

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 36** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed with House Committee amendments, as follows:

On page 10, following line 37, by inserting:

"Sec. 3. K.S.A. 8-1101 is hereby amended to read as follows: 8-1101. As used in this act:

(a) "Public agency" means and includes the department of transportation, the Kansas turnpike authority, a county, city and township.

(b) "Motor vehicle" means every vehicle; or tractor trailer combination, ~~which~~ that is self-propelled by which any person or property is or may be transported or drawn upon a highway except vehicles used exclusively upon stationary rails or tracks.

(c) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel.

(d) "Law enforcement officer" means and includes the Kansas highway patrol, police; ~~sheriff, and sheriffs~~ who are vested with the power and authority of peace, police; and law enforcement, or those authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(e) "Person" means the same as defined in K.S.A. 8-1447, and amendments thereto.

Sec. 4. K.S.A. 2020 Supp. 8-1103 is hereby amended to read as follows: 8-1103. (a) (1) Whenever any person providing wrecker or towing service, as defined by ~~law~~ K.S.A. 66-1329, and amendments thereto, while lawfully in possession of a vehicle, at the direction of a law

enforcement officer or the owner or as provided by a city ordinance or county resolution, renders any service to the owner thereof by the recovery, transportation, protection, storage or safekeeping thereof, a first and prior lien on the vehicle is hereby created in favor of such person rendering such service and the lien shall amount to the full amount and value of the service rendered. The lien may be foreclosed in the manner provided in this act.

(2) If the name of the owner of the vehicle is known to the person in possession of such vehicle, then within 15 days, notice shall be given to the owner that the vehicle is being held subject to satisfaction of the lien. Any vehicle remaining in the possession of a person providing wrecker or towing service for a period of 30 days after such wrecker or towing service was provided may be sold to pay the reasonable or agreed charges for such recovery, transportation, protection, storage or safekeeping of such vehicle and personal property therein, the costs of such sale, the costs of notice to the owner of the vehicle and publication after giving the notices required by this act, unless a court order has been issued to hold such vehicle for the purpose of a criminal investigation or for use as evidence at a trial.

(3) If a court orders any vehicle to be held for the purpose of a criminal investigation or for use as evidence at a trial, then such order shall be in writing, and the court shall assess as costs the reasonable or agreed charges for the protection, storage or safekeeping accrued while the vehicle was held pursuant to such written order.

(4) Any personal property within the vehicle need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid, or satisfactory arrangements for payment have been made, except as provided under subsection (c) or for personal medical supplies which shall be released to the owner thereof upon request. The person in possession of such vehicle and personal property shall be responsible only for the reasonable care of such property. Any personal property within the vehicle not returned to

the owner shall be sold at the auction authorized by this act.

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

(c) A city ordinance or county resolution authorizing the towing of vehicles from private property shall specify in such ordinance or resolution:

(1) The maximum rate such wrecker or towing service may charge for such wrecker or towing service and storage fees;

(2) that an owner of a vehicle towed shall have access to personal property in such vehicle for 48 hours after such vehicle has been towed and such personal property shall be released to the owner; and

(3) that the wrecker or towing service shall report the location of such vehicle to local law enforcement within two hours of such tow.

(d) A person providing towing services shall not tow a vehicle to a location outside of Kansas without the consent of either:

(1) The driver or owner of the motor vehicle;

(2) a motor club of which the driver or owner of the motor vehicle is a member; or

(3) the insurance company processing a claim with respect to the vehicle or an agent of such insurance company.

Sec. 5. K.S.A. 2020 Supp. 8-1104 is hereby amended to read as follows: 8-1104. (a) Before any such vehicle and personal property is sold, the person intending to sell such vehicle shall request verification from the division of vehicles of the last registered owner and any lienholders, if any. Such verification request shall be submitted to the division of vehicles not

more than 30 days after such person took possession of the vehicle. Every person intending to sell any vehicle pursuant to this section that cannot be verified by the division of vehicles shall obtain an interstate search of registered owners and lienholders unless:

(1) The vehicle is 15 years of age or older; or

(2) the vehicle is determined by the division of vehicles to be a nonrepairable vehicle pursuant to K.S.A. 8-135c, and amendments thereto.

(b) Notice of sale, as provided in this act, shall be mailed by certified mail to any such registered owner and any such lienholders within 10 days after receipt of verification of the last owner and any lienholders, if any. The person intending to sell such vehicle and personal property pursuant to this act shall cause a notice of the time and place of sale, containing a description of the vehicle and personal property, to be published in a newspaper published in the county or city where such sale is advertised to take place, and if there is no newspaper published in such county, then the notice shall be published in some newspaper of general circulation in such county. Notices given under this section shall state that if the amount due, together with storage, publication, notice and sale costs, is not paid within 15 days from the date of mailing, the vehicle and personal property will be sold at public auction. Notice of an auction shall be published at least seven days prior to the scheduled auction.";

Also on page 10, in line 38, before "K.S.A" by inserting "K.S.A. 8-1101 and"; also in line 38, by striking "and" and inserting a comma; also in line 38, after "8-198" by inserting ", 8-1103 and 8-1104";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, after the second semicolon by inserting "relating to abandoned and disabled vehicles; prohibiting the towing of vehicles outside the state of Kansas without prior consent; requiring an interstate search of registered owners and lienholders prior to

sale of nonrepairable vehicles and vehicles less than 15 years old and publication in the newspaper seven days prior to sale of vehicles and property at auction;"; in line 8, after "amending" by inserting "K.S.A. 8-1101 and"; also in line 8, by striking the first "and" and inserting a comma; also in line 8, after "8-198" by inserting ", 8-1103 and 8-1104";

And your committee on conference recommends the adoption of this report.

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Conferees on part of House

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Conferees on part of Senate