

Stricken language would be deleted from and underlined language would be added to present law.
Act 794 of the Regular Session

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H4/7/21
A Bill

HOUSE BILL 1811

By: Representatives Christiansen, Watson

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAW CONCERNING THE REQUIREMENTS FOR A TOW BUSINESS TO GIVE PUBLIC NOTICE IN CERTAIN CIRCUMSTANCES; AND TO ALLOW PUBLIC NOTICE TO BE GIVEN ON A WEBSITE.

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

SECTION 1. Arkansas Code § 27-50-1101(a)(3)(B)(iv), concerning the publication of notice to an unknown owner before towing an abandoned or unattended implement or piece of machinery, is amended to read as follows:

(iv) If information on the owner or owners of an implement or piece of machinery that is in the possession of a towing and storage company is not available ~~pursuant to~~ under subdivisions (a)(2)(D)-(E) of this section, the towing and storage company shall provide notice by *publication in a newspaper of general circulation in the region from where the implement or piece of machinery was removed and posting on the website that is sponsored and managed by the Arkansas Towing and Recovery Board for that purpose.*

SECTION 2. Arkansas Code § 27-50-1203(e)(1), concerning the creation



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

(K) Establishing a website that is sponsored and managed by the Arkansas Towing and Recovery Board for a towing business to post the notice required by § 27-50-1101 and § 27-50-1201 et seq.

SECTION 3. Arkansas Code § 27-50-1208(d)(2), concerning the notice required to an unknown owner of a vehicle when the towing and storage firm has a possessory lien attached to the vehicle, is amended to read as follows:

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

(B)(i) The notice by publication may contain multiple listings of vehicles, shall be published within the time requirements prescribed for notice by certified mail, and shall have the same contents required for a notice by certified mail.

(ii) A towing business using the website to post notice under subdivision (d)(2)(A) of this section shall:

(a) Be licensed by the board under § 27-50-1203; and

(b) Pay a reasonable fee for each notice posted on the website in an amount to be determined by the board.

SECTION 4. Arkansas Code § 27-50-1209(f), concerning the notice to an owner or lienholder of the foreclosure of a possessory lien by a towing and storage firm, is amended to read as follows:

(f) In addition to the notice by mail, notice of the sale shall be published in a newspaper of general circulation in the county at least one (1) time at least ten (10) days prior to the sale and shall be posted on the

website that is sponsored and managed by the Arkansas Towing and Recovery Board for that purpose.

/s/Christiansen

APPROVED: 4/20/21