

SENATE BILL No. 73

By Committee on Transportation

1-26

1 AN ACT concerning motor vehicles; relating to definitions; amending
2 K.S.A. 2014 Supp. 8-126, 8-1402a and 8-1493 and repealing the
3 existing sections.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2014 Supp. 8-126 is hereby amended to read as
7 follows: 8-126. The following words and phrases when used in this act
8 shall have the meanings respectively ascribed to them herein:

9 (a) "All-terrain vehicle" means any motorized nonhighway vehicle 50
10 inches or less in width, having a dry weight of 1,500 pounds or less; *and*
11 traveling on three or more nonhighway tires, ~~having a seat designed to be~~
12 ~~straddled by the operator. As used in this subsection, nonhighway tire~~
13 ~~means any pneumatic tire six inches or more in width, designed for use on~~
14 ~~wheels with rim diameter of 14 inches or less.~~

15 (b) "Commission" or "state highway commission" means the director
16 of vehicles of the department of revenue.

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

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

26 (e) "Division" means the division of vehicles of the department of
27 revenue.

28 (f) "Electric personal assistive mobility device" means a self-
29 balancing two nontandem wheeled device, designed to transport only one
30 person, with an electric propulsion system that limits the maximum speed
31 of the device to 15 miles per hour or less.

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

36 (1) Residential electric service;

1 (2) an electric vehicle charging station, also called an EV charging
2 station, an electric recharging point, a charging point, EVSE (Electric
3 Vehicle Supply Equipment) or a public charging station.

4 (h) "Electronic certificate of title" means any electronic record of
5 ownership, including any lien or liens that may be recorded, retained by
6 the division in accordance with K.S.A. 2014 Supp. 8-135d, and
7 amendments thereto.

8 (i) "Electronic notice of security interest" means the division's online
9 internet program which enables a dealer or secured party to submit a
10 notice of security interest as defined in this section, and to cancel the
11 notice or release the security interest using the program. This program is
12 also known as the Kansas elien or KSelien.

13 (j) "Farm tractor" means every motor vehicle designed and used as a
14 farm implement power unit operated with or without other attached farm
15 implements in any manner consistent with the structural design of such
16 power unit.

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

19 (l) "Foreign vehicle" means every motor vehicle, trailer, or semitrailer
20 which shall be brought into this state otherwise than in ordinary course of
21 business by or through a manufacturer or dealer and which has not been
22 registered in this state.

23 (m) "Golf cart" means a motor vehicle that has not less than three
24 wheels in contact with the ground, an unladen weight of not more than
25 1,800 pounds, is designed to be and is operated at not more than 25 miles
26 per hour and is designed to carry not more than four persons including the
27 driver.

28 (n) "Highway" means every way or place of whatever nature open to
29 the use of the public as a matter of right for the purpose of vehicular travel.
30 The term "highway" shall not be deemed to include a roadway or driveway
31 upon grounds owned by private owners, colleges, universities or other
32 institutions.

33 (o) "Implement of husbandry" means every vehicle designed or
34 adapted and used exclusively for agricultural operations, including
35 feedlots, and only incidentally moved or operated upon the highways.
36 Such term shall include, but not be limited to:

- 37 (1) A farm tractor;
38 (2) a self-propelled farm implement;
39 (3) a fertilizer spreader, nurse tank or truck permanently mounted
40 with a spreader used exclusively for dispensing or spreading water, dust or
41 liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202,
42 and amendments thereto, regardless of ownership;
43 (4) a truck mounted with a fertilizer spreader used or manufactured

1 principally to spread animal dung;

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

5 (p) "Lien" means a security interest as defined in this section.

6 (q) "Lightweight roadable vehicle" means a multipurpose motor
7 vehicle that is allowed to be driven on public roadways and is required to
8 be registered with, and flown under the direction of, the federal aviation
9 administration.

10 (r) "Manufacturer" means every person engaged in the business of
11 manufacturing motor vehicles, trailers or semitrailers.

12 (s) "Micro utility truck" means any motor vehicle which is not less
13 than 48 inches in width, has an overall length, including the bumper, of not
14 more than 160 inches, has an unladen weight, including fuel and fluids, of
15 more than 1,500 pounds, can exceed 40 miles per hour as originally
16 manufactured and is manufactured with a metal cab. "Micro utility truck"
17 does not include a work-site utility vehicle or recreational off-highway
18 vehicle.

19 (t) "Motor vehicle" means every vehicle, other than a motorized
20 bicycle or a motorized wheelchair, which is self-propelled.

21 (u) "Motorcycle" means every motor vehicle designed to travel on not
22 more than three wheels in contact with the ground, except any such vehicle
23 as may be included within the term "tractor" as defined in this section.

24 (v) "Motorized bicycle" means every device having two tandem
25 wheels or three wheels, which may be propelled by either human power or
26 helper motor, or by both, and which has:

27 (1) A motor which produces not more than 3.5 brake horsepower;

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

29 (3) an automatic transmission; and

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

32 (w) "Motorized wheelchair" means any self-propelled vehicle
33 designed specifically for use by a physically disabled person and such
34 vehicle is incapable of a speed in excess of 15 miles per hour.

35 (x) "New vehicle dealer" means every person actively engaged in the
36 business of buying, selling or exchanging new motor vehicles, travel
37 trailers, trailers or vehicles and who holds a dealer's contract therefor from
38 a manufacturer or distributor and who has an established place of business
39 in this state.

40 (y) "Nonresident" means every person who is not a resident of this
41 state.

42 (z) "Notice of security interest" means a notification to the division
43 from a dealer or secured party of a purchase money security interest as

1 provided in article 9 of chapter 84 of the Kansas Statutes Annotated, and
2 amendments thereto, upon a vehicle which has been sold and delivered to
3 the purchaser describing the vehicle and showing the name, address and
4 acknowledgment of the secured party as well as the name and address of
5 the debtor or debtors and other information the division requires.

6 (aa) "Oil well servicing, oil well clean-out or oil well drilling
7 machinery or equipment" means a vehicle constructed as a machine used
8 exclusively for servicing, cleaning-out or drilling an oil well and
9 consisting in general of a mast, an engine for power, a draw works and a
10 chassis permanently constructed or assembled for one or more of those
11 purposes. The passenger capacity of the cab of a vehicle shall not be
12 considered in determining whether such vehicle is oil well servicing, oil
13 well clean-out or oil well drilling machinery or equipment.

14 (bb) "Owner" means a person who holds the legal title of a vehicle, or
15 in the event a vehicle is the subject of an agreement for the conditional
16 sale thereof with the right of purchase upon performance of the conditions
17 stated in the agreement and with an immediate right of possession vested
18 in the conditional vendee or in the event a vehicle is subject to a lease of
19 30 days or more with an immediate right of possession vested in the
20 lessee; or in the event a party having a security interest in a vehicle is
21 entitled to possession, then such conditional vendee or lessee or secured
22 party shall be deemed the owner for the purpose of this act.

23 (cc) "Passenger vehicle" means every motor vehicle, as defined in
24 this section, which is designed primarily to carry 10 or fewer passengers,
25 and which is not used as a truck.

26 (dd) "Person" means every natural person, firm, partnership,
27 association or corporation.

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

31 (ff) "Recreational off-highway vehicle" means any motor vehicle
32 *more than 50 but not greater than 64 inches or less* in width, having a dry
33 weight of 2,000 pounds or less, traveling on four or more nonhighway
34 tires, ~~having a nonstraddle seat and steering wheel for steering control.~~

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

38 (hh) "Self-propelled farm implement" means every farm implement
39 designed for specific use applications with its motive power unit
40 permanently incorporated in its structural design.

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

1 (jj) "Specially constructed vehicle" means any vehicle which shall not
2 have been originally constructed under a distinctive name, make, model or
3 type, or which, if originally otherwise constructed shall have been
4 materially altered by the removal of essential parts, or by the addition or
5 substitution of essential parts, new or used, derived from other vehicles or
6 makes of vehicles.

7 (kk) "Trailer" means every vehicle without motive power designed to
8 carry property or passengers wholly on its own structure and to be drawn
9 by a motor vehicle.

10 (ll) "Travel trailer" means every vehicle without motive power
11 designed to be towed by a motor vehicle constructed primarily for
12 recreational purposes.

13 (mm) "Truck" means a motor vehicle which is used for the
14 transportation or delivery of freight and merchandise or more than 10
15 passengers.

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

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

23 (pp) "Vehicle" means every device in, upon or by which any person
24 or property is or may be transported or drawn upon a public highway,
25 excepting electric personal assistive mobility devices or devices moved by
26 human power or used exclusively upon stationary rails or tracks.

27 (qq) "Vehicle functions" means services relating to the application,
28 processing, auditing or distribution of original or renewal vehicle
29 registrations, certificates of title, driver's licenses and division-issued
30 identification cards associated with services and functions set out in
31 articles 1, 2 and 13 of chapter 8 of the Kansas Statutes Annotated, and
32 amendments thereto. "Vehicle functions" may also include personal
33 property taxation duties set out in article 51 of chapter 79 of the Kansas
34 Statutes Annotated, and amendments thereto, and other vehicle-related
35 events described in article 1 of chapter 8 of the Kansas Statutes Annotated,
36 and amendments thereto.

37 (rr) "Work-site utility vehicle" means any motor vehicle which is not
38 less than 48 inches in width, ~~has an overall length, including the bumper,~~
39 ~~of not more than 135 inches,~~ has an unladen weight, including fuel and
40 fluids, of more than 800 pounds and is equipped with four or more ~~low~~
41 ~~pressure~~ *nonhighway* tires, a steering wheel and bench or bucket-type
42 seating allowing at least two people to sit side-by-side, and may be
43 equipped with a bed or cargo box for hauling materials. "Work-site utility

1 vehicle" does not include a micro utility truck or recreational off-highway
2 vehicle.

3 Sec. 2. K.S.A. 2014 Supp. 8-1402a is hereby amended to read as
4 follows: 8-1402a. "All-terrain vehicle" means any motorized nonhighway
5 vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or
6 less; *and* traveling on three or more nonhighway tires ~~and having a seat~~
7 ~~designed to be straddled by the operator. As used in this section,~~
8 ~~"nonhighway tire" means any pneumatic tire six inches or more in width,~~
9 ~~designed for use on wheels with a rim diameter of 14 inches or less.~~

10 Sec. 3. K.S.A. 2014 Supp. 8-1493 is hereby amended to read as
11 follows: 8-1493. "Work-site utility vehicle" means any motor vehicle
12 which is not less than 48 inches in width, ~~has an overall length, including~~
13 ~~the bumper, of not more than 135 inches,~~ has an unladen weight, including
14 fuel and fluids, of more than 800 pounds and is equipped with four or
15 more ~~low pressure~~ *nonhighway* tires, a steering wheel and bench or
16 bucket-type seating allowing at least two people to sit side-by-side, and
17 may be equipped with a bed or cargo box for hauling materials. "Work-site
18 utility vehicle" does not include a micro utility truck.

19 Sec. 4. K.S.A. 2014 Supp. 8-126, 8-1402a and 8-1493 are hereby
20 repealed.

21 Sec. 5. This act shall take effect and be in force from and after its
22 publication in the statute book.