

*As Amended by Senate Committee*

*Session of 2010*

**SENATE BILL No. 577**

By Committee on Ways and Means

3-15

10 AN ACT concerning requirements for the issuance of certificates of title  
11 for vessels; requiring notice, priority, release and surrender of security  
12 interests in vessels.

13

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

15 Section 1. This act shall be cited as the Kansas vessel titling act.

16 Sec. 2. As used in the Kansas vessel titling act, unless the context  
17 clearly requires otherwise:

18 (a) "Director" means the director of vehicles, either acting directly  
19 or through officers or agents of the division of vehicles of the department  
20 of revenue.

21 (b) "Division" means the division of vehicles of the department of  
22 revenue.

23 (c) "Electronic certificate of title" means any electronic record of  
24 ownership, including any lien or liens that may be recorded, retained by  
25 the division in accordance with section 4, and amendments thereto.

26 (d) "Established place of business" means a building or structure,  
27 other than a building or structure all or part of which is occupied or used  
28 as a residence, owned either in fee or leased and designated as an office  
29 or place to receive mail and keep records and conduct the routine of  
30 business.

31 (e) "New vessel dealer" means any vessel dealer who is a party to a  
32 vessel sales agreement with a vessel manufacturer, which vessel sales  
33 agreement authorizes the vessel dealer to sell, exchange or transfer new  
34 vessel or parts and accessories made or sold by such vessel manufacturer,  
35 and authorizes the vessel dealer to fulfill the warranty commitments of  
36 such vessel manufacturer.

37 (f) "Person" means any natural person, partnership, firm, corporation  
38 or association.

39 (g) "Supplemental place of business" means a business location other  
40 than that of the established place of business.

41 (h) "Used vessel dealer" means any person actively engaged in the  
42 business of buying, selling or exchanging used vessels.

43 (i) "Vessel" means any watercraft designed to be propelled by gaso-

1 line, diesel or electric machinery, oars, paddles or wind action upon a sail  
2 for navigation on the water.

3 (j) “Vessel dealer” or “dealer” means any person who, for commis-  
4 sion, money or other thing of value, is engaged in the business of:

5 (1) Buying, selling or offering or attempting to negotiate a sale of an  
6 interest in vessels;

7 (2) buying, selling or offering or attempting to negotiate a sale of an  
8 interest in vessels for other persons as an agent, middleman or negotiator;  
9 or

10 (3) bringing together buyers and sellers of vessels.

11 (k) “Vessel manufacturer” or “manufacturer” means any person who  
12 manufactures, assembles and sells new vessels, to vessel dealers for resale  
13 in this state, whether such person is located within or outside the state  
14 of Kansas.

15 (l) “Vessel sales agreement” means a contract between the manufac-  
16 turer of vessels and a new vessel dealer, by which the dealer is entitled  
17 to purchase new vessels from the manufacturer for resale within this state.

18 Sec. 3. (a) The provisions of this section shall apply to any electronic  
19 certificate of title, except to the extent such provisions are made inappli-  
20 cable by or are inconsistent with section 4, and amendments thereto, or  
21 with rules and regulations adopted pursuant to section 4, and amend-  
22 ments thereto.

23 (b) On and after the effective date of this act, upon the transfer or  
24 sale of any vessel by any person or dealer, the new owner thereof, within  
25 30 days, inclusive of weekends and holidays, from the date of such transfer  
26 or sale, shall make application to the division for the issuance of a certifi-  
27 cate of title evidencing the new owner’s ownership of such vessel. An  
28 application for certificate of title shall be made by the owner of the vessel,  
29 or the owner’s agent, upon a form furnished by the division, and it shall  
30 state all liens or encumbrances thereon and such other information as the  
31 director may require. Notwithstanding any other provision of this section,  
32 no certificate of title shall be issued for a vessel having any unreleased  
33 lien or encumbrance thereon, unless the transfer of vessel has been con-  
34 sented to in writing by the holder of the lien or encumbrance. Such  
35 consent shall be in a form approved by the director. The county treasurer  
36 shall use reasonable diligence in ascertaining whether the facts stated in  
37 such application are true, and if satisfied that the applicant is the lawful  
38 owner of the vessel, or otherwise entitled to have the certificate of title  
39 therefor issued in such applicant’s name, shall so notify the division, who  
40 shall issue an appropriate certificate of title.

41 (c) The director shall design a distinctive electronic certificate of title  
42 to be issued to owners of vessels, so as to be distinguishable from certifi-  
43 cates of title issued to owners of other vehicles. The certificate of title

1 shall contain a statement of any liens or encumbrances which the appli-  
2 cation discloses and shall provide such other information as the director  
3 determines necessary and appropriate. The certificate of title shall contain  
4 upon the reverse side a form for assignment of title to be executed by  
5 the owner. This assignment shall contain a statement of all liens or en-  
6 cumbrances on the vessel at the time of assignment. Only one lien shall  
7 be taken or accepted on a vessel. When the ownership of any vessel passes  
8 by operation of law or by repossession upon default of a lease, security  
9 agreement or executory sales contract, the person owning such vessel,  
10 upon furnishing satisfactory proof to the county treasurer of such own-  
11 ership, may procure a certificate of title to the vessel. In addition to any  
12 other fee required for the issuance of a certificate of title, any applicant  
13 obtaining a certificate of title for a repossessed vehicle shall pay a fee of  
14 \$3.

15 (d) Dealers shall execute, upon delivery to the purchaser of every  
16 new vessel, a manufacturer's statement of origin stating the liens and  
17 encumbrances thereon. Such statement of origin shall be delivered to the  
18 purchaser at the time of delivery of the vessel or at a time agreed upon  
19 by the parties, not to exceed 30 days, inclusive of weekends and holidays.  
20 The agreement of the parties shall be executed on a form approved by  
21 the director. In the event delivery of title cannot be made personally, the  
22 seller may deliver the manufacturer's statement of origin by restricted  
23 delivery mail to the address of the purchaser shown on the purchase  
24 agreement. The manufacturer's statement of origin may include an at-  
25 tachment containing assignment of such statement of origin on forms  
26 approved by the director. Upon the presentation to the division of a man-  
27 ufacturer's statement of origin, by a manufacturer or dealer for a new  
28 vessel, sold in this state, a certificate of title shall be issued.

29 (e) The fee for each original certificate of title shall be \$20. The cer-  
30 tificate of title shall be good for the life of the vessel while owned or held  
31 by the original holder of the certificate of title.

32 (f) Upon sale and delivery to the purchaser of every vessel subject to  
33 a purchase money security interest, as provided for in article 9 of chapter  
34 84 of the Kansas Statutes Annotated, and amendments thereto, the dealer  
35 or secured party may complete a notice of security interest and, when so  
36 completed, the purchaser shall execute the notice, in a form prescribed  
37 by the director, describing the vessel and showing the name and address  
38 of the secured party and of the debtor and such other information as the  
39 director may require.

40 (g) The dealer or secured party may, within 30 days of the sale and  
41 delivery, mail or deliver the notice of security interest, together with a  
42 fee of \$2.50, to the division. The notice of security interest shall be re-  
43 tained by the division, once the division receives an application for a

1 certificate of title to the vessel and an electronic certificate of title is  
2 issued. The electronic certificate of title shall indicate any security interest  
3 in the vessel. Upon issuance of the electronic certificate of title, the di-  
4 vision shall mail or deliver confirmation of the receipt of the notice of  
5 security interest, the date the electronic certificate of title is issued and  
6 the security interest indicated, to the secured party at the address shown  
7 on the notice of security interest. The proper completion and timely mail-  
8 ing or delivery of a notice of security interest by a dealer or secured party  
9 shall perfect a security interest in the vessel, as referenced in K.S.A. 2009  
10 Supp. 84-9-311, and amendments thereto, on the date of such mailing or  
11 delivery. The county treasurers shall mail a copy of the title application  
12 to the lienholder. For any vessel subject to a lien, the county treasurer  
13 shall collect from the applicant a \$1.50 service fee for processing and  
14 mailing a copy of the title application to the lienholder.

15 (h) In the event of a sale or transfer of ownership of a vessel for which  
16 a certificate of title has been issued, which certificate of title is in the  
17 possession of the transferor at the time of delivery of the vessel, the holder  
18 of such certificate of title shall endorse on the same an assignment  
19 thereof, with warranty of title in a form prescribed by the director and  
20 printed thereon, and the transferor shall deliver the same to the buyer at  
21 the time of delivery to the buyer of the vessel, or at a time agreed upon  
22 by the parties, not to exceed 30 days, inclusive of weekends and holidays,  
23 after the time of delivery. The sale of vessel by a vessel dealer without  
24 such delivery of an assigned certificate of title is fraudulent and void, and  
25 it shall constitute a violation of the Kansas vessel titling act. The agree-  
26 ment of the parties shall be executed on a form provided by the division.  
27 The requirements of this subsection concerning delivery of an assigned  
28 title are satisfied, if the transferor mails to the transferee, by restricted  
29 delivery mail, the assigned certificate of title within the 30 days, and if  
30 the transferor is a dealer, as defined by section 2, and amendments  
31 thereto, such transferor shall be deemed to have possession of the cer-  
32 tificate of title, if the transferor has made application therefor to the  
33 division. The buyer shall then present such assigned certificate of title to  
34 the division, and a new certificate of title shall be issued to the buyer  
35 upon payment of the fee of \$20. If such vessel is sold to a resident of  
36 another state or country, the dealer or person making the sale shall notify  
37 the division of the sale and the division shall make notation thereof in the  
38 records of the division. If any vessel is destroyed, dismantled or sold as  
39 junk, the owner shall immediately notify the division by a form prescribed  
40 by the division of vehicles accompanied by a \$10 processing fee.

41 (i) When a person acquires a security agreement on a vessel subse-  
42 quent to the issuance of the original title on such vessel, such person shall  
43 require the holder of the certificate of title to surrender the same and

1 sign an application for a mortgage title in such form as prescribed by the  
2 director. Upon such surrender, the person shall immediately deliver the  
3 certificate of title, application and a fee of \$10 to the division. Upon  
4 receipt thereof the division shall issue a new electronic certificate of title,  
5 showing the liens or encumbrances so created. The delivery of the cer-  
6 tificate of title, application and fee to the division shall perfect such per-  
7 son's security interest in the vessel described in the certificate of title, as  
8 referenced in K.S.A. 2009 Supp. 84-9-311, and amendments thereto.  
9 When a prior lienholder's name is removed from the electronic title, there  
10 must be satisfactory evidence presented to the division that the lien or  
11 encumbrance has been paid. When the indebtedness to a lienholder,  
12 whose name is shown upon an electronic title, is paid in full, such lien-  
13 holder, within 10 days after written demand by restricted mail, shall fur-  
14 nish to the holder of the title a release of lien or execute such a release  
15 in the space provided on the title. For failure to comply with such a  
16 demand, the lienholder shall be liable to the holder of the title for \$100  
17 and also shall be liable for any loss caused to the holder by such failure.  
18 When the indebtedness to a lienholder, whose name is shown upon a  
19 title, is collected in full, such lienholder, within 30 days, shall furnish  
20 notice to the holder of title that such indebtedness has been paid in full  
21 and that such title may be presented to the lienholder at any time for  
22 release of lien.

23 (j) In the event of the sale of a vessel under the order of a court, the  
24 officer conducting such sale shall issue to the purchaser a certificate nam-  
25 ing the purchaser and reciting the facts of the sale, which certificate shall  
26 be prima facie evidence of the ownership of such purchaser for the pur-  
27 pose of obtaining a certificate of title to such vessel. Any such purchaser  
28 shall be allowed 30 days, inclusive of weekends and holidays, from the  
29 date of sale to make application to the division for a certificate of title.

30 (k) Any dealer who has acquired a vessel, the title for which was  
31 issued under the laws of and in a state other than the state of Kansas,  
32 shall not be required to retain a Kansas certificate of title therefor during  
33 the time such vessel remains in such dealer's possession and at such  
34 dealer's established or supplemental place of business for the purpose of  
35 sale. Upon the sale of any such vessel, the dealer shall deliver to the  
36 purchaser or transferee the certificate of title issued by the other state  
37 within 30 days, properly endorsed and assigned to the purchaser or trans-  
38 feree, together with an affidavit executed by the dealer setting forth:

39 (1) That the dealer warrants to the purchaser or transferee and all  
40 other persons who claim through the purchaser or transferee that, at the  
41 time of the sale transfer and delivery by the dealers, the vessel was free  
42 and clear of all liens, mortgages and other encumbrances, except those  
43 otherwise appearing on the title;

1 (2) the information shown on the title relating to all previous assign-  
2 ments, including the names of all previous titleholders shown thereon;  
3 and

4 (3) that the dealer has the right to sell and transfer the vessel.

5 Sec. 4. (a) On and after January 1, ~~2012~~ **2013**, when an assignment  
6 of title or manufacturer's statement of origin indicates that there is a lien  
7 or encumbrance on a vessel or if a notice of security interest has been  
8 filed with the division, the division shall retain possession of such certifi-  
9 cate of title electronically and shall create an electronic certificate of title.  
10 The provisions of section 3, and amendments thereto, shall apply to an  
11 electronic certificate of title, except as otherwise provided by statute or  
12 by rules and regulations adopted pursuant to subsection (c).

13 (b) The division shall prescribe and provide suitable forms of appli-  
14 cations, certificates of title, notices of security interests, and all other  
15 notices and forms necessary to carry out this act.

16 (c) The secretary of revenue is hereby authorized to adopt rules and  
17 regulations necessary to carry out the provisions of this section.

18 Sec. 5. (a) All vessel certificate of title fees shall be paid to the county  
19 treasurer of the county in which the applicant for registration resides or  
20 has an office or principal place of business within this state.

21 (b) The county treasurer shall remit the fees collected, except for \$2  
22 retained pursuant to K.S.A. 8-145, and amendments thereto, together  
23 with the original copy of all applications, to the secretary of revenue. The  
24 secretary of revenue shall remit all such fees remitted to the state trea-  
25 surer in accordance with the provisions of K.S.A. 75-4215, and amend-  
26 ments thereto. Upon receipt of each such remittance, the state treasurer  
27 shall deposit the entire amount in the state treasury to the credit of the  
28 state general fund, except as provided in subsection (c).

29 (c) (1) Of each certificate of title fee collected and remitted to the  
30 secretary of revenue, \$8 shall be remitted to the state treasurer who shall  
31 credit such \$8 to the vessel title and registration fee fund.

32 (2) Of each certificate of title fee collected and remitted to the sec-  
33 retary of revenue, \$6 shall be remitted to the state treasurer who shall  
34 credit such \$6 to the vessel enforcement fee fund.

35 (3) Of each certificate of title fee collected and remitted to the sec-  
36 retary of revenue, \$4 shall be remitted to the state treasurer who shall  
37 credit such \$4 to the division of vehicles dealer licensing fund.

38 Sec. 6. There is hereby created in the state treasury the vessel title  
39 and registration fee fund. All moneys credited to the vessel title and reg-  
40 istration fee fund shall be used by the department of revenue only for  
41 the purpose of funding the administration and operation, including equip-  
42 ment, associated with the issuance of vessel titles. All expenditures from  
43 the vessel title and registration fee fund shall be made in accordance with

1 appropriation acts, upon warrants of the director of accounts and reports  
2 issued pursuant to vouchers approved by the secretary of the department  
3 of revenue.

4 Sec. 7. There is hereby created in the state treasury the vessel en-  
5 forcement fee fund. All moneys credited to the vessel enforcement fee  
6 fund shall be used by the department of wildlife and parks only for the  
7 purpose of funding the administration and operation, including equip-  
8 ment, associated with the enforcement of the requirement that vessels  
9 be titled. All expenditures from the vessel enforcement fee fund shall be  
10 made in accordance with appropriation acts, upon warrants of the director  
11 of accounts and reports issued pursuant to vouchers approved by the  
12 secretary of the department of wildlife and parks.

13 Sec. 8. There is hereby created in the state treasury the vessel dealer  
14 licensing fee fund. All moneys credited to the vessel dealer licensing fee  
15 fund shall be used by the department of revenue only for the purpose of  
16 funding the administration and operation, including equipment, associ-  
17 ated with the issuance of vessel dealer licenses. All expenditures from the  
18 vessel dealer licensing fee fund shall be made in accordance with appro-  
19 priation acts, upon warrants of the director of accounts and reports issued  
20 pursuant to vouchers approved by the secretary of the department of  
21 revenue.

22 Sec. 9. (a) No person shall engage in the business of a vessel dealer  
23 unless such person has complied with the applicable provisions of the  
24 Kansas vessel titling act. The director shall issue the licenses provided for  
25 herein and shall have supervision over the licensees hereunder in respect  
26 to all the provisions of the act.

27 (b) No vessel dealer shall engage in business in this state without  
28 obtaining a license therefor.

29 (c) No vessel manufacturer or factory representative shall engage in  
30 business in this state without a license as required by this act, regardless  
31 of whether or not an office or other place of business is maintained in  
32 this state for the purpose of conducting such business.

33 (d) An application for a license shall be made to the director and shall  
34 contain the information provided for by this section, together with such  
35 other information as may be deemed reasonable and pertinent, and shall  
36 be accompanied by the required fee. The director may require in the  
37 application, or otherwise, information relating to the applicant's solvency,  
38 financial standing or other pertinent matter commensurate with the safe-  
39 guarding of the public interest in the locality in which the applicant pro-  
40 poses to engage in business, all of which may be considered by the di-  
41 rector in determining the fitness of the applicant to engage in business  
42 as set forth in this section. The director may require the applicant for  
43 licensing to appear at such time and place as may be designated by the

1 director for examination to enable the director to determine the accuracy  
2 of the facts contained in the written application, either for initial licensure  
3 or renewal thereof. Every application under this section shall be verified  
4 by the applicant.

5 (e) All licenses shall be granted or refused within 30 days after ap-  
6 plication is received by the director. All licenses shall expire, unless pre-  
7 viously suspended or revoked, on December 31 of the calendar year for  
8 which they are granted, except that where a complaint respecting the  
9 cancellation, termination or nonrenewal of a sales agreement is in the  
10 process of being heard, no replacement application shall be considered  
11 until a final order is issued by the director. Applications for renewals,  
12 received by the director after February 15 shall be considered as new  
13 applications.

14 (f) New and used vessel dealers license fees for each calendar year  
15 or any part thereof, shall be \$75.

16 (g) The license of all persons licensed under the provisions of the  
17 Kansas vessel titling act shall state the address of the established place of  
18 business, office or branch and must be conspicuously displayed therein.  
19 If such address is changed, the director shall endorse the change of ad-  
20 dress on the license without charge.

21 (h) No license shall be issued by the director to any person to act as  
22 a new or used dealer, unless the applicant maintains an established place  
23 of business which has been inspected and approved by the division.

24 (i) Dealers required under the provisions of this act to maintain an  
25 established place of business shall own or have leased and use sufficient  
26 lot space at the established place of business and any supplemental place  
27 of business to display the dealer's inventory of vessels.

28 (j) A sign with durable lettering at least 10 inches in height and easily  
29 visible from the street identifying the established place of business shall  
30 be displayed by every dealer. Notwithstanding the other provisions of this  
31 subsection, the height of lettering of the required sign may be less than  
32 10 inches as necessary to comply with local zoning regulations.

33 (k) If the established or supplemental place of business or lot is  
34 zoned, approval must be secured from the proper zoning authority and  
35 proof that the use complies with the applicable zoning law, ordinance or  
36 resolution must be furnished to the director by the applicant for licensing.

37 (l) An established or supplemental place of business, otherwise meet-  
38 ing the requirements of the Kansas vessel titling act, may be used by a  
39 dealer to conduct more than one business as long as suitable space and  
40 facilities exist therein to properly conduct the business of a vessel dealer.

41 (m) If a supplemental place of business is not operated on a contin-  
42 uous, year-round basis, the dealer shall give the department 15 days' no-  
43 tice as to the dates on which the dealer will be engaged in business at the



1 supplemental place of business.

2 (n) Any dealer selling, exchanging or transferring or causing to be  
3 sold, exchanged or transferred new vessels in this state must satisfactorily  
4 demonstrate to the director that such dealer has a bona fide vessel sales  
5 agreement with the manufacturer to sell, exchange or transfer the same  
6 or to cause it to be sold, exchanged or transferred.

7 Sec. 10. Except as hereinafter provided, every person licensed as a  
8 vessel dealer shall:

9 (a) On or before the 20th day of each month, file a monthly report,  
10 on a form prescribed and furnished by the division, listing all sales or  
11 transfers, except sales or transfers by a manufacturer to a dealer of new  
12 or used vessels, including the name and address of the purchaser or trans-  
13 feree, date of sale, the serial or identification number of the vessel, and  
14 such other information as the division may require.

15 (b) Make available during regular business hours to any employee of  
16 the division for the purpose of investigation or inspection, all records  
17 concerning vessels purchased, sold or exchanged during the preceding 12  
18 months, including certificates of title on all vessels owned by the  
19 dealership.

20 (c) Whenever a dealer sells or otherwise disposes of such dealer's  
21 business, or for any reason suspends or goes out of business as a dealer,  
22 such dealer shall notify the division and the division upon receipt of such  
23 notice shall cancel the dealer's license, except that such dealer may, upon  
24 payment of 50% of the annual fee to the division, have the license and  
25 dealer license plates assigned to the purchaser of the business.

26 Sec. 11. (a) A license may be denied, suspended or revoked or a  
27 renewal may be refused by the director on any of the following grounds:

- 28 (1) Proof of financial unfitness of the applicant;
- 29 (2) material false statement in an application for a license;
- 30 (3) filing a materially false or fraudulent tax return as certified by the  
31 director of taxation;
- 32 (4) negligently failing to comply with any applicable provision of the  
33 Kansas vessel titling act or any applicable rule or regulation adopted pur-  
34 suant thereto;
- 35 (5) knowingly defrauding any retail buyer to the buyer's damage;
- 36 (6) negligently failing to perform any written agreement with any  
37 buyer;
- 38 (7) knowingly making a fraudulent sale or transaction;
- 39 (8) knowingly engaging in false or misleading advertising;
- 40 (9) willful misrepresentation, circumvention or concealment, through  
41 a subterfuge or device, of any material particulars, or the nature thereof,  
42 required by law to be stated or furnished to the retail buyer;
- 43 (10) negligent use of fraudulent devices, methods or practices in con-

1 travention of law with respect to the retaking of goods under retail in-  
2 stallment contracts and the redemption and resale of such goods;

3 (11) knowingly violating any law relating to the sale, distribution or  
4 financing of vessels;

5 (12) has failed or refused to permit an agent of the division, during  
6 the licensee's regular business hours, to examine or inspect such dealer's  
7 records pertaining to titles and purchases and sales of vessels;

8 (13) has demonstrated that such person is not of good character and  
9 reputation in the community in which the dealer resides;

10 (14) has, within five years immediately preceding the date of making  
11 application, been convicted of a felony or any crime involving moral tur-  
12 pitude, or has been adjudged guilty of the violations of any law of any  
13 state or the United States in connection with such person's operation as  
14 a dealer or salesperson; or

15 (15) failure to provide adequate proof of ownership for vessels in the  
16 dealer's possession.

17 (b) The director may deny the application for a license within 30 days  
18 after receipt thereof by written notice to the applicant, stating the grounds  
19 for such denial. Upon request by the applicant whose license has been  
20 so denied, the applicant shall be granted an opportunity to be heard in  
21 accordance with the provisions of the Kansas administrative procedure  
22 act.

23 (c) If a licensee is a firm or corporation, it shall be sufficient cause  
24 for the denial, suspension or revocation of a license that any officer, di-  
25 rector or trustee of the firm or corporation, or any member in case of a  
26 partnership, has been guilty of any act or omission which would be good  
27 cause for refusing, suspending or revoking a license to such party as an  
28 individual. Each licensee shall be responsible for the acts of its salesper-  
29 sons or representatives while acting as its agents.

30 (d) When any licensee is found to be allegedly violating any of the  
31 applicable provisions of the Kansas vessel titling act, or any order or rule  
32 and regulation adopted pursuant thereto, the director, upon the director's  
33 own motion or upon complaint, may commence a hearing against the  
34 licensee, which hearing shall be conducted in accordance with the pro-  
35 visions of the Kansas administrative procedure act.

36 (e) Any person who is found to have violated any applicable provisions  
37 of the Kansas vessel titling act, any rule and regulation adopted pursuant  
38 thereto or any applicable order of the director shall be subject to a civil  
39 penalty of not less than \$50 nor more than \$1,000 for each violation or  
40 such person's license may be suspended or revoked or both civil penalty  
41 and license suspension or revocation.

42 (f) Any licensee or other person aggrieved by a final order of the  
43 director may appeal to the district court as provided by the act for judicial

- 1 review and civil enforcement of agency actions.
- 2 (g) The revocation or suspension of a manufacturer's license may be  
3 limited to one or more municipalities or counties or any other defined  
4 trade area.
- 5 Sec. 12. (a) The secretary of revenue shall adopt the necessary rules  
6 and regulations to implement the provisions of this act.
- 7 Sec. 13. This act shall take effect and be in force on and after January  
8 1, ~~2012~~ **2013**, and its publication in the statute book.