

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Representative Rex Crowell at
Chairperson

1:10 ~~am~~ p.m. on March 29, 1984 in room 519-S of the Capitol.

All members were present except:

Representative Dempsey, Excused

Committee staff present:

Fred Carman, Office of the Revisor of Statutes
Hank Avila, Legislative Research Department
Donna Mulligan, Committee Secretary

Conferees appearing before the committee:

None

Chairman Rex Crowell called the meeting to order and the first order of business was committee discussion and action on HB-3107. Mr. Fred Carman explained the amendments to the bill as shown in a balloon, copies of which were distributed to committee members. (See Attachment 1)

Mr. Carman explained that new Section 2 provides that when there is a vehicle put together using parts of various other vehicles, there is a way to be sure the vehicle identification number on that vehicle is a proper one, and is not a stolen vehicle or composed of stolen parts as nearly as can be determined by the State Highway Patrol or designee.

Discussion ensued among committee members concerning inspection of vehicles to determine their identification number. Mr. Carman pointed out a change in the amendments to HB-3107 which are different in this balloon than the one distributed in the March 28, 1984 meeting. This balloon contains a provision to permit the Superintendent of the Kansas Highway Patrol to name a designee to perform the check.

Representative Shelor brought up the subject of the amount to be charged for doing the vehicle identification number checks, and discussion ensued.

The motion was made by Representative Cloud to adopt the amendments that have been drafted in the balloon and change where necessary the words "inspected" to "check" and conceptually have the language reinserted on the second page of the typewritten portion of the balloon dealing with altered vehicles. The motion was seconded by Representative Wilbert. Motion passed.

Representative Wilbert made a motion to have a \$10 charge for a vehicle identification no. check. The motion was seconded by Representative Knopp. Motion failed.

Representative Justice made a motion to charge \$7 for a vehicle identification No. check Representative Wilbert seconded the motion.

A substitute motion was made by Representative Shelor to charge \$10 per hour with a minimum charge of \$10 to perform vehicle identification number checks. The motion was seconded by Representative Johnson. Motion passed.

Representative Justice made the motion to pass HB-3107 favorably as amended. The motion was seconded by Representative Sutter. Motion passed.

The meeting was adjourned at 2:00 p.m.


Rex Crowell, Chairman

File
HB 3107

HOUSE BILL No. 3107

By Committee on Federal and State Affairs

3-16

0016 AN ACT concerning motor vehicles; voluntary inspection pro-
0017 gram; nonhighway vehicle titles; certificates of title; amend-
0018 ing K.S.A. 8-198, as amended by section 1 of 1984 Senate Bill
0019 No. 288 and repealing the existing section.

8-116 and

; also repealing section 5 of 1984 Senate Bill No. 288

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 8-198, as amended by section 1 of 1984
0022 Senate Bill No. 288, is hereby amended to read as follows: 8-198.

0023 (a) A nonhighway vehicle shall not be required to be registered
0024 in this state, as provided in K.S.A. 8-135 and amendments
0025 thereto, but nothing in this section shall be construed as abro-
0026 gating, limiting or otherwise affecting the provisions of K.S.A.
0027 8-142 and amendments thereto, which make it unlawful for any
0028 person to operate or knowingly permit the operation in this state
0029 of a vehicle required to be registered in this state.

0030 (b) Upon the sale or transfer of any nonhighway vehicle, the
0031 purchaser thereof shall obtain a nonhighway certificate of title in
0032 the following manner:

0033 (1) If the transferor is a vehicle dealer, as defined in K.S.A.
0034 8-2401 and amendments thereto, and a certificate of title has not
0035 been issued for such vehicle under this section or under the
0036 provisions of K.S.A. 8-135 and amendments thereto, such trans-
0037 feror shall make application for and assign a nonhighway certifi-
0038 cate of title to the purchaser of such nonhighway vehicle in the
0039 same manner and under the same conditions prescribed by
0040 K.S.A. 8-135 and amendments thereto for the application for and
0041 assignment of a certificate of title thereunder. Upon the assign-
0042 ment thereof, the purchaser shall make application for a new

0043 nonhighway certificate of title, as provided in subsection (c).
0044 (2) Except as provided in subsection (b) of K.S.A. 8-199 and

Attached

Web. 1

45 amendments thereto, if a certificate of title has been issued for
0046 any such vehicle under the provisions of K.S.A. 8-135 and
0047 amendments thereto, the owner of such nonhighway vehicle
0048 may surrender such certificate of title to the division of vehicles
0049 and make application to the division for a nonhighway certificate
0050 of title, or ~~said~~ *the* owner may obtain from the county treasurer's
0051 office a form prescribed by the division of vehicles *and*, upon
0052 proper execution thereof ~~and~~, may assign the nonhighway cer-
0053 tificate of title or the regular certificate of title with ~~said such~~
0054 form attached ~~thereto~~ to the purchaser of the nonhighway vehi-
0055 cle. Upon ~~the~~ receipt of the nonhighway certificate of title or the
0056 regular certificate of title ~~and with~~ such form attached ~~thereto~~,
0057 the purchaser shall make application for a new nonhighway
0058 certificate of title ~~in the manner prescribed as provided~~ in
0059 subsection (c).

0060 (3) If the transferor is not a vehicle dealer, as defined in
0061 K.S.A. 8-2401 and amendments thereto, and a certificate of title
0062 has not been issued for ~~such the~~ vehicle under this section or a
0063 certificate of title was not required under K.S.A. 8-135 and
0064 amendments thereto, the transferor shall make application to the
0065 division for a nonhighway certificate of title, as provided in this
0066 section, except that in addition thereto, the division shall require
0067 a bill of sale or such transferor's affidavit, with at least one other
0068 corroborating affidavit, that such transferor is the owner of such
0069 nonhighway vehicle. If the division is satisfied that the transferor
0070 is the owner ~~thereof~~, the division shall issue a nonhighway
0071 certificate of title for such vehicle, and the transferor shall assign
0072 the same to the purchaser, who shall make application for a new
0073 nonhighway certificate of title, ~~in the manner as~~ provided in
0074 subsection (c).

0075 (c) Every purchaser of a nonhighway vehicle, whether as-
0076 signed a nonhighway certificate of title or a regular certificate of
0077 title with the form specified in part (2) of subsection (b) attached
0078 ~~thereto~~, shall make application to the county treasurer of the
0079 county in which such person resides for a new nonhighway
0080 certificate of title in the same manner and under the same
0081 conditions ~~prescribed as~~ for an application for a certificate of title

0082 under K.S.A. 8-135 and amendments thereto. Such application
0083 shall be in the form prescribed by the director of vehicles and
0084 shall contain substantially the same provisions as required for an
0085 application under subsection (c)(1) of K.S.A. 8-135 and amend-
0086 ments thereto. In addition, such application shall provide a place
0087 for the applicant to certify that the vehicle for which ~~an~~ *the*
0088 application for a nonhighway certificate of title is made is a
0089 nonhighway vehicle, and ~~shall contain such~~ other provisions ~~as~~
0090 the director deems necessary. Each application for a nonhighway
0091 certificate of title shall be accompanied by a fee of \$3.50, and ~~in~~
0092 ~~addition,~~ if the application is not made to the county treasurer
0093 within the time prescribed by K.S.A. 8-135 and amendments
0094 thereto for making application for a certificate of title thereunder,
0095 an additional fee of \$2 ~~shall be charged~~.

0096 (d) A nonhighway certificate of title shall be in ~~such~~ form *and*
0097 *color* as ~~may~~ be prescribed by the director of vehicles; ~~and may~~
0098 ~~be of a distinctive color so as to distinguish it from a certificate of~~
0099 ~~title issued under the provisions of K.S.A. 8-135 and amend-~~
0100 ~~ments thereto.~~ A nonhighway certificate of title shall indicate
0101 clearly and distinctly on ~~the~~ *its* face ~~thereof~~ that it is issued for a
0102 nonhighway vehicle. A nonhighway certificate of title shall con-
0103 tain substantially the same information *as* required on a certifi-
0104 cate of title issued under K.S.A. 8-135 and amendments thereto,
0105 and ~~such~~ other information ~~as~~ the director deems necessary.

0106 (e) A nonhighway certificate of title may be transferred in the
0107 same manner and under the same conditions *as* prescribed by
0108 K.S.A. 8-135 and amendments thereto for the transfer of a certifi-
0109 cate of title ~~thereunder~~, except as otherwise provided ~~herein in~~
0110 *this section*. A nonhighway certificate of title may be assigned
0111 and transferred only ~~so long as~~ *while* the vehicle for which ~~such~~
0112 ~~title is issued~~ remains a nonhighway vehicle. Upon ~~the~~ transfer
0113 or sale of a nonhighway vehicle which has been rebuilt or
0114 restored or is otherwise in a condition which will allow the
0115 registration of such vehicle, the owner of ~~such~~ *vehicle* shall
0116 assign the nonhighway certificate of title to the purchaser, and
0117 the purchaser shall obtain a certificate of title and register such
0118 vehicle as provided in K.S.A. 8-135 and amendments thereto. *No*

0119 ~~certificate of title shall be issued for a vehicle for which there has~~
0120 ~~theretofore been issued a nonhighway certificate of title until~~
0121 ~~there has been compliance with section 2.~~

regular

0122 (f) If a nonhighway vehicle, for which a nonhighway certifi-
0123 cate of title has been issued, is destroyed, dismantled or sold as
0124 junk, the owner ~~thereof~~ immediately shall surrender to the
0125 division the original or assigned nonhighway certificate of title,
0126 with the word "salvage" written across ~~the its face thereof~~, and
0127 no certificate of title of any type shall be issued nor any registra-
0128 tion allowed again for such ~~destroyed, dismantled or junked~~
0129 vehicle.

0130 (g) The owner of ~~such a vehicle which has been rebuilt,~~
0131 ~~restored or otherwise placed in an operable condition~~ may make
0132 application to ~~any~~ the county treasurer for a permit to operate
0133 such vehicle on the highways of this state over the most direct
0134 route from the place such nonhighway vehicle is located to a
0135 specified ~~inspection station~~ location named on the permit and to
0136 return to the original location. No such permit shall be issued for
0137 any vehicle unless the owner ~~thereof~~ has motor vehicle liability
0138 insurance coverage or an approved self-insurance plan ~~as re-~~
0139 ~~quired by~~ under K.S.A. 40-3104 and amendments thereto. Such
0140 permit shall be on a form ~~prescribed and~~ furnished by the
0141 director of vehicles and shall state ~~thereon~~ the exact date ~~such~~
0142 ~~the~~ vehicle is to be taken to the ~~inspection station~~ other location,
0143 the name of the insurer, as defined in K.S.A. 40-3103 and
0144 amendments thereto, and the policy number (or a statement that
0145 the vehicle is included in a self-insurance plan approved by the
0146 commissioner of insurance), a statement attesting to the correct-
0147 ness of the information concerning financial security, the vehicle
0148 identification number and a description of the vehicle. Such
0149 permit shall be signed by the owner of the vehicle ~~for which the~~
0150 ~~permit is issued. Every permit issued pursuant to. Permits issued~~
0151 ~~under~~ this subsection (g) shall be prepared in triplicate. One
0152 copy shall be carried in the vehicle for which it is issued and
0153 shall be displayed so that it is visible ~~when viewing from~~ the rear
0154 of ~~such~~ the vehicle. The second copy shall be retained by the
0155 county treasurer, and the third copy shall be forwarded by the

assembled, reconstructed, reconstituted or

6 county treasurer to the division of vehicles. The fee for such
 0157 permit shall be \$1 which shall be retained by the county trea-
 0158 surer, who shall annually forward 25% of all such fees collected
 0159 to the division of vehicles to reimburse the division for adminis-
 0160 trative expenses, and shall deposit the remainder thereof in a
 0161 special fund to be used to defray for expenses incurred in of
 0162 issuing such permits.

0163 ~~(g)~~ (h) A nonhighway vehicle for which a nonhighway cer-
 0164 tificate of title has been issued pursuant to this section shall not
 0165 be deemed a motor vehicle for the purposes of K.S.A. 40-3101 to
 0166 40-3121, inclusive, and amendments thereto except when such
 0167 vehicle is being operated pursuant to subsection ~~(f)~~ (g). Any
 0168 person who shall knowingly make makes a false statement con-
 0169 cerning financial security in obtaining a permit pursuant to
 0170 subsection ~~(f)~~ (g), or who shall fail fails to obtain a permit when
 0171 required by law to do so, shall be is guilty of a class C mis-
 0172 demeanor.

0173 New Sec. 2. When an application is made for a vehicle
 0174 which has been reconstructed, reconstituted or restored from
 0175 one or more vehicles, and the proper identification number of
 0176 the vehicle as reconstructed, reconstituted or restored is in
 0177 doubt the procedure in this section shall be followed. The
 0178 owner of the vehicle shall request the Kansas highway patrol to
 0179 inspect the vehicle. At the time of such inspection the owner
 0180 shall supply the highway patrol with information concerning the
 0181 history of the various parts of the vehicle. Such information shall
 0182 be supplied by affidavit of the owner, if so requested by the
 0183 highway patrol. If the highway patrol is satisfied that the vehicle
 0184 is not a stolen vehicle, it shall assign an existing or new identifi-
 0185 cation number to the vehicle and direct the places and manner in
 0186 which the identification number is to be located and affixed or
 0187 implanted. The superintendent of the highway patrol shall es-
 0188 tablish a charge to be made to the owner of a vehicle requesting
 0189 inspection under this subsection ~~(g)~~ of K.S.A. 8-108 and amend-
 0190 ments thereto, and such charge shall be paid prior to the inspec-
 0191 tion under this section. If an identification number assignment or
 0192 verification of an identification number is refused, no refund of

(a)

assembled,

or

a

?

and may establish charges to be made for inspections under subsection (b)

0193 such charge shall be made.

0194 New Sec. 3. Except as authorized under other laws of this
0195 state, motor vehicles, trailers and semitrailers shall be inspected
0196 by the Kansas highway patrol for compliance with the equipment
0197 statutes of this state only upon request of the owner or operator
0198 thereof. If the condition of the equipment of the motor vehicle,
0199 trailer or semitrailer is found to be in compliance with the laws of
0200 this state, the highway patrol shall issue a certificate of inspec-
0201 tion stating its approval and the date of the inspection. Every
0202 certificate of approval issued pursuant to this section for motor
0203 vehicles, trailers or semitrailers shall be issued in duplicate. One
0204 copy of such certificate shall be carried in the motor vehicle of
0205 the combination of vehicles of which a trailer or semitrailer is a
0206 part, or in the motor vehicle if applicable to a motor vehicle,
0207 during the time such certificate is valid or in effect, and one copy
0208 shall be retained by the highway patrol as prescribed by rules
0209 and regulations adopted by the superintendent. The superin-
0210 tendent shall establish a schedule of charges for inspection of
0211 various vehicles under this section. Such charge shall be paid
0212 before the inspection and retained whether or not a certificate of
0213 compliance is issued. Rules and regulations of the superintend-
0214 ent shall establish such charges and may provide for reinspection
0215 after correction, repair or replacement of particular equipment.

5 0216 Sec. 4. K.S.A. 8-198, as amended by section 1 of 1984 Senate
0217 Bill No. 288, is hereby repealed. 8-116 and

6 0218 Sec. 5. This act shall take effect and be in force from and
0219 after its publication in the statute book.

See Sec. 4. K.S.A. 8-116, attached.

Checked
(b) From and after the effective date of this act, any person mak-
ing application for any original Kansas title for a used vehicle which
is, at the time of making application, titled in another jurisdiction,
shall, as a condition precedent to obtaining any Kansas title, have such
vehicle inspected by the Kansas highway patrol for verification that the
vehicle identification number shown on the foreign title is genuine and
agrees with the number on the vehicle. The verification shall be made
upon forms prescribed by the division of vehicles which shall contain
such information as the secretary of revenue shall require by rules and
regulations.

(c) As used in this act "identification number" or "vehicle
identification number" means a ~~vehicle identification number~~, identify-
ing number, serial number, engine number, transmission number or other
distinguishing number or mark, placed on a vehicle, engine, transmission
or other essential part by its manufacturer or by authority of the
division of vehicles or the Kansas highway patrol or in accordance with
the laws of another state or country.

(d) The inspections made under subsection (a) may be made
by a designee of the superintendent of the Kansas highway patrol. For
inspections made under subsection (b), from the charges for inspections
made by designees, \$.50 of each inspection shall be remitted to the
Kansas highway patrol and deposited in the state general fund, and the
balance of such charges shall be retained by such designee.

Checks
, or a designee of the superintendent

or designee

delivered to and

The superintendent of the Kansas highway patrol may designate any person
as defined in K.S.A. 8-126, and amendments thereto, as designee to per-
form the inspections provided for by this section, and may adopt rules
and regulations for the manner and compliance with this section by any
such designee. From the charges for inspections made by designees, \$.50
of each inspection shall be remitted to the Kansas highway patrol and
deposited in the state general fund, and the balance of such charges
shall be retained by such designee.

, and section 5 of 1984 Senate Bill No. 288 are

Kansas register

Sec. 1. K.S.A. 8-116 is hereby amended to read as follows:

8-116. ~~Any person who after the taking effect of this act shall~~
(a) It is unlawful to sell, barter or exchange or offer for
~~sale, barter or exchange in this state, or who shall~~ any motor
~~vehicle, or to own or have the custody or possession of a motor~~
~~vehicle the original engine number, vehicle identification~~
~~number, or serial number of which has been destroyed, removed,~~
~~altered or defaced, or who shall sell, barter or exchange or~~
~~offer for sale, barter or exchange, own or have the custody or~~
~~possession of a motor vehicle having no engine number,~~
~~identification number or serial number, whichever number is used~~
~~by the division of vehicles in titling and registering such~~
~~vehicles according to the year and make, excepting, except~~
~~electrically propelled motor vehicles, shall be punished by a~~
~~fine of not less than two hundred dollars (\$200) nor more than~~
~~five hundred dollars (\$500), or by imprisonment in the county~~
~~jail for a term of not less than thirty (30) days nor more than~~
~~ninety (90) days, or by both fine and imprisonment and except for~~
~~a vehicle which is within the purview of section 2. Violation of~~
~~this subsection (a) is a class C misdemeanor. If the original~~
~~motor number cannot be determined, the division of vehicles shall~~
~~then issue consecutive numbers beginning with the number one (1),~~
~~preceded by the letter "S" and followed by the "KAN" and in the~~
~~order of the filing of applications. If the original~~
~~identification number cannot be determined, the division shall~~
~~either issue a special identification number following the same~~
~~procedure as set out for engine numbers or upon proper forms or~~
~~affidavits as may be required, authorize the owner to make~~
~~application to the manufacturer for a duplicate identification~~
~~number.~~

~~Upon the receipt of such application together with a fee of~~
~~one dollar (\$1) it shall be the duty of the division of vehicles,~~
~~provided it shall find said application to be in good faith and~~
~~the facts therein stated to be true, to issue to said applicant a~~

special engine number or a special identification number or authorize the owner to secure a duplicate identification number from the manufacturer as provided for above and when such special engine number, special identification number or duplicate identification number so designated has been stamped or otherwise placed on the engine or chassis or body of such motor vehicle it shall become and thereafter be the lawful engine number, identification number or duplicate identification number of such motor vehicle for the purpose of identification and registration and for all other purposes under the provisions of this act and the owner thereof may sell and transfer the same under said special engine number, identification number or duplicate identification number so designated by the division and

(b) Any person or persons who shall destroy, remove, alter or deface any special engine number, vehicle identification number or duplicate identification number so designated by the division, shall be deemed, except as contemplated by section 2 when no part of the motor vehicle has been stolen, is guilty of a class E felony and upon conviction thereof shall be punished by imprisonment in the state penitentiary for a term of not less than two (2) nor more than five (5) years. It shall be the duty of every sheriff, deputy sheriff, constable, deputy constable, chief of police, or other peace officer in this state having knowledge of a motor vehicle the engine number, identification number or duplicate identification number of which has been destroyed, removed, altered or defaced, to immediately seize and take possession of such motor vehicle, arrest the owner or custodian thereof and cause prosecution to be brought in a court of competent jurisdiction.

It shall be the duty of the court to retain the custody of such motor vehicle pending the prosecution of the person arrested and in case such person shall be found guilty said motor vehicle shall remain in the custody of the court until the fine and costs of prosecution shall be paid. In case fine and costs shall not be paid within thirty (30) days after the

rendition--of--judgment--said--court--shall--proceed--to--advertise--and
sell--said--motor--vehicle--in--the--manner--provided--by--law--for--the
sale--of--personal--property--under--execution--The--proceeds--of--such
sale--shall--be--applied--on--the--payment--of--the--fine--and--costs--of
such--prosecution--and--sale--and--if--after--the--payment--of--the--same
there--shall--be--any--sum--remaining--such--sum--shall--be--paid--by--the
court--to--the--legal--owner--or--custodian--of--such--motor--vehicles
Provided--further--That--if--any--person--being--the--owner--or--in
possession--of--any--such--vehicle--the--original--engine--number--or
identification--number--or--serial--number--of--which--has--been
destroyed--removed--altered--or--defaced--at--the--time--of--the
taking--effect--of--this--act--shall--apply--as--hereinbefore--provided
for--permission--to--stamp--or--cause--to--be--stamped--on--such--engine
special--numbers--such--persons--shall--not--be--subject--to--the
prosecution--under--the--provisions--thereof.