

HOUSE BILL No. 2246

By Committee on Transportation

2-5

1 AN ACT concerning salvage vehicles; relating to the cost of repairs;
2 excluding inflatable safety restraints from the definition of cost of
3 repairs; amending K.S.A. 2020 Supp. 8-197 and repealing the existing
4 section.

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

7 Section 1. K.S.A. 2020 Supp. 8-197 is hereby amended to read as
8 follows: 8-197. (a) The provisions of K.S.A. 8-197 ~~to~~ through 8-199,
9 ~~inclusive~~, and amendments thereto, shall be a part of and supplemental to
10 the provisions of article 1 of chapter 8 of the Kansas Statutes Annotated,
11 and amendments thereto, and as used in such sections, the words and
12 phrases defined by K.S.A. 8-126, and amendments thereto, shall have the
13 meanings respectively ascribed to them therein.

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

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

16 (i) Any motor vehicle ~~which~~ that cannot be registered because it is
17 not manufactured for the purpose of using the same on the highways of
18 this state and is not provided with the equipment required by state statute
19 for vehicles of such type ~~which~~ that are used on the highways of this state;

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

26 (iii) any all-terrain vehicle;

27 (iv) any work-site utility vehicle;

28 (v) any micro utility truck;

29 (vi) recreational off-highway vehicle; or

30 (vii) any travel trailer ~~which~~ that cannot be registered because it is not
31 manufactured for the purpose of using the travel trailer on the highways of
32 this state and is not provided with the equipment by state statute for travel
33 trailers ~~which~~ that are used on the highways of this state; and

34 (B) "nonhighway vehicle" ~~shall~~ does not include an implement of
35 husbandry, as defined in K.S.A. 8-126, and amendments thereto.

36 (2) "Salvage vehicle" means:

1 (A) Any motor vehicle, other than a late model vehicle, ~~which that~~ is
2 of a type required to be registered in this state, but ~~which~~ cannot be
3 registered because it has been wrecked or damaged to the extent that: The
4 equipment required by state statute on any such vehicle used on the
5 highways of this state is not present or is not in good condition or proper
6 adjustment, as prescribed by state statute or any rules and regulations
7 adopted pursuant thereto, or such vehicle is in an inoperable condition or a
8 condition that would render the operation thereof on the highways of this
9 state a hazard to the public safety; and in either event, such vehicle would
10 require substantial repairs to rebuild or restore such vehicle to a condition
11 ~~which that~~ will permit the registration thereof;

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

18 (C) a motor vehicle, ~~which that~~ is of a type required to be registered
19 in this state that the insurer determines is a total loss and for which the
20 insurer takes title; or

21 (D) a travel trailer ~~which that~~ is of a type required to be registered in
22 this state, but ~~which~~ cannot be registered because it has been wrecked or
23 damaged to the extent that:

24 (i) The equipment required by state statute on any such travel trailer
25 used on the highways of this state is not present or is not in good condition
26 or proper adjustment, as prescribed by state statute or any rules and
27 regulations; or

28 (ii) such travel trailer is in an inoperable condition or a condition that
29 would render the operation on the highways of this state a hazard to the
30 public safety; and in either event, such travel trailer would require
31 substantial repairs to rebuild or restore to a condition ~~which that~~ will
32 permit the registration of the travel trailer;

33 (3) "salvage title" means a certificate of title issued by the division
34 designating a motor vehicle or travel trailer a salvage vehicle;

35 (4) "rebuilt salvage vehicle" means any motor vehicle or travel trailer
36 previously issued a salvage title;

37 (5) "rebuilt salvage title" means a certificate of title issued by the
38 division for a vehicle previously designated a salvage vehicle ~~which that~~ is
39 now designated a rebuilt salvage vehicle;

40 (6) "late model vehicle" means any motor vehicle ~~which that~~ has a
41 manufacturer's model year designation of or later than the year ~~in which~~
42 the vehicle was wrecked or damaged or any of the six preceding years;

43 (7) "fair market value" means the retail value of a motor vehicle as:

1 (A) Set forth in a current edition of any nationally recognized
2 compilation, including an automated database of retail value; or

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

5 (8) "cost of repairs" means the estimated or actual retail cost of parts
6 needed to repair a vehicle plus the cost of labor computed by using the
7 hourly labor rate and time allocations for automobile repairs that are
8 customary and reasonable. Retail costs of parts and labor rates may be
9 based upon collision estimating manuals or electronic computer estimating
10 systems customarily used in the automobile industry. The total cost of
11 repairs to rebuild or reconstruct the vehicle shall not include the cost of
12 repairing, replacing or reinstalling *inflatable safety restraints*, tires, sound
13 systems; or any sales tax on parts or materials to rebuild or reconstruct the
14 vehicle.

15 Sec. 2. K.S.A. 2020 Supp. 8-197 is hereby repealed.

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