

## HOUSE BILL No. 2046

By Committee on Transportation

1-22

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1 AN ACT concerning motor vehicles; relating to golf carts; amending  
2 K.S.A. 2012 Supp. 8-126, 8-1495 and 8-15,108 and repealing the  
3 existing sections.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2012 Supp. 8-126 is hereby amended to read as  
7 follows: 8-126. The following words and phrases when used in this act  
8 shall have the meanings respectively ascribed to them herein:

9 (a) "Vehicle" means every device in, upon or by which any person or  
10 property is or may be transported or drawn upon a public highway,  
11 excepting electric personal assistive mobility devices or devices moved by  
12 human power or used exclusively upon stationary rails or tracks.

13 (b) "Motor vehicle" means every vehicle, other than a motorized  
14 bicycle or a motorized wheelchair, which is self-propelled.

15 (c) "Truck" means a motor vehicle which is used for the  
16 transportation or delivery of freight and merchandise or more than 10  
17 passengers.

18 (d) "Motorcycle" means every motor vehicle designed to travel on not  
19 more than three wheels in contact with the ground, except any such vehicle  
20 as may be included within the term "tractor" as herein defined.

21 (e) "Truck tractor" means every motor vehicle designed and used  
22 primarily for drawing other vehicles, and not so constructed as to carry a  
23 load other than a part of the weight of the vehicle or load so drawn.

24 (f) "Farm tractor" means every motor vehicle designed and used as a  
25 farm implement power unit operated with or without other attached farm  
26 implements in any manner consistent with the structural design of such  
27 power unit.

28 (g) "Road tractor" means every motor vehicle designed and used for  
29 drawing other vehicles, and not so constructed as to carry any load thereon  
30 independently, or any part of the weight of a vehicle or load so drawn.

31 (h) "Trailer" means every vehicle without motive power designed to  
32 carry property or passengers wholly on its own structure and to be drawn  
33 by a motor vehicle.

34 (i) "Semitrailer" means every vehicle of the trailer type so designed  
35 and used in conjunction with a motor vehicle that some part of its own  
36 weight and that of its own load rests upon or is carried by another vehicle.

1 (j) "Pole trailer" means any two-wheel vehicle used as a trailer with  
2 bolsters that support the load, and do not have a rack or body extending to  
3 the tractor drawing the load.

4 (k) "Specially constructed vehicle" means any vehicle which shall not  
5 have been originally constructed under a distinctive name, make, model or  
6 type, or which, if originally otherwise constructed shall have been  
7 materially altered by the removal of essential parts, or by the addition or  
8 substitution of essential parts, new or used, derived from other vehicles or  
9 makes of vehicles.

10 (l) "Foreign vehicle" means every motor vehicle, trailer or semitrailer  
11 which shall be brought into this state otherwise than in ordinary course of  
12 business by or through a manufacturer or dealer and which has not been  
13 registered in this state.

14 (m) "Person" means every natural person, firm, partnership,  
15 association or corporation.

16 (n) "Owner" means a person who holds the legal title of a vehicle, or  
17 in the event a vehicle is the subject of an agreement for the conditional  
18 sale thereof with the right of purchase upon performance of the conditions  
19 stated in the agreement and with an immediate right of possession vested  
20 in the conditional vendee or in the event a vehicle is subject to a lease of  
21 30 days or more with an immediate right of possession vested in the  
22 lessee; or in the event a party having a security interest in a vehicle is  
23 entitled to possession, then such conditional vendee or lessee or secured  
24 party shall be deemed the owner for the purpose of this act.

25 (o) "Nonresident" means every person who is not a resident of this  
26 state.

27 (p) "Manufacturer" means every person engaged in the business of  
28 manufacturing motor vehicles, trailers or semitrailers.

29 (q) "New vehicle dealer" means every person actively engaged in the  
30 business of buying, selling or exchanging new motor vehicles, travel  
31 trailers, trailers or vehicles and who holds a dealer's contract therefor from  
32 a manufacturer or distributor and who has an established place of business  
33 in this state.

34 (r) "Used vehicle dealer" means every person actively engaged in the  
35 business of buying, selling or exchanging used vehicles, and having an  
36 established place of business in this state and who does not hold a dealer's  
37 contract for the sale of new motor vehicles, travel trailers, trailers or  
38 vehicles.

39 (s) "Highway" means every way or place of whatever nature open to  
40 the use of the public as a matter of right for the purpose of vehicular travel.  
41 The term "highway" shall not be deemed to include a roadway or driveway  
42 upon grounds owned by private owners, colleges, universities or other  
43 institutions.

1 (t) "Department" or "motor vehicle department" or "vehicle  
2 department" means the division of vehicles of the department of revenue,  
3 acting directly or through its duly authorized officers and agents. When  
4 acting on behalf of the department of revenue pursuant to this act, a county  
5 treasurer shall be deemed to be an agent of the state of Kansas.

6 (u) "Commission" or "state highway commission" means the director  
7 of vehicles of the department of revenue.

8 (v) "Division" means the division of vehicles of the department of  
9 revenue.

10 (w) "Travel trailer" means every vehicle without motive power  
11 designed to be towed by a motor vehicle constructed primarily for  
12 recreational purposes.

13 (x) "Passenger vehicle" means every motor vehicle, as herein defined,  
14 which is designed primarily to carry 10 or fewer passengers, and which is  
15 not used as a truck.

16 (y) "Self-propelled farm implement" means every farm implement  
17 designed for specific use applications with its motive power unit  
18 permanently incorporated in its structural design.

19 (z) "Farm trailer" means every trailer as defined in subsection (h) of  
20 this section and every semitrailer as defined in subsection (i) of this  
21 section, designed and used primarily as a farm vehicle.

22 (aa) "Motorized bicycle" means every device having two tandem  
23 wheels or three wheels, which may be propelled by either human power or  
24 helper motor, or by both, and which has:

- 25 (1) A motor which produces not more than 3.5 brake horsepower;
- 26 (2) a cylinder capacity of not more than 130 cubic centimeters;
- 27 (3) an automatic transmission; and
- 28 (4) the capability of a maximum design speed of no more than 30  
29 miles per hour.

30 (bb) "All-terrain vehicle" means any motorized nonhighway vehicle  
31 50 inches or less in width, having a dry weight of 1,500 pounds or less,  
32 traveling on three or more nonhighway tires, having a seat designed to be  
33 straddled by the operator. As used in this subsection, nonhighway tire  
34 means any pneumatic tire six inches or more in width, designed for use on  
35 wheels with rim diameter of 14 inches or less.

36 (cc) "Implement of husbandry" means every vehicle designed or  
37 adapted and used exclusively for agricultural operations, including  
38 feedlots, and only incidentally moved or operated upon the highways.  
39 Such term shall include, but not be limited to:

- 40 (1) A farm tractor;
- 41 (2) a self-propelled farm implement;
- 42 (3) a fertilizer spreader, nurse tank or truck permanently mounted  
43 with a spreader used exclusively for dispensing or spreading water, dust or

1 liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202,  
2 and amendments thereto, regardless of ownership;

3 (4) a truck mounted with a fertilizer spreader used or manufactured  
4 principally to spread animal dung;

5 (5) a mixer-feed truck owned and used by a feedlot, as defined in  
6 K.S.A. 47-1501, and amendments thereto, and specially designed and used  
7 exclusively for dispensing food to livestock in such feedlot.

8 (dd) "Motorized wheelchair" means any self-propelled vehicle  
9 designed specifically for use by a physically disabled person that is  
10 incapable of a speed in excess of 15 miles per hour.

11 (ee) "Oil well servicing, oil well clean-out or oil well drilling  
12 machinery or equipment" means a vehicle constructed as a machine used  
13 exclusively for servicing, cleaning-out or drilling an oil well and  
14 consisting in general of a mast, an engine for power, a draw works and a  
15 chassis permanently constructed or assembled for one or more of those  
16 purposes. The passenger capacity of the cab of a vehicle shall not be  
17 considered in determining whether such vehicle is an oil well servicing, oil  
18 well clean-out or oil well drilling machinery or equipment.

19 (ff) "Electric personal assistive mobility device" means a self-  
20 balancing two nontandem wheeled device, designed to transport only one  
21 person, with an electric propulsion system that limits the maximum speed  
22 of the device to 15 miles per hour or less.

23 (gg) "Electronic certificate of title" means any electronic record of  
24 ownership, including any lien or liens that may be recorded, retained by  
25 the division in accordance with K.S.A. 2012 Supp. 8-135d, and  
26 amendments thereto.

27 (hh) "Work-site utility vehicle" means any motor vehicle which is not  
28 less than 48 inches in width, has an overall length, including the bumper,  
29 of not more than 135 inches, has an unladen weight, including fuel and  
30 fluids, of more than 800 pounds and is equipped with four or more low  
31 pressure tires, a steering wheel and bench or bucket-type seating allowing  
32 at least two people to sit side-by-side, and may be equipped with a bed or  
33 cargo box for hauling materials. "Work-site utility vehicle" does not  
34 include a micro utility truck or recreational off-highway vehicle.

35 (ii) "Micro utility truck" means any motor vehicle which is not less  
36 than 48 inches in width, has an overall length, including the bumper, of not  
37 more than 160 inches, has an unladen weight, including fuel and fluids, of  
38 more than 1,500 pounds, can exceed 40 miles per hour as originally  
39 manufactured and is manufactured with a metal cab. "Micro utility truck"  
40 does not include a work-site utility vehicle or recreational off-highway  
41 vehicle.

42 (jj) "Golf cart" means a motor vehicle that has not less than three  
43 wheels in contact with the ground, an unladen weight of not more than

1 1,800 pounds, is designed to be and is operated at not more than ~~25~~ 35  
2 miles per hour and is designed to carry not more than four persons  
3 including the driver.

4 (kk) "Recreational off-highway vehicle" means any motor vehicle 64  
5 inches or less in width, having a dry weight of 2,000 pounds or less,  
6 traveling on four or more nonhighway tires, having a nonstraddle seat and  
7 steering wheel for steering control.

8 (ll) "Lightweight roadable vehicle" means a multipurpose motor  
9 vehicle that is allowed to be driven on public roadways and is required to  
10 be registered with, and flown under the direction of, the federal aviation  
11 administration.

12 Sec. 2. K.S.A. 2012 Supp. 8-1495 is hereby amended to read as  
13 follows: 8-1495. "Golf cart" means a motor vehicle that has not less than  
14 three wheels in contact with the ground, an unladen weight of not more  
15 than 1,800 pounds, is designed to be and is operated at not more than ~~25~~  
16 35 miles per hour and is designed to carry not more than four persons  
17 including the driver.

18 Sec. 3. K.S.A. 2012 Supp. 8-15,108 is hereby amended to read as  
19 follows: 8-15,108. (a) It shall be unlawful for any person to operate a golf  
20 cart: (1) On any interstate highway, federal highway or state highway; (2)  
21 on any public highway or street within the corporate limits of any city  
22 unless authorized by such city; or (3) on any street or highway with a  
23 posted speed limit greater than ~~30~~ 35 miles per hour.

24 (b) The provisions of subsection (a) shall not prohibit a golf cart from  
25 crossing a federal or state highway or a street or highway with a posted  
26 speed limit in excess of ~~30~~ 35 miles per hour.

27 (c) A golf cart shall be operated on any public street or highway only  
28 during the hours between sunrise and sunset.

29 (d) This section shall be part of and supplemental to the uniform act  
30 regulating traffic on highways.

31 Sec. 4. K.S.A. 2012 Supp. 8-126, 8-1495 and 8-15,108 are hereby  
32 repealed.

33 Sec. 5. This act shall take effect and be in force from and after its  
34 publication in the statute book.