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# KANSAS

DEPARTMENT OF REVENUE  
DIVISION OF VEHICLES  
www.ksrevenue.org

# POSSESSORY LIEN AFFIDAVIT

(Wrecker and/or Towing Service)

KSA 8-1103 through 8-1108

**THIS FORM MUST BE COMPLETED IN IT'S ENTIRETY**

**Please Type or Print Clearly**

Tow Service Name \_\_\_\_\_ KCC MCID No. \_\_\_\_\_

Address

City

ST

ZIP

Purchaser's Name \_\_\_\_\_, at

Address

City

ST

ZIP

**TOW REQUESTED/AUTHORIZED BY** (Must Check One):      Driver      Law Enforcement      Private Tow  
(attach ordinance or resolution)

## **VEHICLE INFORMATION**

Year \_\_\_\_\_ Make \_\_\_\_\_ Style \_\_\_\_\_ VIN \_\_\_\_\_

Possessory Date (Date Towed) \_\_\_\_\_ Total Tow & Storage Bill Accumulated: \$ \_\_\_\_\_ Total Expenses of Publication and Sale \$ \_\_\_\_\_

Date of the Public Auction \_\_\_\_\_ **Vehicle Selling Price** \$ \_\_\_\_\_

Does this vehicle meet the definition of a salvage vehicle as per KSA 8-197(b)(2)(A or B)?     Yes\*     No

\* If yes, a Salvage, Nonhighway or Nonrepairable Vehicle Affidavit, form TR-13, must be completed and attached by seller. Definition of a salvage vehicle is on the backside of this form.

**IF THE VEHICLE OWNER IS KNOWN:** Within 15 days of providing the tow service a notice shall be given to the owner that the vehicle is being held subject to satisfaction of the lien.

Vehicle remaining in the possession of a person providing wrecker or tow service for a period of 30 days after such wrecker or towing service was provided may be sold pay the reasonable or agreed charges for such recovery, transportation, protection, storage or safekeeping of such vehicle and personal property (KSA 8-1103).

## **THE FOLLOWING REQUIREMENTS OF KSA 8-1104 ARE NEEDED TO DISPOSE OF THIS VEHICLE:**

- A. Not more than 30 days after taking possession of the vehicle, apply for a verification of last registered owner and lienholder(s), if any, from the Division of Vehicles. If no Kansas record is found, a multi-state search of registered owners and lien holders must be completed, unless 1. A non-repairable certificate is being applied for in which case form TR-13 must also be attached, or 2. The vehicle is 15 years of age or older.
- B. Notice of sale shall be mailed by certified mail to the registered owner and any lienholder(s) within 10 days after receipt of the verification of the last owner and lienholder(s), if any, from the division of vehicles. The notice shall state that if the amount due, together with storage, publication, notice and sale cost, is not paid within 15 days from the date of the mailing, the vehicle and personal property will be sold at public auction.
- C. At least seven (7) days prior to auction, a notice must be published in a newspaper in the County or City where the sale (public auction) is advertised to take place. The vehicle make, year, and complete identification number as well as the date, time and place of the sale shall be included in the advertisement. Should there be no newspaper published in the county, notice shall be published in a newspaper of general circulation.

I, the undersigned, hereby certify that I am a towing and recovery service as defined by Kansas law, located and doing business in the state of Kansas at the address shown above. The vehicle listed on this affidavit has remained in my possession since the possessory date shown to the present time. Towing and recovery charges and the storage bill have accumulated on the vehicle and remain unpaid. Therefore, I claim a lien on said vehicle based on the charges listed in this affidavit. Notice was given that the vehicle was to be sold at public auction on the date listed.

I certify under penalty of perjury under the laws of the State of Kansas that the forgoing if true and correct.

Executed on (date): \_\_\_\_\_

**Possessory Lienholder's Signature** \_\_\_\_\_

**Handprinted Name of Person Signing Above:** \_\_\_\_\_

**Purchaser must make application for title and registration in the local county treasurer's motor vehicle office in the county in which the vehicle will be located within 60 days from date of purchase. Purchaser must submit all documents received from the tow service to the county treasurer's motor vehicle office when making application for title and registration.**

# ADDITIONAL REQUIREMENTS

1. The following documentation must be attached to this affidavit:
  - ✓ If the tow service was requested by the driver, a copy of the tow and storage notice or bill signed by the person requesting the tow is required;
  - ✓ If owner is known at the time of service, proof (certified mail receipt) that, within 15 days of providing the tow service, notice was given to the owner that vehicle is being held subject to satisfaction of lien;
  - ✓ Proof (copy) of verification from the division of vehicles;
  - ✓ Receipt(s) for certified mailing(s) to owner and any lienholder(s), as proof that notice was mailed within 10 days after receipt of verification;
  - ✓ Proof of newspaper publication advertising the public auction.
2. KSA 8-1108 Invalidity of Lien. Failure to give any notice required under the provisions of this act shall stop the imposition of storage fee, until the notice provisions are complied with in accordance with the provisions of this act.
3. An Odometer Disclosure statement (form TR-59) must be attached if the vehicle is less than 10 years old, or beginning with model year 2011 vehicles, disclosure is required for 20 years.
4. If the verification does not indicate the vehicle was last titled and registered in Kansas, “*No Record Found*” verification, an MVE-1, Motor Vehicle Examination form issued by the Kansas Highway Patrol, or their designee must be obtained and attached to this affidavit before making application for a Kansas title.
5. Within 60 days from date of purchase, the purchaser must make application for title and registration in the county treasurer’s office in the county in which the vehicle will be located. All documentation listed above along with this Possessory Lien Affidavit must be submitted to the treasurer’s office when making application.

## NOTICE

All documents listed above, in addition to this affidavit must be presented to the purchaser for the purpose of making application for title and registration at the local county treasurer's office in the county in which the vehicle will be located.

Possessory lien requirements are based on Kansas Statutes: KSA 8-1103, 8-1104, 8-1105, 8-1106, 8-1107 and 8-1108.

## SALVAGE VEHICLE

KSA 8-197(b)(2) “salvage vehicle” means:

(A) Any motor vehicle, other than a late model vehicle, which is of a type required to be registered in this state, but which cannot be registered because it has been wrecked or damaged to the extent that: The equipment required by state statute on any such vehicle used on the highways of this state is not present or is not in good condition or proper adjustment, as prescribed by state statute or any rules and regulations adopted pursuant thereto, or such vehicle is in an inoperable condition or a condition that would render the operation thereof on the highways of this state a hazard to the public safety; and in either event, such vehicle would require substantial repairs to rebuild or restore such vehicle to a condition which will permit the registration thereof;

(B) a late model vehicle which is of a type required to be registered in this state and which has been wrecked or damaged to the extent that the total cost of repair at retail is 75% or more of the fair market value of the motor vehicle immediately preceding the time it was wrecked or damaged and such condition was not merely exterior cosmetic damage to such vehicle as a result of windstorm or hail.