

Substitute for HOUSE BILL No. 2629

By Committee on Transportation

2-22

1 AN ACT concerning driver's licenses; relating to habitual violators;
2 removing mandatory jail time for a habitual violator convicted of
3 driving while the person's driver's license is canceled, suspended or
4 revoked for failure to comply with a traffic citation; amending K.S.A.
5 2021 Supp. 8-285 and repealing the existing section.
6

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

8 Section 1. K.S.A. 2021 Supp. 8-285 is hereby amended to read as
9 follows: 8-285. (a) Except as otherwise provided in this section, as used in
10 this act, ~~the~~ words and phrases *mean the same as* defined in K.S.A. 8-
11 234a, and amendments thereto, ~~shall have the meanings ascribed to them~~
12 ~~therein~~. The term "habitual violator" means any resident or nonresident
13 person who, within the immediately preceding five years, has been
14 convicted in this or any other state:

15 (a)(1) Three or more times of:

16 (1)(A) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its
17 repeal, or K.S.A. 2021 Supp. 21-5406, and amendments thereto, or as
18 prohibited by any ordinance of any city in this state, any resolution of any
19 county in this state or any law of another state which is in substantial
20 conformity with that statute;

21 (2)(B) violating K.S.A. 8-1567, and amendments thereto, or violating
22 an ordinance of any city in this state, any resolution of any county in this
23 state or any law of another state, which ordinance, resolution or law
24 declares to be unlawful the acts prohibited by that statute;

25 (3)(C) driving while the privilege to operate a motor vehicle on the
26 public highways of this state has been canceled, suspended or revoked, as
27 prohibited by K.S.A. 8-262, and amendments thereto, or while such
28 person's privilege to obtain a driver's license is suspended or revoked
29 pursuant to K.S.A. 8-252a, and amendments thereto, or, as prohibited by
30 any ordinance of any city in this state, any resolution of any county in this
31 state or any law of another state which is in substantial conformity with
32 those statutes, *except when such person's privilege to operate a motor*
33 *vehicle or obtain a driver's license was canceled, suspended or revoked*
34 *solely for failure to comply with a traffic citation pursuant to K.S.A. 8-*
35 *2110, and amendments thereto;*

36 (4)(D) perjury resulting from a violation of K.S.A. 8-261a, and

1 amendments thereto, or resulting from the violation of a law of another
2 state which is in substantial conformity with that statute;

3 ~~(5)~~(E) violating the provisions of the fifth clause of K.S.A. 8-142, and
4 amendments thereto, relating to fraudulent applications, or violating the
5 provisions of a law of another state which is in substantial conformity with
6 that statute;

7 ~~(6)~~(F) any crime punishable as a felony, if a motor vehicle was used
8 in the perpetration of the crime;

9 ~~(7)~~(G) failing to stop at the scene of an accident and perform the
10 duties required by K.S.A. 8-1602 through 8-1604, and amendments
11 thereto, or required by any ordinance of any city in this state, any
12 resolution of any county in this state or a law of another state which is in
13 substantial conformity with those statutes; or

14 ~~(8)~~(H) violating the provisions of K.S.A. 40-3104, and amendments
15 thereto, relating to motor vehicle liability insurance coverage, or an
16 ordinance of any city in this state or a resolution of any county in this state
17 which is in substantial conformity with such statute.

18 ~~(b)~~(2) Three or more times, either singly or in combination, of any of
19 the offenses enumerated in *this* subsection-~~(a)~~.

20 (b) For the purpose of subsection-~~(a)~~(2) (a)(1)(B), in addition to the
21 definition of "conviction" otherwise provided by law, conviction includes,
22 but is not limited to, a diversion agreement entered into in lieu of further
23 criminal proceedings, or a plea of nolo contendere, on a complaint,
24 indictment, information, citation or notice to appear alleging a violation of
25 K.S.A. 8-1567, and amendments thereto, or an ordinance of a city in this
26 state, a resolution of a county in this state or law of another state, which
27 ordinance or law prohibits the acts prohibited by those statutes.

28 Sec. 2. K.S.A. 2021 Supp. 8-285 is hereby repealed.

29 Sec. 3. This act shall take effect and be in force from and after
30 January 1, 2023, and its publication in the statute book.