

SENATE BILL No. 95

By Committee on Transportation

1-28

Proposed Amendments to SB 95
For House Committee on Transportation
March 16, 2021
Prepared by: Office of Revisor of Statutes

1 AN ACT concerning motor vehicles; relating to odometer requirements
2 upon transfer of vehicle; exempting certain odometer certification
3 requirements; amending K.S.A. 2020 Supp. 8-135 and repealing the
4 existing section.
5

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

7 Section 1. K.S.A. 2020 Supp. 8-135 is hereby amended to read as
8 follows: 8-135. (a) Upon the transfer of ownership of any vehicle
9 registered under this act, the registration of the vehicle and the right to use
10 any license plate thereon shall expire and thereafter there shall be no
11 transfer of any registration, and the license plate shall be removed by the
12 owner thereof. Except as provided in K.S.A. 8-172, and amendments
13 thereto, and 8-1,147, and amendments thereto, it shall be unlawful for any
14 person, other than the person to whom the license plate was originally
15 issued, to have possession thereof. When the ownership of a registered
16 vehicle is transferred, the original owner of the license plate may register
17 another vehicle under the same number, upon application and payment of a
18 fee of \$1.50, if such other vehicle does not require a higher license fee. If a
19 higher license fee is required, then the transfer may be made upon the
20 payment of the transfer fee of \$1.50 and the difference between the fee
21 originally paid and that due for the new vehicle.

22 (b) Subject to the provisions of K.S.A. 8-198(a), and amendments
23 thereto, upon the transfer or sale of any vehicle by any person or dealer, or
24 upon any transfer in accordance with K.S.A. 59-3511, and amendments
25 thereto, the new owner thereof, within 60 days, inclusive of weekends and
26 holidays, from date of such transfer shall make application to the division
27 for registration or reregistration of the vehicle, but no person shall operate
28 the vehicle on any highway in this state during the sixty-day period
29 without having applied for and obtained temporary registration from the
30 county treasurer or from a dealer. After the expiration of the sixty-day
31 period, it shall be unlawful for the owner or any other person to operate
32 such vehicle upon the highways of this state unless the vehicle has been
33 registered as provided in this act. For failure to make application for
34 registration as provided in this section, a penalty of \$2 shall be added to
35 other fees. When a person has a current motorcycle or passenger vehicle
36 registration and license plate, including any registration decal affixed

1 appropriate certificate of title. The certificate of title shall be in a form
2 approved by the division, and shall contain a statement of any liens or
3 encumbrances which the application shows, and such other information as
4 the division determines.

(A)

5 (2) The certificate of title shall contain upon the reverse side a form
6 for assignment of title to be executed by the owner. This assignment shall
7 contain a statement of all liens or encumbrances on the vehicle at the time
8 of assignment. The certificate of title shall also contain on the reverse side
9 blank spaces so that an abstract of mileage as to each owner will be
10 available. The seller at the time of each sale shall insert and certify the
11 mileage and the purchase price on the form filed for application or
12 reassignment of title, and the division shall insert such mileage on the
13 certificate of title when issued to purchaser or assignee. The signature of
14 the purchaser or assignee is required on the form filed for application or
15 reassignment of title, acknowledging the odometer and purchase price
16 certification made by the seller, ~~except that those vehicles which are 10~~
17 ~~model years or older and trucks with a gross vehicle weight of more than~~
18 ~~16,000 pounds shall be exempt from the mileage acknowledgment~~
19 ~~requirement of the purchaser or assignee that are exempt from odometer~~
20 ~~certification requirements pursuant to federal law shall be exempt from~~
21 ~~such requirement.~~ Such title shall indicate whether the vehicle for which it
22 is issued has been titled previously as a nonhighway vehicle or salvage
23 vehicle. In addition, the reverse side shall contain two forms for
24 reassignment by a dealer, stating the liens or encumbrances thereon. The
25 first form of reassignment shall be used only when a dealer sells the
26 vehicle to another dealer. The second form of reassignment shall be used
27 by a dealer when selling the vehicle to another dealer or the ultimate
28 owner of the vehicle. The reassignment by a dealer shall be used only
29 where the dealer resells the vehicle, and during the time that the vehicle
30 remains in the dealer's possession for resale, the certificate of title shall be
31 dormant. When the ownership of any vehicle passes by operation of law,
32 or repossession upon default of a lease, security agreement, or executory
33 sales contract, the person owning such vehicle, upon furnishing
34 satisfactory proof to the county treasurer of such ownership, may procure a
35 certificate of title to the vehicle. When a vehicle is registered in another
36 state and is repossessed in another state, the owner of such vehicle shall
37 not be entitled to obtain a valid Kansas title or registration, except that
38 when a vehicle is registered in another state, but is financed originally by a
39 financial institution chartered in the state of Kansas or when a financial
40 institution chartered in Kansas purchases a pool of motor vehicle loans
41 from the resolution trust corporation or a federal regulatory agency, and
42 the vehicle is repossessed in another state, such Kansas financial
43 institution shall be entitled to obtain a valid Kansas title or registration.

{ paragraph break
(B)

{ paragraph break
(C)

1 addition to any other fee required for the issuance of a certificate of title,
2 any applicant obtaining a certificate of title for a repossessed vehicle shall
3 pay a fee of \$3.

4 (3) Dealers shall execute, upon delivery to the purchaser of every
5 new vehicle, a manufacturer's statement of origin stating the liens and
6 encumbrances thereon. Such statement of origin shall be delivered to the
7 purchaser at the time of delivery of the vehicle or at a time agreed upon by
8 the parties, not to exceed 30 days, inclusive of weekends and holidays. The
9 agreement of the parties shall be executed on a form approved by the
10 division. In the event delivery of title cannot be made personally, the seller
11 may deliver the manufacturer's statement of origin by restricted mail to the
12 address of purchaser shown on the purchase agreement. The
13 manufacturer's statement of origin may include an attachment containing
14 assignment of such statement of origin on forms approved by the division.
15 Upon the presentation to the division of a manufacturer's statement of
16 origin, by a manufacturer or dealer for a new vehicle, sold in this state, a
17 certificate of title shall be issued if there is also an application for
18 registration, except that no application for registration shall be required for
19 a travel trailer used for living quarters and not operated on the highways.

20 (4) The fee for each original certificate of title shall be \$10 in
21 addition to the fee for registration of such vehicle, trailer or semitrailer.
22 The certificate of title shall be good for the life of the vehicle, trailer or
23 semitrailer while owned or held by the original holder of the certificate of
24 title.

25 (5) Except for a vehicle registered by a federally recognized Indian
26 tribe, as provided in paragraph (16), upon sale and delivery to the
27 purchaser of every vehicle subject to a purchase money security interest as
28 provided in article 9 of chapter 84 of the Kansas Statutes Annotated, and
29 amendments thereto, the dealer or secured party may complete a notice of
30 security interest and when so completed, the purchaser shall execute the
31 notice, in a form prescribed by the division, describing the vehicle and
32 showing the name and address of the secured party and of the debtor and
33 other information the division requires. On and after July 1, 2007, only one
34 lien shall be taken or accepted for vehicles with a gross vehicle weight
35 rating of 26,000 pounds or less. As used in this section "gross vehicle
36 weight rating" shall have the meaning ascribed thereto in 49 C.F.R. §
37 390.5, as in effect on July 1, 2017, or any later version as established in
38 rules and regulations adopted by the state corporation commission. The
39 dealer or secured party, within 30 days of the sale and delivery, may mail
40 or deliver the notice of security interest, together with a fee of \$2.50, to the
41 division. The notice of security interest shall be retained by the division
42 until it receives an application for a certificate of title to the vehicle and a
43 certificate of title is issued. The certificate of title shall indicate any