As Amended by Senate Committee
Session of 2020

SENATE BILL No. 374

By Committee on Transportation

AN ACT concerning motor vehicles; relating to vehicle identification number inspections; allowing employees of salvage vehicle pools to perform inspections; amending K.S.A. 2019 Supp. 8-116a and repealing the existing section.

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

Section 1. K.S.A. 2019 Supp. 8-116a is hereby amended to read as follows: 8-116a. (a) Except as provided in K.S.A. 8-170, and amendments thereto, when an application is made for a vehicle which has been assembled, reconstructed, reconstituted or restored from one or more vehicles, or the proper identification number of a vehicle is in doubt, the procedure in this section shall be followed. The owner of the vehicle shall request the Kansas highway patrol to check the vehicle and the highway patrol shall within a reasonable period of time perform such vehicle check. At the time of such check the owner shall supply the highway patrol with information concerning the history of the various parts of the vehicle. Such information shall be supplied by affidavit of the owner, if so requested by the highway patrol. If the highway patrol is satisfied that the vehicle contains no stolen parts and complies with K.S.A. 8-116, and amendments thereto, the highway patrol shall determine the make, model and year of the vehicle, and shall assign an existing or new identification number to the vehicle and direct the places and manner in which the identification number is to be located and affixed or implanted. A charge of $15 per hour or part thereof, with a minimum charge of $15, and on and after July 1, 2012, a charge of $20 per hour or part thereof, with a minimum charge of $20, shall be made to the owner of a vehicle requesting check under this subsection, and such charge shall be paid prior to the check under this section. When a check has been made under subsection (b), not more than 60 days prior to a check of the same vehicle identification number, requested by the owner of the vehicle to obtain a regular certificate of title in lieu of a nonhighway certificate of title or obtain a rebuilt salvage title in lieu of a salvage title, no charge shall be made for such second check.

(b) Any person making application for any original Kansas title for a used vehicle which, at the time of making application, is titled in another jurisdiction, as a condition precedent to obtaining any Kansas title, shall have such vehicle checked by the Kansas highway patrol for
verification that the vehicle identification number shown on the foreign
title is genuine and agrees with the identification number on the vehicle.
Checks under this section may include inspection for possible violation of
K.S.A. 2019 Supp. 21-5835, and amendments thereto, or other evidence of
possible fraud. The verification shall be made upon forms prescribed by
the division of vehicles which shall contain such information as the
secretary of revenue shall require by rules and regulations. A charge of $15
per hour or part thereof, with a minimum charge of $15, and on and after
July 1, 2012, a charge of $20 per hour or part thereof, with a minimum
charge of $20, shall be made for checks under this subsection. When a
vehicle is registered in another state, but is financed by a Kansas financial
institution and is repossessed in another state and such vehicle will not be
returned to Kansas, the check required by this subsection shall not be
required to obtain a valid Kansas title or registration.

(c) As used in this act, "identification number" or "vehicle
identification number" means an identifying number, serial number, engine
number, transmission number or other distinguishing number or mark,
placed on a vehicle, engine, transmission or other essential part by its
manufacturer or by authority of the division of vehicles or the Kansas
highway patrol or in accordance with the laws of another state or country.

(d) The checks made under subsection (b) may be made by:

(1) A designee of the superintendent of the Kansas highway patrol; or

(2) an employee of a new vehicle dealer, as defined in subsection (b)
of K.S.A. 8-2401(b), and amendments thereto, for the purposes provided
for in subsection (f). For checks made by a designee or new vehicle dealer,
10% of each charge shall be remitted to the Kansas highway patrol and the
balance of such charges shall be retained by such designee or new vehicle
dealer. If the designee is a city or county law enforcement agency, then the
balance shall be retained by the law enforcement agency that conducted
the inspection and shall be deposited into an account to be used for law
enforcement purposes and shall not be used to supplant the law
enforcement agency's budget. When a check is made under either
subsection (a) or (b) by personnel of the Kansas highway patrol, the entire
amount of the charge therefor shall be paid to the highway patrol; or

(3) a certified vehicle identification number inspector pursuant to
subsection (g). For checks made by a certified vehicle identification
number inspector, 100% of each charge shall be remitted to the Kansas
highway patrol.

(e) There is hereby created the vehicle identification number fee fund.
The Kansas highway patrol shall remit all moneys received by the Kansas
highway patrol from fees collected under subsection (d) to the state
treasurer in accordance with the provisions of K.S.A. 75-4215, and
amendments thereto. Upon receipt of each such remittance, the state
treasurer shall deposit the entire amount in the state treasury to the credit
of the vehicle identification number fee fund. All expenditures from the
vehicle identification number fee fund shall be made in accordance with
appropriations acts upon warrants of the director of accounts and reports
issued pursuant to vouchers approved by the superintendent of the Kansas
highway patrol or by a person or persons designated by the superintendent.

(f) An employee of a new vehicle dealer, who has received initial
training and certification from the highway patrol, and has met continuing
certification requirements, in accordance with rules and regulations
adopted by the superintendent of the highway patrol, may provide the
checks under subsection (b), in accordance with rules and regulations
adopted by the superintendent of the highway patrol, on motor vehicles
that a new vehicle dealer purchases through a manufacturer's sponsored
auction or on motor vehicles repurchased or reacquired by a manufacturer,
distributor or financing subsidiary of such manufacturer and which are
purchased by the new vehicle dealer. At any time, after a hearing in
accordance with the provisions of the Kansas administrative procedure act,
the superintendent of the highway patrol may revoke, suspend, decline to
renew or decline to issue certification for failure to comply with the
provisions of this subsection, including or any applicable rules and
regulations. The superintendent of the highway patrol may promulgate
rules and regulations to administer the provisions of this subsection.

(g) (1) An employee of a salvage vehicle pool, as defined in K.S.A. 8-
2401, and amendments thereto, who has received initial training and
certification from the highway patrol and has met continuing certification
requirements may provide the checks under subsection (b) on motor
vehicles that have been stored at the salvage vehicle pool's licensed
location if the vehicle is to be designated as a salvage vehicle pursuant to
K.S.A. 8-197(b)(2), and amendments thereto, a vehicle to be designated as
a nonrepairable vehicle pursuant to K.S.A. 8-135c(b)(1), and amendments
thereto, or a vehicle to be designated as a nonhighway vehicle pursuant to
K.S.A. 8-197(b)(1), and amendments thereto. At any time, after a hearing
in accordance with the provisions of the Kansas administrative procedure
act, the superintendent of the highway patrol may revoke, suspend, decline
to renew or decline to issue certification for failure to comply with the
provisions of this subsection or any applicable rules and regulations. The
superintendent of the highway patrol may promulgate rules and
regulations to administer the provisions of this subsection.

(2) Prior to the Kansas highway patrol certifying any employee
pursuant to paragraph (1), such salvage vehicle pool shall furnish and
maintain a bond in the amount of $50,000. Every bond shall be a
Corporate surety bond issued by a company authorized to do business in
the state of Kansas and shall be executed in the name of the state of
Kansas.

(3) Only salvage vehicle pools that sell at least 2,000 vehicles combined per year from the salvage vehicle pool's licensed locations in Kansas may be eligible to have employees perform the checks pursuant to this subsection.

(h) No law enforcement agency or employee of such agency acting within the scope of employment shall be liable for damages resulting from the adoption or enforcement of any policy adopted under this section.

Sec. 2. K.S.A. 2019 Supp. 8-116a is hereby repealed.

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