

Session of 2021

SENATE BILL No. 158

By Committee on Transportation

2-4

1 AN ACT concerning abandoned and disabled vehicles; relating to the
2 prohibition against towing vehicles outside the state of Kansas without
3 prior consent; requiring an interstate search of registered owners and
4 lienholders prior to sale of nonrepairable vehicles and vehicles less than
5 10 years old and publication in the newspaper seven days prior to sale
6 of vehicles and property at auction; amending K.S.A. 8-1101 and
7 K.S.A. 2020 Supp. 8-1103 and 8-1104 and repealing the existing
8 sections.
9

10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. K.S.A. 8-1101 is hereby amended to read as follows: 8-
12 1101. As used in this act:

13 (a) "Public agency" means and includes the department of
14 transportation, the Kansas turnpike authority, a county, city and township.

15 (b) "Motor vehicle" means every vehicle, or tractor trailer
16 combination, ~~which~~ *that* is self-propelled by which any person or property
17 is or may be transported or drawn upon a highway except vehicles used
18 exclusively upon stationary rails or tracks.

19 (c) "Highway" means the entire width between the boundary lines of
20 every way publicly maintained when any part thereof is open to the use of
21 the public for the purposes of vehicular travel.

22 (d) "Law enforcement officer" means and includes the Kansas
23 highway patrol, police, ~~sheriff~~, *and sheriffs* who are vested with the power
24 and authority of peace, police, and law enforcement, or those authorized to
25 direct or regulate traffic or to make arrests for violations of traffic
26 regulations.

27 (e) "Person" means the same as defined in K.S.A. 8-1447, and
28 amendments thereto.

29 Sec. 2. K.S.A. 2020 Supp. 8-1103 is hereby amended to read as
30 follows: 8-1103. (a) (1) Whenever any person providing wrecker or towing
31 service, as defined by ~~law~~ K.S.A. 66-1329, and amendments thereto, while
32 lawfully in possession of a vehicle, at the direction of a law enforcement
33 officer or the owner or as provided by a city ordinance or county
34 resolution, renders any service to the owner thereof by the recovery,
35 transportation, protection, storage or safekeeping thereof, a first and prior
36 lien on the vehicle is hereby created in favor of such person rendering such

1 service and the lien shall amount to the full amount and value of the
2 service rendered. The lien may be foreclosed in the manner provided in
3 this act.

4 (2) If the name of the owner of the vehicle is known to the person in
5 possession of such vehicle, then within 15 days, notice shall be given to
6 the owner that the vehicle is being held subject to satisfaction of the lien.
7 Any vehicle remaining in the possession of a person providing wrecker or
8 towing service for a period of 30 days after such wrecker or towing service
9 was provided may be sold to pay the reasonable or agreed charges for such
10 recovery, transportation, protection, storage or safekeeping of such vehicle
11 and personal property therein, the costs of such sale, the costs of notice to
12 the owner of the vehicle and publication after giving the notices required
13 by this act, unless a court order has been issued to hold such vehicle for
14 the purpose of a criminal investigation or for use as evidence at a trial.

15 (3) If a court orders any vehicle to be held for the purpose of a
16 criminal investigation or for use as evidence at a trial, then such order shall
17 be in writing, and the court shall assess as costs the reasonable or agreed
18 charges for the protection, storage or safekeeping accrued while the
19 vehicle was held pursuant to such written order.

20 (4) Any personal property within the vehicle need not be released to
21 the owner thereof until the reasonable or agreed charges for such recovery,
22 transportation or safekeeping have been paid, or satisfactory arrangements
23 for payment have been made, except as provided under subsection (c) or
24 for personal medical supplies which shall be released to the owner thereof
25 upon request. The person in possession of such vehicle and personal
26 property shall be responsible only for the reasonable care of such property.
27 Any personal property within the vehicle not returned to the owner shall
28 be sold at the auction authorized by this act.

29 (b) At the time of providing wrecker or towing service, any person
30 providing such wrecker or towing service shall give written notice to the
31 driver, if available, of the vehicle being towed that a fee will be charged
32 for storage of such vehicle. Failure to give such written notice shall
33 invalidate any lien established for such storage fee.

34 (c) A city ordinance or county resolution authorizing the towing of
35 vehicles from private property shall specify in such ordinance or
36 resolution:

37 (1) The maximum rate such wrecker or towing service may charge
38 for such wrecker or towing service and storage fees;

39 (2) that an owner of a vehicle towed shall have access to personal
40 property in such vehicle for 48 hours after such vehicle has been towed
41 and such personal property shall be released to the owner; and

42 (3) that the wrecker or towing service shall report the location of such
43 vehicle to local law enforcement within two hours of such tow.

either: (1)

1 (d) A person providing towing services shall not tow a vehicle to a
2 location outside of Kansas without the consent of the driver or owner of
3 the motor vehicle ~~or without the consent of~~ a motor club of which the
4 driver or owner of the motor vehicle is a member.

; (2)

; or (3) the insurance company processing a claim with respect of the vehicle or an agent of such insurance company

5 Sec. 3. K.S.A. 2020 Supp. 8-1104 is hereby amended to read as
6 follows: 8-1104. (a) Before any such vehicle and personal property is sold,
7 the person intending to sell such vehicle shall request verification from the
8 division of vehicles of the last registered owner and any lienholders, if any.
9 Such verification request shall be submitted to the division of vehicles not
10 more than 30 days after such person took possession of the vehicle. Every
11 person intending to sell any vehicle that cannot be verified by the division
12 of vehicles shall obtain an interstate search of registered owners and
13 lienholders unless:

pursuant to this section

14 (1) The vehicle is 10 years of age or older; or

15 (2) the vehicle is determined by the division of vehicles to be a
16 nonrepairable vehicle pursuant to K.S.A. 8-135c, and amendments thereto.

17 (b) Notice of sale, as provided in this act, shall be mailed by certified
18 mail to any such registered owner and any such lienholders within 10 days
19 after receipt of verification of the last owner and any lienholders, if any.
20 The person intending to sell such vehicle and personal property pursuant to
21 this act shall cause a notice of the time and place of sale, containing a
22 description of the vehicle and personal property, to be published in a
23 newspaper published in the county or city where such sale is advertised to
24 take place, and if there is no newspaper published in such county, then the
25 notice shall be published in some newspaper of general circulation in such
26 county. Notices given under this section shall state that if the amount due,
27 together with storage, publication, notice and sale costs, is not paid within
28 15 days from the date of mailing, the vehicle and personal property will be
29 sold at public auction. Notice of an auction shall be published at least
30 seven days prior to the scheduled auction.

31 Sec. 4. K.S.A. 8-1101 and K.S.A. 2020 Supp. 8-1103 and 8-1104 are
32 hereby repealed.

33 Sec. 5. This act shall take effect and be in force from and after its
34 publication in the statute book.