

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 562

By: Senator Files

For An Act To Be Entitled

AN ACT TO CREATE A PROCEDURE FOR RESOLVING CONSUMER COMPLAINTS REGARDING TOWING THAT ARE NOT FILED DIRECTLY WITH THE ARKANSAS TOWING AND RECOVERY BOARD; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE A PROCEDURE FOR RESOLVING CONSUMER COMPLAINTS REGARDING TOWING THAT ARE NOT FILED DIRECTLY WITH THE ARKANSAS TOWING AND RECOVERY BOARD.

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 a new section to read as follows:

27-50-1217. Consumer complaint resolution.

(a)(1) When a consumer complaint against a tow company is filed with a law enforcement agency that administers a nonconsent written vehicle removal policy under Arkansas Code § 27-50-1207(a)(1) against a tow company the law enforcement agency shall submit the consumer complaint to the Arkansas Towing and Recovery Board within five (5) days of receipt of the complaint.

(2) The written consumer complaint shall include:

(A) The complainant's name and contact information;

(B) The tow company involved in the dispute;

(C) The nature of the consumer's complaint including pertinent details that may show cause for filing a formal complaint against the towing company by the board; and



(D) The contact information for the onscene officer who initiated the nonconsent removal of the vehicle related to the consumer complaint.

(b) To file a consumer complaint, the person shall have a vested interest in the vehicle including without limitation the:

- (1) Owner of the towed vehicle or his or her agent;
- (2) Lien holder of the vehicle; or
- (3) Company that insures the towed vehicle.

(c)(1) Upon receipt of the consumer complaint, the board shall resolve the consumer complaint within forty-five (45) calendar days after receiving the consumer complaint.

(2)(A) The complainant shall respond to a request from the board for additional information relevant to the consumer complaint within ten (10) business days after receiving the request.

(B) Failure to respond may result in the immediate dismissal of the complaint.

(C)(i) A complainant may file a written request for an extension of time with the board.

(ii) The written request for an extension shall be submitted to the board office within the ten (10) days after receiving the request for additional information under subdivision (c)(2)(A) of this section.

(iii) If the extension is granted, the board shall notify the tow company in writing of the extension.

(iv) The board may extend the period for the resolution of a complaint when conditions warrant this action.

(3)(A) The towing company shall respond to a request from the board for additional information relevant to the consumer complaint within ten (10) business days after receiving the request.

(B) Failure to respond to a request by a tow company shall result in a daily fine of up to twenty-five dollars (\$25.00) per day until the information requested is received by the board.

(C)(i) The tow company may file a written request for an extension of time with the board.

(ii) The written request for an extension shall be submitted to the board office within the ten (10) days after receiving the

request for additional information under subdivision (c)(3)(A) of this section.

(iii) If the extension is granted, the board shall notify the tow company in writing of the extension.

(iv) The board may extend the period for the resolution of a complaint when conditions warrant this action.

(d)(1) Financial restitution to the complainant shall be considered as a part of the penalty by the board when a tow company or tow owner is found to have violated provisions of the rules and regulations promulgated by the board.

(2) Only actual losses which have been incurred by the complainant may be paid as restitution.

(3) A payment of financial restitution to the complainant shall be determined by the board.

(4) Punitive damages shall not be paid to the complainant.

(5) This section does not preclude the complainant's right to sue in a court of law as an alternative.

SECTION 2. Arkansas Code § 27-50-1203(e)(1), concerning the promulgation of rules by the Arkansas Towing and Recovery Board, is amended to add a new subdivision to read as follows:

(I)(i) Requiring all entities permitted, licensed, or regulated under this subchapter to post a sign notifying customers of the consumer complaint process under § 27-50-1217.

(ii) The sign shall be in a conspicuous and central location in the public area and shall be a minimum of sixteen inches by twenty inches (16" x 20") in size.

(iii) The board may assess a fine of between fifty dollars (\$50.00) and two hundred fifty dollars (\$250.00) for failure to comply with the provisions of this subdivision (e)(1)(1).