

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: S4/6/13
A Bill

SENATE BILL 1024

By: Senator K. Ingram

For An Act To Be Entitled

AN ACT TO REGULATE THE USE OF WHEEL AND TIRE LOCKING DEVICES; TO REGULATE INDIVIDUALS AND ENTITIES THAT USE WHEEL AND TIRE LOCKING DEVICES; AND FOR OTHER PURPOSES.

Subtitle

TO REGULATE THE USE OF WHEEL AND TIRE LOCKING DEVICES; AND TO REGULATE INDIVIDUALS AND ENTITIES THAT USE WHEEL AND TIRE LOCKING DEVICES.

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

SECTION 1. DO NOT CODIFY. The name of Arkansas Code Title 27, Chapter 50, Subchapter 12, is changed from "Removal of Unattended or Abandoned Vehicles" to "Removal or Immobilization of Unattended or Abandoned Vehicles". The Arkansas Code Revision Commission shall make all changes in the Arkansas Code necessary to implement this section.

SECTION 2. Arkansas Code § 27-50-1201(a), concerning applicability of Arkansas Code Title 27, Chapter 50, Subchapter 12, Removal of Unattended or Abandoned Vehicles, § 27-50-1201 et seq., is amended to read as follows:

(a) This subchapter applies to a person:

(1) Either:

(A) Engaged in the towing or storage of vehicles in the State of Arkansas; and

~~(2)~~(B) Hired to tow or store the vehicle; or



(2) That performs vehicle immobilization service.

SECTION 3. Arkansas Code § 27-50-1202, concerning definitions under Arkansas Code Title 27, Chapter 50, Subchapter 12, Removal of Unattended or Abandoned Vehicles, § 27-50-1201 et seq., is amended to add additional subdivisions to read as follows:

(13) "Wheel clamp" means a device attached to a wheel of a vehicle that renders the vehicle immobile; and

(14) "Vehicle immobilization service" means a person operating or directing others to operate a wheel clamp.

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

(e)(1) The board shall promulgate rules and regulations to carry out the intent of this subchapter and shall regulate the towing industry and vehicle immobilization service industry, including:

(A) Establishing reasonable licensing, insurance, and equipment requirements for any person engaging in towing and related services for safety purposes or vehicle immobilization services under this subchapter;

(B) Establishing reasonable tow truck safety requirements for any tow vehicle as defined in this subchapter;

(C) Establishing a procedure to accept and investigate complaints from a consumer who claims that he or she has been overcharged for fees related to nonconsent towing, recovery, ~~or~~ storage fees, or vehicle immobilization services;

(D) Determining and sanctioning excessive or unnecessary ~~non-consent~~ fees charged to consumers related to nonconsent towing fees, recovery, and storage, or vehicle immobilization services charged to consumers;

(E) Requiring all entities permitted, licensed, or regulated under this subchapter to provide to the board all documents in response to information requests by the board pursuant to the investigation of consumer complaints or board complaints against the permittee or licensee;

(F) Requiring all entities permitted, licensed, or regulated under this subchapter to provide itemized billing for fees related to towing ~~or~~, storage fees, or vehicle immobilization services that explains

how the charges were calculated; and

(G) Requiring all entities permitted, licensed, or regulated under this subchapter to maintain a copy of their current maximum rate schedule or fee schedule posted in a conspicuous place and readily accessible to the public.

SECTION 5. Arkansas Code § 27-50-1203(f) and (g), concerning the authority of the Arkansas Towing and Recovery Board, are amended to read as follows:

(f)(1)(A) The board shall have the authority to levy applicable towing business license and vehicle immobilization service license fees not to exceed one hundred dollars (\$100) per license, and the board shall have the authority to levy an applicable tow vehicle safety permit fee not to exceed fifty dollars (\$50.00) per tow vehicle safety permit.

(B) A person licensed by the board to perform towing services is authorized to perform vehicle immobilization services without obtaining a separate vehicle immobilization service license.

(2) ~~Furthermore, the~~ The board shall also have the authority to impose late filing fees in addition to the original filing fees in an amount not to exceed the original amount of the license fee or safety permit fee.

(g)(1) The board shall have the authority to employ and discharge any personnel as may be necessary to administer and enforce the provisions of this subchapter and the rules and regulations promulgated hereunder.

(2) The board shall employ investigators to investigate consumer complaints related to overcharging for nonconsent towing, recovery, ~~or~~ storage fees, fees associated with the use of wheel clamps, violations of § 27-50-1101, this subchapter, and violations of the rules promulgated by the board under this subchapter.

/s/K. Ingram