ATTORNEY GENERAL OPINION NO. 92-50

Richard N. Raleigh
Barber County Attorney
Box 248
Medicine Lodge, Kansas 67104

Re: Automobiles and Other Vehicles--General Provisions; Registration of Vehicles--Application for Registration; County of Registration

Synopsis: K.S.A. 8-129(a) provides to persons required to register in this state a possible option as to the county in this state with which the person may register. It does not authorize registration of Kansas residents' vehicles in other states where they have places of business. Cited herein: K.S.A. 8-127; 8-129; 8-138a; 8-1,138.

Dear Mr. Raleigh:

You request our opinion regarding K.S.A. 8-129. Specifically you inquire whether subsection (a)(2) of that statute authorizes Kansas residents to register their vehicles in another state if the owner has a bona fide place of business in that state and if the vehicles are garaged in the other state for a period exceeding 90 days.

K.S.A. 8-127(a) requires registration in this state of every motor vehicle intended to be used in this state "whether [the] owner is a resident of this state or another state, or such motor vehicle . . . is based in this state or another state
... except as otherwise provided by law...." K.S.A. 8-138a provides an exception from registration for nonresident owners of passenger vehicles which are duly registered in the owner's state of residence, if the state of residence grants reciprocal privileges to residents of this state. K.S.A. 8-1,138 defines residency for purposes of these statutes. According to its legislative history, the main thrust of enacting K.S.A. 8-1,138 was to eliminate a loophole which allowed Kansas residents to register their vehicles in other states. See Report to the 1990 Legislature, Proposal No. 54, p. 721 (November 1989); Minutes, Senate Committee on Transportation and Utilities, March 23, 1990; Attorney General Opinion No. 90-116. In view of these provisions, we do not believe K.S.A. 8-129(a) can be read to allow Kansas residents to register vehicles in another state solely because they have a place of business in that other state.

In conclusion, K.S.A. 8-129(a) provides to persons required to register in this state a possible option as to the county in this state with which the person may register. It does not authorize registration of Kansas residents' vehicles in other states where they have places of business.

Very truly yours,

ROBERT T. STEPHAN
Attorney General of Kansas

Julene L. Miller
Deputy Attorney General

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