

SESSION OF 2023

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2042

As Amended by Senate Committee on
Commerce

Brief*

HB 2042, as amended, would add self-storage unit operators (operators) to the list of persons who may direct the towing of a vehicle and permit the operators to have motor vehicles, trailers, and watercraft towed when the occupant of the storage space is in default for a period of 60 days.

The bill would require the operator to provide notice to an occupant prior to towing the property. The occupant could avoid a tow by paying the amount necessary to satisfy the operator's lien at any time before the tow.

The bill would exempt operators from liability for damages to motor vehicles, trailers, or watercraft after the towing service takes possession if the towing service has a certificate of public service from the Kansas Corporation Commission. The bill would limit tows under the bill to those permitted by a city ordinance or county resolution of the city or county where the storage facility is located.

The bill would provide for the operator's lien on the motor vehicle, trailer, or watercraft to be extinguished after the property is towed from the self-storage facility.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

The bill was introduced by the House Committee on Commerce, Labor and Economic Development at the request of a representative of the Self Storage Association.

House Committee on Commerce, Labor and Economic Development

In the House Committee hearing on the bill, a representative of the Self Storage Association provided **proponent** testimony, stating the bill would permit a self-storage operator to remove a motor vehicle, trailer, or watercraft from its property when a default on the contract occurs as an alternative to going through the Division of Vehicles, Department of Revenue (KDOR), process for selling a titled motor vehicle, trailer, or watercraft.

No other testimony was provided.

The House Committee amended the bill to add self-storage operators to the list of persons who may direct the towing of a vehicle.

Senate Committee on Commerce

In the Senate Committee hearing, a representative of the Self Storage Association provided **proponent** testimony, stating the bill would permit a self-storage operator to remove a motor vehicle, trailer, or watercraft from its property when a default on the contract occurs as an alternative to going through the Division of Vehicles, KDOR, process for selling a titled motor vehicle, trailer, or watercraft.

No other testimony was provided.

The Senate Committee amended the bill to allow operators to have motor vehicles, trailers, and watercraft

towed when the occupant of the storage space is in default for a period of 60 days, rather than 45 days, and to make technical adjustments.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Department of Transportation and the Department of Commerce indicate that enactment of the bill would have no fiscal effect.

Self-storage; self-storage operators; towing service; motor vehicles; watercraft; trailers