

HOUSE BILL No. 2122

By Committee on Transportation

Requested by Zach Denney on behalf of the Department of Revenue

1-28

1 AN ACT concerning motor vehicles; relating to vehicle registrations;
2 modifying the threshold limit for allowing quarterly payments of
3 certain truck and truck tractor annual vehicle registration fees;
4 eliminating the two-quarter grace period for truck or truck tractor
5 owners that have delinquent quarterly payments before certain penalties
6 apply; ***{extending from 10 to 30 days when payments would be***
7 ***considered delinquent;}*** amending K.S.A. 8-143a and repealing the
8 existing section.
9

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

11 Section 1. K.S.A. 8-143a is hereby amended to read as follows: 8-
12 143a. (a) The provisions of this section shall not apply to vehicles
13 registered on an apportioned basis as part of a fleet under the provisions of
14 K.S.A. 8-1,101 ~~to through 8-1,123, inclusive,~~ and amendments thereto, or
15 any agreement made by the director of vehicles, ~~and~~. The payment of
16 registration fees on a quarterly basis on such vehicles shall be in
17 accordance with K.S.A. 8-1,115, and amendments thereto.

18 (b) A resident owner of any truck or truck tractor, holding a
19 negotiable Kansas title, whether individual, partnership or Kansas
20 corporation, may at such owner's election, made at the time the annual
21 registration fee on such truck or truck tractor is payable, pay such annual
22 registration fee if ~~it such fee exceeds \$100~~ \$300, in equal quarterly
23 installments. The first of ~~which such quarterly payments~~ shall be payable
24 at the time of such application but not later than the last day of February in
25 each year, and for each ensuing quarter thereafter shall be payable
26 respectively on the first day of April, July and October. The applicant
27 shall, at the time of registration, present such applicant's negotiable Kansas
28 title to the county treasurer, who shall send it, along with the application
29 for registration, to the division of vehicles. The division of vehicles shall
30 retain the title until all quarterly payments are paid in full, at which time
31 the title shall be returned to the owner of the vehicle to which the title was
32 issued.

33 (c) ~~The provisions of the preceding paragraph~~ subsection (b) shall not
34 in any manner be construed to affect or reduce the amount of annual
35 registration fee due for any truck or truck tractor subject to registration on

1 January 1, and for which the owner shall be liable, but relate only to an
2 alternate method of payment of the amount of fees due and affixed as of
3 January 1 of each year. If any owner shall default in the payment of any
4 quarterly installment payment when the same is payable, the right to
5 operate such vehicle on the highways of this state shall terminate and it
6 shall be unlawful to operate such vehicle on the highways of this state until
7 the delinquent quarterly installment payment plus any penalty, shall have
8 been paid in full.

9 ~~(d) (1) If any owner shall fail to pay any two quarterly payment~~
10 ~~installments during any one registration year on any truck or truck tractor~~
11 ~~registered hereunder, on or before the day the same are due and payable,~~
12 ~~such owner thereafter may be denied the privilege of the payment of~~
13 ~~annual registration fees on a quarterly basis on any vehicle. If a quarterly~~
14 ~~installment payment shall be delinquent more than ~~10~~ {30} days beyond~~
15 ~~the due date of such quarterly installment, except for any case where it is~~
16 ~~determined by the director of vehicles that such delinquency is not due to~~
17 ~~negligence or intentional disregard of the provisions of this section, then~~
18 ~~the entire balance of the annual registration fee, including the delinquent~~
19 ~~quarterly installment, plus a penalty in a sum equal to 10% of the annual~~
20 ~~registration fee, shall become due and payable; and. Any such owner so~~
21 ~~delinquent may thereafter be denied the privilege of the payment of annual~~
22 ~~registration fees on any vehicle on a quarterly basis. All such fees and~~
23 ~~penalties remaining unpaid shall constitute a debt due the state, which may~~
24 ~~be collected from the person owing the same such unpaid fees and~~
25 ~~penalties by suit or otherwise. All such fees and any penalties remaining~~
26 ~~unpaid after the same such fees and any penalties are due and payable and~~
27 ~~any penalties shall constitute a first and prior lien in favor of the state upon~~
28 ~~the truck or truck tractor registered hereunder under this section, and all~~
29 ~~other real and personal property of the owner located within the state in the~~
30 ~~amount such fees and penalties remain unpaid. Each lien shall attach at the~~
31 ~~time such unpaid fees and penalties accrue and shall be paramount to all~~
32 ~~prior liens or encumbrances of any character and to the rights of any~~
33 ~~holder of the legal title in or to any such truck or truck tractor.~~

34 (2) When a quarterly installment is delinquent more than ~~10~~ {30} days
35 beyond the due date, upon default of such installment payment, the county
36 treasurer shall promptly file a notice of lien in the office of the register of
37 deeds of the county where the registration fee is payable, and in any other
38 county in which such owner has any property. A copy of such notice of
39 lien shall be mailed to the division of vehicles, and the owner so
40 delinquent, and the sheriff of any county in which such notice of lien is
41 filed. Such notice of lien shall set forth the name and address of the owner,
42 the amount of fees and penalties payable and unpaid, and the description
43 of the vehicle or vehicles to which applicable to such notice of lien. It shall

1 be the duty of each register of deeds in this state to index and file
2 immediately all such notices of lien in the manner provided in cases of
3 financing statements and no fee shall be charged for filing and indexing.

4 (3) The county treasurer shall issue a release of lien upon payment of
5 all fees and penalties payable by such owner and such person may file the
6 same with the register of deeds of any county in which such notice of lien
7 has been filed. The county treasurer shall mail a copy of the release of lien
8 to the division, and to the sheriff of any county where ~~said~~ *such* notice of
9 lien has been filed.

10 (4) If a quarterly installment payment shall be delinquent more than
11 ~~10~~ *{30}* days beyond the due date of such quarterly installment, the
12 division, shall promptly on such default and the filing of the notice of lien
13 issue a tax warrant to the sheriff of any county in which such notice of lien
14 has been filed and may thereafter issue further warrants as may be
15 necessary, ~~and~~. Such sheriff shall seize and hold all personal property
16 subject ~~thereto~~ *to such lien* and proceed to advertise and sell ~~the same such~~
17 *property* or so much thereof as may be necessary, to satisfy the state's lien,
18 together with all expense of selling at public sale for cash, upon such
19 notice as is provided by law in the case of a security agreement sale.

20 (5) Any surplus of the proceeds of such sale, after paying to the
21 county treasurer, the amount of the state's lien, and the cost of the officer
22 in giving notice of and executing ~~said~~ *such* warrant computed to the same
23 extent as in judicial sales on execution, and of securing and preserving the
24 property pending such sale, shall be delivered to the person lawfully
25 entitled ~~thereto~~ *to such surplus amount*. In the event that any truck or truck
26 tractor for which the annual registration fee is being paid quarterly shall be
27 sold or otherwise disposed of, the entire balance remaining unpaid on such
28 annual registration fee shall become immediately due and payable.

29 (6) No certificate of title shall be assigned or transferred or new
30 certificate of title be issued for such vehicle until all the registration fees
31 and penalties are paid in full. In the event such vehicle shall be
32 repossessed by the enforcement of a lien or security interest on ~~the same~~
33 *such vehicle*, during any quarterly period for which the registration fees
34 have not been paid, the person repossessing such vehicle or the person
35 purchasing such vehicle at a repossession sale, may acquire a new
36 certificate of title upon the payment of a fee equal to $\frac{1}{4}$ of the annual
37 registration fee of the vehicle registered ~~hereunder~~ *under this section*, plus
38 the regular fee prescribed by law for certificate of title. If any truck or
39 truck tractor ~~which that~~ is registered under the provisions of this
40 ~~subsection~~ *section* is exchanged or traded by the owner ~~thereof~~
41 truck or truck tractor, any registration fee and any quarterly installments
42 ~~which that~~ have been paid shall be applied to the registration fee due for
43 the registration of the newly acquired vehicle. The application of any such

1 registration fee or quarterly installment to the newly acquired vehicle shall
2 not affect or reduce the original amount of the annual registration fee or
3 any quarterly installment payment, for which such owner was originally
4 liable.

5 (e) The division of vehicles may call to its aid the state highway
6 patrol or any peace officer or any duly appointed representative of the
7 department to enforce the provisions of this section within their respective
8 jurisdiction and it shall be the duty of such officers to do so. The remedies
9 for enforcement and collection provided in this section are cumulative and
10 the use of one shall not be deemed to be a waiver of the right to use any
11 other.

12 Sec. 2. K.S.A. 8-143a is hereby repealed.

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