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**Testimony to the House Transportation Committee  
In Opposition to HB 2629  
February 17, 2022**

Chairman Proehl and Committee Members:

Our associations are concerned with the reduction of penalties for repeat habitual offender violations as proposed in HB 2629. The bill proposes eliminating the minimum sentence and fines associated with a third or subsequent conviction of driving while the offender's driver's license is suspended, canceled, or revoked after a finding they are a habitual violator.

The basis of our opposition is the risk these violators pose to traffic safety on our roads and highways, jeopardizing the life and safety of other people using the streets and highways of our state.

To understand the seriousness these violators pose to the public, we ask you to look at what actions are needed for them to have been declared a habitual violator. Those conditions are in KSA 8-285, which is not amended, therefore not published in the bill. I have provided a copy of the statute on the second page of this testimony for your convenience.

Habitual violators have had to have been convicted at least three or more times of the eight serious traffic offenses listed in subsection (a) of KSA 8-285. Those violations include vehicular homicide, DUI, driving while suspended, leaving the scene of an accident, and others.

To reach the level of sentencing proposed to be stricken, the person would have had to not only have had at least three convictions leading to the habitual violator finding, but they also would have to have been convicted of driving while canceled, suspended, or revoked due to the habitual violator status not just once, not twice, but three or more times. These are driver's who are thumbing their nose at efforts to gain their respect for others safety and to hold them accountable for their dangerous driving habits.

Ed Klumpp  
Legislative Liaison

## 8-285. 'Habitual violator' defined; other definitions.

Except as otherwise provided in this section, as used in this act, the words and phrases defined in K.S.A. 8-234a, and amendments thereto, shall have the meanings ascribed to them therein. The term "habitual violator" means any resident or nonresident person who, within the immediately preceding five years, has been convicted in this or any other state:

(a) Three or more times of:

- (1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its repeal, or in 21-5406, and amendments thereto, or as prohibited by any ordinance of any city in this state, any resolution of any county in this state or any law of another state which is in substantial conformity with that statute;
- (2) violating K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any city in this state, any resolution of any county in this state or any law of another state, which ordinance, resolution or law declares to be unlawful the acts prohibited by that statute;
- (3) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or while such person's privilege to obtain a driver's license is suspended or revoked pursuant to K.S.A. 8-252a, and amendments thereto, or, as prohibited by any ordinance of any city in this state, any resolution of any county in this state or any law of another state which is in substantial conformity with those statutes;
- (4) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;
- (5) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications, or violating the provisions of a law of another state which is in substantial conformity with that statute;
- (6) any crime punishable as a felony, if a motor vehicle was used in the perpetration of the crime;
- (7) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602 through 8-1604, and amendments thereto, or required by any ordinance of any city in this state, any resolution of any county in this state or a law of another state which is in substantial conformity with those statutes;
- (8) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage, or an ordinance of any city in this state, or a resolution of any county in this state which is in substantial conformity with such statute.

(b) Three or more times, either singly or in combination, of any of the offenses enumerated in subsection (a).

For the purpose of subsection (a)(2), in addition to the definition of "conviction" otherwise provided by law, conviction includes, but is not limited to, a diversion agreement entered into in lieu of further criminal proceedings, or a plea of *nolo contendere*, on a complaint, indictment, information, citation or notice to appear alleging a violation of K.S.A. 8-1567 and amendments thereto, or an ordinance of a city in this state, a resolution of a county in this state or law of another state, which ordinance or law prohibits the acts prohibited by those statutes.