

HOUSE BILL No. 2277

By Committee on Agriculture

2-2

AN ACT concerning agriculture; relating to all-terrain vehicles used for agricultural purposes; amending K.S.A. 2000 Supp. 8-126, 8-1427 and 8-15,100 and repealing the existing sections.

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

Section 1. K.S.A. 2000 Supp. 8-126 is hereby amended to read as follows: 8-126. The following words and phrases when used in this act shall have the meanings respectively ascribed to them herein:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor vehicle" means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.

(c) "Truck" means a motor vehicle which is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

(d) "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

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

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

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

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

(i) "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own

1 weight and that of its own load rests upon or is carried by another vehicle.

2 (j) "Pole trailer" means any two-wheel vehicle used as a trailer with
3 bolsters that support the load, and do not have a rack or body extending
4 to the tractor drawing the load.

5 (k) "Specially constructed vehicle" means any vehicle which shall not
6 have been originally constructed under a distinctive name, make, model
7 or type, or which, if originally otherwise constructed shall have been ma-
8 terially altered by the removal of essential parts, or by the addition or
9 substitution of essential parts, new or used, derived from other vehicles
10 or makes of vehicles.

11 (l) "Foreign vehicle" means every motor vehicle, trailer or semitrailer
12 which shall be brought into this state otherwise than in ordinary course
13 of business by or through a manufacturer or dealer and which has not
14 been registered in this state.

15 (m) "Person" means every natural person, firm, partnership, associ-
16 ation or corporation.

17 (n) "Owner" means a person who holds the legal title of a vehicle, or
18 in the event a vehicle is the subject of an agreement for the conditional
19 sale thereof with the right of purchase upon performance of the condi-
20 tions stated in the agreement and with an immediate right of possession
21 vested in the conditional vendee or in the event a vehicle is subject to a
22 lease of 30 days or more with an immediate right of possession vested in
23 the lessee; or in the event a party having a security interest in a vehicle
24 is entitled to possession, then such conditional vendee or lessee or secured
25 party shall be deemed the owner for the purpose of this act.

26 (o) "Nonresident" means every person who is not a resident of this
27 state.

28 (p) "Manufacturer" means every person engaged in the business of
29 manufacturing motor vehicles, trailers or semitrailers.

30 (q) "New vehicle dealer" means every person actively engaged in the
31 business of buying, selling or exchanging new motor vehicles, travel trail-
32 ers, trailers or vehicles and who holds a dealer's contract therefor from a
33 manufacturer or distributor and who has an established place of business
34 in this state.

35 (r) "Used vehicle dealer" means every person actively engaged in the
36 business of buying, selling or exchanging used vehicles, and having an
37 established place of business in this state and who does not hold a dealer's
38 contract for the sale of new motor vehicles, travel trailers, trailers or
39 vehicles.

40 (s) "Highway" means every way or place of whatever nature open to
41 the use of the public as a matter of right for the purpose of vehicular
42 travel. The term "highway" shall not be deemed to include a roadway or
43 driveway upon grounds owned by private owners, colleges, universities

1 or other institutions.

2 (t) "Department" or "motor vehicle department" or "vehicle depart-
3 ment" means the division of vehicles of the department of revenue, acting
4 directly or through its duly authorized officers and agents.

5 (u) "Commission" or "state highway commission" means the director
6 of vehicles of the department of revenue.

7 (v) "Division" means the division of vehicles of the department of
8 revenue.

9 (w) "Travel trailer" means every vehicle without motive power de-
10 signed to be towed by a motor vehicle constructed primarily for recrea-
11 tional purposes and measuring eight feet or less in width.

12 (x) "Passenger vehicle" means every motor vehicle, as herein defined,
13 which is designed primarily to carry 10 or fewer passengers, and which
14 is not used as a truck.

15 (y) "Self-propelled farm implement" means every farm implement
16 designed for specific use applications with its motive power unit perma-
17 nently incorporated in its structural design.

18 (z) "Farm trailer" means every trailer as defined in subsection (h) of
19 this section and every semitrailer as defined in subsection (i) of this sec-
20 tion, designed and used primarily as a farm vehicle.

21 (aa) "Motorized bicycle" means every device having two tandem
22 wheels or three wheels, which may be propelled by either human power
23 or helper motor, or by both, and which has:

- 24 (1) A motor which produces not more than 3.5 brake horsepower;
- 25 (2) a cylinder capacity of not more than 130 cubic centimeters;
- 26 (3) an automatic transmission; and
- 27 (4) the capability of a maximum design speed of no more than 30
28 miles per hour.

29 (bb) "All-terrain vehicle" means any motorized nonhighway vehicle
30 45 inches or less in width, having a dry weight of 650 pounds or less,
31 traveling on three or more low-pressure tires, having a seat designed to
32 be straddled by the operator. As used in this subsection, low-pressure tire
33 means any pneumatic tire six inches or more in width, designed for use
34 on wheels with rim diameter of 12 inches or less, and utilizing an oper-
35 ating pressure of 10 pounds per square inch or less as recommended by
36 the vehicle manufacturer.

37 (cc) "Implement of husbandry" means every vehicle designed or
38 adapted and used exclusively for agricultural operations, including feed-
39 lots, and only incidentally moved or operated upon the highways. Such
40 term shall include, but not be limited to:

- 41 (1) A farm tractor;
- 42 (2) a self-propelled farm implement;
- 43 (3) a fertilizer spreader, nurse tank or truck permanently mounted

1 with a spreader used exclusively for dispensing or spreading water, dust
2 or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202,
3 and amendments thereto, regardless of ownership;

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

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

9 (6) *an all-terrain vehicle used for agricultural purposes.*

10 (dd) “Motorized wheelchair” means any self-propelled vehicle de-
11 signed specifically for use by a physically disabled person that is incapable
12 of a speed in excess of 15 miles per hour.

13 (ee) “Oil well servicing, oil well clean-out or oil well drilling machin-
14 ery or equipment” means a vehicle constructed as a machine used exclu-
15 sively for servicing, cleaning-out or drilling an oil well and consisting in
16 general of a mast, an engine for power, a draw works and a chassis per-
17 manently constructed or assembled for one or more of those purposes.
18 The passenger capacity of the cab of a vehicle shall not be considered in
19 determining whether such vehicle is an oil well servicing, oil well clean-
20 out or oil well drilling machinery or equipment.

21 Sec. 2. K.S.A. 2000 Supp. 8-1427 is hereby amended to read as fol-
22 lows: 8-1427. “Implement of husbandry” means every vehicle designed
23 or adapted and used exclusively for agricultural operations and only in-
24 cidentally moved or operated upon the highways. Such term shall include,
25 but not be limited to, a fertilizer spreader or nurse tank used exclusively
26 for dispensing or spreading water, dust or liquid fertilizers or agricultural
27 chemicals, as defined in K.S.A. 2-2202, and amendments thereto, *and an*
28 *all-terrain vehicle used for agricultural purposes* regardless of ownership.
29 For the purpose of this section or for the purpose of the act of which this
30 section is a part, “implement of husbandry” shall not include: (a) A truck
31 mounted with a fertilizer spreader used or manufactured principally to
32 spread animal dung; (b) a mixer-feed truck owned and used by a feedlot,
33 as defined by K.S.A. 47-1501, and amendments thereto, and specially
34 designed and used exclusively for dispensing feed to livestock in such
35 feedlot; or (c) a truck permanently mounted with a spreader used exclu-
36 sively for dispensing or spreading water, dust or liquid fertilizers or ag-
37 ricultural chemicals, as defined in K.S.A. 2-2202, and amendments
38 thereto, regardless of ownership.

39 Sec. 3. K.S.A. 2000 Supp. 8-15,100 is hereby amended to read as
40 follows: 8-15,100. (a) Except as provided in subsection (b), it shall be
41 unlawful for any person to operate an all-terrain vehicle: (1) On any in-
42 terstate highway, federal highway or state highway; or (2) within the cor-
43 porate limits of a city of the first class.

1 (b) Notwithstanding the provisions of subsection (a); (1) All-terrain
2 vehicles owned and operated by a county noxious weed department, or
3 all-terrain vehicles owned and operated by persons contracting with a
4 county noxious weed department or the Kansas department of transpor-
5 tation may be allowed to operate such all-terrain vehicles upon the right-
6 of-way of any federal highway or state highway for the purpose of erad-
7 icating noxious weeds and such all-terrain vehicles may be operated
8 incidentally upon such federal highway or state highway; and

9 (2) *all-terrain vehicles may be allowed to operate upon the right-of-*
10 *way of any federal highway or state highway when used for agricultural*
11 *purposes and may be operated incidently upon such federal highway or*
12 *state highway.*

13 (c) No all-terrain vehicle shall be operated on any public highway,
14 street or road between sunset and sunrise unless equipped with lights as
15 required by law for motorcycles.

16 (d) This section shall be part of and supplemental to the uniform act
17 regulating traffic on highways.

18 Sec. 4. K.S.A. 2000 Supp. 8-126, 8-1427 and 8-15,100 are hereby
19 repealed.

20 Sec. 5. This act shall take effect and be in force from and after its
21 publication in the statute book.

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