

Opinion No. 2009-084

June 23, 2009

The Honorable Keith M. Ingram
State Representative
Post Office Box 1028
West Memphis, Arkansas 72303-1028

Dear Representative Ingram:

I am writing in response to your request for an opinion regarding following question:

[I]f a police officer has taken an individual into custody is that individual entitled to a preference as to the towing of his or her vehicle under [A.C.A.] § 27-50-1207?

RESPONSE

In my opinion, the answer to your question is generally “no.” Please see my predecessor’s response to the second question in the attached Ark. Op. Att’y Gen. No. 96-010, in which my predecessor addressed this precise question. As you can see, the “owner’s preference” only applies to disabled or inoperative vehicles.¹

¹ While the numbering of the relevant subsections within the applicable statutes has changed since 1996, the substance is still the same.

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Assistant Attorney General Ryan Owsley prepared the foregoing opinion, which I hereby approve.

Sincerely,

DUSTIN MCDANIEL
Attorney General

DM:RO/cyh

Enclosure