

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND TOURISM

The meeting was called to order by Chairman Ben Vidricksen at 9:05 a.m. on March 18, 1998 in Room 254-E of the Capitol.

All members were present except:

Committee staff present: Hank Avila, Legislative Research Department  
Bruce Kinzie, Revisor of Statutes  
Marian Holeman, Committee Secretary

Conferees appearing before the committee: Duane Johnson, Antique Car Owner  
James G. Welsh, Asst. Attorney General

Others attending: See attached list

**HB 2678: Possession of distinctive license plates.**

Discussed the fact that Sub SB 139 contains language to allow use of the model year license plate on antique cars. Staff Revisor and the Director of Division of Vehicles are working on language to make this work in terms of tag renewal each year and how it can be processed with the Vehicle Information Processing System (VIPS). Current estimate is this change will require 2,202 hours of programming and cannot be done before January 1, 2000 because of all the other changes they are required to make before that date. If Sub SB 139 does not pass they will still have the heavy truck legislation programming to do.

Duane Johnson originally appeared in support of the bill. He asked to present additional suggestions regarding how it could be done, advising that Missouri has a law allowing personalized plates of model year vehicle registration. He provided a copy of the Missouri law (Attachment 1). Discussed the differences between Kansas and Missouri licensing systems and the resultant problems.

Discussed the financing of this project. The fiscal note is \$220,200. Any money brought in would go to the highway program not to the Division of Vehicles to cover the costs. The Division could extend a contract to do this work. They would request funds be restored to the Division. It was suggest the annual registration fee should be the same as that for other vehicle registration. There were no objections to changing the effective date to 2000. It would simplify the process to put the changes suggested today into Sub SB 139.

Members were reminded the original intent of HB 2678 was to insure merchant marines were treated fairly. Senator Goodwin moved to remove the portion of this bill that refers to antique license plates, returning it to the original bill. Senator Harrington seconded the motion. Motion carried.

Revisor Kinzie explained that HB 2678 provides for spouses or other family members keeping possession of military license plates, as mementos. Merchant marines will also be included in the "veterans" category. The question was raised as to whether or not seabees were included. Who qualified as a "veteran" turned out to be complicated and after talking to the Veterans Administration it has been agreed that anyone who is shown as a veteran on the DD-214 will come under this bill. Senator Karr moved to recommend HB 2678 favorable for passage, as amended. Senator Huelskamp seconded the motion. Motion carried. Senator Salmans will carry.

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

James J. Welch, Assistant Attorney General Consumer Protection Division, Office of the Attorney General provided additional comments in support of HB 2689 (Attachment 2).

Discussed possibility of amending SB 542 into this bill. Discussed yesterday's House amendments to SB 542. In order to clarify the relationship of these two bills, Staff Revisor Kinzie reviewed what HB 2689 does. On page 6, subsection 11, deals with "timely delivery" of title. Another provision, Section 12, contains

SENATE TRANSPORTATION AND TOURISM  
COMMITTEE GUEST LIST

DATE: MARCH 18, 1998

NAME	REPRESENTING
DUANE JOHNSON	Topeka
Harold C. Gandon	Topeka, KS
KERMIT J. SCHRENK SR	TOPEKA, KS
Phillip Snook	Topeka, KS.
Mary and Tony	
Ken Bahr	Ks Governmental Consulting
Mike Kelley	Kansas Motor Carriers Assn.
Jim Waley	Attorney General
Steve HARRICK	A.G.
Whitney Damron	KADA

**Senate Transportation and Tourism Committee**

**Senator Ben Vidricksen, Chair**

**March 18, 1998**

**Distinctive License Plates Bill**

Information from Duane Johnson, an enthusiast of antique vehicles and historic Kansas license plates:

Thank you for the opportunity to speak again to the issue of distinctive license plates for antique vehicles.

In response to the concern that has been raised that in antique vehicle registration, the use of model year Kansas license plates will disrupt the process of all vehicle registrations, there appears to be a reasonable alternative.

If the model year historic license plate is used and processed in the same manner that a personalized vehicle plate registration is processed, there would not be the need for any registration procedure that is not already accommodated in the Department of Motor Vehicles' data processing system. The numbers on a historic license plate could be used for the identification as numbers and letters are now used on a personalized plate.

Most historic Kansas vehicle plates use seven or fewer numbers or letter and number combinations. If the DMV registration system requires it, any historic plate with more than seven numbers or letters could be rejected as unacceptable. But there are very few historic plates that use eight registration numbers. There are many that would qualify.

There is precedent for this personalized plate manner of model year vehicle registration. The State of Missouri adopted law in 1997 to allow any Missouri vehicle plate prior to 1979 to be used by a vehicle enthusiast in a model year registration. (A copy of the Missouri statute is attached here.)

If a historic license plate is provided by the vehicle owner, the state will be relieved of the expense of processing and providing the regular plate. The savings in expensive DMV data and other processing this would achieve should be significant.

Concern has been raised that with a model year plate used on a vehicle, law enforcement would not be able to tell if the vehicle has been properly registered. We suggest that this is true in any circumstance. The model year plate makes no difference. Even if a current plate is shown on a vehicle, to be certain that registration is correct and legal, a check of the registration papers must occur. A person who will use deception in the display of a vehicle plate is no more likely to do so with a historic plate than with a current issue plate.

SENATE TRANSPORTATION & TOURISM  
COMMITTEE -DATE: 3-18-98  
ATTACHMENT: #1

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licant in an amount not to exceed the fee on 1 of section 301.144.

rs shall bear the letter "D" preceding the e placement upon the plates other letters ; and trailers and other types of motor

n any highway of this state unless it shall license plates issued by the director of ch plate shall be securely fastened to the f shall be plainly visible and reasonably not impaired. License plates shall be truck tractors or truck-tractors licensed rear of such vehicles not less than eight , with the letters and numbers thereon cycles, motortricycles and motorscooters the letters and numbers thereon right ol buses, and on trucks, tractors, truck e thousand pounds shall be displayed on more than forty-eight inches above the ide up, or if two plates are issued for the layed in the same manner on the front es authorized by section 301.140, when hat the required fees have been paid. y a tab or set of tabs as evidence of the egistration of a vehicle in lieu of the set

is issued shall affix and display such tab more than one per plate.

attached to a vehicle in the prescribed tion fee for such vehicle has been paid.

ubsection, the director of revenue shall

red pursuant to an agreement under enue shall be a permanent nonexpiring g in this section shall relieve the owner n from the obligation to pay the annual nt nonexpiring license plate shall be disposal of the vehicle by the owner to d, or the plate may be transferred to a r files a supplemental application with he registration of such replacement nual registration fee, the director of er suitable evidence of payment of the ied at all times in the vehicle for which

ently registered under this section, or e permanent nonexpiring plate issued shall not be valid for operation of such ment vehicle when the owner files a :iprocity commission for the registra- is permanently registered under this : lease terminated, the registrant shall : registration fee when the vehicle is ing the registration year.

regulations for the effective adminis-

10. Any rule or portion of a rule promulgated pursuant to this section may be suspended by the joint committee on administrative rules if after hearing thereon the committee finds that such rule or portion of the rule is beyond or contrary to the statutory authority of the agency which promulgated the rule, or is inconsistent with the legislative intent of the authorizing statute. The general assembly may reinstate such rule by concurrent resolution signed by the governor.

(Amended by L.1995, S.B. No. 3, § A; L.1995, S.B. No. 70, § A, eff. Jan. 1, 1997; L.1995, S.B. No. 156, § A.)

#### Historical and Statutory Notes

##### 1995 Legislation

Section 301.130 was amended three times by L.1995. The Revisor of Statutes combined the amendments by L.1995, S.B. No. 3 and L.1995, S.B. No. 156 in one text, and set forth the amendment by L.1995, S.B. No. 70 in a separate text with an effective date of January 1, 1997

L.1995, S.B. No. 3 added the second sentence in subsec. 9; and deleted subsec. 10 relating to the

suspension of all or part of a rule by the joint committee on administrative rules.

L.1995, S.B. No. 70 rewrote the section.

L.1995, S.B. No. 156, in subsec. 8, modified subs. (5) and (6) to provide for transfer of special-ized license plates to replacement vehicles.

#### Notes of Decisions

##### 1. Construction and application

Police officer, who had legally stopped defendant based on his belief that defendant's car did not have license plate, had reasonable suspicion to investigate further by asking defendant for his driver's license based on his belief that temporary license plate was improperly displayed under state and local laws; officer testified that rear window on defendant's car was so heavily tinted that officer could not see temporary tag until he stood next to it and that he had to use his spotlight and flash-

light to see it even then. *State v. Poindexter* (App. W.D. 1997) 941 S.W.2d 533, rehearing and/or transfer denied.

Continued detention of defendant, who was originally stopped based on police officer's belief that defendant's car did not have license plate and who was further detained based on officer's belief that license plate was improperly displayed under state and local laws, was not pretextual. *State v. Poindexter* (App. W.D. 1997) 941 S.W.2d 533, rehearing and/or transfer denied.

#### 301.131. Historic motor vehicles, permanent registration, fee—license plates—annual mileage allowed, record to be kept—penalty

1. Any motor vehicle over twenty-five years old which is owned solely as a collector's item and which is used and intended to be used for exhibition and educational purposes shall be permanently registered upon payment of a registration fee of twenty-five dollars. Upon the transfer of the title to any such vehicle the registration shall be canceled and the license plates issued therefor shall be returned to the director of revenue.

2. The owner of any such vehicle shall file an application in a form prescribed by the director, if such vehicle meets the requirements of this section, and a certificate of registration shall be issued therefor. Such certificate need not specify the horsepower of the motor vehicle.

3. The director shall issue to the owner of any motor vehicle registered pursuant to this section the same number of license plates which would be issued with a regular annual registration, containing the number assigned to the registration certificate issued by the director of revenue. Such license plates shall be kept securely attached to the motor vehicle registered hereunder. The advisory committee established in section 301.129 shall determine the characteristic features of such license plates for vehicles registered pursuant to the provisions of this section so that they may be recognized as such, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. Historic vehicles may be driven to and from repair facilities one hundred miles from the vehicle's location, and in addition may be driven up to one thousand miles per year for personal use. The owner of the historic vehicle shall be responsible for keeping a log of the



301.131

MOTOR VEHICLES

miles driven for personal use each calendar year. Such log must be kept in the historic vehicle when the vehicle is driven on any state road. The historic vehicle's mileage driven in an antique auto tour or event and mileage driven to and from such a tour or event shall not be considered mileage driven for the purpose of the mileage limitations in this section. Violation of this section is a class C misdemeanor and in addition to any other penalties prescribed by law, upon conviction thereof, the director of revenue shall revoke the historic motor vehicle license plates of such violator which were issued pursuant to this section.

5. Notwithstanding any provisions of this section to the contrary, any person possessing a license plate issued by the state of Missouri prior to 1979 in which the year of the issuance of such plate is consistent with the year of the manufacture of the vehicle, the owner of the vehicle may register such plate as a personalized plate by following the procedures for personalized license plate registration and paying the same fees as prescribed in section 301.144. Such license plate shall not be required to possess the characteristic features of reflective material and common color scheme and design as prescribed in section 301.130

(Amended by L.1995, S.B. No. 70, § A, eff. Jan. 1, 1997; L.1997, H.B. No. 394, § A.)

Historical and Statutory Notes

1995 Legislation

The 1995 amendment, in subsec. 2, substituted "if" for "verified by affidavit, provided that" in the first sentence; and in subsec. 3, deleted "white with black lettering, and" preceding "containing the number" in the first sentence, and added the third and fourth sentences.

1997 Legislation

The 1997 amendment substituted "pursuant to" for "under" throughout this section; in subsec. 3,

deleted "Any person possessing a license plate from the state of Missouri stamped prior to 1979 may register such plate as a "year of manufacture" personalized license plate by following the procedures for personalized license plates registration and paying the same fees as prescribed in section 301.144." preceding "The advisory committee"; and added subsec. 5.

301.132. Street rod—license, requirements—fee

1. Any motor vehicle manufactured in 1948 or before which is modified for safe road use, including but not limited to modifications to the drive train, suspension, brake system, and any safety or comfort apparatus and which is not owned solely as a collector's item and which is not used or intended to be used solely for exhibition and educational purposes only, may be specially registered as a "street rod" upon payment of an annual fee equal to the fee charged for personalized license plates in section 301.144 in addition to the regular annual registration fees. Upon the transfer of the title to any such vehicle the registration shall be canceled and the license plates issued therefor shall be returned to the director of revenue.

2. The owner of any such vehicle shall file an application in a form prescribed by the director, verified by affidavit, providing that such vehicle meets the requirements which shall be issued by the director for classification as a "street rod", and a certificate of registration shall be issued therefor.

3. The director shall issue to the owner of any motor vehicle registered under this section two license plates containing the number assigned to the registration certificate issued by the director of revenue, and the following words: "Street Rod", "State of Missouri". Such license plates shall be kept securely attached to the motor vehicle registered hereunder. The advisory committee established in section 301.129 shall determine the characteristic features of such license plates for vehicles registered under the provisions of this section so that they may be recognized as such, except that such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130.

4. Motor vehicles registered under this section are subject to the motor vehicle safety inspection requirements of sections 307.350 to 307.390, RSMo.

(Amended by L.1995, S.B. No. 70, § A, eff. Jan. 1, 1997.)

MOTOR VEHICLES

Historical and

1995 Legislation

The 1995 amendment added the third sentence in subsec. 3.

301.133. Special mobile equipment exception

Special mobile equipment may be moved to another or to or from places of storage provisions of the law relating to titling and comply with all the other requirements of the equipment, other than farm equipment, shall highways on Saturdays, Sundays or legal holidays.

(Amended by L.1995, H.B. No. 717, § A; L.1995,

Historical and

1995 Legislation

L.1995, H.B. No. 717, § A inserted "except in emergencies".

L.1995, S.B. No. 70, § C substituted "except that such equipment, other than" for "provided however

301.135. Personalized license plate—

Any motor vehicle which is eligible for per section 301.131 may also be licensed by the the same manner as that otherwise provided shall be made and issued only upon the payment charged for personalized license plates in accordance authorized by section 301.131. Such license characteristics to readily show the year for vehicle

(Amended by L.1995, S.B. No. 70, § A, eff. Jan. 1,

Historical and

1995 Legislation

The 1995 amendment deleted "be distinctive in color or may" following "license plates may" in the third sentence.

301.140. Plates removed on transfer reregistration—use of dealer

1. Upon the transfer of ownership of registration and the right to use the number be removed by the owner at the time of the transfer any person other than the person to whom the same in his or her possession whether vehicle or trailer who trades in a motor vehicle the traded-in motor vehicle or trailer to the operation of a motor vehicle with such trailer thirty days. As used in this subsection, the include any single motor vehicle or trailer so trailer, as long as the license plates for the

2. In the case of a transfer of ownership vehicle under the same number, upon the basis of horsepower, gross weight or (in the vehicle) seating capacity, not in excess of that



CARLA J. STOVALL  
ATTORNEY GENERAL

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## Office of the Attorney General

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March 17, 1998

Senator Ben E. Vidricksen, Chairperson  
Senate Committee on Transportation & Tourism  
State Capitol, Room 143-N  
Topeka, Kansas 66612

RE: HB 2689

Dear Senator Vidricksen:

Thank you for the opportunity to provide additional comments to the Senate Transportation & Tourism Committee with regard to HB 2689 on behalf of Attorney General Carla J. Stovall.

Attorney General Stovall supports House Bill 2689 in its current form. As amended, HB 2689 allows consumers to reaffirm sales in which dealers have failed to provide title within thirty (30) days as required by law, but requires disclosure of their rights and a written reaffirmation. This protects consumers by requiring disclosure of their rights at a critical time, and is fair to dealers by allowing them to conclude a sale in which title is not provided within thirty days if a consumer chooses to sign a written reaffirmation of the sale.

HB 2689 as amended by the House would add clarity to the law and could substantially reduce litigation in these areas. Attorney General Stovall respectfully requests the Committee pass HB 2689 as amended favorably.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL  
CARLA J. STOVALL

James J. Welch  
Assistant Attorney General  
Consumer Protection Division

JJW:tk

SENATE TRANSPORTATION & TOURISM  
COMMITTEE -DATE: 3-18-98  
ATTACHMENT # 2