

Approved: 2-10-98  
Date

MINUTES OF THE HOUSE TRANSPORTATION COMMITTEE.

The meeting was called to order by Chairperson Gary K. Hayzlett at 1:30 p.m. on February 5, 1998 in Room 526-S of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department  
Reed Holwegner, Legislative Research Department  
Bruce Kinzie, Revisor of Statutes  
J. Patterson, Committee Secretary

Conferees appearing before the committee: Tom Whitaker, Kansas Motor Carriers Association  
Don McNeely, Kansas Automobile Dealers Association  
James Welch, Assistant Attorney General of the Consumer Protection Division

Others attending: See attached list

**HB 2686 - Apportioned fleet registration, permanent plates and cab cards.**

Tom Whitaker was the first proponent to speak about the bill. He also provided documents that the motor carriers have to fill out under the current system. Betty McBride of KDOT supports the bill. The purpose of the bill is to be able to have a permanent plate on their carrier instead of changing the licenses for different states.(Attachment 1)

Hearing on **HB 2686** was closed.

**HB 2689 - Timely delivery of title or statement of origin.**

Don McNeely of the KADA presented testimony in favor of **HB 2689**.(Attachment 2)

Assistant Attorney General James Welch testified against the bill. He provided a balloon attachment to the current bill. Don McNeely agreed with the testimony.(Attachment 3)

Hearing on **HB 2689** was closed.

Meeting was adjourned at 2:00 p.m.

The next meeting is scheduled for February 10, 1997.

# HOUSE TRANSPORTATION COMMITTEE GUEST LIST

DATE: 2-5-98

NAME	REPRESENTING
Heather Randall	Whitney Lawson, P.A.
Chris Meyer	KANSAS Automobile Dealers Assn.
STEVE BARRICK	ATTORNEY GENERAL
Tim Welch	ASSR ATTORNEY GENERAL
GALVIN PAPE	KANSAS Highway Patrol
Ken Baker	Ks. Governmental Consulting
Steve Richards	Yellow Corporation
Mike Kelley	Kansas Motor Company Assn
Tom Whitaker	"
Peann Williams	"
Al Gierstner	KDOR
Rick Scheibe	KDOU
Betty McBride	DOV
Richard Sherman	Dick Edwards Ford L/M



# KANSAS MOTOR CARRIERS ASSOCIATION

P.O. Box 1673 ■ Topeka, Kansas 66601-1673 ■ 2900 S. Topeka Blvd. ■ Topeka, Kansas 66611-2  
Telephone: 785.267.1641 ■ FAX: 785.266.6551 ■ e mail: kmca@kmca.org

*"If you've got it, a truck driver brought it!"*



DARRELL ROSE  
*Dillon Stores Company*  
President

MICHAEL J. MAIER, II  
*Consolidated Freightways*  
Chairman of the Board

LESLIE J. UNRUH  
*Unruh Grain, Inc.*  
First Vice President

JERRY ARENSDORF  
*Arensdorf Trucking, Inc.*  
Second Vice President

JOHN LAHTROP  
*Roadway Express*  
Treasurer

LARRY "DOC" CRIQUI  
*Bailey Moving & Storage Co.*  
Corporate Secretary

HAROLD HESS  
*Magill Truck Line*  
ATA State Vice President

KELLY RECTOR  
*Wichita Southeast Kansas Transit*  
Alternate to ATA State Vice President

MIKE KELLEY  
Executive Director

## LEGISLATIVE TESTIMONY

by the

**Kansas Motor Carriers Association**

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**Supporting House Bill No. 2686**

**Presented to the House Transportation Committee  
Rep. Gary Hayzlett, Chairman  
Thursday, February 5, 1998**

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**MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:**

My name is Tom Whitaker, director of governmental relations and membership services for the Kansas Motor Carriers Association. We appear here this afternoon representing our more than 1,350 member firms and the Kansas trucking industry. We ask for your support of H.B. 2686.

The bill provides for permanent license plates for vehicles operated by interstate motor carriers that utilize apportioned fleet registration, otherwise known as the International Registration Plan (IRP). Federal law required every state to be a participant in IRP by September 30, 1996. Kansas has apportioned interstate motor vehicles since 1978.

H.B. 2686 makes the following changes to Kansas law:

- Allows the Department of Revenue to issue permanent license plates to interstate motor carriers.

House Transportation  
2-5-98  
Attachment 1

- An annual apportioned registration cab card would be issued for all trucks and truck-tractors.
- A permanent apportioned registration cab card would be issued for the duration of the life span of the trailer.
- Allows the Director of Vehicles to require re-issuance of all apportioned base plates currently issued, should the need arise.
- Provides that fleet registration identification devices are not transferable from vehicle to vehicle.

Our industry operates vehicles across the nation, and physically changing license plates annually has become a logistical nightmare. We have worked closely with Betty McBride, director of vehicles, Kansas Department of Revenue, and Al Gerstner, bureau chief, Motor Carriers Services Bureau, to develop this legislation.

Motor carriers registering their vehicles under the IRP agreement, apportion their vehicle registration fees for each state they choose to travel in, based on the percentage of total miles they operate in each jurisdiction. When a motor carrier operates 50% of his miles in Kansas and 50% in Missouri, this carrier is required to pay 50% of the required Kansas registration fee, depending on the gross weight of the vehicle and 50% of the applicable Missouri registration fee.

An example of apportioned fleet registration billing (Attachment A) shows that carrier "A" operates 196 power units. He operated 1.276% of his miles in Alabama. The registration fees for Alabama are \$1,917.36. In Kansas, carrier "A" operated 5.335% of his miles and paid \$17,614.34 in registration fees. Carrier "A's" total registration fees paid were \$281,767.53.

Once the motor carrier has paid all the required fees, Kansas will issue an apportioned registration cab card (Attachment B) showing each state and at what gross weight such carrier has properly registered its vehicles. Cab cards are required to be carried in the vehicle for inspection by the various states to insure proper compliance.

A trailer apportioned registration cab card (Attachment C) will not list any state except California. California is the only state in the nation that apportions trailers. Kansas based carriers will pay 100% of the Kansas trailer registration fee if they do not operate in California. If a carrier does operate into California, the cab card will look like (Attachment D).

Currently, six states provide for permanent power unit license plates. Those states include Iowa, Missouri and Oklahoma. Fifteen states provide for permanent trailer license plates.

H.B. 2686 will simplify the annual apportioned fleet registration requirements for the carrier and, at the same time, continue to provide safeguards to insure proper collection of annual registration fees, property tax, fuel tax and other regulatory fees. We believe this will benefit the State as well as the motor carrier.

The Kansas Department of Revenue has determined that the fiscal note for the first year of implementation of H.B. 2686 is \$16,959.60. Currently, Kansas issues approximately 35,000 of the apportioned vehicle plates. We understand that the cost for material and labor per license plate is \$1.59 each. We believe that overall there will be a savings to the State because of the reduced number of license plates issued after the 1999 registration year.

The Kansas Motor Carriers Association asks for your favorable action on H.B. 2686. We thank you for the opportunity to present our testimony and would be pleased to respond to questions.

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KANSAS DEPARTMENT OF REVENUE

Motor Carrier Services Bureau

Robert B. Docking State Office Building

Box 12003

Topeka, Kansas 66612-2003

Telephone: (913) 291-3384

Fax: (913) 296-7872

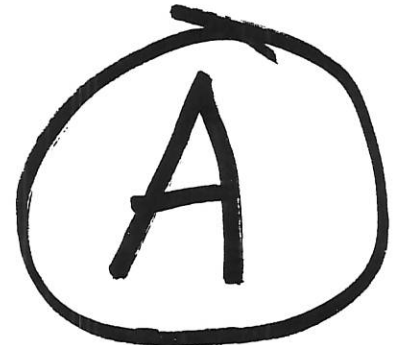
APPORTIONED FLEET REGISTRATION BILLING STATEMENT

DATE : 01/20/98
REG. YEAR : 1998
ACCOUNT NO. :
SUPPLEMENT NO. : 0000

Table with columns: JUR, MILEAGE %, REG. FEES, JUR, MILEAGE %, REG. FEES, JUR, MILEAGE %, REG. FEES. Lists various states and their corresponding mileage percentages and registration fees.

KANSAS POWER UNITS
5.335 17,614.34

KANSAS TRAILER UNITS
.000 .00



COMMENTS:

Table with 4 columns: Description, Amount, Description, Amount. Lists various fees and credits such as '196 KS TR PLT.: 686.00' and 'TOTAL FEES DUE...: 281,767.53'.

PLEASE RETURN THE WHITE COPY WITH YOUR PAYMENT. REGISTRANTS IN GOOD STANDING MAY USE COMPANY CHECKS MADE PAYABLE TO KANSAS DEPARTMENT OF REVENUE. PAYMENT IS DUE UPON RECEIPT OF BILLING STATEMENT.

**KANSAS APPORTIONED REGISTRATION CAB CARD**

REG. YEAR <b>1997</b>	ACCOUNT NO. <b>1296</b>	PLATE NO. <b>000036701</b>	EQUIP. NO. <b>7557</b>	FEIN/SSN: <b>0000</b>			
YEAR <b>1996</b>	MAKE <b>KW</b>	VIN <b>1XKADR9X5TR679216</b>					
TYPE <b>TRK</b>	COMB. GROSS WEIGHT <b>080,000</b>	CARRIER TYPE <b>FH</b>	QUARTERLY PAYMENT <b>NO</b>				
QUARTERLY PAYMENT	Vehicle described herein has apportioned registration between the state of Kansas and other jurisdictions as shown below.						
EXPIRATION DATE	AL 80,000	IL 80,000	NC 80,000	RI 80,000	SC 80,000	SD 80,000	TX 80,000
<b>DEC 31 1997</b>	AR 80,000	IN 80,000	ND 82,000	SC 80,000	SD 80,000	TN 80,000	UT 80,000
	AZ 80,000	KY 80,000	NE 80,000	VA 80,000	VT 80,000	WA 80,000	WV 80,000
	CA QUAL	LA 80,000	NH 80,000	TX 80,000	UT 80,000	VA 80,000	WY 80,000
	CO 80,000	MA 80,000	NJ 80,000	UT 80,000	VA 80,000	VT 80,000	WY 80,000
	CT 80,000	MD 80,000	NM 80,000	VA 80,000	VT 80,000	WA 80,000	WY 80,000
	DC 80,000	ME 80,000	NV 80,000	VA 80,000	VT 80,000	WA 80,000	WY 80,000
ENFORCEMENT DATE	DE 80,000	MI 80,000	NY 80,000	VA 80,000	VT 80,000	WA 80,000	WY 80,000
<b>MAR 02 1998</b>	FL 80,000	MN 80,000	OH 80,000	VA 80,000	VT 80,000	WA 80,000	WY 80,000
	GA 80,000	MO 80,000	OK 80,000	VA 80,000	VT 80,000	WA 80,000	WY 80,000
	IA 80,000	MS 80,000	OR 80,000	VA 80,000	VT 80,000	WA 80,000	WY 80,000
	ID 80,000	MT 80,000	PA 80,000	VA 80,000	VT 80,000	WA 80,000	WY 80,000
EXPIRES DECEMBER 31 of the registration year. Must be renewed by March 1. ENFORCEMENT TO BEGIN 12:01 A.M. MARCH 1?			If section "Quarterly Payment" indicates "Yes" registration of the vehicle described herein is valid providing the appropriate date appears under the "Quarterly Payment Validation" section.				

**KANSAS APPORTIONED REGISTRATION CAB CARD**

**B**



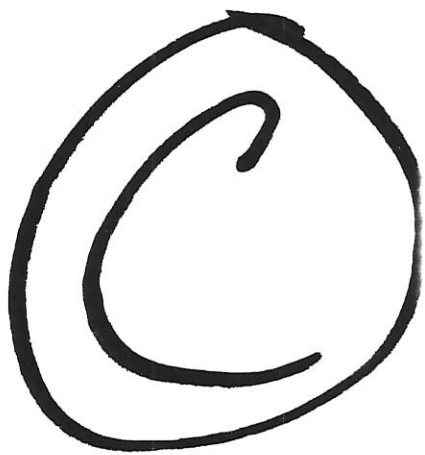
# KANSAS APPORTIONED REGISTRATION CAB CARD

REG. YEAR 1998	ACCOUNT NO. 2656	PLATE NO. 000017996	EQUIP. NO.	FEIN/SSN: 0000
YEAR 1980	MAKE HILL	VEHICLE I.D. NO. 416NT21421079		
TYPE TRL	COMB. GROSS WEIGHT 000,000	CARRIER TYPE NO	QUARTERLY PAYMENT YES	
QUARTERLY PAYMENT	Vehicle described herein has apportioned registration between the state of Kansas and other jurisdictions as shown below.			
EXPIRATION DATE	*****			
MAR 31 1998	*****			
ENFORCEMENT DATE	*****			
MAY 01 1998	*****			
EXPIRES DECEMBER 31 of the registration year. Must be renewed by March 1. ENFORCEMENT TO BEGIN 12:01 A.M. MARCH 2		If section "Quarterly Payment" indicates "Yes" registration of the vehicle described herein is valid providing the appropriate date appears under the "Quarterly Payment Validation" section.		

JOPLIN BUSINESS FORMS (417) 762-7900

C-256194

## KANSAS APPORTIONED REGISTRATION CAB CARD





Betty McBride, Director of Vehicles  
Kansas Department of Revenue  
915 SW Harrison St.  
Topeka, KS 66626-0001



(913) 296-3601  
FAX (913) 296-3852  
Hearing Impaired TTY (913) 296-3909

Division of Vehicles

**DO YOU WANT YOUR DRIVER'S LICENSE AND VEHICLE  
REGISTRATION RECORDS SOLD TO THE PUBLIC?**

Beginning January 1997, Opt-Out gives you the option of withholding your address and other personally identifiable information from businesses or individuals who request your records on or after the implementation date of September 13, 1997.

In compliance with the Federal Privacy Act of 1994, the Kansas Division of Vehicles will provide each vehicle owner the opportunity to protect their vehicle records from being obtained by any business or individual not specifically authorized. Opting to have your vehicle record's "withheld" will not totally eliminate the use of your record, as there are exceptions specifically authorized by law, which authorize the use of these records. However, opting to have your record withheld will reduce mailings that originate from other sources of information used by marketers.

If no action is taken on your part indicating these records be withheld, pursuant to K.S.A. 74-2012 they will be considered public records.

To request that your record be "withheld" please check the box below, sign on the appropriate line, and return with your renewal request.

Yes, withhold my vehicle record from purchase or release for public use.

\_\_\_\_\_  
Signature required      Date Signed

Vehicles which are jointly owned, require signature of only one owner requesting information be "withheld."

**AGREEMENT TO MAINTAIN RECORDS  
IN ACCORDANCE WITH THE  
INTERNATIONAL REGISTRATION PLAN (IRP)**

Under the provisions of Article XV Section 1500 of the International Registration Plan, each base jurisdiction (state) administrator may audit the supporting trip-mileage records of the registrants displaying apportion base plates from their jurisdiction. To qualify for apportionment, a registrant must operate interstate and must maintain accurate mileage records of the trip movement of his apportioned vehicles.

All records in support of an application must be retained for a period of three years following the year for which the application is made. These records must be maintained on each individual vehicle from July 1 - June 30 for each reporting period. A copy of the Department's recommended Individual Vehicle Mileage Record (MCS-121) can be found in the Kansas Apportioned Registration Instruction booklet.

Determination of Vehicle Trip Mileage:

- |                                  |                             |
|----------------------------------|-----------------------------|
| 1. State maps                    | 4. Household good mileage   |
| 2. Mileage chart                 | 5. Mileage software program |
| 3. Odometer/hubodometer readings |                             |

Mileage Operated Each Day is to be Recorded on a Source Document Which Must Contain:

- |   |   |
|---|---|
| 1. Registrant's name                    | 7. Trip origin and destination  |
| 2. Date (starting and ending)           | 8. Routes of travel   |
| 3. Vehicle serial number or unit number | 9. Total trip miles   |
| 4. Vehicle license plate number         | 10. Mileage by jurisdiction   |
| 5. Vehicle fleet number                 | 11. Driver's name   |
| 6. Trailer number                       | 12. The beginning and ending<br><u>odometer/hubodometer</u> reading of<br>each trip |

In recording the actual mileage of a vehicle, the carrier must record all trip movement (interstate and intrastate), including trip permit miles and loaded, empty, deadhead, and bob-tail miles. It is recommended that a monthly or quarterly recap by jurisdiction be maintained on all miles traveled. Computer printouts are acceptable if supported by an Individual Vehicle Mileage Record. Additional records such as fuel receipts, disbursement logs, repair tickets, receiving contracts (one-way rental), vehicle titles, driver's logs, dispatch logs or bills of lading should also be kept.

The Kansas Department of Revenue requires that records be made available to the department for audit upon request. If you have any questions contact a vehicle auditor at 913-296-7719.

DECLARATION

I have read the above and agree to maintain all required records. I understand that if I fail to maintain proper mileage records for inspection by the Department, 100 percent Kansas registration fees can be assessed on all vehicles per Article XV, Section 1502 of the IRP, and Section A under "Audit Procedure" of the Uniform Operation Audit Procedure Guidelines.

Name of Carrier \_\_\_\_\_  
Account Number \_\_\_\_\_  
Address of Carrier \_\_\_\_\_  
Signature of Owner \_\_\_\_\_  
Date \_\_\_\_\_



**KANSAS DEPARTMENT OF REVENUE  
MOTOR CARRIER SERVICES BUREAU 913-266-2542**

# APPORTIONED REGISTRANT APPLICATION

**MILEAGE SCHEDULE B**

**\*IMPORTANT**  
SEE BACK OF FORM FOR INSTRUCTIONS

SCHEDULE FLEET MILEAGE FOR PERIOD JULY 1, 1995 THROUGH JUNE 30, 1996  
INSTRUCTIONS ARE ON THE BACK OF THIS FORM  
ENTER AN "X" IN THE BOX IN FRONT OF EACH IRP JURISDICTION FOR WHICH YOU ARE APPLYING FOR APPORTIONED REGISTRATION

SHADED AREAS INDICATE NON-IRP JURISDICTIONS

SECTION 1		ADD JUR*	MILEAGE	JURISDICTION	ADD JUR*	MILEAGE	JURISDICTION	ADD JUR*	MILEAGE
<input type="checkbox"/>	AB-ALBERTA			MB-MANITOBA			<input type="checkbox"/>	OH-OHIO	
<input type="checkbox"/>	AL-ALABAMA			MD-MARYLAND			<input type="checkbox"/>	OK-OKLAHOMA	
	AK-ALASKA			ME-MAINE				ON-ONTARIO	
<input type="checkbox"/>	AR-ARKANSAS			MI-MICHIGAN			<input type="checkbox"/>	OR-OREGON	
<input type="checkbox"/>	AZ-ARIZONA			MN-MINNESOTA			<input type="checkbox"/>	PA-PENNSYLVANIA	
<input type="checkbox"/>	BC-BRITISH COLUMBIA			MO-MISSOURI				PE-PRINCE ED. IS.	
<input type="checkbox"/>	CA-CALIFORNIA			MS-MISSISSIPPI				PQ-QUEBEC	
<input type="checkbox"/>	CO-COLORADO			MT-MONTANA			<input type="checkbox"/>	RI-RHODE ISLAND	
<input type="checkbox"/>	CT-CONNECTICUT			MX-MEXICO			<input type="checkbox"/>	SC-SOUTH CAROLINA	
<input type="checkbox"/>	DC-DIST. COLUMBIA			NB-NEW BRUNSWICK			<input type="checkbox"/>	SD-SOUTH DAKOTA	
<input type="checkbox"/>	DE-DELAWARE			NC-NORTH CAROLINA			<input type="checkbox"/>	SK-SASKATCHEWAN	
<input type="checkbox"/>	FL-FLORIDA			ND-NORTH DAKOTA			<input type="checkbox"/>	TN-TENNESSEE	
<input type="checkbox"/>	GA-GEORGIA			NE-NEBRASKA			<input type="checkbox"/>	TX-TEXAS	
<input type="checkbox"/>	IA-IOWA			NF-NEWFOUNDLAND			<input type="checkbox"/>	UT-UTAH	
<input type="checkbox"/>	ID-IDAHO			NH-NEW HAMPSHIRE			<input type="checkbox"/>	VA-VIRGINIA	
<input type="checkbox"/>	IL-ILLINOIS			NJ-NEW JERSEY			<input type="checkbox"/>	VT-VERMONT	
<input type="checkbox"/>	IN-INDIANA			NM-NEW MEXICO			<input type="checkbox"/>	WA-WASHINGTON	
<input type="checkbox"/>	KS-KANSAS			NS-NOVA SCOTIA			<input type="checkbox"/>	WI-WISCONSIN	
<input type="checkbox"/>	KY-KENTUCKY			NT-NORTHWEST TERR			<input type="checkbox"/>	WV-WEST VIRGINIA	
<input type="checkbox"/>	LA-LOUISIANA			NV-NEVADA			<input type="checkbox"/>	WY-WYOMING	
<input type="checkbox"/>	MA-MASSACHUSETTS			NY-NEW YORK			<b>TOTAL MILES</b>		
							<b>TOTAL ADD JUR*</b>		

SECTION 2		LICENSE YEAR	FEIN OR SSN	FLEET NUMBER	ACCOUNT NUMBER
NAME OF REGISTRANT				REGISTRANT PHONE NUMBER	
DBA NAME				REGISTRANT FAX NUMBER	
BUSINESS ADDRESS (WHERE FLEET IS BASED)					
CITY COUNTY STATE ZIP CODE					
MAILING ADDRESS					
CITY STATE ZIP CODE					
CONTACT PERSON PHONE NUMBER					
<b>TYPE OF OPERATIONS - MARK AN "X" NEXT TO CORRECT TYPE(S)</b>					
HOUSEHOLD GOODS CARRIER	<input type="checkbox"/>	COMMON CARRIER EXEMPT COMMODITY	<input type="checkbox"/>	PRIVATE CARRIER	<input type="checkbox"/>
RENTAL COMPANY	<input type="checkbox"/>				
CONTRACT CARRIER	<input type="checkbox"/>	NOT REGISTERED WITH KCC	<input type="checkbox"/>	KCC NUMBER	
ICC NUMBER		ICC AUTHORITY TYPE		USDOT NUMBER	
TOTAL NO. OF POWER UNITS		<b>KANSAS QUARTERLY PAYMENT</b>			
		YES OR NO			
TOTAL TRAILERS REGISTERED		<b>OPTIONAL REGISTRATION FEES BY VEHICLE</b>			
		YES OR NO			
It will be the Registrant's responsibility to make a copy of the applications for their records.					
IF TRAILERS ARE LISTED ON THE APPORTIONED VEHICLE APPLICATION, APPORTIONED REGISTRATION WITH CALIFORNIA IS REQUIRED.					
THE UNDERSIGNED CERTIFIES THAT THE INFORMATION FURNISHED IN THIS APPLICATION AND ATTACHED SCHEDULES ARE TRUE AND CORRECT.					
<b>X</b> _____					
THIS _____ DAY OF _____		19 _____			

APPORTIONED REGISTRANT APPLICATION  
INSTRUCTIONS FOR MCS-1B

Section 1 -- Mileage Schedule

List the actual miles operated, which include all miles traveled, in each and all jurisdictions by the motor vehicles of the fleet that are proportionally registered with Kansas during the period of July 1 through June 30 of the fiscal year immediately preceding the commencement of the registration year. For example, the mileage reporting period for the registration year 1997 is July 1, 1995 through June 30, 1996. Add up all of the in-jurisdiction miles, the results of which are the "total fleet miles."

Mark an "X" in the square of all IRP jurisdictions that you have actual miles AND want to continue the apportioned registration. If you do not put an "X" in the box, your renewal registration will not include that jurisdiction.

If you wish to add a jurisdiction (and you do not have actual miles) you will mark an "X" in the "ADD JUR" column. Our office will enter miles based on mileage that current fleets operate into these jurisdictions.

Estimated Mileage--Will be accepted for an applicant's first apportioned application to be filed with Kansas. Also if a Kansas based fleet owner finds that there will be operation in an additional IRP jurisdiction after the initial or first application is filed and if the original application was initiated 5/1 through 12/31, the estimated miles will be used on the first renewal.

**Our office will fill in the estimated miles based on mileage that current fleets operate into these jurisdictions.**

TOTAL MILES: Is the total of actual miles operated from July 1 through June 30 of the preceding registration year.

TOTAL ADD JUR: Leave this blank as it will be entered by this office. A separate bill will be sent for this additional registration fee.

Section 2 -- Registrant Information

The following information must be completed by new Registrants and will be preprinted on renewal applications. All information must be validated by an authorized original signature.

1. LICENSE YEAR Current year of registration.
2. FEIN OR SSN Federal Employer Identification Number or Social Security Number.
3. FLEET NUMBER Indicates the number of fleet applications being submitted, if more than one fleet application by the same applicant.
4. ACCOUNT NUMBER Four digit account number assigned by KS Motor Carrier Services Bureau.
5. NAME OF REGISTRANT Full name of the fleet applicant. If an individual, provide proper name first then given name. If a partnership, the full name of each partner. If a corporation, indicate that the firm is incorporated. Service Representatives and Household Goods Carriers are to file in both names.
6. DBA NAME Name under which such individual does business, if any.
7. BUSINESS ADDRESS (WHERE FLEET IS BASED) Show the street address, County, City, State and Zip Code. Must always be a Kansas address.
8. MAILING ADDRESS This address should be where the applicant wants to receive the billing statements, apportioned credentials and correspondence.
9. CONTACT PERSON The person who handles the paper work or who is familiar with the requirements of this application.
10. TYPE OF OPERATIONS Check the appropriate box depending on the type of authority and then:  
a) identify the authority number for Kansas Corporation Commission (KCC). If you operate under;  
b) the Interstate Commerce Commission (ICC) list that number and type of authority;  
c) the Federal Department of Transportation (U.S.DOT) Number in the appropriate box.
11. QUARTERLY PAYMENT OPTION If you wish to pay the annual Kansas apportioned fee on a quarterly basis, circle YES. Original Application must be in MCSB office by March 2.
12. OPTIONAL REGISTRATION FEES BY VEHICLE Circle YES for a breakdown of vehicle registration costs only on more than one vehicle. This billing will give the following information per vehicle: Unit, Weight, VIN, Lessor (if any), Year, Make, and fee amounts (per year and per quarter, if selected).
13. TOTAL NUMBER OF POWER UNITS This is the total number of power units listed on the Apportioned Vehicle Application.
14. TOTAL NUMBER OF TRAILERS This is the total number of trailers listed on the Apportioned Vehicle Application. California is the only state that apportions trailers.
15. SIGNATURE This must be an original signature of an applicant or an officer of the applicant.
16. DATE The date the application was signed.



**KANSAS DEPARTMENT OF REVENUE**  
**MOTOR CARRIER SERVICES BUREAU 913-266-2542**

# APPORTIONED VEHICLE APPLICATION

ORIGINAL SCHEDULE A

3  
1-10

NAME OF REGISTRANT	DBA NAME	ACCOUNT NO.	FLEET NO.	COMBINED GROSS WT.
--------------------	----------	-------------	-----------	--------------------

IF TRAILERS ARE LISTED ON APPLICATION,  
 APPORTIONED REGISTRATION WITH  
 CALIFORNIA IS REQUIRED.

ENTER ANY WEIGHT THAT VARIES FROM THE EQUIVALENT WEIGHT FOR THIS GROUP. ALL VEHICLES ON THIS PAGE WILL BE CHANGED.


1	2	3	4	5	6	7	8	9	10	11	12	13	14	DO NOT MARK IN SHADED AREAS			15
EQUIPMENT NUMBER	Y E A R	M A K E	COMPLETE VEHICLE IDENTIFICATION NUMBER	T Y P E	AXLES/ SEATS	FUEL TYPE	UNLADEN WEIGHT	DATE OF PURCHASE	LATEST PRICE	FACTORY PRICE	NAME OF OWNER	DATE OF LEASE	COMBINED GROSS WEIGHT	R A T E	USE TAX PAID	TITLE FEE	VEHICLE MILEAGE


1-1

HI-

APPORTIONED VEHICLE APPLICATION  
INSTRUCTIONS FOR MCS-1A

The following information must be completed by new Registrants and will be preprinted on renewal applications. All information must be validated by an authorized original signature on the APPORTIONED REGISTRANT APPLICATION.

NAME OF REGISTRANT: Full name of the fleet applicant.

DBA NAME: Name under which such individual does business, if any.

ACCOUNT NUMBER: Four digit account number assigned by KS Motor Carrier Services Bureau

FLEET NUMBER: If Registrant has more than 1 fleet registered in Kansas.

COMBINED GROSS WEIGHT: This registered weight is the same for each vehicle listed on this preprinted page.

All of the vehicles have been categorized by the combined gross weight and printed on separate pages according to the different weights. A vehicle having a weight in another jurisdiction(s) not equivalent to Kansas Combined Gross Weight, will be listed separately on the Apportioned Vehicle Application. This will allow the weight to be changed, if desired. To change the Kansas Combined Gross Weight, you may indicate this change by drawing a line through the weight as it appears in Column 14, and then show the desired weight. This will automatically register the vehicle(s) at the equivalent weight in the IRP Jurisdictions you have indicated on your Apportioned Vehicle Application.

1. EQUIPMENT NUMBER The equipment number assigned by the applicant to this particular vehicle, if any. The equipment or unit number cannot exceed six characters.
  2. YEAR The model year the vehicle was manufactured. Use two characters, such as 93.
  3. MAKE The name of the manufacturer of the vehicle. Make cannot exceed four letters.
  4. COMPLETE VEHICLE IDENTIFICATION NUMBER All of the numbers/letters used to identify the vehicle and serial number for trailers.
  5. TYPE Show the type of vehicle: TT: Truck Tractor; TK: Truck single; ST: Semi Trailer; or BS: Bus.
  6. AXLES/SEATS Indicate the number of axles for a power unit excluding the number of axles under a trailing unit. When registering a trailer, indicate the number of axles for the trailer only. If describing a bus, indicate the number of passenger seats.
  7. FUEL TYPE Show type of fuel used in a motor vehicle. D: diesel; G: gas; P: propane.
  8. UNLADEN WEIGHT The actual weight of the vehicle, excluding the weight of any load.
  9. DATE OF PURCHASE Show the date the vehicle was purchased by month, day, and year, e.g. 7/31/94.
  10. LATEST PRICE The actual purchase price of the vehicle paid by the current owner, excluding trade-in and sales tax, including accessories and modifications attached to the vehicle.
  11. FACTORY PRICE The manufacturer's retail price, excluding trade-in and sales tax, including accessories or modifications attached to the vehicle.
  12. NAME OF OWNER If a vehicle is subject to a lease, show the name and address of the owner.
  13. DATE OF LEASE If a vehicle is subject to a lease of 30 days or more, show the effective date of the lease, by month, day and year, e.g. 7/31/94.
  14. COMBINED GROSS WEIGHT is the weight of the truck including the driver and full fuel tanks plus the weight of the trailers or semitrailers, plus the maximum payload or cargo to be carried on the trailers or semi trailers.
  15. VEHICLE MILEAGE - If you are claiming the vehicle travels 10,000 miles or less nationally and you will apportion with Colorado, place a "Y" in the box. Colorado has two fee schedules. If a vehicle does not travel over 10,000 miles nationally during the reporting period the smaller fee table will be used. A carrier MUST have Individual Vehicle Mileage Records (IVMR's) to substantiate a full 12 months of actual mileage accrual.
- 1-14



NAME OF REGISTRANT(DBA)		CONTACT PERSON			PHONE NUMBER		ACCOUNT NUMBER		SUPPLEMENT NUMBER	
WEIGHT GROUP:	FAX LOCATION (CITY & STATE)				Mark X for a fax	FAX NUMBER		FLEET NUMBER	LICENSE YEAR	

Enter any weight that varies from the equivalent weight for this group. All vehicles on this page will be changed. (See the Equivalent weight chart, page 24 and the maximum weight listing page 26 in the Instruction manual.

BOXES ARE USED FOR WEIGHT CHANGES IN OTHER JURISDICTIONS ONLY IF YOU ARE REQUESTING A WEIGHT VARIANCE.

--	--	--	--	--	--	--

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	R	USE	PROOF	
TRANS. TYPE/ CODE	LICENSE PLATE NUMBER	EQUIPMENT NUMBER	Y E A K R E	M A K E	COMPLETE VEHICLE IDENTIFICATION NUMBER	T Y P E	AXLES/ SEATS	F U E L	UNLADEN WEIGHT	DATE OF PURCHASE	LATEST PRICE	FACTORY PRICE	NAME OF OWNER	DATE OF LEASE	DECLARED COMBINED GROSS WEIGHT	SALES TAX NUMBER	A T E	TAX PAID	OF TITLE

**ADDITIONS SEE INSTRUCTIONS ON BACK**

DO NOT MARK IN SHADED AREAS


**DELETIONS**

1	2	3	4	5	6	7	8	9	10	
TRANS. TYPE/ CODE	LICENSE PLATE NUMBER	EQUIPMENT NUMBER	Y E A K R E	M A K E	COMPLETE VEHICLE IDENTIFICATION NUMBER	LICENSED WEIGHT	ADDED EQUIPMENT NUMBER	DATE OF DELETION	REASON DELETED	TO WHOM SOLD, REPOSSESSED BY, LESSORS NAME, AND ADDRESS OF APPLICABLE PARTY

NUMBER OF TITLES @ \$7  
TITLE PENALTIES @ \$2

REGISTRATION PENALTIES @ \$2

The undersigned certifies that the information furnished in this application and any supporting documents are true and correct.

SEE INSTRUCTIONS ON BACK

DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

1-15

5  
1

7-1

**APPORTIONED SUPPLEMENTAL APPLICATION  
INSTRUCTIONS FOR MCS-66**

This form is to be used to add and/or delete vehicle(s) for Kansas registration and for change in equivalent weights in other IRP jurisdictions. **DO NOT** use this form to request replacement cab card or apportioned plate, etc., on vehicles currently registered. Transfer registration is allowed when deleted vehicle is sold, cancelled or expiration of lease agreement, repossessed, foreclosed by mechanics lien, title transferred by operation of law on or before date added vehicle in possession of applicant. The Kansas Apportioned Registration Cab Card of vehicle to be deleted is to be returned with this completed form.

**NAME OF REGISTRANT (DBA, if any):** Full name of the fleet applicant.

**CONTACT PERSON & PHONE NUMBER:** Individual's name and telephone number that is responsible for answering any questions regarding the supplement.

**ACCOUNT NUMBER:** Six digit account number assigned by KS Motor Carrier Services Bureau

**SUPPLEMENT NUMBER:** The next consecutive number of supplements that have been submitted.

**WEIGHT GROUP:** This registered weight is the same for each vehicle listed on this page.

**FAX NUMBER & LOCATION:** The fax number & location(city & state) where any material may be faxed.

**FLEET NUMBER:** If Registrant has more than 1 fleet registered in Kansas.

**LICENSE YEAR:** Current year of registration.

All vehicles are to be categorized by the combined gross weight and the same equivalent weight for all jurisdictions and submitted on separate pages according to the different weights. A vehicle having a weight in another jurisdiction(s) not equivalent to Kansas Combined Gross Weight, will be listed separately on the Apportioned Supplemental Application. This will allow the weight to be changed, if desired. Requests to change the Kansas Combined Gross Weight, should be written on your letterhead identifying the vehicle by: year, make, VIN, and listing previous weight and weight increase.

**ADDITIONS**

**COLUMN:**

1. **LICENSE PLATE NUMBER** If additional unit is replacing deleted unit (transfer)list the plate number assigned to deleted vehicle. If no transfer, leave blank.
2. **EQUIPMENT NUMBER** Show equipment or unit number assigned to vehicle.
3. **YEAR** The model year the vehicle was manufactured. Use two characters, such as 93.
4. **MAKE** The name of the manufacturer of the vehicle. Make cannot exceed four letters.
5. **COMPLETE VEHICLE IDENTIFICATION NUMBER** All of the numbers/letters used to identify the vehicle.
6. **TYPE** Show the type of vehicle: TT: Truck Tractor; TK: Truck single; ST: Semi Trailer; or BS: Bus.
7. **AXLES/SEATS** Show number of axles under each vehicle listed or show number of passenger seats for a bus.
8. **FUEL TYPE** Show type of fuel used in a motor vehicle. D: diesel; G: gas; P: propane.
9. **UNLADEN WEIGHT** The actual weight of the vehicle, excluding the weight of any load.
10. **DATE OF PURCHASE** If the vehicle is owned by the applicant, show the date the vehicle was purchased by month, day, and year, e.g. 7/31/93.
11. **LATEST PRICE** The actual purchase price of the vehicle paid by the current owner, excluding trade-in and sales tax, including accessories and modifications attached to the vehicle.
12. **FACTORY PRICE** The manufacturer's retail price, excluding trade-in and sales tax, including accessories or modifications attached to the vehicle.
13. **NAME OF OWNER** Enter the name as shown on the title. If a vehicle is subject to a lease, show the name and address of the lessor.
14. **DATE OF LEASE** If a vehicle is subject to a lease of 30 days or more, show the effective date of the lease, by month, day and year, e.g. 7/31/93.
15. **DECLARED COMBINED GROSS WEIGHT** is the weight of the truck including the driver and full fuel tanks plus the weight of the trailers or semitrailers, plus the maximum payload or cargo to be carried on the trailers or semi trailers.
16. **SALES TAX NUMBER:** Issued by the Business Tax Bureau, Kansas Department of Revenue.

**DELETIONS**

**COLUMNS:** 1, 2, 3, 4, & 5. Same as above.

6. **LICENSED WEIGHT** The declared combined gross weight.
  7. **ADDED EQUIPMENT NUMBER** If this license plate is being transferred to an added vehicle, provide the unit number assigned by the Registrant.
  8. **DATE OF DELETION** Show date vehicle was deleted by month, day, and year.
  9. **REASON DELETED** Show why vehicle is being deleted. Vehicle can be transferred if sold, repossessed, foreclosed by mechanics lien or expiration or cancellation of lease agreement. Registration cannot be transferred to a vehicle already in the Registrant's possession.
  10. **TO WHOM SOLD, etc.** Show name and address of person purchasing vehicle, repossessing vehicle. If a lease agreement was cancelled or expired, name and address of lessor.
- 1-16  
~~1-16~~

**KANSAS DEPARTMENT OF REVENUE  
DIVISION OF VEHICLES  
MOTOR CARRIER SERVICES BUREAU**

**CERTIFICATION FOR ADDING AN IRP JURISDICTION(S)**

Carrier Name \_\_\_\_\_ Account Number \_\_\_\_\_

FAX: Yes No Carrier Fax Number \_\_\_\_\_ Registration Year \_\_\_\_\_

Reasons for filling out this form: (1) To expand operation into additional jurisdiction(s) by estimating the mileage of the fleet; or (2) To add a jurisdiction to a fleet when mileage on Schedule B of the original application was not marked with an X beside a jurisdiction(s). In this case the actual miles reported on the renewal will be used.

Circle the jurisdictions to be added:

AB-ALBERTA	GA-GEROGIA	MN-MINNESOTA	NY-NEW YORK	UT-UTAH
AL-ALABAMA	IA-IOWA	MO-MISSOURI	OH-OHIO	VA-VIRGINIA
AR-ARKANSAS	ID-IDAHO	MS-MISSISSIPPI	OK-OKLAHOMA	VT-VERMONT
AZ-ARIZONA	IL-ILLINOIS	MT-MONTANA	OR-OREGON	WA-WASHINGTON
BC-BRITISH COLUMBIA	IN-INDIANA	NC-NORTH CAROLINA	PA-PENNSYLVANIA	WI-WISCONSIN
CA-CALIFORNIA	KY-KENTUCKY	ND-NORTH DAKOTA	RI-RHODE ISLAND	WV-WEST VIRGINIA
CO-COLORADO	LA-LOUISIANA	NE-NEBRASKA	SC-SOUTH CAROLINA	WY-WYOMING
CT-CONNECTICUT	MA-MASSACHUSETTS	NH-NEW HAMPSHIRE	SD-SOUTH DAKOTA	
DC-DIST. OF COLUMBIA	MD-MARYLAND	NJ-NEW JERSEY	SK-SAKATCHEWAN	
DE-DELAWARE	ME-MAINE	NM-NEW MEXICO	TN-TENNESSEE	
FL-FLORIDA	MI-MICHIGAN	NV-NEVADA	TX-TEXAS	

A billing will be issued for the registration fees due the newly added IRP jurisdiction(s) plus \$1 cab card issuance fee for each vehicle in the fleet.

MAIL THIS FORM TO:

Kansas Department of Revenue, Division of Vehicles  
Motor Carrier Services Bureau  
Docking State Office Bldg., Box 12003  
Topeka, KS 66612-2003

or

FAX THIS FORM TO:

785-296-7872  
ATTN: EDIT SECTION

I certify that the foregoing information is true and correct to the best of my knowledge.

OWNER'S SIGNATURE OR AUTHORIZED REPRESENTATIVE

Date of Signature

17  
1-15

APPLICATION FOR TITLE-APPORTIONED REGISTRATION ON  
 COMPLETE BY TYPEWRITER. NO CARBONS REQUIRED  
 MAIL TO: KANSAS DEPARTMENT OF REVENUE, DIVISION OF VEHICLES,  
 MOTOR CARRIER SERVICES BUREAU, BOX 12003, TOPEKA, KS 66612-2003

FOR OFFICE USE ONLY			
VEHICLE ID #		CNTY	TRK/TRL
VEHICLE: NEW	USED	ASSEMBLED	

ORIGINAL

**THIS MUST BE COMPLETED BEFORE SUBMITTING - (Typewritten preferred)**

Application Date \_\_\_\_\_ Purchase Date \_\_\_\_\_  
(Month/Day/Year) (Month/Day/Year)

NAME	AND &	OR *	AND/OR	%	DBA **	WROS ,
Last First Middle Initial	AND &	OR *	AND/OR	%	DBA **	WROS ,
NAME	AND &	OR *	AND/OR	%	DBA **	WROS ,
NAME	AND &	OR *	AND/OR	%	DBA **	WROS ,

Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Secured Party: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_  
 Secured Party: \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_

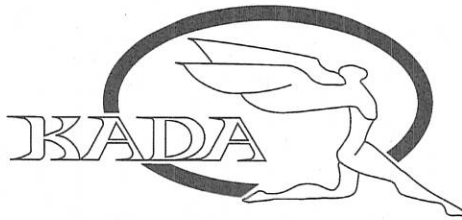
I do hereby certify that I have in effect and will maintain continuously throughout the registration period financial security as required by law for the above described vehicle, and that the information in this application is true and correct to the best of my knowledge and belief. FALSE CERTIFICATION CAN RESULT IN CRIMINAL PROSECUTION.

Insurance Co. \_\_\_\_\_ Policy No. \_\_\_\_\_ or KCC Permit No. \_\_\_\_\_  
(Do not give name of Agent or Agency)

**SIGNATURE OF OWNER** \_\_\_\_\_

FOR OFFICE USE ONLY					
Model Year	Make	Make-Ovrd	Model	Body Style	Class Code
Type	Empty Weight	Gross Weight	Mileage	*Mileage Status	
*Mileage Status: A=(Actual) E=(Estimated) X=(Exceed Maximum Mileage) T=(Exempt)					
Orig/Supp# _____		Carrier Account # _____		Issued Title# _____	
Sales Tax Paid: Yes ___ No ___		Sales Tax No. _____		KCC Tax No. _____ Other _____	
Acquired By: MSO _____		Assigned Title _____		Other _____	
Transaction Number: _____					

18  
1-18



## KANSAS AUTOMOBILE DEALERS ASSOCIATION

---

February 5, 1998

To: Chairman Gary Hayzlett  
and the Members of the House Transportation Committee

From: Don L. McNeely, KADA Executive Vice President

Re: HB2689 - Support

Chairman Hayzlett and Members of the Committee:

Good Afternoon, my name is Don McNeely, Executive Vice President of the Kansas Automobile Dealers Association. I am also accompanied this afternoon by Mr. Rich Shermoen, General Manger of the Dick Edwards Auto Group of Manhattan and Junction City. I appear before you today in support of HB 2689, which amends K.S.A. 8-135 to restrict the ability of a person who has received and accepted the certificate of title or manufacturer's statement of origin to a motor vehicle to void or set aside the transaction, for the sole reason the certificate of title or manufacturer's statement of origin was not delivered within thirty days.

HB2689 would continue to allow a person the ability to void the sale of a motor vehicle if the certificate of title or statement of origin is not delivered in a timely manner, but if a person chooses to receive and accept delivery of the certificate title or manufacturer's statement of origin to the motor vehicle which they have purchased after 30 days from the date of delivery of the motor vehicle, that person cannot then void or set aside the sale of the motor vehicle in issue at a point in time in the future for that reason alone.

Under current law, a person could choose to receive and accept the certificate of title to a motor vehicle and not rescind the sale; register and tag the motor vehicle; drive the motor vehicle for 12 months; wreck the motor vehicle in an accident; and then bring the motor vehicle back to the seller and void the sale because of the fact the certificate of title was not delivered in a timely manner. But, more often than not, the motor vehicle is returned to the seller three to six months after the date of sale because of buyers remorse.

On behalf of the Kansas Automobile Dealers Association, I would like to thank the Committee for allowing me to appear this afternoon and respectfully request the Committee's approval of HB 2689.

800 S.W. Jackson, Suite 1110 • Topeka, KS 66612  
Telephone (913) 233-6456 • Fax (913) 233-1462

House Transportation  
2.5.98  
Attachment 2



CARLA J. STOVALL  
ATTORNEY GENERAL

State of Kansas

## Office of the Attorney General

### CONSUMER PROTECTION DIVISION

301 S.W. 10TH, LOWER LEVEL, TOPEKA 66612-1597  
PHONE: (785) 296-3751 FAX: 291-3699 TTY: 291-3767

CONSUMER HOTLINE  
1-800-432-2310

#### Testimony of

James J. Welch, Assistant Attorney General  
Consumer Protection Division  
Office of Attorney General Carla J. Stovall  
Before the House Transportation Committee

RE: HB 2689

February 5, 1998

Chairperson Hayzlett and Members of the Committee:

Thank you for the opportunity to appear before you today on behalf of Attorney General Carla J. Stovall to testify with regard to HB 2689. My name is Jim Welch and I am an Assistant Attorney General for Consumer Protection.

Attorney General Stovall supports the consumer protections currently contained in K.S.A. 8-135(c)(7), which make the failure to provide title to a consumer within 30 days fraudulent and void. This bill appears to be directed at the potential abuse of this law by consumers, which the Attorney General would never support. We believe this type of abuse is extremely rare, especially compared to the violations of this law by dealers we see frequently. However, as this bill is written, we believe consumers are not afforded disclosures necessary in order to make an informed reaffirmation of a fraudulent and void sale. As a result, the Attorney General would suggest consideration of the balloon amendment attached to my testimony. Before discussing the specifics of our amendment, I would ask the Committee to allow me to provide a brief historical perspective on this statute.

The provisions currently contained in K.S.A. 8-135 (c)(7) first went into effect on January 1, 1937. In addition to the 61 years of legislative history, there is more than fifty years of appellate court history beginning in 1940. These court cases discuss the broad public policy behind the purposes of this statute, which are:

“to provide a ready means for ascertaining the owner of a motor vehicle, compel payment of sales tax by the purchaser of an automobile, prevent fraud and theft of automobiles, prevent trafficking in stolen automobiles, and to lend stability to the business climate surrounding the sale of automobiles.” *Perry v. Goff Motors, Inc.*, 12 Kan.App.2d 139, 141 (1987).

This law gives consumers the absolute right to receive title to vehicles they purchase within thirty days. Without this right, consumers cannot register or drive their vehicles, but still have the

House Transportation  
2-6-98  
Attachment 3

obligations to make finance payments, insurance payments, and property taxes. Consumers without title cannot register or drive their vehicles beyond the 30 day temporary tag time period. However, they still have an obligation to make finance payments, insurance payments, and property taxes. As you can imagine, this poses an extreme hardship on most consumers left in this predicament. The current statute is our only tool to assist consumers in this situation who have filed a complaint with our office. In most situations, dealers involved in these disputes agree to our request to provide a substitute vehicle to the consumer until title is provided.

This bill, in its current form, would allow dealers to avoid responsibility for failing to comply with the 30 day rule without disclosing to consumers the rights and remedies they would be waiving by accepting title out of time. Consumers would be left with no remedy for their loss of use of the vehicle purchased during the time title was not provided.

The amendment to this bill proposed by Attorney General Stovall would be a simple and final resolution for those consumers who wish to make an informed decision to reaffirm the contract and keep the vehicle, by disclosing to them their rights under K.S.A. 8-135(c)(7). The written reaffirmation would likewise protect the dealer from a subsequent fraud action for rescission of the contract by a consumer who has changed his or her mind about the vehicle for reasons unrelated to the delivery of title. As a result, we are proposing the additional wording at page 6, line 32, of HB 2689, which states:

“...who chooses to reaffirm the sale in writing on a form approved by the division which advises them of their rights pursuant to subsection (c)(7) above and...”.

On behalf of Attorney General Stovall, I would urge your favorable consideration of our proposed amendment to HB 2689. Thank you.

## HOUSE BILL No. 2689

By Committee on Transportation

1-22

9 AN ACT concerning vehicles; relating to the timely delivery of certificates  
10 of title and manufacturer's statements of origin; amending K.S.A. 1997  
11 Supp. 8-135 and repealing the existing section.  
12

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

14 Section 1. K.S.A. 1997 Supp. 8-135 is hereby amended to read as  
15 follows: 8-135. (a) Upon the transfer of ownership of any vehicle regis-  
16 tered under this act, the registration of the vehicle and the right to use  
17 any license plate thereon shall expire and thereafter there shall be no  
18 transfer of any registration, and the license plate shall be removed by the  
19 owner thereof. It shall be unlawful for any person, other than the person  
20 to whom the license plate was originally issued, to have possession  
21 thereof. When the ownership of a registered vehicle is transferred, the  
22 original owner of the license plate may register another vehicle under the  
23 same number, upon application and payment of a fee of \$1.50, if such  
24 other vehicle does not require a higher license fee. If a higher license fee  
25 is required, then the transfer may be made upon the payment of the  
26 transfer fee of \$1.50 and the difference between the fee originally paid  
27 and that due for the new vehicle.

28 (b) Subject to the provisions of subsection (a) of K.S.A. 8-198, and  
29 amendments thereto, upon the transfer or sale of any vehicle by any  
30 person or dealer, or upon any transfer in accordance with K.S.A. 1997  
31 Supp. 59-3511, the new owner thereof, within 30 days, inclusive of week-  
32 ends and holidays, from date of such transfer shall make application to  
33 the division for registration or reregistration of the vehicle, but no person  
34 shall operate the vehicle on any highway in this state during the thirty-  
35 day period without having applied for and obtained temporary registration  
36 from the county treasurer or from a dealer. After the expiration of the  
37 thirty-day period, it shall be unlawful for the owner or any other person  
38 to operate such vehicle upon the highways of this state unless the vehicle  
39 has been registered as provided in this act. For failure to make application  
40 for registration as provided in this section, a penalty of \$2 shall be added  
41 to other fees. When a person has a current motorcycle or passenger ve-  
42 hicle registration and license plate, including any registration decal affixed  
43 thereto, for a vehicle and has sold or otherwise disposed of the vehicle

3-3



1 and has acquired another motorcycle or passenger vehicle and intends to  
2 transfer the registration and the license plate to the motorcycle or pas-  
3 senger vehicle acquired, but has not yet had the registration transferred  
4 in the office of the county treasurer, such person may operate the mo-  
5 torcycle or passenger vehicle acquired for a period of not to exceed 30  
6 days by displaying the license plate on the rear of the vehicle acquired.  
7 If the acquired vehicle is a new vehicle such person also must carry the  
8 assigned certificate of title or manufacturer's statement of origin when  
9 operating the acquired vehicle, except that a dealer may operate such  
10 vehicle by displaying such dealer's dealer license plate.

11 (c) Certificate of title: No vehicle required to be registered shall be  
12 registered or any license plate or registration decal issued therefor, unless  
13 the applicant for registration shall present satisfactory evidence of own-  
14 ership and apply for an original certificate of title for such vehicle. The  
15 following paragraphs of this subsection shall apply to the issuance of a  
16 certificate of title for a nonhighway vehicle, as defined in K.S.A. 8-197,  
17 and amendments thereto, except to the extent such paragraphs are made  
18 inapplicable by or are inconsistent with K.S.A. 8-198, and amendments  
19 thereto.

20 (1) An application for certificate of title shall be made by the owner  
21 or the owner's agent upon a form furnished by the division and shall state  
22 all liens or encumbrances thereon, and such other information as the  
23 division may require. Notwithstanding any other provision of this section,  
24 no certificate of title, other than a duplicate title, shall be issued for a  
25 vehicle having any unreleased lien or encumbrance thereon, unless the  
26 transfer of such vehicle has been consented to in writing by the holder  
27 of the lien or encumbrance. Such consent shall be in a form approved by  
28 the division. In the case of members of the armed forces of the United  
29 States while the United States is engaged at war with any foreign nation  
30 and for a period of six months next following the cessation of hostilities,  
31 such application may be signed by the owner's spouse, parents, brother  
32 or sister. The county treasurer shall use reasonable diligence in ascer-  
33 taining whether the facts stated in such application are true, and if sat-  
34 isfied that the applicant is the lawful owner of such vehicle, or otherwise  
35 entitled to have the same registered in such applicant's name, shall so  
36 notify the division, who shall issue an appropriate certificate of title. The  
37 certificate of title shall be in a form approved by the division, and shall  
38 contain a statement of any liens or encumbrances which the application  
39 shows, and such other information as the division determines.

40 (2) The certificate of title shall contain upon the reverse side a form  
41 for assignment of title to be executed by the owner before a notary public  
42 or some other officer authorized to administer an oath. This assignment  
43 shall contain a statement of all liens or encumbrances on the vehicle at

1 the time of assignment. The certificate of title shall also contain on the  
2 reverse side blank spaces so that an abstract of mileage as to each owner  
3 will be available. The seller at the time of each sale shall insert the mileage  
4 on the form filed for application or reassignment of title, and the division  
5 shall insert such mileage on the certificate of title when issued to pur-  
6 chaser or assignee. The signature of the purchaser or assignee is required  
7 on the form filed for application or reassignment of title, acknowledging  
8 the odometer certification made by the seller, except that vehicles which  
9 are 10 model years or older and trucks with a gross vehicle weight of  
10 more than 16,000 pounds shall be exempt from the mileage acknowledg-  
11 ment requirement of the purchaser or assignee. Such title shall indicate  
12 whether the vehicle for which it is issued has been titled previously as a  
13 nonhighway vehicle. In addition, the reverse side shall contain two forms  
14 for reassignment by a dealer, stating the liens or encumbrances thereon.  
15 The first form of reassignment shall be used only when a dealer sells the  
16 vehicle to another dealer. The second form of reassignment shall be used  
17 by a dealer when selling the vehicle to another dealer or the ultimate  
18 owner of the vehicle. The reassignment by a dealer shall be used only  
19 where the dealer resells the vehicle, and during the time that the vehicle  
20 remains in the dealer's possession for resale, the certificate of title shall  
21 be dormant. When the ownership of any vehicle passes by operation of  
22 law, or repossession upon default of a lease, security agreement, or ex-  
23 ecutory sales contract, the person owning such vehicle, upon furnishing  
24 satisfactory proof to the county treasurer of such ownership, may procure  
25 a certificate of title to the vehicle. When a vehicle is registered in another  
26 state and is repossessed in another state, the owner of such vehicle shall  
27 not be entitled to obtain a valid Kansas title or registration, except that  
28 when a vehicle is registered in another state, but is financed originally by  
29 a financial institution chartered in the state of Kansas or when a financial  
30 institution chartered in Kansas purchases a pool of motor vehicle loans  
31 from the resolution trust corporation or a federal regulatory agency, and  
32 the vehicle is repossessed in another state, such Kansas financial institu-  
33 tion shall be entitled to obtain a valid Kansas title or registration.

34 (3) Dealers shall execute, upon delivery to the purchaser of every new  
35 vehicle, a manufacturer's statement of origin stating the liens and encum-  
36 brances thereon. Such statement of origin shall be delivered to the pur-  
37 chaser at the time of delivery of the vehicle or at a time agreed upon by  
38 the parties, not to exceed 30 days, inclusive of weekends and holidays.  
39 The agreement of the parties shall be executed on a form approved by  
40 the division. In the event delivery of title cannot be made personally, the  
41 seller may deliver the manufacturer's statement of origin by restricted  
42 mail to the address of purchaser shown on the purchase agreement. The  
43 manufacturer's statement of origin may include an attachment containing

1 assignment of such statement of origin on forms approved by the division.  
2 Upon the presentation to the division of a manufacturer's statement of  
3 origin, by a manufacturer or dealer for a new vehicle, sold in this state, a  
4 certificate of title shall be issued if there is also an application for regis-  
5 tration, except that no application for registration shall be required for a  
6 travel trailer used for living quarters and not operated on the highways.

7 (4) The fee for each original certificate of title shall be \$7 until July  
8 1, 1999, and \$3.50 thereafter, in addition to the fee for registration of  
9 such vehicle, trailer or semitrailer. The certificate of title shall be good  
10 for the life of the vehicle, trailer or semitrailer while owned or held by  
11 the original holder of the certificate of title.

12 (5) Upon sale and delivery to the purchaser of every vehicle subject  
13 to a purchase money security interest as defined in K.S.A. 84-9-107, and  
14 amendments thereto, the dealer or secured party may complete a notice  
15 of security interest and when so completed, the purchaser shall execute  
16 the notice, in a form prescribed by the division, describing the vehicle  
17 and showing the name and address of the secured party and of the debtor  
18 and other information the division requires. The dealer or secured party,  
19 within 15 days of the sale and delivery, may mail or deliver the notice of  
20 security interest, together with a fee of \$2.50, to the division. The notice  
21 of security interest shall be retained by the division until it receives an  
22 application for a certificate of title to the vehicle and a certificate of title  
23 is issued. The certificate of title shall indicate any security interest in the  
24 vehicle. Upon issuance of the certificate of title, the division shall mail or  
25 deliver confirmation of the receipt of the notice of security interest, the  
26 date the certificate of title is issued and the security interest indicated, to  
27 the secured party at the address shown on the notice of security interest.  
28 The proper completion and timely mailing or delivery of a notice of se-  
29 curity interest by a dealer or secured party shall perfect a security interest  
30 in the vehicle described on the date of such mailing or delivery. The  
31 county treasurers shall mail a copy of the title application to the Kansas  
32 lienholder. Each county treasurer shall charge the Kansas lienholder a  
33 \$1.50 service fee for processing and mailing a copy of the title application  
34 to the Kansas lienholder.

35 (6) It shall be unlawful for any person to operate in this state a vehicle  
36 required to be registered under this act, or to transfer the title to any  
37 such vehicle to any person or dealer, unless a certificate of title has been  
38 issued as herein provided. In the event of a sale or transfer of ownership  
39 of a vehicle for which a certificate of title has been issued, which certifi-  
40 cate of title is in the possession of the transferor at the time of delivery  
41 of the vehicle, the holder of such certificate of title shall endorse on the  
42 same an assignment thereof, with warranty of title in a form prescribed  
43 by the division and printed thereon and the transferor shall deliver the

1 same to the buyer at the time of delivery to the buyer of the vehicle or  
2 at a time agreed upon by the parties, not to exceed 30 days, inclusive of  
3 weekends and holidays, after the time of delivery. The agreement of the  
4 parties shall be executed on a form provided by the division. The require-  
5 ments of this paragraph concerning delivery of an assigned title are sat-  
6 isfied if the transferor mails to the transferee by restricted mail the as-  
7 signed certificate of title within the 30 days, and if the transferor is a  
8 dealer, as defined by K.S.A. 8-2401, and amendments thereto, such trans-  
9 feror shall be deemed to have possession of the certificate of title if the  
10 transferor has made application therefor to the division. The buyer shall  
11 then present such assigned certificate of title to the division at the time  
12 of making application for registration of such vehicle. A new certificate  
13 of title shall be issued to the buyer, upon payment of the fee of \$7 until  
14 July 1, 1999, and \$3.50 thereafter. If such vehicle is sold to a resident of  
15 another state or country, the dealer or person making the sale shall notify  
16 the division of the sale and the division shall make notation thereof in the  
17 records of the division. When a person acquires a security agreement on  
18 a vehicle subsequent to the issuance of the original title on such vehicle,  
19 such person shall require the holder of the certificate of title to surrender  
20 the same and sign an application for a mortgage title in form prescribed  
21 by the division. Upon such surrender such person shall immediately de-  
22 liver the certificate of title, application, and a fee of \$7 until July 1, 1999,  
23 and \$3.50 thereafter, to the division. Upon receipt thereof, the division  
24 shall issue a new certificate of title showing the liens or encumbrances so  
25 created, but not more than two liens or encumbrances may be shown  
26 upon a title. When a prior lienholder's name is removed from the title,  
27 there must be satisfactory evidence presented to the division that the lien  
28 or encumbrance has been paid. When the indebtedness to a lienholder,  
29 whose name is shown upon a title, is paid in full, such lienholder within  
30 10 days after written demand by restricted mail, shall furnish to the holder  
31 of the title a release of lien or execute such a release in the space provided  
32 on the title. For failure to comply with such a demand the lienholder shall  
33 be liable to the holder of the title for \$100 and also shall be liable for any  
34 loss caused to the holder by such failure. When the indebtedness to a  
35 lienholder, whose name is shown upon a title, is collected in full, such  
36 lienholder, within 30 days, shall furnish notice to the holder of title that  
37 such indebtedness has been paid in full and that such title may be pre-  
38 sented to the lienholder at any time for release of lien.

39 (7) It shall be unlawful for any person to buy or sell in this state any  
40 vehicle required to be registered, unless, at the time of delivery thereof  
41 or at a time agreed upon by the parties, not to exceed 30 days, inclusive  
42 of weekends and holidays, after the time of delivery, there shall pass  
43 between the parties a certificate of title with an assignment thereof. The

1 sale of a vehicle required to be registered under the laws of this state,  
2 without assignment of the certificate of title, is fraudulent and void, unless  
3 the parties shall agree that the certificate of title with assignment thereof  
4 shall pass between them at a time other than the time of delivery, but  
5 within 30 days thereof. The requirements of this paragraph concerning  
6 delivery of an assigned title shall be satisfied if (i) the seller mails to the  
7 purchaser by restricted mail the assigned certificate of title within 30 days,  
8 or (ii) if the transferor is a dealer, as defined by K.S.A. 8-2401, and amend-  
9 ments thereto, such seller shall be deemed to have possession of the  
10 certificate of title if such seller has made application therefor to the di-  
11 vision, or (iii) if the transferor is a dealer and has assigned a title pursuant  
12 to paragraph (9) of this subsection (c).

13 (8) In cases of sales under the order of a court of a vehicle required  
14 to be registered under this act, the officer conducting such sale shall issue  
15 to the purchaser a certificate naming the purchaser and reciting the facts  
16 of the sale, which certificate shall be prima facie evidence of the own-  
17 ership of such purchaser for the purpose of obtaining a certificate of title  
18 to such motor vehicle and for registering the same. Any such purchaser  
19 shall be allowed 30 days, inclusive of weekends and holidays, from the  
20 date of sale to make application to the division for a certificate of title  
21 and for the registering of such motor vehicle.

22 (9) Any dealer who has acquired a vehicle, the title for which was  
23 issued under the laws of and in a state other than the state of Kansas,  
24 shall not be required to obtain a Kansas certificate of title therefor during  
25 the time such vehicle remains in such dealer's possession and at such  
26 dealer's place of business for the purpose of sale. The purchaser or trans-  
27 feree shall present the assigned title to the division of vehicles when  
28 making application for a certificate of title as provided in subsection (c)(1).

29 (10) Motor vehicles may be held and titled in transfer-on-death form.

30 (11) *Notwithstanding the provisions of this act with respect to time*  
31 *requirements for delivery of a certificate of title, or manufacturer's state-*  
32 *ment of origin, as applicable, any person who has received and accepted*  
33 *assignment of the certificate of title or manufacturer's statement of origin*  
34 *for the vehicle in issue may not thereafter void or set aside the transaction*  
35 *with respect to the vehicle for the reason that a certificate of title or*  
36 *manufacturer's statement of origin was not timely delivered, and in such*  
37 *instances the sale of a vehicle shall not be deemed to be fraudulent and*  
38 *void for that reason alone.*

39 Sec. 2. K.S.A. 1997 Supp. 8-135 is hereby repealed.

40 Sec. 3. This act shall take effect and be in force from and after its  
41 publication in the statute book.

*who chooses to reaffirm the sale in writing on a form  
approved by the division which advises them of their rights  
pursuant to subsection (c)(7) above and*