

As Amended by House Committee

Session of 2016

SENATE BILL No. 382

By Committee on Transportation

1-28

1 AN ACT ~~repealing K.S.A. 8-1107~~ concerning abandoned and disabled
2 vehicles; relating to towing vehicles from private property,
3 ordinance or resolution, requirements; eliminating the requirement
4 that certain notices, publications and affidavits be filed with the county
5 clerk by a person providing wrecker or towing service; amending
6 K.S.A. 2015 Supp. 8-1103 and repealing the existing section; also
7 repealing K.S.A. 8-1107.
8

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

10 Section 1. K.S.A. 2015 Supp. 8-1103 is hereby amended to read as
11 follows: 8-1103. (a) Whenever any person providing wrecker or towing
12 service, as defined by law, while lawfully in possession of a vehicle, at
13 the direction of a law enforcement officer or the owner or as provided
14 by a city ordinance or county resolution, renders any service to the
15 owner thereof by the recovery, transportation, protection, storage or
16 safekeeping thereof, a first and prior lien on the vehicle is hereby
17 created in favor of such person rendering such service and the lien
18 shall amount to the full amount and value of the service rendered. The
19 lien may be foreclosed in the manner provided in this act. If the name
20 of the owner of the vehicle is known to the person in possession of such
21 vehicle, then within 15 days, notice shall be given to the owner that the
22 vehicle is being held subject to satisfaction of the lien. Any vehicle
23 remaining in the possession of a person providing wrecker or towing
24 service for a period of 30 days after such wrecker or towing service
25 was provided may be sold to pay the reasonable or agreed charges for
26 such recovery, transportation, protection, storage or safekeeping of
27 such vehicle and personal property therein, the costs of such sale, the
28 costs of notice to the owner of the vehicle and publication after giving
29 the notices required by this act, unless a court order has been issued to
30 hold such vehicle for the purpose of a criminal investigation or for use
31 as evidence at a trial. If a court orders any vehicle to be held for the
32 purpose of a criminal investigation or for use as evidence at a trial,
33 then such order shall be in writing, and the court shall assess as costs
34 the reasonable or agreed charges for the protection, storage or
35 safekeeping accrued while the vehicle was held pursuant to such
36 written order. Any personal property within the vehicle need not be

1 released to the owner thereof until the reasonable or agreed charges
2 for such recovery, transportation or safekeeping have been paid, or
3 satisfactory arrangements for payment have been made, except as
4 provided under subsection (c) or for personal medical supplies which
5 shall be released to the owner thereof upon request. The person in
6 possession of such vehicle and personal property shall be responsible
7 only for the reasonable care of such property. Any personal property
8 within the vehicle not returned to the owner shall be sold at the
9 auction authorized by this act.

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

15 (c) A city ordinance or county resolution authorizing the towing
16 of vehicles *from private property* shall specify in such ordinance or
17 resolution: (1) The maximum rate such wrecker or towing service may
18 charge for such wrecker or towing service and storage fees; (2) that an
19 owner of a vehicle towed shall have access to personal property in
20 such vehicle for 48 hours after such vehicle has been towed and such
21 personal property shall be released to the owner; and (3) that the
22 wrecker or towing service shall report the location of such vehicle to
23 local law enforcement within two hours of such tow.

24 ~~Section 1.~~ Sec. 2. K.S.A. 8-1107 ~~is~~ and K.S.A. 2015 Supp. 8-1103
25 are hereby repealed.

26 Sec. ~~2.~~ 3. This act shall take effect and be in force from and after its
27 publication in the statute book.