

STATE OF KANSAS

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ATTORNEY GENERAL OPINION NO. 88-127

The Honorable Paul Feleciano, Jr.
State Senator, Twenty-Eighth District
815 Barbara
Wichita, Kansas 67217

Re: Automobiles and Other Vehicles--Licensure of
Vehicle Sales and Manufacture--Temporary Vehicle
Registration Permits, Issuance by Vehicle Brokers

Synopsis: Vehicle brokers, licensed pursuant to the vehicle
dealers and manufacturers licensing act and current
on their monthly reports to the division of
vehicles, may purchase temporary vehicle
registration permits under K.S.A. 8-2408. Cited
herein: K.S.A. 1987 Supp. 8-2401; K.S.A. 8-2402;
K.S.A. 1987 Supp. 8-2404; K.S.A. 8-2408; and K.S.A.
1987 Supp. 8-2409.

* * *

Dear Senator Feleciano:

You request our interpretation of K.S.A. 1987 Supp. 8-2409 of
the vehicle dealers and manufacturers licensing act.
Specifically you inquire whether a vehicle broker licensed
pursuant to that act may obtain temporary vehicle registration
permits for vehicles sold by the broker.

K.S.A. 1987 Supp. 8-2409 provides in part:

"(a) Any dealer may purchase from the
division of vehicles thirty-day temporary
registration permits, in multiples of five

permits valid for 30 days at a cost of \$2 each. Such dealer shall have completed the application and permit as required by the division and mail a copy of such application to the division within 24 hours from the date of issuance. Such registration shall not extend the date when registration fees are due, but shall be valid registration for a period of 30 days from date of issuance. The dealer upon presentation of evidence of ownership in the applicant and evidence that the sales tax has been paid, if due, shall issue a sticker or paper registration as determined by the division. No dealer, or county treasurer, as authorized by K.S.A. 8-143 and amendments thereto, shall issue more than one thirty-day temporary registration permit to the purchaser of a vehicle.


"(b) The division of vehicles may deny any dealer the authority to purchase thirty-day temporary permits if the vehicle dealer is delinquent in monthly sales reports to the division for two months or more." (Emphasis added.)

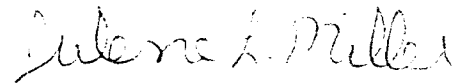
"Dealer" is defined at K.S.A. 1987 Supp. 8-2401(11) as "a vehicle dealer as defined by this act, unless the context otherwise requires." The definition of a "vehicle dealer" is located at K.S.A. 1987 Supp. 8-2401(a) and encompass vehicle brokers. See K.S.A. 1987 Supp. 8-2401(ff); 8-2404(a), (e) and (j); K.S.A. 8-2408(f) (brokers are referred to as "dealers" or "vehicle dealers" for purposes of other provisions of the act). We are aware of nothing in the context of K.S.A. 1987 Supp. 8-2409 which would require an interpretation excluding vehicle brokers from the authority to obtain temporary permits for appropriate purposes. On the contrary, K.S.A. 8-2402 would appear to suggest that brokers should be treated the same as new or used vehicle dealers in this regard.

Pursuant to K.S.A. 1987 Supp. 8-2409(b), the division of vehicles may deny a broker the authority to purchase temporary registration permits if the broker is delinquent in filing its monthly sales reports, as required by K.S.A. 8-2408, for two months or more. Also, before a broker may issue a temporary

registration permit, the applicant must present evidence of ownership of the vehicle and that the sales tax, if due, has been paid. A broker may not issue more than one temporary registration permit to the purchaser of a vehicle. K.S.A. 1987 Supp. 8-2409(a).

Very truly yours,


ROBERT T. STEPHAN
Attorney General of Kansas


Julene L. Miller
Deputy Attorney General

RTS:JLM:jm