

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

HOUSE BILL 2001

5 By: Representative Painter  
6 By: Senator K. Hammer  
7

## For An Act To Be Entitled

8  
9 AN ACT TO CREATE THE ARKANSAS TOWING AND RECOVERY  
10 REFORM AND EFFICIENCY ACT OF 2025; TO AMEND THE LAW  
11 CONCERNING THE ARKANSAS TOWING AND RECOVERY BOARD; TO  
12 AMEND THE QUALIFICATIONS AND MEMBERSHIP OF THE  
13 ARKANSAS TOWING AND RECOVERY BOARD; TO AMEND THE LAW  
14 CONCERNING A LIEN PLACED ON CARGO OR THE CONTENTS OF  
15 A PERSONAL VEHICLE; TO DECLARE AN EMERGENCY; AND FOR  
16 OTHER PURPOSES.  
17

## Subtitle

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19  
20 TO CREATE THE ARKANSAS TOWING AND  
21 RECOVERY REFORM AND EFFICIENCY ACT OF  
22 2025; TO AMEND THE LAW CONCERNING THE  
23 ARKANSAS TOWING AND RECOVERY BOARD; AND  
24 TO DECLARE AN EMERGENCY.  
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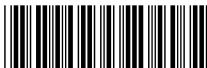
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. DO NOT CODIFY. Title.

29 This act shall be known and may be cited as the "Arkansas Towing and  
30 Recovery Reform and Efficiency Act of 2025".  
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32 SECTION 2. Arkansas Code § 27-50-1202, concerning definitions related  
33 to the removal or immobilization of unattended or abandoned vehicles, is  
34 amended to add additional subdivisions to read as follows:

35 (17) "Cargo" means goods and materials transported by a motor  
36 carrier, as defined under 49 C.F.R. § 390.5, as it existed on January 1,



1 2025, including without limitation:

- 2 (A) A pallet;
- 3 (B) A container;
- 4 (C) Bracing;
- 5 (D) An air pillow;
- 6 (E) A tie-down assembly or other securement system;
- 7 (F) A cradle;
- 8 (G) A chock; and
- 9 (H) Any other dunnage or packing; and

10 (18)(A) "Towing services" means to tow, recover, upright,  
 11 transport, repossess, immobilize, store, or otherwise facilitate the movement  
 12 or storage of vehicles on or off of a road, street, or highway.

13 (B) "Towing services" includes the solicitation of towing  
 14 services and the incidental labor, services, and equipment necessary for on-  
 15 road or off-road recovery and cleanup for work actually performed by the tow  
 16 business.

17  
 18 SECTION 3. Arkansas Code § 27-50-1203(a) and (b), concerning the  
 19 creation of the Arkansas Towing and Recovery Board, are amended to read as  
 20 follows:

21 (a)(1) There is hereby created the Arkansas Towing and Recovery Board  
 22 consisting of nine (9) members appointed by the Governor and confirmed by the  
 23 Senate, who shall serve terms of three (3) years.

24 ~~(2)(A) Five (5) members shall be appointed from the towing~~  
 25 ~~industry and shall be:~~ Three (3) members shall be actively engaged in  
 26 business in the towing industry, licensed by the board, and appointed from  
 27 the state at large

28 ~~(i) Licensed by the board to engage in nonconsent~~  
 29 ~~towing; and~~

30 ~~(ii) Appointed from the state at large.~~

31 (B) ~~One (1) member who is permitted to engage in~~  
 32 ~~repossession of vehicles using a tow vehicle shall be appointed from the~~  
 33 ~~state at large shall be the Director of the Division of the Arkansas State~~  
 34 ~~Police or his or her designee.~~

35 (C)(i) ~~Two (2) members who are not associated with the~~  
 36 ~~towing industry shall be appointed from the state at large~~ One (1) member

1 shall be a current or former municipal chief of police or current or former  
 2 county sheriff with knowledge of the towing industry.

3 (ii) A member appointed under subdivision  
 4 (a)(2)(C)(i) of this section may designate a member of his or her staff with  
 5 knowledge of the towing industry to act on his or her behalf at any meeting  
 6 of the board.

7 (D) One (1) member shall be appointed from the commercial  
 8 trucking insurance industry.

9 (E) One (1) member shall be appointed from the trucking  
 10 industry.

11 (F) One (1) member shall have no affiliation with the  
 12 towing industry and shall serve as a representative of consumers of towing  
 13 services.

14 (G) One (1) member shall be a currently employed or  
 15 retired person with at least five (5) years of experience responding to fire  
 16 and emergency response incidents.

17 (b)(1) The appointed board members shall be residents of the State of  
 18 Arkansas at the time of appointment and throughout their terms.

19 (2)(A) A member appointed under subdivision (a)(2)(A) of this  
 20 section shall remain licensed and engaged in the business of ~~noneconsent~~  
 21 towing.

22 ~~(B) A member appointed under subdivision (a)(2)(B) of this~~  
 23 ~~section shall be engaged in the business of vehicle repossession using a tow~~  
 24 ~~vehicle.~~

25 ~~(C) A member appointed under subdivision (a)(2)(D) of this~~  
 26 ~~section shall remain actively engaged in the insurance industry.~~

27 ~~(D) A member appointed under subdivision (a)(2)(A),~~  
 28 ~~subdivision (a)(2)(B), or subdivision (a)(2)(D) of this section who no longer~~  
 29 ~~satisfies the requirements for his or her board position under subdivision~~  
 30 ~~(b)(2)(A), subdivision (b)(2)(B), or subdivision (b)(2)(C) of this section~~  
 31 ~~shall:~~

32 (i) Provide notification of his or her change of  
 33 status to the Governor and the Director of the Arkansas Towing and Recovery  
 34 Board; and

35 (ii) Resign from the board ~~within thirty (30) days~~  
 36 ~~of the date upon which the member no longer satisfies the requirements of~~

1 ~~subdivision (b)(2)(A), subdivision (b)(2)(B), or subdivision (b)(2)(C) of~~  
2 ~~this section immediately.~~

3  
4 SECTION 4. Arkansas Code § 27-50-1208(a)(2), concerning a possessory  
5 lien on an unattended or abandoned vehicle held by a towing and storage firm,  
6 is amended to add an additional subdivision to read as follows:

7 (D)(i) A possessory lien under this section shall not  
8 extend to:

9 (a) Cargo, if the owner of the cargo or his or  
10 her authorized representative pays a fee not to exceed twenty percent (20%)  
11 of the invoice for the towing and storing services to the towing and storage  
12 firm; or

13 (b) Except for items to which a possessory  
14 lien under this section shall not extend under subdivision (a)(2)(B) of this  
15 section, the contents of a personal vehicle if the owner of the personal  
16 vehicle or his or her authorized representative pays a fee not to exceed five  
17 percent (5%) of the invoice for the towing and storing services to the towing  
18 and storage firm.

19 (ii) When making a payment of a fee under  
20 subdivision (a)(2)(D)(i) of this section, the owner of the cargo or the  
21 contents of a personal vehicle or his or her authorized representative shall  
22 provide the towing and storage firm with an assurance of future financial  
23 responsibility for the total invoice amount for the towing and storage  
24 services for the motor vehicle from which the cargo or the contents of a  
25 personal vehicle are taken.

26 (iii)(a) An owner of the cargo or the contents of a  
27 personal vehicle or his or her authorized representative who has paid a fee  
28 under subdivision (a)(2)(D)(i) of this section shall not be required to pay  
29 the total invoice amount for the towing and storing services before the  
30 release of the cargo or the contents of a personal vehicle.

31 (b) This subdivision (a)(2)(D) does not  
32 prohibit a towing and storage firm from collecting the total invoice amount  
33 for towing and storage services from the owner or lienholder or perfecting  
34 the possessory lien under this section.

35 (c) Upon the payment of a fee under  
36 subdivision (a)(2)(D)(i) of this section, the owner of the cargo or the

1 contents of a personal vehicle shall be credited the amount paid toward the  
2 total invoice amount for the towing and storing services.

3 (iv) An owner of the cargo or the contents of a  
4 personal vehicle or his or her authorized representative shall ensure that  
5 the entity retrieving the cargo or the contents of a personal vehicle from a  
6 towing and storage firm is insured and is liable for any damage that may  
7 occur at the business location of the towing and storage firm as a result of  
8 the retrieval of the cargo or the contents of a personal vehicle.

9 (v) If a motor vehicle is towed due to a police-  
10 initiated tow and there is no dispute as to the fees assessed by the  
11 authorized towing and storage firm:

12 (a) The owner or operator of the vehicle or  
13 his or her authorized representative shall pay the authorized towing and  
14 storage firm's invoice; and

15 (b) The authorized towing and storage company  
16 shall release the motor vehicle and any cargo immediately.

17 (vi) If a motor vehicle is towed due to a police-  
18 initiated tow and there is a genuine dispute as to the reasonableness of  
19 amount of the fees assessed by the authorized towing and storage company, the  
20 authorized towing and storage company shall release the cargo immediately to  
21 the owner or the owner's designee in accordance with this subsection upon the  
22 submission of:

23 (a) If the cargo does not belong to the  
24 transportation company, proof of ownership of the cargo; or

25 (b) If the cargo belongs to the transportation  
26 company:

27 (1) A letter from the vehicle owner's  
28 insurance company stating that there is coverage for the relevant claim or  
29 accident that includes without limitation a claim number, a policy number,  
30 and the policy limits; or

31 (2) If the transportation company does  
32 not have an insurance policy sufficient to cover the cost of the cargo clean-  
33 up, a signed letter of guarantee from the transportation company.

34  
35 SECTION 5. Arkansas Code § 27-50-1218, concerning the consumer  
36 complaint process with the Arkansas Towing and Recovery Board, is amended to

1 add an additional subsection to read as follows:

2 (e)(1) A towing and storage company shall display notice of the  
3 complaint process as provided for under subdivision (e)(2) of this section.

4 (2) Beginning July 1, 2025, notice of the complaint process  
5 provided for under this section shall be:

6 (A) In the form provided in subdivision (e)(3) of this  
7 section or as modified by the board; and

8 (B) Prominently printed in bold letters at the bottom of  
9 each invoice for towing services.

10 (3) Notice of the complaint process required under this section  
11 shall:

12 (A) Include without limitation:

13 (i) A statement that a complaint may be filed with  
14 the board under this section;

15 (ii) The telephone number of the board; and

16 (iii) The website of the board; and

17 (B) Be substantially in the following form:

18 "COMPLAINTS: A PERSON DAMAGED OR OVERCHARGED MAY FILE  
19 A COMPLAINT UNDER ARKANSAS CODE § 27-50-1218 WITH THE ARKANSAS TOWING AND  
20 RECOVERY BOARD, (501) 682-3801, www.artowing.arkansas.gov".

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22 SECTION 6. TEMPORARY LANGUAGE. DO NOT CODIFY. Transition provisions  
23 – Appointment of members of the Arkansas Towing and Recovery Board.

24 (a) The current members at the time of the effective date of this act  
25 of the Arkansas Towing and Recovery Board are removed, and the Governor shall  
26 appoint all board member positions, subject to confirmation by the Senate.

27 (b) Until at least seven (7) members of the board are appointed and  
28 confirmed by the Senate, the Director of the Arkansas Towing and Recovery  
29 Board, in consultation with the Secretary of the Department of Labor and  
30 Licensing, shall exercise the powers and duties assigned to the board, except  
31 that the hearing and adjudication of a complaint filed with the board shall  
32 be continued until a quorum of the newly constituted board is assembled to  
33 hear and adjudicate the complaint.

34  
35 SECTION 7. TEMPORARY LANGUAGE. DO NOT CODIFY. Transition Provisions  
36 – Initial terms of members of the Arkansas Towing and Recovery Board.

1       (a) The initial term of the three (3) members of the Arkansas Towing  
2 and Recovery Board who are actively engaged in business in the towing  
3 industry, licensed by the board, and appointed from the state at large shall  
4 expire on July 1 of 2026, 2027, and 2028, respectively.

5       (b) The term of the member of the board who is the Director of the  
6 Division of the Arkansas State Police or his or her designee shall be for the  
7 duration of time of his or her appointment as Director of the Division of the  
8 Arkansas State Police.

9       (c) The initial term of the member of the board who is a current or  
10 former municipal chief of police or current or former county sheriff with  
11 knowledge of the towing industry shall expire on July 1, 2028.

12       (d) The initial term of the member of the board who is appointed from  
13 the commercial trucking insurance industry shall expire on July 1, 2027.

14       (e) The initial term of the member of the board who is appointed from  
15 the trucking industry shall expire on July 1, 2028.

16       (f) The initial term of the member of the board who has no affiliation  
17 with the towing industry and who serves as a representative of consumers of  
18 towing services shall expire on July 1, 2026.

19       (g) The initial term of the member of the board who is a currently  
20 employed or retired person with at least five (5) years of experience  
21 responding to fire and emergency response incidents shall expire on July 1,  
22 2027.

23  
24       SECTION 8. EMERGENCY CLAUSE. It is found and determined by the  
25 General Assembly of the State of Arkansas that an urgent need exists to enact  
26 towing industry reforms, improve towing industry regulation and enforcement,  
27 and provide statewide efficiencies to state and local law enforcement; and  
28 that this act will accomplish these objectives and is immediately necessary  
29 to protect consumers from illegal, fraudulent, and unauthorized towing  
30 practices. Therefore, an emergency is declared to exist, and this act being  
31 immediately necessary for the preservation of the public peace, health, and  
32 safety shall become effective on:

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

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

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

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