

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2044

By Committee on Transportation

1-16

1 AN ACT concerning motor vehicles; relating to autocycles; definitions;
2 requirements; amending K.S.A. 8-1438 and 8-1594 and K.S.A. 2014
3 Supp. 8-126, 8-234b, 8-1486 and 8-1598 and repealing the existing
4 sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. "Autocycle" means a three-wheel—~~enclosed~~—
8 motorcycle that has a steering wheel and seating that does not require the
9 operator to straddle or sit astride it.

10 Sec. 2. K.S.A. 2014 Supp. 8-126 is hereby amended to read as
11 follows: 8-126. The following words and phrases when used in this act
12 shall have the meanings respectively ascribed to them herein:

13 (a) "All-terrain vehicle" means any motorized nonhighway vehicle 50
14 inches or less in width, having a dry weight of 1,500 pounds or less,
15 traveling on three or more nonhighway tires, having a seat designed to be
16 straddled by the operator. As used in this subsection, nonhighway tire
17 means any pneumatic tire six inches or more in width, designed for use on
18 wheels with rim diameter of 14 inches or less.

19 (b) *"Autocycle" means a three-wheel-~~enclosed~~ motorcycle that has a*
20 *steering wheel and seating that does not require the operator to straddle*
21 *or sit astride it.*

22 ~~(b)~~ (c) "Commission" or "state highway commission" means the
23 director of vehicles of the department of revenue.

24 ~~(c)~~ (d) "Contractor" means a person, partnership, corporation, local
25 government, county government, county treasurer or other state agency
26 that has contracted with the department to provide services associated with
27 vehicle functions.

28 ~~(d)~~ (e) "Department" or "motor vehicle department" or "vehicle
29 department" means the division of vehicles of the department of revenue,
30 acting directly or through its duly authorized officers and agents. When
31 acting on behalf of the department of revenue pursuant to this act, a county
32 treasurer shall be deemed to be an agent of the state of Kansas.

33 ~~(e)~~ (f) "Division" means the division of vehicles of the department of
34 revenue.

35 ~~(f)~~ (g) "Electric personal assistive mobility device" means a self-
36 balancing two nontandem wheeled device, designed to transport only one

1 person, with an electric propulsion system that limits the maximum speed
2 of the device to 15 miles per hour or less.

3 ~~(g)~~ (h) "Electric vehicle" means a vehicle that is powered by an
4 electric motor drawing current from rechargeable storage batteries or other
5 portable electrical energy storage devices, provided the recharge energy
6 must be drawn from a source off the vehicle, such as, but not limited to:

7 (1) Residential electric service;

8 (2) an electric vehicle charging station, also called an EV charging
9 station, an electric recharging point, a charging point, EVSE (Electric
10 Vehicle Supply Equipment) or a public charging station.

11 ~~(h)~~ (i) "Electronic certificate of title" means any electronic record of
12 ownership, including any lien or liens that may be recorded, retained by
13 the division in accordance with K.S.A. 2014 Supp. 8-135d, and
14 amendments thereto.

15 ~~(i)~~ (j) "Electronic notice of security interest" means the division's
16 online internet program which enables a dealer or secured party to submit
17 a notice of security interest as defined in this section, and to cancel the
18 notice or release the security interest using the program. This program is
19 also known as the Kansas elien or KSelien.

20 ~~(j)~~ (k) "Farm tractor" means every motor vehicle designed and used
21 as a farm implement power unit operated with or without other attached
22 farm implements in any manner consistent with the structural design of
23 such power unit.

24 ~~(k)~~ (l) "Farm trailer" means every trailer and semitrailer as those
25 terms are defined in this section, designed and used primarily as a farm
26 vehicle.

27 ~~(l)~~ (m) "Foreign vehicle" means every motor vehicle, trailer, or
28 semitrailer which shall be brought into this state otherwise than in ordinary
29 course of business by or through a manufacturer or dealer and which has
30 not been registered in this state.

31 ~~(m)~~ (n) "Golf cart" means a motor vehicle that has not less than three
32 wheels in contact with the ground, an unladen weight of not more than
33 1,800 pounds, is designed to be and is operated at not more than 25 miles
34 per hour and is designed to carry not more than four persons including the
35 driver.

36 ~~(n)~~ (o) "Highway" means every way or place of whatever nature open
37 to the use of the public as a matter of right for the purpose of vehicular
38 travel. The term "highway" shall not be deemed to include a roadway or
39 driveway upon grounds owned by private owners, colleges, universities or
40 other institutions.

41 ~~(o)~~ (p) "Implement of husbandry" means every vehicle designed or
42 adapted and used exclusively for agricultural operations, including
43 feedlots, and only incidentally moved or operated upon the highways.

1 Such term shall include, but not be limited to:

2 (1) A farm tractor;

3 (2) a self-propelled farm implement;

4 (3) a fertilizer spreader, nurse tank or truck permanently mounted
5 with a spreader used exclusively for dispensing or spreading water, dust or
6 liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202,
7 and amendments thereto, regardless of ownership;

8 (4) a truck mounted with a fertilizer spreader used or manufactured
9 principally to spread animal dung;

10 (5) a mixer-feed truck owned and used by a feedlot, as defined in
11 K.S.A. 47-1501, and amendments thereto, and specially designed and used
12 exclusively for dispensing food to livestock in such feedlot.

13 ~~(p)~~ (q) "Lien" means a security interest as defined in this section.

14 ~~(q)~~ (r) "Lightweight roadable vehicle" means a multipurpose motor
15 vehicle that is allowed to be driven on public roadways and is required to
16 be registered with, and flown under the direction of, the federal aviation
17 administration.

18 ~~(r)~~ (s) "Manufacturer" means every person engaged in the business of
19 manufacturing motor vehicles, trailers or semitrailers.

20 ~~(s)~~ (t) "Micro utility truck" means any motor vehicle which is not less
21 than 48 inches in width, has an overall length, including the bumper, of not
22 more than 160 inches, has an unladen weight, including fuel and fluids, of
23 more than 1,500 pounds, can exceed 40 miles per hour as originally
24 manufactured and is manufactured with a metal cab. "Micro utility truck"
25 does not include a work-site utility vehicle or recreational off-highway
26 vehicle.

27 ~~(t)~~ (u) "Motor vehicle" means every vehicle, other than a motorized
28 bicycle or a motorized wheelchair, which is self-propelled.

29 ~~(u)~~ (v) "Motorcycle" means every motor vehicle, *including*
30 *autocycles*, designed to travel on not more than three wheels in contact
31 with the ground, except any such vehicle as may be included within the
32 term "tractor" as defined in this section.

33 ~~(v)~~ (w) "Motorized bicycle" means every device having two tandem
34 wheels or three wheels, which may be propelled by either human power or
35 helper motor, or by both, and which has:

36 (1) A motor which produces not more than 3.5 brake horsepower;

37 (2) a cylinder capacity of not more than 130 cubic centimeters;

38 (3) an automatic transmission; and

39 (4) the capability of a maximum design speed of no more than 30
40 miles per hour.

41 ~~(w)~~ (x) "Motorized wheelchair" means any self-propelled vehicle
42 designed specifically for use by a physically disabled person and such
43 vehicle is incapable of a speed in excess of 15 miles per hour.

1 ~~(x)~~ (y) "New vehicle dealer" means every person actively engaged in
2 the business of buying, selling or exchanging new motor vehicles, travel
3 trailers, trailers or vehicles and who holds a dealer's contract therefor from
4 a manufacturer or distributor and who has an established place of business
5 in this state.

6 ~~(y)~~ (z) "Nonresident" means every person who is not a resident of this
7 state.

8 ~~(z)~~ (aa) "Notice of security interest" means a notification to the
9 division from a dealer or secured party of a purchase money security
10 interest as provided in article 9 of chapter 84 of the Kansas Statutes
11 Annotated, and amendments thereto, upon a vehicle which has been sold
12 and delivered to the purchaser describing the vehicle and showing the
13 name, address and acknowledgment of the secured party as well as the
14 name and address of the debtor or debtors and other information the
15 division requires.

16 ~~(aa)~~ (bb) "Oil well servicing, oil well clean-out or oil well drilling
17 machinery or equipment" means a vehicle constructed as a machine used
18 exclusively for servicing, cleaning-out or drilling an oil well and
19 consisting in general of a mast, an engine for power, a draw works and a
20 chassis permanently constructed or assembled for one or more of those
21 purposes. The passenger capacity of the cab of a vehicle shall not be
22 considered in determining whether such vehicle is oil well servicing, oil
23 well clean-out or oil well drilling machinery or equipment.

24 ~~(bb)~~ (cc) "Owner" means a person who holds the legal title of a
25 vehicle, or in the event a vehicle is the subject of an agreement for the
26 conditional sale thereof with the right of purchase upon performance of the
27 conditions stated in the agreement and with an immediate right of
28 possession vested in the conditional vendee or in the event a vehicle is
29 subject to a lease of 30 days or more with an immediate right of possession
30 vested in the lessee; or in the event a party having a security interest in a
31 vehicle is entitled to possession, then such conditional vendee or lessee or
32 secured party shall be deemed the owner for the purpose of this act.

33 ~~(ee)~~ (dd) "Passenger vehicle" means every motor vehicle, as defined
34 in this section, which is designed primarily to carry 10 or fewer
35 passengers, and which is not used as a truck.

36 ~~(dd)~~ (ee) "Person" means every natural person, firm, partnership,
37 association or corporation.

38 ~~(ee)~~ (ff) "Pole trailer" means any two-wheel vehicle used as a trailer
39 with bolsters that support the load, and do not have a rack or body
40 extending to the tractor drawing the load.

41 ~~(ff)~~ (gg) "Recreational off-highway vehicle" means any motor vehicle
42 64 inches or less in width, having a dry weight of 2,000 pounds or less,
43 traveling on four or more nonhighway tires, having a nonstraddle seat and

1 steering wheel for steering control.

2 ~~(gg)~~ (hh) "Road tractor" means every motor vehicle designed and
3 used for drawing other vehicles, and not so constructed as to carry any
4 load thereon independently, or any part of the weight of a vehicle or load
5 so drawn.

6 ~~(hh)~~ (ii) "Self-propelled farm implement" means every farm
7 implement designed for specific use applications with its motive power
8 unit permanently incorporated in its structural design.

9 ~~(ii)~~ (jj) "Semitrailer" means every vehicle of the trailer type so
10 designed and used in conjunction with a motor vehicle that some part of its
11 own weight and that of its own load rests upon or is carried by another
12 vehicle.

13 ~~(jj)~~ (kk) "Specially constructed vehicle" means any vehicle which
14 shall not have been originally constructed under a distinctive name, make,
15 model or type, or which, if originally otherwise constructed shall have
16 been materially altered by the removal of essential parts, or by the addition
17 or substitution of essential parts, new or used, derived from other vehicles
18 or makes of vehicles.

19 ~~(kk)~~ (ll) "Trailer" means every vehicle without motive power
20 designed to carry property or passengers wholly on its own structure and
21 to be drawn by a motor vehicle.

22 ~~(ll)~~ (mm) "Travel trailer" means every vehicle without motive power
23 designed to be towed by a motor vehicle constructed primarily for
24 recreational purposes.

25 ~~(mm)~~ (nn) "Truck" means a motor vehicle which is used for the
26 transportation or delivery of freight and merchandise or more than 10
27 passengers.

28 ~~(nn)~~ (oo) "Truck tractor" means every motor vehicle designed and
29 used primarily for drawing other vehicles, and not so constructed as to
30 carry a load other than a part of the weight of the vehicle or load so drawn.

31 ~~(oo)~~ (pp) "Used vehicle dealer" means every person actively engaged
32 in the business of buying, selling or exchanging used vehicles, and having
33 an established place of business in this state and who does not hold a
34 dealer's contract for the sale of new motor vehicles, travel trailers or
35 vehicles.

36 ~~(pp)~~ (qq) "Vehicle" means every device in, upon or by which any
37 person or property is or may be transported or drawn upon a public
38 highway, excepting electric personal assistive mobility devices or devices
39 moved by human power or used exclusively upon stationary rails or tracks.

40 ~~(qq)~~ (rr) "Vehicle functions" means services relating to the
41 application, processing, auditing or distribution of original or renewal
42 vehicle registrations, certificates of title, driver's licenses and division-
43 issued identification cards associated with services and functions set out in

1 articles 1, 2 and 13 of chapter 8 of the Kansas Statutes Annotated, and
2 amendments thereto. "Vehicle functions" may also include personal
3 property taxation duties set out in article 51 of chapter 79 of the Kansas
4 Statutes Annotated, and amendments thereto, and other vehicle-related
5 events described in article 1 of chapter 8 of the Kansas Statutes Annotated,
6 and amendments thereto.

7 ~~(ff)~~ (ss) "Work-site utility vehicle" means any motor vehicle which is
8 not less than 48 inches in width, has an overall length, including the
9 bumper, of not more than 135 inches, has an unladen weight, including
10 fuel and fluids, of more than 800 pounds and is equipped with four or
11 more low pressure tires, a steering wheel and bench or bucket-type seating
12 allowing at least two people to sit side-by-side, and may be equipped with
13 a bed or cargo box for hauling materials. "Work-site utility vehicle" does
14 not include a micro utility truck or recreational off-highway vehicle.

15 Sec. 3. K.S.A. 2014 Supp. 8-234b is hereby amended to read as
16 follows: 8-234b. (a) Every original driver's license issued by the division
17 shall indicate the class or classes of motor vehicles which the licensee is
18 entitled to drive. For this purpose the following classes are established:

19 (1) Commercial class A motor vehicles include any combination of
20 vehicles with a gross combination weight rating of 26,001 pounds or more,
21 providing the gross vehicle weight rating of the vehicle or vehicles being
22 towed is in excess of 10,000 pounds;

23 (2) commercial class B motor vehicles include any single vehicle
24 with a gross vehicle weight rating of 26,001 pounds or more, or any such
25 vehicle towing a vehicle not in excess of 10,000 pounds gross vehicle
26 weight rating;

27 (3) commercial class C motor vehicles include any single vehicle less
28 than 26,001 pounds gross vehicle weight rating, or any such vehicle
29 towing a vehicle not in excess of 10,000 pounds, or any vehicle less than
30 26,001 pounds gross vehicle weight rating towing a vehicle in excess of
31 10,000 pounds gross vehicle weight rating, provided the gross combination
32 weight rating of the combination is less than 26,001 pounds comprising:

33 (A) Vehicles designed to transport 16 or more passengers, including
34 the driver; or

35 (B) vehicles used in the transportation of hazardous materials which
36 requires the vehicle to be placarded;

37 (4) class A motor vehicles include any combination of vehicles with a
38 gross combination weight rating of 26,001 pounds or more, provided the
39 gross combination weight rating of the vehicle or vehicles being towed is
40 in excess of 10,000 pounds, and all other lawful combinations of vehicles
41 with a gross combination weight rating of 26,001 pounds, or more; except
42 that, class A does not include a combination of vehicles that has a truck
43 registered as a farm truck under K.S.A. 8-143, and amendments thereto;

1 (5) class B motor vehicles include any single vehicle with a gross
2 vehicle weight rating of 26,001 pounds or more, or any such vehicle
3 towing a vehicle not in excess of 10,000 pounds gross vehicle weight
4 rating. Class B motor vehicles do not include a single vehicle registered as
5 a farm truck under K.S.A. 8-143, and amendments thereto, when such
6 farm truck has a gross vehicle weight rating of 26,001 pounds, or more; or
7 any fire truck operated by a volunteer fire department;

8 (6) class C motor vehicles include any single vehicle with a gross
9 vehicle weight rating less than 26,001 pounds, or any such vehicle towing
10 a vehicle not in excess of 10,000 pounds gross vehicle weight rating, or
11 any vehicle with a less than 26,001 gross vehicle weight rating towing a
12 vehicle in excess of 10,000 pounds gross vehicle weight rating, provided
13 the gross combination weight rating of the combination is less than 26,001
14 pounds, or any single vehicle registered as a farm truck under K.S.A. 8-
15 143, and amendments thereto, when such farm truck has a gross vehicle
16 weight rating of 26,001 pounds, or more, or any fire truck operated by a
17 volunteer fire department *or any autocycle*; and

18 (7) class M motor vehicles includes motorcycles, *but does not*
19 *include autocycles*.

20 As used in this subsection, "gross vehicle weight rating" means the
21 value specified by the manufacturer as the maximum loaded weight of a
22 single or a combination (articulated) vehicle. The gross vehicle weight
23 rating of a combination (articulated) vehicle, commonly referred to as the
24 gross combination weight rating, is the gross vehicle weight rating of the
25 power unit plus the gross vehicle weight rating of the towed unit or units.

26 (b) Every applicant for an original driver's license shall indicate on
27 such person's application the class or classes of motor vehicles for which
28 the applicant desires a license to drive, and the division shall not issue a
29 driver's license to any person unless such person has demonstrated
30 satisfactorily ability to exercise ordinary and reasonable control in the
31 operation of motor vehicles in the class or classes for which the applicant
32 desires a license to drive. The division shall administer an appropriate
33 examination of each applicant's ability to drive such motor vehicles.
34 Except as provided in K.S.A. 8-2,125 through 8-2,142, and amendments
35 thereto, the director of vehicles may accept a copy of the certificate of a
36 person's road test issued to an individual under the regulatory requirements
37 of the United States department of transportation, in lieu of requiring the
38 person to demonstrate ability to operate any motor vehicle or combination
39 of vehicles, if such certificate was issued not more than three years prior to
40 the person's application for a driver's license.

41 (c) Any person who is the holder of a valid driver's license which
42 entitles the person to drive class A motor vehicles may also drive class B
43 and C motor vehicles. Any person who is the holder of a valid driver's

1 license which entitles the person to drive class B motor vehicles may also
2 drive class C motor vehicles.

3 (d) The secretary of revenue shall adopt rules and regulations
4 establishing qualifications for the safe operation of the various types, sizes
5 and combinations of vehicles in each class of motor vehicles established in
6 subsection (a). Such rules and regulations shall include the adoption of at
7 least the minimum qualifications for commercial drivers' licenses
8 contained in the commercial motor vehicle safety act of 1986.

9 (e) Any reference in the motor vehicle drivers' license act to a class or
10 classes of motor vehicles is a reference to the classes of motor vehicles
11 established in subsection (a), and any reference in the motor vehicle
12 drivers' license act to a classified driver's license or a class of driver's
13 license means a driver's license which restricts the holder thereof to
14 driving one or more of such classes of motor vehicles.

15 (f) The secretary of revenue may enter into a contract with any
16 person, who meets the qualifications imposed on persons regularly
17 employed by the division as drivers' license examiners, to accept
18 applications for drivers' licenses and to administer the examinations
19 required for the issuance of drivers' licenses.

20 (g) Notwithstanding the provisions of subsection (a), any person
21 employed as an automotive mechanic who possesses a valid class C
22 driver's license may drive any class A or class B motor vehicle on the
23 highways for the purpose of determining the proper performance of the
24 vehicle, except that this does not include commercial class A, B or C
25 vehicles.

26 Sec. 4. K.S.A. 2014 Supp. 8-1598 is hereby amended to read as
27 follows: 8-1598. (a) No person under the age of 18 years shall operate or
28 ride upon a motorcycle or a motorized bicycle, unless wearing a helmet
29 which complies with minimum guidelines established by the national
30 highway traffic safety administration pursuant to the national traffic and
31 motor vehicle safety act of 1966 for helmets designed for use by
32 motorcyclists and other motor vehicle users.

33 (b) No person shall allow or permit any person under the age of 18
34 years to: (1) Operate a motorcycle or motorized bicycle or to ride as a
35 passenger upon a motorcycle or motorized bicycle without being in
36 compliance with the provisions of subsection (a); or (2) operate a
37 motorcycle or to ride as a passenger upon a motorcycle without being in
38 compliance with the provisions of subsection (c).

39 (c) (1) No person shall operate a motorcycle unless such person is
40 wearing an eye-protective device which shall consist of protective glasses,
41 goggles or transparent face shields which are shatter proof and impact
42 resistant, except when the motorcycle is equipped with a windscreen
43 which has a minimum height of 10 inches measured from the center of the

1 handlebars.

2 (2) No person under the age of 18 years shall ride as a passenger on a
3 motorcycle unless such person is wearing an eye-protective device which
4 shall consist of protective glasses, goggles or transparent face shields
5 which are shatter proof and impact resistant.

6 (d) This section shall not apply to persons riding within an enclosed
7 cab, *an autocycle* or on a golf cart, nor shall it apply to any person
8 operating or riding any industrial or cargo-type vehicle having three
9 wheels and commonly known as a truckster.

10 Sec. 5. K.S.A. 8-1438 is hereby amended to read as follows: 8-1438.
11 "Motorcycle" means every motor vehicle, *including autocycles*, having a
12 seat or saddle for the use of the rider and designed to travel on not more
13 than three-~~(3)~~ wheels in contact with the ground, but excluding a tractor.

14 Sec. 6. K.S.A. 8-1594 is hereby amended to read as follows: 8-1594.
15 (a) A person operating a motorcycle shall ride only upon the permanent
16 and regular seat attached thereto, and such operator shall not carry any
17 other person nor shall any other person ride on a motorcycle, unless such
18 motorcycle is designed to carry more than one-~~(1)~~ person, in which event a
19 passenger may ride upon the permanent and regular seat if designed for
20 two-~~(2)~~ persons, or upon another seat firmly attached to the motorcycle at
21 the rear or side of the operator.

22 (b) A person shall ride upon a motorcycle only while sitting astride
23 the seat, facing forward, with one leg on each side of the motorcycle. *This*
24 *subsection shall not apply to any person riding within an autocycle.*

25 (c) No person shall operate a motorcycle while carrying any package,
26 bundle, or other article which prevents such person from keeping both
27 hands on the handlebars.

28 (d) No operator shall carry any person, nor shall any person ride, in a
29 position that will interfere with the operation or control of the motorcycle
30 or the view of the operator.

31 Sec. 7. K.S.A. 2014 Supp. 8-1486 is hereby amended to read as
32 follows: 8-1486. K.S.A. 8-1402a, 8-1414a, 8-1439c, 8-1458a, 8-1459a, 8-
33 1475a, 8-1487, 8-1488, 8-1489 and 8-1490 and amendments thereto, and
34 K.S.A. 2014 Supp. 8-1491, 8-1492, 8-1493, 8-1494, 8-1495 and 8-1496,
35 and amendments thereto, *and section 1, and amendments thereto*, shall be
36 a part of, and supplemental to, the uniform act regulating traffic on
37 highways.

38 Sec. 8. K.S.A. 8-1438 and 8-1594 and K.S.A. 2014 Supp. 8-126, 8-
39 234b, 8-1486 and 8-1598 are hereby repealed.

40 Sec. 9. This act shall take effect and be in force from and after its
41 publication in the Kansas register.