

As Amended by House Committee

Session of 2021

SENATE BILL No. 67

By Committee on Transportation

1-25

1 AN ACT concerning motor vehicles; relating to all-terrain vehicles and
2 recreational off-highway vehicles; expanding the definitions thereof;
3 amending K.S.A. 2020 Supp. 8-126 and 8-1402a and repealing the
4 existing sections.

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

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

11 (a) "All-terrain vehicle" means any motorized nonhighway vehicle ~~50~~
12 55 inches or less in width *measured from the outside of one tire rim to the*
13 *outside of the other tire rim*, having a dry weight of 1,500 pounds or less,
14 traveling on three or more 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 scooter" means every self-propelled vehicle that
32 has at least two wheels in contact with the ground, an electric motor,
33 handlebars, a brake and a deck that is designed to be stood upon when
34 riding.

35 (h) "Electric personal assistive mobility device" means a self-
36 balancing two nontandem wheeled device, designed to transport only one

1 person, with an electric propulsion system that limits the maximum speed
2 of the device to 15 miles per hour or less.

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

7 (1) Residential electric service;

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

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

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

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

24 (m) "Farm trailer" means every trailer and semitrailer as those terms
25 are defined in this section, designed and used primarily as a farm vehicle.

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

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

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

40 (q) "Implement of husbandry" means every vehicle designed or
41 adapted and used exclusively for agricultural operations, including
42 feedlots, and only incidentally moved or operated upon the highways.
43 ~~Such term shall include~~ *"Implement of husbandry" includes, but is not be*

1 limited to:

2 (1) A farm tractor;

3 (2) a self-propelled farm implement;

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

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

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

13 (r) "Lien" means a security interest as defined in this section.

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

18 (t) "Manufacturer" means every person engaged in the business of
19 manufacturing motor vehicles, trailers or semitrailers.

20 (u) "Micro utility truck" means any motor vehicle that is not less than
21 48 inches in width, has an overall length, including the bumper, of not
22 more than 160 inches, has an unladen weight, including fuel and fluids, of
23 more than 1,500 pounds, can exceed 40 miles per hour as originally
24 manufactured and is manufactured with a metal cab. "Micro utility truck"
25 does not include a work-site utility vehicle or recreational off-highway
26 vehicle.

27 (v) "Motor vehicle" means every vehicle, other than a motorized
28 bicycle or a motorized wheelchair, that is self-propelled.

29 (w) "Motorcycle" means every motor vehicle, including autcycles,
30 designed to travel on not more than three wheels in contact with the
31 ground, except any such vehicle as may be included within the term
32 "tractor" as defined in this section.

33 (x) "Motorized bicycle" means every device having two tandem
34 wheels or three wheels, that may be propelled by either human power or
35 helper motor, or by both, and has:

36 (1) A motor—~~which~~ *that* produces not more than 3.5 brake
37 horsepower;

38 (2) a cylinder capacity of not more than 130 cubic centimeters;

39 (3) an automatic transmission; and

40 (4) the capability of a maximum design speed of no more than 30
41 miles per hour.

42 (y) "Motorized wheelchair" means any self-propelled vehicle
43 designed specifically for use by a physically disabled person and such

1 vehicle is incapable of a speed in excess of 15 miles per hour.

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

7 (aa) "Nonresident" means every person who is not a resident of this
8 state.

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

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

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

33 (ee) "Passenger vehicle" means every motor vehicle, as defined in
34 this section, that is designed primarily to carry 10 or fewer passengers, and
35 is not used as a truck.

36 (ff) "Person" means every natural person, firm, partnership,
37 association or corporation.

38 (gg) "Pole trailer" means any two-wheel vehicle used as a trailer with
39 bolsters that support the load, and do not have a rack or body extending to
40 the tractor drawing the load.

41 (hh) "Recreational off-highway vehicle" means any motor vehicle
42 ~~more than 50 but not greater than 64~~ 75 inches in width *measured from the*
43 *outside of one tire rim to the outside of the other tire rim*, having a dry

1 weight of ~~2,000~~ 3,500 pounds or less, traveling on four or more
2 nonhighway tires.

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

6 (jj) "Self-propelled farm implement" means every farm implement
7 designed for specific use applications with its motive power unit
8 permanently incorporated in its structural design.

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

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

18 (mm) "Trailer" means every vehicle without motive power designed
19 to carry property or passengers wholly on its own structure and to be
20 drawn by a motor vehicle.

21 (nn) "Travel trailer" means every vehicle without motive power
22 designed to be towed by a motor vehicle constructed primarily for
23 recreational purposes.

24 (oo) "Truck" means a motor vehicle that is used for the transportation
25 or delivery of freight and merchandise or more than 10 passengers.

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

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

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

37 (ss) "Vehicle functions" means services relating to the application,
38 processing, auditing or distribution of original or renewal vehicle
39 registrations, certificates of title, driver's licenses and division-issued
40 identification cards associated with services and functions set out in
41 articles 1, 2 and 13 of chapter 8 of the Kansas Statutes Annotated, and
42 amendments thereto. "Vehicle functions" may also include personal
43 property taxation duties set out in article 51 of chapter 79 of the Kansas

1 Statutes Annotated, and amendments thereto, and other vehicle-related
2 events described in article 1 of chapter 8 of the Kansas Statutes Annotated,
3 and amendments thereto.

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

11 Sec. 2. K.S.A. 2020 Supp. 8-1402a is hereby amended to read as
12 follows: 8-1402a. "All-terrain vehicle" means any motorized nonhighway
13 vehicle ~~50~~ 55 inches or less in width *measured from the outside of one tire*
14 *rim to the outside of the other tire rim*, having a dry weight of 1,500
15 pounds or less and traveling on three or more nonhighway tires.

16 Sec. 3. K.S.A. 2020 Supp. 8-126 and 8-1402a are hereby repealed.

17 Sec. 4. This act shall take effect and be in force from and after its
18 publication in the ~~statute book~~ **Kansas register**.