

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

SENATE BILL 842

By: Senator A. Clark

For An Act To Be Entitled

AN ACT TO EXTEND THE AUTHORITY TO COUNTIES TO
REGULATE THE MANNER A PROPERTY OWNER OR OTHER PERSON
CONTROLLING THE PROPERTY REMOVES A VEHICLE,
IMPLEMENT, OR PIECE OF MACHINERY; TO MAKE TECHNICAL
CORRECTIONS; AND FOR OTHER PURPOSES.

Subtitle

TO EXTEND THE AUTHORITY TO COUNTIES TO
REGULATE THE MANNER A PROPERTY OWNER OR
OTHER PERSON CONTROLLING THE PROPERTY
REMOVES A VEHICLE, IMPLEMENT, OR PIECE OF
MACHINERY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 27-50-1101(a)(1)(B)(i), concerning nonconsensual towing of a vehicle, implement, or piece of machinery, is amended to read as follows:

(B)(i) A county, city of the first class, city of the second class, or incorporated town by ordinance may regulate the manner that a property owner or other person controlling the property removes a vehicle, implement, or piece of machinery:

SECTION 2. Arkansas Code § 27-50-1101(a)(1)(B)(i)(a)(2), concerning nonconsensual towing of a vehicle, implement, or piece of machinery, is amended to read as follows:



(2) The amount of towing and storage charges, including the towing charge, the storage charge, the administrative fee, and any other fee that may be charged, to be assessed against the owner or operator of the vehicle, implement, or piece of machinery removed from the property, with the difference between the charges allowed by the county, city, or incorporated town and the actual towing and storage charges to be assessed to the property owner or other person controlling the property that requested the removal of the vehicle; and

SECTION 3. Arkansas Code § 27-50-1101(a)(3)(C)(i), concerning nonconsensual towing of a vehicle, implement, or piece of machinery, is amended to read as follows:

(i) Notwithstanding any provision of law to the contrary and to the extent that the county, city of the first class, city of the second class, or incorporated town enacted an ordinance that limits the amount of towing and storage charges assessed against the owner or operator of the vehicle, implement, or piece of machinery, the towing and storage company shall have a first priority possessory lien limited to the amount allowed under the ordinance.

SECTION 4. Arkansas Code § 27-50-1101(b), concerning nonconsensual towing of a vehicle, implement, or piece of machinery, is amended to read as follows:

(b) A county or city attorney may refer a possible violation of this section or an ordinance enacted under this section to the Arkansas Towing and Recovery Board for investigation.

APPROVED: 04/18/2013