

Kansas Administrative Regulations

Kansas Department of Revenue

Article 51.—Titles and Registration

92-51-56. Leasing rules applicable to apportioned registration.

(a) The definitions in this subsection shall apply to the leasing of vehicles by a carrier who is subject to apportioned registration. The terms "trip lease" and "lease" shall have the following meanings:

(1) "Trip lease" shall mean a one-way trip from one point to another point or from one point to another point and return.

(2) "Lease" shall mean a lease of 30 days or more. A lessee shall be considered the owner of the vehicle for the purpose of apportioned registration if continuous trip leases or rentals are issued on a day-by-day basis or week-by-week basis for a period totaling 30 days or more.

(b) If each of two separate carriers has a fleet of vehicles currently registered on an apportioned basis in Kansas, both carriers are conducting trailer interchange operations under rules of the federal highway administration, and the trailers interchanged are part of the fleets currently apportioned in Kansas by the separate carriers, no further registration shall be required for the trip-leased trailer.

(c) Household-goods carriers in which the agent is the lessor and the company is the lessee shall file and register as dual applicants. The agent shall have a fleet of vehicles. Application for apportioned registration shall be filed solely in the name of the lessee carrier if the agent carrier does not have sufficient vehicles to constitute a fleet. The application for apportioned registration shall be based on the lessor's equipment, and the total miles the lessor operates under the lessor's name and that of the lessee.

(d) Rental equipment companies that have fleets of vehicles for short-term rentals, which is less than a 30-day lease, and that operate interstate shall be required to secure apportioned registration. The company shall maintain adequate records for completion of an apportioned application or audit. Daily rental equipment firms that do not maintain adequate records for completion of an apportioned application shall be required to fully

license the daily rental vehicles if based in Kansas or shall be subject to a 72-hour truck registration fee if based in a state other than Kansas.

(e) If an apportioned fleet carrier, foreign or Kansas, trip leases a truck or truck-tractor that is apportioned with Kansas from another prorated carrier, no further registration shall be required if the truck or truck-tractor is not operated with a greater gross weight vehicle registration. If the gross weight registration secured by the lessor apportioned carrier is insufficient for the gross weight of the vehicle when trip leased, then the lessee apportioned carrier shall be subject to a 72-hour truck registration fee if the vehicle is based in a state other than Kansas. If the vehicle is based in Kansas, then the lessor apportioned carrier shall secure proper gross weight registration of the vehicle through the division of motor vehicles.

(f) If an apportioned fleet carrier, foreign or Kansas, leases or trip leases a truck or truck-tractor that bears Kansas "regular" class of registration, no further registration shall be required if the gross weight of the vehicle when trip leased by the lessee apportioned carrier is not greater than the gross weight registration secured by the lessor carrier. If the gross weight of the vehicle is greater than the gross weight registration, then the registered owner of the vehicle shall make application for proper gross weight registration through the office of the county treasurer.

(g) If an apportioned fleet carrier, foreign or Kansas, leases a foreign-based vehicle for a period of more than 30 days and the vehicle is apportioned in the name of another carrier, then the apportioned registration of the vehicle shall be in the lessee's name.

(h) If an apportioned fleet carrier, foreign or Kansas, leases a vehicle for a period of 30 days or more and the vehicle has been apportioned by a Kansas-based carrier, then apportioned registration shall be in the name of the lessee.

(i) If an apportioned fleet carrier, foreign or Kansas, leases or trip leases a truck or truck-tractor that is fully licensed in a state other than Kansas, then the vehicle shall be subject to apportioned registration in Kansas by the fleet carrier.

(j) If a Kansas-apportioned vehicle that is trip leased by a carrier who is a resident of or based in a state with which Kansas has an agreement for interstate reciprocity, no further registration shall be required. The lessee carrier shall report the mileage operated by the lessor or apportioned carrier.

(k) Each apportioned fleet owner shall place in each fleet vehicle that is subject to a lease or rental arrangement an authentic copy or a memorandum of the lease or rental agreement. The agreement or memorandum shall contain the following:

- (1) The complete and full names of the lessor and lessee;
- (2) a description of the leased or rented vehicle by year, make, and vehicle identification number;
- (3) the effective and expiration dates of the lease or rental agreements; and
- (4) the signatures of the lessee and lessor, or their duly authorized agents.

The agreement or memorandum shall be carried in the cab of the vehicle described in the agreement, or the cab of the vehicle supplying the motive power if the vehicle is a trailer.

(l) Each fleet owner that is subject to a lease, shall include the apportioned application, the effective date of the lease, and the name and address of the lessor. (Authorized by K.S.A. 8-1,121; implementing K.S.A. 8-1,101; effective Jan. 1, 1966; amended, E-71-9, Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 3, 2003.)

***** Authenticated Kansas Administrative Regulation *****