

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1560

5 By: Representative Watson
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE REMOVAL OR
9 IMMOBILIZATION OF UNATTENDED OR ABANDONED VEHICLES;
10 AND FOR OTHER PURPOSES.
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Subtitle

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13 TO AMEND THE LAW CONCERNING THE REMOVAL
14 OR IMMOBILIZATION OF UNATTENDED OR
15 ABANDONED VEHICLES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 27-50-1201(a)(1), concerning the
22 applicability of the subchapter concerning the removal of immobilization of
23 unattended or abandoned vehicles, is amended to read as follows:

24 (1) Engages in the towing or storage of vehicles in the State of
25 Arkansas ~~and is hired to tow or store the vehicle;~~ or
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27 SECTION 2. Arkansas Code § 27-50-1201(b), concerning a list of those
28 vehicles to which this subchapter does not apply, is amended to add an
29 additional subdivision to read as follows:

30 (4) Tow vehicles used for noncommercial purposes, including
31 without limitation tow vehicles used:

32 (A) For personal use;

33 (B) For transporting historic, special interest, or
34 antique vehicles; or

35 (C) As parade tow vehicles.
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1 SECTION 3. Arkansas Code § 27-50-1202(2), concerning the definition of
 2 "consent", is amended to read as follows:

3 (2)(A) "Consent" means towing, storage, or recovery of a
 4 vehicle, which towing, storage, or recovery is done with the permission of
 5 the owner or other person in charge of the vehicle.

6 (B) "Consent" does not include the repossession of a
 7 vehicle by the vehicle lienholder, agent, or other person working on behalf
 8 of the lienholder.

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 10 SECTION 4. Arkansas Code § 27-50-1202(10), concerning the definition
 11 of "tow business" or "towing business", is amended to read as follows:

12 (10) "Tow business" or "towing business" means a corporation or
 13 a business entity with an alternate DBA name, filed with the Secretary of
 14 State and regulated by the board to be used exclusively for the operation of
 15 a tow facility, vehicle immobilization company, or a storage facility,
 16 including without limitation a business that:

17 (A) Dispatches tow vehicles for nonconsent towing or
 18 ~~consent towing~~ and repossession;

19 (B) Stores vehicles; and

20 (C) Conducts business with the general public;

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 22 SECTION 5. Arkansas Code § 27-50-1202, concerning the definitions of
 23 terms used in the removal or immobilization of unattended or abandoned
 24 vehicles, is amended to add an additional subdivision read as follows:

25 (16) "Repossession" means towing, storage, or recovery of a
 26 vehicle by the vehicle lienholder, agent, or other person working on behalf
 27 of the lienholder.

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 29 SECTION 6. Arkansas Code § 27-50-1203(a)(2), concerning the membership
 30 of the Arkansas Towing and Recovery Board, is amended to read as follows:

31 (2)(A) ~~Four (4)~~ Five (5) members shall be appointed from the
 32 towing industry and shall be:

33 (i) Licensed by the board to engage in nonconsent
 34 towing; and

35 (ii) Appointed from the state at large.

36 (B) ~~Two (2) members~~ One (1) member who ~~are~~ is permitted to

1 engage in ~~the consent only business~~ repossession of vehicles using a tow
 2 vehicle shall be appointed from the state at large.

3 (C) Two (2) members who are not associated with the towing
 4 industry shall be appointed from the state at large.

5 (D) One (1) member shall be appointed from the insurance
 6 industry.

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 8 SECTION 7. Arkansas Code § 27-50-1203(b)(2)(B), concerning the
 9 composition of the Arkansas Towing and Recovery Board, is amended to read as
 10 follows:

11 (B) A member appointed under subdivision (a)(2)(B) of this
 12 section shall ~~remain be engaged~~ in the business of vehicle repossession using
 13 a tow vehicle ~~of consent only towing~~.

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 15 SECTION 8. Arkansas Code § 27-50-1203(e)(1)(J)(i), concerning the
 16 authority of the Arkansas Towing and Recovery Board to promulgate rules, is
 17 amended to read as follows:

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

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 23 SECTION 9. Arkansas Code § 27-50-1203(e)(1), concerning the authority
 24 of the Arkansas Towing and Recovery Board to promulgate rules, is amended to
 25 add additional subdivisions to read as follows:

26 (K) Adopting rules for the:

27 (i) Registration of a person engaged in a consent
 28 only towing business;

29 (ii) Issuance of a certificate of registration
 30 required under § 27-50-1203(f)(1)(A)(iii) of this section; and

31 (iii) The denial, revocation, or suspension of a
 32 license or permit issued under this subchapter.

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 34 SECTION 10. Arkansas Code § 27-50-1203(f)(1)(A), concerning allowable
 35 changes by the Arkansas Towing and Recovery Board, is amended to read as
 36 follows:

1 (f)(1)(A) The board may charge:

2 (i) Towing business license, repossession towing
3 license, and vehicle immobilization service license fees not to exceed two
4 hundred dollars (\$200) per license; ~~and~~

5 (ii) A fee not to exceed one hundred dollars (\$100)
6 per tow vehicle safety permit; and

7 (iii) A fee for a certificate of registration for
8 consent towing not to exceed twenty-five dollars (\$25.00).

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