

FILE

Subject

*Records
Public*

Copy to



STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

VERN MILLER
Attorney General

April 23, 1974

Opinion No. 74- 122

James T. McDonald
Secretary of Revenue
State Office Building
Topeka, Kansas 66612

Dear Mr. McDonald:

You have requested an opinion from this office regarding the inspection, copying and dissemination of motor vehicle title and registration records kept in the offices of the county treasurers.

The initial question is whether such documents are public records and thus fall within the provisions of K.S.A. 45-201 and K.S.A. 45-202.

"All official public records . . . which records by law are required to be kept and maintained, except those . . . specifically closed . . . by law . . . shall at all times be open for a personal inspection by any citizen . . ."
K.S.A. 45-201.

"[A]ny . . . person shall have the right of access to said records, documents or instruments for the purpose of making photographs of the same while in the possession . . . of the lawful custodian thereof, or his authorized deputy." K.S.A. 45-202.

It is provided in K.S.A. 8-145 that:

"All registration and certificates of title fees shall be paid to the county treasurer of the county in which the applicant for registration resides . . . and the said county treasurer shall issue his receipt in triplicate, . . . one copy of which shall be filed in the county treasurer's office. . . ."

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The county treasurer must file and maintain this receipt. Accordingly, the receipts are public records and fall within the provision of K.S.A. 45-201 and K.S.A. 45-202.

Further, it provides in K.S.A. 74-2012 that:

"All records pertaining to title, registration, . . . shall be . . . open to inspection by the public during office hours" [Emphasis supplied.]

Although this provision appears to have reference particularly with the Division of Vehicles, it does not restrict the records to this division nor prohibit the public inspection of records on file with the county treasurers. It is, therefore, the opinion of this office that such records on file with the county treasurer are public documents and open to inspection.

It is not our intent, however, to indicate that the county treasurer may conduct registration and title applications unfettered by any governing authority. Rather, in this regard, the county treasurer functions as the agent of the Secretary of Revenue and is subject to policy guidelines, rules and regulations established by the Secretary.

There is no requirement that the county treasurer disseminate such records to the public. To disseminate implies the publishing of such records to the general public without regard to specific demand or inquiry. We find no specific authority that poses such an obligation upon the county treasurer. To the contrary, the provisions of K.S.A. 45-201 would indicate that such records are to be revealed only on a personal basis to those who make specific demand or request for inspection.

The person desiring a copy shall be provided one at his own expense. Any funds that the county receives as a result of such charge shall be deposited in the county general fund. It is our opinion that the copies must be provided due to the provisions of K.S.A. 45-202 and for that reason K.S.A. 74-2012, which is merely the statutory authority for the Secretary of Revenue to assess charges for providing certain copies relating to drivers' licenses, has no application.

Yours very truly,



VERN MILLER
Attorney General

VM:DRH:MC:jsm