

1 AN ACT relating to motor vehicles abandoned on state highways.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 189.753 is amended to read as follows:

4 (1) Any motor vehicle left upon the right-of-way of a state highway for three (3)  
5 consecutive days shall be presumed an abandoned vehicle.

6 (2) **(a)** The Department of Kentucky State Police shall locate abandoned vehicles on  
7 the right-of-way of state highways. Upon determination that a vehicle is  
8 abandoned, and notwithstanding the provisions of KRS 189.450, the  
9 Department of Kentucky State Police may order any person engaged in the  
10 business of storing or towing motor vehicles to remove the abandoned vehicle  
11 to a site chosen by the person. The department shall determine, if possible, the  
12 ownership of the vehicle through the abandoned vehicle's license plates, serial  
13 number, or other methods of determining ownership. As soon as practicable,  
14 the owner shall be notified by mail, whether he or she is a Kentucky resident  
15 or a resident of another state, that the abandoned vehicle was illegally upon  
16 public property; the name and the address where the storage facility is located;  
17 that removal of the vehicle from the storage facility will involve payment of  
18 towing and storage charges ***not to exceed five hundred dollars (\$500)***; and  
19 that the vehicle may be sold pursuant to provisions of KRS 376.275 if not  
20 claimed within sixty (60) days. A notification shall not be required if  
21 ownership cannot be determined.

22 **(b)** ***If ownership of the vehicle cannot be determined, or if the owner does not***  
23 ***claim the vehicle within sixty (60) days, a lienholder having a prior recorded***  
24 ***lien listed on the title issued by the Commonwealth of Kentucky shall be***  
25 ***notified by certified mail of the right to take possession of the vehicle from***  
26 ***the storage facility, after showing proof of lien still enforced, and by***  
27 ***payment of towing and storage fees not to exceed five hundred dollars***

1            (\$500). The letter shall include the make, model, license number, vehicle  
2            identification number, owner's name and last known address. Failure by  
3            the lienholder to claim the vehicle within sixty days forfeits its right to the  
4            vehicle and the vehicle may be sold pursuant to Section 2 of this Act.

5            (c) In the event of a sale of the vehicle pursuant to Section 2 of this Act~~[such~~  
6            ~~sale]~~, the state shall receive any proceeds after the satisfaction of towing and  
7            storage charges not to exceed five hundred dollars (\$500) and of all liens  
8            placed on the vehicle.

9            (3) The commissioner of the Department of Kentucky State Police shall promulgate  
10           administrative regulations pursuant to KRS Chapter 13A to carry out the provisions  
11           of this section.

12           ➔Section 2. KRS 376.275 is amended to read as follows:

13           (1) When a motor vehicle has been involuntarily towed or transported pursuant to order  
14           of police, other public authority, or private person or business for any reason or  
15           when the vehicle has been stolen or misappropriated and its removal from the  
16           public ways has been ordered by police, other public authority, or by private person  
17           or business, or in any other situation where a motor vehicle has been involuntarily  
18           towed or transported by order of police, other authority, or by private person or  
19           business, the police, other authority, private person or business shall attempt to  
20           ascertain from the Transportation Cabinet the identity of the registered owner of the  
21           motor vehicle or lessor of a motor carrier as defined in KRS Chapter 281 and within  
22           ten (10) business days of the removal shall, by certified mail, attempt to notify the  
23           registered owner at the address of record of the make, model, license number and  
24           vehicle identification number of the vehicle and of the location of the vehicle, and  
25           the requirements for securing the release of said motor vehicle.

26           (2) If a vehicle described in subsection (1) of this section is placed in a garage or other  
27           storage facility, the owner of the facility shall attempt to provide the notice provided

1 in subsection (1) of this section, by certified mail, to the registered owner at the  
2 address of record of the motor vehicle or lessor of a motor carrier as defined in KRS  
3 Chapter 281 within ten (10) business days of recovery of, or taking possession of  
4 the motor vehicle. The notice shall contain the information as to the make, model,  
5 license number and vehicle identification number of the vehicle, the location of the  
6 vehicle and the amount of reasonable charges for towing, recovery, storage,  
7 transporting, and other applicable charges due on the vehicle. When the owner of  
8 the facility fails to provide notice as provided herein, the motor vehicle storage  
9 facility shall forfeit all storage fees accrued after ten (10) business days from the  
10 date of tow. This subsection shall not apply to a garage or storage facility owned or  
11 operated by a government entity.

12 (3) (a) Any person engaged in the business of storing or towing motor vehicles, who  
13 has substantially complied with the aforementioned requirements of this  
14 section, shall have a lien on the motor vehicle and its contents, except as set  
15 forth in subsection (4) of this section, for the reasonable or agreed charges for  
16 towing, recovery, storage, transporting, and other applicable charges due on  
17 the vehicle, as long as it remains in his possession.

18 (b) Prior to payment of fees and release of a vehicle, a towing or storage company  
19 shall not refuse the right of physical inspection of the towed vehicle by the  
20 owner or an insurance company representative. Release of the vehicle shall  
21 occur to the owner or insurance company representative upon payment and  
22 consent of the release from the owner or the owner's authorized representative.  
23 Each additional service shall be set forth individually as a single line item in  
24 the bill with an explanation and the exact charge for the service.

25 (c) If after a period of forty-five (45) days, the reasonable or agreed charges for  
26 towing, recovery, storage, transporting, and other applicable charges due on a  
27 motor vehicle and its contents have not been paid, the motor vehicle and its

1 contents, except as set forth in subsection (4) of this section, may be sold to  
2 pay the charges after the owner has been notified by certified mail ten (10)  
3 days prior to the time and place of the sale. If the proceeds of the sale of any  
4 vehicle pursuant to this section are insufficient to satisfy accrued charges for  
5 towing, transporting, and storage, the sale and collection of proceeds shall not  
6 constitute a waiver or release of responsibility for payment of unpaid towing,  
7 transporting, and storage charges by the owner or responsible casualty insurer  
8 of the vehicle. A lien on a vehicle under this subsection shall be subject to  
9 prior recorded liens.

10 (d) A lien holder having a prior recorded lien listed on the title issued by the  
11 Commonwealth of Kentucky shall be notified by certified mail within the first  
12 fifteen (15) days of impoundment. The letter shall include the make, model,  
13 license number, vehicle identification number, owner's name and last known  
14 address, and tentative date of sale for the vehicle. If the above-referenced  
15 certified letter is not sent within the fifteen (15) days by the towing and  
16 storage company, then only fifteen (15) days of storage may be charged. The  
17 lien holder has the right to take possession of the motor vehicle after showing  
18 proof of lien still enforced, and paying the reasonable or agreed towing and  
19 storage charges on the motor vehicle. Nothing in this section shall allow the  
20 transfer of a vehicle subject to a lien, except as provided in KRS 186A.190.

21 (4) Subsection (3) of this section shall not apply to the following contents of a motor  
22 vehicle, which shall be released to the vehicle owner or the owner's designated  
23 agent upon request, if the request is made within forty-five (45) days of the date the  
24 vehicle was towed:

- 25 (a) Prescription medication in its proper container;
- 26 (b) Personal medical supplies and equipment or records;
- 27 (c) Educational materials, including but not limited to calculators, books, papers,

- 1           and school supplies;
- 2       (d) Documents, files, electronic devices, or equipment which may be able to store  
3           personal information or information relating to a person's employment or  
4           business;
- 5       (e) Firearms and ammunition. Notwithstanding the provisions of subsection (5) of  
6           this section, firearms and ammunition which are not claimed by the owner of  
7           the vehicle within forty-five (45) days of the date the vehicle was towed shall  
8           be transferred to the Department of Kentucky State Police for disposition as  
9           provided by KRS 16.220;
- 10      (f) Cargo in the possession of persons engaged in transportation in interstate  
11           commerce as registered under KRS 186.020;
- 12      (g) Cargo in the possession of an integrated intermodal small package carrier as  
13           defined by KRS 281.605(12);
- 14      (h) Child restraint systems or child booster seats; and
- 15      (i) Checks, checkbooks, debit or credit cards, money orders, stocks, or bonds.
- 16   (5) Except as provided for in subsection (4)(e) of this section, any contents exempted  
17       under subsection (4) of this section that are not claimed by the owner of the vehicle  
18       within forty-five (45) days of the date the vehicle was towed may be sold or  
19       otherwise legally disposed of by the storage or towing company.
- 20   (6) The storage or towing company shall not be responsible for contents in a vehicle's  
21       trunk or other locked compartment to which the storage or towing company is  
22       without access, unless the towing company intentionally opens the area without the  
23       owner's consent.
- 24   (7) The provisions of this section shall not apply when a local government causes a  
25       vehicle to be towed pursuant to KRS 82.605 to 82.640 or if state government causes  
26       a vehicle to be towed.
- 27   **(8) The maximum towing and storage fees under this section shall be five hundred**

1        dollars (\$500).