

Substitute for HOUSE BILL No. 2709

By Committee on Transportation

2-27

9 AN ACT regulating traffic; concerning micro utility trucks; relating to
10 the regulation thereof; amending K.S.A. 8-2401 and K.S.A. 2007 Supp.
11 8-126, 8-128, 8-197, 8-1486, 8-1493 and 8-2118 and repealing the ex-
12 isting sections; also repealing K.S.A. 2007 Supp. 8-15,105.
13

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

15 New Section 1. "Micro utility truck" means any motor vehicle which
16 is not less than 48 inches in width, has an overall length, including the
17 bumper, of not more than 144 inches, has an unladen weight, including
18 fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour
19 as originally manufactured and is manufactured with a metal cab. "Micro
20 utility truck" does not include a work-site utility vehicle.

21 New Sec. 2. (a) It shall be unlawful for any person to operate a micro
22 utility truck: (1) On any interstate highway, federal highway or state high-
23 way; or (2) within the corporate limits of any city unless authorized by
24 such city.

25 (b) No micro utility truck shall be operated on any public highway or
26 street, unless such truck complies with the equipment requirements un-
27 der article 17 of chapter 8 of the Kansas Statutes Annotated, and amend-
28 ments thereto.

29 (c) The provisions of subsection (a), shall not prohibit a micro utility
30 truck from crossing a federal or state highway.

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

33 Sec. 3. K.S.A. 2007 Supp. 8-126 is hereby amended to read as fol-
34 lows: 8-126. The following words and phrases when used in this act shall
35 have the meanings respectively ascribed to them herein:

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

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

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

- 1 (d) "Motorcycle" means every motor vehicle designed to travel on
2 not more than three wheels in contact with the ground, except any such
3 vehicle as may be included within the term "tractor" as herein defined.
- 4 (e) "Truck tractor" means every motor vehicle designed and used
5 primarily for drawing other vehicles, and not so constructed as to carry a
6 load other than a part of the weight of the vehicle or load so drawn.
- 7 (f) "Farm tractor" means every motor vehicle designed and used as
8 a farm implement power unit operated with or without other attached
9 farm implements in any manner consistent with the structural design of
10 such power unit.
- 11 (g) "Road tractor" means every motor vehicle designed and used for
12 drawing other vehicles, and not so constructed as to carry any load
13 thereon independently, or any part of the weight of a vehicle or load so
14 drawn.
- 15 (h) "Trailer" means every vehicle without motive power designed to
16 carry property or passengers wholly on its own structure and to be drawn
17 by a motor vehicle.
- 18 (i) "Semitrailer" means every vehicle of the trailer type so designed
19 and used in conjunction with a motor vehicle that some part of its own
20 weight and that of its own load rests upon or is carried by another vehicle.
- 21 (j) "Pole trailer" means any two-wheel vehicle used as a trailer with
22 bolsters that support the load, and do not have a rack or body extending
23 to the tractor drawing the load.
- 24 (k) "Specially constructed vehicle" means any vehicle which shall not
25 have been originally constructed under a distinctive name, make, model
26 or type, or which, if originally otherwise constructed shall have been ma-
27 terially altered by the removal of essential parts, or by the addition or
28 substitution of essential parts, new or used, derived from other vehicles
29 or makes of vehicles.
- 30 (l) "Foreign vehicle" means every motor vehicle, trailer or semitrailer
31 which shall be brought into this state otherwise than in ordinary course
32 of business by or through a manufacturer or dealer and which has not
33 been registered in this state.
- 34 (m) "Person" means every natural person, firm, partnership, associ-
35 ation or corporation.
- 36 (n) "Owner" means a person who holds the legal title of a vehicle, or
37 in the event a vehicle is the subject of an agreement for the conditional
38 sale thereof with the right of purchase upon performance of the condi-
39 tions stated in the agreement and with an immediate right of possession
40 vested in the conditional vendee or in the event a vehicle is subject to a
41 lease of 30 days or more with an immediate right of possession vested in
42 the lessee; or in the event a party having a security interest in a vehicle
43 is entitled to possession, then such conditional vendee or lessee or secured

- 1 party shall be deemed the owner for the purpose of this act.
- 2 (o) “Nonresident” means every person who is not a resident of this
3 state.
- 4 (p) “Manufacturer” means every person engaged in the business of
5 manufacturing motor vehicles, trailers or semitrailers.
- 6 (q) “New vehicle dealer” means every person actively engaged in the
7 business of buying, selling or exchanging new motor vehicles, travel trail-
8 ers, trailers or vehicles and who holds a dealer’s contract therefor from a
9 manufacturer or distributor and who has an established place of business
10 in this state.
- 11 (r) “Used vehicle dealer” means every person actively engaged in the
12 business of buying, selling or exchanging used vehicles, and having an
13 established place of business in this state and who does not hold a dealer’s
14 contract for the sale of new motor vehicles, travel trailers, trailers or
15 vehicles.
- 16 (s) “Highway” means every way or place of whatever nature open to
17 the use of the public as a matter of right for the purpose of vehicular
18 travel. The term “highway” shall not be deemed to include a roadway or
19 driveway upon grounds owned by private owners, colleges, universities
20 or other institutions.
- 21 (t) “Department” or “motor vehicle department” or “vehicle depart-
22 ment” means the division of vehicles of the department of revenue, acting
23 directly or through its duly authorized officers and agents. When acting
24 on behalf of the department of revenue pursuant to this act, a county
25 treasurer shall be deemed to be an agent of the state of Kansas.
- 26 (u) “Commission” or “state highway commission” means the director
27 of vehicles of the department of revenue.
- 28 (v) “Division” means the division of vehicles of the department of
29 revenue.
- 30 (w) “Travel trailer” means every vehicle without motive power de-
31 signed to be towed by a motor vehicle constructed primarily for recrea-
32 tional purposes.
- 33 (x) “Passenger vehicle” means every motor vehicle, as herein defined,
34 which is designed primarily to carry 10 or fewer passengers, and which
35 is not used as a truck.
- 36 (y) “Self-propelled farm implement” means every farm implement
37 designed for specific use applications with its motive power unit perma-
38 nently incorporated in its structural design.
- 39 (z) “Farm trailer” means every trailer as defined in subsection (h) of
40 this section and every semitrailer as defined in subsection (i) of this sec-
41 tion, designed and used primarily as a farm vehicle.
- 42 (aa) “Motorized bicycle” means every device having two tandem
43 wheels or three wheels, which may be propelled by either human power

1 or helper motor, or by both, and which has:

- 2 (1) A motor which produces not more than 3.5 brake horsepower;
- 3 (2) a cylinder capacity of not more than 130 cubic centimeters;
- 4 (3) an automatic transmission; and
- 5 (4) the capability of a maximum design speed of no more than 30

6 miles per hour.
7 (bb) “All-terrain vehicle” means any motorized nonhighway vehicle
8 48 inches or less in width, having a dry weight of 1,000 pounds or less,
9 traveling on three or more low-pressure tires, having a seat designed to
10 be straddled by the operator. As used in this subsection, low-pressure tire
11 means any pneumatic tire six inches or more in width, designed for use
12 on wheels with rim diameter of 12 inches or less, and utilizing an oper-
13 ating pressure of 10 pounds per square inch or less as recommended by
14 the vehicle manufacturer.

15 (cc) “Implement of husbandry” means every vehicle designed or
16 adapted and used exclusively for agricultural operations, including feed-
17 lots, and only incidentally moved or operated upon the highways. Such
18 term shall include, but not be limited to:

- 19 (1) A farm tractor;
- 20 (2) a self-propelled farm implement;
- 21 (3) a fertilizer spreader, nurse tank or truck permanently mounted
22 with a spreader used exclusively for dispensing or spreading water, dust
23 or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202,
24 and amendments thereto, regardless of ownership;
- 25 (4) a truck mounted with a fertilizer spreader used or manufactured
26 principally to spread animal dung;
- 27 (5) a mixer-feed truck owned and used by a feedlot, as defined in
28 K.S.A. 47-1501, and amendments thereto, and specially designed and
29 used exclusively for dispensing food to livestock in such feedlot.

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

33 (ee) “Oil well servicing, oil well clean-out or oil well drilling machin-
34 ery or equipment” means a vehicle constructed as a machine used exclu-
35 sively for servicing, cleaning-out or drilling an oil well and consisting in
36 general of a mast, an engine for power, a draw works and a chassis per-
37 manently constructed or assembled for one or more of those purposes.
38 The passenger capacity of the cab of a vehicle shall not be considered in
39 determining whether such vehicle is an oil well servicing, oil well clean-
40 out or oil well drilling machinery or equipment.

41 (ff) “Electric personal assistive mobility device” means a self-balanc-
42 ing two nontandem wheeled device, designed to transport only one per-
43 son, with an electric propulsion system that limits the maximum speed of

1 the device to 15 miles per hour or less.

2 (gg) “Electronic certificate of title” means any electronic record of
3 ownership, including any lien or liens that may be recorded, retained by
4 the division in accordance with K.S.A. 2007 Supp. 8-135d, and amend-
5 ments thereto.

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

14 (ii) *“Micro utility truck” means any motor vehicle which is not less*
15 *than 48 inches in width, has an overall length, including the bumper, of*
16 *not more than 144 inches, has an unladen weight, including fuel and*
17 *fluids, of more than 1,500 pounds, can exceed 40 miles per hour as orig-*
18 *inally manufactured and is manufactured with a metal cab. “Micro utility*
19 *truck” does not include a work-site utility vehicle.*

20 Sec. 4. K.S.A. 2007 Supp. 8-128 is hereby amended to read as fol-
21 lows: 8-128. (a) The following need not be registered under this act, any:

- 22 (1) Implement of husbandry;
- 23 (2) all-terrain vehicle;
- 24 (3) ~~work-site utility vehicle~~ *micro utility truck*;
- 25 (4) road roller or road machinery temporarily operated or moved
26 upon the highways;
- 27 (5) municipally owned fire truck;
- 28 (6) privately owned fire truck subject to a mutual aid agreement with
29 a municipality;
- 30 (7) school bus owned and operated by a school district or a nonpublic
31 school which has the name of the municipality, school district or non-
32 public school plainly painted thereon;
- 33 (8) farm trailer used in carrying not more than 6,000 pounds owned
34 by a person engaged in farming, which trailer is used exclusively by the
35 owner to transport agricultural products produced by such owner or com-
36 modities purchased by the owner for use on the farm owned or rented
37 by the owner of such trailer and the weight of any such farm trailer, plus
38 the cargo weight of 6,000 pounds or less, shall not be considered in de-
39 termining the gross weight for which the truck or truck tractor propelling
40 the same shall be registered; or
- 41 (9) farm trailer used and designed for transporting hay or forage from
42 a field to a storage area or from a storage area to a feedlot, which is only
43 incidentally moved or operated upon the highways, except that this par-

1 agraph shall not apply to a farm semitrailer.

2 (b) Self-propelled cranes where the crane operator on a job site op-
3 erates the controls of such crane from a permanent housing or module
4 on the crane and the crane is not used for the transportation of property,
5 except the property that is required for the operation of the crane itself
6 and earth moving equipment which are equipped with pneumatic tires
7 may be moved on the highways of this state from one job location to
8 another, or to or from places of storage, delivery or repair, without com-
9 plying with the provisions of the law relating to registration and display
10 of license plates but shall comply with all the other requirements of the
11 law relating to motor vehicles.

12 (c) Oil well servicing, oil well clean-out or oil well drilling machinery
13 or equipment need not be registered under this act but shall comply with
14 all the other requirements of the law relating to motor vehicles.

15 (d) A truck permanently mounted with a hydraulic concrete pump
16 and placing boom may be moved on the highways of this state from one
17 job location to another, or to or from places of storage delivery or repair,
18 without being registered under this act, but shall comply with all the other
19 requirements of the law relating to motor vehicles. The provisions of this
20 subsection shall not apply to ready-mix concrete trucks.

21 Sec. 5. K.S.A. 2007 Supp. 8-197 is hereby amended to read as fol-
22 lows: 8-197. (a) The provisions of K.S.A. 8-197 to 8-199, inclusive, and
23 amendments thereto, shall be a part of and supplemental to the provisions
24 of article 1 of chapter 8 of the Kansas Statutes Annotated, and as used in
25 such sections, the words and phrases defined by K.S.A. 8-126, and amend-
26 ments thereto, shall have the meanings respectively ascribed to them
27 therein.

28 (b) As used in K.S.A. 8-197 through 8-199, and amendments thereto:

29 (1) "Nonhighway vehicle" means:

30 (A) Any motor vehicle which cannot be registered because it is not
31 manufactured for the purpose of using the same on the highways of this
32 state and is not provided with the equipment required by state statute
33 for vehicles of such type which are used on the highways of this state;

34 (B) any motor vehicle, other than a salvage vehicle, for which the
35 owner has not provided motor vehicle liability insurance coverage or an
36 approved self insurance plan under K.S.A. 40-3104, and amendments
37 thereto, and has not applied for or obtained registration of such motor
38 vehicle in accordance with article 1 of chapter 8 of the Kansas Statutes
39 Annotated;

40 (C) any all-terrain vehicle; ~~or~~

41 (D) any work-site utility vehicle; *or*

42 (E) *any micro utility truck*;

43 (2) "salvage vehicle" means:

1 (A) Any motor vehicle, other than a late model vehicle, which is of a
2 type required to be registered in this state, but which cannot be registered
3 because it has been wrecked or damaged to the extent that: The equip-
4 ment required by state statute on any such vehicle used on the highways
5 of this state is not present or is not in good condition or proper adjust-
6 ment, as prescribed by state statute or any rules and regulations adopted
7 pursuant thereto, or such vehicle is in an inoperable condition or a con-
8 dition that would render the operation thereof on the highways of this
9 state a hazard to the public safety; and in either event, such vehicle would
10 require substantial repairs to rebuild or restore such vehicle to a condition
11 which will permit the registration thereof;

12 (B) a late model vehicle which is of a type required to be registered
13 in this state and which has been wrecked or damaged to the extent that
14 the total cost of repair is 75% or more of the fair market value of the
15 motor vehicle immediately preceding the time it was wrecked or damaged
16 and such condition was not merely exterior cosmetic damage to such
17 vehicle as a result of windstorm or hail; or

18 (C) a motor vehicle, which is of a type required to be registered in
19 this state that the insurer determines is a total loss and for which the
20 insurer takes title;

21 (3) "salvage title" means a certificate of title issued by the division
22 designating a motor vehicle a salvage vehicle;

23 (4) "rebuilt salvage vehicle" means any motor vehicle previously is-
24 sued a salvage title;

25 (5) "rebuilt salvage title" means a certificate of title issued by the
26 division for a vehicle previously designated a salvage vehicle which is now
27 designated a rebuilt salvage vehicle;

28 (6) "late model vehicle" means any motor vehicle which has a man-
29 ufacturer's model year designation of or later than the year in which the
30 vehicle was wrecked or damaged or any of the six preceding years;

31 (7) "fair market value" means the retail value of a motor vehicle as:

32 (A) Set forth in a current edition of any nationally recognized com-
33 pilation, including an automated database of retail value; or

34 (B) determined pursuant to a market survey of comparable vehicles
35 with regard to condition and equipment;

36 (8) "cost of repairs" means the estimated or actual retail cost of parts
37 needed to repair a vehicle plus the cost of labor computed by using the
38 hourly labor rate and time allocations for automobile repairs that are
39 customary and reasonable. Retail costs of parts and labor rates may be
40 based upon collision estimating manuals or electronic computer estimat-
41 ing systems customarily used in the automobile industry. The total cost
42 of repairs to rebuild or reconstruct the vehicle shall not include the cost
43 of repairing, replacing or reinstalling tires, sound systems, or any sales tax

1 on parts or materials to rebuild or reconstruct the vehicle.

2 Sec. 6. K.S.A. 2007 Supp. 8-1486 is hereby amended to read as fol-
 3 lows: 8-1486. K.S.A. 8-1402a, 8-1414a, 8-1439c, 8-1458a, 8-1459a, 8-
 4 1475a, 8-1487, 8-1488, 8-1489 and 8-1490 and amendments thereto, and
 5 K.S.A. ~~2006~~ 2007 Supp. 8-1491, 8-1492, ~~and~~ 8-1493 *and section 1*, and
 6 amendments thereto, shall be a part of, and supplemental to, the uniform
 7 act regulating traffic on highways.

8 Sec. 7. K.S.A. 2007 Supp. 8-1493 is hereby amended to read as fol-
 9 lows: 8-1493. “Work-site utility vehicle” means any motor vehicle which
 10 is not less than 48 inches in width, has an overall length, including the
 11 bumper, of not more than 135 inches, has an unladen weight, including
 12 fuel and fluids, of more than 800 pounds and is equipped with four or
 13 more low pressure tires, a steering wheel and bench or bucket-type seat-
 14 ing allowing at least two people to sit side-by-side, and may be equipped
 15 with a bed or cargo box for hauling materials. “*Work-site utility vehicle*”
 16 *does not include a micro utility truck.*

17 Sec. 8. K.S.A. 2007 Supp. 8-2118 is hereby amended to read as fol-
 18 lows: 8-2118. (a) A person charged with a traffic infraction shall, except
 19 as provided in subsection (b), appear at the place and time specified in
 20 the notice to appear. If the person enters an appearance, waives right to
 21 trial, pleads guilty or no contest, the fine shall be no greater than that
 22 specified in the uniform fine schedule in subsection (c) and court costs
 23 shall be taxed as provided by law.

24 (b) Prior to the time specified in the notice to appear, a person
 25 charged with a traffic infraction may enter a written appearance, waive
 26 right to trial, plead guilty or no contest and pay the fine for the violation
 27 as specified in the uniform fine schedule in subsection (c) and court costs
 28 provided by law. Payment may be made by mail or in person and may be
 29 by personal check. The traffic citation shall not have been complied with
 30 if a check is not honored for any reason, or if the fine and court costs are
 31 not paid in full. When a person charged with a traffic infraction makes
 32 payment without executing a written waiver of right to trial and plea of
 33 guilty or no contest, the payment shall be deemed such an appearance,
 34 waiver of right to trial and plea of no contest.

35 (c) The following uniform fine schedule shall apply uniformly
 36 throughout the state but shall not limit the fine which may be imposed
 37 following a court appearance, except an appearance made for the purpose
 38 of pleading and payment as permitted by subsection (a). The description
 39 of offense contained in the following uniform fine schedule is for refer-
 40 ence only and is not a legal definition.

41 <i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
42 Refusal to submit to a preliminary breath test	8-1012	\$90
43 Unsafe speed for prevailing conditions	8-1557	\$60

1	Exceeding maximum speed limit; or speeding	8-1558	1-10 mph over the limit, \$30
2	in zone posted by the state department of	to	11-20 mph over the limit, \$30
3	transportation; or speeding in locally posted	8-1560	plus \$6 per mph over 10 mph
4	zone	8-1560a	over the limit;
5		or	21-30 mph over the limit, \$90
6		8-1560b	plus \$9 per mph over 20 mph
7			over the limit;
8			31 and more mph over the
9			limit, \$180 plus \$15 per mph
10			over 30 mph over the limit;
11	Disobeying traffic control device	8-1507	\$60
12	Violating traffic control signal	8-1508	\$60
13	Violating pedestrian control signal	8-1509	\$30
14	Violating flashing traffic signals	8-1510	\$60
15	Violating lane-control signal	8-1511	\$60
16	Unauthorized sign, signal, marking or device	8-1512	\$30
17	Driving on left side of roadway	8-1514	\$60
18	Failure to keep right to pass oncoming vehicle	8-1515	\$60
19	Improper passing; increasing speed when	8-1516	\$60
20	passed		
21	Improper passing on right	8-1517	\$60
22	Passing on left with insufficient clearance	8-1518	\$60
23	Driving on left side where curve, grade,	8-1519	\$60
24	intersection railroad crossing, or obstructed		
25	view		
26	Driving on left in no-passing zone	8-1520	\$60
27	Unlawful passing of stopped emergency	8-1520a	\$60
28	vehicle		
29	Driving wrong direction on one-way road	8-1521	\$60
30	Improper driving on laned roadway	8-1522	\$60
31	Following too close	8-1523	\$60
32	Improper crossover on divided highway	8-1524	\$30
33	Failure to yield right-of-way at uncontrolled	8-1526	\$60
34	intersection		
35	Failure to yield to approaching vehicle when	8-1527	\$60
36	turning left		
37	Failure to yield at stop or yield sign	8-1528	\$60
38	Failure to yield from private road or driveway	8-1529	\$60
39	Failure to yield to emergency vehicle	8-1530	\$180
40	Failure to yield to pedestrian or vehicle	8-1531	\$90
41	working on roadway		
42	Failure to comply with restrictions in road	8-1531a	\$30
43	construction zone		

1	Disobeying pedestrian traffic control device	8-1532	\$30
2	Failure to yield to pedestrian in crosswalk;	8-1533	\$60
3	pedestrian suddenly entering roadway;		
4	passing vehicle stopped for pedestrian at		
5	crosswalk		
6	Improper pedestrian crossing	8-1534	\$30
7	Failure to exercise due care in regard to	8-1535	\$30
8	pedestrian		
9	Improper pedestrian movement in crosswalk	8-1536	\$30
10	Improper use of roadway by pedestrian	8-1537	\$30
11	Soliciting ride or business on roadway	8-1538	\$30
12	Driving through safety zone	8-1539	\$30
13	Failure to yield to pedestrian on sidewalk	8-1540	\$30
14	Failure of pedestrian to yield to emergency	8-1541	\$30
15	vehicle		
16	Failure to yield to blind pedestrian	8-1542	\$30
17	Pedestrian disobeying bridge or railroad signal	8-1544	\$30
18	Improper turn or approach	8-1545	\$60
19	Improper "U" turn	8-1546	\$60
20	Unsafe starting of stopped vehicle	8-1547	\$30
21	Unsafe turning or stopping, failure to give	8-1548	\$60
22	proper signal; using turn signal unlawfully		
23	Improper method of giving notice of intention	8-1549	\$30
24	to turn		
25	Improper hand signal	8-1550	\$30
26	Failure to stop or obey railroad crossing signal	8-1551	\$180
27	Failure to stop at railroad crossing stop sign	8-1552	\$120
28	Certain hazardous vehicles failure to stop at	8-1553	\$180
29	railroad crossing		
30	Improper moving of heavy equipment at	8-1554	\$60
31	railroad crossing		
32	Vehicle emerging from alley, private roadway,	8-1555	\$60
33	building or driveway		
34	Improper passing of school bus; improper use	8-1556	\$300
35	of school bus signals		
36	Improper passing of church or day-care bus;	8-1556a	\$180
37	improper use of signals		
38	Impeding normal traffic by slow speed	8-1561	\$30
39	Speeding on motor-driven cycle	8-1562	\$60
40	Speeding in certain vehicles or on posted	8-1563	\$30
41	bridge		
42	Improper stopping, standing or parking on	8-1569	\$30
43	roadway		

1	Parking, standing or stopping in prohibited	8-1571	\$30
2	area		
3	Improper parking	8-1572	\$30
4	Unattended vehicle	8-1573	\$30
5	Improper backing	8-1574	\$30
6	Driving on sidewalk	8-1575	\$30
7	Driving with view or driving mechanism	8-1576	\$30
8	obstructed		
9	Unsafe opening of vehicle door	8-1577	\$30
10	Riding in house trailer	8-1578	\$30
11	Improper driving in defiles, canyons, or on	8-1579	\$30
12	grades		
13	Coasting	8-1580	\$30
14	Following fire apparatus too closely	8-1581	\$60
15	Driving over fire hose	8-1582	\$30
16	Putting glass, etc., on highway	8-1583	\$90
17	Driving into intersection, crosswalk, or	8-1584	\$30
18	crossing without sufficient space on other		
19	side		
20	Improper operation of snowmobile on	8-1585	\$30
21	highway		
22	Parental responsibility of child riding bicycle	8-1586	\$30
23	Not riding on bicycle seat; too many persons	8-1588	\$30
24	on bicycle		
25	Clinging to other vehicle	8-1589	\$30
26	Improper riding of bicycle on roadway	8-1590	\$30
27	Carrying articles on bicycle; one hand on	8-1591	\$30
28	handlebars		
29	Improper bicycle lamps, brakes or reflectors	8-1592	\$30
30	Improper operation of motorcycle; seats;	8-1594	\$30
31	passengers, bundles		
32	Improper operation of motorcycle on laned	8-1595	\$60
33	roadway		
34	Motorcycle clinging to other vehicle	8-1596	\$30
35	Improper motorcycle handlebars or passenger	8-1597	\$60
36	equipment		
37	Motorcycle helmet and eye-protection	8-1598	\$30
38	requirements		
39	Unlawful riding on vehicle	8-1578a	\$60
40	Unlawful operation of all-terrain vehicle	8-15,100	\$60
41	Unlawful operation of low-speed vehicle	8-15,101	\$60
42	Littering	8-15,102	\$100
43	Disobeying school crossing guard	8-15,103	\$60

1	Unlawful operation of work site utility vehicle	8-15,105	\$60
2	<i>micro utility truck</i>	<i>section 1</i>	
3	Equipment offenses that are not	8-1701	\$60
4	misdemeanors		
5	Driving without lights when needed	8-1703	\$30
6	Defective headlamps	8-1705	\$30
7	Defective tail lamps	8-1706	\$30
8	Defective reflector	8-1707	\$30
9	Improper stop lamp or turn signal	8-1708	\$30
10	Improper lighting equipment on certain	8-1710	\$30
11	vehicles		
12	Improper lamp color on certain vehicles	8-1711	\$30
13	Improper mounting of reflectors and lamps on	8-1712	\$30
14	certain vehicles		
15	Improper visibility of reflectors and lamps on	8-1713	\$30
16	certain vehicles		
17	No lamp or flag on projecting load	8-1715	\$60
18	Improper lamps on parked vehicle	8-1716	\$30
19	Improper lights, lamps, reflectors and	8-1717	\$30
20	emblems on farm tractors or slow-moving		
21	vehicles		
22	Improper lamps and equipment on	8-1718	\$30
23	implements of husbandry, road machinery		
24	or animal-drawn vehicles		
25	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
26	Improper lamps or lights on emergency	8-1720	\$30
27	vehicle		
28	Improper stop or turn signal	8-1721	\$30
29	Improper vehicular hazard warning lamp	8-1722	\$30
30	Unauthorized additional lighting equipment	8-1723	\$30
31	Improper multiple-beam lights	8-1724	\$30
32	Failure to dim headlights	8-1725	\$60
33	Improper single-beam headlights	8-1726	\$30
34	Improper speed with alternate lighting	8-1727	\$30
35	Improper number of driving lamps	8-1728	\$30
36	Unauthorized lights and signals	8-1729	\$30
37	Improper school bus lighting equipment and	8-1730	\$30
38	warning devices		
39	Unauthorized lights and devices on church or	8-1730a	\$30
40	day-care bus		
41	Improper lights on highway construction or	8-1731	\$30
42	maintenance vehicles		
43	Defective brakes	8-1734	\$30

1	Defective or improper use of horn or warning	8-1738	\$30
2	device		
3	Defective muffler	8-1739	\$30
4	Defective mirror	8-1740	\$30
5	Defective wipers; obstructed windshield or	8-1741	\$30
6	windows		
7	Improper tires	8-1742	\$30
8	Improper flares or warning devices	8-1744	\$30
9	Improper use of vehicular hazard warning	8-1745	\$30
10	lamps and devices		
11	Improper air-conditioning equipment	8-1747	\$30
12	Improper safety belt or shoulder harness	8-1749	\$30
13	Improper wide-based single tires	8-1742b	\$60
14	Improper compression release engine braking	8-1761	\$60
15	system		
16	Defective motorcycle headlamp	8-1801	\$30
17	Defective motorcycle tail lamp	8-1802	\$30
18	Defective motorcycle reflector	8-1803	\$30
19	Defective motorcycle stop lamps and turn	8-1804	\$30
20	signals		
21	Defective multiple-beam lighting	8-1805	\$30
22	Improper road-lighting equipment on motor-	8-1806	\$30
23	driven cycles		
24	Defective motorcycle or motor-driven cycle	8-1807	\$30
25	brakes		
26	Improper performance ability of brakes	8-1808	\$30
27	Operating motorcycle with disapproved	8-1809	\$30
28	braking system		
29	Defective horn, muffler, mirrors or tires	8-1810	\$30
30	Unlawful statehouse parking	75-4510a	\$15
31	Exceeding gross weight of vehicle or	8-1909	Pounds Overweight
32	combination		up to 1000 \$25
33			1001 to 2000 3¢ per pound
34			2001 to 5000 5¢ per pound
35			5001 to 7500 7¢ per pound
36			7501 and over 10¢ per pound
37	Exceeding gross weight on any axle or tandem,	8-1908	Pounds Overweight
38	triple or quad axles		up to 1000 \$25
39			1001 to 2000 3¢ per pound
40			2001 to 5000 5¢ per pound
41			5001 to 7500 7¢ per pound
42			7501 and over 10¢ per pound

1	Failure to obtain proper registration, clearance	66-1324	\$272
2	or to have current certification		
3	Insufficient liability insurance for motor	66-1,128	\$122
4	carriers	or 66-1314	
5	Failure to obtain interstate motor fuel tax	79-34,122	\$122
6	authorization		
7	No authority as private or common carrier	66-1,111	\$122
8	Violation of motor carrier safety rules and	66-1,129	\$100
9	regulations, except for violations specified in		
10	subsection (b)(2) of K.S.A. 66-1,130, and		
11	amendments thereto		

12 (d) Traffic offenses classified as traffic infractions by this section shall
 13 be classified as ordinance traffic infractions by those cities adopting
 14 ordinances prohibiting the same offenses. A schedule of fines for all
 15 ordinance traffic infractions shall be established by the municipal judge
 16 in the manner prescribed by K.S.A. 12-4305, and amendments thereto.
 17 Such fines may vary from those contained in the uniform fine schedule
 18 contained in subsection (c).

19 (e) Fines listed in the uniform fine schedule contained in subsection
 20 (c) shall be doubled if a person is convicted of a traffic infraction, which
 21 is defined as a moving violation in accordance with rules and regulations
 22 adopted pursuant to K.S.A. 8-249, and amendments thereto, committed
 23 within any road construction zone as defined in K.S.A. 8-1458a, and
 24 amendments thereto.

25 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
 26 amendments thereto, within two years after a prior conviction of K.S.A.
 27 8-1908 or 8-1909, and amendments thereto, such person, upon conviction
 28 shall be fined 1 ½ times the applicable amount from one, but not both,
 29 of the schedules listed in the uniform fine schedule contained in
 30 subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and
 31 amendments thereto, within two years, after two prior convictions of
 32 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
 33 conviction shall be fined two times the applicable amount from one, but
 34 not both, of the schedules listed in the uniform fine schedule contained
 35 in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-
 36 1908 or 8-1909, and amendments thereto, within two years after three
 37 prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto,
 38 such person, upon conviction shall be fined 2 ½ times the applicable
 39 amount from one, but not both, of the schedules listed in the uniform
 40 fine schedule contained in subsection (c).

41 (g) Fines listed in the uniform fine schedule contained in subsection
 42 (c) relating to exceeding the maximum speed limit, shall be doubled if a
 43 person is convicted of exceeding the maximum speed limit in a school

1 zone authorized under subsection (a)(4) of K.S.A. 8-1560, and
2 amendments thereto.

3 Sec. 9. K.S.A. 8-2401 is hereby amended to read as follows: 8-2401.
4 As used in this act, the following words and phrases shall have the
5 meanings:

6 (a) "Vehicle dealer" means any person who: (1) For commission,
7 money or other thing of value is engaged in the business of buying, selling
8 or offering or attempting to negotiate a sale of an interest in vehicles; or
9 (2) for commission, money or other thing of value is engaged in the
10 business of buying, selling or offering or attempting to negotiate a sale of
11 an interest in motor vehicles as an auction motor vehicle dealer as defined
12 in (bb); but does not include: (A) Receivers, trustees, administrators,
13 executors, guardians, or other persons appointed by or acting under the
14 judgment or order of any court, or any bank, trustee or lending company
15 or institution which is subject to state or federal regulations as such, with
16 regard to its disposition of repossessed vehicles; (B) public officers while
17 performing their official duties; (C) employees of persons enumerated in
18 provisions (A) and (B), when engaged in the specific performance of their
19 duties as such employees; (D) auctioneers conducting auctions for
20 persons enumerated in provisions (A), (B) or (C); or (E) auctioneers who,
21 while engaged in conducting an auction of tangible personal property for
22 others, offer for sale: (i) Vehicles which have been used primarily in a
23 farm or business operation by the owner offering the vehicle for sale,
24 including all vehicles which qualified for a farm vehicle tag at the time of
25 sale except vehicles owned by a business engaged primarily in the business
26 of leasing or renting passenger cars; (ii) vehicles which meet the statutory
27 definition of antique vehicles; or (iii) vehicles for no more than four
28 principals or households per auction. All sales of vehicles exempted
29 pursuant to provision (E), except truck, truck tractors, pole trailers,
30 trailers and semitrailers as defined by K.S.A. 8-126, and amendments
31 thereto, shall be registered in Kansas prior to the sale.

32 (b) "New vehicle dealer" means any vehicle dealer who is a party to
33 an agreement, with a first or second stage manufacturer or distributor,
34 which agreement authorizes the vehicle dealer to sell, exchange or
35 transfer new motor vehicles, trucks, motorcycles, or trailers or parts and
36 accessories made or sold by such first or second stage manufacturer or
37 distributor and obligates the vehicle dealer to fulfill the warranty
38 commitments of such first or second stage manufacturer or distributor.

39 (c) "Used vehicle dealer" means any person actively engaged in the
40 business of buying, selling or exchanging used vehicles.

41 (d) "Vehicle salesperson" means any person who is employed as a
42 salesperson by a vehicle dealer to sell vehicles.

43 (e) "Board" means the vehicle dealer review board created by this

1 act.

2 (f) “Director” means the director of vehicles, or a designee of the
3 director.

4 (g) “Division” means the division of vehicles of the department of
5 revenue.

6 (h) “Vehicle” means every device in, upon or by which any person or
7 property is or may be transported or drawn upon a public highway, and
8 is required to be registered under the provisions of article 1 of chapter 8
9 of Kansas Statutes Annotated, except that such term *shall include micro*
10 *utility trucks, as defined in K.S.A. 8-126, and amendments thereto, but*
11 *shall not include motorized bicycles, and such term shall not include*
12 *manufactured homes or mobile homes. As used herein, the terms*
13 *“manufactured home” and “mobile home” shall have the meanings*
14 *ascribed to them by K.S.A. 58-4202, and amendments thereto.*

15 (i) “Motor vehicle” means any vehicle other than a motorized bicycle,
16 which is self-propelled and is required to be registered under the
17 provisions of article 1 of chapter 8 of Kansas Statutes Annotated, *except*
18 *that such term shall include micro utility trucks, as defined in K.S.A. 8-*
19 *126, and amendments thereto.*

20 (j) “Licensor” means the director or division or both.

21 (k) “First stage manufacturer” means any person who manufactures,
22 assembles and sells new vehicles to new vehicle dealers for resale in this
23 state.

24 (l) “Second stage manufacturer” means any person who assembles,
25 installs or permanently affixes body, cab or special unit equipment to a
26 chassis supplied by a first stage manufacturer, distributor or other
27 supplier and sells the resulting new vehicles to new vehicle dealers for
28 resale in this state.

29 (m) “First stage converter” means any person who is engaged in the
30 business of affixing to a chassis supplied by a first stage manufacturer,
31 distributor or other supplier, specially constructed body units to result in
32 motor vehicles used as, but not limited to, buses, wreckers, cement trucks
33 and trash compactors.

34 (n) “Second stage converter” means any person who is engaged in
35 the business of adding to, subtracting from or modifying previously
36 assembled or manufactured vehicles and sells the resulting converted
37 vehicles at retail or wholesale.

38 (o) “Distributor” means any person who sells or distributes for resale
39 new vehicles to new vehicle dealers in this state or who maintains
40 distributor representatives in this state.

41 (p) “Wholesaler” means any person who purchases vehicles for the
42 purpose of resale to a vehicle dealer.

43 (q) “Factory branch” means any branch office maintained in this state

1 by a first or second stage manufacturer for the sale of new vehicles to
2 distributors, or for the sale of new vehicles to new vehicle dealers, or for
3 directing or supervising, in whole or in part, its representatives in this
4 state.

5 (r) “Distributor branch” means any branch office similar to
6 subsection (q) maintained by a distributor for the same purposes as a
7 factory branch.

8 (s) “Factory representative” means a representative employed by a
9 first or second stage manufacturer or factory branch for the purpose of
10 making or promoting the sale of its new vehicles to new vehicle dealers,
11 or for supervising or contacting its new vehicle dealers or prospective new
12 vehicle dealers with respect to the promotion and sale of such vehicles
13 and parts or accessories for the same.

14 (t) “Distributor representative” means any representative similar to
15 subsection (s) employed by a distributor or distributor branch for the
16 same purpose as a factory representative.

17 (u) “Person” means any natural person, partnership, firm,
18 corporation or association.

19 (v) “New motor vehicle” means any motor vehicle which has never
20 been titled or registered and has not been substantially driven or
21 operated.

22 (w) “Franchise agreement” means any contract or franchise or any
23 other terminology used to describe the contractual relationship between
24 first or second stage manufacturers, distributors and vehicle dealers, by
25 which:

26 (1) A right is granted one party to engage in the business of offering,
27 selling or otherwise distributing goods or services under a marketing plan
28 or system prescribed in substantial part by the other party, and in which
29 there is a community of interest in the marketing of goods or services at
30 wholesale or retail, by lease, agreement or otherwise; and

31 (2) the operation of the grantee’s business pursuant to such
32 agreement is substantially associated with the grantor’s trademark, service
33 mark, trade name, logotype, advertising or other commercial symbol
34 designating the grantor or an affiliate of the grantor.

35 (x) “Broker” means any person who, for a fee, commission, money,
36 other thing of value, valuable consideration or benefit, either directly or
37 indirectly, arranges or offers to arrange a transaction involving the sale of
38 a vehicle, or is engaged in the business of: (1) Selling or buying vehicles
39 for other persons as an agent, middleman or negotiator; or (2) bringing
40 buyers and sellers of vehicles together, but such term shall not include
41 any person registered as a salvage vehicle pool or any person engaged in
42 a business in which the acts described in this subsection are only
43 incidentally performed or which are performed or authorized within the

1 requirements or scope of any other category of license, or not prohibited,
2 in the manner authorized by the vehicle dealers' and manufacturers'
3 licensing act.

4 (y) "Salvage vehicle dealer" means any person engaged in the
5 business of buying, selling or exchanging used vehicles and primarily
6 engaged in the business of the distribution at wholesale or retail of used
7 motor vehicle parts and includes establishments primarily engaged in
8 dismantling motor vehicles for the purpose of selling parts.

9 (z) "Lending agency" means any person, desiring to be licensed
10 under this act and engaged in the business of financing or lending money
11 to any person to be used in the purchase or financing of a vehicle.

12 (aa) "Established place of business" means a building or structure,
13 other than a building or structure all or part of which is occupied or used
14 as a residence, owned either in fee or leased and designated as an office
15 or place to receive mail and keep records and conduct the routine of
16 business. To qualify as an established place of business, there shall be
17 located therein an operable telephone which shall be listed with the
18 telephone company under the name of the licensed business, except that
19 a vehicle dealer who derives at least 50% of such person's income from
20 operating a farm as a resident thereof, the established place of business
21 may be the farm residence of such vehicle dealer and the operable
22 telephone may be located in such residence when such dealer engages
23 only in vehicles and equipment not required to have vehicle registration
24 to travel on a highway.

25 (bb) "Auction motor vehicle dealer" means any person who for
26 commission, money or other thing of value is engaged in an auction of
27 motor vehicles except that the sales of such motor vehicles shall involve
28 only motor vehicles owned by licensed motor vehicle dealers and sold to
29 licensed motor vehicle dealers, except that any auction motor vehicle
30 dealer, registered as such and lawfully operating prior to June 30, 1980,
31 shall be deemed to be and have been properly licensed under this act
32 from and after July 1, 1980. For the purposes of this subsection, an
33 auction is a private sale of motor vehicles where any and all licensed motor
34 vehicle dealers who choose to do so are permitted to attend and offer
35 bids and the private sale of such motor vehicles is to the highest bidder.

36 (cc) "Licensee" means any person issued a valid license pursuant to
37 this act.

38 (dd) "Dealer" means a vehicle dealer as defined by this act, unless
39 the context otherwise requires.

40 (ee) "Insurance company" means any person desiring to be licensed
41 under this act and engaged in the business of writing or servicing
42 insurance related to vehicles.

43 (ff) "Supplemental place of business" means a business location other

1 than that of the established place of business of the dealer which may be
2 operated by the dealer on a continuous year-round basis and, for new
3 vehicle dealers, is within the defined area of responsibility in their
4 franchise agreement, and for all other dealers is within the same city or
5 county where the established place of business of the dealer is operated.
6 (gg) “Salvage yard” means the place owned or leased and regularly
7 occupied by a person, firm or corporation licensed under the provisions
8 of this act for the principal purpose of engaging in the business of a salvage
9 vehicle dealer. Salvage yard shall include the location where the:
10 (1) Products for sale are displayed and offered for sale;
11 (2) books and records required for the conduct of the business are
12 maintained;
13 (3) records are kept in the normal daily business activity; and
14 (4) records are made available for inspection.
15 (hh) “Salvage vehicle pool” means any person who as an agent for a
16 third party is primarily engaged in the business of storing, displaying and
17 offering for sale salvage vehicles.
18 (ii) “Major component part” means any vehicle part including the
19 front clip, rear clip, doors, frame, chassis, engine, transmission, transaxle,
20 cab, bed and box bearing the public vehicle identification number or
21 engine number, if manufactured prior to 1981; or any vehicle part bearing
22 a derivative of such number.
23 (jj) “Recreational motor vehicle” means a recreational vehicle as
24 defined by subsection (f) of K.S.A. 75-1212, and amendments thereto.
25 Sec. 10. K.S.A. 8-2401 and K.S.A. 2007 Supp. 8-126, 8-128, 8-197,
26 8-1486, 8-1493, 8-15,105 and 8-2118 are hereby repealed.
27 Sec. 11. This act shall take effect and be in force from and after its
28 publication in the statute book.