

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2263

By Committee on Transportation

2-8

1 AN ACT concerning electric-assisted bicycles; relating to the regulation
2 and approved use thereof; providing for use of certain sizes of motors;
3 amending K.S.A. 8-1437, 8-1439a, 8-1489 and 8-1592b and K.S.A.
4 2020 Supp. 8-126, 8-128, 8-1402a, 8-1438, 8-1498, 8-2401 and 32-701
5 and repealing the existing sections.
6

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

8 Section 1. K.S.A. 2020 Supp. 8-126 is hereby amended to read as
9 follows: 8-126. The following words and phrases when used in this act
10 shall have the meanings respectively ascribed to them herein:

11 (a) "All-terrain vehicle" means any motorized nonhighway vehicle,
12 *other than an electric-assisted bicycle, that is 50 inches or less in width,*
13 *having a dry weight of 1,500 pounds or less, traveling on three or more*
14 *nonhighway tires.*

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

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

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

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

29 (f) "Division" means the division of vehicles of the department of
30 revenue.

31 (g) *"Electric-assisted bicycle" means the same as defined in K.S.A. 8-*
32 *1489, and amendments thereto.*

33 (h) "Electric-assisted scooter" means every self-propelled vehicle,
34 *other than an electric-assisted bicycle, that has at least two wheels in*
35 *contact with the ground, an electric motor, handlebars, a brake and a deck*
36 *that is designed to be stood upon when riding.*

1 ~~(h)~~(i) "Electric personal assistive mobility device" means a self-
2 balancing two nontandem wheeled device, designed to transport only one
3 person, with an electric propulsion system that limits the maximum speed
4 of the device to 15 miles per hour or less.

5 ~~(i)~~(j) "Electric vehicle" means a vehicle that is powered by an electric
6 motor drawing current from rechargeable storage batteries or other
7 portable electrical energy storage devices, provided the recharge energy
8 must be drawn from a source off the vehicle, such as, but not limited to:

9 (1) Residential electric service;

10 (2) an electric vehicle charging station, also called an EV charging
11 station, an electric recharging point, a charging point, ~~EVSE~~ (electric
12 vehicle supply equipment) (*EVSE*) or a public charging station.

13 ~~(j)~~(k) "Electronic certificate of title" means any electronic record of
14 ownership, including any lien or liens that may be recorded, retained by
15 the division in accordance with K.S.A. 2020 Supp. 8-135d, and
16 amendments thereto.

17 ~~(k)~~(l) "Electronic notice of security interest" means the division's
18 online internet program that enables a dealer or secured party to submit a
19 notice of security interest as defined in this section, and to cancel the
20 notice or release the security interest using the program. This program is
21 also known as the Kansas elien or KSelien.

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

26 ~~(m)~~(n) "Farm trailer" means every trailer and semitrailer as those
27 terms are defined in this section, designed and used primarily as a farm
28 vehicle.

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

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

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

43 ~~(q)~~(r) "Implement of husbandry" means every vehicle designed or

1 adapted and used exclusively for agricultural operations, including
2 feedlots, and only incidentally moved or operated upon the highways.
3 Such term shall include, but not be limited to:

4 (1) A farm tractor;
5 (2) a self-propelled farm implement;
6 (3) a fertilizer spreader, nurse tank or truck permanently mounted
7 with a spreader used exclusively for dispensing or spreading water, dust or
8 liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202,
9 and amendments thereto, regardless of ownership;

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

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

15 ~~(s)~~(s) "Lien" means a security interest as defined in this section.

16 ~~(t)~~(t) "Lightweight roadable vehicle" means a multipurpose motor
17 vehicle that is allowed to be driven on public roadways and is required to
18 be registered with, and flown under the direction of, the federal aviation
19 administration.

20 ~~(u)~~(u) "Manufacturer" means every person engaged in the business of
21 manufacturing motor vehicles, trailers or semitrailers.

22 ~~(v)~~(v) "Micro utility truck" means any motor vehicle that is not less
23 than 48 inches in width, has an overall length, including the bumper, of not
24 more than 160 inches, has an unladen weight, including fuel and fluids, of
25 more than 1,500 pounds, can exceed 40 miles per hour as originally
26 manufactured and is manufactured with a metal cab. "Micro utility truck"
27 does not include a work-site utility vehicle or recreational off-highway
28 vehicle.

29 ~~(w)~~(w) "Motor vehicle" means every vehicle, other than a motorized
30 bicycle, *electric-assisted bicycle* or a motorized wheelchair, that is self-
31 propelled.

32 ~~(x)~~(x) "Motorcycle" means every motor vehicle, including
33 autocycles, designed to travel on not more than three wheels in contact
34 with the ground, except *an electric-assisted bicycle* or any such vehicle as
35 may be included within the term "tractor" as defined in this section.

36 ~~(y)~~(y) "Motorized bicycle" means every device, *other than an*
37 *electric-assisted bicycle*, that is having two tandem wheels or three
38 wheels, that may be propelled by either human power or helper motor, or
39 by both, and has:

40 (1) A motor which produces not more than 3.5 brake horsepower;
41 (2) a cylinder capacity of not more than 130 cubic centimeters;
42 (3) an automatic transmission; and
43 (4) the capability of a maximum design speed of no more than 30

1 miles per hour.

2 ~~(y)~~(z) "Motorized wheelchair" means any self-propelled vehicle
3 designed specifically for use by a physically disabled person and such
4 vehicle is incapable of a speed in excess of 15 miles per hour.

5 ~~(z)~~(aa) "New vehicle dealer" means every person actively engaged in
6 the business of buying, selling or exchanging new motor vehicles, travel
7 trailers, trailers or vehicles and who holds a dealer's contract therefor from
8 a manufacturer or distributor and who has an established place of business
9 in this state.

10 ~~(aa)~~(bb) "Nonresident" means every person who is not a resident of
11 this state.

12 ~~(bb)~~(cc) "Notice of security interest" means a notification to the
13 division from a dealer or secured party of a purchase money security
14 interest as provided in article 9 of chapter 84 of the Kansas Statutes
15 Annotated, and amendments thereto, upon a vehicle that has been sold and
16 delivered to the purchaser describing the vehicle and showing the name,
17 address and acknowledgment of the secured party as well as the name and
18 address of the debtor or debtors and other information the division
19 requires.

20 ~~(ee)~~(dd) "Oil well servicing, oil well clean-out or oil well drilling
21 machinery or equipment" means a vehicle constructed as a machine used
22 exclusively for servicing, cleaning-out or drilling an oil well and
23 consisting in general of a mast, an engine for power, a draw works and a
24 chassis permanently constructed or assembled for one or more of those
25 purposes. The passenger capacity of the cab of a vehicle shall not be
26 considered in determining whether such vehicle is oil well servicing, oil
27 well clean-out or oil well drilling machinery or equipment.

28 ~~(dd)~~(ee) "Owner" means a person who holds the legal title of a
29 vehicle, or in the event a vehicle is the subject of an agreement for the
30 conditional sale thereof with the right of purchase upon performance of the
31 conditions stated in the agreement and with an immediate right of
32 possession vested in the conditional vendee or in the event a vehicle is
33 subject to a lease of 30 days or more with an immediate right of possession
34 vested in the lessee; or in the event a party having a security interest in a
35 vehicle is entitled to possession, then such conditional vendee or lessee or
36 secured party shall be deemed the owner for the purpose of this act.

37 ~~(ee)~~(ff) "Passenger vehicle" means every motor vehicle, as defined in
38 this section, that is designed primarily to carry 10 or fewer passengers, and
39 is not used as a truck.

40 ~~(ff)~~(gg) "Person" means every natural person, firm, partnership,
41 association or corporation.

42 ~~(gg)~~(hh) "Pole trailer" means any two-wheel vehicle used as a trailer
43 with bolsters that support the load, and do not have a rack or body

1 extending to the tractor drawing the load.

2 ~~(hh)~~(ii) "Recreational off-highway vehicle" means any motor vehicle
3 more than 50 but not greater than 64 inches in width, having a dry weight
4 of 2,000 pounds or less, traveling on four or more nonhighway tires.

5 ~~(ii)~~(jj) "Road tractor" means every motor vehicle designed and used
6 for drawing other vehicles, and not so constructed as to carry any load
7 thereon independently, or any part of the weight of a vehicle or load so
8 drawn.

9 ~~(jj)~~(kk) "Self-propelled farm implement" means every farm
10 implement designed for specific use applications with its motive power
11 unit permanently incorporated in its structural design.

12 ~~(kk)~~(ll) "Semitrailer" means every vehicle of the trailer type so
13 designed and used in conjunction with a motor vehicle that some part of its
14 own weight and that of its own load rests upon or is carried by another
15 vehicle.

16 ~~(ll)~~(mm) "Specially constructed vehicle" means any vehicle that shall
17 not have been originally constructed under a distinctive name, make,
18 model or type, or that, if originally otherwise constructed shall have been
19 materially altered by the removal of essential parts, or by the addition or
20 substitution of essential parts, new or used, derived from other vehicles or
21 makes of vehicles.

22 ~~(mm)~~(nn) "Trailer" means every vehicle without motive power
23 designed to carry property or passengers wholly on its own structure and
24 to be drawn by a motor vehicle.

25 ~~(nn)~~(oo) "Travel trailer" means every vehicle without motive power
26 designed to be towed by a motor vehicle constructed primarily for
27 recreational purposes.

28 ~~(oo)~~(pp) "Truck" means a motor vehicle that is used for the
29 transportation or delivery of freight and merchandise or more than 10
30 passengers.

31 ~~(pp)~~(qq) "Truck tractor" means every motor vehicle designed and
32 used primarily for drawing other vehicles, and not so constructed as to
33 carry a load other than a part of the weight of the vehicle or load so drawn.

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

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

43 ~~(ss)~~(tt) "Vehicle functions" means services relating to the application,

1 processing, auditing or distribution of original or renewal vehicle
2 registrations, certificates of title, driver's licenses and division-issued
3 identification cards associated with services and functions set out in
4 articles 1, 2 and 13 of chapter 8 of the Kansas Statutes Annotated, and
5 amendments thereto. "Vehicle functions" may also include personal
6 property taxation duties set out in article 51 of chapter 79 of the Kansas
7 Statutes Annotated, and amendments thereto, and other vehicle-related
8 events described in article 1 of chapter 8 of the Kansas Statutes Annotated,
9 and amendments thereto.

10 ~~((t))~~(uu) "Work-site utility vehicle" means any motor vehicle that is
11 not less than 48 inches in width, has an unladen weight, including fuel and
12 fluids, of more than 800 pounds and is equipped with four or more
13 nonhighway tires, a steering wheel and bench or bucket-type seating
14 allowing at least two people to sit side-by-side, and may be equipped with
15 a bed or cargo box for hauling materials. "Work-site utility vehicle" does
16 not include a micro utility truck or recreational off-highway vehicle.

17 Sec. 2. K.S.A. 2020 Supp. 8-128 is hereby amended to read as
18 follows: 8-128. (a) The following need not be registered under this act,
19 any:

- 20 (1) Implement of husbandry;
- 21 (2) all-terrain vehicle;
- 22 (3) micro utility truck;
- 23 (4) golf cart;
- 24 (5) work-site utility vehicle;
- 25 (6) road roller or road machinery temporarily operated or moved
26 upon the highways;
- 27 (7) municipally owned fire truck;
- 28 (8) privately owned fire truck subject to a mutual aid agreement with
29 a municipality;
- 30 (9) school bus owned and operated by a school district or a nonpublic
31 school that has the name of the municipality, school district or nonpublic
32 school plainly painted thereon;
- 33 (10) farm trailer used in carrying not more than 6,000 pounds owned
34 by a person engaged in farming, which trailer is used exclusively by the
35 owner to transport agricultural products produced by such owner or
36 commodities purchased by the owner for use on the farm owned or rented
37 by the owner of such trailer and the weight of any such farm trailer, plus
38 the cargo weight of 6,000 pounds or less, shall not be considered in
39 determining the gross weight for which the truck or truck tractor
40 propelling the same shall be registered;
- 41 (11) farm trailer used and designed for transporting hay or forage
42 from a field to a storage area or from a storage area to a feedlot that is only
43 incidentally moved or operated upon the highways, except that this

1 paragraph shall not apply to a farm semitrailer; ~~or~~

2 (12) electric-assisted scooter; *or*

3 (13) *electric-assisted bicycle*.

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

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

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

23 Sec. 3. K.S.A. 2020 Supp. 8-1402a is hereby amended to read as
24 follows: 8-1402a. "All-terrain vehicle" means any motorized nonhighway
25 vehicle, *other than an electric-assisted bicycle, that is* 50 inches or less in
26 width, having a dry weight of 1,500 pounds or less and traveling on three
27 or more nonhighway tires.

28 Sec. 4. K.S.A. 8-1437 is hereby amended to read as follows: 8-1437.
29 "Motor vehicle" means every vehicle, other than a motorized bicycle,
30 *electric-assisted bicycle* or a motorized wheelchair, ~~which that~~ is self-
31 propelled and every vehicle ~~which that~~ is propelled by electric power
32 obtained from overhead trolley wires, but not operated upon rails.

33 Sec. 5. K.S.A. 2020 Supp. 8-1438 is hereby amended to read as
34 follows: 8-1438. "Motorcycle" means every motor vehicle, including
35 autocycles, having a seat or saddle for the use of the rider and designed to
36 travel on not more than three wheels in contact with the ground, but
37 excluding *an electric-assisted bicycle or a tractor*.

38 Sec. 6. K.S.A. 8-1439a is hereby amended to read as follows: 8-
39 1439a. "Motorized bicycle" means every device, *other than an electric-*
40 *assisted bicycle*, having two tandem wheels or three wheels ~~which that~~
41 may be propelled by either human power or helper motor, or by both, and
42 ~~which that~~ has:

43 (a) A motor ~~which that~~ produces not more than 3.5 brake horsepower;

- 1 (b) a cylinder capacity of not more than 130 cubic centimeters;
- 2 (c) an automatic transmission; and
- 3 (d) the capability of a maximum design speed of no more than 30
- 4 miles per hour except a low power cycle.

5 Sec. 7. K.S.A. 8-1489 is hereby amended to read as follows: 8-1489.
6 "Electric-assisted bicycle" means a bicycle with two or three wheels, a
7 saddle, fully operative pedals for human propulsion, and an electric motor.
8 ~~The electric-assisted bicycle's electric motor must have a power output of~~
9 ~~no more than 1,000 watts, be incapable of propelling the device at a speed~~
10 ~~of more than 20 miles per hour on level ground and incapable of further~~
11 ~~increasing the speed of the device when human power alone is used to~~
12 ~~propel the device beyond 20 miles per hour of less than 750 watts that~~
13 ~~meets the requirements of one of the following three classes:~~

14 (a) *"Class 1 electric-assisted bicycle" means an electric-assisted*
15 *bicycle equipped with a motor that provides assistance only when the rider*
16 *is pedaling and ceases to provide assistance when the bicycle reaches the*
17 *speed of 20 miles per hour;*

18 (b) *"class 2 electric-assisted bicycle" means an electric-assisted*
19 *bicycle equipped with a motor that may be used exclusively to propel the*
20 *bicycle and is not capable of providing assistance when the bicycle reach*
21 *the speed of 20 miles per hour; or*

22 (c) *"class 3 electric-assisted bicycle" means an electric-assisted*
23 *bicycle equipped with a motor that provides assistance only when the rider*
24 *is pedaling and ceases to provide assistance when the bicycle reaches the*
25 *speed of 28 miles per hour.*

26 Sec. 8. K.S.A. 2020 Supp. 8-1498 is hereby amended to read as
27 follows: 8-1498. "Electric-assisted scooter" means every self-propelled
28 vehicle, *other than an electric-assisted bicycle*, that has at least two wheels
29 in contact with the ground, an electric motor, handlebars, a brake and a
30 deck that is designed to be stood upon when riding.

31 Sec. 9. K.S.A. 8-1592b is hereby amended to read as follows: 8-
32 1592b. ~~Vehicle registration and driver's license shall not be required for~~
33 ~~operation of an electric-assisted bicycle. Traffic regulations applicable to~~
34 ~~bicycles shall apply to electric-assisted bicycles, except tricycles with no~~
35 ~~brake horsepower.~~ (a) *Except as specifically provided, an electric-assisted*
36 *bicycle or a rider of an electric-assisted bicycle shall be afforded all the*
37 *rights and privileges, and be subject to all of the duties, of a bicycle or the*
38 *rider of a bicycle. An electric-assisted bicycle is a vehicle to the same*
39 *extent as a bicycle.*

40 (b) (1) *An electric-assisted bicycle or a person riding an electric-*
41 *assisted bicycle shall not be required to maintain:*

42 (A) *Vehicle liability insurance coverage;*

43 (B) *a driver's license;*

1 (C) registration in accordance with article 1 of chapter 8 of the
2 Kansas Statutes Annotated, and amendments thereto;

3 (D) a certificate of title; or

4 (E) a license plate.

5 (2) An electric-assisted bicycle shall not be considered a motor
6 vehicle.

7 (c) On and after January 1, 2022, manufacturers and distributors of
8 electric-assisted bicycles shall apply a label that is permanently affixed, in
9 a prominent location, to each electric-assisted bicycle. The label shall
10 contain the classification number, top assisted speed and motor wattage of
11 the electric-assisted bicycle and shall be printed in Arial font in at least
12 nine-point type.

13 (d) A person shall not tamper with or modify an electric-assisted
14 bicycle in a manner that changes the motor-powered speed capability or
15 engagement of an electric-assisted bicycle, unless the label indicating the
16 classification required in subsection (c) is replaced after modification.

17 (e) An electric-assisted bicycle shall comply with the equipment and
18 manufacturing requirements adopted by the United States consumer
19 product safety commission, 16 C.F.R. part 1512.

20 (f) An electric-assisted bicycle shall operate in a manner so that the
21 electric motor is disengaged or ceases to function when the rider stops
22 pedaling or when the brakes are applied.

23 (g) (1) An electric-assisted bicycle may be ridden in places where
24 bicycles are allowed, including, but not limited to, streets, highways,
25 roadways, bicycle lanes—and, bicycle or multi-use paths, **trails or trail**
26 **networks.**

27 ~~(2) Following notice and a public hearing, a local authority or state~~
28 ~~agency having jurisdiction over a bicycle or multi-use path may prohibit~~
29 ~~the operation of a class 1 electric-assisted bicycle or class 2 electric-~~
30 ~~assisted bicycle on that path, if it finds that such a restriction is needed to~~
31 ~~protect public safety or comply with other laws or legal obligations~~**This**
32 **subsection shall not be construed to prevent a city, through the**
33 **exercise of its home rule powers, from adopting an ordinance**
34 **governing the operation of electric-assisted bicycles on streets,**
35 **highways, roadways, sidewalks or sidewalk areas under the city's**
36 **jurisdiction, or to prevent a municipality, county or agency of the state**
37 **having jurisdiction over a bicycle or multi-use path, trail or trail**
38 **network from restricting or prohibiting the operation of an electric-**
39 **assisted bicycle or a specific class of electric-assisted bicycle on a**
40 **bicycle or multi-use path, trail or trail network.**

41 ~~(3) A local authority or state agency having jurisdiction over a~~
42 ~~bicycle or multi-use path may prohibit the operation of a class 3 electric-~~
43 ~~assisted bicycle on that path.~~

1 ~~(4)~~ *This Subsection (g)(1) shall not apply to a trail that is specifically*
2 *designated as nonmotorized and that has a natural surface tread that is*
3 *made by clearing and grading the native soil with no added surfacing*
4 *materials. A local authority or state agency having jurisdiction over a trail*
5 *described in this subsection may regulate the use of an electric-assisted*
6 *bicycle on such trail.*

7 *(h) No person under 16 years of age may operate a class 3 electric-*
8 *assisted bicycle. A person under 16 years of age may ride as a passenger*
9 *on a class 3 electric-assisted bicycle that is designed to accommodate*
10 *passengers.*

11 *(i) All class 3 electric-assisted bicycles shall be equipped with a*
12 *speedometer that displays the speed the bicycle is traveling in miles per*
13 *hour.*

14 Sec. 10. K.S.A. 2020 Supp. 8-2401 is hereby amended to read as
15 follows: 8-2401. As used in this act, the following words and phrases shall
16 have the meanings:

17 (a) "Vehicle dealer" means any person who:

18 (1) For commission, money or other thing of value is engaged in the
19 business of buying, selling or offering or attempting to negotiate a sale of
20 an interest in vehicles; or

21 (2) for commission, money or other thing of value is engaged in the
22 business of buying, selling or offering or attempting to negotiate a sale of
23 an interest in motor vehicles as an auction motor vehicle dealer as defined
24 in *subsection (bb)*; but does not include:

25 (A) Receivers, trustees, administrators, executors, guardians, or other
26 persons appointed by or acting under the judgment or order of any court,
27 or any bank, trustee or lending company or institution which is subject to
28 state or federal regulations as such, with regard to its disposition of
29 repossessed vehicles;

30 (B) public officers while performing their official duties;

31 (C) employees of persons enumerated in provisions (A) and (B),
32 when engaged in the specific performance of their duties as such
33 employees;

34 (D) auctioneers conducting auctions for persons enumerated in
35 ~~provisions~~ *subparagraphs (A), (B) or (C)*; or

36 (E) auctioneers who, while engaged in conducting an auction of
37 tangible personal property for others, offer for sale:

38 (i) Vehicles which have been used primarily in a farm or business
39 operation by the owner offering the vehicle for sale, including all vehicles
40 which qualified for a farm vehicle tag at the time of sale except vehicles
41 owned by a business engaged primarily in the business of leasing or
42 renting passenger cars;

43 (ii) vehicles which meet the statutory definition of antique vehicles;

1 or

2 (iii) vehicles for no more than four principals or households per
3 auction. All sales of vehicles exempted pursuant to ~~provision~~ *subparagraph*
4 (E), except truck, truck tractors, pole trailers, trailers and semitrailers as
5 defined by K.S.A. 8-126, and amendments thereto, shall be registered in
6 Kansas prior to the sale.

7 (b) "New vehicle dealer" means any vehicle dealer who is a party to
8 an agreement, with a first or second stage manufacturer or distributor,
9 which agreement authorizes the vehicle dealer to sell, exchange or transfer
10 new motor vehicles, trucks, motorcycles, or trailers or parts and
11 accessories made or sold by such first or second stage manufacturer or
12 distributor and obligates the vehicle dealer to fulfill the warranty
13 commitments of such first or second stage manufacturer or distributor.

14 (c) "Used vehicle dealer" means any person actively engaged in the
15 business of buying, selling or exchanging used vehicles.

16 (d) "Vehicle salesperson" means any person who is employed as a
17 salesperson by a vehicle dealer to sell vehicles.

18 (e) "Board" means the vehicle dealer review board created by this act.

19 (f) "Director" means the director of vehicles, or a designee of the
20 director.

21 (g) "Division" means the division of vehicles of the department of
22 revenue.

23 (h) "Vehicle" means every device in, upon or by which any person or
24 property is or may be transported or drawn upon a public highway, and is
25 required to be registered under the provisions of article 1 of chapter 8 of
26 Kansas Statutes Annotated, except that such term ~~shall include~~ *includes*
27 micro utility trucks, as defined in K.S.A. 8-126, and amendments thereto,
28 but ~~shall~~ *does* not include motorized bicycles *or electric-assisted bicycles*,
29 and ~~such term shall~~ *does* not include manufactured homes or mobile
30 homes. As used herein, the terms "manufactured home" and "mobile
31 home" ~~shall have the meanings ascribed to them~~ *mean the same as defined*
32 by K.S.A. 58-4202, and amendments thereto.

33 (i) "Motor vehicle" means any vehicle, other than a motorized
34 bicycle, ~~which or electric-assisted bicycle, that~~ is self-propelled and is
35 required to be registered under the provisions of article 1 of chapter 8 of
36 Kansas Statutes Annotated, *and amendments thereto*, except that ~~such term~~
37 ~~shall include~~ *"motor vehicle" includes* micro utility trucks, as defined in
38 K.S.A. 8-126, and amendments thereto.

39 (j) "Licensor" means the director or division or both.

40 (k) "First stage manufacturer" means any person who manufactures,
41 assembles and sells new vehicles to new vehicle dealers for resale in this
42 state.

43 (l) "Second stage manufacturer" means any person who assembles,

1 installs or permanently affixes body, cab or special unit equipment to a
2 chassis supplied by a first stage manufacturer, distributor or other supplier
3 and sells the resulting new vehicles to new vehicle dealers for resale in this
4 state.

5 (m) "First stage converter" means any person who is engaged in the
6 business of affixing to a chassis supplied by a first stage manufacturer,
7 distributor or other supplier, specially constructed body units to result in
8 motor vehicles used as, but not limited to, buses, wreckers, cement trucks
9 and trash compactors.

10 (n) "Second stage converter" means any person who is engaged in the
11 business of adding to, subtracting from or modifying previously assembled
12 or manufactured vehicles and sells the resulting converted vehicles at retail
13 or wholesale.

14 (o) "Distributor" means any person who sells or distributes for resale
15 new vehicles to new vehicle dealers in this state or who maintains
16 distributor representatives in this state.

17 (p) "Wholesaler" means any person who purchases vehicles for the
18 purpose of resale to a vehicle dealer.

19 (q) "Factory branch" means any branch office maintained in this state
20 by a first or second stage manufacturer for the sale of new vehicles to
21 distributors, or for the sale of new vehicles to new vehicle dealers, or for
22 directing or supervising, in whole or in part, its representatives in this
23 state.

24 (r) "Distributor branch" means any branch office similar to subsection
25 (q) maintained by a distributor for the same purposes as a factory branch.

26 (s) "Factory representative" means a representative employed by a
27 first or second stage manufacturer or factory branch for the purpose of
28 making or promoting the sale of its new vehicles to new vehicle dealers, or
29 for supervising or contacting its new vehicle dealers or prospective new
30 vehicle dealers with respect to the promotion and sale of such vehicles and
31 parts or accessories for the same.

32 (t) "Distributor representative" means any representative similar to
33 subsection (s) employed by a distributor or distributor branch for the same
34 purpose as a factory representative.

35 (u) "Person" means any natural person, partnership, firm, corporation
36 or association.

37 (v) "New motor vehicle" means any motor vehicle ~~which~~ that has
38 never been titled or registered and has not been substantially driven or
39 operated.

40 (w) "Franchise agreement" means any contract or franchise or any
41 other terminology used to describe the contractual relationship between
42 first or second stage manufacturers, distributors and vehicle dealers, by
43 which:

1 (1) A right is granted one party to engage in the business of offering,
2 selling or otherwise distributing goods or services under a marketing plan
3 or system prescribed in substantial part by the other party, and in which
4 there is a community of interest in the marketing of goods or services at
5 wholesale or retail, by lease, agreement or otherwise; and

6 (2) the operation of the grantee's business pursuant to such agreement
7 is substantially associated with the grantor's trademark, service mark, trade
8 name, logotype, advertising or other commercial symbol designating the
9 grantor or an affiliate of the grantor.

10 (x) "Broker" means any person who, for a fee, commission, money,
11 other thing of value, valuable consideration or benefit, either directly or
12 indirectly, arranges or offers to arrange a transaction involving the sale of a
13 vehicle, or is engaged in the business of:

14 (1) Selling or buying vehicles for other persons as an agent,
15 middleman or negotiator; or

16 (2) bringing buyers and sellers of vehicles together, but such term
17 shall not include any person registered as a salvage vehicle pool or any
18 person engaged in a business in which the acts described in this subsection
19 are only incidentally performed or which are performed or authorized
20 within the requirements or scope of any other category of license, or not
21 prohibited, in the manner authorized by the vehicle dealers' and
22 manufacturers' licensing act.

23 (y) "Salvage vehicle dealer" means any person engaged in the
24 business of buying, selling or exchanging used vehicles and primarily
25 engaged in the business of the distribution at wholesale or retail of used
26 motor vehicle parts and includes establishments primarily engaged in
27 dismantling motor vehicles for the purpose of selling parts.

28 (z) "Lending agency" means any person, desiring to be licensed under
29 this act and engaged in the business of financing or lending money to any
30 person to be used in the purchase or financing of a vehicle.

31 (aa) "Established place of business" means a building or structure,
32 other than a building or structure all or part of which is occupied or used as
33 a residence, owned either in fee or leased and designated as an office or
34 place to receive mail and keep records and conduct the routine of business.
35 To qualify as an established place of business, there shall be located
36 therein an operable telephone which shall be listed with the telephone
37 company under the name of the licensed business, except that a vehicle
38 dealer who derives at least 50% of such person's income from operating a
39 farm as a resident thereof, the established place of business may be the
40 farm residence of such vehicle dealer and the operable telephone may be
41 located in such residence when such dealer engages only in vehicles and
42 equipment not required to have vehicle registration to travel on a highway.

43 (bb) "Auction motor vehicle dealer" means any person who for

1 commission, money or other thing of value is engaged in an auction of
2 motor vehicles except that the sales of such motor vehicles shall involve
3 only motor vehicles owned by licensed motor vehicle dealers and sold to
4 licensed motor vehicle dealers, except that any auction motor vehicle
5 dealer, registered as such and lawfully operating prior to June 30, 1980,
6 shall be deemed to be and have been properly licensed under this act from
7 and after July 1, 1980. For the purposes of this subsection, an auction is a
8 private sale of motor vehicles where any and all licensed motor vehicle
9 dealers who choose to do so are permitted to attend and offer bids and the
10 private sale of such motor vehicles is to the highest bidder.

11 (cc) "Licensee" means any person issued a valid license pursuant to
12 this act.

13 (dd) "Dealer" means a vehicle dealer as defined by this act, unless the
14 context otherwise requires.

15 (ee) "Insurance company" means any person desiring to be licensed
16 under this act and engaged in the business of writing or servicing
17 insurance related to vehicles.

18 (ff) "Supplemental place of business" means a business location other
19 than that of the established place of business of the dealer which may be
20 operated by the dealer on a continuous year-round basis and, for new
21 vehicle dealers, is within the defined area of responsibility in their
22 franchise agreement, and for all other dealers is within the same city or
23 county where the established place of business of the dealer is operated.

24 (gg) "Salvage yard" means the place owned or leased and regularly
25 occupied by a person, firm or corporation licensed under the provisions of
26 this act for the principal purpose of engaging in the business of a salvage
27 vehicle dealer. Salvage yard shall include the location where the:

28 (1) Products for sale are displayed and offered for sale;

29 (2) books and records required for the conduct of the business are
30 maintained;

31 (3) records are kept in the normal daily business activity; and

32 (4) records are made available for inspection.

33 (hh) "Salvage vehicle pool" means any person who as an agent for a
34 third party is primarily engaged in the business of storing, displaying and
35 offering for sale salvage vehicles.

36 (ii) "Major component part" means any vehicle part including the
37 front clip, rear clip, doors, frame, chassis, engine, transmission, transaxle,
38 cab, bed and box bearing the public vehicle identification number or
39 engine number, if manufactured prior to 1981; or any vehicle part bearing
40 a derivative of such number.

41 (jj) "Recreational motor vehicle" means a recreational vehicle as
42 defined by ~~subsection (f)~~ of K.S.A. 75-1212(f), and amendments thereto.

43 (kk) "Vehicle crusher" means any person, other than a vehicle

1 recycler or a scrap metal recycler, who engages in the business of
2 flattening, crushing or otherwise processing nonrepairable vehicles for
3 recycling. Vehicle crushers include, but are not limited to, persons who use
4 fixed or mobile equipment to flatten or crush nonrepairable vehicles for a
5 vehicle recycler or a scrap metal recycler.

6 (ll) "Vehicle recycler" means a person who engages in the business of
7 acquiring, dismantling, removing parts from or destroying nonrepairable
8 vehicles for the primary purpose of reselling the vehicle parts.

9 (mm) "Scrap metal recycler" means a person who engages in the
10 business of shredding or otherwise processing nonrepairable vehicles or
11 other scrap metal into prepared grades and whose principal product is
12 scrap iron, scrap steel or nonferrous metallic scrap for sale for remelting
13 purposes.

14 (nn) "Nonrepairable vehicle" means any motor vehicle ~~which~~ *that*:

15 (1) Has been damaged, destroyed, wrecked, burned or submerged in
16 water to the extent that such motor vehicle is incapable of safe operation
17 for use on roads or highways and has no resale value except as a source of
18 parts or scrap only; or

19 (2) the owner irreversibly designates as a source of parts or scrap.

20 (oo) "Rebuilder" means a person who is engaged in the business of
21 rebuilding salvage vehicles, as defined in K.S.A. 8-196, and amendments
22 thereto, and selling such rebuilt salvage vehicles.

23 Sec. 11. K.S.A. 2020 Supp. 32-701 is hereby amended to read as
24 follows: 32-701. As used in the wildlife, parks and tourism laws of this
25 state, unless the context otherwise requires or specifically defined
26 otherwise:

27 (a) "Big game animal" means any antelope, deer or elk.

28 (b) "Commission" means the Kansas wildlife, parks and tourism
29 commission created by K.S.A. 32-805, and amendments thereto.

30 (c) "Department" means the Kansas department of wildlife, parks and
31 tourism.

32 (d) "Fish," as a verb, means take, in any manner, any fish.

33 (e) "Furbearing animal" means any badger, beaver, bobcat, grey fox,
34 lynx, marten, mink, muskrat, opossum, otter, raccoon, red fox, spotted
35 skunk, striped skunk, swift fox or weasel.

36 (f) "Furharvest" means:

37 (1) Take, in any manner, any furbearing animal; or

38 (2) trap or attempt to trap any coyote.

39 (g) "Game animal" means any big game animal, wild turkey or small
40 game animal.

41 (h) "Game bird" means any grouse, partridge, pheasant, prairie
42 chicken or quail.

43 (i) "Hunt" means:

1 (1) Take, in any manner, any wildlife other than a fish, bullfrog,
2 furbearing animal or coyote; or

3 (2) take, in any manner other than by trapping, any coyote.

4 (j) "Motor vehicle" means a vehicle, other than a motorized
5 wheelchair, ~~which~~ or *electric-assisted bicycle* that is self-propelled.

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

9 (l) "Nonresident" means any person who has not been a bona fide
10 resident of this state for the immediately preceding 60 days.

11 (m) "On a commercial basis" means for valuable consideration.

12 (n) "Person" means any individual or any unincorporated association,
13 trust, partnership, public or private corporation or governmental entity,
14 including foreign governments, or any officer, employee, agent or agency
15 thereof.

16 (o) "Private water fishing impoundment" means one or more water
17 impoundments:

18 (1) Constructed by man rather than natural, located wholly within the
19 boundary of the lands owned or leased by the person operating the private
20 water impoundments; and

21 (2) entirely isolated from other surface water so that the
22 impoundment does not have any connection either continuously or at
23 intervals, except during periods of floods, with streams or other bodies of
24 water so as to permit the fish to move between streams or other bodies of
25 water and the private water impoundments, except that the private water
26 impoundments may be connected with a stream or other body of water by
27 a pipe or conduit if fish will be prevented at all times from moving
28 between streams or other bodies of water and the private water
29 impoundment by screening the flow or by other means.

30 (p) "Resident" means any person who has maintained the person's
31 place of permanent abode in this state for a period of 60 days immediately
32 preceding the person's application for any license, permit, stamp or other
33 issue of the department. Domiciliary intent is required to establish that a
34 person is maintaining the person's place or permanent abode in this state.
35 Mere ownership of property is not sufficient to establish domiciliary
36 intent. Evidence of domiciliary intent includes, without limitation, the
37 location where the person votes, pays personal income taxes or obtains a
38 driver's license.

39 (q) "Secretary" means the secretary of wildlife, parks and tourism.

40 (r) "Small game" means any game bird, hare, rabbit or squirrel.

41 (s) "Species" includes any subspecies of wildlife and any other group
42 of wildlife of the same species or smaller taxa in common spatial
43 arrangement that interbreed when mature.

1 (t) "Take" means harass, harm, pursue, shoot, wound, kill, molest,
2 trap, capture, collect, catch, possess or otherwise take, or attempt to
3 engage in any such conduct.

4 (u) "Wildlife" means any member of the animal kingdom, including,
5 without limitation, any mammal, fish, bird, amphibian, reptile, mollusk,
6 crustacean, arthropod or other invertebrate, and includes any part, product,
7 egg or offspring thereof, or the dead body or parts thereof. Wildlife does
8 not include agricultural livestock (cattle, swine, sheep, goats, horses,
9 mules and other equines) and poultry (domestic chickens, turkeys and
10 guinea fowl).

11 Sec. 12. K.S.A. 8-1437, 8-1439a, 8-1489 and 8-1592b and K.S.A.
12 2020 Supp. 8-126, 8-128, 8-1402a, 8-1438, 8-1498, 8-2401 and 32-701 are
13 hereby repealed.

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