

HOUSE BILL No. 2009

By Representative Powers

12-14

9 AN ACT relating to salvage vehicles; concerning cost of repairs; amend-
10 ing K.S.A. 2004 Supp. 8-197 and repealing the existing section.
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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 2004 Supp. 8-197 is hereby amended to read as
14 follows: 8-197. (a) The provisions of K.S.A. 8-197 to 8-199, inclusive, and
15 amendments thereto, shall be a part of and supplemental to the provisions
16 of article 1 of chapter 8 of the Kansas Statutes Annotated, and as used in
17 such sections, the words and phrases defined by K.S.A. 8-126, and amend-
18 ments thereto, shall have the meanings respectively ascribed to them
19 therein.

20 (b) As used in K.S.A. 8-197 through 8-199, and amendments thereto:

21 (1) "Nonhighway vehicle" means:

22 (A) Any motor vehicle which cannot be registered because it is not
23 manufactured for the purpose of using the same on the highways of this
24 state and is not provided with the equipment required by state statute
25 for vehicles of such type which are used on the highways of this state;

26 (B) any motor vehicle, other than a salvage vehicle, for which the
27 owner has not provided motor vehicle liability insurance coverage or an
28 approved self insurance plan under K.S.A. 40-3104, and amendments
29 thereto, and has not applied for or obtained registration of such motor
30 vehicle in accordance with article 1 of chapter 8 of the Kansas Statutes
31 Annotated; or

32 (C) any all-terrain vehicle;

33 (2) "salvage vehicle" means:

34 (A) Any motor vehicle, other than a late model vehicle, which is of a
35 type required to be registered in this state, but which cannot be registered
36 because it has been wrecked or damaged to the extent that: The equip-
37 ment required by state statute on any such vehicle used on the highways
38 of this state is not present or is not in good condition or proper adjust-
39 ment, as prescribed by state statute or any rules and regulations adopted
40 pursuant thereto, or such vehicle is in an inoperable condition or a con-
41 dition that would render the operation thereof on the highways of this
42 state a hazard to the public safety; and in either event, such vehicle would
43 require substantial repairs to rebuild or restore such vehicle to a condition

1 which will permit the registration thereof;

2 (B) a late model vehicle which is of a type required to be registered
3 in this state and which has been wrecked or damaged to the extent that
4 the total cost of repair is 75% or more of the fair market value of the
5 motor vehicle immediately preceding the time it was wrecked or damaged
6 and such condition was not merely exterior cosmetic damage to such
7 vehicle as a result of windstorm or hail; or

8 (C) a motor vehicle, which is of a type required to be registered in
9 this state that the insurer determines is a total loss and for which the
10 insurer takes title;

11 (3) "salvage title" means a certificate of title issued by the division
12 designating a motor vehicle a salvage vehicle;

13 (4) "rebuilt salvage vehicle" means any motor vehicle previously is-
14 sued a salvage title;

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

18 (6) "late model vehicle" means any motor vehicle which has a man-
19 ufacturer's model year designation of or later than the year in which the
20 vehicle was wrecked or damaged or any of the six preceding years;

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

22 (A) Set forth in a current edition of any nationally recognized com-
23 pilation, including an automated database of retail value; or

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

26 (8) "cost of repairs" means the estimated or actual retail cost of parts
27 needed to repair a vehicle plus the cost of labor computed by using the
28 hourly labor rate and time allocations for automobile repairs that are
29 customary and reasonable. Retail costs of parts and labor rates may be
30 based upon collision estimating manuals or electronic computer estimat-
31 ing systems customarily used in the automobile industry. The total cost
32 of repairs to rebuild or reconstruct the vehicle shall not include the cost
33 of repairing, replacing or reinstalling *inflatable safety restraints*, tires,
34 sound systems, or any sales tax on parts or materials to rebuild or recon-
35 struct the vehicle.

36 Sec. 2. K.S.A. 2004 Supp. 8-197 is hereby repealed.

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