

SESSION OF 2021

SUPPLEMENTAL NOTE ON SENATE BILL NO. 158

As Amended by Senate Committee on
Transportation

Brief*

SB 158, as amended, would prohibit a person providing towing services from towing a vehicle to a location outside of Kansas without the consent of the driver or owner of the vehicle, a motor club of which the driver or owner of the vehicle is a member, or the insurance company processing a claim with respect to the vehicle or an agent of such insurance company.

The bill would amend a statute regarding the sale of a vehicle that has been abandoned after it has been towed to require every person intending to sell a vehicle pursuant to this statute for which the last registered owner and any lienholders cannot be verified by the Division of Vehicles (Division), Kansas Department of Revenue, to obtain an interstate search of registered owners and lienholders unless the vehicle is 15 years of age or older or the Division has determined the vehicle is a nonrepairable vehicle.

The bill would require notice of an auction of a towed and abandoned vehicle, authorized in continuing law after certain notices have been sent by certified mail to any registered owner and lienholders and the total amount due has not been paid, to be published at least seven days prior to the scheduled auction in a newspaper published in the county or city where the sale is to take place or, if no newspaper is published in the county, in a newspaper of general circulation in the county. Current law does not specify time between public notice and auction.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Definitions. The bill would specify as applicable a definition of “wrecker or towing service” in motor carrier statutes: the act of transporting, towing, or recovering with a wrecker, tow truck, or car carrier, any vehicle not owned by the operator of the wrecker, tow truck, or car carrier for which the operator receives compensation or other personal gain, either directly or indirectly, unless the vehicle being towed is owned by the operator of the wrecker, tow truck, or car carrier. It also would define “person” in statutes regarding abandoned and disabled vehicles as every natural person, firm, association, partnership, or corporation, as in the Uniform Act Regulating Traffic on Highways. A nonrepairable vehicle is defined in continuing law as a vehicle that has been damaged to the extent it is incapable of safe operation on highways and has no value except as a source of parts or scrap.

Background

The bill was introduced by the Senate Committee on Transportation at the request of a representative of the Kansas Motor Carriers Association (KMCA).

Senate Committee on Transportation

In the Senate Committee hearing, a KMCA representative provided **proponent** testimony. He described the bill as a consumer protection measure that would encourage local ordinances or resolutions concerning tows from private property. He stated the bill would be similar to Missouri law and designed to keep vehicles from being towed from one state to the other to avoid a state’s vehicle lien laws. He stated the KMCA concurred with two requests for amendment: a request from the insurance industry that an insurance company or agent be added to those who could request a vehicle be towed to another state and a request from Copart to ensure requirements for interstate searches

for owners and lienholders would apply only to towing and recovery possessory lien law.

A representative of the Division provided written-only **proponent** testimony. No other testimony was provided.

The Senate Committee amended the bill to add an insurance company or agent to those who could request a vehicle be towed to another state, to specify requirements for interstate searches for owners and lienholders would apply only to towing and recovery possessory lien law, and to increase the age of a vehicle from 10 to 15 years before an interstate search for owners and lienholders would not be required.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Department of Revenue indicates enactment of the bill would have a negligible fiscal effect that could be absorbed within existing resources.

Vehicle; towing; notification