

**HOUSE BILL No. 2547**

By Committee on Corrections and Juvenile Justice

2-3

Proposed amendments to HB 2547 - Delperdang  
House Corrections and Juvenile Justice  
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February 17, 2020

1 AN ACT concerning motor vehicles; relating to driving privileges;  
2 revocation, suspension or restrictions; fines; amending K.S.A. 2019  
3 Supp. 8-262 and 8-2110 and repealing the existing sections; also  
4 repealing K.S.A. 2019 Supp. 8-2110b.  
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2019 Supp. 8-262 is hereby amended to read as  
8 follows: 8-262. (a) (1) Any person who drives a motor vehicle on any  
9 highway of this state at a time when such person's privilege so to do is  
10 canceled, suspended or revoked or while such person's privilege to obtain  
11 a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and  
12 amendments thereto, shall be guilty of a class B nonperson misdemeanor  
13 on the first conviction and a class A nonperson misdemeanor on the second  
14 or subsequent conviction.

15 (2) No person shall be convicted under this section if such person was  
16 entitled at the time of arrest under K.S.A. 8-257, and amendments thereto,  
17 to the return of such person's driver's license.

18 (3) Except as otherwise provided by subsection (a)(4) or (c), every  
19 person convicted under this section shall be sentenced to at least five days'  
20 imprisonment and fined at least \$100 and upon a second conviction shall  
21 not be eligible for parole until completion of five days' imprisonment.

22 (4) Except as otherwise provided by subsection (c), if a person: (A) Is  
23 convicted of a violation of this section, committed while the person's  
24 privilege to drive or privilege to obtain a driver's license was suspended or  
25 revoked for a violation of K.S.A. 8-2,144 or 8-1567, and amendments  
26 thereto, or any ordinance of any city or resolution of any county or a law  
27 of another state, which ordinance or resolution or law prohibits the acts  
28 prohibited by those statutes; and (B) is or has been also convicted of a  
29 violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any  
30 ordinance of any city or resolution of any county or law of another state,  
31 which ordinance or resolution or law prohibits the acts prohibited by those  
32 statutes, committed while the person's privilege to drive or privilege to  
33 obtain a driver's license was so suspended or revoked, the person shall not  
34 be eligible for suspension of sentence, probation or parole until the person  
35 has served at least 90 days' imprisonment, and any fine imposed on such  
36 person shall be in addition to such a term of imprisonment.

1 (b) The division, upon receiving a record of the conviction of any  
 2 person under this section, or any ordinance of any city or resolution of any  
 3 county or a law of another state which is in substantial conformity with  
 4 this section, upon a charge of driving a vehicle while the license of such  
 5 person is revoked or suspended, shall extend the period of such suspension  
 6 or revocation for an additional period of ~~90~~ 30 days.

7 (c) (1) The person found guilty of a class A nonperson misdemeanor  
 8 on a third or subsequent conviction of this section shall be sentenced to not  
 9 less than 90 days' imprisonment and fined not less than \$1,500 if such  
 10 person's privilege to drive a motor vehicle is canceled, suspended or  
 11 revoked because such person:

12 (A) Refused to submit and complete any test of blood, breath or urine  
 13 requested by law enforcement excluding the preliminary screening test as  
 14 set forth in K.S.A. 8-1012, and amendments thereto;

15 (B) was convicted of violating the provisions of K.S.A. 40-3104, and  
 16 amendments thereto, relating to motor vehicle liability insurance coverage;

17 (C) was convicted of vehicular homicide, K.S.A. 21-3405, prior to its  
 18 repeal, or K.S.A. 2019 Supp. 21-5406, and amendments thereto,  
 19 involuntary manslaughter while driving under the influence of alcohol or  
 20 drugs, K.S.A. 21-3442, prior to its repeal, or involuntary manslaughter as  
 21 defined in K.S.A. 2019 Supp. 21-5405(a)(3) and (a)(5), and amendments  
 22 thereto, or any other murder or manslaughter crime resulting from the  
 23 operation of a motor vehicle; or

24 (D) was convicted of being a habitual violator, K.S.A. 8-287, and  
 25 amendments thereto.

26 (2) The person convicted shall not be eligible for release on  
 27 probation, suspension or reduction of sentence or parole until the person  
 28 has served at least 90 days' imprisonment. The 90 days' imprisonment  
 29 mandated by this subsection may be served in a work release program only  
 30 after such person has served 48 consecutive hours' imprisonment, provided  
 31 such work release program requires such person to return to confinement  
 32 at the end of each day in the work release program. The court may place  
 33 the person convicted under a house arrest program pursuant to K.S.A.  
 34 2019 Supp. 21-6609, and amendments thereto, or any municipal ordinance  
 35 to serve the remainder of the minimum sentence only after such person has  
 36 served 48 consecutive hours' imprisonment.

37 (d) For the purposes of determining whether a conviction is a first,  
 38 second, third or subsequent conviction in sentencing under this section,  
 39 "conviction" includes a conviction of a violation of any ordinance of any  
 40 city or resolution of any county or a law of another state which is in  
 41 substantial conformity with this section.

42 Sec. 2. K.S.A. 2019 Supp. 8-2110 is hereby amended to read as  
 43 follows: 8-2110. (a) Failure to comply with a traffic citation means failure

(1) Except as provided by paragraph  
(2),

(2) For any person found guilty of driving a vehicle  
while the license of such person is suspended for  
violating K.S.A. 8-2110, and amendments thereto, the  
suspension or revocation shall not be extended for  
any additional time pursuant to paragraph (1).