

SENATE BILL No. 300

By Committee on Transportation

1-18

1 AN ACT concerning motor vehicles; relating to temporary vehicle
2 registration permits; extending the thirty-day registration to sixty days;
3 amending K.S.A. 2011 Supp. 8-135 and 8-2409 and repealing the
4 existing sections.
5

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

7 Sec. 1. K.S.A. 2011 Supp. 8-135 is hereby amended to read as
8 follows: 8-135. (a) Upon the transfer of ownership of any vehicle
9 registered under this act, the registration of the vehicle and the right to use
10 any license plate thereon shall expire and thereafter there shall be no
11 transfer of any registration, and the license plate shall be removed by the
12 owner thereof. Except as provided in K.S.A. 8-172, and amendments
13 thereto, and 8-1,147, and amendments thereto, it shall be unlawful for any
14 person, other than the person to whom the license plate was originally
15 issued, to have possession thereof. When the ownership of a registered
16 vehicle is transferred, the original owner of the license plate may register
17 another vehicle under the same number, upon application and payment of a
18 fee of \$1.50, if such other vehicle does not require a higher license fee. If a
19 higher license fee is required, then the transfer may be made upon the
20 payment of the transfer fee of \$1.50 and the difference between the fee
21 originally paid and that due for the new vehicle.

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

1 any registration decal affixed thereto, for a vehicle and has sold or
2 otherwise disposed of the vehicle and has acquired another motorcycle or
3 passenger vehicle and intends to transfer the registration and the license
4 plate to the motorcycle or passenger vehicle acquired, but has not yet had
5 the registration transferred in the office of the county treasurer, such
6 person may operate the motorcycle or passenger vehicle acquired for a
7 period of not to exceed 30 days by displaying the license plate on the rear
8 of the vehicle acquired. If the acquired vehicle is a new vehicle such
9 person also must carry the assigned certificate of title or manufacturer's
10 statement of origin when operating the acquired vehicle, except that a
11 dealer may operate such vehicle by displaying such dealer's dealer license
12 plate.

13 (c) Certificate of title: No vehicle required to be registered shall be
14 registered or any license plate or registration decal issued therefor, unless
15 the applicant for registration shall present satisfactory evidence of
16 ownership and apply for an original certificate of title for such vehicle.
17 The following paragraphs of this subsection shall apply to the issuance of
18 a certificate of title for a nonhighway vehicle, salvage vehicle or rebuilt
19 salvage vehicle, as defined in K.S.A. 8-197, and amendments thereto,
20 except to the extent such paragraphs are made inapplicable by or are
21 inconsistent with K.S.A. 8-198, and amendments thereto, and to any
22 electronic certificate of title, except to the extent such paragraphs are made
23 inapplicable by or are inconsistent with K.S.A. 2011 Supp. 8-135d, and
24 amendments thereto, or with rules and regulations adopted pursuant to
25 K.S.A. 2011 Supp. 8-135d, and amendments thereto.

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

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

1 applicant's name, shall so notify the division, who shall issue an
2 appropriate certificate of title. The certificate of title shall be in a form
3 approved by the division, and shall contain a statement of any liens or
4 encumbrances which the application shows, and such other information as
5 the division determines.

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

1 any applicant obtaining a certificate of title for a repossessed vehicle shall
2 pay a fee of \$3.

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

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

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

1 certificate of title is issued and the security interest indicated, to the
2 secured party at the address shown on the notice of security interest. The
3 proper completion and timely mailing or delivery of a notice of security
4 interest by a dealer or secured party shall perfect a security interest in the
5 vehicle, as referenced in K.S.A. 2011 Supp. 84-9-311, and amendments
6 thereto, on the date of such mailing or delivery. The county treasurers shall
7 mail a copy of the title application to the lienholder. For any vehicle
8 subject to a lien, the county treasurer shall collect from the applicant a
9 \$1.50 service fee for processing and mailing a copy of the title application
10 to the lienholder.

11 (6) It shall be unlawful for any person to operate in this state a vehicle
12 required to be registered under this act, or to transfer the title to any such
13 vehicle to any person or dealer, unless a certificate of title has been issued
14 as herein provided. In the event of a sale or transfer of ownership of a
15 vehicle for which a certificate of title has been issued, which certificate of
16 title is in the possession of the transferor at the time of delivery of the
17 vehicle, the holder of such certificate of title shall endorse on the same an
18 assignment thereof, with warranty of title in a form prescribed by the
19 division and printed thereon and the transferor shall deliver the same to the
20 buyer at the time of delivery to the buyer of the vehicle or at a time agreed
21 upon by the parties, not to exceed 30 days, inclusive of weekends and
22 holidays, after the time of delivery. The agreement of the parties shall be
23 executed on a form provided by the division. The requirements of this
24 paragraph concerning delivery of an assigned title are satisfied if the
25 transferor mails to the transferee by restricted mail the assigned certificate
26 of title within the 30 days, and if the transferor is a dealer, as defined by
27 K.S.A. 8-2401, and amendments thereto, such transferor shall be deemed
28 to have possession of the certificate of title if the transferor has made
29 application therefor to the division. The buyer shall then present such
30 assigned certificate of title to the division at the time of making application
31 for registration of such vehicle. A new certificate of title shall be issued to
32 the buyer, upon payment of the fee of \$10. If such vehicle is sold to a
33 resident of another state or country, the dealer or person making the sale
34 shall notify the division of the sale and the division shall make notation
35 thereof in the records of the division. When a person acquires a security
36 interest that such person seeks to perfect on a vehicle subsequent to the
37 issuance of the original title on such vehicle, such person shall require the
38 holder of the certificate of title to surrender the same and sign an
39 application for a mortgage title in form prescribed by the division. Upon
40 such surrender such person shall immediately deliver the certificate of
41 title, application, and a fee of \$10 to the division. Delivery of the
42 surrendered title, application and tender of the required fee shall perfect a
43 security interest in the vehicle as referenced in K.S.A. 2011 Supp. 84-9-

1 311, and amendments thereto. On and after July 1, 2007, only one lien
2 may be taken or accepted for security for an obligation to be secured by a
3 lien to be shown on a certificate of title for vehicles with a gross vehicle
4 weight rating, as defined in K.S.A. 66-1,108, and amendments thereto, of
5 26,000 pounds or less. A refinancing shall not be subject to the limitations
6 of this act. A refinancing is deemed to occur when the original obligation
7 is satisfied and replaced by a new obligation. Lien obligations created
8 before July 1, 2007, which are of a continuing nature shall not be subject
9 to the limitations of this act until the obligation is satisfied. A lien in
10 violation of this provision is void. Upon receipt of the surrendered title,
11 application and fee, the division shall issue a new certificate of title
12 showing the liens or encumbrances so created, but only one lien or
13 encumbrance may be shown upon a title for vehicles with a gross vehicle
14 rating of 26,000 pounds or less, and not more than two liens or
15 encumbrances may be shown upon a title for vehicles in excess of 26,000
16 pounds gross vehicle weight rating. When a prior lienholder's name is
17 removed from the title, there must be satisfactory evidence presented to
18 the division that the lien or encumbrance has been paid. When the
19 indebtedness to a lienholder, whose name is shown upon a title, is paid in
20 full, such lienholder shall comply with the provisions of K.S.A. 2011
21 Supp. 8-1,157, and amendments thereto.

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

39 (8) In cases of sales under the order of a court of a vehicle required to
40 be registered under this act, the officer conducting such sale shall issue to
41 the purchaser a certificate naming the purchaser and reciting the facts of
42 the sale, which certificate shall be prima facie evidence of the ownership
43 of such purchaser for the purpose of obtaining a certificate of title to such

1 motor vehicle and for registering the same. Any such purchaser shall be
2 allowed 30 days, inclusive of weekends and holidays, from the date of sale
3 to make application to the division for a certificate of title and for the
4 registering of such motor vehicle.

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

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

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

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

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

1 a boat trailer under this paragraph, the certificate of title shall not be issued
2 until an inspection in accordance with subsection (a) of K.S.A. 8-116a, and
3 amendments thereto, has been completed.

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

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

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

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

29 Sec. 2. K.S.A. 2011 Supp. 8-2409 is hereby amended to read as
30 follows: 8-2409. (a) Any dealer may purchase from the division of
31 vehicles ~~thirty-day~~*sixty-day* temporary registration permits, in multiples of
32 five permits valid for ~~30~~*60* days at a cost of ~~\$3~~*\$6* each. Such dealer shall
33 have completed the application and permit as required by the division and
34 mail a copy of such application to the division within 24 hours from the
35 date of issuance. Such registration shall not extend the date when
36 registration fees are due, but shall be valid registration for a period of ~~30~~*60*
37 days from date of issuance. The dealer upon presentation of evidence of
38 ownership in the applicant and evidence that the sales tax has been paid, if
39 due, shall issue a sticker or paper registration as determined by the
40 division. No dealer, or county treasurer, as authorized by K.S.A. 8-143,
41 and amendments thereto, shall issue more than one ~~thirty-day~~*sixty-day*
42 temporary registration permit to the purchaser of a vehicle.

43 (b) The division of vehicles may deny any dealer the authority to

1 purchase ~~thirty-day~~*sixty-day* temporary permits if the vehicle dealer is
2 delinquent in monthly sales reports to the division for two months or more
3 or if the vehicle dealer is found to have issued more than one ~~thirty-~~
4 ~~day~~*sixty-day* permit to the purchaser of a vehicle.

5 (c) The temporary registration authorized by this section shall entitle
6 a truck, truck tractor or any combination of truck or truck tractor and any
7 type of trailer or semitrailer to be operated under laden conditions.

8 Sec. 3. K.S.A. 2011 Supp. 8-135 and 8-2409 are hereby repealed.

9 Sec. 4. This act shall take effect and be in force from and after its
10 publication in the statute book.

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