

## HOUSE BILL No. 2727

By Committee on Appropriations

3-9

1 AN ACT concerning the secretary for children and families; relating to  
2 persons in arrearage under certain support orders; registration or  
3 renewal of registration of certain vehicles and certain vessels; duties of  
4 the secretary of revenue, the division of vehicles and the secretary of  
5 wildlife, parks and tourism; amending K.S.A. 2015 Supp. 8-173 and  
6 32-1111 and repealing the existing sections.

7  
8 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

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

33 (d) An application for registration or renewal of registration of a  
34 vehicle shall not be accepted if the applicant is unable to provide proof of  
35 the insurance, self-insurance or other financial security required by article  
36 31 of chapter 40 of the Kansas Statutes Annotated, and amendments

1 thereto. Proof of insurance shall be verified by examination of the  
2 insurance card or other documentation issued by an insurance company, a  
3 certificate of self-insurance issued by the commissioner, a binder of  
4 insurance, a certificate of insurance, a motor carrier identification number  
5 issued by the state corporation commission, proof of insurance for vehicles  
6 covered under a fleet policy, a commercial policy covering more than one  
7 vehicle or a policy of insurance required by K.S.A. 40-3104, and  
8 amendments thereto, and for vehicles used as part of a drivers education  
9 program, a dealership contract and a copy of a motor vehicle liability  
10 insurance policy issued to a school district or accredited nonpublic school.  
11 Examination of a photocopy, facsimile or an image displayed on a cellular  
12 phone or any other type of portable electronic device of any of these  
13 documents shall suffice for verification of registration or renewal. Any  
14 person to whom such image of proof of insurance, self-insurance or other  
15 financial security required by article 31 of chapter 40 of the Kansas  
16 Statutes Annotated, and amendments thereto, is displayed, shall view only  
17 such image displayed on such cellular phone or other portable electronic  
18 device. Such person shall be prohibited from viewing any other content or  
19 information stored on such cellular phone or other portable electronic  
20 device. Proof of insurance may also be verified on-line or electronically  
21 and the commissioner of insurance may require, by duly adopted rules and  
22 regulations, any motor vehicle liability insurance company authorized to  
23 do business in this state to provide verification of insurance in that manner.  
24 Any motor vehicle liability insurance company which is providing  
25 verification of insurance on-line or electronically on the day preceding the  
26 effective date of this act may continue to do so in the same manner and  
27 shall be deemed to be in compliance with this section.

28 *(e) (1) An application for registration or renewal of registration of a*  
29 *vehicle shall not be accepted if the secretary for children and families has*  
30 *made a request to the division of vehicles to not issue a registration or*  
31 *renewal of registration of a vehicle to an applicant except as provided in*  
32 *this subsection. The secretary for children and families may make such a*  
33 *request if, at the time of the request, the applicant:*

34 *(A) Owed arrearages under a support order in a title IV-D case being*  
35 *administered by the secretary for children and families;*

36 *(B) had an outstanding warrant or subpoena, directed to the*  
37 *applicant, in a title IV-D case being administered by the secretary for*  
38 *children and families;*

39 *(C) owes arrearages under a support order, as reported to the*  
40 *secretary for children and families by the court trustee; or*

41 *(D) has failed, after appropriate notice, to comply with a subpoena*  
42 *directed to the individual by the court trustee as reported to the secretary*  
43 *for children and families by the court trustee.*

1       (2) Upon receiving a release from an authorized agent of the  
2 secretary for children and families or the court trustee, an application for  
3 registration or renewal of registration of a vehicle may be accepted. The  
4 applicant shall have the burden of obtaining and delivering the release.

5       (3) The secretary for children and families shall issue a release upon  
6 request if, as appropriate:

7       (A) The arrearages are paid in full or a tribunal of competent  
8 jurisdiction has determined that no arrearages are owed;

9       (B) an income withholding order has been served upon the  
10 applicant's current employer or payor;

11       (C) an agreement has been completed or an order has been entered  
12 setting minimum payments to defray the arrearages, together with receipt  
13 of the first minimum payment;

14       (D) the applicant has complied with the warrant or subpoena or the  
15 warrant or subpoena has been quashed or withdrawn; or

16       (E) the court trustee notifies the secretary for children and families  
17 that the applicant has paid the arrearages in full or has complied with the  
18 subpoena or the subpoena has been quashed or withdrawn.

19       (4) Nothing in this subsection shall be construed to require or permit  
20 the division of vehicles to determine any issue related to a child support  
21 order or related to the title IV-D case, including to resolve questions of  
22 mistaken identity or determine the adequacy of any notice relating to this  
23 subsection that the division of vehicles provides to the applicant.

24       (5) As used in this subsection, "arrearage," "title IV-D," "obligor"  
25 and "order for support" have the meanings provided by K.S.A. 2015 Supp.  
26 23-3102, and amendments thereto.

27       Sec. 2. K.S.A. 2015 Supp. 32-1111 is hereby amended to read as  
28 follows: 32-1111. (a) The owner of each vessel requiring numbering by  
29 this state shall file an application for number with the secretary on forms  
30 approved by the secretary. The application shall be signed by the owner of  
31 the vessel and shall be accompanied by the vessel registration fee  
32 prescribed pursuant to K.S.A. 32-1172, and amendments thereto, and by  
33 proof of payment of any tax imposed under the provisions of K.S.A. 12-  
34 187, 12-198, the Kansas retailers' sales tax act or the Kansas compensating  
35 tax act, and amendments thereto, as the case requires, upon forms devised  
36 and furnished by the department of revenue to every county treasurer for  
37 such purpose. Upon receipt of the application in approved form and proof  
38 of payment of sales or compensating tax, the secretary shall enter the same  
39 upon the records of the department and issue to the applicant a certificate  
40 of number stating the number awarded to the vessel and the name and  
41 address of the owner. Unless otherwise provided by rules and regulations,  
42 the owner shall paint on or attach to each side of the bow of the vessel the  
43 identification number in such manner as prescribed by rules and

1 regulations of the secretary in order that it may be clearly visible. The  
2 number shall be maintained in legible condition. The certificate of number  
3 shall be pocket size and, unless otherwise provided by rules and  
4 regulations, shall be available at all times for inspection on the vessel for  
5 which issued, whenever such vessel is in operation. No person charged  
6 with a violation of the preceding sentence shall be convicted of such  
7 offense if such person produces in court or the office of the arresting  
8 officer a certificate of number issued and valid at the time of such person's  
9 arrest.

10 (b) The owner of any vessel already covered by a number in full force  
11 and effect which has been awarded to it pursuant to the then operative  
12 federal law or a federally approved numbering system of another state  
13 shall record the number prior to operating the vessel on the waters of this  
14 state in excess of the 60-day reciprocity period provided for in ~~subsection~~  
15 ~~(1)~~ of K.S.A. 32-1113(I), and amendments thereto. Such recordation shall  
16 be in the manner and pursuant to the procedure required for the award of a  
17 number under this subsection, including the submission of proof of  
18 payment of sales or compensating tax, except that no additional or  
19 substitute number shall be issued.

20 (c) Should the ownership of a numbered vessel change, a new  
21 application form with fee and proof of payment of sales or compensating  
22 tax shall be filed with the secretary and a new certificate of number shall  
23 be awarded in the same manner as provided for in an original award of  
24 number, except that where the state of principal use remains unchanged the  
25 number may be identical with the previous one.

26 (d) If an agency of the United States government has in force an  
27 overall system of identification numbering for vessels within the United  
28 States, the numbering system employed pursuant to this act by the  
29 secretary shall be in conformity therewith.

30 (e) The secretary may award any certificate of number directly or  
31 may authorize any person to act as agent for the awarding thereof. If a  
32 person accepts such authorization, such person may be assigned a block of  
33 numbers and certificates therefor which upon award, in conformity with  
34 this act and with any rules and regulations of the secretary, shall be valid  
35 as if awarded directly by the secretary.

36 (f) All records of the secretary made or kept pursuant to this section  
37 shall be public records.

38 (g) Every certificate of number awarded pursuant to this act shall  
39 continue in full force and effect for a period of three years unless sooner  
40 terminated or discontinued in accordance with the provisions of this act.  
41 Certificates of number may be renewed by the owner in the same manner  
42 provided for in the initial securing of the number.

43 (h) The secretary shall fix a day and month of the year on which

1 certificates of number due to expire during the calendar year shall lapse  
2 and no longer be of any force and effect unless renewed pursuant to this  
3 act.

4 (i) The owner shall furnish the secretary notice of the transfer of all or  
5 any part of such owner's interest other than the creation of a security  
6 interest in a vessel numbered in this state pursuant to subsections (a) and  
7 (b) or of the destruction or abandonment of such vessel within 15 days  
8 thereof. Such transfer, destruction, or abandonment shall terminate the  
9 certificate of number for such vessel and the certificate of number shall be  
10 surrendered to the secretary as a part of the notification of transfer,  
11 destruction, or abandonment except, that in the case of a transfer of a part  
12 interest which does not affect the owner's right to operate such vessel, such  
13 transfer shall not terminate the certificate of number.

14 (j) Any holder of a certificate of number shall notify the secretary  
15 within 15 days if the holder's address no longer conforms to the address  
16 appearing on the certificate and shall, as a part of such notification, furnish  
17 the secretary with a new address. The secretary may provide by rules and  
18 regulations for the surrender of the certificate bearing the former address  
19 and its replacement with a certificate bearing the new address or for the  
20 alteration of an outstanding certificate to show the new address of the  
21 holder.

22 (k) No number other than the number awarded to a vessel or granted  
23 reciprocity pursuant to this act shall be painted, attached, or otherwise  
24 displayed on either side of the bow of such vessel.

25 (l) If a certificate of number becomes lost, destroyed, mutilated or  
26 illegible, the owner of the vessel for which the same was issued may  
27 obtain a duplicate of such certificate upon application therefor to the  
28 secretary. The application shall be in writing, shall describe the  
29 circumstances of the loss or destruction and shall be accompanied by the  
30 duplicate fee prescribed pursuant to K.S.A. 32-1172, and amendments  
31 thereto.

32 (m) The secretary is authorized, in the secretary's discretion, to  
33 provide and have issued for vessels requiring registration and numbering  
34 under this act, a 30-day temporary registration permit for the temporary  
35 vessel registration fee prescribed pursuant to K.S.A. 32-1172, and  
36 amendments thereto.

37 Such permits shall be in the form as prescribed by the secretary and  
38 available for purchase or resale by any person designated by the secretary.  
39 In addition to the permit fee, any person selling such temporary permits  
40 may collect a service charge of not to exceed \$1 for each permit issued.

41 Such temporary permit shall expire 30 days from the date of issuance.

42 (n) (1) The owner of any vessel documented by the United States  
43 Coast Guard and the new owner of any vessel, who upon the sale or

1 transfer of the vessel that documents the vessel with the United States  
2 Coast Guard, shall apply for a vessel certificate of registration and pay a  
3 fee equal to the amount required for a vessel registration pursuant to  
4 K.S.A. 32-1172, and amendments thereto, before using such vessel on the  
5 waters of this state. The application shall include the county in which such  
6 vessel will be normally maintained by the owner and any other  
7 information required by the secretary.

8 A certificate of registration and a set of registration decals in the form  
9 prescribed by the secretary shall be issued for a documented vessel. A  
10 nonresident shall make application for a vessel certificate of registration  
11 within 60 days after acquiring a vessel in this state or bringing a vessel  
12 into this state if the vessel will be kept in this state for a period in excess of  
13 60 consecutive days. A delinquency penalty fee of \$20 shall be imposed  
14 for each 30 days of delinquency, not to exceed a total of \$60. If the  
15 secretary learns that any person failed to acquire a vessel certificate of  
16 registration in accordance with this section or has sold a vessel  
17 documented by the United States Coast Guard without obtaining a  
18 certificate of registration as provided by this section, the secretary shall  
19 cancel the registration of all vessels registered in the name of the person,  
20 whether as sole owner or a co-owner, and shall notify the person that the  
21 cancellation will remain in force until the person pays the delinquency  
22 penalty fee together with all fees, charges and payments which the person  
23 should have paid in connection with the vessel certificate of registration.  
24 The secretary shall maintain a listing of such registered documented  
25 vessels, to be supplied to the county assessor of each county in the state as  
26 required under K.S.A. 32-1104, and amendments thereto. Such vessels  
27 shall not be included in the total number of registered vessels of the state  
28 applied toward the number reflected on any United States Coast Guard  
29 grants, where prohibited.

30 (2) The registration decals for any vessel documented by the United  
31 States Coast Guard shall be in force and effect for a period of three years  
32 so long as the vessel is owned or held by the original holder of the  
33 certificate of registration and shall be renewed upon application and  
34 payment of a registration renewal fee equal to the amount required for a  
35 vessel registration pursuant to K.S.A. 32-1172, and amendments thereto.  
36 The owner shall attach the registration decals to both sides of the forward  
37 half of the bow of the documented vessel in a place that is fully visible.

38 (3) Upon the sale or transfer of any vessel documented by the United  
39 States Coast Guard, the new owner shall submit, in addition to the  
40 properly assigned certificate of registration, proof of release from the  
41 documentation of the United States Coast Guard and shall comply with the  
42 provisions of this section. If the new owner elects not to document the  
43 vessel with the United States Coast Guard, the owner shall comply with

1 the applicable provisions for registering vessels in this state.

2 (4) The certificate of registration shall be available at all times for  
3 inspection on the vessel for which it is issued, whenever the vessel is in  
4 operation, moored or occupied while on waters within this state.

5 (o) (1) *Upon request of the secretary for children and families, the*  
6 *secretary of wildlife, parks and tourism shall not issue a certificate of*  
7 *number or vessel registration, or renew a certificate of number or vessel*  
8 *registration, to an owner except as provided in this subsection. The*  
9 *secretary for children and families may make such a request if, at the time*  
10 *of the request, the owner:*

11 (A) *Owed arrearages under a support order in a title IV-D case being*  
12 *administered by the secretary for children and families;*

13 (B) *had an outstanding warrant or subpoena, directed to the owner,*  
14 *in a title IV-D case being administered by the secretary for children and*  
15 *families;*

16 (C) *owes arrearages under a support order, as reported to the*  
17 *secretary for children and families by the court trustee; or*

18 (D) *has failed, after appropriate notice, to comply with a subpoena*  
19 *directed to the individual by the court trustee as reported to the secretary*  
20 *for children and families by the court trustee.*

21 (2) *Upon receiving a release from an authorized agent of the*  
22 *secretary for children and families or the court trustee, the secretary of*  
23 *wildlife, parks and tourism may issue a certificate of number or vessel*  
24 *registration, or renew a certificate of number or vessel registration. The*  
25 *owner shall have the burden of obtaining and delivering the release.*

26 (3) *The secretary for children and families shall issue a release upon*  
27 *request if, as appropriate:*

28 (A) *The arrearages are paid in full or a tribunal of competent*  
29 *jurisdiction has determined that no arrearages are owed;*

30 (B) *an income withholding order has been served upon the owner's*  
31 *current employer or payor;*

32 (C) *an agreement has been completed or an order has been entered*  
33 *setting minimum payments to defray the arrearages, together with receipt*  
34 *of the first minimum payment;*

35 (D) *the owner has complied with the warrant or subpoena or the*  
36 *warrant or subpoena has been quashed or withdrawn; or*

37 (E) *the court trustee notifies the secretary for children and families*  
38 *that the owner has paid the arrearages in full or has complied with the*  
39 *subpoena or the subpoena has been quashed or withdrawn.*

40 (4) *Nothing in this subsection shall be construed to require or permit*  
41 *the secretary of wildlife, parks and tourism to determine any issue related*  
42 *to a child support order or related to the title IV-D case, including to*  
43 *resolve questions of mistaken identity or determine the adequacy of any*

1 *notice relating to this subsection that the secretary of wildlife, parks and*  
2 *tourism provides to the owner.*

3 *(5) As used in this subsection, "arrearage," "title IV-D," "obligor"*  
4 *and "order for support" have the meanings provided by K.S.A. 2015 Supp.*  
5 *23-3102, and amendments thereto.*

6 *(p) The secretary shall adopt, in accordance with K.S.A. 32-805, and*  
7 *amendments thereto, rules and regulations for the administration of the*  
8 *provisions of this section, including but not limited to numbering*  
9 *applications, certificates of number, temporary 30-day permits, display of*  
10 *number and reports on change of address, destruction and sale or transfer*  
11 *of ownership.*

12 *Sec. 3. K.S.A. 2015 Supp. 8-173 and 32-1111 are hereby repealed.*

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