

## SENATE BILL No. 70

By Committee on Transportation

1-24

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1 AN ACT concerning motor vehicles; relating to definitions; updating  
2 terms concerning titling and registration; amending K.S.A. 40-298 and  
3 59-3508 and K.S.A. 2012 Supp. 8-126 and 44-1204 and repealing the  
4 existing sections.  
5

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

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

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

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

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

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

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

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

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

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

35 (i) ~~"Semitrailer" means every vehicle of the trailer type so designed~~  
36 ~~and used in conjunction with a motor vehicle that some part of its own~~

1 weight and that of its own load rests upon or is carried by another vehicle.

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

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

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

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

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

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

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

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

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

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

1 institutions.

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

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

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

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

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

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

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

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

26 (1) ~~A motor which produces not more than 3.5 brake horsepower;~~

27 (2) ~~a cylinder capacity of not more than 130 cubic centimeters;~~

28 (3) ~~an automatic transmission; and~~

29 (4) ~~the capability of a maximum design speed of no more than 30~~  
30 ~~miles per hour.~~

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

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

41 (1) ~~A farm tractor;~~

42 (2) ~~a self-propelled farm implement;~~

43 (3) ~~a fertilizer spreader, nurse tank or truck permanently mounted~~

1 with a spreader used exclusively for dispensing or spreading water, dust or  
2 liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202,  
3 and amendments thereto, regardless of ownership;

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

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

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

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

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

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

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

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

43 ~~(jj) "Golf cart" means a motor vehicle that has not less than three-~~

1 wheels in contact with the ground, an unladen weight of not more than  
2 1,800 pounds, is designed to be and is operated at not more than 25 miles  
3 per hour and is designed to carry not more than four persons including the  
4 driver.

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

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

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

19 (b) *"Bus" means every motor vehicle designed for carrying more than*  
20 *10 passengers and used for the transportation of persons; and every motor*  
21 *vehicle, other than a taxicab, designed and used for the transportation of*  
22 *persons for compensation.*

23 (c) *"Commission" or "state highway commission" means the director*  
24 *of vehicles of the department of revenue.*

25 (d) *"Department" or "motor vehicle department" or "vehicle*  
26 *department" means the division of vehicles of the department of revenue,*  
27 *acting directly or through its duly authorized officers and agents. When*  
28 *acting on behalf of the department of revenue pursuant to this act, a*  
29 *county treasurer shall be deemed to be an agent of the state of Kansas.*

30 (e) *"Division" means the division of vehicles of the department of*  
31 *revenue.*

32 (f) *"Electric-assisted bicycle" means a bicycle with two or three*  
33 *wheels, a saddle, fully operative pedals for human propulsion, and an*  
34 *electric motor. The electric-assisted bicycle's electric motor must have a*  
35 *power output of no more than 1,000 watts, be incapable of propelling the*  
36 *device at a speed of more than 20 miles per hour on level ground and*  
37 *incapable of further increasing the speed of the device when human power*  
38 *alone is used to propel the device beyond 20 miles per hour.*

39 (g) *"Electric personal assistive mobility device" means a self-*  
40 *balancing two nontandem wheeled device, designed to transport only one*  
41 *person, with an electric propulsion system that limits the maximum speed*  
42 *of the device to 15 miles per hour or less.*

43 (h) *"Electric vehicle" means a vehicle that is powered by an electric*

1 motor drawing current from rechargeable storage batteries or other  
2 portable electrical energy storage devices, provided the recharge energy  
3 must be drawn from a source off the vehicle, such as, but not limited to:

4 (1) Residential electric service;

5 (2) electric vehicle charging station, also called EV charging station,  
6 electric recharging point, charging point, EVSE (Electric Vehicle Supply  
7 Equipment) or public charging station.

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

12 (j) "Electronic Notice of Security Interest" means the division's online  
13 internet program which enables a dealer or secured party to submit a  
14 notice of security interest defined in subsection (jj) and to cancel the  
15 notice or release the security interest using the program. This program is  
16 also known as the Kansas elien or KSelien.

17 (k) "Essential parts" means all integral and body parts of a vehicle of  
18 a type required to be registered hereunder, the removal, alteration or  
19 substitution of which would tend to conceal the identity of the vehicle or  
20 substantially alter its appearance, model, type or mode of operation.

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

25 (m) "Farm trailer" means every trailer as defined in subsection (h) of  
26 this section and every semitrailer as defined in subsection (i) of this  
27 section, designed and used primarily as a farm vehicle.

28 (n) "Foreign vehicle" means every motor vehicle, trailer or  
29 semitrailer which shall be brought into this state otherwise than in  
30 ordinary course of business by or through a manufacturer or dealer and  
31 which has not been registered in this state.

32 (o) "Golf cart" means a motor vehicle that has not less than three  
33 wheels in contact with the ground, an unladen weight of not more than  
34 1,800 pounds, is designed to be and is operated at not more than 25 miles  
35 per hour and is designed to carry not more than four persons including the  
36 driver.

37 (p) "Gross weight" means the weight of a vehicle without load plus  
38 the weight of any load thereon.

39 (q) "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  
41 travel. The term "highway" shall not be deemed to include a roadway or  
42 driveway upon grounds owned by private owners, colleges, universities or  
43 other institutions.

1 (r) (1) "House trailer" means:

2 (A) A trailer or semitrailer which is designed, constructed and  
3 equipped as a dwelling place, living abode or sleeping place, either  
4 permanently or temporarily, and is equipped for use as a conveyance on  
5 streets and highways; or

6 (B) a trailer or a semitrailer whose chassis and exterior shell is  
7 designed and constructed for use as a house trailer, as defined in this  
8 subsection, but which is used instead permanently or temporarily for the  
9 advertising, sales, display or promotion of merchandise or services, or for  
10 any other commercial purpose except the transportation of property for  
11 hire or the transportation of property for distribution by a private carrier.

12 (2) "House trailer" does not include a manufactured home or a  
13 mobile home, as such terms are defined in K.S.A. 58-4202, and  
14 amendments thereto.

15 (s) "Identifying numbers" means the numbers, and letters, if any, on a  
16 vehicle designated by the division for the purpose of identifying the  
17 vehicle.

18 (t) "Implement of husbandry" means every vehicle designed or  
19 adapted and used exclusively for agricultural operations, including  
20 feedlots, and only incidentally moved or operated upon the highways.  
21 Such term shall include, but not be limited to:

22 (1) A farm tractor;

23 (2) a self-propelled farm implement;

24 (3) a fertilizer spreader, nurse tank or truck permanently mounted  
25 with a spreader used exclusively for dispensing or spreading water, dust or  
26 liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202,  
27 and amendments thereto, regardless of ownership;

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

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

33 (u) "Lien" means a security interest defined in subsection (ww).

34 (v) "Lienholder" means a person holding a security interest in a  
35 vehicle.

36 (w) "Lightweight roadable vehicle" means a multipurpose motor  
37 vehicle that is allowed to be driven on public roadways and is required to  
38 be registered with, and flown under the direction of, the federal aviation  
39 administration.

40 (x) "Low-speed vehicle" means any four-wheeled electric vehicle  
41 whose top speed is greater than 20 miles per hour but not greater than 25  
42 miles per hour and is manufactured in compliance with the national  
43 highway and traffic safety administration standards for low speed vehicles

1 in 49 C.F.R. § 571.500.

2 (y) "Mail" means to deposit in the United States mail properly  
3 addressed and with postage prepaid.

4 (z) "Manufacturer" means every person engaged in the business of  
5 manufacturing motor vehicles, trailers or semitrailers.

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

13 (bb) "Motor-driven cycle" means every motorcycle, including every  
14 motor scooter, with a motor which produces not to exceed five brake  
15 horsepower, and every bicycle with motor attached, except a motorized  
16 bicycle or an electric-assisted bicycle.

17 (cc) "Motor home" means every motor vehicle designed, used or  
18 maintained primarily as a mobile dwelling, office or commercial space.

19 (dd) "Motor vehicle" means every vehicle, other than a motorized  
20 bicycle or a motorized wheelchair, which is self-propelled.

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

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

27 (1) A motor which produces not more than 3.5 brake horsepower;

28 (2) a cylinder capacity of not more than 130 cubic centimeters;

29 (3) an automatic transmission; and

30 (4) the capability of a maximum design speed of no more than 30  
31 miles per hour.

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

35 (hh) "New vehicle dealer" means every person actively engaged in  
36 the business of buying, selling or exchanging new motor vehicles, travel  
37 trailers, trailers or vehicles and who holds a dealer's contract therefor  
38 from a manufacturer or distributor and who has an established place of  
39 business in this state.

40 (ii) "Nonresident" means every person who is not a resident of this  
41 state.

42 (jj) "Notice of Security Interest" means a notification to the division  
43 from a dealer or secured party of a purchase money security interest as



1 provided in article 9 of chapter 84 of the Kansas Statutes Annotated, and  
2 amendments thereto, upon a vehicle which has been sold and delivered to  
3 the purchaser describing the vehicle and showing the name, address and  
4 acknowledgement of the secured party as well as the name and address of  
5 the debtor(s) and other information the division requires.

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

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

23 (mm) "Passenger car" means every motor vehicle, except  
24 motorcycles and motor-driven cycles, designed for carrying 10 passengers  
25 or less and used for the transportation of persons.

26 (nn) "Passenger vehicle" means every motor vehicle, as herein  
27 defined, which is designed primarily to carry 10 or fewer passengers, and  
28 which is not used as a truck.

29 (oo) "Person" means every natural person, firm, partnership,  
30 association or corporation.

31 (pp) "Pneumatic tire" means every tire in which compressed air is  
32 designed to support the load.

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

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

40 (ss) "Registration" means the registration certificate or certificates  
41 and registration plates issued under the laws of this state pertaining to the  
42 registration of vehicles.

43 (tt) "Road tractor" means every motor vehicle designed and used for

1 drawing other vehicles, and not so constructed as to carry any load  
2 thereon independently, or any part of the weight of a vehicle or load so  
3 drawn.

4 (uu) "School bus" means every motor vehicle defined and designated  
5 as a school bus in subsection (g)(1) of K.S.A. 72-8301, and amendments  
6 thereto.

7 (vv) "Security agreement" means a written agreement which reserves  
8 or creates a security interest.

9 (ww) "Security interest" means an interest in a vehicle reserved or  
10 created by agreement and which secures payment or performance of an  
11 obligation. The term includes the interest of a lessor under a lease  
12 intended as a security. A security interest is "perfected" when it is valid  
13 against third parties generally, subject only to specific statutory  
14 exceptions.

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

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

21 (zz) "Solid rubber tire" means every tire of rubber or other resilient  
22 material which does not depend upon compressed air for the support of  
23 the load.

24 (aaa) "Specially constructed vehicle" means any vehicle which shall  
25 not have been originally constructed under a distinctive name, make,  
26 model or type, or which, if originally otherwise constructed shall have  
27 been materially altered by the removal of essential parts, or by the  
28 addition or substitution of essential parts, new or used, derived from other  
29 vehicles or makes of vehicles.

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

33 (ccc) "Transporter" means every person engaged in the business of  
34 delivering vehicles, of a type required to be registered in this state, from a  
35 manufacturing, assembling or distributing plant to dealers or sales agents  
36 of a manufacturer.

37 (ddd) "Travel trailer" means every vehicle without motive power  
38 designed to be towed by a motor vehicle constructed primarily for  
39 recreational purposes.

40 (eee) "Truck" means a motor vehicle which is used for the  
41 transportation or delivery of freight and merchandise or more than 10  
42 passengers.

43 (fff) "Truck tractor" means every motor vehicle designed and used

1 *primarily for drawing other vehicles, and not so constructed as to carry a*  
 2 *load other than a part of the weight of the vehicle or load so drawn.*

3 (ggg) *"Used vehicle dealer" means every person actively engaged in*  
 4 *the business of buying, selling or exchanging used vehicles, and having an*  
 5 *established place of business in this state and who does not hold a dealer's*  
 6 *contract for the sale of new motor vehicles, travel trailers, trailers or*  
 7 *vehicles.*

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

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

20 Sec. 2. K.S.A. 40-298 is hereby amended to read as follows: 40-298.  
 21 As used in this act, the following words and phrases shall have the  
 22 meanings respectively ascribed to them herein:

23 (a) "Automobile dealer" means a dealer as defined by K.S.A. 8-178;

24 (b) "Automobile" means a passenger vehicle as defined by subsection  
 25 ~~(x)~~ of K.S.A. 8-126, and amendments thereto;

26 (c) "Dealer" means any automobile dealer or lending agency;

27 (d) "Lending agency" means any person engaged in the business of  
 28 financing or lending money to any person to be used in the purchase or  
 29 financing of a motor vehicle; and

30 (e) "Person" means any individual, partnership, corporation or other  
 31 association of persons.

32 Sec. 3. K.S.A. 2012 Supp. 44-1204 is hereby amended to read as  
 33 follows: 44-1204. (a) On and after January 1, 1978, no employer shall  
 34 employ any employee for a workweek longer than ~~forty-six (46)~~ 46 hours,  
 35 unless such employee receives compensation for employment in excess of  
 36 ~~forty-six (46)~~ 46 hours in a workweek at a rate of not less than ~~one and~~  
 37 ~~one-half (1<sup>1</sup>/<sub>2</sub>)~~ 1½ times the hourly wage rate at which such employee is  
 38 regularly employed.

39 (b) No employer shall be deemed to have violated subsection (a) with  
 40 respect to the employment of any employee who is covered by this section,  
 41 who is engaged in the public or private delivery of emergency medical  
 42 services as an attendant as defined by K.S.A. 65-6112, and amendments  
 43 thereto, or who is engaged in fire protection or law enforcement activities,

1 including any member of the security personnel in any correctional  
2 institution, and who is paid compensation at a rate of not less than 1½  
3 times the regular rate at which such employee is employed:

4 (1) In any work period of 28 consecutive days in which such  
5 employee works for tours of duty which in the aggregate exceed 258  
6 hours; or

7 (2) in the case of any such employee to whom a work period of at  
8 least seven but less than 28 days applies, in any such work period in which  
9 such employee works for tours of duty which in the aggregate exceed a  
10 number of hours which bears the same ratio to the number of consecutive  
11 days in such work period as 258 hours bears to 28 days.

12 (c) The provisions of this section shall not apply to the employment  
13 of:

14 (1) Any employee who is covered under the provisions of section 7 of  
15 the fair labor standards act of 1938 as amended (29 U.S.C.A. § 207), and  
16 as amended by the fair labor standards amendments of 1974, and ~~any other~~  
17 ~~acts amendatory thereof or supplemental amendments~~ thereto; or

18 (2) any employee who is primarily engaged in selling motor vehicles,  
19 as defined in ~~subsection (b) of~~ K.S.A. 8-126, *and amendments thereto*, for  
20 a nonmanufacturing employer primarily engaged in the business of selling  
21 such vehicles to ultimate purchasers;

22 (3) any person who is sentenced to the custody of the secretary of  
23 corrections and any person serving a sentence in a county jail.

24 (d) For the purposes of this section, the agreement or practice by  
25 employees engaged in fire protection or law enforcement activities of  
26 substituting for one another on regularly scheduled tours of duty, or a part  
27 thereof, shall be deemed to have no effect on hours of work if:

28 (1) The substituting is done voluntarily by the employees and not at  
29 the behest of the employer;

30 (2) the reason for substituting is due not to the employer's business  
31 practice but to the employee's desire or need to attend to a personal matter;

32 (3) a record is maintained by the employer of all time substituted by  
33 the employer's employees; and

34 (4) the period during which time is substituted and paid back does not  
35 exceed 12 months.

36 Sec. 4. K.S.A. 59-3508 is hereby amended to read as follows: 59-  
37 3508. A motor vehicle, as defined by ~~subsection (b) of~~ K.S.A. 8-126, and  
38 amendments thereto, may be titled in transfer-on-death, TOD, form by  
39 including in the certificate of title a designation of a beneficiary or  
40 beneficiaries to whom the motor vehicle shall be transferred on death of  
41 the owner or the last survivor of the joint tenant with right of survivorship  
42 owners, subject to the rights of all lien holders.

43 Sec. 5. K.S.A. 40-298 and 59-3508 and K.S.A. 2012 Supp. 8-126 and

1 44-1204 are hereby repealed.

2 Sec. 6. This act shall take effect and be in force from and after its  
3 publication in the statute book.