

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: H4/12/13  
**A Bill**

HOUSE BILL 1903

By: Representative Wright

### **For An Act To Be Entitled**

AN ACT TO AMEND THE LAW CONCERNING THE REMOVAL OF UNATTENDED OR ABANDONED VEHICLES; TO ESTABLISH QUALIFICATIONS FOR ELIGIBILITY FOR NONCONSENT TOWING ROTATION LISTS; AND FOR OTHER PURPOSES.

### **Subtitle**

TO AMEND THE LAW CONCERNING THE REMOVAL OF UNATTENDED OR ABANDONED VEHICLES; AND TO ESTABLISH QUALIFICATIONS FOR ELIGIBILITY FOR NON-CONSENT TOWING ROTATION LISTS.

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

*SECTION 1. Arkansas Code Title 27, Chapter 50, Subchapter 12, is amended to add an additional section to read as follows:*

*27-50-1217. Nonconsent towing rotation lists.*

*(a) A person permitted, licensed, or regulated under this subchapter may apply to be placed on a nonconsent towing rotation list maintained by a law enforcement agency by establishing to the law enforcement agency at least one (1) of the following:*

*(1) Two (2) years of continuous licensure by the Arkansas Towing and Recovery Board before application;*

*(2) Two (2) years of continuous service on a law enforcement agency's nonconsent towing rotation list before the effective date of this act; or*

*(3) If a new business, that the applicant:*



(A) Is currently licensed by the board;

(B) Has not been previously licensed by the board under another name;

(C) Was not engaged in the business of towing and recovery before the application;

(D) Has completed forty (40) hours of training in towing and recovery with a training organization recognized and approved by the board; and

(E) Provides documentation to the law enforcement agency that all individuals responsible for driving and operating tow vehicles for the applicant have worked with a person permitted, licensed, or regulated under this subchapter for a total of twelve (12) months within eighteen (18) months before the date of the application.

(b) In addition to the requirements under subsection (a) of this section, each applicant shall establish to the satisfaction of the law enforcement agency maintaining the towing rotation list that the applicant has:

(1)(A) A business location with a physical address within this state.

(B) If the business location is a residence, the business location shall have a separate entrance;

(2) A listed telephone number that is answered during business hours;

(3) A sign on the exterior of the business location with:

(A) The name of the towing entity;

(B) The physical address if not otherwise in clear view on the building;

(C) The listed telephone number and any after-hours telephone number; and

(D) The business hours of the towing entity; and

(4) An eight inch by ten inch (8" x 10") or larger consumer complaint sign prominently displayed inside the business location in an area commonly used by the visiting public that includes the following:

(A) A notice that complaints may be directed to the Arkansas Towing and Recovery Board;

(B) The address and telephone number of the board; and

(C) The website address for the board.

(c)(1) This section does not prohibit the sale or transfer of inclusion on a towing rotation list in conjunction with the sale or transfer of a towing entity licensed under this subchapter.

(2) However, a towing entity that receives three disciplinary actions within one (1) year after the sale or transfer of the inclusion on a towing rotation list shall be removed from the towing rotation list and disqualified from inclusion on a towing rotation list for a period of two (2) years.

(d) A person engaged in nonconsent towing shall be available for after-hours release of a vehicle or related items.

(e) The board shall promulgate rules and policies to implement this section.

/s/Wright