

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1584

5 By: Representative Watson
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE REQUIREMENTS FOR A TOW BUSINESS
9 TO GIVE PUBLIC NOTICE IN CERTAIN CIRCUMSTANCES; AND
10 FOR OTHER PURPOSES.
11

Subtitle

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13
14 TO AMEND THE REQUIREMENTS FOR A TOW
15 BUSINESS TO GIVE PUBLIC NOTICE IN CERTAIN
16 CIRCUMSTANCES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 27-50-1101(a)(3)(B)(iv), concerning the
22 notice by a tow business on the website of the Arkansas Towing and Recovery
23 Board of the pending sale of a vehicle that has been taken pursuant to
24 nonconsensual towing, is amended to read as follows:

25 (iv) If information on the owner or owners of an
26 implement or piece of machinery that is in the possession of a towing and
27 storage company is not available under subdivisions (a)(2)(D) and (E) of this
28 section, the towing and storage company shall provide notice by ~~publication~~
29 ~~in a newspaper of general circulation in the region from where the implement~~
30 ~~or piece of machinery was removed and~~ posting on the website that is
31 sponsored and managed by the board for that purpose under § 27-50-
32 1203(e)(1)(L).
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34 SECTION 2. Arkansas Code § 27-50-1208(d)(2), concerning the notice of
35 a possessory lien given to the owner of a vehicle by a towing and storage
36 firm, is amended to read as follows:



1 (2)(A) For the purpose of notices required by this section, if
 2 the data records of the Office of Motor Vehicle or the office of motor
 3 vehicles for the state where the vehicle is registered, if known, do not
 4 contain any information as to the last known registered owner or owners and
 5 lienholder or lienholders, notice is sufficient under this section if the
 6 notice is provided by ~~publication one (1) time in one (1) newspaper of~~
 7 ~~general circulation in the county where the vehicle was found unattended,~~
 8 ~~abandoned, or improperly parked and~~ by posting on the website sponsored and
 9 managed by the Arkansas Towing and Recovery Board for that purpose under §
 10 27-50-1203(e)(1)(L).

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

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

17 ~~(a)~~(i) Be licensed by the board under § 27-50-
 18 1203; and

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

21
 22 SECTION 3. Arkansas Code § 27-50-1209(a)(1), concerning the rights of
 23 the owner or lienholder to exercise their right to reclaim a vehicle and its
 24 contents, is amended to read as follows:

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

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

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

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

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

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