

As Amended by Senate Committee

Session of 2007

SENATE BILL No. 210

By Committee on Transportation

1-29

10 AN ACT relating to county treasurers; concerning drivers' license ex-
11 aminations; relating to vehicle registration; relating to county treasur-
12 ers acting as agents of the state; amending K.S.A. 8-234a and K.S.A.
13 2006 Supp. 8-126 and repealing the existing sections.

14

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

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16 Section 1. K.S.A. 2006 Supp. 8-126 is hereby amended to read as
17 follows: 8-126. The following words and phrases when used in this act
18 shall have the meanings respectively ascribed to them herein:

19 (a) "Vehicle" means every device in, upon or by which any person or
20 property is or may be transported or drawn upon a public highway, ex-
21 cepting electric personal assistive mobility devices or devices moved by
22 human power or used exclusively upon stationary rails or tracks.

23 (b) "Motor vehicle" means every vehicle, other than a motorized bi-
24 cycle or a motorized wheelchair, which is self-propelled.

25 (c) "Truck" means a motor vehicle which is used for the transporta-
26 tion or delivery of freight and merchandise or more than 10 passengers.

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

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

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

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

41 (h) "Trailer" means every vehicle without motive power designed to
42 carry property or passengers wholly on its own structure and to be drawn
43 by a motor vehicle.

- 1 (i) “Semitrailer” means every vehicle of the trailer type so designed
2 and used in conjunction with a motor vehicle that some part of its own
3 weight and that of its own load rests upon or is carried by another vehicle.
- 4 (j) “Pole trailer” means any two-wheel vehicle used as a trailer with
5 bolsters that support the load, and do not have a rack or body extending
6 to the tractor drawing the load.
- 7 (k) “Specially constructed vehicle” means any vehicle which shall not
8 have been originally constructed under a distinctive name, make, model
9 or type, or which, if originally otherwise constructed shall have been ma-
10 terially altered by the removal of essential parts, or by the addition or
11 substitution of essential parts, new or used, derived from other vehicles
12 or makes of vehicles.
- 13 (l) “Foreign vehicle” means every motor vehicle, trailer or semitrailer
14 which shall be brought into this state otherwise than in ordinary course
15 of business by or through a manufacturer or dealer and which has not
16 been registered in this state.
- 17 (m) “Person” means every natural person, firm, partnership, associ-
18 ation or corporation.
- 19 (n) “Owner” means a person who holds the legal title of a vehicle, or
20 in the event a vehicle is the subject of an agreement for the conditional
21 sale thereof with the right of purchase upon performance of the condi-
22 tions stated in the agreement and with an immediate right of possession
23 vested in the conditional vendee or in the event a vehicle is subject to a
24 lease of 30 days or more with an immediate right of possession vested in
25 the lessee; or in the event a party having a security interest in a vehicle
26 is entitled to possession, then such conditional vendee or lessee or secured
27 party shall be deemed the owner for the purpose of this act.
- 28 (o) “Nonresident” means every person who is not a resident of this
29 state.
- 30 (p) “Manufacturer” means every person engaged in the business of
31 manufacturing motor vehicles, trailers or semitrailers.
- 32 (q) “New vehicle dealer” means every person actively engaged in the
33 business of buying, selling or exchanging new motor vehicles, travel trail-
34 ers, trailers or vehicles and who holds a dealer’s contract therefor from a
35 manufacturer or distributor and who has an established place of business
36 in this state.
- 37 (r) “Used vehicle dealer” means every person actively engaged in the
38 business of buying, selling or exchanging used vehicles, and having an
39 established place of business in this state and who does not hold a dealer’s
40 contract for the sale of new motor vehicles, travel trailers, trailers or
41 vehicles.
- 42 (s) “Highway” means every way or place of whatever nature open to
43 the use of the public as a matter of right for the purpose of vehicular

- 1 travel. The term “highway” shall not be deemed to include a roadway or
2 driveway upon grounds owned by private owners, colleges, universities
3 or other institutions.
- 4 (t) “Department” or “motor vehicle department” or “vehicle depart-
5 ment” means the division of vehicles of the department of revenue, acting
6 directly or through its duly authorized officers and agents. *When acting*
7 *on behalf of the department of revenue pursuant to this act, a county*
8 *treasurer shall be deemed to be an agent of the state of Kansas.*
- 9 (u) “Commission” or “state highway commission” means the director
10 of vehicles of the department of revenue.
- 11 (v) “Division” means the division of vehicles of the department of
12 revenue.
- 13 (w) “Travel trailer” means every vehicle without motive power de-
14 signed to be towed by a motor vehicle constructed primarily for recrea-
15 tional purposes.
- 16 (x) “Passenger vehicle” means every motor vehicle, as herein defined,
17 which is designed primarily to carry 10 or fewer passengers, and which
18 is not used as a truck.
- 19 (y) “Self-propelled farm implement” means every farm implement
20 designed for specific use applications with its motive power unit perma-
21 nently incorporated in its structural design.
- 22 (z) “Farm trailer” means every trailer as defined in subsection (h) of
23 this section and every semitrailer as defined in subsection (i) of this sec-
24 tion, designed and used primarily as a farm vehicle.
- 25 (aa) “Motorized bicycle” means every device having two tandem
26 wheels or three wheels, which may be propelled by either human power
27 or helper motor, or by both, and which has:
- 28 (1) A motor which produces not more than 3.5 brake horsepower;
 - 29 (2) a cylinder capacity of not more than 130 cubic centimeters;
 - 30 (3) an automatic transmission; and
 - 31 (4) the capability of a maximum design speed of no more than 30
32 miles per hour.
- 33 (bb) “All-terrain vehicle” means any motorized nonhighway vehicle
34 48 inches or less in width, having a dry weight of 1,000 pounds or less,
35 traveling on three or more low-pressure tires, having a seat designed to
36 be straddled by the operator. As used in this subsection, low-pressure tire
37 means any pneumatic tire six inches or more in width, designed for use
38 on wheels with rim diameter of 12 inches or less, and utilizing an oper-
39 ating pressure of 10 pounds per square inch or less as recommended by
40 the vehicle manufacturer.
- 41 (cc) “Implement of husbandry” means every vehicle designed or
42 adapted and used exclusively for agricultural operations, including feed-
43 lots, and only incidentally moved or operated upon the highways. Such

1 term shall include, but not be limited to:

2 (1) A farm tractor;

3 (2) a self-propelled farm implement;

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

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

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

13 (dd) “Motorized wheelchair” means any self-propelled vehicle de-
14 signed specifically for use by a physically disabled person that is incapable
15 of a speed in excess of 15 miles per hour.

16 (ee) “Oil well servicing, oil well clean-out or oil well drilling machin-
17 ery or equipment” means a vehicle constructed as a machine used exclu-
18 sively for servicing, cleaning-out or drilling an oil well and consisting in
19 general of a mast, an engine for power, a draw works and a chassis per-
20 manently constructed or assembled for one or more of those purposes.
21 The passenger capacity of the cab of a vehicle shall not be considered in
22 determining whether such vehicle is an oil well servicing, oil well clean-
23 out or oil well drilling machinery or equipment.

24 (ff) “Electric personal assistive mobility device” means a self-balanc-
25 ing two nontandem wheeled device, designed to transport only one per-
26 son, with an electric propulsion system that limits the maximum speed of
27 the device to 15 miles per hour or less.

28 (gg) “Electronic certificate of title” means any electronic record of
29 ownership, including any lien or liens that may be recorded, retained by
30 the division in accordance with K.S.A. 2006 Supp. 8-135d, and amend-
31 ments thereto.

32 (hh) “Work-site utility vehicle” means any motor vehicle which is not
33 less than 48 inches in width, has an overall length, including the bumper,
34 of not more than 135 inches, has an unladen weight, including fuel and
35 fluids, of more than 800 pounds and is equipped with four or more low
36 pressure tires, a steering wheel and bench or bucket-type seating allowing
37 at least two people to sit side-by-side, and may be equipped with a bed
38 or cargo box for hauling materials.

39 Sec. 2. K.S.A. 8-234a is hereby amended to read as follows: 8-234a.

40 (a) As used in the motor vehicle drivers’ license act, the following words
41 and phrases shall have the meanings respectively ascribed to them herein:

42 (1) “Drivers’ license examiner” or “examiner” means a drivers’ li-
43 cense examiner of the division of vehicles or any person whom the direc-

1 tor of vehicles has authorized, pursuant to the authority granted by this
2 act, to accept applications for drivers' licenses and administer the exam-
3 inations required for the issuance or renewal of drivers' licenses. *Any*
4 *county treasurer authorized to accept applications for drivers' licenses or*
5 *administer drivers' license examinations shall be deemed to be acting as*
6 *an agent of the state of Kansas to the same extent as the employees of the*
7 ~~*division of vehicles of the department of revenue performing such*~~
8 ~~*functions;*~~

9 (2) "nonresident" means every person who is not a resident of this
10 state. For the purposes of the motor vehicle drivers' license act any person
11 who owns, rents or leases real estate in Kansas as such person's residence
12 and engages in a trade, business or profession within Kansas or registers
13 to vote in Kansas or enrolls such person's children in a school in this state
14 or purchases Kansas registration for a motor vehicle, shall be deemed a
15 resident of the state of Kansas 90 days after the conditions stated in this
16 subsection commence, except that military personnel on active duty and
17 their military dependents who are residents of another state, shall not be
18 considered residents of the state of Kansas for the purpose of this act;
19 and

20 (3) "patrol" means the state highway patrol.

21 (b) As used in this act, the words and phrases defined by the sections
22 in article 14 of chapter 8 of the Kansas Statutes Annotated shall have the
23 meanings respectively ascribed to them therein, unless a different mean-
24 ing is ascribed to any such word or phrase by subsection (a) of this section.

25 Sec. 3. K.S.A. 8-234a and K.S.A. 2006 Supp. 8-126 are hereby
26 repealed.

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