

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rex Crowell at  
Chairperson

1:30 ~~am~~/p.m. on March 9, 1987 in room 519-S of the Capitol.

All members were present except: Representatives Adam, Gross and Harper.

Committee staff present:

- Bruce Kinzie, Revisor of Statutes
- Hank Avila, Legislative Research
- Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

None

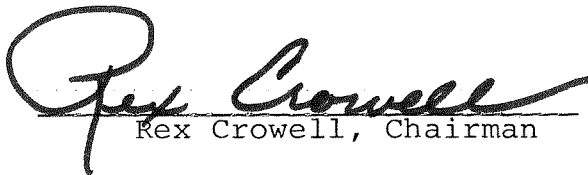
The meeting was called to order by Chairman Crowell, and the first order of business was on HB-2526 concerning liens for providing wrecker or towing service.

Representative Spaniol presented the subcommittee report on HB-2526, and distributed ballons to Committee members outlining proposed amendments. (See Attachment 1)

A motion was made by Representative Spaniol that the amendments of the subcommittee be adopted on HB-2526. The motion was seconded by Representative Snowbarger. Motion passed.

A motion was made by Representative Spaniol that HB-2526 be recommended favorable as amended for passage. The motion was seconded by Representative Snowbarger. Motion passed.

The meeting was adjourned at 12:30 p.m.

  
Rex Crowell, Chairman

# HOUSE BILL No. 2526

By Committee on Transportation

2-25

Attach.

0017 AN ACT relating to liens on personal property; concerning liens  
0018 of persons providing wrecker or towing service; relating to the  
0019 disposition of personal property to satisfy the lien of persons  
0020 providing wrecker or towing service.

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. Whenever any person providing wrecker or tow-  
0023 ing service, as defined by law, while lawfully in possession of a  
0024 vehicle, at the direction of a law enforcement officer or the  
0025 owner, renders any service to the owner thereof by the recovery,  
0026 transportation, protection, storage or safekeeping thereof, a first  
0027 and prior lien on the vehicle is hereby created in favor of such  
0028 person rendering such service and the lien shall amount to the  
0029 full amount and value of the service rendered. The lien may be  
0030 foreclosed in the manner provided in this act. [Any vehicle  
0031 remaining in the possession of a person providing wrecker or  
0032 towing service for a period of 30 days after such wrecker or  
0033 towing service was provided may be sold to pay the reasonable  
0034 or agreed charges for such recovery, transportation, protection,  
0035 storage or safekeeping [thereof] the costs of such sale, the costs of  
0036 notice to the owner of the vehicle and publication as required by  
0037 this act, except that, if a court orders such vehicle to be held for  
0038 the purpose of a criminal investigation or for use as evidence at a  
0039 trial, then such order shall be in writing, and the court shall  
0040 assess as costs the reasonable or agreed charges for the protec-  
0041 tion, storage or safekeeping accrued while the vehicle was held  
0042 pursuant to such written order. Any personal property within the  
0043 vehicle ~~need not be released to the owner thereof until the~~  
0044 ~~reasonable or agreed charges for such recovery, transportation or~~  
0045 ~~safekeeping have been paid, except that personal wearing ap-~~

If the name of the owner of the vehicle is known to the person in possession of such vehicle, then within 15 days, notice shall be given to the owner that the vehicle is being held subject to satisfaction of the lien.

of such vehicle and personal property therein

2  
to ~~parcel and personal medical supplies~~ shall be released to the  
0047 owner thereof upon request. Any personal property within the  
0048 vehicle not claimed by the owner shall be sold at the auction  
0049 authorized by this act.

0050 Sec. 2. Before any such vehicle and personal property is  
0051 sold, the person intending to sell such vehicle shall request  
0052 verification from the division of vehicles of the last registered  
0053 owner and any lienholders, if any. ~~Notice of sale as required by~~  
0054 ~~this act shall be mailed by certified mail to any such registered~~  
0055 ~~owner and any such lienholders, if any.~~ The person intending to  
0056 sell such vehicle and personal property pursuant to this act shall  
0057 cause a notice of the time and place of sale, containing a de-  
0058 scription of the vehicle and personal property, to be published at  
0059 least once each week for three consecutive weeks in a newspa-  
0060 per published in the county where such sale is advertised to take  
0061 place, and if there is no newspaper published in such county,  
0062 then the notice shall be published in some newspaper of general  
0063 circulation in such county. Notices given under this section shall  
0064 state that if the amount due, together with storage, publication,  
0065 notice and sale costs, is not paid within 15 days from the date of  
0066 mailing, the vehicle and personal property will be sold at public  
0067 auction.

0068 Sec. 3. All sales under this act shall be at public auction, for  
0069 cash.

0070 Sec. 4. The proceeds of such sale, after the payment of all  
0071 charges and expenses of notice, publication, sale and the lien of  
0072 the seller, shall be deposited with the treasurer of the county  
0073 where the sale takes place by the person making such sale, such  
0074 person taking the treasurer's receipt therefor, and shall be sub-  
0075 ject to the order of the person legally entitled thereto.

0076 Sec. 5. Copies of the notices and publications required by  
0077 this act, and an affidavit of the person providing wrecker or  
0078 towing service, setting forth the claim and actual expenses of  
0079 notice, publication and sale, shall be filed with the clerk of the  
0080 county in which the sale takes place, and such documents or  
0081 copies thereof duly certified by such clerk shall be received as  
0082 presumptive evidence of the matters therein contained.

The person in possession of such vehicle and personal property shall be responsible only for the reasonable care of such property.

Such verification request shall be submitted to the division of vehicles within 60 days after such person took possession of the vehicle. Notice of sale, as provided in this act, shall be mailed by certified mail to any such registered owner and any such lienholders within 10 days after receipt of verification of the last owner and any lienholders, if any.

Sec. 6. Failure to give any notice required under the provisions of this act, shall invalidate any lien established under the provisions of this act.

0083 Sec. 6. This act shall take effect and be in force from and  
0024 after its publication in the statute book.

7.