



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

September 14, 1976

ATTORNEY GENERAL OPINION NO. 76- 284

The Honorable W. Edgar Moore
State Representative
127th Street & Rogers Road
Olathe, Kansas 66061

Re: Motor Vehicles--Registration--Truck Markings

Synopsis: Effective January 1, 1977, the owner of any truck or truck tractor which has been licensed pursuant to K.S.A. 1976 Supp. 8-143 will be required to put the name, address and gross weight on the side of the vehicle, pursuant to K.S.A. 8-143e.

* * *

Dear Representative Moore:

You inquire concerning a possible conflict between K.S.A. 8-143(1) as amended by 1976 House Bill 3247, and K.S.A. 8-143e.

K.S.A. 8-143e states in pertinent part thus:

"The owner of any truck or truck tractor which has been licensed for a gross weight of more than 8,000 lbs. shall have painted or otherwise durably marked on said vehicle on both sides thereof, in plain letters not less than 2 inches in height and with not less than 1/4 inch stroke, the gross weight for which said vehicle is licensed, and the name and address of the owner or licensee thereof"

Prior to amendment, K.S.A. 8-143(2) provided a fee schedule for the licensing of trucks and truck tractors, in which the minimum fee of \$15.00 was prescribed for vehicles having a gross weight of 8,000 lbs. or less:

"All applications for the registration of trucks or truck tractors, except as otherwise provided herein, shall be accompanied by an annual license fee as follows:

For a gross weight of 8,000 lbs. or less	\$15.00
For a gross weight of more than 8,000 lbs. and not more than 12,000 lbs.	20.00
For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	50.00"

As a result of the 1976 amendment to K.S.A. 8-143(2), effective January 1, 1977, it provides in pertinent part thus:

"All applications for the registration of trucks or truck tractors, except as otherwise provided therein, shall be accompanied by an annual license fee as follows:

For a gross weight of 12,000 lbs. or less	\$27.50
For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	75.00"

The question which is presented is whether all trucks which are registered in the initial fee category, of 12,000 lbs. or less, are required to bear the markings required by K.S.A. 8-143e, which is required of all trucks and truck tractors which are licensed for a gross weight of 8,000 lbs. or more.

You advise that the State Highway Patrol is prepared, effective January 1, 1977, to require that the owners of all trucks registered in the initial fee category, *i.e.*, of 12,000 pounds or less, except those registered as farm trucks, to comply with the markings requirements of K.S.A. 8-143e.

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In the enactment of K.S.A. 8-143e, the legislature obviously intended, and specifically required, that the owner of a truck or truck tractor "which has been licensed for more than eight thousand (8,000) pounds" to have the required markings. This provision was passed and in force at a time when such vehicles could be identified by the fact that they were registered and licensed in any but the lowest license category. As a result of the amendment of the lowest license category to include all trucks and truck tractors, except as otherwise provided by law, licensed for a gross weight of 12,000 lbs. or more, all trucks and truck tractors falling in that category are indeed "licensed for more than eight thousand (8,000) pounds" for they are, in fact licensed for up to 12,000 pounds. As a result, a truck with a gross weight of less than 8,000 pounds may be required to have the necessary marking, merely because it is licensed for a 12,000 pounds gross weight.

There is, unfortunately, no ambiguity or equivocal language in either the 1976 amendment to K.S.A. 8-143(b), or in K.S.A. 8-143, which warrants resort to rules of statutory interpretation. It may indeed be burdensome for owners of smaller trucks to comply with the marking requirement, which was heretofore reserved for owners of vehicles licensed for more than 8,000 lbs. gross weight. Now, all trucks and truck tractors, except farm trucks, which are licensed in the lowest category are licensed for a gross weight of 12,000 pounds, and hence, are vehicles which are licensed "for more than eight thousand (8,000) pounds." The failure to amend the marking requirement of K.S.A. 8-143e may have been the result of legislative oversight or inadvertence. However, it is not an error which I may correct by interpretation or construction of the statute, for the language of both provisions is plain. Accordingly, the enforcement policy which is proposed by the Kansas Highway Patrol is in accordance with both of the cited statutes, to implement the legislative mandate that all trucks and truck tractors which are licensed pursuant to K.S.A. 8-143 include the markings required by K.S.A. 8-143.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

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