

**As Amended by House Committee**

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***As Amended by Senate Committee***

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*Session of 2011*

**SENATE BILL No. 120**

By Committee on Ways and Means

2-7

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1 AN ACT concerning requirements for the issuance of certificates of title  
2 for vessels; requiring notice, priority, release and surrender of security  
3 interests in vessels.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. This act shall be known and may be cited as the Kansas  
7 vessel titling act.

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

10 (a) "Director" means the director of vehicles, either acting directly or  
11 through officers or agents of the division of vehicles of the department of  
12 revenue.

13 (b) "Division" means the division of vehicles of the department of  
14 revenue.

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

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

22 (e) "New vessel dealer" means any vessel dealer who is a party to a  
23 vessel sales agreement with a vessel manufacturer, which vessel sales  
24 agreement authorizes the vessel dealer to sell, exchange or transfer new  
25 vessels or parts and accessories made or sold by such vessel manufacturer,  
26 and authorizes the vessel dealer to fulfill the warranty commitments of  
27 such vessel manufacturer.

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

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

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

34 (i) "Vessel" means any watercraft ~~designed to be propelled by~~

1 ~~gasoline, diesel or electric machinery, oars, paddles or wind action upon a~~  
2 ~~sail for navigation on the water~~ ***required to be numbered pursuant to***  
3 ***K.S.A. 32-1110, and amendments thereto.***

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

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

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

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

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

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

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

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

43 (c) The director shall design a distinctive electronic certificate of title to

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

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

34 (e) The fee for each original certificate of title shall be \$20. The  
35 certificate of title shall be good for the life of the vessel while owned or  
36 held by the original holder of the certificate of title.

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

1 may require.

2 (g) The dealer or secured party may, within 30 days of the sale and  
3 delivery, mail or deliver the notice of security interest, together with a fee  
4 of \$2.50, to the division. The notice of security interest shall be retained by  
5 the division, once the division receives an application for a certificate of  
6 title to the vessel and an electronic certificate of title is issued. The  
7 electronic certificate of title shall indicate any security interest in the  
8 vessel. Upon issuance of the electronic certificate of title, the division shall  
9 mail or deliver confirmation of the receipt of the notice of security interest,  
10 the date the electronic certificate of title is issued and the security interest  
11 indicated, to the secured party at the address shown on the notice of  
12 security interest. The proper completion and timely mailing or delivery of  
13 a notice of security interest by a dealer or secured party shall perfect a  
14 security interest in the vessel, as referenced in K.S.A. 84-9-311, and  
15 amendments thereto, on the date of such mailing or delivery. The county  
16 treasurer shall mail a copy of the title application to the lienholder. For any  
17 vessel subject to a lien, the county treasurer shall collect from the applicant  
18 a \$1.50 service fee for processing and mailing a copy of the title  
19 application to the lienholder.

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

1 immediately notify the division by a form prescribed by the division of  
2 vehicles, ~~accompanied by a \$10 processing fee.~~

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

27 (j) In the event of the sale of a vessel under the order of a court, the  
28 officer conducting such sale shall issue to the purchaser a certificate  
29 naming the purchaser and reciting the facts of the sale, which certificate  
30 shall be prima facie evidence of the ownership of such purchaser for the  
31 purpose of obtaining a certificate of title to such vessel. Any such  
32 purchaser shall be allowed 30 days, inclusive of weekends and holidays,  
33 from the date of sale to make application to the division for a certificate of  
34 title.

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

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

6 (2) the information shown on the title relating to all previous  
7 assignments, including the names of all previous titleholders shown  
8 thereon; and

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

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

18 (b) The division shall prescribe and provide suitable forms of  
19 applications, certificates of title, notices of security interests, and all other  
20 notices and forms necessary to carry out this act.

21 (c) **The division shall gather all information necessary to comply**  
22 **with 33 C.F.R. § 187.**

23 (d) The secretary of revenue is hereby authorized to adopt rules and  
24 regulations necessary to carry out the provisions of this section.

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

28 (b) The county treasurer shall remit the fees collected, except for \$2  
29 retained pursuant to K.S.A. 8-145, and amendments thereto, together with  
30 the original copy of all applications, to the secretary of revenue. The  
31 secretary of revenue shall remit all such fees remitted to the state treasurer  
32 in accordance with the provisions of K.S.A. 75-4215, and amendments  
33 thereto. Upon receipt of each such remittance, the state treasurer shall  
34 deposit the entire amount in the state treasury to the credit of the state  
35 general fund, except as provided in subsection (c).

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

39 (2) Of each certificate of title fee collected and remitted to the secretary  
40 of revenue, \$6 shall be remitted to the state treasurer who shall credit such  
41 \$6 to the vessel enforcement fee fund.

42 (3) Of each certificate of title fee collected and remitted to the secretary  
43 of revenue, \$4 shall be remitted to the state treasurer who shall credit such

1 \$4 to the division of vehicles dealer licensing fund.

2 Sec. 6. There is hereby created in the state treasury the vessel title and  
3 registration fee fund. All moneys credited to the vessel title and  
4 registration fee fund shall be used by the department of revenue only for  
5 the purpose of funding the administration and operation, including  
6 equipment, associated with the issuance of vessel titles. All expenditures  
7 from the vessel title and registration fee fund shall be made in accordance  
8 with appropriation acts, upon warrants of the director of accounts and  
9 reports issued pursuant to vouchers approved by the secretary of the  
10 department of revenue.

11 Sec. 7. There is hereby created in the state treasury the vessel  
12 enforcement fee fund. All moneys credited to the vessel enforcement fee  
13 fund shall be used by the department of wildlife ~~and~~, parks **and tourism**  
14 only for the purpose of funding the administration and operation, including  
15 equipment, associated with the enforcement of the requirement that vessels  
16 be titled. All expenditures from the vessel enforcement fee fund shall be  
17 made in accordance with appropriation acts, upon warrants of the director  
18 of accounts and reports issued pursuant to vouchers approved by the  
19 secretary of the department of wildlife ~~and~~, parks **and tourism**.

20 Sec. 8. There is hereby created in the state treasury the vessel dealer  
21 licensing fee fund. All moneys credited to the vessel dealer licensing fee  
22 fund shall be used by the department of revenue only for the purpose of  
23 funding the administration and operation, including equipment, associated  
24 with the issuance of vessel dealer licenses. All expenditures from the  
25 vessel dealer licensing fee fund shall be made in accordance with  
26 appropriation acts, upon warrants of the director of accounts and reports  
27 issued pursuant to vouchers approved by the secretary of the department of  
28 revenue.

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

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

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

40 (d) An application for a license shall be made to the director and shall  
41 contain the information provided for by this section, together with such  
42 other information as may be deemed reasonable and pertinent, and shall be  
43 accompanied by the required fee. The director may require in the

1 application, or otherwise, information relating to the applicant's solvency,  
2 financial standing or other pertinent matter commensurate with the  
3 safeguarding of the public interest in the locality in which the applicant  
4 proposes to engage in business, all of which may be considered by the  
5 director in determining the fitness of the applicant to engage in business as  
6 set forth in this section. The director may require the applicant for  
7 licensing to appear at such time and place as may be designated by the  
8 director for examination to enable the director to determine the accuracy of  
9 the facts contained in the written application, either for initial licensure or  
10 renewal thereof. Every application under this section shall be verified by  
11 the applicant.

12 (e) All licenses shall be granted or refused within 30 days after the  
13 application is received by the director. All licenses shall expire, unless  
14 previously suspended or revoked, on December 31 of the calendar year for  
15 which they are granted, except that where a complaint respecting the  
16 cancellation, termination or nonrenewal of a sales agreement is in the  
17 process of being heard, no replacement application shall be considered  
18 until a final order is issued by the director. Applications for renewals,  
19 received by the director after February 15 shall be considered as new  
20 applications.

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

23 (g) The license of all persons licensed under the provisions of the  
24 Kansas vessel titling act shall state the address of the established place of  
25 business, office or branch and must be conspicuously displayed therein. If  
26 such address is changed, the director shall endorse the change of address  
27 on the license without charge.

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

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

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

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



1 (l) An established or supplemental place of business, otherwise meeting  
2 the requirements of the Kansas vessel titling act, may be used by a dealer  
3 to conduct more than one business as long as suitable space and facilities  
4 exist therein to properly conduct the business of a vessel dealer.

5 (m) If a supplemental place of business is not operated on a continuous,  
6 year-round basis, the dealer shall give the department 15 days' notice as to  
7 the dates on which the dealer will be engaged in business at the  
8 supplemental place of business.

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

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

16 (a) On or before the 20th day of each month, file a monthly report, on a  
17 form prescribed and furnished by the division, listing all sales or transfers,  
18 except sales or transfers by a manufacturer to a dealer of new or used  
19 vessels, including the name and address of the purchaser or transferee, date  
20 of sale, the serial or identification number of the vessel, and such other  
21 information as the division may require.

22 (b) Make available during regular business hours to any employee of  
23 the division for the purpose of investigation or inspection, all records  
24 concerning vessels purchased, sold or exchanged during the preceding 12  
25 months, including certificates of title on all vessels owned by the  
26 dealership.

27 (c) Whenever a dealer sells or otherwise disposes of such dealer's  
28 business, or for any reason suspends or goes out of business as a dealer,  
29 such dealer shall notify the division and the division upon receipt of such  
30 notice shall cancel the dealer's license, except that such dealer may, upon  
31 payment of 50% of the annual fee to the division, have the license and  
32 dealer license plates assigned to the purchaser of the business.

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

35 (1) Proof of financial unfitness of the applicant;

36 (2) material false statement in an application for a license;

37 (3) filing a materially false or fraudulent tax return as certified by the  
38 director of taxation;

39 (4) negligently failing to comply with any applicable provision of the  
40 Kansas vessel titling act or any applicable rule or regulation adopted  
41 pursuant thereto;

42 (5) knowingly defrauding any retail buyer to the buyer's damage;

43 (6) negligently failing to perform any written agreement with any

1 buyer;

2 (7) knowingly making a fraudulent sale or transaction;

3 (8) knowingly engaging in false or misleading advertising;

4 (9) willful misrepresentation, circumvention or concealment, through a  
5 subterfuge or device, of any material particulars, or the nature thereof,  
6 required by law to be stated or furnished to the retail buyer;

7 (10) negligent use of fraudulent devices, methods or practices in  
8 contravention of law with respect to the retaking of goods under retail  
9 installment contracts and the redemption and resale of such goods;

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

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

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

17 (14) has, within five years immediately preceding the date of making  
18 application, been convicted of a felony or any crime involving moral  
19 turpitude, or has been adjudged guilty of the violations of any law of any  
20 state or the United States in connection with such person's operation as a  
21 dealer or salesperson; or

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

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

29 (c) If a licensee is a firm or corporation, it shall be sufficient cause for  
30 the denial, suspension or revocation of a license that any officer, director  
31 or trustee of the firm or corporation, or any member in case of a  
32 partnership, has been guilty of any act or omission which would be good  
33 cause for refusing, suspending or revoking a license to such party as an  
34 individual. Each licensee shall be responsible for the acts of its  
35 salespersons or representatives while acting as its agents.

36 (d) When any licensee is found to be allegedly violating any of the  
37 applicable provisions of the Kansas vessel titling act, or any order or rule  
38 and regulation adopted pursuant thereto, the director, upon the director's  
39 own motion or upon complaint, may commence a hearing against the  
40 licensee, which hearing shall be conducted in accordance with the  
41 provisions of the Kansas administrative procedure act.

42 (e) Any person who is found to have violated any applicable provisions  
43 of the Kansas vessel titling act, any rule and regulation adopted pursuant

1 thereto or any applicable order of the director shall be subject to a civil  
2 penalty of not less than \$50 nor more than \$1,000 for each violation or  
3 such person's license may be suspended or revoked, or both a civil penalty  
4 and a license suspension or revocation may be imposed.

5 (f) Any licensee or other person aggrieved by a final order of the  
6 director may appeal to the district court as provided by the act for judicial  
7 review and civil enforcement of agency actions.

8 (g) The revocation or suspension of a manufacturer's license may be  
9 limited to one or more municipalities or counties or any other defined  
10 trade area.

11 Sec. 12. (a) The secretary of revenue shall adopt the necessary rules  
12 and regulations to implement the provisions of this act.

13 Sec. 13. This act shall take effect and be in force on and after January  
14 1, ~~2012~~ **2013**, and its publication in the statute book.

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