

February 13, 2023

Re: HB 2147

To: House Committee on Transportation

From: Heather Klamm, A&A Auto and Truck Parts, Inc.

Mr. Chairman and Committee,

I am writing today to express our support of HB 2147. We are thankful for your time and consideration on this matter. The issue we are hoping to resolve involves the possessory lien affidavit tow lots and public agencies use to sell vehicles after they have performed a tow service. A critical timeline begins the day the vehicle is towed. The tow company has 30 days from that date to obtain a verification of last registered owner(s) and lienholder(s) from the Division of Vehicles. If the vehicle was not registered in Kansas, they must perform a multi-state search of registered owners and lienholders. Once verification is obtained, they have 10 days to send a certified letter to any listed owner, lienholder, and secured interest notifying them of their bill due and that the vehicle will be sold at public auction if not satisfied in 15 days. Finally, a notice of public auction with the vehicle's year, make, and VIN must be published in the local newspaper.

Our company, A&A Auto and Truck Parts, Inc. was first opened in Topeka in 1946. After working in the industry, Curt Lewis and his wife Jane, my parents, purchased the business in 1996. They have expanded over the years and currently have two locations in Topeka. Currently, our salvage yard purchases anywhere from 250 to 450 vehicles from tow lots and public agencies through public auction every year to be dismantled, parts inventoried, and then those parts are sold to retail and wholesale customers. At the end of the vehicle's life, what remains is crushed and sold to a metal recycling facility and the title is surrendered to the state.

Unfortunately, we have found that more often than not the requirements of the possessory lien affidavit are not met by the tow companies before selling vehicles at public auction. I have had applications for titles rejected because the vehicle was listed as the wrong year in the newspaper, because a VIN had a transposition error in any part of the paperwork, because the mailings were not correct, because the tow driver crossed out their own writing on a carbon copy tow slip to fix a mistake, because a lienholder does not have an address listed in the state's snapshot so there is no address to send it to, because a mailing did not have Sr. after a name on a certified mail receipt, the list is endless. Once, I was only able to obtain 12 titles out of 48 applications due to problems within the paperwork. All of these issues that prevent us from getting a title should be addressed before the vehicle can be sold at public auction, but these issues are not discovered until we attempt to obtain a title.

We purchased a 2019 Fiat at public auction that had not been previously titled in the state of Kansas. Through the inspection process, it came back as stolen and the insurance company was then wanting to recover it. We ended up working with the insurance company and relinquishing the vehicle to them. We purchased a wrecked 2012 Kia Rio from AAA's public auction. It had last been titled in the state of Kansas, all mailings were made correctly, the timeline was followed, but our application for a title was rejected because a hold was placed on the vehicle by the state for an investigation. I was able to get the hold removed because the vehicle was totaled, but had it simply been abandoned I was told it could be confiscated. Had the MVE-1 (vehicle inspection) been completed and a title obtained these issues would have been addressed before the tow companies could sell the vehicles.

If the towing company obtains the owner verification over 30 days after possession or mails the notification over 10 days past the receipt of last registered owner, the application for a title will be rejected because the timeline has been broken. The problem this presents is when the tow companies proceed through the process of the possessory lien, sells the vehicle, and then we as the purchaser are unable to obtain a title. At that point, there is nothing that we can do to "turn back the clock" to fix the timeline and are stuck with a vehicle that cannot be titled.

I feel that the spirit of the possessory lien is, rightfully, to protect the owners and lienholders. I personally agree that all requirements of the affidavit should be followed to the letter; however, there are so many problems with the language of the affidavit and the lack accountability on the part of the tow lots that a complete overhaul is necessary. The tow companies we continue to purchase vehicles from work with us to correct errors and ultimately obtain a title. There have been a few instances where we have not been able to obtain a title and the tow company refunds our money and takes back possession of the vehicle. We have made the decision to only work with tow companies who are willing to correct their errors and who truly attempt to follow the requirements of the possessory lien so that we may obtain a title and process the vehicle to the end of it's life. Not all tow companies are willing to do this, and in those instances, we

would be stuck with vehicles we cannot process, and as I was told by the state, this is simply a civil matter and there's nothing they can do.

At the hearing last year about this topic, the argument was made that we are requesting this change because of the associated costs. This is far from the truth. When we purchase vehicles at auctions, we pay fees for all sorts of things: gate fees, online fees, convenience fees, admin fees. A simple "title fee" could be added to any purchase. Currently, we pay anywhere from \$20-45 per title depending if it needed an inspection by the Kansas Highway Patrol, so if the tow companies added a \$50 title fee to all purchases, they would cover those costs. All we are really asking is that the tow companies and public agencies be held accountable for providing accurate and complete paperwork before being able to sell a vehicle at auction. Any issues that may arise through inspections or registration inquiries would have to be resolved before the vehicle could be titled and legally sold at auction.

We must have a title for every vehicle so that when we process and crush it we can surrender the title to the state. This aids in tracking VINs and getting crushed titles out of the state's system. When working with the City of Topeka's impound lot, I was told that I was the only company that was having issues with getting paperwork. After speaking with the supervisor there and working through some persistent issues in their paperwork he took it upon himself to do some research. He found I was the only person having issues with my paperwork because I was the only person getting titles. Nearly every other vehicle they were selling at their auctions was never getting registered under a new owner. This makes you wonder where all those vehicles and their paperwork ended up.

Overall, we thank you for taking this testimonial into consideration. If you have any questions, I would be more than happy to speak on our company's behalf.

Sincerely,
Heather Klamm



Possessory Lien Affidavit

Jane Lewis <jane@aandaparts.com>

Mon, Feb 10, 2020 at 11:34 AM

To: "ladona.garcia@ks.gov" <ladona.garcia@ks.gov>

LaDona,

We spoke today about several questions I have regarding possessory lien affidavits. Since the state's letter sent out in June of 2018, I have diligently collected titles for every vehicle we have purchased with a possessory lien but I continually run into new obstacles in the process. We mainly utilize the Kansas Vehicle Title Services Company because they allow us to drop off large batches of affidavits and pick them up within 48 hours and the obstacles they are putting in front of us, according to them, are directly a result of the state's mandates and requests. I have been told that if I get a written letter or email addressing these issues from the state then we can move forward.

1) Form TR-59, since I can remember several vendors, including the City of Topeka Impound Lot, have used stamps or electronic signatures on this form, I am now being told those are considered copies and will not be accepted. I am attaching two examples where they have highlighted why these are not acceptable. I am told this is due to the state "cracking down" on them and the signature must now be "original". First, if this is going to be the case, all public agencies and tow companies need to be notified and made aware of this requirement as I am unable to make that change on my end, I am supposed to be getting correct paperwork from these vendors and they are being told they are able to do that or have been using stamps or electronic signatures for many years and have never been made aware that they cannot. Second, I have had vendors not include the odometer disclosure in the paperwork by mistake and have faxed me the form, according to the KVTSC the state now says they cannot accept that because it is a copy. I am hoping you can clarify the state's stance on this.

2) Form TR-85, I am preemptively asking about stamps or electronic signatures being used on this form as I was told on February 7th, that they will not accept those going forward. The City of Topeka Impound Lot is the only vendor that we deal with who uses a stamp, so I would like to know if that is something that is also going to be required from here on out, or if I can get a letter stating we can accept this form with a stamp or electronic signature.

3) Verification and mailings, each tow lot and public agency we deal with seems to do this differently as there are apparently different acceptable ways to search for a vehicle registration. According to the City, the requirement from the Department of Revenue is that they must mail certified letters to the listed owner found on page one of the verification. I am attaching two pictures showing page one and then page two of a verification which has the same owner but different addresses. I am being told by the KVTSC that the state is now requiring that certified mailings must go out to all addresses. This conflicts with how the city and tow companies have been operating and the paperwork I have been provided. What is the state's standing on this? Another question about verifications and mailings, if the vehicle was never registered in the state of Kansas, but there was a 60-day tag issued, how is the tow company supposed to continue in this instance? I am attaching an affidavit in question which showed a 60-day permit had been issued and a permit search had been performed, but they were unable to find an address. We performed an MVE-1 on this particular vehicle, but as you can see from the sticky note from KVTSC we were unable to get a title.

4) MVE-1 inspections. According to the possessory lien requirements and paperwork, item four states "If the verification does not indicate the vehicle was last titled and registered in Kansas, 'No Record Found' verification, an MVE-1, Motor Vehicle Examination form issued by the Kansas Highway Patrol, or their designee must be obtained and attached to this affidavit before making application for a Kansas title." Further more, under the NOTICE, the requirements state "All documents listed above, in addition to this affidavit must be presented to the purchaser for the purpose of making application for title and registration at the local county treasurer's office in the county in which the vehicle will be located." Why are the tow companies and public agencies not having to get the MVE-1 inspections before they are able to sell them? The inspection performs three main purposes: to make sure the vehicle is not stolen, to check for previous brands, and to verify the VIN plates are intact and match the paperwork. Common sense tells me this information should be gathered before the vehicle can be sold. I have been told that the way in which the requirements are read are "up for interpretation," but I would like a written response from the state with their exact stance on who needs to be getting the MVE-1 inspections performed and the reasoning behind that stance. We have run into countless paperwork issues, VIN issues, and a couple stolen vehicles that should have been caught prior to the vehicle being sold - which would have happened if the MVE-1 had already been performed. This would be one more step to insure that tow companies and public agencies have their paperwork in order before they sell a vehicle. The cost ultimately goes to the buyer anyways because you pay the inspection fee when you title the vehicle. I am merely arguing that these inspections should be

performed prior to sale to prevent stolen vehicles from being sold and to hold the tow companies responsible for having correct paperwork.

This has been a long and tedious journey to understand and comply with the requirements of the state. We are doing everything we can to stay within the requirements and feel we are being met with opposition at every turn. Clarification on these issues would be greatly appreciated.

Thank you,
Heather Klamm

KANSAS
Department of Revenue
Division of Vehicles
Topeka, Kansas 66626-0001
www.ksrevenue.org/dmv

Can't use
a stamped
signature
on
TR-59
Spoke to
Jenny
2/10

ODOMETER DISCLOSURE STATEMENT

Title Number _____ Title issued _____

- Original odometer disclosure statement for vehicle on
- Correction to odometer disclosure statement for vehicle
- Odometer statement for transfer of vehicle without title

Federal/State Law requires that you state the mileage upon transfer complete or providing a false statement may result in fines and

I, John Martin for City of Topeka
(transferor's name - please print)
certify that the odometer now reads 123,552 (no tenths) miles.

To the best of my knowledge, the mileage is:

ONLY **ONE** BOX MUST BE CHECKED

- (1) Actual mileage
- (2) In excess of its mechanical limits
- (3) NOT the actual

WARNING . . . ODOMETER DISCREPANCY

*** Transferor - Seller; Transferee - Buyer ***

Year 2011 Make Buick Model Regal Body Style 4 Dr

Vehicle Identification Number W04GP5EC2B1030361

Date of Statement 01-27-2020 Transferor's Signature (seller) John Martin

Transferor's Name (Hand Printed) John Martin for City of Topeka John Martin

Street 322 NW Crane City Topeka State KS Zip Code 66603

Transferee's Signature (buyer) A & A AUTO AND TRUCK PARTS INC. by Heather Klammer

Transferee's Name (Hand Printed) A & A AUTO AND TRUCK PARTS INC. by Heather Klammer

Street Address _____ City TOPEKA, KS State _____ Zip Code _____

Original-Attach to Title
Copy- Seller's Copy
Copy- Buyer's Copy

Kansas Department of Revenue
Odometer Disclosure Statement
www.ksrevenue.org

3

Title Number _____ State Title Issued _____

Check the Appropriate Box

- Original odometer disclosure statement for vehicle
- Correction to odometer disclosure statement
- Odometer statement for transfer of vehicle without title (legal affidavit or court document)

Federal and State law requires that you state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

I, Alandon Rebuilders and Equipment, Inc.
Transferor's printed name

certify that the odometer now reads 106988 miles To the best of my knowledge, the mileage is:

Check the Appropriate Box

- Actual mileage
- In excess of its mechanical limits
- Not the actual mileage (**Warning, odometer discrepancy**)

Vehicle Information:

Year 2012 Make Honda Model Civic Body Style _____

Vehicle Identification Number 2HGFB2F81CH609550

Transferor's Signature Don Tracy (AGENT) Date 1/7/2020

Transferor's Hand Printed Name Alandon Rebuilders and Equipment, Inc. Don Tracy

Transferor's Address 6224 Kansas Ave, Kansas City, KS 66111

Transferee's Signature A & A AUTO AND TRUCK PARTS INC. by Heather Klamm Date 1/7/2020

Transferee's Hand Printed Name A & A AUTO AND TRUCK PARTS INC. by Heather Klamm

Transferee's Address 1440 SE JEFFERSON ST. TOPEKA, KS 66607

Instructions

- Attach original to title.
- The seller and buyer will each get a copy.

TR-59 partly
a copy. must
be original.

Transaction History

Vehicle		Type	
VIN	1FMPU18516LA15277	Colors	Passenger
Vehicle	2006 FORD Expedition UT	GVWR	Unknown
Weight	5365	List Price	\$45,240.00
Cylinders		Vehicle #	1863270
Odometer	136055 Miles - Actual	MGVW or GCW	
Sq. Footage		Purchased	
NCIC Vehicle Type	Passenger (PC)	Effective Date	GVW Amount
Class Code	29	GVW Class	Declared Weight
Sanctions		Purchased	End Date

Title		Title Type	
Title Number	AA2034720	Status	Approved
Title Issue Date (Title Approved Date)	4/21/2014	Owner Relations	
SI Application Exists	No		
Security Interests Exists	No		

Verification Shows 2 different addresses will need to send mailings to both addresses
 Jema 2110

Plate		Plate Type	
Plate #		Plate Form	
NCIC Plate Type		Personal	
Assignment Date			

Registration
 Vehicle is not currently registered

Start Date	End Date	Transaction Date	Annual Fee	Tonnage	Usage	Plate	Plate Type	Plate Status	Status Date	Carrier	Tracking Number	Declared Weight	Current
06/01/2018	05/31/2019	5/7/2018 8:33:01 AM	\$40.00	3	Regular	55519	Veteran					5365	135.33

Relationship	Priority	Start Date	Stops Exist	Name	Address
Owner	1	03/12/2014		Easter, Ralph L JR	3211 SE California Ave, Topeka KS 666052424

STATE of KANSAS
REGISTRATION/SECURITY INTEREST
VERIFICATION
 CLK. LLB DATE 11-27-19

Title Nbr: AA2034720 Date Of Application: 03/12/2014 VIN/HIN: 1FMPU18516LA15277 Transfer Reason: Cancel - Voluntary Transfer
Year: 2006 Make: FORD Model: Expedition Style: UT
County/Organization: Shawnee Title Type: Regular Title Status Date: 04/22/2014
Odometer: 136,055 Miles Actual Unladen Weight/Material: 5365 Owner Tracking Nbr:
Class: 029 Purchased Date: 02/11/2014 Print Date: 04/22/2014 Customer Number: 3056223
Owner(s) Name and Address: Usage Type: Regular

Mail To:
Easter, Ralph L JR
2013 SE Turnpike Ave
Topeka, KS 666052455

This vehicle has following Previous Owner:

This vehicle/vessel is subject to the following security interest(s):

1st Security Interest

Date Added:

Held By:

Address:

2nd Security Interest

Date Added:

Held By:

Address:

This vehicle has following Transfer on Death Designees:

This vehicle has following Designations:

Replacement Title: No

Created By:

rctsnaxr

Document ID:

Electronic: No

Verification Shows 2 different addresses will need to send mailings to both addresses
Jemy 2/11/0



KANSAS VEHICLE TITLE SERVICES COMPANY

August 9, 2019

SHAWNEE AUTO TOWING
635 SE 7TH ST
TOPEKA, KS 66607

RE: YEAR: 2006 MAKE: CADILLAC VIN: 1G6DP577060131731

CUSTOMER NAME: BRAD MLYNEK

LIENHOLDER: N/A

The Kansas Vehicle Title Services Company, LLC (KVTSC) has received your recent request for title/registration information. Review of the Division of Vehicles records fails to disclose the above captioned vehicle(s) titled in the state of Kansas.

However, there has been a 60-day temporary registration issued.

If you have any questions regarding the content of this letter, please contact our office at 785-215-8430 or the Division of Vehicles at 785-296-3621.

Thank you,

Kansas Vehicle Title Services Company, LLC
2127 SW 37th
Topeka, Kansas 66611

LMB

Kansas Vehicle Title Services Company, LLC (KVTSC) is an authorized agent of the Kansas Division of Vehicles. This document shall be considered as if issued by the Kansas Division of Vehicles. Anyone rejecting this document may be asked to show cause for such rejection.

2127 SW 37th St. Topeka, KS 66611

Phone: (785) 215.8430 • Email: info@kvtsc.com • Web: www.kvtsc.com

there is a KS
address on file
for Brad Mlynek.
will need
mailing for them.

Permit Inquiry

Permit Information

VIN	1G6DP577060131731	Permit Type	Inspection
Make	CADILLAC	Permit Status	Issued
Model	CTS	Permit Number	B937622
Year	2006	Start Date	10/23/2018 12:00:00 AM
Insurance Company Name	Geico	End Date	10/24/2018 12:00:00 AM
Insurance NAIC	25055	Declared Weight	
Policy Number	456743999	Created By	rcsnamm
Policy Expiration Date	3/27/2019 12:00:00 AM	Created Date	10/23/2018 1:18:50 PM
		Updated By	rcsnamm
		Updated Date	10/23/2018 1:18:50 PM

Customer Information

Customer Number	Last Name	First Name	Middle Name	Suffix or Organization Name	Total Records: 1
3672071	Mlynek	Brad			

No phone #
 or address - Doesn't look like he lives in
 8-12-19
 12:30 PM
 Topeka anymore

there is a KS
 address on file
 for Brad Mlynek.
 will need
 mailing for them.



Possessory Affidavits - correction questions

4 messages

Jane Lewis <jane@aandaparts.com>

Wed, Sep 16, 2020 at 4:04 PM

To: "Leeann Phelps [KDOR]" <leeann.phelps@ks.gov>, "LaDona Garcia [KDOR]" <ladona.garcia@ks.gov>

Leeann and LaDona,

I have sent several emails with questions regarding issues that we are having with Possessory Lien Affidavits. I have yet to hear back and these issues are still ongoing. I spoke to Ray Wilk last week and he was unable to provide me with these answers. I also spoke with John Martin at the City of Topeka Impound lot this morning and he was unable to assist me.

We are seeking clarification on the correct course of action if a tow company or public agency sells a vehicle at an auction and it is later found (when we go to obtain a title) that not all registered owners or lienholders were notified. For example, we purchased a vehicle from the city and the registered mail was only sent to the first listed registered owner (who lives at the same address of the second), but the second registered owner was not sent their own letter or listed on the mailing. KVTSC has rejected that application for a title because they need a proof of mailing for the second registered owner. How is the City of Topeka supposed to fix this? If they send the mailing now, they will be well outside of the time constraints for notifying the registered owner.

On this same general line of questioning, what does a tow company do to fix any mistakes that have been made in the course of their paperwork? I have had applications for titles rejected because the vehicle was listed as the wrong year in the newspaper, because a VIN had a transposition error in any part of the paperwork, because the mailings were not correct, because the tow driver crossed out their own writing on a carbon copy tow slip to fix a mistake, because a lienholder does not have an address listed in the state's snapshot so there is no address to send it to, because a mailing did not have Sr. after a name on a certified mail receipt, the list is endless. All of these issues should have been addressed prior to the sale of that vehicle, but they are not and we are stuck with a vehicle for which we cannot obtain a title.

We need clarification to move forward with the titling of these vehicles. If neither of you are unable to answer my questions please forward this information to your supervisor so that we can move forward.

Thank you,
Heather Klamm

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Heather Klamm

A&A Auto and Truck Parts, Inc.
1440 SE Jefferson
Topeka, KS 66607
785-234-6661 ext 106

Leeann Phelps [KDOR] <Leeann.Phelps@ks.gov>

Wed, Sep 16, 2020 at 4:22 PM

To: Jane Lewis <jane@aandaparts.com>, "LaDona Garcia [KDOR]" <LaDona.Garcia@ks.gov>

Generally and specifically for the instance you mentioned, the timeline has been broken, but all owners should be notified so I would request the city go back and notify any remaining owners. Now since it has already been auctioned and purchased this presents a bit of an issue. Generally I would say they need to buy it back and redo the auction on this.

On the list of issues you give for applications being rejected, many of those would have the same answer – back up and redo it.

I'm sure this seems like a ridiculous response but since these are passing ownership through a legal process I think the spirit of the law (to do due diligence and give notice to any interested parties) has to be done.

From: Jane Lewis <jane@aandaparts.com>
Sent: Wednesday, September 16, 2020 4:05 PM
To: Leeann Phelps [KDOR] <Leeann.Phelps@KS.GOV>; LaDona Garcia [KDOR] <LaDona.Garcia@KS.GOV>
Subject: Possessory Affidavits - correction questions

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

[Quoted text hidden]

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This message and its contents are privileged and confidential and it is solely for the use of the intended recipient. Should you not be the intended recipient, be aware that any review, disclosure, copying, distribution or use of the contents of this message is strictly prohibited. If you have received this message in error, please destroy it immediately and notify the sender.

Jane Lewis <jane@aandaparts.com>
To: "Leeann Phelps [KDOR]" <Leeann.Phelps@ks.gov>
Cc: "LaDona Garcia [KDOR]" <LaDona.Garcia@ks.gov>

Thu, Sep 17, 2020 at 2:17 PM

Leeann,

I appreciate you getting back to me. I reached out to a couple of the agencies that we purchase vehicles from on possessory paperwork, and the most common question they have is: how can they "back up and redo it" if they are now well outside of the initial 30-day requirement for verification and the following 10-day requirement for certified mailings? Are they to redo ALL of the paperwork, and resend mailings to any recipient who had already been notified? Which, again they will be well outside of the verification and mailing requirement dates for ALL subsequent paperwork and notifications.

For example, we purchased a vehicle that was originally towed 6/14/20, the verification was ran 6/15/20, the certified mail receipts are dated 6/16/20, it was listed in the newspaper 6/29/20 and 7/6/20, and finally it was auctioned 7/28/20. When application for title was made, this was rejected because it is missing a certified mailing for one of the listed owners. If they buy the vehicle back and rerun the paperwork or even just send out the one mailing that was missing in order to auction it again, that paperwork/ mailing will be months outside of the requirements. I guarantee if we re-purchased the vehicle at auction and I then attempted to title the vehicle it would be rejected because "the timeline has been broken."

I understand that the "spirit of the law has to be done," I am not arguing that. What I am asking is, what is to be done with the spirit of the law was done, but there was a mistake? What course of action must be taken in order for these agencies to then sell those vehicles that can subsequently be titled? I completely agree that a 30-day and 10-day requirement are necessary to give the registered owner a chance to recover their property without an asinine recovery bill, but mistakes will be made and right now we have been given no answer that can rectify those mistakes.

Honestly, this is a flawed system that is now being scrutinized because as the purchaser we are being held hostage for the mistakes of all of the tow companies and public agencies that are not always fulfilling the requirements of the possessory affidavits. At some point, the liability of these mistakes needs to be on the entities that have been empowered to sell vehicles on possessory paperwork. We are attempting to uphold our obligations and diligently working to operate within the statutes that are now being enforced, but I have to wonder, how many companies and individuals are purchasing vehicles on possessory paperwork and simply not titling them out or reporting them? Jerry Stanley at the impound lot once told me that I was the only purchaser who has titles rejected or paperwork issues. How could that possibly be? In early 2019, I was told that the purpose of enforcing KSA 8-1, 137, was to ensure that when vehicles have met their end of life they can be tracked to the last title number and subsequently destroyed or removed from the system. If companies or individuals are purchasing vehicles at auctions and never reporting them in NMVTIS or in scrap reports to the state, how many vehicles are vanishing without a trace? I have been told tow companies and public agencies do not have to report to any recorded system the vehicles they are selling and they do not have to gain any recorded legal possession, so there really never is a record indicating that they transferred ownership if the purchaser does not in turn apply for a title.

For now, we just need to know what course of action the state wants the tow companies and public agencies to take to rectify any mistakes within the paperwork for vehicles that have already been sold at auction. Truly, in the long run, this flawed system of possessory paperwork needs a serious overhaul, I would be more than happy to sit down and discuss ideas on how I think the possessory system could be more successful and hold more people accountable.

Thank you,
Heather Klamm

[Quoted text hidden]

--

Jane Lewis

[Quoted text hidden]

Leeann Phelps [KDOR] <Leeann.Phelps@ks.gov>
To: Jane Lewis <jane@aandaparts.com>
Cc: "LaDona Garcia [KDOR]" <LaDona.Garcia@ks.gov>

Tue, Oct 6, 2020 at 11:29 AM

Hi Jane –

Sorry it took me so long to get back to you. Some days are better than others.

I think the easiest way to answer your question is if a mistake occurred in the possessory process, we will take those on a case by case basis and advise, but generally, I know once the timeline is broken you can't roll back the calendar. You can do some things "as if" the calendar is rolled back. I agree with you the system is flawed and would be happy to hear your thoughts on how to improve that. Of course there are many players to this process so we'd need to run things through the chain. I think it would be best if the seller obtained the title prior to transfer to the purchaser, so they are held accountable for the proper process/paperwork. As it exists today, once the purchase is made, if the paperwork is not done properly it is really a civil matter between the purchaser and the seller. The Division of Vehicles is happy to help advise if it is something that can be fixed, but we cannot 'make' anyone do it.

I know this doesn't really answer your questions, but I hope helps put into perspective what we're able to do or fix or help with. We're kinda caught in a spot without authority for everything too.

[Quoted text hidden]