

HB 2528-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.

Chairman Proehl;

Members of the Committee,

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 2016.

My testimony is in regards to HB 2528, amending the definition of an antique vehicle in the state of Kansas. I am a proponent of the intent of HB 2528, but have suggestions of approaching in a different manner while maintaining the distinction between antiques and street rods.

This bill directly impacts the 1935 Plymouth I currently own. HB 2528 will change the definition from street rod, as defined in KSA 8-914(c), to antique. The only original parts of my '35 Plymouth are the body and the center portion of the frame. The front third of the frame and the back third of the frame along with the rear end are from a Chevy S-10 pick-up. The motor is a heavily modified Chevy 350 making around 450 horse power hooked up to a Chevy 4 speed automatic transmission. This vehicle is not an antique, it is a Street Rod and I like that.

BACKGROUND

Today, 1950 and newer model year vehicle 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. This puts these vehicles in limbo, not antiques nor street rods.

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.

2 DIFFERENT PROPOSALS

I am here to propose 2 different ways of classifying these vehicles.

FIRST PROPOSAL, ATTACHMENT #1: Amend KSA 8-194 which is the definition for Special Interest Vehicles, including Street Rods. The change is simple, change the model year from 1949 to as new as this committee thinks is advisable. I have included statute KSA 8-194, attachment 1, with the 1949 removed and replacing it with more than 35 years old. This will make any vehicle which model year is more than 35 years old but altered or modified a street rod.

SECOND PROPOSAL, ATTACHMENT #2: If the intent is to allow these vehicles to be defined as antique, and also allow them the same process for title and registration as an antique, I have a different proposal. Amend the current antique statutes to add the definition of "Street Rod". This would allow street rod vehicles the same treatment as antique while maintaining the unique definitions for both antiques and street rods. These changes will include the same title and registration requirements for street rods which are currently allowed for antiques. Two notable items are:

- Allowing a street rod vehicle to be sold on a bill of sale, KSA 8-170(c)(1), and
- Life/one time registration fee of \$40, KSA 8-172(b)

Antiques can do these things today and HB 2528 will allow today's street rods to do this too if passed into law.

THIS AMENDMENT IS STRONGLY SUGGESTED

If the committee does not deem either of these proposals suitable, then the current HB 2528 may need to include KSA 8-194 and section "c" amended to remove the reference to street rods. HB 2528 will make any vehicle that today is a street rod into an antique. The street rod definition will no longer be needed.

FOOTNOTE

The Division of Vehicles has always allowed vehicle 35 model years old or older to be titled as antique. But the definition of antique in the statute states, "*vehicle more than 35 years old*" which means vehicles have to be 36 model years old, not 35. As far as I know, it has always been this way. I started working in the division in 1988 and that was the way it was enforced. The committee might think about rewording the definition to "vehicle 35 years old and older". Just a suggestion.

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

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ATTACHMENT #1

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 **more than 35 years old** that when altered or modified is referred to as a "street rod."

ATTACHMENT #2

8-166. Registration of antique vehicles; antique military vehicles; *street rod 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 years old, 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 more than 35 years old that has been altered or modified so that it no longer has all the major competent parts, as defined in KSA 8-2401(ii) and amendments thereto, which the manufacturer installed in the vehicle during the vehicle's model year of manufacture.

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 **or street rod** vehicle having a model year prior to 1950, the application together with a bill of sale for the antique **or street rod** 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 **or street rod** 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. 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.