

Journal of the Senate

SEVENTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 1, 2012, 2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with thirty-nine senators present.

Senator Ostmeyer was excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I wonder what Jesus would do if He were a member of the Kansas Senate.

Of course I cannot presume to know exactly what He would do, but He gave us some hints the last time He was on earth. I think I would be safe to say that He would be full of surprises.

I think He would surprise a lot of people by the kind of folks with whom He would socialize.

I suspect He would surprise us at how much time He would spend with those who could not contribute and children who cannot vote.

In which case He probably would not be re-elected. However, He might surprise us in that, too.

On the other hand, before we decide to imitate Him, perhaps we should count the cost. The last time He was on this earth He completed only three years of His term! And that was to benefit others.

I pray in the Name of Jesus Christ, AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 363, AN ACT concerning racial or other biased-based policing; amending K.S.A. 2011 Supp. 22-4606, 22-4609, 22-4610, 22-4611, 22-4611a and 22-4611b and repealing the existing sections, by Committee on Federal and State Affairs.

SB 364, AN ACT concerning school districts; relating to changes to the school finance formula; amending K.S.A. 2011 Supp. 72-3607, 72-6407, 72-6410, 72-6412, 72-6414a, 72-6414b, 72-6421, 72-6423, 72-6426, 72-6431, 72-6433, 72-6434, 72-6441, 72-6449, 72-6451, 72-6460, 72-8237, 72-9509, 72-9609 and 79-201x and repealing the existing sections, by Committee on Education.

SB 365, AN ACT concerning property taxation; relating to exemptions; health clubs; amending K.S.A. 2011 Supp. 79-201 and repealing the existing section, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 361**.

Federal and State Affairs: **SB 358**.

Judiciary: **SB 359, SB 360**.

Public Health and Welfare: **SB 362**.

CHANGE OF REFERENCE

The President withdrew **SB 357** from the **Committee on Natural Resources**, and referred the bill to the **Committee on Agriculture**.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 191**, as amended by **House Substitute for SB 191**.

Announcing passage of **HB 2273, HB 2428, HB 2490**.

INTRODUCTION OF HOUSE BILLS

The following House Bills were introduced and read by title: **HB 2273, HB 2428, HB 2490**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Huntington introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1808—

A RESOLUTION congratulating Shawnee Mission North High School's Naval Junior Reserve Officer Training Corps program.

WHEREAS, The Shawnee Mission North High School's Naval Junior Reserve Officer Training Corps (NJROTC) program is nationally recognized as one of the top five programs in the entire nation. The focus of the program is to develop students' essential life skills, such as selflessness, commitment, responsibility, accountability, leadership and self-discipline. Shawnee Mission North High School's NJROTC program is one of 630 NJROTC programs in the United States. Currently, 152 students ranging from freshmen to seniors participate in Shawnee Mission North High School's NJROTC program; and

WHEREAS, Shawnee Mission North High School's NJROTC program has been one of 25 teams from around the United States selected to participate in the NJROTC national competition for the past six years. Shawnee Mission North High School's NJROTC program was selected to participate in the 2006 national competition and finished 25th overall. In 2007, Shawnee Mission North High School's NJROTC program earned first for armed exhibition drill, received the award for overall drill champion and finished fifth overall at nationals. In 2008, the program earned first in color guard, first

in armed regulation drill and finished seventh overall in the national competition. During the 2009 national competition, the program received first for color guard, armed regulation drill, armed exhibition drill and sit-ups, was named national drill champions and finished third overall. The program received the same awards during the 2010 national competition and placed second overall; and

WHEREAS, Shawnee Mission North High School's NJROTC program finished fifth overall at the 2011 national competition, earning first in color guard, armed regulation drill, sit-ups and push-ups; and

WHEREAS, Chief Warrant Officer Dennis Grayless and Chief Petty Officer Christopher Neven are the coaches for the excellent and accomplished Shawnee Mission North High School's NJROTC program. Both Chief Warrant Officer Grayless and Chief Petty Officer Neven serve as dedicated role models that provide guidance and leadership to the future military officers of the Shawnee Mission North High School's NJROTC program; and

WHEREAS, The cadets representing Shawnee Mission North High School's NJROTC program during the 2011 NJROTC Nationals were: Cadet Noe Alvarez, Cadet Jonathan Altamirano, Cadet Chris Dyche, Cadet Mark Byrd, Cadet Jack Currie, Cadet AJ Reek, Cadet Dylan Rogers, Cadet Luis Gomez, Cadet Sada Kernodle, Cadet Aoifa Mooney, Cadet Sadee Whitaker, Cadet Andrew Nelson, Cadet Daran Wankum, Cadet Jordan Yearsley, Cadet Carlos Nieto, Cadet Angel Guitierrez, Cadet Jesse Patterson, Cadet Ben Muller, Cadet Alex Theissen, Cadet Emily Stava, Cadet Alexis Beck, Cadet Miranda Taylor, Cadet Sabrina Gragg, Cadet Michaela Krzesinski, Cadet Schecania Morinville, Cadet Kylie Wilcox, Cadet Henry Bell, Cadet Jake Buchanan, Cadet Erin Bridges, Cadet Josh Humphrey, Cadet Tyler Hagan, Cadet Mac Bruce, Cadet Autumn Coleman, Cadet Sam Remick, Cadet Anna Whitaker, Cadet Kaitlyn Tieman, Cadet Cody Cress, Cadet Jenny Earnest, Cadet Jacob McDermott and Cadet Conor Mooney: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Shawnee Mission North High School's Naval Junior Reserve Officer Training Corps program and recognize that such program has earned a reputation of excellence within the state of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senator Huntington.

On emergency motion of Senator Huntington **SR 1808** was adopted unanimously.

Senator Huntington introduced Dr. Gene Johnson, Richard Kramer, Dennis Grayless and Christopher Neven and congratulated the Shawnee Mission North High School's Naval Junior Reserve Office's Training Corps program. The guests were acknowledged by the Senate with a standing ovation.

Senators Apple, King and Marshall introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1809—

A RESOLUTION congratulating Ottawa City Manager Richard Nienstedt as the 2011 recipient of the Buford Watson, Jr. Award for Excellence in Public Management.

WHEREAS, During the 2011 annual conference of the Kansas Association of City/County Management, Ottawa City Manager Richard Nienstedt was the 2011

recipient of the Buford Watson, Jr. Award for Excellence in Public Management. The Buford Watson, Jr. Award for Excellence in Public Management was established in 1980 and is awarded annually by the Kansas Association of City/County Management to a local government manager who has displayed the attributes of the late Buford M. Watson, Jr., the former city manager of Lawrence, Kansas. Such attributes include service as a role model in dealing with constituents, valuing customer satisfaction and encouraging new members of the profession; and

WHEREAS, Ottawa City Manager Richard Nienstedt embodies the values that city management professionals across Kansas hold dear. Mr. Nienstedt has developed ways to better serve the citizens in the communities he has worked for by enhancing customer service and organizational responsiveness. He has also served as a role model for younger people in the public management profession; and

WHEREAS, Ottawa City Manager Richard Nienstedt has always been a public servant. His commitment to public service began with military service in the United States Air Force. Mr. Nienstedt's desire to make a difference led him to Emporia State University and later to Wichita State University, where he served as a graduate assistant at the Hugo Wall School of Urban and Public Affairs. Upon graduation from Wichita State University, Mr. Nienstedt served as a management intern for the City of Wichita's Department of Housing and Economic Development; and

WHEREAS, From 1980 to 1983, Mr. Nienstedt had the unique pleasure of being one of the last professional managers in Kansas to serve as a "shared" city administrator for two communities at the same time when he served as the city administrator for both the City of Maize, Kansas and City of North Newton, Kansas; and

WHEREAS, Mr. Nienstedt later moved on to manage the City of Stockton, Kansas. From Stockton, Mr. Nienstedt transitioned to the position of city manager of Concordia, Kansas, where he was instrumental in establishing a number of city policies which are still being utilized today; and

WHEREAS, In 1993, Mr. Nienstedt was named city manager for the City of Fort Scott, Kansas. On March 11, 2005, a massive fire raged through Fort Scott's historic downtown, in which nine buildings were destroyed. While no one was injured, the fire damage and destruction to the historic downtown was vast. However, Mr. Nienstedt emerged from this tragic community event as a true city leader: Mr. Nienstedt, his staff and the Fort Scott Area Chamber of Commerce created the Fort Scott Community Visioning Program. Downtown Fort Scott, Kansas is now enjoying the final stages of a remarkable makeover that began under Mr. Nienstedt's leadership; and

WHEREAS, Mr. Nienstedt continues to serve as city manager for the City of Ottawa, Kansas, where he began in 2007. He continues to provide the leadership for which he has been known for over 30 years: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Ottawa City Manager Richard Nienstedt as the 2011 recipient of the Buford Watson, Jr. Award for Excellence in Public Management; and

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Senator Apple, Senator Marshall, Mr. Nienstedt and the Kansas Association of City/County Management.

On emergency motion of Senator Apple **SR 1809** was adopted unanimously.

Senators Apple introduced and congratulated Richard Nienstedt, Ottawa City Manager for being the 2011 recipient of the Buford Watson, Jr. Award for Excellence in

Public Management. The Senate recognized his achievement with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 263** be passed.

Committee on **Public Health and Welfare** recommends **SB 324** be amended on page 3, in line 22, after the semicolon by inserting "and"; in line 23, by striking "or";

On page 7, in line 38, by striking "except retail dealer"; in line 39, by striking "permits"; in line 41, by striking "Retail dealers' permits shall expire"; by striking all in line 42; in line 43, by striking "regulations adopted by the board.";

And the bill be passed as amended.

Also, **SB 325** be amended on page 1, in line 6, by striking "Sec. 1." and inserting "Section 1.";

On page 5, following line 6, by inserting:

"New Sec. 3. A controlled substance listed in schedules II through V, excluding schedule V nonnarcotic depressants that have an effect on the central nervous system, shall not be distributed on a gratuitous basis by a manufacturer or distributor to a practitioner, mid-level practitioner, pharmacist or any other person.";

And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Reapportionment** recommends **SB 344** be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Emler, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Teichman in the chair.

On motion of Senator Teichman the following report was adopted:

Recommended **SB 207, SB 259, SB 264, SB 265, SB 275, SB 292, SB 293, SB 294, SB 297; Sub HB 2178** be passed.

SB 249, SB 270, SB 272, SB 274, SB 279, SB 280, SB 289, SB 290, SB 291, SB 303 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 258 be amended by adoption of the committee amendments, be further amended by motion of Senator Vratil on page 1, in line 6, by striking "and K.S.A. 46-237a"; in line 14, after "university" by inserting ", in such employee's capacity as a state university employee,"; in line 15, after "recommendations" by inserting "in relation to the negotiated terms of an agreement,"; also in line 15, by striking "effect" and inserting "affect" and **SB 258** be passed as further amended.

SB 300 be amended by adoption of the committee amendments, be further amended by motion of Senator Donovan on page 1, following line 6, by inserting:

"Section 1. K.S.A. 8-127 is hereby amended to read as follows: 8-127. (a) Every owner of a motor vehicle, motorized bicycle, trailer or semitrailer intended to be operated upon any highway in this state, whether such owner is a resident of this state or another state, or such motor vehicle, motorized bicycle, trailer or semitrailer is based in this state or another state ~~shall~~, before any such vehicle is operated in this state, *shall* apply for and obtain registration in this state under the provisions of K.S.A. 8-126 to 8-149, inclusive, and ~~acts amendatory thereof or supplemental amendments~~ thereto, except as otherwise provided by law or by any interstate contract, agreement,

arrangement or declaration made by the director of vehicles.

(b) Any truck or truck tractor bearing registration of a state other than Kansas which is engaged in intrastate movements within this state shall have Kansas registration, except such vehicles which are registered under the provisions of K.S.A. 8-1,101 to 8-1,123, inclusive, and amendments thereto, and except such vehicles as are entitled to engage in intrastate movements within this state under any interstate contract, agreement, consent, arrangement or declaration made by the director of vehicles.

(c) Whenever any person has a current motorcycle, motorized bicycle, passenger vehicle, truck or truck tractor registration and license plate for a vehicle which has been sold, traded or otherwise disposed of not later than ~~30~~ 60 days, inclusive of weekends and holidays, after acquiring another motorcycle, motorized bicycle, passenger vehicle, truck or truck tractor to which the registration and license plate will be transferred and such person has complied with all of the conditions precedent to the transfer of the registration except having the registration transferred in the office of the county treasurer, such person may operate the motorcycle, motorized bicycle, passenger vehicle, truck or truck tractor acquired for a period of not to exceed ~~30~~ 60 days, inclusive of weekends and holidays, after acquiring the same and pending transferral of registration and license plate in the office of the county treasurer by displaying the motorcycle license plate on the motorcycle acquired, the motorized bicycle license plate on the motorized bicycle acquired, the passenger vehicle license plate on the passenger vehicle acquired, or the truck or truck tractor license plate on the truck or truck tractor acquired. If the acquired vehicle is a new vehicle, such person also must carry and have in possession the assigned certificate of title or bill of sale when operating the acquired vehicle during ~~said thirty-day~~ such sixty-day period.";

Also on page 1, in line 7, by striking "Section" and inserting "Sec.";

On page 2, in line 7, by striking "30" and inserting "60";

On page 4, in line 36, by striking "60" and inserting "30";

On page 8, following line 28, by inserting:

"Sec. 3. K.S.A. 2011 Supp. 8-135c is hereby amended to read as follows: 8-135c.

(a) The provisions of this section shall be a part of and supplemental to the provisions of article 1 of chapter 8 of the Kansas Statutes Annotated, and as used in this section, the words and phrases defined by K.S.A. 8-126, and amendments thereto, shall have the meanings respectively ascribed to them therein.

(b) As used in this section:

(1) "Nonrepairable vehicle" means any motor vehicle which: (A) Has been damaged, destroyed, wrecked, burned or submerged in water to the extent that such motor vehicle is incapable of safe operation for use on roads or highways and has no resale value except as a source of parts or scrap only; or (B) the owner irreversibly designates as a source of parts or scrap;

(2) "nonrepairable vehicle certificate" means a motor vehicle ownership document issued by the division designating that vehicle a nonrepairable vehicle.

(c) (1) Except as otherwise provided by this section, the owner of a vehicle that meets the definition of a nonrepairable vehicle shall apply to the division for a nonrepairable vehicle certificate before the ownership of the motor vehicle is transferred. In no event shall such application be made more than ~~30~~ 60 days after the vehicle is determined to be a nonrepairable vehicle.

(2) Every insurance company, which pursuant to a damage settlement, acquires

ownership of a vehicle that has incurred damage requiring the vehicle to be designated a nonrepairable vehicle, shall apply to the division for a nonrepairable vehicle certificate within ~~30~~ 60 days after the title is assigned and delivered by the owner to the insurance company, with all liens released.

(3) Every insurance company which makes a damage settlement for a vehicle that has incurred damage requiring such vehicle to be designated a nonrepairable vehicle, but does not acquire ownership of the vehicle, shall notify the vehicle owner of the owner's obligation to apply to the department for a nonrepairable vehicle certificate for the motor vehicle, and shall notify the division of this fact in accordance with procedures established by the division. The vehicle owner shall apply to the division for a nonrepairable vehicle certificate within ~~30~~ 60 days after being notified by the insurance company.

(4) The lessee of any vehicle which incurs damage requiring the vehicle to be designated a nonrepairable vehicle shall notify the lessor of this fact within 30 days of the determination that the vehicle is a nonrepairable vehicle.

(5) The lessor of any motor vehicle which has incurred damage requiring the vehicle to be titled as a nonrepairable vehicle, shall apply to the division for a nonrepairable vehicle certificate within ~~30~~ 60 days after being notified of this fact by the lessee.

(6) Every person acquiring ownership of a motor vehicle that meets the definition of a nonrepairable vehicle, for which a nonrepairable vehicle certificate has not been issued, shall apply to the division for the required document prior to any further transfer of such vehicle, but in no event, more than ~~30~~ 60 days after ownership is acquired.

(7) Failure to apply for a nonrepairable vehicle certificate as provided by this subsection shall be a class C nonperson misdemeanor.

(d) (1) Upon notification of a vehicle's designation as a nonrepairable vehicle, the division shall issue a nonrepairable vehicle certificate.

(2) Each nonrepairable vehicle certificate shall contain the same identifying information and comply with format, size and security requirements applicable to certificates of title under K.S.A. 8-135, and amendments thereto, and shall be conspicuously labeled with this designation on the face of the certificate.

(3) Each application for a nonrepairable vehicle certificate shall be accompanied by the fee required for an original certificate of title under K.S.A. 8-135, and amendments thereto, and if the application is not made within the time prescribed by subsection (c), an additional fee of \$2.

(e) (1) No motor vehicle for which a nonrepairable vehicle certificate has been issued shall be titled or registered by the division for use on the roads or highways of this state.

(2) Ownership of the motor vehicle for which a nonrepairable vehicle certificate has been issued may only be transferred once.

(3) Any motor vehicle transferred through the use of a nonrepairable vehicle certificate shall be dismantled, disassembled or recycled and may not be sold as a unit at retail.

When the nonrepairable vehicle has been crushed, dismantled, disassembled or recycled and such vehicle is sold to a scrap processor for recycling after the salvageable parts have been removed, the owner shall surrender the nonrepairable vehicle certificate to the division with the word recycled written or stamped across its face and no

certificate of title of any type shall be issued nor any registration allowed again for such vehicle.

(4) A nonrepairable vehicle certificate may be used to transfer ownership of a motor vehicle 10 or more model years of age, in accordance with this section, when the owner does not have a certificate of title in the owner's possession.

(f) The secretary of the department of revenue may adopt rules and regulations as the secretary deems necessary to carry out the provisions of this section.

Sec. 4. K.S.A. 2011 Supp. 8-143 is hereby amended to read as follows: 8-143. (a) All applications for the registration of motorcycles, motorized bicycles and passenger vehicles other than trucks and truck tractors, except as otherwise provided, shall be accompanied by an annual license fee as follows:

- (1) For motorized bicycles, \$11;
- (2) for motorcycles, \$16;
- (3) for passenger vehicles, other than motorcycles, used solely for the carrying of persons for pleasure or business, and for hearses and ambulances a fee of:
 - (A) For those having a gross weight of 4,500 pounds or less, \$30; and
 - (B) for those having a gross weight of more than 4,500 pounds, \$40;
- (4) for each electrically propelled motor vehicle, except electrically propelled vehicles intended for the purpose of transporting any commodity, goods, merchandise, produce or freight, or passengers for hire, a fee of \$14.

(5) Except for motor vehicles, trailers or semitrailers registered under the provisions of K.S.A. 8-1,134, and amendments thereto, the annual registration fee for each motor vehicle, trailer or semitrailer owned by any political or taxing subdivision of this state or by any agency or instrumentality of any one or more political or taxing subdivisions of this state and used exclusively for governmental purposes and not for any private or utility purposes, which is not otherwise exempt from registration, shall be \$2.

(b) (1) As used in this subsection, the term "gross weight" shall mean and include the empty weight of the truck, or combination of the truck or truck tractor and any type trailer or semitrailer, plus the maximum weight of cargo which will be transported on or with the same, except when the empty weight of a truck plus the maximum weight of cargo which will be transported thereon is 12,000 pounds or less. The term gross weight shall not include: The weight of any travel trailer propelled thereby which is being used for private recreational purposes; or the weight of any vehicle or combination of vehicles for which wrecker or towing service, as defined in K.S.A. 66-1329, and amendments thereto, is to be provided by a wrecker or tow truck, as defined in K.S.A. 66-1329, and amendments thereto. Such wrecker or tow truck shall be registered for the empty weight of such vehicle fully equipped for the recovery or towing of vehicles. The gross weight license fees hereinafter prescribed shall only apply to the truck or truck tractor used as the propelling unit for the cargo and vehicle propelled, either as a single vehicle or combination of vehicles. On application for the registration of a truck or truck tractor, the owner thereof shall declare as a part of such application the maximum gross weight the owner desires to be applicable to such vehicle, which declared gross weight in no event shall be in excess of the limitations described by K.S.A. 8-1908 and 8-1909, and amendments thereto, for such vehicle or combination of vehicles of which it will be a part. All applications for the registration of trucks or truck tractors, except as otherwise provided herein, shall be accompanied by an annual license fee as follows:

(A) Prior to January 1, 2013:	
For a gross weight of 12,000 lbs. or less	\$40
For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	102
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	132
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	197
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs.	312
For a gross weight of more than 26,000 lbs. and not more than 30,000 lbs.	312
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs.	375
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs.	475
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs.	605
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs.	805
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	1,010
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	1,210
For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs.	1,535
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs.	1,735
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs.	1,935
(B) On January 1, 2013, through December 31, 2013:	
For a gross weight of 12,000 lbs. or less	\$40
For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	152
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	182
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	247
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs.	362
For a gross weight of more than 26,000 lbs. and not more than 30,000 lbs.	362
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs.	425
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs.	525
For a gross weight of more than 42,000 lbs. and not more than	

48,000 lbs.	655
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs.	855
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	1,095
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	1,295
For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs.	1,620
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs.	1,820
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs.	2,020
(C) On January 1, 2014:	
For a gross weight of 12,000 lbs. or less	\$40
For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	202
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	232
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	297
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs.	412
For a gross weight of more than 26,000 lbs. and not more than 30,000 lbs.	412
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs.	475
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs.	575
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs.	705
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs.	905
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	1,145
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	1,345
For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs.	1,670
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs.	1,870
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs.	2,070

(2) If the applicant for registration of any truck or truck tractor for a gross weight of more than 12,000 pounds is the state of Kansas or any political or taxing subdivision or agency of the state, except a city or county, whose truck or truck tractor is not otherwise entitled to the \$2 license fee or otherwise exempt from all fees, such vehicle

may be licensed for a fee in accordance with the schedule hereinafter prescribed for local trucks or truck tractors.

(3) If the applicant for registration of any truck or truck tractor for a gross weight of more than 12,000 pounds shall under oath state in writing on a form prescribed and furnished by the director of vehicles that the applicant does not expect to operate it more than 6,000 miles in the calendar year for which the applicant seeks registration, and that if the applicant shall operate it more than 6,000 miles during such registration year such applicant will pay an additional fee equal to the fee required by the schedule under paragraph (1), less the amount of the fee paid at time of registration, such vehicle may be licensed for a fee in accordance with the schedule prescribed for local trucks or truck tractors. Whenever a truck or truck tractor is registered on a local truck or truck tractor fee basis a tab or marker shall be issued in connection with the regular license plate, which tab or marker shall be attached or affixed to and displayed with the regular license plate and the failure to have the same attached, affixed or displayed shall be subject to the same penalties as provided by law for the failure to display the regular license plate; and the secretary of revenue may adopt rules and regulations requiring the owners of trucks and truck tractors so registered on a local truck or truck tractor fee basis to keep such records and make such reports of mileage of such vehicles as the secretary of revenue shall deem proper.

(4) A transporter delivering vehicles not the transporter's own by the driveway method where such vehicles are being driven, towed; or transported singly, or by the saddlemount, towbar, or fullmount methods, or by any lawful combination thereof, may apply for license plates which may be transferred from one such vehicle or combination to another for each delivery without further registration, and the annual license fee for such license plate shall be as follows:

(A) Prior to January 1, 2013:	
For the first such set of license plates.....	44
For each additional such set of license plates	18
(B) On January 1, 2013, through December 31, 2013:	
For the first such set of license plates	\$54
For each additional such set of license plates	28
(C) On January 1, 2014:	
For the first such set of license plates	\$64
For each additional such set of license plates	38

(5) A truck or truck tractor registered for a gross weight of more than 12,000 pounds, which is operated wholly within the corporate limits of a city or village or within a radius of 25 miles beyond the corporate limits, shall be classified as a local truck except that in no event shall such vehicles operated as contract or common carriers outside a radius of three miles beyond the corporate limits of the city or village in which such vehicles were based when registered and licensed be considered local trucks or truck tractors. The secretary of revenue is hereby authorized and directed to adopt rules and regulations prescribing a procedure for the issuance of permits by the division of vehicles whereby owners of local trucks or truck tractors may operate any such vehicle, empty, beyond the radius hereinbefore prescribed, when such operation is solely for the purpose of having such vehicle repaired, painted or serviced or for adding additional equipment thereto. The annual license fee for a local truck or truck tractor, except as otherwise provided herein, shall be as follows:

(A) Prior to January 1, 2013:	
For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	\$62
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	102
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	132
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs.	177
For a gross weight of more than 26,000 lbs. and not more than 30,000 lbs.	177
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs.	215
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs.	245
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs.	315
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs.	415
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	480
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	580
For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs.	760
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs.	890
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs.	1,010
(B) On January 1, 2013, through December 31, 2013:	
For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	\$112
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	152
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	182
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs.	227
For a gross weight of more than 26,000 lbs. and not more than 30,000 lbs.	227
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs.	265
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs.	295
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs.	365
For a gross weight of more than 48,000 lbs. and not	

more than 54,000 lbs.	465
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	565
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	665
For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs.	845
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs.	975
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs.	1,095
(C) On January 1, 2014:	
For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	\$162
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	202
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	232
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs.	277
For a gross weight of more than 26,000 lbs. and not more than 30,000 lbs.	277
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs.	315
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs.	345
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs.	415
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs.	515
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	615
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	715
For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs.	895
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs.	1,025
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs.	1,145

(6) A truck or truck tractor registered for a gross weight of more than 12,000 pounds, which is owned by a person engaged in farming and which truck or truck tractor is used by such owner to transport agricultural products produced by such owner or commodities purchased by such owner for use on the farm owned or rented by the owner of such farm truck or truck tractor, shall be classified as a farm truck or truck tractor and the annual license fee for such farm truck shall be as follows:

(A) Prior to January 1, 2013:

For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	\$37
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	42
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	52
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs.	72
For a gross weight of more than 26,000 lbs. and not more than 36,000 lbs.	72
For a gross weight of more than 36,000 lbs. and not more than 54,000 lbs.	75
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	190
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	370
For a gross weight of more than 66,000 lbs.	610
(B) On January 1, 2013, through December 31, 2013:	
For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	\$47
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	92
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	102
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs.	122
For a gross weight of more than 26,000 lbs. and not more than 36,000 lbs.	122
For a gross weight of more than 36,000 lbs. and not more than 54,000 lbs.	125
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	275
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	455
For a gross weight of more than 66,000 lbs.	695
(C) On January 1, 2014:	
For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	\$57
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	142
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	152
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs.	172
For a gross weight of more than 26,000 lbs. and not more than 36,000 lbs.	172
For a gross weight of more than 36,000 lbs. and not	

more than 54,000 lbs. 175
 For a gross weight of more than 54,000 lbs. and not
 more than 60,000 lbs. 325
 For a gross weight of more than 60,000 lbs. and not
 more than 66,000 lbs. 505
 For a gross weight of more than 66,000 lbs. 745

A vehicle licensed as a farm truck or truck tractor may be used by the owner thereof to transport, for charity and without compensation of any kind, commodities for religious or educational institutions. A truck which is licensed as a farm truck may also be used for the transportation of sand, gravel, slag stone, limestone, crushed stone, cinders, black top, dirt or fill material to a township road maintenance or construction site of the township in which the owner of such truck resides. Any applicant for registration of any farm truck or farm truck tractor used in combination with a trailer or semitrailer shall register the farm truck or farm truck tractor for a gross weight which shall include the empty weight of the truck or truck tractor or of the combination of any truck or truck tractor and any type of trailer or semitrailer, plus the maximum weight of cargo which will be transported on or with the same. The applicant for registration of any farm truck or farm truck tractor used to transport a gross weight of more than 54,000 pounds shall durably letter on the side of the motor vehicle the words "farm vehicle—not for hire." If an applicant for registration of any farm truck or farm truck tractor operates such vehicle for any use or purpose not authorized for a farm truck or farm truck tractor, such applicant shall pay an additional fee equal to the fee required for the registration of all trucks or truck tractors not registered as local, 6,000-mile or farm truck or farm truck tractor motor vehicles, less the amount of the fee paid at time of registration. Nothing in this or the preceding paragraph shall authorize a gross weight of a vehicle or combination of vehicles on the national system of interstate and defense highways greater than permitted by laws of the United States congress.

(7) Except as hereinafter provided, the annual license fee for each local urban transit bus used in local urban transit operations exempted under the provisions of subsection (a) of K.S.A. 66-1,109, and amendments thereto, shall be based on the passenger seating capacity of the bus and shall be as follows:

(A) Prior to January 1, 2013:
 8 or more, but less than 31 passengers \$15
 31 or more, but less than 40 passengers 30
 More than 39 passengers 60
 (B) On January 1, 2013, through December 31, 2013:
 8 or more, but less than 31 passengers \$25
 31 or more, but less than 40 passengers 40
 More than 39 passengers 70
 (C) On January 1, 2014:
 8 or more, but less than 31 passengers \$35
 31 or more, but less than 40 passengers 50
 More than 39 passengers 80

The annual license fee for each local urban transit bus which is owned by a metropolitan transit authority established pursuant to articles 25 and 28 of chapter 12 or pursuant to article 31 of chapter 13 of the Kansas Statutes Annotated shall be \$2.

(8) For licensing purposes, station wagons with a carrying capacity of less than 10

passengers shall be subject to registration fees based on the weight of the vehicles, as provided in subsection (a). Station wagons with a carrying capacity of 10 or more passengers shall be subject to the truck classifications and license fees as provided.

(9) For any trailer, semitrailer, travel trailer or pole trailer the annual license fee shall be as follows:

(A) (i) Until January 1, 2013, for any such vehicle with a gross weight of more than 12,000 pounds the annual fee shall be \$35;

(ii) On January 1, 2013, for any such vehicle with a gross weight of more than 12,000 pounds but less than 54,000 pounds the annual fee shall be \$45, on January 1, 2014, \$55;

(B) any such vehicle grossing more than 8,000 pounds but not over 12,000 pounds, the annual fee shall be \$25, on January 1, 2013, \$35, on January 1, 2014, \$45;

(C) for any such vehicle grossing more than 2,000 pounds but not over 8,000 pounds, the annual fee shall be \$15, on January 1, 2013, \$25, on January 1, 2014, \$35.

Any such vehicle having a gross weight of 2,000 pounds or less may, at the owner's option, be registered and the fee for such registration shall be as provided in paragraph (C).

Any trailer, semitrailer or travel trailer owned by a nonresident of this state and based in another state, which is properly registered and licensed in the state of residence of the owner or in the state where based, may be operated in this state without being registered or licensed in this state if the truck or truck tractor propelling the same is properly registered and licensed in this state, or is registered and licensed in some other state and is entitled to reciprocal privileges of operation in this state, but this provision shall not apply to any trailer or semitrailer owned by a nonresident of this state when such trailer or semitrailer is owned by a person who has proportionately registered and licensed a fleet of vehicles under the provisions of K.S.A. 8-1,101 to 8-1,123, inclusive, and amendments thereto, or under the terms of any reciprocal or proration agreement made pursuant thereto.

At the option of the owner, any trailer, semitrailer or pole trailer, with a gross weight of more than 12,000 pounds, may be issued a multi-year registration for a five-year period upon payment of the appropriate registration fee. The fee for a five-year registration of such trailer shall be five times the annual fee for such trailer. If the annual registration fee is increased during the multi-year registration period, the owner of the trailer with such multi-year registration shall be subject to the amount of the increase of the annual registration fee for the remaining calendar years of such multi-year registration. When the owner of any trailer, semitrailer or pole trailer registered under this multi-year provision transfers or assigns the title, or interest thereto, the registration of such trailer shall expire. The owner shall remove the license plate from such trailer and forward the license plate to the division of vehicles or may have such license plate assigned to another trailer, semitrailer or pole trailer upon the payment of fees required by law. Any owner of a trailer, semitrailer or pole trailer where the multi-year registration fee has been paid and the trailer is sold, junked, repossessed, foreclosed by a mechanic's lien or title transferred by operation of law, and the registration thereon is not going to be transferred to another trailer, may secure a refund for the registration fee for the remaining calendar years by making application to the division of vehicles on a form and in the manner prescribed by the director of vehicles. The secretary of revenue may adopt such rules and regulations necessary to implement

the multi-year registration of such trailers, semitrailers and pole trailers.

(c) Any truck or truck tractor having a gross weight of 4,000 pounds or over, using solid tires, shall pay a license fee of double the amount herein charged. The annual fees herein provided for trucks, truck tractors and trailers not subject to K.S.A. 8-134a, and amendments thereto, shall be due January 1 of each year and payable on or before the last day of February in each year. If the fee is not paid by such date a penalty of \$1 shall be added to the fee charged herein for each month or fraction thereof and until December 31 of each registration year. The annual registration fee for all passenger vehicles and vehicles subject to K.S.A. 8-134a, and amendments thereto, shall be due on or before the last day of the month in which the registration plate expires and shall be due for other vehicles as provided by K.S.A. 8-134, and amendments thereto. If the registration fee is not paid by such date a penalty of \$1 shall be added to the fee charged herein for each month or fraction thereof until such registration fee is paid. Members of the armed forces of the United States shall be permitted to apply for registration at any time and be subject to registration fee, less penalties, applicable at the time the application is made. If any motorcycle, motorized bicycle, trailer, semitrailer, travel trailer, or pole trailer is either purchased or acquired after the anniversary or renewal date in any registration year there shall immediately become due and payable a registration fee as follows: If purchased or acquired between the anniversary or renewal date of any registration year and the first six months of such registration year, the annual fee hereinbefore provided; if purchased or acquired during the last six months of any registration year, 50% of such annual fee. If any truck or truck tractor, except trucks subject to K.S.A. 8-134a, and amendments thereto, is purchased or acquired prior to April 1 of any year the fee shall be the annual fee hereinbefore provided, but if such truck or truck tractor is purchased or acquired after the end of March of any year, the license fee for such year shall be reduced $\frac{1}{12}$ for each calendar month which has elapsed since the beginning of the year. If any truck registered for a gross weight of 12,000 pounds or less or passenger vehicle is purchased or acquired and less than 12 months remain in the registration period, the fee shall be $\frac{1}{12}$ of the annual fee for each calendar month remaining in the registration period.

(d) The owner of any motorcycle, motorized bicycle, passenger vehicle, truck, truck tractor, trailer, semitrailer, or electrically propelled vehicle who fails to pay the registration fee or fees herein provided on the date when the same become due and payable shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a penalty in the sum of \$1 for each month or fraction thereof during which such fee has remained unpaid after it became due and payable; and in addition thereto shall be subject to such other punishment as is provided in this act. Upon the transfer of motorcycles, motorized bicycles, passenger vehicles, trailers, semitrailers, trucks or truck tractors, on which registration fees have been paid for the year in which the transfer is made, either (1) to a corporation by one or more persons, solely in exchange for stock or securities in such corporation, or (2) by one corporation to another corporation when all of the assets of such corporation are transferred to the other corporation, then in either case (1) or case (2) the corporation shall be exempt from the payment of registration fees on such vehicles for the year in which such transfer is made. Applications for transfer or registration shall be accompanied by a fee of \$1.50. When the registration of a vehicle has expired at midnight on the last day of any registration year, and such vehicle is not thereafter operated upon the highways, any

application for renewal of registration made subsequent to the anniversary or renewal date of any registration year following the expiration of such registration and for succeeding registration years in which such vehicle has not been registered shall be accompanied by an affidavit of nonoperation and nonuse, and such application for renewal or registration shall be received by the division of vehicles upon payment of the proper fees for the current registration year and without penalty.

(e) Any nonresident of Kansas purchasing a vehicle from a Kansas resident and desiring to secure registration on the vehicle in the state of such person's residence may make application in the office of any county treasurer for a ~~thirty-day~~ *sixty-day* temporary registration. The county treasurer upon presentation of evidence of ownership in the applicant and evidence the sales tax has been paid, if due, shall charge and collect a fee of \$3 for each ~~thirty-day~~ *sixty-day* temporary license and issue a sticker or paper registration as may be determined by the director of vehicles, and the registration so issued shall be valid for a period of ~~30~~ *60* days from the date of issuance.

(f) Any owner of any motor vehicle which is subject to taxation under the provisions of article 51 of chapter 79 of the Kansas Statutes Annotated or any other truck or truck tractor where the annual registration fee has been paid and the vehicle is sold, junked, repossessed, foreclosed by a mechanic's lien or title transferred by operation of law, and the registration thereon is not going to be transferred to another vehicle may secure a refund for the registration fee for the remaining portion of the year by making application to the division of vehicles on a form and in the manner prescribed by the director of vehicles, accompanied by all license plates and attachments issued in connection therewith. If the owner of the registration becomes deceased and the vehicle is not going to be used on the highway, and title is not being currently transferred, the proper representative of the estate shall be entitled to the refund. The refund shall be made only for the period of time remaining in the registration year from the date of completion and filing of the application with and delivery of the license plate and attachments to the division of vehicles. Where the registration is secured under a quarterly payment annual registration fee, as provided for in K.S.A. 8-143a, and amendments thereto, such refund shall be made on the quarterly fee paid and unused and all remaining quarterly payments shall be canceled. Any truck or truck tractor having the registration fee paid on quarterly payment basis, all quarterly payments due or a fraction of quarterly payment due shall be paid before title may be transferred, except that in case of death, the filing of the application and returning of the license plate and attachment shall cancel the remaining annual payments due. Whenever a truck or truck tractor, where the registration is secured on a quarterly payment of the annual registration, the one repossessing the truck or truck tractor, or foreclosing by a mechanic's lien, or securing title by court order, the mortgagor or the assigns of the mortgagor, or the one securing title may pay the balance due on date of application for title, but the payments for the remaining portion of the year shall not be canceled unless application is made and the license plate and attachments are surrendered. Nothing in this subsection shall apply when registration is secured under the provisions of K.S.A. 8-1,101 to 8-1,123, inclusive, and amendments thereto. Notwithstanding any of the foregoing provisions of this section, no refund shall be made under the provisions of this section where the amount thereof does not exceed \$5. The division of vehicles shall furnish such blank forms as may be required under the provisions of this subsection as it deems necessary to be completed by the applicant. Whenever a registration which has

been secured on a quarterly basis shall be canceled as provided in this subsection, the division of vehicles shall notify the county treasurer issuing the original registration of such cancellation so that the county treasurer may, and the county treasurer shall cancel the registration of such vehicle in the county treasurer's office and release any lien issued in connection with such registration.

(g) Every owner of a travel trailer designed for or intended to be moved upon any highway in this state shall, before the same is so moved, apply for and obtain the proper registration thereof as provided in this act, except when such unit is permitted to be moved under the special provisions relating to secured parties, manufacturers, dealers and nonresidents contained in this act. At the time of registering any travel trailer for the purpose of moving any such vehicle upon any highway in this state, the owner thereof shall indicate on the registration form whether or not such vehicle is being moved permanently to a location outside of the county in which such vehicle is being registered. No such vehicle which the owner thereof intends to move to a permanent location outside the boundaries of such county shall be registered for movement on the highways of this state until all taxes levied against such vehicle have been paid. A copy of such registration form shall be sent to the county clerk or assessor of the county to which such vehicle is being moved. When such travel trailer is used for living quarters and not operated on the highways, the owner shall be exempt from the license fees as provided in subsection (b)(9) so long as such travel trailer is not operated on the highway.

Sec. 5. K.S.A. 2011 Supp. 8-198 is hereby amended to read as follows: 8-198. (a) A nonhighway or salvage vehicle shall not be required to be registered in this state, as provided in K.S.A. 8-135, and amendments thereto, but nothing in this section shall be construed as abrogating, limiting or otherwise affecting the provisions of K.S.A. 8-142, and amendments thereto, which make it unlawful for any person to operate or knowingly permit the operation in this state of a vehicle required to be registered in this state.

(b) Upon the sale or transfer of any nonhighway vehicle or salvage vehicle, the purchaser thereof shall obtain a nonhighway certificate of title or salvage title, whichever is applicable, in the following manner:

(1) If the transferor is a vehicle dealer, as defined in K.S.A. 8-2401, and amendments thereto, and a certificate of title has not been issued for such vehicle under this section or under the provisions of K.S.A. 8-135, and amendments thereto, such transferor shall make application for and assign a nonhighway certificate of title or a salvage title, whichever is applicable, to the purchaser of such nonhighway vehicle or salvage vehicle in the same manner and under the same conditions prescribed by K.S.A. 8-135, and amendments thereto, for the application for and assignment of a certificate of title thereunder. Upon the assignment thereof, the purchaser shall make application for a new nonhighway certificate of title or salvage title, as provided in subsection (c) or (d).

(2) Except as provided in subsection (b) of K.S.A. 8-199, and amendments thereto, if a certificate of title has been issued for any such vehicle under the provisions of K.S.A. 8-135, and amendments thereto, the owner of such nonhighway vehicle or salvage vehicle may surrender such certificate of title to the division of vehicles and make application to the division for a nonhighway certificate of title or salvage title, whichever is applicable, or the owner may obtain from the county treasurer's office a

form prescribed by the division of vehicles and, upon proper execution thereof, may assign the nonhighway certificate of title, salvage title or the regular certificate of title with such form attached to the purchaser of the nonhighway vehicle or salvage vehicle. Upon receipt of the nonhighway certificate of title, salvage title or the regular certificate of title with such form attached, the purchaser shall make application for a new nonhighway certificate of title or salvage title, whichever is applicable, as provided in subsection (c) or (d).

(3) If the transferor is not a vehicle dealer, as defined in K.S.A. 8-2401, and amendments thereto, and a certificate of title has not been issued for the vehicle under this section or a certificate of title was not required under K.S.A. 8-135, and amendments thereto, the transferor shall make application to the division for a nonhighway certificate of title or salvage title, whichever is applicable, as provided in this section, except that in addition thereto, the division shall require a bill of sale or such transferor's affidavit, with at least one other corroborating affidavit, that such transferor is the owner of such nonhighway vehicle or salvage vehicle. If the division is satisfied that the transferor is the owner, the division shall issue a nonhighway certificate of title or salvage title, whichever is applicable, for such vehicle, and the transferor shall assign the same to the purchaser, who shall make application for a new nonhighway certificate of title or salvage title, whichever is applicable, as provided in subsection (c) or (d).

(c) Every purchaser of a nonhighway vehicle, whether assigned a nonhighway certificate of title or a regular certificate of title with the form specified in paragraph (2) of subsection (b) attached, shall make application to the county treasurer of the county in which such person resides for a new nonhighway certificate of title in the same manner and under the same conditions as for an application for a certificate of title under K.S.A. 8-135, and amendments thereto. Such application shall be in the form prescribed by the director of vehicles and shall contain substantially the same provisions as required for an application under subsection (c)(1) of K.S.A. 8-135, and amendments thereto. In addition, such application shall provide a place for the applicant to certify that the vehicle for which the application for a nonhighway certificate of title is made is a nonhighway vehicle and other provisions the director deems necessary. Each application for a nonhighway certificate of title shall be accompanied by a fee of \$10, and if the application is not made to the county treasurer within the time prescribed by K.S.A. 8-135, and amendments thereto, for making application for a certificate of title thereunder, an additional fee of \$2.

(d) (1) Except as otherwise provided by this section, the owner of a vehicle that meets the definition of a salvage vehicle shall apply for a salvage title before the ownership of the motor vehicle is transferred. In no event shall such application be made more than ~~30~~ 60 days after the vehicle is determined to be a salvage vehicle.

(2) Every insurance company, which pursuant to a damage settlement, acquires ownership of a vehicle that has incurred damage requiring the vehicle to be designated a salvage vehicle, shall apply for a salvage title within ~~30~~ 60 days after the title is assigned and delivered by the owner to the insurance company, with all liens released.

(3) Every insurance company which makes a damage settlement for a vehicle that has incurred damage requiring such vehicle to be designated a salvage vehicle, but does not acquire ownership of the vehicle, shall notify the vehicle owner of the owner's obligation to apply for a salvage title for the motor vehicle, and shall notify the division

of this fact in accordance with procedures established by the division. The vehicle owner shall apply for a salvage title within ~~30~~ 60 days after being notified by the insurance company.

(4) The lessee of any vehicle which incurs damage requiring the vehicle to be designated a salvage vehicle shall notify the lessor of this fact within 30 days of the determination that the vehicle is a salvage vehicle.

(5) The lessor of any motor vehicle which has incurred damage requiring the vehicle to be titled as a salvage vehicle, shall apply for a salvage title within ~~30~~ 60 days after being notified of this fact by the lessee.

(6) Every person acquiring ownership of a motor vehicle that meets the definition of a salvage vehicle, for which a salvage title has not been issued, shall apply for the required document prior to any further transfer of such vehicle, but in no event, more than ~~30~~ 60 days after ownership is acquired.

(7) Every purchaser of a salvage vehicle, whether assigned a salvage title or a regular certificate of title with the form specified in paragraph (2) of subsection (b) attached, shall make application to the county treasurer of the county in which such person resides for a new salvage title, in the same manner and under the same condition as for an application for a certificate of title under K.S.A. 8-135, and amendments thereto. Such application shall be in the form prescribed by the director of vehicles and shall contain substantially the same provisions as required for an application under subsection (c)(1) of K.S.A. 8-135, and amendments thereto. In addition, such application shall provide a place for the applicant to certify that the vehicle for which the application for salvage title is made is a salvage vehicle, and other provisions the director deems necessary. Each application for a salvage title shall be accompanied by a fee of \$10 and if the application is not made to the county treasurer within the time prescribed by K.S.A. 8-135, and amendments thereto, for making application for a certificate of title thereunder, an additional fee of \$2.

(8) Failure to apply for a salvage title as provided by this subsection shall be a class C nonperson misdemeanor.

(e) A nonhighway certificate of title or salvage title shall be in form and color as prescribed by the director of vehicles. A nonhighway certificate of title or salvage title shall indicate clearly and distinctly on its face that it is issued for a nonhighway vehicle or salvage vehicle, whichever is applicable. A nonhighway certificate of title or salvage title shall contain substantially the same information as required on a certificate of title issued under K.S.A. 8-135, and amendments thereto, and other information the director deems necessary.

(f) (1) A nonhighway certificate of title or salvage title may be transferred in the same manner and under the same conditions as prescribed by K.S.A. 8-135, and amendments thereto, for the transfer of a certificate of title, except as otherwise provided in this section. A nonhighway certificate of title or salvage title may be assigned and transferred only while the vehicle remains a nonhighway vehicle or salvage vehicle.

(2) Upon transfer or sale of a nonhighway vehicle in a condition which will allow the registration of such vehicle, the owner shall assign the nonhighway certificate of title to the purchaser, and the purchaser shall obtain a certificate of title and register such vehicle as provided in K.S.A. 8-135, and amendments thereto. No regular certificate of title shall be issued for a vehicle for which there has been issued a

nonhighway certificate of title until there has been compliance with K.S.A. 8-116a, and amendments thereto.

(3) (A) Upon transfer or sale of a salvage vehicle which has been rebuilt or restored or is otherwise in a condition which will allow the registration of such vehicle, the owner shall assign the salvage title to the purchaser, and the purchaser shall obtain a rebuilt salvage title and register such vehicle as provided in K.S.A. 8-135, and amendments thereto. No rebuilt salvage title shall be issued for a vehicle for which there has been issued a salvage title until there has been compliance with K.S.A. 8-116a, and amendments thereto, and the notice required in paragraph (3)(B) of this subsection has been attached to such vehicle.

(B) As part of the inspection for a rebuilt salvage title conducted under K.S.A. 8-116a, and amendments thereto, the Kansas highway patrol shall attach a notice affixed to the left door frame of the rebuilt salvage vehicle indicating the vehicle identification number of such vehicle and that such vehicle is a rebuilt salvage vehicle. In addition to any fee allowed under K.S.A. 8-116a, and amendments thereto, a fee of \$5 shall be collected from the owner of such vehicle requesting the inspection for the notice required under this paragraph. All moneys received under this paragraph shall be remitted in accordance with subsection (e) of K.S.A. 8-116a, and amendments thereto.

(C) Failure to apply for a rebuilt salvage title as provided by this paragraph shall be a class C nonperson misdemeanor.

(g) The owner of a salvage vehicle which has been issued a salvage title and has been assembled, reconstructed, reconstituted or restored or otherwise placed in an operable condition may make application to the county treasurer for a permit to operate such vehicle on the highways of this state over the most direct route from the place such salvage vehicle is located to a specified location named on the permit and to return to the original location. No such permit shall be issued for any vehicle unless the owner has motor vehicle liability insurance coverage or an approved self-insurance plan under K.S.A. 40-3104, and amendments thereto. Such permit shall be on a form furnished by the director of vehicles and shall state the date the vehicle is to be taken to the other location, the name of the insurer, as defined in K.S.A. 40-3103, and amendments thereto, and the policy number or a statement that the vehicle is included in a self-insurance plan approved by the commissioner of insurance, a statement attesting to the correctness of the information concerning financial security, the vehicle identification number and a description of the vehicle. Such permit shall be signed by the owner of the vehicle. Permits issued under this subsection (g) shall be prepared in triplicate. One copy shall be carried in the vehicle for which it is issued and shall be displayed so that it is visible from the rear of the vehicle. The second copy shall be retained by the county treasurer, and the third copy shall be forwarded by the county treasurer to the division of vehicles. The fee for such permit shall be \$1 which shall be retained by the county treasurer, who shall annually forward 25% of all such fees collected to the division of vehicles to reimburse the division for administrative expenses, and shall deposit the remainder in a special fund for expenses of issuing such permits.

(h) A nonhighway vehicle or salvage vehicle for which a nonhighway certificate of title or salvage title has been issued pursuant to this section shall not be deemed a motor vehicle for the purposes of K.S.A. 40-3101 to 40-3121, inclusive, and amendments thereto, except when such vehicle is being operated pursuant to subsection (g). Any person who knowingly makes a false statement concerning financial security in

obtaining a permit pursuant to subsection (g), or who fails to obtain a permit when required by law to do so is guilty of a class C misdemeanor.

(i) Any person who, on July 1, 1996, is the owner of an all-terrain vehicle, as defined in K.S.A. 8-126, and amendments thereto, shall not be required to file an application for a nonhighway certificate of title under the provisions of this section for such all-terrain vehicle, unless the person transfers an interest in such all-terrain vehicle.

(j) Any person who, on July 1, 2006, is the owner of a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, shall not be required to file an application for a nonhighway certificate of title under the provisions of this section for such work-site utility vehicle, unless the person transfers an interest in such work-site utility vehicle.";

And by renumbering sections accordingly;

On page 9, in line 8, after "K.S.A." by inserting "8-127 and K.S.A."; also in line 8, after "8-135" by inserting ", 8-135c, 8-143, 8-198";

On page 1, in the title, in line 3, after "K.S.A." by inserting "8-127 and K.S.A."; also in line 3, after "8-135" by inserting ", 8-135c, 8-143, 8-198" and **SB 300** be passed as further amended.

SR 1803, SR 1804 be adopted.

HCR 5016 be adopted.

On motion of Senator Emler, the Senate adjourned until 2:30 p.m, Thursday, February 2, 2012.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

