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Note: this is not intended to be a complete compilation of all of the laws and statutes pertaining to the tow and recovery industry. There may be other applicable Arkansas laws and statutes as well as federal laws and local ordinances.

Title 27 Transportation
Subtitle 4. Motor Vehicular Traffic
Chapter 50 Penalties And Enforcement
Subchapter 12 -- Removal or Immobilization of Unattended or
Abandoned Vehicles

27-50-1101. Nonconsensual towing of a vehicle, implement, or piece of machinery.

(a) (1) (A) When a vehicle of a type subject to registration under the laws of this state, an implement, or a piece of machinery is found abandoned on private or public property within this state or is parked on private or public property within this state without the authorization of the property owners or other persons controlling the property, the property owner or his or her agent may have the vehicle, implement, or piece of machinery removed from the property by a towing and storage firm licensed by and subject to the rules of the Arkansas Towing and Recovery Board.

(B) (i) A county, city of the first class, city of the second class, or incorporated town by ordinance may regulate the manner that a property owner or other person controlling the property removes a vehicle, implement, or piece of machinery:

(a) By limiting:

(1) The distance from the location of removal to the destination of storage;

(2) The amount of towing and storage charges, including the towing charge, the storage charge, the administrative fee, and any other fee that may be charged, to be assessed against the owner or operator of the vehicle, implement, or piece of machinery removed from the property, with the difference between the charges allowed by the county, city, or incorporated town and the actual towing and storage charges to be assessed to the property owner or other person controlling the property that requested the removal of the vehicle; and

(3) The request for removal of a vehicle, implement, or piece of machinery from the property to a towing and storage firm that accepts payment methods of cash, credit cards, or debit cards; and

(b) By requiring signage under § 27-51-1305 to include:

(1) The name, address, and telephone number of the towing and storage firm that may provide removal services from the parking lot;

(2) The amount of towing and storage charges that may be assessed against the owner or operator of the vehicle, implement, or other machinery; and

(3) Disclosing whether the towing and storage firm will accept the payment methods of cash, checks, credit cards, or debit cards.

(ii) An ordinance enacted under this subdivision (a)(1)(B) shall not conflict with this section.

(C) Prior to the removal of an abandoned vehicle, implement, or piece of machinery or a vehicle, implement, or piece of machinery parked without authority as provided by this section, the towing and storage firm shall obtain in writing from the property owner or agent a written statement that includes at a minimum the following:

(i) Identification of the property owner or agent, including name, address, and telephone number;

(ii) A statement that the property from which the vehicle, implement, or piece of machinery is to be removed is property owned or otherwise under the control of the agent requesting the removal;

(iii) That the vehicle, implement, or piece of machinery is deemed abandoned or has been parked on the property without authorization, as the case may be;

(iv) The make, model, and vehicle identification number or serial number of the vehicle, implement, or piece of machinery to be removed;

(v) The location to which the vehicle, implement, or piece of machinery will be removed, including the name, address, and telephone number of the towing and storage firm removing the vehicle, implement, or piece of machinery; and

(vi) The signature of the property owner or agent requesting removal of the vehicle, implement, or piece of machinery.

(D) A copy of the written statement shall be left with the property owner or the on-site agent, who shall make the written statement available for inspection upon request by any person claiming an interest in the removed vehicle, implement, or piece of machinery.

(E) The towing and storage firm removing the vehicle, implement, or piece of machinery shall retain a copy of the written statement for three (3) years and make the statement available during regular business hours upon request to any person claiming an interest in the removed vehicle, implement, or piece of machinery or upon request to any law enforcement officer or board investigator.

(F) Unless other arrangements have been made with a repair business, a vehicle, implement, or piece of machinery on the premises of a repair business shall be deemed abandoned if either:

(i) The vehicle, implement, or piece of machinery is unclaimed by the owner within forty-five (45) days; or

(ii) The debt is not paid within forty-five (45) days from the time the repair work is complete.

(G) A towing and storage firm shall not remove any abandoned vehicle, implement, or piece of machinery or improperly parked vehicle, implement, or piece of machinery without the authorization of the property owner or on-site agent as provided in this section except as may otherwise be authorized by the provisions of § 27-50-1201 et seq. or as directed by any law enforcement officer.

(H) A towing and storage firm removing a vehicle, implement, or piece of machinery as provided by this section shall not pay any compensation related to the removal of the vehicle, implement, or piece of machinery, whether as a referral fee or otherwise, to the owner or agent requesting the removal of the vehicle, implement, or piece of machinery.

(2) (A) Any person towing a vehicle, implement, or piece of machinery as provided by this section and any person towing a vehicle, implement, or piece of machinery without the authorization of the owner or the owner's agent, including towing pursuant to a directive of repossession from a holder of a security interest in the vehicle, implement, or piece of machinery, shall notify the local police department or sheriff's office within whose jurisdiction the vehicle, implement, or piece of machinery was removed of the removal within two (2) hours of taking possession of the vehicle, implement, or piece of machinery.

(B) The towing and storage firm may not charge a storage fee for the vehicle, implement, or piece of machinery for the time it is stored prior to the notification required to the local police department or sheriff's office.

(C) Each police department or sheriff's office receiving notification of the removal of a vehicle,

implement, or piece of machinery as provided in this subsection shall maintain a log recording the following information related to the vehicle, implement, or piece of machinery:

- (i)** Make;
- (ii)** Model;
- (iii)** Vehicle identification number or serial number;
- (iv)** Date, time, and location of the removal; and
- (v)** Name, address, and telephone number of the person removing the vehicle, implement, or piece of machinery.

(D) (i) Each police department or sheriff's office that receives notification of the removal of a vehicle, implement, or piece of machinery as provided in this subsection shall within twenty-four (24) hours of notification provide to the towing and storage firm information supplied from the records of the Office of Motor Vehicle, the Arkansas Crime Information Center, or, if there is evidence in the vehicle, implement, or piece of machinery indicating that it is registered in or from another state, the registration records from that state, the name and address of the last registered owner, and the name and address of the holder of any recorded lien on the vehicle, implement, or piece of machinery.

(ii) If the information under subdivision (a)(2)(D)(i) of this section is not available for an implement or piece of machinery, the police department or sheriff's office that receives notice of the removal shall provide at a minimum whether any record exists in the records of the Office of Motor Vehicle or the Arkansas Crime Information Center regarding the implement or piece of machinery.

(E) (i) In the event that readily available records fail to disclose the name of the owner of the vehicle, implement, or piece of machinery or any lienholder of record, the towing and storage firm shall perform a good faith search to locate documents or other evidence of ownership and lienholder information on or within the unattended or abandoned vehicle, implement, or piece of machinery.

(ii) For purposes of this subdivision (a)(2)(E), a "good faith search" means that the towing and storage firm checks the unattended or abandoned vehicle, implement, or piece of machinery for any type of license plate, license plate record, temporary permit, inspection sticker, decal, or other evidence that indicates a possible state of registration and title or other information related to the owner.

(3) (A) Following removal of an abandoned vehicle or vehicle parked without authority, possession of the vehicle, notice requirements to owners and lienholders, and procedures for sale of unclaimed vehicles shall be governed by the provisions of §§ 27-50-1208 -- 27-50-1210.

(B) (i) The following procedures for the sale of an abandoned and unattended vehicle that is removed from a property as provided under §§ 27-50-1208 -- 27-50-1210 shall apply in the same manner to an abandoned and unattended implement or piece of machinery:

- (a)** Possession of the implement or piece of machinery;
- (b)** Notice to owners and lienholders; and
- (c)** Procedures for sale.

(ii) The towing and storage company shall have a first priority possessory lien on the implement or piece of machinery and its contents for all reasonable charges for towing, recovery, and storage subject to the limits provided by ordinance if one is in effect.

(iii) Except as provided under subdivision (a)(3)(B)(iv) of this section, the lien against the implement or piece of machinery shall be perfected and all of the procedures related to the

implement or piece of machinery shall be handled in the same manner as provided under § 27-50-1208(b)-(e) for abandoned and unattended vehicles.

(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 pursuant to subdivision (a)(2)(D)-(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.

(C) (i) Notwithstanding any provision of law to the contrary and to the extent that the county, city of the first class, city of the second class, or incorporated town enacted an ordinance that limits the amount of towing and storage charges assessed against the owner or operator of the vehicle, implement, or piece of machinery, the towing and storage company shall have a first priority possessory lien limited to the amount allowed under the ordinance.

(ii) The towing and storage company may assess any remaining charges to the property owner or other person controlling the property who requested the vehicle, implement, or piece of machinery be removed from the property.

(b) A county or city attorney may refer a possible violation of this section or an ordinance enacted under this section to the Arkansas Towing and Recovery Board for investigation.

(c) (1) It shall be unlawful for a person to:

(A) Direct the removal of or to remove a vehicle, implement, or piece of machinery in violation of this section; and

(B) Violate or aid or abet any violation of this section.

(2) (A) A person who pleads guilty or nolo contendere to or is found guilty of any violation of this section is guilty of a Class B misdemeanor.

(B) The information related to a plea of guilty or nolo contendere to or conviction for a violation as provided under subdivision (c)(2)(A) of this section shall be reported to the Arkansas Towing and Recovery Board.

(3) The removal of each vehicle, implement, or piece of machinery in violation of this section shall constitute a distinct and separate offense.

HISTORY: Acts 1953, No. 344, § 1; 1969, No. 195, § 1; 1981, No. 433, § 1; A.S.A. 1947, § 75-1034; Acts 1987, No. 166, § 1; 1987, No. 828, § 1; 1989, No. 680, § 1; 1997, No. 841, § 1; 1999, No. 1279, §§ 1, 6; 2001, No. 328, § 3; 2005, No. 2211, § 1; 2007, No. 861, § 1; 2009, No. 681, § 1; 2013, No. 1319, §§ 1-4.

27-50-1103. Wheel clamps.

(a) As used in this section, "wheel clamp" means a device fixed onto a wheel of a parked motor vehicle that renders the motor vehicle immobile.

(b) A county, city of the first class, city of the second class, or incorporated town may by ordinance regulate the use of wheel clamps.

HISTORY: Acts 2013, No. 1364, § 1.

27-50-1201. Applicability.

(a) This subchapter applies to a person that either:

(1) Engages in the towing or storage of vehicles in the State of Arkansas and is hired to tow or store the vehicle; or

(2) Performs vehicle immobilization service.

(b) This subchapter does not apply to the following tow vehicles and related equipment:

(1) Car carriers capable of carrying five (5) or more vehicles and that have authority from the Federal Motor Carrier Safety Administration;

(2) Tow vehicles owned by a governmental entity and not used for commercial purposes; and

(3) If in compliance with § 27-35-112, tow vehicles that are:

(A) Registered in another state;

(B) Operating under authority from the administration; and

(C) Not regularly doing business or soliciting business in the State of Arkansas.

HISTORY: Acts 1993, No. 1000, § 1; 2005, No. 1878, § 3; 2011, No. 1061, § 4; 2013, No. 1136, § 1; 2013, No. 1421, § 2.

27-50-1202. Definitions.

As used in this subchapter:

(1) "Abandoned vehicle" means a vehicle deemed to be an unattended vehicle as defined in this section:

(A) As to which the owner has overtly manifested some intention not to retake possession; or

(B) That remains unattended, whether in its first-found location or in another location to which it has been removed under this subchapter, for a period of thirty (30) days during which period the owner gives no evidence of an intent to retake possession;

(2) "Consent" means towing, storage, or recovery of a vehicle, which towing, storage, or recovery is done with the permission of the owner or other person in charge of the vehicle;

(3) "Impounded or seized vehicle" means a vehicle subject to impounding or seizure by law enforcement under this Code, the Arkansas Rules of Criminal Procedure, a court order, or an ordinance;

(4) "Nonconsent" means towing, storage, or recovery of an unattended vehicle, abandoned vehicle, or impounded or seized vehicle as defined in this section or a disabled or inoperative vehicle for which the owner preference is waived by the owner or person in charge of the vehicle;

(5) "Owner" means, in the absence of conclusive evidence to the contrary, the person in whose name the vehicle is registered with the Office of Motor Vehicle or in whose name the vehicle is registered in another state;

(6) "Owner preference" means the right of the owner, his or her agent, or a competent occupant of a disabled or inoperative vehicle to request some responsible and reasonable person, gratuitous bailee, or bailee for hire of his or her choosing to take charge and care of the vehicle;

(7) "Person" means an individual, partnership, corporation, association, or other entity;

(8) "Public way" means a road, highway, or street over which the public may travel, including the traveled surface and a berm or shoulder of a road, highway, or street;

(9) "Removal" means that a law enforcement officer may request a towing and storage firm that is licensed by the Arkansas Towing and Recovery Board to engage in nonconsent towing of vehicles to remove and store:

- (A) An unattended vehicle or abandoned vehicle under this subchapter;
- (B) A disabled or inoperative vehicle for which the owner or person in charge of the vehicle has waived his or her right to owner preference as defined in this section;
- (C) A vehicle in which the operator was apprehended by law enforcement officers; or
- (D) An impounded or seized vehicle;
- (10) "Tow vehicle" means a motor vehicle or related equipment subject to registration in the State of Arkansas that is used to tow, recover, upright, transport, or otherwise facilitate the movement of vehicles on public highways;
- (11) "Unattended vehicle" means a vehicle that:
 - (A) Is left on public property without the consent of an authority in charge of the property or on or near a public way without some person, gratuitous bailee, or bailee for hire in possession of the vehicle and that:
 - (i) Is located within a distance of three feet (3') of the traveled surface of the public way;
 - (ii) Is located on or near a public way at a distance of three feet (3') or more of the traveled surface of the public way for a period of twenty-four (24) hours or more; or
 - (iii) Is not located on or near a public way but is left for a period of forty-eight (48) hours or more;
 - (B) Does not remain in the custody of a responsible person following an accident where the operator has been removed to a hospital or is otherwise unable to make personal arrangements for the vehicle's care;
 - (C) Was operated to a place of apprehension by law enforcement under police power and the operator was removed from the vehicle and taken into police custody;
 - (D) Is located upon a public right of way and due to geographic location, traffic density, or climatic conditions is creating an immediate and substantial hazard to the motoring public, as determined by a law enforcement officer; or
 - (E) Is disabled or inoperative and located on or near a public way or on a public right-of-way, and honoring the owner preference would create an immediate and substantial hazard to the motoring public, as determined by a law enforcement officer, due to:
 - (i) Geographic location;
 - (ii) Traffic density; or
 - (iii) Climatic conditions;
- (12) "Vehicle" means a device by which persons or things may be transported upon a public highway and which is of the type subject to registration in Arkansas;
- (13) "Vehicle immobilization service" means a person operating or directing others to operate a wheel clamp; and
- (14) "Wheel clamp" means a device attached to a wheel of a vehicle that renders the vehicle immobile.

HISTORY: Acts 1993, No. 1000, § 2; 1997, No. 381, § 1; 1997, No. 392, § 1; 1999, No. 1279, § 4; 2001, No. 1830, §§ 1, 2; 2007, No. 1053, § 1; 2011, No. 1025, § 1; 2013, No. 1421, § 3.

27-50-1203. Arkansas Towing and Recovery Board -- Creation.

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

(3) years.

(2) (A) Four (4) members shall be appointed from the towing industry and shall be licensed by the board to engage in nonconsent towing, with one (1) each of the members being a resident of each of the four (4) congressional districts.

(B) Two (2) members who are permitted to engage in the consent-only business shall be appointed from the state at large.

(C) Two (2) members who are not associated with the towing industry shall be appointed from the state at large.

(D) One (1) member shall be appointed from the insurance industry.

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

(2) (A) A member appointed under subdivision (a)(2)(A) of this section shall remain engaged in the business of nonconsent towing.

(B) A member appointed under subdivision (a)(2)(B) of this section shall remain in the business of consent-only towing.

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

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

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

(ii) Resign from the board within thirty (30) days of the date upon which the member no longer satisfies the requirements of subdivision (b)(2)(A), subdivision (b)(2)(B), or subdivision (b)(2)(C) of this section.

(c) (1) The members shall determine by majority vote of the quorum of the board who shall serve as chair.

(2) The chair shall be elected annually from the membership of the board.

(d) (1) The board shall meet at such times and places that the chair deems necessary, but no meeting shall be held outside the State of Arkansas.

(2) Five (5) of the members of the board shall constitute a quorum for the purpose of transacting business.

(3) All actions of the board shall be by a quorum.

(e) (1) The board shall promulgate rules and regulations to carry out the intent of this subchapter and shall regulate the towing industry and vehicle immobilization service industry, including:

(A) Establishing reasonable licensing, insurance, and equipment requirements for any person engaging in towing and related services for safety purposes or vehicle immobilization services under this subchapter;

(B) Establishing reasonable tow truck safety requirements for any tow vehicle as defined in this subchapter;

(C) Establishing a procedure to accept and investigate complaints from a consumer who claims that he or she has been overcharged for fees related to nonconsent towing, recovery, storage, or vehicle immobilization services;

(D) Determining and sanctioning excessive or unnecessary fees charged to consumers related to nonconsent towing, recovery, storage, or vehicle immobilization services;

(E) Requiring all entities permitted, licensed, or regulated under this subchapter to provide to the board all documents in response to information requests by the board pursuant to the investigation of consumer complaints or board complaints against the permittee or licensee;

(F) Requiring all entities permitted, licensed, or regulated under this subchapter to provide itemized billing for fees related to towing, storage, or vehicle immobilization services that explains how the charges were calculated;

(G) Requiring all entities permitted, licensed, or regulated under this subchapter to maintain a copy of their current maximum rate schedule or fee schedule posted in a conspicuous place and readily accessible to the public;

(H) Requiring all entities permitted, licensed, or regulated under this subchapter to allow the owner or agent of the owner of a motor vehicle removed under this subchapter or under § 27-50-1101 to use any other entity permitted, licensed, or regulated under this subchapter when reclaiming the motor vehicle from storage.

(I) (i) Requiring all entities permitted, licensed, or regulated under this subchapter to post a sign notifying customers of the consumer complaint process under § 27-50-1217.

(ii) The sign shall be in a conspicuous and central location in the public area and shall be a minimum of sixteen inches by twenty inches (16" x 20") in size.

(iii) The board may assess a fine of between fifty dollars (\$50.00) and two hundred fifty dollars (\$250) for failure to comply with the provisions of this subdivision (e)(1)(I); and

(J) The board shall set a minimum standard for the structure of the place of business and storage facility utilized for the daily operation of a towing company licensed and regulated under this subsection. The place of business shall utilize:

(i) A location easily accessible by the public;

(ii) An appropriate and secure filing system for business records;

(iii) Clear and visible front and rear location signage that is:

(a) A minimum of four feet by six feet (4' x 6') in size;

(b) Displaying the name, physical address, a telephone number of the towing company, hours of operation, and a telephone number easily accessible to the public.

(2) The promulgation and adoption of rules and regulations shall in all respects be in the manner provided by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(3) After the promulgation and adoption of rules or regulations, any proposed change to add to, amend, repeal, or change any of the rules or regulations shall not have effect until reviewed and approved by the Administrative Rules and Regulations Subcommittee of the Legislative Council subsequent to the time that the General Assembly next meets in regular session unless a finding exists that imminent peril to the public health, safety, or welfare requires immediate adoption, amendment, or repeal of the rules or regulations.

(f) (1) (A) The board shall have the authority to levy applicable towing business license and vehicle immobilization service license fees not to exceed two hundred dollars (\$200) per license, and the board shall have the authority to levy an applicable tow vehicle safety permit fee not to exceed one hundred dollars (\$100) per tow vehicle safety permit.

(B) A person licensed by the board to perform towing services is authorized to perform vehicle immobilization services without obtaining a separate vehicle immobilization service license.

(2) The board shall also have the authority to impose late filing fees in addition to the original filing fees in an amount not to exceed the original amount of the license fee or safety permit fee.

(g) (1) The board shall have the authority to employ and discharge any personnel as may be necessary to administer and enforce the provisions of this subchapter and the rules and regulations promulgated hereunder.

(2) The board shall employ investigators to investigate consumer complaints related to overcharging for nonconsent towing, recovery, storage fees, fees associated with the use of wheel clamps, violations of § 27-50-1101, this subchapter, and violations of the rules promulgated by the board under this subchapter.

(h) The board shall have the authority to obtain office space, furniture, stationery, and other proper supplies and conveniences reasonably necessary to carry out the provisions of this subchapter.

(i) Each member of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

(j) The board shall have the authority to establish a maximum amount to be charged by a towing business for each notification to an owner and a lienholder as required by this subchapter.

(k) The board shall issue a towing business license or issue a tow vehicle safety permit for a tow vehicle licensed in another state to tow any vehicle in this state only when the tow vehicle owner establishes to the board's satisfaction that the operation of the tow vehicle in this state is in compliance with § 27-35-112.

HISTORY: Acts 1989, No. 899, § 9; 1993, No. 1000, § 3; 1997, No. 250, § 246; 1997, No. 392, § 2; 1999, No. 1279, § 2; 2005, No. 1878, § 2; 2007, No. 861, §§ 2-4; 2007, No. 1053, § 2; 2011, No. 780, § 8; 2013, No. 1002, §§ 1, 2; 2013, No. 1366, § 4; 2013, No. 1421, §§ 4, 5; 2015, No. 1117, § 2; 2015, No. 1195, § 1; 2015, No. 1197, § 1.

27-50-1204. Penalties.

(a) (1) The following shall be liable for all reasonable costs of towing, recovery, storage, and other incidental costs related to a removal of a vehicle under this subchapter:

(A) The owner of the vehicle;

(B) The person who left the unattended vehicle or abandoned vehicle before removal; and

(C) An owner or operator who waives the owner preference.

(2) If the vehicle is sold by foreclosure under § 27-50-1209, the owner or operator shall be liable for such costs in excess of the proceeds of the sale of the vehicle.

(b) Any law enforcement agency that without reasonable justification fails to provide information to the towing and storage firm within twenty-four (24) hours as prescribed by this subchapter shall be liable to the towing and storage firm for any accrued storage fees between the expiration of the twenty-four-hour period and such time as the information is provided.

(c) Upon any complaint or on its own initiative when the Arkansas Towing and Recovery Board has reason to believe that a law enforcement officer failed to adhere to an owner preference request or otherwise violated this subchapter, the board may investigate the matter and submit its findings to proper law enforcement authorities.

(d) Any person, excluding a law enforcement officer, who is determined by the board after reasonable notice and opportunity for a fair and impartial hearing held in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to have committed an act that is in violation of this subchapter or any rules and regulations promulgated under this subchapter is subject to civil penalties prescribed by the board, including monetary penalties not to exceed five thousand dollars (\$5,000) or the suspension or revocation of any towing license or permit, or both.

(e) Nothing in this section shall be construed to limit the right to seek judicial review of any determination of the board pursuant to the provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(f) (1) A penalty assessed by the board shall be paid no later than fifteen (15) days after the conclusion of the appeals process under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(2) If not paid timely, a license or permit issued by the board may be suspended until the penalty is paid.

(3) (A) If an entity or individual fails to pay a fine or an installment payment as provided under subdivision (f)(1) of this section, the board may provide written notice to the Office of Motor Vehicle of the failure to pay.

(B) The notice of the failure to pay a fine ordered by the board shall contain the following information:

(i) The name of the entity or individual that is subject to the fine;

(ii) The vehicle identification number or other identifying information for the vehicle owned by the entity or individual that is the subject of the fine;

(iii) The date the board imposed the fine;

(iv) The amount of the fine;

(v) The date the fine or installment payment became delinquent; and

(vi) The amount of the fine or installment payments that remain delinquent.

(C) Upon receipt of the notice of the failure to pay a fine or installment payment, the Office of Motor Vehicle shall suspend the tow vehicle license plate issued under § 27-14-601(a)(3)(J)(i) and the vehicle's registration.

(D) A suspension under this subdivision (f)(3) for failure to pay a fine ordered by the board shall remain in effect until the Office of Motor Vehicle receives written notice from the board that the fine has been paid.

HISTORY: Acts 1993, No. 1000, § 10; 2005, No. 1878, § 4; 2005, No. 2211, § 2; 2007, No. 861, §§ 5, 6; 2007, No. 1053, §§ 3-5; 2011, No. 732, § 1; 2011, No. 1025, § 2.

27-50-1205. Tagging.

Any law enforcement officer or code enforcement officer as defined by municipal ordinance observing an unattended vehicle, abandoned vehicle, disabled vehicle, or inoperative vehicle on or near a public way shall:

(1) (A) Order immediate removal of the vehicle if it:

(i) Is located within three feet (3') of the traveled surface of a public way; or

(ii) Appears to create an immediate and substantial hazard to the public; and

(B) Log the removal order accordingly; or

(2) (A) Tag the vehicle if it is located at a distance of three feet (3') or more from the traveled surface of a public way by securely affixing a colored form or other easily observable sticker.

(B) The tag or sticker used under this subdivision (2) shall show:

(i) The date and time of tagging;

(ii) That the vehicle will be removed under this subchapter unless the vehicle is removed within twenty-four (24) hours;

- (iii) The location and telephone number where more information may be obtained; and
- (iv) The identification of the officer.

HISTORY: Acts 1993, No. 1000, § 5; 1999, No. 1279, § 3; 2007, No. 100, § 1; 2007, No. 1053, § 6; 2011, No. 1025, § 3.

27-50-1206. Notice to storage firm.

(a) (1) For all requests to a licensed towing and storage firm to remove and store an unattended vehicle, abandoned vehicle, or impounded or seized vehicle, the law enforcement agency shall issue a written order that states the removal is for nonconsent services and shall provide information supplied from the records of the Office of Motor Vehicle, Arkansas Crime Information Center records, or the motor vehicle records of another state indicating the name and address of the last registered owner, the name and address of the holder of any recorded lien on the vehicle, and the vehicle identification or serial number of the vehicle.

(2) If there is evidence in the vehicle indicating that the vehicle is registered in another state, the information shall be supplied from the motor vehicle records of that state.

(3) (A) If a law enforcement officer or other official issues a hold against the release of the vehicle, the law enforcement officer's order to remove and store the vehicle shall include a written explanation for the issuance of the hold.

(B) When the hold on the vehicle is released, the law enforcement officer or other official who issued the hold shall provide written notice of the release to the towing and storage firm.

(b) (1) In the event that readily available records fail to disclose the name of the owner or any lienholder of record, the law enforcement officer or his or her agency shall notify in writing the towing and storage firm that after receiving the notice the towing and storage firm is required to perform a good faith search to locate documents or other evidence of ownership and lienholder information on or within the unattended vehicle, abandoned vehicle, or impounded or seized vehicle.

(2) For purposes of this subsection, a "good faith search" means that the towing and storage firm checks the unattended vehicle, abandoned vehicle, or impounded or seized vehicle for any type of license plate, license plate record, temporary permit, inspection sticker, decal, or other evidence that may indicate a possible state of registration and title.

(3) The towing and storage firm shall provide in writing to the law enforcement officer or agency the results of the search and, if appropriate, certify that a physical search of the unattended vehicle, abandoned vehicle, or impounded or seized vehicle disclosed that no ownership documents were found and that a good faith search was conducted.

(4) If the vehicle is subject to a hold limiting access to the vehicle, the law enforcement agency issuing the hold shall perform a good faith search to locate documents or other evidence of ownership and lienholder information to the extent required to preserve limited access to the vehicle.

(c) (1) Within not more than twenty-four (24) hours from the order to remove, the officer involved or his or her agency shall contact the towing and storage firm and advise the firm of any unusual circumstances causing the delay of the required information that was not available to the officer at the time the order to remove was issued.

(2) The officer or agency shall provide the delayed information immediately upon receipt.

(d) When a vehicle is removed under this subchapter by law enforcement and is subject to

impoundment or seizure pursuant to police power or any lawful court order, the law enforcement officer shall provide to the towing and storage firm a written statement setting forth the conditions of release of the vehicle.

HISTORY: Acts 1993, No. 1000, § 6; 1997, No. 841, § 2; 2001, No. 1830, § 3; 2005, No. 1878, § 5; 2007, No. 1053, § 7; 2011, No. 1025, § 4.

27-50-1207. Removal of vehicles.

(a) (1) A law enforcement agency that directs the removal of an unattended vehicle, abandoned vehicle, or impounded or seized vehicle shall adopt a written vehicle removal policy, the provisions of which shall not be in conflict with this subchapter.

(2) (A) Any vehicle removal policy shall provide that owner preference as defined by this subchapter shall be offered to the owner, to his or her agent, or to any competent occupant of any disabled or inoperative vehicle except in those instances of exigent circumstances or where the immediate clearing of a public thoroughfare mandates an expedited towing service.

(B) In those instances where exigent circumstances or where the immediate clearing of a public thoroughfare mandates an expedited towing service, owner preference shall be honored when the owner has requested a towing service that is located in the particular towing zone where services are to be rendered and is ready to promptly respond to the request for services.

(C) (i) If a law enforcement officer fails to provide an owner of a vehicle with an owner preference as required under this section, then the owner may file a complaint with the law enforcement agency that employs the law enforcement officer or the Arkansas Towing and Recovery Board, or both.

(ii) Nothing in this subsection precludes a person who has been denied the right of owner preference from seeking any other legal or equitable remedy.

(3) Nothing in this section shall be construed to authorize the towing of a vehicle in violation of other provisions of this subchapter.

(b) All law enforcement officers shall comply with the policies prescribed by their agencies as to the removal of an unattended vehicle, abandoned vehicle, or impounded or seized vehicle as defined by this subchapter.

(c) No law enforcement officer shall:

(1) Suggest or recommend any particular towing and storage firm to the owner, his or her agent, or any competent occupant of any disabled or inoperative vehicle; or

(2) Accept gifts or special consideration from the owner of a towing business or anyone acting on the owner's behalf in relation to removal of vehicles as provided by this subchapter.

(d) Upon request, any law enforcement officer or his or her agency who orders a removal pursuant to this subchapter shall provide to the owner, to his or her agent, or to any competent occupant of the removed vehicle the name, location, and telephone number of the towing and storage firm requested to remove and store the vehicle.

(e) (1) Should the owner or lienholder of a vehicle removed under this subchapter consider that the removal of the vehicle was not legally justified or properly subject to a law enforcement hold, the owner or lienholder may within thirty (30) days after removal or within thirty (30) days after the receipt of notification of a law enforcement hold from the towing and storage firm, whichever is later, seek a review to determine whether the unattended vehicle, abandoned vehicle, disabled

vehicle, or inoperative vehicle was wrongfully removed or withheld from the owner through the following procedures:

(A) In the case of a vehicle removed by or at the direction of a state agency, by filing a petition with the Arkansas State Claims Commission;

(B) In the case of a vehicle removed by or at the direction of a county or city agency and when the county or city has established an administrative review process, by filing a petition according to the established administrative review process; and

(C) In all other cases, including when the county or city has failed to establish an administrative review process, by filing a petition in the circuit court in the county where the unattended vehicle or abandoned vehicle is stored.

(2) In the case of a final decision reached through a county or city administrative review, the owner or lienholder may appeal an adverse ruling to the circuit court in the county where the unattended vehicle or abandoned vehicle is stored.

(3) The petition shall name the state agency ordering the tow as a respondent and, when filed in circuit court, shall also name the towing company among the respondents if the towing company still possesses the vehicle. In the case of removal originated by an agency of a political subdivision of the state, the petition shall name the county, city, or town as a respondent.

(4) If the vehicle, its contents, or both are subject to impoundment or seizure by law enforcement under the Arkansas Rules of Criminal Procedure or a court order, the procedure for return or restoration of the impounded or seized vehicle and its contents shall be governed exclusively by Rule 15 of the Arkansas Rules of Criminal Procedure to the extent applicable.

(f) (1) Upon the filing of the petition, the owner or lienholder may have the unattended or abandoned vehicle and contents released upon posting with the commission, with the court, or with the city or county clerk or other person designated by a political subdivision, as the case may be, a cash or surety bond equal to the amount of the charges for the towing and storage to ensure the payment of such charges in the event that he or she does not prevail.

(2) (A) Upon the posting of the bond and the payment of the applicable fees, the administrative decision maker, commission, or court, as the case may be, shall issue an order notifying the towing company and the respondent agency of the posting of the bond.

(B) Upon service of receipt of the order, the towing company shall release the stored property.

(3) At the time of release, after reasonable inspection, the owner or the lienholder shall give a receipt to the towing and storage firm reciting any claim for known loss or damage to the unattended or abandoned property or the contents thereof.

(g) Upon determining the respective rights of the parties, the final order of the administrative decision maker, commission, or court, as the case may be, shall provide for immediate payment in full of the reasonable recovery, towing, and storage fees by the owner or lienholder of the unattended or abandoned property or by the respective law enforcement agency.

(h) In cases where the owner or lienholder has posted a cash or surety bond to obtain immediate release and the owner or lienholder is found to be responsible for reasonable recovery, towing, and storage fees, the administrative decision maker, commission, or court, as the case may be, shall declare the bond to be forfeited, with the amount paid to the towing and storage firm to cover reasonable recovery, towing, and storage fees.

(i) Nothing in this section shall be construed to waive the sovereign immunity of the State of Arkansas nor any immunity granted to its political subdivisions.

(j) This section shall not be construed to defeat a lien held by a towing company under § 27-50-

1208.

HISTORY: Acts 1993, No. 1000, § 4; 1995, No. 815, § 1; 1997, No. 392, § 3; 2001, No. 1830, § 4; 2005, No. 1878, § 6; 2007, No. 1053, §§ 8-10; 2011, No. 995, § 1; 2011, No. 1025, §§ 5-8.

27-50-1208. Possessory lien and notice to owners and lienholders.

(a) (1) 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 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, 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.

(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.

(b) The lien shall be perfected by:

(1) Maintaining possession;

(2) Mailing notice to the owner or owners and lienholders as shown on the data provided by the law enforcement agency involved as prescribed by this subchapter; or

(3) In the case of a vehicle removed pursuant to § 27-50-1101, giving notice to the last known registered owner or owners and lienholders as provided from the records of the:

(A) Office of Motor Vehicle;

(B) Arkansas Crime Information Center; or

(C) If known, motor vehicle records of any other state where the vehicle's registration indicates the name and address of the last registered owner and the name and address of the holder of any recorded lien, if any, on the vehicle.

(c) (1) The notice shall be mandatory and by certified mail, return receipt requested.

(2) The notice shall be posted not sooner than two (2) business days but within eight (8) business days after the date that the towing and storage firm receives the vehicle.

(d) (1) If within forty-eight (48) hours the ownership and lienholder information has not been received from the law enforcement agency requesting the removal of a vehicle pursuant to this subchapter, the towing and storage firm shall obtain information concerning the last known registered owner or owners and lienholder or lienholders as provided from the records of the:

(A) Office of Motor Vehicle;

(B) Arkansas Crime Information Center; or

(C) If known, motor vehicle records of any other state where the vehicle's registration indicates the name and address of the last registered owner and the name and address of the holder of any recorded lien, if any, on the vehicle.

(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 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 is sufficient notice under this section.

(B) 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.

(e) (1) The notice shall contain the following information:

(A) The year, make, model, and vehicle identification number of the vehicle towed;

(B) The name, address, and telephone number of the storage facility;

(C) That the vehicle is in the possession of that towing and storage firm under police order, describing the general circumstances of any law enforcement or other official hold on the vehicle;

(D) That towing, storage, and administrative costs are accruing as a legal liability of the owner;

(E) That the towing and storage firm claims a first priority possessory lien on the vehicle and its contents for all such charges;

(F) That unless claimed within forty-five (45) days, the vehicle and its contents will be dismantled, destroyed, or sold at public sale to the highest bidder;

(G) That the failure to exercise the right to reclaim the vehicle and its contents within the time prescribed by this section constitutes a waiver by the owner and lienholder of all right, title, and interest in the vehicle and its contents and constitutes consent to the sale, dismantling, or destruction of the vehicle and its contents;

(H) That the owner or lienholder may retake possession at any time during business hours by appearing, proving ownership, and releasing the law enforcement or other official hold, if any, and by paying all charges or by other written arrangement between the owner or lienholder and the towing and storage firm;

(I) That should the owner consider that the original taking was not legally justified, he or she has a right for thirty (30) days to contest the original taking as described by § 27-50-1207; and

(J) That the owner of the vehicle or operator or his or her authorized representative may recover without charge any item described in subdivision (a)(2)(B) of this section by providing within forty-five (45) days to the towing and storage firm proof that the claimant is the registered owner of the vehicle or has been authorized by the registered owner of the vehicle to take possession of the items.

(2) A notice to an owner of a vehicle deemed abandoned on the premises of an automobile repair facility under § 27-50-1101 shall also advise that the automobile repair person holds an absolute lien on the vehicle under § 18-45-201 et seq.

(f) Nothing in this section is to preclude the owner, lienholder, or agent from making alternative arrangements within the two-day to eight-day period with the towing and storage firm, waiving his or her rights to the notice requirement.

(g) When any vehicle reclaimed from the towing and storage firm by a lienholder contains contents not subject to the lienholder's interest, the lienholder shall be accountable to the owner of the

contents in the same manner as the lienholder would in any other case of repossession of a vehicle, and the towing and recovery firm releasing the vehicle and its contents shall be relieved from all responsibility for the contents.

(h) (1) A towing and storage firm that in good faith follows the procedures of this subchapter or the provisions of § 27-50-1101 shall not be subject to claims of unlawful detainer or conversion for vehicles or their contents for maintaining property pursuant to the possessory lien as provided by this subchapter.

(2) A challenge to the removal and holding of an unattended vehicle, abandoned vehicle, or impounded or seized vehicle as provided by this subchapter shall be controlled exclusively by the provisions of § **27-50-1207**.

(3) This section shall not be construed to limit liability of the towing and storage firm for any other act or omission otherwise actionable under statutory or common law.

HISTORY: Acts 1993, No. 1000, § 7; 1997, No. 392, § 4; 1997, No. 841, § 3; 1999, No. 1279, § 5; 2001, No. 1830, § 5; 2005, No. 1878, § 7; 2005, No. 2211, § 3; 2007, No. 506, §§ 1, 2; 2007, No. 861, §§ 7, 8; 2007, No. 1053, § 11; 2009, No. 483, § 4; 2011, No. 1025, § 9.

27-50-1209. Foreclosure of liens.

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

(2) If a law enforcement official or other official refuses to release any hold on the vehicle or its contents, the owner or lienholder has an additional twenty (20) days to reclaim the vehicle and its contents after the date when the hold is released.

(3) (A) The owner or lienholder may challenge any law enforcement official hold or other official hold under the procedures in § **27-50-1207(e)**.

(B) However, the provisions of § **27-50-1207(f)** pertaining to release of the vehicle do not apply when the owner or lienholder challenges a law enforcement official hold or other official hold.

(b) (1) Except as provided in subsection (c) of this section, the towing and storage firm, municipality, or county that holds a perfected possessory lien on any vehicle and its contents not redeemed by its owner or security lienholder within the time frame provided by this section shall sell the vehicle and its contents at a nonjudicial public sale for cash.

(2) The sale shall not occur later than ninety (90) days after perfection of the lien or forty-five (45) days after the release of any law enforcement hold or other official hold, whichever is later.

(c) A vehicle that is held by a municipality or county on a storage lot owned and operated by the municipality or county may defer the public sale and make use of the vehicle for law enforcement purposes if:

(1) The municipality or county complies with the notice provisions of § 27-50-1208;

(2) The time frame as provided under subsection (a) of this section has expired; and

(3) The municipality or county enacts an ordinance that:

(A) Declares the municipality's or the county's policy regarding the deferral for law enforcement purposes;

(B) Charges a specific municipal or county official with the responsibilities of:

- (i) Identifying the vehicles to be used by the municipality or county; and
- (ii) (a) Declaring a future date to publicly sell the vehicle pursuant to § 27-50-1210.
 - (b) The date of the sale shall be a maximum of six (6) months following the passage of the time frame for an owner or lienholder to reclaim a vehicle under subsection (a) of this section or as soon as is practicable if circumstances arise that prevent the sale on the declared sale date; and
 - (c) Requires that the official ensure that the public sale proceed on the sale date declared in the ordinance.
 - (d) (1) The towing and storage firm, municipality, or county shall obtain written verification that the Arkansas Crime Information Center records do not list the vehicle as having been reported stolen.
 - (2) The verification shall be on a form prescribed by the center, the Office of Motor Vehicle of the Department of Finance and Administration, a municipal police department, a county sheriff's department, or the Department of Arkansas State Police.
 - (3) When the verification provided by this subsection is sought directly from the center by the towing and storage firm, the center may charge a fee, not to exceed ten dollars (\$10.00) per vehicle verification.
 - (e) (1) Notice of the sale shall be sent at least fifteen (15) days before the date of the sale by certified mail, no return receipt requested, to the registered owner and lienholder, if any.
 - (2) If the data records of the Office of Motor Vehicle or the office of motor vehicles for the state where the vehicle is registered do not contain any information as to the last known registered owner or owners or lienholders, the notice required under subdivision (e)(1) of this section is not required.
 - (3) Nothing in this subsection removes the requirement of notice of sale by publication under subsection (f) of this section.
 - (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.

HISTORY: Acts 2001, No. 1830, § 6; 2005, No. 1878, § 8; 2005, No. 2189, § 1; 2005, No. 2211, § 4; 2007, No. 506, § 3; 2007, No. 1053, § 12.

27-50-1210. Nonjudicial public sale.

- (a) After complying with the requirements of foreclosure of liens provided by this subchapter, ownership of the vehicle and its contents shall thereupon vest in the purchaser free of all liens of any nature. Should the nonjudicial public sale produce more funds than the sum of all charges, including the costs of the sale and including a reasonable charge for processing the paperwork, the excess shall be paid as follows:
 - (1) (A) If the vehicle was removed to an impound lot at the request of a law enforcement agency as authorized by this subchapter, the excess shall be maintained for a period of one (1) year by the entity that operates the impound lot.
 - (B) If the excess is not claimed during this period by the person legally entitled thereto, the moneys shall be paid to the entity operating the impound lot; or
 - (2) (A) If the vehicle was removed to a private impound lot under § 27-50-1101, the excess shall be paid to the county clerk to the account of the person legally entitled to the excess.
 - (B) The Unclaimed Property Act, § 18-28-201 et seq., shall apply to any unclaimed funds or excess moneys that have been paid to the county clerk.

(b) Should the sale produce the same or less than the sum of all charges:

(1) At the election of the possessory lienholder, the sale of the vehicle may be cancelled and ownership of the vehicle and its contents shall thereupon vest in the possessory lienholder as purchaser free of all liens of any nature; and

(2) The possessory lienholder shall have a valid claim against the owner for the full amount of the charges, including the costs of the sale and including a reasonable charge for processing the paperwork, less the sale price of the vehicle and its contents.

(c) (1) Upon presentation of documentation to the Office of Motor Vehicle to the effect that the sale procedure provided in this subsection has been complied with protecting the rights of the owner or lienholder, the purchaser of the vehicle shall be entitled to receive a new title to the vehicle upon meeting other applicable administrative requirements of title and registration laws.

(2) The towing and storage firm shall execute an affidavit stating that the vehicle has been towed and stored as an unattended or abandoned vehicle and that notice has been given as required in this subchapter to the registered owners and all lienholders of record.

(3) The affidavit shall describe the vehicle by make, year, model, and vehicle identification number.

HISTORY: Acts 1993, No. 1000, § 9; 1997, No. 841, § 4; 2001, No. 1820, § 1; 2001, No. 1830, § 7; 2005, No. 1878, § 9; 2005, No. 2211, § 5; 2007, No. 1053, § 13; 2011, No. 872, § 1.

27-50-1211. Disposition of funds.

(a) All fees, fines, and charges collected by the Arkansas Towing and Recovery Board under the provisions of this subchapter shall be paid to the secretary-treasurer, who shall be the custodian of all funds and shall deposit same in a bank or banks to be designated by the board.

(b) The secretary-treasurer shall execute a bond in the amount determined by the State Risk Manager pursuant to the blanket bond program as authorized in § 21-2-601 et seq. [repealed].

(c) The secretary-treasurer shall pay funds of the board only on vouchers signed by himself or herself and countersigned by the chair. The total expenses for all purposes and obligations of the board shall not exceed the total fees, charges, and other funds paid to the board under the provisions of this subchapter.

(d) The secretary-treasurer shall make semiannual financial reports in detail to the board not later than January 31 and July 31 of each year, which financial reports will be kept on permanent file by the board.

HISTORY: Acts 1993, No. 1000, § 11; 2005, No. 1878, § 10.

27-50-1212. Criminal penalties.

(a) It shall be unlawful for a person to:

(1) Operate a tow vehicle in violation of this subchapter;

(2) Operate a tow vehicle without obtaining a tow vehicle safety permit as required by the rules of the Arkansas Towing and Recovery Board;

(3) Operate a business engaging in nonconsent towing of vehicles without first obtaining the proper tow business license as required by the rules of the board;

(4) Give false or forged evidence to the board or to any member or an employee thereof for the

purpose of obtaining a license or a tow vehicle safety permit;

(5) Use or attempt to use an expired, suspended, or revoked license or tow vehicle safety permit;
or

(6) Violate or aid or abet any violation of this subchapter.

(b) The Department of Arkansas State Police, the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, and county and municipal authorities may enforce § 27-50-1101 et seq. and § 27-50-1201 et seq.

(c) A person who pleads guilty or nolo contendere to or is found guilty of any violation under this section shall be guilty of a misdemeanor and shall be sentenced to pay a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500) or to be imprisoned for a period not exceeding ninety (90) days, or both.

(d) The fines imposed and collected under this section shall be remitted as follows:

(1) Fifty percent (50%) to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration by the tenth day of each month on a form provided by that office for deposit into the Arkansas Towing and Recovery Board treasury fund; and

(2) Fifty percent (50%) to the law enforcement agency issuing the violation.

(e) Each day of an unlawful practice proscribed by this section shall constitute a distinct and separate offense.

HISTORY: Acts 1997, No. 392, § 5; 2005, No. 2211, § 6; 2007, No. 861, § 9; 2009, No. 644, § 1.

27-50-1213. Limitation on removing from the state.

(a) A towing or wrecker service licensed in a state other than Arkansas shall only remove a vehicle that was involved in a motor vehicle accident in the State of Arkansas from the site of the accident to another state if the state in which the towing or wrecker service is licensed extends the same privilege to a towing or wrecker service that is licensed in Arkansas and operating in the other state.

(b) For the purpose of determining whether a state permits Arkansas-licensed wreckers and Arkansas-licensed towing vehicles to remove a vehicle that was involved in an accident in that state, any limitation imposed by a county, parish, city, or other political subdivision of that state is deemed an action of that state.

(c) (1) This section applies only to the initial removal of a vehicle from the site of an accident to a point of storage or repair.

(2) This section does not apply to the secondary towing of a vehicle after an investigation of a motor vehicle accident is completed.

(d) When towing a vehicle in this state, a towing or wrecker service licensed in a state other than Arkansas must comply with the provisions of this subchapter and § 27-35-112.

HISTORY: Acts 2005, No. 1807, § 1; 2007, No. 1053, § 14.

27-50-1214. Rules of order or procedure.

(a) The Arkansas Towing and Recovery Board shall prescribe its rules of order or procedure in hearings or other proceedings before it under this subchapter.

(b) However, rules of order or procedure shall not be in conflict or contrary to the provisions of this subchapter or the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

HISTORY: Acts 2005, No. 1878, § 1.

27-50-1215. Summons, citation, and subpoena.

(a) It shall be the duty of the sheriffs and constables of the counties of this state and of any employee of the Arkansas Towing and Recovery Board, when so directed by the board, to execute any summons, citation, or subpoena that the board may cause to be issued and to return the summons, citation, or subpoena to the board.

(b) (1) The sheriffs and constables serving and returning any summons, citation, or subpoena shall be paid the same fees as provided for those services in the circuit court.

(2) Any person, or a duly designated employee of the person, who appears before the board in response to a summons, citation, or subpoena shall be paid the same witness fee and mileage allowance as witnesses in the circuit court.

(c) (1) In case of failure or refusal on the part of any person to comply with any summons, citation, or subpoena issued and served as authorized, or in the case of the refusal of any person to testify or answer to any matter regarding that which he or she may be lawfully interrogated or the refusal of any person to produce his or her record books and accounts relating to any matter regarding that which he or she may be lawfully interrogated, the circuit court of any county of the State of Arkansas on application of the board may:

(A) Issue an attachment for the person; and

(B) Compel the person to:

(i) Comply with the summons, citation, or subpoena;

(ii) Appear before the board or its designated employee;

(iii) Produce the documents specified in any subpoena duces tecum; and

(iv) Give his or her testimony upon such matters as he or she may be lawfully required.

(2) Any circuit court shall have the power to punish a person for contempt as in the case of disobedience of like process issued from or by any circuit court or by refusal to testify in the circuit court in response to the process, and the person shall be taxed with the costs of the proceedings.

HISTORY: Acts 2005, No. 1878, § 1.

27-50-1216. Moving a total-loss vehicle from a storage facility.

(a) As used in this section, "storage facility" means a facility where a wrecked or inoperable vehicle is stored that charges storage fees to a vehicle owner as a result of the claim from the wrecked or inoperable vehicle.

(b) (1) (A) If an insurance company determines that a vehicle is a total loss claim, the insurance company may authorize its agent to move the vehicle to a location of its choosing without:

(i) The approval of the storage facility; and

(ii) A release document from the owner.

(B) Instead of a release document, the insurance company shall obtain a verbal release from the vehicle owner to move the total loss vehicle as provided under this section and document the verbal

release in the claim file.

(2) (A) To authorize the moving of the vehicle, the insurance company shall submit notice by regular mail, hand-delivery, facsimile, or electronic transmission to the storage facility on company letterhead of the intent to move the vehicle.

(B) The notice shall include:

(i) A description of the vehicle, including its identification number;

(ii) The identification of the agent who is to move the vehicle;

(iii) The date the owner of the vehicle authorized release of the vehicle to the insurance company; and

(iv) A statement that the insurance company will indemnify and hold harmless the storage facility for all liability and costs it incurs defending itself in any civil or criminal claim arising from moving the vehicle without a release document from the owner.

(C) The owner and any lienholder of the vehicle shall receive a copy of the notice by regular mail.

(c) The storage facility shall make the vehicle available for immediate release and removal during regular business hours of the storage facility upon receipt of:

(1) The letter described under subdivision (b)(2) of this section;

(2) The release of any law enforcement or other official hold; and

(3) Settlement of all fees incurred up to and including the date of removal.

(d) (1) If an insurance company or its agent moves a vehicle as provided under this section, the insurance company shall indemnify and hold harmless the storage facility for liability and all expenses associated with civil or criminal claims arising from moving the vehicle without a release document from the owner.

(2) In any action in which a storage facility prevails against an insurance company for indemnification under this subsection, in addition to any damages suffered, the storage facility shall be awarded attorney's fees and costs incurred.

(e) This section shall not be construed to restore or grant any right, title, or interest in the vehicle or its contents as may have been waived under § 27-50-1209(a).

HISTORY: Acts 2011, No. 1206, § 1.

27-50-1217. Reporting of towing rates.

(a) If a government entity implements a nonconsent towing rotation list, the government entity shall require each towing and storage firm that tows, removes, or stores vehicles in the government entity's jurisdiction to annually file a list of the towing and storage firm's current rates for services.

(b) (1) It is an unclassified violation if a towing and storage firm:

(A) Fails to file the list required under this section; and

(B) Engages in the towing, removal, or storage of a vehicle in the jurisdiction of the government entity with which it failed to file the list.

(2) (A) The first offense under subdivision (b)(1) of this section is punishable by a fine of one thousand dollars (\$1,000).

(B) The second offense or subsequent offenses under subdivision (b)(1) of this section are punishable by a fine of two thousand dollars (\$2,000).

HISTORY: Acts 2015, No. 387, § 1.

27-50-1218. Consumer complaint resolution.

(a) (1) When a consumer complaint against a towing company is filed with a law enforcement agency that administers a nonconsent written vehicle removal policy under § 27-50-1207(a)(1) against a towing company, the law enforcement agency shall submit the consumer complaint to the Arkansas Towing and Recovery Board within five (5) days of receipt of the complaint.

(2) The written consumer complaint shall include:

(A) The complainant's name and contact information;

(B) The towing company involved in the dispute;

(C) The nature of the consumer's complaint, including pertinent details that may show cause for filing a formal complaint against the towing company by the board; and

(D) The contact information for the on-scene officer who initiated the nonconsent removal of the vehicle related to the consumer complaint.

(b) To file a consumer complaint, the person shall have a vested interest in the vehicle, including without limitation the:

(1) Owner of the towed vehicle or his or her agent;

(2) Lien holder of the towed vehicle; or

(3) Company that insures the towed vehicle.

(c) (1) Upon receipt of the consumer complaint, the board shall resolve the consumer complaint within forty-five (45) calendar days after receiving the consumer complaint.

(2) (A) The complainant shall respond to a request from the board for additional information relevant to the consumer complaint within ten (10) business days after receiving the request.

(B) Failure to respond may result in the immediate dismissal of the complaint.

(C) (i) A complainant may file a written request for an extension of time with the board.

(ii) The written request for an extension shall be submitted to the board office within the ten (10) days after receiving the request for additional information under subdivision (c)(2)(A) of this section.

(iii) If the extension is granted, the board shall notify the towing company in writing of the extension.

(iv) The board may extend the period for the resolution of a complaint when conditions warrant this action.

(3) (A) The towing company shall respond to a request from the board for additional information relevant to the consumer complaint within ten (10) business days after receiving the request.

(B) Failure to respond to a request by a towing company shall result in a daily fine of up to twenty-five dollars (\$25.00) per day until the information requested is received by the board.

(C) (i) The towing company may file a written request for an extension of time with the board.

(ii) The written request for an extension shall be submitted to the board office within the ten (10) days after receiving the request for additional information under subdivision (c)(3)(A) of this section.

(iii) If the extension is granted, the board shall notify the towing company in writing of the extension.

(iv) The board may extend the period for the resolution of a complaint when conditions warrant this action.

(d) (1) Financial restitution to the complainant shall be considered as a part of the penalty by the board when a towing company or tow owner is found to have violated provisions of the rules and regulations promulgated by the board.

- (2) Only actual losses that have been incurred by the complainant may be paid as restitution.
- (3) A payment of financial restitution to the complainant shall be determined by the board.
- (4) Punitive damages shall not be paid to the complainant.
- (5) This section does not preclude the complainant's right to sue in a court of law as an alternative.

HISTORY: Acts 2015, No. 1117, § 1.

27-50-1219. Suspension from law enforcement nonconsent rotation list.

(a) (1) The Arkansas Towing and Recovery Board shall promulgate rules to establish a complaint process for the removal or suspension of a towing company from the nonconsent rotation list or imposition of fines for violation of a recognized nonconsent rotation policy upon receiving a request from a law enforcement agency.

(2) The board shall consider the following in making the determination to remove or suspend a towing company from the nonconsent rotation list:

- (A) Whether the law enforcement agency's nonconsent rotation policy is reasonable; and
- (B) The severity of the violation.

(3) The board may issue fines in addition to removal or suspension of a towing company from the nonconsent rotation list.

(4) (A) A towing company may be suspended from the nonconsent rotation list for a first-time violation of the law enforcement agency's policy for up to fifteen (15) days.

(B) (i) A second offense may result in a suspension of up to thirty (30) days by the law enforcement agency.

(ii) The law enforcement agency may request a hearing before the board for additional sanctions which may include a longer period of suspension from the nonconsent rotation list and a fine.

(C) A third offense may result in a suspension of a towing company from the nonconsent rotation list for up to one (1) year and a fine.

(b) (1) Except as provided under subdivision (b)(3) of this section, law enforcement shall establish a nonconsent rotation policy.

(2) An adopted nonconsent rotation policy shall be reasonable and reflect the day-to-day operations of a towing company in the immediate area.

(3) A law enforcement agency is not required to establish a nonconsent rotation policy required by subdivision (b)(1) of this section if:

(A) The law enforcement agency has an existing nonconsent rotation policy or nonconsent towing service contract in place; and

(B) The provisions of this section would have a negative impact on the law enforcement agency or nonconsent towing service contract.

(4) A law enforcement agency shall provide each towing company that participates in the nonconsent rotation with a copy of the policy and each towing company operator shall acknowledge in writing that he or she has received a copy of the policy.

(c) (1) A towing company participating in a nonconsent rotation policy administered by law enforcement shall be licensed and permitted by the board.

(2) Failure to properly license or renew with the board shall result in an immediate suspension until all permits are obtained.

(3) In addition to any law enforcement nonconsent rotation policy, a tow operator shall comply

with all of the statutes and rules administered by the board.

(d) Following a suspension period of six (6) months or longer a towing company must reapply for a position on the nonconsent rotation list.

(e) Nothing in this act or rule adopted by the board shall be construed to prohibit a law enforcement agency, city, or county from:

- (1)** Enforcing any local nonconsent towing policies, rules, ordinances, or contracts;
- (2)** Removing a towing company from the local towing rotation list; or
- (3)** Assessing a fine, penalty, or other remedy available by law or under its contracts or policies.

HISTORY: Acts 2015, No. 1224, § 1.

27-50-1220. Authority to issue citations.

(a) (1) An investigator employed by the Arkansas Towing and Recovery Board and the Director of the Arkansas Towing and Recovery Board may issue citations to a towing company, owner-operator, or tow vehicle driver for certain violations found in this subchapter.

(2) Citations may be issued for the following offenses:

- (A)** Operating a tow vehicle without a proper permit or license;
- (B)** Operating a tow vehicle that has not been permitted or licensed as a tow vehicle by the State of Arkansas;
- (C)** Operating a tow vehicle that is out of compliance with the safety and operating regulations prescribed by the board;
- (D)** Not responding within a prescribed timeframe to a request for information related to a consumer complaint;
- (E)** Failure to properly post any required notifications in a conspicuous place as required by the board; or
- (F)** Failure to meet the basic criteria for an adequate place of business.

(b) (1) The fines assessed for a violation of this section shall be set by the board.

(2) Each fine for an individual violation should reflect the severity of the penalty and may be increased for multiple offenses or repeated violations of the same offense.

(3) Each fine for an individual violation set by the board shall not exceed two hundred dollars (\$200).

HISTORY: Acts 2015, No. 1224, § 2.

Miscellaneous and Related Statutes

Title 27 Transportation

Subtitle 2. Motor Vehicle Registration and Licensing

Chapter 14 Uniform Motor Vehicle Administration, Certificate of Title, and Antitheft Act

Subchapter 6 -- Registration and License Fees

27-14-601. Fees for registration and licensing of motor vehicles.

(a) Fees Generally. The fee for the registration and licensing of all motor vehicles shall be as follows:

(1) Pleasure Vehicles. For all automobiles equipped with pneumatic tires, used for the transportation of persons, there shall be charged and collected the following fees based upon the unladen weight of the automobiles:

(A) Class One -- Automobiles of 3,000 lbs. or less \$17.00;

(B) Class Two -- Automobiles of 3,001 lbs. to and including 4,500 lbs. 25.00; and

(C) Class Three -- Automobiles of 4,501 lbs. and over 30.00;

(2) Automobiles for Hire. For all automobiles for hire which are equipped with pneumatic tires and used for the transportation of persons, there shall be charged and collected the fee applicable thereto as set for pleasure vehicles in subdivision (a)(1) of this section;

(3) Trucks and Trailers. For all motor trucks, trailers, and semi-trailers including pipe and pole dollies, equipped with pneumatic tires, the license fee shall be charged on the basis of the gross loaded weight of the vehicle as follows:

(A) Class One -- All trucks and vans that are rated by the manufacturer as having a nominal tonnage of one (1) ton that are used exclusively for personal transportation and are not used for commercial or business purposes and all trucks and vans that are rated by the manufacturer as having a nominal tonnage of three-quarter (3/4) ton or less shall be assessed a license fee of twenty-one dollars (\$21.00) without regard to weight. All one-ton trucks and vans that are used for commercial or business purposes shall be registered in the appropriate class according to gross laden weight;

(B) Class Two -- On all vehicles with a gross loaded weight between six thousand one pounds (6,001 lbs.) and twenty thousand pounds (20,000 lbs.), the fee to be charged shall be at the rate of six dollars and fifty cents (\$6.50) per thousand pounds of gross loaded weight of the vehicles;

(C) Class Three -- On all vehicles with a gross loaded weight between twenty thousand one pounds (20,001 lbs.) and forty thousand pounds (40,000 lbs.), the fee to be charged shall be at the rate of eight dollars and forty-five cents (\$8.45) per thousand pounds of the gross loaded weight of the vehicles;

(D) Class Four -- On all vehicles with a gross weight between forty thousand one pounds (40,001 lbs.) and fifty-six thousand pounds (56,000 lbs.), the fee to be charged shall be at the rate of eleven dollars and five cents (\$11.05) per thousand pounds of gross loaded weight of the vehicles;

(E) Class Five -- On all vehicles with a gross loaded weight between fifty-six thousand one pounds

(56,001 lbs.) and sixty thousand pounds (60,000 lbs.), the fee to be charged shall be at the rate of twelve dollars and thirty-five cents (\$12.35) per thousand pounds of gross loaded weight of the vehicles;

(F) Class Six -- On all vehicles with a gross loaded weight between sixty thousand one pounds (60,001 lbs.) and sixty-eight thousand pounds (68,000 lbs.), the fee to be charged shall be at the rate of thirteen dollars and sixty-five cents (\$13.65) per thousand pounds of gross loaded weight of the vehicles;

(G) (i) Class Seven -- On all vehicles with a gross loaded weight between sixty-eight thousand one pounds (68,001 lbs.) and seventy-three thousand two hundred eighty pounds (73,280 lbs.), the fee to be charged shall be at the rate of fourteen dollars and thirty cents (\$14.30) per thousand pounds of gross loaded weight of the vehicles.

(ii) (a) On all vehicles with a gross loaded weight between seventy-three thousand two hundred eighty-one pounds (73,281 lbs.) and eighty thousand pounds (80,000 lbs.), the fee to be charged shall be one thousand three hundred fifty dollars (\$1,350).

(b) In addition to the fee set forth in subdivision (a)(3)(G)(ii)(a) of this section and on all vehicles registered with the International Registration Plan to be engaged in interstate commerce with a gross loaded weight between seventy-three thousand two hundred eighty-one pounds (73,281 lbs.) and eighty thousand pounds (80,000 lbs.), an additional fee to be fifteen percent (15%) of the amount charged in subdivision (a)(3)(G)(ii)(a) of this section;

(H) Class Eight.

(i) In order to aid in the development of the natural resources and to promote agriculture, timber harvesting, and forestry in Arkansas and in order to eliminate apparent inequities in license charges for vehicles using only improved roads and those used primarily on the farm, for timber harvesting or forestry, in the wooded areas, and off the main highway system of this state, a special classification is created to provide a different and more equitable rate for those vehicles used exclusively for the noncommercial hauling of farm or timber products produced in this state and for the hauling of feed, seed, fertilizer, poultry litter, and other products commonly produced or used in agricultural operations or the hauling of animal feed by owners of livestock or poultry for consumption in this state by livestock or poultry owned by them and for those vehicles used in the hauling of unfinished and unprocessed forest products and clay minerals and ores originating in Arkansas from the point of severance to a point in the state at which they first undergo any processing, preparation for processing, conversion, or transformation from their natural or severed state. Notwithstanding any provision of this subdivision (a)(3)(H) to the contrary, farmers may transport cotton seed from the gin or warehouse to the first point of sale under this special classification. Rock or stone or crushed rock or crushed stone, except rock or stone which is to undergo further processing into a finished or semifinished product other than crushed rock or crushed stone, shall not be construed as clay minerals or ores under the provisions of this classification. Notwithstanding any provision of this subdivision (a)(3)(H) or any other law to the contrary, persons in the timber harvesting or forestry industries who transport wood waste, wood chips, or wood dust from a mill or a temporary location may transport the wood waste, wood chips, or wood dust from the mill or the temporary location to a destination for further processing under this special classification.

(ii) The annual license fees for vehicles classified as either farm or natural resources vehicles shall be as follows:

(a) For a vehicle with two (2) axles, including mini-trucks, a fee of three dollars and ninety

cents (\$3.90) per one thousand pounds (1,000 lbs.) of gross loaded weight of the vehicle, with a minimum fee of thirty-two dollars and fifty cents (\$32.50) and a maximum fee of sixty-five dollars (\$65.00) for each vehicle;

(b) For a vehicle with three (3) axles, a fee of ninety-seven dollars and fifty cents (\$97.50);

(c) For a vehicle with four (4) axles, a fee of one hundred thirty dollars (\$130);

(d) For a vehicle with five (5) axles, a fee of one hundred sixty-two dollars and fifty cents (\$162.50);

(e) For a vehicle with five (5) axles used exclusively by the owner of livestock or poultry in hauling animal feed for consumption in this state by the owner's livestock or poultry, a fee of six hundred fifty dollars (\$650); and

(f) Notwithstanding any of the provisions of this subdivision (a)(3)(H) to the contrary, for a vehicle to be operated separately or in combination with other vehicles, which vehicle or combination has a total outside width in excess of one hundred two inches (102") but not exceeding one hundred eight inches (108") and is utilized or intended to be utilized to transport compacted seed cotton, the annual license fee shall be six hundred fifty dollars (\$650). Provided, any full trailer or semitrailer used in combination with the registered vehicle shall also be registered in accordance with and pursuant to the applicable fees set out in subdivision (a)(3)(I) of this section. That portion of the annual license fee established by this subdivision (a)(3)(H)(ii)(f) which equals four hundred eighty-seven dollars and fifty cents (\$487.50) is declared to be a permit fee for the use of the public roads and streets of this state by the vehicles while operated separately or in combination with other vehicles due to the unusual design and size of the vehicles or combinations of vehicles.

(iii) (a) The foregoing vehicles shall not exceed the maximum axle load permitted by law.

(b) Five-axle vehicles may haul maximum gross loaded weights of up to eighty thousand pounds (80,000 lbs.) without the purchase of any additional or different type license.

(iv) The Director of the Department of Finance and Administration shall cause to be issued special and distinctive license plates for vehicles in this classification, with separate farm license plates to be established for those vehicles used in the noncommercial hauling of farm products produced in this state, and for the hauling of feed, seed, fertilizer, poultry litter, and other products commonly produced or used in agricultural operations or compacted seed cotton and separate natural resources license plates to be established for those vehicles hauling timber products, clay minerals, or ores.

(v) (a) Before any license may be issued for a vehicle designated as either a farm vehicle or a natural resources vehicle, the applicant shall, by affidavit, state that he or she is familiar with the purposes for which the licenses may be used as authorized under this classification and that he or she will not use the vehicle for which application for license is made for any purpose not authorized under this classification. The applicant shall indicate on his or her affidavit whether the vehicle is to be used for the hauling of farm products, animal feed, compacted seed, or cotton or for the hauling of forest products, clay minerals, or ores.

(b) If the applicant is the owner of a mini-truck, then the affidavit shall state that the vehicle is being used exclusively for farm purposes and that the mini-truck meets the other requirements of § 27-14-726.

(vi) (a) Upon submitting an affidavit, any person entitled to obtain a farm license for a motor vehicle used for hauling farm products as authorized under this classification, if the vehicle is required for only seasonal or occasional use, may be issued a farm license for the vehicle for the first six (6) months of the annual licensing period at a rate equal to one-half (1/2) of the annual fee but in

no event less than sixty-five dollars (\$65.00) or for the last month of the current annual licensing period and the first six (6) months of the subsequent annual licensing period at a rate equal to seven-twelfths (7/12) of the annual fee but in no event less than seventy-five dollars (\$75.00).

(b) The director shall issue special distinctive license plates or license plate validation decals for the vehicles, including the indication thereon of the expiration date, so as to identify them from annual plates.

(vii) The owner of any motor vehicle who is entitled to obtain a farm license for the motor vehicle for use in hauling farm products as authorized in this subdivision (a)(3)(H) may use the motor vehicle for the hauling of baled cotton from the cotton gin to a cotton compress without the necessity of the payment of additional license fees or the obtaining of additional license plates for the motor vehicle.

(viii) The director shall promulgate such rules and regulations as may be necessary to carry out the intent of this classification and prevent abuse thereof. However, before any such rules or regulations shall be effective, they shall be approved by majority action of the members of the State Highway Commission acting for and in behalf of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, which is the agency charged with the principal responsibility of enforcing the motor vehicle license laws of this state.

(ix) Vehicles licensed under this classification for the hauling of farm products only shall be permitted, without payment of additional fees, to transport return loads to the farm or domicile of the owner of the vehicles where the return load contents are the property of, and to be used or consumed by, the owner of the vehicle or his or her family.

(x) If a violation of the natural resources classification as authorized in this subdivision (a)(3)(H) is discovered, a license must immediately be purchased for the vehicle in accordance with the rate of license that should lawfully be required for the vehicle for so moving on the roads and highways of this state. No credit shall be given on the purchase price of the license for any amount or amounts paid for license hitherto purchased for use on the vehicle. This requirement of license purchase shall not be in lieu of any criminal prosecution.

(xi) All affidavits required under the provisions of this subdivision (a)(3)(H) shall be acknowledged by the director, his or her authorized agent, or some other person authorized by the laws of this state to administer oaths.

(xii) The owner of a mini-truck under § 27-14-726 may license and register the mini-truck as a Class Eight farm vehicle if the vehicle is used for farm purposes;

(I) Class Nine.

(i) (a) For the purpose of evidencing registration of trailers, semitrailers, and full trailers, there shall be issued special license plates and annual registration fees charged and collected according to the following schedule:

(1) All trailers drawn by automobiles and Class One trucks, and all boat trailers and travel trailers drawn by any truck, which truck has a load capacity of one (1) ton or less, a triennial fee of twenty-one dollars (\$21.00). Provided, however, every owner of a trailer drawn by automobiles and Class One trucks, and all boat trailers and travel trailers drawn by any truck, purchased or otherwise acquired on or after January 1, 2002, shall pay thirty-six dollars (\$36.00) for the issuance of a permanent registration that shall remain valid, without renewal, until the owner of the trailer sells or otherwise disposes of the trailer for which the registration is issued. Permanent registration issued under this subdivision (a)(3)(I)(i)(a)(1) shall not be transferred to other owners or other vehicles, and shall not be replaced under § 27-14-602(b)(6). Any owner of a trailer registered under

the provisions of this subdivision before January 1, 2002, may, at his or her option, upon expiration of the registration, pay thirty-six dollars (\$36.00) for the issuance of a permanent registration as authorized in this subdivision (a)(3)(l)(i)(a)(1);

(2) All semitrailers used in combination with Class Two -- Class Eight trucks, with the exception of those for which a fee is set out in subdivision (a)(3)(l)(i)(a)(1) of this section, a fee of twenty dollars (\$20.00). Provided, however, the owner of any semitrailer used in combination with Class Two -- Class Eight trucks may, at his or her option, pay a fee of sixty-five dollars (\$65.00) for issuance of a permanent registration that shall remain valid, without annual renewal, until he or she sells or otherwise disposes of the semitrailer for which the registration is issued. Permanent registrations issued under this subdivision (a)(3)(l)(i)(a)(2) shall not be transferred to other owners or other vehicles and shall not be replaced under § 27-14-602(b)(6);

(3) Full trailers operated in the transportation of farm products and other natural resources described as Class Eight, a fee of eight dollars (\$8.00); and

(4) For all other full trailers there shall be charged an annual license fee computed on the gross loaded weight of the vehicle at the appropriate rate provided by Class Two -- Class Seven of this subdivision (a)(3).

(b) For the purpose of evidencing registration of a combination of truck-trailer and semitrailer classified by subdivision (a)(3)(l)(i)(a)(2), the license fee for the gross weight of the combination shall be computed at the appropriate rate provided by Class Two -- Class Eight of this subdivision (a)(3) and shall be applied to the registration of the truck tractor.

(ii) (a) "Gross loaded weight" as used in this section means the weight of the vehicle or vehicles plus the load to be hauled.

(b) (1) If any truck, trailer, or semitrailer, as provided in this section, is at any time found to be operating on the highways of Arkansas with a gross loaded weight in excess of the weight permitted by the license registration thereon, the owner or his or her agent must then and there, before proceeding, pay an additional license fee on the truck, trailer, or semitrailer, or combination, on the basis of one dollar and thirty cents (\$1.30) per one hundred pounds (100 lbs.), or fraction thereof, for the excess weight. For the purpose of ascertaining excess loaded weight on any truck, trailer, semitrailer, or combination thereof, a tolerance of one thousand pounds (1,000 lbs.) over and above the permitted weight, as indicated by the license registration certificate thereof, shall be allowed before the additional license fee required in this subdivision (a)(3)(l)(ii)(b)(1) shall be charged.

(2) It shall be unlawful for any truck to operate on the highways of Arkansas without the license registration card being, at all times, in the possession of the operator thereof. This card shall, at all times, be subject to inspection.

(3) Any truck, trailer, or semitrailer, or combination thereof, on which an additional license fee is paid because of excess weight, as provided in this subdivision (a)(3)(l)(ii)(b), shall be permitted for the remaining portion of the regular license year to operate at the newly established weight limit.

(4) In no event shall any license be issued for a greater weight than that permitted by law governing axle loads; and

(J) (i) The director shall cause to be issued special and distinctive license plates for vehicles licensed under Class Two -- Class Seven in this section, which are utilized as wreckers or tow vehicles and that hold a permit issued by the Arkansas Towing and Recovery Board under § 27-50-1203 and the rules and regulations promulgated thereunder.

(ii) Before any license may be issued for a vehicle designated as a wrecker or tow vehicle, the applicant shall furnish to the director a certification from the board that the wrecker or tow vehicle has been permitted as a wrecker or tow vehicle by the board.

(iii) Beginning January 1, 2008, every wrecker or tow vehicle permitted by the board shall obtain upon initial registration or at the time of next renewal a distinctive wrecker or tow vehicle license plate.

(iv) In addition to the fee for the respective Class Two -- Class Seven license, the director may assess a handling and administrative fee in the amount of ten dollars (\$10.00) for each distinctive wrecker or tow vehicle license plate.

(v) A wrecker or tow vehicle licensed pursuant to the International Registration Plan may obtain the distinctive wrecker or tow vehicle license plate to be displayed in addition to any license plate held pursuant to the International Registration Plan;

(4) Motorcycles. (A) For the registration of motorcycles, there shall be charged and collected a fee of six dollars and fifty cents (\$6.50) per annum.

(B) For the registration of motor-driven cycles, there shall be charged and collected a fee of three dollars and twenty-five cents (\$3.25) per annum.

(C) For the registration of motorcycle sidecars, there shall be charged and collected an additional registration fee of one dollar and ninety-five cents (\$1.95) per annum;

(5) Hearses and Ambulances. For the registration of hearses and other funeral cars or ambulances, there shall be charged and collected a fee of forty-five dollars and fifty cents (\$45.50) per annum; and

(6) Dealers. (A) A "dealer", for the purposes of this subdivision (a)(6), means a person, firm, or corporation engaged in the business of buying and selling vehicles subject to registration in this state.

(B) (i) As a condition precedent to obtaining dealer's license plates, the dealer shall furnish the director a certification that the applicant is a vehicle dealer and has a bona fide, established place of business used for the sale of vehicles, an office used for that business, a telephone listed in the name of the business, and a sign identifying the establishment. Certification shall be required for all renewals of dealer license plates. This dealer certification shall not apply to dealers licensed by the Department of Arkansas State Police, the Arkansas Motor Vehicle Commission, or the Arkansas Manufactured Home Commission and who are regulated by those authorities. The dealer certification shall consist of completion of a self-certification form prepared by the Office of Motor Vehicle.

(ii) (a) Except as provided in subdivision (a)(6)(B)(iv) of this section for dealers who sell only all-terrain vehicles, upon furnishing the certification to the director, or a copy of the dealer's license from either the Department of Arkansas State Police or the Arkansas Motor Vehicle Commission and the payment of a fee of one hundred dollars (\$100), the dealer shall be issued a master license plate and upon the payment of a fee of twenty-five dollars (\$25.00) shall be issued a dealer's extra license plate as provided in § 27-14-1704. However, the dealer must secure a master license plate for each separate place of business.

(b) No more than one (1) dealer's extra license plate shall be issued for each manager, sales manager, or salesperson of the dealer as authorized under § 27-14-1704, regardless of whether the dealer sells automobiles, motorcycles, or both automobiles and motorcycles.

(c) Notwithstanding any other provision of this chapter, the Office of Motor Vehicle shall provide distinctive dealer's master and extra license plates for motorcycles. Motorcycle dealers shall

not be provided and shall not be authorized to use dealer's license plates designed for any motor vehicle other than a motorcycle unless the dealer provides proof to the satisfaction of the Office of Motor Vehicle that the dealer is also in the business of selling new or used motor vehicles of the type for which the dealer plate is sought.

(iii) (a) Upon furnishing certification to the director or a copy of the dealer's license from the Arkansas Manufactured Home Commission and upon the payment of fifty dollars (\$50.00), the manufactured home dealer shall be issued certification from the director for the purpose of assigning manufactured home titles.

(b) Each location shall be treated as a separate entity, and certification by the department shall be required for each location.

(c) Notwithstanding any other provision of this chapter, the Office of Motor Vehicle shall provide distinctive dealer's license plates for manufactured homes. Manufactured home dealers shall not be provided and shall not be authorized to use dealer's license plates designed for a motor vehicle, motorcycle, or anything other than a manufactured home.

(iv) (a) Upon furnishing certification to the director or a copy of the dealer's license from the Arkansas Motor Vehicle Commission and upon the payment of one hundred dollars (\$100), dealers engaged exclusively in the business of buying and selling all-terrain vehicles, as defined in § 27-21-102, shall be issued certification from the director for the purpose of assigning all-terrain vehicle titles.

(b) Each dealer location shall be treated as a separate entity, and certification by the director shall be required for each location.

(c) Notwithstanding any other provision of this chapter, all-terrain vehicle dealers that are engaged solely in the business of buying and selling all-terrain vehicles shall not be provided and shall not be authorized to use dealer's license plates designed for any motor vehicle required to be registered for operation on public streets and highways.

(C) When a dealer's master license plate or extra license plate is attached to any dealer-owned motor vehicle, the motor vehicle may be used by the dealer, a manager, a sales manager, or a salesperson employed by the dealership to drive to or from work and for personal or business trips inside or outside the dealer's county of residence.

(D) In addition to any other penalty prescribed by this chapter, any dealer, manager, sales manager, or salesperson of the dealer who pleads guilty or nolo contendere to or who is found guilty of the misuse of a dealer's master license plate or dealer's extra license plate or of allowing anyone else to misuse a dealer's master license plate or dealer's extra license plate shall be fined not more than two hundred fifty dollars (\$250) for the first offense, not more than five hundred dollars (\$500) for the second offense, and not more than one thousand dollars (\$1,000) for the third and subsequent offenses.

(b) Period Covered and Expiration of Registration. (1) On all motor vehicles, except trucks other than Class One trucks as defined in § 27-14-1002, truck-tractors, trailers, and semitrailers, and combinations thereof, the duration and expiration of registration shall be in accord with the provisions of § 27-14-1011, and all fees provided in this section for those motor vehicles shall be due and payable annually as provided therein.

(2) (A) On all trucks except Class One trucks as defined in § 27-14-1002, truck-tractors, trailers, and semitrailers, and combinations thereof, except trailers drawn by automobiles and Class One trucks, the registration shall be valid for twelve (12) months from the month of issuance of registration, and all fees provided in this section for those vehicles shall be due and payable annually

during the twelfth month of the registration period.

(B) No person shall have the authority to extend the time for payment of the fees past the period specified in this subdivision (b)(2).

(C) The provisions of this subdivision (b)(2) shall not apply to trailers drawn by automobiles or by Class One trucks.

(D) (i) The director shall, upon request, assign the same registration period to any owner of two (2) or more trucks, truck-tractors, trailers, and semitrailers, and combinations thereof, except Class One trucks as defined in § 27-14-1002.

(ii) The director shall, upon request, assign a different month of registration other than the vehicle's current month of registration to any owner of a truck, truck-tractor, trailer, and semitrailer, and combinations thereof, except Class One trucks as defined in § 27-14-1002, and all fees shall be prorated accordingly on a monthly basis.

(c) Nature of Fees. Each of the fees authorized in this section is declared to be a tax for the privilege of using and operating a vehicle on the public roads and highways of the State of Arkansas.

(d) (1) All taxes, fees, penalties, interest, and other amounts collected under the provisions of this section, except those set forth in subdivision (d)(3) of this section, shall be classified as special revenues and shall be deposited into the State Treasury. After deducting the amount to be credited to the Constitutional Officers Fund and the State Central Services Fund as provided under the Revenue Stabilization Law, § 19-5-101 et seq., the Treasurer of State shall transfer on the last business day of each month:

(A) Fifteen percent (15%) of the amount thereof to the County Aid Fund;

(B) Fifteen percent (15%) of the amount thereof to the Municipal Aid Fund; and

(C) Seventy percent (70%) of the amount thereof to the State Highway and Transportation Department Fund.

(2) The funds shall be further disbursed in the same manner and used for the same purposes as set out in the Arkansas Highway Revenue Distribution Law, § 27-70-201 et seq.

(3) (A) The following shall be excepted from the requirements of subdivision (d)(1) of this section:

(i) Beginning October 1, 2013, the first two million dollars (\$2,000,000) of the fee charged under subdivision (a)(3)(G)(ii) of this section for the fiscal year ending June 30, 2014;

(ii) Beginning July 1, 2014, the first two million dollars (\$2,000,000) per fiscal year of the fee charged under subdivision (a)(3)(G)(ii) of this section; and

(iii) That portion of the fee declared to be a permit fee and collected under subdivision (a)(3)(H)(ii)(f) of this section.

(B) (i) Beginning October 1, 2013, the first two million dollars (\$2,000,000) of the fee charged under subdivision (a)(3)(G)(ii) of this section for the fiscal year ending June 30, 2014, shall be classified as special revenues and shall be deposited into the State Treasury.

(ii) Beginning July 1, 2014, the first two million dollars (\$2,000,000) per fiscal year of the fee charged under subdivision (a)(3)(G)(ii) of this section shall be classified as special revenues and shall be deposited into the State Treasury.

(iii) The Treasurer of State shall transfer on the last business day of each month all money paid under this subdivision (d)(3)(B) to the Commercial Truck Safety and Education Fund to be used to improve the safety of the commercial trucking industry through cooperative public and private programs that focus on increased enforcement, regulatory compliance, industry training, and educational programs to ensure the safe movement of goods on state highways.

(4) That portion of the annual license fee collected pursuant to subdivision (a)(3)(H)(ii)(f) of this

section declared to be a permit fee shall be classified as special revenues and shall be deposited in the State Treasury. The Treasurer of State shall transfer on the last business day of each month all of the portions of the annual license fees to the State Highway and Transportation Department Fund to be utilized for the construction, reconstruction, and maintenance of highways and bridges in the state highway system.

(e) Penalty. (1) Any person owning a vehicle on which a fee is required to be paid under the terms of this section who shall operate it or permit it to be operated on a public road in this state without having paid the fee required by this section shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less than double the fee provided for and not more than three thousand dollars (\$3,000).

(2) If the arresting officer is:

(A) An officer of the Department of Arkansas State Police, the fine collected shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration for deposit into the Department of Arkansas State Police Fund, to be used for the purchase and maintenance of state police vehicles;

(B) An officer of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department, the fine collected shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration for deposit into the State Highway and Transportation Department Fund, to be used for the purchase and maintenance of highway police vehicles;

(C) A county law enforcement officer, the fine collected shall be deposited into the county fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, lifesaving medical apparatus, and law enforcement apparatus, to be used for those purposes; and

(D) A municipal law enforcement officer, the fine collected shall be deposited into that municipality's fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, lifesaving medical apparatus, and law enforcement apparatus, to be used for those purposes.

HISTORY: Acts 1929, No. 65, § 24; 1931, No. 237, § 1; 1933, No. 6, § 1; 1933, No. 36, §§ 1, 2; 1933, No. 44, § 1; 1933, No. 51, § 1; 1934 (2nd Ex. Sess.), No. 11, §§ 31-33; Pope's Dig., §§ 6615, 11270-11272; Acts 1941, No. 377, § 1; 1943, No. 205, § 1; 1949, No. 235, §§ 1, 8; 1951, No. 59, § 1; 1951, No. 78, § 1; 1953, No. 377, § 1; 1959, No. 462, § 2; 1963, No. 142, § 1; 1965, No. 493, § 8; 1965 (1st Ex. Sess.), No. 42, § 1; 1967, No. 21, § 1; 1967, No. 82, § 1; 1967, No. 452, § 1; 1971, No. 181, § 1; 1971, No. 348, § 1; 1971, No. 469, § 1; 1975, No. 194, § 1; 1975 (Extended Sess., 1976), No. 1235, §§ 1, 2; 1979, No. 440, §§ 1, 5; 1979, No. 671, §§ 23, 24; 1981, No. 63, §§ 1, 2; 1981, No. 692, §§ 1, 2; 1981, No. 797, § 1; 1983, No. 890, § 1; 1985, No. 415, § 2; 1985, No. 893, § 1; 1985, No. 1006, § 1; A.S.A. 1947, §§ 75-201, 75-201.7; Acts 1987, No. 145, § 1; 1987, No. 537, § 1; 1987, No. 945, § 5; 1989, No. 103, § 1; 1991, No. 96, §§ 1, 2; 1991, No. 219, §§ 1, 2, 6; 1992 (1st Ex. Sess.), No. 68, §§ 1, 2; 1992 (1st Ex. Sess.), No. 69, §§ 1, 2; 1993, No. 490, §§ 14, 15; 1993, No. 905, § 1; 1995, No. 357, § 5; 1995, No. 389, §§ 1, 2; 1997, No. 297, § 1; 1997, No. 809, § 1; 1997, No. 1047, § 1; 1999, No. 385, § 1; 1999, No. 1443, § 1; 2001, No. 330, § 1; 2001, No. 923, §§ 1, 2; 2001, No. 1431, § 1; 2003, No. 343, § 1; 2003, No. 361, § 1; 2003, No. 463, §§ 1, 2; 2003, No. 833, §§ 1, 2; 2005, No. 1929, § 1; 2005, No. 1934, § 17; 2005, No. 1950, § 1; 2007, No. 347, §§ 1, 2; 2007, No. 1412, § 5; 2009, No. 146, § 1; 013, No. 1176, §§ 3, 4.

Chapter 22 Motor Vehicle Liability Insurance

27-22-109. Impounding motor vehicle for violation.

(a) (1) If an operator of a motor vehicle is unable to present proof of insurance coverage to a law enforcement officer as required under § 27-22-104, the motor vehicle may be impounded at the officer's discretion if the officer issues a citation for a traffic violation that is classified as an offense under § 27-50-302 and the operator has:

(A) Received three (3) or more warnings for a violation of § 27-22-104;

(B) Pleaded guilty or nolo contendere to or been found guilty of three (3) or more violations of § 27-22-104; or

(C) Received a total of three (3) or more warnings for a violation of § 27-22-104 or convictions for a violation of § 27-22-104.

(2) If an operator of a motor vehicle is unable to present proof of insurance coverage to a law enforcement officer as required under § 27-22-104, the motor vehicle may be impounded at the officer's discretion if one (1) or more of the following occur:

(A) The driver is operating a motor vehicle on a cancelled, suspended, or revoked driver's license in violation of § 27-16-303;

(B) The driver is operating the motor vehicle without a driver's license in violation of § 27-16-602; or

(C) The driver is operating a motor vehicle:

(i) Without a license plate in violation of § 27-14-304;

(ii) With an unofficial license plate in violation of § 27-14-305;

(iii) With improper use of evidence of registration in violation of § 27-14-306; or

(iv) With false evidences of title or registration in violation of § 27-14-307.

(b) If a motor vehicle is impounded under this section:

(1) The law enforcement agency shall use its towing policy as required for the towing and storage of motor vehicles under § 27-50-1207 and a towing rotation list if applicable;

(2) The provisions of § 27-50-1201 et seq. regarding the towing and storage of motor vehicles shall apply;

(3) An inventory of the contents of the motor vehicle shall be taken; and

(4) The owner, operator, or other person in charge of the vehicle:

(A) Has the right to contest the impoundment; and

(B) Shall be given notice at the time of impoundment of the right to contest the impoundment consistent with § 27-50-1207.

(c) (1) If a motor vehicle is properly and lawfully impounded under this section, the following are responsible for all reasonable towing, recovery, storage, and other incidental costs:

(A) The operator of the vehicle;

(B) The owner of the vehicle; or

(C) Both the owner and the operator of the vehicle.

(2) This subsection applies even if the owner has insurance but fails to present proof of insurance.

HISTORY: Acts 2011, No. 1046, § 3.

27-22-110. Hold on release from storage facility authorized.

(a) For purposes of this section:

(1) "Operational motor vehicle" means a motor vehicle that is driven under its own power out of a storage facility; and

(2) "Proof of compliance" means:

(A) An order of a court of competent jurisdiction issued under § 27-22-103(b);

(B) A certificate of self-insurance under § 27-19-107; or

(C) An insurance policy that meets the requirements of § 27-22-104.

(b) (1) A law enforcement agency that impounds a motor vehicle under § 27-22-109 may place a hold on the release of an operational motor vehicle from a storage facility consistent with § 27-50-1206(a)(3) until the owner or operator of the motor vehicle provides proof of compliance to the law enforcement agency.

(2) If the owner or operator provides proof of compliance to the law enforcement agency, the law enforcement agency shall release the hold on the vehicle and notify the storage facility in writing of the release.

(c) The following vehicles are exempt from a hold on release under this section:

(1) A salvage vehicle as defined under § 27-14-2301 that is acquired by an insurance company;

(2) A motor vehicle that is incapable of being driven out of the storage facility under its own power and is removed by a towing firm licensed by and subject to the rules of the Arkansas Towing and Recovery Board;

(3) A motor vehicle acquired by a lienholder if the lienholder provides to the law enforcement agency:

(A) A sworn statement in the form of either a repossession title or an affidavit that the lienholder is entitled to take immediate possession of the vehicle; and

(B) If the vehicle is to be driven from the storage facility, proof of insurance coverage as required under § 27-22-104; or

(4) A motor vehicle acquired subsequent to impounding by a transferee if the transferee provides to the law enforcement agency:

(A) A sworn statement in the form of an affidavit that the transferee has obtained all right, title, and interest in the vehicle;

(B) A copy of the document transferring ownership of the vehicle; and

(C) If the vehicle is to be driven from the storage facility, proof of insurance coverage as required under § 27-22-104.

HISTORY: Acts 2011, No. 1046, § 3.

Subtitle 3. Motor Vehicles And Their Equipment
Chapter 35 Size and Load Regulations
Subchapter 1 -- General Provisions

27-35-112. Towing vehicles licensed in other states.

(a) (1) No vehicle licensed in another state for use as a wrecker or similar towing vehicle shall be

used to tow any automobile or truck in this state unless the state in which the wrecker or other towing vehicle is licensed permits Arkansas-licensed wreckers and towing vehicles to tow automobiles and trucks in that state.

(2) For the purpose of determining whether another state permits Arkansas-licensed wreckers and towing vehicles to tow automobiles and trucks in that state, any limitation on Arkansas-licensed wreckers and towing vehicles to tow automobiles and trucks imposed by a county, parish, city, or other political subdivision of that state shall be deemed an action of that state.

(b) (1) The owner or operator of any wrecker or similar towing vehicle licensed in another state that is used to tow any automobile or truck in this state in violation of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined at least one hundred dollars (\$100) but not more than one thousand dollars (\$1,000).

(2) Each violation shall constitute a separate offense.

(c) The Arkansas Towing and Recovery Board may promulgate rules and regulations for the enforcement of this section, including the imposition of civil penalties as set forth in § 27-50-1204.

HISTORY: Acts 1979, No. 430, § 1, 2; A.S.A. 1947, §§ 75-806.1, 75-806.2; Acts 2007, No. 607, § 1.

Chapter 35 Size and Load Regulations

Subchapter 2 -- Weights and Dimensions

27-35-210. Permits for special cargoes -- Definitions.

(a) (1) (A) The State Highway Commission, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, may, in their discretion and as provided in this section, upon receipt of application made in person, in writing, by telephone, or by any acceptable means of electronic communication, and upon good cause being shown therefor, issue a special permit in writing to applicants desiring to transport cargoes of such nature that the cargo cannot readily be taken apart, separated, dismembered, or otherwise reduced in size or weight.

(B) The permit shall authorize the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this subchapter or otherwise not in conformity with the provisions of this subchapter upon any highway under the jurisdiction of the agency granting the permit and for the maintenance of which the agency is responsible.

(C) No vehicle or combination of vehicles with a multi-unit or otherwise reducible overload may be issued a special permit as provided in this section.

(D) The commission may delegate to other state agencies the authority given in this section to issue special permits.

(2) (A) It is not necessary to obtain a permit for nor shall it be unlawful to move a vehicle or machinery in excess of the maximum width allowed under § 27-35-206 and that is used only for normal farm purposes that require the use of such vehicles or machinery as hay harvesting equipment, plows, tractors, bulldozers, or combines if:

(i) The vehicle or machinery is hauled on a vehicle licensed as a natural resources vehicle;

(ii) The vehicle or machinery is owned or leased by a person primarily engaged in farming operations and is being operated by an owner or lessor of the vehicle or machinery or the owner's or lessor's employee;

(iii) The vehicle or machinery is either:

(a) Being transported by a farm machinery equipment dealer or repair person in making a delivery of a new or used vehicle or new or used machinery to the farm of the purchaser; or

(b) Being used in making a pickup and delivery of the vehicle or machinery from the farm to a shop of a farm machinery equipment dealer or repair person for repairs and return to the farm; and

(iv) The movement is performed during daylight hours within a radius of fifty (50) miles of the point of origin and no part of the movement is upon any highway designated and known as a part of the national system of interstate and defense highways or any fully controlled access highway facility.

(B) Notwithstanding any other provision of law to the contrary or unless otherwise prohibited by federal law, movement of the vehicle or machinery under subdivision (a)(2)(A) of this section is allowed if:

(i) The vehicle or machinery is traveling on a section of U.S. Highway 63 that includes the roadway over the St. Francis Sunken Lands Wildlife Management Area between the exits for State Highway 149 and State Highway 14, as they existed on June 1, 2015;

(ii) The highway has been designated and known as a part of the Interstate Highway System and other routes within the National Highway System; and

(iii) The vehicle or machinery was permitted to legally operate on that section of U.S. Highway 63 or was permitted to legally operate on the highway before the highway was designated and known as a part of the Interstate Highway System and other routes within the National Highway System.

(C) It shall not be unlawful nor shall it be necessary to obtain a special permit to transport round bales of hay upon any public highway or road that is not a fully controlled highway or road if the load does not exceed twelve feet (12') in width.

(D) Notwithstanding the provisions of subdivision (a)(2)(A) of this section, permits may be issued for the movement of earthmoving equipment that is a tractor with dirt pan in tow used primarily for farming operations to travel upon the state highways in excess of a fifty-mile radius of the point of origin or for the movement of earthmoving equipment that is a tractor with dirt pan in tow used primarily for commercial earthmoving operations for travel upon state highways of any distance subject to the following requirements:

(i) The permit shall be issued only to owners or lessors of the vehicles who are primarily engaged in farming or commercial earthmoving operations;

(ii) The permit issued shall be limited to daylight operation for a specified seventy-two-hour period and shall specify the route of travel;

(iii) Notwithstanding any other provision of law to the contrary or unless otherwise prohibited by federal law, no part of the movement may be upon any interstate highway or fully controlled access facility unless:

(a) The earthmoving equipment is traveling on a section of U.S. Highway 63 that includes the roadway over the St. Francis Sunken Lands Wildlife Management Area between the exits for State Highway 149 and State Highway 14, as they existed on June 1, 2015;

(b) The highway has been designated and known as a part of the Interstate Highway System and other routes within the National Highway System; and

(c) The earthmoving equipment was permitted to legally operate on that section of U.S. Highway 63 or permitted to legally operate on the highway before the highway was designated and known as a part of the Interstate Highway System and other routes within the National Highway System;

(iv) Proof of liability insurance for the tow vehicle shall be submitted to the Arkansas State Highway and Transportation Department;

(v) Vehicles shall be accompanied by a front escort vehicle with flashing amber lights, radio contact with the vehicle operator, and "wide load" signs;

(vi) (a) Vehicles may be moved in convoys of no more than three (3) vehicles with escorts at the front and rear of the convoy.

(b) Convoys shall pull off the highway at sufficient intervals to allow traffic to pass;

(vii) A permit may be issued for no more than two (2) dirt pans to be towed by one (1) tractor; and

(viii) Permit fees shall be set by the commission.

(E) (i) It shall not be necessary to obtain a permit, and it shall be lawful to move any motor home or camping trailer in excess of the maximum width prescribed under § 27-35-206 if the excess width is attributable to a noncargo-carrying appurtenance that extends no more than six inches (6") beyond the body of the vehicle.

(ii) As used in this section, "appurtenance" means:

(a) Awnings and awning support hardware; and

(b) Any appendage that is intended to be an integral part of a motor home or camping trailer.

(b) (1) (A) Except as is otherwise provided for by law, no application shall include nor shall any permit be issued for more than a single continuous movement or operation by one (1) vehicle.

(B) An application may include a request for and a permit may be issued for two (2) or more consecutive movements or operations by a vehicle, all of which shall be executed or performed within six (6) consecutive days and which must be limited to two (2) contiguous counties within the state, which counties must be specified at the time of application.

(C) (i) An application may include a request for a permit for consecutive movements or operations of a vehicle with a cargo not exceeding ten feet eight inches (10' 8") in width along one (1) designated route, all of which movements or operations have origins from an adjacent state and which movements or operations shall be executed or performed within the period of valid vehicle registration.

(ii) A permit may be issued at a fee of one thousand dollars (\$1,000) per year.

(iii) The permit shall be limited to one (1) county within the state where the one-way mileage into that county and within the state is no greater than fifteen (15) miles.

(2) (A) (i) Upon application and the payment of an annual fee of one hundred dollars (\$100), the Director of State Highways and Transportation shall issue a special permit for the movement of a crane which exceeds the length as provided in § 27-35-208, and which is moved on pneumatic tires within a radius of thirty-five (35) miles of a point of origin of the movement, for a period of one (1) year from the date of the issuance of the permit.

(ii) Upon an application containing satisfactory proof that the vehicle is utilized solely for the following movements, the director may issue a special permit for a maximum load overhang beyond the front of a vehicle, which load exceeds the maximum provided in § 27-35-106, but not exceeding five feet (5'), for a vehicle equipped with pneumatic tires and utilized exclusively for the movements of cranes for a period of not more than one (1) year.

(B) (i) Upon application and the payment of an annual fee, the director shall issue a special permit for the movement of a vehicle of special design utilized exclusively for the drilling of water wells, or for the movement of auger equipment utilized exclusively for loading agricultural aircraft, which exceeds the length as provided in § 27-35-106 or § 27-35-208 and which is moved on pneumatic tires, for a period of one (1) year from the date of issuance of the permit.

(ii) (a) For annual movements within a radius of thirty-five (35) miles of a point of origin of the movements, the annual fee shall be one hundred dollars (\$100).

(b) For annual movements exceeding the thirty-five-mile radius, the annual fee shall be three hundred dollars (\$300).

(C) The permits authorized by this subsection may contain limitations on the speed of operation and the routes of operation as the director may deem necessary for safety to the traveling public.

(3) The permits authorized by this subsection (b) for the overlength vehicle or vehicles shall not affect the other requirements of this section that special permits be obtained for vehicles exceeding other maximum size and weight limitations imposed by law.

(c) The application for any permit shall specifically describe:

(1) The vehicle and the load to be operated or moved;

(2) The origin and destination of the vehicle and load;

(3) The approximate dates within which the operation or movement is to be completed; and

(4) The particular highways for which a permit to operate is requested.

(d) Any agency authorized in this section to issue special permits is authorized:

(1) To issue or withhold the permit based upon the following factors:

(A) The condition and state of repair of the highway involved;

(B) The ability of the highways to carry the overweight or oversized vehicle;

(C) The danger to the traveling public from the standpoint of safety; or

(D) Findings of repeated violations of permits issued under this section as established by properly promulgated and adopted agency rules;

(2) To establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated;

(3) To otherwise limit or prescribe conditions of operation of the vehicles when necessary to assure against damage to the road foundation, surfaces, or structures; and

(4) To require a bond or other security as may be deemed necessary by the agency to compensate for any injury to any roadway or road structure arising out of the operation under the permit.

(e) (1) A charge of seventeen dollars (\$17.00) shall be made for each special permit.

(2) In addition, for each ton or major fraction thereof to be hauled in excess of the lawful weight and load for that vehicle or combination of vehicles, charges shall be made as follows:

(3) In addition to the fees prescribed in subdivisions (e)(1) and (2) of this section, a fee not to exceed five hundred dollars (\$500) shall be charged for a vehicle, unladen or with load, whose gross weight is one hundred eighty thousand pounds (180,000 lbs.) or greater.

(f) (1) Each permit shall be carried in the vehicle to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit.

(2) No person shall violate any of the terms or conditions of the special permit.

(g) It shall be the duty of the respective agencies authorized in this section:

(1) To issue the permits provided for in this section;

(2) To collect the fees therefor at the time of the issuance of the permits, except that any applicant may furnish a corporate surety bond guaranteeing the payment of fees for permits as may be issued

during any period of time, in accordance with the rules and regulations promulgated by the issuing agency; and

(3) To transmit the fees to the Treasurer of State to be credited to the State Highway and Transportation Department Fund.

(h) No fee shall be charged to any federal, state, county, or municipal governmental agency for any permit issued under the provisions of this section when the vehicle involved is public property and the proposed movement is on official business.

(i) **(1)** The commission is hereby authorized to issue permits for the movement of any overweight mobile construction vehicle or equipment upon highways under the commission's jurisdiction provided that the vehicle or equipment is equipped with pneumatic tires and has been reduced in size and weight until further reduction is impractical.

(2) A charge of seventeen dollars (\$17.00) shall be made for each special permit. In addition, for each ton or major fraction thereof to be hauled in excess of the lawful weight and load for that vehicle or equipment, charges shall be made as follows: [Click here to view image.](#)

(j) **(1)** The commission may issue special permits authorizing the transport of round bales of hay on controlled highways under its jurisdiction provided that the load does not exceed ten feet (10') in width.

(2) The special permits shall be issued without a fee or other charge and shall expire three (3) days after the date of issuance.

(k) **(1)** The commission is authorized to issue special permits at a charge of one hundred dollars (\$100) for a one-year permit for the movement of cross ties from their first point of processing to the point at which they shall undergo creosote processing by five-axle vehicles registered and licensed pursuant to § 27-14-601(a)(3)(G)(ii) where the loaded weight on any tandem axle on the vehicles is greater than the allowable tandem axle limit of thirty-four thousand pounds (34,000 lbs.) provided that the one-way mileage for the trip is no greater than one hundred (100) miles, that no tandem axle weight exceeds thirty-six thousand five hundred pounds (36,500 lbs.), and that no portion of the trip is on any part of the federal interstate highways.

(2) The commission shall issue no more than five (5) special permits to the same person during the same calendar year.

(l) Notwithstanding a provision of law to the contrary and upon application and payment of a permit fee, the commission may issue a special permit per vehicle valid for one (1) single trip to be executed or performed within six (6) consecutive days of the issuance of the permit or for a one-year period along a specified route that authorizes the movement of sealed containerized cargo units upon highways under the commission's jurisdiction subject to the restrictions and conditions deemed appropriate by the commission as contained within this section and the following additional restrictions:

(1) The containerized cargo units must be part of international trade and be moved on the highways due to importation from or exportation to another country;

(2) A copy of the international bill of lading signed by a customs official or an international bill of lading with equipment interchange and inspection report must be submitted to the commission before a single-trip permit may be issued;

(3) For units issued a special permit valid for a one-year period, copies of the international bills of lading for each individual unit signed by a customs official or international bills of lading with equipment interchange and inspection reports for each individual unit must be submitted every thirty (30) days to the commission;

(4) The operators of the units shall at all times have in their possession a copy of the documents as described in subdivision (l)(2) of this section;

(5) All five-axle vehicles operating under a sealed containerized cargo unit permit shall have a minimum of five (5) full-time load-bearing axles and shall not exceed twenty thousand pounds (20,000 lbs.) per axle or total gross vehicle weight of ninety thousand pounds (90,000 lbs.);

(6) All six-axle vehicles operating under a sealed containerized cargo unit permit shall have a minimum of six (6) full-time load-bearing axles and shall not exceed twenty thousand pounds (20,000 lbs.) per axle or total gross vehicle weight of ninety-five thousand pounds (95,000 lbs.);

(7) A vehicle operating under a sealed containerized cargo unit permit shall not exceed the legal width, length, or height restrictions as set out in this subchapter;

(8) The payment of the charges for each single-trip special permit shall be ascertained in the manner set out in subsection (e) of this section; and

(9) The payment of the charges for each one-year special permit shall not exceed five thousand five hundred dollars (\$5,500).

(m) (1) The commission is authorized to issue special permits to towing businesses for the operation of wreckers or towing vehicles used as emergency vehicles under § 27-36-305(b) when the operation and movement of the vehicle or combination of vehicles exceed the maximum size and weight limitations imposed by law as provided under this subsection.

(2) Notwithstanding any other provision of law to the contrary and upon application and payment of a permit fee per wrecker or tow vehicle not to exceed five hundred dollars (\$500), the commission, through the Director of State Highways and Transportation, may issue a special permit valid for one (1) single trip or for a period of one (1) year that authorizes a towing business licensed under § 27-50-1203 to use a wrecker or tow vehicle permitted under this subdivision (m)(2) to move at any time of day or night a vehicle that is disabled or wrecked when that movement:

(A) Results in an oversized, overweight, or both oversized and overweight combination of vehicles; and

(B) Is the initial movement of disabled or wrecked vehicles or combination of vehicles from highways, roads, streets, or highway rights-of-way to:

(i) The nearest point of storage or repair used by the towing or wrecker company;

(ii) The nearest point of storage or repair used by the owner or operator of the vehicle; or

(iii) The nearest authorized repair center for the vehicle.

(n) Notwithstanding any other provision of law to the contrary and upon application and payment of a permit fee not to exceed five hundred dollars (\$500), the commission may issue a special permit valid for one (1) single trip or for a one-year period that authorizes the movement of a semitrailer or trailer unit, unladen or with load, operating in combination with a truck tractor unit, which exceeds the length as provided in § 27-35-208, but not exceeding fifty-seven feet (57').

(o) Notwithstanding any other provision of law to the contrary and upon application and payment of a permit fee not to exceed five hundred dollars (\$500), the commission may issue a special permit valid for one (1) single trip or for a one-year period that authorizes the movement on state highways of a truck tractor and single semi-trailer combination with five (5) axles hauling animal feed to livestock or poultry, which exceeds the maximum gross weight as provided in § 27-35-203, with a tandem axle limit of thirty-six thousand five hundred pounds (36,500 lbs.) and a single axle limit of twenty thousand pounds (20,000 lbs.), and a total gross weight of eighty-five thousand pounds (85,000 lbs.).

HISTORY: Acts 1955, No. 98, § 6; 1955, No. 192, § 1; 1965, No. 436, § 1; 1965 (1st Ex. Sess.), No. 45, § 1; 1971, No. 32, § 1; 1977, No. 457, § 1; 1981, No. 807, § 1; 1985, No. 337, § 1; A.S.A. 1947, § 75-818; Acts 1991, No. 219, § 5; 1991, No. 704, § 1; 1995, No. 873, § 1; 1997, No. 136, § 1; 1997, No. 1026, § 2; 1997, No. 1156, § 1; 1999, No. 1511, § 1; 1999, No. 1571, § 1; 2005, No. 276, § 1; 2005, No. 1412, § 1; 2007, No. 241, § 1; 2007, No. 639, §§ 1-4; 2009, No. 406, § 2; 2009, No. 567, § 1; 2009, No. 1396, § 1; 2013, No. 1092, § 1; 2013, No. 1267, § 1; 2013, No. 1362, §§ 2, 3; 2015, No. 740, § 1; 2015 (1st Ex. Sess.), No. 11, § 1; 2015 (1st Ex. Sess.), No. 12, § 1.

Chapter 36 Lighting Regulations

Subchapter 3 -- Lights for Emergency Vehicles

27-36-305. Other emergency vehicles.

(a) All state, county, and municipal agencies and private persons and businesses that operate any other type of vehicle in this state that is required or permitted to be equipped with flashing or rotating emergency or warning lights shall equip the vehicles with white or amber flashing or rotating emergency or warning lights only.

(b) (1) In addition to amber flashing or rotating emergency or warning lights, wreckers or tow vehicles permitted or licensed under § 27-50-1203 that respond to traffic incidents may, but are not required to, be equipped with red flashing or rotating emergency or warning lights in addition to amber warning lights.

(2) Red flashing or rotating emergency or warning lights on a wrecker or tow vehicle shall be operated only at times the wrecker or tow vehicle is stopped on or within ten feet (10') of a public way and engaged in recovery or loading and hooking up an abandoned, an unattended, a disabled, or a wrecked vehicle. A wrecker or tow vehicle shall not operate forward-facing red flashing or rotating emergency or warning lights while underway, except as may be expressly authorized by law otherwise.

HISTORY: Acts 1969, No. 96, § 3; A.S.A. 1947, § 75-737; Acts 2003, No. 762, § 1; 2007, No. 1412, § 2.

Title 23 Public Utilities and Regulated Industries

Subtitle 3. Insurance

Chapter 101 Creditor-Placed Insurance

23-101-110. Claims.

(a) In the event of a loss under the creditor-placed insurance policy, the insurer shall pay, at a minimum, the least of the following, the value of which shall be determined as of the date of loss:

- (1) The cost to repair the collateral less any applicable deductible;
- (2) The actual cash value of the collateral, less any applicable deductible;
- (3) The net debt, less any applicable deductible. The method of calculation of net debt payable

pursuant to this subdivision (a)(3) shall be identical to the method of calculation of net debt for payment of premiums pursuant to § 23-101-106(a); or

(4) If single interest insurance is provided, the amount by which the creditor's interest is impaired.

(b) The net debt or actual cash value amounts in subsection (a) of this section may be reduced by the value of salvage if the insurer does not take possession of the insured property.

(c) In the event of a loss, no subrogation shall run against the debtor from the insurer.

(d) Whenever a claim is made on a creditor-placed insurance policy, the insurer shall furnish to the claimant a written statement of the loss explaining the settlement amount and the method of settlement.

(e) (1) A creditor or insurer may not abandon salvage to a towing or storage facility in lieu of payment of storage fees without the consent of the facility and the claimant.

(2) (A) After the filing of a claim as provided in the policy or certificate of insurance, the insurer shall be responsible for the payment of towing and storage charges for a covered loss occurrence from the time storage is reported to the insurer or lender to the time the claim is paid.

(B) The insurer shall give written notice to the claimant when the claim is paid that the claimant may incur storage charges after the date the claim is paid.

HISTORY: Acts 1997, No. 930, § 10.

