

As Amended by House Committee

Session of 2016

HOUSE BILL No. 2605

By Committee on Appropriations

2-3

1 AN ACT concerning motor vehicles; relating to vehicle registration,
2 failure or refusal to pay tolls; amending K.S.A. 2015 Supp. 8-173 and
3 repealing the existing section.
4

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

6 New Section 1. (a) The registered owner of a vehicle driven on a
7 turnpike project shall pay all tolls associated with that vehicle's use on any
8 turnpike project. The Kansas turnpike authority may provide by regular
9 U.S. mail or accepted United States postal service tracking method a
10 notice of toll-evasion violation to the registered owner of a vehicle driven
11 on any turnpike project for which the toll has not been paid. The notice of
12 toll evasion may include a toll-evasion civil penalty, administrative fee,
13 and costs for each instance in which the registered owner of a vehicle
14 driven on any turnpike project has failed to pay the toll.

15 ~~(b) If the director of the Kansas turnpike authority or the director's~~
16 ~~designee determines that a registered owner has failed to pay~~ **outstanding**
17 **amount of** any tolls, penalties, fees or costs due and owing **by the**
18 **registered owner exceeds \$100**, the director or the director's designee is
19 authorized to instruct the division of vehicles to refuse to register or renew
20 the registration of the vehicle, as set forth in K.S.A. 8-173(e), and
21 amendments thereto, of the registered owner or owners, until those
22 amounts are paid to the satisfaction of the director or the director's
23 designee.

24 (c) The registered owner may contest any notice of toll evasion,
25 including all tolls, penalties, fees, costs and registration holds, directly to
26 the Kansas turnpike authority. Upon receipt of a contest from the
27 registered owner, the authority shall investigate and provide to the
28 registered owner, within 30 days of receipt of the registered owner's
29 submission, a toll-evasion violation order, which shall contain the findings
30 of the investigation. A registered owner may thereafter pay the specified
31 amount or contest these findings and conclusions of the authority by
32 requesting an administrative hearing within 15 days of receipt of the toll-
33 evasion violation order, pursuant to the Kansas administrative procedure
34 act.

35 (1) The administrative hearing shall be conducted in accordance with
36 the provisions of the Kansas administrative procedure act.

1 (2) Any party may appeal the administrative hearing order to the
2 district court, in accordance with the provisions of the Kansas judicial
3 review act.

4 Sec. 2. K.S.A. 2015 Supp. 8-173 is hereby amended to read as
5 follows: 8-173. (a) An application for registration of a vehicle as provided
6 in article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments
7 thereto, shall not be accepted unless the person making such application
8 shall exhibit:

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

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

17 (b) An application for registration of a vehicle as provided in article 1
18 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto,
19 shall not be accepted if the records of the county treasurer show that the
20 applicant is delinquent and owes personal property taxes levied against the
21 applicant for any preceding year.

22 (c) An original application for registration of a motor vehicle shall
23 not be accepted until the applicant signs a certification, provided by the
24 director of motor vehicles, certifying that the applicant has and will
25 maintain, during the period of registration, the required insurance, self-
26 insurance or other financial security required pursuant to K.S.A. 40-3104,
27 and amendments thereto.

28 (d) An application for registration or renewal of registration of a
29 vehicle shall not be accepted if the applicant is unable to provide proof of
30 the insurance, self-insurance or other financial security required by article
31 31 of chapter 40 of the Kansas Statutes Annotated, and amendments
32 thereto. Proof of insurance shall be verified by examination of the
33 insurance card or other documentation issued by an insurance company, a
34 certificate of self-insurance issued by the commissioner, a binder of
35 insurance, a certificate of insurance, a motor carrier identification number
36 issued by the state corporation commission, proof of insurance for vehicles
37 covered under a fleet policy, a commercial policy covering more than one
38 vehicle or a policy of insurance required by K.S.A. 40-3104, and
39 amendments thereto, and for vehicles used as part of a drivers education
40 program, a dealership contract and a copy of a motor vehicle liability
41 insurance policy issued to a school district or accredited nonpublic school.
42 Examination of a photocopy, facsimile or an image displayed on a cellular
43 phone or any other type of portable electronic device of any of these

1 documents shall suffice for verification of registration or renewal. Any
2 person to whom such image of proof of insurance, self-insurance or other
3 financial security required by article 31 of chapter 40 of the Kansas
4 Statutes Annotated, and amendments thereto, is displayed, shall view only
5 such image displayed on such cellular phone or other portable electronic
6 device. Such person shall be prohibited from viewing any other content or
7 information stored on such cellular phone or other portable electronic
8 device. Proof of insurance may also be verified on-line or electronically
9 and the commissioner of insurance may require, by duly adopted rules and
10 regulations, any motor vehicle liability insurance company authorized to
11 do business in this state to provide verification of insurance in that manner.
12 Any motor vehicle liability insurance company which is providing
13 verification of insurance on-line or electronically on the day preceding the
14 effective date of this act may continue to do so in the same manner and
15 shall be deemed to be in compliance with this section.

16 *(e) An application for registration or renewal of registration of a*
17 *vehicle shall not be accepted, if the records of the division show that the*
18 *registered owner of such vehicle has unpaid tolls, penalties, fees or costs,*
19 *and that the director of the Kansas turnpike authority or the director's*
20 *designee has instructed the division to refuse to accept the registration or*
21 *renewal of registration, pursuant to section 1, and amendments thereto.*

22 Sec. 3. K.S.A. 2015 Supp. 8-173 is hereby repealed.

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