

HOUSE BILL No. 2594

By Committee on Transportation

2-3

Proposed Amendments to HB 2594
For House Committee on Transportation
February 15, 2022
Prepared by: Office of Revisor of Statutes

1 AN ACT concerning motor vehicles; relating to vehicle identification
2 numbers; exempting certain modifications on antique vehicles from
3 vehicle identification number offense seizures and dispositions;
4 amending K.S.A. 2021 Supp. 8-116 and repealing the existing section.
5

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

7 Section 1. K.S.A. 2021 Supp. 8-116 is hereby amended to read as
8 follows: 8-116. (a) It is unlawful to sell, barter or exchange any motor
9 vehicle, trailer or semitrailer, the original vehicle identification number of
10 which has been destroyed, removed, altered or defaced, except as
11 contemplated by K.S.A. 8-116a, and amendments thereto, when no part of
12 the motor vehicle, trailer or semitrailer has been stolen and a vehicle
13 identification number has been assigned to the motor vehicle according to
14 law. Violation of this subsection~~(a)~~ is a severity level 10, nonperson
15 felony.

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

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

28 (d) Every law enforcement officer in this state having knowledge of a
29 motor vehicle, trailer or semitrailer, the vehicle identification number of
30 which has been destroyed, removed, altered or defaced, shall seize and
31 take possession of such motor vehicle, trailer or semitrailer.

32 (e) Every motor vehicle, trailer or semitrailer, the vehicle
33 identification number of which has been destroyed, removed, altered or
34 defaced, ~~which~~ *and that* has been seized under this section is an article of
35 contraband and the provisions of K.S.A. 22-2512, and amendments
36 thereto, shall apply.

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

4 (g) ~~The provisions of this section shall not apply to a person who~~
5 ~~removes and reinstalls a manufacturer's serial number or a vehicle~~
6 ~~identification number on an antique vehicle, as defined in K.S.A. 2021~~
7 ~~Supp. 8-166, and amendments thereto, if the removal and reinstallation~~
8 ~~are reasonably necessary for repair or restoration unless the person~~
9 ~~knows or has reason to know that the antique vehicle is stolen.~~

10 Sec. 2. K.S.A. 2021 Supp. 8-116 is hereby repealed.

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

when

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(A) the removal and reinstallation are reasonably necessary for the repair or restoration of the antique vehicle

(B) the person completing the repair or restoration of the antique vehicle reinstalls the manufacturer's serial number or vehicle identification number immediately after the repair or restoration is complete

(C) the person does not know or has no reason to know that the antique vehicle is stolen.