

HOUSE BILL No. 2172

By Committee on Transportation

2-7

1 AN ACT concerning motor ~~vehicle registrations; relating to proof of~~
2 ~~financial security~~ **vehicles; relating to vehicle registration; VIN**
3 **inspection fees**; amending K.S.A. 2010 Supp. **8-116a and** 8-173 and
4 repealing the existing ~~section~~ **sections**.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 **Section 1. K.S.A. 2010 Supp. 8-116a is hereby amended to read**
8 **as follows: 8-116a. (a) Except as provided in K.S.A. 8-170, and**
9 **amendments thereto, when an application is made for a vehicle which**
10 **has been assembled, reconstructed, reconstituted or restored from one or**
11 **more vehicles, or the proper identification number of a vehicle is in**
12 **doubt, the procedure in this section shall be followed. The owner of the**
13 **vehicle shall request the Kansas highway patrol to check the vehicle and**
14 **the highway patrol shall within a reasonable period of time perform**
15 **such vehicle check. At the time of such check the owner shall supply the**
16 **highway patrol with information concerning the history of the various**
17 **parts of the vehicle. Such information shall be supplied by affidavit of**
18 **the owner, if so requested by the highway patrol. If the highway patrol is**
19 **satisfied that the vehicle contains no stolen parts, it shall assign an**
20 **existing or new identification number to the vehicle and direct the places**
21 **and manner in which the identification number is to be located and**
22 **affixed or implanted. A charge of ~~\$10~~ \$15 per hour or part thereof, with**
23 **a minimum charge of ~~\$10~~ \$15, and on and after July 1, 2012, a charge of**
24 **\$20 per hour or part thereof, with a minimum charge of \$20, shall be**
25 **made to the owner of a vehicle requesting check under this subsection,**
26 **and such charge shall be paid prior to the check under this section.**
27 **When a check has been made under subsection (b), not more than 60**
28 **days prior to a check of the same vehicle identification number,**
29 **requested by the owner of the vehicle to obtain a regular certificate of**
30 **title in lieu of a nonhighway certificate of title or to obtain a rebuilt**
31 **salvage title in lieu of a salvage title, no charge shall be made for such**
32 **second check.**

33 **(b) Any person making application for any original Kansas title for**
34 **a used vehicle which, at the time of making application, is titled in**
35 **another jurisdiction, as a condition precedent to obtaining any Kansas**
36 **title, shall have such vehicle checked by the Kansas highway patrol for**

1 *verification that the vehicle identification number shown on the foreign*
2 *title is genuine and agrees with the identification number on the vehicle.*
3 *Checks under this section may include inspection for possible violation*
4 *of K.S.A. 21-3757, and amendments thereto, or other evidence of*
5 *possible fraud. The verification shall be made upon forms prescribed by*
6 *the division of vehicles which shall contain such information as the*
7 *secretary of revenue shall require by rules and regulations. A charge of*
8 *~~\$10~~ \$15 per hour or part thereof, with a minimum charge of ~~\$10~~ \$15,*
9 *and on and after July 1, 2012, a charge of \$20 per hour or part thereof,*
10 *with a minimum charge of \$20, shall be made for checks under this*
11 *subsection. When a vehicle is registered in another state, but is financed*
12 *by a Kansas financial institution and is repossessed in another state and*
13 *such vehicle will not be returned to Kansas, the check required by this*
14 *subsection ~~(b)~~ shall not be required to obtain a valid Kansas title or*
15 *registration.*

16 *(c) As used in this act, "identification number" or "vehicle*
17 *identification number" means an identifying number, serial number,*
18 *engine number, transmission number or other distinguishing number or*
19 *mark, placed on a vehicle, engine, transmission or other essential part*
20 *by its manufacturer or by authority of the division of vehicles or the*
21 *Kansas highway patrol or in accordance with the laws of another state*
22 *or country.*

23 *(d) The checks made under subsection (b) may be made by:*

24 *(1) A designee of the superintendent of the Kansas highway patrol;*
25 *or*

26 *(2) an employee of a new vehicle dealer, as defined in subsection*
27 *(b) of K.S.A. 8-2401, and amendments thereto, for the purposes provided*
28 *for in subsection (f). For checks made by a designee or new vehicle*
29 *dealer, ~~\$1~~ 10% of each charge shall be remitted to the Kansas highway*
30 *patrol and the balance of such charges shall be retained by such*
31 *designee or new vehicle dealer. If the designee is a city or county law*
32 *enforcement agency, then the balance shall be paid to the law enforcement*
33 *agency that conducted the inspection. When a check is made under either*
34 *subsection (a) or (b) by personnel of the Kansas highway patrol ~~or when~~*
35 *a check is made under subsection (b) by an employee of a new vehicle*
36 *dealer, the entire amount of the charge therefor shall be paid to the*
37 *highway patrol.*

38 *(e) There is hereby created the vehicle identification number fee*
39 *fund. The Kansas highway patrol shall remit all moneys received by the*
40 *Kansas highway patrol from fees collected under subsection (d) to the*
41 *state treasurer in accordance with the provisions of K.S.A. 75-4215, and*
42 *amendments thereto. Upon receipt of each such remittance, the state*
43 *treasurer shall deposit the entire amount in the state treasury to the*

1 *credit of the vehicle identification number fee fund. All expenditures*
2 *from the vehicle identification number fee fund shall be made in*
3 *accordance with appropriations acts upon warrants of the director of*
4 *accounts and reports issued pursuant to vouchers approved by the*
5 *superintendent of the Kansas highway patrol or by a person or persons*
6 *designated by the superintendent.*

7 *(f) An employee of a new vehicle dealer, who has received initial*
8 *training and certification from the highway patrol, and has met*
9 *continuing certification requirements, in accordance with rules and*
10 *regulations adopted by the superintendent of the highway patrol, may*
11 *provide the checks under subsection (b), in accordance with rules and*
12 *regulations adopted by the superintendent of the highway patrol, on*
13 *motor vehicles that a new vehicle dealer purchases through a*
14 *manufacturer's sponsored auction or on motor vehicles repurchased or*
15 *reacquired by a manufacturer, distributor or financing subsidiary of*
16 *such manufacturer and which are purchased by the new vehicle dealer.*
17 *At any time, after a hearing in accordance with the provisions of the*
18 *Kansas administrative procedure act, the superintendent of the highway*
19 *patrol may revoke, suspend, decline to renew or decline to issue*
20 *certification for failure to comply with the provisions of this subsection,*
21 *including any rules and regulations.*

22
23 Section 1. *Sec. 2.* K.S.A. 2010 Supp. 8-173 is hereby amended to
24 read as follows: 8-173. (a) An application for registration of a vehicle as
25 provided in article 1 of chapter 8 of the Kansas Statutes Annotated, and
26 amendments thereto, shall not be accepted unless the person making such
27 application shall exhibit:

28 (1) A receipt showing that such person has paid all personal property
29 taxes levied against such person for the preceding year, including taxes
30 upon such vehicle, except that if such application is made before May 11,
31 such receipt need show payment of only one-half the preceding year's tax;
32 or

33 (2) evidence that such vehicle was assessed for taxation purposes by a
34 state agency, or was assessed as stock in trade of a merchant or
35 manufacturer or was exempt from taxation under the laws of this state.

36 (b) An application for registration of a vehicle as provided in article 1
37 of chapter 8 of the Kansas Statutes Annotated shall not be accepted if the
38 records of the county treasurer show that the applicant is delinquent and
39 owes personal property taxes levied against the applicant for any
40 preceding year.

41 (c) ~~An original application for registration or renewal of registration~~
42 ~~of a motor vehicle shall not be accepted until the applicant signs a~~
43 ~~certification, provided by the director of motor vehicles, certifying that the~~

1 applicant has and will maintain, during the period of registration, the
2 required insurance, self-insurance or other financial security required
3 pursuant to K.S.A. 40-3104, and amendments thereto.

4 (d) An application for registration or renewal of registration of a
5 vehicle shall not be accepted if the applicant is unable to provide proof of
6 the insurance, self-insurance or other financial security required by article
7 31 of chapter 40 of the Kansas Statutes Annotated. Proof of insurance shall
8 be verified by examination of the insurance card or other documentation
9 issued by an insurance company, a certificate of self-insurance issued by
10 the commissioner, a binder of insurance, a certificate of insurance, a motor
11 carrier identification number issued by the state corporation commission,
12 proof of insurance for vehicles covered under a fleet policy, a commercial
13 policy covering more than one vehicle or a policy of insurance required by
14 K.S.A. 40-3104, and amendments thereto, and for vehicles used as part of
15 a drivers education program, a dealership contract and a copy of a motor
16 vehicle liability insurance policy issued to a school district or accredited
17 nonpublic school. Examination of a photocopy or facsimile of any of these
18 documents shall suffice for verification of registration or renewal. Proof of
19 insurance may also be verified on-line or electronically and the
20 commissioner of insurance may require, by duly adopted rules and
21 regulations, any motor vehicle liability insurance company authorized to
22 do business in this state to provide verification of insurance in that manner.
23 Any motor vehicle liability insurance company which is providing
24 verification of insurance on-line or electronically on the day preceding the
25 effective date of this act may continue to do so in the same manner and
26 shall be deemed to be in compliance with this section.

27 Sec. 2 **3.** K.S.A. 2010 Supp. **8-116a and** 8-173 ~~is~~ **are** hereby
28 repealed.

29 Sec. 3 **4.** This act shall take effect and be in force from and after its
30 publication in the statute book.