

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

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1563

By: Representatives Evans, Beaty Jr., Cavanaugh, Eaves, Hawk, B. McKenzie, S. Meeks, J. Moore, Painter, Pilkington, Puryear, Tosh, Underwood

By: Senators Hill, J. Boyd, Dees, Gilmore, J. Payton

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE ATTACHMENT OF  
A POSSESSORY LIEN HELD BY A TOWING AND STORAGE FIRM;  
TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE LAW CONCERNING THE  
ATTACHMENT OF A POSSESSORY LIEN HELD BY A  
TOWING AND STORAGE FIRM; AND TO DECLARE  
AN EMERGENCY.

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

SECTION 1. Arkansas Code § 27-50-1202, concerning definitions used in this subchapter relating to the removal or immobilization of unattended or abandoned vehicles, is amended to add an additional subdivision to read as follows:

(17) "Cargo" means goods and materials transported by a motor carrier as defined by 49 C.F.R. § 390.5 as it existed on January 1, 2023, including without limitation:

(A) Pallets;

(B) Containers;

(C) Bracing;

(D) Air pillows;

(E) Tie-down assemblies and other securement systems;

(F) Cradles;



(G) Chocks; and

(H) All other dunnage or packaging.

SECTION 2. Arkansas Code § 27-50-1208(a), concerning a towing and storage firm's possessory lien, is amended to read as follows:

(a)(1) ~~The~~ Except as provided under subdivision (a)(2)(B) of this section, the towing and storage firm shall have a first priority possessory lien on the vehicle and its contents for all reasonable charges for towing, recovery, and storage for which the owner is liable.

(2)(A) A Except as provided under subdivision (a)(2)(B) of this section, a possessory lien under this section attaches to not only the vehicle and its contents but also any trailer attached to the vehicle at the time it is towed and any contents of such trailer including, but not limited to, other vehicles or boats.

(B) A lien under this section shall not extend to the following items, including without limitation:

- (i) Personal or legal documents;
- (ii) Medications;
- (iii) Child-restraint seating;
- (iv) Wallets or purses and the contents of such;
- (v) Prescription eyeglasses;
- (vi) Prosthetics;
- (vii) Cell phones;
- (viii) Photographs; ~~and~~
- (ix) Books; and
- (x) Cargo.

(C) The items described in subdivision (a)(2)(B) of this section shall be released without charge by the towing and storage firm to the owner or operator of the motor vehicle or his or her duly authorized representative.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that current law regarding motor vehicle towing and storage possessory liens has been interpreted to allow a possessory lien on cargo being transported by commercial motor carriers; that application of a possessory lien to this cargo imposes undue hardship on the

owner, shipper, broker, and carrier of the cargo and may adversely impact the quality, value, and utility of the cargo itself; that the delay in the delivery of the cargo caused by the possessory lien exacerbates supply chain issues inflicting harm to national and state economies. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.