

**79-3464e. Unlawful acts; penalties.** (a) It shall be unlawful for any distributor, importer, exporter, manufacturer, retailer, user, carrier, transporter or any other person to:

(1) Use, sell, manufacture or deliver any motor-vehicle fuels or special fuels at any place without having a valid, unsuspended and unrevoked license as required by this act;

(2) fail, neglect or refuse to render to the director at the director's office, within the time required by the provisions of this act, any report or statement required by or purporting to be under the provisions of this act, or purporting to be under the rules and regulations promulgated by the director under such provisions;

(3) fail, neglect or refuse to pay the director, within the time required by this act, any tax, taxes, interest or penalties for which such person is liable under the provisions of this act;

(4) fail, neglect or refuse to keep and maintain for a period of three years, or fail to make fully and freely accessible during business hours to the director, the director's deputy or agent, all books, papers and records required by this act to be kept and maintained and so made accessible;

(5) use any motor fuels purchased as exempt in a taxable manner;

(6) sell, receive, import or transport motor fuels without proper and correct manifests;

(7) sell or hold for sale dyed fuel that such person knows or has reason to know will not be used for a nontaxable purpose;

(8) violate any other provision of this act not specified in this section;

(9) aid and abet in violations contained in paragraphs (1) through (8);

(10) falsify, forge or willfully conceal from the director or director's agent, any books, papers and records required by this act;

(11) knowingly submit a false or forged application for licensure under this act;

(12) knowingly make any false or forged application for a refund permit or claim for refund or to knowingly make any false statement in any application for a refund permit, or in any claim for a refund;

(13) present, or cause to be presented, to the director for credit, or for refund, any false, forged or altered invoice of refund;

(14) falsify, forge or alter any documents associated with the use, sale, manufacture or delivery of any motor fuels;

(15) deliver or accept delivery, with the intent to evade the obligation of collecting, remitting or accounting for motor fuel tax to this state, any motor fuel, knowing that the manifest or bill of lading indicates that the motor fuel was intended to be delivered to a tax exempt entity or intended to be delivered to a location outside the state of Kansas;

(16) use dyed fuel other than for a nontaxable use;

(17) willfully alters or attempts to alter, the strength or composition of any dye in any dyed fuel; or

(18) aid and abet in violations contained in paragraphs (10) through (17).

(b) Violation of paragraphs (1) through (9) is a misdemeanor. Any person convicted of such violation shall be punished by a fine of not less than \$1,000 nor more than \$10,000, or imprisoned in the county jail for not less than 30 days nor more than one year, or by both such fine and imprisonment. Upon a second or subsequent conviction, such person shall be punished by a fine of not less than \$5,000 nor more than \$50,000, or by imprisonment in the county jail for not less than 60 days nor more than two years, or by both such fine and imprisonment.

(c) Violation of paragraphs (10) through (18) is a severity level 10, nonperson felony.

(d) For any violations of this section, the director may suspend or revoke any license issued to any person found to be in violation and assess an administrative penalty of \$10 per gallon of motor fuels involved, or a penalty of not less than \$1,000 nor more than \$10,000; and upon a second or subsequent violation, a penalty of \$25 per gallon of motor fuels involved or a penalty of not less than \$5,000 nor more than \$50,000.

**History:** L. 1995, ch. 262, § 11; L. 2006, ch. 81, § 11; April 13.