

SENATE BILL No. 351

By Committee on Transportation

2-6

1 AN ACT concerning motor vehicles; relating to vehicle identification
2 numbers; penalties; damages; amending K.S.A. 8-116 and K.S.A. 2013
3 Supp. 8-116a and repealing the existing sections.
4

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

6 Section 1. K.S.A. 8-116 is hereby amended to read as follows: 8-116.

7 (a) It is unlawful to sell, barter or exchange any motor vehicle, trailer or
8 semitrailer, the original vehicle identification number of which has been
9 destroyed, removed, altered or defaced, except as contemplated by K.S.A.
10 8-116a, and amendments thereto, when no part of the motor vehicle, trailer
11 or semitrailer has been stolen and a vehicle identification number has been
12 assigned to the motor vehicle according to law. Violation of this subsection
13 (a) is a severity level 10, nonperson felony.

14 (b) It is unlawful to knowingly own or have the custody or possession
15 of a motor vehicle, trailer or semitrailer, the original vehicle identification
16 number of which has been destroyed, removed, altered or defaced, except
17 as contemplated by K.S.A. 8-116a, and amendments thereto, when no part
18 of the motor vehicle, trailer or semitrailer has been stolen and a vehicle
19 identification number has been assigned to the motor vehicle according to
20 law. Violation of this subsection (b) is a class C misdemeanor.

21 (c) Any person who shall destroy, remove, alter or deface any vehicle
22 identification number, except as contemplated by K.S.A. 8-116a, and
23 amendments thereto, when no part of the motor vehicle, trailer or
24 semitrailer has been stolen, is guilty of a severity level 10, nonperson
25 felony.

26 (d) Every law enforcement officer in this state having knowledge of a
27 motor vehicle, trailer or semitrailer, the vehicle identification number of
28 which has been destroyed, removed, altered or defaced, shall seize and
29 take possession of such motor vehicle, trailer or semitrailer, ~~arrest the~~
30 ~~owner or custodian thereof and cause prosecution to be brought in a court~~
31 ~~of competent jurisdiction. The provisions of K.S.A. 22-2512, and~~
32 ~~amendments thereto, shall apply to any motor vehicle, trailer or semitrailer~~
33 ~~seized under this section.~~

34 (e) *Every motor vehicle, trailer or semitrailer, the vehicle*
35 *identification number of which has been destroyed, removed, altered or*
36 *defaced, which has been seized under this section is an article of*

1 *contraband and the provisions of K.S.A. 22-2512, and amendments*
2 *thereto, shall apply.*

3 *(f) No law enforcement agency or employee of such agency acting*
4 *within the scope of employment shall be liable for damages resulting from*
5 *the adoption or enforcement of any policy adopted under this section.*

6 Sec. 2. K.S.A. 2013 Supp. 8-116a is hereby amended to read as
7 follows: 8-116a. (a) Except as provided in K.S.A. 8-170, and amendments
8 thereto, when an application is made for a vehicle which has been
9 assembled, reconstructed, reconstituted or restored from one or more
10 vehicles, or the proper identification number of a vehicle is in doubt, the
11 procedure in this section shall be followed. The owner of the vehicle shall
12 request the Kansas highway patrol to check the vehicle and the highway
13 patrol shall within a reasonable period of time perform such vehicle check.
14 At the time of such check the owner shall supply the highway patrol with
15 information concerning the history of the various parts of the vehicle. Such
16 information shall be supplied by affidavit of the owner, if so requested by
17 the highway patrol. If the highway patrol is satisfied that the vehicle
18 contains no stolen parts,~~it~~ *and complies with K.S.A. 8-116, and*
19 *amendments thereto, the highway patrol shall determine the make, model*
20 *and year of the vehicle, and shall assign an existing or new identification*
21 *number to the vehicle and direct the places and manner in which the*
22 *identification number is to be located and affixed or implanted. A charge*
23 *of \$15 per hour or part thereof, with a minimum charge of \$15, and on and*
24 *after July 1, 2012, a charge of \$20 per hour or part thereof, with a*
25 *minimum charge of \$20, shall be made to the owner of a vehicle*
26 *requesting check under this subsection, and such charge shall be paid prior*
27 *to the check under this section. When a check has been made under*
28 *subsection (b), not more than 60 days prior to a check of the same vehicle*
29 *identification number, requested by the owner of the vehicle to obtain a*
30 *regular certificate of title in lieu of a nonhighway certificate of title or*
31 *obtain a rebuilt salvage title in lieu of a salvage title, no charge shall be*
32 *made for such second check.*

33 (b) Any person making application for any original Kansas title for a
34 used vehicle which, at the time of making application, is titled in another
35 jurisdiction, as a condition precedent to obtaining any Kansas title, shall
36 have such vehicle checked by the Kansas highway patrol for verification
37 that the vehicle identification number shown on the foreign title is genuine
38 and agrees with the identification number on the vehicle. Checks under
39 this section may include inspection for possible violation of K.S.A. 2013
40 Supp. 21-5835, and amendments thereto, or other evidence of possible
41 fraud. The verification shall be made upon forms prescribed by the
42 division of vehicles which shall contain such information as the secretary
43 of revenue shall require by rules and regulations. A charge of \$15 per hour

1 or part thereof, with a minimum charge of \$15, and on and after July 1,
2 2012, a charge of \$20 per hour or part thereof, with a minimum charge of
3 \$20, shall be made for checks under this subsection. When a vehicle is
4 registered in another state, but is financed by a Kansas financial institution
5 and is repossessed in another state and such vehicle will not be returned to
6 Kansas, the check required by this subsection shall not be required to
7 obtain a valid Kansas title or registration.

8 (c) As used in this act, "identification number" or "vehicle
9 identification number" means an identifying number, serial number, engine
10 number, transmission number or other distinguishing number or mark,
11 placed on a vehicle, engine, transmission or other essential part by its
12 manufacturer or by authority of the division of vehicles or the Kansas
13 highway patrol or in accordance with the laws of another state or country.

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

15 (1) A designee of the superintendent of the Kansas highway patrol; or

16 (2) an employee of a new vehicle dealer, as defined in subsection (b)
17 of K.S.A. 8-2401, and amendments thereto, for the purposes provided for
18 in subsection (f). For checks made by a designee or new vehicle dealer,
19 10% of each charge shall be remitted to the Kansas highway patrol and the
20 balance of such charges shall be retained by such designee or new vehicle
21 dealer. If the designee is a city or county law enforcement agency, then the
22 balance shall be ~~paid to~~ *retained* by the law enforcement agency that
23 conducted the inspection *and shall be deposited into an account to be used*
24 *for law enforcement purposes and shall not be used to supplant the law*
25 *enforcement agency's budget*. When a check is made under either
26 subsection (a) or (b) by personnel of the Kansas highway patrol, the entire
27 amount of the charge therefor shall be paid to the highway patrol.

28 (e) There is hereby created the vehicle identification number fee fund.
29 The Kansas highway patrol shall remit all moneys received by the Kansas
30 highway patrol from fees collected under subsection (d) to the state
31 treasurer in accordance with the provisions of K.S.A. 75-4215, and
32 amendments thereto. Upon receipt of each such remittance, the state
33 treasurer shall deposit the entire amount in the state treasury to the credit
34 of the vehicle identification number fee fund. All expenditures from the
35 vehicle identification number fee fund shall be made in accordance with
36 appropriations acts upon warrants of the director of accounts and reports
37 issued pursuant to vouchers approved by the superintendent of the Kansas
38 highway patrol or by a person or persons designated by the superintendent.

39 (f) An employee of a new vehicle dealer, who has received initial
40 training and certification from the highway patrol, and has met continuing
41 certification requirements, in accordance with rules and regulations
42 adopted by the superintendent of the highway patrol, may provide the
43 checks under subsection (b), in accordance with rules and regulations

1 adopted by the superintendent of the highway patrol, on motor vehicles
2 that a new vehicle dealer purchases through a manufacturer's sponsored
3 auction or on motor vehicles repurchased or reacquired by a manufacturer,
4 distributor or financing subsidiary of such manufacturer and which are
5 purchased by the new vehicle dealer. At any time, after a hearing in
6 accordance with the provisions of the Kansas administrative procedure act,
7 the superintendent of the highway patrol may revoke, suspend, decline to
8 renew or decline to issue certification for failure to comply with the
9 provisions of this subsection, including any rules and regulations.

10 *(g) No law enforcement agency or employee of such agency acting*
11 *within the scope of employment shall be liable for damages resulting from*
12 *the adoption or enforcement of any policy adopted under this section.*

13 Sec. 3. K.S.A. 8-116 and K.S.A. 2013 Supp. 8-116a are hereby
14 repealed.

15 Sec. 4. This act shall take effect and be in force from and after its
16 publication in the statute book.