

HOUSE BILL No. 2126

By: Committee on Transportation

2-4

Proposed Amendment to HB 2126
For Committee on Transportation
February 21, 2019
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Office of Revisor of Statutes

1 AN ACT concerning motor vehicles; relating to electric-assisted scooters;
2 definitions; requirements; penalty; amending K.S.A. 2018 Supp. 8-126,
3 8-128, 8-197, 8-1486 and 8-2118 and repealing the existing sections.
4

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

6 New Section 1. "Electric-assisted scooter" means every self-propelled
7 vehicle that has at least two wheels in contact with the ground, an electric
8 motor, handlebars, a brake and a deck that is designed to be stood upon
9 when riding.

10 New Sec. 2. (a) It shall be unlawful for any person to operate an
11 electric-assisted scooter: (1) On any interstate highway, federal highway or
12 state highway; or (2) on any public highway or street within the corporate
13 limits of any city unless authorized by such city.

14 (b) The provisions of subsection (a) shall not prohibit an electric-
15 assisted scooter from crossing a federal or state highway.

16 (c) This section shall be a part of and supplemental to the uniform act
17 regulating traffic on highways.

18 Sec. 3. K.S.A. 2018 Supp. 8-126 is hereby amended to read as
19 follows: 8-126. The following words and phrases when used in this act
20 shall have the meanings respectively ascribed to them herein:

21 (a) "All-terrain vehicle" means any motorized nonhighway vehicle 50
22 inches or less in width, having a dry weight of 1,500 pounds or less,
23 traveling on three or more nonhighway tires.

24 (b) "Autocycle" means a three-wheel motorcycle that has a steering
25 wheel and seating that does not require the operator to straddle or sit
26 astride it.

27 (c) "Commission" or "state highway commission" means the director
28 of vehicles of the department of revenue.

29 (d) "Contractor" means a person, partnership, corporation, local
30 government, county government, county treasurer or other state agency
31 that has contracted with the department to provide services associated with
32 vehicle functions.

33 (e) "Department" or "motor vehicle department" or "vehicle
34 department" means the division of vehicles of the department of revenue.
35 acting directly or through its duly authorized officers and agents. When
36 acting on behalf of the department of revenue pursuant to this act, a county

1 determining the gross weight for which the truck or truck tractor
2 propelling the same shall be registered; or

3 (11) farm trailer used and designed for transporting hay or forage
4 from a field to a storage area or from a storage area to a feedlot, ~~which~~
5 ~~that~~ is only incidentally moved or operated upon the highways, except that
6 this paragraph shall not apply to a farm semitrailer; or

7 (12) *electric-assisted scooter*;

8 (b) Self-propelled cranes where the crane operator on a job site
9 operates the controls of such crane from a permanent housing or module
10 on the crane and the crane is not used for the transportation of property,
11 except the property that is required for the operation of the crane itself and
12 earth moving equipment ~~which~~ ~~that~~ are equipped with pneumatic tires may
13 be moved on the highways of this state from one job location to another; or
14 to or from places of storage, delivery or repair, without complying with the
15 provisions of the law relating to registration and display of license plates
16 but shall comply with all the other requirements of the law relating to
17 motor vehicles.

18 (c) Oil well servicing, oil well clean-out or oil well drilling machinery
19 or equipment need not be registered under this act but shall comply with
20 all the other requirements of the law relating to motor vehicles.

21 (d) A truck permanently mounted with a hydraulic concrete pump and
22 placing boom may be moved on the highways of this state from one job
23 location to another, or to or from places of storage delivery or repair,
24 without being registered under this act, but shall comply with all the other
25 requirements of the law relating to motor vehicles. The provisions of this
26 subsection shall not apply to ready-mix concrete trucks.

27 ~~Sec. 5. K.S.A. 2018 Supp. 8-197 is hereby amended to read as~~
28 ~~follows: 8-197. (a) The provisions of K.S.A. 8-197 to through 8-199,~~
29 ~~inletives and amendments thereto, shall be a part of and supplemental to~~
30 ~~the provisions of article 1 of chapter 8 of the Kansas Statutes Annotated,~~
31 ~~and amendments thereto, and as used in such sections, the words and~~
32 ~~phrases defined by K.S.A. 8-126, and amendments thereto, shall have the~~
33 ~~meanings respectively ascribed to them therein.~~

34 (b) ~~As used in K.S.A. 8-197 through 8-199, and amendments thereto:~~
35 (1) (A) ~~"Nonhighway vehicle" means:~~

36 (i) ~~Any motor vehicle which ~~that~~ cannot be registered because it is~~
37 ~~not manufactured for the purpose of using the same on the highways of~~
38 ~~this state and is not provided with the equipment required by state statute~~
39 ~~for vehicles of such type ~~which~~ ~~that~~ are used on the highways of this state;~~

40 (ii) ~~any motor vehicle, other than a salvage vehicle, for which the~~
41 ~~owner has not provided motor vehicle liability insurance coverage or an~~
42 ~~approved self insurance plan under K.S.A. 40-3104, and amendments~~
43 ~~thereto, and has not applied for or obtained registration of such motor~~

Strike Section 5

1 vehicle in accordance with article 1 of chapter 8 of the Kansas Statutes-
2 Annotated, and amendments thereto;

3 (iii) any all-terrain vehicle;

4 (iv) any work-site utility vehicle;

5 (v) any micro utility truck;

6 (vi) recreational off-highway vehicle; or

7 (vii) any travel trailer which *that* cannot be registered because it is not
8 manufactured for the purpose of using the travel trailer on the highways of
9 this state and is not provided with the equipment by state statute for travel
10 trailers which *that* are used on the highways of this state; or

11 (viii) any electric assisted scooter; and

12 (B) "nonhighway vehicle" shall not include an implement of
13 husbandry as defined in K.S.A. 8-126, and amendments thereto.

14 (2) "Salvage vehicle" means:

15 (A) Any motor vehicle, other than a late model vehicle, which *that* is
16 of a type required to be registered in this state, but which *that* cannot be
17 registered because it has been wrecked or damaged to the extent that the
18 equipment required by state statute on any such vehicle used on the
19 highways of this state is not present or is not in good condition or proper
20 adjustment, as prescribed by state statute or any rules and regulations
21 adopted pursuant thereto, or such vehicle is in an inoperable condition or a
22 condition that would render the operation thereof on the highways of this
23 state a hazard to the public safety; and in either event, such vehicle would
24 require substantial repairs to rebuild or restore such vehicle to a condition
25 which *that* will permit the registration thereof;

26 (B) A late model vehicle which *that* is of a type required to be
27 registered in this state and which has been wrecked or damaged to the
28 extent that the total cost of repair is 75% or more of the fair market value
29 of the motor vehicle immediately preceding the time it was wrecked or
30 damaged and such condition was not merely exterior cosmetic damage to
31 such vehicle as a result of windstorm or hail;

32 (C) A motor vehicle which *that* is of a type required to be registered
33 in this state that the insurer determines is a total loss and for which the
34 insurer takes title; or

35 (D) A travel trailer which *that* is of a type required to be registered in
36 this state, but which cannot be registered because it has been wrecked or
37 damaged to the extent that: (i) The equipment required by state statute on
38 any such travel trailer used on the highways of this state is not present or is
39 not in good condition or proper adjustment, as prescribed by state statute
40 or any rules and regulations; or (ii) such travel trailer is in an inoperable
41 condition or a condition that would render the operation on the highways
42 of this state a hazard to the public safety; and in either event, such travel
43 trailer would require substantial repairs to rebuild or restore to a condition

~~which that will permit the registration of the travel trailer;~~

~~(3) "salvage title" means a certificate of title issued by the division designating a motor vehicle or travel trailer a salvage vehicle;~~

~~(4) "rebuilt salvage vehicle" means any motor vehicle or travel trailer previously issued a salvage title;~~

~~(5) "rebuilt salvage title" means a certificate of title issued by the division for a vehicle previously designated a salvage vehicle which that is now designated a rebuilt salvage vehicle;~~

~~(6) "late model vehicle" means any motor vehicle which has a manufacturer's model year designation of or later than the year in which that the vehicle was wrecked or damaged or any of the six preceding years;~~

~~(7) "fair market value" means the retail value of a motor vehicle as:~~

~~(A) set forth in a current edition of any nationally recognized compilation, including an automated database of retail value; or~~

~~(B) determined pursuant to a market survey of comparable vehicles with regard to condition and equipment; and~~

~~(8) "cost of repairs" means the estimated or actual retail cost of parts needed to repair a vehicle plus the cost of labor computed by using the hourly labor rate and time allocations for automobile repairs that are customary and reasonable. Retail costs of parts and labor rates may be based upon collision estimating manuals or electronic computer estimating systems customarily used in the automobile industry. The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing or reinstalling tires, sound systems, or any sales tax on parts or materials to rebuild or reconstruct the vehicle.~~

~~Sec. 6. K.S.A. 2018 Supp. 8-1486 is hereby amended to read as follows: 8-1486. K.S.A. 8-1402a, 8-1414a, 8-1439c, 8-1458a, 8-1459a, 8-1475a, 8-1487, 8-1488, 8-1489 and 8-1490, and amendments thereto, and K.S.A. 2018 Supp. 8-1491, 8-1492, 8-1493, 8-1494, 8-1495, 8-1496 and 8-1497 and section 1, and amendments thereto, shall be a part of, and supplemental to, the uniform act regulating traffic on highways.~~

~~Sec. 7. K.S.A. 2018 Supp. 8-2118 is hereby amended to read as follows: 8-2118.(a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.~~

~~(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs~~

1 conviction shall be fined 2½ times the applicable amount from one, but not
2 both, of the schedules listed in the uniform fine schedule contained in
3 subsection (c).

4 (g) Fines listed in the uniform fine schedule contained in subsection
5 (c) relating to exceeding the maximum speed limit, shall be doubled if a
6 person is convicted of exceeding the maximum speed limit in a school
7 zone authorized under K.S.A. 8-1560(a)(4), and amendments thereto.

8 (h) For a second violation of K.S.A. 8-1556, and amendments thereto,
9 within five years after a prior conviction of K.S.A. 8-1556, and
10 amendments thereto, such person, upon conviction, shall be fined \$750 for
11 the second violation. For a third and each succeeding violation of K.S.A.
12 8-1556, and amendments thereto, within five years after two prior
13 convictions of K.S.A. 8-1556, and amendments thereto, such person, upon
14 conviction, shall be fined \$1,000 for the third and each succeeding
15 violation.

16 Sec. 8. K.S.A. 2018 Supp. 8-126, 8-128, ~~8-197~~, 8-1486 and 8-2118
17 are hereby repealed.

18 Sec. 9. This act shall take effect and be in force from and after its
19 publication in the statute book.

Strike

And renumber sections
accordingly