

January 19, 2022

Re: HB 2294, AN ACT concerning motor vehicles relating to abandoned or towed vehicles; requiring an individual or agency to acquire a certificate of title before selling an abandoned or towed vehicle.

From: Steve Denton, Denton Auto Salvage

To: House Committee on Transportation
From: Representative Francis Averkamp, 61st District

Mr. Chairman and Committee,

Thank you for the hearing on HB 2294 and for allowing me to testify.

HB 2294 would require that an abandoned or towed vehicle receive a title prior to being sold at public auction. Currently these abandoned or towed vehicles can be sold with a possessory lien affidavit and the tow lot is supposed to have all the required inspections and paperwork done prior to selling the vehicle at public auction.

This is not always the case. I am the owner of Denton Auto Salvage. We have stores in St. Marys and Carbondale Ks. In the past 2 years we have purchased 44 from 5 different tow lot auctions. Roughly half of those we could not get a title on our first attempt at the county courthouse. This was due to various reasons including, no proof of lien release, no paperwork indicating where the vehicle was picked up, or no inspection done by the highway patrol to get a Salvage or Highway title. Three particularly disturbing instances were when the highway patrol sent out 3 officers including their Captain because they thought I was trying to sell stolen vehicles when I asked them to come inspect 10 vehicle that we bought at a tow lot. Another instance we bought a 2006 Jeep Commander and it took us 6 months to get a title, because the tow lot never got the lien release. The third concerning moment was when I was contacted by Fair Titling & Trust in Santa Monica Ca about a 2017 Ford Fusion that they saw we were selling parts online. They wanted to know how we were selling parts from a vehicle that they owned the title on. I informed them where I bought it and gave them their number. They told me I was not to sell any parts from it until they got back in touch with me. I had already sold ½ the parts off the car. I informed them that I purchased the vehicle legally and they would have to take it up with the tow lot.

On all the vehicles that we had problems getting titles on. The only reason we needed a title was to crush the car and turn the title in to KDOR as the proof of end of life. None of these vehicles were ever going to be back on the road. They use to allow us to send in the Bill Of Sale and possessory lien affidavit from the tow lot, but since the creation of MNVITUS. The KDOR will no longer accept that as the end of life paperwork. We don't buy vehicles from individuals off the street unless they have the title. The only time we buy any vehicle on a Bill of Sale is from a Tow Lot. If I can not legally own or even crush a car without the title, how can a tow lot sell me a car with just a Bill of Sale. By requiring the tow lot to acquire the title before selling us the vehicle would not put any undue financial burden on the tow lot. They are already supposed to have all the required paperwork and inspections done for us to get a title. They could then just charge us a fee for the cost of the title process.

Some remedy to this situation needs to be considered as this has put undue stress, time constraints and financial burden chasing down these titles. Solely on the Recycling businesses who are trying to abide by the laws.

I am submitting three emails between our business and the Pottawatomie county treasurers office as evidence of some of the problems that we encountered over the past 2 years. As well as an email that I sent to Representative Francis AwerKamp on 11-18-2020

Thank you again Mr. Chairman for the hearing and allowing me to submit testimony on behalf of HB 2294 and I'll happily stand for questions.

Respectfully,

Steve Denton,
President of Denton Auto Salvage

Steve Kearney

From: Kelly Denton <kelly@dentonauto.com>
Sent: Wednesday, January 12, 2022 2:10 PM
To: Steve Denton
Subject: FW: Titles

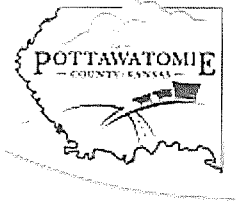
From: Rebekah Cook <rcook@Pottcounty.org>
Sent: Friday, August 16, 2019 12:40 PM
To: Kelly Denton <kelly@dentonauto.com>
Subject: Titles

Kelly,

I am able to process seven of the 17 titles you left yesterday afternoon. I have put notes on the ones we need additional documents for.

I.e.: Odometer Discloser, Inspection, etc.

Do you want me to mail the ones back that I can't process or keep them until you come back? Our mail left at 10:00 this morning so they would leave here Monday morning.



Rebekah Cook, Motor Vehicle Supervisor

Pottawatomie County Treasurer's Office

207 N 1st St, PO Box 158 Westmoreland, KS 66549

Phone: 785-457-3681 Fax: 785-457-3740

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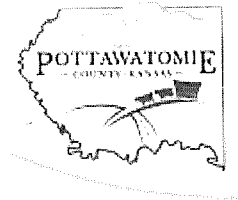
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Steve Kearney

From: Francis Averkamp <fawerkamp@gmail.com>
Sent: Wednesday, November 18, 2020 2:14 PM
To: Steve Denton; Steve Kearney
Subject: Re: tow lot sales

Steve,

Thanks for the email and update.

Last year the discussion went along pretty well with the people involved at the state and those involved with tow yards, but it seemed to hit a wall and got put off until after the bill introduction deadline.

This year I would like to have a draft bill ready before session begins in early January and get it introduced immediately. It will force the conversation and hopefully a solution.

I believe the ladies at the Dept. of Revenue would like a solution and so would the lobbyists involved, but the political effects caused some hesitation.

Lots of history on the unique process tow yards get to follow...

Steve Kearney, how much will you want to / be willing to be involved in the drafting of this bill?

Thanks,
Francis

On Wed, Nov 18, 2020 at 1:56 PM Francis Averkamp <Francis.Averkamp@house.ks.gov> wrote:

Sent from my iPhone

Begin forwarded message:

From: "steve@dentonauto.com" <steve@dentonauto.com>
Date: November 18, 2020 at 1:34:48 PM CST
To: Francis Averkamp <Francis.Averkamp@house.ks.gov>
Cc: Steve Kearney <steve@kearneyandassociates.com>
Subject: tow lot sales

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Hello Again Gentleman,

It has been a while since I talked to either of you about the issue of tow lots selling cars without titles. First off I am just curious if anything new has happened on your end?

I got a disturbing call today from Zach at Fair Titling trust in Santa Monica California. He saw on line that I was in possession of a 2017 Ford Fusion VIN# 3FA6P0K95HR130147 that they owned the title on. Wanted to know how I came in possession of it and how I was able to list parts on line for a car that I did not own. I informed him that I bought the vehicle at a tow lot auction at Mikes Wrecker Service in Manhattan Ks on 8-1-20. He wanted information on how Mikes Wrecker came into possession of it and why he never received a request for a lien release. I told him that we had the paperwork showing that we purchased the vehicle for \$1750 at the tow lot & that we applied for a title, but the county said we need to get vehicle inspection done since it is an out of state title. That was the only thing they said that was delaying us from getting a title. The HI Way Patrol will only come do an inspection if we have 10 vehicles, so that has not happened yet. He said he would get in contact with Mikes wrecker to see what transpired. He would then get back with me to see if they wanted to get the vehicle back. I told him that would be tough since we have already dismantled it and sold parts off of it. I told him that when we bought the vehicle it was wrecked in the front and all down the passenger side, so I don't know what value they thought it would have. If they do want it back I will want the \$1750 I paid for the car and 3 months storage of \$30 a day and the tow bill.

I know we haven't talked about this lately, but this is a problem that isn't going to go away. Another Tow lot asked me to come buy cars at there tow lot sale. I informed them that I would prefer titles to all my cars or at the very least make sure all the inspections and paperwork are done correctly to get a title. We bought 10-12 vehicles there and 2 vehicles they said they were unable to get all the paperwork done on, so they wanted us to not do anything with them yet. With the Covid pandemic the Insurance Salvage auctions saw a 50%-70% decrease in cars availability at the auctions, so I have to buy more cars than normal from tow lots just to have some inventory.

I don't know the legalities of all this, but I can't afford to not buy inventory. If I cant get enough cars at the Insurance salvage auctions I have to buy them from the Tow lots. If I cant get salvage titles I will just have to fight the consequences of dealing with the Depart of Revenue when they want all the titles that I cant get in order to just crush the cars. None of these cars will ever be back on the road, but at this time I can not get those titles, so the DOR is just going to have to deal with it.

Steve Kearney

From: Kelly Denton <kelly@dentonauto.com>
Sent: Wednesday, January 12, 2022 2:10 PM
To: Steve Denton
Subject: FW: Titles
Attachments: Odometer Disclosure Statement.pdf

From: Rebekah Cook <rcook@Pottcounty.org>
Sent: Tuesday, September 10, 2019 2:42 PM
To: Kelly Denton <kelly@dentonauto.com>
Subject: RE: Titles

From: Kelly Denton [<mailto:kelly@dentonauto.com>]
Sent: Friday, September 06, 2019 10:52 AM
To: Rebekah Cook <rcook@Pottcounty.org>
Subject: RE: Titles

Brown Super Center said they cannot give me a Odometer Disclosure because the car has no keys and they have no way of knowing the mileage. What do I need to do?

Kelly Denton



Denton Auto Salvage Inc.
501 Mt. Calvary
PO. Box D
Saint Marys, Ks 66536
785-437-2223
785-437-2225 (fax)

Autoland Parts Inc.
14580 S Topeka
Carbondale, KS 66414
785-342-8450
785-836-7542 (fax)

kelly@dentonauto.com

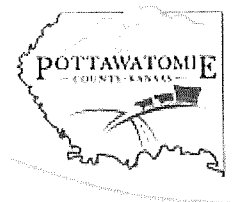
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