

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.