

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

A Bill

HOUSE BILL 1811

5 By: Representatives Christiansen, Watson
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For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE REQUIREMENTS
9 FOR A TOW BUSINESS TO GIVE PUBLIC NOTICE IN CERTAIN
10 CIRCUMSTANCES; TO ALLOW PUBLIC NOTICE TO BE GIVEN ON
11 A WEBSITE; AND FOR OTHER PURPOSES.
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Subtitle

14 TO AMEND THE LAW CONCERNING THE
15 REQUIREMENTS FOR A TOW BUSINESS TO GIVE
16 PUBLIC NOTICE IN CERTAIN CIRCUMSTANCES;
17 AND TO ALLOW PUBLIC NOTICE TO BE GIVEN ON
18 A WEBSITE.
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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 § 27-50-1101(a)(3)(B)(iv), concerning the
25 publication of notice to an unknown owner before towing an abandoned or
26 unattended implement or piece of machinery, is amended to read as follows:

27 (iv) If information on the owner or owners of an
28 implement or piece of machinery that is in the possession of a towing and
29 storage company is not available ~~pursuant to~~ under subdivisions (a)(2)(D)-(E)
30 of this section, the towing and storage company shall provide notice by
31 ~~publication in a newspaper of general circulation in the region from where~~
32 ~~the implement or piece of machinery was removed~~ posting on the website that
33 is sponsored and managed by the Arkansas Towing and Recovery Board for that
34 purpose.
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36 SECTION 2. Arkansas Code § 27-50-1203(e)(1), concerning the creation



1 and duties of the Arkansas Towing and Recovery Board, is amended to add an
2 additional subdivision to read as follows:

3 (K) Establishing a website that is sponsored and managed
4 by the Arkansas Towing and Recovery Board for a towing business to post the
5 notice required by § 27-50-1101 and § 27-50-1201 et seq.
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7 SECTION 3. Arkansas Code § 27-50-1208(d)(2), concerning the notice
8 required to an unknown owner of a vehicle when the towing and storage firm
9 has a possessory lien attached to the vehicle, is amended to read as follows:

10 (2)(A) For the purpose of notices required by this section, if
11 the data records of the Office of Motor Vehicle or the office of motor
12 vehicles for the state where the vehicle is registered, if known, do not
13 contain any information as to the last known registered owner or owners and
14 lienholder or lienholders, ~~notice by publication one (1) time in one (1)~~
15 ~~newspaper of general circulation in the county where the vehicle was found~~
16 ~~unattended, abandoned, or improperly parked is sufficient notice under this~~
17 ~~section~~ notice shall be provided by posting on the website sponsored and
18 managed by the Arkansas Towing and Recovery Board for that purpose.

19 (B) ~~The notice by publication may contain multiple~~
20 ~~listings of vehicles, shall be published within the time requirements~~
21 ~~prescribed for notice by certified mail, and shall have the same contents~~
22 ~~required for a notice by certified mail~~ A towing business using the website
23 to post notice under subdivision (d)(2)(A) of this section shall:

24 (i) Be licensed by the board under § 27-50-1203; and
25 (ii) Pay a reasonable fee for each notice posted on
26 the website in an amount to be determined by the board.
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28 SECTION 4. Arkansas Code § 27-50-1209(f), concerning the notice to an
29 owner or lienholder of the foreclosure of a possessory lien by a towing and
30 storage firm, is amended to read as follows:

31 (f) In addition to the notice by mail, notice of the sale shall be
32 ~~published in a newspaper of general circulation in the county~~ posted at least
33 ~~one (1) time~~ at least ten (10) days prior to the sale on the website that is
34 sponsored and managed by the Arkansas Towing and Recovery Board for that
35 purpose.
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