

HOUSE BILL No. 2269

By Committee on Transportation

2-3

1 AN ACT concerning vehicles; relating to certificates of title, fees,
2 disposition of moneys; amending K.S.A. 2016 Supp. 8-135, 8-139, 8-
3 145, 8-170 and 8-198 and repealing the existing sections.
4

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

6 Section 1. K.S.A. 2016 Supp. 8-135 is hereby amended to read as
7 follows: 8-135. (a) Upon the transfer of ownership of any vehicle
8 registered under this act, the registration of the vehicle and the right to use
9 any license plate thereon shall expire and thereafter there shall be no
10 transfer of any registration, and the license plate shall be removed by the
11 owner thereof. Except as provided in K.S.A. 8-172, and amendments
12 thereto, and 8-1,147, and amendments thereto, it shall be unlawful for any
13 person, other than the person to whom the license plate was originally
14 issued, to have possession thereof. When the ownership of a registered
15 vehicle is transferred, the original owner of the license plate may register
16 another vehicle under the same number, upon application and payment of a
17 fee of \$1.50, if such other vehicle does not require a higher license fee. If a
18 higher license fee is required, then the transfer may be made upon the
19 payment of the transfer fee of \$1.50 and the difference between the fee
20 originally paid and that due for the new vehicle.

21 (b) Subject to the provisions of ~~subsection (a)~~ of K.S.A. 8-198(a), and
22 amendments thereto, upon the transfer or sale of any vehicle by any person
23 or dealer, or upon any transfer in accordance with K.S.A. 59-3511, and
24 amendments thereto, the new owner thereof, within 60 days, inclusive of
25 weekends and holidays, from date of such transfer shall make application
26 to the division for registration or reregistration of the vehicle, but no
27 person shall operate the vehicle on any highway in this state during the
28 sixty-day period without having applied for and obtained temporary
29 registration from the county treasurer or from a dealer. After the expiration
30 of the sixty-day period, it shall be unlawful for the owner or any other
31 person to operate such vehicle upon the highways of this state unless the
32 vehicle has been registered as provided in this act. For failure to make
33 application for registration as provided in this section, a penalty of \$2 shall
34 be added to other fees. When a person has a current motorcycle or
35 passenger vehicle registration and license plate, including any registration
36 decal affixed thereto, for a vehicle and has sold or otherwise disposed of

1 the vehicle and has acquired another motorcycle or passenger vehicle and
2 intends to transfer the registration and the license plate to the motorcycle
3 or passenger vehicle acquired, but has not yet had the registration
4 transferred in the office of the county treasurer, such person may operate
5 the motorcycle or passenger vehicle acquired for a period of not to exceed
6 60 days by displaying the license plate on the rear of the vehicle acquired.
7 If the acquired vehicle is a new vehicle such person also must carry the
8 assigned certificate of title or manufacturer's statement of origin when
9 operating the acquired vehicle, except that a dealer may operate such
10 vehicle by displaying such dealer's dealer license plate.

11 (c) Certificate of title: No vehicle required to be registered shall be
12 registered or any license plate or registration decal issued therefor, unless
13 the applicant for registration shall present satisfactory evidence of
14 ownership and apply for an original certificate of title for such vehicle.
15 The following paragraphs of this subsection shall apply to the issuance of
16 a certificate of title for a nonhighway vehicle, salvage vehicle or rebuilt
17 salvage vehicle, as defined in K.S.A. 8-197, and amendments thereto,
18 except to the extent such paragraphs are made inapplicable by or are
19 inconsistent with K.S.A. 8-198, and amendments thereto, and to any
20 electronic certificate of title, except to the extent such paragraphs are made
21 inapplicable by or are inconsistent with K.S.A. 2016 Supp. 8-135d, and
22 amendments thereto, or with rules and regulations adopted pursuant to
23 K.S.A. 2016 Supp. 8-135d, and amendments thereto.

24 The provisions of paragraphs (1) through (14) shall apply to any
25 certificate of title issued prior to January 1, 2003, which indicates that
26 there is a lien or encumbrance on such vehicle.

27 (1) An application for certificate of title shall be made by the owner
28 or the owner's agent upon a form furnished by the division and shall state
29 all liens or encumbrances thereon, and such other information as the
30 division may require. Notwithstanding any other provision of this section,
31 no certificate of title shall be issued for a vehicle having any unreleased
32 lien or encumbrance thereon, unless the transfer of such vehicle has been
33 consented to in writing by the holder of the lien or encumbrance. Such
34 consent shall be in a form approved by the division. In the case of
35 members of the armed forces of the United States while the United States
36 is engaged at war with any foreign nation and for a period of six months
37 next following the cessation of hostilities, such application may be signed
38 by the owner's spouse, parents, brother or sister. The county treasurer shall
39 use reasonable diligence in ascertaining whether the facts stated in such
40 application are true, and if satisfied that the applicant is the lawful owner
41 of such vehicle, or otherwise entitled to have the same registered in such
42 applicant's name, shall so notify the division, who shall issue an
43 appropriate certificate of title. The certificate of title shall be in a form

1 approved by the division, and shall contain a statement of any liens or
2 encumbrances which the application shows, and such other information as
3 the division determines.

4 (2) The certificate of title shall contain upon the reverse side a form
5 for assignment of title to be executed by the owner. This assignment shall
6 contain a statement of all liens or encumbrances on the vehicle at the time
7 of assignment. The certificate of title shall also contain on the reverse side
8 blank spaces so that an abstract of mileage as to each owner will be
9 available. The seller at the time of each sale shall insert and certify the
10 mileage and the purchase price on the form filed for application or
11 reassignment of title, and the division shall insert such mileage on the
12 certificate of title when issued to purchaser or assignee. The signature of
13 the purchaser or assignee is required on the form filed for application or
14 reassignment of title, acknowledging the odometer and purchase price
15 certification made by the seller, except that vehicles which are 10 model
16 years or older and trucks with a gross vehicle weight of more than 16,000
17 pounds shall be exempt from the mileage acknowledgment requirement of
18 the purchaser or assignee. Such title shall indicate whether the vehicle for
19 which it is issued has been titled previously as a nonhighway vehicle or
20 salvage vehicle. In addition, the reverse side shall contain two forms for
21 reassignment by a dealer, stating the liens or encumbrances thereon. The
22 first form of reassignment shall be used only when a dealer sells the
23 vehicle to another dealer. The second form of reassignment shall be used
24 by a dealer when selling the vehicle to another dealer or the ultimate
25 owner of the vehicle. The reassignment by a dealer shall be used only
26 where the dealer resells the vehicle, and during the time that the vehicle
27 remains in the dealer's possession for resale, the certificate of title shall be
28 dormant. When the ownership of any vehicle passes by operation of law,
29 or repossession upon default of a lease, security agreement, or executory
30 sales contract, the person owning such vehicle, upon furnishing
31 satisfactory proof to the county treasurer of such ownership, may procure a
32 certificate of title to the vehicle. When a vehicle is registered in another
33 state and is repossessed in another state, the owner of such vehicle shall
34 not be entitled to obtain a valid Kansas title or registration, except that
35 when a vehicle is registered in another state, but is financed originally by a
36 financial institution chartered in the state of Kansas or when a financial
37 institution chartered in Kansas purchases a pool of motor vehicle loans
38 from the resolution trust corporation or a federal regulatory agency, and
39 the vehicle is repossessed in another state, such Kansas financial
40 institution shall be entitled to obtain a valid Kansas title or registration. In
41 addition to any other fee required for the issuance of a certificate of title,
42 any applicant obtaining a certificate of title for a repossessed vehicle shall
43 pay a fee of \$3.

1 (3) Dealers shall execute, upon delivery to the purchaser of every
2 new vehicle, a manufacturer's statement of origin stating the liens and
3 encumbrances thereon. Such statement of origin shall be delivered to the
4 purchaser at the time of delivery of the vehicle or at a time agreed upon by
5 the parties, not to exceed 30 days, inclusive of weekends and holidays. The
6 agreement of the parties shall be executed on a form approved by the
7 division. In the event delivery of title cannot be made personally, the seller
8 may deliver the manufacturer's statement of origin by restricted mail to the
9 address of purchaser shown on the purchase agreement. The
10 manufacturer's statement of origin may include an attachment containing
11 assignment of such statement of origin on forms approved by the division.
12 Upon the presentation to the division of a manufacturer's statement of
13 origin, by a manufacturer or dealer for a new vehicle, sold in this state, a
14 certificate of title shall be issued if there is also an application for
15 registration, except that no application for registration shall be required for
16 a travel trailer used for living quarters and not operated on the highways.

17 (4) The fee for each original certificate of title shall be ~~\$10~~ \$20 in
18 addition to the fee for registration of such vehicle, trailer or semitrailer.
19 The certificate of title shall be good for the life of the vehicle, trailer or
20 semitrailer while owned or held by the original holder of the certificate of
21 title.

22 (5) Except for a vehicle registered by a federally recognized Indian
23 tribe, as provided in paragraph (16), upon sale and delivery to the
24 purchaser of every vehicle subject to a purchase money security interest as
25 provided in article 9 of chapter 84 of the Kansas Statutes Annotated, and
26 amendments thereto, the dealer or secured party may complete a notice of
27 security interest and when so completed, the purchaser shall execute the
28 notice, in a form prescribed by the division, describing the vehicle and
29 showing the name and address of the secured party and of the debtor and
30 other information the division requires. On and after July 1, 2007, only one
31 lien shall be taken or accepted for vehicles with a gross vehicle weight
32 rating of 26,000 pounds or less. As used in this section "gross vehicle
33 weight rating" shall have the meaning ascribed thereto in K.S.A. 66-1,108,
34 and amendments thereto. The dealer or secured party, within 30 days of the
35 sale and delivery, may mail or deliver the notice of security interest,
36 together with a fee of \$2.50, to the division. The notice of security interest
37 shall be retained by the division until it receives an application for a
38 certificate of title to the vehicle and a certificate of title is issued. The
39 certificate of title shall indicate any security interest in the vehicle. Upon
40 issuance of the certificate of title, the division shall mail or deliver
41 confirmation of the receipt of the notice of security interest, the date the
42 certificate of title is issued and the security interest indicated, to the
43 secured party at the address shown on the notice of security interest. The

1 proper completion and timely mailing or delivery of a notice of security
2 interest by a dealer or secured party shall perfect a security interest in the
3 vehicle, as referenced in K.S.A. 2016 Supp. 84-9-311, and amendments
4 thereto, on the date of such mailing or delivery. The county treasurers shall
5 mail a copy of the title application to the lienholder. For any vehicle
6 subject to a lien, the county treasurer shall collect from the applicant a
7 \$1.50 service fee for processing and mailing a copy of the title application
8 to the lienholder.

9 (6) It shall be unlawful for any person to operate in this state a vehicle
10 required to be registered under this act, or to transfer the title to any such
11 vehicle to any person or dealer, unless a certificate of title has been issued
12 as herein provided. In the event of a sale or transfer of ownership of a
13 vehicle for which a certificate of title has been issued, which certificate of
14 title is in the possession of the transferor at the time of delivery of the
15 vehicle, the holder of such certificate of title shall endorse on the same an
16 assignment thereof, with warranty of title in a form prescribed by the
17 division and printed thereon and the transferor shall deliver the same to the
18 buyer at the time of delivery to the buyer of the vehicle or at a time agreed
19 upon by the parties, not to exceed 60 days, inclusive of weekends and
20 holidays, after the time of delivery. The agreement of the parties shall be
21 executed on a form provided by the division. The requirements of this
22 paragraph concerning delivery of an assigned title are satisfied if the
23 transferor mails to the transferee by restricted mail the assigned certificate
24 of title within the 60 days, and if the transferor is a dealer, as defined by
25 K.S.A. 8-2401, and amendments thereto, such transferor shall be deemed
26 to have possession of the certificate of title if the transferor has made
27 application therefor to the division. The buyer shall then present such
28 assigned certificate of title to the division at the time of making application
29 for registration of such vehicle. A new certificate of title shall be issued to
30 the buyer, upon payment of the fee of ~~\$10~~ \$20. If such vehicle is sold to a
31 resident of another state or country, the dealer or person making the sale
32 shall notify the division of the sale and the division shall make notation
33 thereof in the records of the division. When a person acquires a security
34 interest that such person seeks to perfect on a vehicle subsequent to the
35 issuance of the original title on such vehicle, such person shall require the
36 holder of the certificate of title to surrender the same and sign an
37 application for a mortgage title in form prescribed by the division. Upon
38 such surrender such person shall immediately deliver the certificate of
39 title, application, and a fee of ~~\$10~~ \$20 to the division. Delivery of the
40 surrendered title, application and tender of the required fee shall perfect a
41 security interest in the vehicle as referenced in K.S.A. 2016 Supp. 84-9-
42 311, and amendments thereto. On and after July 1, 2007, only one lien
43 may be taken or accepted for security for an obligation to be secured by a

1 lien to be shown on a certificate of title for vehicles with a gross vehicle
2 weight rating, as defined in K.S.A. 66-1,108, and amendments thereto, of
3 26,000 pounds or less. A refinancing shall not be subject to the limitations
4 of this act. A refinancing is deemed to occur when the original obligation
5 is satisfied and replaced by a new obligation. Lien obligations created
6 before July 1, 2007, which are of a continuing nature shall not be subject
7 to the limitations of this act until the obligation is satisfied. A lien in
8 violation of this provision is void. Upon receipt of the surrendered title,
9 application and fee, the division shall issue a new certificate of title
10 showing the liens or encumbrances so created, but only one lien or
11 encumbrance may be shown upon a title for vehicles with a gross vehicle
12 rating of 26,000 pounds or less, and not more than two liens or
13 encumbrances may be shown upon a title for vehicles in excess of 26,000
14 pounds gross vehicle weight rating. When a prior lienholder's name is
15 removed from the title, there must be satisfactory evidence presented to
16 the division that the lien or encumbrance has been paid. When the
17 indebtedness to a lienholder, whose name is shown upon a title, is paid in
18 full, such lienholder shall comply with the provisions of K.S.A. 2016
19 Supp. 8-1,157, and amendments thereto.

20 (7) It shall be unlawful for any person to buy or sell in this state any
21 vehicle required to be registered, unless, at the time of delivery thereof or
22 at a time agreed upon by the parties, not to exceed 60 days, inclusive of
23 weekends and holidays, after the time of delivery, there shall pass between
24 the parties a certificate of title with an assignment thereof. The sale of a
25 vehicle required to be registered under the laws of this state, without
26 assignment of the certificate of title, is fraudulent and void, unless the
27 parties shall agree that the certificate of title with assignment thereof shall
28 pass between them at a time other than the time of delivery, but within 60
29 days thereof. The requirements of this paragraph concerning delivery of an
30 assigned title shall be satisfied if: (A) The seller mails to the purchaser by
31 restricted mail the assigned certificate of title within 60 days;~~or~~; (B) if the
32 transferor is a dealer, as defined by K.S.A. 8-2401, and amendments
33 thereto, such seller shall be deemed to have possession of the certificate of
34 title if such seller has made application therefor to the division;~~;~~ or (C) if
35 the transferor is a dealer and has assigned a title pursuant to ~~paragraph (9)~~
36 ~~of this subsection (c)~~(9).

37 (8) In cases of sales under the order of a court of a vehicle required to
38 be registered under this act, the officer conducting such sale shall issue to
39 the purchaser a certificate naming the purchaser and reciting the facts of
40 the sale, which certificate shall be prima facie evidence of the ownership
41 of such purchaser for the purpose of obtaining a certificate of title to such
42 motor vehicle and for registering the same. Any such purchaser shall be
43 allowed 60 days, inclusive of weekends and holidays, from the date of sale

1 to make application to the division for a certificate of title and for the
2 registering of such motor vehicle.

3 (9) Any dealer who has acquired a vehicle, the title for which was
4 issued under the laws of and in a state other than the state of Kansas, shall
5 not be required to obtain a Kansas certificate of title therefor during the
6 time such vehicle remains in such dealer's possession and at such dealer's
7 place of business for the purpose of sale. The purchaser or transferee shall
8 present the assigned title to the division of vehicles when making
9 application for a certificate of title as provided in subsection (c)(1).

10 (10) Motor vehicles may be held and titled in transfer-on-death form.

11 (11) Notwithstanding the provisions of this act with respect to time
12 requirements for delivery of a certificate of title, or manufacturer's
13 statement of origin, as applicable, any person who chooses to reaffirm the
14 sale in writing on a form approved by the division which advises them of
15 their rights pursuant to ~~paragraph (7)~~ of subsection (c)(7) and who has
16 received and accepted assignment of the certificate of title or
17 manufacturer's statement of origin for the vehicle in issue may not
18 thereafter void or set aside the transaction with respect to the vehicle for
19 the reason that a certificate of title or manufacturer's statement of origin
20 was not timely delivered, and in such instances the sale of a vehicle shall
21 not be deemed to be fraudulent and void for that reason alone.

22 (12) The owner of any vehicle assigning a certificate of title in
23 accordance with the provisions of this section may file with the division a
24 form indicating that such owner has assigned such certificate of title. Such
25 forms shall be furnished by the division and shall contain such information
26 as the division may require. Any owner filing a form as provided in this
27 paragraph shall pay a fee of \$10. The filing of such form shall be prima
28 facie evidence that such certificate of title was assigned and shall create a
29 rebuttable presumption. If the assignee of a certificate of title fails to make
30 application for registration, an owner assigning such title and filing the
31 form in accordance with the provisions of this paragraph shall not be held
32 liable for damages resulting from the operation of such vehicle.

33 (13) Application for a certificate of title on a boat trailer with a gross
34 weight over 2,000 pounds shall be made by the owner or the owner's agent
35 upon a form to be furnished by the division and shall contain such
36 information as the division shall determine necessary. The division may
37 waive any information requested on the form if it is not available. The
38 application together with a bill of sale for the boat trailer shall be accepted
39 as prima facie evidence that the applicant is the owner of the boat trailer,
40 provided that a Kansas title for such trailer has not previously been issued.
41 If the application and bill of sale are used to obtain a certificate of title for
42 a boat trailer under this paragraph, the certificate of title shall not be issued
43 until an inspection in accordance with ~~subsection (a)~~ of K.S.A. 8-116a(a),

1 and amendments thereto, has been completed.

2 (14) In addition to the two forms for reassignment under ~~paragraph~~
3 ~~(2)~~ of subsection (c)(2), a dealer may attach one additional reassignment
4 form to a certificate of title. The director of vehicles shall prescribe and
5 furnish such reassignment forms. The reassignment form shall be used by
6 a dealer when selling the vehicle to another dealer or the ultimate owner of
7 the vehicle only when the two reassignment forms under ~~paragraph (2)~~ of
8 subsection (c)(2) have already been used. The fee for a reassignment form
9 shall be \$6.50. A dealer may purchase reassignment forms in multiples of
10 five upon making proper application and the payment of required fees.

11 (15) A first stage manufacturer, as defined in K.S.A. 8-2401, and
12 amendments thereto, who manufactures a motor vehicle in this state, and
13 who sells such motor vehicles to dealers located in a foreign country, may
14 execute a manufacturers statement of origin to the division of vehicles for
15 the purpose of obtaining an export certificate of title. The motor vehicle
16 issued an export certificate of title shall not be required to be registered in
17 this state. An export certificate of title shall not be used to register such
18 vehicle in the United States.

19 (16) A security interest in a vehicle registered by a federally
20 recognized Indian tribe shall be deemed valid under Kansas law if validly
21 perfected under the applicable tribal law and the lien is noted on the face
22 of the tribal certificate of title.

23 (17) On and after January 1, 2010, a certificate of title issued for a
24 rebuilt salvage vehicle for the initial time, shall indicate on such title, the
25 reduced classification of such vehicle as provided under K.S.A. 79-5104,
26 and amendments thereto.

27 Sec. 2. K.S.A. 2016 Supp. 8-139 is hereby amended to read as
28 follows: 8-139. In the event that any license plate, certificate of title,
29 registration decal or registration receipt issued hereunder, shall be lost,
30 mutilated, or shall have become illegible, the person who is entitled thereto
31 shall make immediate application for and obtain a duplicate or substitute
32 therefor, upon furnishing information of such fact satisfactory to the
33 division and upon payment of the required fees: Namely, certificate of
34 title, ~~\$10~~ \$20, registration receipt, \$1, registration decal, \$.50, license
35 plates, \$2. In case the license plate is of such type or constructed in such a
36 way that it is not reasonably possible to remove it from the vehicle to
37 which it is attached without destroying or mutilating such license plate,
38 and the ownership of such vehicle shall be transferred and the license plate
39 shall be mutilated or destroyed by the owner thereof as a result of the
40 owner's effort to comply with the provisions of K.S.A. 8-135, and
41 amendments thereto, by removing the same from the vehicle so
42 transferred, then and in such case no fee shall be charged for such
43 duplicate or substitute license plate, including any registration decal

1 affixed thereto, but the same shall be furnished free of charge providing
2 such person shall otherwise in all respects have complied with the laws
3 governing the transfer of ownership of such motor vehicle.

4 Sec. 3. K.S.A. 2016 Supp. 8-145 is hereby amended to read as
5 follows: 8-145. (a) All registration and certificates of title fees shall be
6 paid to the county treasurer of the county in which the applicant for
7 registration resides or has an office or principal place of business within
8 this state, and the county treasurer shall issue a receipt in triplicate, on
9 blanks furnished by the division of vehicles, one copy of which shall be
10 filed in the county treasurer's office, one copy shall be delivered to the
11 applicant and the original copy shall be forwarded to the director of
12 vehicles.

13 (b) The county treasurer shall deposit \$.75 of each license
14 application, \$.75 out of each application for transfer of license plate and
15 \$12 out of each application for a certificate of title, collected by such
16 treasurer under this act, in a special fund, which fund is hereby
17 appropriated for the use of the county treasurer in paying for necessary
18 help and expenses incidental to the administration of duties in accordance
19 with the provisions of this law and extra compensation to the county
20 treasurer for the services performed in administering the provisions of this
21 act, which compensation shall be in addition to any other compensation
22 provided by any other law, except that the county treasurer shall receive as
23 additional compensation for administering the motor vehicle title and
24 registration laws and fees, a sum computed as follows: The county
25 treasurer, during the month of December, shall determine the amount to be
26 retained for extra compensation not to exceed the following amounts each
27 year for calendar year 2006 or any calendar year thereafter: The sum of
28 \$110 per hundred registrations for the first 5,000 registrations; the sum of
29 \$90 per hundred registrations for the second 5,000 registrations; the sum
30 of \$5 per hundred for the third 5,000 registrations; and the sum of \$2 per
31 hundred registrations for all registrations thereafter. In no event, however,
32 shall any county treasurer be entitled to receive more than \$15,000
33 additional annual compensation.

34 If more than one person shall hold the office of county treasurer during
35 any one calendar year, such compensation shall be prorated among such
36 persons in proportion to the number of weeks served. The total amount of
37 compensation paid the treasurer together with the amounts expended in
38 paying for other necessary help and expenses incidental to the
39 administration of the duties of the county treasurer in accordance with the
40 provisions of this act, shall not exceed the amount deposited in such
41 special fund. Any balance remaining in such fund at the close of any
42 calendar year shall be withdrawn and credited to the general fund of the
43 county prior to June 1 of the following calendar year.

1 (c) The county treasurer shall remit the remainder of all such fees
2 collected, together with the original copy of all applications, to the
3 secretary of revenue. The secretary of revenue shall remit all such fees
4 remitted to the state treasurer in accordance with the provisions of K.S.A.
5 75-4215, and amendments thereto. Upon receipt of each such remittance,
6 the state treasurer shall deposit the entire amount in the state treasury to
7 the credit of the state highway fund, except as provided in subsection (d).

8 (d) (1) Three dollars and fifty cents of each certificate of title fee
9 collected and remitted to the secretary of revenue, shall be remitted to the
10 state treasurer who shall credit such \$3.50 to the Kansas highway patrol
11 motor vehicle fund. Three dollars of each certificate of title fee collected
12 and remitted to the secretary of revenue, shall be remitted to the state
13 treasurer who shall credit such \$3 to the VIPS/CAMA technology
14 hardware fund.

15 (2) For repossessed vehicles, \$3 of each certificate of title fee
16 collected and remitted to the secretary of revenue, shall be remitted to the
17 state treasurer who shall credit such \$3 to the repossessed certificates of
18 title fee fund.

19 (3) Three dollars and fifty cents of each reassignment form fee
20 collected and remitted to the secretary of revenue, shall be remitted to the
21 state treasurer who shall credit such \$3.50 to the Kansas highway patrol
22 motor vehicle fund. Three dollars of each reassignment form fee collected
23 and remitted to the secretary of revenue, shall be remitted to the state
24 treasurer who shall credit such \$3 to the VIPS/CAMA technology
25 hardware fund.

26 (4) Until January 1, 2013, \$4 of each division of vehicles
27 modernization surcharge collected and remitted to the secretary of
28 revenue, shall be remitted to the state treasurer who shall credit such \$4 to
29 the division of vehicles modernization fund, on and after January 1, 2013,
30 the state treasurer shall credit such \$4 to the state highway fund.

31 (5) Two dollars of each Kansas highway patrol staffing and training
32 surcharge collected and remitted to the secretary of revenue, shall be
33 remitted to the state treasurer who shall credit such \$2 to the Kansas
34 highway patrol staffing and training fund.

35 (6) One dollar and twenty-five cents of each law enforcement training
36 center surcharge collected and remitted to the secretary of revenue, shall
37 be remitted to the state treasurer who shall credit such \$1.25 to the law
38 enforcement training center fund.

39 Sec. 4. K.S.A. 2016 Supp. 8-170 is hereby amended to read as
40 follows: 8-170. (a) Upon the transfer of ownership of any vehicle
41 registered under the foregoing provisions of this act, its registration and
42 right to use the license plates thereon shall expire and thereafter there shall
43 be no transfer of any registration, and the license plates shall be removed

1 by the owner thereof and it shall be unlawful for any person other than the
2 person to whom such license plates were originally issued to have the
3 same in possession. In case of a transfer of ownership of a registered
4 vehicle the original owner of the license plates may register another
5 antique vehicle under the same license plate designation, upon application
6 therefor and the payment of a fee of \$1.50. On and after January 1, 2000,
7 any model year license plate transferred shall comply with the provisions
8 of ~~subsection (e)~~ of K.S.A. 8-172(c), and amendments thereto.

9 (b) Upon the transfer and sale of a registered vehicle by any person,
10 the new owner thereof, before using a vehicle on the highways of this
11 state, shall make application to the division for registration of the vehicle.

12 (c) Certificate of title:

13 (1) Application for certificate of title on an antique vehicle shall be
14 made by the owner or the owner's agent upon a blank form to be furnished
15 by the division and shall contain such information as the division shall
16 determine necessary. The division may waive any information requested
17 on the form if it is not available. For any antique vehicle having a model
18 year prior to 1950, the application together with a bill of sale for the
19 antique vehicle shall be accepted as prima facie evidence that the applicant
20 is the owner of the vehicle and the certificate of title shall be issued for
21 such vehicle. If the application and bill of sale are used to obtain a
22 certificate of title for any antique vehicle having a model year of 1950 or
23 later, the certificate of title shall not be issued until an inspection in
24 accordance with ~~subsection (a)~~ of K.S.A. 8-116(a), and amendments
25 thereto, has been completed. The certificate of title shall be delivered to
26 the applicant. The certificate shall contain the words "antique vehicle."

27 (2) The certificate of title shall contain upon the reverse side a form
28 for assignment of title to be executed by the owner. A certificate of title
29 may be issued under the provisions of this act without an application for
30 registration.

31 (3) The fee for each original certificate of title so issued shall be ~~\$10~~
32 \$20. The certificate of title shall be good for the life of the antique vehicle,
33 so long as the same is owned or held by the original holder of the
34 certificate of title, and shall not have to be renewed. In the event of a sale
35 or transfer of ownership of an antique vehicle for which a certificate of
36 title has been issued under the provisions of this subsection, the holder of
37 such certificate of title shall endorse on the same an assignment thereof,
38 with warranty of title in form printed thereon, as prescribed by the director,
39 and the transferor must deliver the same to the buyer at the time of
40 delivery of the vehicle. The buyer shall then present such certificate of
41 title, assigned as aforesaid, to the director or an authorized agent of the
42 director, whereupon a new certificate of title shall be issued to the buyer,
43 the fee therefor being ~~\$10~~ \$20.

1 Sec. 5. K.S.A. 2016 Supp. 8-198 is hereby amended to read as
2 follows: 8-198. (a) A nonhighway or salvage vehicle shall not be required
3 to be registered in this state, as provided in K.S.A. 8-135, and amendments
4 thereto, but nothing in this section shall be construed as abrogating,
5 limiting or otherwise affecting the provisions of K.S.A. 8-142, and
6 amendments thereto, which make it unlawful for any person to operate or
7 knowingly permit the operation in this state of a vehicle required to be
8 registered in this state.

9 (b) Upon the sale or transfer of any nonhighway vehicle or salvage
10 vehicle, the purchaser thereof shall obtain a nonhighway certificate of title
11 or salvage title, whichever is applicable, in the following manner:

12 (1) If the transferor is a vehicle dealer, as defined in K.S.A. 8-2401,
13 and amendments thereto, and a certificate of title has not been issued for
14 such vehicle under this section or under the provisions of K.S.A. 8-135,
15 and amendments thereto, such transferor shall make application for and
16 assign a nonhighway certificate of title or a salvage title, whichever is
17 applicable, to the purchaser of such nonhighway vehicle or salvage vehicle
18 in the same manner and under the same conditions prescribed by K.S.A. 8-
19 135, and amendments thereto, for the application for and assignment of a
20 certificate of title thereunder. Upon the assignment thereof, the purchaser
21 shall make application for a new nonhighway certificate of title or salvage
22 title, as provided in subsection (c) or (d).

23 (2) Except as provided in K.S.A. 8-199(b), and amendments thereto,
24 if a certificate of title has been issued for any such vehicle under the
25 provisions of K.S.A. 8-135, and amendments thereto, the owner of such
26 nonhighway vehicle or salvage vehicle may surrender such certificate of
27 title to the division of vehicles and make application to the division for a
28 nonhighway certificate of title or salvage title, whichever is applicable, or
29 the owner may obtain from the county treasurer's office a form prescribed
30 by the division of vehicles and, upon proper execution thereof, may assign
31 the nonhighway certificate of title, salvage title or the regular certificate of
32 title with such form attached to the purchaser of the nonhighway vehicle or
33 salvage vehicle. Upon receipt of the nonhighway certificate of title,
34 salvage title or the regular certificate of title with such form attached, the
35 purchaser shall make application for a new nonhighway certificate of title
36 or salvage title, whichever is applicable, as provided in subsection (c) or
37 (d).

38 (3) If the transferor is not a vehicle dealer, as defined in K.S.A. 8-
39 2401, and amendments thereto, and a certificate of title has not been issued
40 for the vehicle under this section or a certificate of title was not required
41 under K.S.A. 8-135, and amendments thereto, the transferor shall make
42 application to the division for a nonhighway certificate of title or salvage
43 title, whichever is applicable, as provided in this section, except that in

1 addition thereto, the division shall require a bill of sale or such transferor's
2 affidavit, with at least one other corroborating affidavit, that such
3 transferor is the owner of such nonhighway vehicle or salvage vehicle. If
4 the division is satisfied that the transferor is the owner, the division shall
5 issue a nonhighway certificate of title or salvage title, whichever is
6 applicable, for such vehicle, and the transferor shall assign the same to the
7 purchaser, who shall make application for a new nonhighway certificate of
8 title or salvage title, whichever is applicable, as provided in subsection (c)
9 or (d).

10 (c) Every purchaser of a nonhighway vehicle, whether assigned a
11 nonhighway certificate of title or a regular certificate of title with the form
12 specified in subsection (b)(2) attached, shall make application to the
13 county treasurer of the county in which such person resides for a new
14 nonhighway certificate of title in the same manner and under the same
15 conditions as for an application for a certificate of title under K.S.A. 8-
16 135, and amendments thereto. Such application shall be in the form
17 prescribed by the director of vehicles and shall contain substantially the
18 same provisions as required for an application under K.S.A. 8-135(c)(1),
19 and amendments thereto. In addition, such application shall provide a
20 place for the applicant to certify that the vehicle for which the application
21 for a nonhighway certificate of title is made is a nonhighway vehicle and
22 other provisions the director deems necessary. Each application for a
23 nonhighway certificate of title shall be accompanied by a fee of ~~\$10~~ \$20,
24 and if the application is not made to the county treasurer within the time
25 prescribed by K.S.A. 8-135, and amendments thereto, for making
26 application for a certificate of title thereunder, an additional fee of \$2.

27 (d) (1) Except as otherwise provided by this section, the owner of a
28 vehicle that meets the definition of a salvage vehicle shall apply for a
29 salvage title before the ownership of the motor vehicle or travel trailer is
30 transferred. In no event shall such application be made more than 60 days
31 after the vehicle is determined to be a salvage vehicle.

32 (2) Every insurance company, which pursuant to a damage
33 settlement, acquires ownership of a vehicle that has incurred damage
34 requiring the vehicle to be designated a salvage vehicle, shall apply for a
35 salvage title within 60 days after the title is assigned and delivered by the
36 owner to the insurance company, with all liens released. In the event that
37 an insurance company is unable to obtain voluntary assignment of the title
38 after 30 days from the date the vehicle owner enters into an oral or written
39 damage settlement agreement where the owner agrees to transfer the title,
40 the insurance company may submit an application on a form prescribed by
41 the division for a salvage title. The form shall be accompanied by an
42 affidavit from the insurance company stating that: (A) The insurance
43 company is unable to obtain a transfer of the title from the owner

1 following an oral or written acceptance of an offer of damage settlement;
2 (B) there is evidence of the damage settlement; (C) that there are no
3 existing liens on the vehicle or all liens on the vehicle have been released;
4 (D) the insurance company has physical possession of the vehicle; and (E)
5 the insurance company has provided the owner, at the owner's last known
6 address, 30 days' prior notice of such intent to transfer and the owner has
7 not delivered a written objection to the insurance company.

8 (3) Every insurance company which makes a damage settlement for a
9 vehicle that has incurred damage requiring such vehicle to be designated a
10 salvage vehicle, but does not acquire ownership of the vehicle, shall notify
11 the vehicle owner of the owner's obligation to apply for a salvage title for
12 the motor vehicle or travel trailer, and shall notify the division of this fact
13 in accordance with procedures established by the division. The vehicle
14 owner shall apply for a salvage title within 60 days after being notified by
15 the insurance company.

16 (4) The lessee of any vehicle which incurs damage requiring the
17 vehicle to be designated a salvage vehicle shall notify the lessor of this fact
18 within 30 days of the determination that the vehicle is a salvage vehicle.

19 (5) The lessor of any motor vehicle or travel trailer which has
20 incurred damage requiring the vehicle to be titled as a salvage vehicle,
21 shall apply for a salvage title within 60 days after being notified of this
22 fact by the lessee.

23 (6) Every person acquiring ownership of a motor vehicle or travel
24 trailer that meets the definition of a salvage vehicle, for which a salvage
25 title has not been issued, shall apply for the required document prior to any
26 further transfer of such vehicle, but in no event, more than 60 days after
27 ownership is acquired.

28 (7) Every purchaser of a salvage vehicle, whether assigned a salvage
29 title or a regular certificate of title with the form specified in subsection (b)
30 (2) attached, shall make application to the county treasurer of the county in
31 which such person resides for a new salvage title, in the same manner and
32 under the same condition as for an application for a certificate of title
33 under K.S.A. 8-135, and amendments thereto. Such application shall be in
34 the form prescribed by the director of vehicles and shall contain
35 substantially the same provisions as required for an application under
36 K.S.A. 8-135(c)(1), and amendments thereto. In addition, such application
37 shall provide a place for the applicant to certify that the vehicle for which
38 the application for salvage title is made is a salvage vehicle, and other
39 provisions the director deems necessary. Each application for a salvage
40 title shall be accompanied by a fee of ~~\$10~~ \$20 and if the application is not
41 made to the county treasurer within the time prescribed by K.S.A. 8-135,
42 and amendments thereto, for making application for a certificate of title
43 thereunder, an additional fee of \$2.

1 (8) Failure to apply for a salvage title as provided by this subsection
2 shall be a class C nonperson misdemeanor.

3 (e) A nonhighway certificate of title or salvage title shall be in form
4 and color as prescribed by the director of vehicles. A nonhighway
5 certificate of title or salvage title shall indicate clearly and distinctly on its
6 face that it is issued for a nonhighway vehicle or salvage vehicle,
7 whichever is applicable. A nonhighway certificate of title or salvage title
8 shall contain substantially the same information as required on a certificate
9 of title issued under K.S.A. 8-135, and amendments thereto, and other
10 information the director deems necessary.

11 (f) (1) A nonhighway certificate of title or salvage title may be
12 transferred in the same manner and under the same conditions as
13 prescribed by K.S.A. 8-135, and amendments thereto, for the transfer of a
14 certificate of title, except as otherwise provided in this section. A
15 nonhighway certificate of title or salvage title may be assigned and
16 transferred only while the vehicle remains a nonhighway vehicle or
17 salvage vehicle.

18 (2) Upon transfer or sale of a nonhighway vehicle in a condition
19 which will allow the registration of such vehicle, the owner shall assign
20 the nonhighway certificate of title to the purchaser, and the purchaser shall
21 obtain a certificate of title and register such vehicle as provided in K.S.A.
22 8-135, and amendments thereto. No regular certificate of title shall be
23 issued for a vehicle for which there has been issued a nonhighway
24 certificate of title until there has been compliance with K.S.A. 8-116a, and
25 amendments thereto.

26 (3) (A) Upon transfer or sale of a salvage vehicle which has been
27 rebuilt or restored or is otherwise in a condition which will allow the
28 registration of such vehicle, the owner shall assign the salvage title to the
29 purchaser, and the purchaser shall obtain a rebuilt salvage title and register
30 such vehicle as provided in K.S.A. 8-135, and amendments thereto. No
31 rebuilt salvage title shall be issued for a vehicle for which there has been
32 issued a salvage title until there has been compliance with K.S.A. 8-116a,
33 and amendments thereto, and the notice required in subsection (f)(3)(B)
34 has been attached to such vehicle.

35 (B) As part of the inspection for a rebuilt salvage title conducted
36 under K.S.A. 8-116a, and amendments thereto, the Kansas highway patrol
37 shall attach a notice affixed to the left door frame of the rebuilt salvage
38 vehicle indicating the vehicle identification number of such vehicle and
39 that such vehicle is a rebuilt salvage vehicle. In addition to any fee allowed
40 under K.S.A. 8-116a, and amendments thereto, a fee of \$5 shall be
41 collected from the owner of such vehicle requesting the inspection for the
42 notice required under this paragraph. All moneys received under this
43 paragraph shall be remitted in accordance with K.S.A. 8-116a(e), and

1 amendments thereto.

2 (C) Failure to apply for a rebuilt salvage title as provided by this
3 paragraph shall be a class C nonperson misdemeanor.

4 (g) The owner of a salvage vehicle which has been issued a salvage
5 title and has been assembled, reconstructed, reconstituted or restored or
6 otherwise placed in an operable condition may make application to the
7 county treasurer for a permit to operate such vehicle on the highways of
8 this state over the most direct route from the place such salvage vehicle is
9 located to a specified location named on the permit and to return to the
10 original location. No such permit shall be issued for any vehicle unless the
11 owner has motor vehicle liability insurance coverage or an approved self-
12 insurance plan under K.S.A. 40-3104, and amendments thereto. Such
13 permit shall be on a form furnished by the director of vehicles and shall
14 state the date the vehicle is to be taken to the other location, the name of
15 the insurer, as defined in K.S.A. 40-3103, and amendments thereto, and the
16 policy number or a statement that the vehicle is included in a self-
17 insurance plan approved by the commissioner of insurance, a statement
18 attesting to the correctness of the information concerning financial
19 security, the vehicle identification number and a description of the vehicle.
20 Such permit shall be signed by the owner of the vehicle. The permit shall
21 be carried in the vehicle for which it is issued and shall be displayed so
22 that it is visible from the rear of the vehicle. The fee for such permit shall
23 be \$1 which shall be retained by the county treasurer, who shall annually
24 forward 25% of all such fees collected to the division of vehicles to
25 reimburse the division for administrative expenses, and shall deposit the
26 remainder in a special fund for expenses of issuing such permits.

27 (h) A nonhighway vehicle or salvage vehicle for which a nonhighway
28 certificate of title or salvage title has been issued pursuant to this section
29 shall not be deemed a motor vehicle for the purposes of K.S.A. 40-3101 to
30 40-3121, inclusive, and amendments thereto, except when such vehicle is
31 being operated pursuant to subsection (g). Any person who knowingly
32 makes a false statement concerning financial security in obtaining a permit
33 pursuant to subsection (g), or who fails to obtain a permit when required
34 by law to do so is guilty of a class C misdemeanor.

35 (i) Any person who, on July 1, 1996, is the owner of an all-terrain
36 vehicle, as defined in K.S.A. 8-126, and amendments thereto, shall not be
37 required to file an application for a nonhighway certificate of title under
38 the provisions of this section for such all-terrain vehicle, unless the person
39 transfers an interest in such all-terrain vehicle.

40 (j) Any person who, on July 1, 2006, is the owner of a work-site
41 utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, shall
42 not be required to file an application for a nonhighway certificate of title
43 under the provisions of this section for such work-site utility vehicle,

- 1 unless the person transfers an interest in such work-site utility vehicle.
- 2 Sec. 6. K.S.A. 2016 Supp. 8-135, 8-139, 8-145, 8-170 and 8-198 are
- 3 hereby repealed.
- 4 Sec. 7. This act shall take effect and be in force from and after its
- 5 publication in the statute book.