

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 1584

By: Representative Watson

For An Act To Be Entitled

AN ACT TO AMEND THE REQUIREMENTS FOR A TOW BUSINESS
TO GIVE PUBLIC NOTICE IN CERTAIN CIRCUMSTANCES; AND
FOR OTHER PURPOSES.

Subtitle

TO AMEND THE REQUIREMENTS FOR A TOW
BUSINESS TO GIVE PUBLIC NOTICE IN CERTAIN
CIRCUMSTANCES.

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

SECTION 1. Arkansas Code § 27-50-1101(a)(3)(B)(iv), concerning the notice by a tow business on the website of the Arkansas Towing and Recovery Board of the pending sale of a vehicle that has been taken pursuant to nonconsensual towing, is amended to read as follows:

(iv) If information on the owner or owners of an implement or piece of machinery that is in the possession of a towing and storage company is not available under subdivisions (a)(2)(D) and (E) of this section, the towing and storage company shall provide notice by ~~publication in a newspaper of general circulation in the region from where the implement or piece of machinery was removed~~ and posting on the website that is sponsored and managed by the board for that purpose under § 27-50-1203(e)(1)(L).

SECTION 2. Arkansas Code § 27-50-1208(d)(2), concerning the notice of a possessory lien given to the owner of a vehicle by a towing and storage firm, is amended to read as follows:



(2)(A) For the purpose of notices required by this section, if the data records of the Office of Motor Vehicle or the office of motor vehicles for the state where the vehicle is registered, if known, do not contain any information as to the last known registered owner or owners and lienholder or lienholders, notice is sufficient under this section if the notice is provided by ~~publication one (1) time in one (1) newspaper of general circulation in the county where the vehicle was found unattended, abandoned, or improperly parked~~ and by posting on the website sponsored and managed by the Arkansas Towing and Recovery Board for that purpose under § 27-50-1203(e)(1)(L).

~~(B)(i) The notice by publication may contain multiple listings of vehicles, shall be published within the time requirements prescribed for notice by certified mail, and shall have the same contents required for a notice by certified mail.~~

~~(ii)~~ A towing business using the website to post notice under subdivision (d)(2)(A) of this section shall:

~~(a)(i)~~ Be licensed by the board under § 27-50-1203; and

~~(b)(ii)~~ Pay a reasonable fee for each notice posted on the website in an amount to be determined by the board.

SECTION 3. Arkansas Code § 27-50-1209(a)(1), concerning the rights of the owner or lienholder to exercise their right to reclaim a vehicle and its contents, is amended to read as follows:

(a)(1) The failure of the owner or lienholder to exercise ~~his, her, or its~~ the right to reclaim the vehicle and its contents within forty-five (45) days of the posting ~~or publication~~ of notice under § 27-50-1208 to owners and lienholders constitutes a waiver by the owner or lienholder of all right, title, and interest in the vehicle and its contents.

SECTION 4. Arkansas Code § 27-50-1209(e)(3), concerning the manner of public notification before the sale of an unclaimed towed vehicle, is repealed.

~~(3) Nothing in this subsection removes the requirement of notice of sale by publication under subsection (f) of this section.~~

SECTION 5. Arkansas Code § 27-50-1209(f), concerning the foreclosure of liens on a vehicle, is amended to read as follows:

(f) In addition to the notice by mail, notice of the sale ~~shall be published in a newspaper of general circulation in the county at least one (1) time at least ten (10) days prior to the sale and~~ shall be posted on the website that is sponsored and managed by the Arkansas Towing and Recovery Board for that purpose under § 27-50-1203(e)(1)(L).