HOUSE BILL No. 2482

By Committee on Transportation

1-23

AN ACT concerning salvage vehicles; relating to the cost of repairs; excluding inflatable safety restraints from the definition of cost of repairs; amending K.S.A. 2019 Supp. 8-197 and repealing the existing section.

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

Section 1. K.S.A. 2019 Supp. 8-197 is hereby amended to read as follows: 8-197. (a) The provisions of K.S.A. 8-197 through 8-199, inclusive, and amendments thereto, shall be a part of and supplemental to the provisions of article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, and as used in such sections, the words and phrases defined by K.S.A. 8-126, and amendments thereto, shall have the meanings respectively ascribed to them therein.

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

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

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

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

(iii) any all-terrain vehicle;

(iv) any work-site utility vehicle;

(v) any micro utility truck;

(vi) recreational off-highway vehicle; or

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

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

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

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

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

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

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

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

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

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

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

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

(7) "fair market value" means the retail value of a motor vehicle as:
(A) Set forth in a current edition of any nationally recognized compilation, including an automated database of retail value; or
(B) determined pursuant to a market survey of comparable vehicles with regard to condition and equipment; and
(8) "cost of repairs" means the estimated or actual retail cost of parts needed to repair a vehicle plus the cost of labor computed by using the hourly labor rate and time allocations for automobile repairs that are customary and reasonable. Retail costs of parts and labor rates may be based upon collision estimating manuals or electronic computer estimating systems customarily used in the automobile industry. The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing or reinstalling inflatable safety restraints, tires, sound systems, or any sales tax on parts or materials to rebuild or reconstruct the vehicle.
Sec. 2. K.S.A. 2019 Supp. 8-197 is hereby repealed.
Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.