

State of Arkansas
93rd General Assembly
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As Engrossed: H3/22/21

A Bill

HOUSE BILL 1560

By: Representatives Christiansen, Watson

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAW CONCERNING 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 § 27-50-1201(a)(1), concerning the applicability of the subchapter concerning the removal of immobilization of unattended or abandoned vehicles, is amended to read as follows:

(1) Engages in the towing or storage of vehicles in the State of Arkansas ~~and is hired to tow or store the vehicle;~~ or

SECTION 2. Arkansas Code § 27-50-1201(b), concerning a list of those vehicles to which this subchapter does not apply, is amended to add an additional subdivision to read as follows:

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

(A) For personal use;

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

(C) As parade tow vehicles.



SECTION 3. Arkansas Code § 27-50-1202(2), concerning the definition of "consent", is amended to read as follows:

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

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

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

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

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

(B) Stores vehicles; and

(C) Conducts business with the general public;

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

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

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

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

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

(ii) Appointed from the state at large.

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

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

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

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

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

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

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

(J)(i) ~~The board shall set~~ Setting 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.

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

(K) Adopting rules for the:

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

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

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

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

(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

APPROVED: 4/21/21