

SESSION OF 2021

**CONFERENCE COMMITTEE REPORT BRIEF  
SENATE BILL NO. 95**

As Agreed to April 6, 2021

**Brief\***

SB 95 would amend a requirement regarding odometer readings upon assignment of a vehicle title and would amend the definitions for “all-terrain vehicle” (ATV) and “recreational off-highway vehicle” (ROV).

***Odometer Reading Disclosure***

The bill would replace an exemption from acknowledgment of mileage for vehicles ten model years and older and for trucks with a gross vehicle weight of more than 16,000 pounds with an exemption for any vehicle exempt from odometer requirements pursuant to federal law.

National Highway Traffic Safety Administration regulation 49 CFR 580.17 regarding exemptions from requirements to disclose a vehicle’s odometer reading was amended in 2019, effective January 1, 2021 (84 FR 65017; November 26, 2019). The federal regulation states a transferor need not disclose a vehicle’s odometer mileage for a vehicle manufactured in or before the 2010 model year after calendar year 2020. The transferor of a vehicle manufactured in or after the 2011 model year must disclose the odometer mileage for 20 years after January 1 of the calendar year corresponding to its designated model year (e.g., for vehicle transfers occurring during calendar year 2031, model year

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2011 or older vehicles would be exempt). The federal regulation continues exemptions for a vehicle having a gross vehicle weight rating of more than 16,000 pounds, a vehicle that is not self-propelled, a vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications, and a transferor of a new vehicle prior to its first transfer for purposes other than resale.

The odometer disclosure provisions would become effective from and after January 1, 2022, and publication in the statute book.

### ***ATV and ROV Definition Amendments***

In the definitions of ATV in statutes regarding vehicle registration and in the Uniform Act Regulating Traffic on Highways, the bill would increase the maximum width of such a vehicle from 50 inches to 55 inches and would specify the measurement would be taken from the outside of one tire rim to the outside of the other tire rim. In continuing law, an ATV has a maximum weight of 1,500 pounds and travels on 3 or more nonhighway tires. [Note: KSA 2020 Supp. 8-128 specifies an ATV need not be registered.]

In the definition of ROV in a statute regarding vehicle registration, the bill would increase the maximum width from 64 inches to 75 inches and would specify the measurement would be taken from the outside of one tire rim to the outside of the other tire rim. It also would increase the maximum weight of a recreational off-highway vehicle from 2,000 pounds to 3,500 pounds. In continuing law, an ROV travels on three or more nonhighway tires. [Note: An ROV is included in the definition of a nonhighway vehicle in KSA 2020 Supp. 8-197 and, per KSA 2020 Supp. 8-198, is not required to be registered.]

The ATV and ROV definition amendments would become effective upon publication in the statute book.

## **Conference Committee Action**

The Conference Committee agreed to the provisions of SB 95, as amended by the House Committee on Transportation, and agreed to add the contents of SB 67, as introduced.

## **Background**

The bill contains provisions of SB 95, as amended by the House Committee on Transportation, and SB 67, as introduced.

## ***SB 95 (Odometer Reading Disclosure)***

The bill was introduced by the Senate Committee on Transportation at the request of the Director of Vehicles, Kansas Department of Revenue (KDOR). [*Note:* The provisions are the same as those of 2020 SB 306, as recommended by the House Committee on Transportation.]

## ***Senate Committee on Transportation***

In the Senate Committee hearing, the Vehicle Services Manager, Division of Vehicles, KDOR, testified as a **proponent**. The conferee stated the bill would conform state law to federal requirements, which have been amended to extend disclosure based on vehicle age.

No other testimony was provided.

The Senate Committee recommended the bill be placed on the Consent Calendar.

### *House Committee on Transportation*

In the House Committee hearing, the Vehicle Services Manager, Division of Vehicles, KDOR, testified as a **proponent**.

No other testimony was provided.

The House Committee amended the bill to make technical changes. [Note: The Conference Committee retained these technical changes.]

### ***SB 67 (ATV and ROV Definition Amendments)***

The bill was introduced by the Senate Committee on Transportation at the request of a representative of Polaris Inc.

### *Senate Committee on Transportation*

In the Senate Committee hearing, two representatives of Polaris Inc. and representatives of two dealerships that sell vehicles, including ATVs and ROVs, provided **proponent** testimony. A representative of Kansas Farm Bureau provided written-only **proponent** testimony. Proponents stated products meeting the descriptions in the proposed definitions are available for sale and are in demand from consumers for use for recreation and in agriculture.

A representative of the League of Kansas Municipalities (LKM) provided neutral testimony, noting KSA 2020 Supp. 8-15,100 authorizes cities to adopt ordinances regarding the operation of ATVs within city limits, and cities regulate the operation of other nonhighway vehicles, including ROVs, within city limits under their police powers.

No opponent testimony was provided.

The Senate Committee recommended the bill be placed on the Consent Calendar.

#### *House Committee on Transportation*

In the House Committee hearing, two representatives of Polaris Inc. and a representative of Jay Hatfield Motorsports provided **proponent** testimony. A representative of Kansas Farm Bureau provided written-only **proponent** testimony.

A representative of the LKM provided neutral testimony. No opponent testimony was provided.

The House Committee amended the bill's effective date from upon publication in the statute book to upon publication in the *Kansas Register*. [Note: The Conference Committee did not retain this amendment.]

#### **Fiscal Information**

##### ***SB 95***

According to the fiscal note prepared by the Division of the Budget on SB 95 as introduced, KDOR estimates it would require \$2,150 from the State General Fund for FY 2022 to implement the bill and modify the vehicle registration system. Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2022 Governor's Budget Report*.

**SB 67**

According to the fiscal note prepared by the Division of the Budget on SB 67, as introduced, the Department of Revenue indicates enactment of the bill would have a negligible fiscal effect that could be absorbed within existing resources. Any fiscal effect is not reflected in *The FY 2022 Governor's Budget Report*.

Vehicle; odometer; All-terrain vehicle; recreational off-highway vehicle; off-highway vehicle

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