

# New Kansas Laws of Interest to Law Enforcement Effective January 1, 2022

Many new and amended laws went into effect on January 1, 2022. Only a handful of those affect law enforcement. The following is a summary of those changes we believe law enforcement should be aware of.

## **Peer-to-Peer Vehicle Sharing**

NOTE: These new laws will not be published on the state's statute website until the fall of 2022, however they are effective as of January 1, 2022. The text of these statutes are available in bill form at these links (See KSA Chapter 12, Article 28):

- My website at: <https://kansasleo.com/statutes.htm>
- The Kansas Cop Law, Law Page at: <http://www.kscoplw.com/thelawpage.htm>

The text of the statutes in bill form can be found at:

[http://www.kslegislature.org/li/b2021\\_22/measures/documents/hb2379\\_enrolled.pdf](http://www.kslegislature.org/li/b2021_22/measures/documents/hb2379_enrolled.pdf)

The legislative explanation of the new law is available at this link:

[http://www.kslegislature.org/li/b2021\\_22/measures/documents/summary\\_hb\\_2379\\_2021](http://www.kslegislature.org/li/b2021_22/measures/documents/summary_hb_2379_2021)

In General, the new "Peer-to-peer vehicle sharing program," allows a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration. It does not include:

- A leased or rented vehicle
- A vehicle the owner has temporarily loaned
- A borrowed vehicle owned by a new or used vehicle dealer.
- The use of a vehicle for demonstration purposes

### Written Agreement

The vehicle in a Peer-to-Peer agreement has a single owner (not necessarily a business). But that owner enters into a written agreement with another person to operate the vehicle in return for some financial consideration. This means a vehicle you encounter may be operated by a person not listed on the vehicle registration, much like with a rental car. There is no requirement in the law for the agreement to be carried in the car or for the agreement to be shared with law enforcement on request.

The written agreement should indicate the beginning and ending time of the "vehicle sharing period." It also must include an emergency contact number.

### Insurance

A Peer-to-Peer vehicle sharing program must ensure that, during each vehicle sharing period, the owner and the driver are insured under a motor vehicle liability insurance policy. The requirement for motor vehicle liability insurance can be satisfied by such insurance maintained by an owner, as driver, a Peer-to-Peer vehicle sharing program, or a shared vehicle owner or a shared vehicle driver and a Peer-to-Peer vehicle sharing program.

### Required Records

The Peer-to-Peer vehicle sharing program is required to collect and verify records pertaining to the use of a vehicle, including, but not limited to:

- The times used;
- Vehicle sharing period pick up and drop off locations;

- Fees paid by the shared vehicle driver; and
- Revenues received by the shared vehicle owner.

There is no requirement to provide this information to law enforcement on request, so if needed in an investigation, a court order may be required.

## **Notary Services**

If you are a state Notary, there are new laws effective January 1, 2022, you need to be aware of.

You should look at the information on the Kansas Secretary of State Website at:

<https://www.sos.ks.gov/business/notary.html>

A summary of the new laws are located about a third of the way down on the page in a section titled “Key Changes to Kansas Notary Law.”

You can read the new law in bill form at:

[http://www.kslegislature.org/li/b2021\\_22/measures/documents/sb106\\_enrolled.pdf](http://www.kslegislature.org/li/b2021_22/measures/documents/sb106_enrolled.pdf)

A key element of the new law you should be aware of is:

Effective January 1, 2022, Kansas notaries are required to maintain a notary journal.

A journal entry shall contain the following information:

- The date and time of the notarial act.
- A description of the record, if any, and type of notarial act.
- The full name and address of each individual for whom the notarial act is performed.
- If the individual is identified based on personal knowledge, a statement to that effect.
- If the individual is identified based on an identification credential, such as a driver’s license, or identified by a credible witness, a brief description of the method of identification and, if an identification credential is used, the date of issuance and expiration date of the credential.
- The fee, if any, charged by the notary.

A notary may maintain a journal in both a tangible form and an electronic form. While a notary may maintain only one journal in a tangible format, a notary may maintain more than one journal in an electronic format.

The journal is required to be maintained for 10 years after the last entry. A notary may transfer their journal to an approved repository for retention.

A notary must notify the Secretary of State if the journal is lost or stolen.

I strongly recommend you work closely with your agency and appropriate legal advisor to assure you are in compliance with these new laws.

This document was prepared by Ed Klumpp for the Kansas Sheriffs Association, the Kansas Association of Chiefs of Police, and the Kansas Peace Officers Association. The author is not an attorney, and this document is not legal advice or interpretation. It is simply notification of a change in law. For legal interpretation and application, you should work with your agency and appropriate attorneys.