

MINUTES OF THE House COMMITTEE ON Transportation

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

1:30 ~~am~~/p.m. on March 25, 1985 in room 519-S of the Capitol.

All members were present except: Representatives Dillon and Harper, excused

Committee staff present:

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

Conferees appearing before the committee:

Mr. John Wilhm, Topeka, Kansas  
Mr. Tom Green, Topeka, Kansas  
Mr. Bob Barefield, ElDorado Motor Corporation  
Mr. Pat Barnes, Kansas Motor Car Dealers Association

The meeting was called to order by Chairman Rex Crowell and the first order of business was a hearing on SB-118 concerning automobile warranties.

Mr. John Wilhm, Topeka, Kansas, was introduced and testified in support of SB-118 and explained proposed amendments. (See Attachment 1)

Mr. Wilhm related his own personal experience on a vehicle he had purchased.

Mr. Tom Green, Mr. Wilhm's attorney, testified in support of SB-118.

Mr. Pat Barnes, Kansas Motor Car Dealers Association, presented testimony in support of SB-118. (See Attachment 2) Mr. Barnes outlined suggested amendments to SB-118.

Mr. Bob Barefield of the El Dorado Motor Corporation spoke concerning SB-118, on a neutral basis. He said he believes the words "motor homes" should be excluded from the bill.

The hearing on SB-118 was concluded.

The next order of business was Committee discussion and action on SB-260 concerning establishment by cities of a consolidated highway fund for the city.

A motion was made by Representative Adam to add the word "operating" after the word "other" on Line 25. The motion was seconded by Representative Moomaw. Motion passed.

It was moved by Representative Justice to recommend SB-260 as amended favorable for passage. The motion was seconded by Representative Adam.

Representative Erne made a substitute motion to table SB-260. The motion was seconded by Representative Wilbert. Motion passed.

The next order of business was Committee discussion and action on SB-318 concerning vehicles with gross weight in excess of that for which registered.

Fred Carman distributed a balloon showing proposed amendments to SB-318. (See Attachment 3)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,  
room 519-S, Statehouse, at 1:30 ~~xxx~~ p.m. on March 25, 1985.

A motion was made by Representative Schmidt that amendments in the balloon be adopted. The motion was seconded by Representative Erne. Motion passed.

A motion was made by Representative Erne that SB-318 be recommended favorable for passage as amended. The motion was seconded by Representative Schmidt. The motion passed.

The next bill taken up for Committee discussion and action was SB-155 concerning County Treasurers' apportioned amounts of vehicle registration fees.

Representative Patrick made a motion to amend the bill to provide extra compensation be provided for the Treasurers, but without increasing the fee. The motion died for lack of a second.


Representative Erne made a motion to report SB-155 favorable for passage. The motion was seconded by Representative Sutter.

Representative Patrick made a substitute motion that SB-155 be tabled. Representative Shore seconded the motion. Motion failed 9-6 on a division.

Representative Patrick made a substitute motion that Line 80 be amended to read \$.75 instead of \$1.00. The motion was seconded by Representative Ott. The motion failed 9-7 on a division.

A vote was taken on the original motion to recommend SB-155 favorable for passage. The motion passed.

The meeting was adjourned at 3:15 p.m.

  
\_\_\_\_\_  
Rex Crowell, Chairman



MEMORANDUM

TO: HOUSE COMMITTEE ON TRANSPORTATION  
FROM: JOHN WILHM  
DATE: 25 MARCH, 1985  
SUBJECT: SUGGESTED AMENDMENTS TO SENATE BILL NO. 118

1. Definition of Lemon:

Amend Sentence that begins on line 0040 as follows:

"(c) If the manufacturer, or its agents or authorized dealers, are unable to conform the motor vehicle to any applicable warranty by ~~repairing or correcting any defect or condition which substantially impairs the use and value of the motor vehicle to the consumer~~ after a reasonable number of attempts, the manufacturer shall..."

2. Reasonable Allowance for Use:

To complete the sentence that begins on Line 0048

"Less a reasonable allowance for the consumer's use of the vehicle..."

Add:

"As calculated from the most recent edition of the U.S. Department of Transportation's Cost of Owning and Operating Automobiles and Vans."

Attachment /  
3/25/85

3. Persumption of Reasonable Number of Attempts:

To the sentence that begins on Line 0061,

"(d) If the manufacturer receives actual notice of the nonconformity, it shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable warranties, if as the same nonconformity..."

Add:

"which substantially impairs the use and value of the motor vehicle to the consumer"

And continue from Line 0064

"has been subject to repair four or more times by the manufacturer or its agents or authorized dealers within the term (of any warranty) or during the period of one year following the date of original delivery of the motor vehicle to the consumer, whichever is the earlier date, but such nonconformity continues to exist, or (2) vehicle is out of service by reason or repair for a cumulative total of 30 or more calendar days during such term or period, whichever is the earlier date."











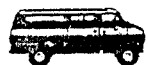
4. Arbitration: Review April 1985 issue of Consumer's Reports for a discussion regarding problems with arbitration.



U.S. Department  
of Transportation  
Federal Highway  
Administration

# Cost of Owning and Operating Automobiles and Vans 1984

Office of Highway Planning  
Highway Statistics Division

| <b>SUBURBAN-BASED OPERATION</b>   |   |   |   |  |   |   |                       |
|---|---|---|---|--|---|---|-----------------------|
| <b>TOTAL COSTS: CENTS PER MILE</b>  |   |   |   |  |   |   |                       |
| <b>SIZE</b>   | <br><b>ORIGINAL<br/>VEHICLE<br/>COST<br/>DEPRECIATED</b> | <br><b>MAINTENANCE,<br/>ACCESSORIES,<br/>PARTS<br/>&amp; TIRES</b> | <br><b>GAS &amp; OIL<br/>(EXCLUDING<br/>TAXES)</b> | <br><b>PARKING<br/>&amp; TOLLS</b> | <br><b>INSURANCE</b> | <br><b>STATE &amp;<br/>FEDERAL<br/>TAXES</b> | <b>TOTAL<br/>COST</b> |
| <b>LARGE</b><br>WITH STANDARD EQUIP-<br>MENT, WEIGHT MORE THAN<br>3,500 LBS.<br>EMPTY  | <b>9.6</b>  | <b>6.0</b>  | <b>7.0</b>  | <b>0.9</b>   | <b>4.9</b>  | <b>2.2</b>  | <b>30.6</b>           |
| <b>INTERMEDIATE</b><br>WEIGHT LESS THAN<br>3,500 LBS.<br>EMPTY                         | <b>8.6</b>  | <b>5.2</b>  | <b>5.7</b>  | <b>0.9</b>   | <b>5.6</b>  | <b>1.8</b>  | <b>27.8</b>           |
| <b>COMPACT</b><br>WEIGHT LESS THAN 3,000<br>LBS. EMPTY                                 | <b>7.3</b>  | <b>4.6</b>  | <b>4.6</b>  | <b>0.9</b>   | <b>4.3</b>  | <b>1.6</b>  | <b>23.3</b>           |
| <b>SUBCOMPACT</b><br>WEIGHT LESS THAN 2,500<br>LBS. EMPTY                              | <b>5.9</b>  | <b>5.1</b>  | <b>4.4</b>  | <b>0.9</b>   | <b>5.0</b>  | <b>1.4</b>  | <b>22.7</b>           |
| <b>PASSENGER<br/>VAN</b><br>WEIGHT LESS THAN 5,000<br>LBS. EMPTY                       | <b>10.7</b>   | <b>6.9</b>  | <b>9.1</b>  | <b>0.9</b>   | <b>8.9</b>  | <b>2.7</b>  | <b>39.2</b>           |



# Center for Auto Safety

For Immediate Release: 2-8-85  
Further Information Contact:  
Dan Howell

2001 S Street N.W., Suite 410  
Washington, D.C. 20009  
(202) 328-7700

## NHTSA ASKS GM TO RECALL 1.75 MILLION FRONT-WHEEL-DRIVE CARS FOR BRAKE LOCK-UP

The National Highway Traffic Safety Administration, citing a "significant safety problem" in the brakes of 1982-84 General Motors A-cars, has called on GM to take "responsible corporate action" and initiate a safety recall.

The January 3, 1985, request was released by the Center for Auto Safety, which petitioned NHTSA to investigate and recall the cars in late 1983.

NHTSA Office of Defects Investigation Director Philip W. Davis issued the request, which GM has yet to answer. Davis cited 448 complaints, 69 accidents and 23 injuries in his letter to Ralph C. Morrison, GM Product Investigations Director. The Center said three deaths have also resulted from the defect.

Center Researcher Dan Howell called NHTSA's request an about-face from a year ago when NHTSA Administrator Diane Steed wrote Rep. Timothy Wirth that NHTSA would not investigate A-car brakes. As late as March 27, 1984, Transportation Secretary Elizabeth Dole wrote Re. Doug Walgren,

Information currently available indicates that A- and J-cars are designed such that they would have less tendency to exhibit rear brake lockup with loss of front brake effectiveness.

In its review of CAS' petition, however, NHTSA got GM documents showing GM had switched to different rear brake linings on some A-cars because of lock-up complaints. A January 29, 1982, GM Engineering Change Order cited "Early rear lock-up when cold has been a complaint on heavy duty brake durability vehicles. Using base rears on heavy duty cars eliminates complaints." Other GM documents show field offices instructing dealers to replace semi-metallic brake linings with asbestos linings to correct lock-up.

Howell commended NHTSA's request but blasted its early footdragging:

Transportation officials reacted to reports of accidents by sounding more like GM PR agents than law enforcers. If not for pressure from consumers and Congress, DOT would never have discovered a defect in A-car brakes.

NHTSA's January Defects Report also showed the agency asking for recall of some full-size 1978-82 GM cars including Chevrolet Malibu and Olds Cutlass, for upper control arm bolt failures.

---

1982-84 A-cars are the Chevrolet Celebrity, Buick Century, Olds Cutlass Ciera and Pontiac 6000. The A-car is largely a derivative of GM's X-car, sharing most major components such as transmission, brakes, steering, etc. Though GM has begun phasing out the X whose reputation has been tarnished by the same brake lock-up defect, the FWD A-car remains one of GM's top selling lines.

## Lemon Laws — State by State

| State       | Vehicles Covered   | Qualification For a Lemon   | Who Must Be Notified   | Effective Date |
|-------------|--|---|--|----------------|
| Alaska      | All vehicles except tractors, farm vehicles, or off-road vehicles.                   | 3 repairs or 30 business days, (manufacturer has another 30 calendar days to repair after notice) within the shorter of 1 year on warranty.             | Written notice by certified mail to manufacturer <i>and</i> dealer (or repair agent) that problem has not been corrected in reasonable number of attempts and refund or replacement demanded within 60 days. | 9/11/84†       |
| Arizona     | All vehicles under 10,000 lbs. except the living portion of motor homes.             | 4 repairs or 30 <i>calendar</i> days within shorter of 1 year or warranty period.   | Written notice and opportunity to cure to manufacturer.  | 8/3/84‡        |
| California  | All vehicles except motorcycles, motorhomes or off-road vehicles.                    | 4 repairs or 31 <i>calendar</i> days within shorter of 1 year or 12,000 miles.  | Direct notice to manufacturer of need for repair.  | 1/1/83†        |
| Colorado    | Private passenger motor vehicles.  | 4 repairs or 30 <i>business</i> days within shorter of 1 year or warranty.  | Certified mail written notice and opportunity to cure to manufacturer.   | 7/1/84‡        |
| Connecticut | Passenger vehicles.  | 4 repairs or 30 <i>calendar</i> days within shorter of 1 year or warranty or within shorter of 2 years or 18,000 miles for vehicles sold after 9/30/84. | Report to manufacturer, agent or authorized dealer. Written notice to manufacturer only if required in owner's manual or warranty.   | 10/1/82†       |
| Delaware    | All vehicles except motorcycles and living facilities of motorhomes.                 | 4 repairs or 31 <i>business</i> days within shorter of 1 year or warranty.  | Written notice and opportunity to repair to manufacturer.  | 1984 models    |
| Florida     | All vehicles except off-road vehicles and mopeds.                                    | 4 repairs or 25 working days for <i>the</i> defect within shorter of 1 year or warranty.  | Written notice to manufacturer who has 10 business days to repair after delivery.  | 10/1/83†       |
| Hawaii      | All motor vehicles.  | 3 repairs or 30 <i>business</i> days within warranty on repaired components.  | Written notice to manufacturer, its agent, distributor or authorized dealer & opportunity to repair to manufacturer.   | 5/26/84†       |
| Illinois    | All passenger cars except motor homes and van campers.                               | 4 repairs or 30 <i>business</i> days within shorter of 1 year or 12,000 miles.  | Written notice and opportunity to repair to manufacturer.  | 1985 models    |
| Iowa        | Cars and pickups.  | 4 repairs or 30 <i>calendar</i> days within shorter of 1 year or warranty.  | Direct notice and opportunity to repair to manufacturer.   | 7/1/84†        |
| Louisiana   | All motor vehicles under 10,000 lbs. except those used only for commercial purposes. | 4 repairs or 30 <i>calendar</i> days within shorter of 1 year or warranty.  | Report to manufacturer or authorized dealer.   | 9/3/84†        |

†Applies to cars under warranty at that date.

‡Applies to cars purchased on or after that date.



| State         | Vehicles Covered   | Qualification For a Lemon  | Who Must Be Notified   | Effective Date |
|---------------|--|--|--|----------------|
| Maine         | All vehicles except commercial vehicles over 8500 pounds.  | 4 repairs or 30 <i>business</i> days within shorter of 1 year or warranty.   | Report to manufacturer, agent, or authorized dealer.   | 10/1/83†       |
| Maryland      | Passenger vehicles and trucks with $\frac{3}{4}$ ton or less rated capacity, except motorhomes.  | 4 repairs or 30 days or 1 unsuccessful repair of failure of braking or steering system within shorter of 1 year or 12,000 miles.                               | Certified mail notice, return receipt requested and opportunity to repair to manufacturer or factory branch.         | 7/1/84‡        |
| Massachusetts | All vehicles except motorhomes and off-road or commercial vehicles.  | 4 repairs or 22 <i>business</i> days within shorter of 15,000 miles or 1 year.   | Report to manufacturer, agent or authorized dealer. Notice to manufacturer, of 3 repairs and 15 days out of service. | 1/1/84†        |
| Minnesota     | Passenger cars, pickups, vans and chassis of RV's except motorcycles and motor scooters.   | 4 repairs or 30 <i>business</i> days or 1 unsuccessful repair of total braking or steering loss likely to cause accident within shorter of 1 year or warranty. | Written notice and opportunity to cure manufacturer, agent or authorized dealer.                                     | 5/11/82‡       |
| Missouri      | All vehicles including the chassis, engine and powertrain of recreational motor vehicles, except commercial vehicles, off-road vehicles, mopeds and motorcycles. | 5 repairs plus 10 working days (after written notice to manufacturer) within shorter of 1 year or warranty.  | Written notice to manufacturer who has 10 <i>calendar</i> days to repair after delivery.                             | 1/1/85‡        |
| Montana       | All vehicles.  | 4 repairs or 30 <i>business</i> days after notice within shorter of 1 year or warranty.  | Written notice and opportunity to cure to manufacturer.  | 10/1/83‡       |
| Nebraska      | All vehicles except motorhomes.  | 4 repairs or 40 days within shorter of 1 year or warranty.   | Certified mail notice and opportunity to cure to manufacturer.   | 1984 models    |
| Nevada        | All vehicles except off-road vehicles and motorhomes.  | 4 repairs or 30 <i>calendar</i> days within shorter of 1 year or warranty.   | Written notice to manufacturer.  | 7/1/83†        |
| New Hampshire | All vehicles under 9000 pounds except motorcycles, tractors, OHRV's and mopeds.  | 4 repairs or 30 <i>business</i> days within shorter of 1 year or warranty.   | Report to manufacturer, distributor, agent or authorized dealer.   | 7/18/83†       |
| New Jersey    | All passenger vehicles except motorcycles and living portion of motorhomes.  | 4 repairs or 31 <i>business</i> days within shorter of 1 year or warranty.   | Written notice and opportunity to repair to manufacturer.  | 6/20/83‡       |
| New York      | Passenger vehicles except motorhomes, motorcycles and off-road vehicles.   | 4 repairs or 30 days within shorter of 2 years or 18,000 miles.  | Report to manufacturer, agent or authorized dealer.  | 9/1/83†        |

†Applies to cars under warranty at that date.

‡Applies to cars purchased on or after that date.

| State         | Vehicles Covered  | Qualification For a Lemon   | Who Must Be Notified   | Effective Date |
|---------------|---|---|--|----------------|
| Oregon        | All passenger vehicles.   | 4 repairs or 30 <i>business</i> days within shorter of 1 year or 12,000 miles.  | Direct written notice and opportunity to repair to manufacturer.   | 1/1/84‡        |
| Pennsylvania  | All motor vehicles except motorcycles, motorhomes and off-road vehicles.  | 3 repairs or 30 <i>calendar</i> days for problem that first occurred within shorter of 1 year or warranty.  | Delivery to authorized service and repair facility. If delivery impossible, written notice to manufacturer or its repair facility obligates them to pay for delivery.          | 5/28/84‡       |
| Rhode Island  | Autos, trucks or vans under 10,000 lbs. except motorized campers.   | 5 repairs or 37 <i>calendar</i> days within shorter of 1 year or 15,000 miles.  | Report to manufacturer, agent or authorized dealer. Notice to manufacturer of 4 repairs or 30 days.  | 5/11/84‡       |
| Tennessee*    | All vehicles except motorbikes, riding lawnmowers, garden tractors and motor homes.   | 4 repairs or 30 <i>business</i> days within shorter of 1 year or warranty.  | Direct notification and opportunity to cure to manufacturer.   | 1984 models    |
| Vermont       | All passenger vehicles except tractors, motorized highway or road-making equipment, snowmobiles, motorcycles, mopeds, trucks over 6,000 lbs., or living portion of recreation vehicles. | 3 repairs or 30 <i>calendar</i> days within warranty or repaired component. Manufacturer has 1 more opportunity to repair within 30 days after notice.        | Notice to manufacturer (on provided forms) of 3 repairs or 30 days starts arbitration process.   | 1985 models    |
| Virginia      | Passenger cars, pickup or panel trucks, motorcycles, mopeds and chassis of motorhomes.  | 4 repairs or 30 <i>calendar</i> days within 1 year.   | Written notice to manufacturer of need for repair. If 4 repairs or 30 days already exhausted before this notice, manufacturer has 1 more repair attempt not to exceed 15 days. | 7/1/84†        |
| Washington    | All vehicles.   | 4 repairs or 31 <i>business</i> days within 1 year or warranty.   | Written notice manufacturer and agent or authorized dealer.  | 7/24/83†       |
| West Virginia | All passenger automobiles, including pickup trucks, vans and chassis of motorhomes.   | 3 repairs or 30 <i>calendar</i> days or 1 unsuccessful repair of problem likely to cause death or serious bodily injury within shorter of 1 year or warranty. | Written notice and opportunity to cure to manufacturer.  | 1/1/84‡        |
| Wisconsin     | All vehicles.   | 4 repairs or 30 days within shorter of 1 year or warranty.  | Report to manufacturer or any authorized dealer.   | 11/3/83‡       |
| Wyoming       | All vehicles under 10,000 pounds.   | 4 repairs or 30 <i>business</i> days within 1 year.   | Direct written notice and opportunity to repair to manufacturer.   | 5/23/83†       |

\*WARNING: Consumers who seek a refund or replacement under Tennessee's lemon law may lose other important legal rights against the dealer and manufacturer.

†Applies to cars under warranty at that date.

‡Applies to cars purchased on or after that date.

BEFORE THE HOUSE TRANSPORTATION COMMITTEE  
REGARDING S.B. 118

Mr. Chairman and Members of the Committee, I am Pat Barnes, legislative counsel for the Kansas Motor Car Dealers Association.

Our membership endorses the concept of this bill, but would offer recommendations and amendments for your consideration. These amendments would clear up what we feel to be some problem areas in interpretation as well as areas which we feel should be addressed or specified.

First, throughout the act it is unclear whether the act is applying to both new and used vehicles or only new vehicles. The intent of the act is to provide a remedy for consumers with regard to warranties on the purchase new vehicles. As the act is presently written it would encompass all new and used motor vehicles.

Only in section (b) are the words "new motor vehicle" found. This section states if the new motor vehicle does not conform to all applicable warranties and the consumer reports non-conformity then necessary repairs shall be made to conform the vehicle to the warranties on the vehicle, express and implied. The paragraphs following (b) then set forth what happens if the motor vehicle cannot be made to conform to any applicable warranties. It is the discrepancy between paragraph

(b) and the rest of the bill which has the overall effect of creating a used car lemon law.

This problem could be corrected to express the legislative intent that this bill apply only to new motor vehicles by defining "motor vehicle" to mean a new motor vehicle designed to carry passengers which is sold in this state in paragraph (a)(2). Alternatively, the word "new" could be inserted in front of every reference to motor vehicle as it is in the first sentence of paragraph (b).

Given the history of the lemon law during this session of the legislature and keeping in mind this Committee's action with the originally identical House Bill 2124 when the amendments were added, several observations also need to be made. First H.B. 2124 defines consumer to include any person to whom a motor vehicle is transferred for the duration of any warranty. S.B. 118, on the other hand, defines consumer to be any person to whom a vehicle is transferred during the duration of an express warranty. If the language of H.B. 2124 is amended into S.B. 118 then a situation will be created which will create pitfalls of unimaginable proportions for car dealers. For example, if a consumer is any person to whom a car is transferred during the duration of a warranty and the bill is not clarified to apply to only new cars, the buyer of used car could transfer his car to another person who could then enforce the implied warranty of merchan-

tibility on that car against the original dealer. The dealer would be placed in a position of dealing with someone not involved in the original transaction and will thus be unable to effectively protect himself against unfounded claims from the subsequent purchaser in the chain of title on the car. A situation could arise where an old car is sold with the express understanding between the original dealer and consumer that there are certain defects. This car could then be resold by that consumer to another person without mention of this agreement. The later consumer could come back on the dealer and even though the dealer would have a defense he would still be put in the place of funding an expensive defense. Similarly, what is a non-conforming defect or condition in a used vehicle? Is a bad squeek in a used vehicle or spongy brakes conditions that violate the implied warranty of merchantability on a used vehicle? A consumer has a right to expect that the vehicle purchased will not turn out to be completely worthless. On the other hand, he cannot reasonably expect used goods to be the finest of all possible goods of that kind. Protection for the consumer lies between these two extremes. Surely if an item is used, less can be expected in the way of quality than if the item is purchased new.

Next, under both this bill and House Bill 2124, a consumer is entitled to receive a comparable vehicle or his money

back from a manufacturer or dealer who is unable to make the vehicle conform to the warranties applicable to it after a reasonable number of attempts. S.B. 118 defines a reasonable number of attempts to have occurred when the same non-conformity has been subject to repair four or more times. If the language of H.B. 2124 which this Committee earlier amended into that bill is also placed into this bill, a reasonable number of attempts at repairing a vehicle will have occurred after there have been ten or more attempts to repair any non-conformities. If this bill is left as it is and reads as a used car warranty, this requirement will be disastrous to dealers. It would include anything from a worn out water pump to a non-functioning radio. It would not take into consideration the insignificance of the complaint.

A similar problem will arise with new cars. Many times a new car will be in perfectly good shape, but will need some fine tuning. There may be a spot of paint missing or may be some other extremely minor problem which can be remedied with a fifteen minute stop at the dealer's place of business. Dealers themselves take into account minor warranty work which is expected to be performed on the purchase of any new motor vehicle. Allowing a purchaser to essentially revoke his contract to buy a new vehicle because ten minor adjustments have been made would not be in the best interest of the state or sound public policy.

Finally, given the amendments to House Bill 2124 and the current state of Kansas law, if the lemon law is really needed in this area then those other enactments are not. As such, we would respectfully renew our request that a new subsection be inserted, as has been done in the Missouri version of the lemon law, which would make this particular act the sole remedy available to a consumer experiencing warranty problems with his new car.

Given the amendments and the similarity of this bill to House Bill 2124, and as always, I would be happy to answer any questions you may have. Thank you.

0016 *Fourth:* To fail or refuse to surrender to the division, upon  
0017 demand, any registration receipt, certificate of title, registration  
0018 number license plate or registration decal which has been sus-  
0019 pended, canceled or revoked as in this act provided.

0050 *Fifth:* To use a false or fictitious name or address in any  
0051 application for a certificate of title, the registration of any vehicle  
0052 or for any renewal or duplicate thereof, or knowingly to make a  
0053 false statement or knowingly to conceal a material fact or other-  
0054 wise commit a fraud in any such application.

0055 *Sixth:* For the owner of a motor vehicle to file application for  
0056 the registration thereof, in any county other than the county in  
0057 which the owner of the vehicle resides or has a bona fide place of  
0058 business, which place shall not be is not an office or facility  
0059 established or maintained solely for the purpose of obtaining  
0060 registration.

0061 *Seventh:* To operate on the highways of this state a vehicle or  
0062 combination of vehicles whose weight with cargo is in excess of  
0063 the gross weight for which the truck or truck tractor propelling  
0064 the same is registered, except as provided by K.S.A. 8-143 and  
0065 amendments thereto and subsections (a) to (f), inclusive, of  
0066 K.S.A. 8-1911, or any and amendments thereto. Such gross  
0067 weight shall not be required to be in excess of the limitations  
0068 described by K.S.A. 8-1908 and 8-1909 and amendments thereto  
0069 for such vehicle or combination of vehicles of which it is a part.

0070 Any person or owner who operates a vehicle in this state with a  
0071 registration in violation of subsection (2) of K.S.A. 8-143 and  
0072 amendments thereto shall be required to pay an additional fee  
0073 equal to the fee required by the applicable registration fee  
0074 schedule, less the amount of the fee required for the gross  
0075 weight for which the vehicle is registered and obtain the proper  
0076 registration therewith. A fine of \$75 shall be assessed for all  
0077 such gross weight registration violations.

0078 *Eighth:* To operate a local truck or truck tractor which is  
0079 registered for a gross weight of more than eight thousand (8,000)  
0080 12,000 pounds as a common or contract carrier outside a radius of  
0081 three (3) miles beyond the corporate limits of the city or village  
0082 in which such vehicle was based when registered and licensed

the

Attach. 3

Attch. 3  
3/25/85



0231 icate or bank card draft, the police officer shall give such person a  
 0232 receipt therefor and shall note the amount of the bond on the  
 0233 notice to appear form and give a copy of such form to the person  
 0234 stopped. Such person need not sign the written notice to appear,  
 0235 and the police officer shall present the notice to appear and the  
 0236 guaranteed arrest bond certificate or bank card draft to the court  
 0237 having jurisdiction of the offense charged as soon as reasonably  
 0238 possible.

0239 (d) When any motor carrier, truck or truck tractor is stopped  
 0240 by an agent or employee of the department of revenue autho-  
 0241 rized under K.S.A. 8-1910 or 66-1319 and amendments thereto to  
 0242 stop such motor carrier, truck or truck tractor for any violations  
 0243 described in subsection (c) which relate to the regulation of  
 0244 motor carriers, trucks or truck tractors, such agent or employee  
 0245 may require the driver of the motor carrier, truck or truck tractor  
 0246 so stopped to give a driver's license or bond in the same manner  
 0247 and to the same extent as in subsections (a) and (c).

0248 (e) The offenses for which appearance bonds may be re-  
 0249 quired as provided in subsection (c) and the amounts thereof  
 0250 shall be as follows:

|      |  |                             |
|------|--|-----------------------------|
| 0251 | Reckless driving.....  | \$65                        |
| 0253 | Failure to comply with lawful order of officer.....                    | 40                          |
| 0255 | Registration violation ( <del>under 12,000 pounds</del> ).....         | 35                          |
| 0257 | Registration violation ( <del>12,000 pounds and over</del> ).....      | 75                          |
| 0259 | No driver's license for the class of vehicle operated or violation of  |                             |
| 0260 | restrictions.....  | 35                          |
| 0262 | Spilling load on highway.....  | 35                          |
| 0264 | Overload:  |                             |
| 0265 | Gross weight of vehicle or   |                             |
| 0266 | combination of   |                             |
| 0267 | vehicles.....  | an amount equal to the fine |
| 0268 |  | plus docket fee             |
| 0269 |  | to be imposed if convicted  |
| 0270 | Gross weight upon any  |                             |
| 0271 | axle or tandem, triple   |                             |
| 0272 | or quad axles.....   | an amount equal to the fine |
| 0273 |  | plus docket fee             |
| 0274 |  | to be imposed if convicted  |
| 0275 | Failure to obtain proper registration, clearance or to have current    |                             |
| 0276 | certification as required by K.S.A. 66-1324 and amendments             |                             |
| 0277 | thereto.....   | 255                         |
| 0279 | Insufficient liability insurance for motor carriers pursuant to K.S.A. |                             |
| 0280 | 66-1,128 or 66-1314 and amendments thereto.....                        | 105                         |
| 0282 | Failure to obtain interstate motor fuel tax authorization pursuant to  |                             |
| 0283 | K.S.A. 79-34,122 and amendments thereto.....                           | 105                         |
| 0285 | Improper equipment ( glass or fire extinguishers).....                 | 35                          |

(registered for 12,000 pounds or less)

(registered for more than 12,000 pounds)