

**SENATE BILL No. 2**

By Senator Barnett

12-17

AN ACT amending the Kansas consumer protection act; relating to certain vehicle dealer's required disclosures; amending K.S.A. 50-659 and repealing the existing section.

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

Section 1. K.S.A. 50-659 is hereby amended to read as follows: 50-659. (a) A vehicle dealer, as defined in K.S.A. 8-2401, and amendments thereto, shall not knowingly or intentionally fail to disclose in writing to the consumer of a motor vehicle the following:

(1) The fact that a motor vehicle was used as a driver training motor vehicle, as defined in K.S.A. 72-5015, and amendments thereto; *or*

~~(2) the fact that a motor vehicle was used as a leased or rented motor vehicle; or~~

~~(3) the fact that a motor vehicle was a factory buyback motor vehicle or returned to a vehicle dealer under the provisions of K.S.A. 50-645, and amendments thereto.~~

Failure of the vehicle dealer to disclose in writing the information in paragraphs (1), ~~(2)~~ and ~~(3)~~ and (2) shall create a rebuttable presumption of intent not to disclose such information.

(b) For the purposes of this section:

(1) "Motor vehicle" means a motor vehicle which is registered for a gross weight of 12,000 pounds or less, or a farm truck registered for a gross weight of 16,000 pounds or less;

(2) "consumer" means the first individual to take title to a motor vehicle, for purposes other than resale, after such vehicle was:

~~(A) Used as a leased or rented motor vehicle;~~

~~(B) A driver training motor vehicle;~~

~~(C) repurchased or reacquired by the manufacturer or distributor as a factory buyback motor vehicle; or~~

~~(D) returned to a vehicle dealer under the provisions of K.S.A. 50-645, and amendments thereto;~~

~~(3) "leased or rented motor vehicle" does not include a motor vehicle which is leased, loaned or rented by a vehicle dealer to a customer of such dealer while the customer's motor vehicle is being serviced or repaired by such dealer;~~

- 1 —~~(4)~~ (3) “factory buyback motor vehicle” means a motor vehicle re-  
2 purchased or reacquired by the manufacturer or distributor due to an  
3 order or judgment by a court of law or formal, informal or mandatory  
4 arbitration procedure, and placed for sale through any dealer, auction or  
5 agent.
- 6 (c) Any violation of this section is a deceptive act or practice under  
7 the Kansas consumer protection act.
- 8 (d) This section shall be a part of and supplemental to the Kansas  
9 consumer protection act.
- 10 Sec. 2. K.S.A. 50-659 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.