

As Amended by House Committee

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

Session of 2013

SENATE BILL No. 164

By Committee on Transportation

2-11

1 AN ACT concerning ~~motor~~ *{motor}* vehicles; relating to the administration
2 of ~~motor~~ vehicle functions; amending K.S.A. 2012 Supp. 8-126 and 8-
3 129 and repealing the existing sections.

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

6 Section 1. K.S.A. 2012 Supp. 8-126 is hereby amended to read as
7 follows: 8-126. The following words and phrases when used in this act
8 shall have the meanings respectively ascribed to them herein:

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

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

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

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

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

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

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

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

1 by a motor vehicle.

2 (i) "Semitrailer" means every vehicle of the trailer type so designed
3 and used in conjunction with a motor vehicle that some part of its own
4 weight and that of its own load rests upon or is carried by another vehicle.

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

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

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

18 (m) "Person" means every natural person, firm, partnership,
19 association or corporation.

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

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

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

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

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

43 (s) "Highway" means every way or place of whatever nature open to

1 the use of the public as a matter of right for the purpose of vehicular travel.
2 The term "highway" shall not be deemed to include a roadway or driveway
3 upon grounds owned by private owners, colleges, universities or other
4 institutions.

5 (t) "Department" or "motor vehicle department" or "vehicle
6 department" means the division of vehicles of the department of revenue,
7 acting directly or through its duly authorized officers and agents. When
8 acting on behalf of the department of revenue pursuant to this act, a county
9 treasurer shall be deemed to be an agent of the state of Kansas.

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

12 (v) "Division" means the division of vehicles of the department of
13 revenue.

14 (w) "Travel trailer" means every vehicle without motive power
15 designed to be towed by a motor vehicle constructed primarily for
16 recreational purposes.

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

20 (y) "Self-propelled farm implement" means every farm implement
21 designed for specific use applications with its motive power unit
22 permanently incorporated in its structural design.

23 (z) "Farm trailer" means every trailer as defined in subsection (h) of
24 this section and every semitrailer as defined in subsection (i) of this
25 section, designed and used primarily as a farm vehicle.

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

29 (1) A motor which produces not more than 3.5 brake horsepower;

30 (2) a cylinder capacity of not more than 130 cubic centimeters;

31 (3) an automatic transmission; and

32 (4) the capability of a maximum design speed of no more than 30
33 miles per hour.

34 (bb) "All-terrain vehicle" means any motorized nonhighway vehicle
35 50 inches or less in width, having a dry weight of 1,500 pounds or less,
36 traveling on three or more nonhighway tires, having a seat designed to be
37 straddled by the operator. As used in this subsection, nonhighway tire
38 means any pneumatic tire six inches or more in width, designed for use on
39 wheels with rim diameter of 14 inches or less.

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

- 1 (1) A farm tractor;
- 2 (2) a self-propelled farm implement;
- 3 (3) a fertilizer spreader, nurse tank or truck permanently mounted
4 with a spreader used exclusively for dispensing or spreading water, dust or
5 liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202,
6 and amendments thereto, regardless of ownership;
- 7 (4) a truck mounted with a fertilizer spreader used or manufactured
8 principally to spread animal dung;
- 9 (5) a mixer-feed truck owned and used by a feedlot, as defined in
10 K.S.A. 47-1501, and amendments thereto, and specially designed and used
11 exclusively for dispensing food to livestock in such feedlot.
- 12 (dd) "Motorized wheelchair" means any self-propelled vehicle
13 designed specifically for use by a physically disabled person that is
14 incapable of a speed in excess of 15 miles per hour.
- 15 (ee) "Oil well servicing, oil well clean-out or oil well drilling
16 machinery or equipment" means a vehicle constructed as a machine used
17 exclusively for servicing, cleaning-out or drilling an oil well and
18 consisting in general of a mast, an engine for power, a draw works and a
19 chassis permanently constructed or assembled for one or more of those
20 purposes. The passenger capacity of the cab of a vehicle shall not be
21 considered in determining whether such vehicle is an oil well servicing, oil
22 well clean-out or oil well drilling machinery or equipment.
- 23 (ff) "Electric personal assistive mobility device" means a self-
24 balancing two nontandem wheeled device, designed to transport only one
25 person, with an electric propulsion system that limits the maximum speed
26 of the device to 15 miles per hour or less.
- 27 (gg) "Electronic certificate of title" means any electronic record of
28 ownership, including any lien or liens that may be recorded, retained by
29 the division in accordance with K.S.A. 2012 Supp. 8-135d, and
30 amendments thereto.
- 31 (hh) "Work-site utility vehicle" means any motor vehicle which is not
32 less than 48 inches in width, has an overall length, including the bumper,
33 of not more than 135 inches, has an unladen weight, including fuel and
34 fluids, of more than 800 pounds and is equipped with four or more low
35 pressure tires, a steering wheel and bench or bucket-type seating allowing
36 at least two people to sit side-by-side, and may be equipped with a bed or
37 cargo box for hauling materials. "Work-site utility vehicle" does not
38 include a micro utility truck or recreational off-highway vehicle.
- 39 (ii) "Micro utility truck" means any motor vehicle which is not less
40 than 48 inches in width, has an overall length, including the bumper, of not
41 more than 160 inches, has an unladen weight, including fuel and fluids, of
42 more than 1,500 pounds, can exceed 40 miles per hour as originally
43 manufactured and is manufactured with a metal cab. "Micro utility truck"

1 does not include a work-site utility vehicle or recreational off-highway
2 vehicle.

3 (jj) "Golf cart" means a motor vehicle that has not less than three
4 wheels in contact with the ground, an unladen weight of not more than
5 1,800 pounds, is designed to be and is operated at not more than 25 miles
6 per hour and is designed to carry not more than four persons including the
7 driver.

8 (kk) "Recreational off-highway vehicle" means any motor vehicle 64
9 inches or less in width, having a dry weight of 2,000 pounds or less,
10 traveling on four or more nonhighway tires, having a nonstraddle seat and
11 steering wheel for steering control.

12 (ll) "Lightweight roadable vehicle" means a multipurpose motor
13 vehicle that is allowed to be driven on public roadways and is required to
14 be registered with, and flown under the direction of, the federal aviation
15 administration.

16 (mm) *"Contractor" means a person, partnership, corporation, local*
17 *government, county government, county treasurer or other state agency*
18 *that has contracted with the department to provide services associated*
19 *with ~~motor~~-vehicle functions.*

20 (nn) *~~"Motor-Vehicle functions" means services relating to the~~*
21 *application, processing, auditing or distribution of original or renewal*
22 *~~motor~~-vehicle registrations, certificates of title, driver's licenses and*
23 *division issued identification cards associated with services and functions*
24 *set out in articles 1, 2 and 13 of chapter 8 of the Kansas Statutes*
25 *Annotated, and amendments thereto. ~~"Motor-Vehicle functions"~~ may also*
26 *include personal property taxation duties set out in article 51 of chapter*
27 *79 of the Kansas Statutes Annotated, and amendments thereto, and other*
28 *vehicle-related events described in article 1 of chapter 8 of the Kansas*
29 *Statutes Annotated, and amendments thereto.*

30 Sec. 2. K.S.A. 2012 Supp. 8-129 is hereby amended to read as
31 follows: 8-129. (a) Applications for the registration of a vehicle required to
32 be registered shall be made by the owner, by mail, on-line, electronically
33 or otherwise, in the office of the county treasurer of:

34 (1) The county in which such owner resides; or

35 (2) the county in which the owner has a bona fide place of business, if
36 such vehicle is garaged in such county for a period exceeding 90 days.
37 Such place of business shall not be an office or facility established or
38 maintained solely for the purpose of obtaining registration.

39 Such applications for registration shall be made upon appropriate forms
40 furnished by the department and every application shall contain the name
41 of the owner, such owner's residence address or bona fide place of
42 business, a brief description of the vehicle to be registered and such other
43 information as may be required by the department. If the owner is not a

1 resident of or does not have a bona fide place of business in this state, the
2 owner may make application for registration in any county which the
3 department shall designate, except that in the case of members of the
4 armed forces of the United States, the application may be signed by the
5 owner's spouse, parent, eldest brother or sister, in the order named. With
6 reference to every foreign vehicle which has been registered outside of this
7 state, the owner shall exhibit to the department the certificate of title and
8 registration card, or other evidence of such former registration as may be
9 in the applicant's possession or control, or such other evidence as will
10 satisfy the department that the applicant is the lawful owner or possessor
11 of the vehicle.

12 (b) The applicant for the registration of a vehicle required to be
13 registered, upon the filing of the application, shall submit a statement
14 certifying that such person has a certificate of title for the motor vehicle,
15 showing the date and identification thereof, or file an application therefor,
16 as provided in this act.

17 (c) *Any reference in article 1 of chapter 8 of the Kansas Statutes*
18 *Annotated, and amendments thereto, to a county treasurer or office of a*
19 *county treasurer performing any services associated with ~~motor~~-vehicle*
20 *functions and receiving compensation for such services shall also include*
21 *contractors that have contracted with the department to perform such*
22 *services if the director of vehicles determines that a county treasurer has*
23 *failed to:*

24 (1) *Comply with article 1 of chapter 8 of the Kansas Statutes*
25 *Annotated, and amendments thereto, relating to ~~motor~~-vehicle functions;*

26 (2) *comply with rules and regulations promulgated pursuant to*
27 *subsection ~~(d)~~(e); or*

28 (3) *enter into and abide by a contract with the department to ensure*
29 *minimum standards and practices are maintained by the county treasurer*
30 *in the performance of assigned ~~motor~~-vehicle functions.*

31 (d) ***The department may appoint contractors to perform some or all***
32 ***of the vehicle functions agreed to by the department and the contractor***
33 ***to be performed. In circumstances involving vehicle registrations, the***
34 ***department shall be required to make the findings required by***
35 ***subsection (c) before contracting with a contractor that is not a county***
36 ***treasurer.***

37 (e) *The secretary of revenue may adopt rules and regulations in order*
38 *to implement and administer the provisions of ~~subsection~~ subsections (c)*
39 ***and (d) to:***

40 (1) *Enter into contracts with the county treasurers to perform ~~motor~~-*
41 *vehicle functions;*

42 (2) *create minimum standards and practices for the performance of*
43 *~~motor~~-vehicle functions;*

1 (3) *require criminal background reviews of county treasurers and*
2 *their staff that will be performing ~~motor~~-vehicle functions, if needed;*

3 (4) *establish and set the limits on the additional, non-statutory fees, if*
4 *any, that a contractor may charge a person for services relating to ~~motor~~-*
5 *vehicle functions; and*

6 (5) *create efficient and rapid administrative processes for suspending*
7 *or revoking a treasurer's ability to perform ~~motor~~-vehicle functions on*
8 *behalf of the department if such treasurer violates applicable laws, rules*
9 *and regulations, or the treasurer's written contract with the department.*

10 *Any order of the department suspending or revoking a county*
11 *treasurer's authorization to perform ~~motor~~-vehicle functions for the state*
12 *of Kansas shall include requirements for the county treasurer's*
13 *reinstatement.*

14 Sec. 3. K.S.A. 2012 Supp. 8-126 and 8-129 are hereby repealed.

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