

SESSION OF 2014

SUPPLEMENTAL NOTE ON SENATE BILL NO. 351

As Recommended by Senate Committee on
Transportation

Brief*

SB 351 would amend law related to Vehicle Identification Number (VIN) inspections. Specifically, the bill would:

- Remove the requirement that law enforcement officers arrest the owner or custodian of a motor vehicle, trailer, or semitrailer with a VIN which has been destroyed, removed, altered, or defaced;
- Clarify that any motor vehicle, trailer, or semitrailer with a VIN that has been destroyed, removed, altered, or defaced and is seized by a law enforcement officer is contraband. Under this classification, disposition of the the seized motor vehicle, trailer, or semitrailer would be governed by the statute relating to the custody and disposition of seized property (KSA 2013 Supp. 22-2512);
- Require the Kansas Highway Patrol (KHP) to ensure that assembled vehicles are in compliance with the VIN inspection statute (KSA 8-116). If KHP is satisfied the assembled vehicle is not in violation of the statute, KHP would be required to determine the make, model, and year of the assembled vehicle;
- Require that the VIN inspection fee retained by an inspecting law enforcement agency be used for law

*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>

enforcement purposes and not used to supplant the law enforcement agency's budget; and

- Prevent a law enforcement agency or employee acting within the scope of employment from being liable for damages resulting from VIN inspections.

Background

The bill was introduced at the request of the KHP. A representative of the KHP testified in support of the bill at the Senate Committee hearing. The representative stated the mandatory arrest provision should be removed from statute because there are situations, such as when an innocent person purchases a vehicle with an altered VIN, where the officer should be able to use discretion and consider contributing circumstances. The representative also testified the liability provisions should be added because a law enforcement agency or employee may be sued based on the VIN inspection report.

A representative of the Kansas Association of Chiefs of Police, the Kansas Sheriffs Association, and the Kansas Peace Officers Association also testified in support of the bill. The representative testified that the liability and fund provisions would help continue VIN inspections.

There was no neutral or opposition testimony.

According to the fiscal note prepared by the Division of Budget, the KHP and the Kansas Department of Revenue reported the bill would have no fiscal effect on the operations of either agency. The League of Kansas Municipalities reported the bill would increase costs for cities with law enforcement that perform VIN inspections depending on how the city currently credits VIN inspection fees; however, the League cannot calculate the exact fiscal effect.