

**Senate Substitute for
Substitute for HOUSE BILL No. 2397**

By Committee on Ways and Means

5-6

1 AN ACT reconciling conflicting amendments to certain statutes; amending
2 K.S.A. 66-104, as amended by section 1 of 2021 House Bill No. 2367,
3 75-5133 and 79-3234 and K.S.A. 2020 Supp. 8-2110, 8-2118, as
4 amended by section 6 of 2021 Senate Bill No. 67, 45-229, as amended
5 by section 12 of 2021 House Bill No. 2390, 58-652, as amended by
6 section 1 of 2021 Senate Bill No. 103, and 60-5508, as amended by
7 section 6 of 2021 Senate Bill No. 283, and repealing the existing
8 sections; also repealing K.S.A. 22-4514a, as amended by section 1 of
9 2021 Senate Bill No. 16, 66-104, as amended by section 1 of 2021
10 House Bill No. 2145, 75-3728c, as amended by section 2 of 2021
11 Senate Bill No. 16, 75-5133d, 76-721, as amended by section 3 of 2021
12 Senate Bill No. 16, 79-3233b, as amended by section 4 of 2021 Senate
13 Bill No. 16, and 79-3234d and K.S.A. 2020 Supp. 8-2110b, 8-2118c,
14 39-1431b, 45-229, as amended by section 5 of 2021 House Bill No.
15 2162, 45-229, as amended by section 36 of 2021 House Bill No. 2391,
16 58-652, as amended by section 39 of 2021 Senate Bill No. 106, and 60-
17 5508, as amended by section 3 of 2021 House Bill No. 2126.

18

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

20

21 Section 1. K.S.A. 2020 Supp. 8-2110 is hereby amended to read as
22 follows: 8-2110. (a) Failure to comply with a traffic citation means failure
23 either to: (1) Appear before any district or municipal court in response to a
24 traffic citation and pay in full any fine and court costs imposed; or (2)
25 otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and
26 amendments thereto. Failure to comply with a traffic citation is a
27 misdemeanor, regardless of the disposition of the charge for which such
28 citation was originally issued.

29

30 (b) (1) In addition to penalties of law applicable under subsection (a),
31 when a person fails to comply with a traffic citation, except for illegal
32 parking, standing or stopping, the district or municipal court in which the
33 person should have complied with the citation shall mail notice to the
34 person that if the person does not appear in district or municipal court or
35 pay all fines, court costs and any penalties within 30 days from the date of
mailing notice, the division of vehicles will be notified to suspend the
person's driving privileges. The district or municipal court may charge an

1 additional fee of \$5 for mailing such notice. Upon the person's failure to
2 comply within such 30 days of mailing notice, the district or municipal
3 court shall electronically notify the division of vehicles. Upon receipt of a
4 report of a failure to comply with a traffic citation under this subsection,
5 pursuant to K.S.A. 8-255, and amendments thereto, the division of
6 vehicles shall notify the violator and suspend the license of the violator
7 until satisfactory evidence of compliance with the terms of the traffic
8 citation has been furnished to the informing court. When the court
9 determines the person has complied with the terms of the traffic citation,
10 the court shall immediately electronically notify the division of vehicles of
11 such compliance. Upon receipt of notification of such compliance from the
12 informing court, the division of vehicles shall terminate the suspension or
13 suspension action.

14 (2) (A) In lieu of suspension under paragraph (1), the driver may
15 submit to the division of vehicles a written request for restricted driving
16 privileges, with a non-refundable \$25 application fee, to be applied by the
17 division of vehicles for additional administrative costs to implement
18 restricted driving privileges. The division shall remit all restricted driving
19 privilege application fees to the state treasurer in accordance with the
20 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
21 each such remittance, the state treasurer shall deposit the entire amount in
22 the state treasury to the credit of the division of vehicles operating fund.

23 (B) A person whose driver's license has expired during the period
24 when such person's driver's license has been suspended for failure to pay
25 fines for traffic citations, the driver may submit to the division of vehicles
26 a written request for restricted driving privileges, with a non-refundable
27 \$25 application fee, to be applied by the division of vehicles for additional
28 administrative costs to implement restricted driving privileges. The
29 division shall remit all restricted driving privilege application fees to the
30 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
31 amendments thereto. Upon receipt of each such remittance, the state
32 treasurer shall deposit the entire amount in the state treasury to the credit
33 of the division of vehicles operating fund. An individual shall not qualify
34 for restricted driving privileges pursuant to this section unless the
35 following conditions are met: (i) The suspended license that expired was
36 issued by the division of vehicles; (ii) the suspended license resulted from
37 the individual's failure to comply with a traffic citation pursuant to
38 subsection (b)(1); (iii) the traffic citation that resulted in the failure to
39 comply pursuant to subsection (b)(1) was issued in this state; and (iv) the
40 individual has not previously received a stayed suspension as a result of a
41 driving while suspended conviction.

42 (C) Upon review and approval of the driver's eligibility, the driving
43 privileges will be restricted by the division of vehicles for a period up to

1 one year or until the terms of the traffic citation have been complied with
2 and the court shall immediately electronically notify the division of
3 vehicles of such compliance. If the driver fails to comply with the traffic
4 citation within the one year restricted period, the driving privileges will be
5 suspended by the division of vehicles until the court determines the person
6 has complied with the terms of the traffic citation and the court shall
7 immediately electronically notify the division of vehicles of such
8 compliance. Upon receipt of notification of such compliance from the
9 informing court, the division of vehicles shall terminate the suspension
10 action. When restricted driving privileges are approved pursuant to this
11 section, the person's driving privileges shall be restricted to driving only
12 under the following circumstances: (i) In going to or returning from the
13 person's place of employment or schooling; (ii) in the course of the
14 person's employment; (iii) in going to or returning from an appointment
15 with a health care provider or during a medical emergency; and (iv) in
16 going to and returning from probation or parole meetings, drug or alcohol
17 counseling or any place the person is required to go by a court.

18 ~~(c) (1) Prior to July 1, 2018, except as provided in subsection (d),~~
19 ~~when the district or municipal court notifies the division of vehicles of a~~
20 ~~failure to comply with a traffic citation pursuant to subsection (b), the~~
21 ~~court shall assess a reinstatement fee of \$59 for each charge on which the~~
22 ~~person failed to make satisfaction regardless of the disposition of the~~
23 ~~charge for which such citation was originally issued and regardless of any~~
24 ~~application for restricted driving privileges. Such reinstatement fee shall~~
25 ~~be in addition to any fine, restricted driving privilege application fee,~~
26 ~~district or municipal court costs and other penalties. The court shall remit~~
27 ~~all reinstatement fees to the state treasurer in accordance with the~~
28 ~~provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of~~
29 ~~each such remittance, the state treasurer shall deposit the entire amount in~~
30 ~~the state treasury and shall credit 42.37% of such moneys to the division of~~
31 ~~vehicles operating fund, 31.78% to the community alcoholism and~~
32 ~~intoxication programs fund created by K.S.A. 41-1126, and amendments~~
33 ~~thereto, 10.59% to the juvenile alternatives to detention fund created by~~
34 ~~K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial~~
35 ~~branch nonjudicial salary adjustment fund created by K.S.A. 2020 Supp.~~
36 ~~20-1a15, and amendments thereto.~~

37 (2) On and after July 1, 2018, except as provided in subsection (d),
38 when the district or municipal court notifies the division of vehicles of a
39 failure to comply with a traffic citation pursuant to subsection (b), the
40 court shall assess a reinstatement fee of \$100 for each charge on which the
41 person failed to make satisfaction regardless of the disposition of the
42 charge for which such citation was originally issued and regardless of any
43 application for restricted driving privileges. Such reinstatement fee shall

1 be in addition to any fine, restricted driving privilege application fee,
2 district or municipal court costs and other penalties. The court shall remit
3 all reinstatement fees to the state treasurer in accordance with the
4 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of
5 each such remittance, the state treasurer shall deposit the entire amount in
6 the state treasury and shall credit the first \$15 of such reinstatement fee to
7 the judicial branch nonjudicial salary adjustment fund and of the
8 remaining amount, 29.41% of such moneys to the division of vehicles
9 operating fund, 22.06% to the community alcoholism and intoxication
10 programs fund created by K.S.A. 41-1126, and amendments thereto,
11 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-
12 4803, and amendments thereto, and 41.17% to the judicial branch
13 nonjudicial salary adjustment fund created by K.S.A. 2020 Supp. 20-1a15,
14 and amendments thereto.

15 (d) The district court or municipal court shall waive the reinstatement
16 fee provided for in subsection (c), if the failure to comply with a traffic
17 citation was the result of such person enlisting in or being drafted into the
18 armed services of the United States, being called into service as a member
19 of a reserve component of the military service of the United States, or
20 volunteering for such active duty, or being called into service as a member
21 of the state of Kansas national guard, or volunteering for such active duty,
22 and being absent from Kansas because of such military service.

23 (e) A person who is assessed a reinstatement fee pursuant to
24 subsection (c) may petition the court that assessed the fee at any time to
25 waive payment of the fee, any additional charge imposed pursuant to
26 subsection (f), or any portion thereof. If it appears to the satisfaction of the
27 court that payment of the amount due will impose manifest hardship on the
28 person or the person's immediate family, the court may waive payment of
29 all or part of the amount due or modify the method of payment.

30 (f) Except as provided further, the reinstatement fee established in
31 this section shall be the only fee collected or moneys in the nature of a fee
32 collected for such reinstatement. Such fee shall only be established by an
33 act of the legislature and no other authority is established by law or
34 otherwise to collect a fee. ~~On and after July 1, 2017, through June 30,~~
35 ~~2019; On and after July 1, 2019, through June 30, 2025,~~ the supreme court
36 may impose an additional charge, not to exceed \$22 per reinstatement fee,
37 to fund the costs of non-judicial personnel.

38 Sec. 2. K.S.A. 2020 Supp. 8-2118, as amended by section 6 of 2021
39 Senate Bill No. 67, is hereby amended to read as follows: 8-2118. (a) A
40 person charged with a traffic infraction shall, except as provided in
41 subsection (b), appear at the place and time specified in the notice to
42 appear. If the person enters an appearance, waives right to trial, pleads
43 guilty or no contest, the fine shall be no greater than that specified in the

1 uniform fine schedule in subsection (c) and court costs shall be taxed as
2 provided by law.

3 (b) Prior to the time specified in the notice to appear, a person
4 charged with a traffic infraction may enter a written appearance, waive
5 right to trial, plead guilty or no contest and pay the fine for the violation as
6 specified in the uniform fine schedule in subsection (c) and court costs
7 provided by law. Payment may be made in any manner accepted by the
8 court. The traffic citation shall not have been complied with if the payment
9 is not honored for any reason, or if the fine and court costs are not paid in
10 full. When a person charged with a traffic infraction makes payment
11 without executing a written waiver of right to trial and plea of guilty or no
12 contest, the payment shall be deemed such an appearance, waiver of right
13 to trial and plea of no contest.

14 (c) The following uniform fine schedule shall apply uniformly
15 throughout the state but shall not limit the fine that may be imposed
16 following a court appearance, except an appearance made for the purpose
17 of pleading and payment as permitted by subsection (a). The description of
18 offense contained in the following uniform fine schedule is for reference
19 only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
20 Unsafe speed for prevailing 21 conditions	8-1557	\$75
22 Exceeding maximum speed 23 limit; or speeding in zone 24 posted by the state depart- 25 ment of transportation; or 26 speeding in locally posted 27 zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$45 11-20 mph over the limit, \$45 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$105 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$195 plus \$15 per mph over 30 mph over the limit;
28 Disobeying traffic control de- 29 vice	8-1507	\$75
30 Violating traffic control signal	8-1508	\$75
31 Violating pedestrian control 32 signal	8-1509	\$45

1	Violating flashing traffic signals	8-1510	\$75
2	Violating lane-control signal	8-1511	\$75
3	Unauthorized sign, signal,	8-1512	\$45
4	marking or device		
5	Driving on left side of roadway	8-1514	\$75
6	Failure to keep right to pass	8-1515	\$75
7	oncoming vehicle		
8	Improper passing; increasing	8-1516	\$75
9	speed when passed		
10	Improper passing on right	8-1517	\$75
11	Passing on left with insuffi-	8-1518	\$75
12	cient clearance		
13	Driving on left side where	8-1519	\$75
14	curve, grade, intersec-		
15	tion railroad crossing, or		
16	obstructed view		
17	Driving on left in no-passing	8-1520	\$75
18	zone		
19	Unlawful passing of stopped	8-1520a	\$75
20	emergency vehicle		
21	Driving wrong direction on	8-1521	\$75
22	one-way road		
23	Improper driving on laned	8-1522	\$75
24	roadway		
25	Following too close	8-1523	\$75
26	Improper crossover on di-	8-1524	\$45
27	vided highway		
28	Failure to yield right-of-way	8-1526	\$75
29	at uncontrolled intersection		
30	Failure to yield to approach-	8-1527	\$75
31	ing vehicle when turning		
32	left		
33	Failure to yield at stop or	8-1528	\$75
34	yield sign		
35	Failure to yield from private	8-1529	\$75
36	road or driveway		
37	Failure to yield to emergency	8-1530	\$195
38	vehicle		
39	Failure to yield to pedestrian	8-1531	\$105
40	or vehicle working on		
41	roadway		
42	Failure to comply with re-	8-1531a	\$45
43	strictions in road con-		

1	struction zone		
2	Disobeying pedestrian traffic	8-1532	\$45
3	control device		
4	Failure to yield to pedestrian	8-1533	\$75
5	in crosswalk; pedestrian		
6	suddenly entering road-		
7	way; passing vehicle		
8	stopped for pedestrian at		
9	crosswalk		
10	Improper pedestrian crossing	8-1534	\$45
11	Failure to exercise due care in	8-1535	\$45
12	regard to pedestrian		
13	Improper pedestrian move-	8-1536	\$45
14	ment in crosswalk		
15	Improper use of roadway by	8-1537	\$45
16	pedestrian		
17	Soliciting ride or business	8-1538	\$45
18	on roadway		
19	Driving through safety zone	8-1539	\$45
20	Failure to yield to pedestrian	8-1540	\$45
21	on sidewalk		
22	Failure of pedestrian to yield	8-1541	\$45
23	to emergency vehicle		
24	Failure to yield to blind pe-	8-1542	\$45
25	destrian		
26	Pedestrian disobeying bridge	8-1544	\$45
27	or railroad signal		
28	Improper turn or approach	8-1545	\$75
29	Improper "U" turn	8-1546	\$75
30	Unsafe starting of stopped	8-1547	\$45
31	vehicle		
32	Unsafe turning or stopping,	8-1548	\$75
33	failure to give proper sig-		
34	nal; using turn signal un-		
35	lawfully		
36	Improper method of giving	8-1549	\$45
37	notice of intention to turn		
38	Improper hand signal	8-1550	\$45
39	Failure to stop or obey	8-1551	\$195
40	road crossing signal		
41	Failure to stop at railroad	8-1552	\$135
42	crossing stop sign		
43	Certain hazardous vehicles	8-1553	\$195

1	failure to stop at railroad		
2	crossing		
3	Improper moving of heavy	8-1554	\$75
4	equipment at railroad		
5	crossing		
6	Vehicle emerging from alley,	8-1555	\$75
7	private roadway, building		
8	or driveway		
9	Improper passing of school	8-1556	\$315
10	bus; improper use of		
11	school bus signals		
12	Improper passing of church	8-1556a	\$195
13	or day-care bus; improper		
14	use of signals		
15	Impeding normal traffic	8-1561	\$45
16	by slow speed		
17	Speeding on motor-driven	8-1562	\$75
18	cycle		
19	Speeding in certain vehicles	8-1563	\$45
20	or on posted bridge		
21	Improper stopping, standing	8-1569	\$45
22	or parking on roadway		
23	Parking, standing or stopping	8-1571	\$45
24	in prohibited area		
25	Improper parking	8-1572	\$45
26	Unattended vehicle	8-1573	\$45
27	Improper backing	8-1574	\$45
28	Driving on sidewalk	8-1575	\$45
29	Driving with view or driving	8-1576	\$45
30	mechanism obstructed		
31	Unsafe opening of vehicle	8-1577	\$45
32	door		
33	Riding in house trailer	8-1578	\$45
34	Unlawful riding on vehicle	8-1578a	\$75
35	Improper driving in defiles,	8-1579	\$45
36	canyons, or on grades		
37	Coasting	8-1580	\$45
38	Following fire apparatus too	8-1581	\$75
39	closely		
40	Driving over fire hose	8-1582	\$45
41	Putting glass, etc., on high-	8-1583	\$105
42	way		
43	Driving into intersection,	8-1584	\$45

1	crosswalk, or crossing		
2	without sufficient space		
3	on other side		
4	Improper operation of snow-	8-1585	\$45
5	mobile on highway		
6	Parental responsibility of	8-1586	\$45
7	child riding bicycle		
8	Not riding on bicycle seat;	8-1588	\$45
9	too many persons on		
10	bicycle		
11	Clinging to other vehicle	8-1589	\$45
12	Improper riding of bicycle on	8-1590	\$45
13	roadway		
14	Carrying articles on bicycle;	8-1591	\$45
15	one hand on handlebars		
16	Improper bicycle lamps,	8-1592	\$45
17	brakes or reflectors		
18	Improper operation of mo-	8-1594	\$45
19	torcycle; seats; passen-		
20	gers, bundles		
21	Improper operation of motor	8-1595	\$75
22	cycle on laned roadway		
23	Motorcycle clinging to other	8-1596	\$45
24	vehicle		
25	Improper motorcycle handle-	8-1597	\$75
26	bars or passenger		
27	equipment		
28	Motorcycle helmet and eye-	8-1598	\$45
29	protection requirements		
30	Unlawful operation of all-ter-	8-15,100	\$75
31	rain vehicle		
32	Unlawful operation of	8-15,101	\$75
33	low-speed vehicle		
34	Littering	8-15,102	\$115
35	Disobeying school crossing	8-15,103	\$75
36	guard		
37	Unlawful operation of micro	8-15,106	\$75
38	utility truck		
39	Failure to remove vehicles in	8-15,107	\$75
40	accidents		
41	Unlawful operation of golf	8-15,108	\$75
42	cart		
43	Unlawful operation of work-	8-15,109	\$75

1	site utility vehicle		
2	Unlawful display of license	8-15,110	\$60
3	plate		
4	Unlawful text messaging	8-15,111	\$60
5	Unlawful passing of a waste	8-15,112	\$45
6	collection vehicle		
7	<i>Unlawful operation of</i>	<i>8-15,113</i>	<i>\$45</i>
8	<i>electric-assisted scooter</i>		
9	Unlawful passing of a utility or	section 5	\$105
10	telecommunications vehicle		
11	Equipment offenses that are	8-1701	\$75
12	not misdemeanors		
13	Driving without lights when	8-1703	\$45
14	needed		
15	Defective headlamps	8-1705	\$45
16	Defective tail lamps	8-1706	\$45
17	Defective reflector	8-1707	\$45
18	Improper stop lamp or turn	8-1708	\$45
19	signal		
20	Improper lighting equipment	8-1710	\$45
21	on certain vehicles		
22	Improper lamp color on cer-	8-1711	\$45
23	tain vehicles		
24	Improper mounting of re-	8-1712	\$45
25	flectors and lamps on cer-		
26	tain vehicles		
27	Improper visibility of reflec-	8-1713	\$45
28	tors and lamps on certain		
29	vehicles		
30	No lamp or flag on projecting	8-1715	\$75
31	load		
32	Improper lamps on parked	8-1716	\$45
33	vehicle		
34	Improper lights, lamps, re-	8-1717	\$45
35	flectors and emblems on		
36	farm tractors or slow-		
37	moving vehicles		
38	Improper lamps and equip-	8-1718	\$45
39	ment on implements of		
40	husbandry, road machin-		
41	ery or animal-drawn ve-		
42	hicles		
43	Unlawful use of spot, fog, or	8-1719	\$45

1	auxiliary lamp		
2	Improper lamps or lights on	8-1720	\$45
3	emergency vehicle		
4	Improper stop or turn signal	8-1721	\$45
5	Improper vehicular hazard	8-1722	\$45
6	warning lamp		
7	Unauthorized additional	8-1723	\$45
8	lighting equipment		
9	Improper multiple-beam lights	8-1724	\$45
10	Failure to dim headlights	8-1725	\$75
11	Improper single-beam head-	8-1726	\$45
12	lights		
13	Improper speed with alter-	8-1727	\$45
14	nate lighting		
15	Improper number of driving	8-1728	\$45
16	lamps		
17	Unauthorized lights and sig-	8-1729	\$45
18	nals		
19	Improper school bus lighting	8-1730	\$45
20	equipment and warning		
21	devices		
22	Unauthorized lights and de-	8-1730a	\$45
23	vices on church or day-		
24	care bus		
25	Improper lights on highway	8-1731	\$45
26	construction or maintenance		
27	vehicles		
28	Defective brakes	8-1734	\$45
29	Defective or improper use of	8-1738	\$45
30	horn or warning device		
31	Defective muffler	8-1739	\$45
32	Defective mirror	8-1740	\$45
33	Defective wipers; obstructed	8-1741	\$45
34	windshield or windows		
35	Improper tires	8-1742	\$45
36	Improper flares or warning	8-1744	\$45
37	devices		
38	Improper use of vehicular	8-1745	\$45
39	hazard warning lamps		
40	and devices		
41	Improper air-conditioning	8-1747	\$45
42	equipment		
43	Improper safety belt or	8-1749	\$45

1	shoulder harness		
2	Improper wide-based single	8-1742b	\$75
3	tires		
4	Improper compression re-	8-1761	\$75
5	lease engine braking sys-		
6	tem		
7	Defective motorcycle head-	8-1801	\$45
8	lamp		
9	Defective motorcycle tail	8-1802	\$45
10	lamp		
11	Defective motorcycle reflec-	8-1803	\$45
12	tor		
13	Defective motorcycle stop	8-1804	\$45
14	lamps and turn signals		
15	Defective multiple-beam	8-1805	\$45
16	lighting		
17	Improper road-lighting equip-	8-1806	\$45
18	ment on motor-driven cy-		
19	cles		
20	Defective motorcycle or mo-	8-1807	\$45
21	tor-driven cycle brakes		
22	Improper performance abil-	8-1808	\$45
23	ity of brakes		
24	Operating motorcycle with	8-1809	\$45
25	disapproved braking sys-		
26	tem		
27	Defective horn, muffler, mir-	8-1810	\$45
28	rors or tires		
29	Unlawful statehouse parking	75-4510a	\$30
30	Exceeding gross weight of	8-1909	Pounds Overweight
31	vehicle or combination		up to 1000.....\$40
32			1001 to 2000.....3¢
33			per pound
34			2001 to 5000.....5¢
35			per pound
36			5001 to 7500.....7¢
37			per pound
38			7501 and over.....10¢
39			per pound
40	Exceeding gross weight on	8-1908	Pounds Overweight
41	any axle or tandem,		up to 1000.....\$40
42	triple or quad axles		1001 to 2000.....3¢
43			per pound

1		2001 to 5000.....5¢
2		per pound
3		5001 to 7500.....7¢
4		per pound
5		7501 and over.....10¢
6		per pound
7	Failure to obtain proper re-	66-1324 \$287
8	gistration, clearance or	
9	to have current cer-	
10	tification	
11	Insufficient liability insur-	66-1,128 \$137
12	ance for motor carriers	or 66-1314
13	Failure to obtain interstate	79-34,122 \$137
14	motor fuel tax author-	
15	ization	
16	No authority as private or	66-1,111 \$137
17	common carrier	
18	Violation of motor carrier	66-1,129 \$115
19	safety rules and regula-	
20	tions, except for viola-	
21	tions specified in K.S.A.	
22	66-1,130(b)(2), and	
23	amendments thereto	

24 (d) Traffic offenses classified as traffic infractions by this section
 25 shall be classified as ordinance traffic infractions by those cities adopting
 26 ordinances prohibiting the same offenses. A schedule of fines for all
 27 ordinance traffic infractions shall be established by the municipal judge in
 28 the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such
 29 fines may vary from those contained in the uniform fine schedule
 30 contained in subsection (c).

31 (e) Fines listed in the uniform fine schedule contained in subsection
 32 (c) shall be doubled if a person is convicted of a traffic infraction, which is
 33 defined as a moving violation in accordance with rules and regulations
 34 adopted pursuant to K.S.A. 8-249, and amendments thereto, committed
 35 within any road construction zone as defined in K.S.A. 8-1458a, and
 36 amendments thereto.

37 (f) For a second violation of K.S.A. 8-1908 or 8-1909, and
 38 amendments thereto, within two years after a prior conviction of K.S.A. 8-
 39 1908 or 8-1909, and amendments thereto, such person, upon conviction
 40 shall be fined 1½ times the applicable amount from one, but not both, of
 41 the schedules listed in the uniform fine schedule contained in subsection
 42 (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments
 43 thereto, within two years, after two prior convictions of K.S.A. 8-1908 or

1 8-1909, and amendments thereto, such person, upon conviction shall be
2 fined two times the applicable amount from one, but not both, of the
3 schedules listed in the uniform fine schedule contained in subsection (c).
4 For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909,
5 and amendments thereto, within two years after three prior convictions of
6 K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon
7 conviction shall be fined 2½ times the applicable amount from one, but
8 not both, of the schedules listed in the uniform fine schedule contained in
9 subsection (c).

10 (g) Fines listed in the uniform fine schedule contained in subsection
11 (c) relating to exceeding the maximum speed limit, shall be doubled if a
12 person is convicted of exceeding the maximum speed limit in a school
13 zone authorized under K.S.A. 8-1560(a)(4), and amendments thereto.

14 (h) For a second violation of K.S.A. 8-1556, and amendments thereto,
15 within five years after a prior conviction of K.S.A. 8-1556, and
16 amendments thereto, such person, upon conviction, shall be fined \$750 for
17 the second violation. For a third and each succeeding violation of K.S.A.
18 8-1556, and amendments thereto, within five years after two prior
19 convictions of K.S.A. 8-1556, and amendments thereto, such person, upon
20 conviction, shall be fined \$1,000 for the third and each succeeding
21 violation.

22 Sec. 3. K.S.A. 2020 Supp. 45-229, as amended by section 12 of 2021
23 House Bill No. 2390, is hereby amended to read as follows: 45-229. (a) It
24 is the intent of the legislature that exceptions to disclosure under the open
25 records act shall be created or maintained only if:

26 (1) The public record is of a sensitive or personal nature concerning
27 individuals;

28 (2) the public record is necessary for the effective and efficient
29 administration of a governmental program; or

30 (3) the public record affects confidential information.

31 The maintenance or creation of an exception to disclosure must be
32 compelled as measured by these criteria. Further, the legislature finds that
33 the public has a right to have access to public records unless the criteria in
34 this section for restricting such access to a public record are met and the
35 criteria are considered during legislative review in connection with the
36 particular exception to disclosure to be significant enough to override the
37 strong public policy of open government. To strengthen the policy of open
38 government, the legislature shall consider the criteria in this section before
39 enacting an exception to disclosure.

40 (b) Subject to the provisions of subsections (g) and (h), any new
41 exception to disclosure or substantial amendment of an existing exception
42 shall expire on July 1 of the fifth year after enactment of the new
43 exception or substantial amendment, unless the legislature acts to continue

1 the exception. A law that enacts a new exception or substantially amends
2 an existing exception shall state that the exception expires at the end of
3 five years and that the exception shall be reviewed by the legislature
4 before the scheduled date.

5 (c) For purposes of this section, an exception is substantially
6 amended if the amendment expands the scope of the exception to include
7 more records or information. An exception is not substantially amended if
8 the amendment narrows the scope of the exception.

9 (d) This section is not intended to repeal an exception that has been
10 amended following legislative review before the scheduled repeal of the
11 exception if the exception is not substantially amended as a result of the
12 review.

13 (e) In the year before the expiration of an exception, the revisor of
14 statutes shall certify to the president of the senate and the speaker of the
15 house of representatives, by July 15, the language and statutory citation of
16 each exception that will expire in the following year that meets the criteria
17 of an exception as defined in this section. Any exception that is not
18 identified and certified to the president of the senate and the speaker of the
19 house of representatives is not subject to legislative review and shall not
20 expire. If the revisor of statutes fails to certify an exception that the revisor
21 subsequently determines should have been certified, the revisor shall
22 include the exception in the following year's certification after that
23 determination.

24 (f) "Exception" means any provision of law that creates an exception
25 to disclosure or limits disclosure under the open records act pursuant to
26 K.S.A. 45-221, and amendments thereto, or pursuant to any other
27 provision of law.

28 (g) A provision of law that creates or amends an exception to
29 disclosure under the open records law shall not be subject to review and
30 expiration under this act if such provision:

31 (1) Is required by federal law;
32 (2) applies solely to the legislature or to the state court system;
33 (3) has been reviewed and continued in existence twice by the
34 legislature; or

35 (4) has been reviewed and continued in existence by the legislature
36 during the 2013 legislative session and thereafter.

37 (h) (1) The legislature shall review the exception before its scheduled
38 expiration and consider as part of the review process the following:

39 (A) What specific records are affected by the exception;
40 (B) whom does the exception uniquely affect, as opposed to the
41 general public;
42 (C) what is the identifiable public purpose or goal of the exception;
43 (D) whether the information contained in the records may be obtained

1 readily by alternative means and how it may be obtained;

2 (2) an exception may be created or maintained only if it serves an
3 identifiable public purpose and may be no broader than is necessary to
4 meet the public purpose it serves. An identifiable public purpose is served
5 if the legislature finds that the purpose is sufficiently compelling to
6 override the strong public policy of open government and cannot be
7 accomplished without the exception and if the exception:

8 (A) Allows the effective and efficient administration of a
9 governmental program that would be significantly impaired without the
10 exception;

11 (B) protects information of a sensitive personal nature concerning
12 individuals, the release of such information would be defamatory to such
13 individuals or cause unwarranted damage to the good name or reputation
14 of such individuals or would jeopardize the safety of such individuals.
15 Only information that would identify the individuals may be excepted
16 under this paragraph; or

17 (C) protects information of a confidential nature concerning entities,
18 including, but not limited to, a formula, pattern, device, combination of
19 devices, or compilation of information that is used to protect or further a
20 business advantage over those who do not know or use it, if the disclosure
21 of such information would injure the affected entity in the marketplace.

22 (3) Records made before the date of the expiration of an exception
23 shall be subject to disclosure as otherwise provided by law. In deciding
24 whether the records shall be made public, the legislature shall consider
25 whether the damage or loss to persons or entities uniquely affected by the
26 exception of the type specified in paragraph (2)(B) or (2)(C) would occur
27 if the records were made public.

28 (i) (1) Exceptions contained in the following statutes as continued in
29 existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas
30 and that have been reviewed and continued in existence twice by the
31 legislature as provided in subsection (g) are hereby continued in existence:
32 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, ~~11-306~~, 12-189,
33 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-
34 1312e, 17-2227, 17-5832, 17-7511, ~~17-7514~~, 17-76,139, 19-4321, 21-
35 2511, 22-3711, 22-4707, 22-4909, 22a-243, 22a-244, 23-605, 23-9,312,
36 25-4161, 25-4165, 31-405, 34-251, 38-2212, 39-709b, 39-719e, 39-934,
37 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21,
38 40-409, 40-956, 40-1128, 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b,
39 40-3421, 40-3613, 40-3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635,
40 44-714, 44-817, 44-1005, 44-1019, 45-221(a)(1) through (43), 46-256, 46-
41 259, 46-2201, 47-839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427,
42 55-1,102, 58-4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-
43 3336, 65-102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-

1 1,113, 65-1,116, 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-
2 1,171, 65-1,172, 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-
3 1135, 65-1467, 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a,
4 65-2898a, 65-3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922,
5 65-4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-
6 67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203,
7 66-1220a, 66-2010, 72-2232, 72-3438, 72-6116, 72-6267, 72-9934, 73-
8 1228, 74-2424, 74-2433f, 74-32,419, 74-4905, 74-4909, 74-50,131, 74-
9 5515, 74-7308, 74-7338, 74-8104, 74-8307, 74-8705, 74-8804, 74-9805,
10 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362, 75-5133,
11 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493, 76-12b11,
12 76-12c03, 76-3305, 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-
13 3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-5206.

14 (2) Exceptions contained in the following statutes as certified by the
15 revisor of statutes to the president of the senate and the speaker of the
16 house of representatives pursuant to subsection (e) and that have been
17 reviewed during the 2015 legislative session and continued in existence by
18 the legislature as provided in subsection (g) are hereby continued in
19 existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-
20 4616, 60-3351, 72-3415, 74-50,217 and 75-53,105.

21 (j) (1) Exceptions contained in the following statutes as continued in
22 existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas
23 and that have been reviewed and continued in existence twice by the
24 legislature as provided in subsection (g) are hereby continued in existence:
25 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and
26 74-7508.

27 (2) Exceptions contained in the following statutes as certified by the
28 revisor of statutes to the president of the senate and the speaker of the
29 house of representatives pursuant to subsection (e) during 2015 and that
30 have been reviewed during the 2016 legislative session are hereby
31 continued in existence: 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-
32 2326, 40-955, 44-1132, 45-221(a)(10)(F) and (a)(50), 60-3333, 65-4a05,
33 65-445(g), 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.

34 (k) Exceptions contained in the following statutes as certified by the
35 revisor of statutes to the president of the senate and the speaker of the
36 house of representatives pursuant to subsection (e) and that have been
37 reviewed during the 2014 legislative session and continued in existence by
38 the legislature as provided in subsection (g) are hereby continued in
39 existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-
40 17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-
41 2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48),
42 50-6a11, ~~56-1a610~~, ~~56a-1204~~, 65-1,243, 65-16,104, 65-3239, 74-50,184,
43 74-8134, 74-99b06, 77-503a and 82a-2210.

1 (l) Exceptions contained in the following statutes as certified by the
2 revisor of statutes to the president of the senate and the speaker of the
3 house of representatives pursuant to subsection (e) during 2016 and that
4 have been reviewed during the 2017 legislative session are hereby
5 continued in existence: 12-5711, 21-2511, 22-4909, 38-2313, 45-221(a)
6 (51) and (52), 65-516, 65-1505, 74-2012, 74-5607, 74-8745, 74-8752, 74-
7 8772, 75-7d01, 75-7d05, 75-5133, 75-7427 and 79-3234.

8 (m) Exceptions contained in the following statutes as certified by the
9 revisor of statutes to the president of the senate and the speaker of the
10 house of representatives pursuant to subsection (e) during 2012 and that
11 have been reviewed during the 2013 legislative session and continued in
12 existence by the legislature as provided in subsection (g) are hereby
13 continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a,
14 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-8268, 75-
15 712 and 75-5366.

16 (n) Exceptions contained in the following statutes as certified by the
17 revisor of statutes to the president of the senate and the speaker of the
18 house of representatives pursuant to subsection (e) and that have been
19 reviewed during the 2018 legislative session are hereby continued in
20 existence: 9-513c(c)(2), 39-709, 45-221(a)(26), (53) and (54), 65-6832,
21 65-6834, 75-7c06 and 75-7c20.

22 (o) Exceptions contained in the following statutes as certified by the
23 revisor of statutes to the president of the senate and the speaker of the
24 house of representatives pursuant to subsection (e) that have been
25 reviewed during the 2019 legislative session are hereby continued in
26 existence: 21-2511(h)(2), 21-5905(a)(7), 22-2302(b) and (c), 22-2502(d)
27 and (e), 40-222(k)(7), 44-714(e), 45-221(a)(55), 46-1106(g) regarding 46-
28 1106(i), 65-2836(i), 65-2839a(c), 65-2842(d), 65-28a05(n), article 6(d) of
29 65-6230, 72-6314(a) and 74-7047(b).

30 (p) Exceptions contained in the following statutes as certified by the
31 revisor of statutes to the president of the senate and the speaker of the
32 house of representatives pursuant to subsection (e) that have been
33 reviewed during the 2020 legislative session are hereby continued in
34 existence: 38-2310(c), 40-409(j)(2), 40-6007(a), 45-221(a)(52), 46-1129,
35 59-29a22(b)(10) and 65-6747.

36 (q) Exceptions contained in the following statutes as certified by the
37 revisor of statutes to the president of the senate and the speaker of the
38 house of representatives pursuant to subsection (e) that have been
39 reviewed during the 2021 legislative session are hereby continued in
40 existence: 22-2302(c)(4)(J) and (c)(6)(B), 22-2502(e)(4)(J) and (e)(6)(B)
41 and 65-6111(d)(4).

42 Sec. 4. On and after January 1, 2022, K.S.A. 2020 Supp. 58-652, as
43 amended by section 1 of 2021 Senate Bill No. 103, is hereby amended to

1 read as follows: 58-652. (a) The authority granted by a principal to an
2 attorney in fact in a written power of attorney is not terminated in the
3 event the principal becomes wholly or partially disabled or in the event of
4 later uncertainty as to whether the principal is dead or alive if:

5 (1) The power of attorney is denominated a "durable power of
6 attorney";

7 (2) the power of attorney includes a provision that states in substance
8 one of the following:

9 (A) "This is a durable power of attorney and the authority of my
10 attorney in fact shall not terminate if I become disabled or in the event of
11 later uncertainty as to whether I am dead or alive"; or

12 (B) "this is a durable power of attorney and the authority of my
13 attorney in fact, when effective, shall not terminate or be void or voidable
14 if I am or become disabled or in the event of later uncertainty as to
15 whether I am dead or alive"; and

16 (3) the power of attorney is signed by the principal, and dated and
17 acknowledged in the manner prescribed by ~~K.S.A. 53-501 et seq., and~~
18 ~~amendments thereto~~ *the revised uniform law on notarial acts*. If the
19 principal is physically unable to sign the power of attorney but otherwise
20 competent and conscious, the power of attorney may be signed by an adult
21 designee of the principal in the presence of the principal and at the specific
22 direction of the principal expressed in the presence of a notary public. The
23 designee shall sign the principal's name to the power of attorney in the
24 presence of a notary public, following which the document shall be
25 acknowledged in the manner prescribed by ~~K.S.A. 53-501 et seq., and~~
26 ~~amendments thereto~~ *the revised uniform law on notarial acts*, to the same
27 extent and effect as if physically signed by the principal.

28 (b) All acts done by an attorney in fact pursuant to a durable power of
29 attorney shall inure to the benefit of and bind the principal and the
30 principal's successors in interest, notwithstanding any disability of the
31 principal.

32 (c) (1) A power of attorney does not have to be recorded to be valid
33 and binding between the principal and attorney in fact or between the
34 principal and third persons.

35 (2) A power of attorney may be recorded in the same manner as a
36 conveyance of land is recorded. A certified copy of a recorded power of
37 attorney may be admitted into evidence.

38 (3) If a power of attorney is recorded any revocation of that power of
39 attorney must be recorded in the same manner for the revocation to be
40 effective. If a power of attorney is not recorded it may be revoked by a
41 recorded revocation or in any other appropriate manner.

42 (4) If a power of attorney requires notice of revocation be given to
43 named persons, those persons may continue to rely on the authority set

1 forth in the power of attorney until such notice is received.

2 (d) A person who is appointed an attorney in fact under a durable
3 power of attorney has no duty to exercise the authority conferred in the
4 power of attorney, unless the attorney in fact has agreed expressly in
5 writing to act for the principal in such circumstances. An agreement to act
6 on behalf of the principal is enforceable against the attorney in fact as a
7 fiduciary without regard to whether there is any consideration to support a
8 contractual obligation to do so. Acting for the principal in one or more
9 transactions does not obligate an attorney in fact to act for the principal in
10 subsequent transactions.

11 (e) The grant of power or authority conferred by a power of attorney
12 in which any principal shall vest any power or authority in an attorney in
13 fact, if such writing expressly so provides, shall be effective only upon: (1)
14 A specified future date; (2) the occurrence of a specified future event; or
15 (3) the existence of a specified condition which may occur in the future. In
16 the absence of actual knowledge to the contrary, any person to whom such
17 writing is presented shall be entitled to rely on an affidavit, executed by
18 the attorney in fact, setting forth that such event has occurred or condition
19 exists.

20 (f) A power of attorney executed on or after July 1, 2021, shall be
21 deemed sufficient if in substantial compliance with the form set forth by
22 the judicial council. The judicial council shall develop a form for use
23 under this section.

24 (g) The amendments made to this section by this act apply
25 prospectively and shall not affect the validity of a power of attorney
26 executed prior to July 1, 2021.

27 Sec. 5. K.S.A. 2020 Supp. 60-5508, as amended by section 6 of 2021
28 Senate Bill No. 283, is hereby amended to read as follows: 60-5508. (a)
29 The provisions of K.S.A. 2020 Supp. 60-5504, 60-5505 and 60-5507, and
30 amendments thereto, shall apply retroactively to any cause of action
31 accruing on or after March 12, 2020.

32 (b) The provisions of K.S.A. 2020 Supp. 60-5506, and amendments
33 thereto, *and the amendments made to K.S.A. 2020 Supp. 60-5506 by*
34 *section 2 of 2021 House Bill No. 2126*, shall apply retroactively to any
35 cause of action accruing on or after March 12, 2020, and prior to
36 termination of the state of disaster emergency related to the COVID-19
37 public health emergency declared pursuant to K.S.A. 48-924, and
38 amendments thereto.

39 (c) The provisions of K.S.A. 2020 Supp. 60-5503, and amendments
40 thereto, shall apply retroactively to any cause of action accruing on or after
41 March 12, 2020, and prior to March 31, 2022.

42 Sec. 6. K.S.A. 66-104, as amended by section 1 of 2021 House Bill
43 No. 2367, is hereby amended to read as follows: 66-104. (a) The term

1 "public utility," as used in this act, shall be construed to mean every
2 corporation, company, individual, association of persons, their trustees,
3 lessees or receivers, that now or hereafter may own, control, operate or
4 manage, except for private use, any equipment, plant or generating
5 machinery, or any part thereof, for the transmission of telephone messages
6 or for the transmission of telegraph messages in or through any part of the
7 state, or the conveyance of oil and gas through pipelines in or through any
8 part of the state, except pipelines less than 15 miles in length and not
9 operated in connection with or for the general commercial supply of gas or
10 oil, and all companies for the production, transmission, delivery or
11 furnishing of heat, light, water or power. No cooperative, cooperative
12 society, nonprofit or mutual corporation or association that is engaged
13 solely in furnishing telephone service to subscribers from one telephone
14 line without owning or operating its own separate central office facilities,
15 shall be subject to the jurisdiction and control of the commission as
16 provided ~~herein~~ *in this section*, except that it shall not construct or extend
17 its facilities across or beyond the territorial boundaries of any telephone
18 company or cooperative without first obtaining approval of the
19 commission. The term "transmission of telephone messages" shall include
20 the transmission by wire or other means of any voice, data, signals or
21 facsimile communications, including all such communications now in
22 existence or as may be developed in the future.

23 (b) The term "public utility" shall also include that portion of every
24 municipally owned or operated electric or gas utility located in an area
25 outside of and more than three miles from the corporate limits of such
26 municipality, but regulation of the rates, charges and terms and conditions
27 of service of such utility within such area shall be subject to commission
28 regulation only as provided in K.S.A. 66-104f, and amendments thereto.
29 Nothing in this act shall apply to a municipally owned or operated utility,
30 or portion thereof, located within the corporate limits of such municipality
31 or located outside of such corporate limits but within three miles thereof.

32 (c) Except as ~~herein~~ provided *in this section*, the power and authority
33 to control and regulate all public utilities and common carriers situated and
34 operated wholly or principally within any city or principally operated for
35 the benefit of such city or its people, shall be vested exclusively in such
36 city, subject only to the right to apply for relief to the corporation
37 commission as provided in K.S.A. 66-133, and amendments thereto, and to
38 the provisions of K.S.A. 66-104e, and amendments thereto. A transit
39 system principally engaged in rendering local transportation service in and
40 between contiguous cities in this and another state by means of street
41 railway, trolley bus and motor bus lines, or any combination thereof, shall
42 be deemed to be a public utility as that term is used in this act and shall be
43 subject to the jurisdiction of the commission.

1 (d) The term "public utility" shall not include any activity of an
2 otherwise jurisdictional corporation, company, individual, association of
3 persons, their trustees, lessees or receivers as to the marketing or sale of:

4 (1) Compressed natural gas for end use as motor vehicle fuel; *or*

5 (2) *electricity that is purchased through a retail electric supplier in*
6 *the certified territory of such retail electric supplier, as such terms are*
7 *defined in K.S.A. 66-1,170, and amendments thereto, for the sole purpose*
8 *of the provision of electric vehicle charging service to end users.*

9 (e) (1) Except as provided in paragraph (2), at the option of an
10 otherwise jurisdictional entity, the term "public utility" shall not include
11 any activity or facility of such entity as to the generation, marketing and
12 sale of electricity generated by an electric generation facility or addition to
13 an electric generation facility that:

14 (A) Is newly constructed and placed in service on or after January 1,
15 2001; and

16 (B) is not in the rate base of:

17 (i) An electric public utility that is subject to rate regulation by the
18 state corporation commission;

19 (ii) any cooperative, as defined by K.S.A. 17-4603, and amendments
20 thereto, or any nonstock member-owned cooperative corporation
21 incorporated in this state; or

22 (iii) a municipally owned or operated electric utility.

23 (2) The provisions of this subsection shall not be construed to affect
24 the authority of the state corporation commission to regulate any activity
25 or facility of an otherwise jurisdictional entity with regard to wire stringing
26 pursuant to K.S.A. 66-183 et seq., and amendments thereto.

27 (f) Additional generating capacity achieved through efficiency gains
28 by refurbishing or replacing existing equipment at generating facilities
29 placed in service before January 1, 2001, shall not qualify under
30 subsection (e).

31 (g) For purposes of the authority to appropriate property through
32 eminent domain, the term "public utility" shall not include any activity for
33 the siting or placement of wind powered electrical generators or turbines,
34 including the towers.

35 Sec. 7. K.S.A. 75-5133 is hereby amended to read as follows: 75-
36 5133. (a) Except as otherwise more specifically provided by law, all
37 information received by the secretary of revenue, the director of taxation
38 or the director of alcoholic beverage control from returns, reports, license
39 applications or registration documents made or filed under the provisions
40 of any law imposing any sales, use or other excise tax administered by the
41 secretary of revenue, the director of taxation, or the director of alcoholic
42 beverage control, or from any investigation conducted under such
43 provisions, shall be confidential, and it shall be unlawful for any officer or

1 employee of the department of revenue to divulge any such information
2 except in accordance with other provisions of law respecting the
3 enforcement and collection of such tax, in accordance with proper judicial
4 order or as provided in K.S.A. 74-2424, and amendments thereto.

5 (b) The secretary of revenue or the secretary's designee may:

6 (1) Publish statistics, so classified as to prevent identification of
7 particular reports or returns and the items thereof;

8 (2) allow the inspection of returns by the attorney general or the
9 attorney general's designee;

10 (3) provide the post auditor access to all such excise tax reports or
11 returns in accordance with and subject to the provisions of K.S.A. 46-
12 1106~~(g)~~(e), and amendments thereto;

13 (4) disclose taxpayer information from excise tax returns to persons
14 or entities contracting with the secretary of revenue where the secretary
15 has determined disclosure of such information is essential for completion
16 of the contract and has taken appropriate steps to preserve confidentiality;

17 (5) provide information from returns and reports filed under article 42
18 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto,
19 to county appraisers as is necessary to ensure proper valuations of
20 property. Information from such returns and reports may also be
21 exchanged with any other state agency administering and collecting
22 conservation or other taxes and fees imposed on or measured by mineral
23 production;

24 (6) provide, upon request by a city or county clerk or treasurer or
25 finance officer of any city or county receiving distributions from a local
26 excise tax, monthly reports identifying each retailer doing business in such
27 city or county or making taxable sales sourced to such city or county,
28 setting forth the tax liability and the amount of such tax remitted by each
29 retailer during the preceding month, and identifying each business location
30 maintained by the retailer and such retailer's sales or use tax registration or
31 account number;

32 (7) provide information from returns and applications for registration
33 filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-
34 3601, and amendments thereto, to a city or county treasurer or clerk or
35 finance officer to explain the basis of statistics contained in reports
36 provided by subsection (b)(6);

37 (8) disclose the following oil and gas production statistics received by
38 the department of revenue in accordance with K.S.A. 79-4216 et seq., and
39 amendments thereto: Volumes of production by well name, well number,
40 operator's name and identification number assigned by the state
41 corporation commission, lease name, leasehold property description,
42 county of production or zone of production, name of purchaser and
43 purchaser's tax identification number assigned by the department of

1 revenue, name of transporter, field code number or lease code, tax period,
2 exempt production volumes by well name or lease, or any combination of
3 this information;

4 (9) release or publish liquor brand registration information provided
5 by suppliers, farm wineries, microdistilleries and microbreweries in
6 accordance with the liquor control act. The information to be released is
7 limited to: Item number, universal numeric code, type status, product
8 description, alcohol percentage, selling units, unit size, unit of
9 measurement, supplier number, supplier name, distributor number and
10 distributor name;

11 (10) release or publish liquor license information provided by liquor
12 licensees, distributors, suppliers, farm wineries, microdistilleries and
13 microbreweries in accordance with the liquor control act. The information
14 to be released is limited to: County name, owner, business name, address,
15 license type, license number, license expiration date and the process agent
16 contact information;

17 (11) release or publish cigarette and tobacco license information
18 obtained from cigarette and tobacco licensees in accordance with the
19 Kansas cigarette and tobacco products act. The information to be released
20 is limited to: County name, owner, business name, address, license type
21 and license number;

22 (12) provide environmental surcharge or solvent fee, or both,
23 information from returns and applications for registration filed pursuant to
24 K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secretary
25 of health and environment or the secretary's designee for the sole purpose
26 of ensuring that retailers collect the environmental surcharge tax or solvent
27 fee, or both;

28 (13) provide water protection fee information from returns and
29 applications for registration filed pursuant to K.S.A. 82a-954, and
30 amendments thereto, to the secretary of the state board of agriculture or the
31 secretary's designee and the secretary of the Kansas water office or the
32 secretary's designee for the sole purpose of verifying revenues deposited to
33 the state water plan fund;

34 (14) provide to the secretary of commerce copies of applications for
35 project exemption certificates sought by any taxpayer under the enterprise
36 zone sales tax exemption pursuant to K.S.A. 79-3606(cc), and
37 amendments thereto;

38 (15) disclose information received pursuant to the Kansas cigarette
39 and tobacco act and subject to the confidentiality provisions of this act to
40 any criminal justice agency, as defined in K.S.A. 22-4701(c), and
41 amendments thereto, or to any law enforcement officer, as defined in
42 K.S.A. 2020 Supp. 21-5111, and amendments thereto, on behalf of a
43 criminal justice agency, when requested in writing in conjunction with a

1 pending investigation;

2 (16) provide to retailers tax exemption information for the sole
3 purpose of verifying the authenticity of tax exemption numbers issued by
4 the department;

5 (17) provide information concerning remittance by sellers, as defined
6 in K.S.A. 2020 Supp. 12-5363, and amendments thereto, of prepaid
7 wireless 911 fees from returns to the local collection point administrator,
8 as defined in K.S.A. 2020 Supp. 12-5363, and amendments thereto, for
9 purposes of verifying seller compliance with collection and remittance of
10 such fees;

11 (18) release or publish charitable gaming information obtained in
12 charitable gaming licensee and registration applications and renewals in
13 accordance with the Kansas charitable gaming act, K.S.A. 75-5171 et seq.,
14 and amendments thereto. The information to be released is limited to: The
15 name, address, phone number, license registration number and email
16 address of the organization, distributor or of premises;

17 (19) provide to the attorney general confidential information for
18 purposes of determining compliance with or enforcing K.S.A. 50-6a01 et
19 seq., and amendments thereto, the master settlement agreement referred to
20 therein and all agreements regarding disputes under the master settlement
21 agreement. The secretary and the attorney general may share the
22 information specified under this subsection with any of the following:

23 (A) Federal, state or local agencies for the purposes of enforcement
24 of corresponding laws of other states; and

25 (B) a court, arbitrator, data clearinghouse or similar entity for the
26 purpose of assessing compliance with or making calculations required by
27 the master settlement agreement or agreements regarding disputes under
28 the master settlement agreement, and with counsel for the parties or expert
29 witnesses in any such proceeding, if the information otherwise remains
30 confidential; and

31 (20) disclose taxpayer information that is received from income tax
32 returns to the department of commerce that may be disclosed pursuant to
33 the provisions of K.S.A. 2020 Supp. 74-50,227, and amendments thereto,
34 for the purpose of including such information in the database required by
35 K.S.A. 2020 Supp. 74-50,227, and amendments thereto.

36 (c) Any person receiving any information under the provisions of
37 subsection (b) shall be subject to the confidentiality provisions of
38 subsection (a) and to the penalty provisions of subsection (d).

39 (d) Any violation of this section shall be a class A, nonperson
40 misdemeanor, and if the offender is an officer or employee of this state,
41 such officer or employee shall be dismissed from office. Reports of
42 violations of this paragraph shall be investigated by the attorney general.
43 The district attorney or county attorney and the attorney general shall have

1 authority to prosecute any violation of this section if the offender is a city
2 or county clerk or treasurer or finance officer of a city or county.

3 Sec. 8. K.S.A. 79-3234 is hereby amended to read as follows: 79-
4 3234. (a) All reports and returns required by this act shall be preserved for
5 three years and thereafter until the director orders them to be destroyed.

6 (b) Except in accordance with proper judicial order, or as provided in
7 subsection (c) or in K.S.A. 17-7511, K.S.A. 46-1106~~(g)~~(e), 46-1114, or 79-
8 32,153a, and amendments thereto, it shall be unlawful for the secretary, the
9 director, any deputy, agent, clerk or other officer, employee or former
10 employee of the department of revenue or any other state officer or
11 employee or former state officer or employee to divulge, or to make
12 known in any way, the amount of income or any particulars set forth or
13 disclosed in any report, return, federal return or federal return information
14 required under this act; and it shall be unlawful for the secretary, the
15 director, any deputy, agent, clerk or other officer or employee engaged in
16 the administration of this act to engage in the business or profession of tax
17 accounting or to accept employment, with or without consideration, from
18 any person, firm or corporation for the purpose, directly or indirectly, of
19 preparing tax returns or reports required by the laws of the state of Kansas,
20 by any other state or by the United States government, or to accept any
21 employment for the purpose of advising, preparing material or data, or the
22 auditing of books or records to be used in an effort to defeat or cancel any
23 tax or part thereof that has been assessed by the state of Kansas, any other
24 state or by the United States government.

25 (c) The secretary or the secretary's designee may:

26 (1) Publish statistics, so classified as to prevent the identification of
27 particular reports or returns and the items thereof;

28 (2) allow the inspection of returns by the attorney general or other
29 legal representatives of the state;

30 (3) provide the post auditor access to all income tax reports or returns
31 in accordance with and subject to the provisions of K.S.A. 46-1106~~(g)~~(e)
32 or 46-1114, and amendments thereto;

33 (4) disclose taxpayer information from income tax returns to persons
34 or entities contracting with the secretary of revenue where the secretary
35 has determined disclosure of such information is essential for completion
36 of the contract and has taken appropriate steps to preserve confidentiality;

37 (5) disclose to the secretary of commerce the following: (A) Specific
38 taxpayer information related to financial information previously submitted
39 by the taxpayer to the secretary of commerce concerning or relevant to any
40 income tax credits, for purposes of verification of such information or
41 evaluating the effectiveness of any tax credit or economic incentive
42 program administered by the secretary of commerce; (B) the amount of
43 payroll withholding taxes an employer is retaining pursuant to K.S.A. 74-

1 50,212, and amendments thereto; (C) information received from
2 businesses completing the form required by K.S.A. 74-50,217, and
3 amendments thereto; and (D) findings related to a compliance audit
4 conducted by the department of revenue upon the request of the secretary
5 of commerce pursuant to K.S.A. 74-50,215, and amendments thereto;

6 (6) disclose income tax returns to the state gaming agency to be used
7 solely for the purpose of determining qualifications of licensees of and
8 applicants for licensure in tribal gaming. Any information received by the
9 state gaming agency shall be confidential and shall not be disclosed except
10 to the executive director, employees of the state gaming agency and
11 members and employees of the tribal gaming commission;

12 (7) disclose the taxpayer's name, last known address and residency
13 status to the Kansas department of wildlife, parks and tourism to be used
14 solely in its license fraud investigations;

15 (8) disclose the name, residence address, employer or Kansas
16 adjusted gross income of a taxpayer who may have a duty of support in a
17 title IV-D case to the secretary of the Kansas department for children and
18 families for use solely in administrative or judicial proceedings to
19 establish, modify or enforce such support obligation in a title IV-D case. In
20 addition to any other limits on use, such use shall be allowed only where
21 subject to a protective order which prohibits disclosure outside of the title
22 IV-D proceeding. As used in this section, "title IV-D case" means a case
23 being administered pursuant to part D of title IV of the federal social
24 security act, 42 U.S.C. § 651 et seq., and amendments thereto. Any person
25 receiving any information under the provisions of this subsection shall be
26 subject to the confidentiality provisions of subsection (b) and to the
27 penalty provisions of subsection (e);

28 (9) permit the commissioner of internal revenue of the United States,
29 or the proper official of any state imposing an income tax, or the
30 authorized representative of either, to inspect the income tax returns made
31 under this act and the secretary of revenue may make available or furnish
32 to the taxing officials of any other state or the commissioner of internal
33 revenue of the United States or other taxing officials of the federal
34 government, or their authorized representatives, information contained in
35 income tax reports or returns or any audit thereof or the report of any
36 investigation made with respect thereto, filed pursuant to the income tax
37 laws, as the secretary may consider proper, but such information shall not
38 be used for any other purpose than that of the administration of tax laws of
39 such state, the state of Kansas or of the United States;

40 (10) communicate to the executive director of the Kansas lottery
41 information as to whether a person, partnership or corporation is current in
42 the filing of all applicable tax returns and in the payment of all taxes,
43 interest and penalties to the state of Kansas, excluding items under formal

1 appeal, for the purpose of determining whether such person, partnership or
2 corporation is eligible to be selected as a lottery retailer;

3 (11) communicate to the executive director of the Kansas racing
4 commission as to whether a person, partnership or corporation has failed
5 to meet any tax obligation to the state of Kansas for the purpose of
6 determining whether such person, partnership or corporation is eligible for
7 a facility owner license or facility manager license pursuant to the Kansas
8 parimutuel racing act;

9 (12) provide such information to the executive director of the Kansas
10 public employees retirement system for the purpose of determining that
11 certain individuals' reported compensation is in compliance with the
12 Kansas public employees retirement act, K.S.A. 74-4901 et seq., and
13 amendments thereto;

14 (13) (A) provide taxpayer information of persons suspected of
15 violating K.S.A. 2020 Supp. 44-766, and amendments thereto, to the
16 secretary of labor or such secretary's designee for the purpose of
17 determining compliance by any person with the provisions of K.S.A. 44-
18 703(i)(3)(D) and K.S.A. 2020 Supp. 44-766, and amendments thereto. The
19 information to be provided shall include all relevant information in the
20 possession of the department of revenue necessary for the secretary of
21 labor to make a proper determination of compliance with the provisions of
22 K.S.A. 44-703(i)(3)(D) and K.S.A. 2020 Supp. 44-766, and amendments
23 thereto, and to calculate any unemployment contribution taxes due. Such
24 information to be provided by the department of revenue shall include, but
25 not be limited to, withholding tax and payroll information, the identity of
26 any person that has been or is currently being audited or investigated in
27 connection with the administration and enforcement of the withholding
28 and declaration of estimated tax act, K.S.A. 79-3294 et seq., and
29 amendments thereto, and the results or status of such audit or
30 investigation;

31 (B) any person receiving tax information under the provisions of this
32 paragraph shall be subject to the same duty of confidentiality imposed by
33 law upon the personnel of the department of revenue and shall be subject
34 to any civil or criminal penalties imposed by law for violations of such
35 duty of confidentiality; and

36 (C) each of the secretary of labor and the secretary of revenue may
37 adopt rules and regulations necessary to effect the provisions of this
38 paragraph;

39 (14) provide such information to the state treasurer for the sole
40 purpose of carrying out the provisions of K.S.A. 58-3934, and
41 amendments thereto. Such information shall be limited to current and prior
42 addresses of taxpayers or associated persons who may have knowledge as
43 to the location of an owner of unclaimed property. For the purposes of this

1 paragraph, "associated persons" includes spouses or dependents listed on
2 income tax returns;

3 (15) after receipt of information pursuant to subsection (f), forward
4 such information and provide the following reported Kansas individual
5 income tax information for each listed defendant, if available, to the state
6 board of indigents' defense services in an electronic format and in the
7 manner determined by the secretary: (A) The defendant's name; (B) social
8 security number; (C) Kansas adjusted gross income; (D) number of
9 exemptions claimed; and (E) the relevant tax year of such records. Any
10 social security number provided to the secretary and the state board of
11 indigents' defense services pursuant to this section shall remain
12 confidential; and

13 (16) disclose taxpayer information that is received from income tax
14 returns to the department of commerce that may be disclosed pursuant to
15 the provisions of K.S.A. 2020 Supp. 74-50,227, and amendments thereto,
16 for the purpose of including such information in the database required by
17 K.S.A. 2020 Supp. 74-50,227, and amendments thereto.

18 (d) Any person receiving information under the provisions of
19 subsection (c) shall be subject to the confidentiality provisions of
20 subsection (b) and to the penalty provisions of subsection (e).

21 (e) Any violation of subsection (b) or (c) is a class A nonperson
22 misdemeanor and, if the offender is an officer or employee of the state,
23 such officer or employee shall be dismissed from office.

24 (f) For the purpose of determining whether a defendant is financially
25 able to employ legal counsel under the provisions of K.S.A. 22-4504, and
26 amendments thereto, in all felony cases with appointed counsel where the
27 defendant's social security number is accessible from the records of the
28 district court, the court shall electronically provide the defendant's name,
29 social security number, district court case number and county to the
30 secretary of revenue in the manner and format agreed to by the office of
31 judicial administration and the secretary.

32 (g) Nothing in this section shall be construed to allow disclosure of
33 the amount of income or any particulars set forth or disclosed in any
34 report, return, federal return or federal return information, where such
35 disclosure is prohibited by the federal internal revenue code as in effect on
36 September 1, 1996, and amendments thereto, related federal internal
37 revenue rules or regulations, or other federal law.

38 Sec. 9. K.S.A. 22-4514a, as amended by section 1 of 2021 Senate Bill
39 No. 16, 66-104, as amended by section 1 of 2021 House Bill No. 2145, 66-
40 104, as amended by section 1 of 2021 House Bill No. 2367, 75-3728c, as
41 amended by section 2 of 2021 Senate Bill No. 16, 75-5133, 75-5133d, 76-
42 721, as amended by section 3 of 2021 Senate Bill No. 16, 79-3233b, as
43 amended by section 4 of 2021 Senate Bill No. 16, 79-3234 and 79-3234d

1 and K.S.A. 2020 Supp. 8-2110, 8-2110b, 8-2118, as amended by section 6
2 of 2021 Senate Bill No. 67, 8-2118c, 39-1431b, 45-229, as amended by
3 section 5 of 2021 House Bill No. 2162, 45-229, as amended by section 12
4 of 2021 House Bill No. 2390, 45-229, as amended by section 36 of 2021
5 House Bill No. 2391, 58-652, as amended by section 39 of 2021 Senate
6 Bill No. 106, 60-5508, as amended by section 6 of 2021 Senate Bill No.
7 283, and 60-5508, as amended by section 3 of 2021 House Bill No. 2126,
8 are hereby repealed.

9 Sec. 10. On and after January 1, 2022, K.S.A. 2020 Supp. 58-652, as
10 amended by section 1 of 2021 Senate Bill No. 103, is hereby repealed.

11 Sec. 11. This act shall take effect and be in force from and after its
12 publication in the statute book.