

HOUSE BILL No. 2166

By Committee on Transportation

1-28

1 AN ACT concerning motor vehicles; relating to distinctive license plates;
2 providing for the Braden's hope for childhood cancer license plate;
3 changing the requirements to begin production on distinctive license
4 plates; amending K.S.A. 2020 Supp. 8-1,141 and 8-1,142 and repealing
5 the existing sections.
6

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

8 New Section 1. (a) On and after January 1, 2022, any owner or lessee
9 of one or more passenger vehicles or trucks registered for a gross weight
10 of 20,000 pounds or less, who is a resident of Kansas, upon compliance
11 with the provisions of this section, may be issued one Braden's hope for
12 childhood cancer license plate for each such passenger vehicle or truck.
13 Such license plate shall be issued for the same time as other license plates
14 upon proper registration and payment of the regular license fee as provided
15 in K.S.A. 8-143, and amendments thereto, and either the payment to the
16 county treasurer of the logo use royalty payment or the presentation of the
17 annual logo use authorization statement provided for in subsection (b).

18 (b) Braden's hope for childhood cancer may authorize the use of the
19 organization's logo to be affixed on license plates as provided by this
20 section. Any motor vehicle owner or lessee may apply annually to
21 Braden's hope for childhood cancer for use of such logo. Such owner or
22 lessee shall pay an amount of not less than \$25 nor more than \$100 to
23 Braden's hope for childhood cancer as a logo use royalty payment for each
24 such license plate to be issued. The logo use royalty payment shall be paid
25 to either:

26 (1) Braden's hope for childhood cancer, which shall issue to the motor
27 vehicle owner or lessee, without further charge, a logo use authorization
28 statement that shall be presented by the motor vehicle owner or lessee at
29 the time of registration; or

30 (2) the county treasurer.

31 (c) Any applicant for a license plate authorized by this section may
32 make application for such license plate not less than 60 days prior to such
33 person's renewal of registration date, on a form prescribed and furnished
34 by the director of vehicles, and any applicant for such license plate shall
35 either provide the annual logo use authorization statement provided for in
36 subsection (b) or pay to the county treasurer the logo use royalty payment.

1 Application for registration of a passenger vehicle or truck and issuance of
2 the license plate under this section shall be made by the owner or lessee in
3 a manner prescribed by the director of vehicles upon forms furnished by
4 the director.

5 (d) No registration or license plate issued under this section shall be
6 transferable to any other person.

7 (e) The director of vehicles may transfer a Braden's hope for
8 childhood cancer license plate from a leased vehicle to a purchased
9 vehicle.

10 (f) Renewals of registration under this section shall be made annually,
11 upon payment of the fee prescribed in subsection (a), in the manner
12 prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of
13 registration shall be made to any applicant until such applicant provides to
14 the county treasurer either the annual logo use authorization statement
15 provided for in subsection (b) or the payment of the annual royalty
16 payment. If such statement is not presented at the time of registration or
17 faxed by Braden's hope for childhood cancer, or the annual royalty
18 payment is not made to the county treasurer, the applicant shall be required
19 to comply with the provisions of K.S.A. 8-143, and amendments thereto,
20 and return the license plate to the county treasurer of such person's
21 residence.

22 (g) Braden's hope for childhood cancer shall provide to all county
23 treasurers an electronic mail address where applicants can contact Braden's
24 hope for childhood cancer for information concerning the application
25 process or the status of such applicant's license plate application.

26 (h) Braden's hope for childhood cancer, with the approval of the
27 director of vehicles, shall design a plate to be issued under the provisions
28 of this section.

29 (i) As a condition of receiving the Braden's hope for childhood cancer
30 license plate and any subsequent registration renewal of such license plate,
31 the applicant shall consent to the division authorizing the division's release
32 of motor vehicle record information, including the applicant's name,
33 address, royalty payment amount, plate number and vehicle type to
34 Braden's hope for childhood cancer and the state treasurer.

35 (j) The collection and remittance of annual royalty payments by the
36 county treasurer shall be subject to the provisions of K.S.A. 8-1,141(h),
37 and amendments thereto.

38 Sec. 2. K.S.A. 2020 Supp. 8-1,141 is hereby amended to read as
39 follows: 8-1,141. (a) Any new distinctive license plate authorized for
40 issuance on and after July 1, 1994, shall be subject to the personalized
41 license plate fee prescribed by K.S.A. 8-132(c), and amendments thereto.
42 This section shall not apply to any distinctive license plate authorized prior
43 to July 1, 1994.

1 (b) The director of vehicles shall not issue any new distinctive license
2 plate ~~authorized for issuance on and after July 1, 1995~~, unless there is a
3 guarantee of an initial issuance of at least ~~500~~ 250 license plates.

4 (c) The provisions of this section shall not apply to distinctive license
5 plates issued under the provisions of K.S.A. 8-1,145, *and amendments*
6 *thereto*, or K.S.A. 2020 Supp. 8-177d, 8-1,163, 8-1,166, 8-1,185, 8-1,186,
7 8-1,187 or 8-1,188, and amendments thereto.

8 (d) The provisions of subsection (a), shall not apply to distinctive
9 license plates issued under the provisions of K.S.A. 8-1,146 or 8-1,148,
10 and amendments thereto, or K.S.A. 2020 Supp. 8-1,153, 8-1,158 or 8-
11 1,161, and amendments thereto.

12 (e) The provisions of subsection (f) shall not apply to distinctive
13 license plates issued under the provisions of K.S.A. 2020 Supp. 8-1,160
14 and 8-1,183, and amendments thereto, except that the division shall delay
15 the manufacturing and issuance of such distinctive license plate until the
16 division has received not *less fewer* than ~~1,000~~ 100 orders for such plate,
17 including payment of the personalized license plate fee required under
18 subsection (a). Upon certification by the director of vehicles to the director
19 of accounts and reports that not less than ~~1,000~~ 100 paid orders for such
20 plate have been received, the director of accounts and reports shall transfer
21 ~~\$40,000~~ \$4,000 from the state highway fund to the distinctive license plate
22 fund.

23 (f) (1) Any person or organization sponsoring any distinctive license
24 plate authorized by the legislature ~~on and after July 1, 2004~~, shall submit
25 to the division of vehicles a nonrefundable amount not to exceed ~~\$20,000~~
26 \$5,000, to defray the division's cost for developing such distinctive license
27 plate.

28 (2) All moneys received under this subsection shall be remitted by the
29 secretary of revenue to the state treasurer in accordance with the
30 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
31 each such remittance, the state treasurer shall deposit the entire amount in
32 the state treasury to the credit of the distinctive license plate fund which is
33 hereby created in the state treasury. All moneys credited to the distinctive
34 license plate fund shall be used by the department of revenue only for the
35 purpose associated with the development of distinctive license plates. All
36 expenditures from the distinctive license plate application fee fund shall be
37 made in accordance with appropriation acts, upon warrants of the director
38 of accounts and reports issued pursuant to vouchers approved by the
39 secretary of the department of revenue.

40 (g) ~~(1) Except for educational institution license plates issued under~~
41 ~~K.S.A. 8-1,142, and amendments thereto, the director of vehicles shall~~
42 ~~discontinue the issuance of any distinctive license plate authorized prior to~~
43 ~~July 1, 2004, and which is subject to the provisions of subsection (b) if:~~

1 (A) ~~Less than 500 license plates, including annual renewals, are~~
 2 ~~issued for that distinctive license plate by July 1, 2006; and~~

3 (B) ~~less than 250 license plates, including annual renewals, are issued~~
 4 ~~for that distinctive license plate during any subsequent two-year period~~
 5 ~~after July 1, 2006.~~

6 (2) The director of vehicles shall discontinue the issuance of any
 7 distinctive license plate ~~authorized on and after July 1, 2004, if:~~

8 (A)(1) ~~Less~~~~Fewer~~ than ~~500~~ 250 plates, including annual renewals, are
 9 issued for that distinctive license plate by the end of the second year of
 10 sales; and

11 (B)(2) ~~less~~~~fewer~~ than ~~250~~ 125 license plates, including annual
 12 renewals, are issued for that distinctive license plate during any subsequent
 13 two-year period.

14 (h) An application for any distinctive license plate issued ~~after~~
 15 ~~December 31, 2012,~~ and the corresponding royalty fee may be collected
 16 either by the county treasurer or the entity benefiting from the issuance of
 17 the distinctive license plate. Annual royalty payments collected by the
 18 county treasurers shall be remitted to the state treasurer in accordance with
 19 the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt
 20 of each such remittance the state treasurer shall deposit the entire amount
 21 in the state treasury to the credit of a segregated royalty fund which shall
 22 be administered by the state treasurer. All expenditures from the royalty
 23 fund shall be made in accordance with appropriation acts upon warrants of
 24 the director of accounts and reports issued pursuant to vouchers approved
 25 by the state treasurer or the state treasurer's designee. Payments from the
 26 royalty fund shall be made to the entity benefiting from the issuance of the
 27 distinctive license plate on a monthly basis.

28 (i) Notwithstanding any other provision of law, for any distinctive
 29 license plate, the division shall produce such distinctive license plate for a
 30 motorcycle upon request to the division by the organization sponsoring the
 31 distinctive license plate.

32 (j) In addition to any residency requirements for all distinctive license
 33 plates, any person not a resident of Kansas, serving as a member of the
 34 armed forces stationed in this state shall be eligible to apply for any
 35 distinctive license plate as if the individual was a resident of this state.
 36 Such person shall be eligible to renew the distinctive license plate
 37 registration as long as the person is still stationed in this state at the time
 38 the registration is renewed.

39 Sec. 3. K.S.A. 2020 Supp. 8-1,142 is hereby amended to read as
 40 follows: 8-1,142. (a) As used in this section, "educational institution"
 41 means:

42 (1) Any state educational institution under the control and supervision
 43 of the state board of regents;

1 (2) any municipal university;

2 (3) any not-for-profit independent institution of higher education
3 ~~which~~ *that* is accredited by the north central association of colleges and
4 secondary schools accrediting agency based on its requirements as of April
5 1, 1985, is operated independently and not controlled or administered by
6 the state or any agency or subdivision thereof, maintains open enrollment
7 and the main campus or principal place of operation of which is located in
8 Kansas;

9 (4) any community college organized and operating under the laws of
10 this state; and

11 (5) Haskell Indian Nations university.

12 (b) Any owner or lessee of one or more passenger vehicles, trucks
13 registered for a gross weight of not more than 20,000 pounds or
14 motorcycles, who is a resident of Kansas, upon compliance with the
15 provisions of this section, may be issued one educational institution license
16 plate for each such passenger vehicle, truck or motorcycle. Such license
17 plates shall be issued for the same period of time as other license plates
18 upon proper registration and payment of the regular license fee as provided
19 in K.S.A. 8-143, and amendments thereto, plus the payment of an
20 additional fee of \$5 for each plate, and either the payment to the county
21 treasurer of the logo use royalty payment established by the alumni
22 association or foundation or the presentation of the annual emblem use
23 authorization statement provided for in subsection (c).

24 (c) Any educational institution may authorize through its officially
25 recognized alumni association or foundation the use of such institution's
26 official emblems to be affixed on license plates as provided by this section.
27 Any royalty payment derived from this section, except reasonable
28 administrative costs, shall be used for recognition of academic
29 achievement or excellence subject to the approval of the chancellor or
30 president of the educational institution. Any motor vehicle owner or lessee
31 may annually apply to the alumni association or foundation for the use of
32 the institution's emblems. Upon annual application and payment to either:
33 (1) The alumni association or foundation in an amount of not less than \$25
34 nor more than \$100 as an emblem use royalty payment for each
35 educational institution license plate to be issued, the alumni association or
36 foundation shall issue to the motor vehicle owner or lessee, without further
37 charge, an emblem use authorization statement, which shall be presented
38 by the motor vehicle owner or lessee at the time of registration; or (2) the
39 county treasurer of the logo use royalty payment for each license plate to
40 be issued.

41 (d) Any applicant for an educational institution license plate may
42 make application for such plates not less than 60 days prior to such
43 person's renewal of registration date, on a form prescribed and furnished

1 by the director of vehicles, and any applicant for the educational institution
2 license plates shall provide either the annual emblem use authorization
3 statement provided for in subsection (c) or pay to the county treasurer the
4 logo use royalty payment established by the alumni association or
5 foundation. Application for registration of a passenger vehicle, truck or
6 motorcycle and issuance of the license plates under this section shall be
7 made by the owner or lessee in a manner prescribed by the director of
8 vehicles upon forms furnished by the director.

9 (e) No registration or educational institution license plate issued
10 under this section shall be transferable to any other person.

11 (f) The director of vehicles may transfer educational institution
12 license plates from a leased vehicle to a purchased vehicle.

13 (g) Renewals of registration under this section shall be made
14 annually, upon payment of the fee prescribed in subsection (b), in the
15 manner prescribed in ~~subsection (b)~~ of K.S.A. 8-132(b), and amendments
16 thereto. No renewal of registration shall be made to any applicant until
17 such applicant provides to the county treasurer either the annual emblem
18 use authorization statement provided for in subsection (c) or the payment
19 of the annual emblem use royalty payment established by the alumni
20 association or foundation. If such emblem use authorization statement is
21 not presented at the time of registration or faxed by the alumni association
22 or foundations, or the annual emblem use royalty payment is not made to
23 the county treasurer, the applicant shall be required to comply with K.S.A.
24 8-143, and amendments thereto, and return the educational institution
25 license plates to the county treasurer of such person's residence.

26 (h) The director of vehicles shall not issue any educational institution
27 license plates for any educational institution, unless such educational
28 institution's alumni association or foundation guarantees the initial
29 issuance of at least ~~500~~ 100 license plates.

30 (i) The director of vehicles shall discontinue the issuance of an
31 educational institution's license plate authorized under this section if:

32 (1) ~~Less~~ Fewer than ~~500~~ 100 educational institution license plates,
33 including annual renewals, are issued for an educational institution by the
34 end of the second year of sales; and

35 (2) ~~less~~ fewer than ~~250~~ 50 educational institution license plates,
36 including annual renewals, are issued for an educational institution during
37 any subsequent two-year period.

38 (j) Each educational institution's alumni association or foundation
39 shall:

40 (1) Pay the initial cost of silk-screening for such educational license
41 plates; and

42 (2) provide to all county treasurers a toll-free telephone number
43 where applicants can call the alumni association or foundation for

1 information concerning the application process or the status of their
2 license plate application.

3 (k) Each educational institution's alumni association or foundation,
4 with the approval of the director of vehicles and subject to the availability
5 of materials and equipment, shall design a license plate to be issued under
6 the provisions of this section.

7 (l) As a condition of receiving the educational institution license plate
8 and any subsequent registration renewal of such plate, the applicant must
9 provide consent to the division authorizing the division's release of motor
10 vehicle record information, including the applicant's name, address,
11 emblem use royalty payment amount, plate number and vehicle type to the
12 relevant educational institution and the state treasurer.

13 (m) Annual royalty payments collected by county treasurers under
14 this section shall be remitted to the state treasurer in accordance with the
15 provisions of K.S.A. 75-4215, and amendments thereto. In the case of an
16 educational institution that is a state educational institution as defined by
17 K.S.A. 76-711, and amendments thereto, upon receipt of each such
18 remittance, the state treasurer shall deposit the entire amount in the state
19 treasury to the credit of the appropriate account of the restricted fees fund
20 of such state educational institution. In the case of an educational
21 institution which is not a state educational institution as defined by K.S.A.
22 76-711, and amendments thereto, upon receipt of each such remittance, the
23 state treasurer shall remit the entire amount to the educational institutions
24 emblem royalty fund, which is hereby created in the state treasury and
25 shall be administered by the state treasurer. All expenditures from the
26 educational institutions emblem royalty fund shall be made in accordance
27 with appropriation acts upon warrants of the director of accounts and
28 reports issued pursuant to vouchers approved by the state treasurer or the
29 state treasurer's designee. Payments from the educational institutions
30 emblem royalty fund to the respective educational institutions shall be
31 made on a monthly basis.

32 Sec. 4. K.S.A. 2020 Supp. 8-1,141 and 8-1,142 are hereby repealed.

33 Sec. 5. This act shall take effect and be in force from and after its
34 publication in the statute book.