

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1956

By: Representative Watson

For An Act To Be Entitled

AN ACT TO PROVIDE CERTAIN REQUIREMENTS AND STANDARDS
FOR A NONCONSENT TOWING ROTATION SYSTEM FOR HEAVY-
DUTY MOTOR VEHICLES; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE CERTAIN REQUIREMENTS AND
STANDARDS FOR A NONCONSENT TOWING
ROTATION SYSTEM FOR HEAVY-DUTY MOTOR
VEHICLES.

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:

27-50-1222. Nonconsent towing rotation- Heavy-duty motor vehicles.

(a) A tow facility may participate in a law enforcement program for the rotation of towing and recovery services for unattended heavy-duty motor vehicles if:

(1) The tow facility:

(A) Is licensed by the Arkansas Towing and Recovery Board as a heavy-duty motor vehicle incident management tow facility;

(B) Is current in safety inspections by the Arkansas Highway Police Division of the Arkansas Department of Transportation North American Standard level I Inspection Procedure of the Commercial Vehicle Safety Alliance; and

(C) Complies with all other applicable state and federal laws;



(2) The tow facility:

(A) Owns or has access to the equipment necessary to properly execute the recovery of a heavy-duty motor vehicle and clean-up of a major accident; and

(B) Has at least one (1) owner, partner, or employee who has proof of:

(i) Training through a nationally recognized towing and recovery program in traffic incident management or on-scene recovery techniques; or

(ii) Five (5) or more years of experience in the towing and recovery of heavy-duty motor vehicles; and

(3) Each tow facility owner, partner, and employee has completed four (4) hours of Traffic Incident Management Training through a program required by the board.

(b) However, a licensed tow facility or tow business that is not licensed as a heavy-duty motor vehicle incident management tow facility may be called upon by a law enforcement agency to assist in the towing and recovery of a heavy-duty motor vehicle:

(1) If the response time to the unattended vehicle is of the essence; and

(2) A heavy-duty motor vehicle incident management tow facility is not available in the local area.

(c) The board may adopt rules to implement this section.

(d) As used in this section, "heavy-duty" means having a gross weight of at least thirty-two thousand pounds (32,000 lbs.).

SECTION 2. Arkansas Code Title 27, Chapter 50, Subchapter 12, is amended to add an additional section to read as follows:

27-50-1223. Removal of unattended vehicles - liability.

(a) The Department of Arkansas State Police, acting alone or in conjunction with another public safety agency, may, without the consent of the operator, or a passenger, remove:

(1) An unattended vehicle;

(2) The spilled contents or cargo of an unattended vehicle; or

(2) Motor vehicle cargo or personal property that the Arkansas Department of Transportation, the Arkansas Department of Emergency

Management, or the first responders on the scene of a motor accident believe is a hazardous material, hazardous waste, or regulated substance under state law or the Hazardous Materials Transportation Act, 49 U.S.C. § 1801 et seq.

(b) The owner, the operator, or a passenger shall be liable for the costs to a state agency for the removal of the unattended vehicle, motor vehicle cargo, or personal property.

(c) If acting in good faith and using reasonable care, a tow company, emergency medical services provider, or local law enforcement shall not be held responsible for any damages or claims that may result from the performance of a duty or the removal of an unattended vehicle, motor vehicle cargo or personal property authorized under subsection (a) of this section.

SECTION 3. EFFECTIVE DATE. Section 1 of this act is effective on and after January 1, 2020.