

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4
5 By: Senator P. Malone

A Bill

SENATE BILL 899

For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING THE REMOVAL
9 OF UNATTENDED OR ABANDONED VEHICLES; AND FOR OTHER
10 PURPOSES.

Subtitle

14 TO AMEND ARKANSAS LAW CONCERNING THE
15 REMOVAL OF UNATTENDED OR ABANDONED
16 VEHICLES.

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

21 SECTION 1. Arkansas Code § 27-50-1204(a)(1), concerning penalties for
22 the removal of an unattended or abandoned vehicle, is amended to read as
23 follows:

24 (a)(1)(A) The owner of a vehicle and the person who left the vehicle
25 unattended or abandoned or any owner or operator waiving an owner's
26 preference shall be liable for all reasonable costs of towing, recovery,
27 storage, and other incidental costs related to such a removal.

28 (B) A towing and storage firm shall not charge a fee for
29 storing a vehicle on a day that the firm is not open for business and the
30 owner or operator therefore is unable on that day to reclaim the vehicle and
31 its contents.

33 SECTION 2. Arkansas Code § 27-50-1208(a), concerning possessory liens
34 by towing and storage firms on vehicles and their contents, is amended to
35 read as follows:

36 (a)(1) ~~The~~ Except as provided in subdivisions (a)(2) and (3) of this



1 section, the towing and storage firm shall have a first priority possessory
2 lien on the vehicle and its contents for all reasonable charges for towing,
3 recovery, and storage for which the owner is liable.

4 (2)(A) A possessory lien under this section attaches to not only
5 the vehicle and its contents but also any trailer attached to the vehicle at
6 the time it is towed and any contents of such trailer including, but not
7 limited to, other vehicles or boats.

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

- 10 (i) Personal or legal documents;
- 11 (ii) Medications;
- 12 (iii) Child-restraint seating;
- 13 (iv) Wallets or purses and the contents of such;
- 14 (v) Prescription eyeglasses;
- 15 (vi) Prosthetics;
- 16 (vii) Cell phones;
- 17 (viii) Photographs; and
- 18 (ix) Books.

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

23 (3) The contents of a vehicle subject to a possessory lien under
24 this section shall be released without charge by the towing and storage firm
25 to the owner or operator of the motor vehicle or his or her duly authorized
26 representative upon his or her request at any time before a waiver of rights,
27 title, and interest under § 27-50-1209.