

**376.275 Lien on motor vehicles and contents for reasonable and applicable charges under KRS 281.920 to 281.936 -- Forfeiture and sale of contents -- Exempted contents -- Limitation of storage or towing company's liability.**

- (1) (a) Any person engaged in the business of storing or towing motor vehicles, who has complied with the notification requirements of KRS 281.928, shall have a lien on the motor vehicle and its contents, except as set forth in subsection (2) of this section, for the applicable and reasonable charges assessed in accordance with KRS 281.926 and 281.932, as long as it remains in his or her possession.
- (b) If, after a period of forty-five (45) days, the applicable and reasonable charges assessed in accordance with KRS 281.926 and 281.932 have not been paid, the motor vehicle and its contents, except as set forth in subsection (2) of this section, may be sold to pay the charges after the owner and any lienholder have been notified by certified mail at the addresses specified in KRS 281.928(1), ten (10) days prior to the time and place of the sale. If the proceeds of the sale of any vehicle pursuant to this section are insufficient to satisfy accrued charges, the sale and collection of proceeds shall not constitute a waiver or release of responsibility for payment of unpaid charges by the owner or responsible casualty insurer of the vehicle. A lien on a vehicle under this subsection shall be subject to prior recorded liens, unless released by any existing lienholder pursuant to paragraph (c) of this subsection.
- (c) A lienholder having a prior recorded lien listed on the title issued by the Commonwealth of Kentucky shall be notified by certified mail within the first ten (10) days of impoundment in accordance with KRS 281.928. Such notification, in addition to the requirements of KRS 281.928 shall include the make, model, license number, vehicle identification number, owner's name and last known address, and tentative date of sale for the vehicle, and state that the towing company or storage facility seeks to obtain a new title free and clear of any liens, excluding tax liens. If the above-referenced certified letter is not sent within the ten (10) days by the towing and storage company, then only ten (10) days of storage may be charged. The lienholder has the right to take possession of the motor vehicle after showing proof of lien still enforced, and paying the reasonable or agreed towing and storage charges on the motor vehicle. If a lienholder does not exercise the right to take possession of the motor vehicle under this paragraph within forty-five (45) days of notification, and all lienholders agree in writing, the towing company or storage facility may obtain a new title under KRS 186A.145 free and clear of any liens, excluding tax liens. Nothing in this section shall allow the transfer of a vehicle subject to a lien, except as provided in KRS 186A.190.
- (d) If there are no lienholders required to be notified under KRS 281.920 to 281.936 and 359.230 and this section, and the owner does not exercise the right to take possession of the motor vehicle under this section within forty-five (45) days of notification required under KRS 281.928, the towing company or storage facility may obtain a new title under KRS 186A.145 free and clear of any liens, excluding tax liens.

- (2) Subsection (1) of this section shall not apply to the following contents of a motor vehicle, which shall be released to the vehicle owner or the owner's designated agent upon request, if the request is made within forty-five (45) days of the date the vehicle was towed:
- (a) Prescription medication in its proper container;
  - (b) Personal medical supplies and equipment or records;
  - (c) Educational materials, including but not limited to calculators, books, papers, and school supplies;
  - (d) Documents, files, electronic devices, or equipment which may be able to store personal information or information relating to a person's employment or business;
  - (e) Firearms and ammunition. Notwithstanding the provisions of subsection (3) of this section, firearms and ammunition which are not claimed by the owner of the vehicle within forty-five (45) days of the date the vehicle was towed shall be transferred to the Department of Kentucky State Police for disposition as provided by KRS 16.220;
  - (f) Cargo in the possession of persons engaged in transportation in interstate commerce as registered under KRS 186.020;
  - (g) Cargo in the possession of an integrated intermodal small package carrier as defined by KRS 281.605(12);
  - (h) Child restraint systems or child booster seats; and
  - (i) Checks, checkbooks, debit or credit cards, money orders, stocks, or bonds.
- (3) Except as provided in subsection (2)(e) of this section, any contents exempted under subsection (2)(c), (d), (f), and (g) of this section that are not claimed by the owner of the vehicle within forty-five (45) days of the date the vehicle was towed may be sold or otherwise legally disposed of by the storage or towing company. Any contents exempted under subsection (2)(a), (b), (h), and (i) of this section that are not claimed by the owner of the vehicle within forty-five (45) days of the date the vehicle was towed shall not be sold, but shall be otherwise legally disposed of by the storage or towing company.
- (4) The storage or towing company shall not be responsible for contents in a vehicle's trunk or other locked compartment to which the storage or towing company is without access, unless the towing company intentionally opens the area without the owner's consent.
- (5) This section shall not apply when a local government causes a vehicle to be towed pursuant to KRS 82.605 to 82.640 or if state government causes a vehicle to be towed.

**Effective:** June 29, 2021

**History:** Amended 2021 Ky. Acts ch. 74, sec. 12, effective June 29, 2021. -- Amended 2015 Ky. Acts ch. 8, sec. 2, effective June 24, 2015. -- Amended 1990 Ky. Acts ch. 9, sec. 1, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 238, sec. 1, effective July 15, 1986. -- Created 1962 Ky. Acts ch. 20, sec. 1.