

MINUTES OF THE SENATE TRANSPORTATION COMMITTEE

The meeting was called to order by Chairperson Mike Petersen at 8:30 am on Tuesday, February 16, 2016, 546-S of the Capitol.

All members were present except:
Senator Kay Wolf – Excused

Committee staff present:
Scott Wells, Office of Revisor of Statutes
Jill Shelley, Legislative Research Department
Whitney Howard, Legislative Research Department
Adam Siebers, Office of Revisor of Statutes
Carolyn Long, Kansas Legislative Committee Assistant

Conferees appearing before the Committee:
Tom Whitaker, Executive Director, Kansas Motor Carriers Association

Others in attendance:
[See Attached List](#)

Approval of Minutes

Chairman Petersen asked for approval of the minutes for January 26, 2016, February 3, 2016, and February 4, 2016. *Moved by Senator Schmidt, seconded by Senator Fitzgerald to approve the minutes as presented. Motion carried.*

Hearing on: SB382 — Repealing requirement that wrecker and towing service providers file notices, publications and affidavits with the county clerk.

Chairman Petersen opened the hearing on **SB 382**. Adam Siebers, Assistant Revisor, Office of Revisor of Statutes, explained that this bill simply repeals the current law which states that wrecking or towing services must file certain notices, publications and affidavits with the county clerk prior to the sale of any abandoned or disabled vehicle.

The Chair welcomed Tom Whitaker, Executive Director, Kansas Motor Carriers Association. Mr. Whitaker, in addition to repeating what Mr. Siebers stated, gave a brief background and history of the towing and recovery lien law. This law was adopted by the Legislature in 1987 following a court case that resulted in a ruling that the tow operator had a lien on a vehicle only if the request for the tow was made by the owner of the vehicle. In many cases, requests were made by law enforcement officers or relatives of the owner. Resulting statutes were modeled after the mechanic's lien law which requires filing with the county clerk. When a vehicle is sold, the new owner of the vehicle is required to have a VIN verification by the Kansas Highway Patrol and file all notices and publications with the county treasurer. Since the lien laws went into effect, towers have filed only with the county treasurer and not the county clerk. Filing with both created a duplication of the filing process. Mr. Whitaker is requesting

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the repeal of the county clerk filing requirement ([Attachment 1](#)).

Senator Pettey pointed out the enactment of this bill would decrease the workload of counties.

There being no further discussion, the Chairman closed the hearing on **SB 382**.

Possible action on bills previously heard

Chairman Petersen called for *Final Action* for **SB 335-Increasing passenger vehicle registration and dedicating a portion of such fee to the law enforcement training center fund.** *Senator Petersen made a motion to move the contents of SB 350--Creating the Kansas Highway Patrol Staffing and Training Fund; vehicle registration fees into SB 335 to create a substitute bill. Motion seconded by Senator Donovan to create Senate Substitute for SB 335. Motion passed.*

Chairman Petersen offered an amendment which would require a \$2 surcharge for each vehicle registered to be designated for the Kansas Highway Patrol Staffing and Training Fund (contents of SB 335) and a \$1.25 surcharge for each vehicle registered (changed from \$2 for each passenger vehicle registered, as in the bill as introduced) designated for the Kansas Law Enforcement Training Center; for a total of \$3.25 net effect rather than the \$2 originally requested by the Patrol in SB 350. Amendment seconded by Senator Donovan. Amendment passed.

Moved by Senator Donovan, seconded by Senator Fitzgerald that Senate Substitute for SB 335, as amended, be passed out favorably. Motion carried.

The Chairman called for Final Action on **SB 405--Nonhighway certificate of title or salvage title for travel trailers.** *Moved by Senator Donovan, seconded by Senator Pettey that SB 405 be passed out favorably and due to its non-controversial nature be placed on the Consent Calendar. Motion passed.*

The Chairman called for Final Action on **SB 382-- Repealing requirement that wrecker and towing service providers file notices, publications and affidavits with county clerks.** *Moved by Senator King, seconded by Senator Pettey that SB 382 be passed out favorably and due to its non-controversial nature be placed on the Consent Calendar. Motion passed.*

There being no further Committee business, the meeting was adjourned at 8:52 a.m.