

STATE OF KANSAS

## Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

**Curt T. Schneider**  
Attorney General

May 31, 1977

ATTORNEY GENERAL OPINION NO. 77-177

The Honorable Ross O. Doyen  
President of the Senate  
Kansas State Senate  
3rd Floor - State Capitol Building  
Topeka, Kansas 66612

Re: Motor Vehicles--Disabled Veterans--Registration

Synopsis: A pickup truck is not a "passenger motor vehicle" which is eligible for registration by disabled veterans under K.S.A. 8-161(a). Unless and until the legislature chooses to enlarge the class of vehicles which may be registered for disabled veterans without cost under K.S.A. 8-161(a), that privilege now extends only to passenger vehicles.

\* \* \*

Dear Senator Doyen:

K.S.A. 8-161(a) provides in pertinent part thus:

"(a) Any such disabled veteran who shall make application to the director of vehicles on a form prescribed and furnished by said director for registration of a passenger motor vehicle owned and used by such veteran shall be entitled to have said vehicle registered . . . ."

You request my opinion whether a disabled veteran is entitled under this act to issuance of a license plate for a motor vehicle which is generally described as a pickup. The phrase "passenger vehicle" is defined by K.S.A. 8-126(x) as


The Honorable Ross O. Doyen  
Page Two  
May 31, 1977

"[e]very motor vehicle, as herein defined, which is designed primarily to carry ten (10) or fewer passengers, and which is not used as a truck."

Subsection (c) defines the term "truck" to include a "motor vehicle which is used for the transportation or delivery of freight and merchandise or more than ten (10) passengers."

Thus, to constitute a "passenger vehicle," the vehicle must first, be designed primarily to carry not more than ten passengers, and second, it must not be used for the transportation or delivery of freight and merchandise. A pickup is not designed primarily to carry passengers, but for the transportation of freight, merchandise, and other matter in the bed of the vehicle, and is not a "passenger motor vehicle" as that term is used in K.S.A. 8-161(a), in my judgment. If the legislature wishes to extend the privilege of registration without charge to vehicles other than passenger vehicles, it may amend the statute to describe the other classes of vehicles for which such registration is available. Unless and until the legislature chooses to amend the statute, the legislature expressly restricted registration available under that section to "passenger motor vehicles," and in my judgment, the express description of vehicles eligible for registration available thereunder excludes pickup trucks.

Yours truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj