

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/17/17  
**A Bill**

HOUSE BILL 1999

By: Representative Penzo

### For An Act To Be Entitled

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

#### Subtitle

CONCERNING THE ARKANSAS TOWING AND RECOVERY BOARD; AND TO AMEND CERTAIN DEFINITIONS USED IN THE REMOVAL OR IMMOBILIZATION OF UNATTENDED OR ABANDONED VEHICLES.

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

SECTION 1. Arkansas Code § 27-50-1202(4), concerning the definition of "nonconsent", is amended to read as follows:

(4) "Nonconsent" means towing, storage, or recovery of an unattended vehicle, abandoned vehicle, or impounded or seized vehicle as defined in this section or a disabled or inoperative vehicle ~~for which the owner preference is waived by the owner or person in charge of the vehicle~~ without the express or implied permission of the vehicle owner, operator, agent, or person in charge of the vehicle;

SECTION 2. Arkansas Code § 27-50-1202(6), concerning the definition of "owner preference", is amended to read as follows:

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



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

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

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

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

(ii) Appointed from the state at large.

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

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

(ii) The place of business shall utilize:

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

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

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

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

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

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*

**APPROVED: 04/07/2017**