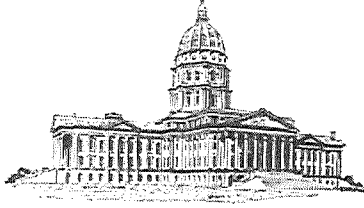


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Leo G. Delperdang
Representative, 94th District

I am here today as a Legislator, as a Citizen of Kansas, and as a member of SEMA, the automotive Specialty Equipment Market Association to testify in favor of HB-2594

I am asking for your support for a law, which would remove the unnecessary restrictions currently required for antique vehicle restorations and repairs.

Our classic car hobby represents a \$45 Billion specialty automotive industry. I have experienced and visited with many of the 7,500 mostly small businesses across the country. Including, 68 businesses based right here in Kansas, that manufacture, rebuild, distribute, and retail parts and accessories for motor vehicle restorations.

Current Kansas statutes do not allow for removal of VIN Plates, even if necessary for damage or rust repairs. But statutes do say that a motor vehicle with a VIN that has been removed, abused, or defaced is automatically deemed "Contraband" and subject to forfeiture and destruction.

When considering this on newer vehicles, I fully support these laws and maintain the need to keep the VIN Plates in-tact, in order to mitigate vehicle alterations and theft.

However, there needs to be some exceptions to this rule of law. In the case of an antique vehicle, defined as being "more than 35 years old", there can be extensive repairs required to return the vehicle back to its original state. These repairs frequently require access to areas of the vehicle where a VIN Plate is attached.

HB-2594 provides for the following concerns:

- Changes current statutes to allow vehicles registered as "antique" the reasonable removal and reinstallation of a vehicle identification number (VIN) if the act is necessary for repair or restoration.
- Acknowledges that restoration experts nationwide commonly rely on the practice of temporary VIN removal to achieve the highest level of top-quality finishes.
- Allows enthusiasts to protect their right to thoroughly restore a vehicle into an award-winning condition without fear of being prosecuted for tampering with a VIN.
- Recognizes that collection and restoration of historic and classic cars is an important part of preserving the technological achievements and cultural heritage of the United States.

Kansas Highway Patrol Seizes 1959 Corvette from 'Innocent Owner' and Now Wants to Destroy It

By **Mitch Talley** - Aug 29, 2021



1959 File Photo via CorvetteImages.com

When Richard Martinez bought a 1959 Corvette for \$50,000 from an Indiana dealer in 2016, the Kansas man didn't realize he still wouldn't have possession of the vehicle five years later.

After buying the car, Martinez took it to a Kansas Highway Patrol station for a mandated inspection, but the KHP seized his classic Corvette because of vehicle identification number issues, including an issue with a VIN plate located in a non-public, "secret" location visible to the KHP only by looking under the car with a mirror.

The government concedes Martinez did nothing wrong, that he "was not aware of the [VIN] issues and defects," and that there is "no question" he is "an innocent owner." Instead of returning the car, though, the government has spent years trying to destroy it.

That's where the Kansas Justice Institute, a non-profit, public-interest litigation firm committed to defending against government overreach and abuse, stepped in.

A trial in the case *Kansas Highway Patrol v. 1959 Chevrolet Corvette* started before a court instead of a jury on July 21, and KHI subsequently filed an amicus brief on Aug. 18 in the District Court of Johnson County, urging the court to protect the private property rights of a vehicle owner, someone recognized by the KHP as innocent.

"Asset forfeiture is when the government takes a person's property without a criminal conviction. In some cases, the person is never even charged with a crime, as was the case with Mr. Martinez," KJI Litigation Director Sam MacRoberts said.

MacRoberts says asset forfeiture is bad enough, "but it's especially bad in this case because the government admits Mr. Martinez did nothing wrong."

Even though the KHP acknowledges Martinez's innocence, they still argue that the Corvette must be taken from him as "contraband," based on Kansas laws.

"When the government knows someone is innocent, they shouldn't use their power and resources to take their property. Kansas' forfeiture laws are to blame. The United States and Kansas Constitutions do not permit the government to acknowledge a person's innocence, on the one hand, and then with the other, declare the innocent person's property 'contraband' and take it," MacRoberts said.

The Kansas laws to which he refers say that every motor vehicle with a VIN that has been destroyed, removed, abused, or defaced is automatically deemed contraband and subject to forfeiture.

"The government should not get to destroy an innocent person's car," MacRoberts said.

In the brief, the KJI pointed out a warning to Congress from former U.S. Representative Henry Hyde that "our civil asset-forfeiture laws are being used in terribly unjust ways," that Representative Deborah Pryce of Ohio "recognized that civil asset forfeiture laws, at their core, deny basic due process, and the American people have reason to be offended and concerned by the abuse," and that in recent decades civil forfeiture has "become widespread and highly profitable," with the practice becoming "a veritable addiction for federal, state, and local officials across the country."

Source:

Kansas Justice Institute via WIBW.com

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