

SENATE BILL No. 374

By Committee on Transportation

2-6

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

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2019 Supp. 8-116a is hereby amended to read as
8 follows: 8-116a. (a) Except as provided in K.S.A. 8-170, and amendments
9 thereto, when an application is made for a vehicle ~~which~~ *that* has been
10 assembled, reconstructed, reconstituted or restored from one or more
11 vehicles, or the proper identification number of a vehicle is in doubt, the
12 procedure in this section shall be followed. The owner of the vehicle shall
13 request the Kansas highway patrol to check the vehicle and the highway
14 patrol shall within a reasonable period of time perform such vehicle check.
15 At the time of such check the owner shall supply the highway patrol with
16 information concerning the history of the various parts of the vehicle. Such
17 information shall be supplied by affidavit of the owner, if so requested by
18 the highway patrol. If the highway patrol is satisfied that the vehicle
19 contains no stolen parts and complies with K.S.A. 8-116, and amendments
20 thereto, the highway patrol shall determine the make, model and year of
21 the vehicle, and shall assign an existing or new identification number to
22 the vehicle and direct the places and manner in which the identification
23 number is to be located and affixed or implanted. ~~A charge of \$15 per hour~~
24 ~~or part thereof, with a minimum charge of \$15, and on and after July 1,~~
25 ~~2012,~~ a charge of \$20 per hour or part thereof, with a minimum charge of
26 \$20, shall be made to the owner of a vehicle requesting check under this
27 subsection, and such charge shall be paid prior to the check under this
28 section. When a check has been made under subsection (b), not more than
29 60 days prior to a check of the same vehicle identification number,
30 requested by the owner of the vehicle to obtain a regular certificate of title
31 in lieu of a nonhighway certificate of title or obtain a rebuilt salvage title
32 in lieu of a salvage title, no charge shall be made for such second check.

33 (b) Any person making application for any original Kansas title for a
34 used vehicle ~~which~~ *that*, at the time of making application, is titled in
35 another jurisdiction, as a condition precedent to obtaining any Kansas title,
36 shall have such vehicle checked by the Kansas highway patrol for

1 verification that the vehicle identification number shown on the foreign
2 title is genuine and agrees with the identification number on the vehicle.
3 Checks under this section may include inspection for possible violation of
4 K.S.A. 2019 Supp. 21-5835, and amendments thereto, or other evidence of
5 possible fraud. The verification shall be made upon forms prescribed by
6 the division of vehicles which shall contain such information as the
7 secretary of revenue shall require by rules and regulations. ~~A charge of \$15~~
8 ~~per hour or part thereof, with a minimum charge of \$15, and on and after~~
9 ~~July 1, 2012, a charge of \$20 per hour or part thereof, with a minimum~~
10 charge of \$20, shall be made for checks under this subsection. When a
11 vehicle is registered in another state, but is financed by a Kansas financial
12 institution and is repossessed in another state and such vehicle will not be
13 returned to Kansas, the check required by this subsection shall not be
14 required to obtain a valid Kansas title or registration.

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

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

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

23 (2) an employee of a new vehicle dealer, as defined in ~~subsection (b)~~
24 ~~of K.S.A. 8-2401(b)~~, and amendments thereto, for the purposes provided
25 for in subsection (f). For checks made by a designee or new vehicle dealer,
26 10% of each charge shall be remitted to the Kansas highway patrol and the
27 balance of such charges shall be retained by such designee or new vehicle
28 dealer. If the designee is a city or county law enforcement agency, then the
29 balance shall be retained by the law enforcement agency that conducted
30 the inspection and shall be deposited into an account to be used for law
31 enforcement purposes and shall not be used to supplant the law
32 enforcement agency's budget. When a check is made under either
33 subsection (a) or (b) by personnel of the Kansas highway patrol, the entire
34 amount of the charge therefor shall be paid to the highway patrol; *or*

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

39 (e) There is hereby created the vehicle identification number fee fund.
40 The Kansas highway patrol shall remit all moneys received by the Kansas
41 highway patrol from fees collected under subsection (d) to the state
42 treasurer in accordance with the provisions of K.S.A. 75-4215, and
43 amendments thereto. Upon receipt of each such remittance, the state

1 treasurer shall deposit the entire amount in the state treasury to the credit
 2 of the vehicle identification number fee fund. All expenditures from the
 3 vehicle identification number fee fund shall be made in accordance with
 4 appropriations acts upon warrants of the director of accounts and reports
 5 issued pursuant to vouchers approved by the superintendent of the Kansas
 6 highway patrol or by a person or persons designated by the superintendent.

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

23 (g) *An employee of a salvage vehicle pool, as defined in K.S.A. 8-*
 24 *2401, and amendments thereto, who has received initial training and*
 25 *certification from the highway patrol and has met continuing certification*
 26 *requirements may provide the checks under subsection (b) on motor*
 27 *vehicles that have been stored at the salvage vehicle pool's licensed*
 28 *location if the vehicle is to be designated as a salvage vehicle pursuant to*
 29 *K.S.A. 8-197(b)(2), and amendments thereto, a vehicle to be designated as*
 30 *a nonrepairable vehicle pursuant to K.S.A. 8-135c(b)(1), and amendments*
 31 *thereto, or a vehicle to be designated as a nonhighway vehicle pursuant to*
 32 *K.S.A. 8-197(b)(1), and amendments thereto. At any time, after a hearing*
 33 *in accordance with the provisions of the Kansas administrative procedure*
 34 *act, the superintendent of the highway patrol may revoke, suspend, decline*
 35 *to renew or decline to issue certification for failure to comply with the*
 36 *provisions of this subsection or any applicable rules and regulations. The*
 37 *superintendent of the highway patrol may promulgate rules and*
 38 *regulations to administer the provisions of this subsection.*

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

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

43 Sec. 3. This act shall take effect and be in force from and after its

- 1 publication in the statute book.