

SENATE BILL No. 536

By Committee on Transportation

2-4

9 AN ACT relating to motor vehicles; concerning recreational off-highway
10 vehicles; amending K.S.A. 2009 Supp. 8-126, 8-128, 8-197, 8-198, 8-
11 1486, 8-1493, 8-1494 and 8-2118 and repealing the existing sections.
12

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

14 New Section 1. "Recreational off-highway vehicle" means any motor
15 vehicle 64 inches or less in width, having a dry weight of 2,000 pounds
16 or less, traveling on four or more nonhighway tires, having a nonstraddle
17 seat and steering wheel for steering control.

18 New Sec. 2. (a) It shall be unlawful for any person to operate a rec-
19 reational off-highway vehicle: (1) On any interstate highway, federal high-
20 way or state highway; or (2) within the corporate limits of any city unless
21 authorized by such city.

22 (b) No recreational off-highway vehicle shall be operated on any pub-
23 lic highway, street or road between sunset and sunrise unless equipped
24 with lights as required by law for motorcycles.

25 (c) This section shall be part of and supplemental to the uniform act
26 regulating traffic on highways.

27 Sec. 3. K.S.A. 2009 Supp. 8-126 is hereby amended to read as fol-
28 lows: 8-126. The following words and phrases when used in this act shall
29 have the meanings respectively ascribed to them herein:

30 (a) "Vehicle" means every device in, upon or by which any person or
31 property is or may be transported or drawn upon a public highway, ex-
32 cepting electric personal assistive mobility devices or devices moved by
33 human power or used exclusively upon stationary rails or tracks.

34 (b) "Motor vehicle" means every vehicle, other than a motorized bi-
35 cycle or a motorized wheelchair, which is self-propelled.

36 (c) "Truck" means a motor vehicle which is used for the transporta-
37 tion or delivery of freight and merchandise or more than 10 passengers.

38 (d) "Motorcycle" means every motor vehicle designed to travel on
39 not more than three wheels in contact with the ground, except any such
40 vehicle as may be included within the term "tractor" as herein defined.

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

- 1 (f) "Farm tractor" means every motor vehicle designed and used as
2 a farm implement power unit operated with or without other attached
3 farm implements in any manner consistent with the structural design of
4 such power unit.
- 5 (g) "Road tractor" means every motor vehicle designed and used for
6 drawing other vehicles, and not so constructed as to carry any load
7 thereon independently, or any part of the weight of a vehicle or load so
8 drawn.
- 9 (h) "Trailer" means every vehicle without motive power designed to
10 carry property or passengers wholly on its own structure and to be drawn
11 by a motor vehicle.
- 12 (i) "Semitrailer" means every vehicle of the trailer type so designed
13 and used in conjunction with a motor vehicle that some part of its own
14 weight and that of its own load rests upon or is carried by another vehicle.
- 15 (j) "Pole trailer" means any two-wheel vehicle used as a trailer with
16 bolsters that support the load, and do not have a rack or body extending
17 to the tractor drawing the load.
- 18 (k) "Specially constructed vehicle" means any vehicle which shall not
19 have been originally constructed under a distinctive name, make, model
20 or type, or which, if originally otherwise constructed shall have been ma-
21 terially altered by the removal of essential parts, or by the addition or
22 substitution of essential parts, new or used, derived from other vehicles
23 or makes of vehicles.
- 24 (l) "Foreign vehicle" means every motor vehicle, trailer or semitrailer
25 which shall be brought into this state otherwise than in ordinary course
26 of business by or through a manufacturer or dealer and which has not
27 been registered in this state.
- 28 (m) "Person" means every natural person, firm, partnership, associ-
29 ation or corporation.
- 30 (n) "Owner" means a person who holds the legal title of a vehicle, or
31 in the event a vehicle is the subject of an agreement for the conditional
32 sale thereof with the right of purchase upon performance of the condi-
33 tions stated in the agreement and with an immediate right of possession
34 vested in the conditional vendee or in the event a vehicle is subject to a
35 lease of 30 days or more with an immediate right of possession vested in
36 the lessee; or in the event a party having a security interest in a vehicle
37 is entitled to possession, then such conditional vendee or lessee or secured
38 party shall be deemed the owner for the purpose of this act.
- 39 (o) "Nonresident" means every person who is not a resident of this
40 state.
- 41 (p) "Manufacturer" means every person engaged in the business of
42 manufacturing motor vehicles, trailers or semitrailers.
- 43 (q) "New vehicle dealer" means every person actively engaged in the

- 1 business of buying, selling or exchanging new motor vehicles, travel trail-
2 ers, trailers or vehicles and who holds a dealer's contract therefor from a
3 manufacturer or distributor and who has an established place of business
4 in this state.
- 5 (r) "Used vehicle dealer" means every person actively engaged in the
6 business of buying, selling or exchanging used vehicles, and having an
7 established place of business in this state and who does not hold a dealer's
8 contract for the sale of new motor vehicles, travel trailers, trailers or
9 vehicles.
- 10 (s) "Highway" means every way or place of whatever nature open to
11 the use of the public as a matter of right for the purpose of vehicular
12 travel. The term "highway" shall not be deemed to include a roadway or
13 driveway upon grounds owned by private owners, colleges, universities
14 or other institutions.
- 15 (t) "Department" or "motor vehicle department" or "vehicle depart-
16 ment" means the division of vehicles of the department of revenue, acting
17 directly or through its duly authorized officers and agents. When acting
18 on behalf of the department of revenue pursuant to this act, a county
19 treasurer shall be deemed to be an agent of the state of Kansas.
- 20 (u) "Commission" or "state highway commission" means the director
21 of vehicles of the department of revenue.
- 22 (v) "Division" means the division of vehicles of the department of
23 revenue.
- 24 (w) "Travel trailer" means every vehicle without motive power de-
25 signed to be towed by a motor vehicle constructed primarily for recrea-
26 tional purposes.
- 27 (x) "Passenger vehicle" means every motor vehicle, as herein defined,
28 which is designed primarily to carry 10 or fewer passengers, and which
29 is not used as a truck.
- 30 (y) "Self-propelled farm implement" means every farm implement
31 designed for specific use applications with its motive power unit perma-
32 nently incorporated in its structural design.
- 33 (z) "Farm trailer" means every trailer as defined in subsection (h) of
34 this section and every semitrailer as defined in subsection (i) of this sec-
35 tion, designed and used primarily as a farm vehicle.
- 36 (aa) "Motorized bicycle" means every device having two tandem
37 wheels or three wheels, which may be propelled by either human power
38 or helper motor, or by both, and which has:
- 39 (1) A motor which produces not more than 3.5 brake horsepower;
40 (2) a cylinder capacity of not more than 130 cubic centimeters;
41 (3) an automatic transmission; and
42 (4) the capability of a maximum design speed of no more than 30
43 miles per hour.

- 1 (bb) “All-terrain vehicle” means any motorized nonhighway vehicle
2 50 inches or less in width, having a dry weight of 1,500 pounds or less,
3 traveling on three or more nonhighway tires, having a seat designed to
4 be straddled by the operator. As used in this subsection, nonhighway tire
5 means any pneumatic tire six inches or more in width, designed for use
6 on wheels with rim diameter of 14 inches or less.
- 7 (cc) “Implement of husbandry” means every vehicle designed or
8 adapted and used exclusively for agricultural operations, including feed-
9 lots, and only incidentally moved or operated upon the highways. Such
10 term shall include, but not be limited to:
- 11 (1) A farm tractor;
 - 12 (2) a self-propelled farm implement;
 - 13 (3) a fertilizer spreader, nurse tank or truck permanently mounted
14 with a spreader used exclusively for dispensing or spreading water, dust
15 or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202,
16 and amendments thereto, regardless of ownership;
 - 17 (4) a truck mounted with a fertilizer spreader used or manufactured
18 principally to spread animal dung;
 - 19 (5) a mixer-feed truck owned and used by a feedlot, as defined in
20 K.S.A. 47-1501, and amendments thereto, and specially designed and
21 used exclusively for dispensing food to livestock in such feedlot.
- 22 (dd) “Motorized wheelchair” means any self-propelled vehicle de-
23 signed specifically for use by a physically disabled person that is incapable
24 of a speed in excess of 15 miles per hour.
- 25 (ee) “Oil well servicing, oil well clean-out or oil well drilling machin-
26 ery or equipment” means a vehicle constructed as a machine used exclu-
27 sively for servicing, cleaning-out or drilling an oil well and consisting in
28 general of a mast, an engine for power, a draw works and a chassis per-
29 manently constructed or assembled for one or more of those purposes.
30 The passenger capacity of the cab of a vehicle shall not be considered in
31 determining whether such vehicle is an oil well servicing, oil well clean-
32 out or oil well drilling machinery or equipment.
- 33 (ff) “Electric personal assistive mobility device” means a self-balanc-
34 ing two nontandem wheeled device, designed to transport only one per-
35 son, with an electric propulsion system that limits the maximum speed of
36 the device to 15 miles per hour or less.
- 37 (gg) “Electronic certificate of title” means any electronic record of
38 ownership, including any lien or liens that may be recorded, retained by
39 the division in accordance with K.S.A. 2009 Supp. 8-135d, and amend-
40 ments thereto.
- 41 (hh) “Work-site utility vehicle” means any motor vehicle which is not
42 less than 48 inches in width, has an overall length, including the bumper,
43 of not more than 135 inches, has an unladen weight, including fuel and

1 fluids, of more than 800 pounds and is equipped with four or more low
2 pressure tires, a steering wheel and bench or bucket-type seating allowing
3 at least two people to sit side-by-side, and may be equipped with a bed
4 or cargo box for hauling materials. "Work-site utility vehicle" does not
5 include a micro utility truck *or recreational off-highway vehicle*.

6 (ii) "Micro utility truck" means any motor vehicle which is not less
7 than 48 inches in width, has an overall length, including the bumper, of
8 not more than 160 inches, has an unladen weight, including fuel and
9 fluids, of more than 1,500 pounds, can exceed 40 miles per hour as orig-
10 inally manufactured and is manufactured with a metal cab. "Micro utility
11 truck" does not include a work-site utility vehicle *or recreational off-*
12 *highway vehicle*.

13 (jj) "Golf cart" means a motor vehicle that has not less than three
14 wheels in contact with the ground, an unladen weight of not more than
15 1,800 pounds, is designed to be and is operated at not more than 25 miles
16 per hour and is designed to carry not more than four persons including
17 the driver.

18 (kk) "*Recreational off-highway vehicle*" means any motor vehicle 64
19 inches or less in width, having a dry weight of 2,000 pounds or less,
20 traveling on four or more nonhighway tires, having a nonstraddle seat
21 and steering wheel for steering control.

22 Sec. 4. K.S.A. 2009 Supp. 8-128 is hereby amended to read as fol-
23 lows: 8-128. (a) The following need not be registered under this act, any:

- 24 (1) Implement of husbandry;
25 (2) all-terrain vehicle;
26 (3) micro utility truck;
27 (4) golf cart;
28 (5) work-site utility vehicle;
29 (6) *recreational off-highway vehicle*;
30 ~~(6)~~ (7) road roller or road machinery temporarily operated or moved
31 upon the highways;
32 ~~(7)~~ (8) municipally owned fire truck;
33 ~~(8)~~ (9) privately owned fire truck subject to a mutual aid agreement
34 with a municipality;
35 ~~(9)~~ (10) school bus owned and operated by a school district or a non-
36 public school which has the name of the municipality, school district or
37 nonpublic school plainly painted thereon;
38 ~~(10)~~ (11) farm trailer used in carrying not more than 6,000 pounds
39 owned by a person engaged in farming, which trailer is used exclusively
40 by the owner to transport agricultural products produced by such owner
41 or commodities purchased by the owner for use on the farm owned or
42 rented by the owner of such trailer and the weight of any such farm trailer,
43 plus the cargo weight of 6,000 pounds or less, shall not be considered in

1 determining the gross weight for which the truck or truck tractor pro-
2 pelling the same shall be registered; or
3 ~~(H)~~(I2) farm trailer used and designed for transporting hay or forage
4 from a field to a storage area or from a storage area to a feedlot, which
5 is only incidentally moved or operated upon the highways, except that
6 this paragraph shall not apply to a farm semitrailer.

7 (b) Self-propelled cranes where the crane operator on a job site op-
8 erates the controls of such crane from a permanent housing or module
9 on the crane and the crane is not used for the transportation of property,
10 except the property that is required for the operation of the crane itself
11 and earth moving equipment which are equipped with pneumatic tires
12 may be moved on the highways of this state from one job location to
13 another, or to or from places of storage, delivery or repair, without com-
14 plying with the provisions of the law relating to registration and display
15 of license plates but shall comply with all the other requirements of the
16 law relating to motor vehicles.

17 (c) Oil well servicing, oil well clean-out or oil well drilling machinery
18 or equipment need not be registered under this act but shall comply with
19 all the other requirements of the law relating to motor vehicles.

20 (d) A truck permanently mounted with a hydraulic concrete pump
21 and placing boom may be moved on the highways of this state from one
22 job location to another, or to or from places of storage delivery or repair,
23 without being registered under this act, but shall comply with all the other
24 requirements of the law relating to motor vehicles. The provisions of this
25 subsection shall not apply to ready-mix concrete trucks.

26 Sec. 5. K.S.A. 2009 Supp. 8-197 is hereby amended to read as fol-
27 lows: 8-197. (a) The provisions of K.S.A. 8-197 to 8-199, inclusive, and
28 amendments thereto, shall be a part of and supplemental to the provisions
29 of article 1 of chapter 8 of the Kansas Statutes Annotated, and as used in
30 such sections, the words and phrases defined by K.S.A. 8-126, and amend-
31 ments thereto, shall have the meanings respectively ascribed to them
32 therein.

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

34 (1) (A) "Nonhighway vehicle" means:

35 (i) Any motor vehicle which cannot be registered because it is not
36 manufactured for the purpose of using the same on the highways of this
37 state and is not provided with the equipment required by state statute
38 for vehicles of such type which are used on the highways of this state;

39 (ii) any motor vehicle, other than a salvage vehicle, for which the
40 owner has not provided motor vehicle liability insurance coverage or an
41 approved self insurance plan under K.S.A. 40-3104, and amendments
42 thereto, and has not applied for or obtained registration of such motor
43 vehicle in accordance with article 1 of chapter 8 of the Kansas Statutes

1 Annotated;

2 (iii) any all-terrain vehicle;

3 (iv) any work-site utility vehicle; ~~or~~

4 (v) any micro utility truck; *or*

5 (vi) *recreational off-highway vehicle*;

6 (B) “nonhighway vehicle” shall not include an implement of hus-
7 bandry, as defined in K.S.A. 8-126, and amendments thereto.

8 (2) “salvage vehicle” means:

9 (A) Any motor vehicle, other than a late model vehicle, which is of a
10 type required to be registered in this state, but which cannot be registered
11 because it has been wrecked or damaged to the extent that: The equip-
12 ment required by state statute on any such vehicle used on the highways
13 of this state is not present or is not in good condition or proper adjust-
14 ment, as prescribed by state statute or any rules and regulations adopted
15 pursuant thereto, or such vehicle is in an inoperable condition or a con-
16 dition that would render the operation thereof on the highways of this
17 state a hazard to the public safety; and in either event, such vehicle would
18 require substantial repairs to rebuild or restore such vehicle to a condition
19 which will permit the registration thereof;

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

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

29 (3) “salvage title” means a certificate of title issued by the division
30 designating a motor vehicle a salvage vehicle;

31 (4) “rebuilt salvage vehicle” means any motor vehicle previously is-
32 sued a salvage title;

33 (5) “rebuilt salvage title” means a certificate of title issued by the
34 division for a vehicle previously designated a salvage vehicle which is now
35 designated a rebuilt salvage vehicle;

36 (6) “late model vehicle” means any motor vehicle which has a man-
37 ufacturer’s model year designation of or later than the year in which the
38 vehicle was wrecked or damaged or any of the six preceding years;

39 (7) “fair market value” means the retail value of a motor vehicle as:

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

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

1 (8) “cost of repairs” means the estimated or actual retail cost of parts
2 needed to repair a vehicle plus the cost of labor computed by using the
3 hourly labor rate and time allocations for automobile repairs that are
4 customary and reasonable. Retail costs of parts and labor rates may be
5 based upon collision estimating manuals or electronic computer estimat-
6 ing systems customarily used in the automobile industry. The total cost
7 of repairs to rebuild or reconstruct the vehicle shall not include the cost
8 of repairing, replacing or reinstalling tires, sound systems, or any sales tax
9 on parts or materials to rebuild or reconstruct the vehicle.

10 Sec. 6. K.S.A. 2009 Supp. 8-198 is hereby amended to read as fol-
11 lows: 8-198. (a) A nonhighway or salvage vehicle shall not be required to
12 be registered in this state, as provided in K.S.A. 8-135, and amendments
13 thereto, but nothing in this section shall be construed as abrogating, lim-
14 iting or otherwise affecting the provisions of K.S.A. 8-142, and amend-
15 ments thereto, which make it unlawful for any person to operate or know-
16 ingly permit the operation in this state of a vehicle required to be
17 registered in this state.

18 (b) Upon the sale or transfer of any nonhighway vehicle or salvage
19 vehicle, the purchaser thereof shall obtain a nonhighway certificate of
20 title or salvage title, whichever is applicable, in the following manner:

21 (1) If the transferor is a vehicle dealer, as defined in K.S.A. 8-2401,
22 and amendments thereto, and a certificate of title has not been issued for
23 such vehicle under this section or under the provisions of K.S.A. 8-135,
24 and amendments thereto, such transferor shall make application for and
25 assign a nonhighway certificate of title or a salvage title, whichever is
26 applicable, to the purchaser of such nonhighway vehicle or salvage vehicle
27 in the same manner and under the same conditions prescribed by K.S.A.
28 8-135, and amendments thereto, for the application for and assignment
29 of a certificate of title thereunder. Upon the assignment thereof, the
30 purchaser shall make application for a new nonhighway certificate of title
31 or salvage title, as provided in subsection (c) or (d).

32 (2) Except as provided in subsection (b) of K.S.A. 8-199, and amend-
33 ments thereto, if a certificate of title has been issued for any such vehicle
34 under the provisions of K.S.A. 8-135, and amendments thereto, the owner
35 of such nonhighway vehicle or salvage vehicle may surrender such certifi-
36 cate of title to the division of vehicles and make application to the division
37 for a nonhighway certificate of title or salvage title, whichever is appli-
38 cable, or the owner may obtain from the county treasurer’s office a form
39 prescribed by the division of vehicles and, upon proper execution thereof,
40 may assign the nonhighway certificate of title, salvage title or the regular
41 certificate of title with such form attached to the purchaser of the non-
42 highway vehicle or salvage vehicle. Upon receipt of the nonhighway cer-
43 tificate of title, salvage title or the regular certificate of title with such

1 form attached, the purchaser shall make application for a new nonhighway
2 certificate of title or salvage title, whichever is applicable, as provided in
3 subsection (c) or (d).

4 (3) If the transferor is not a vehicle dealer, as defined in K.S.A. 8-
5 2401, and amendments thereto, and a certificate of title has not been
6 issued for the vehicle under this section or a certificate of title was not
7 required under K.S.A. 8-135, and amendments thereto, the transferor
8 shall make application to the division for a nonhighway certificate of title
9 or salvage title, whichever is applicable, as provided in this section, except
10 that in addition thereto, the division shall require a bill of sale or such
11 transferor's affidavit, with at least one other corroborating affidavit, that
12 such transferor is the owner of such nonhighway vehicle or salvage ve-
13 hicle. If the division is satisfied that the transferor is the owner, the di-
14 vision shall issue a nonhighway certificate of title or salvage title, which-
15 ever is applicable, for such vehicle, and the transferor shall assign the
16 same to the purchaser, who shall make application for a new nonhighway
17 certificate of title or salvage title, whichever is applicable, as provided in
18 subsection (c) or (d).

19 (c) Every purchaser of a nonhighway vehicle, whether assigned a non-
20 highway certificate of title or a regular certificate of title with the form
21 specified in paragraph (2) of subsection (b) attached, shall make appli-
22 cation to the county treasurer of the county in which such person resides
23 for a new nonhighway certificate of title in the same manner and under
24 the same conditions as for an application for a certificate of title under
25 K.S.A. 8-135, and amendments thereto. Such application shall be in the
26 form prescribed by the director of vehicles and shall contain substantially
27 the same provisions as required for an application under subsection (c)(1)
28 of K.S.A. 8-135, and amendments thereto. In addition, such application
29 shall provide a place for the applicant to certify that the vehicle for which
30 the application for a nonhighway certificate of title is made is a nonhigh-
31 way vehicle and other provisions the director deems necessary. Each ap-
32 plication for a nonhighway certificate of title shall be accompanied by a
33 fee of \$10, and if the application is not made to the county treasurer
34 within the time prescribed by K.S.A. 8-135, and amendments thereto, for
35 making application for a certificate of title thereunder, an additional fee
36 of \$2.

37 (d) (1) Except as otherwise provided by this section, the owner of a
38 vehicle that meets the definition of a salvage vehicle shall apply for a
39 salvage title before the ownership of the motor vehicle is transferred. In
40 no event shall such application be made more than 30 days after the
41 vehicle is determined to be a salvage vehicle.

42 (2) Every insurance company, which pursuant to a damage settle-
43 ment, acquires ownership of a vehicle that has incurred damage requiring

1 the vehicle to be designated a salvage vehicle, shall apply for a salvage
2 title within 30 days after the title is assigned and delivered by the owner
3 to the insurance company, with all liens released.

4 (3) Every insurance company which makes a damage settlement for
5 a vehicle that has incurred damage requiring such vehicle to be desig-
6 nated a salvage vehicle, but does not acquire ownership of the vehicle,
7 shall notify the vehicle owner of the owner's obligation to apply for a
8 salvage title for the motor vehicle, and shall notify the division of this fact
9 in accordance with procedures established by the division. The vehicle
10 owner shall apply for a salvage title within 30 days after being notified by
11 the insurance company.

12 (4) The lessee of any vehicle which incurs damage requiring the ve-
13 hicle to be designated a salvage vehicle shall notify the lessor of this fact
14 within 30 days of the determination that the vehicle is a salvage vehicle.

15 (5) The lessor of any motor vehicle which has incurred damage re-
16 quiring the vehicle to be titled as a salvage vehicle, shall apply for a salvage
17 title within 30 days after being notified of this fact by the lessee.

18 (6) Every person acquiring ownership of a motor vehicle that meets
19 the definition of a salvage vehicle, for which a salvage title has not been
20 issued, shall apply for the required document prior to any further transfer
21 of such vehicle, but in no event, more than 30 days after ownership is
22 acquired.

23 (7) Every purchaser of a salvage vehicle, whether assigned a salvage
24 title or a regular certificate of title with the form specified in paragraph
25 (2) of subsection (b) attached, shall make application to the county trea-
26 surer of the county in which such person resides for a new salvage title,
27 in the same manner and under the same condition as for an application
28 for a certificate of title under K.S.A. 8-135, and amendments thereto.
29 Such application shall be in the form prescribed by the director of vehicles
30 and shall contain substantially the same provisions as required for an
31 application under subsection (c)(1) of K.S.A. 8-135, and amendments
32 thereto. In addition, such application shall provide a place for the appli-
33 cant to certify that the vehicle for which the application for salvage title
34 is made is a salvage vehicle, and other provisions the director deems
35 necessary. Each application for a salvage title shall be accompanied by a
36 fee of \$10 and if the application is not made to the county treasurer within
37 the time prescribed by K.S.A. 8-135, and amendments thereto, for mak-
38 ing application for a certificate of title thereunder, an additional fee of
39 \$2.

40 (8) Failure to apply for a salvage title as provided by this subsection
41 shall be a class C nonperson misdemeanor.

42 (e) A nonhighway certificate of title or salvage title shall be in form
43 and color as prescribed by the director of vehicles. A nonhighway certif-

1 icate of title or salvage title shall indicate clearly and distinctly on its face
2 that it is issued for a nonhighway vehicle or salvage vehicle, whichever is
3 applicable. A nonhighway certificate of title or salvage title shall contain
4 substantially the same information as required on a certificate of title
5 issued under K.S.A. 8-135, and amendments thereto, and other infor-
6 mation the director deems necessary.

7 (f) (1) A nonhighway certificate of title or salvage title may be trans-
8 ferred in the same manner and under the same conditions as prescribed
9 by K.S.A. 8-135, and amendments thereto, for the transfer of a certificate
10 of title, except as otherwise provided in this section. A nonhighway cer-
11 tificate of title or salvage title may be assigned and transferred only while
12 the vehicle remains a nonhighway vehicle or salvage vehicle.

13 (2) Upon transfer or sale of a nonhighway vehicle in a condition which
14 will allow the registration of such vehicle, the owner shall assign the non-
15 highway certificate of title to the purchaser, and the purchaser shall obtain
16 a certificate of title and register such vehicle as provided in K.S.A. 8-135,
17 and amendments thereto. No regular certificate of title shall be issued
18 for a vehicle for which there has been issued a nonhighway certificate of
19 title until there has been compliance with K.S.A. 8-116a, and amend-
20 ments thereto.

21 (3) (A) Upon transfer or sale of a salvage vehicle which has been
22 rebuilt or restored or is otherwise in a condition which will allow the
23 registration of such vehicle, the owner shall assign the salvage title to the
24 purchaser, and the purchaser shall obtain a rebuilt salvage title and reg-
25 ister such vehicle as provided in K.S.A. 8-135, and amendments thereto.
26 No rebuilt salvage title shall be issued for a vehicle for which there has
27 been issued a salvage title until there has been compliance with K.S.A.
28 8-116a, and amendments thereto, and the notice required in paragraph
29 (3)(B) of this subsection has been attached to such vehicle.

30 (B) As part of the inspection for a rebuilt salvage title conducted
31 under K.S.A. 8-116a, and amendments thereto, the Kansas highway patrol
32 shall attach a notice affixed to the left door frame of the rebuilt salvage
33 vehicle indicating the vehicle identification number of such vehicle and
34 that such vehicle is a rebuilt salvage vehicle. In addition to any fee allowed
35 under K.S.A. 8-116a, and amendments thereto, a fee of \$5 shall be col-
36 lected from the owner of such vehicle requesting the inspection for the
37 notice required under this paragraph. All moneys received under this
38 paragraph shall be remitted in accordance with subsection (e) of K.S.A.
39 8-116a, and amendments thereto.

40 (C) Failure to apply for a rebuilt salvage title as provided by this
41 paragraph shall be a class C nonperson misdemeanor.

42 (g) The owner of a salvage vehicle which has been issued a salvage
43 title and has been assembled, reconstructed, reconstituted or restored or

1 otherwise placed in an operable condition may make application to the
2 county treasurer for a permit to operate such vehicle on the highways of
3 this state over the most direct route from the place such salvage vehicle
4 is located to a specified location named on the permit and to return to
5 the original location. No such permit shall be issued for any vehicle unless
6 the owner has motor vehicle liability insurance coverage or an approved
7 self-insurance plan under K.S.A. 40-3104, and amendments thereto. Such
8 permit shall be on a form furnished by the director of vehicles and shall
9 state the date the vehicle is to be taken to the other location, the name
10 of the insurer, as defined in K.S.A. 40-3103, and amendments thereto,
11 and the policy number or a statement that the vehicle is included in a
12 self-insurance plan approved by the commissioner of insurance, a state-
13 ment attesting to the correctness of the information concerning financial
14 security, the vehicle identification number and a description of the ve-
15 hicle. Such permit shall be signed by the owner of the vehicle. Permits
16 issued under this subsection (g) shall be prepared in triplicate. One copy
17 shall be carried in the vehicle for which it is issued and shall be displayed
18 so that it is visible from the rear of the vehicle. The second copy shall be
19 retained by the county treasurer, and the third copy shall be forwarded
20 by the county treasurer to the division of vehicles. The fee for such permit
21 shall be \$1 which shall be retained by the county treasurer, who shall
22 annually forward 25% of all such fees collected to the division of vehicles
23 to reimburse the division for administrative expenses, and shall deposit
24 the remainder in a special fund for expenses of issuing such permits.

25 (h) A nonhighway vehicle or salvage vehicle for which a nonhighway
26 certificate of title or salvage title has been issued pursuant to this section
27 shall not be deemed a motor vehicle for the purposes of K.S.A. 40-3101
28 to 40-3121, inclusive, and amendments thereto, except when such vehicle
29 is being operated pursuant to subsection (g). Any person who knowingly
30 makes a false statement concerning financial security in obtaining a per-
31 mit pursuant to subsection (g), or who fails to obtain a permit when
32 required by law to do so is guilty of a class C misdemeanor.

33 (i) Any person who, on July 1, 1996, is the owner of an all-terrain
34 vehicle, as defined in K.S.A. 8-126, and amendments thereto, shall not
35 be required to file an application for a nonhighway certificate of title
36 under the provisions of this section for such all-terrain vehicle, unless the
37 person transfers an interest in such all-terrain vehicle.

38 (j) Any person who, on July 1, 2006, is the owner of a work-site utility
39 vehicle, as defined in K.S.A. 8-126, and amendments thereto, shall not
40 be required to file an application for a nonhighway certificate of title
41 under the provisions of this section for such work-site utility vehicle, un-
42 less the person transfers an interest in such work-site utility vehicle.

43 (k) *Any person who, on July 1, 2010, is the owner of a recreational*

1 *off-highway vehicle, as defined in K.S.A. 8-126, and amendments thereto,*
2 *shall not be required to file an application for a nonhighway certificate*
3 *of title under the provisions of this section for such recreational off-high-*
4 *way vehicle, unless the person transfers an interest in such recreational*
5 *off-highway vehicle.*

6 Sec. 7. K.S.A. 2009 Supp. 8-1486 is hereby amended to read as fol-
7 lows: 8-1486. K.S.A. 8-1402a, 8-1414a, 8-1439c, 8-1458a, 8-1459a, 8-
8 1475a, 8-1487, 8-1488, 8-1489 and 8-1490 and amendments thereto, and
9 K.S.A. 2009 Supp. 8-1491, 8-1492, 8-1493, 8-1494 ~~and~~ 8-1495 *and sec-*
10 *tion 1*, and amendments thereto, shall be a part of, and supplemental to,
11 the uniform act regulating traffic on highways.

12 Sec. 8. K.S.A. 2009 Supp. 8-1493 is hereby amended to read as fol-
13 lows: 8-1493. “Work-site utility vehicle” means any motor vehicle which
14 is not less than 48 inches in width, has an overall length, including the
15 bumper, of not more than 135 inches, has an unladen weight, including
16 fuel and fluids, of more than 800 pounds and is equipped with four or
17 more low pressure tires, a steering wheel and bench or bucket-type seat-
18 ing allowing at least two people to sit side-by-side, and may be equipped
19 with a bed or cargo box for hauling materials. “Work-site utility vehicle”
20 does not include a micro utility truck *or recreational off-highway vehicle.*

21 Sec. 9. K.S.A. 2009 Supp. 8-1494 is hereby amended to read as fol-
22 lows: 8-1494. “Micro utility truck” means any motor vehicle which is not
23 less than 48 inches in width, has an overall length, including the bumper,
24 of not more than 160 inches, has an unladen weight, including fuel and
25 fluids, of more than 1,500 pounds, can exceed 40 miles per hour as orig-
26 inally manufactured and is manufactured with a metal cab. “Micro utility
27 truck” does not include a work-site utility vehicle *or recreational off-*
28 *highway vehicle.*

29 Sec. 10. K.S.A. 2009 Supp. 8-2118 is hereby amended to read as
30 follows: 8-2118. (a) A person charged with a traffic infraction shall, except
31 as provided in subsection (b), appear at the place and time specified in
32 the notice to appear. If the person enters an appearance, waives right to
33 trial, pleads guilty or no contest, the fine shall be no greater than that
34 specified in the uniform fine schedule in subsection (c) and court costs
35 shall be taxed as provided by law.

36 (b) Prior to the time specified in the notice to appear, a person
37 charged with a traffic infraction may enter a written appearance, waive
38 right to trial, plead guilty or no contest and pay the fine for the violation
39 as specified in the uniform fine schedule in subsection (c) and court costs
40 provided by law. Payment may be made by mail or in person and may be
41 by personal check. The traffic citation shall not have been complied with
42 if a check is not honored for any reason, or if the fine and court costs are
43 not paid in full. When a person charged with a traffic infraction makes

1 payment without executing a written waiver of right to trial and plea of
 2 guilty or no contest, the payment shall be deemed such an appearance,
 3 waiver of right to trial and plea of no contest.

4 (c) The following uniform fine schedule shall apply uniformly
 5 throughout the state but shall not limit the fine which may be imposed
 6 following a court appearance, except an appearance made for the purpose
 7 of pleading and payment as permitted by subsection (a). The description
 8 of offense contained in the following uniform fine schedule is for refer-
 9 ence only and is not a legal definition.

10	<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
11	Refusal to submit to a preliminary breath test	8-1012	\$90
12	Unsafe speed for prevailing conditions	8-1557	\$60
13	Exceeding maximum speed limit; or speeding	8-1558	1-10 mph over the limit, \$30
14	in zone posted by the state department of	to	
15	transportation; or speeding in locally posted	8-1560	11-20 mph over the limit,
16	zone	8-1560a	\$30 plus \$6 per mph over
17		or	10 mph over the limit;
18		8-1560b	
19			21-30 mph over the limit,
20			\$90 plus \$9 per mph over
21			20 mph over the limit;
22			
23			31 and more mph over the
24			limit, \$180 plus \$15 per
25			mph over 30 mph over the
26			limit;
27	Disobeying traffic control device	8-1507	\$60
28	Violating traffic control signal	8-1508	\$60
29	Violating pedestrian control signal	8-1509	\$30
30	Violating flashing traffic signals	8-1510	\$60
31	Violating lane-control signal	8-1511	\$60
32	Unauthorized sign, signal, marking or device	8-1512	\$30
33	Driving on left side of roadway	8-1514	\$60
34	Failure to keep right to pass oncoming vehicle	8-1515	\$60
35	Improper passing; increasing speed when	8-1516	\$60
36	passed		
37	Improper passing on right	8-1517	\$60
38	Passing on left with insufficient clearance	8-1518	\$60
39	Driving on left side where curve, grade,	8-1519	\$60
40	intersection railroad crossing, or obstructed		
41	view		
42	Driving on left in no-passing zone	8-1520	\$60
43			

1	Unlawful passing of stopped emergency	8-1520a	\$60
2	vehicle		
3	Driving wrong direction on one-way road	8-1521	\$60
4	Improper driving on laned roadway	8-1522	\$60
5	Following too close	8-1523	\$60
6	Improper crossover on divided highway	8-1524	\$30
7	Failure to yield right-of-way at uncontrolled	8-1526	\$60
8	intersection		
9	Failure to yield to approaching vehicle when	8-1527	\$60
10	turning left		
11	Failure to yield at stop or yield sign	8-1528	\$60
12	Failure to yield from private road or driveway	8-1529	\$60
13	Failure to yield to emergency vehicle	8-1530	\$180
14	Failure to yield to pedestrian or vehicle	8-1531	\$90
15	working on roadway		
16	Failure to comply with restrictions in road	8-1531a	\$30
17	construction zone		
18	Disobeying pedestrian traffic control device	8-1532	\$30
19	Failure to yield to pedestrian in crosswalk;	8-1533	\$60
20	pedestrian suddenly entering roadway;		
21	passing vehicle stopped for pedestrian at		
22	crosswalk		
23	Improper pedestrian crossing	8-1534	\$30
24	Failure to exercise due care in regard to	8-1535	\$30
25	pedestrian		
26	Improper pedestrian movement in crosswalk	8-1536	\$30
27	Improper use of roadway by pedestrian	8-1537	\$30
28	Soliciting ride or business on roadway	8-1538	\$30
29	Driving through safety zone	8-1539	\$30
30	Failure to yield to pedestrian on sidewalk	8-1540	\$30
31	Failure of pedestrian to yield to emergency	8-1541	\$30
32	vehicle		
33	Failure to yield to blind pedestrian	8-1542	\$30
34	Pedestrian disobeying bridge or railroad signal	8-1544	\$30
35	Improper turn or approach	8-1545	\$60
36	Improper "U" turn	8-1546	\$60
37	Unsafe starting of stopped vehicle	8-1547	\$30
38	Unsafe turning or stopping, failure to give	8-1548	\$60
39	proper signal; using turn signal unlawfully		
40	Improper method of giving notice of intention	8-1549	\$30
41	to turn		
42	Improper hand signal	8-1550	\$30
43	Failure to stop or obey railroad crossing signal	8-1551	\$180

1	Failure to stop at railroad crossing stop sign	8-1552	\$120
2	Certain hazardous vehicles failure to stop at	8-1553	\$180
3	railroad crossing		
4	Improper moving of heavy equipment at	8-1554	\$60
5	railroad crossing		
6	Vehicle emerging from alley, private roadway,	8-1555	\$60
7	building or driveway		
8	Improper passing of school bus; improper use	8-1556	\$300
9	of school bus signals		
10	Improper passing of church or day-care bus;	8-1556a	\$180
11	improper use of signals		
12	Impeding normal traffic by slow speed	8-1561	\$30
13	Speeding on motor-driven cycle	8-1562	\$60
14	Speeding in certain vehicles or on posted	8-1563	\$30
15	bridge		
16	Improper stopping, standing or parking on	8-1569	\$30
17	roadway		
18	Parking, standing or stopping in prohibited	8-1571	\$30
19	area		
20	Improper parking	8-1572	\$30
21	Unattended vehicle	8-1573	\$30
22	Improper backing	8-1574	\$30
23	Driving on sidewalk	8-1575	\$30
24	Driving with view or driving mechanism	8-1576	\$30
25	obstructed		
26	Unsafe opening of vehicle door	8-1577	\$30
27	Riding in house trailer	8-1578	\$30
28	<i>Unlawful riding on vehicle</i>	8-1578a	\$60
29	Improper driving in defiles, canyons, or on	8-1579	\$30
30	grades		
31	Coasting	8-1580	\$30
32	Following fire apparatus too closely	8-1581	\$60
33	Driving over fire hose	8-1582	\$30
34	Putting glass, etc., on highway	8-1583	\$90
35	Driving into intersection, crosswalk, or	8-1584	\$30
36	crossing without sufficient space on other		
37	side		
38	Improper operation of snowmobile on	8-1585	\$30
39	highway		
40	Parental responsibility of child riding bicycle	8-1586	\$30
41	Not riding on bicycle seat; too many persons	8-1588	\$30
42	on bicycle		
43	Clinging to other vehicle	8-1589	\$30

1	Improper riding of bicycle on roadway	8-1590	\$30
2	Carrying articles on bicycle; one hand on	8-1591	\$30
3	handlebars		
4	Improper bicycle lamps, brakes or reflectors	8-1592	\$30
5	Improper operation of motorcycle; seats;	8-1594	\$30
6	passengers, bundles		
7	Improper operation of motorcycle on laned	8-1595	\$60
8	roadway		
9	Motorcycle clinging to other vehicle	8-1596	\$30
10	Improper motorcycle handlebars or passenger	8-1597	\$60
11	equipment		
12	Motorcycle helmet and eye-protection	8-1598	\$30
13	requirements		
14	Unlawful riding on vehicle	8-1578a	\$60
15	Unlawful operation of all-terrain vehicle	8-15,100	\$60
16	Unlawful operation of low-speed vehicle	8-15,101	\$60
17	Littering	8-15,102	\$100
18	Disobeying school crossing guard	8-15,103	\$60
19	Unlawful operation of micro utility truck	8-15,106	\$60
20	Failure to remove vehicles in accidents	8-15,107	\$60
21	Unlawful operation of golf cart	8-15,108	\$60
22	Unlawful operation of work-site utility vehicle	8-15,109	\$60
23	<i>Unlawful operation of recreational off-highway</i>	<i>section 2</i>	<i>\$60</i>
24	<i> vehicle</i>		
25	Equipment offenses that are not	8-1701	\$60
26	misdemeanors		
27	Driving without lights when needed	8-1703	\$30
28	Defective headlamps	8-1705	\$30
29	Defective tail lamps	8-1706	\$30
30	Defective reflector	8-1707	\$30
31	Improper stop lamp or turn signal	8-1708	\$30
32	Improper lighting equipment on certain	8-1710	\$30
33	vehicles		
34	Improper lamp color on certain vehicles	8-1711	\$30
35	Improper mounting of reflectors and lamps on	8-1712	\$30
36	certain vehicles		
37	Improper visibility of reflectors and lamps on	8-1713	\$30
38	certain vehicles		
39	No lamp or flag on projecting load	8-1715	\$60
40	Improper lamps on parked vehicle	8-1716	\$30
41	Improper lights, lamps, reflectors and	8-1717	\$30
42	emblems on farm tractors or slow-moving		
43	vehicles		

1	Improper lamps and equipment on	8-1718	\$30
2	implements of husbandry, road machinery		
3	or animal-drawn vehicles		
4	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
5	Improper lamps or lights on emergency	8-1720	\$30
6	vehicle		
7	Improper stop or turn signal	8-1721	\$30
8	Improper vehicular hazard warning lamp	8-1722	\$30
9	Unauthorized additional lighting equipment	8-1723	\$30
10	Improper multiple-beam lights	8-1724	\$30
11	Failure to dim headlights	8-1725	\$60
12	Improper single-beam headlights	8-1726	\$30
13	Improper speed with alternate lighting	8-1727	\$30
14	Improper number of driving lamps	8-1728	\$30
15	Unauthorized lights and signals	8-1729	\$30
16	Improper school bus lighting equipment and	8-1730	\$30
17	warning devices		
18	Unauthorized lights and devices on church or	8-1730a	\$30
19	day-care bus		
20	Improper lights on highway construction or	8-1731	\$30
21	maintenance vehicles		
22	Defective brakes	8-1734	\$30
23	Defective or improper use of horn or warning	8-1738	\$30
24	device		
25	Defective muffler	8-1739	\$30
26	Defective mirror	8-1740	\$30
27	Defective wipers; obstructed windshield or	8-1741	\$30
28	windows		
29	Improper tires	8-1742	\$30
30	Improper flares or warning devices	8-1744	\$30
31	Improper use of vehicular hazard warning	8-1745	\$30
32	lamps and devices		
33	Improper air-conditioning equipment	8-1747	\$30
34	Improper safety belt or shoulder harness	8-1749	\$30
35	Improper wide-based single tires	8-1742b	\$60
36	Improper compression release engine braking	8-1761	\$60
37	system		
38	Defective motorcycle headlamp	8-1801	\$30
39	Defective motorcycle tail lamp	8-1802	\$30
40	Defective motorcycle reflector	8-1803	\$30
41	Defective motorcycle stop lamps and turn	8-1804	\$30
42	signals		
43	Defective multiple-beam lighting	8-1805	\$30

1	Improper road-lighting equipment on motor-	8-1806	\$30
2	driven cycles		
3	Defective motorcycle or motor-driven cycle	8-1807	\$30
4	brakes		
5	Improper performance ability of brakes	8-1808	\$30
6	Operating motorcycle with disapproved	8-1809	\$30
7	braking system		
8	Defective horn, muffler, mirrors or tires	8-1810	\$30
9	Unlawful statehouse parking	75-4510a	\$15
10	Exceeding gross weight of vehicle or	8-1909	Pounds Overweight
11	combination		up to 1000 \$25
12			1001 to 2000 3¢ per pound
13			2001 to 5000 5¢ per pound
14			5001 to 7500 7¢ per pound
15			7501 and over ... 10¢ per pound
16	Exceeding gross weight on any axle or tandem,	8-1908	Pounds Overweight
17	triple or quad axles		up to 1000 \$25
18			1001 to 2000 3¢ per pound
19			2001 to 5000 5¢ per pound
20			5001 to 7500 7¢ per pound
21			7501 and over ... 10¢ per pound
22	Failure to obtain proper registration, clearance	66-1324	\$272
23	or to have current certification		
24	Insufficient liability insurance for motor	66-1,128	\$122
25	carriers	or 66-1314	
26	Failure to obtain interstate motor fuel tax	79-34,122	\$122
27	authorization		
28	No authority as private or common carrier	66-1,111	\$122
29	Violation of motor carrier safety rules and	66-1,129	\$100
30	regulations, except for violations specified in		
31	subsection (b)(2) of K.S.A. 66-1,130, and		
32	amendments thereto		

33 (d) Traffic offenses classified as traffic infractions by this section shall
 34 be classified as ordinance traffic infractions by those cities adopting
 35 ordinances prohibiting the same offenses. A schedule of fines for all
 36 ordinance traffic infractions shall be established by the municipal judge
 37 in the manner prescribed by K.S.A. 12-4305, and amendments thereto.
 38 Such fines may vary from those contained in the uniform fine schedule
 39 contained in subsection (c).

40 (e) Fines listed in the uniform fine schedule contained in subsection
 41 (c) shall be doubled if a person is convicted of a traffic infraction, which
 42 is defined as a moving violation in accordance with rules and regulations
 43 adopted pursuant to K.S.A. 8-249, and amendments thereto, committed

1 within any road construction zone as defined in K.S.A. 8-1458a, and
2 amendments thereto.

3 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
4 amendments thereto, within two years after a prior conviction of K.S.A.
5 8-1908 or 8-1909, and amendments thereto, such person, upon conviction
6 shall be fined $1\frac{1}{2}$ times the applicable amount from one, but not both,
7 of the schedules listed in the uniform fine schedule contained in
8 subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and
9 amendments thereto, within two years, after two prior convictions of
10 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
11 conviction shall be fined two times the applicable amount from one, but
12 not both, of the schedules listed in the uniform fine schedule contained
13 in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-
14 1908 or 8-1909, and amendments thereto, within two years after three
15 prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto,
16 such person, upon conviction shall be fined $2\frac{1}{2}$ times the applicable
17 amount from one, but not both, of the schedules listed in the uniform
18 fine schedule contained in subsection (c).

19 (g) Fines listed in the uniform fine schedule contained in subsection
20 (c) relating to exceeding the maximum speed limit, shall be doubled if a
21 person is convicted of exceeding the maximum speed limit in a school
22 zone authorized under subsection (a)(4) of K.S.A. 8-1560, and
23 amendments thereto.

24 Sec. 11. K.S.A. 2009 Supp. 8-126, 8-128, 8-197, 8-198, 8-1486, 8-
25 1493, 8-1494 and 8-2118 are hereby repealed.

26 Sec. 12. This act shall take effect and be in force from and after its
27 publication in the statute book.