

As Amended by House Committee

As Amended by Senate Committee

Session of 2010

SENATE BILL No. 518

By Committee on Federal and State Affairs

2-3

12 AN ACT relating to motor vehicles; concerning vehicle identification
13 number inspection fees; amending K.S.A. 2009 Supp. 8-116a and re-
14 pealing the existing section.
15

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

17 Section 1. K.S.A. 2009 Supp. 8-116a is hereby amended to read as
18 follows: 8-116a. (a) Except as provided in K.S.A. 8-170, and amendments
19 thereto, when an application is made for a vehicle which has been assem-
20 bled, reconstructed, reconstituted or restored from one or more vehicles,
21 or the proper identification number of a vehicle is in doubt, the procedure
22 in this section shall be followed. The owner of the vehicle shall request
23 the Kansas highway patrol to check the vehicle and the highway patrol
24 shall within a reasonable period of time perform such vehicle check. At
25 the time of such check the owner shall supply the highway patrol with
26 information concerning the history of the various parts of the vehicle.
27 Such information shall be supplied by affidavit of the owner, if so re-
28 quested by the highway patrol. If the highway patrol is satisfied that the
29 vehicle contains no stolen parts, it shall assign an existing or new identi-
30 fication number to the vehicle and direct the places and manner in which
31 the identification number is to be located and affixed or implanted. ~~A~~
32 **Except as provided under subsection (g), a charge of \$10 \$20 fixed**
33 **by the superintendent of the Kansas highway patrol by rules and**
34 **regulations in an amount not to exceed \$25 of \$20** per hour or part
35 thereof, with a minimum charge of \$10 \$20, shall be made to the owner
36 of a vehicle requesting check under this subsection, and such charge shall
37 be paid prior to the check under this section. When a check has been
38 made under subsection (b), not more than 60 days prior to a check of the
39 same vehicle identification number, requested by the owner of the vehicle
40 to obtain a regular certificate of title in lieu of a nonhighway certificate
41 of title or obtain a rebuilt salvage title in lieu of a salvage title, no charge
42 shall be made for such second check.

43 (b) Any person making application for any original Kansas title for a

1 used vehicle which, at the time of making application, is titled in another
2 jurisdiction, as a condition precedent to obtaining any Kansas title, shall
3 have such vehicle checked by the Kansas highway patrol for verification
4 that the vehicle identification number shown on the foreign title is gen-
5 uine and agrees with the identification number on the vehicle. Checks
6 under this section may include inspection for possible violation of K.S.A.
7 21-3757, and amendments thereto, or other evidence of possible fraud.
8 The verification shall be made upon forms prescribed by the division of
9 vehicles which shall contain such information as the secretary of revenue
10 shall require by rules and regulations. ~~A~~ **Except as provided under**
11 **subsection (g),** a charge of ~~\$10~~ \$20 per hour or part thereof, with a
12 minimum charge of ~~\$10~~ \$20, shall be made for checks under this sub-
13 section. When a vehicle is registered in another state, but is financed by
14 a Kansas financial institution and is repossessed in another state and such
15 vehicle will not be returned to Kansas, the check required by this sub-
16 section (b) shall not be required to obtain a valid Kansas title or
17 registration.

18 (c) As used in this act, “identification number” or “vehicle identifi-
19 cation number” means an identifying number, serial number, engine
20 number, transmission number or other distinguishing number or mark,
21 placed on a vehicle, engine, transmission or other essential part by its
22 manufacturer or by authority of the division of vehicles or the Kansas
23 highway patrol or in accordance with the laws of another state or country.

24 (d) The checks made under subsection (b) may be made by:

25 (1) A designee of the superintendent of the Kansas highway patrol;
26 or

27 (2) an employee of a new vehicle dealer, as defined in subsection (b)
28 of K.S.A. 8-2401, and amendments thereto, for the purposes provided for
29 in subsection (f). For checks made by a designee **or new vehicle dealer,**
30 ~~\$1~~ ~~\$2~~ **10%** of each charge shall be remitted to the Kansas highway patrol
31 and the balance of such charges shall be retained by such designee **or**
32 **new vehicle dealer.** When a check is made under either subsection (a)
33 or (b) by personnel of the Kansas highway patrol ~~or when a check is made~~
34 ~~under subsection (b) by an employee of a new vehicle dealer,~~ the entire
35 amount of the charge therefor shall be paid to the highway patrol.

36 (e) There is hereby created the vehicle identification number fee
37 fund. The Kansas highway patrol shall remit all moneys received by the
38 Kansas highway patrol from fees collected under subsection (d) to the
39 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
40 amendments thereto. Upon receipt of each such remittance, the state
41 treasurer shall deposit the entire amount in the state treasury to the credit
42 of the vehicle identification number fee fund. All expenditures from the
43 vehicle identification number fee fund shall be made in accordance with

1 appropriations acts upon warrants of the director of accounts and reports
2 issued pursuant to vouchers approved by the superintendent of the Kan-
3 sas highway patrol or by a person or persons designated by the
4 superintendent.

5 (f) An employee of a new vehicle dealer, who has received initial
6 training and certification from the highway patrol, and has met continuing
7 certification requirements, in accordance with rules and regulations
8 adopted by the superintendent of the highway patrol, may provide the
9 checks under subsection (b), in accordance with rules and regulations
10 adopted by the superintendent of the highway patrol, on motor vehicles
11 repurchased or reacquired by a manufacturer, distributor or financing
12 subsidiary of such manufacturer and which are purchased by the new
13 vehicle dealer. At any time, after a hearing in accordance with the pro-
14 visions of the Kansas administrative procedure act, the superintendent of
15 the highway patrol may revoke, suspend, decline to renew or decline to
16 issue certification for failure to comply with the provisions of this sub-
17 section, including any rules and regulations.

18 **(g) After July 1, 2010, the fees charged under subsections (a)**
19 **and (b) may be established by the superintendent of the Kansas**
20 **highway patrol by rules and regulations in an amount not to exceed**
21 **\$25.**

22 Sec. 2. K.S.A. 2009 Supp. 8-116a is hereby repealed.

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