

RESOLUTION NO.: 174-2017

PUBLISHED ON \_\_\_\_\_

**A RESOLUTION PERTAINING TO FEES FOR TOWING SERVICES**

**WHEREAS**, pursuant to K.S.A. 8-1103(c), the Board of County Commissioners of Sedgwick County, Kansas (“County”) is authorized to impose the maximum fees for towing services;

**WHEREAS**, it is the purpose and intent of this resolution to protect the public and the rights of persons whose motor vehicles may be towed and stored by private towing services;

**WHEREAS**, the County finds it necessary and appropriate to establish maximum fees for towing services consistent with state law;

**WHEREAS**, the County may enact this resolution pursuant to its home rule powers as established in K.S.A. 19-101c and this resolution may be enforced pursuant to K.S.A. 19-101d; and

**WHEREAS**, the County finds that these provisions are to be added to the Sedgwick County Code, Chapter 26, Traffic and Motor Vehicles as Article VII, Towing of Vehicles from Private Property.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS that:**

**SECTION 1.** Chapter 26, Traffic and Motor Vehicles, Article VII, Towing of Vehicles from Private Property shall read as follows:

**Purpose and intent.** The purpose and intent of this article is to protect the public and the rights of persons whose motor vehicles may be towed and stored by private towing services.

**Definitions.** Unless otherwise specified in this article, the following terms as used in this article, mean as follows:

*Storage* means the custody and control of a vehicle by a tow truck operator as a result of a tow.

*Motor vehicle* means every vehicle, or tractor trailer combination, which 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.

**Maximum Fees.** Fees for tows of motor vehicles within the unincorporated areas of Sedgwick County, Kansas may not exceed the following:

*Towing.* Fees for towing a vehicle shall not exceed \$90.00. For a period not to exceed ten years, beginning on or after January 1, 2018, this fee may be increased annually by not more than one dollar (\$1.00) until the maximum fee reaches a total of \$100.00.

*Mileage.* A maximum rate of \$4.00 per mile may be charged for the transportation of a towed vehicle. Towing shall be by way of the most reasonably direct route between the point of the tow's origination and its destination.

*Storage.* A maximum fee of \$25.00 per day may be charged for each twenty-four hour period or portion thereof for storage of a towed vehicle. For a period not to exceed ten years, beginning on or after January 1, 2018, the maximum fee for storage may be increased annually by an amount not to exceed one dollar (\$1.00) until the maximum fee reaches a total of \$35.00 per day.

**Access to Personal Property in Towed Vehicle.** An owner of a vehicle towed ("owner") shall have access to personal property in such vehicle for 48 hours after the vehicle has been towed and said personal property shall be released to the owner.

**Report of Vehicle Location.** The wrecker or towing service which tows a vehicle from private property shall report the location of such vehicle to local law enforcement within two hours of such tow.

**Penalty.** Violation of any provision of this article shall be a class I violation. In any civil action for intentional violation of this article brought by the owner of a towed vehicle ("owner") against a person or business subject to the limitations on towing, mileage or storage fees set forth in this article, or subject to the notice requirements of K.S.A. 8-1103, the court shall award to the owner reasonable attorney fees, including those on appeal, should the owner prevail in the civil action.

**SECTION II. Publication and Effective Date.** This resolution shall be effective upon its passage and publication once in the official county newspaper. This resolution shall be published in the Sedgwick County Code.

Commissioners present and voting were:

DAVID M. UNRUH	<u>aye</u>
MICHAEL B. O'DONNELL, II	<u>aye</u>
DAVID T. DENNIS	<u>aye</u>
RICHARD RANZAU	<u>no</u>
JAMES M. HOWELL	<u>aye</u>

Dated this 18<sup>th</sup> day of October, 2017.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KBA  
KELLY B. ARNOLD, County Clerk



David M. Unruh  
DAVID M. UNRUH, Chairman  
Commissioner, First District

M. B. O'Donnell, II  
MICHAEL B. O'DONNELL, II, Chair Pro Tem  
Commissioner, Second District

APPROVED AS TO FORM:

Karen L. Powell  
KAREN L. POWELL  
Deputy County Counselor

David T. Dennis  
DAVID T. DENNIS  
Commissioner, Third District

Richard Ranzau  
RICHARD RANZAU  
Commissioner, Fourth District

James M. Howell  
JAMES M. HOWELL  
Commissioner, Fifth District