

SUBSTITUTE FOR SENATE BILL No. 70

By Committee on Transportation

2-20

1 AN ACT concerning motor vehicles; relating to definitions; amending
2 K.S.A. 8-1436, 40-298 and 59-3508 and K.S.A. 2012 Supp. 8-126 and
3 44-1204 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) ~~"Motoreyele" 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) ~~"Truck 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~~
33 ~~by a motor vehicle.~~

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

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

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

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

14 (m) ~~"Person" means every natural person, firm, partnership,~~
15 ~~association or corporation.~~

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

25 (o) ~~"Nonresident" means every person who is not a resident of this~~
26 ~~state.~~

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

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

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

39 (s) ~~"Highway" means every way or place of whatever nature open to~~
40 ~~the use of the public as a matter of right for the purpose of vehicular travel.~~
41 ~~The term "highway" shall not be deemed to include a roadway or driveway~~
42 ~~upon grounds owned by private owners, colleges, universities or other~~
43 ~~institutions.~~

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

6 ~~(u) "Commission" or "state highway commission" means the director~~
7 ~~of vehicles of the department of revenue.~~

8 ~~(v) "Division" means the division of vehicles of the department of~~
9 ~~revenue.~~

10 ~~(w) "Travel trailer" means every vehicle without motive power~~
11 ~~designed to be towed by a motor vehicle constructed primarily for~~
12 ~~recreational purposes.~~

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

16 ~~(y) "Self-propelled farm implement" means every farm implement~~
17 ~~designed for specific use applications with its motive power unit~~
18 ~~permanently incorporated in its structural design.~~

19 ~~(z) "Farm trailer" means every trailer as defined in subsection (h) of~~
20 ~~this section and every semitrailer as defined in subsection (i) of this~~
21 ~~section, designed and used primarily as a farm vehicle.~~

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

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

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

27 ~~(3) an automatic transmission; and~~

28 ~~(4) the capability of a maximum design speed of no more than 30~~
29 ~~miles per hour.~~

30 ~~(bb) "All-terrain vehicle" means any motorized nonhighway vehicle~~
31 ~~50 inches or less in width, having a dry weight of 1,500 pounds or less,~~
32 ~~traveling on three or more nonhighway tires, having a seat designed to be~~
33 ~~straddled by the operator. As used in this subsection, nonhighway tire~~
34 ~~means any pneumatic tire six inches or more in width, designed for use on~~
35 ~~wheels with rim diameter of 14 inches or less.~~

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

40 ~~(1) A farm tractor;~~

41 ~~(2) a self-propelled farm implement;~~

42 ~~(3) a fertilizer spreader, nurse tank or truck permanently mounted~~
43 ~~with a spreader used exclusively for dispensing or spreading water, dust or~~

1 liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202,
2 and amendments thereto, regardless of ownership;

3 ~~(4) a truck mounted with a fertilizer spreader used or manufactured~~
4 ~~principally to spread animal dung;~~

5 ~~(5) a mixer-feed truck owned and used by a feedlot, as defined in~~
6 ~~K.S.A. 47-1501, and amendments thereto, and specially designed and used~~
7 ~~exclusively for dispensing food to livestock in such feedlot.~~

8 ~~(dd) "Motorized wheelchair" means any self-propelled vehicle~~
9 ~~designed specifically for use by a physically disabled person that is~~
10 ~~incapable of a speed in excess of 15 miles per hour.~~

11 ~~(ee) "Oil well servicing, oil well clean-out or oil well drilling~~
12 ~~machinery or equipment" means a vehicle constructed as a machine used~~
13 ~~exclusively for servicing, cleaning-out or drilling an oil well and~~
14 ~~consisting in general of a mast, an engine for power, a draw works and a~~
15 ~~chassis permanently constructed or assembled for one or more of those~~
16 ~~purposes. The passenger capacity of the cab of a vehicle shall not be~~
17 ~~considered in determining whether such vehicle is an oil well servicing, oil~~
18 ~~well clean-out or oil well drilling machinery or equipment.~~

19 ~~(ff) "Electric personal assistive mobility device" means a self-~~
20 ~~balancing two nontandem wheeled device, designed to transport only one~~
21 ~~person, with an electric propulsion system that limits the maximum speed~~
22 ~~of the device to 15 miles per hour or less.~~

23 ~~(gg) "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 K.S.A. 2012 Supp. 8-135d, and~~
26 ~~amendments thereto.~~

27 ~~(hh) "Work-site utility vehicle" means any motor vehicle which is not~~
28 ~~less than 48 inches in width, has an overall length, including the bumper,~~
29 ~~of not more than 135 inches, has an unladen weight, including fuel and~~
30 ~~fluids, of more than 800 pounds and is equipped with four or more low~~
31 ~~pressure tires, a steering wheel and bench or bucket-type seating allowing~~
32 ~~at least two people to sit side-by-side, and may be equipped with a bed or~~
33 ~~cargo box for hauling materials. "Work-site utility vehicle" does not~~
34 ~~include a micro utility truck or recreational off-highway vehicle.~~

35 ~~(ii) "Micro utility truck" means any motor vehicle which is not less~~
36 ~~than 48 inches in width, has an overall length, including the bumper, of not~~
37 ~~more than 160 inches, has an unladen weight, including fuel and fluids, of~~
38 ~~more than 1,500 pounds, can exceed 40 miles per hour as originally~~
39 ~~manufactured and is manufactured with a metal cab. "Micro utility truck"~~
40 ~~does not include a work-site utility vehicle or recreational off-highway~~
41 ~~vehicle.~~

42 ~~(jj) "Golf cart" means a motor vehicle that has not less than three~~
43 ~~wheels in contact with the ground, an unladen weight of not more than~~

1 1,800 pounds, is designed to be and is operated at not more than 25 miles
2 per hour and is designed to carry not more than four persons including the
3 driver.

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

8 ~~(ll) "Lightweight roadable vehicle" means a multipurpose motor~~
9 ~~vehicle that is allowed to be driven on public roadways and is required to~~
10 ~~be registered with, and flown under the direction of, the federal aviation~~
11 ~~administration. (a) "All-terrain vehicle" means any motorized~~
12 ~~nonhighway vehicle 50 inches or less in width, having a dry weight of~~
13 ~~1,500 pounds or less, traveling on three or more nonhighway tires, having~~
14 ~~a seat designed to be straddled by the operator. As used in this subsection,~~
15 ~~nonhighway tire means any pneumatic tire six inches or more in width,~~
16 ~~designed for use on wheels with rim diameter of 14 inches or less.~~

17 ~~(b) "Commission" or "state highway commission" means the director~~
18 ~~of vehicles of the department of revenue.~~

19 ~~(c) "Department" or "motor vehicle department" or "vehicle~~
20 ~~department" means the division of vehicles of the department of revenue,~~
21 ~~acting directly or through its duly authorized officers and agents. When~~
22 ~~acting on behalf of the department of revenue pursuant to this act, a~~
23 ~~county treasurer shall be deemed to be an agent of the state of Kansas.~~

24 ~~(d) "Division" means the division of vehicles of the department of~~
25 ~~revenue.~~

26 ~~(e) "Electric personal assistive mobility device" means a self-~~
27 ~~balancing two nontandem wheeled device, designed to transport only one~~
28 ~~person, with an electric propulsion system that limits the maximum speed~~
29 ~~of the device to 15 miles per hour or less.~~

30 ~~(f) "Electric vehicle" means a vehicle that is powered by an electric~~
31 ~~motor drawing current from rechargeable storage batteries or other~~
32 ~~portable electrical energy storage devices, provided the recharge energy~~
33 ~~must be drawn from a source off the vehicle, such as, but not limited to:~~

34 ~~(1) Residential electric service;~~

35 ~~(2) an electric vehicle charging station, also called an EV charging~~
36 ~~station, an electric recharging point, a charging point, on EVSE (Electric~~
37 ~~Vehicle Supply Equipment) or a public charging station.~~

38 ~~(g) "Electronic certificate of title" means any electronic record of~~
39 ~~ownership, including any lien or liens that may be recorded, retained by~~
40 ~~the division in accordance with K.S.A. 2012 Supp. 8-135d, and~~
41 ~~amendments thereto.~~

42 ~~(h) "Electronic notice of security interest" means the division's online~~
43 ~~internet program which enables a dealer or secured party to submit a~~

1 notice of security interest as defined in this section, and to cancel the
2 notice or release the security interest using the program. This program is
3 also known as the Kansas elien or KSelien.

4 (i) "Farm tractor" means every motor vehicle designed and used as a
5 farm implement power unit operated with or without other attached farm
6 implements in any manner consistent with the structural design of such
7 power unit.

8 (j) "Farm trailer" means every trailer and semitrailer as those terms
9 are defined in this section, designed and used primarily as a farm vehicle.

10 (k) "Foreign vehicle" means every motor vehicle, trailer, or
11 semitrailer which shall be brought into this state otherwise than in
12 ordinary course of business by or through a manufacturer or dealer and
13 which has not been registered in this state.

14 (l) "Golf cart" means a motor vehicle that has not less than three
15 wheels in contact with the ground, an unladen weight of not more than
16 1,800 pounds, is designed to be and is operated at not more than 25 miles
17 per hour and is designed to carry not more than four persons including the
18 driver.

19 (m) "Highway" means every way or place of whatever nature open to
20 the use of the public as a matter of right for the purpose of vehicular
21 travel. The term "highway" shall not be deemed to include a roadway or
22 driveway upon grounds owned by private owners, colleges, universities or
23 other institutions.

24 (n) "Implement of husbandry" means every vehicle designed or
25 adapted and used exclusively for agricultural operations, including
26 feedlots, and only incidentally moved or operated upon the highways.
27 Such term shall include, but not be limited to:

28 (1) A farm tractor;

29 (2) a self-propelled farm implement;

30 (3) a fertilizer spreader, nurse tank or truck permanently mounted
31 with a spreader used exclusively for dispensing or spreading water, dust or
32 liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202,
33 and amendments thereto, regardless of ownership;

34 (4) a truck mounted with a fertilizer spreader used or manufactured
35 principally to spread animal dung;

36 (5) a mixer-feed truck owned and used by a feedlot, as defined in
37 K.S.A. 47-1501, and amendments thereto, and specially designed and used
38 exclusively for dispensing food to livestock in such feedlot.

39 (o) "Lien" means a security interest as defined in this section.

40 (p) "Lightweight roadable vehicle" means a multipurpose motor
41 vehicle that is allowed to be driven on public roadways and is required to
42 be registered with, and flown under the direction of, the federal aviation
43 administration.

1 (q) *"Manufacturer" means every person engaged in the business of*
2 *manufacturing motor vehicles, trailers or semitrailers.*

3 (r) *"Micro utility truck" means any motor vehicle which is not less*
4 *than 48 inches in width, has an overall length, including the bumper, of*
5 *not more than 160 inches, has an unladen weight, including fuel and*
6 *fluids, of more than 1,500 pounds, can exceed 40 miles per hour as*
7 *originally manufactured and is manufactured with a metal cab. "Micro*
8 *utility truck" does not include a work-site utility vehicle or recreational*
9 *off-highway vehicle.*

10 (s) *"Motor vehicle" means every vehicle, other than a motorized*
11 *bicycle or a motorized wheelchair, which is self-propelled.*

12 (t) *"Motorcycle" means every motor vehicle designed to travel on not*
13 *more than three wheels in contact with the ground, except any such vehicle*
14 *as may be included within the term "tractor" as defined in this section.*

15 (u) *"Motorized bicycle" means every device having two tandem*
16 *wheels or three wheels, which may be propelled by either human power or*
17 *helper motor, or by both, and which has:*

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

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

20 (3) *an automatic transmission; and*

21 (4) *the capability of a maximum design speed of no more than 30*
22 *miles per hour.*

23 (v) *"Motorized wheelchair" means any self-propelled vehicle*
24 *designed specifically for use by a physically disabled person and such*
25 *vehicle is incapable of a speed in excess of 15 miles per hour.*

26 (w) *"New vehicle dealer" means every person actively engaged in the*
27 *business of buying, selling or exchanging new motor vehicles, travel*
28 *trailers, trailers or vehicles and who holds a dealer's contract therefor*
29 *from a manufacturer or distributor and who has an established place of*
30 *business in this state.*

31 (x) *"Nonresident" means every person who is not a resident of this*
32 *state.*

33 (y) *"Notice of security interest" means a notification to the division*
34 *from a dealer or secured party of a purchase money security interest as*
35 *provided in article 9 of chapter 84 of the Kansas Statutes Annotated, and*
36 *amendments thereto, upon a vehicle which has been sold and delivered to*
37 *the purchaser describing the vehicle and showing the name, address and*
38 *acknowledgment of the secured party as well as the name and address of*
39 *the debtor or debtors and other information the division requires.*

40 (z) *"Oil well servicing, oil well clean-out or oil well drilling*
41 *machinery or equipment" means a vehicle constructed as a machine used*
42 *exclusively for servicing, cleaning-out or drilling an oil well and*
43 *consisting in general of a mast, an engine for power, a draw works and a*

1 *chassis permanently constructed or assembled for one or more of those*
2 *purposes. The passenger capacity of the cab of a vehicle shall not be*
3 *considered in determining whether such vehicle is an oil well servicing, oil*
4 *well clean-out or oil well drilling machinery or equipment.*

5 *(aa) "Owner" means a person who holds the legal title of a vehicle,*
6 *or in the event a vehicle is the subject of an agreement for the conditional*
7 *sale thereof with the right of purchase upon performance of the conditions*
8 *stated in the agreement and with an immediate right of possession vested*
9 *in the conditional vendee or in the event a vehicle is subject to a lease of*
10 *30 days or more with an immediate right of possession vested in the*
11 *lessee; or in the event a party having a security interest in a vehicle is*
12 *entitled to possession, then such conditional vendee or lessee or secured*
13 *party shall be deemed the owner for the purpose of this act.*

14 *(bb) "Passenger vehicle" means every motor vehicle, as defined in*
15 *this section, which is designed primarily to carry 10 or fewer passengers,*
16 *and which is not used as a truck.*

17 *(cc) "Person" means every natural person, firm, partnership,*
18 *association or corporation.*

19 *(dd) "Pole trailer" means any two-wheel vehicle used as a trailer*
20 *with bolsters that support the load, and do not have a rack or body*
21 *extending to the tractor drawing the load.*

22 *(ee) "Recreational off-highway vehicle" means any motor vehicle 64*
23 *inches or less in width, having a dry weight of 2,000 pounds or less,*
24 *traveling on four or more nonhighway tires, having a nonstraddle seat and*
25 *steering wheel for steering control.*

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

30 *(gg) "Self-propelled farm implement" means every farm implement*
31 *designed for specific use applications with its motive power unit*
32 *permanently incorporated in its structural design.*

33 *(hh) "Semitrailer" means every vehicle of the trailer type so designed*
34 *and used in conjunction with a motor vehicle that some part of its own*
35 *weight and that of its own load rests upon or is carried by another vehicle.*

36 *(ii) "Specially constructed vehicle" means any vehicle which shall not*
37 *have been originally constructed under a distinctive name, make, model or*
38 *type, or which, if originally otherwise constructed shall have been*
39 *materially altered by the removal of essential parts, or by the addition or*
40 *substitution of essential parts, new or used, derived from other vehicles or*
41 *makes of vehicles.*

42 *(jj) "Trailer" means every vehicle without motive power designed to*
43 *carry property or passengers wholly on its own structure and to be drawn*

1 by a motor vehicle.

2 (kk) "Travel trailer" means every vehicle without motive power
3 designed to be towed by a motor vehicle constructed primarily for
4 recreational purposes.

5 (ll) "Truck" means a motor vehicle which is used for the
6 transportation or delivery of freight and merchandise or more than 10
7 passengers.

8 (mm) "Truck tractor" means every motor vehicle designed and used
9 primarily for drawing other vehicles, and not so constructed as to carry a
10 load other than a part of the weight of the vehicle or load so drawn.

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

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

19 (pp) "Work-site utility vehicle" means any motor vehicle which is not
20 less than 48 inches in width, has an overall length, including the bumper,
21 of not more than 135 inches, has an unladen weight, including fuel and
22 fluids, of more than 800 pounds and is equipped with four or more low
23 pressure tires, a steering wheel and bench or bucket-type seating allowing
24 at least two people to sit side-by-side, and may be equipped with a bed or
25 cargo box for hauling materials. "Work-site utility vehicle" does not
26 include a micro utility truck or recreational off-highway vehicle.

27 Sec. 2. K.S.A. 8-1436 is hereby amended to read as follows: 8-1436.
28 "Motor home" means every motor vehicle designed, ~~used or maintained~~
29 ~~primarily as a mobile dwelling, office or commercial space to provide~~
30 ~~temporary living quarters for recreational, camping or travel use.~~

31 Sec. 3. K.S.A. 40-298 is hereby amended to read as follows: 40-298.
32 As used in this act, the following words and phrases shall have the
33 meanings respectively ascribed to them herein:

34 (a) "Automobile dealer" means a *new vehicle dealer or a used vehicle*
35 *dealer as defined by K.S.A. ~~8-178~~ 8-126, and amendments thereto;*

36 (b) "Automobile" means a passenger vehicle as defined by ~~subsection~~
37 ~~(x) of K.S.A. 8-126, and amendments thereto;~~

38 (c) "Dealer" means any automobile dealer or lending agency;

39 (d) "Lending agency" means any person engaged in the business of
40 financing or lending money to any person to be used in the purchase or
41 financing of a motor vehicle; and

42 (e) "Person" means any individual, partnership, corporation or other
43 association of persons.

1 Sec. 4. K.S.A. 2012 Supp. 44-1204 is hereby amended to read as
2 follows: 44-1204. (a) On and after January 1, 1978, no employer shall
3 employ any employee for a workweek longer than ~~forty-six (46)~~ 46 hours,
4 unless such employee receives compensation for employment in excess of
5 ~~forty-six (46)~~ 46 hours in a workweek at a rate of not less than ~~one and~~
6 ~~one-half (1¹/₂)~~ 1¹/₂ times the hourly wage rate at which such employee is
7 regularly employed.

8 (b) No employer shall be deemed to have violated subsection (a) with
9 respect to the employment of any employee who is covered by this section,
10 who is engaged in the public or private delivery of emergency medical
11 services as an attendant as defined by K.S.A. 65-6112, and amendments
12 thereto, or who is engaged in fire protection or law enforcement activities,
13 including any member of the security personnel in any correctional
14 institution, and who is paid compensation at a rate of not less than 1¹/₂
15 times the regular rate at which such employee is employed:

16 (1) In any work period of 28 consecutive days in which such
17 employee works for tours of duty which in the aggregate exceed 258
18 hours; or

19 (2) in the case of any such employee to whom a work period of at
20 least seven but less than 28 days applies, in any such work period in which
21 such employee works for tours of duty which in the aggregate exceed a
22 number of hours which bears the same ratio to the number of consecutive
23 days in such work period as 258 hours bears to 28 days.

24 (c) The provisions of this section shall not apply to the employment
25 of:

26 (1) Any employee who is covered under the provisions of section 7 of
27 the fair labor standards act of 1938 as amended (~~29~~ U.S.C.A. § 207), and
28 as amended by the fair labor standards amendments of 1974, and ~~any other~~
29 ~~acts amendatory thereof or supplemental~~ amendments thereto; or

30 (2) any employee who is primarily engaged in selling motor vehicles,
31 as defined in ~~subsection (b) of~~ K.S.A. 8-126, *and amendments thereto*, for
32 a nonmanufacturing employer primarily engaged in the business of selling
33 such vehicles to ultimate purchasers;

34 (3) any person who is sentenced to the custody of the secretary of
35 corrections and any person serving a sentence in a county jail.

36 (d) For the purposes of this section, the agreement or practice by
37 employees engaged in fire protection or law enforcement activities of
38 substituting for one another on regularly scheduled tours of duty, or a part
39 thereof, shall be deemed to have no effect on hours of work if:

40 (1) The substituting is done voluntarily by the employees and not at
41 the behest of the employer;

42 (2) the reason for substituting is due not to the employer's business
43 practice but to the employee's desire or need to attend to a personal matter;

1 (3) a record is maintained by the employer of all time substituted by
2 the employer's employees; and

3 (4) the period during which time is substituted and paid back does not
4 exceed 12 months.

5 Sec. 5. K.S.A. 59-3508 is hereby amended to read as follows: 59-
6 3508. A motor vehicle, as defined by ~~subsection (b)~~ of K.S.A. 8-126, and
7 amendments thereto, may be titled in transfer-on-death, TOD, form by
8 including in the certificate of title a designation of a beneficiary or
9 beneficiaries to whom the motor vehicle shall be transferred on death of
10 the owner or the last survivor of the joint tenant with right of survivorship
11 owners, subject to the rights of all lien holders.

12 Sec. 6. K.S.A. 8-1436, 40-298 and 59-3508 and K.S.A. 2012 Supp. 8-
13 126 and 44-1204 are hereby repealed.

14 Sec. 7. This act shall take effect and be in force from and after its
15 publication in the statute book.