**Memorandum**

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| **Identifying Information:** | **House Bill 2949 New Abandoned and Possessory Lien Legislation** |

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| **Tax Type:** | **Vehicles** |
| **Brief Description:** | **House Bill 2949 New Abandoned and Possessory Lien Legislation** |
| **Keywords:** |  |
| **Approval Date:** | **06/23/2004** |

**Body:**

**KANSAS DEPARTMENT OF REVENUE**

**DIVISION OF VEHICLES**

**MEMORANDUM**

TO: County Treasurers and Motor Vehicle Staff

FROM: Ray Wilk, Title Manager

DATE: June 23, 2004

RE: HB 2949 New Abandoned and Possessory Lien Legislation

The 2004 Legislation passed and Governor Sebelius signed HB 2949, concerning liens for wrecker and towing service, and notices to lien holders.

**Changes Resulting from the Bill**
If a vehicle displays a Kansas registration, public agencies impounding vehicles are required to obtain a verification of the last registered owner and any lien holder not more than 30 days after the agency took possession of the vehicle;
Requires a notice to be certified mailed to the owner and any lien holder within 10 days after receipt of the verification;
If the vehicle does not display a Kansas registration, public agencies impounding vehicles are required to obtain a verification of the last registered owner and any lien holder not more than 30 days after the agency took possession of the vehicle. Requires a notice to be certified mailed to the owner and any lien holder within 10 days after receipt of the verification;
Requires vehicles impounded as provided in KSA 8-1567 to adhere to the same notice provisions;
Changes the time period for disposing of a vehicle from 60 days to 30 days after a wrecker or tow service provides service and still in the possession of the service;
Deletes the portion of the statute that allowed vehicles and personal property of a total value of less than $1,000 to be sold at any time by a wrecker or tow service;
Changes the time requirement for a wrecker or tow service to request a verification from no less than 45 days nor more than 60 days to no more than 30 days after taking possession;
Changes the publication notice for wrecker or tow services to include publications in the county or city.

**Changes in Forms and Processing**

The TR-85, Possessory Lien Affidavit and TR-105 Abandoned Vehicle Affidavit will be modified to reflect the changes in time and verification requirements. The updated forms will be available on our web site by July 1, 2004. However, county and state motor vehicle staff should check all possessory and abandoned lien affidavits carefully to ensure the statutory time frames and verification requirements have been met by the seller.

If you have any questions, please feel free to contact Ray Wilk, Peggy Stalcup or Matt Moser at (785) 296-2242.

04-049

**Date Composed: 06/28/2004 Date Modified: 06/28/2004**

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