



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

CURT T. SCHNEIDER
ATTORNEY GENERAL

October 6, 1978

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

ATTORNEY GENERAL OPINION NO. 78- 319

Mr. F. T. Jim Chaffee
Sheriff of Shawnee County
Shawnee County Courthouse
Topeka, Kansas 66603

Re: Motor Vehicles--Renewal of Registration

Synopsis: Law enforcement officers may properly issue citations for violations of K.S.A. 1977 Supp. 8-142 *First* upon expiration of the prior year's registration on December 31, unless proper application for renewal has been made on or prior to that date pursuant to K.S.A. 8-134(a).

* * *

Dear Sheriff Chaffee:

You inquire concerning motor vehicle registration law, K.S.A. 1977 Supp. 8-142 *First*. In particular, you ask at what point in time may law enforcement officers properly issue citations for operating a truck without proper registration. You further inquire whether K.S.A. 8-143(2)(b) sets out a grace period for violations of K.S.A. 1977 Supp. 8-142 *First*.

K.S.A. 1977 Supp. 8-142 *First* provides in pertinent part:

"It shall be unlawful for any person to commit any of the following acts:

First: To operate, or for the owner thereof knowingly to permit the operation, upon a highway of any vehicle, as defined in K.S.A. 8-126, which is not registered,

Mr. F. T. Jim Chaffee
Page Two
October 6, 1978

or for which a certificate of title has not been issued or which does not have attached thereto and displayed thereon the number plate or plates assigned thereto by the division for the current registration year."

The provision concerning truck registration is found in K.S.A. 8-134(a) which provides in part:

"(a) Every vehicle except passenger vehicle registration under this act shall expire December thirty-first of each year, and shall be renewed annually upon application by the owner and by payment of the fees required by law, such renewal to take effect on the first day of January each year."

Thus the act establishes a violation for an owner to operate or permit the operation of a truck after the expiration of the prior year's registration on December 31. K.S.A. 8-134(a) further provides that:

"An owner who has made proper application for renewal of registration of a vehicle prior to January first, but who has not received the number plate or registration card for the ensuing year, shall be entitled to operate or permit the operation of such vehicle upon the highways upon displaying thereon the number plate issued for the preceding year for such time, to be prescribed by the director of vehicles, as the director of vehicles may find necessary for issuance of such new plate."

This portion of the act allows a "grace period" for those owners who make "proper application prior to January 1." A "proper application" necessarily includes payment of the required fees as provided by K.S.A. 1977 Supp. 8-143(2), which states in pertinent part that ". . . all applications for the registration of trucks or truck tractors, except as otherwise provided herein, shall be accompanied by an annual license fee"

Mr. F. T. Jim Chaffee
Page Three
October 6, 1978

To summarize, citations for violation of K.S.A. 1977 Supp. 8-142, no current truck registration, are properly issued anytime on or after January 1 of any year, unless the owner prior to that date, has made a proper application for renewal.

You state that the Shawnee County Treasurer's Office applies a penalty for the late registration of trucks only on or after February 16 of each year. The basis for this procedure relies on the language of K.S.A. 1977 Supp. 8-143(2)(b) which provides in pertinent part:

"The annual fees herein provided for trucks, truck tractors, trailers, motorcycles and motorized bicycles shall be due January first of each year and payable on or before February fifteenth in each year. If said fee is not paid by said date a penalty of one dollar (\$1) shall be added to the fee charged herein for each month or fraction thereof and until December thirty-first of each registration year."

This provision read alone on its face, implies that owners of trucks and other vehicles could delay application for renewal of registration until February 15 without sanctions imposed. This provision is concerned, however, solely with payment of fees and does not by its terms, expand the "grace period" set out in K.S.A. 8-134(a) for persons who have made a proper application, but have not received a current registration.

K.S.A. 1977 Supp. 8-143(2)(c) provides penalties for late payment of fees after the February 15 deadline. This section provides in pertinent part:

"The owner of any motorcycle, motorized bicycle, passenger vehicle, truck, truck tractor, trailer, semitrailer, or electrically propelled vehicle who fails to pay the registration fee or fees herein provided on the date when the same becomes due and payable shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a penalty in the sum of one dollar (\$1) for each month or fraction thereof during which such fee

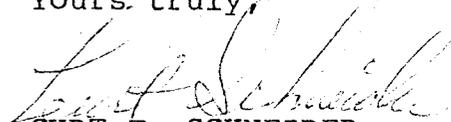
Mr. F. T. Jim Chaffee
Page Four
October 6, 1978

has remained unpaid after it became due and payable; and in addition thereto shall be subject to such other punishment as is provided in this act:"

The penalties described above are separate from and in addition to other sanctions provided in this act. These other sanctions could be a result of a properly issued citation for a violation of K.S.A. 1977 Supp. 8-142 *First*. The statutory February 15 "grace period" for penalties for late payment of fees does not apply or excuse violations of K.S.A. 1977 Supp. 8-142 *First*, either by its terms or by reference.

Admittedly the language of K.S.A. 1977 Supp. 8-143(2)(b) relating to the time fees are "due" (January First) and the time they are "payable" (February Fifteenth) does upon first impression, confuse the issue as to when a registration expires. However, a thorough comparison of these statutes leads me to the conclusion that the "grace period" referred to in K.S.A. 1977 Supp. 8-143(2)(c) applies only to penalties for late payment of fees; it does not apply to violations for non-registration of trucks.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:SDT:kj