

As Amended by Senate Committee

Session of 2011

SENATE BILL No. 213

By Committee on Ways and Means

2-21

1 AN ACT concerning ~~motor vehicles; relating to~~ lightweight roadable vehicles;
2 ***relating to registration; uniform traffic code; property tax exemptions;***
3 amending K.S.A. 2010 Supp. 8-126 ~~and~~, 8-1486 ***and 79-201k*** and
4 repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. "Lightweight roadable vehicle" means a multipurpose
8 motor vehicle that is allowed to be driven on public roadways and is required
9 to be registered with, and flown under the direction of, the federal aviation
10 administration.

11 Sec. 2. K.S.A. 2010 Supp. 8-126 is hereby amended to read as follows: 8-
12 126. The following words and phrases when used in this act shall have the
13 meanings respectively ascribed to them herein:

14 (a) "Vehicle" means every device in, upon or by which any person or
15 property is or may be transported or drawn upon a public highway, excepting
16 electric personal assistive mobility devices or devices moved by human power
17 or used exclusively upon stationary rails or tracks.

18 (b) "Motor vehicle" means every vehicle, other than a motorized bicycle
19 or a motorized wheelchair, which is self-propelled.

20 (c) "Truck" means a motor vehicle which is used for the transportation or
21 delivery of freight and merchandise or more than 10 passengers.

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

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

28 (f) "Farm tractor" means every motor vehicle designed and used as a farm
29 implement power unit operated with or without other attached farm
30 implements in any manner consistent with the structural design of such power
31 unit.

32 (g) "Road tractor" means every motor vehicle designed and used for
33 drawing other vehicles, and not so constructed as to carry any load thereon
34 independently, or any part of the weight of a vehicle or load so drawn.

35 (h) "Trailer" means every vehicle without motive power designed to carry
36 property or passengers wholly on its own structure and to be drawn by a motor

1 vehicle.

2 (i) "Semitrailer" means every vehicle of the trailer type so designed and
3 used in conjunction with a motor vehicle that some part of its own weight and
4 that of its own load rests upon or is carried by another vehicle.

5 (j) "Pole trailer" means any two-wheel vehicle used as a trailer with
6 bolsters that support the load, and do not have a rack or body extending to the
7 tractor drawing the load.

8 (k) "Specially constructed vehicle" means any vehicle which shall not
9 have been originally constructed under a distinctive name, make, model or
10 type, or which, if originally otherwise constructed shall have been materially
11 altered by the removal of essential parts, or by the addition or substitution of
12 essential parts, new or used, derived from other vehicles or makes of vehicles.

13 (l) "Foreign vehicle" means every motor vehicle, trailer or semitrailer
14 which shall be brought into this state otherwise than in ordinary course of
15 business by or through a manufacturer or dealer and which has not been
16 registered in this state.

17 (m) "Person" means every natural person, firm, partnership, association
18 or corporation.

19 (n) "Owner" means a person who holds the legal title of a vehicle, or in
20 the event a vehicle is the subject of an agreement for the conditional sale
21 thereof with the right of purchase upon performance of the conditions stated in
22 the agreement and with an immediate right of possession vested in the
23 conditional vendee or in the event a vehicle is subject to a lease of 30 days or
24 more with an immediate right of possession vested in the lessee; or in the
25 event a party having a security interest in a vehicle is entitled to possession,
26 then such conditional vendee or lessee or secured party shall be deemed the
27 owner for the purpose of this act.

28 (o) "Nonresident" means every person who is not a resident of this state.

29 (p) "Manufacturer" means every person engaged in the business of
30 manufacturing motor vehicles, trailers or semitrailers.

31 (q) "New vehicle dealer" means every person actively engaged in the
32 business of buying, selling or exchanging new motor vehicles, travel trailers,
33 trailers or vehicles and who holds a dealer's contract therefor from a
34 manufacturer or distributor and who has an established place of business in
35 this state.

36 (r) "Used vehicle dealer" means every person actively engaged in the
37 business of buying, selling or exchanging used vehicles, and having an
38 established place of business in this state and who does not hold a dealer's
39 contract for the sale of new motor vehicles, travel trailers, trailers or vehicles.

40 (s) "Highway" means every way or place of whatever nature open to the
41 use of the public as a matter of right for the purpose of vehicular travel. The
42 term "highway" shall not be deemed to include a roadway or driveway upon
43 grounds owned by private owners, colleges, universities or other institutions.

1 (t) "Department" or "motor vehicle department" or "vehicle department"
2 means the division of vehicles of the department of revenue, acting directly or
3 through its duly authorized officers and agents. When acting on behalf of the
4 department of revenue pursuant to this act, a county treasurer shall be deemed
5 to be an agent of the state of Kansas.

6 (u) "Commission" or "state highway commission" means the director of
7 vehicles of the department of revenue.

8 (v) "Division" means the division of vehicles of the department of
9 revenue.

10 (w) "Travel trailer" means every vehicle without motive power designed
11 to be towed by a motor vehicle constructed primarily for recreational purposes.

12 (x) "Passenger vehicle" means every motor vehicle, as herein defined,
13 which is designed primarily to carry 10 or fewer passengers, and which is not
14 used as a truck.

15 (y) "Self-propelled farm implement" means every farm implement
16 designed for specific use applications with its motive power unit permanently
17 incorporated in its structural design.

18 (z) "Farm trailer" means every trailer as defined in subsection (h) of this
19 section and every semitrailer as defined in subsection (i) of this section,
20 designed and used primarily as a farm vehicle.

21 (aa) "Motorized bicycle" means every device having two tandem wheels
22 or three wheels, which may be propelled by either human power or helper
23 motor, or by both, and which has:

24 (1) A motor which produces not more than 3.5 brake horsepower;

25 (2) a cylinder capacity of not more than 130 cubic centimeters;

26 (3) an automatic transmission; and

27 (4) the capability of a maximum design speed of no more than 30 miles
28 per hour.

29 (bb) "All-terrain vehicle" means any motorized nonhighway vehicle 50
30 inches or less in width, having a dry weight of 1,500 pounds or less, traveling
31 on three or more nonhighway tires, having a seat designed to be straddled by
32 the operator. As used in this subsection, nonhighway tire means any pneumatic
33 tire six inches or more in width, designed for use on wheels with rim diameter
34 of 14 inches or less.

35 (cc) "Implement of husbandry" means every vehicle designed or adapted
36 and used exclusively for agricultural operations, including feedlots, and only
37 incidentally moved or operated upon the highways. Such term shall include,
38 but not be limited to:

39 (1) A farm tractor;

40 (2) a self-propelled farm implement;

41 (3) a fertilizer spreader, nurse tank or truck permanently mounted with a
42 spreader used exclusively for dispensing or spreading water, dust or liquid
43 fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and

1 amendments thereto, regardless of ownership;

2 (4) a truck mounted with a fertilizer spreader used or manufactured
3 principally to spread animal dung;

4 (5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A.
5 47-1501, and amendments thereto, and specially designed and used
6 exclusively for dispensing food to livestock in such feedlot.

7 (dd) "Motorized wheelchair" means any self-propelled vehicle designed
8 specifically for use by a physically disabled person that is incapable of a speed
9 in excess of 15 miles per hour.

10 (ee) "Oil well servicing, oil well clean-out or oil well drilling machinery
11 or equipment" means a vehicle constructed as a machine used exclusively for
12 servicing, cleaning-out or drilling an oil well and consisting in general of a
13 mast, an engine for power, a draw works and a chassis permanently
14 constructed or assembled for one or more of those purposes. The passenger
15 capacity of the cab of a vehicle shall not be considered in determining whether
16 such vehicle is an oil well servicing, oil well clean-out or oil well drilling
17 machinery or equipment.

18 (ff) "Electric personal assistive mobility device" means a self-balancing
19 two nontandem wheeled device, designed to transport only one person, with an
20 electric propulsion system that limits the maximum speed of the device to 15
21 miles per hour or less.

22 (gg) "Electronic certificate of title" means any electronic record of
23 ownership, including any lien or liens that may be recorded, retained by the
24 division in accordance with K.S.A. 2010 Supp. 8-135d, and amendments
25 thereto.

26 (hh) "Work-site utility vehicle" means any motor vehicle which is not less
27 than 48 inches in width, has an overall length, including the bumper, of not
28 more than 135 inches, has an unladen weight, including fuel and fluids, of
29 more than 800 pounds and is equipped with four or more low pressure tires, a
30 steering wheel and bench or bucket-type seating allowing at least two people
31 to sit side-by-side, and may be equipped with a bed or cargo box for hauling
32 materials. "Work-site utility vehicle" does not include a micro utility truck or
33 recreational off-highway vehicle.

34 (ii) "Micro utility truck" means any motor vehicle which is not less than
35 48 inches in width, has an overall length, including the bumper, of not more
36 than 160 inches, has an unladen weight, including fuel and fluids, of more than
37 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is
38 manufactured with a metal cab. "Micro utility truck" does not include a work-
39 site utility vehicle or recreational off-highway vehicle.

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

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

5 (ll) "*Lightweight roadable vehicle*" means a multipurpose motor vehicle
6 that is allowed to be driven on public roadways and is required to be
7 registered with, and flown under the direction of, the federal aviation
8 administration.

9 Sec. 3. K.S.A. 2010 Supp. 8-1486 is hereby amended to read as follows:
10 8-1486. K.S.A. 8-1402a, 8-1414a, 8-1439c, 8-1458a, 8-1459a, 8-1475a, 8-
11 1487, 8-1488, 8-1489 and 8-1490 and amendments thereto, and K.S.A. 2010
12 Supp. 8-1491, 8-1492, 8-1493, 8-1494, ~~and~~ 8-1495 *and section 1*, and
13 amendments thereto, shall be a part of, and supplemental to, the uniform act
14 regulating traffic on highways.

15 ***Sec. 4. K.S.A. 2010 Supp. 79-201k is hereby amended to read as***
16 ***follows: 79-201k. (a) It is the purpose of this section to promote, stimulate***
17 ***and develop the general welfare, economic development and prosperity of***
18 ***the state of Kansas by fostering the growth of commerce within the state; to***
19 ***encourage the location of new business and industry in this state and the***
20 ***expansion, relocation or retention of existing business and industry when so***
21 ***doing will help maintain or increase the level of commerce within the state;***
22 ***and to promote the economic stability of the state by maintaining and***
23 ***providing employment opportunities, thus promoting the general welfare of***
24 ***the citizens of this state, by exempting aircraft used in business and industry,***
25 ***from imposition of the property tax or other ad valorem tax imposed by this***
26 ***state or its taxing subdivisions. Kansas has long been a leader in the***
27 ***manufacture and use of aircraft and the use of aircraft in business and***
28 ***industry is vital to the continued economic growth of the state.***

29 ***(b) The following described property, to the extent herein specified, is***
30 ***hereby exempt from all property or ad valorem taxes levied under the laws of***
31 ***the state of Kansas:***

32 ***First. For all taxable years commencing after December 31, 2002, all***
33 ***aircraft used predominantly to earn income for the owner in the conduct of***
34 ***the owner's business or industry. If the owner's business or industry is the***
35 ***leasing of aircraft, the lessee's use of the aircraft shall not be considered in***
36 ***determining this exemption. For purposes of this provision, The term***
37 ***"predominantly" means: (1) At least 80% of the total use of the aircraft; or***
38 ***(2) utilization of the aircraft such that all of the aircraft costs are deductible***
39 ***for federal income tax purposes. The term "aircraft" shall not include***
40 ***lightweight roadable vehicles, as defined by K.S.A. 8-126, and amendments***
41 ***thereto.***

42 ~~Sec. 4.~~ 5. K.S.A. 2010 Supp. 8-126 ~~and~~, 8-1486 ~~and~~ 79-201k are hereby
43 repealed.

1 Sec.~~5.~~ **6.** This act shall take effect and be in force from and after its
2 publication in the statute book.
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