

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

As Engrossed: H3/22/21

A Bill

HOUSE BILL 1560

5 *By: Representatives Christiansen, 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.
11

Subtitle

12
13
14 TO AMEND THE LAW CONCERNING THE REMOVAL
15 OR IMMOBILIZATION OF UNATTENDED OR
16 ABANDONED VEHICLES.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

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
26

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.
36



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.

9
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;

21
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.

28
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.

7
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~~.

14
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.

22
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.

33
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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

(f)(1)(A) The board may charge:
(i) Towing business license, repossession towing license, and vehicle immobilization service license fees not to exceed two hundred dollars (\$200) per license; ~~and~~
(ii) A fee not to exceed one hundred dollars (\$100) per tow vehicle safety permit; and
(iii) A fee for a certificate of registration for consent towing not to exceed twenty-five dollars (\$25.00).

/s/Christiansen