

To: Chairman Proehl, House Transportation Committee
Members of the House Transportation Committee

From: Ray Wilk

Date: February 3, 2021

RE: **Testimony Concerning HB 2165**, AN ACT concerning motor vehicles; relating to antique vehicles; providing that all vehicles that are more than 35 years old satisfy the definition of antique for registration purposes; amending K.S.A. 2019 Supp. 8-166 and repealing the existing section.

My name is Ray Wilk, I am a resident of Topeka, Kansas. I am submitting this testimony as an individual. I want to make this point clear as I have in the past been before this committee as a member of the Kansas Division of Vehicles. I have been retired from the division since 2015.

My testimony is in regards to HB 2165, amending the definition of an antique vehicle in the state of Kansas. I am a proponent of the intent of HB 2165, but have suggestions of approaching in a different manner while maintaining the distinction between antiques and street rods.

BACKGROUND

Today, 1950 and newer model year vehicles which have been altered and/or modified cannot be titled as antique because of these changes. However, they cannot be registered as "Street Rods" because they are newer than 1949, KSA 8-194(c). This puts these vehicles in limbo, not antiques nor street rods and this is not right.

Adding Street Rods to the definition of antique could upset the true antique vehicle owners because street rods are not antique vehicles in the true sense of the term.

A DIFFERENT PROPOSAL

In my opinion, the issue is not with definition of "antique vehicle", it is the definition of street rod vehicles. I will not get into the details as they are laid out in Attachment #1. To summarize my proposal, amend the definition of street rod vehicles to include the same age requirement as an antique vehicle except for the modifications of the major component parts as defined in KSA 8-2401(ii)*. Adding the reference to major component parts will allow for changes to be made to an antique vehicle and the vehicle still meeting the definition of antique. Wheels, brakes, air conditioner, steering wheels, the complete interior, etc. could be updated and/or replaced with modern components and the vehicle will still be defined as antique as these type of changes are not to major component parts.

Move the definition of "street rod vehicle" from KSA 8-194(c) to KSA 8-194 new subsection "e". Also add "street rod vehicle" into all antique title and registration statutes so street rod and antique vehicles are titled, registered and taxed the same.

Last session I testified on HB 2528 which is the same as HB 2165. I mentioned at that time, as the bill is written, I could take the body off my 1935 Plymouth street rod, mount it on a 2020 Corvette and it would be an antique. There were a few laughs then, but since that time I have found there is actually a term for doing exactly this process. It's called, restomod. While it might not be a 2020 Vette, the drivetrain and frame/chassis, everything other than the body could be 2021 aftermarket parts. A new vehicle that looks like a 1935 vehicle and would be titled, registered and taxed as an antique under this bill.

* KSA 8-2401(ii) "Major component part" means any vehicle part including the front clip, rear clip, doors, frame, chassis, engine, transmission, transaxle, cab, bed and box bearing the public vehicle identification number or engine number, if manufactured prior to 1981; or any vehicle part bearing a derivative of such number.

In short form, major component parts are, body, frame and motor/drivetrain.

APPROVING HB 2165 AS WRITTEN

If the committee does not deem this proposals suitable, then the current HB 2165 may need to include KSA 8-194 and subsection "c" and amended this statute to remove the reference to street rod vehicles. HB 2165 will make any vehicle that today is a street rod into an antique. The street rod definition will no longer be valid or needed.

Thank you for your time and the opportunity to make my testimony. I will be pleased to stand for any and all questions.

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1935 Plymouth, Owner: Ray Wilk

Engine: 350 cubic inch Chevy, making 450 HP +/-

Transmission: GM Automatic 4-speed

Rear-end: Chevy S-10 pickup

Front and Rear thirds of frame: From a Chevy S-10 pickup

Body: Detroit Steel, 1935 Plymouth

Here's a link to a Restomod 1936 Ford, for restomod reference.

<https://www.autoevolution.com/news/lt1-powered-1936-ford-club-restomod-is-a-barn-find-turned-street-rod-155373.html>

ATTACHMENT #1

8-166. Registration of antique vehicles; antique military vehicles; *street rod vehicles, restomod vehicles*, definitions. The following words and phrases when used in this act shall for the purpose of this act have the following meaning:

(a) "Antique" means any vehicle, including an antique military vehicle, *more than 35 model years old and older*, propelled by a motor using petroleum fuel, steam or electricity or any combination thereof.

(b) "Person" means every natural person, firm, copartnership, association, corporation, club or organization.

(c) "Antique military vehicle" means a vehicle, regardless of the vehicle's size or weight, which was manufactured for use in any country's military forces and is maintained to represent its military design, except that an antique military vehicle shall not include a fully tracked vehicle.

(d) The words and phrases defined in K.S.A. 8-126 and 8-126a, and amendments thereto, when used in this act shall have the meanings respectively ascribed to them by such sections.

(e) "Street Rod vehicle" means a motor vehicle 35 model years old and older that has been altered, modified and/or had aftermarket parts installed so the vehicle no longer has all the original major competent parts, as defined in KSA 8-2401(ii) and amendments thereto, that the manufacturer installed in the vehicle during the vehicle's model year of manufacture.

(f) "Restomod vehicle" means a motor vehicle 35 model years old and older that has been altered, modified and/or had aftermarket parts installed so the vehicle no longer has all the original major competent parts, as defined in KSA 8-2401(ii) and amendments thereto, that the manufacturer installed in the vehicle during the vehicle's model year of manufacture. All requirements for titling and registration of a street rod vehicle shall also apply to a restomod vehicle. A restomod vehicle shall be titled and registered as a street rod vehicle.

8-167. Registration of antique *and street rod* vehicles; registration for operation on highway; registration for the purpose of taxation, registration fee. (a) Every owner of an antique *or street rod* motor vehicle intended to be operated upon any highway in this state shall, before the same is operated, apply for the registration thereof, as provided by this act.

(b) In addition to the registration required under the provisions of subsection (a) of this section and K.S.A. 8-168 et seq., and amendments thereto, each antique *or street rod* vehicle shall be registered for the purpose of taxation as prescribed by article 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, at the time such owner intends to commence the operation of the same upon the highways of the state and at the times prescribed by K.S.A. 8-134, and amendments thereto, for the registration of any other motor vehicle owned by the owner of such antique *or street rod* vehicle. The fee for registration of an antique *or street rod* vehicle under the provisions of this subsection shall be five dollars.

8-170. Registration of antique *and street rod* vehicles; fee for transfer of ownership; fee and form for certificate of title. (a) Upon the transfer of ownership of any vehicle registered under the foregoing provisions of this act, its registration and right to use the license plates thereon shall expire and thereafter there shall be no transfer of any registration, and the license plates shall be removed by the owner thereof and it shall be unlawful for any person other than the person to whom such license plates were originally issued to have the same in possession. In case of a transfer of ownership of a registered vehicle the original owner of the license plates may register another antique *or street rod* vehicle under the same license plate designation, upon application therefor and the payment of a fee of \$1.50. On and after January 1, 2000, any model year license plate transferred shall comply with the provisions of subsection (c) of K.S.A. 8-172, and amendments thereto.

(b) Upon the transfer and sale of a registered vehicle by any person, the new owner thereof, before using a vehicle on the highways of this state, shall make application to the division for registration of the vehicle.

(c) Certificate of title:

(1) Application for certificate of title on an antique *or street rod* vehicle shall be made by the owner or the owner's agent upon a blank form to be furnished by the division and shall contain such information as the division shall determine necessary. The division may waive any information requested on the form if it is not available. For any antique vehicle having a model year prior to 1950, the application together with a bill of sale for the antique vehicle shall be accepted as prima facie evidence that the applicant is the owner of the vehicle and the certificate of title shall be issued for such vehicle. If the application and bill of sale are used to obtain a certificate of title for any antique vehicle having a model year of 1950 or later, the certificate of title shall not be issued until an inspection in accordance with subsection (a) of K.S.A. 8-116, and amendments thereto, has been completed. ***Transfer of ownership of a street rod vehicle shall be completed by assignment of certificate of title and shall comply with subsection (a) and/or (b) of K.S.A. 8-116a when appropriate.*** The certificate of title shall be delivered to the applicant. The certificate shall contain the words "antique vehicle" or "*street rod vehicle*".

(2) The certificate of title shall contain upon the reverse side a form for assignment of title to be executed by the owner. A certificate of title may be issued under the provisions of this act without an application for registration.

(3) The fee for each original certificate of title so issued shall be \$10. The certificate of title shall be good for the life of the antique *or street rod* vehicle, so long as the same is owned or held by the original holder of the certificate of title, and shall not have to be renewed. In the event of a sale or transfer of ownership of an antique *or street rod* vehicle for which a certificate of title has been issued under the provisions of this subsection, the holder of such certificate of title shall endorse on the same an assignment thereof, with warranty of title in form printed thereon, as prescribed by the director, and the transferor must deliver the same to the buyer at the time of delivery of the vehicle. The buyer shall then present such certificate of title, assigned as aforesaid, to the director or an authorized agent of the director, whereupon a new certificate of title shall be issued to the buyer, the fee therefor being \$10.

8-172. Antique vehicles; ~~street rod vehicles~~; license plates, design, fees; model year license plates; city issued license plates; decals; requirements. (a) Except as provided in subsection (c), license plates issued for antique vehicles ~~and street rod vehicles~~ shall be distinctive and shall contain the words "Kansas" and "antique ~~or street rod~~" and there shall be no year date thereon. The numbering system shall consist of combinations of not more than seven letters of the alphabet or numerals or a combination of such letters and numerals. The combinations of such letters and numerals shall be at the direction of the director of vehicles, except that any person owning an antique ~~or street rod~~ vehicle, other than an antique motorcycle, may make application for a special combination of letters and numerals not exceeding seven. Antique motorcycle license plates shall be the same as other antique vehicle license plates, except the numbering system shall consist of not more than five letters of the alphabet or numerals or a combination of letters and numerals. Such application shall be made in a manner prescribed by the director of vehicles and shall be accompanied by a special combination fee of \$40. Unless the combination of letters or numerals designated by the applicant have been assigned to another antique ~~or street rod~~ vehicle registered in this state, or unless the combination of letters or numerals designated by the applicant have a profane, vulgar, lewd or indecent meaning or connotation, as determined by the director, the division shall assign such combination of letters to the applicant's vehicle.

(b) In addition to the fees required under subsection (b) of K.S.A. 8-167, and amendments thereto, and subsection (a) or (c) of this section, the registration fee for any antique ~~or street rod~~ vehicle shall be \$40 and once paid shall not be required to be renewed.

(c) In lieu of the license plate issued under subsection (a), a person who owns an antique ~~or street rod~~ vehicle who wants to display a model year license plate on the vehicle shall make application in a manner prescribed by the director of vehicles, including the execution of an affidavit setting forth that the model year license plate the person wants to display on the person's antique ~~or street rod~~ vehicle is a legible and serviceable license plate that originally was issued by this state or a license plate originally issued by a Kansas city or a reproduction of such city issued license plate. Except for license plates issued prior to 1921, such license plate shall be inscribed with the date of the year corresponding to the model year when the vehicle was manufactured. For license plates issued prior to 1921, such license plate shall be the license plate issued by the state or a Kansas city or a reproduction of such city issued license plate corresponding to the model year when the vehicle was manufactured. Duplicate numbers for any year shall not be allowed for any model year license plate under the provisions of this subsection. Upon application to display a reproduction of a city issued license plate, the division of vehicles shall issue a number to be used for such reproduction license plate. The model year license plate fee shall be \$40.

(d) In addition to the license plates authorized under subsection (a) or (c), a person who owns an antique ~~or street rod~~ vehicle may display a model year license plate originally issued by the state of Kansas or a Kansas city or a reproduction of such city issued license plate on the front of an antique ~~or street rod~~ vehicle. Except for license plates issued prior to 1921, such license plate shall be inscribed with the date of the year corresponding to the model year when the vehicle was manufactured. For license plates issued prior to 1921, such license plate shall be the license plate issued by the state or a Kansas city or a reproduction of such city issued license plate corresponding to the model year when the vehicle was manufactured.

(e) For a model year license plate issued during calendar year 1976 or thereafter, and which is displayed on an antique ~~or street rod~~ vehicle pursuant to subsection (c), the owner may display a decal of the type described in K.S.A. 8-132, and amendments thereto, for the year of the vehicle so long as such decal is legible. Otherwise, on and after January 1, 2013, the owner may obtain a replacement decal from the county treasurer which displays the year of the vehicle.

8-194. Special interest vehicles; definitions. As used in this act: (a) "Collector" means the owner of one or more special interest vehicles ~~or street rod vehicles~~ who acquires, collects, purchases, trades or disposes of such vehicles or parts therefor for such person's own use in order to restore, preserve and maintain such vehicle or vehicles for historic interest.

(b) "Parts car" means a motor vehicle generally in nonoperable condition which is owned by a collector to furnish parts which will enable the collector to restore, preserve and maintain a special interest vehicle, street rod vehicle or antique vehicle.

(c) "Special interest vehicle" means a motor vehicle which is more than 20 years of age and which has not been altered or modified from the original manufacturer's specifications except to assure normal running operation or to meet specific safety inspection requirements on original equipment, or both. ~~"Special interest vehicle" shall also mean and include a motor vehicle manufactured before 1949 that when altered or modified is referred to as a "street rod."~~

8-195. Special interest vehicles; registration; fees; collector's identification number. (a) Any person who is the owner of a special interest vehicle ~~or street rod vehicle~~ at the time of making application for registration or transfer of title of the vehicle may upon application register the same as a special interest vehicle ~~or street rod vehicle~~ upon payment of an annual fee of \$26 and be furnished each year upon the payment of such fee license plates of a distinctive design in lieu of the usual license plates which shall show in addition to the identification number, that the vehicle is a special interest vehicle ~~or that the vehicle is a special interest vehicle and it meets the qualifications of a street rod, as the case may be,~~ owned by a Kansas collector. The registration shall be valid for one year and may be renewed by payment of such annual fee. Special interest vehicles ~~including street rod vehicles~~ may be used as are other vehicles of the same type, except that special interest vehicles ~~including street rod vehicles~~ may not transport passengers for hire, nor haul material weighing more than 500 pounds.

(b) Each collector applying for special interest vehicle ~~or street rod vehicle~~ license plates will be issued a collector's identification number which will appear on each license plate. Second and all subsequent registrations under this section by the same collector will bear the same collector's identification number followed by a suffix letter for vehicle identification.

(c) A collector must own and have registered one or more vehicles with regular license plates which are used for regular transportation.