensed or permitted tow facility of his or her choosing, chosen by
 4 the owner, the owner's agent, or a competent occupant of the vehicle to take
 5 charge and care of the vehicle;

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7 SECTION 3. Arkansas Code § 27-50-1203(a)(2)(A), concerning the
 8 creation of the Arkansas Towing and Recovery Board, is amended to read as
 9 follows:

10 (2)(A) Four (4) members shall be appointed from the towing
 11 industry and shall be:

12 (i) ~~licensed~~ Licensed by the board to engage in
 13 nonconsent towing, ~~with one (1) each of the members being a resident of each~~
 14 ~~of the four (4) congressional districts; and~~

15 (ii) Appointed from the state at large.

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17 SECTION 4. Arkansas Code § 27-50-1203(e)(1)(J), concerning the
 18 creation of the Arkansas Towing and Recovery Board, is amended to read as
 19 follows:

20 (J)(i) The board shall set a minimum standard for the
 21 structure of the place of business and storage facility located in Arkansas
 22 and utilized for the daily operation of a towing company licensed and
 23 regulated under this subsection.

24 (ii) The place of business shall utilize:

25 ~~(i)(a)~~ (a) A location easily accessible by the public;

26 ~~(ii)(b)~~ (b) An appropriate and secure filing system for
 27 business records;

28 ~~(iii)(c)~~ (c) Clear and visible ~~front and rear location~~
 29 signage displaying the name on the business license issued by the board that
 30 is:

31 ~~(a)(1)~~ (a) Is a minimum of four feet by six feet
 32 (4' x 6') in size or meets the criteria established by a municipal zoning
 33 ordinance, subdivision regulation, or building code; and

34 ~~(b)(2)~~ (b) Displays the name, physical
 35 address, a published telephone number of the towing company, and hours of
 36 operation, ~~and a telephone number easily accessible to the public.~~

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SECTION 5. Arkansas Code § 27-50-1203(f)(1)(A), concerning the creation of the Arkansas Towing and Recovery Board, is amended to read as follows:

(f)(1)(A) The board ~~shall have the authority to levy~~ may charge:
(i) applicable towing Towing business license and vehicle immobilization service license fees not to exceed two hundred dollars (\$200) per license, ~~and the board shall have the authority to levy;~~ and
(ii) an applicable tow vehicle safety permit A fee not to exceed one hundred dollars (\$100) per tow vehicle safety permit.

SECTION 6. Arkansas Code Title 27, Chapter 50, Subchapter 12, is amended to add an additional section to read as follows:

27-50-1221. Owner preference complaint.
A complaint concerning a violation of this subchapter in conjunction with owner preference and consent towing or nonconsent towing may be filed with the Arkansas Towing and Recovery Board as authorized under § 27-50-1203 by:

- (1) A vehicle owner;
- (2) A lien holder;
- (3) An insurance provider; or
- (4) A law enforcement officer.

/s/Penzo