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LEGISLATIVE TESTIMONY
Presented By The
Kansas Motor Carriers Association
Before The
Senate Transportation Committee
Senator Mike Petersen, Chairman

MR. CHAIRMAN AND MEMBERS OF THE
SENATE TRANSPORTATION COMMITTEE:

I am Tom Whitaker, executive director of the Kansas Motor Carriers Association. I appear before you this morning representing our 950 member firms and specifically our Towing and Recovery Division in support of Senate Bill No. 382. The bill repeals K.S.A 8-1107 which would eliminate the requirement that a person providing towing and recovery service file notices and publications required by the Towing and Recovery Lien law (K.S.A. 8-1103 through K.S.A. 8-1108) with the county clerk.

The towing and recovery possessory lien law was adopted by the Legislature in 1987 following a court case that resulted in a ruling that the tow operator only had a lien on a vehicle if the request for the tow was made by the owner of the vehicle. In many cases, towing requests are made by law enforcement officers or relatives of the owner. The resulting statutes were modeled after the mechanic's lien law which does require a filing with the county clerk.

The towing and recovery possessory lien law spells out notice requirements to the owner and any lienholders, publication requirements and that any such vehicle be sold a public auction. 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 inception, towers have only been filing with the county treasurer and not the county clerk.

Following a review by the Kansas Department of Revenue of the Towing and Recovery Possessory Affidavit, it was discovered that all notices and publications be filed with the county clerk as well as the county treasurer. Thus a duplication of the filing process. We are asking for the repeal of the county clerk filing requirement which will eliminate this duplication. I have attached a copy of K.S.A. 8-1107 to my testimony to allow the Committee to see the current content of this statute.

We thank you for the opportunity to appear before you this morning and ask that you act favorably on SB 382. I would be pleased to respond to any questions you may



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2015 Kansas Statutes

8-1107. Notices, publications and affidavit filed with clerk of the county. Copies of the notices and publications required by this act, and an affidavit of the person providing wrecker or towing service, setting forth the claim and actual expenses of notice, publication and sale, shall be filed with the clerk of the county in which the sale takes place, and such documents or copies thereof duly certified by such clerk shall be received as presumptive evidence of the matters therein contained.

History: L. 1987, ch. 209, § 5; July 1.